8 WASHINGTON STREET
/ SEAWALL LOT 351 PROJECT

COMMENTS AND RESPONSES

Volume 1

CITY AND COUNTY OF SAN FRANCISCO PLANNING DEPARTMENT:
CASE NO. 2007.0030E
STATE CLEARINGHOUSE NO. 2007122027

DRAFT EIR PUBLICATION DATE: JUNE 15, 2011
DRAFT EIR PUBLIC HEARING DATE: JULY 21, 2011
DRAFT EIR PUBLIC COMMENT PERIOD: JUNE 15, 2011 TO AUGUST 15, 2011
FINAL EIR CERTIFICATION HEARING DATE: JANUARY 19, 2012
December 22, 2011

To: Members of the Planning Commission and Interested Parties
From: Bill Wycko, Environmental Review Officer
Re: Attached Comments and Responses on Draft Environmental Impact Report Case No. 2007.0030E: 8 Washington Street / Seawall Lot 351 Project

The Comments and Responses document, responding to comments made on the Draft Environmental Impact Report (Draft EIR) for the above referenced project, is presented for your information. This document has been provided in PDF format on the Planning Department website (http://tinyurl.com/sfceqadocs), on a CD in PDF format, or as a hard copy. This document, along with the Draft EIR, will be considered by the Planning Commission in a calendared public meeting on January 19, 2012, at which time the Planning Commission will determine whether to certify the EIR as complete and adequate.

We are sending this to you so that you will have time to review the documents prior to the scheduled Planning Commission meeting on January 19, 2012. The Planning Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties may, however, write to the Commission members or to the President of the Commission at 1650 Mission Street, Suite 400, San Francisco, CA, 94103, and express an opinion about the Comments and Responses document, or the Commission’s decision to certify the completion of the Final EIR for this project. The certification of the EIR does not indicate a decision by the City to approve or disapprove the proposed project. The approval hearing would occur after the EIR certification.

You should note that if you receive a copy of the Comments and Responses document in addition to the Draft EIR published on June 15, 2011, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

If you have questions about the attached Comments and Responses document, or about this process, please call the EIR Coordinator, Paul Maltzer (415) 575-9038 or Paul.Maltzer@sfgov.org.
8 WASHINGTON STREET
/ SEAWALL LOT 351 PROJECT

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## 8 WASHINGTON STREET / SEAWALL LOT 351 PROJECT

**DRAFT ENVIRONMENTAL IMPACT REPORT**

**COMMENTS AND RESPONSES**

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### VOLUME 2

#### APPENDICES

- **Appendix A:** Public Hearing Transcript Comments
- **Appendix B:** Draft EIR Comment Letters
- **Appendix C:** Video Visual Simulation of Proposed Project within Views Along the Embarcadero Promenade  
  *(See enclosed CD)*
I. INTRODUCTION

A. PURPOSE OF THIS COMMENTS AND RESPONSES DOCUMENT

The purpose of this Comments and Responses (C&R) document is to present comments submitted on the Draft Environmental Impact Report (Draft EIR) for the proposed 8 Washington Street/Seawall Lot 351 Project, to respond in writing to comments on environmental issues, and to revise the Draft EIR as necessary to provide additional clarity. Pursuant to the California Environmental Quality Act (CEQA) Public Resources Code Section 21091 (d)(2)(A) and (B), the City has considered the comments received, evaluated the issues raised, and herein provides written responses that describe the disposition of each environmental issue that has been raised by the commentors. Comments were made in written form during the public comment period from June 15, 2011 to August 15, 2011, and as oral testimony received before the Planning Commission at the public hearing on the Draft EIR held on July 21, 2011. A complete transcript of proceedings from the public hearing on the Draft EIR and all written comments are included in their entirety.

B. ENVIRONMENTAL REVIEW PROCESS

The San Francisco Planning Department prepared the Draft EIR for the 8 Washington Street/Seawall Lot 351 project in accordance with CEQA and the CEQA Guidelines in Title 14 of the California Code of Regulations. The Draft EIR was published on June 15, 2011. A public comment period was then held from June 15 to August 15, 2011, to solicit public comment on the adequacy and accuracy of information presented in the Draft EIR. The comments received during the public review period are the subject of this C&R document, which addresses all substantive written and oral comments on the Draft EIR.

The Draft EIR, together with this C&R document, will be presented to the Planning Commission at a public hearing noticed in accordance with San Francisco Administrative Code Section 31.14(d)(3). If deemed adequate with respect to accuracy, objectiveness, and completeness, the EIR will be certified as a Final Environmental Impact Report. The Final EIR will consist of the Draft EIR, the comments received during the public review period, responses to the comments, and any revisions to the Draft EIR that result from public agency and public comments and from staff-initiated text changes. The City decision-makers will consider the certified Final EIR, along with other information and the public process, to determine whether to approve, modify, or disapprove the proposed project, and to specify any applicable environmental conditions as part of project approvals in a Mitigation Monitoring and Reporting Program.

If the City decides to approve the proposed project with significant effects that are identified in the Final EIR, but which are not avoided or reduced to a less-than-significant level, the City must
I. Introduction

indicate that any such unavoidable significant effects are acceptable due to overriding considerations as described in CEQA Guidelines Section 15093. This is known as a Statement of Overriding Considerations. In preparing this Statement, the City must balance the benefits of a proposed project against its unavoidable environmental risks. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines Section 15093). If an agency makes a Statement of Overriding Considerations, the statement must be included in the record of project approval.

C. DOCUMENT ORGANIZATION

Following this Introduction Chapter, Chapter II presents the List of Persons Commenting. The names of persons who spoke at the public hearing are presented first, in the order of the speakers.

Chapter III, Comments and Responses, presents the substantive comments excerpted verbatim from the public hearing transcript and comment letters. Similar comments are grouped together by topic area. The complete transcript of the public hearing comments on the Draft EIR is presented in Appendix A to this C&R document, Public Hearing Transcript Comments. Each substantive hearing comment from the transcript is bracketed and identified by “TR” (for transcript), a number assigned to that commentor based on order of presentation at the hearing (for example, the first speaker is numbered as TR.1), and a sequential comment number. Copies of the written comment letters are presented in Appendix B to this C&R document. Letters are grouped by agencies (Section III.A), commissions (Section III.B), organizations (Section III.C), and individuals (Section III.D), and each letter is identified with a number denoting its chronological sequence within the group. Each individual comment within each letter is bracketed and numbered sequentially.

Following each comment or group of comments on a topic are the City’s responses. Comments may be addressed by a single response, or may be addressed by a specific targeted response to a particular comment where noted. The responses generally provide clarification of the EIR text. The responses may also include revisions or additions to the EIR. Such changes are shown as indented text, with new or revised text underlined and deleted material shown as strikethrough text.

Chapter IV, Draft EIR Revisions, presents text changes to the Draft EIR that may reflect text changes made as a result of a response to comments and/or staff-initiated text changes identified by San Francisco Planning Department staff to update, correct, or clarify the EIR text. The changes have not resulted in significant new information with respect to the proposed project, including any new significant environmental impacts or new mitigation measures. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.
This C&R document will be incorporated into the Final EIR as a new chapter. The changes to the EIR’s text and figures called out in Chapter III, Comments and Responses, and in Chapter IV, Draft EIR Revisions, will be incorporated into the Final EIR text.
II. LIST OF PERSONS COMMENTING

Public agencies, organizations, and individuals submitted written comments (letters, emails, and facsimiles) on the 8 Washington Street / Seawall Lot 351 Project Draft EIR, which the City received during the public comment period from June 15 to August 15, 2011. In addition, the Planning Commission held a public hearing about the EIR on July 21, 2011, and Commissioners, organizations, and individuals made oral comments at that hearing. A complete list of commentors, with the corresponding transcript and/or written communication designation for each, is provided below. The names of persons who spoke at the public hearing are presented first, in the order of the speakers. Written comments follow, organized into four groups: A. comments from agencies; B. comments from commissioners; C. comments from organizations; and D. comments from individuals. Within each group, written comments are organized chronologically by the date of the communication, and those with the same date are presented in alphabetical order by the organization’s name or commentor’s last name.

PUBLIC HEARING COMMENTS

The following persons made oral comments about the EIR at the public hearing on July 21, 2011:

<table>
<thead>
<tr>
<th>Designation</th>
<th>Commentor</th>
</tr>
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<tbody>
<tr>
<td>TR.1</td>
<td>Bob Planthold, California Walks</td>
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<tr>
<td>TR.2</td>
<td>Marvin Kasoff, Renew SF</td>
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<tr>
<td>TR.3</td>
<td>Kathleen Dooley</td>
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<td>TR.4</td>
<td>Ernestine Waters Weiss</td>
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<tr>
<td>TR.5</td>
<td>Jane Connors, Senior Property Manager, Ferry Building Marketplace</td>
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<tr>
<td>TR.6</td>
<td>Dave Stockdale, Center for Urban Education about Sustainable Agriculture</td>
</tr>
<tr>
<td>TR.7</td>
<td>Paul Wermer</td>
</tr>
</tbody>
</table>
| TR.8        | Sarah Karlinsky, San Francisco Planning + Urban Research Association  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter C.1).* |
<p>| TR.9        | Sally Tooley |
| TR.10       | Bill Hannan, Golden Gateway Tenants Association |
| TR.11       | Charles Dutkin |</p>
<table>
<thead>
<tr>
<th>Designation</th>
<th>Commentor</th>
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</table>
| TR.12       | Alec Bash  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.2).* |
| TR.13       | Bill Sauro, Barbary Coast Neighborhood Association                        |
| TR.14       | James Joannides  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.6).* |
| TR.15       | Lisa Schreiber  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.7).* |
| TR.16       | Paula Aspin                                                                |
| TR.17       | Justin Allamano, Waterfront for All                                        |
| TR.18       | Irene Glassgold  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.4).* |
| TR.19       | Al Glassgold  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.3).* |
| TR.20       | Veronica Sanchez, Master Mates and Pilots Union and the Inland Boatmen’s Union of the Pacific |
| TR.21       | Nan McGuire                                                                |
| TR.22       | Frederick Allardyce                                                        |
| TR.23       | Lee Radner, Friends of Golden Gateway                                      |
| TR.24       | Nan Roth                                                                   |
| TR.25       | Tim Colen, San Francisco Housing Action Coalition                         |
| TR.26       | Bob Iwersen  
*See also this commentor’s written submission to the Planning Commission at the July 21, 2011 Planning Commission public hearing (Letter D.5).* |
| TR.27       | Joel Rosenblatt                                                            |
| TR.28       | Jim Chappell                                                               |
II. List of Persons Commenting

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<th>Designation</th>
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<th>Date of Written Comments</th>
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<tbody>
<tr>
<td>TR.29</td>
<td>John Huang, San Francisco Building and Construction Trades Council</td>
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<td>TR.30</td>
<td>Brad Paul</td>
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<td>TR.31</td>
<td>Jill Tannenbaum</td>
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<td>TR.32</td>
<td>Sue Hestor</td>
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<td>TR.33</td>
<td>Jamie Whitaker</td>
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<td>TR.34</td>
<td>Commissioner Michael Antonini, San Francisco Planning Commission</td>
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<td>TR.35</td>
<td>Commissioner Hisashi Sugaya, San Francisco Planning Commission</td>
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<td>TR.36</td>
<td>Commissioner Gwyneth Borden, San Francisco Planning Commission</td>
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<tr>
<td>TR.37</td>
<td>Vice-President Ron Miguel, San Francisco Planning Commission</td>
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WRITTEN COMMENTS

The following persons submitted written comments about the EIR during the public comment period of June 15 to August 15, 2011:

<table>
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<th>Designation</th>
<th>Commentor</th>
<th>Date of Written Comments</th>
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<td>A. Agencies</td>
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<td>A.1</td>
<td>San Francisco Fire Department</td>
<td>July 8, 2011</td>
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<td>A.2</td>
<td>Department of Toxic Substances Control</td>
<td>July 22, 2011</td>
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<td>A.3</td>
<td>City of San Francisco, Recreation and Parks Department</td>
<td>August 12, 2011</td>
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<td>B. Commissioners</td>
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<td>B.1</td>
<td>Ron Miguel, Vice-President, San Francisco Planning Commission</td>
<td>July 23, 2011</td>
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<td>C. Organizations</td>
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<td>San Francisco Planning + Urban Research Association</td>
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<td>Bob Planthold, California Walks</td>
<td>August 8, 2011</td>
</tr>
<tr>
<td>C.3</td>
<td>William E. Hannan, III, Golden Gateway Tenants Association</td>
<td>August 8, 2011</td>
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<td>C.4</td>
<td>Justin L. Allamano, Waterfront for All</td>
<td>August 10, 2011</td>
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<td>C.5</td>
<td>Lee Radner, Friends of Golden Gateway</td>
<td>August 11, 2011</td>
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<td>C.6</td>
<td>William H. Sauro, Barbary Coast Neighborhood Association</td>
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<td>C.7</td>
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<td>C.8</td>
<td>Sue Hestor, Friends of Golden Gateway</td>
<td>August 15, 2011</td>
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<td><em>Note: A CD accompanies this letter.</em></td>
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<td>August 15, 2011</td>
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<td>John Golinger, Telegraph Hill Dwellers</td>
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<td>C.11</td>
<td>Jennifer Clary, San Francisco Tomorrow</td>
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<td>Robert Geering</td>
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<td>D.19</td>
<td>Diane Kretschmer</td>
<td>August 7, 2011</td>
</tr>
<tr>
<td>D.20</td>
<td>David Burnett</td>
<td>August 8, 2011</td>
</tr>
<tr>
<td>D.21</td>
<td>Sol Silver</td>
<td>August 8, 2011</td>
</tr>
<tr>
<td>D.22</td>
<td>Deborah Smith</td>
<td>August 8, 2011</td>
</tr>
<tr>
<td>D.23</td>
<td>Sarelle T. Weisberg</td>
<td>August 8, 2011</td>
</tr>
<tr>
<td>D.24</td>
<td>Paula Eve Aspin</td>
<td>August 9, 2011</td>
</tr>
</tbody>
</table>
## II. List of Persons Commenting

<table>
<thead>
<tr>
<th>Designation</th>
<th>Commentor</th>
<th>Date of Written Comments</th>
</tr>
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<tbody>
<tr>
<td>D.25</td>
<td>Richard Cardello</td>
<td>August 9, 2011</td>
</tr>
<tr>
<td>D.26</td>
<td>Charles Dutkin</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.27</td>
<td>Robert Geering (see also D.1)</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.28</td>
<td>Reinhard Ludke</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.29</td>
<td>Eric McGhee</td>
<td>August 10, 2011</td>
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<tr>
<td>D.30</td>
<td>Stan G. Roman</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.31</td>
<td>Monica St.Geme</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.32</td>
<td>Douglas Arnstein</td>
<td>August 11, 2011</td>
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<tr>
<td>D.33</td>
<td>Bill Benkavitch (see also D.16)</td>
<td>August 11, 2011</td>
</tr>
<tr>
<td>D.34</td>
<td>Leah (Liz) Doyle</td>
<td>August 11, 2011</td>
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<td>D.35</td>
<td>Edward Helfeld</td>
<td>August 11, 2011</td>
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<tr>
<td>D.36</td>
<td>Bob Iwersen</td>
<td>August 11, 2011</td>
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<td>D.37</td>
<td>John Lee</td>
<td>August 11, 2011</td>
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<td>D.38</td>
<td>Lloyd and Diane Root</td>
<td>August 11, 2011</td>
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<td>D.39</td>
<td>Harry Shulman</td>
<td>August 11, 2011</td>
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<td>D.40</td>
<td>Lorraine Sorensen</td>
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<td>D.41</td>
<td>Tom Verhauz</td>
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<td>D.42</td>
<td>Marian Wallace</td>
<td>August 11, 2011</td>
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<td>D.43</td>
<td>Mardi Kildebeck</td>
<td>August 12, 2011</td>
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<td>D.44</td>
<td>Joan Rees</td>
<td>August 12, 2011</td>
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<td>D.45</td>
<td>Matt Harris</td>
<td>August 13, 2011</td>
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<td>D.46</td>
<td>Joan Knutson</td>
<td>August 14, 2011</td>
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<td>D.47</td>
<td>Lisa Schreiber</td>
<td>August 14, 2011</td>
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<td>D.48</td>
<td>Barbara and Richard Stewart</td>
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<td>D.49</td>
<td>Theo Armour</td>
<td>August 15, 2011</td>
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<td>D.50</td>
<td>Arthur Chang</td>
<td>August 15, 2011</td>
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<td>D.51</td>
<td>Timothy F. Geraci</td>
<td>August 15, 2011</td>
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<td>D.52</td>
<td>Zane O. Gresham, Morrison Foerster</td>
<td>August 15, 2011</td>
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<td>D.53</td>
<td>Bradford Paul</td>
<td>August 15, 2011</td>
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<tr>
<td>D.54</td>
<td>Joel Rosenblatt</td>
<td>August 15, 2011</td>
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<tr>
<td>D.55</td>
<td>Martie W. Young</td>
<td>August 15, 2011</td>
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<tr>
<td>D.56</td>
<td>George T. Haymaker Jr.</td>
<td>August 8, 2011</td>
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<table>
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<tbody>
<tr>
<td>D.57</td>
<td>Dese Belyea</td>
<td>August 10, 2011</td>
</tr>
<tr>
<td>D.58</td>
<td>Mary Pecci</td>
<td>August 11, 2011</td>
</tr>
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</table>
III.  COMMENTS AND RESPONSES

Comments on the DEIR are excerpted and grouped by topic under their respective topic headings. Each comment, or group of comments, is followed by a response to the comment or group of comments.

The complete transcript of the public hearing comments on the Draft EIR is presented in Appendix A to this Comments and Responses document. Copies of the written comment letters are presented in Appendix B.

A.  EIR INTRODUCTION

OVERVIEW OF THE PROPOSED PROJECT

Comments

Intro.2, A – This section misleads the reader. Although the details of the proposed project are given in some detail, there is no such detail as to the demolition which is required. This is approached further in the DEIR; however, the Introduction is deficient in not allowing an immediate accurate comparison. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.1]

Please provide a summary of the changes to the project since the 1/3/07 proposal described in the Initial Study to the current proposal set out in the DEIR. If additional changes resulted from the Northeast Embarcadero Study, please set those out clearly. (Sue C. Hestor, Friends of Golden Gateway) [C.8.12]

Response

A comment requests that additional detail about the demolition under the proposed project be presented in the EIR Introduction chapter. A description of the existing uses on the project site that would be demolished under the proposed project is provided in EIR Chapter II, Project Description, on EIR pp. II.1-II.4. A description of the timing of proposed demolition and construction activities is provided in Chapter II on EIR pp. II.19-II.20. Additional detail about construction-related activities and their timing is provided in the responses in Section III.B, Project Description, under “Project Construction/America’s Cup Host and Venue Agreement,” C&R pp. III.B.34-III.B.59, and Section IV.D, Transportation and Circulation, on EIR pp. IV.D.31-IV.D.32. In response to this comment, the first full paragraph on EIR p. Intro.2, is revised as follows (new text is underlined, deleted text is shown in strikethrough):

On July 27, 2010, the project sponsor submitted an EE application for a revised project proposal (the proposed project) was submitted. (To distinguish the earlier version of the project as originally filed on January 3, 2007, from the project as currently proposed, the earlier version of the project is called “the initial project proposal.”) The proposed
III. Comments and Responses  
A. EIR Introduction

The project is intended to respond to urban design recommendations of the *Northeast Embarcadero Study*. The proposed project calls for demolition of the existing health club facility (consisting of nine outdoor tennis courts, two outdoor swimming pools, and three permanent structures totaling about 4,600 gross square feet, four temporary structures, and a 17-space health club parking lot). The proposed project also calls for replacement of the existing surface parking lot on Seawall Lot 351 (consisting of 105 self-park spaces, including 10 unassigned spaces reserved for use by the Port of San Francisco) with an underground parking garage. Demolition of existing structures is expected to take approximately 1 month, and the existing surface parking lot on Seawall Lot 351, and construction of two residential buildings would be constructed south of the Jackson Street alignment: one along The Embarcadero (four to six stories) and the other along Drumm Street (8 to 12 stories). The buildings would be connected at their ground floor. Together, the buildings would contain about 165 residential units, 420 underground parking spaces for residents and the public, and ground-floor retail and restaurant space. North of the building, a new publicly accessible open space would be constructed to align with Jackson Street. North of this open space, a new, one-story, fitness center building, two swimming pools, and four tennis courts would be constructed. The northern end of the site would contain a one-story restaurant building and a publicly accessible open space. The project includes a Larger Fitness Center Project Variant that could be constructed instead of the fitness center building described above. The project variant provides a larger Athletic Club Building (16,350 gsf, compared to 12,800 gsf in the proposed project), with ground-level swimming pools. Restaurant/retail space would be reduced. Under the project variant, there would be five fewer residential units proposed than with the proposed project. The four tennis courts proposed as part of the project would not be included. Lastly, the project variant may also include a base isolation structural system. The proposed project is described in greater detail in Chapter II, Project Description, of this Environmental Impact Report (EIR). Proposed construction activities and their phasing (including demolition, excavation and shoring, and foundation and building construction) are described in Section IV.D, Transportation and Circulation, on EIR p. IV.D.31.

For additional information, please see the response in Section III.Q, Alternatives, under “Larger Fitness Center Variant,” C&R pp. III.Q.21-III.Q.37.

The comment requests a summary of the changes from the original Environmental Evaluation application for the proposed project (submitted January 3, 2007) and the revised Environmental Evaluation application (submitted July 27, 2010) that is the basis of the project analyzed in the EIR. A summary is provided in Table C&R-1.
### Table C&R-1: Comparison of the Originally Proposed Project (2007) and the Revised Project Analyzed in the EIR (2011), and Project Sponsor’s Reasons for the Changes

<table>
<thead>
<tr>
<th>Project Component</th>
<th>Area Change (sf)</th>
<th>Summary of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Gross Square Feet:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 3, 2007 Application:</td>
<td>614,000</td>
<td></td>
</tr>
<tr>
<td>June 15, 2011 Draft EIR:</td>
<td>575,000</td>
<td>Increase (Decrease): (39,000)</td>
</tr>
<tr>
<td><strong>Summary of Changes:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential</td>
<td>4,100</td>
<td>The increase in gross area resulted from the inefficiencies of stepping the buildings and making other changes to respond to the Northeast Embarcadero Study (NES) guidelines and to numerous meetings with various neighborhood groups who expressed a desire to step the buildings from the high-rise district down towards the Bay. Actual saleable residential area has decreased from 258,000 gsf to 253,000 gsf, a reduction of 5,000 gsf.</td>
</tr>
<tr>
<td>Gross Area increased from 286,400 gsf to 290,500 gsf – (NES)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail</td>
<td>10,500</td>
<td>The additional area for retail was added after the relocation of the fitness club from the main building to the free-standing Athletic Club building north of the proposed Jackson Common. The restaurants, cafes and retail are intended to animate the street level and provide more life, activity and security to the neighborhood.</td>
</tr>
<tr>
<td>Increased from 18,600 gsf to 29,100 gsf (NES)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td>(51,700)</td>
<td>The underground garage was originally proposed to extend beneath the entire site including the area to the north of the proposed Jackson Common and would have included 170 residential parking spaces and 350 public parking spaces. Following meetings with neighbors and various planning organizations, the project sponsor decided to reduce the amount of public parking to 255 spaces, at the low end of the recommended additional parking in the Ferry Building Waterfront Area Parking Study from 2008, which concluded that 250 – 500 new spaces would need to be built to accommodate future demand. Therefore, the garage area has been reduced and is limited to the area of the site south of the Jackson Street alignment.</td>
</tr>
<tr>
<td>Reduced from 237,600 gsf to 185,900 gsf</td>
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### Project Component

<table>
<thead>
<tr>
<th>Area Change (sf)</th>
<th>Summary of Changes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health Club – Indoor</strong></td>
<td>This resulted in a reduction of gross area of approximately 51,700 gsf. The number of proposed parking spaces was reduced from 520 (350 public and 170 residential) to 420 spaces (255 public and 165 residential).</td>
</tr>
<tr>
<td>Increased from 12,000 gsf to 12,800 gsf in a new building</td>
<td>In response to community feedback from various planning organizations and stakeholders, and in response to NES guidelines, the project sponsor eliminated the existing curb cut on The Embarcadero and eliminated the entire motor court on Washington Street along with its curb cuts, leaving only one vehicular entrance and exit (on Washington Street) to and from the project garage.</td>
</tr>
<tr>
<td><strong>Common Areas</strong></td>
<td>The existing GGTSC fitness center is currently in the garage of the Gateway Apartment building and is approximately 7,500 gsf. The previous design proposed that the 12,000-gsf Health Club would be located within the residential / retail block to the south of Jackson Common. After discussions with leaders of various neighborhood groups, club members and management, the project sponsor relocated the indoor GGTSC facilities to north of Jackson Common in a stand-alone building. This required the addition of a new building, which added 12,800 gsf to the gross built area and slightly increased the size of the indoor Club area.</td>
</tr>
<tr>
<td>Increased from 19,100 gsf to 25,000 gsf (NES)</td>
<td>As the design evolved, with input from the public and the guidelines set forth by the Planning Department during the NES, the sidewalks were widened to between 35’- 0” and 15’- 0” and various publicly accessible areas were increased.</td>
</tr>
<tr>
<td><strong>Service Areas</strong></td>
<td>An additional loading bay was added on Drumm Street to meet Planning Code requirements.</td>
</tr>
<tr>
<td>Increased from 4,500 gsf to 5,000 gsf</td>
<td></td>
</tr>
<tr>
<td><strong>Building Core Areas</strong></td>
<td>The principal reduction in core areas is due to refined design and reduction in the number of parking elevators.</td>
</tr>
<tr>
<td>Reduced from 34,300 gsf to 26,700 gsf</td>
<td></td>
</tr>
<tr>
<td>(7,600)</td>
<td></td>
</tr>
</tbody>
</table>
### Project Component | Area Change (sf) | Summary of Changes
--- | --- | ---
Dwelling Units | Reduced from 170 to 165 units | The reduced number of units arose from the adjustments to the proposed heights and more-efficient unit layouts in order to create more family-sized units (2-bedroom and 3-bedroom).
Parking Spaces | Reduced from 520 to 420 spaces | The proposed number now reflects a 1:1 parking ratio for each of the 165 residential units, the Port’s requirements for no less than 90 spaces, and an additional 165 spaces for retail, restaurant, health club uses. As discussed on EIR p. III.6, these 420 parking spaces are intended to meet midday project parking demand for 298 spaces as well as replace and relocate the 122 existing off-street surface parking spaces that would be removed as part of the proposed project (298+122=420).
Loading Spaces | Increased from 2 to 3 | This change was made to comply with the Planning Code requirement.
Number of Buildings | Increased from 2 to 3 | This change is a result of adding a stand-alone club building at the request of the club operator and members and neighborhood input.
Height of Buildings | Increased from 84 feet to a range of 30 feet to 136 feet (NES) | This change was in response to community members’ desire to step the buildings in context with the adjacent high-rise district to the west, and to maintain lower heights along The Embarcadero. The design resulted from numerous meetings with various neighborhood groups and from recommendations by Planning Department staff set forth in the NES.
Number of Stories (NES) | | The buildings were changed from 8 stories plus 3 subterranean levels to 8 to 12 stories on the western side of the combined blocks and to 1 to 6 stories on the eastern side of the project. The 3 subterranean parking levels are confined to the south of the Jackson Street alignment.

*Source: Pacific Waterfront Partners, 2011.*
PORT OF SAN FRANCISCO

Comments

How did SWL Lot 351 get subdivided into a city block (BL 201) w/ City lot no - Lot 13? This parcel is an anomaly in a Port sea wall lot? (Sue C. Hestor, Friends of Golden Gateway) [C.8.9a]

The DEIR states (on page Intro.1) that: “The Port is not a co-sponsor of the proposed project, but has authorized San Francisco Waterfront Partners II to submit an EE application that includes Seawall Lot 351,” which application was filed on January 3, 2007. Please respond to the following:

• When and by what action did the Port Commission authorize the project sponsor to submit the 2007 environmental evaluation (EE) application for Seawall Lot 351? Please provide a resolution/motion number and date of such action by the Commission.
• What were the Port’s objectives for Seawall Lot 351 at the time it authorized the project sponsor to submit an EE application including this seawall lot?
• At the time of the Port’s authorization, had the Port determined that the project sponsor’s proposal met the Port’s objectives for Seawall Lot 351?
• Why did the Port authorize the project sponsor to file an EE application for Seawall Lot 351 before it issued its RFP for this seawall lot? When was the RFP issued?
• Compare and discuss the relationship between the project description contained in the project sponsor’s 2007 EE application and the Port’s subsequent RFP.

The DEIR states (on page Intro.1) that: “On February 24, 2009, the Port Commission authorized Port staff to enter into an exclusive negotiating agreement with San Francisco Waterfront Partners II, finding that the proposal submitted by San Francisco Waterfront Partners II meets the requirements of the RFP and meets the Port’s objectives for Seawall Lot 351.” Please respond to the following:

• What were the requirements of the RFP issued on August 15, 2008? What were the Port’s objectives for Seawall Lot 351 at this time?
• Why was the RFP re-issued on November 10, 2008? Explain any differences between the RFP issued on August 15, 2008 and that subsequently issued on November 10, 2008.
• Why did the Port receive only one proposal? How did staff explain this to the Port Commission?
• Have the Port’s objectives for Seawall Lot 351 changed since November 10, 2008? If so, explain the changes in detail.

As stated in the DEIR (on page Intro.1), Supervisor David Chiu urged the Port of San Francisco by his letter dated February 19, 2009, to “work with” (not “to engage” as stated in the DEIR) the City’s Planning Department to lead a public planning process for the Port’s surface parking lots, which began in May 2009 and was completed in May 2010. Please respond to the following:

• What is the relationship between this planning process and the exclusive negotiating agreement with San Francisco Waterfront Partners II?
• Explain the timing of Supervisor Chiu’s letter of February 19, 2009 and the Port Commission’s authorization 5 days later to enter into the exclusive negotiating agreement.
• Does the exclusive negotiating agreement reference the Northeast Embarcadero Study, its process, its completion or its recommendations? In what regard?
• Please disclose the relationship between the Northeast Embarcadero Study and the performance benchmarks contained in the exclusive negotiating agreement?
• Under the terms of the exclusive negotiating agreement, what is the relationship of the Planning Department’s Northeast Embarcadero Study to the Developer’s plan of development required to be submitted to the Port?

• A discussion must be added to the EIR disclosing the fact that the Department’s planning process failed to gain the “broad community support” requested by Supervisor Chiu. Many members of the community did not feel the planning process was adequate or comprehensive and grew frustrated with the Planning Department’s efforts to focus on justifying private development proposals. An alternative community planning process grew out of this frustration resulting in a report dated February 2011, published in a document entitled A Community Vision for San Francisco’s Northeast Waterfront, prepared by Asian Neighborhood Design, the results of which were presented to the Planning Commission on July 7, 2011.¹

[Footnote 1]: A Community Vision for San Francisco’s Northeast Waterfront is available on line at http://www.andnet.org/storage/pdfs-cp/NE%20Waterfront%20Community%20Vision-FINAL-2%2009%202011.pdf. (Jon Golinger, Telegraph Hill Dwellers) [C.10.2]

Applicable Land Use Controls
On the date of the publication of the NOP/Initial Study, the Golden Gateway Redevelopment Plan was still in effect for Blocks 171 and 168. Was the Port aware of this issue when it authorized the project sponsor to file the EE application in 2006? (Jon Golinger, Telegraph Hill Dwellers) [C.10.7]

‘The Port of San Francisco is a public enterprise committed to promoting a balance of maritime, recreational, industrial, transportation, public access and commercial activities on a self-supporting basis through appropriate management and development of the waterfront for the benefit of the public.

In 1968, the State transferred its responsibilities for the San Francisco waterfront to the City and County of San Francisco through the Burton Act. As a condition of the transfer, the State required the City to create a Port Commission that has the authority to manage the San Francisco waterfront for the citizens of California. Although the Port is a department of the City and County of San Francisco, the Port receives no financial support from the City, and relies almost solely on the leasing of Port property for its revenues. ’ www.sfport.com

If the Port of San Francisco has ultimate jurisdiction over usage of Seawall Lot 351, what powers i.e. rights and decisions does the San Francisco Planning Commission have over such projects as 8 Washington Street/Seawall 351 Project, which appears to have been developed primarily for the extraordinary amount of revenue to be reaped for the benefit of the Port of San Francisco/State of California?

If the Port of San Francisco has the ultimate say in re-shaping its Seawall Properties along the Embarcadero into a newly constructed cement corridor of high rise buildings to reap such revenue, is there any point in rebuttal to 8 Washington Street/Seawall 351 Project?

‘Throwing the baby out with the bathwater’, an English saying, comes to mind with the actions of the Port of San Francisco Authority. Selling off and developing its seawall properties while flaunting the building height restrictions, to build high-rise buildings along the Embarcadero, will 100% block the very vistas that people come to see and the Port of San Francisco is meant to be protecting and promoting.

8 Washington Street/Seawall 351 Project provides no real recreational, maritime, nor public access benefits, but instead heralds the erection of the Embarcadero’s first luxury high rise gated
III. Comments and Responses

A. EIR Introduction

The SF Port was in dire need of money and entered into a non-competitive negotiation process with 8 Washington; with the America’s Cup coming to SF the Port of SF will gain financial relief and hopefully perspective. (Lisa Schreiber) [D.47.2]

A. The DEIR’s Introduction presents confusing and conflicting information regarding how, when and by whom environmental review for this project was initiated. The first two paragraphs of the DEIR’s Introduction (pg. Intro.1) raise some troubling questions about how environmental review for 8 Washington was carried out that need to be addressed more forthrightly. The timeline for environmental review is described as follows (quoting from the DEIR):

1. “On January 3, 2007, an environmental evaluation application (EE application) was filed by San Francisco Waterfront Partners II (the “project sponsor”) on behalf of the Golden Gateway Center for a project at 8 Washington Street and the adjacent Seawall Lot 351, which is owned by the Port…(the Port is not a co-sponsor of the proposed project, but has authorized San Francisco Waterfront Partners II to submit an EE application that includes Seawall Lot 351).”

2. “On August 15, 2008, the Port issued a Request for Proposals (RFP) for the development of Seawall Lot 351. Two parties submitted timely proposals: SF Waterfront Partners II and a development group led by Dhaval Panchal (which later withdrew its proposal).”

3. “On November 10, 2008, the Port reissued the RFP for this project.”

4. “On February 24, 2009, the Port Commission authorized Port staff to enter into an exclusive negotiating agreement with SF Waterfront Partners II, finding that the proposal submitted by SF Waterfront Partners II meets the requirements of the RFP and meets the Port’s objectives for Seawall Lot 351.”

It appears the current “project sponsor”, SF Waterfront Partners, was selected to carry out the 8 Washington project on January 3, 2007 when they were “authorized” (by the Port) to submit an Environmental Evaluation (EE) application officially beginning environmental review. However, there’s no explanation in the DEIR as to why, 18 months later (August 2008), the Port decided to issue an official RFP to select a developer for Seawall Lot 351.

This makes no sense given Seawall Lot 351 was included in the January 3rd EE application submitted by SF Waterfront Partners (if not as designated developer, then in what capacity?). Then three months later (November 2008), were told the Port reissued the RFP with no explanation as to why. Finally, on Feb. 24, 2009, twenty five months after SF Waterfront Partners filed the EE application and began the environmental review process, the Port Commission authorizes staff to enter into an exclusive negotiating agreement with SF Waterfront Partners II (SFWP) to develop SWL 351. This raises troubling questions that need to be addressed in the DEIR to give public officials (and the general public) a clearer sense of the appropriateness, completeness and legality of the current environmental review process.
The DEIR must explain:

1. **Is this how environmental review is normally sequenced?** Is it routine for a developer that has not yet been selected by the Port to undertake a project, let alone negotiated an Exclusive Negotiating Agreement (ENA) with the Port for said project, to submit an EE application to Planning for the project they haven’t yet been selected to develop and then for the Port, **eighteen months later**, to issue the first RFP for the project to select a developer and have a developer other than the one who submitted the EE respond to the RFP—then drop out (with no explanation why in the DEIR), then have the RFP reissued six months later and then finally **25 months after the current developer of 8 Washington submitted the EE**, the Port finally selects SFWP as the developer of 8 Washington and begins negotiating an ENA? Is this NORMAL procedure?

2. **How did the Port authorize SFWP’s EE application without any written agreement designating SFWP as the approved developer of SWL351?** Is this standard procedure in these matters?

3. **If this EE process was legal prior to August 2008, why did the Port reverse course on August 15, 2008 and issue an RFP for SWL 351 (a site already covered in the EE)?**

4. **What role did SFWP play in drafting the RFP (and Port’s objectives for SWL351)?**

5. **What reasons did second respondent to RFP give for “withdrawing his proposal?”**

6. **Why was the RFP reissued on November 10, 2008?**

7. **When on January 3, 2007, the Planning Department accepted an environmental evaluation application (EE) “filed by San Francisco Waterfront Partners II (the “project sponsor”) on behalf of Golden Gateway Center for a project at 8 Washington Street and the adjacent Seawall Lot 351”, was Planning aware that San Francisco Waterfront Partners had not been and could not be legally designated as “project sponsor” at that time (and wouldn’t be for more than two years)?**

8. **Why didn’t the fact that SFWPII had no legal basis to claim that is was the “project sponsor” invalidate the EE application?**

9. **Is what happened legal? If not, when did the Planning Department become aware of this problem and what did it do about it?**

10. **Having now publicly described this chronology in the DEIR, what legal impact does this have today on the environmental and project review process?**

11. **Would any other developer be allowed to begin the environmental review process on a project for which they had neither been designated developer nor had site control?**

These questions MUST be answered in the DEIR given the bizarre and confusing chronology that now appears in it regarding how environmental review was initiated for this project. *(Brad Paul)* [D.53.31]

**Response**

One comment inquires about the subdivision of Seawall Lot 351 and how it was assigned a City block and lot number. Neither the Planning Department nor the Port has records regarding how Seawall Lot 351 was subdivided and assigned a City block and lot number, and this information is not necessary to analyze the physical environmental effects of the proposed project.
Several comments request clarification regarding who initiated the environmental review process for the proposed project and how the process was initiated. The Planning Department's Environmental Evaluation Application allows either the owner or an authorized agent of the owner to submit an Environmental Evaluation Application for a project. Here, both Golden Gateway Center, the owner of the privately owned parcels, and the Port of San Francisco, owner of Seawall Lot 351, provided letters to the project proponent authorizing the submittal of an Environmental Evaluation Application for the project. The project proponent provided these letters to the Planning Department with the environmental evaluation application in 2007. The City, as lead agency, rather than at the direction of the project sponsor, directs the environmental analysis. Ultimately, the City Planning Commission will determine whether to certify the EIR. (Pub. Resources Code, § 21082.1.) Other Planning Commission actions are set out in the EIR on EIR pp. II.22-II.23. The Planning Commission does not have jurisdiction over Port property.

Aspects of the project that involve Seawall Lot 351 fall under the jurisdiction of the Port, and Port Commission approval actions related to the project are set out on EIR pp. II.23. More information on the Port’s Request for Proposals SWL 351 Mixed Use Development Opportunity (RFP) and selection process can be found in the RFP, cited in a footnote on EIR p. II.21, the term sheet endorsed by the Port Commission on September 28, 2010, and in numerous staff reports to the Port Commission. Matters related to the RFP and the developer selection process do not involve a physical impact on the environment and are not in the purview of CEQA. Questions surrounding the RFP and developer selection process are more appropriately raised before the decision-making bodies in considering project approvals.

Several comments question or disagree with the Port’s motives and objectives for supporting the proposed project. These comments are noted, but they do not address the accuracy or adequacy of the EIR or the potential physical environmental impacts of the proposed project.

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1 Port of San Francisco, letters dated December 19, 2006 and November 9, 2007. A copy of these letters is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
III. Comments and Responses

A. EIR Introduction

Several comments raise issues related to the height of the proposed project, the potential blockage of views, and potential impacts on visual resources. These issues are addressed in Section IV.B, Aesthetics, of the EIR and in Section III.E, Aesthetics, of this C&R document.

**TOPICS NOT REQUIRING FURTHER STUDY IN THE EIR**

Comments

Based on the information you have provided, we do not anticipate the project you are proposing to substantially impact Fire Department services to the area. One change in the Initial Study Section, page 73, is that Station 35 is closed for the foreseeable future. The pier is going to be renovated as a part of bond project for use by the Fire Department fireboats. *(Thomas E. Harvey, Fire Marshal, San Francisco Fire Department) [A.1.1]*

The DEIR Incorrectly Determines that Certain Environmental Effects Do Not Require Further Study in the EIR. The DEIR concludes (on page Intro.3) that certain potential individual and cumulative environmental effects were identified as less than significant or less than significant with mitigation in the December 8, 2007 NOP/Initial Study for the initial project proposal and, therefore, do not require further study in this DEIR for the proposed project. As will be discussed below, we disagree that the potential environmental impacts to Land Use, Population and Housing, Historical “Architectural” Resources and Wind were adequately studied in the NOP/Initial Study. Each of these environmental impacts should have been analyzed in the DEIR. *(Jon Golinger, Telegraph Hill Dwellers) [C.10.3]*

The DEIR Incorrectly Determines that Certain Environmental Effects Do Not Require Further Study in the EIR. The DEIR concludes (on page Intro.3) that certain potential individual and cumulative environmental effects were identified as less than significant or less than significant with mitigation in the December 8, 2007 NOP/Initial Study for the previous project proposal and, therefore, do not require further study in this DEIR for the currently proposed project.

As will be discussed below, we disagree that the potential environmental impacts to Land Use, Population and Housing, Historical (Architectural) Resources, Geology and Soils, Hydrology and Water Quality were adequately studied in the NOP/Initial Study. Each of these environmental impacts must be addressed in this EIR as to the currently proposed project. *(Jon Golinger, Telegraph Hill Dwellers) [C.10.35]*

These hazards were considered in the Initial Study, but the conclusion was that further study would not be necessary and hence, these were not examined in the DEIR.

Groundshaking

Although the USGS Working Group on California Earthquake Probabilities concluded there is a 62 percent probability of a magnitude earthquake of greater than or equal to 6.7 before 2032, the Initial Study concluded that “the project would not expose people or structures to substantial adverse effects related to ground shaking, because the construction would adhere to all San Francisco Building Code provisions for structural safety” and thereby stated there was no need for further analysis.

Liquifaction, lateral spreading, seismically induced densification
Reference is made to the Association of Bay Area Governments Hazard Maps. The Initial Study states that fill that could liquefy would be removed during construction of the garage below sea level. It does not indicate where the fill would be deposited. Nor does it discuss the possible lateral spread. It indicates a study should be underwritten by the project sponsor, but it does not state that such a study be undertaken prior to approval of the EIR. And it concludes that “impacts related to liquefaction-induced settlement and lateral spreading are considered less than significant” and will not be discussed in the EIR. \( (Richard \ and \ Barbara \ Stewart) \) [D.48.7a]

DEIR states that potentially significant impacts to Population and Housing will not be discussed because the 2007 NOP/Initial Study found that the proposed project would not adversely affect them. Unfortunately the DEIR lacks the basic information needed to reach such a conclusion and, as we will demonstrate, an objective review of relevant 2008-2011 housing data contradicts this conclusion.

The world, particularly regarding housing, has changed \textit{radically} since 2007. Relying on housing and population information from 2007 ignores the financial and housing meltdown of 2008 and is simply indefensible. In addition, back in 2007, the EIR consultants were relying on stale, seven-year-old census data while today they have access to a multitude of fresh 2010 census data. No one can dispute that the housing environment today could not be more \textit{unlike} the housing environment in 2007.

By relying solely on pre-2008 housing data for the 2007 NOP/Initial Study, this DEIR lacks any of the basic information needed to conclude that this project would not have adverse effects on Population and Housing and must now revisit and thoroughly analyze these issues. \( (Brad \ Paul) \) [D.53.11]

\textbf{Response}

The Initial Study for the proposed project (EIR Appendix A) addressed several environmental topics completely and provided support for a determination that these topics would not result in significant environmental impacts; therefore, they did not need to be discussed in the EIR, as explained on EIR pp. Intro.3 – Intro.5. Among those topics were Public Services, addressing police and fire services. As noted by the comment from the San Francisco Fire Department, the proposed project is not expected to impact Fire Department services to the area. Since publication of the Initial Study in December 2007, the Fire Department indicates that Station 35 has been closed and the pier will be renovated. The fireboats remain moored at Pier 22-1/2 as of September 2011. Renovation of the pier does not affect the analysis of Fire Department Services as described in the Initial Study.

One comment disagrees with the determination in the Initial Study that geotechnical issues have been fully discussed. Geotechnical issues, including groundshaking, liquefaction, and lateral spreading, were discussed in detail in the Initial Study on pp. 80-86 (in Appendix A to the EIR). The analysis is based on a preliminary geotechnical report. The comment is correct that the Initial Study explains that groundshaking could be violent at the project site in the event of an earthquake, and that compliance with San Francisco Building Code requirements would reduce potential damage to structures from groundshaking, resulting in a less-than-significant impact.
The seismic provisions in the California Building Code, which is incorporated in the San Francisco Building Code, are developed in response to the anticipated seismic risk in various seismic zones. The Building Code requires the design professional to take soils, nearby faults, amount of groundshaking, and the size and type of proposed building all into account in designing the foundations and structural systems. These requirements provide sufficient structural safety to allow occupants of a building to exit the building following a major earthquake even if the building is damaged. The project site and the proposed structures are not unique. Geotechnical engineering methods for building design in earthquake prone areas have been carried out throughout California and the Bay Area in locations with soil types and similar predicted levels of groundshaking. Although liquefaction could occur on the project site, as explained in the Initial Study the soil that could liquefy is human-placed fill materials that would be removed during excavation for the proposed basement levels.

The Initial Study does not provide information about where the excavated soils would be disposed because that is typically not known until after building permits have been obtained, construction contracts have been signed, and the subcontractor(s) who would haul the soils away have established the locations of the disposal sites. The proposed project has not been approved and no building permits have been issued; therefore, the project sponsor has not awarded construction contracts, and no disposal locations have been identified. When possible, the contractor(s) who haul the excavated soil away would typically choose to sell some or all of the soil to entities that need fill material. Thus, it is possible that some of the excavated soil could be disposed of on Treasure Island, where fill is expected to be needed as part of the geotechnical stabilization program planned at that location. Disposal of other excavated soil that is clean and usable is likely to occur either in the East Bay or the South Bay and Peninsula areas. Possible haul routes for excavated soil and the effects of haul truck traffic are discussed in more detail in the response in Section III.B, Project Description, in the subsection entitled “Project Construction/America’s Cup Host and Venue Agreement” C&R pp. III.B.34-III.B.59. If any of the excavated soil contains chemicals at levels too high for use by entities that need fill material (see Initial Study pp. 96-102 for a discussion of hazardous materials in the soil on the project site), then it would be disposed of in appropriate landfills, in compliance with Article 22 of the San Francisco Health Code and various state and federal statutes and regulations related to transport and disposal of hazardous materials enforced by the California Highway Patrol (related to transport) and the Department of Toxic Substances Control in the California Environmental Protection Agency.

As explained in the Initial Study on pp. 83-84, because the proposed project would be supported on piles driven into dense sand or bedrock, and the artificial fill that could be subject to liquefaction or lateral spreading would be removed during excavation, lateral spreading is not a geological issue that would affect the proposed project. Therefore, no further discussion of this topic was required. The geotechnical report discussed on p. 84 of the Initial Study is required as
III. Comments and Responses
   A. EIR Introduction

part of a building permit pursuant to Chapter 16, Structural Design, and Chapter 18, Soils and Foundation, of the San Francisco Building Code; the report would be reviewed by the Department of Building Inspection during its review of building plans prior to issuance of a building permit. Site-specific investigations are standard practice within the geotechnical engineering industry. Engineers consider the information in the site-specific investigation, along with the size of the proposed building, to establish specific design parameters such as the spacing and types of piles to be used.

One comment questions the relevance of population and housing data used in the 2007 Initial Study, and suggests that since the Initial Study was published there have been substantial changes in the housing environment. The Initial Study uses population information from the Association of Bay Area Governments Projections 2005, which is based on 2000 census data and projects future growth in population and housing. Those projections were the best available information at the time the Initial Study was published. It is interesting to review the 2010 census data that is now becoming available, in comparison with the projections for 2010 made by ABAG. The average household size projected in 2005 for San Francisco was 2.28 persons per unit in 2010; the 2010 census data show the average household size as 2.26. The number of households projected in 2005 for San Francisco in 2010 was about 345,830; the 2010 census data shows that there were 345,811 households in the City. The estimated population in San Francisco in 2005 was 798,000 persons (see Initial Study p. 48, note 21); the 2010 census shows a population of 805,235 persons. Thus, in general, the information about population and housing in the Initial Study projected for 2010 is similar to the results of the 2010 census (note that employment data for 2010 is not yet available from American FactFinder, the U.S. Census Bureau’s website).

The Initial Study concluded that employment generated by the proposed project would generate a demand for approximately 28 new dwelling units in San Francisco, approximately 0.4 percent of the City’s estimated household growth by 2010. The 2005 estimate for the increase in the number of households to a total of approximately 345,830 in 2010 is almost exactly the growth that occurred, according to the 2010 census data. Therefore, the conclusion in the Initial Study regarding housing demand in relation to overall growth in number of households remains current. The proposed project was described in the Initial Study as including 170 residential units,

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5 Ibid.
resulting in a population on the project site of approximately 388 persons. The project as described in the EIR would include 165 units. With an average household size of 2.26 persons per household as of 2010, the 165 units would house approximately 373 persons. Thus, the results using 2010 census data are similar. City-wide population growth has been slower than anticipated in the Initial Study; however, the conclusion – that approximately 380 additional persons would not be a substantial increase in the population given overall growth estimates remains accurate in that the population growth from the proposed project would be about 5 percent of the population growth that occurred between 2005 and 2010. The conclusion in the Initial Study that the proposed project would not displace housing remains accurate, as the project site does not currently have any residential units. The fact that the market for new housing in 2010 is not what it was in 2007 does not affect the conclusions regarding potential physical impacts of population and housing discussed in the Initial Study. The housing market may affect the salability of the new units if they are approved and built; however, the market in 2014 when the proposed project is expected to be completed if approved could be different from that in 2010, and this is an economic issue that would affect the project sponsor and does not require discussion in the EIR.

The Initial Study discussed the proposed project’s impacts on historic architectural resources on pp. 50-51. The project site does not contain any buildings that are included in, or determined eligible for inclusion in, any federal, State, or adopted local register of historic resources. There is no evidence that any building on the project site is a historic architectural resource. In addition, the proposed project would not result in a substantial adverse change in the significance of nearby historic resources. The Initial Study concluded that the proposed project would not have a significant impact on historic architectural resources, and the comments do not present any new information or evidence that contradicts this conclusion.

The Initial Study discussed the proposed project’s impacts on hydrology and water quality on pp. 87-95. The proposed project would not result in any violation of water quality standards or waste discharge requirements, would not deplete groundwater supplies, and would not alter the course of any river or stream. In addition, the proposed project would not contribute to an increase in combined sewer discharges, would not increase on- or off-site flooding, would not contribute runoff that would exceed the capacity of the combined sewer system, and would not provide a substantial source of polluted runoff. The proposed project would not place housing or other structures within a 100-year flood hazard area or expose people or structures to significant risk of loss, injury, or death due to flooding, tsunami, seiche, or mudflow. The Initial Study concluded that the proposed project would not have a significant impact on hydrology and water quality, and the comments do not present any new information or evidence that contradicts this conclusion.
The land use impacts of the proposed project were discussed in the Initial Study on pp. 42-44. The Initial Study concluded that the land use impacts of the proposed project would be less than significant. Following the publication of the Initial Study, the proposed project was modified. Section IV.A, Land Use, of the EIR discusses the modified version of the proposed project. The proposed project would introduce land uses that already exist on the project site or in the vicinity. For these reasons, the proposed project would not physically divide an established community, and it would not have a substantial adverse impact on the character of the vicinity. The EIR concludes that the land use impacts would be less than significant, and the comments do not present any new information or evidence that contradicts this conclusion.
B. PROJECT DESCRIPTION

FERRY BUILDING PARKING

Comments

For reasons I will review briefly, the draft EIR is deficient because it fails to describe accurately critical facts and omit or understates substantially the potential impacts of the project. For ten years EOP has been the steward of the Ferry Building and responsible for restoring the crown jewel of the waterfront. Parking is critical to the Ferry Building's success. Not only does the Ferry Building serve local residents, it is a major draw to the city and a major tourist destination for visitors who drive to the city. Many patrons who shop at the Marketplace and the farmers' market must park near the Ferry Building. Other patrons, including those with mobility challenges, are able to visit the Ferry Building only if accessible parking is available nearby. From the onset adequate parking was recognized as essential to make the renovation of the Ferry Building successful. That is why EOP entered into the lease agreement for the Ferry Building. It insisted that the Port make a parking agreement to ensure parking for Ferry Building tenants and patrons. The parking agreement grants EOP the exclusive rights to control the entirety of Seawall Lot 351 for Ferry Building parking while reserving ten unassigned spaces for parking for Port vehicles and visitors. The parking agreement provided additional spaces on Pier Half. But in 2008 the Port closed that pier for safety reasons. Seawall Lot 351 is the most highly used parking area for the Ferry Building tenants and patrons, due to, one, its close proximity to the Ferry Building; two, the availability of parking validation; and, three, its easy access and visibility directly off the Embarcadero. Under the parking agreement, if the Port provides to EOP the same number of spaces currently located at Seawall Lot 351, then the Port may develop Lot 351 as a parking facility to serve the Ferry Building area. The Port's ability to take away the parking from EOP at Seawall Lot 351 is conditioned explicitly on the provision to EOP of equal parking, both temporary and permanent. The project proposed by San Francisco Waterfront Partners that is the subject of this draft EIR does not meet these criteria. The problems with the draft EIR include -- EOP will be submitting comments, but we wanted to alert you to a few of the major deficiencies now -- is the project description does not state accurately the facts about the parking agreement and the rights of EOP and the obligations of the Port. The project description omits from the list of required approvals the Port's obligation under the parking agreement to provide to EOP temporary and permanent replacement spaces through the expiration of our ground lease and parking agreement in 2066 [sic]. The most glaring omissions and inadequacies in the draft EIR's analysis of transportation and parking impacts. (Jane Connors, Senior Property Manager, Ferry Building Marketplace) [TR.5.1]

Certainly Jane Conners' points about Ferry Building parking are à propos and the final EIR should be as accurate as possible in that. (Alec Bash) [TR.12.2]

Veronica Sanchez speaking on behalf of two maritime unions, the Master Mates and Pilots and the Inland Boatmen's Union of the Pacific, an affiliate of the ILWU. We are the people that work the ferries in San Francisco Bay as captains and deckhands. And you would ask, well, what would two maritime unions care so much about this project? We do because 8 Washington is actually a linchpin for the second phase of development of the ferry terminal expansion right there next to the Ferry Building. We probably are -- no pun intended -- in a similar boat as the Ferry Building tenants and CUESA in being very much interested in replacing the parking there next to the Ferry Building, because if that parking is not replaced and their economic interests are
not protected and the Port's economic interests are not protected, then the expansion of the ferry terminal project for Treasure Island for additional capacity and for earthquake response for the city and the region does not go forward. At stake is $20 million of bridge toll money and millions more of state bond money that the city would lose if that replacement parking cannot be found. So we have spent many years attending these hearings, seeing the effort -- the great effort -- that the developer has put into studying the concerns of the community. And as we read this EIR report that they have, we believe that they have a good job in assessing the impacts and that the public benefits outweigh the impacts to the local community. (Veronica Sanchez, Master Mates and Pilots and the Inland Boatmen's Union of the Pacific) [TR.20.1]

Paging to address many of these people who cite parking as such a great need for the issue, they're citing as many as 520 spaces -- we don't if that's going to be the case when it comes out -- 170 of which are slated for the residents. That's one per person at these -- one per unit of these highly expensive units. I don't think these people will settle for one unit. Now, you can force their hand, but at the same time the project sponsor is trying to achieve some more parking for his parcel across the way. What's that leave for the Ferry Building and all these people who cite the need for it is not that many parking spaces, not really any more than they probably have already. So I disagree with that. (Bob Iwersen) [TR.26.3]

In my mind, this project is driven by probably a couple of things but mainly by the Port's inability to create parking sufficient to service itself. My wife and I are at the Farmers Market at the Ferry Building 7:30 every Saturday morning. We used to park on Pier Half. That was taken away a couple of years ago. And other than a few motorcycle spaces, the Port has done absolutely nothing to replace those spaces. (Vice President Ron Miguel, San Francisco Planning Commission) [TR.37.4]

Pg. II.20, C, Objectives of the Project Sponsor: The fourth Objective, “To increase the supply of public underground parking to support the continued economic viability of the Ferry Building Farmer’s Market and the retail and restaurant uses at the Ferry Building, Pier 1 and Piers 1-1/2-5” is not a supported objective of the Project Sponsor, but is on the wish list of the Port of San Francisco. And yet in the Introduction it is stated that “The Port is not a co-sponsor of the proposed project ... “Either they are or they aren’t! There is no direct correlation substantiated in the DEIR between a residential (or residential and hotel) project on the west side of the Embarcadero and the needs of the Port of San Francisco on the east side of the Embarcadero. If the Port of San Francisco wishes to build parking for its tenants and patrons, it should submit such a project and have it vetted. This attempt to have a private entity carry the burden of justification is, in my opinion, dishonest. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.10]

The EIR should have considered the uses that the Port/City might have for funds from a higher land price that did not require the supply of so much subsidized parking. An EIR is supposed to provide information on impacts for the public and approving levels of government. In the same way that a public transportation project shows capital and operating cost per rider a private public partnership parking project should show the capital cost to the Port (reduced selling price of the land) and the subsidy to drivers resulting from the reduced price of parking. (Howard Strassner, Sierra Club) [C.7.1]

Does the Port still intend to retain for its own use the 10 parking spaces it currently has on the SWL 351 parking lot? (Initial Study p. 4) (Sue C. Hestor, Friends of Golden Gateway) [C.8.9b]
Please explain how the rights in SWL351, granted to the Ferry Building lessee (II.1) are intended to be transferred to project sponsor (Sue C. Hestor, Friends of Golden Gateway) [C.8.15]

The statement contained in the DEIR that “[t]he entire Seawall Lot 351 is controlled by the ground lessee of the Ferry Building pursuant to a Parking Agreement with the Port, in satisfaction of parking rights granted to the Ferry Building ground lessee” is misleading without the addition of information as to the requirements of the April 10, 2001 Parking Agreement between the Port and the Ferry Building which includes language that legally obligates the Port to provide replacement parking for any of the 110 parking spaces at Seawall Lot 351 that it removes. The Agreement identifies several different areas for locating potential parking spaces for the Ferry Building including, for example, the 1 Maritime Plaza Garage and the Golden Gateway Garage, as well as the white zone in front of the Ferry Building and (previously) Pier ½. (Jon Golinger, Telegraph Hill Dwellers) [C.10.6]

We begin with some crucial facts. For ten years, EOP has been the steward of the Ferry Building and has transformed it into the “jewel of the San Francisco waterfront.” Parking is critical to the Ferry Building’s success. Not only does the Ferry Building serve local residents, it is a major draw to the City and a major tourist destination for out-of-town visitors who drive into the City. Many patrons who shop at the one-of-a-kind retailers and the Farmers Market must park near the Ferry Building. Other patrons, including those with mobility challenges, are able to visit the Ferry Building only if accessible parking is available nearby.

From the outset, both the City and EOP recognized that adequate parking was essential to make the renovation of the Ferry Building successful. That is why, when EOP entered into the ground lease for the Ferry Building, EOP and the City entered into a Parking Agreement, to assure long-term parking for Ferry Building tenants and patrons through the expiration of the ground lease in 2066.

The Parking Agreement as amended to date grants EOP the exclusive rights to control the entirety of Seawall Lot 351 for Ferry Building parking, while reserving ten unassigned spaces for parking Port vehicles and visitors. The Parking Agreement provided about 70 additional spaces on Pier ½, but in 2008 the Port took those away from EOP when the City closed that Pier for safety reasons. As a result, Seawall Lot 351 is now the most highly used parking area for Ferry Building tenants and patrons due to (1) its close proximity to the Ferry Building, (2) the availability of parking validation, and (3) its easy access and visibility directly off The Embarcadero.

Under the Parking Agreement, as a condition to any redevelopment of Seawall Lot 351, the City must provide to EOP parking equal to that currently located on Seawall Lot 351, both short and long term. If the City meets that condition, the City may develop Seawall Lot 351 as a parking facility to serve the Ferry Building area. The Port’s ability to take away the Ferry Building parking at Seawall Lot 351 from EOP is conditioned explicitly on the provision to EOP of equal parking, both temporary and permanent. Despite this clear contractual obligation, the Project fails to meet these criteria. (Zane O. Gresham, Morrison Foerster) [D.52.2]

The DEIR Fails to Comply with CEQA

A. The DEIR Fails to Accurately Describe and Account for Parking Agreement’s Restrictions on Development of Seawall Lot 351

An accurate project description enables the public to understand the full scope of the project and its potential effects on the environment. “A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected
outsiders and public decision-makers balance the proposal’s benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal... and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” County of Inyo v. City of Los Angeles, 71 Cal. App. 3d 185, 192-93 (App. Ct. 1977).

1. The Project Description does not accurately state the facts about Seawall Lot 351, the Parking Agreement, the rights of EOP, and the obligations of the Port. The Environmental Setting correctly acknowledges that “The entire Seawall Lot 351 is controlled by the ground lessee of the Ferry Building pursuant to a Parking Agreement with the Port, in satisfaction of parking rights granted to the ground lessee.” DEIR at IV.A.2. In other words, EOP has the exclusive right to control the entire Seawall Lot 351. Under the Parking Agreement, the Port may develop Seawall Lot 351 as a parking facility to serve the Ferry Building area only if the Port provides to EOP equal parking, both temporary and permanent. Development of Seawall Lot 351 is thus restricted until the Port satisfies its contractual obligations to EOP.

Despite EOP’s exclusive right to control, the Project Description states that the proposed parking will include “90 spaces required to serve the Ferry Building waterfront area... with no access restrictions.” DEIR at II.17. Unrestricted public parking that is available to waterfront visitors does not satisfy EOP’s exclusive right to control the parking for the Ferry Building. Thus, the Port has not met its obligations under the Parking Agreement to provide to EOP equal replacement parking and violates the contractual restrictions on development of Seawall Lot 351. (Zane O. Gresham, Morrison Foerster) [D.52.4]

2. The DEIR also fails to account for the requirement that the Port provide EOP with temporary replacement parking during construction of the Project. Although this equal replacement parking must be within close proximity to the Ferry Building, as specified in the Parking Agreement, the DEIR is silent on how this parking will be provided. The provision of temporary parking is a part of development of Seawall Lot 351 and under CEQA must be included in the Project Description. Impacts to traffic flow, parking, air quality, safety, and noise that could result from the designation of a new parking area to satisfy the Port’s obligation must be evaluated in the DEIR. (Zane O. Gresham, Morrison Foerster) [D.52.5]

6. The Project Description on page II.23 omits from the list of Required Approvals the Port’s obligation under the Parking Agreement to provide to EOP temporary and permanent replacement spaces equal to those currently controlled by EOP on Seawall Lot 351 through the expiration of our ground lease and Parking Agreement in 2066. The Port must satisfy these obligations before any disturbance of EOP’s rights to Seawall Lot 351. (Zane O. Gresham, Morrison Foerster) [D.52.8]

Response

One comment states the EIR’s Project Description should include additional information regarding parking. The Project Description includes the information required by CEQA. (CEQA Guidelines, § 15124.) The Project Description is stable and finite. In particular, the Project Description includes a clear and consistent statement of the project sponsor’s and the Port’s respective objectives for the project. (See EIR pp. II.20-II.22.) Port objectives were included in the EIR because the Port’s development and design objectives are goals that the Port Commission will consider should the proposed project be presented for approval following certification of the

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Final EIR, a public trust consistency determination, and other conditions to the Port’s approval of the proposed project.

The Project Description discusses parking availability on Seawall Lot 351 on EIR p. II.17. The comment disagrees with the description of the Port’s obligations set forth in the Parking Agreement with EOP (which controls the master tenant of the Ferry Building and the licensee to Seawall Lot 351). The construction of the Parking Agreement, which is an Exhibit to Port of San Francisco, Request for Proposals SWL 351 Mixed Use Development Opportunity, November 10, 2008, is a legal issue. The comment’s disagreement is noted.

The purpose of an EIR is not to provide a legal opinion on the construction of contracts affecting contractual rights; rather, its purpose is to describe a proposed project and to analyze the project’s impact on the existing environmental setting.

The existing parking situation is discussed on EIR pp. IV.D.13-16. Parking data was collected for midday and evening periods for 10 off-street public facilities with approximately 4,170 total parking spaces. The off-street parking locations are shown in Figure IV.D-3: Parking Key Map, on EIR p. IV.D.14, and the number of spaces with evening and afternoon occupancy rates are set forth in Table IV.D-3: Off-Street Parking Supply and Occupancy, Existing Conditions – Weekday Midday and Evening Periods, on EIR p. IV.D.15. On-street parking is presented in the EIR, on EIR p. IV.D.15. On EIR pp. IV.D.18, IV.D.21-IV.D.22, and IV.D.28-IV.D.29, the EIR includes a discussion of the project’s parking impacts and demand, and shows on EIR pp. IV.D.21-IV.D.22 that the project would not create a parking shortfall after its construction. Thus, the EIR presents all of the factual information necessary.

The Port and EOP disagree on the interpretation of the Parking Agreement between the Port and EOP. The forum for resolving these disagreements is not through the CEQA process and, for the most part, these disagreements do not affect the physical environment and are not relevant to the analysis of impacts and adequacy of the Draft EIR. As the Port understands EOP’s arguments, however, EOP alleges that the CEQA document mischaracterizes the Parking Agreement in two ways: (1) EOP claims it has a legal right to 105 valet parking spaces at Seawall Lot 351 through 2066; and (2) EOP claims it has a right to the same number of spaces in approximately the same vicinity during the period when work is going on at Seawall Lot 351.

A disagreement regarding parking obligations at Seawall Lot 351 does not bear on the EIR’s analysis of parking impacts. As the EIR notes, as a matter of policy, San Francisco considers parking deficits, if any, to be a social effect rather than a physical environmental effect. For CEQA purposes, the issue is whether a parking shortfall may result in secondary, environmental effects. The courts have upheld this approach. As one court explained:

[T]here is no statutory or case authority requiring an EIR to identify specific measures to provide additional parking spaces in order to meet an anticipated
shortfall in parking availability. The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is. Under CEQA, a project’s social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact. ([CEQA] Guidelines, § 15131, subd. (a.).

Thus, the EIR correctly concluded that “[p]arking shortfalls relative to demand are not considered significant environmental impacts in the urban context of San Francisco. Parking deficits are an inconvenience to drivers, but not a significant physical impact on the environment.” The EIR then fulfilled its CEQA-mandated purpose by identifying ways in which the secondary environmental impacts resulting from the projected parking deficits could be mitigated, in keeping with the specific environmental strictures imposed by the City’s own transit-first policy. It is not our place to re-weigh the evidence or impose our opinion that the identified adverse effects could be better mitigated than as suggested in the EIR. (San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656, 697 [citations omitted, italics in original]; see also Santa Monica Chamber of Commerce v. City of Santa Monica (2002) 101 Cal.App.4th 786, 798-799 [upholding agency’s reliance on categorical exemption in approving parking restrictions because restrictions could result in inconvenience, but there was no evidence that environmental impacts would result].

In this instance, the inventory of parking in the vicinity of the Ferry Building, as identified on EIR pp. IV.D.13-IV.D.16, would provide adequate parking for tenants and customers of the Ferry Building during the temporary period of displacement due to project construction. Upon completion of the project, parking serving the Ferry Building would again be available at the project site, within the proposed underground public parking garage.

The following new text is added after the third full paragraph on EIR p. IV.A.6:

Public Parking

In addition to the public pay lot at Seawall Lot 351, public parking, bicycle, and pedestrian needs for visitors to the Ferry Building area are accommodated as follows:

After the closure of Pier ½ in 2008, the Port repainted the curbs between the Agriculture Building and Pier 5 in May of 2009, to provide three additional accessible parking spaces (“blue zones”), dedicated delivery areas (“yellow zones”) and dedicated drop off zones (“white zones”). Working with SFMTA, the Port also created 11 additional metered parking spaces on Davis Street and arranged for validated parking spaces at the Golden Gateway Garage located at 250 Clay Street on weekends for visitors and patrons of the Ferry Building and Farmers’ Market.

Additional nearby garages offering validation or discounted parking to Ferry Building and Farmers’ Market shoppers on weekends include the Embarcadero Center 3 and 4 Garages (870 total spaces) located across The Embarcadero from the Ferry Building, and the 75 Howard Parking Garage (515 total spaces), located at 75 Howard Street. None of
these garages limit the number of Ferry Building and Farmers’ Market shoppers who may park on weekends at the validated or discounted rate.

Nearby weekday parking sites include the Golden Gateway Garage, the Embarcadero Center 3 and 4 Garages, Pier 3, the surface parking lot at Broadway and The Embarcadero, and the 75 Howard Parking Garage.\footnote{The Planning Department has received a Preliminary Project Assessment (PPA) application for the 75 Howard Parking Garage site (Case No. 2011.1122U, received September 28, 2011). The PPA application describes a potential development on that site that includes demolition of the existing 8-story, 550-space parking garage, and construction of a 160-unit residential building with a below-grade parking garage. The parking garage would contain accessory parking spaces for the residential units as well as approximately 100 non-accessory spaces to serve retail uses in the surrounding area. The PPA is a preliminary investigative process by which a project sponsor can receive early feedback and procedural instructions from the Planning Department. The PPA application is not a development application, and issuance of a PPA letter is not a development approval or denial. The Planning Department has received no applications for entitlements or environmental review for the 75 Howard Parking Garage site.}

The following new footnote 3 is added to p. IV.A.6 as part of this text change:

Temporary parking spaces in the vicinity and permanent underground parking spaces within the project site available to Ferry Building tenants and customers may be more or less convenient than the existing surface spaces on Seawall Lot 351. The potential for such inconvenience, should it arise, is a social issue, rather than an environmental effect. Vehicles displaced by the closure of Seawall Lot 351 would look for parking at nearby locations. The specific location of these alternative sites cannot be known with certainty since it would be a function of the location of available parking and the ultimate destination of the drivers. Based on parking availability data reported in the EIR, it is likely that these alternative locations would be at Pier 3, Golden Gateway and Embarcadero Center 4. These displaced vehicles are already traveling to/from the project area and the temporary relocation of parking would represent minor adjustment to their travel patterns, most likely at the intersection of The Embarcadero/Washington Street. The maximum parking capacity of Seawall Lot 351 with valet service is 105 spaces, approximately $\frac{1}{4}$ the total capacity of the proposed garage. Given that no traffic impacts have been identified for the project, which would have the garage entrance on Washington Street, no traffic impacts would be expected to be caused by those temporarily displaced vehicles that would add to the existing left turning vehicles at Washington Street. Therefore, there is no evidence that the resolution of parking-related contractual obligations would have secondary environmental effects.

One comment states the Draft EIR’s list of “Required Approvals” on EIR p. II.23 should be revised to include Port action concerning its obligations with respect to parking on Seawall Lot 351. It is unclear whether such formal action by the Port is required. In any event, any such action would represent the Port’s implementation of an existing contractual obligation, and would therefore not constitute a discretionary “permit” or other “approval” within the meaning of
CEQA. (CEQA Guidelines, § 15124, subd. (d)(1).) No change to “Required Approvals” is necessary.

One comment states the project’s impact on the availability of parking would have a negative impact on the economic viability of the Ferry Building. CEQA does not require an analysis of the economic effects of a project. CEQA requires such analysis, however, if there is evidence to indicate that a project’s economic effects may lead to physical effects on the environment. An example is the potential for urban decay caused by the economic competition that will occur if a proposed shopping center is approved. (Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184.)

In this case, there is no evidence that a temporary relocation of parking during construction, or the relocation of the existing surface parking spaces to the new underground parking garage at Seawall Lot 351 would have a measurable effect on patronage of the Ferry Building. Nor is there evidence that an effect on patronage, if any, would result in urban decay of the Ferry Building. Thus, there is no evidence that approval of the project could result in urban decay at the Ferry Building or elsewhere. Under such circumstances, further analysis of this issue is not required.

One comment suggests that the EIR should provide information about what use the Port would have for a higher land price for Seawall Lot 351 than the price that would be realized with the public parking in the proposed project. The economic terms of the Seawall Lot 351 transaction are a policy matter for the Port of San Francisco in approving the project and the Board of Supervisors in approving the proposed trust exchange agreement. It does not create a physical impact on the environment and is not the appropriate topic for analysis in a CEQA document. An EIR is intended to evaluate the potential impacts of a proposed project, not to speculate about the profitability of other possible projects or deals. In any event, if the project is approved and a public trust exchange is authorized, the conditions for the exchange, including valuation of the property, will be subject to the requirements of the common law relating to the public trust and the Burton Act.

One comment states that the parking in the proposed project was a “lynchpin” for the second phase of development of the ferry terminal expansion in the immediate vicinity of the project site. The comment does not refer to growth-inducing impacts, but instead asserts that the public parking component of the proposed project would play an integral role in supporting the planned ferry terminal expansion. The comment is noted; the EIR provides the information necessary to evaluate the impacts of the proposed project and the comment introduces no new information.

One comment asks whether the Port of San Francisco intends to retain the 10 parking spaces that it currently has on Seawall Lot 351 in the parking garage of the proposed project. As discussed on EIR p. II.1, the existing 105-space parking lot on Seawall Lot 351 includes 10 spaces reserved
for use by the Port of San Francisco. The developer’s current plans for the project include 10 parking spaces in the parking garage of the proposed project for the Port’s use.

**PAST REDEVELOPMENT AREA PLANNING**

**Comments**

And, also, the historic intent of the planning, beginning with the demolition of the produce market, is not addressed in the report. Here’s the first version of the Golden Gateway. And you can see that there are no large buildings. Everything -- all the buildings are -- relate to each other -- the placement of each other. There’s nothing that’s sort of just stuck in. And they build backwards and up. They don't come forward and build up. After that a student won an award doing this version, which is kind of an Oscar Niemeyer, round, curved building. And so Skidmore seems to have sort of been influenced in the second version of what Golden Gateway was supposed to look like. But, again, you see all the open space. And one last thing I wanted to quote is when the Embarcadero buildings went in in 1967, Portman said in his presentation today that all the office structures will be so designed and located on the site that a clear east/west view is retained to the Bay around the Ferry Building. Further, it is felt the lines of sight for viewers high on the hills will tend to slide over the center's building toward the Bay. North/south views within the center would be preserved through sharply etched breaks in the structures. So this is an overall planning. This isn't something that's stuck in. Everything was related to each other. And I don't think this building does. *(James Joannides)* [TR.14.2] *(See also Appendix A, Letter D6, submitted to the Planning Commission as part of this speaker’s testimony.)*

This project is much more significant because it takes one of the most successful projects the San Francisco Redevelopment Agency has ever done and one of the most controversial projects that they have ever done, taking everything from Market Street to Broadway, bulldozing it all, building the iconic Embarcadero Center, and allowing a winner of five bids to build the Golden Gateway Center and its neighborhood that goes with it. That was a significant, significant struggle going back in the 1960s. The main focus of the fact that project was approved and Perini Land and Development won because they proposed a recreational complex that supported the residential needs of this neighborhood. *(Frederick Allardyce)* [TR.22.1]

And I have to read from the EIR, page 2, Section III, that the redevelopment agency in 1962 agree to maintain community facilities for a permanent nature designed primarily for use on a nonprofit basis. That was the whole intent of creating Golden Gate Swim and Tennis club. *(Frederick Allardyce)* [TR.22.3]

I also wanted to suggest a couple of things that needed to be added to this. Nowhere in here does this mention this is the fourth attempt to develop condos on this site. And I have to confess. I thought this was only the third attempt. But Perini tried it in the 1980s; tried it again in the 1990s. There are letters from Mayor Feinstein, Senator Feinstein, former directors -- and there will be some more letters from more former directors -- saying the intention has always been to keep both Sidney Walton Park and the Golden Gate Recreation Center permanently there as community benefits for the deal. *(Brad Paul)* [TR.30.3]

Just a comment to those who were talking about the 1962 agreement with the Golden Gate Center, that was superseded in ’76 in exchange for Sidney Walton Park, if I'm not mistaken. *(Vice President Ron Miguel, San Francisco Planning Commission)* [TR.37.3]
Distorted history of Redevelopment of Golden Gateway

The Golden Gateway Redevelopment area was created as a PLANNED COMMUNITY. The DEIR assiduously avoids that term, e.g. in the description of existing uses on p. II-1, and in its evaluation of the land Use changes on IV.A.1-11, because the proposed project is an assault on the recreation amenities which were intentionally designed to be an integral part of services for the middle-income renters (mostly in apartment towers) of that community.

The PLANNED COMMUNITY was intended to provide housing for middle class residents - not ultra luxury housing for wealthy persons. The project was financed by the FHA and there was real focus on keeping the Golden Gateway affordable to middle class persons. Community facilities - what eventually became the Tennis and Swim Club - were emphasized to serve that population.

The proposed shift decimates the community facility designed to serve a middle-income population so that luxury “housing” can be provided for an extremely wealthy population. This goes against the avowed intention of developing Golden Gateway as it is set out in Redevelopment AND PLANNING DEPARTMENT files.

In 1960 the San Francisco Redevelopment Agency solicited development proposals for the Golden Gateway Redevelopment area. Perini Land and Development Company submitted a proposal and was awarded the site. The Agency’s Architectural Advisory Panel, which reviewed their proposal as a whole and noted that it included a park and recreational facilities. In a pre-award conference between Redevelopment and Perini, Perini indicated it would conduct studies on the need for community and recreational facilities. Several weeks later Perini sweetened its offer by guaranteeing $1 million for community facilities and guaranteeing their maintenance. Redevelopment authorized acceptance of Perini’s offer in reliance on the terms of the 9/22/60 letter and others. It publicly announced the selection of Perini, reciting the addition of a term mandating $1 million to be invested by Perini is community facilities to be maintained at developer’s expense “at a level in keeping with the quality of the entire project.” The community and recreational facilities were not designed to be a for-profit facilities.

The details of those community facilities were worked out in the following months. The community facilities were to be operated on a non-profit basis, e.g tennis courts, playground. Perini immediately asked to be relieved of some parking requirements so that the community facilities (educational, athletic, cultural are listed possibilities) could be integrated into the planned community. In order to get FHA financing for the Golden Gateway housing at the level Perini desired, it was advisable to “include permanent-type amenities [which] will appraised favorably for additional allowances if they enhance the project and the security of the mortgage.” The Agency set about nailing down the nature of the $1 million allocation for community facilities. The list included potential gymnasium facilities, squash courts, handball and badminton courts, swimming pools, tennis courts. To increase the financial viability of the project with the community facilities Perini went to the Agency and asked for an amendment to allow more commercial spaces. The Agency was concerned that the apartments were becoming “too much of a luxury product” and insisted that the community facilities were “essential elements in the design and essential elements in the award to Perini.” Provision of Community Facilities were noted as integral to the land disposition agreement - the obligation exists independent of whether it is included in FHA financing.
Perini then sought relief from the PLANNING DEPARTMENT by filing for a Conditional Use/Planned Unit Development to be allowed to increase the amount of commercial shopping area. The application is based in part on the Golden Gateway as a planned community and recites that “generous areas for both active and passive recreation will be provided.” The Planning Commission approved a PUD to increase the shopping area on 8/2/62 contingent on conformity with the Redevelopment Plan for the Golden Gateway. Again that Plan required the provision of $1 million in community facilities.

The Disposition Agreement with Perini was amended on 8/27/62 specifying that the community facilities to be developed were of a permanent nature. A variance application was filed with the Planning Department to reduce the amount of required parking in the second phase of the project because of excessive costs of building parking in this “totally planned community” due to the high water table. The basements of the parking structures are from 4’ to 7’ below the water level.

The Zoning Administrator granted a parking variance on 10/7/64 citing that Golden Gateway is a self-contained community with a high water table that makes construction of underground parking expensive. In granting the variance the Zoning Administrator cites that open space for landscaping and outdoor recreation are key to the livability for the residents. Once the parking variance was granted, land in the Golden Gateway became available for other uses and Perini was able to take down another development parcel. The variance had dollar value to the developer. The Golden Gateway went to the RHA on 10/14/66 and recited anew their commitment (and obligation) to proceed on developing community facilities, specifically community swim and recreation facilities. Redevelopment requested clarification of the location of the “most appropriate” tennis facility and swimming club and their permanent nature. Golden Gateway responded the tennis club would be located (at the current site) east of Drumm Street. Construction of the tennis and swim club were complete on 10/24/68.

Redevelopment revisited the continuing obligation of Golden Gateway to spend $1 million for community facilities, “a first rate club,” and reviewed the amount of money expended on those facilities. As of 6/30/72 only $652,801 of the required $1 million had been spent to develop a health club, a tennis club and a swimming club. The Agency replied to questions Golden Gateway Center posed on relocation of the swimming club and reminded Perini that the community facilities were to be of a PERMANENT NATURE.

One of San Francisco’s first Environmental Impact Reports (17 pages plus exhibits) was issued on 11/14/72 for development of Golden Gateway Center Phase III, including shopping, health and RECREATION FACILITIES. This is the 5 block area (AB 167, 168, 169, 170, 171) currently known as Golden Gateway Commons AND the Golden Gateway Tennis and Swim Club. Although the housing was later changed from housing towers to low-rise development, Blocks 169 and 170 were to be developed with additional tennis and swimming pools to the east of the housing. They were to be transformed from TEMPORARY facilities leased from the Redevelopment Agency to permanent facilities. A Redevelopment press release noted that the 11 tennis courts were to be designed of the highest championship caliber to accommodate international tournaments.

Throughout the entitlement and development process Golden Gateway was a PLANNED COMMUNITY providing RENTAL HOUSING for a MIDDLE INCOME POPULATION to be served with needed services including community facilities of a permanent nature, which community facilities were eventually designated as a first class tennis and swim club. Based on those representations of the nature of the PLANNED COMMUNITY (a) the FHA financed the Development of Golden Gateway, (b) the Planning Commission approved a PUD to allow
(additional revenue from) more commercial space, and (c) the Zoning Administrator reduced the amount of required parking so that Golden Gateway could develop more lucrative uses on space otherwise designated for parking.

Throughout the entire period of development of this area the elevated Embarcadero Freeway and its associated Washington and Clay Street ramps surrounded the Golden Gateway. The Tennis and Swim Club was tucked up against the elevated freeway. Once the freeway was demolished land that had been next to the freeway now faced The Embarcadero with potential views of the Bay. Those who want to make money from this site want the readers of the DEIR to forget the origins of Golden Gateway as a PLANNED COMMUNITY for middle income renters, who were to be provided with first rate recreational facilities.

The description of the development of the Golden Gateway - and the underlying public policies - is distorted in the DEIR and must be revised. The impact of economic gentrification of this site must be addressed as facilities for middle-income renters are taken over to accommodate extreme upper income condo facilities.

The obsessive language of “private” athletic club is a further distortion. At no point in the extensive record on these community recreation facilities is it EVER called a private athletic club. It was negotiated at all steps of the development as a community facility to benefit the mostly renter population of the area. The community will be physically divided.

The existing character of Golden Gateway (but for the illegal rental policies of the current owner of Golden Gateway) of this is middle-income rental housing. It is not designed to be ultra luxury condos.

This project will result in economic gentrification that will make middle-income renters second class citizens in the complex designed to serve their needs.

[Footnote 1:] 8/1/60 Architectural Advisory Panel, Evaluation Report, Redevelopment of the Golden Gateway
[Footnote 2:] 8/30/60 Memo of M Justin Herman on Perini Proposal-Golden Gateway
[Footnote 3:] 9/22/60 letter Perini to SF Redevelopment Agency
[Footnote 4:] 10/5/66 SF Redevelopment Agency Resolution 2129
[Footnote 5:] 10/566 SF Redevelopment Press Release
[Footnote 6:] 12/12/60 Letter Perini to Redevelopment Agency
[Footnote 7:] 12/16/60 Redevelopment Planning Division Memo to File
[Footnote 8:] 1/5/61 Meeting Summary between FHA, and Perini re Golden Gateway financing
[Footnote 9:] 3/21/61 Agency memo to M Justin Herman
[Footnote 10:] 3/28/61 Internal Redevelopment Memo on Golden Gateway Disposition Agreement
[Footnote 11:] 5/26/61 Internal Redevelopment Memo of meeting between M Justin Herman and Perini
[Footnote 12:] 10/13/61 Agency letter to Perini attached to 10/18/61 notes of M Justin Herman meeting
[Footnote 13:] 7/10/62 Planning Department Conditional Use Application for shopping center
[Footnote 14:] 8/2/62 Planning Commission Resolution No. 5569
[Footnote 15:] 8/27/62 Agreement for Disposition of Land for Private Developer, see p. 25
[Footnote 16:] 7/3/63 Golden Gateway letter to Zoning Administrator
At the time of the Initial Study (12/8/07) the Redevelopment Plan was in effect for Block 171 thru 5/19/08 and for Block 168 thru January 1, 2009. At the time of the initial study the project was contemplated to be constructed while the Redevelopment Plan was in effect over part of the site. The 2002 proposal (with its associated Neg Dec) was approved by the Planning Commission as though there was no change to or effect on Redevelopment property. Had the January 2007 proposal ever been reviewed by the Redevelopment Agency as to whether it complied with the Redevelopment Plan, particularly in light of the Agency’s approval of the Golden Gate Tennis & Swim Club as part of the original Golden Gateway Redevelopment project? What was the nature of that determination? (Sue C. Hestor, Friends of Golden Gateway) [C.8.10]

I work in the Financial District and wanted to share my thoughts on the Golden Gateway recreational area. I have lived in many cities – Boston, New York, and San Diego. I have found the Financial District one of the most enjoyable places to work because of all the amenities – from the bustling commercial offices, to the retail stores, to the Ferry Building, but most importantly, to the open recreational space the city has actively preserved. I applaud San Francisco and the enlightened planners who have preserved this treasure and made this a better community to live and work in. I am a regular user (every day) of the swim and tennis facilities and it is a large part of my social community outside of work, and consider this an important reason why I work in the Financial District (despite options outside of San Francisco). As I understand it, the Golden Gateway area was intended to be preserved as recreational facility – please honor this commitment and keep San Francisco one of the best cities to work in and be a citizen of. (J. Ryan Clark) [D.8.1]

I have lived in the Financial District for the last 6 years and wanted to share my thoughts on the Golden Gateway recreational area. Although I work in Menlo Park and commute every day, there are many good reasons why my wife and I have chosen to stay where we are (Golden Gate Commons) – the vibrant financial community, shopping, Ferry Building markets and restaurants, and most importantly, the open recreational space the city has actively preserved. This area in San Francisco is incredibly unique to have preserved this open space for sports and recreation. I am a regular user of the swim and tennis facilities and it is a large part of my social community
outside of work, and consider this an important reason why I live in the Financial District (despite more convenient locations closer to my work outside of San Francisco). As I understand it, the Golden Gateway area was intended to be preserved as recreational facility – please honor this commitment and keep San Francisco one of the best cities to work in and be a citizen of.

(Aleem Choudhry) [D.10.1]

This whole plan is ridiculous. It breaks previous agreements made years ago to preserve this area as an active recreation facility in perpetuity. (Jim Oakes, Jr.) [D.13.4]

This proposed development is eligible to seek PUD approval. The Golden Gateway Center is a PUD. The GGTSC is within the existing PUD. Explain the rationale for allowing the proposed project to be built within an existing PUD without violating its original ‘…integrated units of stable and desirable character…’. Request that you include a discussion of this in the next revision of the DEIR including how the term length of an existing PUD is determined.

(William Benkavitch) [D.16.6]

5. BREAKING PREVIOUS AGREEMENTS tied to original approval by Redevelopment of the larger Golden Gateway project. The two major community benefits required by Redevelopment back then were Sidney Walton Sq. and an active recreation center (9 tennis courts, 2 swimming pools, a basketball court, etc.). Two former Redevelopment Directors and Mayor/Senator Feinstein have sent letters in the past confirming this.

Nowhere in the Draft EIR does it mention that this is now the 4th attempt to develop this site in violation of earlier public commitments to preserve it as an active recreation facility in perpetuity. You must include in the Draft EIR a summary of the 3 previous attempts (1980’s, 1990’s, early 2000’s) and why each failed. (Deborah Smith) [D.22.7]

This is the fourth attempt to develop this site since the 1980’s, in violation of earlier public commitments. What makes this application for development any different than those of the past? (Monica St.Geme) [D.31.3]

The DEIR’s description of the Golden Gateway Tennis and Swim Club as a “private athletic club” rather than a “community recreation center” is misleading and biased. An accurate and complete description of its rich history and relationship to the Golden Gateway Redevelopment Plan must be included for context. At a minimum, the following description from A Community Vision for San Francisco’s Northeast Waterfront should be added and considered in the EIR:

“The plan led to the construction of 1,400 new housing units at Golden Gateway, 3.5 million square feet of office space at the Embarcadero Center and Maritime Plaza, an 840-room hotel, and open space and recreation facilities, including Justin Herman Plaza, Sue Bierman Park/Ferry Park, Sydney Walton Square, and the Golden Gateway Tennis & Swim Club. Golden Gateway is the second largest rent controlled apartment complex in the city. Like Sydney Walton Square, the Tennis & Swim Club, constructed in 1968 and used as a health and recreation club both by immediate residents and the general public, was the result of a requirement by the Redevelopment Agency for community space. Now that the Redevelopment Area has expired, the Planning Department claims ‘any and all covenants and land use restrictions…no longer apply.’ However, letters from Mayor/Senator Feinstein (1984/2003) and Robert Rumsey (1990), Deputy Director of Redevelopment at the time the Golden Gateway Redevelopment Project was approved and built, and a recent letter (2011) from Edward Helfeld, Executive Director from 1987 to 1994, clearly state that Sidney Walton Square and the Tennis & Swim Club were supposed to remain in their current uses in
perpetuity as part of the original entitlement agreement. The original Golden Gateway Redevelopment Plan clearly shows Golden Gateway’s community recreation center.


This is the fourth attempt to build housing on this site and drastically reduce or eliminate the GGTSC. Earlier attempts were opposed by then Mayor and now Senator Dianne Feinstein (letters of May 9, 1984 and January 24, 2003.) Also opposed were the Boards and Staffs of the Redevelopment Agency. In his letter of August 8, 1990, former Executive Director Robert Rumsey notes that the land price for Gateway commons was discounted in exchange for keeping both the open space (Sidney Walton Square) and active recreation facilities (GGTSC) “in perpetuity”. As Executive Director (1987-1994) I was in total support of retaining GGTSC.

Surely, drastically eliminating most of the ground floor footprint and reducing the number of tennis courts from nine (9) to four (4), while increasing the number of dwellings (“approximately 165”) for very wealthy occupants has a significant effect on recreation opportunities. (Edward Helfeld) [D.35.2]

4) Finally, the most important is the trust of the public governance. It’s my understanding the citizens of San Francisco and the greater public at large was given promises in the original re-development plan of the Golden Gateway Center that the health and fitness club is to remain as a community benefit in order to provide a “quality of life” commitment and benefit for the public and local community at large. (Tom Verhauz) [D.41.6]

It was always my understanding that a trade-off was reached when Embarcadero Center was built. In exchange for breaking all height and square-footage limits near the waterfront, the City would maintain the existing open spaces in the Center’s vicinity forever. (Margaretta C. Kildebeck) [D.43.1]

The other ‘partner’ in this project is Timothy Foo, who bought Golden Gateway from Perini Corp. about 20 years ago. Only 20% of the 8 Washington site is on Port land, while 80% of the site is on land owned by Mr. Foo and currently occupied by Golden Gateway’s community recreation center. However, Mr. Foo’s only mention in the DEIR is in a footnote to the first sentence of the Introduction which states: “On January 3, 2007, an environmental evaluation application (EE application) was filed by San Francisco Waterfront Partners II (the “project sponsor”) on behalf of the Golden Gateway Center”. That footnote says “**Golden Gateway Center, Authorization Letter from Timothy Foo, December 27, 2006**”.

In addition to violating the original Golden Gateway development agreement that required Perini (and future owners) to preserve the recreation center in exchange for deep discounts in land prices charged by Redevelopment, for some time now Mr. Foo has also been converting rent controlled apartments in the Golden Gateway to short term rental use (e.g. on one floor of a high-rise tower, a third of the units are rented this way). These conversions have been documented by the Golden Gateway Tenants Association, the Affordable Housing Alliance and the San Francisco Tenants Union. While such conversions are not unique to the Golden Gateway Center (see attached Bay Citizen article), they are illegal and violate city zoning, rent control and apartment conversion ordinances.

The DEIR must address this issue by posing the following questions to Mr. Foo and incorporating his answers into the DEIR. He must provide this information because as the owner of 80% of the
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underlying land that comprises the 8 Washington site, he has had and continues to have a direct financial stake in this project. He must be asked the following questions:

How many of Golden Gateway’s 1,200 rental apartments are currently being used as hotel rooms and/or short-term rentals and/or rented to persons other than those using them as primary residences or directly related to the person residing there (e.g. corporations, business organizations, apartment brokers).

Has Mr. Foo consulted with either the Rent Board or the Planning Department as to the legality of his use of apartments in Golden Gateway as hotel rooms or short-term rentals under applicable city zoning codes, the San Francisco Rent Control ordinance or the city’s Apartment Conversion Ordinance? (Brad Paul) [D.53.20]

VI. THE DEIR FAILS TO DISCLOSE THAT 8 WASHINGTON IS THE FOURTH ATTEMPT TO CONVERT THE GOLDEN GATEWAY TENNIS & SWIM CLUB FROM CITY MANDATED ACTIVE RECREATION USE TO CONDOMINIUMS. IT PRESENTS VERY BRIEF AND MISLEADING INFORMATION REGARDING THE HISTORIC RECORD THAT SUPPORTS THE NEED TO PRESERVE THE CURRENT ACTIVE RECREATION FACILITIES ON THE SITE IN PERPETUITY.

The DEIR addresses this issue very briefly in a footnote on page II.3 that states:

2 The original development agreement governing the Golden Gateway Center Lots required the developer to provide non-profit community facilities as part of the overall development with the Golden Gateway Center. In Section 4 (a) of the Agreement for Disposition of Land for Private Development (“Agreement”) between Perini-San Francisco Associates (the “Developer’) and the Redevelopment Agency, dated August 27, 1962, the Developer agreed to maintain “community facilities of a permanent nature... designed primarily for use on a nonprofit basis” (page 25 of the Agreement). Subsequent to the Agreement, the Agency and Golden Gateway Center (the successor to the Developer) entered into a Second Supplement and Amendment to the Agreement (“Second Supplement”) on March 14, 1976. Section 1(d) of the Second Supplement deleted Section 4(a) of the agreement (page 12 of Second Supplement) and thereby removed the requirement to maintain community facilities on the property in exchange for the dedication of Sydney Walton Park for perpetual use as a public park.

This interpretation of those documents contradicts evidence previously submitted by individuals with intimate knowledge of the Golden Gateway redevelopment agreements. Those comments are attached as:

Exhibit A: A May 9, 1984 letter from then Mayor Dianne Feinstein that begins: “As a supervisor and as mayor, I have a long history with the redevelopment plan and agree with those who maintain that this site has always been considered set aside for recreation and open space.”

Exhibit B: An August 8, 1990 letter from Robert Rumsey to then redevelopment director Ed Helfeld that states:

“I happened to be Deputy Director of Redevelopment in the late 1950’s and early 1990’s when the Golden Gateway redevelopment plan was adopted by the city and when Perini Corp. was subsequently selected as the developer of the Golden Gateway over eight other competitors... I feel it is important to place on the record the view of the staff and commissioners of the agency at the time of selection: The provision of that open space and recreational space was a significant
factor in the selection of the Perini proposal. And clearly, the space was presumed to be kept that way in perpetuity” (underlining is Mr. Rumsey’s).

Exhibit C: A January 24, 2003 letter from Senator Dianne Feinstein reiterating that:

“I have a long history with the redevelopment area at Washington and Drumm Streets and concur with those who believe this space was intended for recreation and open space. Please oppose further development of the Golden Gateway Tennis & Swim Club.”

These letters came in reaction to THREE previous unsuccessful attempts to develop the Golden Gateway Recreation Center as condominiums. Those attempts included:

1. Perini Corp. (early 80’s). The original developer of Golden Gateway project proposed replacing the Golden Gate Tennis & Swim Club (GGT&SC) with a 9-story condominium project, in violation of its original approvals for the larger project that called for the GGT&SC to serve as one of two major community benefits (along with Sidney Walton Sq.) in perpetuity. NOTE: This took place after the Second Supplement and Amendment to the Agreement referenced in Footnote 2 (above) was executed. Clearly, then Mayor Feinstein, had a very different interpretation of the Second Supplement than that of the author of Footnote 2 when she says in her letter that “I agree with those who maintain that this site has always been considered set aside for recreation and open space.”

2. Perini Corp. (early 90’s). Again the owners of the Golden Gateway proposed replacing the project’s active recreation center with a condo project. This time, a letter from former Redevelopment Director Robert Rumsey date 8/8/90 provides extensive evidence that the interpretation of events contained in Footnote 2 is neither complete nor accurate. His detailed first hand description of that transaction which took place in the 1970’s is quite instructive. In addition to his comment that:

“I feel it is important to place on the record the view of the staff and commissioners of the agency at the time of selection: The provision of that open space and recreational space was a significant factor in the selection of the Perini proposal. And clearly, the space was presumed to be kept that way in perpetuity”

his letter states that “if it is now proposed that there is a loophole permitting that space to be invaded by condominiums, I would consider that to be most unfortunate for the city” and describes the land use negotiations that allowed Perini to substitute 155 low-rise condos for the four remaining high-rise rental towers that were suppose to be built as Phase III of the redevelopment plan. According to Rumsey, the agency finally, “albeit reluctantly” agreed to let Perini make this change “because some seven years had elapsed since completion of Phase II and there was otherwise no prospect for building on those long-barren blocks”.

Rumsey then states that the Agency’s October 28, 1975 minutes show the debate over what the Agency should charge Perini for the land that made up Phase III (now Gateway Commons condominiums), which focused on “whether it should be $8.45 a square foot, the price established 15 years earlier, or a more realistic 1975 price of $15-$20 a square foot”. He then states:

“My new successor, Arthur F. Evans, said he might agree with the higher number if the land was offered without restrictions, such as requirements of open space. And he added: Amenities such as Sidney Walton Square and the Golden Gateway tennis courts were on land that was not income producing, and since no one could build highrise buildings on this area, its value could be considered zero.”
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As a result of this discussion, according to Rumsey, “Evans and the commission agreed to hold the land sales price to the original $8.45 a square foot, as the agency continued to view the open and recreation space to be in perpetuity.”

Based on Rumsey’s letter and substantial community opposition, this second attempt to replace the GGT&SC was defeated.

3. John Hamilton, developer (2003-04). In the mid-90’s Perini sold Golden Gateway to Tim Foo and a group of investors. In 2003, developer John Hamilton proposed another condo tower on the site. Senator Feinstein’s January 24, 2003 letter was responding to that proposal. After reiterating her conclusion that “this space was intended for recreation and open space”, she goes on to say, “increasing the height of the Club would drastically change the picturesque panorama of the Bay and would create shadow effects on the newly constructed Embarcadero. Further, development of more residential units would increase traffic noise and pollution, and disregard the original understanding between City officials and area residents that open space and recreational amenities should be preserved.”

4. Current 8 Washington Street/SWL 351 proposal is the 4th Attempt (2006-present) to develop condos on this site and demolish the Golden Gateway’s active recreation center, a facility that’s successfully fulfilled its intended purpose for almost 50 years.

In his written comments on 8 Washington’s DEIR dated August 11, 2010, Mr. Edward Helfeld, Director of the Redevelopment during the second attempt to demolish the Golden Gateway Tennis and Swim Club speaks to the original purpose of the facility, how successfully it has served San Francisco’s recreation needs for over four decades and how relatively inexpensive it is compared to other tennis facilities in the city. He also wrote that “As Executive Director (1987-1994) I was in total support of retaining Golden Gateway Tennis and Swim Club”.

Any public official or member of the general public reading the current DEIR would have no knowledge of these three previous attempts to build on this site, their outcome and the role former city officials have played in confirming that the Golden Gateway active recreation center was meant to be preserved as an active recreation center in perpetuity. The Comments and Responses to the DEIR must include this historic information.

[Footnote 2:] Page II.3 of the DEIR for the 8 Washington Street/Seawall Lot 351 Project. (Brad Paul) [D.53.30]

There are numerous other mis-statements and flaws in the DEIR regarding the impacts of this project that contravene the public interest, such as:…

- the violation of previous commitments and agreements regarding development of this neighborhood site, which have pledged to preserve an active recreation facility in perpetuity; (George T. Haymaker, Jr.) [D.56.11]

5. BREAKING PREVIOUS AGREEMENTS tied to original approval by Redevelopment of the larger Golden Gateway project. The two major community benefits required by Redevelopment back then were Sidney Walton Sq. and an active recreation center (9 tennis courts, 2 swimming pools, a basketball court, etc.). Two former Redevelopment Directors and Mayor/Senator Feinstein have sent letters in the past confirming this.

Question: If we can’t rely on the city to honor past community benefit agreements, how can we trust more recent agreements for Hunters Point Shipyard or Treasure Island?
Comment: *Nowhere in the Draft EIR does it mention that this is now the 4th attempt to develop this site in violation of earlier public commitments to preserve it as an active recreation facility in perpetuity. We should insist that the revised Draft EIR include a summary of the 3 previous attempts (1980’s, 1990’s, early 2000’s) and why each failed.* (Mary Pecci) [D.58.7]

Response

Several comments state that the project site is subject to restrictions that limit the use of the project site to open space or recreational uses, and that the EIR fails to identify such restrictions. Chapter III, Plans and Policies, EIR pp. III.1-III.9, identifies the land use regulations applicable to the project site, which currently permit the project site to be developed with residential and commercial uses. No land use regulation exists that restricts the use of the project site to recreational or open space uses. Objections to the characterization of the existing athletic club facility on the project site as a “private club” are addressed under subheading “Public and Private Recreational Facilities” beginning on C&R p. III.M.50.

The privately owned portion of the project site was first designated for residential use in the 1958 enactment of the Golden Gateway Redevelopment Plan (the “Redevelopment Plan”) and that designation remained unaltered despite several later-enacted amendments. The Redevelopment Plan expired in its entirety on January 1, 2009. Therefore, the Redevelopment Plan’s land use controls are no longer in effect. The San Francisco Planning Code now provides the applicable land use controls for the project site. The Planning Code designates the project site as RC-4 (Residential Commercial Combined, High Density), which permits high-density residential dwellings with supporting commercial uses. There are no deed restrictions, covenants, conditions and restrictions, or other land use controls that restrict the use of any portion of the project site to recreational or open space uses.

Several comments suggest that, although the project site is not zoned or legally restricted to recreational use, the Redevelopment Agency intended that the project site be restricted to recreational uses when the Redevelopment Agency selected the Perini Corporation’s proposal to redevelop Golden Gateway over other competing submissions, because the Perini Plan provided for recreational uses.

Other comments state that the project site is required to be maintained as recreational facilities pursuant to a deleted provision in the Agreement for Disposition of Land and for Private Development dated August 27, 1962 between the Redevelopment Agency and Perini, which is now expired.

As noted on EIR p. III.1, CEQA Guidelines Section 15125(d) requires an EIR to discuss potential conflicts with applicable local and State plans and policies. Policy conflicts do not in and of themselves, indicate a significant environmental effect except to the extent that physical environmental impacts may result from such conflicts. The materials cited in the comments do
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not cite to applicable plans or policies within the meaning of CEQA Guidelines Section 15125(d). The comments relate to an expired Redevelopment Plan and contractual arrangements between the former project developer and the Redevelopment Agency that are no longer in effect. To the extent the proposed project could have an environmental impact related to recreation, those impacts are analyzed in the EIR in the specific topical section. However, because the comments evidence an interest in the development history of the Redevelopment Plan area, this response presents a brief chronology of the relevant facts, based on a review of the relevant documents made available.

The files available for review do not include the original Perini proposal that was submitted to the Redevelopment Agency. However, the August 1, 1960 Architectural Advisory Panel, Evaluation Report, Redevelopment of Golden Gateway, p. 39, shows that the proposal that the Perini Corporation submitted proposed surface parking lots on the project site rather than recreational or open space. For the purpose of this response, the “Perini Plan” shall mean the Perini Corporation’s proposal as set forth in the August 1, 1960 Architectural Advisory Panel, Evaluation Report, Redevelopment of Golden Gateway. (See 8/1/60 Architectural Advisory Panel, Evaluation Report, Redevelopment of Golden Gateway, p. 39.) An October 5, 1960 press release from the Redevelopment Agency announcing the selection and approval of the Perini Plan, which was cited in a comment, included a description of the proposed development plan, and the term “recreational facilities” is mentioned only once in noting that recreational facilities would be located on the present location of One Maritime Plaza. Furthermore, the October 5, 1960 press release explained that the Perini Plan had been selected among the other proposals because “the outstanding attribute of the winning design is its provision for a block-sized central park [Sydney Walton Park] which provides a focus for the entire residential development.” In sum, it appears from available documents that at the time the Perini Plan was selected, the project site was designated as a parking lot, not for recreational uses or any other uses.

In a September 22, 1960 letter to the Redevelopment Agency, Perini outlined a number of proposed modifications that it wished to make to the original Perini Plan, including providing “$1,000,000.00 for community facilities for the residential area” which Perini would maintain and “at a quality level in keeping with the nature of the entire project.” This provision was incorporated into the Agreement for Disposition of Land and for Private Development dated August 27, 1962 that was subsequently entered between Perini and the Redevelopment Agency (“Disposition Agreement”). Section 4(a) of the Disposition Agreement required that Perini build “[c]ommunity facilities of a permanent nature and at a cost of approximately $1,000,000.00 designed primarily for use on a non-profit basis.” Section 4(a) stated that such community facilities could include “a community hall, meeting rooms, hobby room, indoor gymnasium facilities, squash and handball courts, showers and steam baths, dressing rooms, swimming pools, tennis and badminton courts, museum and art exhibits hall, a concert pavilion, community theatre, nursery school, elementary school, sunning area, skating rink, playground and associated
food and beverage service facilities, and or multipurpose areas or structures oriented toward similar uses.” Furthermore, Section 4(a) required Perini to maintain the community facilities for a period of 30 years and be “designed primarily for use on a nonprofit basis.”

Comments stating that the project site is required to be used for recreational purposes or as a tennis and swim club appear to be based on the provision in the Disposition Agreement requiring “community facilities.” However, while the Disposition Agreement included a requirement for community facilities, the Disposition Agreement did not specify what form such facilities should take or where they should be located. Comments cite to numerous letters and memorandums between the Redevelopment Agency and Perini that indicate that parties eventually reached agreement that construction of the tennis and swim club on the project site would satisfy the community facilities requirement in the Disposition Agreement, and construction of the tennis and swim club was completed in 1968.

The Redevelopment Agency, however, deleted the requirement to construct and maintain the “community facilities” in the Second Supplement and Amendment to Agreement for Disposition of Land for Private Development dated March 24, 1976. Thus, as of March 1976, no applicable zoning regulation, plan, policy, or contractual obligation required the Developer to provide or maintain community facilities. A memorandum dated October 17, 1975 from Arthur F. Evans, Executive Director of the Redevelopment Agency, indicates that the community facilities requirement was eliminated from the Disposition Agreement on the condition that the Golden Gateway Center dedicate Sydney Walton Square for perpetual use as a public park. The Redevelopment Agency had previously conveyed Sydney Walton Square to Perini pursuant to the Disposition Agreement subject to the condition that Sydney Walton Square be used as a park only until 1992, after which time Perini could further develop the park site. The March 24, 1976 amendment to the Disposition Agreement ensured that Sydney Walton Park would remain a publicly accessible park in perpetuity.

Although the contractual requirement to provide community facilities was deleted from the Redevelopment Plan, the proposed project would continue the use of the project site for recreation by providing an expanded and improved health club. The proposed project would also provide two new permanent public parks – Jackson Common and Pacific Avenue Park – which would provide new opportunities for passive recreation to the public and new view corridors to the waterfront and the Bay. The project would result in a reduction in the number of tennis courts. The reduction in the number of tennis courts is analyzed in Section IV.H, Recreation, on EIR pp. IV.H.12-IV.H.15, and was found not to be a significant impact.

Former Plans and Policies

Several comments suggest that the Golden Gateway Redevelopment Area was created as a “planned community” and that the Draft EIR should acknowledge and explain the “planned”...
nature of the Golden Gateway Redevelopment Area. As discussed on EIR p. III.3, portions of the project site were part of the former Golden Gateway Redevelopment Area and developed pursuant to the Redevelopment Plan.

Whether the Golden Gateway Redevelopment Area represents a “planned community” is not pertinent to the CEQA analysis of the proposed project, as the Redevelopment Plan has expired and therefore does not represent an applicable local and state plan and policy. CEQA Guidelines Section 15125(d) requires an analysis of potential impacts with existing rather than former applicable local state plans and policies.

**Planned Unit Development**

One comment requests information on the impact of a previous Planned Unit Development (PUD) permit on the proposed project. This comment appears to relate to the Planning Commission’s approval of a Conditional Use/PUD permit on August 2, 1962 (Resolution No. 5569) which authorized 75,000 square feet of commercial use in the residential areas of the Golden Gateway Redevelopment Area. On October 22, 2003, the Zoning Administrator issued a Letter of Determination regarding the impact of this PUD on potential development of the project site. The Zoning Administrator found that an application to develop the project site may be filed independently as a stand-alone project, meaning that the previously approved PUD had no effect on new development on the project site, and that no amendments to any previously approved PUDs relating to the Golden Gateway Redevelopment Plan were required in connection with development of the project site.

**Housing for Middle-Income Residents**

Some comments note that Golden Gateway was designed to provide housing affordable to middle-income persons and that the proposed project would provide luxury housing and result in economic gentrification. The cost of housing is considered an economic or social effect. Section 15131(a) of the CEQA Guidelines states that “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

The record does not contain evidence indicating that the cost of the housing units within the proposed project would result in economic or social changes within the neighborhood that could cause a physical change in the environment. The Planning Department and Redevelopment Agency documents show that while providing housing to affordable middle-income persons may
have been one of the goals of the Golden Gateway redevelopment project, it was understood that the project would also result in the construction of luxury units. For example, the August 1, 1960 Architectural Advisory Panel Evaluation Report of the submissions for the proposed Golden Gateway residential project noted that “[t]here is some concern over the advisability of providing for so many luxury apartments with such high rentals.” Moreover, the rental rates and sales prices of units have not been restricted to below-market-rate levels, such that the existing units are rented and sold at market rates rather than below-market rates.

A representative survey of housing prices in the area shows that the proposed project would not result in significant disparities in housing prices in the area. While many existing rental units are subject to rent control, which keeps prices below-market for long-term tenants, rental prices for vacant units in the Golden Gateway Apartments average between $2,000/month (for studio units) and more than $3,300/month for larger units. Condominium prices for units currently for sale within the Golden Gateway Commons are generally between $1 million to more than $2 million per residential unit. While the average sale price of units within the proposed project may be somewhat higher than adjacent units, there is no evidence the price disparity would be so great as to cause economic or social changes within the neighborhood that could cause a physical impact on or divide an existing community.

Previous Proposals to Develop the Project Site

Some comments state that the EIR should explain that the proposed project is the fourth proposal to develop condominium units on the project site. While the past history of development attempts on the site is not relevant to analysis under CEQA, this comment is noted. It is also noted that letters cited in comments from Diane Feinstein in 1984 and 2003 and from Robert Rumsey in 1990 were in response to these prior proposals that are no longer under consideration.

Illegal Renting for Vacation Use

Several comments state that the EIR should address any potential practices of the existing Golden Gateway Center apartment complex of renting apartments for short-term rentals or as hotels. The existing rental practices of the Golden Gateway Center apartments are neither an existing physical condition of the environment nor a potential environmental impact of the proposed project and would not be an appropriate subject for discussion in the EIR.

Compliance with Redevelopment Plan

One comment questions whether the project as proposed in the 2007 Initial Study had been reviewed by the Redevelopment Agency to determine if complied with the Redevelopment Plan. The Redevelopment Plan called for residential use at the 8 Washington Street project site. In any event, as previously noted, the Redevelopment Plan has expired and no longer has any
force and effect. Furthermore, while the Redevelopment Plan was in effect for Block 171 through May 19, 2008 and for Block 168 through January 1, 2009, the Redevelopment Plan’s land use controls had expired in the 1990s and were not applicable to the project site at the time of the 2007 Initial Study. While the Port consulted with the Redevelopment Agency with respect to the proposed project as appropriate while the Redevelopment Plan remained in effect, the Redevelopment Agency no longer retains jurisdiction over the proposed 8 Washington Street project.

PUBLIC TRUST DOCTRINE

Comments

The 8 Washington development proposes to swap Seawall Lot 351 for a small triangle of unused land at the Northern portion of the Golden Gate Recreation Facility. This swap has no public benefit and is simply a work-around to meet a developer’s wishes. The DEIR is incomplete and deficient on this subject. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.18]

Because a key part of the site is located on Seawall Lot 351, which is under the Public Trust, State Lands Commission approval is necessary for this project to go forward. DEIR II.24. As a state agency they will consider information in the EIR as part of their review and approval process. But the State Lands Commission is not listed in the DEIR text as a body that was consulted in the preparation of the EIR, nor are they on the list of Persons Consulted on DEIR Preparation. VII 1-3.

The sponsor proposes a land swap so that majority of SWL 351, which will be developed as housing (NOT an allowable use under the Public Trust -II-5) will be swapped for other portions of the 8 Washington site. III-11. Please confirm that PWP and the Port are not considering state legislation to remove the trust. What discussions have been held between the Port, the City and/or any aspect/agent of project sponsor with State Lands regarding a potential swap of land?

Please provide a map/plan showing the proposed land swap area (similar to Figure II-8 - Proposed Ground Floor Plan) delineating (a) the area of SWL 351 proposed to be relieved of the Public Trust via a Public Trust Exchange Agreement (p. II.23) and (b) the open space and restaurant use areas proposed to have the public trust imposed on them. Are the spaces those described on II.18 (Jackson Common, Pacific Avenue Park, Drumm pedestrian walk) shown on II.6 the ones to have the public trust applied to them? Are there any easements that benefit the buildings adjacent to the Drumm pedestrian area that would affect transfer of Drumm? Apply the shadow analysis in IV.G (and also any wind analysis - yet to be done) to the proposed areas - so that State Lands can determine the quality of the new area under the public trust. Does so-called “private” recreational use (e.g. the tennis courts) meet the public benefit standards of the public trust?

Please note the State Lands Commission requirement that the value of the site acquired be equal to or of greater value that the land encumbered by the Public Trust. (III.10) (Sue C. Hestor, Friends of Golden Gateway) [C.8.1]

Port Commission:
• What portions of Seawall Lot 351 will be retained by the Port?
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   • What improvements will be “developed and operated” by the project sponsor on those portions of Seawall Lot 351 to be retained by the Port? (Jon Golinger, Telegraph Hill Dwellers) [C.10.26]

   Port Commission/State Land Commission:
   • Were those areas within the former Pacific Avenue and Jackson Street public rights-of-way (now a part of the project site) officially vacated by the City at the time the Redevelopment project was approved?
   • Will public trust limitations be placed on any of the open space that is included in the “Residential Open Space” areas described on page II.18 of the DEIR? Specifically, will public trust limitations be placed on any of the proposed 14,900 sq. ft. of “private open space”? Will public trust limitations be placed on any of the proposed 8,700 sq. ft. of “common open space”?
   • Provide a figure showing the open space areas upon which the public trust limitations will be placed.
   • Explain how public trust limitations can be placed on restaurant uses when there are going to be residential uses above and in the same building. Cite precedents for imposing trust limitations in this manner. (Jon Golinger, Telegraph Hill Dwellers) [C.10.28]

   According to the DEIR, “[t]he project sponsor proposes to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue, and Drumm Street) with the portion of SWL 351 south of the former Jackson Street right-of-way that would be occupied by residential and other non-trust development.” This information is insufficient to provide for an adequate understanding of the project sponsor’s proposed public trust exchange. The DEIR should include a new figure showing all of the following areas on a detailed sketch of the proposed project on the project site:
   • The privately owned portions of Blocks 168 and 171, and of former street rights-of-way along Jackson Street, Pacific Avenue and Drum Street (not currently subject to the public trust) that are proposed for exchange into trust.
   • The specific area of SWL 351 that would be exchanged out of the public trust.
   • The specific area of SWL 351 that would remain in the public trust.
   • The specific area of SWL 351 that would be occupied by residential and other non-trust development.
   • All open space areas upon which the public trust limitations will be placed.
   • Any developed areas upon which the public trust limitations will be placed.

   The DEIR states that among the property to be transferred into the public trust would be “widening of the existing Drumm Street pedestrian walkway.” How does the project’s proposed use of the Drumm Street elevation for the project’s trash area and loading zones (uses which require curb cuts and access over the sidewalks) conflict with the transfer of this “sidewalk” into the public trust? (Jon Golinger, Telegraph Hill Dwellers) [C.10.34]

   Another area of concern is the lack of discussion about the fact that Seawall 351 is subject to the Public Rights doctrine which obligates that Port to utilize the property for a public use. I do not believe that the development by a private entity for its economic benefit on Seawall 351 meets the requirements of that Doctrine and I do not believe, absent an action by the California Legislature, that the Port has the authority to allow this project to go forward. (Paul Renne) [D.14.8]
Response

One comment states that the EIR lacks a discussion of the fact that Seawall Lot 351 is subject to the “Public Rights Doctrine.” This response construes this comment to mean the Public Trust Doctrine. The Public Trust Doctrine is discussed in Chapter II, Project Description, on EIR pp. II.3-II.5, as an applicable land use control on Seawall Lot 351. Chapter II also identifies a number of approvals required to lift the public trust use limitations on Seawall Lot 351 through a trust exchange agreement under which a portion of 8 Washington at least equal to Seawall Lot 351 in area and value would be impressed with the public trust. The Public Trust Doctrine is also discussed in greater detail in Chapter III, Plans and Policies, on EIR pp. III.10-III.11.

EIR pp. III.10-III.11 provide a detailed description of the public trust doctrine, the details of the proposed trust exchange, the existing legislative authority for the Port to effect a trust exchange and the requisite findings to be made by the Port Commission and State Lands Commission in order to approve the trust exchange. The proposed trust exchange is not inconsistent with provisions of the Burton Act (as amended by Chapter 310, Stats. 1987) that allow for a public trust exchange subject to the Port Commission and State Lands Commission making the requisite findings. Therefore, no additional state legislative action is contemplated in connection with the trust exchange.

Factors to be considered by the State Lands Commission in approving the public trust exchange include a finding that the lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged. The Port and the project sponsor would be required to provide the State Lands Commission with appraisals of the trust exchange lands in order to satisfy this finding. Because the land area to be exchanged into the public trust is adjacent to and would exceed the land area to be exchanged out of the public trust by approximately 825 square feet, it is anticipated that this finding would be met.

The trust exchange also requires a finding that no substantial interference with trust uses and purposes would ensue by virtue of the exchange. While the State Lands Commission is the final arbiter of this test, the reconfiguration of the trust occurring as a result of the trust exchange would actively promote recognized trust purposes of physical and visual public access to the waterfront and recreation, as well as allow for visitor-serving commercial uses within the café that fronts the proposed Pacific Avenue Park.

The public trust restrictions would not apply to any of the privately owned property and on-site uses, including the rebuilt Golden Gateway Tennis and Swim Club, the residential buildings, and their associated privately owned and maintained amenities (such as private open space and residential parking). In addition, the restaurant proposed within the residential building at the corner of The Embarcadero and Washington Street and the proposed café fronting Pacific Avenue Park, while not restricted to public trust uses, would be open to the general public and be visitor-
serving uses promoting public trust purposes. The pedestrian improvements adjacent to the Drumm Street right-of-way between Jackson Street and Pacific Street are not included within the proposed public trust exchange at this time; therefore, no existing easements within that area would be affected by the trust exchange. After the public trust exchange is effected, the Port would own all public trust lands within the project, including the proposed Pacific Avenue Park, Jackson Common, and smaller publicly accessible open spaces within the project site. It is contemplated that the Port would enter into a management agreement or other binding arrangements with the project sponsor for public trust lands for use, operation and maintenance as public open space with ancillary public trust uses such as the Pacific Avenue Park café as identified in Chapter II, Project Description, on EIR p. II.14.

The Port and the project sponsor have met throughout the planning process with State Lands Commission staff to discuss details of the proposed trust exchange. The proposed trust exchange discussed with the State Lands Commission staff and described in Chapter III.B, State Plans and Policies on EIR pp. III.10-III.11, is shown in more detail on new Figure III-3: Public Trust Diagram. New Figure III-4: Ownership of Project Components shows the public and private ownership of the project components after the exchange has been completed. New EIR Figures III-3 and III-4 are shown on the following pages.

The text of Chapter II, Project Description, and Chapter III, Plans and Policies, is revised to include additional information about the public trust and the proposed public trust exchange, and to introduce the new EIR figures, as described below.

The following sentence about new Figures III.3 and III.4 is added to the end of the partial paragraph at the top of p. II.5:

The public trust land exchange proposed to allow for development of SWL 351 is described in detail in Section III.B, and the proposed trust exchange and new public and private ownership of the project components after the exchange is complete are shown in Figures III-3 and III-4.

The first full paragraph on EIR p. III.7 is revised and divided into four separate paragraphs, as follows (new text is underlined):

Seawall Lot 351 is within the Ferry Building Waterfront Subarea of the Port of San Francisco Waterfront Land Use Plan. This area extends from Pier 5 to the Agriculture Building and includes Piers 1/2, 1, 1-1/2, and 3, the Ferry Building, and Ferry Plaza. Land uses identified as acceptable on Seawall Lot 351 include residential, open space, parking, retail, and recreational (among others).

The Waterfront Land Use Plan recognizes that new residential uses would require the public trust to be removed from Seawall Lot 351 so that housing can benefit the trust by enlivening the waterfront on a 24-hour basis and providing a mix of users. In addition, revenue generated by non-trust uses can be used to further public trust purposes such as the development of public open space and public access.
PRIVATE USE COMPONENTS OF THE PROJECT ON PRIVATE PROPERTY

PUBLIC USE COMPONENTS OF THE PROJECT UNDER PORT JURISDICTION

PRIVATE USE COMPONENTS OF THE PROJECT ON PRIVATE PROPERTY

PUBLIC USE COMPONENTS OF THE PROJECT ON PRIVATE PROPERTY

8 Washington

Golden Gateway Swim and Tennis Club

Jackson Commons

Pacific Avenue Park

SOURCE: San Francisco Waterfront Partners

(NEW) FIGURE III-4: OWNERSHIP OF PROJECT COMPONENTS
The project sponsor proposes a public trust exchange under which a portion of 8 Washington not currently subject to the public trust would be exchanged for a portion of Seawall Lot 351. Residential components of the proposed project would be constructed on the reconfigured parcel that is not subject to the public trust. The proposed public trust exchange is discussed in Section III.B.

The Waterfront Design & Access Element is a component of the Waterfront Land Use Plan, and is intended to guide the physical form of waterfront revitalization. The element provides policy for the preservation and development of public access and open space, views, and historic resources, as well as architectural design criteria that will be applied to new development. New text is added after the last paragraph on EIR p. III.7, and a new Footnote 3 is added to that page as follows:

The Port issued a Request for Proposals for the development of Seawall Lot 351 in November 2008, stating development objectives drawn from the Waterfront Land Use Plan and the Waterfront Design & Access Element. The extensive public process leading up to the Port’s solicitation of a developer for Seawall Lot 351 and considerations for the Port Commission’s selection of the project sponsor for exclusive negotiations are described in detail in Port staff reports. (Footnote)


The text on EIR pp. III.10-III.11 is revised, as follows (new text is underlined, deleted text is shown in strikethrough):

TIDELANDS TRUST AND STATE LANDS COMMISSION

Seawall Lot 351 is subject to the common law public trust doctrine, as well as the terms and conditions of the Burton Act, which is the trust grant from the State to the City (sometimes referred to collectively as the “public trust”). The public trust doctrine as developed in California limits uses of trust lands to those that are water-dependent or water-related, including commerce, fisheries, navigation, environmental preservation, and recreation. Ancillary or incidental uses that directly promote trust uses, are directly supportive and necessary for trust uses, enhance natural resources, or that accommodate the public’s enjoyment of trust lands are also permitted, such as hotels, restaurants, shops, and parking areas. Non-water-oriented private uses such as general office and residential uses are not considered public trust uses. The public trust use limitations are also incorporated into the Burton Act. The Burton Act is the legislative grant that authorized the transfer of San Francisco’s submerged and filled tidelands from the State to the City,
and sets forth the terms under which the property is to be held in trust by the San Francisco Port Commission.

The Waterfront Land Use Plan allows for certain non-trust uses on seawall lots, including residential use on Seawall Lot 351, if the Port determines the lots are surplus to the trust and public trust land use restrictions are removed. The removal of the trust can be accomplished by an exchange for other non-trust property of equivalent value, or a State legislative action. If an exchange were used, the Port would enter into an exchange one or more agreements with the State Lands Commission and the project sponsor that provides for conveyance of a portion of Seawall Lot 351 to the developer and for conveyances of private property not subject to the public an alternative trust parcel to the City (to be held by the Port subject to the public trust). This process would require approvals by the Port Commission, San Francisco Board of Supervisors, and State Lands Commission. The State Lands Commission is authorized to approve a public trust exchange to lift the public trust pursuant to Chapter 310, Stats. 1987 upon the following findings:

- The lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged;
- SWL 351 has been filled and reclaimed;
- SWL 351 is cut off from access to the waters of San Francisco Bay;
- SWL 351 constitutes a relatively small portion of the lands granted to the City and County;
- The portion of SWL 351 to be exchanged is no longer needed or required for the promotion of the public trust for commerce, navigation and fisheries or the statutory trust; and
- No substantial interference with the trust uses and purposes will ensue by virtue of the exchange.

Such an exchange would be considered consistent with applicable public trust principles.

The project sponsor proposes to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue, and Drumm Street) with the portion of SWL 351 Seawall Lot 351 south of the former Jackson Street right-of-way that would be occupied by residential and other non-trust development. The property that would be transferred into the public trust would become new publicly accessible open space (Jackson Common and Pacific Avenue Park, and a widening of the existing Drumm Street pedestrian walkway). The proposed exchange would likely satisfy the requirements of Chapter 310, Stats. 1987, because portions of Seawall Lot 351 that the project sponsor proposes to be exchanged out of the trust (1) have been filled and reclaimed, (2) are located across The Embarcadero from the Bay and no longer have direct access to the Bay, and (3) are a small fraction of the Port’s overall trust holdings. In addition, an appraisal must show that the lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged. The State Lands
Commission must also find that the lands are not needed or required for promotion of the public trust, and that no substantial interference with the trust uses and purposes will ensue.

The property proposed to be exchanged into the public trust and the property proposed to be exchanged out of the public trust are shown in more detail on Figure III-3: Public Trust Diagram. Figure III-4: Ownership of Project Components, shows the public and private ownership of the project components after the exchange has been completed. According to the project sponsor’s calculations, the land area to be exchanged into the public trust would exceed the land area to be exchanged out of the public trust by approximately 825 square feet. The project sponsor has commissioned appraisals of the exchanged parcels to be prepared in conformance with the Uniform Standards of Professional Appraisal Practice by a member of the Appraisal Institute.

The Burton Act specifies the conditions on which a public trust exchange may be approved without the need for legislation. Public trust exchanges may be effected through a two-stage process under this authorizing statute.

First, the City (acting through the Port Commission) must find that:

- Seawall Lot 351 has been filled and reclaimed;
- Seawall Lot 351 is cut off from access to the waters of San Francisco Bay;
- Seawall Lot 351 constitutes a relatively small portion of the lands granted to the City and County under the Burton Act;
- The portion of Seawall Lot 351 to be exchanged is no longer needed or required for the promotion of the public trust for commerce, navigation, and fisheries or the Burton Act trust;
- No substantial interference with the trust uses and purposes would ensue by virtue of the exchange; and
- The lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged and would be useful for the trust purposes authorized by the Burton Act.

If the Port Commission makes those findings, the matter is submitted to the State Lands Commission for its determination.

Second, the State Lands Commission must review and approve appraisals of the exchange parcels, including the valuation methodology and value conclusions, and find that:

- The property to be exchanged into the public trust has a value equal to or greater than the value of the property to be exchanged out of the public trust;
- The portion of Seawall Lot 351 to be exchanged out of the public trust has been filled and reclaimed;
- The portion of Seawall Lot 351 to be exchanged out of the public trust is cut off from access to the waters of San Francisco Bay;
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- The portion of Seawall Lot 351 to be exchanged out of the public trust constitutes a relatively small portion of the lands granted the City and County under the Burton Act;
- The portion of Seawall Lot 351 to be exchanged out of the public trust is no longer needed or required for the promotion of the public trust for commerce, navigation, and fisheries, or for the Burton Act trust; and
- The exchange will not cause substantial interference with public trust uses.

In addition to maritime uses and maritime-serving uses, recognized public trust uses include the operation of public buildings and visitor-serving parks, playgrounds, public educational facilities, and recreational facilities, the rehabilitation of historic maritime facilities in accordance with the Secretary of the Interior’s Guidelines for the Treatment of Historic Properties, visitor-serving retail, and physical and visual public access to San Francisco Bay.

If the public trust exchange occurs, the Port would own all of the reconfigured public trust property within the project. The Port would enter into a long-term management contract or other binding arrangement with the project sponsor for the use, operation, and maintenance of the public property, including the public garage, the open public space, and ancillary public trust uses such as the Pacific Avenue Park café fronting Pacific Avenue Park as identified in EIR Chapter II, Project Description. The project sponsor would also be responsible for designing, constructing and maintaining the public open space improvements and widening the sidewalk along a portion of the west side of The Embarcadero that abuts the proposed project. Through these uses and improvements, the proposed trust exchange would promote recognized public trust purposes of providing enhanced pedestrian and visual public access to the waterfront, and create new visitor-serving commercial uses such as the Pacific Avenue Park café.

The private residential and associated uses on the project site, other than the Pacific Avenue Park café which would be leased by the Port as described above, would be on property that is not subject to the public trust, including the rebuilt Golden Gateway Tennis and Swim Club, the residential buildings, and their associated privately owned and maintained amenities (such as private open space and residential parking). While the restaurant proposed within the residential building at the corner of The Embarcadero and Washington Street would not be on public trust property or subject to the public trust, the use would promote public trust purposes. The uses on the private parcels would not substantially interfere with public trust uses. The pedestrian improvements adjacent to Drumm Street are not included within the proposed public trust exchange. As such, no existing easements within that area would be affected by the trust exchange.

The Exclusive Negotiation Agreement between the Port and the project sponsor requires the project sponsor to consult with and obtain a determination by the State Lands Commission or by state legislation that the project (including the proposed public trust exchange) is consistent with the public trust before the Port Commission would consider approving the portion of the project on Port property. The project sponsor and Port staff have begun the consultation process and provided materials, including public trust exchange maps such as Figure III-3 and preliminary concept drawings, to State Lands Commission staff regarding the proposed trust exchange.
Under CEQA, the lead agency must comply with certain notice and consultation requirements for applicable responsible and trustee agencies, which would include the State Lands Commission for this project. The City, as lead agency, complied with these requirements by submitting the Notice of Preparation of an EIR and the Initial Study to the State Clearinghouse, as required under CEQA Section 21080.4(a), and by submitting the Notice of Completion of the Draft EIR and copies of the Draft EIR to the State Clearinghouse as required by CEQA Guidelines Section 15205. In both cases, the State Lands Commission was identified as one of several agencies that should receive copies from the Clearinghouse, the agency with the responsibility for distributing CEQA documents to reviewing agencies.

The rights-of-way of the former Jackson Street and Pacific Avenue that lie within the project site were vacated in connection with the Golden Gateway Redevelopment Plan. Both of those former street rights-of-way were vacated by San Francisco Board of Supervisors Resolution No. 29-63, dated January 14, 1963.

PROJECT CONSTRUCTION/AMERICA’S CUP HOST AND VENUE AGREEMENT

Comments

Finally, I’d like to read to you the City's host and venue agreement of the America's Cup. The City will use all lawful means to restrict noise- and debris-generating activities on public works and large private construction projects in areas reasonably proximate to the event during the America's Cup. This is ground zero for the America's Cup. Not covered in the EIR at all. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.9]

The DEIR is deficient with regard to the recognition that the San Francisco waterfront will be hosting one of the biggest events in its history at the same time the developers plan to demolish and pile-drive.

There is little recognition of the America’s Cup in the 8 Washington DEIR. In fact, it ignores the fact that the City has signed a contract with America’s Cup that says specifically, “The City will use all lawful means to restrict noise and debris-generating activities on public works and large private construction projects in areas reasonably proximate to the Event during the America’s Cup World Series Pre-regattas and the Regatta.” The Port’s Seawall Lot 351 is City property. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.19]

The schedule for construction and completion on II.20 is unrealistic. Construction is to BEGIN in 2012. This is already August 2011. (Sue C. Hestor, Friends of Golden Gateway) [C.8.20]

- What is the basis for the DEIR’s estimate that “the project construction, including demolition, site and foundation work, construction of the parking garage and construction of buildings” will take only 27-29 months.
- In addition, please explain and disclose the basis for the DEIR’s assumption that the proposed new athletic club building, tennis courts, and swimming pools will be completed and available for use within 24 months of commencement of construction. (Jon Golinger, Telegraph Hill Dwellers) [C.10.16]
The DEIR states that: “Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of the buildings, would take 27 to 29 months. Assuming that construction would begin in 2012, the buildings would be ready for occupancy in 2014. The first phase of construction would take about 16 months and would include demolition (2 months), excavation and shoring (7 months), and foundation and below-grade construction work (7 months).”

- Please explain and provide the basis for the DEIR’s estimate that project construction, including demolition, site and foundation work, construction of the parking garage and construction of buildings” will take only 27-29 months.
- Please consider and discuss the conflicts between the construction activities associated with the proposed project between 2012 and 2014 and the America’s Cup activities scheduled within the same period. See the Draft EIR for The 34th America’s Cup at pages 3-79 - 3-81 for discussion of construction related to the AC34, including the “AC34 Construction Schedule” and “Summary of In- Water Construction Activities for AC34.”
- Please consider and discuss potentially significant cumulative construction impacts of the proposed project and the construction that will be taking place on Piers 27-31 and elsewhere on the Northeast Waterfront in connection with America’s Cup-related development and construction of the Port’s Cruise Terminal.
- Please consider and discuss the projects conflicts with the Port’s construction of the cruise terminal on Piers 27-31 following the conclusion of the AC34 race events. (Jon Golinger, Telegraph Hill Dwellers) [C.10.21]

6. Construction Impacts Must Be Considered Cumulatively With Other Projects. The DEIR’s conclusion that the construction of the proposed project would not cause a significant increase in traffic (Impact TR-8) does not take into consideration other major projects that will be under construction during the same time period.

The DEIR failed to consider the proposed project’s construction related impacts on traffic, transit, and pedestrian movement, cumulatively with the following:

- America’s Cup events and related construction. According to the DEIR, the project’s proposed underground garage will require the removal of 110,000 cubic yards of soil from the project site over a period of 7 to 8 months (4 trucks/hour) which will overlap with the 2012/2013 America’s Cup events and, therefore, violate the City’s Host and Venue Agreement which provides:

  10.4 The City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during America’s Cup World Series Pre-regattas and the Regatta.

- How can the project construction take place without violating the America’s Cup Host Agreement?

- Because the construction schedule for the proposed project coincides with America’s Cup-related construction, all traffic-related construction impacts (construction truck traffic, street and sidewalk closures, etc.), including the initial and final phases of the Cruise Ship Terminal, must be considered cumulatively with the proposed project.

- Because the construction schedule for the proposed project coincides with America’ Cup-related race events, construction-related conflicts with the significant levels of spectator traffic and pedestrians must be taken into consideration.
• Also taken into consideration should be the significant traffic-related construction impacts of the Treasure Island development project, including hauling significant amounts of soil to the Island for geologic stabilization and increased ground elevations which, if trucks are used, will alone require as many as 110,000 round trips on I-80 and the Bay Bridge.

Considered cumulatively, it is clear that the project’s construction related impacts on traffic, transit, and pedestrian movement would be very significant. The DEIR’s suggested Improvement Measure TR-8b (Agency Consultation to determine the best method to minimize the traffic impacts during construction) would likely result in significant construction delays necessary to time construction to avoid the above-listed conflicts. Delays in the construction of the proposed project would be inconsistent with the project sponsor’s objective to “to complete the project on time and within budget.”

[Footnote 4:] Demolition and construction would occur over a 28-month period assumed to occur between January 1 2012 and May 1 2014. (DEIR page IV.E.18) (Jon Golinger, Telegraph Hill Dwellers) [C.10.51]

Timing of Construction Activities. The construction of this project is scheduled to occur in 2012-2014. This will create a cumulative impact with the construction of the Pier 27 Cruise Terminal and construction and other actions related to the America’s Cup races that must be identified and addressed in this document. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.10]

Finally, one glaring void in the DEIR is the lack of discussion about the impact of this proposed construction on the 2013 America’s Cup races which are scheduled to take place in 2012 and 2013. The construction timetable of this project would appear to be directly contrary to what the City promised to the Sponsors of the those races. Is it feasible, or even desirable, that the excavation for the project could go forward while the races are in progress? At a minimum, we submit that no DEIR can be finalized without careful consideration of this Project’s impact on the City’s commitment to the America’s Cup races. (Paul Renne) [D.14.9]

My main concerns are, in brief:…

• The construction activity itself is also a most unwelcome prospect. (Norman Patrick Doyle) [D.18.2]

2. IMPACT ON AMERICA’S CUP: The underground garage requires removing 110,000 cubic yards of soil from the site over 7-8+ months (4 trucks/hour) overlapping with the 2012/2013 America’s Cup events and therefore violating the City’s Host and Venue Agreement which states:

10.4 The City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during America’s Cup World Series Pre-regattas and the Regatta. (Deborah Smith) [D.22.2]

Question: What will be the truck route and what bus/streetcar lines will be impacted? (Deborah Smith) [D.22.3]

Question: How can the construction take place without violating the Host Agreement? (Deborah Smith) [D.22.4]

As an Architect and Planner, I must express my knowledge that the time frame that is given in the Draft EIR of 27 to 29 months is totally unrealistic. The engineering complexity to develop a
major underground parking facility for so many cars (400+), as well as the necessary pilings and structural support systems required for new high rise residential towers, will require at least three to four years of construction down time on this site!

This also raises the issue of whether major construction activity will be desirable, or even legal, during the planned Americus Cup trials and races, scheduled within the next two years, which will require open access all along the Embarcadero, just when the proposed project would be launched! (Sarelle T. Weisberg) [D.23.2]

Second, the city has made a commitment to the America’s Cup to use “all lawful means to restrict noise and debris generating activities” next to the Regatta site. The underground garage will remove massive amounts of earth, requiring untold amounts of “noise and debris” right during the Cup. It is upsetting that the project developers believe they can exempt themselves from the city’s prior commitments in this fashion. (Eric McGhee) [D.29.3]

2. America’s Cup. The report does not adequately consider what the impact would be of having massive construction going on when we are showing our city off to the world. Even if active construction were held in abeyance during races, the blight of the sight would be awful. (Stan G. Roman) [D.30.3]

3) The 2-3 year construction timeline and the addition of 400+ parking spaces are not viable for the greater community in the short term or long term. In the short term, we (everyone who visits or lives in the bay area) will feel major pain from everything that comes with heavy equipment, materials and construction snarling a major transit artery of our world famous downtown/waterfront while the project is underway. In the long term, the area streets are not designed for the overload of vehicles navigating in/around and attempting to enter and exit the condo lot in the Jackson St., Embarcadero and/or Washington St. areas. (Tom Verhauz) [D.41.4]

The study acknowledges that “ground settlement could result from excavation to a depth of as much as 38-40 feet for the given construction of 3 levels subsurface (i.e., below sea level), resulting from dewatering and heave during installation of piles. It claims that dewatering would not be required long-term, because the underground structure would be waterproof. But the study does not provide any data or require any expert analysis and concludes that “the effects of long-term dewatering do not need to be discussed further.”

Excavation
The Initial Study calls for a rigid, water-tight internally braced secant walling as shoring but only recommends an inclinometer monitory program, not a preliminary study of the ground under the proposed 3-level garage.

Dewatering
The Initial Study acknowledges that “there is the potential for substantial water inflow into the excavation and dewatering could be necessary”. The geotechnical study by Treadwell & Rollo (2006) recommends a site-specific dewatering plan should be prepared. This is missing from the DEIR.

Heave as a Result of Pile Driving
“Ground may heave up to several inches, adversely affecting adjacent structures” (presumably the Golden Gateway Commons at Jackson between Drumm and Davis Streets and parts of the Golden Gateway apartments along Drumm Street. Monitoring of the process was recommended. No additional studies or data are provided. The conclusion: “With implementation of the recommendations of the detailed geotechnical study, subject to review and approval by the DBI,
and monitoring by a DBI Special Inspector (if required), impacts related to the potential for settlement and subsidence due to construction on soil that is unstable, or could become unstable as a result of the project, are less than significant and will not be discussed in the EIR.” (Richard and Barbara Stewart) [D.48.7b]

The DEIR construction schedule is based on overly optimistic assumptions that are totally unrealistic; the ramifications of these erroneous assumptions need to be carefully considered as they will cascade throughout the project requiring major revisions to the DEIR before it can be considered accurate and complete. (Brad Paul) [D.53.1]

While the DEIR unequivocally states the project will take 27-29 months to construct, from 2012 to 2014, facts provided elsewhere in the DEIR together with current city policies, the city’s America’s Cup Host and Venue Agreement and basic math indicate that this schedule is not tenable. The remainder of this section provides the data and analysis that lead to the conclusion that construction of 8 Washington will take much longer than 27-29 months, TWO AND A HALF to THREE TIMES longer.

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<th>ACTIVITY</th>
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<tr>
<td>DEIR’s construction schedule:</td>
<td>27 months</td>
<td>to 29 months</td>
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<tr>
<td>Actual excavation schedule:</td>
<td>18 months</td>
<td>22 months</td>
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<td>-- DEIR estimate for excavation</td>
<td>7 months</td>
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<td>+ Increased excavation time</td>
<td>11 months</td>
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<td>+ Archeology delays</td>
<td>.5 months</td>
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<td>+ America’s Cup delays</td>
<td>2.5 months</td>
<td>to 5 months</td>
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<td>+ Weather delays</td>
<td>.25 months</td>
<td>to 1 months</td>
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<tr>
<td>ACTUAL CONSTRUCTION TIME</td>
<td>41 months</td>
<td>to 52 months</td>
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Table 1: Requested Changes to the overall DEIR construction schedule

To refute the numbers in Table 1, project sponsors must present additional, verifiable data supporting their unrealistic assumptions, beginning with the claim that the first phase of construction takes 16 months with a mere seven months allocated for excavation/shoring. (Brad Paul) [D.53.2]

A. The DEIR fails to accurately ascertain and analyze the excavation/shoring schedule.

The DEIR states on page II.20 that “approximately 110,000 cubic yards of soil” will be excavated from the site for the underground garage (approx. 90,000 cubic yards) and other foundation work during the seven (7) month “excavation” portion of the projected timeline. It later states excavation will take place 6.5 hours per day with an average of 20 truck trips day (pg.IV.D.31). Assuming the average dump truck holds 12 cubic yards of dirt (typical payload for a dump truck), that would mean:

- 110,000 cu. yards/12 cubic yards per truck = 9,166 truck trips
- 20 trucks/day X 12 cubic yards/trip = an average of 240 cu. yards/day
- 110,000 cu. yards/240 cu. yards per day = 458 working days for task

Could this task be completed in seven (7) months as claimed in the DEIR? NO.
• 5 working days per week X 52 weeks = 260 working days per year

- 11 holidays per year

249 total working days/year

• 458 days to finish task/249 working days per year = 22 months¹ (not 7)

For this to take 7 months as the DEIR asserts, the following would have to be true:

• 20 trucks/day X 7 months (145 working days²) = 2,900 total truck trips³

• 110,000 cu. yards/2,900 trucks = each truck must average 38 cubic yards/trip

Empirical evidence exists, however, proving the DEIR’s claim that the excavation portion of the schedule will take seven months is inaccurate and misleading:

CASE STUDY #1: San Francisco General Hospital Rebuild Project

A recent SF General Hospital (SFGH) Newsletter reports the hospital’s contractor just finished hauling 120,000 cu. yards of dirt from the 45’ deep hole that was dug to build two basement levels and the foundation for a new hospital building. This is as close as anyone is likely to get to replicating what 8 Washington proposes, a three level 40’ deep underground garage accounting for most of the 110,000 cubic yards of dirt that must be removed from the site.

A call to the SFGH Rebuild office revealed their excavation process took seven (7) months with an average truck load of 13 cu. yards per trip. How was that possible?

“The average truck load was 13 cubic yards. Some days we had over 300 truck loads hauled in one day. This volume was possible through use of a paved drive that allowed trucks to enter the side, be loaded up then tires washed to prevent dirt on road causing storm-water polution and dust.” ⁴

The SF General site is just a few blocks from U.S. 101 with direct access via Potrero Ave., thus minimizing potential traffic conflicts. The 8 Washington site will require driving long distances on city streets including “The Embarcadero, Harrison Street, and King Street… likely the primary haul and access routes to and from I-80, U.S. 101, and I-280 (pg. IV.D.31).” Imagine 300 trips a day on one of these streets.

CASE STUDY #2: SF PUC’s New Hetch Hetchy Reservoir Tunnel

A recent Oakland Tribune story (4/8/11) describes construction of a new 3.5-mile tunnel designed to protect the water supply from SF’s Hetch Hetchy reservoir from major earthquakes by boring a 2nd, state-of-the-art tunnel from Sunol to Fremont alongside the existing 81-year-old Irvington Tunnel. The article states:

“By the time the New Irvington Tunnel is completed in 2014, crews will have excavated about 734,000 cubic yards of material—the equivalent of 61,000 dump-truck trips, said officials with the SF Public Utilities Commission.”

Dividing 734,000 cubic yards of soil by the 61,000 dump truck trips that the PUC says are necessary equals 12 cubic yards per truck trip. Given this job’s size and $227 million budget, it confirms the fact that the most efficient use of excavation equipment at 8 Washington will likely be 12 cubic yard dump trucks.

In light of these facts and the analysis provided above, the only way 8 Washington could meet its proposed seven (7) month excavation schedule would be to:
a) **schedule up to 300 TRUCK TRIPS A DAY**, over **10 TIMES** the average number of trips per day (20) stated in the DEIR and **3 TIMES** the absolute maximum of 100 truck trips per day (pg. IV.D.31) along the Northeast Embarcadero during a period of time that overlaps with the major America’s Cup events and activities, something specifically prohibited by the City’s America’s Cup **Host and Venue Agreement**,

OR

b) **average 38 cubic yards of dirt per truck trip, 3 TIMES** the average truck payload of both the PUC’s Irvington Tunnel project and SF General Hospital’s 120,000 cubic yard excavation project—assuming that 38 cubic yard trucks: a) exist in sufficient quantity in the Bay Area, b) would be available during that period of time described and c) would be allowed on The Embarcadero, Harrison St., King St., Washington St. and Drumm St. by the City. [see photo comparison of 12 cubic yard vs. 30 cubic yard trucks below]

Unless the project sponsor can demonstrate that one of these two highly unlikely scenarios is possible, then the EIR must reanalyze a number of impacts (e.g. Land Use, Air Quality, Greenhouse Gases) based on a revised excavation schedule, one that takes **2.5 to 3 TIMES** as long as the one described in DEIR to complete excavation work, and this 22 month timeline assumes NO archeological remains are found on site and the City imposes NO stop work orders related to America’s Cup (see below).

This **15-month difference** between the excavation period analyzed in the DEIR and the ACTUAL time it will take to complete the excavation (22 months vs. 7 months) is a major deficiency in the DEIR with profound impacts. For instance, some of the most significant unavoidable negative impacts described in the DEIR involve degraded air quality both during and after construction. Adjusting the environmental analysis to reflect for how long excavation will actually take means significant air quality impacts related to excavation (with the greatest detrimental effect on seniors, children and people exercising) will persist for **2.5 to 3 TIMES LONGER** than described in the DEIR. This flaw also requires significant revisions to other sections of the DEIR.

In light of this new information, the next draft of the EIR must contain an analysis of this longer overall construction period—two months for demolition; a range of **18 to 22 months for excavation** (not seven months); **a built-in range of time for the shutting down of the site when archeological artifacts are uncovered, documented and extracted** (something the DEIR’s archeology consultant states is “likely”); and the building construction period. Finally, given these overly aggressive excavation schedule estimates, all other estimates for later construction phases must now to be cross checked for accuracy by independent contractors (e.g. not working for 8 Washington developer or the source of the prior DEIR excavation estimate).

[Footnote 1:] This rather conservative number assumes no weather, archeological or America’s Cup delays

[Footnote 2:] 4.33 weeks/mo. X 5 days/week = 101.5 days in 7 months – 6.5 holidays [11 days X 7/12’s] = 145 days.

[Footnote 3:] As opposed to **110,000 cu. yds./12 cu. yards per truck trip which equals 9,167 truck trips.**

[Footnote 4:] Source: July 28th email from Tristan Cook, SFGH Rebuild Public Relations Director.

[Footnote 5:] “**Construction-related activities would typically occur Monday through Friday, from 7 AM to 4 PM. It is anticipated that some construction activities may occur later or on Saturdays, on an as-needed basis**.”

[Footnote 6:] Section 10.4: **The City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during America’s Cup World Series Pre-regattas and the Regatta.**
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- Did the developers err when they reported that the average number of truck trips per day would be 20 as analyzed in the DEIR? If so, what number do they choose to use now and how does that impact various aspects of the DEIR analysis such as air quality, conflicts with pedestrians, MUNI and America’s Cup, etc.

- Does the developer plan to raise the limit of truck trips per day from 100 (as per the DEIR) to 300 truck trips per day? If so, how often will this happen and how will these changes impact various aspects of the previous EIR analysis (e.g. air quality, traffic/transit/pedestrian conflicts, America’s Cup)?

- Does the developer plan to lengthen the average workday or work six days a week? If so, how often and how would this impact the previous DEIR analysis?

NOTE: The DEIR construction schedule (27-29 months) was not predicated on the trucks operating 6 days a week EVERY WEEK. But even if the developer ran dump trucks 6 days a week for the ENTIRE excavation period it would still take TWICE AS LONG as the DEIR states to remove 110,000 cubic yards of dirt.

- Have the developers located a source of 30+ cubic yard trucks and secured city permission to use them on the specific streets described in the DEIR?

It seems fair to assume the SF General Hospital’s excavation contractor would have done this if it were possible (and the SF PUC’s Irvington Tunnel contractor). See the three photos below to get a sense of the size difference between a typical 12 cubic yard dump truck and the type of tractor trailer rig required to carry 30 cubic yards or more.

- Where is the project sponsor planning to route 100 to 300 trucks a day as they leave the site, particularly during the various America’s Cup trials (2012) and finals (2013) when vehicular traffic will be severely limited or prohibited?

As the questions and examples (SF General Hospital) above demonstrate, the DEIR’s claim that 110,000 cubic yards can be excavated in seven months defies the laws of physics and math, not to mention the Host and Venue Agreement between the City and Larry Ellison’s Oracle BMW Racing Team (see section C which follows).

[Footnote 7:] DEIR page IV.C.11: “Significant archeological resources are likely to exist at this site”.

(Brad Paul) [D.53.3]

[Footnote 8:] 6 working days/week X 52 weeks = 312 working days – 11 holidays = 301 working days. 458 days to complete task/301 working days = 157 days/24 days per month = 18.5 months. (Brad Paul) [D.53.4]

KNOWN AMERICA’S CUP SCHEDULING CONFLICTS

Based on recent MTA staff presentations on protocols for the America’s Cup, it seems clear that traffic, particularly construction dump trucks, will be banned from Washington Street, Drumm Street and The Embarcadero during major America’s Cup events that include, at a minimum, the
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America’s Cup World Series warm-up races (July/Sept. 2012), the penultimate Louis Vuitton Cup Series (July/August 2013) and the America’s Cup finals (Sept. 2013).\(^9\)

This represents a minimum of 2.5 months that must be added to the construction schedule, something the DEIR authors should have included if they had read the America’s Cup DEIR which states there are 9+ weeks of races associated with this event in 2012/2013. The extra few weeks added to the low end range in Table 1 (below) are there to accommodate last minute weather delays (after the streets are closed) and large non-racing events held along the waterfront that will require closure of The Embarcadero, Washington Street, Drumm Street, etc.

Table 1 below lays out a more credible and realistic construction schedule based on the factors described at length above, taken directly from the DEIR or readily available from the city (America’s Cup DEIR) and the America’s Cup Host and Venue Agreement.

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>MINIMUM</th>
<th>MAXIMUM</th>
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<tbody>
<tr>
<td>DEIR’s construction schedule: 27 months</td>
<td></td>
<td>29 months</td>
</tr>
<tr>
<td>Actual excavation schedule: 18 months</td>
<td>22 months</td>
<td></td>
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<tr>
<td>(-) DEIR estimate for excavation - 7 months</td>
<td>- 7 months</td>
<td></td>
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<tr>
<td>(+) Increased excavation time 11 months</td>
<td>15 months</td>
<td></td>
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<tr>
<td>(+) Archeology delays .5 months</td>
<td>2 months</td>
<td></td>
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<tr>
<td>(+) America’s Cup delays 2.5 months</td>
<td>5 months</td>
<td></td>
</tr>
<tr>
<td>(+) Weather delays .25 months</td>
<td>1 months</td>
<td></td>
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<tr>
<td>ACTUAL CONSTRUCTION TIME 41 months to 52 months</td>
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</tbody>
</table>

[Footnote 9:] Note: a copy of these comments will provided to Peter Albert, SF Municipal Transportation Agency’s America’s Cup point person so he and his colleagues can comment on construction delays anticipated for 8 Washington given its prime location re: all major America’s Cup events and related activities. (Brad Paul) [D.53.6]

To refute these numbers, the project sponsors must present a verifiable and detailed plan to remove 110,000 cubic yards (9,167 truck trips) in seven months that the City has signed off on and produce a letter from the City and Oracle BMW Racing granting a waiver from Section 10.4 of the America’s Cup Host and Venue Agreement that would allow 20 to 300 trucks a day to drive along The Embarcadero, Washington Street or Drumm Street during major America’s Cup events in 2012 and 2013. (Brad Paul) [D.53.7]

E. Importance of accurate, detailed information re: the construction process.

Given the above discussion, it is clear that the construction schedule set forth in the DEIR is inaccurate at best and has led, in many cases, to the significant understating of major negative impacts associated with this project. The lack of a detailed discussion of some of the key aspects of the construction process, e.g. the route and destination of 9,166 dump trucks, is also highly problematic.

Without a complete and thorough analysis of the impacts of a construction schedule that is TWO AND A HALF to THREE TIMES longer than the one analyzed in this DEIR, city officials will be missing much of the critical information they need to determine whether or not the developer’s ‘preferred project’ is necessary, desirable or feasible. A complete and factual analysis of this issue.
must be included in the next draft of the EIR which, given this and other major inaccuracies and omissions (see below), should be recirculated in draft form. (Brad Paul) [D.53.10]

What will those attending the America’s Cup think of the noise, dirt and truck traffic accompanying construction of this project during one of San Francisco’s finest opportunities to show its best face to the world? (George T. Haymaker, Jr.) [D.56.8]

2. IMPACT ON AMERICA’S CUP: the underground garage requires removing 110,000 cubic yards of soil from the site over 7-8+ months (4 trucks/hour) overlapping with the 2012/2013 America’s Cup events and therefore violating the City’s Host and Venue Agreement which states:

10.4 The City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during America’s CUD World Series Pre-regattas and the Regatta

Question: What will be the truck route and what bus/streetcar lines will be impacted?

Question: How can the construction take place without violating the Host Agreement? (Mary Pecci) [D.58.3]

Response

The comments raise a number of issues about construction of the proposed project. The comments relate to several main topics: construction schedule information, including excavation and off-haul of materials; effects of construction traffic in combination with the effect of America’s Cup events on construction timing; and excavation-related settlement and dewatering issues. In particular, comments state that excavation must take considerably longer than the 7 months identified in the EIR, and that accounting for delays caused by halting construction during America’s Cup events and for archaeological investigations, overall construction could take 4 years or more rather than the 27-29 months assumed in the EIR. Comments also suggest that it may not be legal for construction to be going on during the 2012 and 2013 America’s Cup events based on the Host and Venue Agreement, citing Section 10.4 of that document. Comments related to dewatering and settlement are briefly addressed under this Project Construction topic and are discussed in more detail in Section III.N, Sea Level Rise/Hydrology, of this Comments and Responses document.

Construction Schedule and Haul Route Information

A general construction timeframe is described in EIR Chapter II, Project Description, on EIR pp. II.19-II.20, and also summarized in Section IV.D, Transportation and Circulation, on EIR p. IV.D.31 in the discussion of construction transportation impacts. The discussion is based on information provided by the project sponsor. Overall, construction is expected to take about 27-29 months, beginning in 2012.
The project sponsor’s construction contractor has provided some clarification and more detailed information about construction phases and construction activities. Demolition of existing structures on the project site is expected to take 1 month (the Draft EIR described 2 months); excavation, shoring, and pile driving for foundations is expected to take about 9 months (the Draft EIR described 7 months); and foundation and building construction is expected to take about 18 months (the Draft EIR incorrectly identified foundation and building construction work as taking 25 months on EIR p. IV.D.31). The text in Chapter II, Project Description, and Section IV.D, Transportation and Circulation, in the Draft EIR is updated to account for this information. The last paragraph on EIR p. II.19, continuing to p. II.20, is updated as follows (new text is underlined, deleted text is shown in strikethrough):

Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of the buildings, would take 27 to 29 months. Assuming that construction would begin in 2012, the buildings would be ready for occupancy in 2014. The first phases of construction would take about 46 17 months and would include demolition (2 months), excavation and shoring (7 9 months), and foundation and below-grade construction work (7 months).

The first and second sentences under Impact TR-8 on EIR p. IV.D.31 are revised as follows (new text is underlined, deleted text is shown in strikethrough):

The construction of the proposed project would start with the demolition of the existing structures, which would take approximately 2 1 months. Construction would continue with excavation, and shoring, and pile driving for the underground parking garage, for approximately 7 9 months.

The second paragraph on EIR p. IV.D.31 is revised as follows (new text is underlined, deleted text is shown in strikethrough):

The next phase of project construction, including site and foundation work, construction of the parking garage, and construction of the buildings, would take an additional 25 18 months.

A number of comments present various calculations of time it could take to remove soil from the project site during excavation and site preparation, stating that the EIR’s timeline for this part of the construction activity is not feasible or reasonable. These comments are correct in that if trucks with a 12-cubic-yard capacity were used and there were an average of 20 truck loads per day, it would take up to about 22 months to remove the approximately 110,000 cubic yards of soil from the site, as noted in the comments (to simplify the various calculations presented in the comments to reach approximately 22 months for excavation: 12 cy multiplied by 20 trucks = 240 cy/day; 110,000 cy divided by 240 cy/day = 458 days; 458 divided by 5 = 92 weeks). The number of one-way truck trips identified in the EIR has been updated by the project sponsor’s construction contractor, and the second sentence in the first paragraph on EIR p. IV.D.31 is corrected and clarified as follows (new text is underlined, deleted text is shown in strikethrough):
III. Comments and Responses
   B. Project Description

The highest demand for construction trucks would occur during this phase, with an average of 90 one-way truck trips (100 one-way truck trips per day during the peak excavation days) that would travel to and from the site on a typical weekday.

Using the updated information, and assuming 12-cubic-yard haul trucks, it would take less than 6 months to just remove soil from the project site if there were an average of 90 one-way truck trips each work day, with 200 one-way trips (or 100 truck loads) during three main excavation periods, and assuming 5-day work weeks.\(^1\) The three main excavation periods would be approximately 4 weeks to excavate down the first 12 feet, after which pile driving would begin in some areas of the excavation; approximately 6 weeks to excavate further, to the full basement level in the center portion of the site, and another approximately 9 weeks to excavate the perimeter.\(^2\) During other periods of this phase there would be substantially less haul truck traffic. The site preparation and excavation phase has been expanded to 9 months rather than 7 months; this time frame accounts for installation of shoring, excavation, and pile driving.\(^3\) Trucks with capacities of 30 or 38 cubic yards, suggested in one comment, are not proposed to be used and would not be needed.

Based on this updated information, excavation would not take 18 to 22 months as asserted in the comments. The overall construction schedule remains about 27 to 29 months, as described in the EIR in the last paragraph on p. II.19. The construction schedule provided by the project sponsor’s construction contractor has been independently reviewed by another construction contractor with experience building residential projects in San Francisco and the Bay Area. Their assessment of the project concludes that the schedule may be somewhat conservative, and that based on the preliminary information about the proposed project available now, construction could be accomplished in approximately 24 months, a shorter time than the approximately 27 months assumed in the EIR and in this response.\(^4\) The excavation and shoring phase could take 8 months rather than 9 months based on the independent review.

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\(^1\) A simplified calculation showing the time necessary to remove 110,000 cubic yards of soil is: 12 cy/truck multiplied by 100 truck loads/day = 1200 cy/day; 110,000 cy divided by 1200 = 91.6 days; 91.6 divided by 5 days per week = 18.3 weeks, or approximately 5 months. Because soil would not be removed every day during the shoring, excavation, and pile driving phase, the actual elapsed time to complete this phase of construction would be longer than 5 months, estimated by the project sponsor’s contractor to be about 9 months total (see footnote 2 and accompanying text). There would be substantially fewer or no haul truck trips on many days during this 9-month period.


\(^3\) Ibid.

The impacts of the increase in the number of one-way truck trips during peak excavation days are discussed later in this response. As explained there, this change would not result in any new significant environmental impacts during construction.

Activities related to archaeological investigations would not result in long delays in site preparation and excavation. The archaeological consultant for the project would carry out a testing program prior to the beginning of excavation to identify likely locations for subsurface resources. This would allow excavation to take place in some portions of the project site while archaeological recovery was carried out in other portions. If archaeological monitoring is required based on the testing results, and if the monitors locate archaeological deposits that were not identified during the archaeological testing program, construction activities would stop in the vicinity of the deposits for research and potential data recovery, but would not need to stop everywhere on the project site (see Mitigation Measure M-CP-1a, under “Archaeological Monitoring Program” on EIR p. IV.C.17). This approach is typical of construction in downtown San Francisco. Therefore, there is no reason to assume that there would be substantial delay for archaeological recovery activities; a small amount of delay is built into the updated 9-month timeframe for excavation.

Construction haul routes are generally described on EIR p. IV.D.31 in the discussion of construction traffic impacts (and quoted in a comment): “While the exact routes that construction trucks would use would depend on the location of the available disposal sites, The Embarcadero, Harrison Street, and King Street would likely be the primary haul and access routes to and from I-80, U.S.101, and I-280.” No specific disposal sites have been identified; disposal sites are typically identified by the prime contractor and/or the subcontractor or subcontractors engaged to provide haul services, and are typically identified after building permits are issued. It would be speculative to select a specific disposal site at this point in the project review process and analyze a specific route to that site. However, disposal sites are likely to be located in the East Bay or South Bay, accessed from I-80, U.S.101, and I-280 in the City, as stated in that EIR. Assuming a 6.5 to 8-hour day, there would be approximately 12 to 15 trucks per hour, or about 1 truck every 4 to 5 minutes. The Embarcadero, Harrison Street, and King Street all are multiple-lane streets that can handle considerable traffic volume during most times of the day, except for the afternoon peak commute period. Haul trucks are not expected to travel during the afternoon peak period when these and other streets that provide freeway access are typically congested. As noted in the EIR, construction truck traffic impacts would be temporary, and would be likely to briefly lessen the carrying capacity of those streets, which may temporarily affect traffic and transit operations (EIR p. IV.D.31). The relationship of excavation and construction activities on the project site to America’s Cup activities is discussed later in this response.

If some of the excavated soil were to be disposed of in the East Bay, haul trucks from the proposed project could use I-80 and the Bay Bridge, depending on the location of the disposal
site, unless the hauling subcontractor(s) determines that the San Mateo-Hayward Bridge or Dumbarton Bridge would provide better or less congested access. If excavation and off-haul were to occur during a portion of the 20-year build-out period estimated for the Treasure Island/Yerba Buena Island development project, haul trucks from the proposed project could intermittently combine with trucks hauling soil and construction materials to Treasure Island for several months in the earliest phases of Treasure Island construction if that construction began in 2012, as estimated in the EIR for that project. According to the Treasure Island/Yerba Buena Island Redevelopment Project EIR (Treasure Island EIR), traffic-related construction impacts of the Treasure Island/Yerba Buena Island Project would be concentrated primarily in the vicinity of the Bay Bridge ramps that lead to Yerba Buena Island and Treasure Island, and on local streets on the Islands.\(^5\) Haul trucks from the 8 Washington Street project heading to the East Bay and using the Bay Bridge would not be using ramps leading to Yerba Buena and Treasure Islands and therefore would not contribute to those impacts. In addition, it is reasonable to assume that a portion of construction-related travel to the Islands would be from the East Bay, whereas haul trucks from the 8 Washington Street project would be from San Francisco. Although the Treasure Island EIR estimated numbers of truck trips that would be generated by construction activities to build out the development program, it also explained that substantial amount of the soil and construction materials could be delivered by barge rather than by truck, thereby reducing the amount of truck traffic using the ramps to the Islands from the Bay Bridge.\(^6\) Finally, while the Treasure Island EIR estimates that construction for that project would begin with demolition activities in 2012, since the approval of that project in summer 2011 a lawsuit has been filed challenging the adequacy of that EIR; therefore, it is not clear that the excavation phase of the 8 Washington Street project, expected to occur in 2012, would coincide with major construction activities on Treasure Island.

In summary, there are numerous unknowns regarding the timing of construction activities that may occur on Treasure Island and the type of transport that may be used, and regarding specific disposal locations for soil excavated from the 8 Washington Street project. The discussion of construction traffic provided in the Draft EIR on p. V.D.31 and the discussion of potential haul routes leading to the South Bay or East Bay provided above presents the best information available at this time, and is typical of the information about construction traffic presented in other San Francisco EIRs.

See also the response in Section III.A, EIR Introduction, on C&R pp. III.A.12-III.A.16, under the subheading “Topics Not Requiring Further Study in the EIR.”

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\(^5\) San Francisco Planning Department, Treasure Island/Yerba Buena Island Redevelopment Project EIR, Case No. 2007.0903E, State Clearinghouse No. 200812105, certified April 21, 2011 (hereinafter “Treasure Island EIR”), pp. IV.E.67-IV.E.71. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

\(^6\) Ibid.
The peak construction demand of 200 one-way daily truck trips is substantially lower than the total number of daily vehicle trips expected to be generated/attracted by the proposed project (655). Although each truck is considered to be the equivalent of two automobiles, the result would remain substantially lower than the number of daily vehicle trips generated by the proposed project. The number of one-way construction truck trips generated by the proposed project during one hour is difficult to ascertain precisely, but can be approximately estimated to be about 25 to 31 per hour (200 one-way truck trips divided by a 6.5- to 8-hour day). This value is approximately 65 percent lower than the peak hour project demand, estimated at 87 vehicle trips (173/2 = 87, see EIR p. IV.D.20). Even if each truck were considered to be the equivalent of three automobiles, which is much higher than the equivalency standard used by traffic experts, construction truck traffic would be roughly equivalent to the daily vehicle trips generated by the proposed project (25 to 31 multiplied by 3 is 75 to 93 truck trips, roughly equivalent to the 87 vehicle trips estimated to occur during operation of the proposed project in the PM peak hour), and the transportation analysis in the EIR finds that no significant traffic impacts would occur at the nearby study intersections with project-generated vehicle trips in the PM peak hour (see EIR pp. IV.D.22-IV.D.23). In addition, a substantial amount of construction traffic would occur during the middle of the day, prior to 3:00 or 4:00 PM, when the surrounding traffic activity is lower than during the PM peak hour, and intersections would be less congested. To this end, Improvement Measure TR-8a, Limitations on Trucking Hours (EIR p. IV.D.32), which the project sponsor has committed to implementing, would limit truck construction movements to the hours between 9:00 AM and 3:30 PM (or other times, if approved by the San Francisco Municipal Transportation Agency) to minimize potential traffic congestion due to construction traffic. Therefore, the effects of construction traffic due to the proposed project would remain less than significant, as identified in the EIR in Impact TR-8.

Construction of the Cruise Terminal project at Pier 27 would be carried out in two phases. Phase 1 would be coordinated with the development of the proposed AC Village at Piers 27-29. Phase 1 would start with demolition of the Pier 27 shed in its entirety, along with a portion of the Pier 29 shed, to create an area for a proposed expansive temporary public viewing platform. The Port is expected to complete Phase 1 construction of the cruise terminal core building and shell in spring 2013 for the America’s Cup team hospitality suites and AC Village activities during the events in July-September 2013. After the conclusion of the America’s Cup 34 match in fall 2013, and removal of all temporary facilities at Piers 27-29 in late 2013, the construction of Phase 2 of the cruise terminal would be initiated. Phase 2 would include completion of certain interior spaces required for cruise terminal operations and fit out of the maritime equipment. Construction of the cruise terminal is expected to be completed and the terminal in operation in 2014. All

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7 San Francisco Planning Department, The 34th America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza Draft EIR, Planning Department Case No. 2010.0493E (State Clearinghouse No. 201102204), July 11, 2011 (hereinafter “America’s Cup Draft EIR”), pp. 3-73, 3-109, and 5.6-163.
8 America’s Cup Draft EIR, Table 3-11 on p. 3-80, and pp. 5.6-109 and 5.6-163 to 164.
construction activities related to the Cruise Terminal project are proposed to occur on Mondays through Fridays for up to 10 hours per day, from about 8:00 AM to 6:00 PM. It is anticipated that a majority of the construction trucks would use I-80/U.S.101, plus Harrison Street and The Embarcadero for access to and from the cruise terminal site. Truck trips to the North Bay would use Bay Street and Lombard Street. No lane closures along The Embarcadero are expected to be required to accommodate construction of the cruise terminal.

Thus, construction for the proposed project, planned to start in 2012, would overlap with Phase 1 and the beginning of Phase 2 of construction of the Cruise Terminal Project, as noted in some comments. Although the peak construction traffic for the proposed project (excavation) would overlap with construction of the cruise terminal, the Cruise Terminal project would not involve any excavation, thus minimizing the number of construction truck trips on The Embarcadero from the cruise terminal that could combine with construction trucks from excavation for the proposed project at 8 Washington Street. Construction travel for the Cruise Terminal project would not result in significant transportation impacts, nor would construction traffic for the proposed project as discussed in Impact TR-8; combined construction travel would not result in significant cumulative impacts. As explained in both EIRs, construction traffic would be temporary and of limited duration. The largest number of construction trips generated by the proposed project at 8 Washington Street would be during excavation and foundation construction, when there could be peaks of approximately 200 truck trips per day during some periods. Substantial truck hauling activity would occur during three main periods in 2012: about 4 weeks in spring, followed by several weeks of less intense construction activity; about 6 weeks in summer to excavate the center portion of the garage area, followed by about 2 months of mainly pile driving activity; and approximately 9 weeks in the summer and fall to excavate the perimeter portion of the site. As explained in the America’s Cup Draft EIR on p. 3-79, Phase I construction for the Cruise Terminal project at Piers 27-29 would likely be conducted from both land and water (that is, from barges). While a detailed schedule for these proposed America’s Cup and cruise-terminal-related demolition and construction activities has not been developed, the work is expected to commence during the first quarter of 2012 and continue into 2013. Therefore, a specific amount of construction truck activity for that project is not known, nor is there information about specific months when there could be more intense use of trucks for the cruise terminal site during 2012. It is reasonable to assume that demolition activities at Piers 27-29 and some of the construction activities to build the cruise terminal core building would coincide with the main excavation and off-haul periods for the proposed 8 Washington Street project. As the three main off-haul periods for the proposed 8 Washington Street project (which would add up to about 19 total weeks) would be spread out over the estimated 9 month excavation period, as described above,

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9 Ibid., pp. 5.6-163.
11 America’s Cup Draft EIR, p. 3-79 and Tables 3-11 and 3-12 on pp. 3-80 and 3-81.
and with the Transportation Improvement Measure TR-8a which the project sponsor has committed to implementing (limiting truck movements to the hours between 9:00 a.m. and 3:30 p.m.) any combined impacts that might occur with construction traffic from both projects would be short-term, temporary, outside of the peak commute travel periods, and therefore less than significant.

The San Francisco Public Utilities Commission is preparing to construct improvements to the North Shore to Channel force main that runs under the sidewalk along the west side of The Embarcadero, adjacent to the 8 Washington Street project site (Environmental Evaluation Application No. 2011.1370E, filed December 8, 2011). That project as currently planned would include construction of two vaults under The Embarcadero sidewalk adjacent to Sea Wall Lot 351, installation of a pipe inside the existing Jackson Street wastewater structure (under the project site in the alignment of Jackson Street), installation of new pipes under Drumm Street between Jackson and California Streets and extending south of Market Street to Howard Street between Spear and Steuart Streets, water main replacement in portions of Drumm Street, and pavement renovation of most of the streets along the force main alignment in coordination with the San Francisco Department of Public Works. Installation of the new force main in Drumm Street would use a combination of open-cut and trenchless construction methods. The trench would be about 8 to 10 feet wide and about 15 to 20 feet deep, and would use construction techniques typical for in-street construction throughout the City. Following installation of the force main, the trench would be backfilled, and water main replacement would occur, and the street would be entirely reconstructed and repaved. Construction would occur at up to three city blocks at a time, moving from one block to the next to install the next segment of force main after the force main in the prior block was complete. Construction of the force main project would take approximately 14 months (about 325 working days excluding weekends). Construction of the force main in City streets would take about 6 months and vault construction would take 2-3 months per vault, with the vaults constructed at separate times. Construction in the block of Drumm Street adjacent to the 8 Washington Street project site would take about one to two months. Water main replacement would occur concurrent with force main installation. Approximately 15 workers would be at the force main construction site on a typical day. Construction is expected to run from mid 2012 through mid 2013. It is likely that construction of the force main improvements would overlap with some portion of the construction activities for the proposed project at 8 Washington Street. The entire project would generate up to about 4,850 one-way truck trips over this period, resulting in approximately 15 one-way truck trips per day, or approximately 2 trips per hour. Not all of these truck trips would occur in the vicinity of the 8 Washington Street project site, as only one block of the force main project is adjacent to the

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13 Bessie Tam, Project Manager, SFPUC, personal communication with Turnstone Consulting, November 22, 2011.
project site. However, the cumulative effect of 2 additional truck trips per hour would continue to have no greater impact than the impacts from the 87 peak hour vehicle trips generated by operation of the proposed residential project, as explained above on p. III.B.48. That is, in combination, the proposed project and the force main project might generate up to 27 to 33 one-way truck trips, which is the equivalent of 54 to 66 automobile trips, less than the 87 peak hour automobile trips generated by the proposed project. Therefore, there would not be significant cumulative transportation impacts if construction of these two projects were to occur at the same time.

No Muni transit routes use Washington or Drumm Streets adjacent to the project site. Therefore, trucks entering and leaving the project site from those streets would not affect Muni service. Construction staging activities, particularly placing cranes for the erection of exterior façades for the buildings, and the sidewalk and landscaping improvements themselves would occur on the project site and along the adjacent sidewalks on The Embarcadero, Drumm Street, and Washington Street. Truck staging and loading (loading dump trucks with excavated material) would occur on the project site. Therefore, trucks would not queue on street at the construction access points on Drumm and Washington Streets, or the secondary access on The Embarcadero.\textsuperscript{14} The 1-California trolley bus uses Drumm Street between Clay Street (eastbound) and Sacramento Street (westbound); construction trucks are not expected to use this block of Drumm Street, as it would not be an efficient route to freeway access from the project site. The F-Market & Wharves streetcar line has a semi-exclusive right of way (shared with cross-traffic at intersections) in the median of The Embarcadero and therefore would not be affected by truck traffic using The Embarcadero to travel to/from the project site during construction. The 12-Folsom-Pacific bus route uses Harrison Street westbound west of Second Street. It operates approximately every 20 minutes on Harrison Street during most of the period when construction trucks from the project site could be using that street to access the U.S.101 south freeway.\textsuperscript{15} With an average of approximately 12 to 15 one-way truck trips per hour spread over multiple potential freeway entrances accessed from Harrison Street (a primarily one-way westbound street), it is not expected that construction truck traffic from the project site would significantly affect this bus route along Harrison Street. The N-Judah and T-Third Street Muni Metro lines also use a semi-exclusive rail right of way in the median of The Embarcadero south of the exit from the subway at Folsom Street, extending to King and Fourth Streets. Construction trucks using this part of The Embarcadero and King Street to/from I-280 would not substantially affect travel on these Metro lines.

\textsuperscript{14} C. Palley, Construction Information, August 25, 2011.
\textsuperscript{15} The 12-Folsom-Pacific bus inbound bus schedule for Harrison Street and other Muni bus schedules are available on the SFMTA website, at www.sfmta.com/cms/mroutes/schedules.htm, accessed August 25, 2011. Note that the outbound 12-Folsom-Pacific uses Folsom Street and therefore would not be expected to be directly affected by construction truck traffic.
Traffic impacts related to long-term operation of the proposed project, including entering and exiting the residential and public parking garages, are discussed on EIR pp. IV.D.22-IV.D.23. That discussion shows that there would be no significant traffic impacts at the five study intersections, and includes Improvement Measure I-TR-1 to include signage on Washington Street showing when the public parking was full. There is no evidence that local streets around the project site would be overloaded by traffic from the proposed project as suggested in one comment.

The analysis of air emissions during the excavation and soil disposal phase of construction assumed removal of the entire 110,000 cubic yards of material during a 7-month period in 2012; however, the analysis assumed use of 20-yard trucks. An updated analysis assuming 12- to 13-yard trucks, as is proposed, results in an increase from 13,750 one-way soil hauling truck trips to 17,600. The analysis results for this larger number of truck trips show an increase in total emissions of criteria pollutants during the construction period. However, due to an arithmetic error (the number of days of construction was incorrectly calculated to be 508 when it should be 608 for a 28-month construction period, assuming 5-day work weeks and not accounting for vacations or holidays) in the calculations prepared for EIR Table IV.E-4, Estimated Average Daily Construction Emissions, on EIR p. IV.E.18, the results of the updated analysis show lower Average Daily Emissions of criteria pollutants during construction than were reported in that table in the Draft EIR. Table IV.E-4 is revised as follows to report the updated and corrected emissions of criteria pollutants during construction (new text is underlined, deleted text is shown in strikethrough):

(Revised) Table IV.E-4: Estimated Average Daily Construction Emissions

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Note: Emission factors were generated by the URDEMIS 2007 (v. 9.2.4) CalEEMod model for San Francisco County for summer conditions.


Accounting for the correct number of work days, and the updated emissions results with the greater number of one-way truck trips, the average daily construction emissions would continue...
to be less than the BAAQMD thresholds for criteria pollutants during construction. The conclusion in EIR Impact AQ-1, that construction would not violate air quality standards, remains correct.

The construction health risk assessment analysis presented in the discussions of Impact AQ-3 (EIR pp. IV.E.20-IV.E.24) and Impact AQ-10 (EIR p. IV.E.36) would not change substantially with the additional truck trips, as the haul trucks represent a small fraction of total on-site diesel particulate matter emissions.17 The impacts would remain significant and unavoidable, as reported in the EIR.

No additional analysis of construction-related air quality is necessary. The number of construction-related haul truck trips does not affect the analysis of operational air quality in the EIR in Impacts AQ-4 to AQ-9.

There is no new information about construction of the proposed project that would require recirculation of the Draft EIR, contrary to the suggestions in one comment. Construction information has been clarified and updated above; however, the inclusion of new information does not automatically trigger recirculation. The new information must be “significant new information” that identifies a new significant impact or a substantial increase in the severity of an impact identified as significant in the Draft EIR. See the Response under “Adequacy of Analysis in the EIR” in Section III.R, Adequacy of the EIR, in this Comments and Responses document for additional discussion about recirculation and the guidance provided in CEQA Guidelines section 15088.4(a).

Project Construction during America’s Cup Events

A number of comments refer to commitments in the Host and Venue Agreement between the America’s Cup Event Authority and the City and County of San Francisco for the America’s Cup in which the City agrees to limit certain construction conflicts between the America’s Cup events and certain construction projects. Section 10.4 of the Host and Venue Agreement provides, in pertinent part “[t]he City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during the America’s Cup World Series Pre-regattas and the Regatta to ensure the environment in and around the Venues will reflect well on San Francisco…”18 The Host and Venue Agreement contemplates other contractual agreements between the City and the Event Authority after completion of environmental review under CEQA. Assuming the Host and Venue Agreement results in a contract between the City and the Event Authority that imposes the

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17 Ibid.
obligation on the City to restrict noise and debris on race days, the effect of such an obligation
would be that the City would impose conditions of approval on the 8 Washington project (and
other similar projects) requiring that these projects take measures to avoid debris- and noise-
generating activities on race days of the Event. Fulfilling this obligation would likely result in
shifting the days on which the debris- and noise-generating activities would occur to non-race
days; the total amount of debris- or noise-generating activity, however, would not change. The
noise and debris associated with private construction projects on race days would not be avoided
in the aggregate, as any obligation to require the private construction projects to defer this work
to non-race days will not serve to prevent the work from occurring, but move the work to other
days.

The noise- and dust-generating activities at the 8 Washington Street project site would occur
during the demolition and excavation phase (including pile driving), and construction of the
building foundation phase, both of which are expected to occur in 2012 and early 2013. Notable
noise could also result from exterior construction of the buildings during 2013 until the new
building is closed in. As explained above, although some noise- and dust-generating activities
might be shifted to different days due to America’s Cup race events, the shift would not result in
any additional noise or dust being generated.

Dust generation during construction at the project site would be controlled through the
requirements of the City’s Construction Dust Control Ordinance, discussed on EIR pp. IV.E.14
and EIR pp. IV.E.19-IV.E.20, and in the responses in Section III.I, Air Quality, in this Comments
and Responses document.

Noise from construction is addressed in the Initial Study, provided in Appendix A to the EIR, on
pp. 54-55. Pile driving would be the most noticeable construction activity that could affect
America’s Cup attendees. Issues related to pile driving noise and related mitigation measures are
below, construction activities would not occur on weekends when America’s Cup events were
planned during the July-September 2012 period. Pile driving would be completed well before the
2013 America’s Cup events are scheduled in July-September of that year.

The project site is not close to the spectator venues for the America’s Cup, which are at Aquatic
Park, Fort Mason, Marina Green, Crissy Field, and Alcatraz in San Francisco, and Cavallo Point
in Marin County, but it is close to Justin Herman Plaza, where live video of the races would be
shown and other educational and entertainment activities are planned for weekends during race
events.\footnote{The information about the America’s Cup venues and spectator areas is from the America’s Cup Draft
EIR, pp. 3-5 to 3-75.} Port of San Francisco venues are proposed throughout the City’s waterfront beginning
about 1/3 mile south of the project site at Pier 14 and about 1/3 mile north of the project site

\footnote{The information about the America’s Cup venues and spectator areas is from the America’s Cup Draft
EIR, pp. 3-5 to 3-75.}
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beginning at Pier 19; these venues are also not immediately adjacent to the 8 Washington Street project site. These venues would provide the team base locations (generally from Pier 80 to Pier 26, all south of the Bay Bridge) providing docking and support facilities; berthing for event sponsors and private operators in the Rincon Point Open Water Basin (Piers 14 to 22½) in 2013 only; office space and storage, and in 2013 a cafeteria for staff, media and volunteers, at Piers 19 and 19½; media operations in 2013 at Pier 23; the Northeast Wharf Open Water Basin (between Piers 19-23 and Piers 23-27); an AC Village at Marina Green in 2012, providing hospitality, media operations, entertainment, and spectator viewing of the sailing races; and an AC Village at Piers 27-29 in 2013. In summary, south of Market Street, the Port venues are Pier 80; Piers 30-32; Seawall Lot 330; the Brannan Street Wharf; Piers 26 and 28; and open water areas between Piers 32 and 36, Piers 26 and 28, Piers 28-30, and the Rincon Point Open Water Basin between Piers 14 and 22½. North of Market Street the Port venues are Piers 19, 19½ and 23, and 27-29, and the Northeast Wharf Open Water Basin between Piers 19-23 and 23-27. See Table C&R-2, America’s Cup Port of San Francisco Venues, for a list of these areas, the years they are expected to be used, and the activities expected to occur at each venue.

In addition, the Broadway Open Water Basin between Piers 7 and 9 is under consideration as an alternative to some of the proposed berthing at the Rincon Point Open Water Basin.20 In an “AC34 Project Variant” described and analyzed in the Comments and Responses document for the 34th America’s Cup and James R. Herman Cruise Terminal EIR, the Broadway Open Water Basin at Pier 9 is included as part of the AC34 Project Variant, and would provide a temporary berthing area along the south side of Pier 9.21 This new AC34 Project Variant also includes several temporary parklets for public access along The Embarcadero, one of which is proposed for the area south of Pier 9, north of the Project Site.22

Race events in 2012 are proposed to occur on approximately 17 days in July-September 2012.23 The races would occur in the waters of the Bay off San Francisco’s northern waterfront, and are not proposed to take place in the Bay near the Ferry Building and Piers 1-5, near the project site. The spectator venues are all well over a mile northwest of the project site. Therefore, it is not expected that construction activities at 8 Washington Street in 2012 would affect the spectator venues in 2012. It is possible that the sounds from pile driving would be audible in the distance at some of the spectator venues and likely at the nearer Port of San Francisco team support venues; however, the sound would be considerably attenuated by distance from the project site.

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20 America’s Cup Draft EIR p. 7-41.
21 San Francisco Planning Department, Comments and Responses on the Draft EIR, The 34th America’s Cup & James R. Herman Cruise Terminal and Northeast Wharf Plaza EIR, Planning Department Case No. 2010.0493E (State Clearinghouse No. 2011022040), (hereinafter “America’s Cup C&R”), December 1, 2011, Table 11-2, pp. 11-26 to 11-33, particularly the section of the table on p. 11-31; pp. 11-60 to 11-61; and p. 11-81.
22 America’s Cup C&R, p. 11-70.
23 America’s Cup Draft EIR, Table 3-1, p. 3-27.
Table C&R-2: America’s Cup Port of San Francisco Venues

<table>
<thead>
<tr>
<th>Port Venue Locations</th>
<th>When in Use</th>
<th>Used For</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>South of Market</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pier 80</td>
<td>2012, 2013</td>
<td>AC34 ancillary team bases and hospitality for teams, floating docks, storage for yachts between 2012 and 2013 events.</td>
</tr>
<tr>
<td>Piers 30-32</td>
<td>2012, 2013</td>
<td>AC34 team bases and hospitality for teams in 2012, if improvements have been completed, with floating docks and storage for yachts between 2012 and 2013 events; otherwise, used for team bases and hospitality in 2013 only.</td>
</tr>
<tr>
<td>Piers 32-36 (Between)</td>
<td>2012, 2013</td>
<td>Open water basin for mooring racing yachts at Brannan Street Wharf area.</td>
</tr>
<tr>
<td>Piers 26-28</td>
<td>2012</td>
<td>AC34 team base support facilities and storage.</td>
</tr>
<tr>
<td>Piers 26-28</td>
<td>2013</td>
<td>AC34 team base support facilities, parking and storage; berthing for sponsors and/or spectator boats.</td>
</tr>
<tr>
<td>Piers 14-22-1/2</td>
<td>2013</td>
<td>Rincon Point Open Water Basin for berthing event sponsor and/or private spectator boats.</td>
</tr>
<tr>
<td><strong>North of Market</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piers 19-19-1/2</td>
<td>2012</td>
<td>Ancillary office and parking for A34 operations.</td>
</tr>
<tr>
<td>Piers 19-19-1/2</td>
<td>2013</td>
<td>Ancillary office and parking for A34 operations, hospitality for AC34 teams, media, and volunteers; volunteer center; and commercial/retail activities.</td>
</tr>
<tr>
<td>Pier 23</td>
<td>2013</td>
<td>Media operations and broadcasting.</td>
</tr>
<tr>
<td>Piers 19-23 and 23-27</td>
<td>2013</td>
<td>Northeast Wharf Open Water Basin between the piers for berthing sponsor and/or private spectator boats.</td>
</tr>
<tr>
<td>Piers 27-29, 29-1/2</td>
<td>2013</td>
<td>America’s Cup Village for public spectator viewing, hospitality, and entertainment.</td>
</tr>
<tr>
<td>Piers 29-31</td>
<td>2013</td>
<td>Water area between piers for berthing sponsor and/or private spectator boats.</td>
</tr>
<tr>
<td>Marina Green</td>
<td>2012</td>
<td>America’s Cup Village for public spectator viewing.</td>
</tr>
</tbody>
</table>

*Source: America’s Cup Draft EIR, pp 3-5 to 3-75.*

and would not interfere with America’s Cup activities (see also the response in Section III.H, Noise, beginning on C&R p. III.H.2, regarding pre-drilling pile holes and providing sound attenuation for the pile driving).

Construction of the proposed project at 8 Washington Street could affect America’s Cup spectator activities proposed to occur at Justin Herman Plaza on a few weekends during July-September.
2012. Construction activities are not proposed to occur at the project site on these weekends, to avoid affecting the live viewing area at Justin Herman Plaza. In July through September 2013, excavation and pile driving would be complete, and construction noise would be considerably less than noise from pile driving. Although a detailed construction schedule is not yet available, noisy activities that could affect spectators at Justin Herman Plaza in the summer/fall America’s Cup period in 2013 would include concrete trucks arriving and departing when each floor is ready to be installed and equipment used to construct upper levels of the building framing and install curtain walls. As in 2012, events in Justin Herman Plaza are planned for weekends only, when noisy construction activities would not occur at the project site. Thus, substantial amounts of time do not need to be added to the construction schedule to accommodate the America’s Cup events, contrary to suggestions in several comments.

The Draft America’s Cup People Plan includes consideration of a proposal to close one northbound lane and the northbound parking lane of The Embarcadero during race events, to provide safe bicycle and pedestrian travel space.\textsuperscript{24} The Draft People Plan also suggests considering restricting automobile access along the City’s northern waterfront area, generally north of Bay Street. If this were to occur, it would not affect construction at the project site, as it is not expected that haul trucks or construction workers would travel in this area. The Final Draft America’s Cup People Plan proposes closure of the rightmost northbound lane and the adjacent parking lane between Howard and Jefferson Streets on weekends during peak race events, beginning after 10:00 a.m.\textsuperscript{25} There is no proposal to close Washington or Drumm Streets during America’s Cup events, as suggested in one comment, and closure of these streets is not under consideration.\textsuperscript{26}

America’s Cup events on weekdays in 2012, currently scheduled in August and September, are estimated to attract approximately 45,000 spectators on a daily basis on a “High Interest” weekend,\textsuperscript{27} comparable to other events in San Francisco such as a fully-attended San Francisco Giants game, and would be spread over multiple viewing locations primarily along the San Francisco Bay shoreline. The highest levels of weekday congestion would occur during the 4:00 to 6:00 PM period as spectators would leave their viewing sites and would overlap with commuters departing the City. During that period, one intersection along The Embarcadero, at Howard Street, and the intersection of King and Third Streets, would operate at LOS E or F and would result in temporary but significant traffic impacts on streets that might also be affected by

\textsuperscript{25} America’s Cup C&R, pp. 12.11-43 to 12.11-47.
\textsuperscript{26} Peter Albert, Manager, SFMTA’s Urban Planning Initiatives Programs, telephone conversation with Turnstone Consulting, August 24, 2011.
\textsuperscript{27} America’s Cup Draft EIR, pp. 3-32 to 3-34 and Tables 3-3 and 3-5, pp. 3-34 and 3-36.
truck traffic from the 8 Washington Street project. (10 other intersections would operate at unacceptable levels from America’s Cup event traffic in 2012, but they are not located along routes leading to freeways expected to be used by the haul trucks). Haul truck activity from the 8 Washington Street project is not proposed to occur during the 4:00 to 6:00 PM period; therefore the proposed project would not contribute to significant traffic impacts during the 2012 America’s Cup events. Although greater numbers of spectators would be expected to view the 2012 America’s Cup events on weekends than on weekdays, construction would not occur at the 8 Washington Street project site on weekend days when America’s Cup events are scheduled. By the time the America’s Cup events are expected to be held in 2013, the 8 Washington Street project construction activities would generate substantially fewer vehicle trips, as excavation would have been completed, and most of the foundations and portions of the superstructure would have been completed by summer-fall of 2013. Therefore, the proposed project would not contribute substantially to the America’s Cup event traffic in 2013. In addition, on event days, access to the 8 Washington Street project site on The Embarcadero would be closed by no later than 12:00 noon.28

Settlement and Dewatering

The Initial Study for the proposed project, presented in Appendix A to the EIR, discusses geotechnical issues, including settlement, dewatering, and shoring during construction. Thus, contrary to the suggestions in one comment, these issues are not missing from the EIR, but are fully addressed in Appendix A in the EIR. The geology and soils section of the Initial Study is found on pp. 80 – 86, and summarizes information from the Preliminary Geotechnical Study prepared by Treadwell & Rollo for the project site.29 The Preliminary Geotechnical Study recommends use of inclinometers to monitor movement of the shoring system for supporting the ground during excavation for the basement levels. This would allow the construction contractor to detect movement in the shoring system and determine whether the system is performing as designed, and to make adjustments as necessary.

A detailed, site-specific geotechnical report is expected to be prepared as part of the building permit process, as required in the 2010 California Building Code Chapter 18, Soils and Foundations, Section 1803, to be reviewed and approved by the City’s Department of Building Inspection (DBI) for excavation on the reconfigured, privately-owned portion of the project site, and by the Port Chief Harbor Engineer for excavation under the Port-owned portion of the project site.30 This report would include additional information about subsurface conditions and would

28 C. Palley, Construction Information, 8/25/11.
29 Treadwell & Rollo, Preliminary Geotechnical Study, 8 Washington Street, August 24, 2006, pp. 8-9.
provide more detailed recommendations regarding shoring during excavation and construction (as recommended on p. 9 of the Preliminary Geotechnical Study, and summarized in the Initial Study on p. 81). Section 1803.5.5 identifies specific, detailed information that must be provided for sites with deep foundations, and Section 1803.5.12 includes special requirements for geotechnical investigations for sites in identified seismic zones such as the project site. The report must be prepared by an appropriately qualified registered design professional. Section 1804.1 of the Building Code prohibits excavations from removing lateral support from any existing foundation without first protecting it. Because DBI and the Chief Harbor Engineer would review the required geotechnical report and the project sponsor would be required to follow the recommendations in the report that DBI and the Port accept as part of the building permit process, there is no requirement that the report be prepared prior to publication of the EIR and summarized there. Nor is there a requirement that a site-specific dewatering plan be prepared prior to publication of the EIR; such a plan would be prepared as part of the building permit and construction documents, and would be reviewed and approved by various Port and City departments with appropriate jurisdiction and expertise, as for any site with similar soil and groundwater conditions near the City’s shoreline. Article 4.1 of the San Francisco Public Works Code and Department of Public Works Order No. 158170 establish the requirements for discharge of wastewater from dewatering of construction sites (see also the discussion of discharge of wastewater from dewatering below under “Project Approvals”).

The comment correctly notes that the Initial Study calls for a rigid, water-tight shoring system. The recommendation in the Preliminary Geotechnical Study that a rigid, watertight shoring system be used (as summarized in the Initial Study on pp. 81 and 85) would be implemented as part of the proposed project, confirmed in a memorandum from Frank J. Rollo, P.E., G.E., the project’s geotechnical consultant, to the project sponsor. That memorandum explains that to construct the proposed project basement levels, a near watertight, temporary wall would be constructed around the perimeter of the proposed basement footprint, and would remain in place following construction. See the responses in Section III.N, Sea Level Rise / Hydrology, in this Comments and Responses document for additional discussion of dewatering and groundwater.

**PROJECT SPONSOR OBJECTIVES**

**Comments**

Those project sponsor’s objectives related to reaping economic benefits from the project or complying with development requirements are inappropriate “project objectives” for the purposes of CEQA and should be deleted.


31 Frank J. Rollo, P.E., G.E., Principal, Rollo & Ridley, Inc., Memorandum to Simon Snellgrove, Pacific Waterfront Partners, August 31, 2011. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
In addition, project objectives should not reflect subjective conclusions or judgment concerning the project’s consistency with the character of its setting. These are the subjects of environmental analysis.

Several of the project sponsor’s primary objectives are to develop a high quality project that will to reap economic benefits for the project sponsor. For CEQA purposes, making money is not a valid project objective or purpose to be considered in the EIR. For this reason, the following objectives should be deleted:

• A primary objective of the project sponsor’s is “[t]o construct a high-quality project that includes a sufficient number of residential units to produce a reasonable return on investment for the project sponsor and its investors and is able to attract investment capital and construction financing, while generating sufficient revenue to finance the recreation, parking, and open space amenities proposed as a part of the project.” This should be deleted because it is irrelevant to CEQA analysis.

• The project sponsor’s objective “[t]o complete the project on time and within budget” also reflects the sponsor’s desire for economic gain. How is this unique to the proposed project? This should be deleted because it is irrelevant to CEQA analysis.

• The project sponsor’s objective “to increase the supply of public underground parking to support the continued economic viability of … the retail and restaurant uses at … Piers 1-1/2 – 5” in particular appears to be about reaping economic benefits for the project sponsor, since he was also the developer of Piers 1-1/2-5 and maintains a direct financial interest in its continued economic viability. This should be deleted because it is irrelevant to CEQA analysis.

Other listed objectives of the project sponsor are not project “objectives” or “purposes” at all, but are development requirements. For this reason, the following objectives should be deleted:

• The project sponsor’s objective to “help meet projected City housing needs” by “satisfying the City’s inclusionary affordable housing requirements.” In order to build the proposed high-density luxury condo project, the developer is required to satisfy the City’s inclusionary affordable housing requirements, so is not an appropriate purpose or objective of the project. This should be deleted.

• The project sponsor’s objective “to increase the supply of public underground parking to support the continued economic viability of the Ferry Building Farmer’s Market…” According to statements in other locations in the DEIR providing 90 spaces for the Ferry Building is a requirement of the RFP rather than a purpose or objective of the project. This should be deleted.

• The project sponsor’s objective to develop a “sustainable” or “LEED” project is another requirement of existing City law. This should be deleted. (Jon Golinger, Telegraph Hill Dwellers) [C.10.22]

Project Objectives -
A profit motive is not an appropriate objective for CEQA. For that reason, the following objectives should be deleted:

- “construct a high-quality project that includes a sufficient number of residential units to produce a reasonable return on investment for the project sponsor and its investors and is able to attract investment capital and construction financing, while generating sufficient revenue to finance the recreation, parking, and open space amenities proposed as a part of the project.”

- “complete the project on time and within budget”
“increase the supply of public underground parking to support the continued economic viability of... the retail and restaurant uses at ... Piers 1-1/2 - 5” Since the project sponsor is also a leaseholder/manager of Piers 1-1/2-5, this reflects a direct financial gain.

Response

An EIR’s project description must include a “statement of the objectives sought by the proposed project.” (CEQA Guidelines, § 15124, subd. (b).) “A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decisionmakers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.” (Ibid.)

Under the CEQA Guidelines, the statement of objectives is relevant to the lead agency’s consideration of alternatives to the proposed project. The CEQA Guidelines state:

An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (CEQA Guidelines, § 15126.6, subd. (a).)

The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. (CEQA Guidelines, § 15126.6, subd. (b).)

The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. (CEQA Guidelines, § 15126.6, subd. (f).)

The inability of an alternative to meet most of the basic project objectives is one basis for eliminating an alternative from detailed analysis in the Draft EIR. (CEQA Guidelines, § 15126.6, subd. (c).) An EIR need not consider alternatives that are infeasible or that are inconsistent with basic objectives of project. “Although a lead agency may not give a project’s purpose an
artificially narrow definition, a lead agency may structure its EIR alternative analysis around a reasonable definition of underlying purpose and need not study alternatives that cannot achieve that basic goal.” (In re Bay Delta (2008) 43 Cal.4th 1143, 1166 [upholding alternatives analysis for Cal-Fed program].) Case law indicates that a lead agency may cite project objectives as a factor in determining the range of alternatives analyzed in detail in an EIR, and in deciding whether to approve the proposed project or an alternative to the project. (See, e.g., Defend the Bay v. City of Irvine (2004) 119 Cal.App.4th 1261; Save San Francisco Bay Association v. San Francisco Bay Conservation and Development Commission (1992) 10 Cal.App.4th 908; Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490.)

The 8 Washington EIR includes a statement of project objectives. The statement appears in Chapter II, Project Description, on EIR pp. II.20-II.22. The statement lists the project objectives of the project sponsor, and lists the project objectives of the Port. As noted above, CEQA does not prohibit the EIR from listing the project sponsor’s objectives for the project. (Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490.)

Comments stated certain of the listed objectives are inappropriate and should be deleted. The specific objectives noted in the comments are discussed below.

First, comments state the project objectives should be revised to delete those that address or encompass the project sponsor’s economic objectives for the project. These comments are incorrect. Project objectives may include the applicant’s economic objectives, including the objectives to pursue an economically feasible project and to make a profit. (Sierra Club v. County of Napa (2004) 121 Cal.App.4th 1490; Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383; Sequoyah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715.)

Second, comments state certain project objectives should be deleted because they are not objectives, but are instead required elements of the project, citing objectives regarding housing, increasing the supply of underground parking, and developing a “sustainable” or “LEED” project. This statement is incorrect. Neither the CEQA Guidelines nor published case law states that project objectives are invalid because they involve project features that would otherwise be required. (See, e.g., Sequoyah Hills Homeowners Association v. City of Oakland (1993) 23 Cal.App.4th 704, 715 [upholding rejection of alternative based in part on inability to meet legally required housing goals].)

Ultimately, the decision to approve the proposed project, or an alternative to the project, will be determined by City decision-makers. In making this determination, City decision-makers will consider the stated project objectives of the project sponsor and the Port, along with information in the record pertaining to those objectives. Decision-makers have discretion to give different weight to objectives, and to regard some objectives as more important than others. The task of
the EIR is not to dictate how decision-makers exercise their discretion. Rather, the purpose of the EIR is to ensure that the decision is informed with an understanding of the project’s significant environmental impacts, and alternatives and mitigation measures available to avoid those impacts. If decision-makers approve the project, or an alternative to the project, then the decision-makers’ findings will set forth the bases for their decision. (Pub. Resources Code, § 21081.) Against this backdrop, the City concludes that it would be inappropriate to delete or ignore those project objectives identified in the comments.

PORT OF SAN FRANCISCO OBJECTIVES

Comments

PORT OF SAN FRANCISCO’S OBJECTIVES

Port’s Design Objectives: It is abundantly clear that the proposed project fails to meet almost all of the Port’s design objectives for the development of Seawall Lot 351.

• The design of the new development does not “respect the character of the Ferry Building,” but is incompatible with the Ferry Building’s design details, height, bulk and scale. The new development would not only cast new shade on Sue Bierman Park, but would create a giant new wall on the Park’s northern side, and the removal of the Washington Street median and its trees would effectively remove a buffer between the Park and the development on the project site.

• The design of the new development does not “compliment the rich architectural character of the Embarcadero National Register Historic District” nor is it “complementary to the architectural features of the pier bulkhead buildings.” Rather, the design of the new building is incompatible with the height, bulk and scale and architectural detail of these historic buildings and detracts from the significance of the historic district.

• Because of the height and scale of the proposed new development, it does not “acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero” and is clearly not “of similar height” as the bulkhead buildings.

• The proposed building does not “maintain and enhance the view corridors along the Embarcadero” nor does it “[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.” Instead it completely blocks views to Coit Tower from the Ferry Building and Pier 1.

• The height and massing of the proposed new building clearly does not “fit within the neighborhood context” given its sharp contrast with “the heights of the historic Pier 1 through 5 bulkhead buildings.”

• The main entrance to the residential towers faces Washington Street and not The Embarcadero, as a Port design objective requires.

• The main garage vehicle entrance, as well as a separate elevator entrance to the garage, will be located on the project’s Washington Street elevation – immediately across from Sue Bierman Park – obstructing views into the ground floor and creating blank walls in these areas. The DEIR fails to address how this design treatment will help ‘enliven’ Washington Street and create better connections from Chinatown to the Waterfront. Please address this in the DEIR.
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• In addition, it appears that most of the ground floor wall of the recreation facility on The Embarcadero will be blank (housing the swimming pools behind them). Please add a description of this wall and how it meets the Port’s design objectives.
• Placing the parking garage entrance on the Washington Street elevation, along with the vehicle drop-off area for the residential lobby and restaurant, immediately across from Sue Bierman Park, will impact the Park aesthetically, particularly with cars exiting and entering the 420 space garage and queuing in Washington Street. This will have an even greater aesthetic impact on the Park because the proposed project will remove the median strip and its trees from Washington Street that would otherwise provide at least a visual buffer between the Park and the car traffic generated by the project.

Port’s Development Program Objectives: The proposed project also fails to meet several of the Port’s development program objectives for Seawall Lot 351.

• The project would not “[p]romote public enjoyment of … the adjacent public open spaces including Sue Bierman Park” for the reasons described immediately above relating to project-generated traffic and queuing on Washington Street. In addition, the proposed project would add new shade to Sue Bierman Park.
• It is unlikely that a 420 space parking garage can be operated in a manner to “minimize impact on traffic and the neighborhood.” Consideration must be given to reducing the number of parking spaces for the residential units. (Jon Golinger, Telegraph Hill Dwellers) [C.10.23]

Port’s Design Objectives - the project design fails to achieve several Port Design objectives, in terms of the height and bulk of the building and its relationship to the buildings in the Embarcadero National Register Historic District. Most significantly, it not only fails to “Recognize the visual connection from the Ferry Building and Pier 1 to Colt Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites,” it actually obscures the view of Coit Tower from the Ferry Building. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.3]

4. Conflicts with the Port’s Design Objectives. The design of the proposed project conflicts with substantially all of the Port’s Design Objectives set forth in this EIR (pages II.21-II.22) and articulated in the Port’s RFP for this project, which the DEIR completely ignores in its discussion and conclusions regarding the proposed project’s impacts on the existing visual character of the area surrounding the project site. The EIR should disclose each of the following conflicts with the Port’s Design Objectives as a part of its analysis of the aesthetic impacts of the proposed project:

• The design of the new development does not “respect the character of the Ferry Building” because it is incompatible with the Ferry Building’s design details, height, bulk and scale.
• The design of the new development does not “respect the character of … Sue Bierman Park” because it would not only cast new shade on Sue Bierman Park, but would create a giant new wall on the Park’s northern side and, with the removal of the Washington Street median and its trees, would effectively remove a buffer between the Park and the development on the project site.
• The design of the new development would not “compliment the rich architectural character of the Embarcadero National Register Historic District” nor is it “complementary to the architectural features of the pier bulkhead buildings.” Rather, the design of the new building is incompatible with the height, bulk and scale and architectural detail of these historic buildings and detracts from the significance of the historic district.
III. Comments and Responses

B. Project Description

- Because of the height and scale of the proposed new development, it does not “acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero” and is clearly not “of similar height” as the bulkhead buildings.
- The proposed building does not “maintain and enhance the view corridors along the Embarcadero” nor does it “[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.” Instead it completely blocks views to Coit Tower from the Ferry Building and Pier 1 and impedes views of the Ferry Building from Telegraph Hill.
- The height and massing of the proposed new building clearly does not “fit within the neighborhood context” given its sharp contrast with “the heights of the historic Pier 1 through 5 bulkhead buildings.”
- The DEIR provides no design or consideration of “the appearance of all rooftop equipment as seen from the street and elevation of neighboring buildings and hills.” As rooftop equipment impacts aesthetics, this must be considered in the EIR.
- The proposed project’s “primary uses and pedestrian entrance,” i.e. the main entrance to the residential units, face Washington Street instead of The Embarcadero.
- As noted above, the proposed project will have “blank ground floor walls along The Embarcadero and Washington Street.” Washington Street will have the project’s garage vehicle entrance as a well as a separate elevator entrance to the garage. The Embarcadero will have a blank ground floor wall along the length of the swimming pool. (Jon Golinger, Telegraph Hill Dwellers) [C.10. 43h]

The Project Description on page II.20 states that an objective of the Project is “To increase the supply of public underground parking to support the continued economic viability of the Ferry Building Farmers Market and the retail and restaurant uses at the Ferry Building, Pier 1 and Piers 1½ - 5.” The proposed Project is inconsistent with this goal because it would negatively impact the economic viability of the Ferry Building. The Project would remove one of the most highly used parking areas and replace it with a public garage that would not be accessible or visible from The Embarcadero, would increase walking time, and would not provide validation services. These are significant deterrents for Ferry Building tenants and patrons, leading to decreased use of the Ferry Building and decreased economic viability.

5. The Project Description on page II.22 states that the Port’s objectives for the Project include avoiding parking access from The Embarcadero, encouraging pedestrian flow from the Ferry Building through location of parking, including no fewer than 90 parking spaces for visitors to the Ferry Building waterfront area, and operating parking in a manner to optimize utilization. The proposed Project is inconsistent with these goals, which themselves are contradictory. First, it is not possible to remove parking access from The Embarcadero and simultaneously to encourage pedestrian flow from the Ferry Building, which is located on the other side of the Embarcadero from the Project. The location of the entrance to the proposed parking will discourage pedestrian flow. Second, the proposed parking garage does not include “90 spaces for Ferry Building visitors” because the spaces have not been provided to EOP for its exclusive management and control, which is required under the terms of the Parking Agreement. Third, to optimize utilization of parking at Seawall Lot 351, the parking must be accessible to the Ferry Building and the current validation services must be continued. Neither of those characteristics are present in the proposed Project. (Zane O. Gresham, Morrison Foerster) [D.52.7]
Response

The comments say that the proposed project would not meet many of the Port’s objectives for Seawall Lot 351, and express perceived conflicts. As discussed on EIR p. II.21, the Port’s objectives for the development of Seawall Lot 351 that are shown on EIR pp. II.21-II.22 are articulated in its Request for Proposals for Seawall Lot 351, dated November 10, 2008. The Port’s development and design objectives are goals that the Port Commission will consider should the proposed project be presented for approval following certification of the Final EIR, a public trust consistency determination, and other conditions to the Port’s approval of the portion of the proposed project, including the proposed public trust exchange and development of the land owned by the Port following the trust exchange, that will be subject to Port jurisdiction.

Footnote 6 on EIR p. II.21 is revised, as follows (new text is underlined):

6 Port of San Francisco, Request for Proposals SWL 351 Mixed Use Development Opportunity, November 10, 2008. This document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.


PROJECT APPROVALS

Comment

Planning Commission:
• Set forth the existing Planning Code requirements for each of the following Planning Code sections that specify for each the exceptions or exemptions that would be required for the proposed project:
  Section 303 (Conditional Use)
  Section 253 (review of structures over 40 feet in any “R” District)
  Section 271(b) (Bulk Limit Exception)
  Sections 151 & 204.5(c) (off-street parking for residential uses in excess of maximum accessory amounts)
  Section 151 (reduction in off-street parking requirements for non-residential uses)
  Section 209.7(d) (provision of a public parking garage for spaces to serve the Ferry Building)
  Section 209.8(c) (commercial use above ground floor for the health club)
  Section 209.8(f) (non-residential use exceeding 6,000 gross square feet)
  Section 134 (rear yard requirement)
• Explain the basis for requesting the creation for a Special Use District (SUD) for this single project.
• Compare the existing height and bulk limits for the project site to that required for the proposed project. (Jon Golinger, Telegraph Hill Dwellers) [C.10.24]
Response

Section 303 of the Planning Code establishes the process for the authorization of conditional uses by the Planning Commission. The proposed project requires conditional use authorization for the following uses and aspects of project design for the reasons set forth below:

- **Section 253 (review of structures over 40 feet in any “R” District):** Section 253 provides that any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, is permitted only upon approval by the Planning Commission according to the Section 303(c) procedures for conditional use authorization. The proposed project is located in the RC-4 District and proposes two residential buildings that would exceed 50 feet in height (one residential building up to 70 feet tall and the other up to 136 feet tall). The proposed project therefore requires conditional use authorization pursuant to Section 253.

- **Section 271(b) (Bulk Limit Exception):** The proposed project is located in an “E” Bulk District, which requires a maximum building length of 110 feet and a maximum building diagonal dimension of 140 feet for the portions of a building that exceed 65 feet in height. The proposed project includes two multi-story residential buildings which have different dimensions vertically and horizontally. The proposed residential building along The Embarcadero (up to 70 feet tall) exceeds the 65-foot base height of the E bulk district by 5 feet. The uppermost 5 feet of the building have a maximum diagonal of 283 feet and a maximum length of 275 feet. The residential building proposed along Drumm Street (up to 136 feet tall) exceeds the 65 foot base height by 28 feet at the north end and by 71 feet at the south end. The uppermost portions of those buildings (above 65 feet) have maximum diagonals and lengths of 270/260 feet and 188/172 feet respectively. The proposed project’s residential buildings therefore exceed applicable bulk limits. Section 271 of the Planning Code authorizes the Planning Commission to grant exceptions to applicable bulk limits according to the procedures of Section 303 for conditional use authorization. The proposed project therefore requires conditional use authorization pursuant to Section 271.

- **Sections 151 & 204.5(c) (off-street parking for residential uses in excess of maximum accessory amounts):** Pursuant to Section 151 of the Planning Code, in the RC-4 District, one off-street parking space is required for each four dwelling units and up to 150% of the required amount of off-street is permitted as accessory. Section 204.5 provides that off-street parking that exceeds the maximum accessory amount permitted by the Planning Code must be classified as either a principal or conditional use, depending upon the use provisions applicable to the district in which such facilities are located. The proposed project includes 165 dwelling units; therefore, 41 off-street parking spaces are required and up to 62 spaces are permitted as accessory to the residential uses. The project proposes to provide 165 residential off-street parking spaces; this amount exceeds the maximum accessory amount permitted by the Planning Code by 103 spaces. Under Section 209.7(d) of the Planning Code, conditional use authorization is required for an off-street parking facility to serve a use permitted in any R District if the parking facility is not classified as accessory parking for such use, under the provisions of Section 204.5. The proposed project therefore requires conditional use authorization for the residential off-street parking spaces that are in excess of the maximum amount permitted by the Planning Code.
• **Section 151, 204.5 209.7(d) (90 public parking spaces to serve the Ferry Building area):**
The proposed project includes no less than 90 parking spaces to serve the Ferry Building area, which are required by the Port as a condition of development of Seawall Lot 351 to satisfy the Port’s contractual obligation to provide parking to the ground lessee of the Ferry Building. These spaces would not be considered accessory parking under Section 204.5 of the Planning Code because they would not serve any onsite use. Consequently, the no less than 90 parking spaces to serve the Ferry Building area must be considered and approved as a separate parking facility although they would be part of the proposed project’s underground parking garage. Pursuant to Section 209.7(d), a non-accessory off-street parking facility that serves a use permitted in any R District is conditional use in the RC-4 District. Section 209.8 provides that commercial uses within RC Districts are governed by the controls for the NC-3 Districts, and off-street parking that is beyond the amount accessory to onsite uses requires conditional use authorization in the NC-3 district. Therefore, the proposed project requires conditional use authorization for the residential off-street parking spaces that are in excess of the maximum amount permitted by the Planning Code.

• **Section 304 (Planned Unit Development):** Planning Code Section 304 permits the creation of a Planned Unit Development (“PUD”) for sites of greater than one half of an acre in size. PUDs are intended for project sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, neighborhood and the City as a whole. Where a project demonstrates outstanding overall design, the project may seek exceptions from certain Planning Code provisions through the PUD process. The project sponsor is requesting a PUD to seek exceptions from the rear yard requirement (Section 134(a)) and off-street parking requirements for the proposed project’s commercial uses (Section 151), which are discussed below.

• **Section 134 (rear yard requirement):** Section 134(a) requires that buildings in RC-4 Districts provide rear yards at a minimum depth of 25 percent of the entire lot, and in no case less than 15 feet. The proposed project’s residential buildings, health club building, and restaurant building would not provide rear yards; therefore, the project sponsor seeks an exception from the rear yard requirements pursuant to Section 134. In place of rear yards, the project sponsor would provide an internal courtyard for the residential buildings as well as 22,800 feet of new publicly accessible open space in the new Jackson Common, Pacific Avenue Park and widened Drumm Street pedestrian walk. The project sponsor is requesting the exception to rear yard requirements as part of the PUD approval.

• **Section 151 (reduction in off-street parking requirements for non-residential uses):**
Pursuant to Section 151, the project sponsor is required to provide 61 off-street parking spaces for the proposed restaurant uses and 34 parking spaces for the proposed project’s retail uses. Furthermore, Planning Department staff estimate that 80 spaces would be required for the various uses within the proposed health club, which means that a total of 175 off-street parking spaces would be required for the proposed project’s commercial uses. The proposed project would provide 165 off-street parking spaces for commercial uses (10 fewer spaces than required by the Code); therefore, the project sponsor requests an exception to off-street parking requirements for commercial uses. The project sponsor is requesting the exception to the off-street parking requirements for commercial uses as part of the PUD approval.
III. Comments and Responses

B. Project Description

- Section 209.8(c) (commercial use above ground floor for the health club): Section 209.8(c) provides that a retail, personal service or other commercial establishment is permitted as a conditional use above the ground floor of a building in the RC-4 District if permitted as a principal or conditional use on the ground floor in the NC-3 District. A health club is a permitted use on the ground floor in the NC-3 District, and thus would be a conditional use above the ground floor in the RC-4 District. The proposed health club would be located in a one-story building; however, the roof of the building would include an outdoor lap pool, a recreational pool, a spa area, deck seating, and changing rooms. Because these aspects of the health club facility would be located above the ground floor, the project sponsor requests conditional use authorization for the rooftop uses.

- Section 209.8(f) (non-residential use exceeding 6,000 gross square feet): Section 209.8(f) requires conditional use authorization for non-residential uses that exceed 6,000 gross square feet in a RC-4 District. The proposed health club facility and the proposed restaurant on the ground floor of the residential building at the corner of Washington Street and The Embarcadero would each exceed 6,000 gross square feet. Therefore, the project sponsor requests conditional use authorization.

The EIR noted that as an alternative to requesting each of the approvals listed above, the project sponsor could request a Special Use District. A Special Use District is an amendment to the Planning Code text that creates additional or different zoning controls than provided for by the underlying zoning with respect to a particular property or properties. The Planning Code does not limit the creation of a Special Use District to multiple projects or properties, and in the past the City has approved Special Use Districts that only apply to one project and property. Nevertheless, the project sponsor has indicated that it would not seek to entitle the proposed project through the use of a Special Use District, and instead the project sponsor would request approval of each of the conditional use authorizations and exceptions listed above.

In addition to being located in the RC-4 zoning district, the proposed project is located in the 84-E height and bulk district. The height limit is 84 feet, and the bulk limit provides for a maximum building length of 110 feet and a maximum building diagonal dimension of 140 feet for the portions of a building that exceed 65 feet in height. The proposed residential building along The Embarcadero would rise to a maximum height of 70 feet and would comply with existing 84-foot height limit. The proposed residential building along Drumm Street would rise to a maximum height of 136 feet, which exceeds the existing 84-foot height limit. The project sponsor is therefore requesting a Zoning Map amendment to increase the height limit applicable to the portion of the project site where the residential building would be located to 136 feet. The project sponsor is also requesting a corresponding amendment to Map 2 (Height and Bulk Plan) of the General Plan to increase the applicable height. As noted above, both of the proposed residential buildings would exceed applicable bulk limits; therefore, the project sponsor is requesting a bulk exception pursuant to Section 271 of the Planning Code, as explained in greater detail above.
Comment

Department of Public Works:

• No mention is made of the required curb cuts on Drumm Street for the proposed loading dock and trash area.
• No mention is made of the additional curb cut on Washington Street for the proposed vehicular drop-off area to serve the proposed project’s residential lobby and restaurant (this is in addition to a separate curb cut required for the garage entrance).

Other Required Approvals:

• Will the project require a permit from the Regional Water Quality Control Board in connection with dewatering the site, given its location on a seawall lot?
• Will the project require approval from BCDC given the proposed development on a seawall lot? (Jon Golinger, Telegraph Hill Dwellers) [C.10.29]

Response

The EIR states that the proposed project would require approvals from the Department of Public Works for a proposed curb cut along Washington Street, expanded sidewalks on Washington Street and Drumm Street, and lane reconfiguration on Washington Street to remove the landscape median. The comment is correct in noting that as part of the Department of Public Work’s review of the proposed project, a new curb cut along Drumm Street for the off-street loading and service area and a new vehicle pullout along Washington Street for the proposed passenger and vehicular drop-off area would require approval from the Department of Public Works.

The proposed project would not require approval from the Regional Water Quality Control Board in connection with dewatering the project site. The proposed project would be required to comply with Article 4.1 of the San Francisco Public Works Code and Department of Public Works Order No. 158170. Article 4.1 requires that the project sponsor obtain a wastewater discharge permit from the San Francisco Public Utilities Commission prior to discharging wastewater from dewatering into the City’s sewer system. A permit from the Regional Water Quality Control Board would be required if wastewater from dewatering were discharged directly into San Francisco Bay or into a separate stormwater system that discharged directly into the Bay. While the comment correctly notes the project site is located partially on a seawall lot and close to San Francisco Bay, the wastewater from dewatering would not be discharged directly into San Francisco Bay or into a separate stormwater system that discharges directly into the Bay. Instead, wastewater from dewatering would be discharged into the City’s combined sewer system, and the San Francisco Public Utilities Commission would have permitting authority over the dewatering pursuant to Article 4.1.

The proposed project would not require approval from the Bay Conservation and Development Commission (BCDC). BCDC has regulatory jurisdiction over development in the open water, marshes, and mudflats of San Francisco Bay, as well as the first 100 feet inland from the shoreline of San Francisco Bay. BCDC also has jurisdiction over properties designated within...
the Seaport Plan. The proposed project is neither in San Francisco Bay, within 100 feet of the shoreline of San Francisco Bay nor designated within the Seaport Plan. Therefore, BCDC does not have jurisdiction over the proposed project, and a permit from BCDC is not required. The fact that part of the project site lies on a seawall lot is irrelevant for the purposes of determining BCDC’s jurisdiction.

Comment

In referring back to my concern re the time that completing this project will require, it must be noted, that the number of restrictions and the extent of approvals that this multi-use development must meet, will add significant time and cost before being able to proceed, on the schedule proposed in your Draft. I counted a minimum of eight local and state Commissions and Departments that will have to be consulted and that must ultimately approve this project before it can proceed. (Sarelle T. Weisberg) [D.23.6]

Response

The EIR assumed that construction of the proposed project would begin in 2012 and would be ready for occupancy in 2014. (See EIR Chapter II, Project Description, EIR pp. II.19-II.20). This assumption factored in the amount of time that would be required for the project sponsor to obtain all of the required approvals. Furthermore, the project sponsor’s pro forma and budget for the proposed project account for the time and expense required to complete the entitlement process. The response in “Requests for Clarification,” C&R pp. III.B.73-III.B.78, lists the expected approval dates for each of the required approvals. The comment is correct that the time required to obtain these approvals cannot be predicted with certainty.

LEED

Comments

Compliance with LEED standards for new construction is THE LAW in San Francisco. It is not an option. Please correct all apple-polishing references to LEED compliance unless it is EXPICITLY stated what is the required level of compliance and how it may be exceeded. Please also explain how an AUTOMOBILE - HEAVY project can even purport to be at a high level of LEED certification. Does the U.S. Green Building Council weigh excess parking in its evaluation standards? (Sue C. Hestor, Friends of Golden Gateway) [C.8.14]

The Project Overview touts the project sponsor’s intention to design the proposed project to LEED Gold standards as a project benefit and typical marketing tool for all proposed new building projects in San Francisco today.

- Please address the issues raised regarding the proposed project in the San Francisco Bay Guardian article, Is LEED really green? http://www.sfbg.com/2011/07/05/leed-really-green
- We note that the DEIR on page II.14 states that in order to help the project obtain LEED credits, a “green roof” will be installed – “an active garden area with raised hardscape paths” – that would be accessible only to the residents of the penthouse units. Access to this rooftop garden and its bay views would obviously substantially increase the value of these penthouse
units. How do the people of San Francisco – not just the project developer – benefit from the LEED rating for this project?

- Discuss the City’s existing requirements for new buildings to meet LEED standards and compare those requirements to the project sponsor’s “goal” to achieve a LEED Gold certification from the U.S. Green Building Council. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.12]

The DEIR states that the proposed new landscaping, the design of which has not yet been developed, would be required by the City’s stormwater management ordinance to achieve LEED Sustainable Sites. Yet, the DEIR states that such compliance would also provide the developer with credits toward its LEED certification.

- Will the project sponsor’s compliance with the City’s mandated requirements allow for points toward the proposed project’s LEED certification?
- Are LEED points taken away for a project that requires the removal of 136 existing trees? *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.18]

- According to the project description in the DEIR, the project sponsor will seek to have the proposed buildings “LEED” certified. How does exceeding the Planning Code’s minimum parking amounts and the resulting traffic and air impacts relate to LEED certification? Wouldn’t a “green” project alternative be one that minimizes parking rather than proposing more parking than the code allows? Reducing the amount of parking would lessen project impacts on traffic/circulation as well as on air quality. Please include a reduced-parking alternative. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.53d]

**Response**

The project sponsor is expected to apply for a building permit in 2012; the project is considered a high-rise residential project and involves demolition. Based on these parameters, the 2011 San Francisco Building Code (Chapter 13C Green Building Requirements) applicable to the private component of the project requires that the project achieve either 55 LEED points (Silver / halfway to Gold), or 100 GreenPoints and all LEED prerequisites. The code also identifies specific requirements which have been addressed in the design.

Responses to these specific requirements include but are not limited to green roofs on the residential buildings for stormwater management, water-efficient landscaping and low-flow fixtures to reduce potable water use.

Design of the exterior walls incorporates low-e insulated glass shaded within deep recesses or overhangs to provide daylighting and views while minimizing heat gain. Energy efficient lighting and appliances reduce electrical demand throughout the project. Enhanced commissioning would be performed to test, tune, and ensure highly efficient operation of the HVAC system. As required by the code, at least 1 percent of the project’s energy usage by cost would be generated from on-site renewable resources with potentially several times more generated by solar hot water arrays on the upper roof and/or geothermal fields below grade.
III. Comments and Responses

B. Project Description

The code requirement for sustainable materials would be met through the use of FSC certified wood, recycled content in concrete, steel, and glass, or other sustainably sourced materials. The project’s construction would divert waste from landfills, returning as much material as possible to recycling and other uses, and once complete the building would provide facilities for the collection of recyclables, compostables, and trash.

In total these measures would exceed the requirements of the building code and result in a performance equivalent to LEED Gold. LEED certification does not preclude parking as a building use nor do any of the LEED prerequisites (compliance with which is required by the San Francisco Building Code) prohibit particular uses such as parking in any quantity nor does LEED address the financial goals of the project.

The LEED system does not include negative points nor is there a point available for preservation of urban trees.

REQUESTS FOR CLARIFICATION

Comments

There is a rooftop open space on top of the residential building. Such open space, when it is accessible to residents must meet ADA accessibility standards, which results in increased elevator penthouses. Please explain the increased elevator height (and resulting shadows) from providing part of the open space on the roof. (Sue C. Hestor, Friends of Golden Gateway) [C.8.19]

Please take all the Approvals listed on II.22-25 and give a realistic completion date for each action/approval. Where discussions have already commenced with any of the listed bodies (e.g. Recreation and Park on Prop K limits, State Lands on public trust swap, Port lease) provide information stating the scope of those discussions. Which of the listed agencies were (a) provided with a copy of the DEIR, (b) were consulted to determine whether the DEIR provided relevant information they would need for their approval, and (c) submitted comments. (Sue C. Hestor, Friends of Golden Gateway) [C.8.21]

The first sentence describing the Project Location is deceptive and misleading. The project site is not located “in downtown San Francisco.” Revise the description of the project location to state that: “The project site is located in the Northeast Waterfront on The Embarcadero roadway immediately to the north of Sue Bierman Park and across from the Ferry Building and Piers 1 through 5, which are each individually listed on the National Register of Historic Resources and are contributors to the Port’s Embarcadero National Register Historic District.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.4]

ADJACENT USES

The DEIR’s description of the adjacent public open spaces as “Assessor’s Blocks 202 and 203” is biased in its purposeful avoidance of disclosing that the project site is immediately adjacent to Sue Bierman Park, a Recreation and Park Department park protected by Proposition K, the citizen-enacted ordinance prohibiting any new shadow on this park.
This description is also inadequate in its failure to disclose that the project site is located on The Embarcadero Promenade (Herb Caen Way) and is across from Pier 7, both important public open spaces. Please revise this section of the DIR to provide an accurate and complete description of all open spaces and public uses adjacent to the project site. (Jon Golinger, Telegraph Hill Dwellers) [C.10.9]

PROJECT OVERVIEW
The DEIR inaccurately states that: “the existing Golden Gateway Tennis & Swim Club facility would be temporarily removed from the project site.” [emphasis added] Please amend this misleading statement to disclose that the existing Golden Gateway Tennis & Swim Club facility would be demolished.

Please also amend this misleading statement and clarify in the Project Overview that the proposed project would include new smaller “athletic club facilities,” which would reduce the number of tennis courts from 9 to 4 and would eliminate the half basketball court. (Jon Golinger, Telegraph Hill Dwellers) [C.10.10]

PROPOSED BUILDINGS
The DEIR’s description of the proposed new buildings, including the Athletic Club Building, fails to disclose that their construction will result in the loss of 5 of the existing 9 tennis courts and the elimination of the existing basketball court. (Jon Golinger, Telegraph Hill Dwellers) [C.10.13]

How many metered parking spaces will be lost on Washington Street, including those to accommodate the garage entrance and passenger zones for the main entrance to the residential units and the restaurant to be located at the corner of Washington and The Embarcadero? (Jon Golinger, Telegraph Hill Dwellers) [C.10.45c]

Project Description. The Project Description requires clarification, as follows

- Describing the project location as “Downtown San Francisco” is incomplete and inaccurate. The immediately adjacent uses to the project are recreational and residential, obviously not “downtown” uses. Please modify the description. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.1]

Project Overview.

- The DEIR inaccurately states that: “the existing Golden Gateway Tennis & Swim Club facility would be temporarily removed from the project site.” This statement should instead be written as “the existing Golden Gateway Tennis & Swim Club facility would be demolished.” (Jennifer Clary, President, San Francisco Tomorrow) [C.11.4]

- The statement in the Project Overview that the proposed project would include new smaller “athletic club facilities,” should be clarified to indicate the specific changes in the facilities, including the reduction in the number of tennis courts from 9 to 4 and the elimination of the half basketball court. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.5]

This proposed Drumm street trash area serving 165 units, retail units, restaurants and the health club, will be situated opposite a similar existing trash area currently serving the 440 unit William Heath Davis building. Numerous large wheeled trash bins, the size of small trucks, line the street 3-4 mornings a week. They motor about and generally obstruct traffic.
The proposed trash area and loading dock mirroring the one across the street, will add significantly to the traffic, noise and pollution levels. (*Paula Eve Aspin*) [D.24.5]

**Response**

In response to several comments, the first three sentences on EIR p. II.1 are clarified as follows (new text is underlined, deleted text is shown in strikethrough):

> The project site is located *north of* in downtown San Francisco within the Northeast Waterfront, on the north side of Washington Street, *across from Sue Bierman Park*, between The Embarcadero and Drumm Street. The overall shape of the project site is roughly a right triangle, bounded by The Embarcadero to the east, Washington Street to the south, and Drumm Street and a walkway and public utilities easement to the west. (See Figure II-1: Project Location.) The project site encompasses *both private property* (Assessor's Block 168/Lot 58, Block 171/Lot 69, and Block 201/Lot 12, owned by the Golden Gateway Center), *which is subject to Planning Commission jurisdiction*; and Seawall Lot 351, *which includes Block 201/Lot 13, and is owned by the Port and subject to Port Commission jurisdiction*.

The discussion of adjacent uses on EIR p. II.5 is revised as follows (new text is underlined, deleted text is shown in strikethrough):

**ADJACENT USES**

The project site is on the periphery of the Downtown Financial District. Uses adjacent to the project site include the high-density residential communities of Golden Gateway Center and Golden Gateway Commons; the Sue Bierman Park public open spaces and other public uses on Assessor's Blocks 202 and 203; public open space along The Embarcadero Promenade and on Pier 7 (the latter *opposite the northern tip of the project site*); and the offices, restaurants, retail uses, and open space at Piers 1, 1-1/2, 3, and 5. The high-rise Embarcadero Center office and commercial development is about a block (approximately 400 feet) to the south and southwest, the mixed-use Ferry Building is about a block (approximately 450 feet) to the southeast, and Pier 7 (with a restaurant and promenade) is about one-half block (approximately 200 feet) to the northeast.

The discussion of the Golden Gateway Tennis & Swim Club facility on EIR p. II.5 is clarified as follows (new text is underlined, deleted text is shown in strikethrough):

**PROJECT OVERVIEW**

Under the proposed project, the existing Golden Gateway Tennis & Swim Club facility would be *demolished temporarily removed from the project site,* and the site would be developed with two primarily residential buildings and new indoor and outdoor athletic club facilities...

As evident in the subhead “Project Overview” the intent of this text is to provide a brief summary and prepare the reader for the detailed discussion of project characteristics that follows later in the
document. The reduction of tennis facilities from nine to four courts is discussed later in the Project Description on EIR p. II.17:

**PROPOSED ATHLETIC CLUB FACILITIES**

The project sponsor proposes to construct four regulation-size tennis courts on the northern part of the project site, Assessor’s Block 171/Lot 69, to partially replace the nine existing tennis courts that would be removed for construction of the project. Two outdoor swimming pools (a 49-by-75-foot lap pool, and a 30-by-46-foot recreation pool, a Jacuzzi spa, and outdoor deck seating would be constructed on the roof of the proposed fitness center building. These would replace the two existing in-ground pools (25 feet by 55 feet, and 36 feet by 75 feet) with larger pools (30 feet by 46 feet, and 49 feet by 75 feet). The tennis courts would occupy about 27,000 sq. ft., and the pools and related rooftop outdoor space for the athletic club would occupy about 13,000 sq. ft. The Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities. Besides being used for general membership activities, the club would also continue to be used for children’s summer camps with priority for dues-paying club members, but with additional space allocated to the general public. This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the proposed project.

There is no plan to replace the existing basketball half-court in the proposed athletic club facilities (see the response in Section III.M, Recreation, in the subsection entitled “Physical Effects on Recreational Resources,” C&R pp. III.M.7-III.M.25, for additional discussion and clarification of existing and proposed athletic club facilities.

The proposed rooftop open space is not code-required residential open space, but is part of the upper level units directly below the roof and is in addition to their code-required private open space. Sections 1102A and 1103B of the California Building Code address accessibility and do not require elevator access to any level other than the primary level (entry level) of a residence in a privately funded multi-level residential building. Although there are no explicit requirements for this additional open space to be accessible, in the event an individual owner or the project sponsor wishes to provide accessibility to these spaces it could be accommodated by stair lifts, which would not affect the building envelope.

Regarding completion dates for approvals, it is anticipated that the applicable City agencies, including the Port Commission as to matters within its jurisdiction, would consider the initial package of discretionary approvals generally at the same time as the certification of the EIR, anticipated to occur in early 2012. Following the initial discretionary approvals, it is anticipated that the San Francisco Department of Public Health would approve a site mitigation plan and a dust control plan for the proposed project pursuant to relevant City ordinances; this would occur prior to groundbreaking, which is anticipated to be in mid-2012. Similarly, it is anticipated that the San Francisco Public Utilities Commission would approve a plan for discharging the
dewatering wastewater from the site into the combined sewer system, and that the Department of Public Works would approve tree removal, proposed new curb cuts, expanded sidewalks, and lane re-configuration along Washington Street prior to ground breaking in mid-2012. It is anticipated that the Department of Public Works would then approve a tentative subdivision map for the proposed project at the end of 2012 or the beginning of 2013.

The project sponsor has initiated discussions with the Planning Department and submitted entitlement applications regarding the approvals that will be before the Planning Commission. The project sponsor has also initiated discussions with staff of the State Lands Commission regarding the proposed public trust exchange, and is negotiating a public trust exchange agreement with the State Lands Commission and the Port. The project sponsor is negotiating the Purchase and Sale Agreement required to effect the public trust exchange and a Disposition and Development Agreement for the development of Port-owned land following the public trust exchange with the Port.

The Planning Department staff and EIR consultants consulted with staff of the Port of San Francisco, the San Francisco Department of Public Health, and the Municipal Transportation Agency, among other City departments, during preparation of the Draft EIR and Comments and Responses document. Chapter VII, Authors and Persons Consulted, is updated to add the following information regarding consultations with City staff after “Property Owner Seawall Lot 351” on p. VII.3 (new text is underlined):

PERSONS CONSULTED

Jerry Robbins, Transportation Planning Manager
San Francisco Municipal Transportation Agency

Patrick Fosdahl, MS, REHS
Senior Environmental Health Specialist
San Francisco Department of Public Health

Peter Albert, Urban Planning Initiatives Program
San Francisco Municipal Transportation Agency

Bessie Tam, Project Manager
San Francisco Public Utilities Commission

James Morales, General Counsel
San Francisco Redevelopment Agency

The project sponsor has consulted with the San Francisco Public Utilities Commission staff during the course of project design development, as well as with staff of the Port and Planning Departments, as is typical during early project planning. Members of the Planning Commission, staffs of the Port, Recreation and Park Department, Fire Department, Department of Public
Works, Department of Building Inspection, and members of the Board of Supervisors received either copies of the Draft EIR or notice that a copy was available on the Planning Department’s web site or from the Planning Department. As explained above under the subsection “Public Trust Doctrine” on C&R p. III.B.24, the State Lands Commission was one of several state and regional agencies that were suggested to receive copies of the Draft EIR through the State Clearinghouse as part of the standard public noticing process for Draft EIRs. The project will require a variety of permits from the Department of Public Works. The Department of Public Works is part of the lead agency, however, so these are implementation actions by the lead agency itself.

The San Francisco Recreation and Park Commission is the only agency with approval authority over the proposed project whose staff submitted comments; the San Francisco Fire Department also submitted comments noting that the proposed project would not impact fire department services. Planning Commissioner Ron Miguel submitted written comments after the public hearing was held by the Planning Commission on the Draft EIR. No other City agencies submitted formal comments on the Draft EIR.

Comments express concern about trash pick-up and the loss of metered parking spaces. The EIR indicates (p. IV.D.29) that the project would eliminate 14 metered on-street parking spaces adjacent to the project site. As detailed in the Transportation Study (p. 11), the project would convert five of the existing nine general parking metered spaces on the north side of Washington Street to on-street passenger loading/unloading spaces for the residential and restaurant uses, and would eliminate the remaining four general parking metered spaces to provide access to the proposed subsurface garage. The project would also eliminate five general parking metered spaces on Drumm Street to facilitate access to the loading dock area and provide sidewalk bulb-outs at the northeast and northwest corners of the intersection of Washington and Drumm Streets.

As described in EIR Chapter II, Project Description, EIR p. II.8, the proposed project would have a separate enclosed storage trash area inside the building, and immediately adjacent and accessible from the loading dock. Garbage composting and recycling containers would be brought to the front of the loading dock for pick up and would not be left outside the building.
C. PLANS AND POLICIES

GENERAL PLAN

Comment

5. Amount of Parking Conflicts with the Transit First Policy and Other City Ordinances, Plans & Policies. The proposed 240-space, three level underground parking garage conflicts with existing Planning Code provisions, Priority Planning Policy No. 4 (discouragement of commuter automobiles), the Transit First Policy, and the Transportation Element of the General Plan. These conflicts would impact the physical environment because they would cause more people to drive to and from the already congested area, thereby impacting transportation and circulation, pedestrian safety and air quality. The impacts resulting from the proposed project’s failure to conform to these ordinances, plans and policies must also be (but are not) considered cumulatively with other projects that impact local and regional transportation systems, including the Exploratorium, the America’s Cup, the Cruise Ship Terminal and Treasure Island.

- Please disclose and discuss the project’s conflicts with the Transit First Policy.
- Please disclose and discuss the project’s conflicts with Priority Planning Policy No. 4 (discouragement of commuter automobiles).
- Please disclose and discuss the project’s conflicts with the Transportation Element of the General Plan. (Jon Golinger, Telegraph Hill Dwellers) [C.10.47]

Response

The comment requests a discussion of how the proposed project conflicts with the Transit First Policy, Priority Planning Policy No. 4, and the Transportation Element of the General Plan. For a discussion of the proposed project’s conflicts with the Transit First Policy, please see the first response under “Proposed Parking / Transit First Policy,” beginning on C&R p. III.C.9. For a discussion of the proposed project’s conflicts with Priority Planning Policy No. 4, please see the response under “Priority Planning Policies,” beginning on C&R p. III.C.3.

The third paragraph on EIR p. III.1 is revised to identify potential conflicts between the proposed project and the Transportation Element of the General Plan, as follows (new text is underlined):

The General Plan provides general policies and objectives to guide land-use decisions and contains some policies that relate to physical environmental issues. The proposed project could potentially conflict with a number of policies in the Transportation Element of the General Plan:

- Policy 1.3 - Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
- Policy 16.5 - Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.
- Policy 34.1 - Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in
neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with applicable provisions of the General Plan, and will consider potential conflicts as part of the decision-making process. This consideration of General Plan objectives and policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Potential conflicts with provisions of the General Plan that would cause physical environmental impacts have been evaluated as part of the impacts analysis carried out for relevant, specific topics in this EIR. For example, policies concerning parking are addressed in EIR Section IV.D, Transportation and Circulation. Potential conflicts with General Plan objectives and policies not identified in the EIR could be considered in the project evaluation process and would not alter the physical environmental effects of the proposed project. The project would be reviewed by the Planning Commission in the context of all applicable objectives and policies of the General Plan.

Conflicts between the proposed project and the objectives and policies of the Transportation Element of the General Plan are not, in and of themselves, physical environmental impacts. However, the physical environmental impacts that would result from those conflicts if the proposed project were implemented are discussed in EIR Section IV.D, Transportation and Circulation, on EIR pp. IV.D.16-IV.D.37. City policies on parking reflect an effort to strike an appropriate balance between providing sufficient parking for proposed land uses and not providing an overabundance of parking as a means of discouraging overreliance on automobiles. The policies cited by the comments reflect the City’s effort to achieve this balance.

The project sponsor has stated that providing one parking space per residential unit is an essential element of the marketability of the residential units. According to the project sponsor, the residential units are sized to accommodate families, and the marketability of units of this size is compromised if each unit does not have access to a dedicated parking space in the building. Some comments have asserted that reducing the amount of residential parking may have the effect of forcing at least some residents into greater use of transit. Those comments are noted. The project sponsor has stated that reducing the residential parking ratio to less than one space per residential unit would compromise the marketability of the units and the project sponsor’s financial returns. The project sponsor also states that a parking reduction would materially affect the marketability and value of the units, which in turn would render infeasible the project’s ability to finance the construction of the project’s public benefits. Decision-makers will make a policy decision regarding the application of San Francisco’s Transit First Policy to the proposed project in light of concerns and information presented. As part of the entitlement process for the proposed project, the decision-makers will evaluate the proposed project against the objectives and policies of the General Plan, and will consider whether the proposed project would, on balance, conform or conflict with the General Plan. This review is carried out independent of the
environmental review process, as part of the decision to approve, modify, or disapprove a proposed project.

PRIORITY PLANNING POLICIES

Comments

Please discuss fully the **Policy Issues in Prop M** in the Plans and Policies section of the DEIR. They should not be kicked over to a later date. *(Sue C. Hestor, Friends of Golden Gateway)* [C.8.24]

The DEIR fails to disclose and analyze the physical environmental impacts resulting from the proposed project’s conflicts with Priority Planning Policies. Although the DEIR lists the Priority Planning Policies in an abbreviated form, it fails to describe or analyze how the height and massing of the proposed project would conflict with them. Instead, the DEIR improperly says the Planning Commission will do this later “during its final review of the required project approvals...” The DEIR is required to analyze the project’s conflicts with the Priority Planning Policies that would result in significant physical environmental impacts. (See our comments on the project’s conflicts with the Priority Planning Policies set forth below under Chapter IV. Environmental Setting and Impacts -- A. Land Use). *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.31]

2. The proposed project conflicts with the Priority Planning Policies related to environmental impacts. The DEIR fails to evaluate the physical environmental impacts that would result from the project’s conflicts with the Priority Planning Policies, including the following impacts:

   Policy 2 – Because the height and massing of the proposed project is incompatible with that of historic Ferry, Agriculture and bulkhead buildings on The Embarcadero, the proposed project will impact neighborhood character.

   Policy 3 – Because the proposed project creates 165 luxury condominium units, it fails to preserve and enhance the City’s supply of affordable housing.

   Policy 4 – Because the proposed project seeks exceptions to the City’s minimum parking requirements, it will encourage, and therefore impact, commuter traffic in the area.

   Policy 7 – Because the proposed project is incompatible with the height and bulk of the historic Ferry, Agriculture and bulkhead buildings that line The Embarcadero, it will impact the character of the Port’s Embarcadero National Register Historic District and the nearby buildings individually listed on the National Register.

   Policy 8 – Because the proposed project will cast new shadows on the Embarcadero Promenade walkway, Sidney Walton Square and Sue Bierman Park (as well as on the proposed Jackson Common and Pacific Avenue Park), it will impact parks and open space and their access to sunlight. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.39]

2. **Add a Discussion of Priority Planning Policy No. 8 from Section 101.1 of the Planning Code.** Add a description of the applicable Priority Planning Policy No. 8: “That our parks and open space and their access to sunlight and vistas be protected from development.” According to Section 101.1 these Priority Planning Policies “shall be the basis upon which
inconsistencies in the Master Plan are resolved.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.56e]

Response

The comments state that the EIR does not adequately discuss the proposed project’s conflicts with the Priority Planning Policies of Planning Code Section 101.1. The second full paragraph on EIR p. III.5 is revised, and new text is added after that paragraph, as follows (new text is underlined, deleted text is shown in strikethrough):

**PRIORITY PLANNING POLICIES**

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code to establish eight Priority Policies. These policies are (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles; (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of the greatest possible level of earthquake preparedness; (7) preservation of landmarks and historic buildings, and (8) protection of parks and open spaces and their access to sunlight. The case report and approval motions for the proposed project will contain the San Francisco Planning Department’s comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.

The proposed project could potentially conflict with several of the Priority Planning Policies. Those conflicts are identified and briefly discussed below, but the conflicts are not, in and of themselves, physical environmental impacts. However, the physical environmental impacts that would result from those conflicts if the proposed project were implemented are discussed in the appropriate topical sections of EIR Chapter IV, Environmental Setting and Impacts.

The condominium buildings in the proposed project, which would exceed the current height limit for the project site, would change the land use character and the architectural/visual character of the neighborhood, and potentially conflict with Priority Planning Policy No. 2. The impacts on the land use character of the neighborhood are discussed on EIR pp. IV.A.9-IV.A.11, and the impacts on the architectural/visual character of the neighborhood are discussed on EIR pp. IV.B.18-IV.B.21. The proposed project would include an underground parking garage containing 165 residential parking spaces, a ratio of 1 space for each dwelling unit, which would affect commuter traffic and public transit, and potentially conflict with Priority Planning Policy No. 4. The impacts on transportation and circulation are discussed on EIR pp. IV.D.16-IV.D.37. The condominiums in the proposed project would cast net new shadow on several nearby parks and open spaces and potentially conflict with Priority Planning Policy No. 8. The shadow impacts on parks and open spaces are discussed on EIR pp. IV.G.11-IV.G.45. The proposed project would be consistent with the other Priority Planning Policies.

The proposed project would be consistent with Priority Policy No. 1, which calls for the preservation and enhancement of neighborhood-serving retail uses. As discussed on EIR pp. II.5-
II.14, the proposed project would include new retail and restaurant space and a renovated athletic club. The proposed project would be consistent with Priority Planning Policy No. 3, which calls for the preservation and enhancement of affordable housing. As discussed on p. 33 of the Notice of Preparation of an EIR/Initial Study (“NOP/Initial Study”), attached to this EIR as Appendix A, the proposed project is required to comply with the provisions of the Residential Inclusionary Affordable Housing Program set forth in Planning Code Section 315. The proposed project would be consistent with Priority Planning Policy No. 5, which calls for (a) the protection of industrial and service uses from commercial office development and (b) the enhancement of resident employment opportunities in the industrial and service sectors. There are no existing industrial or service uses on the project site that could be displaced. The proposed project would be consistent with Priority Planning Policy No. 6, which calls for achieving the greatest possible level of earthquake preparedness. As discussed on pp. 80-84 of the NOP/Initial Study, the proposed project would be required to comply with current building code and seismic safety requirements. The proposed project would be consistent with Priority Planning Policy No. 7, which calls for the preservation of landmarks and historic buildings. As discussed on pp. 50-51 of the NOP/Initial Study, the project site does not include any landmarks or historic buildings other than the Old Seawall, and the proposed project would not result in any significant adverse change to the historic resources in the nearby Central Embarcadero Piers or Embarcadero National Register Historic Districts. The project site is not within either one of these districts.

As part of the entitlement process for the proposed project, the Planning Commission and the Board of Supervisors will evaluate the proposed project against the Priority Planning Policies, and will consider whether the proposed project would, on balance, conform or conflict with the Priority Planning Policies. This review is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Because the EIR analyzes the impacts related to those policies, the EIR will provide decision-makers with information that will assist them in determining the proposed project’s consistency with the Priority Planning Policies.

WATERFRONT LAND USE PLAN

Comments

It violates the waterfront land use plan recommendation, which is from your department, to connect the land to the waterfront. The Bay should be reviewed every five years. It hasn't been. (Ernestine Waters Weiss) [TR.4.2]

Pg. III.7: The proposed project definitely conflicts with the Waterfront Design & Access Element in not orienting the building’s entrance to the Embarcadero. The DEIR does not articulate an overriding reason for this variance. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.12]
PLANS AND POLICIES (CHAPTER III)
This section of the DEIR fails in a number of ways to adequately evaluate the proposed project’s conflicts with applicable land use plans and policies that may result in physical environmental impacts. As discussed below under Aesthetics and Historic Resources, the proposed project, as currently designed, would have a substantial impact on the existing character of the vicinity and would result in a significant cumulative impact related to Land Use, which impacts require mitigation.

A. CITY PLANS AND POLICIES
The DEIR fails to define the existing character of the vicinity that will be impacted. To adequately evaluate the proposed project’s conflicts with existing land use plans and policies and impacts on the existing character of the vicinity, it is necessary for the DEIR to include in this section the definition of the “urban design character of the area” from the Port’s Design and Access Element for the Ferry Building Area:

“The urban design character of this area derives from the historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero. Together, these buildings provide a civic architectural character and mark the center of the waterfront and the beginning of Market Street. This area also contains some of the waterfront’s most expansive and celebrated views and opens spaces, including the 1800 foot long Embarcadero Promenade walkway south of the Agriculture Building, Justin Herman Plaza, and the Ferry Plaza on the waterside of The Embarcadero. These open spaces are used by office workers on a daily basis, by residents of the adjacent Golden Gateway, Telegraph Hill and South Beach neighborhoods, and by visitors for a variety of celebrations and ceremonies.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.30]

The DEIR incorrectly determines that the project would not have a substantial impact on the existing character of the vicinity (Impact LU-2).

1. The proposed project conflicts with the Port’s Design and Access Element for the Ferry Building Area and Design Criteria for Seawall Lot 351, which were adopted for the purpose of avoiding or mitigating physical environmental impacts of new development.

The DEIR fails to adequately evaluate the proposed project’s conflicts with the Port’s Design and Access Element for the Ferry Building Area, which defines the urban design character of this area as follows:

“The urban design character of this area derives from the historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero. Together, these buildings provide a civic architectural character and mark the center of the waterfront and the beginning of Market Street. This area also contains some of the waterfront’s most expansive and celebrated views and opens spaces, including the 1800 foot long Embarcadero Promenade walkway south of the Agriculture Building, Justin Herman Plaza, and the Ferry Plaza on the waterside of The Embarcadero. These open spaces are used by office workers on a daily basis, by residents of the adjacent Golden Gateway, Telegraph Hill and South Beach neighborhoods, and by visitors for a variety of celebrations and ceremonies.”

Further defining this urban design character, the Design Criteria for Seawall Lot 351 specify that the massing of any development on the site should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero and be of similar height:

“MASSING: To define the north edge of adjacent open space, new development should acknowledge the massing and street enclosure relationship with the bulkhead buildings
across The Embarcadero (e.g. bold forms of similar height, constructed to the Embarcadero edge).”

The following physical environmental impacts result from the proposed project’s conflicts with the Port’s Design and Access Element for the Ferry Building Area and Design Criteria for Seawall Lot 351:

(1) **Impacts on Architectural Character.** The height and massing of the proposed project, which conflict with the existing zoning, height and bulk districts, impact the area’s architectural character because the proposed new buildings are not of similar height and massing with the bulkhead buildings across The Embarcadero. The character of the area is not derived from the high-rise, high-density buildings of the Golden Gateway, One Maritime Plaza and the Embarcadero Center, as emphasized in the DEIR, but from the architectural character of the “historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.37]

**Response**

*CEQA Guidelines* Section 15125(d) requires that an “EIR shall discuss any inconsistencies between the proposed project and applicable general plans and regional plans.”

The proposed project’s potential inconsistency with the *Waterfront Land Use Plan* is discussed in Chapter III, Plans and Policies, on EIR pp. III.7-III.8, and is revised as follows to clarify that the elements of the proposed project on private land would not be subject to the Port Commission’s jurisdiction or the *Waterfront Land Use Plan* (new text is underlined, deletions are shown in strikethrough):

**PORT OF SAN FRANCISCO WATERFRONT LAND USE PLAN**

After effecting the proposed trust exchange, the elements of the proposed project on private land (such as the residential buildings and the newly constructed Golden Gateway Tennis & Swim Club facility) would not be subject to the Port Commission’s jurisdiction or the *Waterfront Land Use Plan*. However, potential conflicts with the *Waterfront Land Use Plan* are discussed, because the elements of the proposed project on private land would be adjacent to the Port’s land and could not be constructed as proposed without inclusion of the existing Seawall Lot 351 in the project site and the proposed trust exchange.

Seawall Lot 351 is within the Ferry Building Waterfront Subarea of the Port of San Francisco *Waterfront Land Use Plan*. This area extends from Pier 5 to the Agriculture Building and includes Piers 1/2, 1, 1-1/2, and 3, the Ferry Building, and Ferry Plaza. Land uses identified as acceptable on Seawall Lot 351 include residential, open space, parking, retail, and recreational (among others). The *Waterfront Design & Access Element* is a component of the *Waterfront Land Use Plan*, and is intended to guide the physical form of waterfront revitalization. The *Waterfront Design and Access Element* provides policy for the preservation and development of public access and open space, views, and historic resources, as well as architectural design criteria that will be applied to new development.

The design criteria provide the following direction for the massing of new development on the current Seawall Lot 351: “Massing: To define the north edge of adjacent open
space, new development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g., bold forms of similar height, constructed to the Embarcadero edge.) (emphasis added).” The horizontal mass of the Pier 1 bulkhead building is about 37 feet tall, and its pedimented central segment is about 55 feet tall.

The proposed east building would measure between 48 and 70 feet tall along the west side of The Embarcadero. As such, the proposed east building would not be similar in height to the Pier 1 bulkhead building. At a height of 35 feet, the proposed health club building would be similar in height to, but shorter than, the Pier 1 bulkhead building.

The residential condominium buildings in the proposed project would also potentially conflict with aspects of the Waterfront Design & Access Element’s design criteria for the orientation of new development on Seawall Lot 351. The design criteria provide the following direction for building orientation on Seawall Lot 351: “Orientation: Primary Uses and pedestrian entrances should face The Embarcadero.” The proposed project would have its primary residential entrance lobby along Washington Street at the midpoint of the block. The east building would provide a secondary residential entrance along The Embarcadero. The east building would also provide for ground-floor restaurant and retail space along its entire length on The Embarcadero, intended to maintain an active street presence along The Embarcadero. The entrance to the Golden Gateway Tennis & Swim Club would also be from The Embarcadero (or from the proposed Jackson Common just off of The Embarcadero).

Conflicts between the components of the proposed project on private land and the objectives and policies of the Waterfront Land Use Plan are not, in and of themselves, physical environmental impacts. However, the physical environmental impacts that would result from those conflicts if the proposed project were implemented are discussed in the appropriate topical sections of Chapter IV, Environmental Setting and Impacts, of this EIR. The impacts on the land use character of the neighborhood are discussed on EIR pp. IV.A.9-IV.A.11, and the impacts on the architectural/visual character of the neighborhood are discussed on EIR pp. IV.B.18-IV.B.21.

As part of the entitlement process for the portions of the proposed project subject to the public trust, the Port Commission will evaluate such portions of the proposed project against the objectives and policies of the Waterfront Land Use Plan, and will consider whether such portions of the proposed project would, on balance, conform or conflict with the Waterfront Land Use Plan. This review is carried out independent of the environmental review process, as part of the Port Commission’s decision to approve, modify, or disapprove a proposed project on Port property.

One comment states that the EIR fails to define the existing character of the vicinity. The land use character of the vicinity is discussed on EIR pp. IV.A.1-IV.A.6, and the proposed project’s impacts on the land use character of the vicinity are discussed on EIR pp. IV.A.9-IV.A.11. The architectural/visual character of the vicinity is discussed on EIR pp. IV.B.1-IV.B.3, and the proposed project’s impacts on the architectural/visual character of the vicinity are discussed on EIR pp. IV.B.18-IV.B.21.
One comment states that the proposed project violates the policy to connect the land to the waterfront. The proposed project does not conflict with or violate this policy. As discussed in Chapter II, Project Description, on EIR p. II.8, the proposed Jackson Common publicly accessible open space (aligned with Jackson Street) and the proposed Pacific Avenue Park (aligned with Pacific Avenue) are intended to enhance both pedestrian and visual connectivity with San Francisco’s waterfront.

One comment states that the EIR does not explain why the proposed project’s entrance does not face The Embarcadero. The configuration and orientation of the proposed project were chosen by the project sponsor for several reasons. The shape and dimensions of the block bounded The Embarcadero, Washington Street, Drumm Street, and the proposed Jackson Common dictated a site plan containing two residential buildings that are parallel to one another. The proposed design responds to the scale of the pier bulkhead buildings along the east side of The Embarcadero by presenting a built mass (the six-story east building) on the west side of The Embarcadero. If the primary residential entrance faced The Embarcadero, both residential buildings would be oriented east-west, leaving a large gap in the street wall along The Embarcadero. In addition, locating the accompanying vehicle drop-off area for the residential lobby along The Embarcadero would not be consistent with the civic character of The Embarcadero and would conflict with the movement of bicycles and pedestrians. Since the athletic club would be a neighborhood-serving use, locating the primary entrance on Jackson Common would provide a stronger connection to the existing neighborhood, which lies to the west of the project site. Locating the primary entrance on The Embarcadero would place the entrance at the farthest point from the existing neighborhood. Although the residential and athletic club uses would not have their primary entrances on The Embarcadero, they would provide secondary entrances on The Embarcadero. All of the proposed uses (residential, athletic club, two retail/restaurant spaces, park café) would have entrances, primary or secondary, on The Embarcadero. As discussed in EIR Section IV.B, Aesthetics, on EIR p. IV.B.20, “Retail ground floors would be transparent, intended to activate and contribute visual interest to the pedestrian environment, particularly along The Embarcadero.”

**PROJECT PARKING / TRANSIT FIRST POLICY**

**Comments**

There's a New York Times recent article that reveals European governments making extreme efforts to discourage car use in cities. We should learn from them. *(Ernestine Waters Weiss)*

[TR.4.5]

Additional Response to TR-1 through TR-10.

The concept of making parking easier and encouraging more cars in one of the most congested areas of San Francisco flies in the face of everything that our City’s leaders have been emphasizing for nearly two decades. We adopted a policy known as “Transit First.” It was a
precursor to similar policies instituted around the country. Now, one developer seeks to ignore this important policy by building a parking garage that not only is obscenely excessive in its capacity, but one that clearly primarily benefits his own self-interest in leasing commercial space at his Piers 1 ½, 3 and 5 buildings. It is important to note how the rest of the world is looking at the automobile. The following is an article that appeared in the June 28, 2011 edition of the New York Times. We place this article into our comments because of its pertinence.

ZURICH — While American cities are synchronizing green lights to improve traffic flow and offering apps to help drivers find parking, many European cities are doing the opposite: creating environments openly hostile to cars. The methods vary, but the mission is clear — to make car use expensive and just plain miserable enough to tilt drivers toward more environmentally friendly modes of transportation.

Cities including Vienna to Munich and Copenhagen have closed vast swaths of streets to car traffic. Barcelona and Paris have had car lanes eroded by popular bike-sharing programs. Drivers in London and Stockholm pay hefty congestion charges just for entering the heart of the city. And over the past two years, dozens of German cities have joined a national network of “environmental zones” where only cars with low carbon dioxide emissions may enter.

Likeminded cities welcome new shopping malls and apartment buildings but severely restrict the allowable number of parking spaces. On-street parking is vanishing. In recent years, even former car capitals like Munich have evolved into “walkers’ paradies,” said Lee Schipper, a senior research engineer at Stanford University who specializes in sustainable transportation.

“In the United States, there has been much more of a tendency to adapt cities to accommodate driving,” said Peder Jensen, head of the Energy and Transport Group at the European Environment Agency. “Here there has been more movement to make cities more livable for people, to get cities relatively free of cars.”

To that end, the municipal Traffic Planning Department here in Zurich has been working overtime in recent years to torment drivers. Closely spaced red lights have been added on roads into town, causing delays and angst for commuters. Pedestrian underpasses that once allowed traffic to flow freely across major intersections have been removed. Operators in the city’s ever expanding tram system can turn traffic lights in their favor as they approach, forcing cars to halt.

Around Löwenplatz, one of Zurich’s busiest squares, cars are now banned on many blocks. Where permitted, their speed is limited to a snail’s pace so that crosswalks and crossing signs can be removed entirely, giving people on foot the right to cross anywhere they like at any time.

As he stood watching a few cars inch through a mass of bicycles and pedestrians, the city’s chief traffic planner, Andy Fellmann, smiled. “Driving is a stop-and-go experience,” he said. “That’s what we like! Our goal is to reconquer public space for pedestrians, not to make it easy for drivers.”

While some American cities — notably San Francisco, which has “pedestrianized” parts of Market Street — have made similar efforts, they are still the exception in the United States, where it has been difficult to get people to imagine a life where cars are not entrenched, Dr. Schipper said.

Europe’s cities generally have stronger incentives to act. Built for the most part before the advent of cars, their narrow roads are poor at handling heavy traffic. Public transportation is generally better in Europe than in the United States, and gas often costs over $8 a gallon, contributing to driving costs that are two to three times greater per mile than in the United States, Dr. Schipper said.
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What is more, European Union countries probably cannot meet a commitment under the Kyoto Protocol to reduce their carbon dioxide emissions unless they curb driving. The United States never ratified that pact.

Globally, emissions from transportation continue a relentless rise, with half of them coming from personal cars. Yet an important impulse behind Europe’s traffic reforms will be familiar to mayors in Los Angeles and Vienna alike: to make cities more inviting, with cleaner air and less traffic.

Michael Kodransky, global research manager at the Institute for Transportation and Development Policy in New York, which works with cities to reduce transport emissions, said that Europe was previously “on the same trajectory as the United States, with more people wanting to own more cars.” But in the past decade, there had been “a conscious shift in thinking, and firm policy,” he said. And it is having an effect.

After two decades of car ownership, Hans Von Matt, 52, who works in the insurance industry, sold his vehicle and now gets around Zurich by tram or bicycle, using a car-sharing service for trips out of the city. Carless households have increased from 40 to 45 percent in the last decade, and car owners use their vehicles less, city statistics show. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.9]

Why is it desirable - as a matter of PUBLIC POLICY - to have a net increase of 133 publicly available parking spaces at this site? II.17 This is AFTER existing parking spaces are replaced AND parking is constructed for the new luxury housing. The amount of parking provided in the Embarcadero Center, Maritime Plaza, and Golden Gateway is based on 1960s standards and priorities. The City has since adopted policies, including the Downtown Plan and residential parking standards, that greatly reduces the amount of parking allowed for commercial development downtown. (The Ferry Building is “downtown.”) Billions of dollars have been invested in providing TRANSIT service so that workers, visitors and residents of this area do NOT have to drive. The City’s assumptions are that auto driving is to be discouraged. The Embarcadero Center buildings, and the Alcoa Building, have substantial parking, much of which is vacant in the evenings and weekends. Much of this parking is closer to the Ferry Building and its Farmer’s Market, that the proposed 420 car garage. (Sue C. Hestor, Friends of Golden Gateway) [C.8.16]

A new underground garage that does not promote the use of public transportation is the last thing that this city needs. We are just turning a corner to get people off the roads and using Muni, Bart and Ferries and now you want to promote clogging the neighborhood streets with a 400 car garage? That is NOT what I want in my neighborhood. (Janet Lautenberger) [D.11.2]

The proposed large garage is a non-starter in this location which is well served by mass transit. (David Burnett) [D.20.2]

1. PARKING: the proposed project includes a $40 million, 420-car underground (below sea level) garage creating big problems for transit/traffic/pedestrians. There are 459 off street parking spaces currently available adjacent to the project eliminating the need for a 420-car underground garage at 8 Washington. Question: Why would a city with a clear "transit first" policy ever allow this? (Deborah Smith) [D.22.1]

First, the proposed project clearly violates the city’s Transit First policy through the construction of a large, 420-car underground garage. This despite the 459 off-street parking spaces currently
available adjacent to the project space, as detailed in Table IV.D-3 on page IV.D.15 of the EIR. I do not understand how a city that seeks to encourage the use of transit could believe that such a project is consistent with that goal, especially since the new housing units will cater to wealthy residents who are least likely to use transit. (*Eric McGhee*) [D.29.1]

The City of San Francisco has a clear “Transit First” Policy in place.

There is no need for creating a 420-car underground parking garage at the 8 Washington project location. There are already over 450 available off-street parking spaces and a large number of on-street parking spaces in the 8 Washington project area.

The City of San Francisco should not permit a 420-car underground parking garage since there clearly is not a need for one.

With over 450 off-street parking spaces currently available in the 8 Washington project area, building (below sea level) a 420-car underground parking garage would create major problems with pedestrian safety, vehicle traffic, and public transit. (*Lorraine Sorensen*) [D.40.1]

I thought we were a “transit first” city by public policy. But, building a 400+ parking lot downtown (underground or otherwise) seems to contradict the public policy. (*Tom Verhauz*) [D.41.5]

Only a small number of the salient points have been transcribed here. In all of these documents there is an overarching consistency and consensus regarding the need to control the use of the automobile with single driver and to encourage the health, safety and beauty of people walking and riding collectively in a city. (*Theo Armour*) [D.49.1]

Given an outcome based on the Transit First policy, what sort of numbers would be indicated for the 8 Washington project?

165 residences at 0.75 spaces per unit = 123.75 spaces. Say 124 spaces.

The Port Authority RFP asks for 90 spaces.

The GGTSC currently has 17 spaces and this appears to be adequate. Membership will be cut and half and a significant portion of the membership will reside in the project and will thus not require spaces.

Therefore Club needs can be reduced from 17 down to 10 spaces.

Will the parking space needs of the new restaurants and commercial facilities be greater than those of the Club which has two pools, four tennis courts etc, etc?

So we can allocate again 10 spaces for restaurants and commercial.

This all adds up to 234 parking spaces. Allowing for error, call it 250 spaces.

In other words, a Transit First policy for the 8 Washington project might call for approximately 250 parking spaces (*Theo Armour*) [D.49.2]

Although the City boasts that San Francisco is “pro” public transit, this project will add 420 new parking spaces in an area that has ample parking. Why is this needed? One can only conclude that the residents of this very high end condominium have no intention of using public transit. Instead, they will introduce more private vehicles to congest the streets and add to air pollution, contrary to the goals the City’s leaders and planners have espoused. (*George T. Haymaker, Jr.*) [D.56.5]
1. **PARKING**: Project includes a $40 million, 420-car underground (below sea level) garage creating big problems for transit/traffic/pedestrians. Table IV.D-3 (pg IV.D.15) clearly shows there are 459 off street parking spaces currently available adjacent to the project eliminating the need for a 420-car underground garage at 8 Washington.

**Question**: Why would a city with a clear “transit first” policy ever allow this? (Mary Pecci) [D.58.1]

**Response**

A number of comments express opposition to the proposed 420-space parking garage and assert that the amount of parking under the proposed project is excessive and inconsistent with the City’s Transit First Policy. Two of the comments refer to a New York Times article that describes what some European cities are doing to discourage automobile use. The proposed project’s potential inconsistency with the City’s Transit First Policy is discussed in EIR Chapter III, Plans and Policies, on EIR pp. III.5-III.7, and that text is revised as follows (new text is underlined, deleted text is shown in strikethrough):

**TRANSIT FIRST POLICY**

In 1997, the San Francisco voters approved amending the City Charter to include a Transit First Policy. The Transit First Policy is a set of principles that underscore the City’s commitment that travel by transit, bicycle, and on foot be given priority over the private automobile. These principles are embodied in the policies and objectives of the Transportation Element of the General Plan. All City boards, commissions, and departments are required, by law, to implement Transit First principles in conducting the City’s affairs.

The City’s Transit First Policy provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation” (City Charter, Section 8A.115). As discussed in EIR Section IV.D, Transportation, the proposed project would exceed Planning Code allowances for accessory parking, requiring Conditional Use authorization or adoption of a Special Use District to allow for the proposed parking ratio. Provision of parking in excess of required and accessory amounts could encourage additional residents and users of the proposed project to choose driving over other forms of travel.

The proposed project would provide a total of 420 parking spaces, of which 330 would be for the commercial and residential development at the project site, reflecting 1:1 parking for each of the 165 residential units, and an additional 165 spaces supporting new commercial uses (restaurant, retail, and health club) pursuant to Planning Code Section 151 (the Planning Code requires 175 nonresidential spaces). The remaining 90 spaces replace the existing 105 surface parking spaces at Seawall Lot 351, as required under the Port’s Request for Proposals, to serve the Ferry Building waterfront area (165 spaces for project residents and 255 spaces for the retail uses and the general public, including 90 spaces required to serve the Ferry Building waterfront area under the Port of San Francisco’s Request for Proposals). These 420 parking spaces would meet the midday project parking demand of 298 spaces, as well as replace and relocate the existing surface spaces on the project site that would be removed as part of the proposed project (17 existing spaces for the Golden Gateway Tennis and Swim Club and 105 existing spaces on Seawall Lot 351. 298+17+105=420). Thus, the proposed project would not
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Contribute to a net reduction of available parking spaces in the area that could encourage more project residents, project visitors, and visitors to the area, to choose alternative forms of transportation over driving.

Other aspects of the proposed project are consistent with the Transit First Policy. The proposed project would place 165 new residential units and other uses at the edge of the downtown financial district within convenient walking distance to and from places of employment, public transit, services, and attractions. In addition, the proposed project would include improvements to the bicycle circulation system and the pedestrian realm around and through the project site to encourage walking, transit use, and bicycling. The policy is also discussed on EIR p. IV.D.16.

The Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with provisions of the Transit First Policy, and will consider whether the proposed project would, on balance, conform or conflict with the Transit First Policy. These deliberations are carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project.

Conflicts between the proposed project and the Transit First Policy are not, in and of themselves, physical environmental impacts. However, the physical environmental impacts that would result from those conflicts if the proposed project were implemented are discussed in EIR Section IV.D, Transportation and Circulation, on EIR pp. IV.D.16-IV.D.37. In particular, parking impacts are addressed on EIR pp. IV.D.28-IV.D.29.

As part of the entitlement process for the proposed project, the Planning Commission and the Board of Supervisors will evaluate the proposed project against the Transit First Policy, and will consider whether the proposed project would, on balance, conform or conflict with the Transit First Policy. The Port Commission will consider entitling the elements of the proposed project subject to the public trust in light of the Port’s Waterfront Land Use Plan and the Port’s Burton Act and charter obligations to promote trust uses, including visitor-serving uses intended to attract visitors to the waterfront, and balance such obligations against the City’s Transit First Policy.

The foregoing review is carried out independent of the environmental review process and is part of the decision to approve, modify, or disapprove a proposed project. The decision-makers could consider the information contained in the New York Times article, or any other sources, in reaching their decision.

Comments

This garage itself is literally blowing away the City’s transit policy. To add this many more parking spaces to an area that is already under such stress is not clearly delineated in the EIR. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.5]

3. Parking (III.6)

Page IV.ID.18 concludes that parking is not static and therefore only defined by social impacts. Then no conclusion to parking is drawn and tangential ramblings about traffic...
and other transportation modes are part of an undefined set of pages. (Bob Iwersen) [D.36.6]

My contention is that the following statement copied from page IV.D.28 of the 8 Washington Draft EIR is not valid.

Impact TR-5: The proposed project would not result in a significant impact related to an increase in the number of vehicles parking in the project vicinity. (Less than Significant)

The addition of an extra 312 car parking spaces (calculation 420 proposed - 90 in SWL 351 - 17 belonging to Club + 14 existing to be removed) to the vicinity of the Ferry Building subarea would increase parking by over 7%.

Calculation: 312 / 4440 See page 21 of the Embarcadero Parking and Transportation Analysis

The addition of such a large number of parking spaces must be considered as contradictory to a Transit First policy that seek to reduce car parking.

It is further worth noting that the draft report explains that the sponsor will need to seek conditional use authorization in order to go over the maximum but offers no good reason or any sort of justification as to why providing so many more parking spaces would be a good thing for the city or who the scheme would help. The proposal simply seems to assume that everybody naturally wants more cars.

Even allowing for some development, using two separate (admittedly seat of the pants) calculations, I have come up with a total number of 250 spaces being suitable for use by a project of this type. The proposal call for 420.

This proposal is not a Transit First effort. This proposal is a More Cars More Better policy. (Theo Armour) [D.49.3]

Response

The comments state that the EIR does not adequately discuss the addition of 420 parking spaces to the vicinity or the impacts of adding those spaces and that the text on EIR p. IV.D.18 does not address parking impacts adequately. One comment disagrees with the conclusion presented under Impact TR-5, on EIR p. IV.D.28, that the proposed project would not result in a significant impact related to an increase in the number of vehicles parking in the project vicinity. In addition, the comment notes that the EIR does not provide any justification for the number of parking spaces being proposed.

As discussed on EIR pp. IV.D.28-IV.D.29, the proposed project would generate a midday parking demand of 402 spaces and an evening parking demand of 378 spaces. Since the proposed project would provide 420 spaces, there would not be a parking shortfall. Potential deficits in residential parking and the loss of 14 metered on-street parking spaces would be more than offset by surpluses in public parking. Since a parking shortfall would not occur, the proposed project would not cause any secondary effects due to cars circling and looking for a parking space. For these reasons, the EIR concludes that the proposed project would not have a significant impact related to an increase in the number of vehicles parking in the project vicinity. The comment...
does not present any new information that would warrant changing the conclusion in the EIR. See the previous response for a discussion of the proposed project relative to the City’s Transit First Policy. The purpose of the EIR is to analyze the physical environmental impacts of the proposed project, not to advocate for the approval or disapproval of the proposed project. As part of the entitlement process, the decision-makers will utilize all information in the administrative record, including comments by the public and project sponsor, in reaching a decision on the proposed project.

Comments

And I just want to say that I oppose 8 Washington as is. 420 parking spaces for -- was it 180-something units seems insane to me. And living between the Bay Bridge and the Financial District, approximately where this will be, this is just more opportunities for pedestrians and bicyclists to get hit, seriously injured, and killed, putting these parking spots up here. At least that many -- 0.5 cars per one unit. That's Rincon Hill's ratio. I think that should be the ratio throughout downtown. (Jamie Whitaker) [TR.33.1]

• Please respond to and discuss the following comment: The residential parking ratio proposed for the project, one parking space per dwelling unit, is far too high, and will make this project yet another unsustainable automobile-oriented development. The ratio should be reduced to one space for every two units. Reducing residential parking below 1 space per unit has also been proven effective as a housing affordability strategy, which lowers the cost of housing for households willing to do without a private car. In this case, eliminating a level of parking would significantly lower the construction cost of the project, lowering the cost of the units, and would lessen project impacts on traffic and circulation, pedestrian safety, and air quality. (Jon Golinger, Telegraph Hill Dwellers) [C.10.49]

• The 1-to-1 ratio of parking spaces to residential units, as requested by the project sponsor, should be denied and the amount of parking spaces substantially reduced as a mitigation measure to lessen the significant impacts of the project on air quality. (Jon Golinger, Telegraph Hill Dwellers) [C.10.53f]

Response

The comments state that the proposed residential parking ratio of one space for each dwelling unit and the overall number of parking spaces are too high and should be reduced. The appropriate number of parking spaces for the proposed project will be considered and determined by the decision-makers as part of the proposed project’s entitlement process. The proposed project’s air quality impacts, as well as mitigation measures for addressing significant air quality impacts, are discussed in EIR Section IV.E, Air Quality, on EIR pp. IV.E.15-IV.E.37.

Comment

LU-2: The proposed project would not have a substantial impact on the existing character of the vicinity.
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Unneeded garage spaces and additional auto traffic: What would have more impact on an area than a massive underground parking garage with hundreds of new automobiles traversing an already grid-locked series of intersections along the Embarcadero? The EIR ignores the true impacts of additional parking, automobiles, and the tossing away of San Francisco’s Transit First policies. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.4]

Response

The comment states that the EIR does not discuss the impacts of unneeded garages and additional auto traffic. The existing land use character of the vicinity, which is discussed in EIR Section IV.A, Land Use, on EIR pp. IV.A.2-IV.A.5, includes parking garages and surface parking lots. As discussed on EIR p. IV.A.10, “the proposed residential, restaurant and retail, athletic club, and parking uses would be similar to existing uses in the area; the project would not introduce a new or incompatible type of land use.” For these reasons, the proposed project would not have a substantial adverse impact on the land use character of the vicinity. The proposed project’s traffic impacts are discussed in EIR Section IV.D, Transportation and Circulation, on EIR pp. IV.D.16-IV.D.37.

Comment

Please explain whether the PORT has the ability to ignore the Charter’s adopted Transit First Policy (III.6) to expand the amount of parking on a site involving Port property? Can the Port just say, We want more parking? Please also explain the “midday parking demand” on III.6. M-F midday? Saturday midday? The last sentence in second full paragraph on III.6 is VERY confusing. Please say it in plain language. (Sue C. Hestor, Friends of Golden Gateway) [C.8.25]

Response

The comment asks whether the Transit First Policy is applicable to property under the jurisdiction of the Port of San Francisco, requests that a specific transportation term be more clearly defined, and requests that one sentence be rewritten to be less confusing.

The proposed project is located on parcels that are under both Planning Department and Port jurisdiction. The Transit First Policy is part of the City’s General Plan and is applicable to property under the jurisdiction of the Port to the extent that it does not conflict with the Port’s independent jurisdiction and obligations under the Burton Act and the Charter to encourage public trust uses, such as visitor-serving amenities. As explained in the response above, the Port Commission will consider entitling the elements of the proposed project that would be subject to the public trust in light of the Port’s Waterfront Land Use Plan and the Port’s Burton Act and Charter obligations to promote trust uses, including visitor-serving uses intended to attract visitors to the waterfront, and balance such obligations against the City’s Transit First Policy. This review is carried out independent of the environmental review process and is part of the decision to approve, modify, or disapprove a proposed project.
The term “midday parking demand” in the second full paragraph on EIR p. III.6 refers to the period from 1:00PM to 3:00PM. This is explained on p. 12 of the 8 Washington/SWL 351 Transportation Study. The last sentence in the second full paragraph on EIR p. III.6 is revised, as follows (new text is underlined, deleted text is shown in strikethrough):

Thus, proposed project would not contribute to a net reduction of available parking spaces in the area that could encourage more project residents, project visitors, and visitors to the area, to choose alternative forms of transportation over driving the proposed project, with a total of 420 parking spaces, could encourage project residents, project visitors, and visitors to the area to drive instead of using alternate forms of transportation.

Comment

Project Parking - The parking provided by this project significantly exceeds the parking standards in the General Plan. Please specifically identify how many spaces are reserved for each use and how that complies with Planning Code standards for this area. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.6]

Response

The comment asks how many parking spaces are being proposed for each type of land use in the project and how those numbers compare to the Planning Code requirements for off-street parking. As stated in Chapter II, Project Description, on EIR p. II.14, there would be approximately 165 residential parking spaces and approximately 255 public parking spaces for the private retail, restaurant, and athletic club uses, and the general public. Of the 255 proposed public parking spaces, 165 would be for the proposed retail, restaurant, and athletic club uses. The other 90 spaces are required under the Port’s Request for Proposals for the purpose of serving the general public visiting the Ferry Building waterfront area. These 90 spaces would also replace the existing 105 parking spaces on Seawall Lot 351 that would be removed with implementation of the proposed project. Pursuant to Planning Code Section 151, the parking requirement for residential uses, in RC-4 Districts, is one space for every four units. The proposed residential parking ratio of one space for each unit would exceed the minimum requirement. As discussed in EIR Section IV.D, Transportation and Circulation, on EIR p. IV.D.28, the proposed project would be required to provide a minimum of 175 parking spaces for the proposed nonresidential uses (34 spaces for the retail uses, 61 spaces for the restaurant uses, and 80 spaces for the athletic club use) pursuant to the provisions of Planning Code Section 151. With 165 nonresidential parking spaces, the proposed project would fall 10 spaces short of meeting this requirement. As discussed in EIR Chapter II, Project Description, on EIR pp. II.22-II.23, the project sponsor is seeking a modification of the off-street parking requirement pursuant to the procedures for Planned Unit Developments set forth in Planning Code Section 304.

1 Adavant Consulting, 8 Washington St./SWL 351 Transportation Study, May 25, 2011. A copy of this report is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
The first two paragraphs on EIR p. IV.D.28 are revised, as follows (new text is **underlined**, deleted text is shown in *strikethrough*):

The proposed project would provide 420 parking spaces (165 spaces allocated for the proposed residential units plus 255 spaces for commercial uses and the general public) in a three-level parking garage below the proposed buildings. The 255 public spaces would include **some 165** spaces allocated for the use of athletic club patrons, Golden Gateway Tennis & Swim Club members, and employees, as well as retail and restaurant visitors, and the general public. The other 90 spaces are required under the Port’s Request for Proposals for the purpose of serving the general public visiting the Ferry Building waterfront area. These 90 spaces would also replace the existing 105 parking spaces on Seawall Lot 351 that would be removed with implementation of the proposed project. The proposed project would also include 17 handicap-accessible parking spaces (7 spaces for the residents and 10 spaces for the general public), as well as 6 car-share parking spaces (1 space for the residents and 5 spaces for the general public). The proposed project would eliminate 14 metered on-street spaces.

The proposed project would be required by the Planning Code to provide a total of 216 off-street parking spaces, of which 41 spaces would be for residential uses, and **175** spaces would be for nonresidential uses (80 for the athletic club use, 34 for retail uses, and 61 for restaurant uses). The proposed project would provide 124 residential parking spaces in excess of the 41 required by the Planning Code, and 103 residential parking spaces in excess of 62 allowable by the Planning Code as an accessory use. The proposed project would **meet and exceed** provide 165 residential spaces (41 required) and 165 nonresidential spaces (175 required). It would exceed the number of parking spaces for residential uses but fall 10 spaces short of the minimum Planning Code requirements for nonresidential off-street parking spaces. As discussed in Chapter II, Project Description, on EIR pp. II.22-II.23, the project sponsor is seeking a modification of the off-street parking requirement pursuant to the procedures for Planned Unit Developments set forth in Planning Code Section 304.

**Comment**

Is anyone addressing the impact that an additional 400 cars will have on the Embarcadero which is congested on a regular basis? And isn’t the city’s goal to cut back on automobile traffic? *(Desa Belyea) [D.57.1]*

**Response**

The comment asks whether the traffic impact of an additional 400 cars on The Embarcadero has been addressed and whether it is the City’s goal to reduce automobile traffic. The proposed project’s traffic impacts are discussed in EIR Section IV.D, Transportation and Circulation, on EIR pp. IV.D.16-IV.D.37. Impacts on intersection levels of service, including those at Embarcadero/Broadway and Embarcadero/Washington, are discussed on EIR pp. IV.D.22-IV.D.23. Cumulative traffic impacts on intersection levels of service, including those at Embarcadero/Broadway and Embarcadero/Washington, are discussed on EIR pp. IV.D.32-IV.D.35. The EIR analysis is based on information in the **8 Washington/SWL 351 Transportation**
CLEAN AIR PLAN

Comments

Although the DEIR touts the proposed project’s consistency with the Bay Area Air Quality Management District’s 2010 Clean Air Plan, Transportation Control Measure (TCM D-3 – Local Land Use Strategies), the DIER fails to mention that the project is inconsistent with that Plan’s Transportation Control Measure (TCM E-2 Promote Parking Policies to Reduce Motor Vehicle Travel), which calls for parking policies to reduce the amount of parking and parking ratios in new development well served by transit and close to places of employment, services and other attractions. This measure acknowledges that reducing the number of parking spaces impacts travel behavior and encourage non-auto trips. (Jon Golinger, Telegraph Hill Dwellers) [C.10.53e]

The project is inconsistent with that the Bay Area Air Quality Management District’s 2010 Clean Air Plan, which calls for parking policies to reduce the amount of parking and parking ratios in new development well served by transit and close to places of employment, services and other attractions. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.7]

Response

The comments state that the proposed project conflicts with the 2010 Clean Air Plan. The following text is added after the last paragraph on EIR p. III.11 (new text is underlined):

C. REGIONAL PLANS AND POLICIES

2010 Clean Air Plan

The Bay Area 2010 Clean Air Plan (“Clean Air Plan”) is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines a strategy that the Bay Area Air Quality Management District and local government agencies will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate. The policy set forth in TCM E-2 is to promote parking policies to reduce motor vehicle travel.

It is acknowledged that the proposed project is seeking conditional use authorization to increase the limits on parking supply permitted as of right under the Planning Code. However, nothing in the Clean Air Plan specifically calls for a limitation on parking supply to below one space per residential unit. While the City retains the discretion to determine the appropriate parking maximum for the proposed project, a limitation of one space per residential unit would not necessarily be inconsistent with the Clean Air Plan.

In addition, to the extent that any conflicts between the proposed project and the objectives and policies of the Clean Air Plan were found to exist, such conflicts are not,
in and of themselves, physical environmental impacts. The physical environmental impacts that would result from any such conflicts if the proposed project were implemented are discussed in Section IV.D, Transportation and Circulation, on EIR pp. IV.D.16-IV.D.37, and in Section IV.E, Air Quality, on EIR pp. IV.E.15-IV.E.37.

NORTHEAST EMBARCADERO STUDY

Comments

The height limits were raised last year through an approval of the planning department's Northeast Embarcadero Study without any EIR reviews. So that is a real question mark for us. The planning department's argument in the NES is that the city needs a solid wall of development along the Embarcadero and that we need to allow this project to go through at the 136 height limit of the proposed height. This violates the city's urban-design guidelines and the waterfront plan. So we really questioning the validity, once again, of that. (Kathleen Dooley) [TR.3.3]

First of all, it relies a bit on the Northeast Waterfront study, which I and my family -- and I've brought my children here today. My husband is parking the car, after getting them from camp. It shouldn't be -- it wasn't accepted by the planning department and it shouldn't be so well-referenced in the EIR, since it wasn't accepted by you. There's a lot of flawed conclusions, not the least of which it was not representative of the community. I and my family were in practically every single meeting. And I am yet to really read the comments and the thoughts and the sentiment. The community did not support the waterfront study. (Lisa Schreiber) [TR.15.1]

First, a foundational objection: When Supervisor David Chiu convinced the Port and the Planning Department to undertake a special study of our area--the NE Embarcadero Study--the 5,000 residents and business that comprise the Barbary Coast had high hopes. But we were disappointed at the outcome. The NE Embarcadero Study does not represent a consensus of the community. It appears to be a design study primarily aimed at justifying the subject of this draft EIR. The study lacked details concerning the other Seawall Lots, and basically sets up a continuation of the one-lot-at-a-time development fights that plague our City. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.1]

The Planning Department's Northeast Embarcadero Study cannot legally be utilized as the basis for environmental analysis of the 8 Washington Project. The Northeast Embarcadero Study, prepared without the benefit of any EIR review, disclosed an intent to “guide the development of properties along the west side of the Embarcadero,” starting at Washington Street. The Draft EIR indeed concedes on its very first page that the City's Planning Commission adopted a resolution proclaiming that it “urges the Port of San Francisco to consider the recommendations of the Northeast Embarcadero Study when considering proposals for development in the study area.” The EIR also concedes that “the proposed project is intended to respond to the urban design recommendations” contained in the Study. (DEIR at Intro.2.)

Since the Northeast Embarcadero Study received no environmental review, it cannot legally be utilized as the basis for environmental analysis of the 8 Washington Project. Please revise the EIR to so state in the Introduction and also at pages III.8 and 9, at pages IV.D.33 through 35. The EIR’s assessment of project environmental impacts and alternatives should not reference consistency with the Study until the Study itself is subjected to environmental review.

The DEIR should be revised to include analysis of the environmental impacts, and alternatives to, the Northeast Embarcadero Study, before applying any of the Study's recommendations to the 8
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Washington project. The revised EIR should then be recirculated. (Jon Golinger, Telegraph Hill Dwellers) [C.10.32]

Northeast Waterfront Study

- Not accepted by the Planning Department and should not be so often referenced
- Flawed conclusions – not representative of the community
- The SF Port was in dire need of money and entered into a non-competitive negotiation process with 8 Washington; with the America’s Cup coming to SF the Port of SF will gain financial relief and hopefully perspective.
- Washington is not a proposal in response to this study – it is a for profit project regardless of community sentiment (Lisa Schreiber) [D.7.1]

We also feel that the Planning Commission’s endorsement of the Northeast Embarcadero Study, as well as the Port Commission’s approval of the project’s term sheet, together interfered with the EIR process, as they essentially pre-approved this controversial project before we in the community could comment on the Draft EIR. (Sarelle T. Weisberg) [D.23.3]

Not accepted by the Planning Department and should not be so often referenced
Flawed conclusions - not representative of the community. I attended many of the sessions and never once saw any comments from myself or my work groups included in the summary of comments. (Lisa Schreiber) [D.47.1]

8 Washington is not a proposal in response to this study - it is a for profit project regardless of community sentiment (Lisa Schreiber) [D.47.3]

Response

The comments question the legal status of the Northeast Embarcadero Study (“NES”).

The NES is a planning study prepared by Planning Department staff. Planning staff prepared the study in response to a February 19, 2009, letter to the Port from Board of Supervisor’s President David Chiu. Supervisor Chiu requested that the Port of San Francisco engage the San Francisco Planning Department to lead a planning analysis of the Port’s surface parking lots north of Market Street. On February 24, 2009, the Port Commission authorized staff to engage the Planning Department to manage and conduct a focused planning process concerning the area.

The Planning Department’s work on the NES began in May 2009. Planning staff conducted extensive outreach. That outreach included three community workshops, a walking tour of the area, and hearings before the Planning Commission. Based on input from the Planning Commission and other stakeholders, the Planning Department published the NES report in June 2010.

On July 8, 2010, Planning staff presented the NES to the Planning Commission. The Planning Commission adopted a resolution acknowledging the staff work in completing the NES,
recognizing its intent to state design principles and recommendations to assure conformity with the Waterfront Land Use Plan and its Design and Access Element, the General Plan, and the Planning Code in public realm improvements and new development on Port seawalls, and urging the Port to “consider the principles and recommendations proposed in the [NES] when considering proposals for new development” in the area. The resolution also stated that the NES “is not a project approval,” but is instead a recommendation that the City and Port consider Planning staff’s work in reviewing future projects in the area. The NES sets forth the Planning Department staff recommendations for consideration by “the public, the Board of Supervisors, the Port Commission, the Planning Commission and other key public agencies.”

The NES is not a specific plan, a zoning document, or other land-use plan with a legally binding effect on the use of land in the area. Instead, the NES is a planning study providing Planning staff recommendations that could be used to “inform future changes to the City’s General Plan and the Planning Code, [and] the Port’s Land Use Plan and its Design and Access Element.”

The NES does not raise height limits applicable to Seawall Lot 351. The NES does include Planning staff recommendations concerning revisions to zoning code standards concerning building heights. These recommendations are presented in Map 11 of the NES. The recommendations do not change applicable development standards, however.

The EIR for the 8 Washington project presents and describes existing zoning standards regarding building heights. The EIR describes the zoning code amendments that would be required for the project to go forward as proposed. (EIR pp. III.2-III.5; see Figure III-2.) The EIR also describes the Planning staff-recommended height limits set forth in the NES. (EIR pp. III.8-III.9.) As the EIR notes, the proposed project is consistent with some, but not all, of the recommendations in the NES. Thus, the EIR provides information regarding both existing zoning standards and the recommendations of the NES, and identifies the zoning code amendments that would be required for the project to proceed.

One comment states environmental review should have been completed before the Planning Commission approved the NES. There are two reasons why this statement is incorrect. First, the NES contains Planning staff recommendations, and does not change applicable zoning or design standards. For this reason, preparation of the NES by Planning staff did not need to be preceded by environmental review. (CEQA Guidelines, § 15262.) Second, the Planning Commission did not “approve” the NES; rather, the Commission acknowledged the NES, and encouraged the Port and other agencies to “consider” the NES’ recommendations. The City acknowledges that a

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2 San Francisco Planning Department, Northeast Embarcadero Study, June 2010, p. 70. This document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

3 Ibid, p. 70.
lawsuit has been filed alleging the preparation of the NES triggered the obligation to perform environmental review. *(Neighbors to Preserve the Waterfront et al. v. City and County of San Francisco, et al. (San Francisco County Superior Court No. CPF-10-510634).)* That lawsuit is pending.

One comment states the project is inconsistent with Port of San Francisco’s *Waterfront Land Use Plan*. The EIR addresses the entire project’s consistency with this plan. *(EIR pp. III.7-III.8, IV.B.14.)* The discussion concludes that the components of the proposed project on private property are potentially inconsistent with this plan even though only the Port-owned parcels are subject to Port jurisdiction and the *Waterfront Land Use Plan*. The EIR analyzes whether this potential inconsistency represents a significant environmental impact on scenic views. The analysis concludes the impact is less than significant because the proposed project, as designed, would not significantly obstruct public view of the Bay, the Piers 1-5 bulkhead buildings, Telegraph Hill, or the Ferry Building. *(EIR p. IV.B.16.)* The comment could be construed as disagreeing with this analysis. This disagreement is noted. As the EIR states, the analysis of visual impacts invariably involves a degree of subjectivity. *(EIR p. IV.B.15.)* The judgment of the City’s Planning staff and consultants is that the impact of the proposed project on scenic views is less than significant. This determination is supported by substantial evidence and, as such, is a permissible conclusion. *(CEQA Guidelines, § 15384, subd. (b).)*

Comments express disappointment with the recommendations set forth in the *Northeast Embarcadero Study*. Comments state the NES does not reflect the community’s vision for the area. One of the purposes of the NES was to determine whether a consensus exists regarding appropriate development in the area. As the NES states:

> The Planning Department conducted extensive public outreach connected to three phases of work: listening to the community, presenting preliminary recommendations and receiving comments on them, and presenting the final recommendations for review and comment. The Planning Department received hundreds of comments from interested individuals and organizations. Public opinions were strong and diverse, making the effort to reach a consensus impossible, particularly for Port SWL 351.4

Thus, a consensus does not exist with respect to appropriate development of the project site. The NES includes an appendix summarizing public comment during the course of the NES. The appendix illustrates further the absence of a consensus. *(See NES pp. 69-86 [public outreach appendix].)* With respect to the project site, the NES appendix states:

> [T]here is a broad disparity of views about the proposed development on the project site of the Golden Gateway Swim and Tennis Club, also known as the 8 Washington site, with or without the inclusion of Port SWL 351. A substantial

number are opposed to development on the site and the redesign of its recreational facilities. Others have expressed concern about current height limits and whether they are appropriate to the location.\(^5\)

Others expressed support for development of the project site, including development of buildings taller than those authorized by existing zoning.\(^6\)

In presenting its recommendations, Planning staff did not state that it was reflecting the views of certain community members or participants in the NES process. Rather, as the NES states, the study reflects Planning staff’s professional recommendations based on input from a variety of stake-holders. The commenters’ disappointment with the recommendations in the NES may be a byproduct of the absence of consensus concerning development in the area.

One comment states the EIR should not reference the NES because the Planning Department did not approve it. Documents referenced in an EIR need not be formally “approved” in order to be considered in the analysis in the EIR. Rather, documents may be referenced if they provide useful information for purposes of analyzing the environmental effects of a project. (Pub. Resources Code, § 21061 [an EIR should discuss “information or data that is relevant”]; CEQA Guideline, §15151.) The NES is one such document.

One comment states the Port Commission’s decision to enter into a non-competitive negotiation process was influenced by the Port’s “dire” financial situation. This comment is incorrect, as the Port did engage in a public, competitive solicitation process. The comment states the Port should reconsider its position in light of anticipated revenue from the America’s Cup competition. This comment does not address the analysis in the EIR. Without endorsing the comment’s characterization of the Port’s motives, CEQA does not preclude public agencies from considering financial issues when they make decisions regarding proposed projects. (See, e.g., Pub. Resources Code, §§ 21081, subd. (a)(3) [agency may consider economic feasibility of alternatives or mitigation measures], (b) [agency may consider economic benefits in deciding whether to adopt statement of overriding considerations], 21061.1 [definition of “feasible” includes consideration of “economic . . . factors”].) Thus, even if any Port actions are motivated in part by economic considerations, that is permissible under CEQA.

Comments state the project sponsor is motivated by profit, rather than by planning considerations. The EIR states the applicant’s objectives for the project include developing a project that is “economically feasible,” and that achieves a “reasonable return on investment for the project sponsor and its investors.” (EIR p. II.20.) CEQA does not preclude an applicant from pursuing such objectives. (See, e.g., Association of Irritated Residents v. County of Madera (2003) 107 Cal.App.4th 1383, 1400-1401 [economic feasibility was implicit in applicant’s objectives].) In

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\(^5\) Ibid, p. 72.
\(^6\) Ibid, p.82.
addition, the EIR identifies a number of other project sponsor objectives that do not focus on economic considerations. (EIR p. II.20.)

One comment criticizes the NES for focusing on Seawall Lot 351 rather than on the entire plan area. Among other things, the NES provides Planning staff’s recommendations for development standards that may be appropriate for the project site, including Seawall Lot 351. The NES also provides Planning staff recommendations for other areas in the NES study area, not merely areas near Seawall Lot 351. Moreover, this comment constitutes a criticism of the NES, not the 8 Washington Project. Therefore, the comment exceeds the scope of this EIR.

Comments state the City should not rely upon the NES in performing environmental review of the proposed project because the City did not perform environmental review of the NES. As explained above, the preparation of the NES did not trigger the obligation to perform environmental review because it is a planning study. The EIR describes the recommendations set forth in the NES. (See, e.g., EIR pp. III.8-III.9, IV.D.33.) Those recommendations reflect the professional opinions of Planning staff, following a year of outreach to stakeholders. The City has discretion to consider those recommendations in performing an analysis of the environmental impacts of the proposed project, and therefore concludes it would be inappropriate to delete references to the NES. The EIR describes existing zoning and design standards, the project’s consistency with those standards, and the physical environmental effects of the project on the existing environmental setting (e.g., impacts on visual resources and traffic). The EIR also identifies and discusses the NES. However, the EIR does not rely on the NES to reach any of the environmental conclusions. Rather, the NES constitutes evidence that the Planning Commission and Board of Supervisors may consider in deliberations related to the proposed project.

One comment states the City pre-approved the proposed project, citing the Planning Commission’s decision to endorse the NES and the Port Commission’s decision to approve a term sheet with the project sponsor. Neither the Planning Commission nor the Port Commission has endorsed the NES. The City disagrees that it has committed to the proposed project. The City has not committed itself to the 8 Washington Project as a whole or to any particular features. The City has not taken any actions that preclude any alternatives or mitigation measures that should be analyzed pursuant to CEQA from being fully evaluated in this EIR, nor has the Planning Commission, the Port Commission, or Board of Supervisors taken any actions that foreclose their ability to impartially evaluate the merits of the proposed project and the contents of the EIR. The EIR includes an analysis of alternatives, including the no-project alternative. The alternatives include development of the project site without amending the zoning ordinance to modify existing standards regarding building height and bulk, both with and without Seawall Lot 351. Thus, the EIR does not rely on the recommendations in the NES as a basis for artificially constraining the analysis of alternatives.
The EIR eliminated from detailed analysis the project as originally proposed by the sponsor. That proposal was similar to the project as proposed, except that it would be approximately 40,000 gsf larger than the current proposal. The project sponsor modified the proposed project in response to the recommendations set forth in the NES. CEQA does not prohibit a project sponsor from modifying a proposed project as a result of recommendations set forth in a planning study. As a result of its increased size, the original proposal would have incrementally greater impacts than the project as currently proposed. For this reason, it was not carried forward for detailed review.

The San Francisco Planning Code and Zoning Maps set forth the existing height standards applicable to the 8 Washington project. As discussed on EIR pp. III.2–III.5, the project site is within an 84-E Height and Bulk District, which establishes an 84-foot height limitation for proposed development on the 8 Washington parcel. The proposed east building would be up to 70 feet tall, which is within the existing height limit. The proposed west building would be up to 136 feet tall, exceeding the existing height limit. The proposed west building will therefore require an amendment to the Planning Code to increase the height limit of the portion of the project site that would be occupied by the building.

As stated on EIR pp. II.23-II.24, approval of the Planning Commission and the Board of Supervisors is required to allow the proposed increase in height on a portion of the 8 Washington site to 136 feet. In determining whether to authorize the proposed height increase, the Planning Commission and the Board of Supervisors will consider all relevant evidence. The recommendations set forth in the NES are intended to “inform the Board of Supervisors when it considers issues in the study area that might come before it.” Therefore, the NES is relevant evidence related to land-use and planning issues in the Northeast Embarcadero area. (CEQA Guidelines, § 15384, subd. (b).) The NES does not commit either the Planning Commission or the Board of Supervisors to any particular decision on the proposed project; rather, the NES constitutes a planning study that the Planning Commission and the Board of Supervisors may consider during deliberations related to the proposed project.

CEQA requires that “[a]n EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences.” (CEQA Guidelines, § 15151.) The EIR includes a discussion of the NES for informational purposes because the NES, as a planning study containing Planning staff recommendations, is appropriate and relevant information for the Commission and Board to consider during their deliberations.

Moreover, as stated on EIR p. Intro.2, the project sponsor revised the proposed project to respond to Planning staff’s urban design recommendations included in the NES. Given this history, the

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7 Ibid, p. 70.
NES constitutes background information relevant to formulation of the proposed project. As such, it would be inappropriate to revise the EIR to delete references to the NES.

Comments express disagreement with Planning staff’s conclusions contained in the NES. These comments are included in this Final EIR. In deliberating the merits of the 8 Washington Project, the Planning Commission, the Board of Supervisors, and the Port Commission may consider Planning staff’s recommendations in the NES, concerns expressed by the comments relating to the merits of the height, bulk and related urban form recommendations included in NES, as well as all other evidence included in the City’s files relating to the 8 Washington Project. The EIR complies with CEQA by providing the decision-makers with information that will enable them to intelligently consider the proposed project’s potential impacts on the environment.
D. LAND USE

CONFLICTS WITH LAND USE PLANS AND POLICIES

Comment

The evaluation of Land Use impacts contained in this section of the DEIR is incorrect. As explained on page III.1 of the DEIR, the required evaluation under CEQA with respect to Land Use is to evaluate the proposed project’s conflicts with land use plans and policies to determine if these conflicts may result in physical environmental impacts. Here, such conflicts would clearly result in substantial impacts on the existing character of the vicinity and in significant cumulative impact related to Land Use. (Jon Golinger, Telegraph Hill Dwellers) [C.10.36]

Response

The comment states that CEQA requires the EIR to evaluate the proposed project’s conflicts with land use plans and policies to determine if these conflicts may result in physical environmental impacts. In Chapter III, Plans and Policies, the EIR discusses applicable land use plans and policies with which the proposed project conflicts or might conflict, including, but not limited to, the General Plan, the Planning Code, and the Waterfront Land Use Plan. The conflicts are not, in and of themselves, physical environmental impacts, but the conflicts could result in physical environmental impacts when the proposed project is implemented. To the extent that physical environmental impacts may result from those conflicts, those physical environmental impacts are discussed in their respective topical sections in Chapter IV, Environmental Setting and Impacts, of the EIR. Please see EIR pp. IV.A.8-IV.A.11, as well as the response under “Significance Criteria and Conclusions in the EIR,” beginning on C&R p. III.D.1, for a discussion of the proposed project’s land use impacts on the character of the vicinity, and C&R p. III.D.4 for a discussion of the proposed project's contribution to cumulative land use impacts.

SIGNIFICANCE CRITERIA AND CONCLUSIONS IN THE EIR

Comments

Pg. 1.2, LU-2: To state that “The proposed project would not have a substantial impact on the existing character of the vicinity.” is an absolutely false statement. The proposed project is intentionally altering the existing character of the Embarcadero’s west side. This is consistent with the goals of the Northeast Embarcadero Study and Asian Neighborhood Design’s A community vision for San Francisco’s Northeast Waterfront. This statement calls into question the criteria used by the DEIR preparer in making such an erroneous judgment call. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.2]

Loss of the neighborhood. (Lisa Schreiber) [D.7.5]

Land Use – LU 1– LU 3 should be marked significant impact. (Lisa Schreiber) [D.7.9]
Conclusions as to lack of Land Use impacts from the changing character of the area are based on erroneous assumptions. There IS an established community at Golden Gateway (Impact LU-1) that will be physically divided. The history shown in Redevelopment files shows that the site INCLUDING THE TENNIS AND SWIM CLUB was intended to be an integrated community. Demolishing the club and replacing it with a shell of its former facilities - including the loss of a majority of the tennis courts - tied to VERY upscale condos guts the community that was intentionally established by the Redevelopment Agency with FHA financing. There IS a substantial impact on the existing character of the vicinity. (Impact LU-2) [C.8.2b]

Loss of the neighborhood. (Lisa Schreiber) [D.47.8]

Land Use - LU 1 - LU 3 should be marked significant impact. (Lisa Schreiber) [D.47.13]

Response

One comment questions the significance criterion that is used on EIR p. IV.A.9. **CEQA Guidelines** Section 15382 defines a “significant effect on the environment” as “a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project …” (emphasis added). As such, the impact statement for Impact LU-2, on EIR p. IV.A.9, is clarified and revised, as follows (new text is underlined):

**Impact LU-2: The proposed project would not have a substantial adverse impact on the existing character of the vicinity. (Less than Significant)**

The comments state that the conclusions related to land use impacts presented in the EIR are incorrect; all of the impact statements should have concluded that the proposed project would have significant and unavoidable impacts. The comments also state that the neighborhood would be “lost.” Presumably, the comments are referring to the change in land use character that would result from implementation of the proposed project.

The criteria used to evaluate potential land use impacts come from the **CEQA Guidelines** (Appendix G: Environmental Checklist Form) and the Planning Department’s Initial Study Checklist.

Under Impact LU-1, on EIR pp. IV.A.8-IV.A.9, the EIR discusses the changes in land use that would occur with implementation of the proposed project. The proposed project would be incorporated into the established street plan and would create no impediment to the passage of people or vehicles. The proposed project would be constructed entirely within the boundaries of the existing project site, and would not physically displace or substantially alter off-site uses. Based on this discussion, the EIR concludes that the proposed project would not physically divide an established community. The proposed project’s impacts under this significance criterion would be less than significant.
Under Impact LU-2, on EIR pp. IV.A.9-IV.A.11, the EIR acknowledges that the proposed project would change the land use character of the project site. The changes, while potentially substantial in nature, would not amount to a significant adverse land use impact on the existing character of the vicinity given that many of the land uses that would be included in the proposed project (residential, restaurant and retail, athletic club, and parking uses) already exist on the site or in the immediate vicinity. The proposed project would not introduce any land uses that would be incompatible with the existing uses in the vicinity or with the existing character of the vicinity. The proposed buildings are intended to improve the character of the streetscape, by providing ground-floor restaurant, retail, and athletic club uses with access to the street instead of the surface parking and opaque fencing that currently characterize the project site’s streetscape.

One comment suggests that the demolition of the club will physically divide the community, and its replacement with fewer tennis courts will result in a substantial impact on the existing character of the vicinity. While the existing tennis and swim club facilities would be demolished and existing users of these facilities would be temporarily displaced, the proposed project does not physically divide the community. A new health club would be constructed on the project site. Once construction of the new health club facilities is complete, club members would continue to have access to active recreational facilities on the project site. In addition, the creation of the Jackson Common and Pacific Avenue Park would provide the existing community with improved access to the waterfront and new open space amenities.

Based on the discussion on EIR pp. IV.A.9-IV.A.11, the EIR concludes that the proposed project would not result in a significant adverse impact on the land use character of the vicinity. Impacts related to the proposed project’s height, scale, and visual character are discussed in Section IV.B, Aesthetics, of the EIR.

The City acknowledges that the concept of neighborhood “character” is at least partly subjective. Character is partly a function of the physical attributes of a project – e.g. how a project will appear in relation to other nearby land uses. However, character is also a function of the overall “feel” of a neighborhood, and whether a proposed use will complement those nearby. The EIR reflects a good-faith effort to address this issue. The City acknowledges that some comments disagree with the EIR’s conclusions; they sincerely believe the project is not consistent with the neighborhood’s character. This disagreement is noted and will be considered by the decision-makers.

Under Impact LU-3, on EIR p. IV.A.11, the EIR discusses other proposed development projects that could combine with the proposed project to create significant cumulative land use projects. Given the existing dense, urban nature of the project area and the high levels of activity already present, cumulative development would not result in significant changes in land use character. Based on this discussion, the EIR concludes that the proposed project would not result in a
significant cumulative impact related to land use. The comments do not present any new information that would warrant changing the conclusions presented in the EIR.

PROPOSED RESTAURANT

Comment

I live in the Golden Gateway Commons, nearer to the Broadway corner, close to Pacific. I know there are several issues bothering people about this project, but I want to object to something that may not be getting much attention, and that is the proposed restaurant at Pacific. This is a quiet neighborhood, and a restaurant is totally out of place in this location. The noise, the smells, the site of the rooftop with it's usual pipes and venting, leaves me very upset. We have some wonderful restaurants in the neighborhood, so it's not as if we're hurting for places to go to. Please consider eliminating this restaurant from consideration in the project. (Carol Parlette) [D.9.1]

Response

The comment states that the proposed restaurant near Pacific Avenue is not appropriate due to the noise, smells, and rooftop clutter associated with pipes and venting. The project site is in a Residential-Commercial Combined, High Density (RC-4) District. Pursuant to Planning Code Section 209.8(c), a restaurant is a principally permitted use on the ground floor in an RC-4 District. The conditions governing the potential use and operation of the restaurant at this location is an issue that will be considered by the decision-makers. The purpose of the EIR is to evaluate the potential environmental impacts of the proposed project, not to recommend approval or disapproval of the proposed project or any of its components. The potential visual impacts of the proposed project are discussed in Section IV.B, Aesthetics, of the EIR, and noise and odor are discussed in EIR Appendix A: NOP/Initial Study.

CUMULATIVE DEVELOPMENT AND CUMULATIVE IMPACTS

Comments

The DEIR incorrectly determines that the project would not result in significant cumulative impacts related to Land Use (Impact LU-3).

The DEIR fails to include and evaluate all other anticipated development cumulatively with the proposed project, including those projects more than 0.5 miles of the project site for purposes of assessing cumulative impacts to traffic. (Jon Golinger, Telegraph Hill Dwellers) [C.10.40]

Because of the DEIR’s failure to include an adequate evaluation of the impacts of all other planned and anticipated development in the area, its conclusion that cumulative development would not result in significant changes in land use character is unsound and not based on substantial evidence. (Jon Golinger, Telegraph Hill Dwellers) [C.10.42]
This long report is, to put it kindly, a most difficult document to read and understand, not just because it is wordy and ponderous but because it lacks clarity in the use of words, particularly the word “significant”, a key term in understanding the entire thrust of this (and all) environmental impact reports. Let me start with a simple example: in section W.A. 11 there occurs these two sentences—“Given the existing dense, urban nature of the project area and the high levels of activity already present, cumulative development would not result in significant changes in land use character. No mitigation is necessary.” (bold type mine) In other words, traffic is already badly congested and to add to the congestion is therefore not a “significant” factor. It’s already bad and thus cannot get any worse so go ahead and add more cars and people? Can the report writers really mean this? (Martie W. Young) [D.55.1]

Response

The comments state that the EIR fails to discuss cumulative development projects more than 0.5 mile from the project site and that the conclusions presented in the EIR related to cumulative development and cumulative traffic impacts are incorrect.

The land use and traffic projections used to analyze cumulative impacts include potential development projects that are more than 0.5 mile from the project site. EIR p. IV.A.7 discusses the short-term and long-term development associated with the 34th America’s Cup race. Short-term development plans associated with the America’s Cup are considered temporary and have not been included in the long-term land use and traffic projections. Long-term development plans associated with the America’s Cup are undefined at this time. However, it is likely that these long-term development plans would be similar in use and intensity to development plans that were previously proposed for sites including Piers 19/23, Piers 26/28, and Piers 30/32. These previous development plans have been included in the land use and traffic projections as well as the analysis of cumulative land use impacts on EIR p. IV.A.11. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

As stated on EIR p. IV.A.11, one of the primary impacts of anticipated cumulative development would be an increase in vehicle and pedestrian activity in the project area. The transportation and circulation impacts of cumulative development are analyzed in Section IV.D, Transportation and Circulation, EIR pp. IV.D.32-IV.D.37. For additional information, see the responses under “Cumulative Traffic / America’s Cup” in Section III.G, Transportation, beginning on C&R p. III.G.51.
E. AESTHETICS

SCENIC VISTAS

Comments

It will block the historic view of the Ferry Building. (Ernestine Waters Weiss) [TR.4.1]

I guess I have two comments. One is a very focused one. The report asserts that the view of Coit Tower from the Ferry Building is not considered a significant view in the waterfront design and access element and, therefore, the fact this obscures this building means it's not significant. I would argue that we should consider the fact that perhaps the waterfront design and access element is deficient in that it failed to identify what is one of the significant views from the waterfront and from the Embarcadero, which is Coit Tower. (Paul Wermer) [TR.7.1]

Per the DEIR, all of these uses will be consistent with the surrounding area. According to the DEIR, the development proposed for this area would not obstruct the existing public- or street-level scenic vista of the Bay. The DEIR states that the proposed project would not substantially affect scenic vistas' and scenic resources' visibility for publicly accessible areas in the project vicinity. We agree with this analysis. Incidentally, when this project first came forward, I actually had the opportunity to visit the Ferry Building and look at the view of Coit Tower. And much has been made of this in this discussion. And as you walk along the Embarcadero from the Ferry Building and you look up at Coit Tower, the views of Coit Tower are actually obscured a variety of different times episodically by palm trees and other buildings. And I don't view this as problematic. I mean it seems to me that episodic views of Coit Tower is a nice thing when you're walking along the street. (Sarah Karlinsky, San Francisco Planning and Urban Research Association) [TR.8.2a]

Then on page IV.B.11, where it talks about View F from Calhoun Terrace on Telegraph Hill looking southeast, this is one of three places from public areas on Telly Hill where it's possible viewing the Ferry Building. The other two are on Alta Street, which is a short dead-end street where one can look through trees and make out the Ferry Building tower last time I was there. Also, the Pioneer Park on the south side of Coit Tower one can also see the Ferry Building. And I think that is an important view and it would be desired to have a photo montage from there along with the one from Calhoun Terrace. (Alec Bash) [TR.12.3]

First point, won't change the character of the neighborhood. Are you kidding? This development will totally forever ruin many of the iconic views and aspects of life along the Embarcadero for tourists and citizens alike. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.2]

I find the draft EIR inadequate in that it does not address how the significant views of Coit Tower and San Francisco are going to be occluded. They are very important for tourists to orient themselves by. This is huge mass of a building. In a way, it's like bringing back the Embarcadero Freeway. It has that kind of impact. (James Joannides) [TR.14.1]

Yes. I'll probably submit stuff in writing later. But one of the -- I think, deficiencies or maybe an enhancement -- put it that way -- that could be done with respect to the visual sort of vistas and view analysis is to -- I think it's time that we considered maybe moving in a direction that can take advantage of some technology, I guess. Every EIR we've been getting takes a photograph and then superimposes a building. And it seems to in this case it's awfully static; and we are
III. Comments and Responses
E. Aesthetics

Talking about moving along the Embarcadero and trying to get some idea of how it is, not from five -- or really only four vantage points. But maybe in a continuous sweep of some kind. And maybe you have to do it in video. But that would give, I think, the public a much clearer idea of where the views are already blocked by trees, palm trees, or whatever they may be -- other buildings -- where views of -- I'm talking about specifically Coit Tower and Telegraph Hill, Pioneer Park, and that area. And where they come into view, where they disappear from view. And that might give us a little better visual sense of what the impact of these particular buildings are going to be. (*Commissioner Hisashi Sugaya, San Francisco Planning Commission*) [TR.35.1]

I think that Commissioner Sugaya's comments as to using more modern technology as to the view corridor are quite well taken and I would welcome that. (*Vice President Ron Miguel, San Francisco Planning Commission*) [TR.37.1]

Pg. 1.2, AE-1: Individual photo simulations are not sufficient to accurately support this statement. The observer from a distance – such as Telegraph Hill – scans this section of the Waterfront and takes it in as a whole. The observer’s view of Telegraph Hill from the Embarcadero as a pedestrian walks from Pier 24 to Pier 15 (or reverse) cannot be captured by static methods. A moving point of observation is central for the ecological approach to visual perception. There is sufficient available technology to incorporate this in the DEIR. (*Vice President Ron Miguel, San Francisco Planning Commission*) [B.1.3]

According to the DEIR, the development proposed for SWL 351 would not obstruct existing public or street level scenic vistas of the Bay. The DEIR states that the proposed project would not substantially affect scenic vistas and scenic resources visibility from publicly accessible areas in the project vicinity (AE-1). We agree with this analysis. (*San Francisco Planning + Urban Research Association*) [C.1.2]

**AE-1: The proposed project would not substantially affect scenic vistas and scenic resources visible from publicly accessible areas in the project vicinity.**

Loss of iconic views: If 8 Washington is built, a walk out of the Ferry Building North on the Embarcadero will never be the same. Instead of the quintessential San Francisco vista of Telegraph Hill and Coit Tower, visitors and residents will see another bulky condo building that will create a wall between our most important City Boulevard and the views up to the Telegraph Hill neighborhoods. (*William H. Sauro, The Barbary Coast Neighborhood Association*) [C.6.5]

The following physical environmental impacts result from the proposed project’s conflicts with the Port’s *Design and Access Element for the Ferry Building Area* and *Design Criteria for Seawall Lot 351*:

1. **Impacts on Views and Open Spaces.** The height and massing of the proposed project, which conflict with the existing zoning, height and bulk districts, impact the areas “celebrated views and opens spaces” that further define the character of this area. The proposed project would completely block the iconic views to Coit Tower from the Ferry Building and Pier 1. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.38a]

The DEIR incorrectly determines that the proposed project would not substantially affect scenic vistas or scenic resources visible from publicly accessible areas in the project vicinity (Impact AE-1).

The DEIR’s conclusion that the project’s impacts on scenic vistas and scenic resources would be considered “Less than Significant” is a subjective judgment not based on an independent
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presentation of the facts. Impacts to the following scenic vistas and scenic resources would be significant without adequate mitigation:

1. **Views of Coit Tower and Telegraph Hill Obstructed.** As clearly demonstrated in Figure IV.B-3: View B (page IV.B.7), the height and mass of the proposed project would completely obstruct views of Coit Tower and Telegraph Hill currently seen from the Embarcadero Promenade at the northern end of the Ferry Building. This significant adverse effect on the visual quality and scenic vistas enjoyed by the public conflicts with all of the following objectives and plans:

   • The Port’s project objective for Seawall Lot 351, which provides that the proposed project “maintain and enhance the view corridors along the Embarcadero” and that it “[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.”
   • The Port’s *Waterfront Design and Access Element* which provides that design policies will be applied to new development and open space projects along the waterfront to address ways to preserve and enhance existing views and to create a variety of new views.
   • Policy 10.1 of the *Northeastern Waterfront Area Plan* provides that new development “preserve the physical form of the waterfront and reinforce San Francisco’s distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area.”
   • The *Urban Design Element* of the City’s *General Plan* calls for preserving and enhancing views and visual quality, and calls for new development to complement existing patterns of development.

The DEIR’s conclusion this would not create a substantial adverse effect on a scenic vista because “Coit Tower and Telegraph Hill would continue to be visible from numerous vantage points in the vicinity of the Project site and the City” is a biased and subjective judgment that is not based on fact. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.43b(1)]

2. **Views of the Ferry Building Obstructed.** As demonstrated in Figure IV.B-7: View F (page IV.B.12), the height and mass of the proposed project would obstruct views of the Ferry Building from locations on Telegraph Hill. Although the view from only one location is chosen to show this impact, it is clear that the proposed project will have a potentially significant adverse effect on the visual quality and scenic vistas enjoyed by the public.

   • The DEIR must analyze how such obstruction of views of the Ferry Building would comply with Policy 10.7 of the *Northeastern Waterfront Area Plan*, which provides that new development enhance and maintain the physical prominence of the Ferry Building.
   • Please explain the statement on page IV.B.18 that: “The proposed project would not obstruct the view of the Ferry Building Clock Tower from any of the proposed viewpoints.” What are “any of the proposed viewpoints”? Why is it relevant that only the view of the Clock Tower would remain?

The DEIR’s conclusion that the proposed project would not create a substantial adverse effect on a scenic vista by obstructing views “because the Ferry Building would continue to be visible from numerous vantage points on Telegraph Hill” is a plainly subjective judgment not based on the facts presented. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.43c]

**Page IV.B.11: Photographic Views from Telegraph Hill** – The Ferry Building and the project site are visible from three public spaces on Telegraph Hill: Calhoun Terrace, Alta Street, and Coit Tower with its south-facing Pioneer Park area. View F provides the Calhoun Terrace view. I suggest adding a View G for the Pioneer Park view, the highest and most public point on
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Telegraph Hill. An Alta Street view is not necessary, as it is a dead end street on the Hill between Calhoun Terrace and Pioneer Park, and its view was largely obstructed by trees when I last looked. (Alec Bash) [D.2.1]

On page IB.17 the DEIR concedes that the proposed project will obstruct views of Coit Tower and Telegraph Hill when viewed from the Embarcadero by the Ferry Building, but seek to minimize the significance of that fact based on the ability of a pedestrian to move north along the Embarcadero to obtain the view. Based on that reasoning, a single structure never “significantly” affects the view. (Paul Renne) [D.14.4]

The views of Telegraph Hill from the ever popular and Ferry Building currently enjoyed by San Francisco and Bay Area residents not to mention millions of tourists will be blocked. (Jane and John Siegel) [D.15.4]

Additional issue to address - **Blocking iconic San Francisco views of Telegraph Hill from the Ferry Building**, views currently enjoyed by millions of San Francisco and Bay area residents as well as tourists, commuters and office workers. And why? To build $2.5-$5 million+ condos? (Deborah Smith) [D.22.9]

**Impact AE-I:**
*The proposed project would not substantially affect scenic vistas and scenic resources visible from publicly accessible areas in the project vicinity. (Less than Significant) IV.A.10 'The proposed project would result in the introduction of residential, retail and restaurant uses to the site.*

The Embarcadero walk from the Ferry Building north is a popular San Francisco activity for both tourists and locals. The Ferry Building provides remarkable local market stalls, shops and services at the start of their walk. There is no reason to shop or eat at the site of the proposed restaurants and shops, one small block into their walk. Nor is anyone on a quest to see a 12 story high rise housing complex (strangely reminiscent of the Bryant & 7th Street San Francisco City Jail) looming over and shading Sue Bierman park.

The tourists who walk along the Embarcadero are on a walking experience. not a buying jaunt. Their goals are to reach Pier 39, or TCHO chocolate tasting, Pier 33 for boat excursions to Alcatraz pier and/or in the future the Exploratorium and Fisherman’s Wharf beyond.

Most pedestrians on the Embarcadero walk along the piers on the bay side of the Embarcadero. They do so for the views, both towards the bay and towards Telegraph Hill - best seen from the water’s edge side.

The 8 Washington Street Project that aims to replace the car park, is not a pleasing prospect, as the development will in-fill the currently unblocked skyline site lines with bricks and mortar, cast large shadows, and obscure views forever for the hundreds of people living and walking, driving and walking and biking in the area. Additionally, 8 Washington Street/Seawall 351 project has no connection aesthetically to anything around it. This is an inappropriate alien outsized complex pushing its gigantic presence into a perfectly ordered development. (Paula Eve Aspin) [D.24.3a]

Also, I am personally concerned about the “public scenic views”, particularly the view of Coit Tower from the Ferry Building and North along the Embarcadero, and conversely, the view of the Ferry Building from the Coit Tower parking lot. What weight was given to this in the DEIR? (Richard Cardello) [D.25.3]
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Another point of opposition concerns public view, specifically the view of Coit Tower from the Ferry Building and from along the Embarcadero. Has this issue been addressed in the DEIR? Section? I look forward to receiving the hard copy of the magnum opus from you. (Richard Cardello) [D.25.4]

So, the 8 Washington DEIR assumes: … 5. and last but not least, that locals and tourists will gladly rejoice at the inability to view Coit Tower as they stroll the Embarcadero due the preposterous height of the proposed building. (Douglas Arnstein) [D.32.5]

2) The condo project will erode and damage the open space of the waterfront. The proposed design of the building is going to block the views of the millions of visitors to the ferry building, people in the park or along the waterfront. (Tom Verhauz) [D.41.2]

I feel strongly that the view of the bay belongs to all of the residents and visitors to San Francisco, and to block it in any way, for only a few to have a better vantage point, is not in the interests of our city. (Marian Wallace) [D.42.1]

Aesthetics - AE 1 - AE 3 should be marked as significant impact. (Lisa Schreiber) [D.47.14]

D. The DEIR tries, unsuccessfully, to minimize the loss of iconic views of Coit Tower and Telegraph Hill from in front of the Ferry Building with its argument about ‘episodic’ views and a new claim that “trees” already obscure the views of Coit Tower from in front of the Ferry Building, views enjoyed by millions of tourists, residents and office workers each year. As demonstrated in Figure IV.B-3: View B (page IV.B.7), the height and mass of the proposed project would completely obstruct views of Coit Tower and Telegraph Hill currently seen from the Embarcadero Promenade at the northern end of the Ferry Building. This significant adverse effect on the visual quality and scenic vistas enjoyed by the public conflicts with numerous city planning documents. The DEIR’s conclusion this would not create a substantial adverse effect on a scenic vista because “Coit Tower and Telegraph Hill would continue to be visible from numerous vantage points in the vicinity of the Project site and the City” is a biased and subjective judgment that is not based on fact. This ‘episodic’ argument could be used to claim that NO building ever blocks an important view because if you walk far enough past the offending structure, you might get the view back. (Brad Paul) [D.53.34]

The comment about trees blocking the view of Coit Tower from in front of the Ferry Building must be struck from the document. I just came from standing at the main entrance of the Ferry Building and I could clearly see Coit Tower and most of Telegraph Hill. While several trees in front of the F-line stop across the street did impede the view around the edges, these trees could easily be pruned to eliminate the problem. (Brad Paul) [D.53.35]

Many of our friends from other parts of the country who have visited us here have remarked at how open our skies are, and how remarkable it is to walk along the Embarcadero without high rise buildings blocking the views of Telegraph Hill. How many other tourists and visitors have similarly been delighted by the forward thinking of past San Franciscans who have kept these spaces open and building heights controlled? What will they think in the future of those who allow this project to go forward, if indeed it is approved? (George T. Haymaker, Jr.) [D.56.7]

Additional issue to address - Blocking iconic San Francisco views of Telegraph Hill from the Ferry Building, views currently enjoyed by millions of SF and Bay area residents as well as
tourists, commuters and office workers. And why? To build $2.5-$5 million+ condos? (Mary Pecci) [D.58.9]

Response

Views of Coit Tower and Telegraph Hill

A number of comments express concern over the impact of the proposed project on scenic vistas of Coit Tower and Telegraph Hill as seen from The Embarcadero Promenade.

The EIR presents and describes an existing photographic view from the Embarcadero Promenade looking northwest toward Coit Tower and Telegraph Hill, on EIR p. IV.B.6:

**View B – From Embarcadero Promenade at the Ferry Building, Looking Northwest**

In this view (Figure IV.B-3: View B - From Embarcadero Promenade at Ferry Building, Looking Northwest (Existing)), the project site is seen looking northwest from the Embarcadero Promenade in front of the Ferry Building (the visual focal point of the waterfront, a transportation hub, and popular waterfront destination). From this viewpoint, the wide, palm-lined Embarcadero occupies the foreground. Across The Embarcadero is the Sue Bierman Park open space, with the Alcoa Building in the background. Residential buildings adjacent to the project site (William Heath Davis building and Golden Gateway Commons) rise from beyond the existing fence that surrounds the Golden Gateway Tennis & Swim Club. The landmark Coit Tower atop Telegraph Hill is visible in the distance rising beyond the Golden Gateway Commons. The Pier 1 Bulkhead Building is visible along the Promenade on the right in this view. A general pattern of building heights stepping down toward the water is evident in this view.

The EIR identifies existing scenic vistas and scenic resources in the vicinity of the project site. Among these are Coit Tower and Telegraph Hill, as discussed on EIR p. IV.B.13:

**EXISTING SCENIC VISTAS AND SCENIC RESOURCES**

...Coit Tower and Telegraph Hill are prominent and familiar scenic features that rise abruptly in the distant background of the project site when viewing the project site from the south and southeast.

The EIR describes and evaluates the impact of the proposed project on scenic vistas in the vicinity of the proposed project. Specifically, impacts of the proposed project on views of Coit Tower and Telegraph Hill are illustrated in Figure IV.B-3 (Proposed Project) on EIR p. IV.B.7, and disclosed, described, and evaluated on EIR p. IV.B.17. The EIR concludes that the proposed project would not have a significant adverse impact on a scenic vista:
Views of Telegraph Hill

Telegraph Hill and Coit Tower are now visible from a segment of the Embarcadero Promenade directly in front of the northern end of the Ferry Building and further north. The proposed project would obstruct views of Coit Tower and Telegraph Hill currently seen rising in the background beyond the project site when viewed from the segment of the Embarcadero Promenade at the northern end of the Ferry Building. (See Figure IV.B-3 (Proposed Project).) From areas further south along The Embarcadero (like the central entrance to the Ferry Building and the plaza and crosswalk in front of the Ferry Building) views of Telegraph Hill and Coit Tower are now obscured by vegetation in Sue Bierman Park and street plantings along the west side of The Embarcadero. The Waterfront Design & Access Element identifies major views from, and over, Port property back to the City. It does not identify any major view from the Ferry Building over the project site toward Telegraph Hill. Likewise, no such view is identified in the General Plan or Northeastern Waterfront Area Plan. When viewed from the vantage point of a segment of the Embarcadero Promenade in front of the northern end of the Ferry Building, the obstruction of views toward Coit Tower/Telegraph Hill would diminish the visual reciprocity that exists from this vantage point between these familiar visual landmarks that contributes to a sense of spatial orientation and coherence within the City. However, continuing further north along the Embarcadero Promenade (about 250 feet) from in front of the Pier 1 Bulkhead Building, Coit Tower and Telegraph Hill would continue to be visible beyond the tennis courts at the northern portion of the project site and the Golden Gateway Commons development. In addition, the proposed project would not obstruct views of Coit Tower or Telegraph Hill that are currently available from Ferry Plaza on the water side of the Ferry Building. Coit Tower and Telegraph Hill would continue to be visible from numerous vantage points in the vicinity of the project site and the City. Because views of Telegraph Hill and Coit Tower would continue to be available from The Embarcadero in front of the nearby Pier 1 Bulkhead Building and from numerous other locations in San Francisco and around the Bay, the obstruction of views toward Coit Tower and Telegraph Hill from a segment of the Embarcadero Promenade in front of the northern end of the Ferry Building would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.

It should also be noted that views of Coit Tower and Telegraph Hill would also continue to be visible from the public area to the east of the Embarcadero Promenade, outside of the north entrance to the Ferry Building. The last sentence in the above EIR text is revised accordingly as follows (new text is underlined, deleted text is shown in strikethrough):

Because views of Telegraph Hill and Coit Tower would continue to be available from The Embarcadero in front of the nearby Pier 1 Bulkhead Building, from the public area to the east of the Embarcadero Promenade outside of the north entrance to the Ferry Building, and from numerous other locations in San Francisco and around the Bay, the obstruction of views toward Coit Tower and Telegraph Hill from a segment of the Embarcadero Promenade in front of the northern end of the Ferry Building would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.
At the July 21 public hearing on the Draft EIR, Planning Commission Vice-President Ron Miguel and Commissioner Hisashi Sugaya requested that a video be prepared to illustrate impacts on scenic views from the Embarcadero Promenade. In response, a video has been prepared at the direction of the Planning Department by an independent company specializing in 3D architectural visualization, to provide additional illustrative material to aid in the understanding of this impact. The video is included on the CD attached to the inside of the back cover of this Comments and Responses document, Appendix C: Video Visual Simulation of Proposed Project within Views Along The Embarcadero Promenade (the Video Appendix).

The video shows a continuous series of existing views toward Coit Tower and Telegraph Hill, as viewed by a pedestrian advancing northward along the Embarcadero Promenade. The effect of the proposed project on views of Coit Tower and Telegraph Hill is illustrated at selected points along the route. The recording covers approximately 3/4th of a mile beginning at approximately Pier 24 and ending at Pier 7. The video pauses at approximately 12 points along the route at locations representing important areas of public circulation as well as representative points along The Embarcadero Promenade where views of Coit Tower and/or Telegraph Hill are available. At each of the 12 points, the still photographic frames from the video are used as the visual context onto which a computer rendering of the proposed project is superimposed. The view position of each computer rendering along the route is matched to the actual position of the camera using motion tracking computer software. Existing foreground elements within the photograph, such as trees, people, cars, street furniture, and other visual obstructions are masked out and placed on top of the digital rendering to appear correctly in front of the proposed building. The composited still frames are edited into the overall video at the pauses, fading in and then out to show the current pedestrian visual experience along The Embarcadero Promenade and an accurate representation of the visual impact of the proposed project within the existing visual context.

As shown in the Video Appendix (and as discussed on EIR p. IV.B.17), where Coit Tower and/or Telegraph Hill are visible to pedestrians along the Embarcadero Promenade, they are not prominent features within the existing visual context of northwest facing views for much of the route (including the segment along the central entrance to the Ferry Building), due to existing trees planted along The Embarcadero and in nearby open spaces which screen views to the northwest. Unobstructed views of Coit Tower and Telegraph Hill are available under existing conditions from a segment beginning in front of the northern end of the Ferry Building extending northward past the Pier 1 Bulkhead Building. As shown in the Video Appendix, and as already discussed on EIR p. IV.B.17, currently unobstructed views of Coit Tower and Telegraph Hill would be obstructed by the proposed project along the Embarcadero Promenade beginning at the northern end of the Ferry Building. Continuing further north along the Embarcadero Promenade, beginning in front of the Pier 1 Bulkhead Building, Coit Tower and Telegraph Hill would not be obstructed by the proposed project and would continue to be visible from the Embarcadero Promenade under proposed conditions, rising beyond the northern portion of the project site.
Comments state that the proposed project conflicts with applicable City policies that call for preserving and enhancing existing scenic views. Conflicts with plans and policies are discussed in EIR Chapter III, Plans and Policies. That chapter states on EIR p. III.1,

In accordance with CEQA Guidelines Section 15125(d), this chapter discusses potential conflicts with applicable local and State plans and policies. Policy conflicts do not, in themselves, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, such impacts are analyzed in this EIR in the specific topical sections.

The Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with applicable plans and policies, and will consider potential conflicts as part of the decision-making process. This consideration of applicable policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove the proposed project. Physical environmental impacts resulting from aspects of the project that may conflict with plans and policies are evaluated as part of the impacts analysis carried out under the relevant environmental topic section in the EIR. Potential conflicts with objectives and policies not identified in the EIR could be considered in the project evaluation process and would not alter the physical environmental effects of the proposed project.

One comment cites the Port of San Francisco’s design objectives from its 2008 Request for Proposals for Seawall Lot 351 (“Maintain and enhance view corridors along the Embarcadero… Recognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.”). This design objective is not an applicable plan within the meaning of CEQA Guidelines Section 15125(d). Rather this and other design objectives were presented in the Port’s 2008 Request for Proposals as the selection criteria for proposals. They are reproduced on EIR p. II.21 as Objectives of the Proposed Project. See the response under “Port of San Francisco Objectives,” in Section III.B, Project Description, on C&R p. III.B.66.

The EIR accurately describes existing visual conditions and accurately describes the impact of the proposed project on views of Coit Tower and Telegraph Hill. Although some comments disagree with the EIR’s ultimate conclusion that this impact is less than significant,

“[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure” (CEQA Guidelines Section 15151).

The Final EIR (including all comments on the Draft EIR, responses presented in this Comments and Responses document, and the Video Appendix) provides adequate information to enable the
decision-makers “to make a decision which intelligently takes account of environmental consequences.”

Views of the Ferry Building

A number of comments express concern over the impact of the proposed project on scenic vistas of the Ferry Building. The EIR identifies existing scenic vistas and scenic resources in the vicinity of the project site on EIR pp. IV.B.11-IV.B.13. Among these are views of the Ferry Building.

EXISTING SCENIC VISTAS AND SCENIC RESOURCES

...The nearby historic Ferry Building and its Clocktower are called out in the Waterfront Design & Access Element as the “focal point of this area and indeed, the centerpiece of the Waterfront.” (See Figure IV.B-7: (Existing).)

The EIR describes and evaluates the impact of the proposed project on scenic vistas in the vicinity of the proposed project. Specifically, the impact of the proposed project on views of the Ferry Building is illustrated in Figure IV.B-7 (Proposed Project) on EIR p. IV.B.12, and disclosed, described, and evaluated on EIR p. IV.B.18. The EIR concludes that the proposed project would not have a significant adverse impact on a scenic vista:

Views of the Ferry Building

When viewed from some locations on Telegraph Hill, the proposed buildings would obstruct a portion of the landmark Ferry Building (see Figure IV.B-7 (Proposed Project), and Figure IV.B-8 (Proposed Project)), although the northern portion of the Ferry Building and the iconic Ferry Building Clock Tower would continue to be visible beyond the proposed project in this view. The lower-rise portions of the Ferry Building would continue to be visible from numerous vantage points in the vicinity of the project site and within the City, and would continue to function as the visual focal point of the waterfront. The proposed project would not obstruct the view of the Ferry Building Clock Tower from any of the proposed viewpoints popular public viewing areas on Telegraph Hill. Because the Ferry Building would continue to be visible from numerous public vantage points around the City, the obstruction of the lower portions of the Ferry Building when viewed from some vantage points on Telegraph Hill would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.

At the July 21 public hearing on the Draft EIR, a comment was made that the EIR include additional photosimulations to illustrate views from Alta Street and Pioneer Park on Telegraph Hill. In response, an additional photosimulation has been prepared by Square One Productions, an independent company specializing in 3D architectural visualization, to provide additional illustrative material to aid in the understanding of this impact. The additional photosimulation is incorporated into the EIR.
The first full paragraph on EIR p. IV.B.11 is revised as follows to incorporate and introduce a new EIR figure to illustrate views from Pioneer Park (new text is underlined, deleted text is shown in strikethrough):

**View F - From Calhoun Terrace on Telegraph Hill, Looking Southeast, and View G - From Pioneer Park on Telegraph Hill, Looking Southeast**

Telegraph Hill rises abruptly about four blocks north and west of the project site. Public rights-of-way on Telegraph Hill afford the nearest public hilltop views of the project site in the context of panoramic scenic views of the Bay, the East Bay hills beyond, and the Bay Bridge, over the rooftops of waterfront development (particularly the view from Calhoun Terrace at the edge of a steep drop on the south eastern slope of Telegraph Hill, and from Pioneer Park, a popular tourist destination). In this view these views (Figure IV.B-7: View F - From Calhoun Terrace on Telegraph Hill, Looking Southeast (Existing); and Figure IV.B-8: View G – From Pioneer Park on Telegraph Hill, Looking Southeast (Existing)), looking southeast, the project site is visible in the distance, over the rooftops of buildings in the Northeast Waterfront at the base of Telegraph Hill and the Golden Gateway Commons development. Beyond the project site, the Piers 1-5 bulkhead buildings and the Ferry Building and Clocktower are visible along The Embarcadero. The William Heath Davis building rises to the west of the project site (to the right in these views this view) with downtown high-rise development rising beyond and inland from the Bay.

The new EIR Figure IV.B-8: View G – From Pioneer Park on Telegraph Hill, Looking Southeast, is presented on the following page.

The first paragraph on EIR p. IV.B.18 is also revised as follows to incorporate and discuss the new EIR figure to illustrate the impact on views of the Ferry Building from Pioneer Park (new or revised text is underlined, deleted material is shown in strikethrough text.)

**Views of the Ferry Building**

When viewed from some locations on Telegraph Hill, the proposed buildings would obstruct a portion of the landmark Ferry Building (see Figure IV.B-7 (Proposed Project), and Figure IV.B-8 (Proposed Project)), although the northern portion of the Ferry Building and the iconic Ferry Building Clock Tower would continue to be visible beyond the proposed project in this view. The lower-rise portions of the Ferry Building would continue to be visible from numerous vantage points in the vicinity of the project site and within the City, and would continue to function as the visual focal point of the waterfront. The proposed project would not obstruct the view of the Ferry Building Clock Tower from any of the proposed viewpoints popular public viewing areas on Telegraph Hill. Because the Ferry Building would continue to be visible from numerous public vantage points around the City, the obstruction of the lower portions of the Ferry
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Building when viewed from some vantage points on Telegraph Hill would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.

These clarifications do not change any of the conclusions of the EIR.

Although some comments disagree with the EIR’s ultimate conclusion that this impact is less than significant,

“[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure” (CEQA Guidelines Section 15151).

The Final EIR (including comments on the Draft EIR and responses presented in this Comments and Responses document) provides adequate information to enable the decision makers “to make a decision which intelligently takes account of environmental consequences.”

**VISUAL QUALITY / URBAN DESIGN**

**Comments**

136 feet is way out of the ballpark. (*Ernestine Waters Weiss*) [TR.4.7b]

Finally, I'd like to state that we believe that this project would radically improve the pedestrian experience on the western side of the Embarcadero. As somebody who lives in North Beach and walks this area frequently, I can tell you that the eastern side of the Embarcadero is very pleasant, but the western side of the Embarcadero is not a very fun place to walk. And particularly when you come to this particular area, right now, you're confronted with a 14-foot-high fence -- green fence -- that is not very friendly to the street. It's not very friendly for pedestrians. And it's very unpleasant. So I would assert, from a pedestrian experience, this proposed project would be a great improvement and you can -- I guess the boo is the new yea, perhaps. (*Sarah Karlinsky, San Francisco Planning and Urban Research Association*) [TR.8.2b]

The west side of Drumm Street already has two garage entrances, a waste facility, and a moving space. Thus, the last block of Drumm Street would become an ugly alley, certainly a poor way to connect the city to the waterfront. (*Al Glassgold*) [TR.19.6]

It is also noted that the project proposes to remove street trees along Drumm, Washington and Embarcadero. The project sponsor is encouraged to replace as many trees as possible to maintain the views from the Embarcadero and Drumm Street and to maintain vegetation as much as possible within the urban environment surrounding the site for both habitat and aesthetic purposes. (*Sarah Ballard, Director of Policy and Public Affairs, San Francisco Recreation and Parks Department*) [A.3.2]

Pg. 1.2, AE-2: (See 2 above.) This statement is absolutely false. To “substantially alter the existing visual character of the project site and its surroundings” is the very essence of both the Department’s *Northeast Embarcadero Study* and the Asian Neighborhood Design’s *A Community...*
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**Vision for San Francisco’s Northeast Waterfront. (Vice President Ron Miguel, San Francisco Planning Commission)** [B.1.4]

SPUR supports the proposed project heights, which are appropriate for the area and fit the scale of the surrounding neighborhoods. The project sponsor has made adjustments to the design and scale of the buildings, which reflect the topography of the surrounding hills and allow for appropriate density. Given the proximity of this project to much taller buildings, including the Golden Gateway, the scale of this project is modest and appropriate. *(San Francisco Planning + Urban Research Association)* [C.1.3]

**Aesthetics of “the fence”**

There have been obsessive comments by persons associated with this development team that the fence surrounding the Tennis and Swim Club is an unaesthetic barrier. That the “green fence” has a negative visual character and should be eliminated. There have been similar comments about fences around the two parking lots. **THOSE FENCES HAVE BEEN ERECTED BY THE PEOPLE WHO WISH TO DEVELOPE THIS SITE, not by users of the Tennis and Swim Club. Golden Gateway OWNS the Tennis and Swim Club site. THEY are responsible for its appearance. THEY have a role in this development, as the entity that owns the underlying land. THEY are responsible for the fences.**

Please clarify all language regarding the appearance of the current Tennis and Swim Club site so that it is rightfully attributed to the DEVELOPMENT TEAM for the project. Similarly the fences around the parking lots are the responsibility of Golden Gateway (parking for the Club) and the Port (SWL 351 parking). *(Sue C. Hestor, Friends of Golden Gateway)* [C.8.3]

The DEIR should also disclose the fact that the elimination of the landscaped median will remove a visual barrier between the proposed project (and its garage entry, vehicle drop-off area, etc.) and the adjacent Sue Bierman Park. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.20]

In addition, the proposed project would negatively impact public open spaces including The Embarcadero Promenade walkway and Sue Bierman Park by casting new shadows on them. Other impacts to Sue Bierman Park include traffic impacts from locating the project’s garage entrance and drop-off area on Washington Street across from the park and the elimination of the buffer (the Washington Street median and its trees) between the park and the proposed project. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.38b]

The DEIR does not adequately address the project’s impacts on Aesthetics. The DEIR’s descriptions of the visual character of the project vicinity, its scenic resources and existing scenic vistas are inadequate, biased and misleading. In addition, contrary to the DEIR’s conclusions, it is clear that the proposed project would have significant adverse effects on the visual quality of the area because it would cause substantial and demonstrable negative changes in the physical environment that affects the public.

**DEIR’s description of the Visual Character of the Project Vicinity is inadequate and biased:**

- Add into the description of the area’s visual character a clear description of Piers 1, 1-1/2, 3, and 5 bulkhead buildings, which line the east side of The Embarcadero across from the project site, as visual resources defining the visual character of the project vicinity. As stated in the Port’s *Design and Access Element for the Ferry Building Area*, the urban design character of this area derives from these historic buildings.

- Remove the biased description of these Piers 1-5 bulkhead buildings as “obstructing scenic views of the Bay and East Bay Hills.” This statement is an obvious attempt to evade the
conclusion that the proposed project’s height, massing and design would significantly impact
the visual character of these historic and scenic resources, which define the visual character
of the project vicinity.

- Add to the first sentence under Photographic Views a statement that the project site occupies
a prominent position along The Embarcadero “across from the significant historic resources
which line the east side of The Embarcadero.”

**DEIR’s description of Existing Scenic Vistas and Scenic Resources inadequate and biased:**

- Include in the DEIR’s description of the area’s scenic resources a description of the visual
qualities of Piers 1, 1-1/2, 3, and 5 bulkhead buildings which qualified them for individual
listing on the National Register of Historic Places and as contributing resources to the Port’s
Embarcadero National Register Historic District.

- Remove the two biased statements (on pages IV.B.11 and IV.B.12) that Piers 1-5 bulkhead
buildings obstruct views of the Bay and East Bay Hills. This statement is an obvious attempt
to deflect the fact that the proposed project itself will block the iconic views of Coit Tower
and Telegraph Hill from the Ferry Building and Pier 1, as well as views of the Ferry Building
from public locations on Telegraph Hill. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.43a]

**The DEIR incorrectly determines that the proposed project would not substantially alter
the existing visual character of the project site and its surroundings (Impact AE-2).**

There is simply no basis for the DEIR’s conclusion that the proposed project would not
substantially alter the existing visual character of the area surrounding the project site. For the
reasons set forth below, the DEIR’s conclusion is biased, subjective and not based on evidence or
fact.

1. **Conflicts with the “Urban Design Element” of the General Plan.** The DEIR states that
“[t]he proposed project is intended to further the following policies of the *Urban Design
Element* of the General Plan, but the DEIR fails to provide evidence that the proposed project
furthers these policies, including the following:

- **Policy 3.4 (promote building forms that will respect and improve the integrity of open spaces
and other public areas).** The proposed project does not further this policy. The height and
massing of the proposed project would damage and deteriorate open spaces and other public
areas by casting new shade on the Embarcadero Promenade walkway, Sidney Walton Square
and Sue Bierman Park (as well as on the proposed Jackson Common and Pacific Avenue
Park). As shown in Figure IV.B-4: View C and Figure IV.B-5: View D, the massive new
walled-in effect that the proposed project would create on the Park’s northern side would
further enclose and darken Sue Bierman Park. Additional damage to Sue Bierman Park would
result from the proposed removal of the Washington Street median and all its trees, which
would eliminate a buffer between the Park and the increased traffic impacts from the garage
and drop off proposed immediately across from the Park. The impacts of the proposed project
on these parks and open spaces and their access to sunlight would also conflict with Policy 8
of the City’s *Priority Planning Policies.*

- **Policy 3.5 (relate the height of buildings to important attributes of the City pattern and to the
height and character of existing development) and Policy 3.6 (relate the bulk of buildings to
the prevailing scale of development to avoid an overwhelming or dominating appearance in
new construction).** The DEIR fails to consider that the size and massing of the proposed
project would contrast significantly with the smaller, finer-scale character and height of the
structures and bulkheads in the Port’s Embarcadero National Register Historic District, and in
particular with the Ferry Building and Piers 1 through 5, which are each individually listed on
the National Register of Historic Resources. The contrast between the size, scale and character of these historic buildings, the horizontal mass of which are no more than 37 feet in height, and the proposed height and massing of the proposed project would constitute a “substantial degradation” of the visual character of the area. The DEIR presents no facts to support a different conclusion. (Jon Golinger, Telegraph Hill Dwellers) [C.10.43e]

2. **Conflicts with the Northeastern Waterfront Area Plan.** The DEIR states that “[t]he proposed project is intended to further the following policies of the Northeastern Waterfront Area Plan,” but the DEIR fails to provide evidence that the proposed project furthers these policies, including the following:

- **Policy 10.1** (preserve the physical form of the waterfront and reinforce San Francisco’s distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area). Given the height of the proposed project in relation to the 37-foot tall historic bulkhead buildings across The Embarcadero, how can the DEIR conclude that it maintains low structures near the water?
- **Policy 10.7** (enhance and maintain the physical prominence of the Ferry Building). Given the height and mass of the proposed project, how does it enhance and maintain the Ferry Building?
- **Policy 10.11** (maintain and enhance existing grade-level view corridors to the bulkhead buildings). The DEIR claims (on page IV.B.19) that the addition of the new project buildings would “frame and direct views along the Embarcadero and along Washington Street toward the Pier 1 Bulkhead Building.” However, as shown in Figure I.B.6: View E, a clear and open grade-level view corridor looking east along Washington Street to the Pier 1 Bulkhead Building currently exists. As shown in the figure with the addition of the proposed project, the existing view would not be enhanced. Rather, the new buildings would create a tunnel effect along Washington Street and impede the existing view of the Pier 1. Thus, the evidence provided in the DEIR does not support the DEIR’s conclusion. Please explain the statement in the DEIR that the proposed project would “frame and direct views along the Embarcadero … toward the Pier 1 Bulkhead Building.” Please include a photomontage to support this conclusion. (Jon Golinger, Telegraph Hill Dwellers) [C.10.43f]

3. **Conflicts with the Waterfront Design & Access Element.** The DEIR states that “[t]he proposed project is intended to further the policies of the Port’s Waterfront Design & Access Element of the Waterfront Land Use Plan specific to Seawall Lot 351,” but the DEIR fails to provide evidence that the proposed project furthers these policies, including the following:

- **Massing** (acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero [e.g., bold forms of similar height, constructed to The Embarcadero edge]). In spite of this clear guiding principle that development on the project site be of similar height and massing and detailing with the bulkhead buildings across The Embarcadero, the DEIR repeatedly refers to the site as being located near (or in) the downtown high-rise office core in a clear and biased attempt to defend the excessive height and massing of the proposed project.
- **Orientation** (locate primary uses and pedestrian entrances on The Embarcadero) and **Transparency** (avoid blank ground floor walls along The Embarcadero by providing views into the ground floor of buildings). Please describe the ground floor wall along the length of the proposed new swimming pools on the east elevation along The Embarcadero. Will there be views into the swimming pool? What is the length of this blank ground floor wall?
Describe all the uses (including the secondary entrance to the condominium units) that will occupy the ground floor walls along the length of the project on The Embarcadero.

- **Embarcadero Character** (reinforce the large scale of The Embarcadero by using bold forms, deep recessed building openings, and strong detailing on building facades facing The Embarcadero). Describe the character of the proposed new building along its entire east elevation. Please describe how the “recessed bays” that according to the DEIR are to “contribute to a greater sense of human scale …” are compatible with the detailing of the bulkhead buildings across The Embarcadero. Are there any bay windows on any of these bulkhead buildings? How are projected awnings consistent with the bulkhead buildings? *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.43g]

This proposed project, if approved, would forever alter the appearance of one of the world’s spectacular urban waterfronts, with profound implications on the urban form of the San Francisco waterfront. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.62]

The document fails to identify and mitigate the significant impact on Sue Bierman Park. Specifically, the document…

- Fails to note the aesthetic impact of changes north of the park created by the construction of a large wall, coupled with the removal of the median strip along Washington Street and its mature trees *(Jennifer Clary, President, San Francisco Tomorrow)* [C.11.12]

The west side of Drumm St. already has two garage entrances, a waste facility, and a moving location. Thus the last block of Drumm St. would become an ugly alley - a poor way to connect the city with the waterfront. *(A.E. Glassgold)* [D.3.6]

Aesthetics – AE 1 – AE 3 should be marked as significant impact. *(Lisa Schreiber)* [D.7.10]

Let me elaborate, but first I would like to discuss a little history about the destruction by high-rise development in San Francisco which I think illustrates why we have to be eternally vigilant in opposing any proposed project which would further negatively impact the aesthetics of the Northeastern Waterfront.

When I first approached San Francisco in the early 1950s on the Bay Bridge I could see the City’s natural typography – the City business center in immediate view with the buildings climbing the hills culminating with the Mark Hopkins and Fairmont to the West and Telegraph Hill and Coit Tower to the North. When we moved here to live in 1964 that view had not changed dramatically; today all you see is a wall of big buildings from the Golden Gateway Apartments on the North to the Millennium Towers on the South. With the building of the Alcoa Building (now One Maritime Plaza) and the erection of the Golden Gateway Apartments to the North, concerns were expressed that further high-rise development to the North and East of Jackson Street could adversely affect the northeastern waterfront area. In addition, with the construction of the Fontana Apartments at Northpoint which completely blocked off the waterfront and the threat of turning the North waterfront into another Miami Beach wall of buildings, the citizens became concerned that continued development of high-rise buildings along the Northeast waterfront would result in destroying the character of San Francisco’s long connection with the Bay. Out of these concerns came the renovation of Ghirardelli Square and the Cannery - buildings that retained the charm and character of their original architecture. Also, out of these concerns came the adoption of the Northeastern Waterfront Area Plan which, as noted in the DEIR called “for maintaining low structures near the water and increasing vertical development toward
As a result, up to this point, from Market Street going North, the Commission has not approved any development East of Drumm Street nor closer to the waterfront than two block West of the Embarcadero that in anyway exceeded existing structure height or was out of keeping with the existing architecture. If the 8 Washington Street Project is approved it will be the first development North of Market Street that is to be built immediately adjacent to the Embarcadero and of a bulk and size totally out of keeping with the adjacent area and in clear violation of the policy of the Northeastern Waterfront Area Plan. To suggest that the development is consistent with the Plan by maintaining a “low structure” near the water in comparison to the higher building along Drumm Street is sheer nonsense. The “low structure” is almost double the height of any other structure in the adjacent area; it is not a “low structure” within the meaning of the Plan. (Paul Renne) [D.14.3]

The last thing our community needs is a tall, view disturbing building along The Embarcadero, which the city has been in the process of so well enhancing and beautifying over the past 20 years. (James Cunningham) [D.17.3]

My main concerns are, in brief:…

The proposed structure is entirely too massive, blocking views of Telegraph Hill from the Embarcadero and creating a "canyon" on Drumm Street. (Norman Patrick Doyle) [D.18.3]

- ‘Impact LU-2: The Proposed project would not have a substantial impact on the existing character of the vicinity. (Less than Significant.)’
- Traveling north of the Ferry Building, along the Embarcadero, the outstanding impression is that no buildings rising more than four stories/ 40 feet limit. The height constraint on the built environment is on a sympathetic human scale. Intentional and protected, the urban planners legislated to ensure a vista that gradually lowers in height, reaching the bay with minimum structural impediments to the iconic views.
- This proposed twelve-story development would be a singular blot on the landscape at the proposed position. It would become the only high rise building complex along the Embarcadero north of the Ferry Building. This proposal is a blatant attempt to flaunt planning laws that prohibit buildings rising above four stories and to obscure our vista.
- I refer to ‘Figure III-1: Exiting Use Districts and Figure III-2: Existing Height and Bulk Districts’.
- Strangely, the charts used to justify the erection of a 12 story building only reference buildings to the south of the Ferry Building on the Embarcadero. These maps are irrelevant as they outline buildings that are nowhere near the area proposed for 8 Washington Street/351 Seawall Lot Project. These two charts referenced should be covering the area to the north of the Ferry Building, starting at Sue Bierman park and covering a mile north westerly direction, which is actually the relevant frontage for height comparisons. Thus, the existing height and bulk districts are erroneously presented as relevant. They are not. They have included no relevant street plans because they would patently show that no such high-rise buildings exist to the north. The existing policy referenced on page 111-5 of the report explains as follows. The project would require Conditional Use authorization under Planning Code Section 253 because both buildings would exceed 40 feet in height in an R. district. The authorization for conditional use would have an enormous impact on the character of the vicinity.
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- The ‘Proposed Project Building in Figure IV.B-5 View D-Along Drumm Street, Looking Northeast’, shows the present view of trees at street level to be replaced with the view of a monumental 12 story tower block situated where open space and trees currently stand. This is a vivid illustration of the enormous impact that we be place on the character of the vicinity. (Paula Eve Aspin) [D.24.4a]

The current condition has Jackson and Pacific Streets stop at Drumm Street with no direct pedestrian access to the Embarcadero due to the existing Club. The developers seem to have addressed this by creating direct pedestrian access. (Richard Cardello) [D.25.2]

1. The proposed Design for 8 Washington does not come close to meeting the present Planning Code height limit for this zone. Nor does it meet the newly proposed, but not adopted, heights shown in the Northeast Waterfront Study. This fact should certainly be included in The EIR. (Robert J. Geering) [D.27.1]

2. The proposed project also does not come close to meeting the bulk limits shown in section 270 of the SF Planning Code. Again, this fact must be included in The EIR. (Robert J. Geering) [D.27.1]

It also increases the number of people coming into the area surrounding the Club by extending Pacific Avenue at Front Street and Jackson Street at Drumm Street for pedestrian use by opening them up to the Embarcadero. At present, the streets and walkways around Sidney Walton Park, one of the loveliest parks in the City, are shielded from direct access from the Embarcadero, which has created a small neighborhood. This would be compromised by opening Pacific Avenue and Jackson Street to pedestrians on the Embarcadero. (Richard and Barbara Stewart) [D.48.1b]

The height and mass of the project will destroy the openness of the waterfront and, in my opinion, the design is very East German, from the era of Walter Ulbricht. (Timothy F. Geraci, D.D.S.) [D.51.4]

Response

Clarification

One comment calls for clarification of the impact statement for Impact AE-2. CEQA Guidelines Section 15382 defines a “significant effect on the environment” as “a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project …” (emphasis added). As such, the impact statement for Impact AE-2, on EIR p. IV.B.18, is revised as follows (new text is underlined, deleted text is shown in strikethrough):

Impact AE-2: The proposed project would not cause a substantial adverse change in substantially alter the existing visual character of the project site and its surroundings. (Less than Significant)

This revised Impact Statement AE-2 better reflects the standard applied in the EIR with respect to conclusions regarding significant impacts. However, this clarification of the impact statement does not alter any of the conclusions made in the EIR in Section IV.B, Aesthetics, pp. IV.B.18-IV.B.21. Impacts on visual quality of the site and its surroundings with respect to building massing and design scale, and changes in private views as a result of the proposed project would
continue to be less than significant, for the reasons presented in the Draft EIR and this Comments and Responses document.

_Piers 1-5 Bulkhead Buildings_

A comment (C.10.43) states that the EIR’s description of the visual setting of the proposed project is inadequate, biased and misleading. The EIR Section IV.B. Aesthetics, on EIR pp. IV.B.2, accurately and objectively describes the existing visual setting of nearby development in the vicinity of the proposed project:

**Project Vicinity**

The surrounding visual setting of the project site is varied in character. Building height, massing, scale, materials, and architectural character do not conform to any strongly discernible pattern. The blocks surrounding the project site are located at the transition between the dense downtown high-rise core to the south, lower-scale residential areas to the north and west, and San Francisco Bay to the east.

Immediately to the west of the project site across Drumm Street is the 22-story William Heath Davis building, consisting of a two-story parking structure base covering nearly the entire block, surmounted by an apartment building bisecting the center of the block. The building’s horizontal rectilinear slab volume is unarticulated except by balconies and by a simplified cornice overhang at its parapet.

To the north and west of the project site across the utility easement are two buildings that are part of the Golden Gateway Commons residential complex. Roughly square in plan, these four-story buildings are built to the perimeter of their site and are separated by a landscaped right-of-way aligned with Pacific Avenue. The ground floors are arcaded (recessed from the street) along Davis Street. Their façades are clad in textured brickface.

The Piers 1, 1-1/2, 3, and 5 bulkhead buildings (the Piers 1-5 bulkhead buildings) line the east side of The Embarcadero across from the project site. These structures obstruct scenic views of the Bay and East Bay Hills beyond from publicly accessible areas in the vicinity of the project site. However, they are visual resources in their own right. (See aerial photo on the cover of this EIR). These buildings appear as a cohesive and continuous broad horizontal form along The Embarcadero. They are punctuated by three pedimented arched openings. Distinguished by their bold massing and their classically derived composition and detail, the Piers 1-5 bulkhead buildings are a prominent and distinctive visual presence in the area.

To the south and southwest of the project site are landscaped public open spaces on Assessor’s Blocks 202 and 203 (Sue Bierman Park), an urban park that contributes to the visual quality of the project setting, providing greenery and relief from the built environment. Further to the south and southwest, the 30- to 45-story Embarcadero Center buildings are sculpted rectilinear slab volumes aligned end to end along Clay Street, obstructing views of the downtown from within the project vicinity.
The distinctive historic character of the Piers 1-5 bulkhead buildings is further discussed and described on EIR p. IV.B.11-IV.B.12:

**EXISTING SCENIC VISTAS AND SCENIC RESOURCES**

...Despite the proximity of these areas [within the project vicinity] to San Francisco Bay, views from these areas toward the Bay and the East Bay hills beyond are almost entirely obstructed by the Piers 1-5 bulkhead buildings at the water’s edge that line the east side of The Embarcadero across from the project site. Together they comprise a low (generally about 40 to 55 feet tall), broad (about 900 feet wide) barrier to views of the Bay from the project site and from public areas in the vicinity of the project site. The Piers 1-5 bulkhead buildings also obstruct views of the project site looking back to the City from publicly accessible piers on the Bay.

Although the Piers 1-5 bulkhead buildings are a visual barrier to views of the Bay and beyond as discussed above, these prominent and boldly scaled historic structures (listed on the National Register of Historic Places) are in themselves scenic resources of the built environment. The Northeast Waterfront Subarea Design and Access Criteria of the *Waterfront Design & Access Element* identifies the location of existing waterfront views and view types (i.e., views of the Bay across water, of maritime activities, of water along street corridors, of waterfront architecture along street corridors, from hilltops, and views back to the City from piers). As discussed above, the Element identifies an important view along Washington Street toward the Pier 1 Bulkhead Building (although this view is partially obscured by trees planted within the Washington Street median strip).

The obstruction of Bay water views from the project vicinity by the Piers 1-5 bulkhead buildings is an observable fact within the project vicinity. However, the EIR recognizes (as excerpted above) that the Piers 1-5 bulkhead buildings are prominent and distinctive visual feature in their own right. As requested by this comment, the first sentence under the heading “Photographic Views,” on EIR p. IV.B.3, is clarified as follows (new text is underlined, deleted text is shown in strikethrough):

The project site occupies a prominent position along The Embarcadero across from the Piers 1-5 bulkhead buildings, significant historic resources that line the east side of The Embarcadero, and across from the Sue Bierman Park Open Space.

The description of impacts of the proposed project on views of the Piers 1-5 bulkhead buildings is accurate. As described on EIR pp. IV.B.16-IV.B.17:

**Views of Piers 1-5 Bulkhead Buildings**

The proposed buildings would not substantially obstruct existing pedestrian-level views of Piers 1-5 bulkhead buildings from surrounding streets and from Sue Bierman Park. As discussed above, public views of the Bay over the project site are already obstructed by the existing 14-foot-high fence surrounding the Golden Gateway Tennis & Swim Club, and the trees and vegetation on and around the project site. (See Figure IV.B-4 (Proposed Project).) The proposed project’s alignment along the north side of Washington Street would reinforce the northern
edge of Sue Bierman Park and would preserve and frame the view corridor along Washington Street that terminates with the historic Pier 1 Bulkhead Building identified in the Waterfront Design & Access Element (this view is currently partially obscured by trees within the Washington Street median strip). (See Figure IV.B-5 (Proposed Project), and Figure IV.B-6 (Proposed Project).) As part of the proposed project, the median strip and its trees would be removed, and street trees along the north sidewalk of Washington Street would be planted, enhancing views of the Pier 1 Bulkhead Building. The proposed Jackson Common would align with Jackson Street to open a new view corridor along Jackson Street that would terminate with the historic Pier 3 Bulkhead Building. The proposed Pacific Avenue Park would align with Pacific Avenue to open a new view corridor along Pacific Avenue that would terminate with the historic Pier 5 Bulkhead Building (see Figure II-3). For these reasons, impacts of the proposed project on views of the Piers 1-5 bulkhead buildings would be less than significant.

In addition to impacts on scenic views of the Piers 1-5 bulkhead buildings, the EIR also considers the visual relationship of the proposed project to the Piers 1-5 bulkhead buildings, as discussed on EIR pp. IV.B.18-IV.B.19, and discussed below under the heading “Building Height and Design.”

**Building Height and Design**

A number of comments express concern for the height and design of the proposed project in relation to existing nearby development, particularly the Piers 1-5 bulkhead buildings.

In accordance with CEQA Guidelines Section 15125(d), Chapter III. Plans and Policies, discusses potential conflicts with applicable plans and policies. As discussed on EIR p. III.2, the proposed project would exceed the existing height and bulk limits applicable to the project site.

Figure III-2: Existing Height and Bulk Districts, shows the existing height and bulk districts for the project site and vicinity. The entire project site is in an 84-E height and bulk district. The land on either side of The Embarcadero on the north side of Pacific Avenue is in a 40-X height and bulk district. To the west, Golden Gateway Center and Golden Gateway Commons are within the 275-E height and bulk district. Two blocks to the southwest and south, One Maritime Plaza and One through Three Embarcadero Center are within the 300-S district, and Four Embarcadero Center and the Hyatt Regency are within the 200-S district. The parks and open spaces south and southeast of the project site are designated OS. To the southeast and east, Pier 5 is within the 65-D-1 district, Piers 1, 1-1/2 and 3 are within the 84-X-1 district, and the Ferry Building is within the 84-J district.

The proposed east building would be up to 70 feet tall, which is within the existing height limit. The proposed west building would be up to 136 feet tall, exceeding the existing height limit. The proposed west building will therefore require an amendment to the Planning Code to increase the height limit of the portion of the project site that would be occupied by the building.

The project would require Conditional Use authorization under Planning Code Section 253 because both buildings would exceed 40 feet in height in an R
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district. In addition, the project would require a bulk exception under Planning Code Section 271, which also requires Conditional Use authorization, because the west building would exceed the bulk limits at and above a height of 65 feet. The proposed west building would have a maximum length of approximately 240 feet, exceeding the bulk limit by 130 feet, and a maximum diagonal plan dimension of approximately 250 feet, exceeding the bulk limit by 110 feet. In lieu of a bulk exception, the project may request that the Planning Commission recommend and the Board of Supervisors adopt an amendment to the Planning Code to create a Special Use District setting forth specific bulk requirements for the project site consistent with the project design.

In addition, as acknowledged on EIR p. III.7, the proposed project could potentially conflict with the Port of San Francisco’s Waterfront Design and Access Element, a component of the Waterfront Land Use Plan:

The design criteria provide the following direction for the massing of new development on Seawall Lot 351: “Massing: To define the north edge of adjacent open space, new development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g., bold forms of similar height, constructed to the Embarcadero edge.) (emphasis added).” The horizontal mass of the Pier 1 bulkhead building is about 37 feet tall, and its pedimented central segment is about 55 feet tall. The proposed east building would measure between 48 and 70 feet tall along the west side of The Embarcadero. As such, the proposed east building would not be similar in height to the Pier 1 bulkhead building. At a height of 35 feet, the proposed health club building would be similar in height to, but shorter than, the Pier 1 bulkhead building.

As noted on EIR pp. III.7-III.8, after effecting the proposed trust exchange, the elements of the proposed project on private land (such as the residential buildings and the newly constructed Golden Gateway Tennis & Swim Club facility) would not be subject to the Port Commission’s jurisdiction or the Waterfront Land Use Plan. However, potential conflicts with the Waterfront Land Use Plan are discussed, because the elements of the proposed project on private land would be adjacent to the Port’s land and could not be constructed as proposed without inclusion of the existing Seawall Lot 351 in the project site and the proposed trust exchange. Additionally, a project’s inconsistency with a design policy does not, in itself, indicate a significant environmental effect within the meaning of CEQA. To the extent that physical environmental impacts may result from such conflicts, such impacts are analyzed in this EIR in the specific topical sections.

EIR Section IV.B. Aesthetics, describes the design intent of the proposed project to further applicable plans and policies governing urban design, on EIR pp. IV.B.1-IV.B.19:

The proposed project is intended to further the policies of the Urban Design Element, in particular Policy 3.3 (promote high quality of design for buildings to be constructed at prominent locations); Policy 3.4 (promote building forms that will respect and improve the integrity of open spaces and other public areas);
Policy 3.5 (relate the height of buildings to important attributes of the City pattern and to the height and character of existing development); and Policy 3.6 (relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction).

The proposed project is intended to further the policies of the *Northeastern Waterfront Area Plan*, in particular Policy 10.1 (preserve the physical form of the waterfront and reinforce San Francisco’s distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area); Policy 10.7 (enhance and maintain the physical prominence of the Ferry Building); and Policy 10.11 (maintain and enhance existing grade-level view corridors to the bulkhead buildings).

The proposed project is intended to further the policies of the Port of San Francisco’s *Waterfront Design & Access Element of the Waterfront Land Use Plan* specific to Seawall Lot 351, in particular: Massing (acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero [e.g., bold forms of similar height, constructed to The Embarcadero edge]); Site Coverage (allow maximum lot coverage); Orientation (locate primary uses and pedestrian entrances on The Embarcadero); Transparency (avoid blank ground floor walls along the Embarcadero by providing views into the ground floor of buildings); Embarcadero Character (reinforce the large scale of The Embarcadero by using bold forms, deep recessed building openings, and strong detailing on building facades facing The Embarcadero); and Service (avoid service and parking access from The Embarcadero).

Comments disagree whether the proposed project furthers applicable City urban design objectives and assert that the proposed project conflicts with these. The Planning Commission, Port Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with applicable plans and policies, and will consider potential conflicts as part of the decision-making process. This consideration of project consistency with applicable policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove the proposed project. Physical environmental impacts resulting from aspects of the project that may conflict with plans and policies are evaluated as part of the impacts analysis carried out under the relevant environmental topic section in the EIR. Potential conflicts with objectives and policies not identified in the EIR could be considered in the project evaluation process and would not alter the physical environmental effects of the proposed project.

EIR Section IV.B, Aesthetics, describes the visual effect of project heights. As discussed on EIR p. IV.B.19, the proposed project would effect a transition in height between high-rise (30-45 story) Embarcadero Center development south of Sue Bierman Park, and the low (4-story) residential development to the north of the project site, and would effect a transition between high-rise residential development to the west of the project site within Golden Gateway Center (like the 22-story William Heath Davis building immediately to the west of the project site) and...
the low (40- to 55-feet-tall) Piers 1-5 bulkhead buildings to the east of the project site along the waterfront.

The blocks surrounding the project site are located at the transition between the dense downtown high-rise core to the south, lower-scale residential areas to the north and west, and the San Francisco Bay to the east.

The proposed buildings would effect a transition in height from the downtown high-rise office core to the south of the project site down to the low-rise Golden Gateway Commons complex north of the project site. (See Figure IV.B-2 (Proposed) and Figure IV.B-3 (Proposed)). From south to north, the west building steps down from 12 stories to 8 stories; the east building steps down from six stories to four stories.

Likewise, the proposed buildings would effect a transition in height from the Golden Gateway Center residential high-rise buildings down to the low Piers 1-5 bulkhead buildings at the water’s edge. (See Figure IV.B-2 (Proposed), Figure IV.B-3 (Proposed), and Figure IV.B-4 (Proposed)). From west to east, the proposed project steps down from the 12-story west building, to the 6-story east building. The proposed buildings would frame and direct views along The Embarcadero and along Washington Street toward the Pier 1 Bulkhead Building. (See Figure IV.B-6 (Proposed).)

As noted in the EIR, and excerpted above, the proposed east residential building (4-6 stories tall, 48-70 feet tall) fronting the west side of The Embarcadero would not be of “similar” height as the Piers 1-5 bulkhead buildings (40-55 feet tall) as called for by the Waterfront Design & Access Element. However, the proposed project steps down to the east residential building and athletic club building to avoid visually overwhelming the Piers 1-5 bulkhead buildings as viewed from The Embarcadero.

The project site is across The Embarcadero from, but not within, The Embarcadero Historic District and the Central Embarcadero Piers Historic District, which are located on the opposite (east) side of The Embarcadero. However, as discussed on EIR p. IV.B.20 below, the design and materials of the proposed project are intended to be compatible with the historic resources along the east side of The Embarcadero. Re-creation of the historic visual character in new construction along the west side of the Embarcadero is neither called for under the Waterfront Design & Access Element nor advisable. Instead, the design of the proposed project is intended to complement the historic visual character of the east side of The Embarcadero. Furthermore, the Cultural and Paleontological subsection of the Initial Study, included in the EIR as Appendix A, concluded that “the proposed project would not result in any substantial adverse change in the significance of these historic resources.” (Initial Study pp. 50-51).

Under the proposed project, the massing south of the Jackson Street alignment would be articulated into two separate volumes: a 6-story east building along The Embarcadero, and a 12-story west building along Drumm Street. These two building volumes would be separated by about 45 feet at their north end along the proposed Jackson Common, and by about 120 feet at their south end along...
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   E. Aesthetics

Washington Street. They would be connected at the ground floor to provide street-level continuity along Washington Street and along the proposed Jackson Common.

The overall volume of each residential building would be further articulated by rhythmically spaced recessed bays (vertical alignments of windows), breaking down the horizontal scale of development by creating vertically oriented sub-volumes along the street façades from four to five bays across. These articulations are intended to contribute to a greater sense of human scale, and add visual interest, texture and depth to the façade with a play of light and shadow.

The buildings would be contemporary in their architectural vocabulary and would not include overt historic referents. However, the residential buildings would be clad in limestone and would have “punched” window openings, intended to convey the sense of the solidity of masonry construction, and to complement the historic bulkhead buildings across The Embarcadero. Deeply recessed windows further contribute to the sense of solidity, and to a play of light and shadow on the façade.

Pedestrian Environment

Comments express concern for impacts of the proposed project on the visual quality of pedestrian environment. Chapter II, Project Description, on EIR pp. II.18-II.19, describes the proposed improvements to the pedestrian realm under the proposed project. New public open space would include Jackson Common that would align with the Jackson Street right-of-way and is intended to enhance pedestrian connectivity and enhance views toward the waterfront along Jackson Street and Pacific Avenue Park at the north end of the project site, and a strip that would effectively widen the existing Drumm Street pedestrian walk from Jackson Street north to The Embarcadero. A landscaping design scheme would be developed for the proposed publicly accessible open spaces, which would include the planting of new trees, avoidance of invasive species and use of local and drought-tolerant plants. The existing landscaped median on Washington Street between The Embarcadero and Drumm Street would be eliminated as part of the proposed project in order to widen the sidewalk on the north side of Washington Street from the existing 10 feet to approximately 20 feet. This would provide additional pedestrian space in front of the proposed building. EIR Section IV.B, Aesthetics, on EIR p. IV.B.20, describes the effect of the proposed building design on visual quality and the pedestrian environment:

Retail ground floors would be transparent, intended to activate and contribute visual interest to the pedestrian environment, particularly along The Embarcadero. Projecting awnings would further differentiate the ground-floor base of the buildings and are intended to provide visual interest, as well as shelter for pedestrians.

In addition, the proposed athletic club building would present an active face to The Embarcadero and to the proposed Jackson Common open space. It would include windows to the proposed café along the north side of Jackson Common and along The Embarcadero, windows to fitness
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studios and transparent pedestrian entrances to the proposed athletic club, and windows to the proposed restaurant at the north end of the project site on the proposed Pacific Avenue Park.

Comments state that the proposed project would adversely affect the adjacent Sue Bierman Park by shadowing the park, creating a wall to the north of Sue Bierman Park, and by removal of the landscaped median within Washington Street. For a response to comments related to shadow on Sue Bierman Park, see the response in Section III.L, Shadow, beginning on C&R p. III.L.2. No scenic views to the north of Sue Bierman Park are available from that park. See Figure IV.B-4 on EIR p. IV.B.8. The proposed project would replace views of the existing 14-foot-tall fence that now surrounds the Club with views of the proposed building. The proposed project would create new backdrop to this urban park. As discussed on EIR p. IV.B.16, “the proposed project’s alignment along the north side of Washington Street would reinforce the northern edge of Sue Bierman Park.” The proposed project would present an active face to the proposed park which includes the primary residential entry with views into the landscaped inner courtyard, a restaurant with sidewalk seating facing the park at the corner of Washington Street and The Embarcadero, and a small retail space at the corner of Washington Street and Drumm Street.

Removal of the Washington Street landscaped median would take away a layer of vegetation that now exists between the park and the project site. However, removal of the median would allow for the widening of the sidewalk along the north side of Washington Street for pedestrians. Views of the buildings from Sue Bierman Park would be softened and screened by sidewalk street trees planted as part of the proposed project as described in the EIR, as well as by existing mature and new plantings along the northern perimeter of Sue Bierman Park. In addition, as discussed on EIR pp. IV.B.16-IV.B.17, removal of the median strip and its trees would enhance eastward views along Washington Street of the Pier 1 Bulkhead Building, which are now obscured by existing trees in the median strip.

Comments note that the proposed project would increase the number of pedestrians in the area by opening pedestrian access along Jackson Street and Pacific Avenue to The Embarcadero. The intent of the design is to improve the pedestrian environment in the area and encourage walking.

Although some comments disagree with the EIR’s ultimate conclusion regarding impacts related to visual character,

“[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure” (CEQA Guidelines Section 15151).

The Planning Department believes that the EIR contains extensive description and graphics which accurately present both the existing setting of the project site and vicinity, as well as the potential aesthetic effects of the proposed project. The Department believes that the EIR conclusions regarding less-than-significant visual quality impacts are appropriate and supported by substantial evidence in the record. As described above, the process of making findings about project
consistency with applicable policies is carried out independent of the environmental review process. The Final EIR (including comments on the Draft EIR and responses presented in this Comments and Responses document) provides adequate information to enable the decision-makers “to make a decision which intelligently takes account of environmental consequences.”

PRIVATE VIEWS

Comments

3. **Views from a Significant Number of Private Residences Obstructed.** As described in the DEIR, a significant number of private residences will have their views completely blocked or obstructed by the construction of the proposed project, in particular by the 12-story building on the southern portion of the project site that would require the City to approve a zoning amendment to accommodate a site-specific height increase or spot zoning.

- Discuss why these private residential owners and tenants do not have a reasonable expectation that the City will uphold its existing height and bulk limits and respect its prior redevelopment plans and approvals.
- Given the facts of the instant case, where a site-specific up-zoning and deviations from existing plans and policies would result in blocking views and light to a significant number of residential units, discuss the basis for the DEIR’s statement that such impacts are “a commonly expected and experienced consequence of new construction within a densely populated urban setting.” ([Jon Golinger, Telegraph Hill Dwellers](#)) [C.10.43d]

- In ‘Figure IV.B-6 View E- along Washington Street, Looking East’, the new proposed 12 story tower block shown behind the William Heath Davis Building, gives an excellent illustration of how 8 Washington Street/Seawall 351 Project will be blocking available light and filling in the sky obviously to the detriment to all who have at present these lovely vistas. And how is it that purchasers for 2.5 million dollars can buy the views provided by 8 Washington Street/Seawall 351 Project, whilst these views will be obscured for the hundreds of residents currently in residence, who thought they were buying property with these views? (I do not live or own any property in this area but I would certainly not want this to happen next door to me i.e. planning rules finessed to take away other’s rights purely for the financial gain of developers. ([Paula Eve Aspin](#)) [D.24.4b]

In addition, we and many of our neighbors came to the Golden Gateway and in particular to the Vista East building because of the open character of the space to the east and north of us, with views of the Bay, Embarcadero, Telegraph Hill, and the Ferry Building uninterrupted by high rise development. The proposed project makes a mockery of the name of our building, Vista East, as it will be squarely between this building and the Bay and Embarcadero. ([George T. Haymaker, Jr.](#)) [D.56.6]

Response

Comments express concern for the project’s impact on private views. As disclosed and described for informational purposes on EIR pp. IV.B.20-IV.B.21, the proposed project would block or alter some existing private views from some nearby residences. Representative residential views that are likely to be most affected are identified. The alteration or interruption of private
residential views for some nearby residents would be an unavoidable consequence of the proposed project and would be an undesirable change for individuals who have grown accustomed to existing visual conditions. However, the changes to private views resulting from the proposed project would not be considered to substantially degrade the existing visual character of the environment, would not have a substantial adverse effect on a publicly accessible scenic vista, and therefore would not be considered a potentially significant impact under CEQA.

A comment raises the issue of whether existing height and bulk zoning restrictions on a property vests in neighbors any property right to existing views across the property. This comment does not raise any environmental issue under CEQA that requires a response in this Comments and Responses document.

LIGHT AND GLARE

Comment

5. **Light and glare impacts should have been considered in the DEIR.** The proposed project’s potential aesthetic impacts from light and glare should have been discussed in the DEIR and should not have been dismissed based on the 2007 Initial Study, which simply concluded that “the project would have less than significant light and glare impacts because the project would comply with City Planning Commission Resolution 9212, which prohibits mirrored or reflective glass, and because it would not result in additional glare beyond that of other typical buildings in the area.” Why was there no consideration of the project’s cumulative impacts considered together with other nearby projects, including the Embarcadero Center, the new cruise ship terminal, the Exploratorium project, the America’s Cup long-term development projects, and the Yerba Buena/Treasure Island development? What is the measurable additional light impact generated by the proposed project? What is the increase in light pollution individually and cumulatively? *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.43i]

Response

This comment asserts that topic of light and glare should have been discussed in the EIR and should not have been eliminated in the Notice of Preparation/Initial study from further discussion. As discussed in the Notice of Preparation/Initial Study (EIR Appendix A, pp. 46-47),

Current sources of light on the project site include lighting within the parking lot on Seawall Lot 351 and within the Golden Gateway Tennis & Swim Club, in particular for the tennis courts. The lighting for the tennis courts is directed downward, and the fence that surrounds the health club largely contains the light and glare from the club. Vehicles parking at the project site and along roads in the project vicinity may be existing sources of glare. Existing lighting in the project site vicinity includes street lighting along The Embarcadero, Washington Street, Drumm Street, and Jackson Street, and lighting within and on the outsides of buildings.
The proposed project would result in the removal of three of the illuminated tennis courts and the development of two primarily residential buildings. The proposed buildings would include lighting on the exterior and within common and private spaces inside the building. The lighting would be typical of multi-unit residential and mixed-use buildings in the project vicinity. Lighting for the structured parking would not be visible from off site because the structured parking would be entirely below ground. The six new tennis courts proposed for the northern portion of the project site would continue to be screened by new fencing and new trees and landscaping. Therefore, the project would not cause substantial light or glare which would adversely affect day or nighttime views of the area. The topic of additional lighting will not be discussed further in the EIR.

Vehicles traveling to and from the project site would use the proposed structured parking and (while parked) would not be visible from off site. The proposed residential buildings would include transparent rather than reflective glass, in conformance with Planning Commission Resolution 9212. Therefore, the proposed project would not generate obtrusive glare that would adversely affect daytime or nighttime views in the area, and the topic of glare will not be discussed further in the EIR.

Light levels within the vicinity of the project site at completion and occupation of the proposed project would continue to be consistent with those of a dense urban community and would not exceed levels commonly accepted by residents in an urban setting. Given the existing dense, mixed-use, urban character of the project site and its surroundings near San Francisco’s downtown and waterfront, the new sources of light and glare on the project site would not constitute a substantial new source of light in the vicinity of the project site.

The local sources of light in the vicinity of the project site for the purposes of analysis of impacts related to light and glare are described and accounted for in the NOP/Initial Study. The proposed project’s incremental contribution to cumulative light and glare impacts would not be cumulatively considerable given the distance, location, and timing of other anticipated potential sources of light and glare in relation to that of the proposed project.

The comment presents no evidence that the proposed project would result in a significant impact related to light and glare. In the absence of substantial evidence that the proposed project would result in a significant impact related to light and glare, the NOP/Initial Study properly excluded the issue of light and glare for further analysis in the EIR. Quantification of project and cumulative light levels, as requested by the comments, is not necessary and would not change the conclusions of the NOP/Initial Study.
CUMULATIVE

Comments

• What will prevent other buildings from being constructed along The Embarcadero that would further block views of Coit Tower and Telegraph Hill? How is this project unique? (Jon Golinger, Telegraph Hill Dwellers) [C.10.43b(2)]

The DEIR incorrectly determines that the proposed project would not result in a significant cumulative impact related to Aesthetics (Impact AE-3).

There is no basis for the DEIR’s conclusion that the cruise terminal at Pier 27, the Exploratorium project at Piers 15-17, and the proposed America’s Cup development are not a part of the visual setting for the proposed project. All of these projects are within the Port’s Embarcadero National Register Historic District and each project individually and cumulatively will impact the visual environment of this historic resource. Absolutely no design details or other aspects of these projects were discussed in the EIR.

In addition, the DEIR failed to consider the impacts on the visual environment of the proposed project cumulatively with the impact of the Treasure Island development project on the visual environment of the waterfront in the project area. The final certified EIR for the Treasure Island development project found that that project would have a significant effect on the visual environment that could not be mitigated.

The DEIR’s cumulative analysis of the proposed project’s cumulative impact related to Aesthetics is inadequate and incomplete. There is simply no factual basis or evidence for the DEIR’s conclusion that the proposed project and cumulative development would not contribute to a significant degradation of the visual environment of the greater project area. (Jon Golinger, Telegraph Hill Dwellers) [C.10.43]

While believing that the DEIR for the 8 Washington Street Project contains numerous inaccuracies and misstatements, many of which I am certain will be pointed out by others who I know represent the overwhelming opposition to this proposed project, I wish to focus primarily on the discussion in Section IV B, “AESTHETICS” and particularly “Impact Evaluation” AE-3 where you conclude “The proposed project would not result to a significant cumulative impact related to Aesthetics.” IT IS MY BELIEF THAT IF THE 8 WASHINGTON STREET PROJECT IS ALLOWED TO GO FORWARD IN ITS PRESENT FORM IT WILL BE THE OPENING WEDGE IN UNDERMINING THE OBJECTIVES AND POLICIES OF THE NORTHEASTERN WATERFRONT AREA PLAN AND WILL HAVE A SIGNIFICANT IMPACT ON THE LONG TERM AESTHETICS OF THE AREA. (Paul Renne) [D.14.1]

However, if 8 Washington Street Project is allowed to go forward what would be the basis for denying a permit to build an equally massive structure at any other point along the west side of the Embarcadero? We will soon find the Embarcadero north of Market Street a wall of buildings similar to what exists in the immediate area South of Market, although even in that area no new high-rise development has occurred immediately adjacent to the Embarcadero. (Paul Renne) [D.14.5]
Response

The EIR analyzes potential cumulative impacts of the proposed project related to Aesthetics. As stated on EIR p. IV.B.22,

The nearest current development proposals to the project site include the Exploratorium Project, which would relocate the Exploratorium museum within existing buildings at Piers15-17, a potential cruise ship terminal at Pier 27, and development associated with the 34th America’s Cup regatta. These development proposals are not part of the immediate visual setting of the project site. For these reasons, the proposed project and cumulative development would not contribute to a significant degradation of the visual environment of the project site or the greater project area.

The visual setting of the proposed project is appropriately described and accounted for in the EIR. The proposed project’s incremental contribution to cumulative impacts related to aesthetics would not be cumulatively considerable given the distance between the project site and anticipated projects and existing intervening development which limit visual interaction between the project site and the sites of other anticipated projects (including the proposed Cruise Terminal project at Pier 27, the Exploratorium Project under construction at Piers 15-7, and proposed development associated with the 34th America’s Cup). These projects are not within the visual setting of the proposed project. In close range, mid-range, and long-range views of the proposed project, the anticipated projects would not be a prominent feature within the visual setting of the proposed project, if visible at all. The proposed project would not contribute to significant and unavoidable impacts on scenic vistas of the Bay resulting from the Treasure Island/Yerba Buena Island Project, because the proposed project is close to the high-rise Davis Building and other existing tall structures, and not within the immediate visual setting of Treasure Island/Yerba Buena Island; it is separated from the Treasure Island site by the large expanse of the San Francisco Bay.

In addition, as explained in section 15130(b) of the CEQA Guidelines, the discussion of cumulative impacts need not provide “as great detail as is provided for the effects attributable to the project alone.” The analysis in the EIR is at the appropriate level mandated by CEQA.

One comment expressed concern that development of the proposed project would lead to future high-rise projects being developed on the west side of The Embarcadero. The EIR evaluated the proposed project’s cumulative aesthetic impacts in light of all past, present, and reasonably foreseeable future projects that may contribute to this cumulative impact. No other projects are currently proposed on the west side of The Embarcadero in the vicinity of the proposed project. The Planning Department’s Northeast Embarcadero Study, although not being considered by the City as a basis for amending development standards in the area, demonstrates that Planning staff envisions that properties fronting The Embarcadero north of Seawall Lot 351 will be developed consistent with existing height standards. Pursuant to CEQA, the EIR is not required to consider
cumulative impacts based on speculative future projects. Projects that may be proposed in the future would independently evaluate potential cumulative aesthetic impacts in the area.

Although some comments disagree with the EIR’s ultimate conclusion that this impact is less than significant,

“[d]isagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure” (CEQA Guidelines Section 15151).

The Final EIR (including all comments on the Draft EIR and responses presented in this Comments and Responses document) provides adequate information to enable the decision-makers “to make a decision which intelligently takes account of environmental consequences.”
III. Comments and Responses

F. CULTURAL RESOURCES

THE OLD SEAWALL AND THE NEW SEAWALL

Comments

Impacts on Historic Resources are not Adequately Analyzed in the DEIR. Unbelievably, the DEIR concludes that potentially significant impacts to historic “architectural” resources will not be discussed in the DEIR because the 2007 NOP/Initial Study found that the proposed project would not adversely affect them. The 2007 NOP/Initial Study incorrectly assumed that because “[t]he project site contains no buildings included in, or determined eligible for inclusion in, any federal, State, or adopted local register of historic resources,” the proposed project could not result in any impacts to historic “architectural” resources. This reasoning and its conclusion are flawed for at least three reasons: First, the proposed project must be analyzed for its potentially significant impacts on historic resources within its setting and context. Second, the Old Seawall, which runs through the project site within Seawall Lot 351, has been determined eligible for listing on the National Register of Historic Places and therefore constitutes a historic resource for all purposes of CEQA. Third, the construction of the proposed project must be analyzed for its potentially significant physical damage to historic resources. (Jon Golinger, Telegraph Hill Dwellers) [C.10.44a]

2. The proposed project would have a significant impact on the Old Seawall. Because the Old Seawall is a “historic resource” for all purposes of CEQA, the proposed project’s substantial adverse change in its significance cannot be mitigated.

The DEIR discloses that: “A segment of the Old Seawall runs through the project site within Seawall Lot 351 along The Embarcadero, approximately 10 feet below the ground surface.” The DEIR further reveals that:

“The Old Seawall was determined eligible for listing on the National Register of Historic Places in 1979 under Criterion A as a resource associated with “events that made a significant contribution to the broad pattern of our history” (i.e., for its connection with waterfront infrastructure development). As such, it is deemed a historical resource under CRHR Criterion 1 (Events). It may also be significant under CRHR Criterion 3 (Design/Construction) and Criterion 4 (Information Potential) if the actual construction of the seawall is found to deviate from the BSHC’s detailed construction plans and specifications for the Old Seawall. Deviation (including changes in size, extent, location, of materials) may contribute information to our understanding of the construction of this feature that is not available in the documentary record.”

Therefore, the Old Seawall must be considered a “historic resource” for all purposes of CEQA. As admitted by the DEIR, the construction of the proposed project would require the destruction of a significant segment of the Old Seawall causing “the largest disturbance of the Old Seawall to date,” thereby diminishing the overall integrity of the this historic resource. This effect would constitute a substantial adverse change in the significance of this historic resource and, therefore, a significant impact under CEQA, which cannot be adequately mitigated by the mitigation measures M-CP-1a (Archeological Testing, Monitoring and Data Recovery and Reporting) and M-CP-1b (Interpretation) proposed by the DEIR.
III. Comments and Responses
  F. Cultural Resources

- Include a description of seawall lots and how they relate to the city’s historic seawall.³
- Include a sketch of the project site and proposed development showing the location of the Old Seawall.
- Because of this substantial adverse change in the significance of an historical resource, the EIR must include project alternatives that avoid this significant impact while accomplishing most of the project objectives.
- Please explain in detail how the project can be re-designed so as to avoid any adverse effect on the Old Seawall and include this in the EIR as a project alternative.

[Footnote 3:] The “seawall” refers to the foundation upon which the waterfront was constructed and consists of a linear embankment of stone, concrete, and wood. The “bulkhead wharf” consists of the pile-supported platform that runs parallel to the seawall between piers and upon which bulkhead buildings, pier entrances and other supporting structures are constructed. The seawall is integrated with the bulkhead wharf to form a continuous, unifying structure. Seawall lots are parcels that are landward of the city’s historic seawall, west of The Embarcadero. (Jon Golinger, Telegraph Hill Dwellers) [C.10.44c]

4. The project’s impacts on Archeological Resources are not adequately analyzed and mitigated. Please address the following questions and comments:

- Include more detailed information as to the exact location of the New Seawall, a contributing resource within the Embarcadero Historic District, in relation to the project site and explain in greater detail why it would or would not be affected by the proposed project’s construction, excavation and pile driving. (Jon Golinger, Telegraph Hill Dwellers) [C.10.44e]

Geologic and Historical features are well mitigated. (Lisa Schreiber) [D.7.14]

Response

Comments express disagreement with the conclusion of the NOP/Initial Study (EIR Appendix A) that the proposed project would not have a significant impact on historic architectural resources. For the purposes of environmental analysis, the EIR appropriately treats “historic architectural resources” separately from “historic archaeological resources,” although both categories of resources are considered “historical resources” for the purposes of CEQA. Historic architectural resources were properly excluded from further study in the EIR. For further clarification, the first two paragraphs on EIR p. IV.C.1 are revised as follows:

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have significant effect on the environment. This section assesses the potential impacts on historical resources (specifically, archaeological resources that qualify as historic resources under CEQA) resulting from implementation of the proposed project.

For the purposes of this section, the term “cultural resources” is used synonymously with the term “historical resources” as defined by CEQA. Both “historic archaeological resources” and “historic architectural resources” are subset categories of historical resources. These terms are used to distinguish between these types of historical resources in environmental review because of
differing methodologies for identification of resources, and for evaluation and mitigation of impacts.

The Old Seawall is properly treated as a “historic archaeological resource” in EIR Section IV.C, Archaeological Resources, rather than as an historic architectural resource. As a buried subsurface feature, the resource now lacks physical and visual accessibility. Archaeological research and investigative and documentation methods are necessary to study its features, describe its character, evaluate its significance, and mitigate potential impacts on such resources. The historic significance of the Old Seawall is discussed on EIR pp. IV.C.4-IV.C.5 and EIR p. IV.C.12. Potential impacts on this resource are identified on EIR p. IV.C.21:

**Impact CP-4: Project construction activities would disturb the remains of the Old Seawall. (Less than Significant with Mitigation)**

Construction activities within or near Seawall Lot 351 would require complete removal of an approximately 440-foot-long segment of the Old Seawall running through the project site. The Old Seawall is significant under Criterion 1 (Events). The Old Seawall may also be considered potentially significant under Criterion 4 (Information Potential) if its actual construction deviates from the BSHC’s detailed specifications.

The proposed project would cause the largest disturbance of the Old Seawall to date. Previous projects with documented impacts on the Old Seawall include the Muni Metro Turnback Project and the San Francisco Clean Water Project. Future potential development of the Port of San Francisco’s Seawall Lots 320 and 321 at Union Street and The Embarcadero would also impact the Old Seawall. Removal of the segment of the Old Seawall that runs through the project site would diminish the overall integrity of the Old Seawall resource. Since most of this linear feature (running from Union Street to Mission Street) would continue to remain intact, this effect would not materially impair the ability of the resource to convey its association with 19th century waterfront infrastructure development under CRHR Criterion 1 (Events). However, if the actual construction of this segment of seawall underlying Seawall 351 deviates from the detailed BSHC’s specifications, removal of this segment would materially impair the ability of this segment to yield information about the actual construction of the Old Seawall that is not available in the historic record. This effect would be considered a substantial adverse change in the significance of an historical resource and would therefore be a potentially significant impact under CEQA.

With implementation of Mitigation Measures M-CP-1a and M-CP-1b, the proposed project would not cause a substantial adverse change to the significance of this archaeological resource type, if present within the project site.

The EIR concludes that with implementation of Mitigation Measures M-CP-1a and M-CP-1b, the proposed project would not cause a substantial adverse change to the significance of this archaeological resource type. Mitigation Measure M-CP-1a calls for a qualified archaeological consultant to prepare and submit a plan for pre-construction archaeological testing, construction monitoring, and data recovery for approval by the Environmental Review Officer (ERO).
Implementation of the approved plan for testing, monitoring, and data recovery under Mitigation Measure M-CP-1a would ensure that the significance of this resource type, if present within the project site, under CRHR Criterion 4 (Information Potential) would be preserved and/or realized. Archaeological data recovery is acknowledged by CEQA Guidelines Section 15126.4(b)(3)(C) as an appropriate mitigation for avoidance of effects on an archaeological resource, since the integrity of an archaeological resource that is eligible for inclusion in the California Register of Historical Resources under Criterion 4 is not the physical condition of the resource, but the potential information value of the resource to archaeology. To the extent that the potential significance of this resource type, if present within the project site, may be premised on its significance under CRHR Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), Mitigation Measure M-CP-1b calls for a qualified archaeological consultant to prepare and submit a plan for post-recovery interpretation of resources. Implementation of an approved program of interpretation under Mitigation Measure M-CP-1b would preserve and enhance the ability of this resource to convey its significance under CRHR Criterion 1 (Events), Criterion 2 (Persons), and Criterion 3 (Design/Construction).

In response to comments requesting additional information about the seawall lots and the New Seawall, the last paragraph beginning at the bottom of EIR p. IV.C.5 is revised as follows (new text is underlined, deleted text is shown in strikethrough):

Construction of the New Seawall

The New Seawall was designed to follow a smooth curve of the shore instead of the angles of the street, to better conform to the Bay’s currents and, thus, reduce shoaling. This new bulkhead was begun in 1877 and today defines the shoreline of San Francisco in the vicinity of the project site along the east side of The Embarcadero. The construction of the New Seawall created new areas of land, “the Seawall Lots.” These are often triangular and irregularly shaped, because of the angle of the intersection of the New Seawall and the City’s street grid. Its final segment was completed in 1916. Sanborn maps from 1887 and 1899 give the first detailed look at the 8 Washington Street/Seawall Lot 351 project site after the New Seawall was completed. The 1887 map shows the project site completely filled in and the New Seawall along the eastern edge of East Street. Washington Wharf, Jackson Wharf, and Pacific Wharf are identified extending out from East Street, east of the project site. The New Seawall is a contributing resource within the Embarcadero Historic District. Located along the east side of The Embarcadero, the New Seawall would not be affected by the proposed project.
OFFSITE HISTORIC ARCHITECTURAL RESOURCES

Comments

1. The proposed project must be analyzed for its potentially significant impacts on historic resources within its setting and context. The DEIR is inadequate, incomplete and biased in its failure to analyze the potentially significant impacts of the proposed project on its immediate environmental setting and context, including Pier 1 and the Ferry Building, which are individually listed on the National Register of Historic Places; the Central Embarcadero Piers National Register Historic District, which includes Piers 1, 1-1/2, 3, and 5 located across The Embarcadero from the project site; and the Port’s Embarcadero National Register Historic District. The EIR must analyze the proposed project’s potentially significant impacts on these historic resources resulting from its conflicts with the City’s General Plan and the Port’s plans and objectives applicable to the project, including the following:

   (a) Conflicts with the Port’s Waterfront Design & Access Element. The EIR must analyze the proposed project’s potentially significant impacts on these historic resources resulting from its conflicts with the Waterfront Design & Access Element as to massing and design character. (See also our comments above relating to the proposed project’s aesthetic impacts, which are included here by reference.)

      • Analyze and discuss how the proposed project acknowledges the massing and street enclosure relationship with these historic resources (the Ferry Building and bulkhead buildings) across The Embarcadero. Explain how the height of the proposed project is “similar” to the historic bulkhead buildings.

      • Analyze and discuss how the character and design of the proposed project reinforces the scale of the historic resources along The Embarcadero. Describe how the project’s proposed “recessed bays” are compatible with the detailing of the historic resources. Are there any bay windows on any of these bulkhead buildings? How are projected awnings consistent with the bulkhead buildings?

   (b) Conflicts with the Port’s Design Objectives. The EIR must disclose and acknowledge the proposed project’s potentially significant impacts on these historic resources resulting from its conflicts with substantially all of the Port’s Design Objectives (set forth in this EIR pages II.21-II.22) which are articulated in the Port’s RFP for this project. The objectives relating specifically to historic resources are the following:

      • “The design of new buildings should respect the character of the Ferry Building.” Disclose and acknowledge the project’s incompatibility with the Ferry Building’s design details and, in particular, with its height, bulk and scale, which impacts the significance of the Ferry Building.

      • “Construct new development which compliments the rich architectural character of the Embarcadero National Register Historic District and is complementary to the architectural features of the pier bulkhead buildings.” Disclose and discuss the design details of the proposed project, in particular, its height and massing in relation to the architectural character of the historic district and bulkhead building, disclosing and acknowledging the project’s conflict with this objective and resulting impact on the significance of these historic resources.

      • “[N]ew development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g. bold forms of similar height...)” As the
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The proposed project is clearly not of similar height or massing as the bulkhead buildings, the DEIR must disclose and acknowledge this impact on the significance of these historic resources.

- “Recognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.”
  As the proposed new building would completely block views to Coit Tower from the Ferry Building and impede views of the Ferry Building from Telegraph Hill, the DEIR must disclose and acknowledge this impact on the significance of these historic resources.

(c) Conflict with General Plan Objective 12, Policy 12.3. The EIR must disclose and acknowledge the proposed project’s potentially significant impacts on these historic resources resulting from its conflicts with General Plan Objective 12, Policy 12.3: “Design new buildings to respect the character of older development nearby.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.44b]

Response

This comment expresses disagreement with the conclusion of the NOP/Initial Study that the proposed project would not have a significant impact on offsite historic architectural resources, like the Ferry Building, Piers 1-5 bulkhead buildings and Coit Tower. The project site contains no historic architectural resources. The project site is in the vicinity of but not within any portion of any historic district. As noted in the NOP/Initial Study on pp. 50-51,

The project site contains no buildings included in, or determined eligible for inclusion in, any federal, State, or adopted local register of historic resources (including Planning Code Articles 10 and 11), pursuant to CEQA Guidelines, Section 15064.5(a)(1) and (2). In addition, there is no evidence that any building on the project site is an historic architectural resource pursuant to CEQA Guidelines, Section 15064.5(a)(3). In the vicinity of the project site, Piers 1, 1-1/2, 3, and 5, across The Embarcadero to the east of the project site, are within the Central Embarcadero Piers Historic District and the Embarcadero Historic District, which are listed on the National Register of Historic Places. Pier 1 is listed on the National Register individually. The project would not result in any substantial adverse change in the significance of these historic resources nor conflict with the preservation of buildings subject to Planning Code Articles 10 or 11. For those reasons, impacts to historic architectural resources will not be discussed further in the EIR.

CEQA Guidelines (Section 15064.5(b)) establish the criteria for assessing a significant environmental impact on historical resources. They state, “[a] project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” The CEQA Guidelines define “substantial adverse change in the significance of an historical resource” as a “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (Section 15064.5(b)(1)). The significance of an historic architectural resource is considered to be “materially impaired” when a
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project demolishes or materially alters the physical characteristics that justify the inclusion of the resource in the California Register of Historical Resources, or that justify the inclusion of the resource in a local register (Section 15064.5(b)(2)). The proposed project would not materially alter any of the physical characteristics of any offsite historic architectural resource that convey their historic significance. Visual impacts on views of offsite historic architectural resources (Coit Tower, The Embarcadero Historic District (represented by the nearby Piers 1-5 Bulkhead Buildings), and the Ferry Building) are discussed, identified and evaluated in EIR Section IV.B, Aesthetics. While the proposed project would alter the immediate surroundings of The Embarcadero Historic District, such alteration would not materially impair the historic district or any other historic districts in the vicinity because the proposed project’s buildings would not substantially obstruct existing pedestrian-level views from surrounding streets; the project’s building alignment would preserve and frame the view corridor along Washington Street that terminates with The Embarcadero Historic District (Pier 1 Bulkhead Building); the proposed project would open up the Jackson Street alignment on the project site to open a new pedestrian-level view corridor along Jackson Street alignment that would terminate with The Embarcadero Historic District (Pier 3 Bulkhead Building); and the proposed Pacific Avenue Park would align with the Pacific Avenue alignment to open a new view corridor that would terminate with The Embarcadero Historic District (Pier 5 Bulkhead Building). See also Section III.E, Aesthetics, in this Comments and Responses document.

THE BETHEL

Comment

• The DEIR states that “[c]onstruction activities within or near the area along the north side of the Jackson Street alignment and The Embarcadero may disturb the remains of the scuttled ship Bethel.” Please provide a more specific estimated location of the Bethel in relation to the proposed buildings on the project site?

• According to the DEIR, the Bethel “could be eligible for inclusion in the California Gold Rush Shipwreck Thematic Group and is thus eligible for listing in the National Register of Historic Places.” Three other ships may also be present within the project site and would likewise be eligible. Please explain why it would not be feasible to maintain the Bethel in place.

• If the Bethel is in fact present on the site and eligible for listing in the National Register, how is it possible that its destruction by the proposed project “would not cause a substantial adverse change to the significance of this resource” as claimed by the DEIR? The mitigation plan is inadequate to address the potentially significant impacts on this known historic resource.

• Please explain in detail how the project can be re-designed so as to avoid any adverse effect on the Bethel. (Jon Golinger, Telegraph Hill Dwellers) [C.10.44f]
Response

The comment expresses concern for potential impacts on the sunken vessel, the Bethel. Potential impacts on the Bethel, if present on the project site, are discussed and analyzed on EIR p. IV.C.15:

**Impact CP-1:** Project construction activities would have the potential to disturb the remains of the Bethel (and possibly other scuttled Gold Rush era ships). *(Less than Significant with Mitigation)*

Construction activities within or near the area along the north side of the Jackson Street alignment and The Embarcadero may disturb remains of the scuttled ship Bethel. This feature may be considered significant under all four CRHR criteria: Criterion 1 (Events), Criterion 2 (Persons), Criterion 3 (Design/Construction), and Criterion 4 (Information Potential).

Disturbance or removal of this feature could materially impair the physical characteristics of the resource that convey its association with 19th century trade, waterfront development during the Gold Rush, and the notorious waterfront speculator Frederick Lawson. It would also impair the ability of the resource to embody, and yield important information about, distinctive characteristics of 19th century ship design and construction. These effects would be considered a substantial adverse change in the significance of an historical resource and would therefore be a potentially significant impact under CEQA.

The probable general location of the Bethel, if present within the project site, is discussed on EIR p. IV.C.3. It is estimated that the hulk of the Bethel lies buried roughly midway between Jackson and Pacific Streets, to the east of Drumm Street and to the west of the line of the modern Embarcadero. This estimate places the ship within the northern half of the 8 Washington Street/Seawall Lot 351 project property. A more precise location is not known at this time, and even if known, would not be disclosed in an EIR in the interest of the security of the archaeological resource. It is not known at this time whether it is feasible to preserve the Bethel in place. Preservation in place would depend on the depth and position of the resource within the project site in relation to project features and soils-disturbing construction activities.

With implementation of Mitigation Measures M-CP-1a and M-CP-1b, the significance of the historical resource, under California Register of Historical Resources eligibility criteria, would be preserved by realizing the information potential of the resource, and by preserving and enhancing the ability of the resource to convey its historic and archaeological significance. Archaeological data recovery is acknowledged by CEQA Guidelines Section 15126.4(b)(3)(C) as an appropriate mitigation for avoidance of effects on an archaeological resource, since the integrity of an archaeological resource that is eligible for inclusion in the California Register of Historical Resources under Criterion 4 is not the physical condition of the resource, but the potential information value of the resource to archaeology. Hence, with the mitigation measures described
in the EIR, the impact on an historical resource would be considered less than significant under CEQA. As discussed and analyzed on EIR p. IV.C.15,

Mitigation Measure M-CP-1a calls for a qualified archaeological consultant to prepare and submit a plan for pre-construction archaeological testing, construction monitoring, and data recovery, for approval by the Environmental Review Officer (ERO). Implementation of the approved plan for testing, monitoring, and data recovery under Mitigation Measure M-CP-1a would ensure that the significance of this resource type, if present within the project site, under CRHR Criterion 4 (Information Potential) would be preserved and/or realized.

To the extent that the potential significance of this resource type, if present within the project site, may be premised on its significance under CRHR Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), Mitigation Measure M-CP-1b calls for a qualified archaeological consultant to prepare and submit a plan for post-recovery interpretation of resources. Implementation of an approved program of interpretation under Mitigation Measure M-CP-1b would preserve and enhance the ability of this resource to convey its significance under CRHR Criterion 1 (Events), Criterion 2 (Persons), and Criterion 3 (Design/Construction).

With implementation of Mitigation Measures M-CP-1a and M-CP-1b, the proposed project would not cause a substantial adverse change to the significance of this archaeological resource type, if present within the project site.

POTENTIAL CONSTRUCTION IMPACTS

Comments

3. The proposed project must be analyzed for its potentially significant impacts on historic resources from pile driving, dewatering, and other construction-related impacts.

The EIR fails to analyze the potentially significant impacts on nearby historic resources, and on the Old Seawall and the New Seawall (a contributing resource to the Port’s National Register Historic District), resulting from the pile driving and dewatering that will be a part of the construction of the project. As disclosed on page II.20 of the DEIR:

“[T]he proposed buildings would have a pile foundation system supporting a thick mat. The estimated depth of proposed excavation would be as much as 38 feet below the ground at the site of the proposed residential buildings (with excavation of as much as about 40 feet deep for elevator pits), and 2 feet to 4 feet beneath the tennis courts and proposed athletic club building north of Jackson Street. Pile driving would be required; pile lengths would average about 130 feet. Approximately 110,000 cubic yards of soil would be removed from the project site.”

Include a professional assessment of all potential construction impacts to the nearby historic bulkhead buildings, the Old Seawall and the New Seawall, including without limitation, damage that could be caused by the vibration from pile driving and from the impacts of excavation and dewatering the project site during construction. Include proposed mitigation measures for all such potential impacts. (Jon Golinger, Telegraph Hill Dwellers) [C.10.44d]
KNOWN ARCHEOLOGICAL RESOURCES IDENTIFIED ON THIS SITE IN THE DEIR

On page IV.C.12, the DEIR’s archeology consultant, Archeo-Tec, identifies the Gold Rush ship Bethel as located under a portion of the site and states that “If discovered, the Bethel would be the oldest known (and perhaps most intact) archeological example of an early Canadian built ship (Pg. IV.C.3)”. On page IV.C.11, the archeology consultant states “Significant archeological resources are likely to exist at this site”. The DEIR, goes on to state the proposed project will destroy a portion of city’s original Seawall causing “the largest disturbance of the Old Seawall to date”.

As a result of these DEIR findings, the archeology consultant should now be asked for an estimate of the time required to mitigate the discovery of the Bethel and other likely finds (e.g. original Seawall, other Gold Rush ships, original Chinatown). This “likely” work delay should be built into the construction schedule and stated as a range. For purposes of the matrix below (Table 1) we chose a time of two weeks to two months based on anecdotal information from other similar sites. Archeo-Tec, the archeology consultant, should be able to come up with a more precise estimate. (Brad Paul) [D.53.5]

Response

A comment asks for information about potential impacts on nearby historic bulkhead buildings and the historic seawalls from excavation and vibration during construction. As explained above, the only historic architectural resources in the vicinity of the project site are Piers 1, 1-1/2, 3, and 5 (see Initial Study p. 51). Pier 1 and Piers 1-1/2, 3, and 5 were developed as separate projects and each of the projects is also individually listed on the National Register of Historic Places. These piers are located across The Embarcadero to the east of the project site, and within the Central Embarcadero Piers Historic District and The Embarcadero Historic District. As concluded in the Initial Study (EIR Appendix A: Initial Study pp. 50-51), the project would not result in any substantial adverse change in the significance of these historic resources nor conflict with the preservation of buildings.

The comment correctly notes that the Old Seawall and the New Seawall are near the project site. The Old Seawall is partially located within the project site along The Embarcadero, while the New Seawall is located east of the project site and defines the existing shoreline (EIR pp. IV.C.5 and IV.C.12). The Old Seawall has been determined eligible for listing on the National Register and is a historical resource (EIR p. IV.C.12); the New Seawall is a contributing resource within the Embarcadero Historic District (EIR p. IV.C.6).

As discussed above, impacts of construction on the Old Seawall are analyzed in Impact CP-4 on EIR p. IV.C.21. The archaeological testing, monitoring, and data recovery program required by Mitigation Measure M-CP-1a would ensure that potential adverse impacts to the scientific and interpretive value of the Old Seawall would be avoided through archaeological data recovery and interpretive documentation prior to installation of piles in the location of the Old Seawall. The EIR explains that construction of the proposed project would result in complete removal of the segment of the structure that runs through the project site. The majority of the Old Seawall would
remain intact and therefore would not lose overall integrity. If archaeological investigations required by Mitigation Measure M-CP-1a determine that the methods used to construct the Old Seawall deviate from the original specifications and therefore provide new information not available in the historic record, removal of this segment would result in a potentially significant impact. Implementation of Mitigation Measures M-CP-1a and M-CP-1b would reduce any significant impacts to less-than-significant levels.

The New Seawall is not located on or adjacent to the project site and would not be directly affected by construction of the proposed project (EIR p. IV.C.6).

As explained in the response in Section III.H, Noise, beginning on C&R p. III.H.2, pile holes would be pre-drilled for the first approximately 30 to 50 feet, then driven an additional approximately 50 to 70 feet in Bay Mud, which is relatively soft and would not propagate vibrations for long distances. Driving piles for the final approximately 10 to 20 or 30 feet into hard sand or rock would be the only activity that could result in notable vibrations at nearby historic structures. The historic Pier buildings are supported primarily on piles over water and would not be expected to be affected by pile driving at the project site. The project contractor would drive several indicator piles in the early phases of excavation, prior to installation of the foundation piles, and could measure vibrations near Piers 1, 1-1/2, 3, and 5, the historic buildings near the project site. If there were evidence of potential for damage as a result of vibrations from pile driving, the contractor could adjust the type of pile used in areas of the site close enough to the historic buildings to minimize damage. This is a typical procedure commonly used when constructing near historic structures. This procedure is included as part of the proposed project.

To clarify this, the following text is added to Chapter II, Project Description, on EIR p. 20 as the next-to-last sentence in the first full paragraph (new text is underlined):

Indicator piles would be driven during early portions of the excavation activities prior to installation of the foundation piles. Vibration would be monitored as part of installation of the indicator piles. If there were evidence of potential for damage to Piers 1, 1-1/2, 3 and 5, the historic buildings near the project site, the contractor would adjust the type of pile used in the areas close to these buildings.

Both the Old and New Seawalls are subsurface structures and neither would be substantially affected by vibrations from pile driving in the vicinity. No damage was caused to the New Seawall when piles were driven immediately adjacent to it during the rehabilitation and

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1 Chuck Palley, President, Cahill Contractors, Inc., Memorandum to Pacific Waterfront Partners, LLC, September 8, 2001. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
renovation of Piers 1-5 in the recent past. 2 As the project site is about 150 feet or more from the New Seawall, piles driven at that distance would not be expected to cause any damage.

A comment requests an estimate of the time required for mitigation in the event that significant archaeological resources are encountered during pre-construction testing or construction. See the response to comments in Section III.B, Project Description, in the subsection entitled “Project Construction / America’s Cup Host and Venue Agreement,” beginning on C& R p. III.B.34, where it is explained that the archaeological investigation and monitoring during the early phases of construction would not substantially affect the overall construction schedule.

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III. Comments and Responses

G. TRANSPORTATION

ADEQUACY OF DATA AND ASSUMPTIONS

Comments

TR-1: The proposed project would not result in significant transportation impacts in the proposed project vicinity due to vehicle traffic.

To claim that an enormous underground parking garage, built primarily to aid in the developer’s leasing activities at Piers 1 ½, 3 and 5, will have no traffic impact, is truly faulty. The developer’s “traffic studies” are flawed and based on unrealistic trip counts and extremely dated traffic analysis. The EIR’s traffic counts are based on 2007 numbers, fully four years ago. As anyone who lives or works on the Embarcadero can testify, the amount of traffic in this neighborhood has increased substantially in recent years, due to rental of Pier buildings, added restaurants, increased Ferry Building activity and sell-outs for every San Francisco Giants baseball game in 2011. The EIR is inadequate by this measure alone. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.6]

3. Traffic and Transit Data are Out of Date.

The traffic data relied upon by the DEIR in reaching its conclusion that the project would not result in significant transportation impacts due to vehicle traffic (Impact TR-1) is stale, having been based on surveys done in 2006-2007 with 2000 census data (page IV.D.5 of the DEIR). These studies must be updated with accurate, recent information based on 2010 census data. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45e] In addition, the DEIR states that “[t]he travel, parking and freight/service loading demand estimates for the proposed project were based on the methodology and assumptions developed by the San Francisco Planning Department…in October 2002.” Assumptions that are nearly a decade old are out-of-date, given the rapidly changing conditions along San Francisco’s waterfront. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45h]

Part IV D of the EIR is based on a study of peak hour traffic on a single weekday afternoon in May four years ago. Actually there are two rush hour peaks on weekdays; plus a morning and afternoon/evening peak on Saturdays; and an afternoon/evening peak on Sundays. At these times, traffic is often bumper to bumper, and the nearby streets are clogged with cars escaping the Embarcadero. Due to the random and turbulent nature of traffic, near gridlock conditions can occur at almost any time. (A.E. Glassgold) [D.3.1]

B. The DEIR Underestimates Transportation and Parking Impacts Because It Relies on an Unreasonably Narrow and Outdated Data Set. The most glaring omissions and inadequacies are in the DEIR’s analysis of transportation and parking impacts. CEQA requires that an EIR provide sufficient analysis and detail about the proposed project and its potential environmental impacts to enable informed decision-making by the agency and informed participation by the public. See CEQA Guidelines § 15151; Kings County Farm Bureau v. City of Hanford, 221 Cal. App. 3d 692 (Ct. App. 1990). An EIR must contain facts and analysis, not just an agency’s bare conclusions. Citizens of Goleta Valley v. Bd. of Supervisors, 52 Cal. 3d 553, 568 (1990). (Zane O. Gresham, Morrison Foerster) [D.52.9]

1. The analysis in the DEIR is based on outdated information that does not reflect current conditions. “[U]sing scientifically outdated information” in a DEIR does not constitute “a reasoned and good faith effort to inform decision makers and the public” about the effects of a
project. Berkeley Keep Jets Over the Bay Committee v. Bd. of Port Commissioners, 91 Cal. App. 4th 1344, 1367 (2001). This is particularly so when updated information was reasonably available.

Most significantly, although the Project is proposed for a congested area that has undergone significant changes in use in recent years, the intersection operating conditions were evaluated based on a single PM peak period during a single Wednesday in 2007. The DEIR claims that this period was chosen because it "represents the time of maximum utilization of the transportation system in San Francisco" and because travel demand for the Project would be higher during the PM period. DEIR at IV.D.5. Upon a closer look, it is clear that this single day evaluation was hardly representative of peak traffic then, much less now.

The parking analysis similarly took an extremely narrow approach to gathering data. The DEIR purports to establish existing parking conditions using surveys conducted in 2006 and 2007 for the midday (1:00 p.m. to 3:00 p.m.) and evening (630 p.m. to 8:00 p.m.) periods. See 8 Washington St./SWL 351 Transportation Study Final Report (May 25, 2011) at 33, 36. Despite the popularity of the weekend Farmers Market and its parking challenges, no surveys were conducted for the morning or weekend periods.

Further, the proposed Project trip generation and trip distribution are based on data from the 2000 U.S. Census, rather than current information from the 2010 U.S. Census. See DEIR at IV.D.20, IV.D.21. The DEIR does not explain why 10 year old data was used instead of the most current information.

Despite being based on data from 2007 and earlier, the DEIR claims that these data reflect “current conditions.” These outdated data, at best, provide a snapshot of the parking and traffic situation of over four years ago and thus cannot accurately represent the baseline for judging the Project’s impacts. More specifically, the data are flawed for the reasons set forth below.

a. First, the parking and traffic analysis in the DEIR is fatally flawed for utilizing such a limited evaluation window based on generalizations about citywide transportation patterns. Rather, the DEIR must evaluate data that accurately represent transportation usage for the specific site. Only then can the public evaluate the incremental effects of the Project.

b. Second, the DEIR provides no evidence to support its claim that “given the proposed uses of the Project, its travel demand would be higher during the PM peak period than during the AM peak commute period.” See DEIR at IV.D.5. The DEIR appears to treat the Project as a simple residential development, failing to recognize its diverse uses including recreational, restaurant, and retail that will draw visitors during various hours.

c. Third, there have been significant changes in the area since 2006-2007 that have resulted in changes to the transportation and parking. At the time the data were collected, the Ferry Building Farmers Market had just begun to gain popularity. Since 2007, its popularity as an attraction has continued to grow, as evidenced by an overall growth in vendor and restaurant surcharges collected since 2007 for both the Saturday and Tuesday markets. The Farmers Market now draws nearly 25,000 visitors to the area, many via automobile. In addition, numerous notable new businesses have opened in the area since 2007, including: Hotel Vitale, One Market, Water Bar, Epic Roasthouse, La Mar, La Fitte and Plant Café. In summer of 2013, the Exploratorium will be completed, further transforming the area. The additional employee and customer trips and parking needs for the Farmers Market and these nearby businesses must be accounted for in the “current conditions.” Failing to include them renders the DEIR’s analysis flawed and misleading.
d. Fourth, the DEIR only evaluates a single Wednesday evening for traffic and it only evaluates weekday afternoons and evenings for parking, failing to account for other times of peak utilization of the transportation system in this uniquely situated area near the Ferry Building Marketplace. The Farmers Market is held on Tuesdays and Thursdays from 10:00 a.m. to 2:00 p.m. and on Saturdays from 8:00 a.m. to 2:00 p.m. As the Arup Report confirms, as well as confirmed by various tenants, Saturdays are significantly busier than other days, and parking is highly constrained. Wednesday evening traffic data and weekday afternoon/evening parking data do not account for the tens of thousands of Ferry Building visitors who come to this area during other days of the week and particularly during earlier hours which are the true “peak periods” for this area. Indeed, a lack of adequate convenient parking is a common complaint visitors have about the Farmers Market. According to a survey conducted of Farmers Market patrons, 53% indicated there is not enough parking near the Farmers Market. During that survey, patrons voiced a host of concerns relating to parking and transportation, as can be seen in Exhibit B, which contains a sampling of parking related complaints. Exhibit C contains a few sample emails complaining about a lack of parking. Despite the unique and well known parking demand associated with the Farmers Market, the DEIR’s traffic and parking analysis failed to conduct surveys during this congested and parking constrained time. Failing to do so underestimates parking impacts.

The exclusion in the DEIR of current traffic and parking data for weekday mornings and weekends is simply unjustifiable, as these are well known peak periods for the area surrounding the Ferry Building. Because this area is uniquely situated, the DEIR should evaluate weekday AM data on a Farmers Market day as well as weekend AM data.

e. Buried in a footnote, the DEIR makes the vague statement that “traffic counts conducted on The Embarcadero within the past year for a transportation study at Piers 27/29 (James R. Herman Cruise Terminal project) indicate that recent traffic volumes are lower than those observed in 2007.” See DEIR at IV.D.5 n. 2. The Transportation Study underlying the DEIR (see Comment No. B.13 below) states that these traffic counts were conducted “within the past couple of years.” These statements - one in a footnote and one in a separate study - are not supported by any data whatsoever. The DEIR does not include the traffic counts themselves nor any of the details, such as the dates, times, and locations of the counts. Without such data, traffic counts for a completely separate project that is not located within the vicinity of this Project are irrelevant and these statements are misleading.

2. In some situations, it may be appropriate to establish the environmental baseline at the time the Notice of Preparation (NOP) is issued, which in this case would be 2007. This is entirely appropriate where, as is typical, the environmental analysis contained in an EIR commences immediately after the NOP is issued. But here, the NOP was published in 2007, an application for a revised Project was submitted on July 27, 2010, and the DEIR was issued on June 15, 2011. In order to serve CEQA’s goals of informed decision making and public participation, the DEIR must include updated data, which is particularly important here where well known changes have occurred in the area since 2007. As described above, the extraordinary increase in popularity of the Farmers Market, the addition of new nearby businesses, and the loss of other parking areas such as Pier ½ all contribute to a very different set of “current conditions” than those that existed in 2007. The analysis in the DEIR must be updated to account for current conditions and impacts must be measured by this new baseline.

3. Because the DEIR does not use accurate data for the current conditions, Impact TR-1 underestimates the incremental impacts of the Project on the baseline. The “Existing Plus Project Conditions” scenario must be reevaluated to account for current congestion at the study.
intersections. Further, Impact TR-1 must evaluate additional scenarios beyond the Wednesday PM peak hour, including weekday AM and weekend AM scenarios.

[Footnote 2:] The DEIR indicates that data was collected on either May 30, 2007 or September 19, 2007. DEIR at IV.D.5. The discrepancy is not explained; however, both dates are Wednesdays. (Zane O. Gresham, Morrison Foerster) [D.52.10]

7. As is explained more fully in the attached Arup Report, the demand analysis of the sufficiency of the parking for the proposed Project itself is inadequate. Most significantly, the parking occupancy data is significantly out of date. In particular, the DEIR relies on the 2008 Ferry Building Area Parking Evaluation Study for which data was collected in 2006 and 2007. That study also relies on previous surveys from 2005 and earlier. Based on this data, existing parking conditions in the waterfront area cannot be ascertained and the data cannot be used in any scientifically valid way to make findings regarding Project impacts on parking supply or demand.

8. Not only is this approach inadequate, more recent data was available. As part of the City’s SFpark project, for which the City received a $19.8 million grant from the U.S. Department of Transportation’s Urban Partnership Program, the San Francisco Municipal Transportation Agency undertook an extensive census of city-wide parking supply and availability, a study it has referred to as “the first of its kind in the country.” Further, many of the meters in the vicinity of the Project are currently installed with sensors as part of the SFpark project, so accurate and recent data is readily available for the demand for those spaces. In addition, a key purpose of the SFpark project is to influence parking behavior by both giving drivers more information about available spaces and using demand-responsive pricing to redistribute parking demand. As a result of the SFpark project, parking behavior has and will continue to change, yet the DEIR fails to mention the program and assess how it will impact parking and traffic patterns.

9. The DEIR does not provide adequate information about the management, control, and long-term dedication of the new parking to allow reasonable analysis.

[Footnote 3:] For more information about the parking census, see http://sfpark.org/2010/04/05/parkingcensus/. (Zane O. Gresham, Morrison Foerster) [D.52.12]

The traffic data relied upon by the DEIR in reaching its conclusions is incredibly stale, having been based on surveys done in 2006-2007 and with 2000 census data (page IV.D.5 of the DEIR). These studies must be updated. For example, the assumption made in the DEIR that the existing conditions at the Embarcadero/Broadway and Embarcadero/Washington intersections are “satisfactory” (at LOS D) defies all logic. Anyone familiar with the actual conditions at these intersections on The Embarcadero knows that this assessment could not based on a factual analysis of current conditions at peak periods which often come on weekends.

Also out of date is the transit information relied upon by the DEIR in reaching its conclusion that the project would not result in significant transportation impacts to transit systems (Impact TR-2), having been based upon screenline data on capacity and utilization of individual MUNI lines from 2007 (page IV.D.9 of the DEIR). This data should also be updated. For example, the assumption made in the DEIR that the F-Line is not at capacity during peak periods has never ridden the F-line at peak periods. The America’s Cup will only make this worse. (Brad Paul) [D.53.36]
Response

Comments suggest that the parking, transit and traffic data for the Transportation Study and EIR are out of date and insufficient in detail. Several comments state that existing (2011) conditions are worse than the study baseline conditions (2007) but do not provide studies supporting these assessments. A survey of Ferry Building Market patrons is included as a comment. The survey results indicate that shoppers perceive there is a lack of sufficient parking available near the Ferry Building, but no new parking supply and utilization data is presented in support of this statement.

As described in the Parking Supply and Demand subheading (p. III.G.46) of the responses, parking is not considered a physical impact to the environment (unless secondary impacts are identified) and, as such, the parking supply and utilization data presented in the EIR is provided for informational purposes only.

The transportation data collection efforts and analyses conducted for the EIR have followed a scope of work based on the Transportation Impact Analysis Guidelines for Environmental Review (San Francisco Planning Department, October 2002), and was reviewed and approved by the Planning Department.

As indicated on EIR pp. IV.D.5 and IV.D.13, the transportation data collection effort was conducted in 2006 and 2007 at the outset of the transportation analyses for the proposed project and included the collection of traffic, pedestrian, bicycle and parking data. The transit ridership data presented in the EIR was collected by SFMTA in the Fall 2006 and Spring 2007 as part of Muni’s Transit Effectiveness Project (TEP)1. This baseline was selected because it represented existing conditions when the Notice of Preparation (NOP) was published and used the best information available at the time.

Intersection turning movement volume counts were conducted on a single good weather day at each location, over a two hour period during the PM peak commute period from which the peak hour traffic volume (the highest value during a 60-minute interval within the period) is established. Parking data is also typically collected on a one day basis during the midday (1:30 to 3 PM) and evening (6:30 to 8 PM) peak demand periods. The traffic and parking survey dates were chosen to represent average transportation conditions when schools are in session and with typical commuter travel patterns. As such, mid-week (Tuesdays, Wednesday or Thursdays) days are usually selected, during the school year, and outside special events or holiday periods.

Intersection turning movement counts were collected on May 30, 2007 as stated at the top of page IV.D.5 of the EIR. The following sentence will be deleted from the EIR (last paragraph; p. IV.D.5):

1 Ridership for the F-Market & Wharves line was later updated with summer season data collected by SFMTA in July and August 2008.
Intersection turning movement counts were conducted at all study intersections on Wednesday, September 19, 2007.

Although the traffic counts are now about four and a half years old, subsequent traffic data collection efforts conducted on The Embarcadero for various waterfront projects indicate that current traffic levels are lower than those collected in 2007. Specifically, as presented in Table C&R-3 below, current traffic volumes on The Embarcadero are about nine percent lower than those from 2007. The lower traffic volumes on the waterfront are consistent with traffic counts observed elsewhere in the City and have generally been attributed to the economic recession, which has diminished business and recreational activities and automobile driving. Therefore, because current traffic volumes are currently lower than those in 2007, the Transportation Study for the project represents a more conservative analysis of existing and existing-plus-project traffic conditions than actually exist in 2011.

Table C&R-3: Comparison of Traffic Volume Counts in 2007, 2010 and 2011 on The Embarcadero between Washington Street and Broadway, Weekday PM Peak Hour

<table>
<thead>
<tr>
<th>Southbound Embarcadero (vehicles per hour)</th>
<th>Northbound Embarcadero (vehicles per hour)</th>
<th>Total Both Ways (vehicles perhour)</th>
<th>Count Date</th>
<th>Study Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,440</td>
<td>1,896</td>
<td>3,336</td>
<td>May 2007</td>
<td>8 Washington St./SWL 351 a</td>
</tr>
<tr>
<td>1,317</td>
<td>1,531</td>
<td>2,848</td>
<td>July 2010</td>
<td>Piers 31½ and 33 b</td>
</tr>
<tr>
<td>1,328</td>
<td>1,702</td>
<td>3,030</td>
<td>February 2011</td>
<td>Cruise Terminal at Pier 27 c</td>
</tr>
</tbody>
</table>

Change from 2007 to 2010 -14.6%
Change from 2007 to 2011 -9.2%

Notes:
b  Transportation Study for Proposed Improvements to Port of SF Piers 31½ and 33, Case Number 2008.1032!, Draft 1 Partial Report, February 7, 2011.
c  Draft Environmental Impact Report for the 34th America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Project, Case No. 2010.0493E, July 11, 2011.

Source:  Advant Consulting, 2011.

Due to the measured reduction in automobile traffic, existing weekday parking utilization rates are generally lower than those observed in 2006 and 2007. As detailed in the response in Table C&R-12 (p. III.G.44) in the “Parking Data Sources and Validity” subsection, only the parking demand during the midday and evening periods at Pier 3, across from the project site, and at the Embarcadero Center 1 during the evening period are substantially higher now than in 2007. As shown in Table C&R-12, there is an overall parking demand reduction in the area of more than 15 percent.
The performance of weekend midday transportation analyses was considered as part of the transportation scoping process, but ultimately rejected. The proposed project would not be expected to generate a substantially different trip generation on a weekend day compared to a weekday. On the other hand, traffic volumes in the financial district near the project site are substantially lower on weekends than on weekdays. Specifically, recent weekday PM and Saturday midday traffic data collection efforts conducted on The Embarcadero for other waterfront projects indicate that weekday PM peak hour traffic levels are higher than those during the Saturday midday peak hour. As shown in Table C&R-4: Comparison of Traffic Volume Counts on The Embarcadero, below, Saturday traffic volumes on The Embarcadero in front of the project site are between 14 and 18 percent lower than those observed on a weekday.

### Table C&R-4: Comparison of Traffic Volume Counts on The Embarcadero between Washington Street and Broadway, Weekday PM and Saturday Midday Peak Hour

<table>
<thead>
<tr>
<th>Month and Year</th>
<th>Day of the Week / Time Period</th>
<th>Southbound Embarcadero (vehicles per hour)</th>
<th>Northbound Embarcadero (vehicles per hour)</th>
<th>Total Embarcadero (vehicles per hour)</th>
<th>Percentage that Saturday is less than Weekday</th>
</tr>
</thead>
<tbody>
<tr>
<td>July/ August 2010 ^a</td>
<td>Wednesday (peak hour within 4 to 6 PM period)</td>
<td>1,317</td>
<td>1,531</td>
<td>2,848</td>
<td>-14%</td>
</tr>
<tr>
<td></td>
<td>Saturday (peak hour within noon to 2 PM period)</td>
<td>1,147</td>
<td>1,289</td>
<td>2,436</td>
<td></td>
</tr>
<tr>
<td>February/ March 2011 ^b</td>
<td>Thursday (peak hour within 4 to 6 PM period)</td>
<td>1,328</td>
<td>1,702</td>
<td>3,030</td>
<td>-18%</td>
</tr>
<tr>
<td></td>
<td>Saturday (peak hour within 11 AM to 1 PM period)</td>
<td>925</td>
<td>1,552</td>
<td>2,477</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

- ^a Transportation Study for Proposed Improvements to Port of SF Piers 31½ and 33, Case Number 2008.1032!, Draft 1 Partial Report, February 7, 2011.
- ^b Draft Environmental Impact Report for the 34th America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Project, Case No. 2010.0493E, July 11, 2011.

*Source: Advant Consulting, 2011.*

A comment inquired why the AM Saturday period was not considered for analysis. Table C&R-5 below provides a comparison between the AM and Midday peak hour traffic volumes taken from traffic counts collected on a Saturday on The Embarcadero in May 2010. As shown in the table, both in the northbound and southbound directions, the AM peak hour traffic volumes are approximately half of the volumes during the midday peak hour.
III. Comments and Responses  
G. Transportation

Table C&R-5: Comparison of Traffic Volume Counts on The Embarcadero between Sansome and Lombard Streets, Saturday May 29, 2010

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Northbound Embarcadero (vehicles per hour)</th>
<th>Southbound Embarcadero (vehicles per hour)</th>
<th>Total Embarcadero (vehicles per hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM peak Hour (7 AM to 9 AM)</td>
<td>393</td>
<td>576</td>
<td>969</td>
</tr>
<tr>
<td>Midday Peak Hour (11 AM to 1 PM)</td>
<td>743</td>
<td>1,086</td>
<td>1,829</td>
</tr>
<tr>
<td>Percentage that Midday peak hour is higher than AM peak hour</td>
<td>89.0%</td>
<td>88.5%</td>
<td>88.8%</td>
</tr>
</tbody>
</table>

Notes:
a  Draft Environmental Impact Report for the 34th America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Project, Case No. 2010.0493E, July 11, 2011.

Source:  Adavant Consulting, 2011.

Parking utilization in the vicinity of the project is also lower on weekends than on weekdays since most of the office uses are closed. Although retail weekend parking demand, including the Ferry Building, is higher on a Saturday (particularly at midday) than on a weekday, the overall Saturday parking utilization in the area (38 percent) is still lower than on weekdays (87 percent), as it has been documented in previous studies. As pointed out in Table 4 (p. 10) of the same study, several garages in the vicinity are closed on weekends due to lack of demand.

Similarly, the potential analysis of weekday AM conditions were also considered and rejected. As shown in Table C&R-6: Comparison of AM and PM Peak Hour Vehicle-Trip Generation Rates, below, which summarizes trip generation rates estimated by the Institute of Transportation Engineers (ITE), all project land uses have a higher trip generation demand during the PM peak commute hour than during the AM peak hour. The values are highest (between double and almost tenfold) for the non-residential uses.

III. Comments and Responses

G. Transportation

Table C&R-6: Comparison of AM and PM Peak Hour Vehicle-Trip Generation Rates

<table>
<thead>
<tr>
<th>Land Use Type</th>
<th>Residential (Land Use 326, per unit)</th>
<th>Restaurant (Land Use 931, per 1,000 gsf)</th>
<th>Retail (Land Use 820, per 1,000 gsf)</th>
<th>Athletic Club (Land Use 493, per 1,000 gsf)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM peak hour</td>
<td>0.51</td>
<td>0.81</td>
<td>1.00</td>
<td>2.97</td>
</tr>
<tr>
<td>(7 to 9)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM peak hour</td>
<td>0.62</td>
<td>7.49</td>
<td>3.73</td>
<td>5.96</td>
</tr>
<tr>
<td>(4 to 6)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage that PM Peak Hour is Greater than AM Peak Hour</td>
<td>22%</td>
<td>825%</td>
<td>273%</td>
<td>101%</td>
</tr>
</tbody>
</table>


Table C&R-7 provides a comparison between the AM and PM peak hour traffic volumes collected on The Embarcadero in February/March 2011 between Washington Street and Broadway. As shown in the table, the amount of traffic on The Embarcadero in the vicinity of the project site is very similar during the AM and the PM peak hours. Since Table C&R-6 indicates that the proposed project would generate more trips during the PM than the AM peak hour and Table C&R-7 indicates that traffic volumes on The Embarcadero during the AM and PM peak hours are comparable, the selection of the weekday PM peak hour as the base period for the transportation analysis was appropriate, as it represents the worst case scenario.

Table C&R-7: Comparison of Traffic Volume Counts on The Embarcadero between Washington Street and Broadway, Weekday AM and PM Peak Hour*

<table>
<thead>
<tr>
<th>Time Period</th>
<th>Northbound Embarcadero (vehicles per hour)</th>
<th>Southbound Embarcadero (vehicles per hour)</th>
<th>Total Embarcadero (vehicles per hour)</th>
</tr>
</thead>
<tbody>
<tr>
<td>AM peak Hour</td>
<td>1,609</td>
<td>1,460</td>
<td>3,069</td>
</tr>
<tr>
<td>(7 AM to 9 AM)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PM Peak Hour</td>
<td>1,702</td>
<td>1,328</td>
<td>3,030</td>
</tr>
<tr>
<td>(4 PM to 6 PM)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percentage Difference</td>
<td>6%</td>
<td>-9%</td>
<td>-1%</td>
</tr>
<tr>
<td>between AM and PM peak hours</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

Draft Environmental Impact Report for the 34th America’s Cup and James R. Herman Cruise Terminal and Northeast Wharf Project, Case No. 2010.0493E, July 11, 2011.

Source: Advant Consulting, 2011.

A comment refers to the potential use of parking data taken from SFMTA’s SFpark project database. This recently publicly available parking data reflects recent conditions from data
collected by SFMTA between 2008 and 2010, but only represents the supply side of the equation. The database includes accurate geographical data about the location of the garage and its operator, and some information about the number of spaces provided (without specifying if the number represents marked spaces, those available with attendant parking, or non-reserved public spaces) and the monthly and/or daily rates at the time of the survey. However, the database does not include any information about the occupancy or utilization of the facilities, which diminishes its usefulness for a study such as the one prepared for this EIR. It is not anticipated that SFpark will change parking occupancy in the vicinity of the project, except that it may be easier for visitors to find parking in the area.

A similar comment, questions why the study used the 2000 U.S. Census for modal split and trip distribution, rather than more current information from the 2010 U.S. Census. The 2000 U.S. Census data was used in the EIR (Table IV.D.4, EIR p. IV.D.20) to develop modal split ratios for the residential component of the project taken at the census tract level, the smallest geographical size available. Such detailed information is not yet available from the 2010 U.S. Census, and therefore could not be used in the EIR. The U.S. Census Bureau has released to date population and demographic profiles at the national and State levels; more detailed data such as the Public Use Microdata Sample (PUMS) files for areas with population above 100,000 will be released between December 2012 and April 2013.³

The U.S. Census Bureau also produces interim demographic data at the tract level as part of the American Community Survey. The mode of travel to work results for tract 105 where the project is located are summarized in table C&R-8 below.

### Table C&R-8: Comparison of Mode of Travel to Work for Residents in U.S. Census Tract 105

<table>
<thead>
<tr>
<th>Mode of Travel</th>
<th>U.S. Census 2000³</th>
<th>American Community Survey 2005-2009³b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto</td>
<td>29.4%</td>
<td>15.7%</td>
</tr>
<tr>
<td>Transit</td>
<td>11.6%</td>
<td>12.4%</td>
</tr>
<tr>
<td>Other³</td>
<td>54.6%</td>
<td>56.4%</td>
</tr>
<tr>
<td>Worked at Home</td>
<td>4.4%</td>
<td>15.5%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100.0%</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

**Notes:**


³ "Other" includes walk, bicycle, motorcycle, and additional modes such as taxis.

**Source:** Adavant Consulting, 2011.
As can be seen from the table, the percentage of people driving has decreased from approximately 29 percent to approximately 16 percent, perhaps as a result of more auto commuters working from home in recent years. At the same time, transit usage and travel by other modes (walk, bicycle, taxi, etc.) has remained almost the same. Therefore, Table C&R-8 indicates that the travel demand assumptions developed by means of the 2000 U.S. Census provide conservative traffic analysis results and that the findings of the transit analysis would not change if a more current version of the Census data had been used.

A comment suggests that the EIR lacks adequate information about the management, control, and long-term dedication of the proposed parking to allow reasonable analysis. The EIR states on EIR p. IV.D.28 that 255 spaces would be public spaces for public uses, including the restaurant and health club, which would be open on the weekend. Since parking deficits are not considered an environmental impact in San Francisco (EIR p. IV.D.18), the parking analysis is presented for information purposes only. The EIR discloses information related to parking supply, demand and Planning Code requirements. Additionally, project plans included in the Transportation Impact Study show the proposed underground parking facility, including access to it and internal circulation. As such, the EIR contains sufficient information for decision-makers to consider the parking effects of the proposed project.

TRIP GENERATION ASSUMPTIONS

Comments

Not considered in the EIR are the car trips of house cleaners, dog walkers, caterers, dry-cleaning trucks, plant-watering services -- the many, many services that super-rich people demand and get in their buildings. Not covered. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.8]

Yeah, a follow-up to that thought might actually be a new club specifically. If you're going to look at reductions between existing and net new, obviously new athletic facilities tend to attract more guests. So whatever the traffic and transportation impacts would be relative to a more modern club. That would be interesting to address. (Commissioner Gwyneth Borden, San Francisco Planning Commission) [TR.36.1]

TR-5: The proposed project would not result in a significant impact related to an increase in the number of vehicles parking in the project vicinity.

 Buyers who purchase $2-10 million dollar condominiums have “people” who attend to their needs. The EIR makes no mention of dry cleaning deliveries, plant watering services, catering trucks, pet care services, massage technicians, maids, cleaning services, and dozens of other service people who will be going in and out of the area and the garage. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.10]

Response

The trip generation rates used in the transportation analysis of the proposed project are taken from the Transportation Impact Guidelines for Environmental Review (SF Guidelines) prepared by the
San Francisco Planning Department in 2002. The document’s guidance has been developed taking into account the most current data available regarding San Francisco travel characteristics for different land uses in different parts of San Francisco. The SF Guidelines establish the methodology and assumptions for transportation analyses and the Transportation Study and the EIR then apply these methodologies and assumptions to recent transportation data. The SF Guidelines include, among others, trip generation rates for residential, restaurant, retail and athletic club uses, which are the standards for use in San Francisco. The trip generation rates account for trips by residents and employees to and from residences and work locations, as well as trips by visitors, services, deliveries, etc., to and from each particular land use.

The EIR indicates on EIR p. IV.D.19 that no trip generation credit has been taken for the existing health club facilities, the reduction in tennis courts or the vehicles entering and exiting the existing parking lot at Seawall Lot 351; therefore the estimated trip generation for the proposed project is based on more-conservative assumptions than may actually occur.

**TRAFFIC CONGESTION**

**Comments**

Gridlock is already common on the Embarcadero, particularly at the intersection of Washington. *(Bill Sauro, Barbary Coast Neighborhood Association)* [TR.13.3]

I wish to address transportation issues in Part IV of the EIR, namely TR-1, transportation; TR-3, pedestrians; TR-5, parking. It is amazing that the EIR regards these as insignificant and proposes only minor remedies for what is a serious increase in traffic and congestion. Part 4.d of the EIR is based on a study of peak-hour traffic on a single weekday afternoon in May four years ago. Actually, there are two rush hours every day; and then there are several rush hours on the weekend. At these times traffic is almost bumper to bumper and the nearby streets are clogged with cars escaping the Embarcadero. Due to the random nature of traffic, near-gridlock conditions can occur at almost any time. *(Al Glassgold)* [TR.19.1]

A 165 luxury condo with many stores and a garage with more than 400 spaces will aggravate the current nexus of congestion at the proposed project site, Washington and Embarcadero. In addition to the increase in automobile traffic, the proposed narrowing of Washington Street will further magnify congestion, as will the elimination of the double turn from the Embarcadero. Thus, the EIR characterization of TR-1, traffic, is off the mark; as are TR-3, pedestrians; and TR-5, parking. *(Al Glassgold)* [TR.19.3]

It is naive to think that cars going to the project will simply enter the project garage and not roam the streets looking for street parking. The specific sources of the congestion would be generated by the 8 Washington Street project are the parking entrance on Washington Street and the two driveways and loading dock around the corner on Drumm. *(Al Glassgold)* [TR.19.5]

I think for sure that some of the statements about the transportation section of the EIR need to be better examined, … and then looking at other sort of parking and demand management strategies that might make sense for that area. *(Commissioner Gwyneth Borden, San Francisco Planning Commission)* [TR.36.5]
I think for sure some of the statements about the transportation section of the EIR need to be better examined, looking at all the different intersections. (Commissioner Gwyneth Borden, San Francisco Planning Commission) [TR.36.3]

The project is proposed for a major transit corridor. The DEIR states that 8 Washington’s proximity to transit, services, places of employment and other neighborhoods, would encourage residents and visitors to bicycle, walk and ride transit instead of making new car trips (Table IV.D-4). We support the Transportation Demand Management (TDM) elements that are being provided as part of the proposed project. (San Francisco Planning + Urban Research Association) [C.1.4]

TR-7: The proposed project would not impair emergency vehicle access near the project site.
With a 420-space parking garage entrance/exit and Washington, emergency vehicles could be impeded by cars backed up waiting for pedestrians to cross the entrance, and contribute to even worse gridlock on the Embarcadero. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.11]

TR-8: Construction of the proposed project would not cause a significant increase in traffic near the project site.
Another specious and erroneous conclusion: How can a 420-car underground parking garage with limited ingress and egress NOT cause a significant increase in traffic in the Barbary Coast Neighborhood? (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.12]

The project proposes to reconfigure the sidewalks and medians, and their associated plantings, around this site. Please explain which aspects, including the median currently on Washington between The Embarcadero and Drumm were consciously developed as part of the redevelopment plan for the Golden Gateway planned community. Was that median designed to buffer traffic making turns off The Embarcadero? Please explain in detail the assumptions being made regarding cars that will turn left onto Washington Street to access the 8 Washington garage, the amount of time on the signal that allows for turning, how many cars can get through in one phase and their CURRENT dispersal pattern since very few cars turn into the tennis club parking lot compared to the future volume for the 420 car garage? How fast will cars be going to make it through on the left turn signal to enter the garage? How many of them can enter the garage without queuing over the sidewalk? Will patrons seated at the outdoor café tables that extend into the sidewalk on Washington obstruct views of cars entering and exiting the garage, particularly in light of the drop off zone on Washington? If the median is removed, what will prevent an eastbound car from crossing traffic to enter the garage?

Explain the history of the width of Washington Street relative to its role as both an exit from The Embarcadero and its role as the touch-down street from the Freeway. (Sue C. Hestor, Friends of Golden Gateway) [C.8.5]

2. Impacts on Local Streets Not Adequately Analyzed. The DEIR states that “[v]ehicle access to the parking below the buildings would be through a two-way entrance ramp directly off Washington Street west of the lobby entrance,” near Drumm Street. The General Plan identifies Washington Street as a “Major Arterial in the Congestion Management Network between Kearny and The Embarcadero. Washington Street operates two ways between The Embarcadero and Drumm and on way west bound between Drumm and Powell.”
These facts raise the following questions not addressed in the DEIR’s analysis of local traffic impacts:

- How wide will this entrance ramp on Washington Street be?
- How wide will the curb cut be?
- How will queuing be accomplished? (Jon Golinger, Telegraph Hill Dwellers) [C.10.45b]

For example, the assumption made in the DEIR that the existing conditions at the Embarcadero/Broadway and Embarcadero/Washington intersections are “satisfactory” (at LOS D) conflicts with actual conditions. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45f]

Because Washington Street is one way westbound between Drumm and Powell Streets, this means that all vehicles entering the garage will have to turn off of The Embarcadero onto Washington Street. This raises the following questions:

- How will this impact traffic flow on The Embarcadero?
- Will queuing on Washington Street result in traffic back-ups onto The Embarcadero?
- How will an electronic sign installed at the garage entrance on Washington Street (suggested as Improvement Measure TR-1) eliminate the impacts of queuing? Will the proposed signage provide directions to drivers as to how to get to a nearby alternative garage or just indicate that it is full?
- Obtain and include in the EIR an assessment by MTA as the impacts of queuing and the adequacy of queuing space provided for the garage. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45d]

The document fails to identify and mitigate the significant impact on Sue Bierman Park. Specifically, the document…

- Fails to analyze the increase in traffic, noise and emissions due to the creation of a 420-space parking garage that would have its entrance and exit on Washington Street, including the impacts of queuing along Washington Street. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.13]

A 165 luxury condo with many stores and a garage with over 400 spaces will aggravate the current nexus of congestion at the proposed project location at the intersection of The Embarcadero and Washington St. In addition to the increase in auto traffic, the proposed narrowing of Washington St. will further magnify congestion, as will the elimination of the double left turn from the Embarcadero. (A.E. Glassgold) [D.3.3]

It is naive to think that cars going to the project will simply enter the project garage without first roaming for street parking. The specific sources of the congestion that would be generated by the 8 Washington project are the parking entrance on Washington and the two driveways and loading dock around the corner on Drumm. (A.E. Glassgold) [D.3.5]

In conclusion, this EIR is grossly inadequate with regard to automobile congestion and pollution, while failing to protect the rights of pedestrians. It is also deficient in not being based on adequate studies of traffic and pollution in the neighborhood to the project. (A.E. Glassgold) [D.3.7]

My main concern, among many, is environmental. There will be more cars, people, and pollution. The air quality will be severely negatively impacted which will seriously affect seniors and children especially. (Jim Oakes, Jr.) [D.13.1]
Traffic will be horrendous especially with the underground garage accommodating of 420 new cars. (*Jane and John Siegel*) [D.15.3]

This industrial traffic will spill on to the Embarcadero increasing loads and frequency at the intersection of the Embarcadero and Washington street as well as adding to the congestion at the intersections of both Drumm and Washington and Drumm and Jackson.

The Embarcadero is a busy thoroughfare. Cars, bikes, rickshaws, trucks, MUNI buses traveling back to the car barns, tour buses; the congestion is existing and quantifiable now. On Giants game days, there is a back-up of traffic to Bay street in a northerly direction directly affecting Washington and Embarcadero intersection. Accidents occur with regularity and I enclose photographs of a bike hit and run that occurred Dec 2008 at the Embarcadero near Washington street junction. (*Paula Eve Aspin*) [D.24.6]

**EIR Question:** These luxury condos and parking structure will generate more local traffic and add to traffic and air pollution. Where does the FIR address these traffic and air quality issues? (*Reinhard Ludke*) [D.28.4]

I have observed the traffic patterns on the Embarcadero go from bad to worse over the past fifteen years. This development, which includes underground parking, will worsen the present bumper to bumper traffic every single day of the week, even in the attempt to divert vehicular traffic onto quieter adjacent streets. (*Monica St.Geme*) [D.31.5]

So, the 8 Washington DEIR assumes: 1. that there will be no traffic congestion problems, (*Douglas Arnstein*) [D.32.1]

Comment: In actuality, the garage with 420 parking spaces located with only one entrance and exit located on Washington Street between the Embarcadero and Drumm St. would produce as many as 1,350 cars daily in and out of the garage on to Washington Street, including 165 cars belonging to residents exiting and reentering every day, or 330 cars, and 255 cars belonging to public users entering and exiting 2 times daily, or 1,020 cars every day. These cars would all be using Washington Street where there is oncoming traffic in 2 lanes turning left from the Embarcadero and turning on to the two lanes of Washington Street.

The left-turning cars move at considerable speed in order to make the left-dedicated light that lasts about 15 seconds. During those 15 seconds there would be no opportunity to safely exit the garage, leaving about under 45 seconds in every minute when it would be safe to exit and turn on to Washington Street. The cars that leave the garage may head towards the Embarcadero, if a left turn in feasible. Otherwise they would go to Drumm, proceed up Washington or turn on Drumm to Davis or Front Street to Broadway. This could result in substantially more traffic on Davis and Front Streets and cause challenges to the cars using the Jackson Street garage for residents of Golden Gateway Commons and employees of Arden Realty. (*Richard and Barbara Stewart*) [D.48.5]

11. Impact TR-5 incorrectly concludes that because there is no parking shortfall, there will be no impacts to traffic congestion, air quality, safety, and noise caused by increased circling for parking. A parking shortfall is not the only cause of such impacts. The proposed parking garage would be accessible from Drumm Street, a change from Seawall Lot 351’s current access off The Embarcadero. The change in access and visibility of the garage entrance could have impacts to traffic congestion, air quality, and noise from increased circling by Ferry Building visitors as well as safety impacts to visitors who have to walk a farther distance and more complicated route from
the parking garage entrance to the Ferry Building. The DEIR must evaluate these impacts. (Zane O. Gresham, Morrison Foerster) [D.52.14]

Response

Comments inquire about the selection of study intersections and suggest that existing and future traffic conditions at study intersections are or would be worse than stated in the EIR and that the proposed reconfiguration of Washington Street would aggravate congestion. Another comment states that the project would generate 1,350 daily vehicle trips (330 by project residents and 1,020 by commercial users) and expresses concern that the northbound left turn from The Embarcadero onto Washington Street would not be able to accommodate them.

The five study intersections were selected because they represent those that would be travelled by the highest number of vehicles approaching or departing the proposed project. In some cases, such as The Embarcadero/Broadway, The Embarcadero/Washington, and Drumm/Main/Market they also represent key nodes of the City’s overall transportation network.

The actual number of daily vehicle trips generated by the project would be somewhat less than stated in several comments, 1,309 vehicle trips (Transportation Study, Appendix G-Trip Generation Calculations); 13 percent of them or 173 vehicle trips would occur during the PM peak commute hour when traffic levels in the area are highest. Not all of the vehicle trips represent new trips to the area since they also include vehicles to/from existing health club facilities. Furthermore not all of the vehicle trips would utilize the northbound left-turn lane at The Embarcadero/ Washington St. As shown in Figure 3-1 (p. 40) of the Transportation Study, and copied in Figure C&R-1 on the following page, 26 percent of the vehicles would arrive from the south via The Embarcadero, 28 percent from the north and west, 35 percent from the southwest, and 11 percent from the west.

The traffic analyses performed at the intersection of The Embarcadero and Washington Street indicate that this location operates at an acceptable (not “satisfactory” as stated in one comment) level of service (LOS D) with approximately 40 seconds of average delay per vehicle. Table IV.D-6 (p. IV.D.23) of the EIR identifies all study intersections operating at LOS D or better under existing plus project conditions. The detailed calculations are included in Appendix D-Intersection LOS Analysis of the Transportation Study.

The proposed project would narrow Washington Street between The Embarcadero and Drumm Street but would not decrease the roadway capacity. The proposed widening of the north sidewalk would occur as a result of the removal of the existing landscaped median and the removal of on-street parking spaces on the north side; two travel lanes each way would continue to be provided on Washington Street. The potential elimination of one of the two existing
northbound left turn lanes at the intersection of The Embarcadero and Washington Street is not a component of the project; rather it is being proposed as part of the Northeast Embarcadero Study (NES), a reasonably foreseeable future project, and as such included in the 2035 Cumulative traffic conditions analysis (as discussed in the response under “Cumulative Traffic / America’s Cup” beginning on C&R p. III.G.51).

Similarly, the proposed project would not modify the existing traffic signal timings at the intersections of Washington and The Embarcadero, including the northbound left-turn phase which has a duration of approximately 15 seconds per cycle (90 seconds total) and allows approximately 170 vehicles per hour per lane to turn left, or a total of 340 vehicles per hour for the double left-turn lane. It is not known at what speed vehicles would be traveling westbound on Washington Street, but it is likely to be low to moderate since vehicles would have had to turn left or right from The Embarcadero in order to reach Drumm Street.

Comments express concern that the EIR did not take into account the roaming of cars in search of parking. The proposed 420-space garage would replace in part the existing 105-space parking lot at Seawall Lot 351, as well as the 17-space Golden Gateway Tennis & Swim Club lot. Although the proposed project would increase the amount of traffic in its vicinity, its effects as analyzed in the Transportation Study and summarized in the EIR have not been found to rise to a level of significance. The EIR indicates (EIR p. IV.D.16) that the existing on-street parking utilization is approximately 88 percent at midday and up to 98 percent in the evening. The absence of a ready supply of on-street parking spaces should induce drivers to seek parking at off-street facilities and reduce potential roaming as drivers search for parking spots. The recently implemented SFpark program will also contribute to a reduction in vehicle search for parking. The program conducted by SFMTA works by collecting and distributing real-time information about where parking is available so drivers can quickly find open spaces. Sensors installed in on-street parking spaces and in City-owned garages, such as Golden Gateway Garage and Portsmouth Square garages, track when and where parking is available. Sensor data is then uploaded wirelessly to the SFpark data feed, making this information available to the public via smartphone applications, text messages and the web.

Comments express concern that cars would queue up entering the proposed project’s parking garage, affecting Washington Street and The Embarcadero. As described on EIR p. IV.D.25 and the Transportation Study (Table 4-9, p. 62), approximately two vehicles per minute are expected to enter the project garage during the PM peak hour. The estimated maximum inbound queue (90 percent probability) at the vehicular entrance would be less than two vehicles, meaning that there is a 10 percent chance or less that the queue would be more than two vehicles at any given time. This queue would not be expected to extend to The Embarcadero. Since Washington Street has two lanes available for westbound traffic, the potential short-term queuing of vehicles entering the garage would not be expected to affect emergency vehicles traveling westbound on Washington Street. The elimination of the existing landscaped median as proposed by the project would offer emergency vehicles an additional opportunity to use the eastbound lanes, if possible.
and necessary. The westbound curb lane would be approximately 11 feet wide and the drivable portion of the sidewalk (driveway) would be about 24 feet wide. The proposed electronic sign to be installed at the garage entrance on Washington Street (Improvement Measure TR-1) would indicate when the garage is full and would also direct motorists towards alternative parking locations. The queuing analysis presented in the Transportation Study has been reviewed, commented and agreed by SFMTA staff as part of the project review process.

The removal of the landscaped median by the project would allow for eastbound cars on Washington Street to turn left into the garage. The removal should not create any traffic blockages between eastbound vehicles turning left into the garage and westbound vehicles going through on Washington Street given the short westbound queues expected on Washington Street at Drumm Street or eastbound queues entering the garage. To ensure that vehicle queuing does not occur at the garage entrance on Washington Street, the following “No Queue” condition of approval will be imposed on the proposed project and included in the Mitigation Monitoring and Reporting Program for the proposed project as a Measure Adopted as a Condition of Approval:

It shall be the responsibility of the owner/operator of any off-street parking facility primarily serving a non-residential use, as determined by the Planning Director, with more than 20 parking spaces (excluding loading and car-share spaces) to ensure that recurring vehicle queues do not occur on the public right-of-way. A vehicle queue is defined as one or more vehicles blocking any portion of any public street, alley or sidewalk for a consecutive period of three minutes or longer on a daily or weekly basis.

If a recurring queue occurs, the owner/operator of the parking facility shall employ abatement methods as needed to abate the queue. Suggested abatement methods include but are not limited to the following: redesign of facility layout to improve vehicle circulation and/or on-site queue capacity; employment of parking attendants; installation of LOT FULL signs with active management by parking attendants; use of valet parking or other space-efficient parking techniques; use of off-site parking facilities or shared parking with nearby uses; use of parking occupancy sensors and signage directing drivers to available spaces; travel demand management strategies such as additional bicycle parking, customer shuttles or delivery services; and/or parking demand management strategies such as parking time limits, paid parking or validated parking.

If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Department shall notify the property owner in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall prepare a monitoring report to be submitted to the Department for review. If the Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.

Comments also express concern about truck queuing at the loading dock on Drumm Street. As indicated in the EIR (p. IV.D.29), the proposed project would provide three off-street loading spaces at the dock which would meet the average loading hour demand. The peak hour loading
demand (typically between 10 AM and 1 PM, and unrelated to the PM peak commute hour used in the traffic analysis) would be 0.4 spaces higher than the off-street supply. However, three on-street metered spaces designated for commercial loading (one across the project on Drumm Street and two on the north side of Jackson Street) are available. Therefore, no truck queuing would be expected to occur on Drumm Street.

Comments inquire about the design of Washington Street in relation to the redevelopment plan for Golden Gateway and the on- and off-ramps on the Embarcadero Freeway. The design of this block of Washington Street with two lanes and a landscaped median seems not to have been conditioned by the operational needs of the former Embarcadero Freeway (SR-480), since the on- and off-ramps were located a couple of blocks to the west, at Washington/Davis and Clay/Davis. Rather, the demolition of the Embarcadero Freeway and the reconstruction of The Embarcadero as a main traffic and transit arterial called for the construction of the second northbound left-turn lane at the intersection of Washington Street and The Embarcadero. It is also unlikely that the purpose of the design of Washington Street was to accommodate traffic to/from The Embarcadero because traffic volumes on this segment of The Embarcadero were 30 to 40 percent lower prior to the demolition of the Embarcadero Freeway.

A comment indicates that access to the public garage would be from Drumm Street which will make the garage less visible to motorists and would add additional walking distance from the garage to the Ferry Building and create unsafe conditions for pedestrians, compared to the existing parking facility at Seawall Lot 351. As shown in Figures II-7 and II-8 (pp. II.12 and II.13) of the EIR, the proposed vehicle access to the project garage would be on Washington Street. The location of the vehicle entrance on Washington Street would shorten the travel distance for motorists traveling northbound on The Embarcadero by approximately 1,600 feet (about 1/3 of a mile) compared to the existing conditions, because northbound vehicles turning left on The Embarcadero at Washington Street would not have to travel north to Broadway, make a U-turn, and then travel south on The Embarcadero to reach the entrance of Seawall Lot 351. The distance for vehicles traveling southbound on The Embarcadero would increase by about 500 feet, while the distance for vehicles traveling eastbound on Washington Street would decrease by 2,400 feet (about ½ a mile).

As shown in Figures II-5 and II-7 (pp. II.10 and II.12) of the EIR, there would be two pedestrian entrances to the public garage, one at the Jackson Commons and the other on Washington Street; both entrances will be equipped with elevators. The entrance on Washington Street, which is located approximately 150 feet west of The Embarcadero, would be the most convenient to those visiting the Ferry Building. This distance represents about 1/3 the total north-south length of Seawall Lot 351 and would therefore not be expected to add undue inconvenience or create unsafe conditions to parkers. Furthermore, the sidewalk on the north side of Washington Street would be widened by the proposed project by approximately 10 feet, enhancing the pedestrian environment for those walking to and from the garage.
III. Comments and Responses
G. Transportation

TRANSIT

Comments

And I'm going to say what else is wrong. They talk of Muni having additional service projected, but they maintain it will be the current pedestrian level of service now, even though the Exploratorium will come in. There will be more pedestrians, but they're not counting on that, but they're counting on the projection of possible Muni extra service. That's unreliable. (Bob Planthold, California Walks) [TR.1.2]

There are so many issues with this draft EIR, but I'm just going to talk about a couple and let the folks continue on. The things I want to talk about today are their talks about this project being transit-oriented. We have the statistics showing that the more people earn the less they use public transit. These apartments are going to start being sold at $2.5 million and go up. So we really do not believe that this is a transit-oriented project. (Kathleen Dooley) [TR.3.1]

Transportation analysis
Please note the distance to all transit lines/stops in terms of feet from the pedestrian entrances to this complex, not blocks. San Francisco blocks have very different lengths and distances in “blocks” are meaningless. (Sue C. Hestor, Friends of Golden Gateway) [C.8.4]

In light of the reduced Muni service to this area, please explain why spaces are reserved for busses on Davis between Washington and Clay. The statement that no Muni stops would be relocated by the project (IV.D.31) should be set out into the context of the LACK of Muni bus service to the immediate area. (Sue C. Hestor, Friends of Golden Gateway) [C.8.8]

SITE ACCESS
The DEIR states that: “The project site is well served by local and regional transit.” The DEIR must note that there have been recent cuts to the 10-Townsend and 12-Folsom routes, which have resulted in a reduction in service from/to the project site from the north. (Jon Golinger, Telegraph Hill Dwellers) [C.10.8]

Also out of date is the transit information relied upon by the DEIR in reaching its conclusion that the project would not result in significant transportation impacts to transit systems (Impact TR-2), having been based upon screenline data on capacity and utilization of individual MUNI lines from 2007 (page IV.D.9 of the DEIR). This data should also be updated. For example, based on an assumption that the existing condition on the F-Line along The Embarcadero is not at capacity during peak periods, the DEIR concludes that an additional “44 trips to/from the proposed project on the F-line” would have “less-than-significant impact on MUNI service.” The assumption made in the DEIR that the F-Line is not at capacity during peak periods conflicts with actual conditions, which show the F-Line is at capacity during peak periods. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45g]

• The conclusion in the DEIR that the proposed project would not make a “considerable contribution” to a significant cumulative impact on transit systems (Impact TR-10) is not based on facts presented in the DEIR. Basically, this conclusion is based on the reasoning that because in the future all MUNI capacity will be at overcapacity and no matter how many additional riders will be generated from the proposed project it will still be at overcapacity, so it cannot be significant. This is an inadequate analysis and conclusion. (Jon Golinger, Telegraph Hill Dwellers) [C.10.52e]
III. Comments and Responses
G. Transportation

• Does the regional transit forecastline analysis for AC Transit take into consideration the significant impacts of the Treasure Island development project? (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.52f]

So, the 8 Washington DEIR assumes: … 2. that all the new residents of the $2M+ condos will gladly use public transportation that is currently inadequate today (try climbing on a trolley during tourist season), (*Douglas Arnstein*) [D.32.2]

**Response**

Comments question the EIR’s sources of F-line ridership data, calculations of pedestrian LOS, projections of future Muni service, note the lack of Muni service in the area and ask whether the project’s residents would ride mass transit. Other comments raise concerns about the current crowded conditions on the F-Market Trolley and questions if the recent cuts to Muni service and the queuing of buses on Davis near Washington is addressed in the EIR.

The transit data for the F-Market & Wharves historic streetcar used in the EIR was provided by SFMTA Service Planning and represents ridership and service conditions for July/August 2008, the most recent period for which data is available. Detailed service utilization data for the F-line is presented in Table 2-3 (p. 25) of the *Transportation Study* and is copied below in Table C&R-9 indicates that the line operates above capacity (103 percent utilization in the southbound direction) during the weekday PM peak hour. Page IV.D.24 of the EIR describes that the utilization of the F-line would increase from 68 to 69 percent in the northbound direction, and to 104 percent in the southbound direction as a result of the proposed project.

**Table C&R-9: Existing Muni Service Utilization – Weekday PM Peak Hour**

<table>
<thead>
<tr>
<th>Route Name and Number</th>
<th>Direction Toward</th>
<th>Location</th>
<th>Ridership a</th>
<th>Capacity a</th>
<th>Utilization b</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-California</td>
<td>Financial district</td>
<td>Clay/Larkin</td>
<td>476</td>
<td>1,575</td>
<td>30%</td>
</tr>
<tr>
<td></td>
<td>Richmond district</td>
<td>Sacramento/Stockton</td>
<td>939</td>
<td>1,260</td>
<td>75%</td>
</tr>
<tr>
<td>10-Townsend</td>
<td>Fisherman's Wharf</td>
<td>Samsone/Filbert</td>
<td>119</td>
<td>378</td>
<td>31%</td>
</tr>
<tr>
<td></td>
<td>Lower Potrero Hill</td>
<td>Samsone/California</td>
<td>222</td>
<td>378</td>
<td>49%</td>
</tr>
<tr>
<td>12-Folsom/ Pacific</td>
<td>Pacific Heights</td>
<td>Pacific/Powell</td>
<td>269</td>
<td>441</td>
<td>61%</td>
</tr>
<tr>
<td></td>
<td>Mission district</td>
<td>Folsom/14th St.</td>
<td>111</td>
<td>378</td>
<td>29%</td>
</tr>
<tr>
<td>41-Union</td>
<td>Financial district</td>
<td>Union/Polk</td>
<td>76</td>
<td>378</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Cow Hollow/ Presidio</td>
<td>Columbus/Kearny</td>
<td>302</td>
<td>441</td>
<td>68%</td>
</tr>
<tr>
<td>F-Market &amp; Wharves</td>
<td>Fisherman's Wharf</td>
<td>Embarcadero/Broadway</td>
<td>476</td>
<td>700</td>
<td>68%</td>
</tr>
<tr>
<td></td>
<td>Castro district</td>
<td>Embarcadero/Greenwich</td>
<td>722</td>
<td>700</td>
<td>103%</td>
</tr>
</tbody>
</table>

**Notes:**

a Based on TEP monitoring data.

b Grey shading indicates that utilization exceeds Muni capacity utilization policy standard.

Future changes to the Muni lines described in the EIR are part of the Transit Effectiveness Project (TEP) recommendations endorsed by the SFMTA Board of Directors on October 21, 2008 for the purposes of environmental review. In the project vicinity these changes would include increased service on the F-Market and Wharves streetcar line, a new E-Embarcadero streetcar line along The Embarcadero from the Caltrain Depot to Fisherman’s Wharf, the reconfiguration and renaming of the 10-Townsend bus line as the 10-Sansome, and a new local bus route (11-Downtown Connector) in the study area.

The travel demand assumptions used in the transportation analysis of the proposed project follow the SF Guidelines and the assumptions reflect the expected mode of travel characteristics of residents, workers, and visitors in the northeast quadrant of San Francisco, where the project is located. As shown in Table IV.D-4 (p. IV.D-20) of the EIR, approximately one third of all the project trips would be made by auto, one fifth by transit, and almost half by walking, bicycling or taxis.

The EIR indicates the current alignments of Muni lines 10-Townsend and 12-Folsom/Pacific in Figure IV.D-2 on EIR p. IV.D.7. The data presented in Table IV.D.2 (p. IV.D.8) of the EIR represent the headways for these two lines as currently provided by Muni. In addition, the changes being proposed to these two lines as part of Muni’s TEP are listed on EIR p. IV.D.9. The reference to the project being “well served by local and regional transit” refers to its proximity to the Ferry Building (about 1,000 feet away), as well as the Embarcadero Muni/BART Station and the Market Street transit corridor (about 1,400 feet away).

Figure IV.D-2 on EIR p. IV.D.7 shows the location of all the transit stops in the vicinity of the proposed project, while Table IV.D-2 on EIR p. IV.D.8 indicates the name and location of the closest stop for each line. The approximate distances from the main pedestrian entrance of the project to these stops are shown in Table C&R-10 as follows:

The utilization of the F-Market & Wharves line during the weekday PM peak hour is discussed on p. IV.D.24. The line is currently above capacity in the southbound direction, (operates at 103 percent of its capacity, above Muni’s level of service threshold of 85 percent utilization), and below capacity in the northbound direction (68 percent utilization). The proposed project would add 44 additional riders from the north and 22 riders from the south to that line. As a result of the project, the existing capacity utilization would increase to 69 and 104 percent in the northbound and southbound directions, respectively. However, the proposed project’s contribution to the ridership on the F-Line would be less than 1.5 percent northbound and less than 1.2 percent in the southbound direction (a relatively small value within the expected daily ridership variation of 3 to 5 percent), so the proposed project’s contribution to the line would be less than significant. As shown in Table 4-3 (p. 50) of the Transportation Study, implementation of the E-line, as proposed in the TEP, could reduce the F-line utilization in the southbound direction below 85 percent.
Table C&R-10: Distance in Feet to Transit Lines Near Proposed Project

<table>
<thead>
<tr>
<th>Muni Route Name and Number</th>
<th>Nearest Stop Location</th>
<th>Approximate Distance to Project (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-Market &amp; Wharves</td>
<td>The Embarcadero/ Washington</td>
<td>270</td>
</tr>
<tr>
<td>1-California</td>
<td>Clay/Drumm</td>
<td>770</td>
</tr>
<tr>
<td>10-Townsend</td>
<td>Sansome/Washington (Inbound)</td>
<td>1,600</td>
</tr>
<tr>
<td></td>
<td>Battery/Jackson (Outbound)</td>
<td>1,500</td>
</tr>
<tr>
<td>12-Folsom/ Pacific</td>
<td>Sansome/Washington (Inbound)</td>
<td>1,600</td>
</tr>
<tr>
<td></td>
<td>Battery/Jackson (Outbound)</td>
<td>1,500</td>
</tr>
<tr>
<td>41-Union</td>
<td>Front/Clay (Inbound)</td>
<td>1,100</td>
</tr>
<tr>
<td></td>
<td>Davis/Sacramento (Outbound)</td>
<td>1,500</td>
</tr>
<tr>
<td>Embarcadero Station</td>
<td>California/ Drumm</td>
<td>1,300</td>
</tr>
<tr>
<td>(Muni/BART)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>California St Cable Car terminus</td>
<td>Market/ Spear</td>
<td>1,400</td>
</tr>
<tr>
<td>Golden Gate Ferry Terminal</td>
<td>Ferry Building Gate D</td>
<td>1,500</td>
</tr>
</tbody>
</table>

Source: Adavant Consulting, 2011.

The last paragraph on page IV.D.9 of the EIR will be expanded as follows (new text shown in double underline):

Currently, all the bus lines that operate in the vicinity of the proposed project operate below Muni’s maximum utilization factor (85 percent) and have available capacity at the MLP to accommodate additional passengers. On the other hand, the F-line streetcars in the southbound direction (toward the Castro district) operate at a 103% percent utilization factor during the weekday PM peak period. This value is above Muni’s maximum policy standard (85%) and means that passengers experience crowded conditions with many standees during the summer evening period, when the ridership data was collected. The MLPs of all nearby Muni bus routes, . . .

SFMTA currently prohibits on-street parking on the west side of Davis Street between Washington and Clay Streets between 3 and 6 PM on weekdays; the spaces are used by Muni to stage buses prior to entering service during the PM peak commute period. This is an existing condition that will not be modified or affected by the proposed project. No transit stops are located adjacent to the project site and none of the other stops located in its immediate vicinity would be changed or relocated as part of the proposed project.

Two comments suggest that the residents of the proposed project would be wealthy and unlikely to ride transit, thus the proposed project would not be transit friendly, although no specific data is provided as part of the comment. The analysis in the EIR conforms to the SF Guidelines. The SF Guidelines set forth a standard method for calculating the likely percentage of transit riders, car drivers, bicyclists, and other transportation modes by the physical location of the proposed project.
and the uses located within the proposed project, based on surveys and census data specific to San Francisco neighborhoods. The EIR states on EIR p. IV.E.24 that:

The Transportation Study estimates that the non-auto modal split for the project is 67 percent, a level higher than could be attained in most of San Francisco, the Bay Area and most of California due to the concentration and close proximity of local and regional transit, places of employment, services, and other attractions in and near downtown San Francisco.

One comment asks how the Treasure Island/Yerba Buena project affects the AC Transit screenlines⁴. The regional transit screenlines represents the utilization (supply and demand) of the various transit operators serving San Francisco. In the case of AC Transit, the theoretical screenline point is located on the outbound (lower deck) direction of the SF-Oakland Bay Bridge, immediately after leaving San Francisco. The future cumulative transit demand estimates have been prepared by the San Francisco Planning Department and take into consideration all the development taking place by 2035, including the Treasure Island/Yerba Buena Island project. Thus the regional transit screenline analysis for AC Transit accounts for the Treasure Island/Yerba Buena Island project.

PEDESTRIAN AND BICYCLE SAFETY

Comments

I question the adequacy and completeness of this; and I'll cite as an example the transportation section, especially page 35. It makes an amazing statement, that there's not going to be any safety problems because, quote, Pedestrians have the right-of-way. The audience reaction is appropriate. I mean there are laws against burglary, arson, theft, murder, and it still happens. I made that because it's not meant to be a joke but to point out there was no real analysis. The statistics provided in there talks of two cars or six people per minute, which amounts to 120 cars or 360 people per minute. What they didn't do is figure out how many pedestrians are walking across the garage on average during that time frame. Now, the California Traffic Control Devices Committee allows for a walking speed of 2.8 feet per second where seniors are present, which is everywhere. That's something that needs to be addressed. They say there's no danger to pedestrians, yet they also talk of a mitigation of an audible and visual device to alert pedestrians. Well, if there's no danger, why have the device? And why isn't there anything for car drivers coming out? Here you have to simply visually the way underground garages are, that cars are coming up at an angle. There's often a central pillar between in- and outbound, often. So a driver coming out may not see somebody coming from the other side of the garage. There's often the fact, also, drivers often lurk across pavement while waiting for car traffic to open up. When they lurk that means the sidewalk is blocked. That means a pedestrian there has to go out into a curb or traffic lane or go down partway the ramp to get around the car or be stuck -- be stuck between an inbound and an outbound car. Here again, that's not responsive. They say there's no danger,
but I'm also going to point out state law under SWITRS – Statewide Integrated Traffic Recording System -- does not record collisions that are not in the street. Driveways and parking lots are exempt, so you don't know from state data how many pedestrians are injured at a garage entrance. That's why this is incomplete; it's under-responsive; it's unreliable. And just in that one section of simple facts on file in practice now. (*Bob Planthold, California Walks*) [TR.1.1]

The garage capacity, 420 spaces, will negatively add to the congestion and dangers to pedestrians on narrow Washington Street. This is the wrong corner to put up a huge building as such. (*Ernestine Waters Weiss*) [TR.4.4]

The traffic portion of this study is totally inadequate, addressing such issues as pedestrians walking along Washington, blocking the ingress of cars going into this massive parking garage. That is not mentioned at all in the EIR. (*Bill Sauro, Barbary Coast Neighborhood Association*) [TR.13.4]

Crossing the Embarcadero is dangerous right now, what with the very congested intersection at Embarcadero and Washington Street, the turning traffic, and the short crossing times. (*Al Glassgold*) [TR.19.4]

In conclusion, this EIR is grossly inadequate with regard to automobile congestion and pollution, while failing to protect the rights of pedestrians. (*Al Glassgold*) [TR.19.7]

I think at the very beginning Bob Planthold was talking about correcting, you know, cars coming in and out of garages. This would be no different than any garage, but apparently it may be something that if it isn't analyzed completely in the report as yet, it has to be looked and see if that's anything extraordinary about those entrances and if they're adequately spoken about. (*Commissioner Michael Antonini, San Francisco Planning Commission*) [TR.34.1]

I think for sure that some of the statements about the transportation section of the EIR need to be better examined, looking at … and actual impacts on pedestrians. (*Commissioner Gwyneth Borden, San Francisco Planning Commission*) [TR.36.4]

It makes unqualified and inaccurate statements of existing and projected conditions for pedestrians, but these are not backed up by facts or current standards.

The transportation section alludes to MUNI plans that MIGHT bring new or increased transit service into the area, but then maintains that pedestrian traffic will somehow stay the same. It wants the reader to believe that a possibility [more MUNI service] WILL benefit the immediate area, but that somehow no more pedestrians will be present. Somehow, this projection of possible increased MUNI service allows this draft EIR to claim no additional plans or accommodations need be made for pedestrians.

How and why increased MUNI service won't bring in people who then walk to/from MUNI stops is illogical--and another example of how unreliable is this draft EIR for 8 Washington St.

Then, on Page IV.D.25 the draft EIR makes another statement that flies in the face of reality, namely the claim that, because pedestrians have the right-of-way, conflicts between cars coming out from the garage and pedestrians will be reduced.

This totally ignores the interactions between cars turning INTO the garage and pedestrians travelling along the sidewalk. As well, it assumes no cars ever will lurk on the sidewalk, waiting to drive down into the garage or waiting to drive off the sidewalk into the flow of traffic.
Yet, if this were so, then why should they plan to put in some audible warning device, to alert a pedestrian a car was coming out from the garage?
*Planning to include that device indicates a belief there is a need for warning pedestrians.
*Further, if pedestrians have the right-of-way, why should pedestrians have to stop? For a pedestrian to have the right-of-way means that the CARS need to stop.
*In addition, this ignores the accessibility need for those who have no capacity to hear any audible device

Further, nothing is said about whether there will be a central pillar, between inbound and outbound car traffic. That also can obscure vision--by the driver of the pedestrian who has the right-of-way and by the pedestrians of the scofflaw driver.

Also, nothing is said about providing bright lighting to make traffic easily visually discernable on a rainy or foggy night.

Planning to have pedestrians yield their right-of-way, by responding to an audible warning device is made worse by allowing some people with disabilities--those who cannot hear--to unknowingly and unnecessarily be put at risk.

The claim of little hazard to pedestrians on the sidewalk, in front of a garage cannot be validated by looking at the injury and fatality data from SWITRS [Statewide Integrated Traffic Records System], which is based on the CHP's Form 555. This form is applicable ONLY to injuries and collisions suffered IN a street, but not in a parking lot or driveway. Injuries suffered in a driveway are not reported to nor tracked by the state; so, it's impossible to verify any claim of safety or risk for pedestrians in a driveway, due to any factor.

Finally, nothing is reported or calculated about how long it might take for a pedestrian to walk across the width of this driveway. Though the Federal Highway Administration [FHWA] now uses a walking speed of 3.5 feet per second, the California Traffic Control Devices Committee [CTCDC] allows a walking speed of 2.8 feet per second "where seniors are present". That seniors are everywhere--and are especially concentrated in SF—means 2.8 feet per second ought to be the applicable walking rate, to determine how long it takes to walk across the driveway.

Calculating an estimate on the walking time for a pedestrian to cross the driveway is necessary. Having an estimated walking time to cross the driveway then allows for another simple calculation – how much total time per hour a pedestrian will actually be in the driveway, based on the hourly estimate for pedestrians and cars to flow through that block. *(Bob Planthold, California Walks)* [C.2.2]

**TR-3: The proposed project would not result in significant impacts to pedestrians in the proposed project vicinity.**

It is already quite difficult to cross the Embarcadero due to the steady streams of both north and south bound traffic. It is counter-intuitive to believe that a huge parking garage with 420 spaces will not affect the safety and walking paths of pedestrians. The proposed garage has only one entrance, and cars will be backed up on Washington to both Drumm and Embarcadero on a routine basis, BCNA believes. *(William H. Sauro, The Barbary Coast Neighborhood Association)* [C.6.7]

**Crosswalks and pedestrians** - are the crosswalks shown on II.6 and II.13 reasonably accurate in location and dimensions? Please explain the length and amount of time necessary to cross Washington Street at both the Drumm and Embarcadero ends of project block. Explain the
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phasing of the Embarcadero signal and the left turn pattern off The Embarcadero for the 420 car garage and how it affects the amount of time to cross Washington. If the Drumm Street median is eliminated, a “safe haven” for those crossing Washington will disappear. This will affect the time for pedestrians to safely cross Washington. Please note the substantial senior and disabled person population in the area that is has difficulty walking, as well as the presence of adults with small children. The addition of traffic using the 420 car garage exit/entrance on this block face at the same time that the median has been eliminated the pedestrian experience will become more difficult.

The rendering on II.13 shows sidewalk seating along Washington for the restaurant at Washington and The Embarcadero intruding into the public right-of-way/sidewalk. How will it affect pedestrian circulation and the pedestrian experience, particularly in conjunction with those going by for the garage and it is adjacency to vehicular drop off? (Sue C. Hestor, Friends of Golden Gateway) [C.9.2]

4. The Proposed Project Will Impact Pedestrian Safety. Based on the information presented in the DEIR, the proposed project could create potentially hazardous conditions for pedestrians, considered a significant effect on the environment under CEQA.

The DEIR states that: “Conflicts between pedestrians and vehicles could occur at the project garage driveway, which could cause the potential inbound vehicles to queue onto Washington Street. Outbound vehicles would queue inside the garage and would not affect street traffic. Conflicts between outbound vehicles and pedestrians could still occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way.” [emphasis added] (page IV.D.25)

In the very next paragraph it makes the following statement about these potential vehicular and pedestrian conflicts at the garage driveway:

“The number of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average) and it is therefore not anticipated that the proposed project would cause any major conflict or interfere with pedestrian movements in the area.” (page IV.D.25)

The numbers given translate to 2 cars and 6 pedestrians every minute or 120 cars and 360 pedestrians an hour (or approximately 1,440 cars and 4,320 pedestrians coming into potential conflict in any given 7 AM to 7 PM period). The DEIR’s conclusion that such conflict between vehicles and pedestrian movement would be “less than significant” is questionable and simply not supported by the facts presented in the DEIR. The additional statement in the DEIR that because “pedestrians on the sidewalk have the right-of-way” such conflicts would be reduced is a further faulty assumption that is not based in fact. (Jon Golinger, Telegraph Hill Dwellers) [C.10.46]

Thus the EIR characterization of TR-l (impact on transportation) is off the mark, as are TR-3 (impact on pedestrians) and TR-5 (impact on an increase in parking). Crossing the Embarcadero is dangerous right now, what with the very congested intersection at Embarcadero and Washington St., turning traffic, and short crossing times. (A.E. Glassgold) [D.3.4]

In conclusion, this EIR is grossly inadequate with regard to automobile congestion and pollution, while failing to protect the rights of pedestrians. It is also deficient in not being based on adequate studies of traffic and pollution in the neighborhood to the project. (A.E. Glassgold) [D.3.7]
Personal Safety issues that arise with increased traffic of more people and vehicles. *(Lisa Schreiber)* [D.7.4]

Transportation – TR- 3, 5, and 6 should be marked as significant impact. *(Lisa Schreiber)* [D.7.11]

Transportation - TR- 3, 5, and 6 should be marked as significant impact. *(Lisa Schreiber)* [D.47.15]

On page IV.D.34 the EIR states that the impacts of a 430 car garage on the Embarcadero and Washington St. intersection would be considerable. The predicted level of service drops to F in 2035 from D now. Even after mitigation measures the impact is deemed to remain significant. The developer’s desire to remove the existing landscape median will only acerbate the situation as autos will make left turns into the proposed garage making pedestrian life very difficult. The developer could easily increase the setback of his proposed building to attain the wide sidewalk that he desires without removing the attractive median which provides a place for pedestrians to get out of the way of automobiles when the light changes. *(David Burnett)* [D.20.1]

3. PEDESTRIAN SAFETY: Page IV.D.25 says: "Conflicts between outbound vehicles [from garage] and pedestrians could occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way". *Question:* Does knowing pedestrians have the right-of-way comfort the families of seniors, children and adults killed by cars as they cross streets and driveways? *Question:* Does the city agree with this ridiculous and insensitive statement?

The next paragraph states: "The number of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average) and it is therefore not anticipated that the proposed project would cause any major conflict or interfere with pedestrian movements".

This equals 2 cars/6 pedestrian trips a minute, 120 cars/360 pedestrian trips per hour or 1,440 vehicular/4,320 pedestrian trips in any given 7AM to 7PM period. No conflicts-, *Question:* How could any reasonable person view this level of activity as ‘not significant’ in terms of conflicts with cars or interference with pedestrian movement? *Question:* Given the obvious inaccuracy of the two statements quoted above, is this indicative of the overall quality of the traffic/pedestrian consultant’s work for this EIR? *(Deborah Smith)* [D.22.5]

As a non-driver myself these days, I have become very sensitive to the pedestrian realm as it exists, and the proposal’s focus on Washington Street’s becoming a widened 20-foot landscaped sidewalk experience, from the Embarcadero to Drumm Street. I do believe that the plan indicates several significant interruptions along this walkway, seriously endangering this new pedestrian route: (a) all traffic using the new garage will be entering and exiting along Washington Street, which will as well (b) be providing the only drop-off curb-side location serving both the new residences and the proposed commercial tenants. These represent relatively unsafe intrusions along this busy street, and I do not really accept that these will "have less than significant impact" or that the "pedestrian has the right of way" will sufficiently cover my safety concerns. Since Drumm Street has already been designated for deliveries and refuse collection (and will also be interrupting the pedestrian sidewalk), perhaps the garage access could be relocated here? *(Sarelle T. Weisberg)* [D.23.4]
The proposed site of the 8 Washington/Seawall 351 Project site is on a quiet tree lined street. The majority of pedestrians carry fruits, nuts, flowers and tennis racquets, against a background of ivy clad fencing system. However, this intersection is one of our cities major thoroughfares. Any proposal that creates intensification of traffic on such levels should be seen to be a frightening prospect for all pedestrians. It should also be seen to have a monumental impact. (Paula Eve Aspin) [D.24.7]

On July 21 my husband and I were returning home after the presentation at your meeting re: 8 Washington’s DEIR. After leaving the Embarcadero underground MUNI station, we walked to the corner of Washington and Drumm. When the pedestrian light turned to the white figure, we proceeded to cross to the middle of that intersection and were almost hit by a small SUV that was making a left hand turn onto Washington Street.

The driver was not on a cell phone and after I yelled at him to stop he continued his turn and just glared at us. This event was not the first time this has happened, but seemed particularly alarming when considering the DEIR claims that 420 more cars allowed in the underground garage for the development with have “no effect on pedestrians”...

Yesterday a similar experience happened to us and our guest while in the same intersection across the street. Two bikers almost rammed us as they turned right on to Washington going toward The Embarcadero. Their light was red, but they made no motion to stop.

How can you allow more traffic in this area when it is currently very unsafe for residents and any pedestrian? Closures of the streets due to marathons, Street Walks and the like make walking in this area even more dangerous at this time. (Lloyd and Diane Root) [D.38.1]

Personal Safety issues that arise with increased traffic of more people and vehicles. (Lisa Schreiber) [D.47.7]

4. For similar reasons, the DEIR’s reliance on pedestrian and bicycle counts from the PM peak period of a single Wednesday in 2007 is insufficient. See DEIR at IV.D.12. Pedestrian and bicycle traffic has increased significantly on a citywide basis since 2007, and likely even more so in the Project area with the success of the Farmers Market and other businesses in the area. According to the most recent data collected by the San Francisco Municipal Transportation Agency, between 2006 and 2010, the City saw a 58% increase in the number of bicyclists. In that same time period, the SFMTA measured a 233% increase in bicyclists along The Embarcadero by the Ferry Building. San Francisco Municipal Transportation Agency, City of San Francisco 2010 Bicycle Count Report, Nov. 2010, at 3, 8. As a result of using this outdated information, the discussion in TR-3 and TR-4 grossly underestimates the incremental impacts of the Project on bicycle and pedestrian safety.

5. The DEIR’s evaluation of pedestrian, bicycle, and vehicular conflicts is inadequate. Impact TR-3 concludes that pedestrian conflicts would be minimal because “The numbers of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average). . . .” DEIR at IV.D.25. Similarly, Impact TR-4 concludes that vehicular and bicycle traffic at the garage entrance “would be relatively small . . . .” DEIR at IV.D.27. No basis is provided for the judgment that these numbers are “relatively small.” Thus, there are insufficient facts to support a determination of less-than-significant for these impacts.

6. The DEIR fails to evaluate pedestrian, bicycle, and vehicular conflicts in other areas that will be exacerbated by the proposed Project. The DEIR only evaluates conflicts at the entrance to the garage. However, such conflicts are common along The Embarcadero, where many modes of
transportation intersect. Residents and patrons of the Project who will undoubtedly cross or travel along The Embarcadero will increase these conflicts. The DEIR must evaluate these safety impacts based on real, current conditions and at meaningful locations, not just at the proposed garage entry. (Zane O. Gresham, Morrison Foerster) [D.52.11]

F. The DEIR belittles Pedestrian Safety Issues. The DEIR states that: “Conflicts between pedestrians and vehicles could occur at the project garage driveway, which could cause the potential inbound vehicles to queue onto Washington Street. Outbound vehicles would queue inside the garage and would not affect street traffic. Conflicts between outbound vehicles and pedestrians could still occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way.” [emphasis added] (page IV.D.25). I'm sure the fact that pedestrians have the right-of-way comes as great comfort to the families of children, seniors and others who have been struck and killed by cars. This statement is insulting and MUST be struck from the DEIR. It is also NOT TRUE.

In the very next paragraph it makes the following statement about these potential vehicular and pedestrian conflicts at the garage driveway:

“The number of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average) and it is therefore not anticipated that the proposed project would cause any major conflict or interfere with pedestrian movements in the area.” (page IV.D.25)

The numbers given translate to 2 cars and 6 pedestrians every minute or 120 cars and 360 pedestrians an hour (or approximately 1,440 cars and 4,320 pedestrians coming into potential conflict in any given 7 AM to 7 PM period). The DEIR’s conclusion that such conflict between vehicles and pedestrian movement would be “less than significant” makes no logical sense and is simply not supported by the facts presented in the DEIR. (Brad Paul) [D.53.37]

Instead the writers are totally dismissive of the humans who live and work in this neighborhood, as witness by this impossible howler in discussing the exit from the proposed parking garage onto busy Washington Street: “Conflicts between outbound vehicles and pedestrians could still occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way.” No effect, only the right to be crippled or maimed, if not killed outright? And this is okay? How are the authors of such a sentence be trusted on anything in this report? (Martie W. Young) [D.55.7]

The proposed project will introduce a significant new traffic load in the neighborhood, and will add a risk at its garage entrances to pedestrians, such as ourselves, who use the Washington Street sidewalks to gain access to the Embarcadero. (George T. Haymaker, Jr.) [D.56.4]

3. PEDESTRIAN SAFETY: Page IV.D.25 says: “Conflicts between outbound vehicles garage and pedestrians could occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way.”

Question: Does knowing pedestrians have the right-of-way comfort the families of seniors, children and adults killed by cars as they cross streets and driveways?

Question: Does the city agree with this ridiculous and insensitive statement? (Mary Pecci) [D.58.4]
The next paragraph states:

“The number of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average) and it is therefore not anticipated that the proposed project would cause any major conflict or interfere with pedestrian movements”.

This equals 2 cars/6 pedestrian trips a minute, 120 cars/360 pedestrian trips per hour or 1,440 vehicular/4,320 pedestrian trips in any given 7AM to 7PM period. No conflicts?

**Question #1:** How could any reasonable person view this level of activity as 'not significant' in terms of conflicts with cars or interference with pedestrian movement?

**Question #2:** Given the obvious inaccuracy of the two statements quoted above, is this indicative of the overall quality of the traffic/pedestrian consultant’s work for this EIR? (Mary Pecci)

Add a discussion of the proposed project’s traffic conflicts with striped bicycle lanes in both directions on Washington Street between Drumm Street and The Embarcadero. (Jon Golinger, Telegraph Hill Dwellers)

Response

**Pedestrian and Bicycle Safety at Project Garage Entrance and on Sidewalks**

Several comments calculate the number and speed of pedestrians crossing in front of the proposed project garage based on the data provided in the EIR. Comments also suggest that the legal right of way for pedestrians should not be relied upon, and the incorporation of mirrors and an audible and visual warning, in addition to being intrinsically dangerous to the handicapped, concedes that vehicles would not be yielding to pedestrians. Comments also express concern that there could be a column between entering and exiting lanes which would block the driver’s perception of pedestrians crossing in front of the vehicular entrance to the garage. One comment requests a discussion of traffic conflicts with the bicycle lanes on Washington Street and The Embarcadero.

As described in the EIR, the proposed project would increase the number of vehicles, transit riders, pedestrians and bicycles, as well as their interactions in the vicinity of the site. The effects and potential impacts to these additional trips were presented in the *Transportation Study* and EIR in the Impact section starting on p. IV.D.22. The analyses found that with the exception of TR-9 (Project Contribution to Cumulative Traffic Impacts, p. IV.D.34) the impacts of project trips by various modes of travel would be below the level of significance established by CEQA and the City and as such, would result in less-than-significant impacts.

Specifically, the more detailed *Transportation Study* quantified and evaluated the potential pedestrian and vehicular conflicts in front of the proposed garage driveway. The analysis acknowledged that the proposed project would increase the number of interactions between vehicles and pedestrians, which is a common and expected condition in a dense, multi-modal environment. However, the analysis also concluded that the vehicles entering or exiting the garage would not create potentially hazardous conditions for pedestrian or bicycle movements in
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the area, which is the standard used by the City to determine whether an impact is significant or not under CEQA.

The number of vehicles and pedestrians referenced on EIR p. IV.D.25 reflects the conditions during the PM peak commute hour, and cannot be extrapolated to the entire day. Therefore, the 1,440 cars and 4,320 pedestrians between the hours of 7 AM and 7 PM calculated in the comment are not correct since it is calculated by multiplying the PM peak hour volumes by 12. The exact number of pedestrian and vehicles to be expected on a daily basis is unknown but will be lower. It is expected to be higher during the AM, midday, and PM peak hours (the PM peak hour analyzed in the EIR being the highest), and lower at all other times. The analysis indicates that during the PM peak hour there would be approximately one vehicle and three pedestrians every 30 seconds on average in front of the garage driveway. As a comparison, pedestrian and vehicle counts were conducted in 2005\(^5\) at the Sutter Street/Stockton Street garage, which showed approximately 270 vehicles and 1,200 pedestrians during the PM peak hour at its main entrance on Stockton Street. This represents 9 vehicles and 40 pedestrians every thirty seconds, nine times as many vehicles and roughly 13 times as many pedestrians as the proposed project. In spite of the relatively high number of pedestrian-vehicle conflicts, this driveway has not been identified by the City as a hazardous location.

The drivable portion of the sidewalk would be about 24 feet wide. Assuming a walking speed for an elderly person of 2.8 feet per second, the driveway would take less than 9 seconds to cross. At the normal pedestrian speed of 3.5 feet per second it would take 7 seconds to cross the driveway. The proposed project would increase the number of pedestrian/vehicle conflicts at the garage entrance; however, this projected level of pedestrian and vehicle crossings would be similar to those at other garages in the vicinity (such as those at the Embarcadero Center), without creating a safety hazard. The proposed project would eliminate two existing driveways on Washington Street, one mid-block providing access to the 17-space Golden Gateway Tennis & Swim Club parking lot, and the other near The Embarcadero/Washington Street intersection, with access to the 105-space Seawall Lot 351 parking lot. The proposed project would also eliminate an existing driveway onto The Embarcadero from the Seawall Lot 351 parking lot, which is a transit preferential street, a Neighborhood Pedestrian street, and has a bike lane, Bicycle Route #5 (TIS, p. 18). Pedestrian crossings of those three existing driveways would be eliminated, thus reducing the number of pedestrian - vehicle conflict locations with the proposed project. As stated in one comment, the Statewide Integrated Traffic Records System (SWITRS) database does not include information on pedestrian/vehicle collisions at garage entrances, and is therefore not relevant for the EIR analysis. As indicated above the main driveway entrance at the Sutter Street/Stockton Street garage, which has nine times as many vehicles and roughly 13 times as many pedestrians as the proposed project, has not been identified as a hazardous location by the City.

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\(^5\) Page 65, City and County of San Francisco Planning Department, Preliminary Draft No. 8 Piers 27-29, November 8, 2005. This document is available at the Planning Department, 1660 Mission Street, San Francisco.
The effect on bicyclists of the location of the garage entrance, and the removal of the existing driveways would be similar to that described for pedestrians. No striped bicycle lanes exist on Washington Street between Drumm and The Embarcadero. One of the recommendations presented in the Northeast Embarcadero Study (NES) calls for the provision of striped bicycle lanes (Class 2) in both directions on Washington Street between Drumm Street and The Embarcadero. If this recommendation is implemented, the striped bicycle lanes would make the position of bicyclists in the street more predictable. Thus, it would be easier for drivers to look for bicyclists as cars turn into and exit the garage. In addition, the project would eliminate the existing driveway onto The Embarcadero from the Seawall Lot 351 parking lot (105 spaces), across the southbound bike lane for Route #5, where 44 bicyclists per hour have been recorded, as opposed to six bicyclist per hour on westbound Washington Street (EIR, p. IV.D.12).

The proposed garage entrance on Washington Street would be both more visible from The Embarcadero (from where most of the non-resident vehicles would be expected to arrive) than if the garage entrance were located on Drumm Street, and would minimize the amount of driving on nearby residential streets. If the garage access point were located on Drumm Street, as suggested in a comment, vehicles would have to travel through the intersection of Drumm and Washington Streets to reach the garage, adding to the traffic at this location. In addition, exiting vehicles traveling northbound would be more tempted to travel on residential streets such as Jackson, Davis, Front, or Pacific, in the vicinity of Sydney Walton Park, to reach Broadway or The Embarcadero.

Vehicles exiting the garage are legally required to yield to pedestrians walking on the sidewalk, and any potential queuing of exiting vehicles would take place inside the garage without affecting pedestrians. The safety of pedestrians walking in front of public garage driveways has not been identified as an issue by the SFMTA in its annual San Francisco Collisions Report over the past six years. Some comments note that the drivers’ legal requirement to yield the right of way provides little comfort to pedestrians who are injured when drivers fail to follow their responsibilities, and this is true. It is also true that drivers have a legal obligation to yield the right of way to pedestrians on the sidewalk, and that the existing site arrangement provides three vehicle entrances where vehicle-pedestrian conflicts can occur. The proposed project cannot force drivers to obey the law, but it can affect the likelihood of drivers obeying the law. As previously discussed, the main driveway entrance at the Sutter Street/Stockton Street garage, which has nine times as many vehicles and roughly 13 times as many pedestrians as the proposed project would have, has not been identified as a hazardous location by the City.

The latest architectural drawing for the proposed project, Figure C&R-2, 8 Washington St.-Ramp Condition at Garage Entrance / Exit, shows that there would not be any physical obstruction, such as a wall or column, between the inbound and outbound lanes at the garage entrance; the nearest column would be placed approximately 32 feet (approximately one and one-half car lengths) behind the sidewalk inside the project property. In addition, there would be a 5½-foot clearance between the building wall and the outbound lane to provide a wide line of sight between
RAMP CONDITION AT GARAGE ENTRANCE / EXIT

ASK - 0142R1

AUGUST 22, 2011

SOURCE: SOM

2007.0030E

III.G.35

C&R FIGURE 2: 8 WASHINGTON STREET RAMP CONDITION AT GARAGE ENTRANCE/EXIT
outbound vehicles and pedestrians and bicyclists approaching from the west. These design features would make pedestrians and bicyclists more visible to vehicle drivers and reduce the potential for pedestrian/bicycle-vehicle incidents.

The EIR identifies a proposed pedestrian alert device (Improvement Measure TR-3, EIR p. IV.D.26) as an improvement measure; it is not a mitigation measure because no significant transportation impacts related to pedestrian and vehicular impacts have been identified. The device would alert pedestrians of a vehicle approaching the exit from inside the garage prior to its arrival, increasing the pedestrian awareness, and is proposed to be both audible and visual to be useful to the maximum number of pedestrians, including those who are visually or hearing impaired. The installation of such devices is common practice in public garages in San Francisco as a precautionary measure to minimize conflicts. The alert device does not mean that the exiting vehicles have the right of way or that pedestrians should stop to allow vehicles to pass; rather, it alerts pedestrians to their surroundings. In addition, Improvement Measure TR-3-Pedestrian Alert Device on page IV.D.26 of the EIR is expanded as follows (new text shown in double underline):

The project sponsor will install an audible and visual device at the garage entrance to alert pedestrians when a vehicle is exiting the facility. A sign will also be installed at the top of the garage ramp facing exiting vehicles with the words “Caution – Watch for Pedestrians” to warn motorists to be observant for pedestrians on the sidewalk.

One comment states that nothing was said in the EIR about street lighting. Street lighting in front of the garage entrance would be designed and provided in compliance with City of San Francisco requirements.

One comment states that the EIR indicates pedestrian volumes will stay the same in spite of the proposed project and the potential for additional Muni service. As shown in Table IV.D-7 of the EIR, the number of pedestrians in the area would increase as a result of the proposed project; at the same time, the width of the two sidewalks on Drumm and Washington Streets adjacent to the project site would almost double, as a result of the project. The combination of increased sidewalk widths and higher pedestrian flows would cause the existing pedestrian LOS on Drumm Street to remain at LOS A, and the existing pedestrian LOS on Washington Street and The Embarcadero to decrease from LOS A to LOS B (Table 4-6, p. 53, Transportation Study and copied below as Table C&R-11).
Table C&R-11: Pedestrian Sidewalk Level of Service Existing and Existing plus Proposed Project Conditions Weekday PM Peak Hour

<table>
<thead>
<tr>
<th>Sidewalk Location</th>
<th>Existing</th>
<th>Existing plus Project</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Unit Flow</td>
<td>Unit Flow</td>
</tr>
<tr>
<td></td>
<td>(ped/min/ft)</td>
<td>(ped/min/ft)</td>
</tr>
<tr>
<td>West side of The Embarcadero (Broadway-Washington)</td>
<td>0.40 A</td>
<td>0.63 B</td>
</tr>
<tr>
<td>North side of Washington St. (Embarcadero-Drumm)</td>
<td>0.20 A</td>
<td>0.38 a</td>
</tr>
<tr>
<td>East side of Drumm St., north of Washington St.</td>
<td>0.46 A</td>
<td>0.35 b</td>
</tr>
</tbody>
</table>

Notes:

a The sidewalk on the north side of Washington Street, between The Embarcadero and Drumm Street, would be widened from the existing 10 ft. to approximately 20 ft.

b The sidewalk on the east side of Drum Street, between Washington and Jackson streets, would be widened from the existing 10 ft. to approximately 18 ft.

Source: Adavant Consulting – April 2010.

One comment is concerned about the sidewalk seating for the restaurant interfering with pedestrians, while another is concerned with the length of the drop-off area. Several comments expressed concern over general pedestrian safety and the effect of the proposed project on pedestrians in nearby crosswalks.

Figure II.8 on EIR p. II.13 illustrates the length of the passenger drop-off zone and the location of restaurant seating areas. The length of the proposed passenger drop-off zone is shown with capacity for five vehicles and is under discussion between the San Francisco Planning Department and the project sponsor. The project proposes to widen the sidewalk along Washington Street by approximately 10 feet, placing the passenger drop-off area close to where existing on-street parking location. Table C&R-11 above indicates that the expected increase in pedestrian flows would not cause the conditions on the sidewalk to degrade to an unacceptable level. The EIR (p. IV.D.25) also evaluated the effects of the increase in pedestrian flows on the adjacent sidewalks due to the proposed project and concluded that they would continue to operate at an acceptable level of service. Furthermore, it should be noted that in order to locate restaurant seating within the public right-of-way, the restaurant operator would be required to seek City approval.

Pedestrian and Bicycle Safety at Intersections and in Crosswalks

Regarding nearby intersections, the San Francisco Municipal Transportation Agency (SFMTA) has not identified the intersection of The Embarcadero and Washington Street as a dangerous location for pedestrians (intersections with seven or more collisions resulting in injury over a
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The most recent San Francisco Collisions Report does not include this intersection in the list of locations experiencing pedestrian safety issues. Nor has the intersection of Drumm and Washington Streets been identified as a dangerous location for pedestrians. There was one non-severe pedestrian injury reported at the intersection of Drumm and Washington Streets during the January 1, 2005 to December 31, 2010 six-year period. The intersection of The Embarcadero and Washington Street is also signalized and equipped with pedestrian signal heads and countdown displays. In addition, there are two pedestrian refuge safety islands (one is 20 feet wide and the other is 6 feet wide) on each of the two crosswalks across The Embarcadero where pedestrians can wait if unable to complete the crossing in one cycle. The proposed project would not modify the existing traffic signal cycle timing or phasing configuration, or the layout of the pedestrian refuge island which would have sufficient room to accommodate the additional pedestrians generated/attracked by the project, if necessary. Therefore the proposed project would not be expected to result in hazardous conditions at this location.

One comment asks if the crosswalks are drawn to scale. The crosswalks shown in Figure II-3: Proposed Site Plan and Figure II-8: Proposed Ground-Floor Plan, EIR p. II.6 and p. II.13, respectively, are not drawn to an exact scale, but are a reasonable representation of the existing and proposed configuration of the pedestrian elements that would be part of the proposed project.

The intersection of Drumm and Washington Streets is currently signalized and is equipped with pedestrian signal heads and countdown displays that indicate the time left for pedestrians to cross the street; the traffic signal phasing allows the crossing of either street in a single cycle. The existing north crosswalk on Drumm Street is approximately 75 feet in length; a five-foot wide island is adjacent to the crosswalk in the center of Drumm Street. The project proposes widening the sidewalk on the east side of Drumm Street from the existing 10 feet to approximately 18 feet and the provision of sidewalk bulbouts (typically five to seven feet wide) at the northeast and northwest corners of the intersection of Washington and Drumm Streets. Overall the project would provide an approximately 15-foot net reduction in the length of the existing north crosswalk of Drumm Street (a 20-foot-reduction due to the combined sidewalk widening and new corner bulbouts, minus five feet due to the elimination of the median island); the time it would take for a pedestrian to cross Drumm Street would be reduced by four or five seconds. The existing 10-foot wide landscaped median on Washington Street would also be eliminated, reducing by approximately three seconds the time it would take for a pedestrian to cross Washington Street.

One comment recounted a negative pedestrian-vehicle interaction at the intersection of Washington Street and The Embarcadero. While any negative pedestrian-vehicle interaction is unpleasant, the information in the San Francisco Collisions Report indicates that the intersections in the project study area are not unsafe, and the EIR notes that the pedestrian-crowding on the

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sidewalks both currently and with the proposed project would be moderate. Thus, the proposed project would have a less-than-significant pedestrian impact (EIR pp. IV.D.25-IV.D.26).

One comment casts doubt on Muni service projections and projections as to the number of additional pedestrians resulting from Muni improved service. The changes to Muni lines described in the EIR are proposed as part of the Transit Effectiveness Project (TEP), which is currently undergoing environmental review. The two proposed changes near the project site include more frequent streetcar service on the F-line and the implementation of the new E-line, both of which will have a stop in the median of The Embarcadero at Washington Street. The pedestrian analysis presented in the Transportation Study shows that the increase in pedestrian flows on the adjacent sidewalks due to the proposed project would maintain a good level of service (LOS B). The potential effects of an increase in the number of pedestrians, if any, resulting from other projects, such as the transit service improvements proposed as part of the TEP, would be analyzed as part of the environmental clearance for such projects, not the proposed project.

One comment notes that the level of service at the intersection of The Embarcadero and Washington Street would decline from D to F in 2035 due to the proposed garage, which combined with the elimination of the existing landscaped median on Washington Street would make pedestrian conditions very difficult at the intersection. Impact TR-9 (EIR p. IV.D.34) states that the proposed project would make a considerable contribution to 2035 cumulative traffic impacts at the intersection of The Embarcadero and Washington Street, which would operate at LOS F in 2035. The comment is correct that the proposed project would make a significant contribution to the critical traffic volumes at the intersection of The Embarcadero and Washington Street. But, the failing 2035 LOS F conditions at this intersection would be caused by the proposed reduction in the number of northbound left turn lanes, as recommended by the North Embarcadero Study (NES) and not because of traffic from the project. As stated on the next page of the EIR (EIR p. IV.D.35), the intersection of The Embarcadero and Washington Street would operate at an acceptable level of service in 2035 with the project if the existing number of lanes were maintained (e.g. NES recommendations were not implemented), with minor adjustments to the traffic signal timings, in which case the proposed project would not be expected to result in a significance impact. The proposed elimination of the existing landscaped median in Washington Street, between The Embarcadero and Drumm Street, has no bearing in the assessment of the significance of Impact TR-9, and would reduce the time it would take for a pedestrian to cross Washington Street by approximately three seconds.

Some comments have doubted whether the impacts described in the EIR, including Impacts TR-1 (traffic), TR-3 (pedestrians), TR-5 (parking), and TR-6 (loading) would be less than significant. The effects of the proposed project on traffic, pedestrian conditions, parking, and loading have been analyzed in the EIR (Impact Evaluation section starting in p. IV.D.22), with additional technical support included in the Transportation Study, and its potential impacts have been found not to rise to a level of significance. The significance thresholds developed by the San Francisco
Planning Department to assess potential project impacts on pedestrians and bicyclists (EIR pp. IV.D.18 and IV.D.19) state that a significant impact would occur if a project creates overcrowding, results in potentially hazardous conditions, or substantially interferes with accessibility to the site or adjoining areas. The vehicular, pedestrian and bicyclist volumes that could result in potential vehicle-pedestrian and vehicle-bicyclist conflicts were studied and compared to other conditions observed at larger existing facilities, such as the Sutter Street/Stockton Street garage. It was therefore determined that the potential number of pedestrian-vehicle conflicts would not rise above the thresholds of significance given the volume of anticipated trips generated by the proposed project, the context of the setting in which these trips would occur and the inherent competition for limited right-of-way space between the various modes.

As noted above, the proposed project would remove the existing driveway on The Embarcadero that serves as the main access point to the 105-space Seawall Lot 351 parking lot, which would eliminate the existing conflict between southbound bicyclists and vehicles entering or exiting the parking lot. No assessment of vehicle-bicycle conflicts on The Embarcadero was conducted as part of the Transportation Study since no driveways are proposed on The Embarcadero as part of the project.

**Pedestrian and Bicycle Data**

Comments state that the pedestrian and bicycle data collected for the Transportation Study and EIR in 2007 is now too old for an accurate environmental review. Traffic, parking, pedestrian, and bicycle data were collected in 2007 at the start of the environmental review process for the proposed project. It is correct that, according to the SFMTA, there was a 58 percent increase in bicycle usage in the City between 2006 and 2010. However, according to the same data, the increase in overall bicycle usage between 2007 (when the project counts were collected) and 2010 in the downtown area (where the project is located) was 37 percent. Similarly, the 233 percent growth in bicycle usage at the Ferry Building referred to by the comment has not taken place along The Embarcadero, according to the SFMTA, but at the ferry terminals behind the Ferry Building. Since not all of the bicyclists embarking or disembarking the ferries would be expected to ride north on The Embarcadero near the project site, a better reference location would be the intersection of The Embarcadero and Broadway. According to the SFMTA, the increase in overall bicycle usage between 2007 and 2010 at the intersection of Broadway and The Embarcadero was 35 percent, similar to the overall bicycle growth in the downtown area for the

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same period (37 percent). Accordingly, since 6 bicycles were counted traveling westbound on Washington Street in front of the proposed project during the PM peak hour, the total number of bicyclists during the same period in 2010 would be expected to increase by 2, a relatively small number.

Similarly, 44 bicycles were counted during the PM peak hour in 2007 heading southbound on The Embarcadero between Broadway and Washington Street; this number would be expected to increase to a total of approximately 60 during the same period in 2010. On the other hand, the project proposes to remove the existing driveway on The Embarcadero that provides the main access to the 105-space Seawall Lot 351 parking lot. A total of 16 vehicles were counted turning right in or out of the parking lot and traversing the southbound bicycle lane on The Embarcadero during the PM peak hour. Since the proposed project would relocate the garage entrance to Washington Street, a less traveled roadway which is not designated as a City bicycle route, the potential for vehicular-bicycle conflicts would be expected to decrease as a result.

**PARKING**

**Parking Data Sources and Validity**

Comments

Our comments are similarly addressed to the transportation component of the EIR and specifically the section regarding parking, where we find that the data is out of date and restrictive in its scope. By its own description, most of the data dates to 2006 and 2007, only slightly after our Farmers Market had moved into the area. Our business continues to grow each year. The number of customers accessing the area continues to grow, increasing demands on parking in the area. As noted in the EIR, the Pier Half has disappeared, diminishing the total number of spots. There is one error that is actually an increase. It refers to the fact that 40 parking meters along Washington Street are used on Tuesdays and Saturdays by Farmers Market vehicles. That is actually not the case. That is 20 spots only in emergency situations on Saturdays only. So that's an update. But this also does not reflect the fact that not only is our business increasing, creating more demand, that there are other new businesses in the area adding to that demand. The Piers 1 1/2, 3, 5 project with restaurants bringing more patrons to the south of the Ferry Building. There's Epic Roast House, another area of restaurants. And so, in summary, we just want to point out that this particular section of the EIR does not accurately represent the current level of use and perhaps more importantly the current and -- excuse me -- getting ahead of myself here -- does not represent the current level of actual available spaces; and the ever-increasing demand that we anticipate will continue to have impact. And so we want to ensure that this report clearly considers all the impacts on parking when considering other planning that goes for the area. (Dave Stockdale, Center for Urban Education about Sustainable Agriculture) [TR.6.1]

Because the DEIR’s analysis of the area’s parking and traffic is so flawed, EOP engaged Arup, the global engineering and consulting firm, to conduct an independent assessment of the area’s parking and access supply and demand. *San Francisco Ferry Building Comprehensive Access and Parking Study*, Arup (August 2011) (Arup Report). As the Arup Report confirms, the DEIR grossly underestimates the area’s parking demand and supply. Highlights of the Arup Report are
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discussed below, and the full report is attached to this letter as Exhibit A. (Zane O. Gresham, Morrison Foerster) [D.52.3]

12. All of these impacts are compounded by the recent loss of other parking areas in the Ferry Building vicinity, including Pier ½ and the Muni turnaround area, as well as proposed projects such as the Downtown Ferry Terminal Expansion and the eventual closure of Pier 3 which threaten to displace more parking. The temporary Zip Line also further constrains parking. There have also been changes to parking provided for farmers’ trucks on Farmers Market days, including shifting farmer parking from Washington Street to Steuart Street in 2009. The effects caused by cumulative loss of parking in the area are not evaluated in the DEIR. (Zane O. Gresham, Morrison Foerster) [D.52.15]

15. Because the DEIR’s parking and access analysis is so flawed, in order to better understand the current situation and trends with respect to parking and access, EOP engaged Arup which prepared a parking and access study, San Francisco Ferry Building Comprehensive Access and Parking Study, which is attached to this letter as Exhibit A. Key findings from the Arup Report include:

• Parking supply is constrained and declining due to redevelopment in the area.
• Parking demand peaks on Saturday, nearly 70% more than peak weekday demand.
• Ferry Building visitors and Farmers Market patrons account for the largest portion of parking demand for both weekday and weekend use.
• Parking demand is concentrated in AM hours and tapers off considerably in PM hours.
• Parking data in the 2008 Ferry Building Area Parking Evaluation Study is outdated and inadequate to determine current parking supply and demand.

As the Arup Study further confirms, the DEIR’s analysis is flawed, relies on inaccurate data and underestimates the Project’s impacts on parking and circulation. Accordingly, the DEIR must be significantly revised to account for this accurate and up to date information and recirculated for further public review and comment. (Zane O. Gresham, Morrison Foerster) [D.52.18]

Response

One comment correctly states that parking meters along Washington, Drumm and Davis Streets are no longer reserved for farmers’ trucks, pick-ups and autos during Ferry Building Farmers Market days. Although this was the case in 2007 at the time that the parking data was collected, the need for on-street parking for such vehicles was eliminated in 2009 as a result of an agreement between the City and the Ferry Building Farmers Market operator (CUESA) that allowed for the use by such vehicles of the Golden Gateway Garage, the Ferry Plaza behind the Ferry Building, and the use of the Recreation & Parks Department site adjacent to the F line turnaround. The following paragraph will be deleted from the EIR (p. IV.D.15):

Approximately 40 parking meters are located along Washington Street, between The Embarcadero and Davis Street, Clay Street, between Davis and Drumm Streets, and Drumm Street, between Sacramento and Washington Streets, are bagged and reserved for Ferry Plaza Farmers Market sellers on Tuesdays and Saturdays from 6 AM to 4 PM.
Other comments variously describe the EIR as over counting and undercounting parking spaces near the proposed project, and say that the EIR failed to consider other uses of these spaces, such as Farmers Market trucks using these parking spaces. One comment provided the results of a parking study the commenter had a contractor prepare, *San Francisco Ferry Building Comprehensive Access and Parking Study (August 5, 2011)*, which states, in part, that the EIR’s parking study is outdated, and the proposed project’s parking impacts were underestimated.

San Francisco does not consider the availability of parking supply as part of the permanent physical environment and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The San Francisco Planning Department acknowledges, however, that parking conditions (e.g. parking deficits) may be of interest to the public and the decision makers and for that purpose parking supply and utilization data is collected and a parking analysis is conducted for a development project such as 8 Washington/Seawall Lot 351. Further, for purposes of CEQA, San Francisco analyzes whether a shortfall in parking supply may result indirectly in environmental effects (e.g., air quality impacts caused by a shortfall in parking, which in turn require drivers to hunt for parking or increases in transit use due to mode shift). In this case, because a parking shortfall would not be expected to occur, the proposed project would not cause any secondary effects.

As indicated in the EIR, parking supply and utilization data was collected in 2006 and 2007 as part of the overall transportation data collection effort conducted at the outset of the transportation analyses for the proposed project.

Parking utilization varies throughout the day, week, season, and from year to year as a function of the number of vehicles being attracted to the waterfront at a given time. As discussed in the response under “Adequacy of Data and Assumptions,” beginning on C&R p. III.G.1, existing traffic on The Embarcadero is approximately nine percent lower than it was in 2007; it would therefore, be expected that existing parking utilization would be similar to or lower than the 2007 values reported in the EIR.

The *San Francisco Ferry Building Comprehensive Access and Parking Study (August 5, 2011)*, submitted as one of the comments, provides a comprehensive description of Ferry Building patrons, but does not include information about current parking utilization in the vicinity of the Ferry Building. Therefore, a focused parking utilization data collection effort was conducted as part of the responses to comments on this EIR on Wednesday, August 17, 2011, during the midday (1 to 3 pm) and evening (6 to 8 pm) peak parking demand periods. The survey included those parking facilities in the study list that are closest to the proposed project site and the Ferry Building; the results are summarized in Table C&R-12, which also compares these 2011 values with those collected in 2006/07 for the proposed project.
Table C&R-12: Off-Street Parking Utilization Comparison Weekday Midday and Evening Periods

<table>
<thead>
<tr>
<th>Name/Location</th>
<th>Survey for EIR (2006-07)</th>
<th>Survey for Responses, August 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Midday</td>
<td>Evening</td>
</tr>
<tr>
<td>Seawall Lot 351 (Embarcadero/Washington)</td>
<td>99%</td>
<td>88%</td>
</tr>
<tr>
<td>Pier 3</td>
<td>93%</td>
<td>80%</td>
</tr>
<tr>
<td>Golden Gateway (250 Clay St.)</td>
<td>89%</td>
<td>54%</td>
</tr>
<tr>
<td>Embarcadero Center 1</td>
<td>85%</td>
<td>34%</td>
</tr>
<tr>
<td>Embarcadero Center 2</td>
<td>92%</td>
<td>38%</td>
</tr>
<tr>
<td>Embarcadero Center 3</td>
<td>86%</td>
<td>46%</td>
</tr>
<tr>
<td>Embarcadero Center 4</td>
<td>85%</td>
<td>63%</td>
</tr>
<tr>
<td><strong>TOTAL(^c)</strong></td>
<td><strong>88%</strong></td>
<td><strong>49%</strong></td>
</tr>
</tbody>
</table>

Notes:
\(^a\) Existing attendant parking operation allows for 70 additional vehicles to be parked on-site at midday than could be parked in 2007.  
\(^b\) Garage operator did not allow the survey to be conducted during the midday period.  
\(^c\) Combined totals for the parking facilities listed in this table. 

Source: Adavant Consulting, 2011.

As shown in Table C&R-12, existing parking utilization rates are lower than those observed in 2006/07 with the exception of Pier 3 (midday and evening), Embarcadero Center 1 (evening), and Embarcadero Center 4 (midday). As noted in the table, the current management of parking spaces at Pier 3 allows for 70 additional vehicles to be parked at this location; the same number of vehicles that could previously park at the Pier ½ lot, which closed in July 2008. Existing overall parking utilization at these facilities during both time periods is at least 15 percentage points less than those observed in 2006-07. It can therefore be concluded that the parking utilization data presented in the EIR correctly represents parking conditions in the vicinity of the proposed project for the purpose of describing parking conditions in the study area.

One comment states that Saturday parking demand for the Ferry Building represents 70 percent above the weekday demand. Independently of the accuracy of the statement, a previous study\(^9\) has shown that although retail weekend parking demand, including the Ferry Building, is higher on a Saturday (particularly at midday) than on a weekday, the overall Saturday parking utilization in the area (38 percent) is still lower than on weekdays (87 percent). As indicated in the same

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study (Table 4, p. 10), several garages in the vicinity are closed on weekends due to lack of demand.

One comment states that the EIR does not include an analysis of the effects caused by the cumulative loss of parking in the Ferry Building area. As indicated previously in this response, the amount of parking supply, or lack of thereof, is not considered to be a part of the permanent physical environment and as such needs not be analyzed in the EIR. But, in any event, the proposed project does not result in a reduction in parking supply since it would replace the existing spaces in Seawall Lot 351 and the Golden Gate Tennis & Swim Club lots, resulting in a minor parking surplus as described on EIR p. IV.D.29, and also in Table 4-8 on p. 61 of the Transportation Study.

PLANNING CODE COMPLIANCE

Comments

PROPOSED PARKING
According to the DEIR, the proposed project will have 420 underground parking spaces on three levels below the condo buildings, comprising approximately 185,900 gsf. Of these 420 spaces, the DEIR states that 165 spaces would be for residents, and 255 spaces would be for the project’s retail, restaurant, and health club uses, including 90 spaces “required to serve the Ferry Building…”

The following discussion, which concludes with a statement that the project would result “in a net increase of 133 publicly available parking spaces” is confusing and raises several questions that must be addressed in this section in greater detail. Please address each of the following:

• Under existing Planning Code provisions, how many off-street parking spaces would be allowed (the maximum accessory amount) for the proposed 165 residential units as of right without a special exception to increase this amount?

• Under existing Planning Code provisions, how many off-street parking spaces would be required for the proposed project’s approximately 81,900 gsf of non-residential uses without a special exception to reduce this amount? Include in these calculations, all of the following types and sizes of uses (from pages II.7 and II.17):
  • 17,000 gsf of Retail
  • 12,100 gsf of Restaurant/Bar
  • 12,800 gsf of fitness center (including a 1,850 gsf cafe)
  • 40,000 gsf of athletic club (27,000 sq ft of tennis courts plus 13,000 sq ft of pools and related outdoor space) (Jon Golinger, Telegraph Hill Dwellers) [C.10.14]

The DEIR’s conclusion that “[t]he proposed project would not result in significant transportation impacts in the proposed project vicinity due to vehicle traffic” (Impact TR-1) is not substantiated. The DEIR fails to disclose exactly how the project will comply with existing Planning Code provisions applicable to the project site. Please explain exactly how the proposed project will comply with each of the following Planning Code provisions:

• How many off-street parking spaces are allowed (the maximum accessory amount) for 165 residential units as of right without a special exception to increase this amount?
• How many off-street parking spaces would be required for approximately 81,900 gsf of nonresidential uses without a special exception to reduce this amount? Include in these calculations, all of the following types and sizes of uses (from DEIR pages II.7 and II.17):
  • 17,000 gsf of Retail
  • 12,100 gsf of Restaurant/Bar
  • 12,800 gsf of fitness center (including a 1,850 gsf cafe)
  • 40,000 gsf of athletic club (27,000 sq ft of tennis courts plus 13,000 sq ft of pools and related outdoor space) (Jon Golinger, Telegraph Hill Dwellers) [C.10.48a]

Response

Comments request a detailed accounting of the parking spaces for the proposed project. A description of the number and categories of parking spaces to be provided by the proposed project is presented on EIR p. II.14 (Proposed Parking). These include approximately 420 spaces, with approximately 165 spaces for residents and 255 public spaces for retail, restaurant, and health club uses and the public, including 90 spaces required to serve the Ferry Building waterfront area under the Port of San Francisco’s Request for Proposals.

The detailed calculations of the required number of parking spaces in accordance with the San Francisco Planning Code are presented on p. IV.D.28 of the EIR (as well as in more detail in the Transportation Impact Study, p.60 and its Appendix H). The San Francisco Planning Code would require 41 spaces for the proposed residential use (165 units, 0.25 per unit), 80 spaces for the athletic club/fitness center (12,000 gsf indoor, 5,424 gsf pools and jacuzzi, a pool deck, and 4 tennis courts), 34 spaces for the commercial/retail use (17,000 gsf, one space per 500 gsf), and 61 spaces for the restaurant/café use (12,125 gsf, one space per 200 gsf). Therefore, the total number of spaces required without any parking accessory allowances and without replacing the existing public parking in Seawall Lot 351 would be 216 spaces.

As discussed in the EIR on p. IV.D.28, the Planning Code would allow for maximum accessory parking levels for residential and non-residential uses: 62 spaces for the residential units and 263 spaces for the non-residential uses. The proposed project would provide 165 spaces (103 spaces above the maximum) for the residential units and 255 spaces (8 spaces below the maximum) for the non-residential uses. Because the number of residential parking spaces exceeds the maximum accessory parking level, the proposed project would seek a Planned Unit Development/Conditional Use authorization, as described under “Required Approvals” on EIR pp. II.22-II.23. The 90 spaces required by the Port of San Francisco to serve the Ferry Building waterfront area are included in the 255 non-residential parking spaces.

PARKING SUPPLY AND DEMAND

Comments

Please explain the justification used for 4-hour meters along The Embarcadero. This does not appear consistent with a Transit First policy. How does the PORT justify those lengths - which
discourage turnover (that could better serve the Farmers market) and enables nearby workers to “feed” the meters. (*Sue C. Hestor, Friends of Golden Gateway*) [C.8.6]

**TR-5: The proposed project would not result in a significant impact related to an increase in the number of vehicles parking in the project vicinity.**

A $40 million, 420-car underground garage built below sea level will create big problems for our neighborhood transit/traffic/pedestrians. Table IV.D-3 (IV.D.15) shows there are 459 off-street parking spaces currently available adjacent to the project eliminating the need for this superfluous underground garage at 8 Washington. (*William H. Sauro, The Barbary Coast Neighborhood Association*) [C.6.8]

- Information presented in the DEIR in Table IV.D-3 (on pg IV.D.15), shows that there are 459 off-street parking spaces currently available close to the project site. Please discuss why this would not eliminate the need for the proposed 420-car underground garage. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.48b]

This project will provide market-rate parking. The assumption should be made that the parking in the project will attract a similar level and pattern of use of other nearby garages, specifically the underground parking at Embarcadero Four. If the additional parking provided by this project is used by fewer cars than the available parking at that garage, or if both garages are filled to capacity only during weekday business hours, then the excess parking does not fulfill its stated function to provide parking for Ferry Building users. Since it is actually a longer walk from the Ferry Building to the Project than it is to Embarcadero Four, this lot will always be a secondary lot. (*Jennifer Clary, President, San Francisco Tomorrow*) [C.11.8]

10. The analysis for Impact TR-5 finds that parking impacts will be less-than-significant based in part on the incorrect statement that the existing spaces at Seawall Lot 351 “would be relocated within the parking garage as part of the proposed project.” As discussed above, the parking garage would have different access, visibility, walking time, and validation service, making the garage an unequal substitute for the Seawall Lot 351 parking spaces. Because the parking garage does not provide equal replacement spaces for the loss of Seawall Lot 351 under the terms of the Parking Agreement, the DEIR cannot assume that parking impacts from said “relocation” will be less-than-significant. (*Zane O. Gresham, Morrison Foerster*) [D.52.13]

**Response**

One comment questions how the Port can justify 4-hour parking meters under the *Transit First* policy. Two comments assert that the availability of 459 off-street parking spaces eliminate the need for the proposed project to have a parking garage. Finally, two comments discuss the usefulness of the proposed project’s parking for Ferry Building customers, noting that the Embarcadero Center 4 building and garage are closer, and the proposed parking garage would differ from the existing Seawall Lot 351 spaces in access, visibility, walking time, and validation services, making the garage an unequal substitute for the existing Seawall Lot 351 parking spaces.

The Port has multiple policy goals in addition to the City’s *Transit First* policy. The extension of the maximum length of parking allowed at the meters controlled by the Port from two hours to four hours is one of the elements of the Port’s strategy to make parking easier, reduce double-
parking, and improve the flow of traffic and Muni operations. The installation of new meters to allow for longer parking (up to 12 hours) started in May 2009; more information can be found at the Port’s website. Nonetheless, the Port’s strategy for allowing longer parking periods and its pricing strategy at the meters is an existing condition, which is not part of the proposed project, and does not affect the conclusions reached in the EIR.

Table IV.D.3 on EIR p. IV.D.15 shows that in 2006/07 there were approximately 460 parking spaces available during the weekday midday peak period (89 percent overall occupancy). All of the existing parking facilities in 2006/07 were at or above 85 percent utilization during the midday peak hour, and more than half were above 90 percent utilization. More recent parking demand information is presented in Table C&R-12 (p. II.G.44) for 2011, where the average parking utilization is almost 72 percent (about 475 spaces available), with one location (Pier 3) having a utilization as high as 98 percent. Typically, parking facilities with occupancy levels at or above 90 percent are assumed to have reached their practical capacity, and are considered full for transportation planning purposes. In addition, the maximum number of spaces that are theoretically available are not located at a single site, but rather spread over six to ten parking facilities.

The precise amount the proposed garage at the project site would charge for parking has not been established. Assuming the hourly rate is set similar to the rate being offered now at the Seawall Lot 351, it would offer market rate hourly parking rates, with a discount based on validation by the Ferry Building merchants. The distance from the Embarcadero Center 4 garage to the main entrance to the Ferry Building is comparable to the distance from the proposed garage to the north entrance of the Ferry Building (both are approximately 700 feet). The location of the proposed garage at 8 Washington Street would be more visible to vehicles traveling on The Embarcadero (northbound or southbound) and would have an easier, simpler access compared to the Embarcadero Center 4 garage. Thus, there is reason to believe that the proposed project garage would be preferentially chosen over the Embarcadero Center 4 garage by Ferry Building patrons. Because changes in parking supply and utilization are not considered in San Francisco to be environmental impacts as defined by CEQA, the EIR includes a description of parking conditions for information purposes only, and does not need to discuss the necessity or merits of the proposed project.

**PARKING IMPACTS**

**Comments**

1) The parking section of the study as usual includes the excellent generality that parking is not an environmental impact but a social need that people adjust to. The study then counts nearby parking spaces and shows a utilization of 90% as if that shows a need for more parking. What 90% utilization shows are utilization levels as a product of a pricing policy by private and City

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owned garages. This is also the policy of the SFMTA, SFpark, to set curbside parking meter fees to produce a utilization rate of 85-90%. This maximizes income, for a garage owner or Muni, while assuring drivers that they will easily find a parking space. A developer provides close by parking not because parking is needed but because this is felt to be good for project businesses and more parking moderates the price of other nearby parking. This is considered to be a necessity for housing and businesses even though SF demonstrates that this is not so. However, for the City the additional parking reduces parking fee and tax income to Muni and puts additional traffic on the streets which impacts transit and deliveries, both essential for a prosperous San Francisco.

2) This EIR, like many others, also includes a map showing all of the nearby transit lines and then goes on to discuss the need, or not, for more transit service. A need for additional transit may be an environmental impact in other areas but in San Francisco increased utilization of transit is merely the expected outcome of good planning and providing for this use is a requirement of the City Charter.

3) This EIR’s section on LOS shows no adverse impacts on nearby intersections in 2030. This is not an attribute of this project but a product of years of: good planning; less parking and more available transit. These are features which this project should contribute to not just benefit from. However, this finding is questionable because the Central Subway EIR, for a project less than a mile away, included increased congestion levels, in 2030, which increased surface transit running time by 70% compared to the current travel slow travel times. The Central Subway EIR did not include future LOS data because an underground transit project doesn’t impact LOS.

4) During the planning process for the South of Market the planning Department produced an excellent paper which showed that only 0.5 spaces per housing unit would be adequate.

5) Professor Donald Shoup, in the High Cost of Free Parking, shows how minimum parking requirements were established as a method to preserve the free or low cost parking for existing businesses or residents of an area. Now this amount of parking is considered to be a “necessity”. The last thirty years of San Francisco history show that less parking does not limit prosperity but congestion will.

6) San Francisco studied and found that an under park garage, adjacent to this project, proposed to meet the “needs” of Ferry Building businesses was financially infeasible, even though the land was “free”. It seems that this garage becomes feasible only because Port land was provided at a reduced price, less than the maximum obtainable from the site and views, in order for the project to provide Port parking. Meanwhile the businesses in the Ferry Building prosper with minimal day time parking supply. The EIR also shows only 50% utilization of nearby parking facilities in the evening which shows that most of the area parking is used as long term parking for commuters, which is counter to City policy.

7) San Francisco has to comply with the reduced driving requirements of AB 32 and SB 375 and every project should also comply. (Howard Strassner, Sierra Club) [C.7.3]

Response

One comment suggests that additional parking in the proposed project reduces parking fee and tax income to Muni and impacts transit and deliveries. Additional transit use, the comment continues, should never be seen as a negative environmental impact, but in San Francisco should be seen as a sign of good planning. One comment claims that minimum parking requirements established by municipalities serve to preserve the free or low cost parking for existing local
businesses and residents. The comment also contrasts the proposed parking garage with a previously proposed Ferry Building parking garage, which was found to be financially infeasible. The fact that parking use declines in the evening may demonstrate that most of the area parking is being used by commuters, which is counter to City policy.

The EIR establishes that the proposed project would not result in a significant impact related to an increase in the number of vehicles parking in the project vicinity. As a matter of policy, San Francisco does not consider parking supply as part of the permanent physical environment and considers parking changes as social effects, rather than impacts on the physical environment as defined by CEQA. For purposes of CEQA, San Francisco analyzes whether a shortfall in parking supply may result indirectly in environmental effects (e.g., air quality impacts caused by a shortfall in parking, which in turn require drivers to hunt for parking or increases in transit use due to mode shift). In this case, because a parking shortfall would not be expected to occur, the proposed project would not cause any secondary effects.

Comments pose several policy questions, such as whether crowding on Muni should constitute a negative environmental impact, whether parking requirements benefit local businesses and residents, whether providing parking to commuters is a good policy goal, the appropriate number of parking spaces per residential unit, and whether the Ferry Building needs dedicated or additional parking. These are policy questions that need to be balanced against other City policies by decision-makers for this proposed project, which include the San Francisco Planning Department, the Planning Commission, the Port Commission, and the San Francisco Board of Supervisors. The minimum number of parking spaces and the number requested are discussed in the response under “Planning Code Compliance,” beginning on C&R p. III.G.45. Impacts associated with greenhouse gas emissions, which are related to compliance with AB 32 and SB 375, are discussed in EIR chapter IV.F.

A comment notes that the level of service in the future is shown as acceptable, but questions this projection based on the Central Subway EIR. For the future analysis year 2035, cumulative intersection traffic volumes in the EIR were estimated based on growth rates developed for the Northern Waterfront area from the City and County of San Francisco Transportation Authority travel demand model as part of transportation studies being conducted for the James R. Herman Cruise Terminal at Pier 27. These 2035 cumulative traffic volumes account for growth due to the proposed project as well as other cumulative development included in land use forecasts for the Northern Waterfront, as described on EIR pp. IV.D.32-IV.D.33. In the Central Subway Project Final SEIS/SEIR, future traffic conditions were similarly based on the City and County of San Francisco Transportation Authority travel demand model. However, the future demand was projected for the year 2030, compared to 2035 for the proposed project. Also, the Central Subway Project Final SEIS/SEIR studied none of the same intersections as this EIR, so the data and conclusions are not comparable.
PARKING GARAGE SIGNAGE FOR DRIVERS

Comment

Pg IV.D, 23, Improvement Measure TR-I: Garage Signage: This is good insofar as it goes. Although it refers to the Golden Gateway Garage, it does not incorporate a mitigation which would integrate electronic signage in all area garages together with way-finding signage directing drivers to available parking. All present signage is minimal at best. Inasmuch as the Port is the prime motivator for Embarcadero parking, it should embrace this concept into the requirements for development of Seawall Lot 351. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.13]

Response

A comment requests that an integrated electronic signage system be developed in the area to direct drivers to available parking. The proposed signage to alert motorists when the garage is full and direct them towards alternate parking facilities (Measure TR-1) is identified as an improvement measure and not a mitigation measure since no significant transportation impacts related to the proposed garage have been identified in the Transportation Study. The Port has worked with the SFMTA in the past to develop a parking signage plan along The Embarcadero; one of such efforts is the recently developed plan for the Fisherman’s Wharf area. A variable message sign (VMS) currently exists on Washington Street 1½ blocks west of the project that indicates in real time the parking availability at the City-operated Golden Gateway, St. Mary’s Square and Portsmouth Square garages. In addition, two new fixed signs directing drivers towards the Golden Gateway and Portsmouth Square garages have been recently installed at the intersection of Drumm and Washington Streets as part of the SFpark project. Both the VMS and SFpark signs would be visible to motorists being directed west on Washington Street by the activated sign located at the entrance of the project garage, allowing them to choose the most convenient alternate parking facility.

CUMULATIVE TRAFFIC / AMERICA’S CUP

Comments

Washington Street is a busy, narrow intersection that cannot absorb traffic now, plus the cumulative effect of traffic from Pier 27, 29, Exploratorium, et cetera. (Ernestine Waters Weiss) [TR.4.3]

The second area of possible incompleteness has to do with the scheduling conflict between this project and the America’s Cup. There is now a draft EIR for the America’s Cup and there a couple of points in that that might be imported into this draft report, including this. There's a proposal to shut down northbound traffic on the Embarcadero for some race days. That's shown in Figure VI.9. And, secondly, there's a report of a possible choke point or bottleneck at the intersection of The Embarcadero and Washington Street at page VI.6-178. If that is accurate, it would have a significant impact on the construction site for 8 Washington and that probably should be added to this report. (Bill Hannan, Golden Gateway Tenants Association) [TR.10.2]
Pg. 1.9& 10, TR-l, 2, 3, 4, 5, 9, 10: There is insufficient substantiation for the conclusion of a
Less than Significant Impact. The cumulative impact of known future projects in the immediate
vicinity, i.e. The Exploratorium at Piers 15 & 17; the new James R. Herman Cruise Terminal and
Northeast Wharf Plaza Project at Pier 27; while retaining Pier 35 as a secondary terminal; the
revitalization of the Jefferson St. business district; all must be taken into consideration insofar as
cumulative traffic impacts are considered. The DEIR’s analysis does not support these
considerations. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.5]

The 34th America’s Cup sailing races are coming to the San Francisco waterfront during the
summer months (July, August and September) of 2012 and 2013; if the Cup is successfully
defended, the races are likely to return in future years. More than one million four hundred
thousand visitors are expected to watch the races in 2012, most of them from positions along the
waterfront, and many more than that number during the following summer of 2013.

Increased traffic in our area caused by America’s Cup spectators will probably have a severe
impact on the proposed 8 Washington construction process, and on the future residents of 8
Washington if the races return in future years. Likewise, the trucks and construction equipment
involved in the 8 Washington construction project will probably have an impact on America’s
Cup spectator traffic during the summers of 2012 and 2013, when the 8 Washington construction
work would presumably be underway.

A Draft Environmental Impact Report has been prepared for the America’s Cup races that
discusses anticipated traffic effects, including a note at Figure 5.6.9 that northbound traffic on the
Embarcadero will be halted on some race days, and a report at page 5.6 – 178 that there may be
an unavoidable traffic obstruction at the intersection of Washington Street and the Embarcadero,
the exact location of the 8 Washington project. Information on these points should be usefully
added to the 8 Washington final Report.

If additional information could be provided on these subjects in the final Report, it would be
appreciated by the many residents of our neighborhood who are personally interested in this
project. Thank you for your attention to this request. (William E. Hannan, III, Golden Gateway
Tenants Association) [C.3.2]

• The DEIR avoids consideration of the impacts of the America’s Cup by characterizing it as
  “temporary in nature.” In fact, the duration of the America’s Cup event is not merely
temporary, but potentially long-term. The winner of the America’s Cup gets to determine
where the next race will be held. The races were held in Rhode Island for more than half of a
century. Therefore, if the Golden Gate Yacht Club (GGYC) retains the America’s Cup title,
the race events will likely continue to be held in San Francisco. This must be disclosed and
considered in the EIR’s cumulative impact analysis relating to increased vehicle and
pedestrian activity in the project area since this is a reasonably likely outcome. Assuming the
America’s Cup is merely “temporary in nature” is speculative at best.
• As to the long-term development that will result from the America’s Cup, the DEIR states
  that “it is likely that they would be similar in uses and intensities to those projects previously
developed for those sites under consideration (Piers 19/23, Piers 26/28, Piers 30/32, etc.),
which are included in the current land use and traffic projections.” Please describe and
discuss each of the development projects assumed by the DEIR in its cumulative impact
analysis.
• The DEIR fails to disclose or evaluate the construction impacts of the proposed project
cumulatively with the construction of the proposed the America’s Cup Village on Piers 27-
29, which is proposed to include demolishing all of the Pier 27 shed and a portion of the Pier
29 shed to create a 160,000 sq. ft. public viewing platform or outdoor amphitheater at the eastern end of Pier 27-29 to accommodate up to 10,000 spectators. According to the DEIR, construction of the proposed project is estimated to occur during the same time period.

- How will the construction of the proposed project impact the America’s Cup planned activities on The Embarcadero?
- How is the gsf of the proposed new cruise ship terminal related to cumulative transportation analysis? A much better measure of traffic impacts would be its estimated use, the number of cruise ship calls, estimated numbers of passengers, special event planning for the space, etc.
- Include in the analysis of the cumulative impacts of the proposed project the following estimates from the current DEIR for the Port’s proposed cruise terminal: “The annual number of ship calls is expected to remain the same in the future, with approximately 40 to 80 calls per year. However, in anticipation of the current trends in the cruise ship industry towards larger cruise ships, the proposed cruise terminal would be designed to better accommodate newer, larger ships holding larger numbers of passengers than are currently served at Pier 35. Optimally, the proposed terminal would handle vessels carrying 2,600 passengers, but it would have additional capacity at key areas to serve vessels carrying up to 4,000 passengers.” As to special events, the Port’s DEIR for the cruise terminal provides that: “The proposed cruise terminal would allow for shared uses in down times between cruise ship calls. These shared uses could include events such as conferences, public or private gatherings, and maritime-oriented events. It is estimated that up to 100 shared-use events could occur at the cruise terminal site annually.” [Emphasis added] (Jon Golinger, Telegraph Hill Dwellers)

The DEIR does not adequately address or analyze the proposed project’s impacts on Transportation and Circulation. Not only are the DEIR’s descriptions of the existing conditions inadequate, but also contrary to the DEIR’s conclusions, it is clear that the proposed project would have significant adverse effects on traffic, transit and pedestrian safety.

1. **Condition of Regional Freeways Not Adequately Described.** The DEIR does not adequately describe the condition of the regional freeways. Given that regional access to and from the project site and the East Bay will be provided by I-80 and the San Francisco-Oakland Bay Bridge, the numerous significant and unavoidable impacts of the YBI/Treasure Island project must be disclosed as a part of the description of the project setting and taken into consideration in the analysis of the proposed project. The impacts of the America’s Cup and the Cruise Terminal undergoing environmental review at this time must also be must be disclosed as a part of the description of the project setting and taken into consideration.

- Include a list and discussion of all significant and unavoidable transportation and circulation impacts of the Yerba Buena Island/Treasure Island project as set forth in the final certified EIR for that project.
- Include a list and discussion of the transportation and circulation impacts of the America’s Cup project and the Cruise Ship Terminal project as set forth in the draft EIR for those projects. (Jon Golinger, Telegraph Hill Dwellers) [C.10.45a]

7. **Cumulative Future Conditions.** The DEIR says that, if the recommendations of the Department’s *Northeast Embarcadero Study* were adopted, the proposed project would make a significant and unavoidable, “considerable contribution” to cumulative traffic impacts at the study intersections. (Impact TR-9, DEIR at IV.D.34). Since the *Northeast Embarcadero Study* received no environmental review, it cannot legally be utilized as the basis for environmental analysis of the proposed project. Please revise the EIR to so state at pages III.8 and 9 and at pages IV.D.33 -
35. The EIR’s assessment of project environmental impacts and alternatives should not reference consistency with the Study until the Study itself is subjected to environmental review.

This section of the DEIR raises several questions and issues:

- The DEIR contains an extensive discussion of the recommendations contained in the Planning Department’s *Northeast Embarcadero Study* in determining that the proposed project would make a “considerable” contribution to cumulative traffic impacts only if the proposed changes in the street geometry for The Embarcadero, Broadway, and Washington recommended in the *Northeast Embarcadero Study* are adopted. And that otherwise, there would merely need to be “minor adjustments in traffic signal timings.” The DEIR’s conclusion that “both intersections would operate at an acceptable level of service in 2035 if the number of lanes were maintained at the status quo, and with minor adjustments to the traffic signal timings” is unsupported by the facts contained in the DEIR.

- Proposed Mitigation Measure M-TR-9, is inadequate. It provides that the project sponsor will develop and implement a “Travel Demand Management Plan” that will “build upon elements already being provided as a part of the proposed project, such as secured bicycle parking and car share spaces, to which it will add additional components such as facilitating maps of local pedestrian and bicycle routes and a taxi call service for the restaurant.” Car share spaces and bicycle parking are already required. A taxi call service is a typical benefit to the restaurant. Therefore, no additional mitigation is being offered that will mitigate significant traffic impacts. The DEIR also states that this so-called mitigation measure will only be triggered if and at the time the changes to The Embarcadero/Washington Street recommended by the Department’s *Northeast Embarcadero Study* are adopted. As stated above, the Study cannot be legally utilized as the basis for environmental analysis in this DEIR. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.52a]

- Explain why cumulative traffic volumes were developed based on the gross square feet of other developments instead of based on their anticipated traffic generation from their proposed uses. For example, the proposed Cruise Ship Terminal at Pier 27 will not generate traffic based on its gsf, but based on its use – how often cruise ships come into port. Likewise, traffic generated by the Exploratorium will not be similar to that generated by a residential development. Please explain why the DEIR’s assumptions are accurate in this regard. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.52b]

- The DEIR incorrectly avoids consideration of the very significant traffic and transit impacts of the America’s Cup races by characterizing them as “temporary in nature.” As noted in our comments above, the duration of the event is highly unclear since the winner of the America’s Cup race will determine the location of the next race. The races were held in Rhode Island for more than half of a century. So, if the Golden Gate Yacht Club retains the America’s Cup title, the race events will continue to be held in San Francisco, and the significant transportation and circulation impacts of these race events must be considered (at least as a project variant) in the EIR’s cumulative impact analysis of foreseeable vehicle and pedestrian activity in the project area. (*Jon Golinger, Telegraph Hill Dwellers*) [C.10.52c]

- My comments address several transportation issues in Part IV D of the EIR: TR-1 Impact on transportation; TR-3 Impact on pedestrians; TR-5 Impact due to an increase in parking. It is incredible that the EIR regards these impacts as insignificant and that it proposes only minor remedies for what will be serious increases in traffic and congestion. 14. The DEIR ignores potential conflicts with the America’s Cup, scheduled for 2012-2013, because “These
sport activities are generally considered temporary” and thus they will not have a long-term impact on traffic and land use. See DEIR at IV.A.7. The DEIR fails to adequately analyze the traffic impacts that will occur during the two years of races. Changes to traffic flow and parking along the waterfront area could conflict with construction of the Project. These impacts must be evaluated. (Zane O. Gresham, Morrison Foerster) [D.52.17]

Response

Comments note that the America’s Cup competition and the closure of the northbound Embarcadero lanes would add to the cumulative traffic in the project area and that the area is already gridlocked. Comments also suggested that the America’s Cup should not be seen as a short-term project, given its long stay in Rhode Island, and that the new Cruise Ship Terminal project’s impacts have been underestimated. Further, comments suggest that the effects of the Cruise Ship Terminal project and the Treasure Island / Yerba Buena Island project impacts have not been adequately identified. Comments suggested that the future condition of regional freeways was not sufficiently described. Comments regarding America’s Cup construction are addressed in Section III.B, Project Description, under the subheading Project Construction/America’s Cup Host and Venue Agreement, on C&R p. III.B.34.

The 2035 cumulative traffic estimates presented in the EIR include the expected growth due to other future projects on the waterfront, among them the Exploratorium (Piers 15/17) and the future James R. Herman Cruise Terminal at Piers 27/29 (also known as the Cruise Ship Terminal project), the development of Piers 30/32 and Seawall Lot 330, and the maintained use of Pier 35 as a secondary cruise terminal (EIR p. IV.D.32). The cumulative traffic estimates come from the San Francisco County Transportation Authority (SFCTA) travel demand forecasting model, supplemented with development information provided by the Port of San Francisco. The type, location, and intensity of these uses are consistent with the cumulative data and analyses being used in the evaluation of the 34th America’s Cup/Cruise Terminal (AC34/CT) Draft EIR (Draft EIR for the 34th America’s Cup and the James R. Herman Cruise Terminal and Northeast Wharf Plaza, SF Planning Department, July 11, 2011). These cumulative traffic estimates are not based solely on the amount of square footage of a particular land use; rather, they are generally based on the number of residents, employees and visitors. In the case of the proposed Cruise Terminal, the cumulative traffic estimates account for a 3,000-passenger vessel docked at Pier 27, whose size accounts for 98 percent of the 2003-11 cruise ships calls and over two thirds of the expected calls in the future. The Fisherman’s Wharf Public Realm Plan involves for the most part changes to traffic circulation, sidewalk widening and landscape enhancements; there are no changes to land use intensities in Fisherman’s Wharf. The changes to traffic patterns have been included in the cumulative assumptions, but would not affect circulation within this project study area.

The transportation analyses conducted as part of the EIR indicate that Washington Street would be able to accommodate the cumulative traffic growth expected by the year 2035 under its current configuration. On the other hand, if the reduction in the number of traffic lanes proposed by the Northeast Embarcadero Study (NES) at the intersections of Embarcadero/ Washington and...
Embarcadero/ Broadway were implemented, the change would result in those intersections operating at an unacceptable level of service (LOS) by 2035.

The AC34 is considered a temporary condition for the purposes of this analysis because the agreement signed between the organizers and the City and County of San Francisco only specifies 2012 and 2013 as potential years for race events. Although it is true that the race has been held multiple times at the same location in the more distant past, the last two locations (Auckland and Valencia) each hosted the race only twice. The potential effects that the future development rights could have on future transportation conditions were assessed on a conceptual level in the AC34/CT Draft EIR\(^\text{11}\) and the potential development associated with these development rights (the potential long-term sites studied include Piers 26 and 28, Piers 30/32, Seawall Lot 330, Piers 19/19 ½, Pier 23, and Pier 29\(^\text{12}\) was included in the cumulative conditions analysis of this project EIR.

The People Plan being developed for the AC34 and evaluated in the AC34/CT Draft EIR indicates that one of the potential strategies to accommodate a large number of spectators on the waterfront would be the closure of one of the northbound lanes plus the parking lane of The Embarcadero between Howard Street and Bay Street (p. 77\(^\text{13}\)). This strategy would be implemented on peak demand (over 100,000 spectators) estimated to occur on about six weekend days in 2012 and 11 weekend days in 2013, between approximately 10 AM and 5 PM; southbound lanes would be open at all times, without affecting the project.

An additional near-term project to take place in the area is the North Shore Force Main (NSFM) Improvement Project starting Fall 2009. Currently, the force main sewer runs along the Embarcadero between North Point Street and Channel Pump Station on Mission Creek. The NSFM project will reroute flow from a structurally deficient portion of the force main between Washington Street and Howard Street away from the Embarcadero to a new alignment along Drumm and Spear Streets. In the vicinity of the proposed project site, the NSFM project will include open trenching on Drumm Street and underground work in the Jackson Street right-of-way (future Jackson Commons). Two subsurface vaults will be built in the sidewalk adjacent to Seawall Lot 351 at Jackson Commons, which will require minor excavation at the adjacent sidewalk area.\(^\text{14}\)

\(^{11}\) San Francisco Planning Department, Draft EIR for the 34\(^{\text{th}}\) America’s Cup and the James R. Herman Cruise Terminal and Northeast Wharf Plaza, July 11, 2011

\(^{12}\) Table 3-13, p. 3-91; AC34/CT Draft EIR.

\(^{13}\) City and County of San Francisco, America’s Cup People Plan for the 2012 and 2013 regattas on San Francisco Bay, September 30, 2011

The force main project is currently advertised for construction and bids from contractors are due on January 19, 2012; however, an Addendum is expected to be issued that could result in a delay in receipt of bids. Construction is estimated to last approximately one year from whenever it begins. As a result, the NSFM project is considered a temporary condition and not part of the cumulative scenario. The construction work of the NSFM at the proposed project site is being coordinated by the SFPUC with the project sponsor. The potential effects of the construction of the NSFM project are addressed in Section III.B. Project Description, under the subheading “Construction Schedule and Haul Route Information,” on C&R p. III.B.43.

The project impacts TR-1 (traffic), TR-3 (pedestrians) and TR-5 (parking) presented in the EIR refer to existing plus project conditions, as indicated on EIR p. IV.D.22; no significant impacts have been identified for existing-plus-project conditions. The comment is correct in indicating that the elimination of one of the double left turn lanes at the intersection of The Embarcadero and Washington Street would degrade traffic conditions in the area. As indicated on EIR p. IV.D.34 (Impact TR-9), if the proposed reduction in the number of lanes at this intersection between now and 2035 were implemented as recommended by the North Embarcadero Study (NES), the change would cause the project to result in a significant contribution to cumulative traffic impacts at this location. As stated at page IV.D.35 in the EIR, the intersection of The Embarcadero and Washington Street would operate at an acceptable level of service in 2035 if the existing number of lanes were maintained, with minor adjustments to the traffic signal timings, in which case the proposed project would not result in a significant traffic impact.

Mitigation Measure M-TR-9 (Travel Demand Management Plan) is presented in the EIR as a way to reduce the impact. It requires the project sponsor to develop and implement a Travel Demand Management (TDM) Plan that includes elements already being provided as a part of the proposed project and expands others. A comment correctly states that many of the elements to be included as part of the TDM Plan such as car share spaces, secured bicycle parking or taxi call service are either already required or typically provided. As such, while this measure could reduce impact TR-9, it is not certain that it would reduce it to a less-than-significant level and TR-9 is therefore being considered significant and unavoidable, in spite of implementation of M-TR-9.

To provide a conservative analysis of possible future projects, the Planning Department chose to include the NES in the cumulative impact analysis as a reasonably foreseeable future project, ahead of it having obtained its environmental clearance. A final report for the NES study was published in June 2010 and the Planning Commission passed a resolution in support of the study in July 2010, urging the Port to consider the recommendations in the study, but the City has not yet sought environmental clearance for its transportation-related recommendations, nor indicated an immediate intent to implement the transportation-related recommendations. Nevertheless, because the study recommends transportation system changes, Planning directed that the transportation analysis consider future conditions both with and without the NES recommendations. The calculations of the cumulative traffic analyses assuming that the NES would not be implemented, as referenced at the top of p. IV.D.35 of the EIR, are summarized in
Table C&R-13 below, and the detailed calculations are presented in Appendix D of the Transportation Study, under the heading Mitigated 2035 Cumulative Conditions.

### Table C&R-13: Intersection Level of Service 2035 Cumulative Conditions Weekday PM Peak Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Baseline Condition (w/ Implementation of NES)</th>
<th>Mitigated Condition (w/out implementation of NES)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Delay b</td>
<td>LOS</td>
</tr>
<tr>
<td>The Embarcadero / Broadway</td>
<td>&gt; 80 c</td>
<td>F c</td>
</tr>
<tr>
<td>The Embarcadero / Washington Street</td>
<td>&gt; 80 c</td>
<td>F c</td>
</tr>
<tr>
<td>Drumm Street / Washington Street</td>
<td>16.0</td>
<td>B</td>
</tr>
<tr>
<td>Drumm Street / Main Street / Market Street</td>
<td>20.5</td>
<td>C</td>
</tr>
<tr>
<td>Davis Street / Jackson Street d</td>
<td>13.8(WB)</td>
<td>B( WB)</td>
</tr>
</tbody>
</table>

**Notes:**

a Data in **bold** indicates intersection operating at LOS E or F.

b Intersection delay presented in seconds per vehicle.

c Reflects intersection modifications being proposed as part of the Northeast Embarcadero Study (June 2010).

d For unsignalized intersections, delay is presented for the worst stop-controlled approach.


The AC34/CT Draft EIR indicates that the Cruise Terminal project would result in a significant project and cumulative impacts at the intersection of The Embarcadero and Washington by 2035 (Impact C-TR-2, p. 5.6-178). Similar to the proposed project, the significance of this impact for the AC34/CT project is caused by the proposed reduction in the number of lanes at this intersection between now and 2035 as recommended by the North Embarcadero Study. As stated at the bottom of the same page of the AC34/CT Draft EIR (p. 5.6-178), the intersection of The Embarcadero and Washington Street would operate at an acceptable level of service in 2035 if the existing number of lanes were maintained, with minor adjustments to the traffic signal timings, in which case the AC34/CT project would not create a significant impact.

Approximately a total of 13 inbound and 23 outbound project vehicles would be expected to travel on the nearby freeways (US 101, I-280 and I-80) during the PM peak hour, almost evenly split among them. Given the relatively low values (less than 10 vehicles per facility direction), it is not expected that the project related traffic would cause any substantial change to the current freeway conditions. Furthermore, the cumulative travel demand generated by other projects such as the Treasure Island/Yerba Buena Project or the 34th America’s Cup project are already accounted for in the cumulative traffic analysis, which is based in the SFCTA travel demand forecasting model, and their potential traffic impacts are disclosed in the environmental reports prepared for those projects.
III. Comments and Responses

H. NOISE

Comments

First, as to the impact of construction noise in the neighborhood, specifically with respect to pile-drivers, the draft report shows at Figure II-2 that the Davis building is located 60 feet away from the construction site, just across Drumm Street. The report indicates that there will be 27 to 29 months construction, including seven months of foundation work that will be pile-driving and the piles will be, on average, 130 feet long. Table I-3 states that the impact of the pile-driving noise will be significant unless it is mitigated. Several mitigation measures are proposed, including pre-drilling to the extent possible and use of state-of-the-art muffling equipment. Information I did not find in the draft report includes these: How many piles will be driven? No numbers are provided. How far or to what depth would be it possible to pre-drill the holes for these piles? And, finally, what is the number of decibels that would be generated by pile-drivers using state-of-the-art muffling equipment? None of that information is present in the draft report. And we'd ask that if that information is available it be included in the final report. I have personal memories of pile-driver noise from my childhood. I lived a few blocks from a construction site. And one entire summer for me was taken up by listening to pile-drivers eight hours a day five days a week. I don't want to repeat that and I don't know think any of my neighbors do either. (Bill Hannan, Golden Gateway Tenants Association) [TR.10.1]

Figure II-2 shows the Davis Building of Golden Gateway Center, which has 440 residential units, is located directly across Drumm Street from the proposed construction site, a distance of 60 feet. Page 2.19 - 2.20 states construction will last 27 – 29 months, including 7 months of foundation work, that foundation work will include pile driving, and that average pile length will be 130 feet. Table I – 3 declares that there will be “significant” effects of pile driving noise on people unless mitigation measures are taken, including pre-drilling of holes as far as soil conditions allow, and use of state of the art muffling or shielding equipment to limit noise.

If this information is available, it would be helpful to know the following:

a) how many piles will be driven during the foundation work;

b) of those piles, how many will have holes pre-drilled, and to what depth; and

c) how many decibels per pile strike will be generated at a distance of 100 feet from a pile driver if state of the art muffling or shielding equipment is used? (William E. Hannan, III, Golden Gateway Tenants Association) [C.3.1]

NOISE: The proposed project would expose persons to pile driving noise during foundation construction

Mitigate proposed inadequate. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.16]

Effect on those that cannot advocate for themselves – elderly and young. (Lisa Schreiber) [D.7.6]

Disturbance of residents - including old and young being exposed to the building noise and pollution. (Lisa Schreiber) [D.7.8]

Disturbance of residents - including old and young being exposed to the building noise. (Lisa Schreiber) [D.47.10]
Comment: The DEIR does not examine noise generated by the construction which would use the following construction equipment listed in the section on Air Quality, including excavators, backhoes, rubber-tired dozers, concrete boom pumps, concrete trailer pumps, concrete placing booms, soils mix drill rigs, soldier pile rigs, shoring drill rigs. This activity would be ongoing 13 hours a day (7:00 am until 8:00 pm) (Richard and Barbara Stewart) [D.48.2]

Response

Comments request more detail about pile driving noise and proposed mitigation, and express concern about effects of construction noise on the young and the elderly.

Construction noise is discussed in the EIR in the Initial Study on pp. 54-55, Appendix A of the EIR. The text there lists typical equipment to be used during construction of the proposed project, including backhoes, tractors, scrapers, graders, trucks, and pile driving rigs, similar to the types of equipment listed in EIR Section IV.E, Air Quality, noted in one comment. As explained in the Initial Study, the San Francisco Noise Ordinance limits construction noise from equipment other than impact tools (such as jackhammers and pile drivers) to 80 dBA at a distance of 100 feet from the source. Thus, typical construction noise is discussed in the EIR as part of the Initial Study, and is controlled by City ordinance.

The foundations for the project structures would be on approximately 700 to 1,100 piles driven into the dense sand or bedrock below the fill and Bay Mud that underlie the project site. The final number of piles would be determined based on the pile type selected and on the indicator pile program at the beginning of construction activities. The depth of the piles would be between 115 and 140 feet depending on the depth of the dense sands and bedrock that would support the piles.

Pile driving would begin after the excavation for the proposed garage levels reaches at least 12 feet. The first approximately 30 to 50 feet of each pile hole would be pre-drilled. The next approximately 50 to 70 feet would be driven through soft Bay Mud and would be relatively fast and not as noisy as the last approximately 10 to 20 feet, which would be in dense sand or bedrock and would be loudest.

Pile driving noise is discussed in the Initial Study on pp. 54-55, provided in Appendix A to the EIR, as part of the information on construction noise. As stated there, the final 10 to 20 feet of pile driving into the hard subsurface levels could generate noise levels of about 90 dBA at a distance of 100 feet from the pile driving equipment during impact if no muffling were employed. The comment is correct that pile driving was identified as a potentially significant effect without

1 The information about foundation piles is based on the Preliminary Geotechnical Study prepared for the project site by Treadwell & Rollo, August, 24 2006, cited in the Initial Study on p. 80 (Appendix A in the EIR), and on information from Chuck Palley, President, Cahill Contractors, Inc., letter to Simon Snellgrove, Pacific Waterfront Partners, August 25, 2011. Copies of both documents are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
mitigation in the Initial Study and in Table I.3, Summary of Mitigation Measures and Improvement Measures Identified in the NOP/Initial Study, on EIR p. I.18. Pursuant to the provisions in Mitigation Measure Noise-1 (p. 114 of the Initial Study), in addition to predrilling the holes to the maximum depth feasible, the project sponsor would be required to use state-of-the-art noise shielding and muffling devices. This muffling, coupled with the fact that pile driving would occur in the excavated area at least 12 feet below the street level, would reduce the sound from pile driving by about 15 dBA, resulting in sound levels of approximately 75 dBA at 100 feet from the pile driving equipment. Pile driving, particularly during the last 10 to 20 feet for each pile, would continue to be noticeable to nearby residents and could be considered by some residents to be an annoyance, as noted on p. 55 of the Initial Study. Pursuant to Mitigation Measure Noise-1, the project sponsor would be required to schedule pile-driving activity for times of the day that would be in accordance with the provisions of the San Francisco Noise Ordinance and in consultation with the Director of Public Works to disturb the fewest people. Furthermore, at least 48 hours prior to pile-driving activities, the project sponsor would be required to notify building owners and occupants within 200 feet of the project site by fliers posted on each floor in each building and distributed by building management of the dates, hours, and expected duration of these activities.

Pile driving would not occur for the entire 27-29 months of construction. As stated in the Initial Study (p. 55), it would be a short-term, temporary activity, and would occur for approximately three to four months. Pile driving would take place intermittently during the 9-month excavation phase, mainly during the middle three or four months of this phase (see the response in Section III.B, Project Description, in the subsection entitled “Project Construction/America’s Cup Host and Venue Agreement,” beginning on C&R p. III.B.34, for additional information about construction schedules). Although noisy construction activities are allowed to occur between 7:00 a.m and 8:00 p.m. without any special permits from the Director of Public Works (San Francisco Noise Ordinance, discussed on p. 54 of the Initial Study), the project construction contractor would establish pile driving hours in consultation with the Director of Public Works, taking into consideration the nearby residential and office uses (see Mitigation Measure Noise-1). Typical work hours would be weekdays from 7:00 or 8:00 a.m. to 4:00 or 5:00 p.m. Pile driving may occur at slightly different times during the allowable construction hours, depending on the results of the consultation with the Director of Public Works. However, it is not likely that pile driving or other noisy construction activities would occur for 12 or 13 hours (7:00 a.m. to 8:00 p.m.) on a typical day, as suggested in one comment.

Regarding effects of noise on children and the elderly, while these populations are considered more vulnerable to health effects from noise, most health effects result from long-term exposure to high noise levels over a period of many years. One main health effect of environmental noise is sleep disturbance. As noisy construction activities would not occur at night, pursuant to the San Francisco Noise Ordinance, the proposed project would not result in sleep disturbance other
than for daytime sleepers. The World Health Organization provides a well-known source of information about health effects of noise impacts. In addition to sleep disturbance, other potential health effects of noise identified by the World Health Organization include decreased performance for complex tasks such as reading, problem solving, and memorization; physiological effects such as hypertension and heart disease (after many years of constant exposure in the workplace to high noise levels); and hearing impairment (generally after many years of long-term occupational exposures for 8 hours per day, or multiple short-term exposures to very high levels such as concerts at 100 dBA or use of headphones to listen to music at loud levels).²

The proposed project’s construction activities would be intermittent and temporary, and would not expose receptors to long-term high noise levels. Although pile driving noise can reach levels of 100 dBA within 50 feet of the pile driving hammer, residents, employees and visitors to the area would not be permitted to be that close. Furthermore, each pile would be placed in a pre-drilled pile hole, so pounding would not occur for the entire time that each pile was being installed. By adhering to the requirements described above, the health effects related to construction noise would not be significant.

III. Comments and Responses

I. AIR QUALITY

CONSTRUCTION – DUST AND TACS

Comments

AQ-2: The proposed project would not result in significant impacts related to fugitive dust resulting from project construction activities.

With a possible year-long pile-driving undertaking, the amount of dust emitted directly into the ventilation systems of both The Gateway and the Commons condominiums will be substantial in our view. The developer’s conclusion is hopelessly inadequate. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.13]

AQ-3: Construction of the proposed project would expose sensitive receptors to substantial levels of PM2.5 and other TACs, including DPM.

There are a significant number of senior citizens with health issues at both The Gateway and the Commons condominiums. The mitigation measures proposed by the developer are inadequate and according to the DEIR, “infeasible.” (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.14]

Effect on those that cannot advocate for themselves – elderly and young. (Lisa Schreiber) [D.7.6]

Disturbance of residents - including old and young being exposed to the building noise and pollution. (Lisa Schreiber) [D.7.8]

Disturbance of residents - including old and young being exposed to the building pollution. (Lisa Schreiber) [D.47.11]

Response

Comments note several construction impacts including dust and toxic air contaminants. (Noise impacts, also mentioned in a comment, are addressed in the Initial Study for the project, included in the EIR as Appendix A, and in Section H of this Comments and Responses document.) These impacts are discussed below.

Dust from Construction

The EIR specifically considers the effect of dust from construction of the proposed project in Impact AQ-2, on EIR p. IV.E.18-IV.E.20, acknowledging the health effect. As stated on those pages:

Project-related demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere. Dust can cause watering eyes or irritation to the lungs, nose, and throat. Demolition, excavation, grading and other construction activities can cause wind-blown dust that adds to particulate matter in the local atmosphere. Depending on exposure, adverse health effects can occur due to
III. Comments and Responses
I. Air Quality

this particulate matter in general and also due to specific contaminants such as lead or asbestos that may be constituents of soil.

On EIR pp. IV.E.18-IV.E.20, the EIR discusses the Dust Control Plan, required by City Ordinance, which requires the project sponsor to carry out the following tasks:

- Submit a map to the Director of Public Health showing all sensitive receptors within 1,000 feet of the site;
- Wet down areas of soil at least three times per day;
- Provide an analysis of wind direction and install upwind and downwind particulate dust monitors;
- Record particulate monitoring results;
- Hire an independent, third party to conduct inspections and keep a record of those inspections;
- Establish shut-down conditions based on wind, soil migration, etc.;
- Establish a hotline for surrounding community members who may be potentially affected by project-related dust;
- Limit the area subject to construction activities at any one time;
- Install dust curtains and windbreaks on the property lines, as necessary;
- Limit the amount of soil in hauling trucks to the size of the truck bed and securing with a tarpaulin;
- Enforce a 15-mph speed limit for vehicles entering and exiting construction areas;
- Sweep affected streets with water sweepers at the end of the day;
- Install and utilize wheel washers to clean truck tires;
- Terminate construction activities when winds exceed 25 miles per hour; and
- Apply soil stabilizers to inactive areas; and sweep adjacent streets to reduce particulate emissions.

The ordinance further requires that the project sponsor designate a monitor to assure compliance with these tasks. Implementation of these measures would be required during all dust-producing construction activities. According to the Bay Area Air Quality Management District’s (BAAQMD) CEQA Air Quality guidelines, the significance of fugitive dust impacts is measured by the degree to which the BAAQMD-recommended best management practices (BMPs) are incorporated into the project. The City’s requirements for a construction dust plan include BAAQMD’s recommended BMPs, and contain additional requirements to control fugitive dust. Compliance with the construction dust plan would mitigate the dust impacts from the construction of the proposed project to a less-than-significant level.
III. Comments and Responses

I. Air Quality

Pollution from Construction

The EIR considers two thresholds to determine the air quality impacts of construction: whether construction would exceed the BAAQMD thresholds of significance for criteria pollutants and whether the health impact of the toxic air contaminants (TACs) would increase cancer risks, chronic hazard risks, acute hazard risks, and particulates (PM$_{2.5}$) beyond the BAAMQD’s adopted threshold levels.

The EIR considers criteria pollutants in Impact AQ-1 on EIR p. IV.E.17. Construction-related criteria pollutants (reactive organic gases [ROG], nitrogen oxides [NOx], carbon monoxide [CO], sulfur oxides [SOx], and particulates [PM$_{10}$ and PM$_{2.5}$]) result primarily from operation of construction equipment and worker vehicles, and evaporative emissions (ROG) from asphalt paving and architectural coating applications. The EIR states on EIR p. IV.E.18:

Construction-related emissions of criteria air pollutants and precursors were modeled in accordance with BAAQMD-recommended methodologies. Emissions of criteria air pollutants and precursors were modeled based on California Emissions Estimator Model (CalEEMod) defaults for construction equipment and the anticipated schedule for construction of the proposed project.

The EIR concludes that construction-related criteria air pollutant emissions would be below the adopted BAAQMD thresholds of significance and would have a less-than-significant effect on regional air pollutants (see also the response in Section III.B, Project Description, in the subsection entitled “Project Construction/America’s Cup Host and Venue Agreement,” beginning on C&R p. III.B.34, for additional discussion of construction air emissions).

In Impact AQ-3, the EIR finds that of the four health risk levels considered in the EIR (cancer risks, chronic hazard risks, acute hazard risks, and PM$_{2.5}$), construction of the proposed project would have a significant adverse environmental impact for two health risks: cancer risk and PM$_{2.5}$. (The construction health risk impacts would be less than significant for non-cancer hazards. See EIR pp. IV.E.21-IV.E.22, including Table IV.E-5.) Under BAAQMD guidelines, the greater sensitivity of children to environmental risk factors was adjusted for by multiplying the estimated cancer risk by a sensitivity factor of 9.8. According to the California Office of Health Hazard Assessment (OEHHA), children 0 to 2 years old experience the most adverse health impacts from exposure to TACs.

Mitigation Measure M-AQ-3 would reduce the emissions of construction-related PM$_{2.5}$ and other TACs, including Diesel Particulate Matter by requiring Tier 3 engines with level 3 VDECS (Tier

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1. The elderly constitute an additional sensitive population that was analyzed in the EIR. See p. IV.E.6: “Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children, and the elderly.” On p. IV.E.7, the EIR text says that, with respect to particulates, “Individuals with chronic obstructive pulmonary or cardiovascular disease, asthmatics, the elderly, and children are most sensitive to the effects of PM.”
II. Air Quality

This mitigation would be insufficient to reduce the project’s construction emissions below the BAAQMD’s thresholds, and emissions from the construction of the project would have “significant and unavoidable health risk impact to nearby sensitive receptors” (EIR p. IV.E.22). Additional mitigation for TACs emissions is not available. Although some construction equipment exists that could reduce emissions, it is not likely that sufficient amounts of the equipment would be available to the project sponsor and construction contractor for the planned construction period to reduce the cancer risk by 10-fold or the PM$_{2.5}$ by 3-fold, the amount required to reduce emissions to levels below those identified by the BAAQMD CEQA Guidelines as assuring a less-than-significant impact. Nevertheless, the mitigation measure is identified in the EIR to allow the greatest feasible amount of emissions reduction to be incorporated into the project; the measure requires the project sponsor to document, to the satisfaction of the Environmental Review Officer, why any aspect of the measure may be infeasible.

TRAFFIC EMISSIONS

Comments

We all know that bumper-to-bumper traffic generates pollution, including soot. A significant component of automobile soot are polycyclic aromatic hydrocarbons, well-known as a carcinogen. (Al Glassgold) [TR.19.2]

In conclusion, this EIR is grossly inadequate with regard to automobile congestion and pollution, while failing to protect the rights of pedestrians. (Al Glassgold) [TR.19.7]

A number of the proposed project’s impacts on air quality have been identified as “significant and unavoidable” because it would expose sensitive receptors to significant levels of fine particulate matter (PM) and toxic air contaminants (TAC), including traffic-related air pollutants.

- According to the project description, ingress/egress to the underground 420-space parking garage would be provided from Washington Street. What are the air quality impacts of this increased volume of cars, taking into consideration the impacts of them being queued up on Washington Street right across from Sue Bierman Park? (Jon Golinger, Telegraph Hill Dwellers) [C.10.53b]

We all know bumper to bumper traffic generates pollution, including soot: a significant component of automobile soot are polycyclic aromatic hydrocarbon molecules, a well known carcinogen. (A.E. Glassgold) [D.3.2]

In conclusion, this EIR is grossly inadequate with regard to automobile congestion and pollution, while failing to protect the rights of pedestrians. It is also deficient in not being based on adequate studies of traffic and pollution in the neighborhood to the project. (A.E. Glassgold) [D.3.7]

My main concern, among many, is environmental. There will be more cars, people, and pollution. The air quality will be severely negatively impacted which will seriously affect seniors and children especially. (Jim Oakes, Jr.) [D.13.1]
D. The DEIR Fails to Incorporate All Feasible Mitigation for the Significant and Unavoidable Impacts.

1. If a project has a significant and unavoidable effect on the environment, the agency may approve the project only upon finding that it has “[e]liminated or substantially lessened all significant effects on the environment where feasible.” CEQA Guideline § 15092(b)(2)(A). Thus, a project with significant and unavoidable impacts can only be approved if all feasible mitigation is required of those significant impacts. The DEIR identifies significant and unavoidable impacts relating to air quality and sea level rise, yet it fails to incorporate all feasible mitigation.

   a. Impact AQ-7 finds that the Project would expose new (on-site) sensitive receptors to significant levels of PM2.5 and other toxic air contaminants. To reduce this impact, Mitigation M-AQ-7 requires the installation of a ventilation system that will remove 80% of the PM2.5 pollutants, although the impact remains significant and unavoidable. The filtration system required by Mitigation M-AQ-7 is inadequate. The DEIR notes that the system would only be operated when the building’s heat is on. Given San Francisco’s mild climate, this would likely mean that the ventilation system provides no benefit during a substantial portion of the year. Scientific literature analyzing the filtration for cleaning indoor air suggests that to be effective, a system should include one air exchange per hour of outside air and four air exchanges per hour of recirculated air. See, Fisk, W.J., D. Faulkner, J. Palonen, and O. Seppanen, Performance and costs of particle air filtration technologies, INDOOR AIR, 12:223-234 (2002) (attached as Exhibit D). Thus, to be effective, the Project should be required to operate the ventilation system continually, regardless of whether the heat or air conditioning is operating. That same study also noted that high efficiency particulate air (HEPA) filters increase the removal efficiency to 95%, yet Mitigation M-AQ-7 only requires a minimum of 80%. Finally, the Bay Area Air Quality Management District recommends that filtration systems be designed such that air intakes are located away from emission sources, such as major roadways. In addition to filtration, other mitigation options include:
   - phasing the residential portion of the project to allow time for the California Air Resources Board diesel regulations to take effect in reducing diesel emissions,
   - including tiered plantings between the Project and The Embarcadero to screen emissions,
   - requiring that all windows be inoperable, and
   - eliminating outdoor decks or patios off individual residences.

To further reduce risks to the residents, Mitigation M-AQ-7 must be revised to require these additional mitigation measures. (Zane O. Gresham, Morrison Foerster) [D.52.20]

Response

Comments express concern that the proposed project would create additional traffic, pollution, and soot (including polycyclic aromatic hydrocarbons) and that the EIR is inadequate in its examination of these issues while failing to protect the rights of pedestrians. Another comment states that the proposed project would expose new on-site receptors to significant impacts and that, since Mitigation Measure M-AQ-7 is inadequate to reduce impacts to less-than-significant levels, additional mitigations should be required, including requiring the ventilation systems in the buildings to operate at all times; requiring HEPA filters for the ventilation system; phasing the residential portion of the project to allow time for the California Air Resources Board (CARB)
diesel regulations to take effect in reducing diesel emissions, including tiered plantings between the project and The Embarcadero to screen emissions; requiring that all windows be inoperable; and eliminating outdoor decks or patios off individual residences.

Traffic concerns, including impacts on pedestrians, are discussed in the EIR Section IV.D, Transportation and Circulation, and in Section G, Transportation, of this Comments and Responses document.

The Air Quality analysis in the EIR addresses air quality impacts from automobiles and all vehicles in Impacts AQ-4, AQ-5, AQ-6, AQ-7, AQ-8, and AQ-9, on EIR pp. IV.E.24-IV.E.36. Vehicle pollution, or emissions, is composed of criteria pollutants, such as carbon monoxide and nitrogen oxides, and for diesel vehicles toxic air contaminants (TACs) that include diesel particulate matter (DPM).

Soot is another name for respirable particulate matter (PM$_{10}$) and fine particulate matter (PM$_{2.5}$). The EIR states on EIR p. IV.E.6:

Respirable particulate matter and fine particulate matter consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in diameter, respectively. Some sources of particulate matter, like pollen, forest fires, and windblown dust, are naturally occurring. However, in populated areas, most particulate matter is caused by road dust, combustion products, abrasion of tires and brakes, and construction activities. Particulate matter can also be formed in the atmosphere by condensation of SO$_2$ and ROG.

Respirable particulate matter and fine particulate matter are analyzed in the EIR in Impacts AQ-1, AQ-2, AQ-3, AQ-4, AQ-6, AQ-7, AQ-8, AQ-9, and AQ-10. The EIR analyzed the impacts of project-related traffic on local and regional air pollutants in Impacts AQ-4, AQ-6, AQ-7, AQ-8, and AQ-9. For air quality impacts of respirable particulate matter and fine particulate matter generated by construction, see the response under “Construction – Dust and TACs,” above.

One comment questions the adequacy of the evaluation of cancer risks associated with automobile exhaust, particularly polycyclic aromatic hydrocarbons (PAHs). The two main types of exhaust generated by on-road motorized traffic are diesel exhaust and gasoline exhaust, and the analysis in the EIR evaluates cancer risk from both types of emissions. The cancer risk associated with diesel exhaust is evaluated using the toxicity values for DPM, which acts as a surrogate for the constituent compounds of DPM, including PAHs. This method conforms to the recommendations of the California Office of Environmental Health Hazard Assessment.$^2$

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Air Quality Impacts from Vehicles

The pollution and soot impacts of vehicles are considered by the EIR in different ways: whether the impact of emissions from the proposed project on surrounding existing receptors would violate an air quality standard (Impact AQ-4), whether the emissions of carbon monoxide from the proposed project would exceed adopted thresholds (Impact AQ-5), whether the impact of TACs from the proposed project on surrounding existing receptors would exceed BAAQMD thresholds (Impact AQ-6), whether the new on-site residents would be exposed to significant levels of PM$_{2.5}$ and TACs, both with existing conditions (Impact AQ-7) and with cumulative development (Impact AQ-8). Finally, the EIR also considers the cumulative impact of TACs from existing traffic with pollution generated by the proposed project (Impact AQ-9).

Air Quality Impacts (including from vehicles) from the Proposed Project

In Impact AQ-4, air quality modeling of operation of the proposed project included emissions from vehicle trips from the expected project build-out. The results of the analysis were compared to the BAAQMD significance thresholds and summarized in the EIR. The analysis shows that these emissions would not exceed thresholds and would result in less-than-significant impacts. On EIR p. IV.E.24, the EIR states:

> The model combines information on trip generation with vehicular emissions data specific to different types of trips in the San Francisco area (home-to-work, work-other, etc.) from the CARB’s EMFAC 2007 BURDEN model to create an estimated daily emissions burden for travel within the San Francisco Bay Area Air Basin. The estimates of average daily operational emissions for the proposed project used the CARB’s URBEMIS 2007 computer model and were based on project land use and trip generation information taken from the Transportation Study.

Thus, the proposed project’s land use and trip generation information was combined with average vehicular emissions data for the standard San Francisco Bay Area vehicle cohort to calculate the total vehicle emissions generated by the proposed project. The EIR finds that the total criteria pollutants from vehicles generated by the proposed project would not exceed BAAQMD thresholds, and was therefore not significant.

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3 Trip generation and travel mode assumptions of the Transportation Study are based on the City and County of San Francisco Planning Department’s Transportation Impact Analysis Guidelines for Environmental Review, October 2002.
The carbon monoxide (CO) contributions by vehicle trips generated by the proposed project were calculated separately from criteria pollutants in Impact AQ-5. The EIR concludes on EIR p. IV.E.26 that:

Based on the BAAQMD criteria, the proposed project would have a less-than-significant impact on CO concentrations and would not result in a cumulatively considerable contribution to CO in the vicinity of the project.

Thus, the EIR determined the CO emissions from automobile trips generated by the proposed project would not have a significant environmental impact.

Vehicle pollution is further analyzed in the EIR in Impact AQ-6, which calculates whether the operation of the proposed project would expose sensitive receptors to PM$_{2.5}$ and TACs from stationary and mobile sources. The mobile sources analyzed were auto and truck emissions:

The impacts from vehicular emissions from project-generated traffic were evaluated through a screening analysis using BAAQMD roadway screening tables.$^4$ For a conservative analysis, all project-generated trips are assumed to occur on the same roadway located 0 feet from the nearest offsite receptor. Screening values for risk, hazards and PM$_{2.5}$ concentrations were interpolated or extrapolated from the screening table values based on the traffic counts and distances from the site boundary.

A receptor immediately adjacent to the roadway adjacent to the project site as analyzed, assuming all traffic was routed to that single roadway, would over-estimate the impact on receptors in Sue Bierman Park. With this very conservative assumption, the analysis still concludes that cancer and hazard risks from project-generated vehicles would not exceed BAAQMD thresholds and the impact would be less than significant. However, to look at the project as a whole, the analysis also considers the standby emergency generator, and the combined effect of project traffic and the generator. Together, these sources of emissions would create a significant health risk impact, which would be reduced to a less-than-significant level with the implementation of Mitigation Measure M-AQ-6, p. IV.E.28, which limits testing of the generator to 35 hours per year.

**Effect of Air Quality Emissions (Vehicles, Stationary Sources, and Ferries) on New On-Site Residents**

The EIR also considers whether mobile and stationary sources would expose new on-site sensitive receptors to significant levels of PM$_{2.5}$ and other TACs. The EIR states in Impact AQ-7 that there are three types of pollution sources that would expose new residents in the proposed project to PM$_{2.5}$ and TACs: (1) mobile sources (roadway sources, such as cars, buses, motorcycles, and trucks), (2) nearby stationary diesel generators, and (3) the fleet of ferries.

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docking at the Ferry Building. The EIR finds that each of these sources would exceed the single source thresholds set by BAAQMD for cancer risk and/or PM$_{2.5}$. With Mitigation Measure M-AQ-7 (requiring an air filtration system for the proposed building), exposure to PM$_{2.5}$ would be reduced to a less-than-significant level. Cancer risk would still exceed the single source threshold from TACs and PM$_{2.5}$ emitted from roadway sources, ferry emissions, and stationary sources. (See Table IV.E.9: Mitigated Risk and PM$_{2.5}$ for New (on-site) Receptors, EIR p. IV.E.33.) One comment states that additional mitigation should have been considered, including:

- Requiring the ventilation system to operate at all times;
- Requiring HEPA filters for the ventilation system;
- Phasing the residential portion of the project to allow time for the CARB diesel regulations to take effect in reducing diesel emissions;
- Including tiered plantings between the project and The Embarcadero to screen emissions;
- Requiring that all windows be inoperable; and
- Eliminating outdoor decks or patios off individual residences.

The EIR discusses use of high efficiency particle air (HEPA) filters and planting trees adjacent to the site on EIR p. IV.E.32. As noted there, the project would be required to plant trees, but trees may be ineffective for reducing risks to residents on higher floors. Planting more trees, as suggested in the comment, would not change this conclusion. The effectiveness of plantings to reduce air pollutant concentrations depends on multiple factors, including the type of tree and wind speed, many of which are not currently quantifiable. Quantifying the effectiveness of reducing PM concentrations through tree planting would be speculative. Therefore, planting additional trees, over and above the trees that would be planted was not considered to be a feasible or effective mitigation measure.

One comment appears to state that the filtration system is inadequate because the EIR analysis assumes it would not be operating continuously, and because the system would require a minimum removal efficiency of only 80 percent. With respect to required removal efficiency, Mitigation Measure M-AQ-7 states that the system would be designed to offer “…the best available technology to minimize outdoor to indoor transmission of air pollution.” The technology to be used must be documented in a written report; thus the ventilation system could use HEPA filters or another equally or more effective filter. Furthermore, the authors of the study cited in the comment concluded that “increasing the filter efficiency above ASHRAE 85% results in only modest predicted incremental decreases in indoor concentrations.” The requirements of the air filtration system in the mitigation measure have been established based on Article 38 of the

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San Francisco Health Code, which was adopted after public review and comment and is designed to provide maximum protection to residents while still allowing development of infill housing near busy roadways because the City has limited amounts of developable land (see Section 3802, Findings, in Article 38). With respect to the operating schedule, the schedule would depend on the occupant controlling the system, and not on the filtration system design. The operating assumptions used in the analysis of the mitigation measure are conservative, and are meant to reflect the likelihood of a tenant’s behavior with respect to using the ventilation system. It cannot be guaranteed that all residents would operate the filtration system at all times.

The occupant would have the option to keep the windows closed and the ventilation system operating continuously, which would be consistent with the comment’s recommendations of inoperable windows and continuous ventilation. To remove the options of opening windows, using outdoor decks and open space, and controlling the residential unit’s ventilation system would severely reduce the marketability of the residential units at the project and for this reason were found infeasible. Residents could choose to protect themselves from air pollution by using the ventilation system, but the EIR conservatively determines the impact would be significant because some residents may choose not to do so. Mitigation Measure M-AQ-7, on EIR p. IV.E.33, requires the project sponsor to disclose the findings of the air quality analysis to buyers and instruct them on proper use of the air filtration system. The analysis of toxic air contaminants prepared for the EIR is conservative in that it assumes continuous exposure to outdoor air for 70 years. Since most residents would spend some time inside the residential unit with the filtration system operating some of that time, and few if any would be expected to live in the same location for 70 years, the effects on future tenants would be less than those calculated for Impact AQ-7. The analysis is conservative because models commonly used today do not account for reductions in exposure from filtration of indoor air or from shorter exposure periods.

The additional mitigation measures proposed in the comment have been considered, but were ultimately deemed ineffective or infeasible. Phasing the residential portion of the project to allow time for the CARB diesel regulations to take effect in reducing diesel emissions is not feasible. There are multiple CARB diesel emission reduction regulations, each having phased implementation schedules for different subsets of vehicles and marine vessels. CARB has postponed action on some of these regulations several times. There is no one future point in

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6 Memo from The Mark Company to Paul Osmundson dated March 30, 2011. This document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

time when the regulations will take effect in lowering diesel emissions; rather, these regulations have already begun reducing emissions, and will continue to reduce emissions during future years, as they are adopted and implemented. Therefore it would not be possible to delay residential building construction until diesel regulations reduce emissions, as this is a continuing process. In addition, the impacts of future CARB regulations on diesel emissions were included in the EIR analysis to the extent feasible. Specifically, the reductions in future roadway emissions due to CARB vehicle regulations were included in the analysis of cancer risk from roadway emissions, which is based on BAAQMD’s screening risk analysis.

Cumulative Air Quality Impacts

The EIR considers cumulative cancer risk and PM$_{2.5}$ exposure risk to new on-site receptors from existing emissions sources combined with emissions generated by the proposed project in Impact AQ-8. The EIR finds that these risks would exceed BAAQMD thresholds for exposure to PM$_{2.5}$ and TACs from the sum of off-site stationary sources, roadways, ferry sources, and proposed project sources. (The EIR finds that the Chronic Hazard Index was not exceeded by either the proposed project [Table IV.E-8, EIR p.IV.E.31], or cumulatively [Table IV.E-10, EIR p. IV.E.34].)

The proposed project’s addition to the cumulative risks of off-site sensitive receptors (caused, in part, by vehicle pollution generated by the proposed project) is determined to be less than significant with mitigation in Impact AQ-9 on EIR p. IV.E.35. The existing sum of roadway, ferry, and stationary emissions already exceed BAAQMD thresholds at the project site, and while the project-generated emissions would contribute to the existing health risks at this location, this contribution would be reduced by the proposed project’s features that encourage pedestrian, bicycle, and transit modes of transportation (EIR p. IV.E.35). With the incorporation of Mitigation Measure M-AQ-6 and the project’s trip reduction measures, the proposed project’s contribution to cumulative health risk impacts would be less than cumulatively considerable with mitigation (EIR p. IV.E.36).

Findings Required for Project Approval

A comment suggests that if significant and unavoidable impacts are identified in an EIR, the decision-making agency can only approve the proposed project if the impacts have been eliminated or substantially lessened. This is not an accurate description of the requirements in the CEQA Guidelines. Section 15092 does state that a public agency shall not approve a project for which an EIR was prepared unless the significant impacts have been eliminated or substantially lessened where feasible. However, subsection 15092(b) goes on to state in subsection (b)(2)(B) that the agency also must “[determine] that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.” That is, if mitigation measures are infeasible, or if there are no feasible mitigation measures for a significant impact, there is nothing in CEQA or the CEQA
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Guidelines that forbids an agency from approving a project, as long as appropriate findings, supported by substantial evidence, can be made explaining why mitigation is infeasible and what economic, legal, social, technological or other benefits of a proposed project outweigh the unavoidable adverse environmental impacts (see CEQA Guidelines Section 15093).

SIGNIFICANT AIR QUALITY IMPACTS

Comments

A number of the proposed project’s impacts on air quality have been identified as “significant and unavoidable” because it would expose sensitive receptors to significant levels of fine particulate matter (PM) and toxic air contaminants (TAC), including traffic-related air pollutants.

The DEIR provides factual evidence that the impacts of the proposed project’s on air quality are among the most significant impacts of the project, saying these impacts will have the greatest effect on seniors and children. Please discuss how the benefits of the proposed luxury condo project outweigh this serious impact. (Jon Golinger, Telegraph Hill Dwellers) [C.10.53a]

Additional issue to address…Creating Significant and Unavoidable Air Quality problems. The draft EIR documents these impacts as among the most significant, say they will have the greatest affect seniors and children. So the City should put the health of our most vulnerable citizens at risk for the crying public need of... $2.5-$5 million+ condos? (Deborah Smith) [D.22.10]

We are also alarmed by the expected impact on air quality from the proposed project. The DEIR states that these impacts will be among the most significant, particularly for seniors. …Why should we and other senior citizens residing in this neighborhood be put at risk in order to provide 165 high end condos in a city that has an adequate supply of expensive homes and condominiums? (George T. Haymaker, Jr.) [D.56.3a]

Additional issue to address … Creating Significant and Unavoidable Air Quality problems. The draft EIR documents these impacts as among the most significant, say they will have the greatest affect seniors and children. So the City should put the health of our most vulnerable citizens at risk for the crying public need of... $2.5-$5 million+ condos? (Mary Pecci) [D.58.10]

Response

Comments question whether a luxury condo project merits exposing seniors and children to toxic air contaminants in excess of BAAQMD thresholds.

Construction and operation of the proposed project would result in significant and unavoidable air quality impacts. These are discussed in the EIR in Impacts AQ-3, AQ-7, AQ-8, and AQ-10 on EIR pp. IV.E.20-IV.E.24 and IV.E.29-IV.E.37. Impact AQ-3 states that based on the BAAQMD thresholds for PM$_{2.5}$ and TACs during construction, there would be a significant and unavoidable impact on nearby receptors during construction that would remain significant with the implementation of Mitigation Measure M-AQ-3. Impact AQ-10 states that this impact would also be cumulatively considerable. Impacts AQ-7 and AQ-8 state that new on-site residents located in
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   I. Air Quality

the proposed project would be exposed to significant levels of TACs, and Mitigation Measure M-AQ-7 would not be able to reduce the cumulative level of PM$_{2.5}$ and TACs to levels acceptable to the BAAQMD.

The Planning Commission and other City decision-makers will balance the significant environmental impacts of the proposed project against specific economic, social, technological, or other benefits of the proposed project and provide a statement of overriding considerations if they decide to approve the proposed project with the significant unavoidable impacts identified in the EIR (see CEQA Guidelines Section 15093). These findings would be made as part of the project approval action.

**NECESSITY OF IDENTIFIED SAFETY LEVELS**

**Comment**

Some impacts for sustaining quality and health standards are noted as having insignificant impacts, unless an identified level of safety has been noted as required. (Sarelle T. Weisberg) [D.23.8]

**Response**

This comment states that some impacts require identified levels of safety to sustain quality and health standards.

There are Air Quality impacts that require oversight by the City to assure that health and safety procedures are followed in order for the proposed project’s impacts to be reduced. Impacts AQ-2, AQ-6, and AQ-9 have applicable ordinances or mitigation measures that require monitoring to ensure the level of safety has been met and that the impacts are reduced to a less-than-significant level. For Impact AQ-2, the Department of Building Inspection will not issue a building permit without a Dust Control Plan, and as part of that plan, a monitor must be designated and an independent, third party inspector would be hired to conduct inspections (EIR pp. IV.E.19-IV.E.20). Mitigation Measure M-AQ-6 requires that the project sponsor maintain records of annual emergency generator fuel use and operating hours and make those records available to a City official, the Environmental Review Officer, upon request (EIR p. IV.E.29).

Thus, the comment is correct that there are some impacts for sustaining quality and health standards which require identified levels of safety to have insignificant impacts. The EIR analysis assumes that, if approved, the project would comply with the requirements of City ordinances and any adopted mitigation measures and conditions of project approval.
GARAGE VENTILATION

Comments

The document fails to identify and mitigate the significant impact on Sue Bierman Park. Specifically, the document…

- Fails to identify the location of vents for the underground garage and their potential impact on Sue Bierman Park and area sidewalks. *(Jennifer Clary, President, San Francisco Tomorrow) [C.11.14]*

• How would the garage be vented? How many vents will be required? Where will they be located? What will be the physical dimensions of each vent? Would it be vented onto pedestrian sidewalks or onto the new open space areas to be created as a part of the project, or would it be vented on the Washington Street side toward Sue Bierman Park? Such air quality impacts on pedestrians and those using the existing and proposed open spaces must be considered in the EIR. *(Jon Golinger, Telegraph Hill Dwellers) [C.10.53c]*

Response

The comment asks how the garage would be vented, how many vents, which side of the building would have the vents, and the impact of the venting on pedestrians and proposed open spaces.

The garage, toilet, and kitchen exhausts for the buildings on Washington Street would be handled through discharges located on the roofs (the 6th level roof on the shorter building, the 12th level roof on the taller building) and the lower portions of the building along Drumm and Jackson Streets. As required by the California and San Francisco Building Codes, these vents would be at least 10 feet above grade and 10 feet away from any air intakes. Therefore, the proposed ventilation system would meet code requirements and would not discharge exhaust at the pedestrian level of any sidewalks or public open spaces.

ASTHMA AND ALLERGIES

Comments

Air Quality - is missing asthma and allergy consideration. *(Lisa Schreiber) [D.7.12]*

Air Quality - is missing asthma and allergy consideration. *(Lisa Schreiber) [D.47.16]*

I have had significant asthma for many years, and deterioration in air quality could be especially threatening for me. *(George T. Haymaker, Jr.) [D.56.3b]*

Response

The comments suggest that the air quality analysis did not consider asthma or allergies.

The effect of air quality on people with asthma was considered in multiple locations in the EIR. EIR Section IV.E, Air Quality, states on EIR p. IV.E.5 that “NO₂ increases hyper responsiveness
of asthmatic individuals after short-term exposure,” and that “Recent studies have found that exposure increases airway inflammation, and results in increased hospital or emergency room visits for asthma and cardiovascular disease.” On EIR p. IV.E.6, the EIR states that “High concentrations of sulfur dioxide (SO₂) affect breathing and may aggravate existing respiratory and cardiovascular disease. Sensitive populations include asthmatics, individuals with bronchitis or emphysema, children, and the elderly.” Also on EIR p. IV.E.6, the EIR discusses respirable particulate matter and fine particulate matter, noting “Individuals with chronic obstructive pulmonary or cardiovascular disease, asthmatics, the elderly, and children are most sensitive to the effects of PM.” On EIR p. IV.E.7, the EIR states that, with respect to sulfates (SO₄), “Effects of sulfate exposure at levels above the standard include a decrease in ventilatory function, aggravation of asthmatic symptoms, and an increased risk of cardio-pulmonary disease.”

The EIR notes on EIR p. IV.E.14 that “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.” The health risk assessment conducted for the EIR evaluates both cancer and noncancer health impacts (such as asthma, nervous system disorders, birth defects, and developmental problems). Noncancer effects are evaluated through the calculation of acute and chronic noncancer hazard indices, using reference exposure levels (RELS) developed by the California Environmental Protection Agency (CalEPA) Office of Environmental Health Hazard Assessment (OEHHA). The REL is the concentration at or below which no adverse health effects are anticipated in the general human population. According to OEHHA, “RELS are based on the most sensitive relevant adverse health effect reported in the medical and toxicological literature. RELs are designed to protect the most sensitive individuals in the population by the inclusion of margins of safety.”

In conclusion, the EIR adequately considered the effects of the proposed project on receptors with asthma.

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J. GREENHOUSE GASES

PROPOSED PROJECT'S GHG EFFECT AND COMPLIANCE WITH CITY’S PLANS AND POLICIES

Comments

The DEIR’s conclusion that the proposed project “would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions” (Impact GG-1) is not based on an accurate assessment of the programs collectively referred to as San Francisco’s GHG Reduction Strategy.

• The proposed 420-space, three-level underground parking garage would conflict with the City’s Transit First Policy that adopts parking policies to discourage increased automobile traffic. The Transit First Policy is part of the City’s GHG Reduction Strategy. Please address this issue.

• The proposed 420-space parking garage also conflicts with the Transportation Element of the General Plan, Priority Planning Policy No. 4 (discouragement of commuter automobiles), and Planning Code Sections 151 & 204.5(c), which were all adopted to limit the amount of parking in new development in order to discourage increased automobile traffic and encourage the use of transit, bicycling and walking instead of single-occupant vehicles as a part of the City’s GHG Reduction Strategy. Please address each of these issues.

• The proposed 420-space parking garage also conflicts with the Climate Action Plan for San Francisco, which includes in its proposed actions: “Cap or Reduce the Number of Parking Spaces. Change requirements for new developments to lower parking minimums or switch to parking maximums. Reduce parking in areas well-served by transit.” (page 3-13) Please address this issue.

• Explain how the proposed project, with its 420-space parking garage, will help to achieve the City’s Greenhouse Gas Reduction Ordinance, which was adopted to establish GHG emissions targets and departmental action plans. In particular, how will it further a shift to sustainable modes of transportation? (Jon Golinger, Telegraph Hill Dwellers) [C.10.54]

The Initial Study includes a lengthy discussion of emissions acknowledging “potential for substantial environmental, social, and economic consequences over the long term may be great.” But in the end it concludes that “the project would not conflict with the State’s goals of reducing GHG emissions to 1990 levels by 2020, and the project’s impact on GHG emissions would be less than significant and will not be discussed further in the EIR.” (Initial Study, 2007, pp. 61-63.) (Richard and Barbara Stewart) [D.48.3]

Building housing for this demographic has measurable impacts on transit and energy use that were not included in the DEIR. We know from national studies that low-and middle-income residents are far greater consumers of public transit than people with higher incomes. Imagine how much different public transit use will be when this inverse relationship includes people who can afford $2.5-10 million condos that come with 1-for-1 parking (costing almost $100,000 a space to build).

But a far greater environmental impact than driving private cars was not addressed in this DEIR, an impact resulting from lifestyle differences one can anticipate with some members of this highest of high-end demographics: owning and/or using private jets. (Brad Paul) [D.53.15]
Given these condos cost $2+ million to build and will sell for $2.5 to $8 million or more, it seems quite reasonable to assume a mere 3% of these buyers—just five (5) buyers out of 165\textsuperscript{17}—will be part-time residents wealthy enough to commute to San Francisco by business jet. If this is a reasonable assumption\textsuperscript{18}, then the DEIR must include the mathematical calculations above to show the true energy costs of this project. In fact, it would also be reasonable to assume a few other buyers will use private business jets to commute from LA, San Diego, Denver, etc. The only way to prevent this, forbidding buyers to own or use corporate jets, is of course impossible.

[Footnote 17:] not 15% (25 owners), nor 10% (16.5 owners) not even 5% (8.25 owners), but just 3% (5 owners).

[Footnote 18:] This thesis can be easily tested by finding out how many owners at One Rincon, Millennium and other luxury condo towers are part-time residents who travel by business jet (it may be over 3%).

(\textit{Brad Paul}) [D.53.16]

This is just one example of how housing prices—and who lives in that housing—greatly changes environmental impacts and why this analysis must be included in the DEIR for 8 Washington. As condo prices reach $2.5-10 million, it’s reasonable to assume a number of buyers will use them as a second, third or fourth homes and that some of those buyers will travel here by jet, not car or public transit. On the other hand, if units at 8 Washington were affordable or market rate rental or affordable-by-design condos (80%-150% of median), it’s very unlikely any residents would own or use business jets. Price does matter with regard to energy consumption and transit use.

Given these facts, the 8 Washington DEIR must analyze such questions as:

\begin{itemize}
  \item How many solar panels do you need to make up for 396,000 gallons of jet fuel per year?
  \item How many low flow toilets make up for 396,000 gallons of jet fuel per year?
  \item How many double pane windows make up for 396,000 gallons of jet fuel per year?
  \item How many on-demand hot water heaters make up 396,000 gallons of jet fuel per year?
\end{itemize}

\textbf{Looking at the longer term impacts of this excessive consumption of energy resources:}

\begin{itemize}
  \item How many solar panels compensate for 7,920,000 gallons of jet fuel over 20 years?
  \item How many low flow toilets make up for 7,920,000 gallons of jet fuel over 20 years?
  \item How many double pane windows make up for 7,920,000 gallons of jet fuel over 20 years?
  \item How many on demand water heaters make up 7,920,000 gallons of jet fuel over 20 years?
\end{itemize}

Having this information in the DEIR is necessary for the Planning Commissioners or Board of Supervisors to make informed decisions about 8 Washington, especially when the project sponsor keeps touting it as state-of-the-art, sustainable, LEED certified (at Gold or Platinum level), etc. When added to the project sponsor’s insistence on building a 420-car underground (below sea level) garage on site, one has to question how one can call this a model of sustainable development or let the DEIR to have sustainability as one of its stated project objectives.

Unless the DEIR seriously and objectively addresses questions of how the price of housing and who lives in that housing impacts environmental sustainability, we risk creating a backlash against things like LEED certification and terms like “sustainability”. They could easily become just another example of slick marketing and “greenwashing”. Everyone agrees that building 10,000 sq. ft. McMansions in the Sierra Foothills on 2-acre lots—even if they’re LEED certified at the highest level—is NOT sustainable development. Why is it any less absurd to use “green” and “sustainable” to describe $2.5-$10 million condos built as second and third homes for
extremely wealthy part-time residents, some of whom commute from their primary residence by private jet?

The DEIR must provide public officials with the data and information they need to analyze all the significant impacts that units this expensive have on the environment. With this information, decision makers might choose to require a much smaller garage or no garage at all (insisting on more efficient use of nearby existing garages). They might also choose to support a much smaller project or no project at all, based on the lack of demonstrable need for this housing type and all the other negative impacts described above. But they cannot make any of these decisions in a rational and objective manner without all the facts, many of which are missing from this DEIR.

(Brad Paul) [D.53.17]

Response

Several comments state that purchasers of the proposed project’s residential units would be upper income, and that these residents would not use public transit, a portion of the residents would use private jets, and the energy use of the private jets needs to be considered in the environmental analysis of the proposed project. One comment states that the EIR analysis is not based on an accurate assessment of the programs contained in the San Francisco GHG Reduction Strategy, including the Transit First Policy, the Transportation Element of the General Plan, the Climate Action Plan for San Francisco, and the Greenhouse Gas Reduction Ordinance. Another comment notes the potential for substantial consequences as a result of GHG emissions, and contrasts that to the conclusion that the proposed project’s impact on GHG emissions would be less than significant.

The effects of global climate change could be serious, as stated in the quote from the project’s Initial Study. The EIR states on EIR pp. IV.F.1-IV.F.2 that:

Potential global warming impacts in California may include a decrease in snowpack, sea level rise, more extreme heat days per year, more high ozone days, increased frequency and intensity of wildfires, and more drought years. Secondary effects are likely to include a global rise in sea level, impacts on agriculture, water resources, changes in disease vectors, and changes in habitat and biodiversity.

Proposed Project GHG Emissions Were Considered Pursuant to SF Guidelines and BAAQMD Guidelines

The transportation analysis in the EIR conforms to the San Francisco Planning Department’s published guidelines, the Transportation Impact Analysis Guidelines for Environmental Review, October 2002 (SF Guidelines). The SF Guidelines set forth a standard method for calculating the likely percentage of transit riders, car drivers, bicyclists, and other transportation modes by the physical location of the proposed project and the uses located within the proposed project, based on surveys and census data specific to San Francisco neighborhoods.

Based on the best available information about San Francisco transportation practices, the expected level of non-auto use, 67 percent of all trips, is due to the project’s location and is not affected by the relative wealth of the proposed project’s residents (see EIR p. IV.E.24 and the response in Section III.G, Transportation, under “Transit,” p. III.G.22). All trips to and from the project site are analyzed in the EIR.

Whether the proposed project is implemented is not expected to affect the number of wealthy individuals using private jets to travel to San Francisco. Wealthy individuals who may have private jets would still be expected to purchase other new or existing residential units in San Francisco in the absence of project implementation. Thus, the proposed project would not be the cause of fuel use in private jets. There is no basis for any analysis of private jet use related to this or any other market-rate residential development in the City or the region. As explained in the EIR on p. IV.F.16, the proposed project was determined to be consistent with the City’s Strategies to Reduce Greenhouse Gas Emissions and thus would result in a less-than-significant impact related to GHG emissions.

Under the BAAQMD’s CEQA-Air Quality Guidelines, in order for a proposed project to have a less-than-significant impact with respect to GHG emissions, a proposed project must either (1) demonstrate that it would cause a sufficiently low level of emissions or (2) comply with a qualifying GHG reduction strategy. If either of these standards is met, then the proposed project would have a less-than-significant GHG emissions impact. The project’s adherence to other City policies, such as the Transit First Policy, are considered in the EIR, especially in the Transportation and Circulation analysis, but the question of whether the project’s GHG emissions would be significant is determined in accordance with the BAAQMD’s CEQA Air Quality Guidelines.

As discussed in the EIR, BAAQMD reviewed the City’s Strategies to Address Greenhouse Gas Emissions in fall 2010, and concluded that the strategy meets the criteria for a Qualified GHG reduction strategy in BAAQMD CEQA Air Quality Guidelines (EIR p. IV.F.14). Thus, a project that complies with the City’s Strategies to Address Greenhouse Gas Emissions would have a less-than-significant impact on cumulative GHG emissions. Furthermore, as discussed on EIR p. IV.F.14, because the City’s Strategies to Address Greenhouse Gas Emissions is consistent with AB 32 goals, projects that are consistent with the City’s strategy would also not conflict with the State’s plan for reducing GHG emissions. The EIR also notes that the City’s Strategies to Address Greenhouse Gas Emissions have been effective:

The Planning Department has developed a “Greenhouse Gas Analysis: Compliance Checklist” in order to determine whether a proposed project would comply with the Strategies to Address
Greenhouse Gas Emissions, as cited in footnote 23, EIR p. IV.F.16. The Planning Department prepared a Greenhouse Gas Analysis: Compliance Checklist for the proposed project and concluded that the proposed project would comply with the Strategies to Address Greenhouse Gas Emissions, and would not, therefore, constitute a considerable contribution to greenhouse gas emissions.

The Greenhouse Gas Analysis: Compliance Checklist considered transportation and the proposed 420-space parking garage with respect to several regulations, including transportation management programs, Transit Impact Development Fees, Bicycle Parking, Car Sharing, and Parking Requirements. For all of these regulations, where applicable, the proposed project was found to be in compliance. The Greenhouse Gas Analysis: Compliance Checklist found the proposed project would also comply with regulations regarding energy efficiency, renewable energy, waste reduction, and environment/conservation.

Proposed Project's Compliance with Specified Policies and Ordinances

One comment requests a discussion of the proposed project’s compliance with the Transit First Policy, the Transportation Element of the San Francisco General Plan, the Climate Action Plan for San Francisco, and the Greenhouse Gas Reduction Ordinance. It is useful to note that many of these plans and ordinances have different goals and purposes. The vision of the City’s Strategies to Address Greenhouse Gas Emissions, for instance, is expressed in the City’s Climate Action Plan; however, implementation of the strategy is appropriately articulated within other citywide plans (General Plan, Sustainability Plan, etc.), policies (Transit-First Policy, Precautionary Principle Policy, etc.), and regulations (Green Building Ordinance, etc.).

The EIR discusses San Francisco’s Transit First Policy and the Transportation Element of the General Plan in Chapter III, Plans and Policies, noting that the additional parking that would be provided by the proposed project would not be in keeping with the Transit First Policy (EIR p. III.6), but that other aspects of the proposed project are consistent with the Transit First Policy: the project’s location encourages walking to work, services, and attractions, and the proposed project would include “improvements to the bicycle circulation system and the pedestrian realm around and through the project site to encourage walking, transit use, and bicycling.” The question of whether the proposed project, on balance, conforms or conflicts with the Transit First Policy and the Transportation Element of the General Plan will be decided by the Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers.

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2 San Francisco Planning Department, GHG Analysis Compliance Checklist, for 8 Washington Street Project, April 19, 2011. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.


4 EIR, p. III.6.
The Climate Action Plan for San Francisco\(^5\) and the Greenhouse Gas Reduction Ordinance both seek to shift San Franciscans to more sustainable modes of transportation. The Climate Action Plan discusses the causes of climate change, establishes the current level of GHG emissions for San Francisco, and describes an implementation strategy to reduce San Francisco’s GHG emissions. In addition to describing the existing programs and activities the City has already in place to reduce GHG emissions, the Climate Action Plan provides a list of actions that “could be expanded” and new initiatives city government, businesses, and citizens can put in place to meet our greenhouse gas emissions goal.”\(^6\) The proposed action cited in the comment (“Cap or reduce the number of parking spaces,” on p. 3-13) is thus one of a lengthy list of proposed actions that may be chosen to reach the desired goal of reduced GHG emissions. The Climate Action Plan notes that this action item has been incorporated in the City’s Better Neighborhoods Program, which has capped and reduced parking requirements in several area plans in San Francisco. The proposed project is not located in any of the City’s Better Neighborhoods Program Planning Areas.\(^7\) Many of the suggested actions in the Climate Action Plan are exemplified in the proposed project, such as residential efficiency programs, increasing the number of bicycle lanes and paths, and improving pedestrian walkways. (Climate Action Plan, pp. 3-8–3-21.)

Part of the Strategies to Address Greenhouse Gas Emissions, as noted above, is the requirement that proposed projects in certain mixed-use districts follow established parking maximums set forth in Planning Code section 151.1. The proposed project is not located in one of the mixed-use zoning districts covered by this ordinance, thus its parking as proposed is not inconsistent with the requirements of the Strategies to Address Greenhouse Gas Emissions and the actions the City has taken to implement the Climate Action Plan.

The comment requests an explanation as to how the proposed project and its 420-space parking garage helps to achieve the City’s Greenhouse Gas Reduction Ordinance. The Greenhouse Gas Reduction Ordinance has as its stated goal the reduction of GHG emissions, but it does not state how these reductions should be accomplished. The only portion of the Greenhouse Gas Reduction Ordinance that affects the proposed project is the requirement that the Planning Department consider the GHG emissions effects of the proposed project.\(^8\) The consideration and analysis of the GHG emissions effects of the proposed project comprise EIR Section IV.F, Greenhouse Gases. Thus the Greenhouse Gas Reduction Ordinance has been followed for the

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\(^5\) The Board of Supervisors has not formally committed the City to perform the actions addressed in the Climate Action Plan, and many of the actions require further development and commitment of resources. Despite this, the plan serves as a blueprint for GHG emissions reductions, and several actions have been implemented or are now in progress. EIR p. IV.F.9.

\(^6\) Climate Action Plan, p. 3-1.

\(^7\) The City’s Better Neighborhoods Plans include the completed Market-Octavia Plan, the Central Waterfront Plan, and the Balboa Park Station Plan. There are also two areas for which planning is underway: the Glen Park Plan and the Japantown Plan. The proposed project is not located in any of these planning areas.

\(^8\) 2008 GHG Reduction Ordinance, p. 6, Section 903(e)(1)(B).
proposed project. The proposed project helps achieve the goals of the ordinance because the project’s location encourages walking, cycling, and taking transit to work, services, and attractions, and the proposed project would include “improvements to the bicycle circulation system and the pedestrian realm around and through the project site to encourage walking, transit use, and bicycling.”

The EIR discusses how the proposed project would discourage automobile use and encourage walking, transit, and bicycling, thereby helping to achieve the goals of the Transit First Policy, the Transportation Element of the General Plan, The Climate Action Plan for San Francisco, and the Greenhouse Gas Reduction Ordinance. The EIR states on EIR p. IV.E.28 that the proposed project would:

- reduce automobile trips to the maximum extent feasible thereby reducing emissions from the project’s mobile sources. First, the proposed project would be located within a short walk of major transit lines serving both the City and the region. The proposed project would be in close proximity to the Downtown area, Chinatown, North Beach and the Waterfront, which would encourage residents and visitors to bicycle, walk and ride transit to and from the proposed project instead of taking trips via private automobile. Furthermore, the proposed project would comply with the Planning Code’s bicycle parking and car share parking requirements, which would further reduce private automobile trips and emissions from the project’s mobile sources. The proposed project would also comply with the City’s Commuter Benefits Ordinance as well as the Jobs-Housing Linkage Program, which is designed to provide housing for new office and commercial uses within San Francisco, thereby allowing employees to live close to their place of employment. The proposed project’s compliance with these measures and close proximity to transit, employment opportunities, shopping and Waterfront attractions would reduce automobile trips and thereby reduce emissions from mobile sources to the maximum extent feasible.

As stated, as an alternative to showing compliance with a qualified GHG reduction strategy, the BAAQMD CEQA Guidelines provide that a project that has sufficiently low GHG emissions will have a less-than-significant impact under CEQA. For purposes of a mixed use project such as this project, the BAAQMD CEQA Guidelines establish a threshold of 4.6 metric tonnes per service population (a combination of residents and employees associated with the project). Since publication of the Draft EIR, a detailed set of calculations has been prepared of the greenhouse gas emissions from the proposed project. These calculations support the conclusion in the EIR

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10 The Board of Supervisors has not formally committed the City to perform the actions addressed in the Climate Action Plan, and many of the actions require further development and commitment of resources. Despite this, the plan serves as a blueprint for GHG emissions reductions, and several actions have been implemented or are now in progress. EIR p. IV.F.9.
11 Environ Letter to Turnstone Consulting, September 4, 2011. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
that the project’s GHG emissions would not be significant. All GHG emissions from project operation, including those from off-site electricity production as well as project-generated travel, were combined using methodologies established by the BAAQMD. In relation to the service population of the proposed project – 420 residents and 70 employees – the new project’s operational GHG emissions would be 4.0 metric tonnes, well below the adopted BAAQMD threshold of 4.6 metric tonnes.\textsuperscript{12}

**CUMULATIVE GHG EFFECTS WITH NEARBY PROJECTS**

**Comment**

The cumulative impact of known future projects in the immediate vicinity, i.e. The Exploratorium at Piers 15 & 17; the new James R. Herman Cruise Terminal and Northeast Wharf Plaza Project at Pier 27; while retaining Pier 35 as a secondary terminal; the revitalization of the Jefferson St. business district; all must be taken into consideration insofar as cumulative traffic impacts are considered. The DEIR’s analysis does not support these considerations. Pg.I.13, GG-I: (See 5.) The same facts must be taken into consideration. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.6]

**Response**

A comment states that Impact GG-1 did not take into account cumulative traffic impacts, and mentions several nearby development projects.

Pursuant to the BAAQMD’s CEQA Air Quality Guidelines, Impact GG-1 considers the cumulative impact of additional GHG emissions contributed by the proposed project. The EIR states on EIR p. IV.F.15 that “Given the analysis is in a cumulative context, this section does not include an individual, project-specific impact statement.”

Instead, Impact GG-1 analyzes the GHG emissions from the proposed project cumulatively with all other emissions from sources within San Francisco, in light of the *Strategies to Address Greenhouse Gas Emissions, The Climate Action Plan for San Francisco,* and San Francisco’s *Greenhouse Gas Reduction Ordinance.* These plans, strategies, and ordinances seek to reduce GHG emissions across San Francisco using strategies to reduce GHG emissions from multiple sectors, including in transportation, energy efficiency, renewable energy, waste reduction, and the environment/conservation sectors. By requiring all new development to be implemented with lower GHG emissions, the analysis does not require a project-by-project analysis. Thus all new proposed projects are considered cumulatively in the City’s *Strategies to Address Greenhouse Gas Emissions,* and the cumulative analysis in Impact GG-1 considers cumulative growth.

\textsuperscript{12} Ibid, p. 3.
K. WIND

EFFECT OF PROPOSED PROJECT ON WIND

Comments

Please justify the lack of any wind analysis when outdoor recreation facilities have changed locations. The tennis courts will be located adjacent to new tall buildings. The current ground level swimming pool will be 20’ above grade AND DIRECTLY ADJACENT TO THE HEAVILY TRAVELLED EMBARCADERO. (Sue C. Hestor, Friends of Golden Gateway) [C.8.18]

The DEIR is inadequate and incomplete because it fails to analyze the proposed project’s impacts related to Wind.

The proposed project that was the subject of the Initial Study was of a different height and configuration. An independent consultant should study the potential pedestrian-level wind impacts of the currently proposed project as a part of this EIR. (Jon Golinger, Telegraph Hill Dwellers) [C.10.57]

The document fails to identify and mitigate the significant impact on Sue Bierman Park. Specifically, the document

- Fails to conduct an analysis of the wind impacts of the project on the Park.
  (Jennifer Clary, President, San Francisco Tomorrow) [C.11.11]

Response

The comments state that the lack of a wind analysis needs to be justified and that an independent consultant should study the potential pedestrian-level wind impacts of the currently proposed design, which is taller than the originally proposed design that was analyzed in the Initial Study.

In San Francisco, proposed development projects in Downtown (C-3) Districts are required to comply with the provisions of Planning Code Section 148, which regulates the speed of ground-level wind currents created by the construction of new buildings or additions to existing buildings. Wind tunnel testing is required in order to demonstrate that a proposed development project will comply with the ground-level pedestrian comfort criterion (11 mph) and the wind hazard criterion (26 mph) established in Section 148. The proposed project is not in a C-3 District; it is in a Residential-Commercial Combined, High Density (RC-4) District. For this reason, the proposed project is not subject to the provisions of Section 148 and was not required to undergo wind tunnel testing. However, the proposed project’s effects on podium-level winds were adequately evaluated.

As discussed in the EIR Introduction chapter, on EIR pp. Intro.3-Intro.4, the proposed project’s wind effects were evaluated and determined to be less than significant in the Notice of Preparation of an EIR/Initial Study (“NOP/Initial Study”), which is Appendix A of the EIR. The originally proposed eight-story design was evaluated by an independent Certified Consulting
Meteorologist.\(^1\) As discussed on pp. 63-64 of the NOP/Initial Study, the evaluation concluded that the eight-story project design would not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site.

In 2010, the design of the proposed project was modified and is analyzed in this EIR. The height of the proposed project increased from 8 stories and approximately 84 feet to 12 stories and approximately 136 feet, as described in Chapter II, Project Description, EIR pp. II.5-II.19. The potential for wind impacts of the revised design on the project site, in pedestrian areas near the project site, and in Sue Bierman Park was again evaluated by the same independent Certified Consulting Meteorologist who evaluated the earlier eight-story design, and the findings were reconfirmed.\(^2\) As discussed in Footnote 4 in the EIR Introduction chapter, on EIR p. Intro.4, the evaluation concluded that “the project would have little potential to cause substantial wind accelerations. The site is within a ‘wind shadow’ of nearby buildings, is of modest height when compared to nearby buildings, and has complex design unlikely to focus wind energy at ground level. The central courtyard would be largely sheltered from prevailing wind and is likely to be highly usable as outdoor space. Any wind accelerations generated by the structure would be moderate, infrequent and localized, and would not extend into the park lands located on the south side of Washington Street. In summary, based on consideration of the exposure, massing and orientation of the proposed project the project does not have the potential to cause significant changes to the wind environment in pedestrian areas adjacent or near the site.”

**CONCLUSIONS OF THE WIND ANALYSIS**

**Comment**

4. ‘Intro. 4 Environmental Effects Found to Be Less than Significant in the NOP/Initial Study pertaining to wind’. ‘Because the proposed project would be...up to 12 stories, there is a potential from greater impacts related to wind.’ Donald Ballantini, Certified Consulting Meteorologist, is quoted as ruling out any problems concerning the proposed development. It would be prudent to hear from a meteorologist who would present a counter-argument. [Jan Gehl, Architect, author of Life Between Buildings, ... all buildings over 5 stories will create wind channels that are unpredictable in their direction with extraordinary wind patterns circulating from both above and from below. Wind levels at the foot of a high rise, notated as any building over 5 stories, are 4 times stronger and may come from all directions in hard gusts. (Paula Eve Aspin)] [D.24.9]

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\(^1\) Donald Ballanti, Certified Consulting Meteorologist, *Wind Impact Evaluation for the Proposed 8 Washington Street Project, San Francisco*, June 29, 2007. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

Response

The comment states that it would be prudent to hear from a meteorologist who would present a counterargument to the conclusion presented in the EIR. As discussed in the response under “Effect of Proposed Project on Wind,” beginning on C&R p. III.K.1, an independent Certified Consulting Meteorologist evaluated the proposed project on two separate occasions. The first evaluation (June 29, 2007) was for the originally proposed eight-story design, and the second evaluation (August 1, 2010) was for the EIR design. In both instances, the independent Certified Consulting Meteorologist concluded that the proposed project would have little potential to cause significant changes to the wind environment in pedestrian areas adjacent to or near the project site. There is no evidence that the analysis presented in the EIR is incorrect.

ADEQUACY OF WIND AND SHADOW ANALYSIS

Comment

The DEIR Does Not Adequately Address or Analyze Impacts on Impacts on Shadow and Wind. (Jon Golinger, Telegraph Hill Dwellers) [C.10.55]

Response

The comment states that the Draft EIR is inadequate and incomplete, because it does not analyze the proposed project’s shadow and wind impacts. The EIR includes a detailed discussion of the existing shadows on nearby public and private open spaces (EIR pp. IV.G.1-IV.G.9), which is followed by a detailed discussion of the proposed project’s shadow impacts on these open spaces (EIR pp. IV.G.11-IV.G.45). The types of open spaces that are discussed include those that are under the jurisdiction of the Recreation and Park Commission, those that are under the jurisdiction of other government agencies, and those that are privately owned but publicly accessible. For additional information regarding the proposed project’s shadow impacts, see Section III.L, Shadow, C&R pp. III.L.1-III.L.17.

For a discussion of the proposed project’s effect on wind in the vicinity of the project site, see the response under “Effect of Proposed Project on Wind,” beginning on C&R p. III.K.1.
L. SHADOW

PROJECT COMPLIANCE WITH SHADOW REGULATIONS

Comments

RPD notes that the Draft EIR indicates an additional net new shadow of 0.001% on Sue Bierman Park as a result of the proposed project. Please analyze and discuss the effects of this net new shadow thoroughly, reviewing Proposition K guidelines. (Sarah Ballard, Director of Policy and Public Affairs, San Francisco Recreation and Parks Department) [A.3.1]

Planning Commission and Recreation & Park Commission:

• As discussed in greater detail below regarding the Shadow Impacts of the proposed project, we disagree with the statement in the DEIR that “no cumulative limit currently exists for Sue Bierman Park.” The criteria adopted by the Planning Commission and Recreation & Park Commission in 1989 established absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco, including an absolute cumulative limit of zero for Embarcadero Plaza I (North), which became a part of Sue Bierman in 2001, after the demolition of the Embarcadero Freeway. The notion that no absolute cumulative limit has ever been set for the expanded Sue Bierman Park is an apparently biased attempt to get around the absolute cumulative limit of zero new shadows on the areas of the park to be shaded by the proposed project – i.e. the original Embarcadero Plaza I (North). The Planning Commission and Recreation & Park Commission cannot establish a new cumulative limit for allowable shadow on this portion of the Park in order to approve the proposed project’s new shadow under Section 295 of the Planning Code. (Jon Golinger, Telegraph Hill Dwellers) [C.10.25]

SETTING

The description of Sue Bierman Park is inaccurate, misleading and biased.

First, the statement in the DEIR that “no cumulative limit currently exists for Sue Bierman Park in its current configuration” is misleading and biased. The criteria adopted by the Planning Commission and Recreation & Park Commission in 1989 established absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco, including an absolute cumulative limit of zero for Embarcadero Plaza I, which consisted of the northern portion of Assessor’s Block 202, including the area to be shadowed by the proposed project. Although the southern portion of Assessor’s Block 202 (previously occupied by an on-ramp to the Embarcadero Freeway) was transferred to the Recreation and Park Department in 2001 and added to the park, the notion that the absolute cumulative limit established in 1989 for the area of the park previously known Embarcadero Plaza I somehow vanished appears to be an attempt to get around the absolute cumulative limit of zero new shadows on that very area of the park to be shaded by the proposed project.

Second, the DEIR is biased in its detailed description of a 2004 Planning Commission action that found new shadow cast by a previous development on Embarcadero Plaza I to be “de minimis.” Such reference is inappropriate and unrelated. Not only was the 2004 action of the Planning Commission of no effect because the Board of Supervisors overturned the Department’s negative declaration for the project, but the action of the Commission was inconsistent with the absolute cumulative limit of zero established for this park established pursuant to Proposition K, the Sunlight Ordinance (Section 295 of the Planning Code). (Jon Golinger, Telegraph Hill Dwellers) [C.10.56b]
REGULATORY FRAMEWORK
1. Clarify the Requirements of Planning Code Section 295. The description of the requirements of Planning Code Section 295 (Proposition K) contained in the DEIR is incomplete and inaccurate without the addition of the following clarification of the requirements of Proposition K: The Planning Commission Resolution 11595, adopted in 1989, which set the absolute cumulative shadow limits for the 14 downtown parks throughout San Francisco, specifically provides that “any shadow cast beyond this limit would be considered significant and could not be allowed.” Therefore, the Planning Commission and Recreation & Park Commission cannot establish a new cumulative limits or find that new shadow beyond the absolute cumulative shadow limit is insignificant or de minimis in order to permit new shadow on any park that is subject to an absolute cumulative limit of zero. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56d]

SHADOW IMPACTS
1. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse affect on Sue Bierman Park under the jurisdiction of the Recreation and Park Commission (Impact SH-1).

The size of Embarcadero Plaza I (Lot 18 of Assessor’s Block 202) is 58,385 sq feet. Therefore there are 217,250,585 of square-foot-hours of potential sunlight. In 1989, approximately 76,254,955 square-foot-hours (35.1%) were consumed by shadows from existing buildings. Since the park is subject to an absolute cumulative limit of zero, any new shadow would be considered “significant” and would not be allowed.

The Planning Commission and Recreation & Park Commission cannot establish a new cumulative limits or find that new shadow beyond the absolute cumulative shadow limit is insignificant or de minimis in order to permit new shadow on that portion of Sue Bierman Park (Embarcadero Plaza I) that is subject to absolute cumulative limit of zero. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56f]

Additional issue to address … **Shadowing of Sue Bierman Park** in violation of Prop. K protections. (Deborah Smith) [D.22.11]

Finally, we located here in this neighborhood because of the proximity of the parks to our north, south, and southeast (Sidney Walton Square and Sue Bierman Park). This project will shadow Sue Bierman Park, which is in direct violation of Proposition K’s protections. (George T. Haymaker, Jr.) [D.56.9]

Additional issue to address…**Shadowing of Sue Bierman Park** in violation of Prop. K protections. (Mary Pecci) [D.58.11]

Response

The comments make several assertions that the proposed project would not comply with Planning Code Section 295 (Proposition K) and the absolute cumulative limit for net new shadow established for a portion of Sue Bierman Park in 1989. The comments say that the EIR is incorrect in stating that no cumulative limit currently exists for Sue Bierman Park and that once an absolute cumulative limit of zero shadow has been established for a park, a new absolute cumulative limit cannot be established. The comments also say that the Recreation and Park
Commission and the Planning Commission cannot determine that the shadow impact of a proposed development project would be insignificant or *de minimis* if that shadow would exceed what is allowed under the absolute cumulative limit.

Although the determination required by Section 295 is not a CEQA requirement, the EIR nevertheless fully discusses compliance with Section 295 on EIR pp. IV.G.10-IV.G.11 and IV.G.33-IV.G.34. A brief history of Sue Bierman Park is provided on EIR pp. IV.G.3-IV.G.4.

In its original configuration, Sue Bierman Park consisted of several lots on the northern portion of Assessor’s Block 202. In 2001, Sue Bierman Park was expanded. The southern portion of Assessor’s Block 202 was added to the park in May 2001, and Assessor’s Block 203, with the exception of a small lot in the northeast corner, was also added to the park in May 2001 (see EIR pp. IV.G.3-IV.G.4). The second sentence in the third full paragraph on EIR p. IV.G.3 is revised, as follows (deleted text is shown in strikethrough, and new text is underlined):

The southern portion (Lots 6, 14, and 15, and 20) of Assessor’s Block 202 was occupied by a segment of the Clay Street on-ramp to the Embarcadero Freeway, which was demolished after the 1989 Loma Prieta earthquake.

The paragraph that begins at the bottom of EIR p. IV.G.3 is revised, as follows (deleted text is shown in strikethrough, and new text is underlined):

Prior to 2008, Assessor’s Block 203 was not part of Sue Bierman Park. Assessor’s Block 203 was formerly part of the right-of-way occupied by the Clay Street on-ramp to the Embarcadero Freeway, which was demolished after the 1989 Loma Prieta earthquake. The State of California conveyed ownership of these parcels to the City and County of San Francisco in 1991. Jurisdiction over this parcel was transferred by ordinance from the Department of Public Works to the Recreation and Park Department in April 2008, thus further expanding Sue Bierman Park to its current size and configuration. The northeastern corner of this block (Lot 13) is not part of Sue Bierman Park. This parcel, which is occupied by a one-story building housing a wastewater pump station and a maintenance facility, is under the jurisdiction of the San Francisco Public Utilities Commission.

In describing the history of Sue Bierman Park, the EIR acknowledges that an absolute cumulative limit of zero shadow was established for the northern portion of Block 202 in 1989. The EIR goes on to explain that an absolute cumulative limit was never established for the southern portion of Block 202 or for Block 203. Currently, there is no established absolute cumulative limit that applies to the entirety of Sue Bierman Park in its current size and configuration (see EIR p. IV.G.4).

Planning Commission Resolution No. 11595, which established absolute cumulative limits for 14 downtown parks, is one of the tools for implementing Planning Code Section 295. The resolution does not prohibit the Recreation and Park Commission and the Planning Commission from
reevaluating and amending the absolute cumulative limits that were established in 1989. If the two commissions choose to amend the absolute cumulative limit for a park, they must weigh the shadow impact on the park in question against the public benefit of the proposed development project that would shadow the park. Since 1999, the two commissions have amended an absolute cumulative limit on at least three separate occasions. In March 1999, the absolute cumulative limit for Civic Center Plaza was amended to allow for the renovation of the Old Main Library and its conversion into the Asian Art Museum.\(^1\) In August 2000, the absolute cumulative limit for Boeddeker Park was amended to allow for the restoration of the Old Emporium Building and its conversion into the Westfield San Francisco Centre retail complex.\(^2\) In June 2002, the absolute cumulative limit for Boeddeker Park was amended a second time to allow for the construction of a 67-unit affordable housing project at 131-145 Taylor Street.\(^3\)

In developing its shadow analysis methodology, the Planning Department acknowledged that there is a statistical margin of error in calculating shadow impacts. The Planning Department adopted the concept of de minimis\(^4\) shadow to apply to a quantity of shadow that is smaller than the statistical margin of error. A de minimis shadow may or may not actually occur, because it is an extremely small quantity. In February 2004, as discussed in Footnote 3 on EIR p. IV.G.4, the Recreation and Park Commission and the Planning Commission reviewed the shadow impacts under Section 295 of a development project that was proposed for a portion of the current project site. The two commissions determined that the shadow impact on Embarcadero Plaza I (now the eastern block of Sue Bierman Park) was de minimis.\(^5\) Although all of the entitlements for this previous project were later overturned on appeal, the actions taken by the two commissions are still part of the public record and were consistent with the shadow analysis methodology established by the Planning Department.

As described in the EIR, the results of the shadow analysis prepared for the proposed 8 Washington Street project indicate that the proposed project would cast net new shadow on both blocks of Sue Bierman Park. As stated under Impact SH-1 on EIR p. IV.G.33, the proposed project would cast a total of 6,928 square-foot-hours (sfh) of net new shadow per year on Sue

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\(^1\) San Francisco Planning Commission Motion No. 14797, adopted on March 11, 1999. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

\(^2\) San Francisco Planning Commission Motion No. 15944, adopted on August 17, 2000. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

\(^3\) San Francisco Planning Commission Motion No. 16439, adopted on June 20, 2002. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

\(^4\) The Latin meaning “of minimal importance.”

\(^5\) San Francisco Planning Commission Motion No. 16723, adopted on February 5, 2004. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
Bierman Park. There would be 4,751 sfh of net new shadow per year on Block 202 and 2,177 sfh of net new shadow per year on Block 203. This amount of shadow, whether considered individually for each block or in total for the entire park, is larger than the statistical margin of error and cannot be considered *de minimis*. The EIR does not identify the project shadow on either block of Sue Bierman Park as *de minimis*. As described above, the northern portion of Block 202 has an established absolute cumulative limit of zero shadow. Neither the southern portion of Block 202 nor Block 203 have established absolute cumulative limits. As part of the proposed project’s entitlements, the project sponsor is requesting that the Recreation and Park Commission and the Planning Commission establish a new absolute cumulative limit for Sue Bierman Park that accounts for the park’s current size, configuration, and shadow conditions.

**CONCLUSIONS OF SHADOW ANALYSIS**

**Comments**

The conclusions of the DEIR that the proposed project would not create new shadows that would adversely affect any park or open space, outdoor recreation facility or other public area is not supported by the facts presented in the DEIR. The shadow analysis prepared for the project sponsor and included in the DEIR clearly shows that the proposed project will cast new shadows on the Embarcadero Promenade walkway, Sidney Walton Square and Sue Bierman Park (a Prop K protected park), and will cast significant shadows on the project’s proposed new tennis courts and pool area, and on its new “Jackson Common” and “Pacific Avenue Park.” ([Jon Golinger, Telegraph Hill Dwellers](#))

2. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse affect on existing public open spaces (Impact SH-2).

Based on a review of the Shadow Diagrams presented in the DEIR, the proposed project will cast significant new shadow on existing public open spaces in clear conflict with Priority Planning Policy No. 8, which provides that “our parks and open space and their access to sunlight and vistas be protected from development.” Each of the following parks and open space would receive less sunlight as a result of the proposed project:

- **The Embarcadero Promenade** – As shown in Shadow Diagrams IV.G.5, IV.G.6, IV.G.10, IV.G.11, IV.G.15, IV.G.16, IV.G.19 IV.G.21, IV.G.22, and IV.G.23, the proposed project would add significant new shadow to the Embarcadero Promenade throughout the entire year. The basis for the DEIR’s determination that this impact would be “less than significant” is subjective and inaccurate – it says that, as to the “cyclists, in-line skaters, pedestrians, and runners” that use this promenade, that: “Their enjoyment of the Embarcadero Promenade is not dependent on upon access to sunlight.” How does the DEIR reach this conclusion? Particularly when this shadow impact is considered cumulatively with the project’s new shadow on other public open space, it would constitute a significant adverse impact on a high-use public open space.

- **Sidney Walton Square** – As shown in Shadow Diagrams IV.G.2, IV.G.12 and IV.G.24, the proposed project would add significant new shadow to Sidney Walton Square in the spring and fall. The DEIR’s conclusion that this impact would be “less than significant” based on a “field observation” conducted on a single day in October is highly subjective. Even so, 420 people were observed using the park on that day. Particularly when this shadow impact is
considered cumulatively with the project’s shadow impacts on other public open space, the project’s addition of shadow on Sidney Walton Square would constitute a significant adverse impact on this well-used public open space.

- **Drumm Street Pedestrian Path and Sidewalk** – As shown in Shadow Diagrams IV.G.2, IV.G.3, IV.G.4, IV.G.7, IV.G.8, IV.G.9, IV.G.12, IV.G.13, IV.G.14, IV.G.17, IV.G.18, IV.G.24 and IV.G.25, the proposed project would add new shadow throughout the entire year to the existing Drumm Street Pedestrian Path and sidewalk that is proposed to be widened. The DEIR’s conclusion that this impact would be “less than significant” based on unsupported assumptions that “the shadows of the proposed project would not be harmful to the growth or health of landscaping and vegetation and would not significantly affect the use of the pedestrian path” is highly subjective, particularly when considered cumulatively with the project’s shadow impacts on other public open space.

- **Jackson Street and Pacific Avenue Sidewalks** – The DEIR fails to mention that the proposed project would also add new shadow on Jackson Street sidewalks between Drumm and Front Streets; and on the Pacific Avenue sidewalk between Drumm and Davis Streets.

- **Port Walk Promenade** – As shown in Shadow Diagrams IV.G.2 through IV.G.6 and IV.G.12 through IV.G.16, the proposed project would add new shadow to the Port Walk Promenade in the summer and winter. The DEIR conclusion that this impact would be “less than significant” based on a subjective assumption that new shadows on the Port Walk Promenade would not substantially affect its use “for passive recreation such as sitting or strolling.” Again, when this new shadow is considered cumulatively with the project’s other shadow impacts on public open space, it cannot be considered less than significant. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56g]

3. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse effect on the proposed project’s new on-site outdoor recreation facilities, parks and open space created as a part of the project (Impact SH-2).

- **Proposed Jackson Common** – As shown in Shadow Diagrams, the proposed project would shade most of the Jackson Common during spring and autumn and would cast significant shade on Jackson Common during summer and winter. See Shadow Diagram IV.G.25. But, according to the DEIR, this shadow would be “less than significant” because they would plant shade-loving plants and pedestrians would only be passing through. This is not an objective analysis of the project’s shadow impacts on this new proposed open space.

- **Proposed Pacific Avenue Park** – The Shadow Diagrams clearly show that this new park would be in shade most of the year, with the proposed project adding new net shadow in the spring and winter. Again, the DEIR assures us that the shadow impacts would be “less than significant” because they would plant shade-loving plants and because it will not affect the park’s use “for passive recreation such as sitting or strolling.” This is not an objective analysis of the project’s shadow impacts on this new proposed open space. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56h]

- **Golden Gate Tennis and Swim Club** – The DEIR admits that “[t]he relocated tennis courts would receive less sunlight during the day than the existing tennis courts.” How much less is unclear. The DEIR is inadequate and incomplete because it does not include side-by-side diagrams of the shadow cast by existing buildings on the existing tennis and swimming facilities along with its diagrams of the proposed project’s shadows on the proposed new recreational facilities.
Just how much shadow the project would cast on the new courts is very clearly shown in Shadow Diagrams IV.G.2, IV.G.7, IV.G.12 and IV.G.18, which reveal that the proposed project would completely shadow all four new tennis courts at certain times in the spring, summer, autumn, and winter – throughout the entire year. The DEIR concludes that these significant shadows are really “less than significant” based on the following set of flawed, highly subjective assertions:

“Since outdoor tennis courts and outdoor swimming pools can be illuminated, the enjoyment of these two activities is not dependent on sunlight. People can play tennis or swim outdoors at night if a facility has lighting. Weather conditions have a greater impact on outdoor tennis than a lack of sunlight. Rain can make an outdoor tennis court slippery, thus posing a danger to participants. For these reasons, the shadow impact of the proposed project on the tennis courts and swimming pools would be considered less than significant, and no mitigation measures are required.” (Page IV.G.45) (Jon Golinger, Telegraph Hill Dwellers) [C.10.56i]

4. The DEIR incorrectly concludes that the proposed project would have a “less than significant” cumulative impact related to Shadow (Impact SH-3).

Given the project’s impacts on each of the existing parks and public open space discussed above, it is clear that the proposed project will contribute to the cumulative yearly shadow loads on these public open spaces. Each new shadow that the proposed project will cast on Sue Bierman Park, the Embarcadero Promenade, Sidney Walton Square, the Drumm Street Pedestrian Path, the Port Walk Promenade, and the Drumm Street, Jackson Street and Pacific Avenue sidewalks must be considered cumulatively. The only reasonable, objective conclusion that can be reached is that the proposed project will have a significant impact related to Shadow. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56j]

Response

The comments state that the conclusions presented in the EIR regarding the proposed project’s shadow impacts on parks, open spaces, outdoor recreation facilities, and other public areas are incorrect and subjective. Impact SH-1, discussed on EIR pp. IV.G.33-IV.G.34, concludes that the proposed project would not adversely affect the use of any park or open space under the jurisdiction of the Recreation and Park Commission. Impact SH-2, discussed on EIR pp. IV.G.34-IV.G.45, concludes that the proposed project would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. Impact SH-3, discussed on EIR p. IV.G.45, concludes that the proposed project would not result in a significant cumulative impact related to shadow.

*The Embarcadero Promenade*

The conclusion presented in the EIR was formulated by considering how The Embarcadero Promenade is used, when the shadow would occur, and which areas of the promenade would be affected. EIR pp. IV.G.7 describes The Embarcadero Promenade as “a public open space resource that functions both as a pedestrian corridor and as a waterfront open space destination, attracting
III. Comments and Responses

L. Shadow

downtown office workers, tourists, and residents. The segment that is opposite the project site functions more as a pedestrian corridor and less as an open space destination, because visual access to San Francisco Bay from this segment is blocked by the Piers 1-5 bulkhead buildings at the water’s edge.” EIR pp. IV.G.34-IV.G.36 provide a detailed discussion of when the shadow would occur (at the end of the day throughout the year) and which areas of the promenade would be affected. If the proposed project were constructed, the promenade would still receive 8 to 10 hours of sunlight each day during the spring, summer, and autumn and at least 3 to 4 hours of sunlight each day during the winter. As pedestrians, cyclists, in-line skaters, and runners move along the promenade, they are constantly moving from areas of sun to areas of shadow and back to areas of sun; they do not stop because they reach areas of shadow. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on The Embarcadero Promenade. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

Sydney Walton Square

The field observation that was conducted in Sydney Walton Square, described on EIR p. IV.G.38, was not the sole basis for the conclusion presented in the EIR. The shadow analysis provided detailed information regarding the location and the duration of the shadows that would be cast by the proposed project. EIR p. IV.G.38 includes a detailed discussion of how the park is used throughout the day, when the shadow would occur (before 8:45 AM from early February through mid-April and from late August through early November), and which areas of the park would be affected. The field observation recorded 100 people in the park between 8:15 AM and 10:00 AM. Of the 100 people observed, 75 were walking through the park, and 25 were sitting down or engaged in active recreation. None of the 25 people who were sitting down or engaged in active recreation was in a location that received sunlight even though many areas of the park receive sunlight during this period. The shadow analysis demonstrated that the proposed project would not cast shadows on Sydney Walton Square during the period when the park experiences its heaviest use (noon until 2:00 PM). All of this information, including the data collected during the field observation, was considered in formulating the conclusion that shadow from the proposed project would have a less-than-significant impact on Sydney Walton Square. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

Drumm Street Pedestrian Path and Sidewalk

The conclusion presented on EIR p. IV.G.40 was formulated by considering how the Drumm Street pedestrian path is used as a passageway rather than a recreation area, when the shadow would occur, and which areas of the pedestrian path would be affected. EIR p. IV.G.40 includes a detailed discussion of when the shadow would occur (in the morning throughout the year) and which areas of the pedestrian path would be affected. The comments do not offer any evidence
that continuous access to sunlight is essential to enjoy walking along a pedestrian path. In addition, there is no evidence that additional shadows would be harmful to the growth and health of landscaping and vegetation. If the proposed project were constructed, the pedestrian path would receive 5 to 7 hours of sunlight each day during the spring, summer, and autumn and 4 to 5 hours of sunlight each day during the winter. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on the Drumm Street pedestrian path. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

The second and third full paragraphs on EIR p. IV.G.9 are revised to provide information on the Drumm Street sidewalk, as follows (new text is underlined, deleted text is shown in strikethrough):

During the spring, summer, and autumn, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street are sunny in the morning and early afternoon (see Figures IV.G-2 through IV.G-4, Figures IV.G-7 through IV.G-9, and Figures IV.G-12 through IV.G-14). The sidewalk and almost the entire length of the pedestrian path are shadowed by existing buildings in the late afternoon. The shadows begin at approximately 3:00 PM and remain until the end of the day (see Figures IV.G-5, IV.G-6, IV.G-10, IV.G-11, IV.G-15, and IV.G-16).

During the winter, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street are shadowed by existing buildings in the late morning until the end of the day, with the shadows beginning at approximately 11:00 AM and remaining until the end of the day (see Figures IV.G-17 through IV.G-21).

The second and third full paragraphs on EIR p. IV.G.40 are revised, as follows (new text is underlined):

The proposed project would cast some net new shadow on the southern half of the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street in the morning. During the spring, summer, and autumn, the shadows would begin at sunrise and move off the pedestrian path and the sidewalk at approximately 10:00 AM (see Figures IV.G-2, IV.G-3, IV.G-7, IV.G-8, IV.G-12, and IV.G-13). During the winter, the shadows would begin at sunrise and move off the pedestrian path and the sidewalk at approximately 11:00 AM (see Figures IV.G-17 through IV.G-19).

During the spring, summer, and autumn, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street would continue to receive 5 to 7 hours of sunlight each day. During the winter when the days are coldest and shortest, the pedestrian path and the sidewalk would continue to receive 4 to 5 hours of sunlight each day. Considering the amount of sunlight that would reach the pedestrian path and the sidewalk throughout the year, the shadows from the proposed project would not be harmful to the growth or health of landscaping and vegetation and would not substantially affect the use of the pedestrian path. For these reasons, the shadow impact of the proposed project on the pedestrian path and the sidewalk between Jackson Street...
and Washington Street would be considered less than significant, and no mitigation measures are required.

**Jackson Street and Pacific Avenue Sidewalks**

The following heading and text are added after the third full paragraph on EIR p. IV.G.9 (new text is underlined):

**Jackson Street and Pacific Avenue Sidewalks**

The sidewalks along Jackson Street between Drumm Street and Front Street and along Pacific Avenue between Drumm Street and Davis Street are sunny from mid-morning until mid-afternoon (10:00 AM until 3:00 PM) during the summer. At all other times of the day throughout the year, the sidewalks are shadowed by existing buildings (see Figures IV.G-2 through IV.G-21).

The following heading and text are added after the third full paragraph on EIR p. IV.G.40 (new text is underlined):

**Jackson Street and Pacific Avenue Sidewalks**

The proposed project would cast net new shadow on the sidewalks along Jackson Street between Drumm Street and Front Street for about two hours in the morning throughout the year (see Figures IV.G-2, IV.G-3, IV.G-7, IV.G-8, IV.G-12, IV.G-13, IV.G-17, and IV.G-18).

The proposed project would cast net new shadow on the sidewalks along Pacific Avenue between Drumm Street and Davis Street for about one hour in the morning during the spring, autumn, and winter (see Figures IV.G-2, IV.G-3, IV.G-12, IV.G-13, IV.G-17, and IV.G-18).

Many of the sidewalks in the vicinity of the project site are already shadowed for much of the day throughout the year by existing high-rise development. This amount of shadow is typical for an urban environment. The existing shadows have caused no apparent detrimental effect on the sidewalks or the use of the sidewalks, and an additional one to two hours of shadow would not substantially change the conditions that have existed for the past 40 years. For these reasons, the shadow impact of the proposed project on the sidewalks along Jackson Street and Pacific Avenue in the vicinity of the project site would be less than significant, and no mitigation measures are required.

**Port Walk Promenade**

The conclusion presented in the EIR was formulated by considering how the Port Walk Promenade is used, when the shadow would occur, and which areas of the promenade would be affected. EIR p. IV.G.36 states that during the summer and winter, the proposed project would cast net new shadow on the Port Walk Promenade toward the end of the day. One of the affected areas would be a surface parking lot, which could function with or without continuous access to sunlight. The other affected areas of the promenade are used for passive recreation such as sitting...
and strolling. The comments do not offer any evidence that continuous access to sunlight is essential to enjoy sitting in or walking through an outdoor open space. If the proposed project were constructed, the promenade would receive 8 to 10 hours of sunlight each day during the spring, summer, and autumn and 4 to 6 hours of sunlight each day during the winter. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on the Port Walk Promenade. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

Proposed Jackson Common

The conclusion presented in the EIR was formulated by considering the information contained in the shadow analysis. EIR p. IV.G.41 includes a detailed discussion of when the shadow would occur and which areas of Jackson Common, a new open space that would be constructed as part of the proposed project would be affected. The EIR acknowledges that Jackson Common would receive little sunlight during the winter, but the lack of sunlight would not substantially affect the use of Jackson Common as a pedestrian corridor or be harmful to the growth and health of landscaping and vegetation. The comments do not offer any evidence that continuous access to sunlight is essential to enjoy sitting in or walking through an outdoor open space. In addition, the comments do not offer any evidence that additional shadows would be harmful to the growth and health of landscaping and vegetation. If the proposed project were constructed, Jackson Common would receive 2 to 3 hours of sunlight each day during the spring and autumn and 8 to 10 hours of sunlight each day during the summer. Because it would be a newly developed, publicly accessible open space, Jackson Common does not have any pre-existing recreational activity or pre-existing public expectation of sunlight that would be impacted by shadow from the proposed project buildings. The amounts of shadow and sunlight access on Jackson Common, including shadow from the proposed project, would be part of the existing condition for that open space, from its inception. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on Jackson Common. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

Proposed Pacific Avenue Park

The creation of Pacific Avenue Park would substantially expand and reconfigure, as part of the proposed project, the existing open space at this location on the project site. The conclusion presented in the EIR was formulated by considering the information contained in the shadow analysis. EIR pp. IV.G.43-IV.G.44 include a detailed discussion of when the shadow would occur and which areas of Pacific Avenue Park would be affected. If the proposed project were constructed, the expanded park would receive 7 to 8 hours of sunlight each day during the spring, summer, and autumn and approximately 6 hours of sunlight each day during the winter. Similar to the situation with Jackson Common, the amounts of shadow and sunlight access on the newly created portion of the park would be part of the existing condition for that portion of the park.
from its inception. Regarding new project shadow on the existing open space in this area (the existing open space at the eastern terminus of Pacific Avenue Mall), such shadow would be limited primarily to the southern portion of the open space, and only during mornings in the winter. The additional shadows from the proposed project would not be harmful to the growth or health of landscaping and vegetation. The comments do not offer any evidence that continuous access to sunlight is essential to enjoy sitting in or walking through an outdoor open space. In addition, the comments do not offer any evidence that additional shadows would be harmful to the growth and health of landscaping and vegetation. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on Pacific Avenue Park. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

Golden Gateway Tennis & Swim Club

The location of the existing tennis courts and swimming pools is shown on Figure II-2: Existing Uses on the Project Site, on EIR p. II.4. The EIR does not include figures showing the existing shadows on the existing tennis courts and swimming pools. The EIR presents sufficient information for evaluating the shadow impacts under existing and proposed conditions. The EIR discusses the existing shadow conditions on the existing tennis courts and swimming pools as well as the proposed project’s shadows on the relocated tennis courts and swimming pools.

EIR p. IV.G.10 discusses the existing shadows on the existing tennis courts and swimming pools. During the spring, summer, and autumn, there is little to no shadow on the tennis courts and swimming pools for most of the day. The tennis courts and swimming pools are shadowed by existing buildings for 3 to 4 hours each day, from the late afternoon (approximately 3:00 PM) until the end of the day. During the winter, the tennis courts and swimming pools are shadowed by existing buildings for 5 to 6 hours each day, from the late morning (approximately 10:00 AM) until the end of the day.

During the spring and autumn, the proposed project would shadow the relocated tennis courts from sunrise until early afternoon (approximately 1:00 PM). Shadows from existing buildings would begin to reach the tennis courts at approximately 3:00 PM and would remain until the end of the day. Overall, the tennis courts would be sunny for about 2 hours each day (from 1:00 PM until 3:00 PM) during the spring and autumn. During the summer, the proposed project would shadow the relocated tennis courts from sunrise until noon. Shadows from existing buildings would begin to reach the tennis courts at approximately 3:00 PM and would remain until the end of the day. Overall, the tennis courts would be sunny for about 3 hours each day (from noon until 3:00 PM) during the summer. During the winter, the proposed project would shadow the relocated tennis courts from sunrise until 1:00 PM. Shadows from existing buildings would begin to reach the tennis courts around noon and would remain until the end of the day. Overall, the tennis courts would be shadowed throughout the day during the winter. When compared to the
existing tennis courts, the relocated tennis courts would be shadowed 4 to 5 hours more each day during the spring, and autumn, 5 to 6 hours more each day during the summer, and 2 hours more each day during the winter.

During the spring, summer, and autumn, neither the proposed project nor existing buildings would shadow the swimming pools. The swimming pools would be sunny all day. During the winter, the proposed project would shadow the swimming pools from sunrise until noon. Shadows from existing buildings would begin to reach the swimming pools at approximately 11:00AM and would remain until the end of the day. Overall, the swimming pools would be shadowed throughout the day during the winter. When compared to the existing swimming pools, the relocated swimming pools would be shadowed 3 to 4 hours less each day during the spring, summer, and autumn and 2 hours more each day during the winter.

Despite the reduced amount of sunlight on the relocated tennis courts, people will still be able to play tennis during the day. The existing tennis courts are presently often used during portions of the year and times of the day when the courts are in shadow, and there is no reason to believe that activity would not continue with the proposed project. The comments do not provide any evidence that shadow cast by the proposed project would have an adverse effect on people playing tennis. For these reasons, the EIR concludes that the proposed project would have a less-than-significant shadow impact on the tennis courts and swimming pools. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.

The fourth and fifth paragraphs under the heading “Golden Gateway Tennis & Swim Club,” on EIR pp. IV.G.44-IV.G.45, are revised, as follows (new text is underlined, deleted text is shown in strikethrough):

  During the winter, existing buildings would shadow the southeast corner of the four relocated tennis courts in the early morning. The shadows would begin at sunrise and recede as the day progresses, moving off the tennis courts by 9:00 AM. The proposed project would shadow the tennis courts in the morning. The shadows would begin at sunrise and recede as the day progresses until only the southeast corner of the tennis courts is shadowed at noon. Beginning at noon, shadows from existing buildings would begin to reach the tennis courts and would remain until the end of the day. At the end of the day, the tennis courts would be completely shadowed. The proposed project would shadow the proposed rooftop swimming pools from about 8:00AM until noon. Beginning at noon, shadows from existing buildings would begin to reach the swimming pools, overlap with shadows from the proposed project, and remain until the end of the day. At the end of the day, the swimming pools would be completely shadowed by existing buildings (see Figures IV.G-17 through IV.G-21).

  During the spring, summer, and autumn, the relocated tennis courts would receive 6 2\textsuperscript{2} to 7 3 hours of sunlight each day, and the rooftop swimming pools would be without shadows all sunny throughout the day. During the winter, when the days are coldest and shortest, the relocated tennis courts would receive 3 to 4 hours of sunlight each day, and
the rooftop swimming pools would be without shadows all shadowed throughout the day. Overall, throughout the year, the relocated tennis courts would receive less sunlight during the day than the existing tennis courts, and the proposed rooftop swimming pools would receive more sunlight during the day than the existing at-grade swimming pools, which are shadowed by existing buildings during the mid-to late afternoon throughout the year.

*Cumulative Shadow Impacts*

The comments use the term “cumulative impact” to refer to the proposed project’s collective impact on all of the open spaces in the vicinity of the project site. The term as used in the comments means that the proposed project’s individual shadow impacts on each individual open space should be considered in the aggregate. The discussion on EIR pp. IV.G.33-IV.G.45 acknowledges that the proposed project would shadow Sue Bierman Park, which is under the jurisdiction of the Recreation and Park Commission, Sydney Walton Square, and several other publicly accessible open spaces. The usability of the affected parks and open spaces, rather than the total number of affected parks, is the criterion used to determine if the proposed project would have a significant shadow impact. The EIR discusses each of the affected parks and open spaces and, using the significance criteria listed on EIR p. IV.G.11, concludes that the proposed project would not have a significant shadow impact on any of them.

Pursuant to *CEQA Guidelines* Section 15355, “cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts …The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonable foreseeable probable future projects …”

As discussed on EIR p. IV.G.45, given the distance and position of the nearest anticipated development projects in relation to the open spaces affected by the proposed project, the size of those projects, and/or the presence of intervening structures between those projects and the open spaces, it is not likely that the project shadow would combine with shadow from these development projects to contribute to a cumulatively significant shadow impact on any of the open spaces studied. The proposed project would have less-than-significant shadow impacts on existing and proposed open spaces in the vicinity of the project site. As such, the 8 Washington/Seawall Lot 351 project would be unlikely to combine with other development to have a cumulatively considerable effect on those open spaces. The comments do not present any new information that would warrant changing the conclusion presented in the EIR.
SHADOW IMPACTS OF ELEVATOR PENTHOUSES

Comment

There is a rooftop open space on top of the residential building. Such open space, when it is accessible to residents must meet ADA accessibility standards, which results in increased elevator penthouses. Please explain the increased elevator height (and resulting shadows) from providing part of the open space on the roof. (Sue C. Hestor, Friends of Golden Gateway) [C.8.19]

Response

The comment requests an explanation of the shadow impacts from the elevator penthouses that provide access to the proposed rooftop open spaces. The proposed rooftop open space is not code-required residential open space but is part of the upper-level units directly below the roof and is in addition to their code-required private open space. Sections 1102A and 1103B of the California Building Code address accessibility and do not require elevator access to any level other than the primary level (entry level) of a residence in a privately funded multi-level residential building. Although there are no explicit requirements for this additional open space to be accessible, in the event an individual owner or the project sponsor wishes to provide accessibility to these spaces, it could be accommodated by stair lifts that would not affect the building envelope. The computer model that was used for the shadow analysis included all elevator, mechanical, and stair penthouses in the proposed project design. The discussion of the proposed project’s shadow impacts, on EIR pp. IV.G.11-IV.G.45, accounts for this.

SHADOW GRAPHICS AND TEXT

Comments

Change all graphics to eliminate the former elevated pedestrian bridge to Sue Bierman park from Maritime Plaza. Start with the shadow diagrams and go from there. It has been demolished. (Sue C. Hestor, Friends of Golden Gateway) [C.8.11]

Corrections: The reference to Block 203 at the end of the first paragraph on page IV.G.3 should be changed to Block 202. The last 3 sentences at the end of the second paragraph should be deleted, as they do not apply to Block 203, but just repeats what is in the first paragraph. The western block is not fenced and work is not ongoing. However, the pedestrian bridge has already been removed, which should be noted, and footnote 1 on this page should be deleted. (Jon Golinger, Telegraph Hill Dwellers) [C.10.56c]

Response

The comments provide corrections to the text of the EIR and state that all of the shadow graphics should be revised to show that the elevated pedestrian bridge connecting Sue Bierman Park to Maritime Plaza has been removed. Pursuant to Section 15125 of the CEQA Guidelines, “an EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published.” When the Notice of Preparation
of an EIR/Initial Study ("NOP/Initial Study") was published on December 8, 2007, there was an elevated pedestrian bridge that crossed Davis Street and connected the western block of Sue Bierman Park to Maritime Plaza. After the NOP/Initial Study was published, the pedestrian bridge was removed.

Pursuant to the shadow analysis methodology established by the Planning Department, the shadows cast by existing park buildings and structures are not included as part of a shadow analysis, because the government agency that has jurisdiction over a particular park can choose to demolish or relocate the buildings and structures within that park at any time. The shadows cast by the pedestrian bridge were not calculated as part of the shadow analysis for either Sue Bierman Park or Maritime Plaza. Since the presence or absence of the pedestrian bridge does not affect the results of the shadow analysis or the conclusions in the EIR, removing the pedestrian bridge from Figures IV.G-2 through IV.G-25 is not necessary. The text of the EIR has been revised to acknowledge the removal of the pedestrian bridge.

The second-to-last sentence of the first paragraph on EIR p. IV.G.3, which describes the eastern block of Sue Bierman Park, is revised, as follows (new text is underlined, deleted text is shown in strikethrough):

At the time of publication of this DEIR, the Block 202 portion of the park is fenced and work is ongoing.

The second paragraph on EIR p. IV.G.3, which describes the western block of Sue Bierman Park, is revised, as follows, and footnote 1 is deleted (new text is underlined, deleted text is shown in strikethrough):

The western block (Assessor’s Block 203) of Sue Bierman Park is bounded by Washington Street on the north, Drumm Street on the east, Clay Street on the south, and Davis Street on the west. The western block slopes upward from east to west, but the northern perimeter is at street grade and is generally flat. A network of walkways, stairs, and terraces meanders up the slope to meet a pedestrian bridge crossing Davis Street to Maritime Plaza grove of trees. The western block has been densely planted with trees, and other amenities include lawns, paved walkways, and seating areas. In late 2010, a renovation project was undertaken to reorient the pedestrian walkways, relandscape the park, and remove the space frame structure in the eastern block. At the time of publication of this DEIR, the western block, Block 203, is fenced and work is ongoing. It is expected to reopen in June of 2011. When the NOP/Initial Study was published on December 8, 2007, there was an elevated pedestrian bridge that crossed Davis Street and connected this block to Maritime Plaza. That pedestrian bridge, which is shown in Figures IV.G-1 through IV.G-25, has been removed.

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1 The Recreation and Park Department plans to remove the pedestrian bridge. See San Francisco Recreation and Park Department, Capital Plan—2006 Update, p. 39.
SHADOW AND WIND

The DEIR Does Not Adequately Address or Analyze Impacts on Impacts on Shadow and Wind. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.55]

Response

This comment refers to the analysis of Wind in the EIR, as well as Shadow. See the responses in Section III.K, Wind, on C&R pp. III.K.1-III.K.3.
M. RECREATION

PHYSICAL EFFECTS ON RECREATIONAL RESOURCES

Comments

My focus is directed to Part IV.H, recreation, which is biased for concluding demolition and reduction of the Golden Gateway Tennis and Swim Club insignificantly impacts the recreation in the project area. If the 8 Washington development proceeds, this club will be demolished and unavailable for at least 24 months; and when it reappears will be reduced from nine tennis courts to four. The green open space will be replaced with a restaurant, retail and residential buildings. The swimming pools will be on top of a fitness building, making entry difficult for seniors and kids now using level entrance. The DEIR, page 7, classifies this an insignificant impact because the site area is not considered high-need, mainly using information from the 1980 U.S. census, updating from the 2000 census but failing to reference the recent 2010 census, which has been partly available from early 2011. On page 12 and 13 some of the consequences of the two-year closure of the club are cited, and I quote. The interim closure would displace current users of the club. They would be forced to find other recreational opportunities. Users might choose different forms of recreation. Others might search for replacement tennis/swim facilities. These facilities could be further from users’ home or workplace. Other private facilities could cost more than the Golden Gateway Tennis and Swim Club. And public facilities might not be of equal quality. The DEIR finds this insignificant. Page 8 cites a 2004 recreation and parks assessment evaluating the needs of San Francisco residents, which reports that the 8 Washington Street site is not within the defined service area for pool, tennis, basketball courts. Yet the DEIR concludes the impact of the closure and reduction of the club is insignificant, overlooking this salient fact: The club is in District 3, which has the lowest level of recreation resources per capita of any district in the city. Any reduction in the size or access to the club forcing residents of the Golden Gateway Apartments to depend on city swimming and tennis facilities must be considered significant. (Irene Glassgold) [TR.18.1]

I want to address the recreation aspect of this because that's why I go to the club. I walk from Russian Hill, where I live. I swim. I have a back problem and recreation is very important to me. I would take issue with what Ms. Karlinsky said about this project providing more open space. This just is false. This is false. And it certainly doesn't provide more recreational open space, which is what we are sorely lacking of in the city. (Nan McGuire) [TR.21.2a]

The recreation center, I think, is really important. Sure, there may be 800 tennis courts throughout the city, but my life pretty much stays east of Van Ness. And I would guess most of the folks who live downtown stay east of Van Ness. Look east of Van Ness and north of 16th, how many recreation centers there are. We're underserved, but yet we are sort of the ATM for money for a lot of things that happen city-wide. I think we should give some consideration to the people that live in the area that also helps provide a lot of money. (Jamie Whitaker) [TR.33.2]

Pg. 1.14, RE-3: The non-replacement of over half the tennis courts (5) in an area and Supervisorial District already deficient in recreation facilities does have a substantial impact. Even though the number of courts is small, their availability for a major concentration of housing needs further consideration. Recreation is a major goal of both the Port and our city as a whole. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.7]
For clarity and brevity I wish to discuss particular issues of concern under the **Recreation (H)** section.

The first sentence states **The NOP/Initial Study prepared for the proposed project (included in Appendix A to this EIR) concluded that potential impacts to recreation would be less than significant.**

This could not be further from the truth. How can one close down a recreational facility for three years to construct a millionaires 165 condominium high rise complex, and 420 underground parking garages for possibly 330 residents. Then reopen the recreational facility with 52% less open recreational space, replacing over 2200 members who represent an important part of the City’s residential middle class families, their children, seniors and individuals throughout the Bay area (not including 2500 guests each year, and 700 youngsters who attend Summer Kids Camp for 12 weeks each summer), and say “**that potential impacts to recreation would be less than significant.**” It is total arrogance. (Lee Radner, Friends of Golden Gateway) [C.5.2a]

We live in one of the most densely populated areas in the City, with a large proportion of retired seniors., many who live at the Gateway (formerly the Golden Gateway Center), a rent controlled project originally constructed in the 1960’s with the proviso that it would include an active recreational area, now occupied and managed by the Golden Gateway Tennis & Swim Club, serving not only its neighbors but many throughout the Bay area. (Lee Radner, Friends of Golden Gateway) [C.5.2d]

**PROPOSED ATHLETIC CLUB FACILITIES**

The DEIR again states that the Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities, and states that there would be “additional space allocated to the general public.”

- What is meant by “additional space allocated to the general public?” Please explain where this space is and what this statement is intended to mean. (Jon Golinger, Telegraph Hill Dwellers) [C.10.15a]

Because of limited time, I shall focus on part IV H, Recreation.

This section of the DEIR is biased toward proving that the demolition and reduction of the Golden Gateway Tennis and Swimming Club is of unsubstantial impact, to recreation in the project site district, though there is ample evidence that it would be of substantial negative impact.

If the proposed project is approved, the Golden Gateway Swim and Tennis Club will be demolished. The conclusions the DEIR draws on the impact on the recreation needs of those living and working in the neighborhood are mistaken. And they sometimes use out of date statistics to support their conclusions. For instance, on page 7 statistics are partly cited based on the 1980 U.S. census, before the Embarcadero Expressway was destroyed, to show the 8 Washington Project site is not considered a “high need” recreation area. They fail to reference the 2010 census statistics which would be more relevant to a 2011 DEIR, census statistics which have been available since the beginning of the year. (Irene Glassgold) [D.4.1a]

According to the DEIR, the time frame for the demolishment of the club and the rebuilding of a much modified recreation club will be two years which is optimistic, considering the many impediments listed in the DEIR which can interfere with construction. However even for the two years, the lack of the club would prove a hardship for those who avail themselves of the club’s
facilities, that is seniors, those who work in the area, and swim and play tennis before and after the work day and in lunch hours and to families citywide. There are not adequate substitute facilities for these tennis players and swimmers.

The DEIR has classified the impact as less than significant, even though they state on {p.12} and{13}, and I quote, “The interim closure of the facilities would displace current users and they would be forced to find other recreational opportunities. Some users might choose different forms of recreation; others might search for replacement tennis swim /and or basketball facilities .These facilities could be further or closer from the users’ homes or workplace. Other private facilities could cost more than Golden Gateway and Swim Club and public facilities might not be of equal quality.” (Irene Glassgold) [D.4.1c]

What the DEIR doesn’t acknowledge is The Golden Gateway Swimming and Tennis Club is in District 3 which has the lowest level of recreational resources per capita of any district in the city. Any reduction in the size or access to the Golden Gateway Tennis &Swim Club that forced Golden Gateway residents to depend on City swimming and tennis facilities must be considered significant. (Irene Glassgold) [D.4.1d]

On p.8, in the methodology section, there is a statement. “This report assumes that if there are recreational facilities within a service distance with sufficient capacity to provide a variety of recreational opportunities, there wouldn’t be significant adverse effect. But even when they cite a 2004 Recreation and Parks Department Report evaluating the needs of San Francisco residents which states the project site is not within the defined service areas for existing public ball fields, recreation centers, pool, basketball courts, tennis courts, the DEIR still maintains the demolition and change of the Golden Gateway Tennis and Swim Club is of less than significant impact. A more logical conclusion consistent with the information in the DEIR would be that if the 8 Washington Street development proceeds, it will have a significantly deleterious effect on the recreation in the neighborhood and in San Francisco. (Irene Glassgold) [D.4.1f]

More facts

The Community

- Highest density of all districts in SF
- Least amount of Active Recreational Space in all of SF.
- Reserve fields for soccer practice. (Lisa Schreiber) [D.7.2]

Recreation – R1, 3, and 4 should be marked as significant impact. (Lisa Schreiber) [D.7.13]

In summary, the DEIR statement that there is ‘no significant impact’ to Recreation is incorrect. Further, the impact on seniors by this proposed project has not been addressed. It is imperative that this is addressed in the next revision of the DEIR. (William Benkavitch) [D.16.1]

DEIR Comments – Item H – Recreation

The DEIR Statement that there is ‘no significant impact’ to Recreation is incorrect.

This is based on the CEQA Guidelines statement; ‘A social or economic change may be considered in determining whether the physical change is significant.’ (William Benkavitch) [D.16.4b]
The REGULATORY FRAMEWORK statement is misleading concerning ‘high need’. It does not mention active recreation.

The element criteria fail to mention ‘active recreation.’

The statement on page IV.H.7 quoting the 2004 Recreation Assessment Report says ‘...the project site is not within the defined service areas for the existing public ball fields, multi-use/soccer fields, recreation centers, pools, basketball courts, or tennis courts in the City.’ Regardless of the remainder of the statements in that paragraph, it is clear that there are inadequate active recreation facilities in the project area. Coupled with the initial statement in the IMPACT section ‘The City and County of San Francisco has not formally adopted significance thresholds for impacts related to recreation.’

Explain how the DEIR can state no significant impact based on what is quoted above. This must be in the next revision of the DEIR.

Request the next revision of the DEIR look at the senior population in the project area based on the 2010 Census. The 2000 Census shows the area has a senior population of over 25%, nearly twice the national average.

Impact on seniors losing active recreation for the term of project construction will be devastating and significant to us. Request that this be addressed in detail. (William Benkavitch) [D.16.4f]

The METHODOLOGY assumptions are dismissive of what is presently available at the existing Club site. ‘This report assumes that if there are recreational facilities within a service distance with sufficient capacity to provide a variety of recreational opportunities, there would not be a significant adverse effect. However, this analysis does not assume that a lack of prescribed capacity for each type of recreational activity, in itself, constitutes a significant adverse impact, provided that recreational options continue to be available to nearby and proposed project residents.’ There is no discussion of the effect on the aggregate of programs currently available.

Explain how the DEIR can state no significant impact when there will be City-wide impact as the existing facility serves more than nearby residents.

The IMPACT EVALUATION statements are dismissive of existing Club members and their loss of a community benefit. Again, there is no assessment of the aggregate impact of the proposed project. The following statements are particularly dismissive.

‘Comments on the NOP/Initial Study indicate that the club’s existing members may be inconvenienced by the reduced availability of tennis courts.

The reduction in the number of tennis courts could result in longer wait times for tennis courts at the proposed new facility, and fewer scheduling options and longer lead times for making reservations than those to which GGTSC tennis users are now accustomed. Some tennis users may seek courts elsewhere in the area or City. As indicated above, 168 public tennis courts and 52 tennis courts at private facilities are available elsewhere within the City. Some tennis users may be deterred by inconvenience from playing tennis as often as they otherwise might have under existing conditions. Such inconvenience is not considered a significant impact for purposes of CEQA because it would not result in a significant change to the physical environment.’

‘The interim closure of the facilities would displace current users and they would be forced to find other recreational opportunities. Some users might choose different forms of recreation; others might search for replacement tennis, swim, and/or basketball facilities, which could temporarily or permanently increase the use of those tennis or swim facilities. These facilities could be
further or closer from the users’ homes and/or workplaces. Other private facilities might cost more than the Golden Gateway Tennis & Swim Club facilities, and other public facilities (and programs) might not be of equal quality to the private athletic club. Assuming users must substitute less convenient, more costly facilities for those available now, the changes are likely to be perceived negatively by those accustomed to existing conditions. However, the changes would, in some instances, be temporary, and at least some of the changes would result in social rather than environmental impacts. In addition, there would be other opportunities for recreation in the project area. Therefore, the loss of the existing recreational facilities on the project site during construction would not be considered a significant degradation of recreational resources under CEQA, and no mitigation measures are required.

The last sentence conclusion is completely without support, merely a way to not address the impact on the existing community.

Further statements in the DEIR are equally dismissive.

‘The reduction in the number of tennis courts would have negative impacts on some current tennis members, who would be forced to find recreational opportunities elsewhere. These people might have to travel longer distances to find a replacement private (or public) facility, but there are a number of such facilities available in the City. For these reasons, the proposed reduction in tennis courts would not constitute a significant degradation of recreational resources, and no mitigation measures are required.’

These statements completely disregard the existing community social structure that will be eliminated by the proposed project. CEQA guidelines can be used in this regard to support significant impact.

Explain how the DEIR can state no significant impact when this existing community social structure will be destroyed.

There are other considerations that need to be addressed in the DEIR.

The consultant who wrote the words in the DEIR about Recreation and not including the impact on the senior population must take an in-depth look at this issue, preferably as themselves as a senior, as I do. You must look at the seniors. We have movement challenges that are not addressed. They must be. (William Benkavitch) [D.16.4g]

Concerning the analysis requested here, provide details about the consultant who prepares this information. This should include the consultant name, qualifications and previous experience doing the same or similar type of analysis. Further, request that the DEIR include the consultant work history with the developer of the proposed project and whether the consultant - or any of its principals and staff, past or present - have a financial interest in having this proposed project approved. (Bill Benkavitch) [D.33.1b]

As stated in my previous email, the DEIR is incorrect about no significant impact to Recreation. When these existing programs are viewed in the aggregate, it is illogical for the DEIR to state that there is no significant impact on Recreation. The information requested here will clearly show this. (Bill Benkavitch) [D.33.1c]

Golden Gateway Center is one of the highest density areas in the City. The Golden Gateway Tennis and Swim Club (GGTSC), an active recreation center, was seen as essential in the planning of the redevelopment project. It has been extraordinarily successful for more than forty years serving thousands of families and individuals. Many families with children are in its
swimming and summer camp programs. The pools and tennis courts not only serve the residents of Golden Gateway Center, but also attract working people in the immediate downtown, who use the facilities over the lunch hour and both before and after work. Many members also reside throughout the city. The ground level lawn and pool area is a unique oasis in the heart of downtown. (Edward Helfeld) [D.35.1]

The EIR analysis ignores the need for active recreation facilities to serve a variety of income groups. GGTSC has provided superior recreational opportunities at affordable rates for lower middle class families. (Edward Helfeld) [D.35.4a]

This section also slight the fact that although there is a projected population increase, loss of recreation is not an issue. (Bob Iwersen) [D.36.2]

Highest density of all districts in SF

Least amount of Active Recreational Space in all of SF.

My son's soccer team needs to reserve fields for soccer practice and are limited to 2 per week because there is not enough active recreational space in SF. This plan promises to remove an active recreational space for 2+ years and to reduce it drastically. The active recreational needs of the children and adults in this city need to be addressed and not made worse. (Lisa Schreiber) [D.47.4]

Recreation - R1, 3, and 4 should be marked as significant impact. (Lisa Schreiber) [D.47.17]

Comment: It would, however, result in a substantial increase in demand for the Tennis and Swim Club facilities which are to be replaced with a reduced Club with the added membership of the 165 condominiums at 8 Washington, roughly an additional 320 members. (Richard and Barbara Stewart) [D.48.1a]

The study fails to consider that the project will reduce the Golden Gateway Tennis and Swim Club facilities to 4 tennis courts from the present 9 and remove the swimming pools from ground level to on top of the health facility but will increase the potential number of users by as many as 330 (165 new condominiums, or around twice as many persons). (Richard and Barbara Stewart) [D.48.4b]

The Recreation portion of the report (“Subject H. under Section IV. Environmental Setting and Impacts”) is misleading. The first paragraph of that portion of the report erroneously states that "impacts to recreation would be less than significant.” This conclusion is based on the fact that the club is privately owned, that the proposed project would “partially replace” the existing club, and that the elimination of five tennis courts would have “minor impacts on existing tennis facilities elsewhere.” (Joel Rosenblatt) [D.54.1]

Where the swimming pools are concerned, it is misleading to suggest that families covering a wide area of the city won’t be inconvenienced, that their recreation won’t be hurt, by eliminating the club pools. Making the claim that the nearest one in North Beach, as one of the city’s nine public pools, will readily suffice -- and to imply that residents who rely on those pools won’t be adversely impacted by a new influx of swimmers -- is, again, inaccurate. It’s an incomplete analysis. (Joel Rosenblatt) [D.54.3]
An accurate and honest Environmental Impact report should rely on a straightforward and balanced analysis of how much recreation will be eliminated for members and non-members alike before hastily proclaiming such an impact to be “less than significant.” (Joel Rosenblatt) [D.54.5]

More importantly to those of us who are in the complex and use the recreational facilities on a daily basis is this sentence in section IV.H.13 on the loss of the recreational facilities during construction: “Therefore the loss of the existing recreational facilities on the project site during construction would not be considered a significant degradation of recreational facilities under CEQA and no mitigation measures are required.” In support of this remarkable observation about the closing off of recreational opportunities for an “insignificant” two to three years, the writers think we can find other forms of recreation or other venues, although these “might not be of equal quality” or if “users must substitute less convenient, more costly facilities...” And anyhow, “these changes would result in social rather than environmental impacts.” What in the world does this mean and what is the difference between the two--environmental impacts have no social consequences? (Martie W. Young) [D.55.2]

Response

Comments state that the Golden Gateway Tennis & Swim Club (GGTSC), in its current form, is a valued amenity and community benefit for many, offering its membership convenient access to opportunities for recreation, exercise, physical education, and social interaction. The comments question the adequacy of the EIR’s analysis and conclusions concerning recreation impacts, temporary project-related effects during construction, permanent project-related effects, and recreational needs analysis. Therefore, this response is organized under separate subheadings to more directly address specific comments. The first section, “Recreation Impact Analysis under the California Environmental Quality Act,” discusses the analytical methodology and relates each of the impacts evaluated in the EIR to the City’s significance criteria for recreation impacts under CEQA. The second section, “Temporary Project-Related Effects During Construction,” discusses the temporary impacts of construction related to the GGTSC closure during the project construction period. The third section, “Permanent Project-Related Effects,” discusses permanent effects on recreational resources that result from the introduction of new residents to the project site. The fourth section, “Recreational Needs Analysis,” discusses the metrics available to analysts to assist in the determination of how recreational resources are allocated on a Citywide basis.

Recreation Impact Analysis under the California Environmental Quality Act

A number of comments express concerns related to the EIR’s conclusions that the temporary and permanent recreational impacts would be less than significant, including the social effects related to temporary closure of the GGTSC and the permanent effects related to the reduction in the number of tennis courts on the project site. To the extent that these comments can be construed as comments on the adequacy of the EIR’s required analysis of physical environmental effects on recreational resources, a response to these comments is provided here.
As discussed on EIR p. IV.H.8, the evaluation of potentially significant environmental impacts related to recreation was based on the following significance thresholds:

Implementation of a project could have a potentially significant impact related to recreation if the project were to:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated;
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment; or
- Physically degrade existing recreational resources.

The EIR uses these significance thresholds or criteria as the basis of its evaluation for determining whether or not the physical environmental effects of the proposed project on recreational resources would be significant. These significance thresholds focus on the physical environmental effects of a project on recreational resources such as parks, open space, and recreational facilities, and are consistent with the 2010 California Environmental Quality Act (CEQA). CEQA defines “environment” as “the physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.” Section 15131(a), Economic and Social Effects, of the CEQA Guidelines states that “the focus of the [EIR] analysis shall be on physical changes” and “economic or social effects of a project shall not be treated as significant effects on the environment.” CEQA Guidelines Section 15131(b), Economic and Social Effects, further states that “economic or social effects of a project may be used to determine the significance of physical changes caused by the project.” Where an EIR uses economic or social effects to determine that a physical change is significant, it shall explain the reasons for that conclusion.

The loss or reduction of existing recreational resources and opportunities enjoyed by GGTSC users is acknowledged and disclosed in the EIR. It is also acknowledged that many commenters believe that the loss or reduction of existing recreational resources is a significant impact. However, while acknowledging that there would be a loss and reduction in recreational resources caused by construction of the proposed project, the Department nevertheless believes that these adverse impacts on existing recreational resources and opportunities do not constitute a significant recreation impact under the above-described CEQA thresholds established by the CEQA Guidelines and used by the City, as is explained in greater detail below.

The demolition of the existing GGTSC and the construction of a new and expanded recreational facility, as well as the new residential uses, on the project site, is a physical environmental effect that is a necessary component to any development/replacement project. As discussed in the EIR, and reiterated below, the construction of the proposed project would not permanently remove a
recreational resource. The permanent reduction in specific recreational resources (i.e., five tennis courts and one basketball half-court) is not significant in the context of CEQA because there are adequate facilities elsewhere such that the on-site reduction or loss is not expected to result in the physical deterioration of other nearby recreational facilities. The proposed project is not expected to lead to the permanent physical degradation of other existing recreational resources, in part, because recreational uses would be partially replaced on site and the project would not introduce a large number of new users to the area. While the physical environmental effects of the proposed project would have an adverse effect on the recreational resources currently enjoyed by GGTSC members, as disclosed in the EIR, this effect does not constitute a significant recreation impact under CEQA because the loss on site would be temporary, and during that period of temporary loss other recreational resources would be available to those affected. The temporary physical effects of construction are also addressed under other environmental topics such as Transportation, Noise, and Air Quality as stated on EIR pp. IV.H.10 – IV.H.11.

In the case of the proposed project, the demolished recreational facility (not including a basketball half-court and five tennis courts) and many of its programmatic amenities (not including the tennis programs) would be replaced on-site. Thus, the physical environmental effects of the proposed project would be primarily of a temporary nature. Associated social effects of the demolition of the existing facility, until it is replaced, would be related to the convenience, accessibility, potential increase in costs, and the quality of the available alternative facilities such as swimming pools and tennis courts in comparison to those at the existing GGTSC. Refer to the response under “Recreation Options for Club Members during Construction” starting on C&R p. III.M.29 for a discussion of the accessibility, cost, and quality of the public and private parks, open space, and recreation facilities available when the GGTSC is closed during the project construction period. These social and economic issues do not pertain to physical changes in the environment, the concern of CEQA, and do not affect the methodology, analysis, or conclusions of the EIR recreation analysis.

The physical environmental effects of the proposed project on recreational resources were determined as described in the “Methodology” section on EIR p. IV.H.8. The methodology described therein is clarified as follows (new text is underlined, deleted text is shown in strikethrough):

In determining whether the subject project would have a significant adverse impact on recreational facilities resources, this section considers existing recreational facilities resources that would be removed by the proposed project, the surrounding recreational facilities resources, the existing capacity of those facilities resources, and the proposed recreational improvements that would be included as part of the project. This report assumes that if there are recreational facilities resources within a service distance with sufficient capacity to provide a variety of recreational opportunities, there would not be a significant adverse effect. However, this analysis does not assume that a lack of prescribed
capacity for each type of recreational activity, in itself, does not constitute a significant adverse impact, provided that recreational options continue to be available to nearby and proposed project residents. This report also considers the recreational facilities resources that would be provided by the proposed project in the context of the City’s overall open space and recreational system.

The existing recreational resources on the project site, in the project vicinity, and Citywide form the baseline conditions under which the potential physical effects of the proposed project were analyzed. The EIR describes the existing facilities and programs available at GGTSC as well as the range of existing public and private recreational resources available in the project vicinity.

Existing recreational facilities at the GGTSC are listed in EIR Section IV.H, Recreation, on EIR pp. IV.H.1-IV.H.2. The GGTSC occupies the western part of the 8 Washington Street project site south of Pacific Avenue Park, with off-site space in the William Heath Davis building across Drumm Street; it includes the following facilities and programs:

- Nine lighted outdoor tennis courts on the project site (eight doubles courts and one singles court). The courts occupy approximately 59,400 square feet (sq. ft.). Club tennis programs include members’ play, lessons and clinics, United States Tennis Association leagues, club tournaments, and junior tennis. Spectator seats are provided for some of the courts.
- Two outdoor heated swimming pools on the project site (a 25-yard lap pool and a 19-yard recreational pool). The pools and related outdoor space occupy approximately 22,000 sq. ft. The lap pool measures approximately 40 feet by 75 feet and includes six lanes; the recreational pool measures approximately 25 feet by 57 feet. The swimming pool area of the club includes a sundeck and an in-ground spa. Club swimming programs include lessons and clinics, adult lap swimming, free swim, and organized group activities.
- An approximately 7,355-sq.-ft. fitness center in the William Heath Davis building. The fitness center includes exercise machines, free weights, a stretching/flexibility area, and locker rooms with showers, a sauna, and steam rooms.
- An outdoor basketball half-court on the project site.
- Three buildings on the project site: a 400-gross-square-foot (gsf), one-story tennis shack; a 1,730-gsf, one-story building with storage lockers, showers, restrooms, and dressing rooms; and a 2,440-gsf clubhouse and pro shop. A temporary tent structure covering approximately 180 sq. ft. provides shade to tennis players taking breaks in between matches.
- A 17-space reserved parking lot on the project site.

The proposed project would include demolition of the existing GGTSC recreational facilities and reconstruction of the GGTSC with a larger fitness club (on the project site), five fewer tennis courts, and no basketball half-court. The analysis of permanent changes to recreational opportunities is based on the fact that the GGTSC would be reconstructed, as discussed in Chapter II, Project Description, and Chapter IV.H, Recreation, of the EIR. The discussion of the
future GGTSC facility in the first full paragraph on EIR p. IV.H.9 is revised as follows for clarification (new text is underlined, deleted text is shown in strikethrough):

The project sponsor proposes to construct four regulation-size tennis courts on the northern part of the project site (Assessor’s Block 171, Lot 69) to replace, in part, the nine existing tennis courts that would be removed for construction of the project. Two outdoor swimming pools would be constructed on the roof of the proposed fitness center building, replacing the two existing in-ground pools that would be removed. The existing basketball half-court near the north end of the project site would be removed. The tennis courts would occupy about 27,000 sq. ft., and the pools and related outdoor space for the athletic club would occupy about 13,000 sq. ft. The Golden Gateway Tennis & Swim Club It is expected that Western Athletic Clubs would control and operate the athletic club facilities, which would be secured from public access with the proposed building and tennis court placement and a stone wall along the western side of the site. The club would also continue to be used for children’s summer camps with priority for dues-paying club members but with additional space allocated enrollment in the children’s summer camps open to the general public. This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the project. The summer camp has a capacity of 722 children per month, and the average enrollment is approximately 500 children per month. The last sentence on EIR p. IV.H.9 is revised as follows (new text is underlined):

The existing indoor fitness center would move into the proposed 12,800-gsf fitness center building and the space now occupied by the existing facility would be converted into a storage and garage area for Golden Gateway Center maintenance staff.

The text in EIR Chapter II., Project Description, on EIR pp. II.17-II.18, is also revised as follows (new text is underlined, deleted text is shown in strikethrough):

The project sponsor proposes to construct four regulation-size tennis courts on the northern part of the project site, Assessor’s Block 171/Lot 69, to partially replace the nine existing tennis courts that would be removed for construction of the project. Two outdoor swimming pools (a 49-by-75-foot lap pool, and a 30-by-46-foot recreation pool), a Jacuzzi spa, and outdoor deck seating would be constructed on the roof of the proposed fitness center building. These would replace the two existing in-ground pools (25 feet by 55 feet, and 36 feet by 75 feet) with larger pools (30 feet by 46 feet, and 49 feet by 75 feet). The tennis courts would occupy about 27,000 sq. ft., and the pools and related rooftop outdoor space for the athletic club would occupy about 13,000 sq. ft. The basketball half-court would not be replaced. It is expected that the Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities. Besides being used for general membership activities, the club would also continue to be used for children’s summer camps with priority for dues-paying club members, but with additional space allocated enrollment in the children’s summer camps open to the general public. This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the proposed project. The existing tennis courts and pools would be closed at the outset of project construction. Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of buildings, is estimated to take 27 to 29 months. The existing indoor fitness center at the Golden Gateway Center across Drumm Street would
continue to operate during the construction period. The existing tennis courts, pools, and basketball court on the project site would be closed at the outset of project construction. The current schedule calls for the proposed new athletic club building, tennis courts, and swimming pools to be completed and available for use within 24 months of commencement of construction. The existing indoor fitness center would move into the proposed 12,800-gsf fitness center building upon completion, and the space now occupied by the existing facility would be converted into a storage and garage area for Golden Gateway Center maintenance staff.

Impact RE-1 on EIR p. IV.H.9 states that the “The construction of recreational facilities as part of the proposed project would not result in adverse physical effects on the environment. (Less than Significant)” The evaluation under this impact statement addresses the second significance criterion on EIR p. IV.H.8 (also identified above on C&R p. III.M.8) and concludes that there would be a less-than-significant impact because construction effects would be temporary. As stated on EIR pp. IV.H.10 – IV.H.11, the physical effects of construction would be temporary and are addressed under other environmental topics such as Transportation, Noise, and Air Quality. The loss of recreational opportunities as a result of the closure, as well as the permanent loss of five tennis courts and a basketball half-court, is also addressed under Impact RE-3 on EIR p. IV.H.12 which states that the “proposed project would not have a significant adverse effect on recreational opportunities.” The evaluation of impacts during construction is found under this impact statement and addresses the third significance criterion on EIR p. IV. H.8 (also identified above on C&R p. III.M.8) concluding that there would be a less-than-significant impact.

Existing recreation facilities in the project vicinity that would be available during construction are listed on EIR pp. IV.H.3 - IV.H.4. This list is updated as follows (new text is underlined, deleted text is shown in strikethrough):

The San Francisco Recreation and Park Department administers more than 200 parks, playgrounds, and open spaces throughout the City. System recreation facilities also include 15 recreation centers, 9 swimming pools, 5 golf courses, and more than 300 athletic fields, tennis courts, and basketball courts. Publicly owned park and open space facilities near the project site, as well as one privately owned public park, include the following:

- Sue Bierman Park (Assessor’s Blocks 202 and 203), south and southwest of the project site across Washington Street;
- Maritime Plaza, a podium-level open space within One Maritime (about one block west of the project site);
- Justin Herman Plaza, south of Clay Street along The Embarcadero (one block south of the project site);
- The Embarcadero Promenade (Herb Caen Way) along the east side of The Embarcadero and the Port Walk Promenade that runs around the Ferry Building and Piers 1, 1-1/2, 3, and 5;
• Sydney G. Walton Square, a publicly permanently accessible open space, owned by Golden Gateway, one block west of the project site;
• Pier 7, directly northeast of the project site across The Embarcadero;
• Harry Bridges Plaza, The Embarcadero in front of the Ferry Building; and
• Ferry Plaza, a public plaza on the water side of the Ferry Building.

Other active, publicly owned recreation facilities near the project site include the following:

• Portsmouth Square at Washington Street and Walter Lum Place (about 0.6 mile west of the project site). Facilities include a recreation center.
• Willie Woo Woo Wong Playground (formerly the Chinese Playground) at Sacramento and Waverly Streets (about 0.8 mile southwest of the project site). Facilities include a tennis court and a basketball court.
• Chinese Recreation Center at Washington and Mason Streets (about 1.0 mile west of the project site) is scheduled to reopen in fall 2012. Facilities include a recreation center, an indoor basketball court, and an outdoor basketball court.
• Wo Hei Yuen Recreation Center at Powell and John Streets (about 1.0 mile west of the project site). Facilities include a recreation center, a public garden, and a children’s play area.
• Joe DiMaggio Playground at 651 Lombard Street (about 1.3 miles northwest of the project site). Facilities include three tennis courts, a basketball court, and a multi-use field.
• North Beach Pool and Clubhouse at Lombard and Mason Streets (adjacent to the Joe DiMaggio Playground). Facilities include a recreation center and a two swimming pools (a 25 meter x 21’ lap pool and 89’ x 21’ recreation pool).

Combined, these locations offer a multi-use field, two swimming pools, four recreation centers, three basketball courts, and four tennis courts.\footnote{San Francisco Recreation and Park Department, Recreation Assessment 2004, Maps, at http://sfrecpark.org/RecreationAssessment.aspx, accessed January 24, 2011.}

As noted on EIR p. IV.H.9, the existing indoor fitness center at the Golden Gateway Center (the William Heath Davis Building at the corner of Drumm and Jackson Streets) would continue to operate during the construction period. The tennis courts, swimming pools and basketball half-court would be demolished and would not be available to club members. Although EIR pp. IV.H.3 – IV.H.6 identify the public and private recreational resources that would be available to GGTSC members during construction, including public and private tennis courts and swimming pools, the interim closure of the existing GGTSC would inconvenience current users, as acknowledged on EIR p. IV.H.13:
The interim closure of the facilities would displace current users and they would be forced to find other recreational opportunities. Some users might choose different forms of recreation; others might search for replacement tennis, swim, and/or basketball facilities, which could temporarily or permanently increase the use of those tennis or swim facilities. These facilities could be further or closer from the users’ homes and/or workplaces. Other private facilities might cost more than the Golden Gateway Tennis & Swim Club facilities, and other public facilities (and programs) might not be of equal quality to the private athletic club. Assuming users must substitute less convenient, more costly facilities for those available now, the changes are likely to be perceived negatively by those accustomed to existing conditions. However, the changes would, in some instances, be temporary, and at least some of the changes would result in social rather than environmental impacts. In addition, there would be other opportunities for recreation in the project area. Therefore, the loss of the existing recreational facilities on the project site during construction would not be considered a significant degradation of recreational resources under CEQA, and no mitigation measures are required.

As discussed on EIR p. IV.H.13, the demolition and temporary closure of the GGTSC would not be a significant physical impact on recreation under CEQA because some of the changes would be temporary, some of the changes would result in social rather than environmental impacts, other public recreational opportunities are available in the project area, and other private recreation facilities would be made available to GGTSC members. Although the demolition of the GGTSC would remove existing recreational resources on the project site on a temporary basis, that demolition is a necessary component of the proposed project and would not permanently remove the recreational resource or require construction or expansion of other recreational facilities that might have an adverse physical effect on the environment. The social and economic issues related to convenience, cost, and the quality of other facilities, particularly for GGTSC members who are seniors, have been brought to the attention of decision-makers and they may consider them in their deliberations concerning project approval, but these issues do not raise adverse environmental effects under CEQA. Refer to the response under “Recreation Options for Club Members During Construction” starting on C&R p. III.M.29 for a discussion of other athletic facilities operated by Western Athletic Clubs, i.e., the San Francisco Bay Club and the San Francisco Tennis Club, and GGTSC member access during the closure period to these and other Western Athletic Clubs-operated facilities.

Impact RE-2 on EIR p. IV.H.10 states that the “proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, or create a need for new or physically altered park or recreational facilities beyond those included as part of the proposed project.” The evaluation under this impact statement addresses the first two significance criteria on EIR p. IV.H.8 (also identified above on C&R p. III.M.8) and concludes that there would be a less-than-significant impact because the GGTSC facilities would be reconstructed on the project.
III. Comments and Responses
M. Recreation

site and the demand for recreational resources from new residents on the project site would be accommodated by these and other private and public recreational resources in the project vicinity. As stated on EIR pp. IV.H.10 – IV.H.11, the proposed project, e.g., the introduction of approximately 376 new residents to the project site, would not increase the use of existing recreational facilities such that substantial physical deterioration of these existing facilities would occur. The permanent loss of recreational opportunities, i.e., the loss of five tennis courts and a basketball half-court, is also addressed under Impact RE-3 on EIR pp. IV.H.13 – IV.H.15, which states that the “proposed project would not have a significant adverse effect on recreational opportunities.” The evaluation of impacts after construction is found under this impact statement and addresses the third significance criterion on EIR p. IV. H.8 (also identified above on C&R p. III.M.8) concluding that there would be a less-than-significant impact.

The EIR text that identifies the closest public tennis courts to the project site, shown on EIR p. IV.H.4 under the subheading “Public Tennis Courts”, is updated as follows (new text is underlined, deleted text is shown in strikethrough):

The recreation facility with the highest number of tennis courts is Golden Gate Park, which has 21 courts. Court reservation fees at Golden Gate Park range from $2 to $6 per session. The other 132 Recreation and Park courts in the City are free. There is one Recreation and Park tennis court within 1 mile of the project site (at Willie Woo Wong Playground); six courts between 1 and 2 miles of the site (at Alice Marble Courts and North Beach, Joe DiMaggio Playground, Helen Wills Playground, and Margaret P. Hayward Park); and eight courts between 2 and 3 miles of the site (at Lafayette Square, Moscone Recreation Center, Alta Plaza Park, Ella Hill Hutch Recreation Center, Mission Dolores Park, Mission Playground, Hamilton Park, Jackson Park, Potrero Hill Recreation Center, and Herz Playground-Berry Park).

Furthermore, as described on EIR p. IV.H.4, there are approximately 153 public tennis courts in the City that are within the jurisdiction of the San Francisco Recreation and Park Department and 15 courts at San Francisco State University (open to the public during limited times, with a reservation). With these courts, there are approximately 168 public courts in the City. In addition to the courts on the project site, there are at least 52 tennis courts in privately operated facilities in San Francisco; refer to Table IV.H-1: Private Tennis Facilities in San Francisco, on EIR p. IV.H.5. As shown on the table, those courts include two private courts within 1 mile of the project site, 24 additional courts within 2 miles of the site, and two additional courts between 2 and 3 miles from the site.

Due to the availability of public and private tennis courts, the reduction in the number of tennis courts due to implementation of the proposed project would not result in the degradation of existing recreational resources, and would not be a significant environmental impact under CEQA. Although the reduction in the number of tennis courts would not be a significant environmental impact under CEQA, as noted on EIR p. IV.H.9 and EIR p. IV.H.13, the reduced number of courts would inconvenience existing users, curtail existing programs, and limit access.
to recreational opportunities for tennis. As discussed previously, there would be physical environmental effects on recreation as a consequence of the project. These effects are analyzed in the EIR, topic by topic, but were determined to fall below the thresholds for a significant impact on recreation. Decision-makers will consider these factors during their deliberations on whether to approve, modify or deny the proposed project. Refer to the response under “Golden Gateway Tennis & Swim Club Membership and Operations” below starting on C&R p. III.M.45.

As described on EIR p. IV.H.10, the proposed project would also include private and common open space for the new residents on the project site as well as publicly accessible open space. The proposed project would provide new usable publicly accessible open space primarily in the form of a 9,500-sq.-ft. public open space corridor north of the proposed residential buildings on Jackson Common, the 11,500-sq.-ft. Pacific Avenue Park at the northern end of the project site, and a 2,800-sq.-ft. strip that would widen the existing Drumm Street pedestrian path. The proposed project would also provide additional publicly accessible open space in the form of various building setbacks from The Embarcadero and Washington Street sidewalks. For purposes of clarification, the last sentence in the first paragraph under Impact RE-2 on p. IV.H.10 is revised as follows to correct the amount of public open space that would be provided by the proposed project (new text is underlined, deleted text is shown in strikethrough):

The project would also provide a total of about 26,650 sq. ft. of publicly accessible open space.

Additionally, as stated on EIR p. IV.H.11, future residents on the project site would have access to the reconstructed GGTSC facilities on the project site if they chose to join, although project residents would not have priority for membership. Furthermore, new project residents would not have access to the Preferred Membership (e.g., discounted membership) enjoyed by the tenants of the Golden Gateway Commons and Golden Gateway Center.

In terms of cumulative recreational impacts (Impact Statement RE-4 on EIR p. IV.H.15), the EIR acknowledges the expected increase in the City’s population through 2025 and on EIR p. IV.H.15 states that “the proposed project would provide required usable open space for its residents, would substantially replace existing private recreational facilities with new private recreational facilities, and would provide new publicly accessible open space within the proposed Jackson Common, Pacific Avenue Park, and a widened Drumm Street pedestrian walk.” Additionally, as described in EIR Chapter II, Project Description, on EIR p. II.18, the proposed project would exceed its requirements under Planning Code Section 135 to provide private residential and common usable open space (from the required amount of 13,840 sq. ft. to 23,600 sq. ft.). Thus, the proposed provision of private and common usable open space; the proposed replacement and consolidation of the GGTSC on the project site; and the provision of approximately 26,650 sq. ft. of public open space would not contribute considerably to the cumulative demand for recreational resources in the City in the future.
One comment questions the qualifications of the preparers of the EIR and whether they have a
financial interest in approval of the project. The EIR is authored by the San Francisco Planning
Department as the Lead Agency, with the assistance of Turnstone Consulting and its
subconsultants as indicated in EIR, Chapter VII, Authors and Persons Consulted, on EIR pp. VII.1
– VII.3. Turnstone Consulting is in the San Francisco Planning Department's pool of pre-
qualified Environmental Consultants and has prepared environmental documents in San Francisco
for over ten years. Consultants included in the pool are screened and selected based on their
experience and qualifications in conducting environmental review under CEQA. Turnstone
Consulting has not prepared EIRs on any prior projects proposed by the project sponsor, San
Francisco Waterfront Partners II, and does not have any financial interest in having the proposed
project approved.

Comments expressing concern related to the US. Census data, the 2004 Recreation Assessment
Report, and recreation needs are addressed in the response under “Recreational Needs Analysis,”
starting on C&R p. III.M.21.

Temporary Project-Related Effects During Construction

Comments indicate that the temporary closure of GGTSC facilities and programs during project
construction is a significant impact. Comments further indicate that the EIR finding of less-than-
significant recreation impacts related to the proposed construction need to be more fully
addressed in the EIR and that the temporary programmatic effects should be considered. The EIR
states, on EIR p. IV.H.9, that the construction of the proposed project would be a temporary
physical environmental change and would last approximately 27-29 months. The reconstructed
GGTSC would be available for use in 24 months.

Construction-related impacts on the environment are discussed briefly under Impact Statement
RE-1 on EIR p. IV.H.10:

Activities related to the demolition of the existing recreation facilities and the
construction of the proposed recreational facilities and open spaces would result
in temporary physical effects on the environment (air quality, noise, traffic).
Upon completion, the proposed recreational facilities and open spaces would not
have any adverse physical effects on the environment under CEQA, and no
mitigation measures are required.

Under CEQA, the temporary effects on recreational opportunities are generally not considered
significant because the effect would be time-limited and alternate recreational options are
available. The physical environmental effects of the demolition of the existing recreational
facility and the construction of the replacement recreational facility on the project site are
discussed more fully under relevant topics of the EIR such as Transportation, Air Quality, and
Noise. For more information on construction-related transportation and air quality impacts refer
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IV.E.17-IV.E.24. Also refer to responses in this Comments and Responses document related to transportation and air quality in Section III.B, Project Description, under the subheading “Project Construction/America’s Cup Host and Venue Agreement,” Section III.G, Transportation, and Section III.I, Air Quality. For more information on construction- and transportation-related noise impacts refer to EIR Appendix A, Notice of Preparation/Initial Study, pp. 54-57. Transportation-related construction impacts would be less than significant; however, improvement measures were identified to minimize the impact. Construction-related air quality and noise impacts were found to be less than significant with mitigation. For a response regarding noise, refer to Section III.H, Noise. Air-quality-related operational impacts on new sensitive receptors on the project site are discussed on EIR pp. IV.E.26-IV.E.35. The potential exposure of on-site receptors to particulate matter (PM$_{2.5}$) and toxic air contaminants was found to be significant and unavoidable.

The temporary impact on the ability of GGTSC members to access a similar variety of active recreational options during the GGTSC’s 24-month closure was determined to be less than significant due to the continued availability of the fitness center in the William Heath Davis building on the west side of Drumm Street and the availability of other public and private recreational facilities, parks, and open spaces in the project vicinity and throughout the City, as described on EIR pp. IV.H.3-IV.H.6. The EIR acknowledges on EIR p. IV.H.13 that “these facilities could be further or closer from the users’ homes and/or workplaces” and that “other private facilities might cost more than the Golden Gateway Tennis & Swim Club facilities, and other public facilities (and programs) might not be of equal quality to the private athletic club.” Although there would be alternate facilities for tennis and swimming during the construction period and the impacts on the GGTSC members would be less than significant, GGTSC members who are seniors or mobility-impaired could perceive these changes more acutely than the GGTSC membership as a whole due to seniors’ relatively greater health need for exercise and the greater difficulty some individuals may have in accessing more distant facilities, relative to the general population. This does not change the conclusions of the EIR related to significance of the temporary closure. Refer to the subheading “Recreational Needs Analysis” below for demographic information on seniors and the use of this data in developing the City’s recreation maps starting on C&R p. III.M.21 and the response under “Recreation Options for Club Members During Construction” starting on C&R p. III.M.29.

As described in EIR Chapter II, Project Description, on EIR pp. II.17-II.18 (and reiterated on EIR p. IV.H.9), the GGTSC would be rebuilt on the northern portion of the project site. The new facility would provide four tennis courts (five fewer tennis courts than the existing facility) and a limited array of tennis programs. Refer to the response under “Permanent Changes to Recreational Facilities and Programs” starting on C&R p. III.M.36 for more information on the reduction in the types of tennis programs that would be available at the future GGTSC. The basketball half-court would be eliminated. Other GGTSC facilities would be replaced in kind and on site. Thus, the physical environmental changes related to the construction of the proposed
project and its effects on recreational facilities have been evaluated and no new information has been presented that would result in the use of a different methodology or that would reach a different conclusion. Comments concerning the inconvenience or costs associated with the temporary removal of the GGTSC, and the schedule and availability of recreation options during construction are discussed under “Recreation Options for Club Members During Construction” beginning on C&R p. III.M.29. The issues of affordability and convenience would not be considered physical environmental effects under CEQA but rather social or economic effects, and may be considered by decision-makers as part of their deliberations to approve, modify or deny the proposed project. Furthermore, Western Athletic Clubs has indicated that GGTSC members would be provided access to its other facilities in the City and the Bay Area during the closure period, and that this access would be enhanced through the creation of a new shuttle service between the GGTSC and the San Francisco Tennis Club and promotion of the existing shuttle service between the GGTSC and the San Francisco Bay Club.

The GGTSC children’s summer camps would be eliminated during the 24-month construction period for the new GGTSC facility. After construction of the new GGTSC facility, the GGTSC’s children’s summer camps would continue. Refer to “Recreation Options for Club Members During Construction” and “Permanent Changes to Recreational Facilities and Programs” for responses concerning this issue.

*Permanent Project-Related Effects*

Comments indicate that the EIR does not correctly identify significant project-related impacts. Comments further indicate that the permanent project-related changes to the size and types of activities and programs at the GGTSC and the potential new demand from new residents on the project site for public recreation resources in the vicinity of the project site are not adequately addressed, thus resulting in less-than-significant findings.

The proposed project would result in a change to the size and locations of existing on-site recreation facilities as a result of the replacement of the GGTSC on the northern portion of the project site and the new residential development on the southern portion of the project site; these changes are described in the EIR on p. IV.H.14 as follows:

- The project would result in a change in use for part of the site from private recreation facilities to residential and retail/restaurant uses. The removal of the five tennis courts would result in a net reduction of about 32,400 sq. ft. of tennis court space.

- The project would provide recreational space, in the form of four tennis courts, two outdoor heated pools, and a 12,800-gsf indoor health club facility to replace the 7,355-gsf facility in the Golden Gateway Center. However, the project would not provide a complete in-kind replacement of the private recreational space on the project site that would be lost.
Although some private recreational space would be lost, the project would provide a benefit by adding new usable publicly accessible open space where none presently exists. The project would provide Jackson Common, a 9,500-sq.-ft. public open space corridor north of the proposed residential buildings. Jackson Common would operate primarily as a pedestrian thoroughfare and view corridor connecting the City with the waterfront both visually and physically, but it would also have areas for seating and viewing. The project would create Pacific Avenue Park, an 11,500-sq.-ft. publicly accessible park at the northern end of the project site, and a 2,800-sq.-ft. strip that would widen the existing Drumm Street pedestrian path.

Demand for parks, open space, and recreational facilities would be generated by the approximately 376 new residents on the project site. The reduction in the number of future tennis courts (five out of nine tennis courts would be removed) would displace current users and create a demand for tennis courts elsewhere. The new residential demand and the displaced demand for tennis courts were analyzed in the EIR in the context of the private open space and common areas that would be provided to future residents, the publicly accessible open space that would be provided, public and private recreational facilities available in the local area and citywide, and the potential of the new demand to lead to or accelerate the physical deterioration of existing neighborhood and regional parks, open spaces and recreational facilities. The impact of this new demand on parks, open spaces, and recreational facilities is analyzed under Impact RE-2 on EIR p. IV.H.10. The text is revised as follows (new text is underlined, deleted text is shown in strikethrough):

The population accommodated by the project’s approximately 165 residential units (an estimated 376 people) would increase the demand for public park and recreation facilities. However, the project’s contribution to this need would not be considered a substantial addition to the existing demand for public parks and recreation facilities in the area. The increase in demand would not be in excess of amounts expected and provided for in the project area and the City as a whole. The proposed project is within the service areas of several public parks and open spaces; public parks are adjacent to the project site and public open spaces are within a block of the site. The additional use of these facilities would be relatively minor compared with the existing use of the facilities. The proposed project would provide about 28,100-23,600 sq. ft. of private residential open space (14,900 sq. ft. of private residential open space) on site for project residents, exceeding the requirements of the Planning Code (see “Regulatory Framework,” above Chapter II, Project Description, p. II.18).

The proposed project is not within the defined service areas (which were selected based on facility capacity and population, not distance) of the nearest public recreational facilities. The San Francisco General Plan and 2004 Recreation Assessment Report do not specifically identify the project area as deficient in or underserved by public recreation facilities. The nearest public recreation center at Portsmouth Square is about 0.6 mile (about a 12-minute walk) from the project site; the nearest public basketball court and tennis court at the Willie Woo Woo Wong Playground are about 0.8 mile (about a 16-minute walk) from the site; and the nearest public swimming pool at the North
Beach Pool and Clubhouse is about 1.3 miles (about a 25-minute walk) from the site. These facilities can be accessed directly by transit (e.g., the Muni 1-California and 30-Stockton lines) from the project site. The additional use of these facilities would be relatively minor compared with the existing use of the facilities. In addition, privately operated tennis courts and swimming pools would be rebuilt on the project site and the associated indoor health club facilities would be relocated and expanded there. The project residents would have access to these facilities if they chose to join the Golden Gateway Tennis & Swim Club (though project residents would not have priority for membership). Project residents would also have access to tennis courts, swimming pools, and fitness centers in other privately operated facilities nearby if they choose to join such facilities.

The increase in residential population on the project site would add demand for recreational uses, but would not result in the physical degradation of the public recreational resources in the project vicinity of the project site or across the City. The new GGTSC would continue to provide a community benefit by augmenting the public recreational resources and services provided by the City. The proposed project would also continue to meet the intent of Policy 1.11 in the updated draft Recreation and Open Space Element of the General Plan (June 2011) which supports the development of “private recreational facilities that provide a community benefit.”

The reduction in the space allocated for tennis courts, the elimination of the basketball half-court, and the relocation on the site of existing recreation facilities as part of the proposed project would not result in a significant environmental impact, since recreational facilities would be provided on-site (some are increased in size) and there are other recreation options available in the project vicinity and throughout the City. Comments regarding the reduction in the amount of space for tennis courts are addressed under the heading “Permanent Changes to Recreation Facilities and Programs” starting on C&R p. III.M.36.

One comment concerning commitments in the 1960s that the club be operated as an active recreation area is addressed in the response under “Past Redevelopment Area Planning” in Section III.B, Project Description, starting on C&R p. III.B.19.

Recreational Needs Analysis

Comments suggest that demographic information related to the recreation analysis should be updated. A number of comments also question the use and definition of “high need” or “deficient” areas for public parks, open space, and recreational facilities, as defined by the San Francisco Planning Department, as the basis for assessing the proposed project’s effects on recreational resources. Additional comments regarding recreational needs focused on the City’s 2004 Recreation Assessment Report and its depiction of the project site as being outside of the service area for active recreational options.

Preparation of the recreation analysis relied on the data available at the time the EIR was prepared which include the adopted San Francisco General Plan Recreation and Open Space Element
(1986), the 2004 *Recreation Assessment Report*, draft versions of recreation maps reflecting 2000 U.S. Census data, and data from the 2000 U.S. Census. The revised draft of the Recreation and Open Space Element (ROSE) was completed in June 2011 and is expected to be adopted in 2012. The 2004 *Recreation Assessment Report* has not been updated since it was published; thus, it remains the best available data for certain elements of the recreation analysis. The EIR analysis is adequate as the demographic changes for this area of the City have not changed markedly since the 2000 U.S. Census; thus, the maps and figure in the adopted ROSE continue to provide reasonably accurate information for identifying “high needs areas.”

The demographic factors that inform the City’s recreation figures and maps for “high need areas” or “deficient” areas are described on EIR p. IV.H.7 as follows:

The Element defines “high need areas” as areas with high population density or high percentages of children, seniors, or low-income households relative to the City as a whole. The Element defines “deficient” areas as areas that are not served by public open space, areas with population that exceeds the capacity of the open spaces that serve it, or areas with facilities that do not correspond well to neighborhood needs.

The high need areas and deficient areas are shown on Figures 3 through 8 and Map 9 of the Element, and are based on information from the 1980 U.S. Census. The figures show that the 8 Washington project site is not considered a “high need” area based on overall population density, household income, or density of children, and is considered to have a “moderate” density of seniors relative to the City as a whole. The figures also show the project site to be served by public open space. Draft updated versions of the maps reflecting 2000 U.S. Census data show that the project site is not considered “high need” according to any of the Element criteria, and that the project site is served by public open space.

The intent of the City’s 2004 *Recreation Assessment Report* is to provide the City with baseline information regarding the existing allocation of public recreation facilities based on the location and capacity of existing facilities, their existing service areas, and the demographic and population trends from the 2000 U.S. Census. The *Recreation Assessment Report*, described under “Regulatory Framework” on EIR pp. IV.H.7-IV.H.8, states that the residents in the immediate vicinity of the project site are not “within the defined service areas for existing public ball fields, multi-use/soccer fields, recreation centers, pools, basketball courts, or tennis courts.” The EIR further states that the “2004 *Recreation Assessment Report* also identifies several areas of the City that are considered underserved by public recreation facilities; these areas do not include the project site.” As described on EIR pp. IV.H.10-IV.H.11, the project site is “not within the defined service areas (which were selected based on facility capacity and population,

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1 The revised draft ROSE (June 2011) is available at http://openspace.sfplanning.org/docs/Recreation_and_Open_Space_Element_APRIL_2011.pdf. This document is on file as part of Case 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
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not distance) of the nearest public recreational facilities.” However, it is further stated that both the “San Francisco General Plan and 2004 Recreation Assessment Report” do not specifically identify the project area as deficient in or underserved by public recreation facilities.” The EIR identifies the nearest public recreation centers; the basketball courts and tennis courts, and public swimming pool facilities that serve the site based on the 2004 Recreation Assessment Report.

The walking distances and transit accessibility to these public recreation facilities are also described. Additional public recreation facilities and their distances from the project site are also provided on EIR pp. IV.H.3 – IV.H.6. Privately owned recreational facilities are not considered in the Recreation Assessment Report. The Recreation Assessment Report is intended to help the City allocate future capital investments to further the goal of providing equitable allocation of public recreation facilities to all City residents.

To update and provide additional detail in the EIR regarding the demographics of residents in the project vicinity, the City’s recreation maps and figures for determining “high need areas” or areas that are “deficient,” the following text is added after the second paragraph on EIR p. IV.H.7 (new text is underlined):

The 2010 Census data for San Francisco shows that the City grew by approximately 4 percent since the 2000 Census.18 The 2010 Census shows that citywide, persons over the age of 65 make up approximately 14 percent of the total population while persons under the age of 18 comprise approximately 16 percent of the total population. The 2010 Census results for Census Tract 10519 which includes the GGTSC, Golden Gateway Center and Golden Gateway Commons indicate that there are approximately 2,685 people in this census tract, an increase of approximately 470 people since the 2000 Census.20 Of this census tract’s total 2010 population, approximately 26 percent are over the age of 65 and approximately 7 percent are under the age of 18. Since the 2000 Census, there has been no change in the percentage of persons over age 65 and an approximately 4 percent increase in the percentage of persons under 18. Thus, the percentage of persons over the age of 65 continues to be moderately higher than in other parts of the City, and the number of persons under 18 continues to be lower.

The Recreation and Open Space Element (ROSE) is in the process of being updated. The revised draft was completed in June 2011 and is expected to be adopted in 2012. The revised draft ROSE includes more recent census data from the 2010 Census and from the 2005-2009 American Community Survey. The revised draft includes high needs area maps (Figure 2) that show population density, household income, youths under 17 per acre, and seniors over 65 per acre. Similar to the data above, the area near the project site has a population density lower than the median population density (collected at the census tract block group level), lower numbers of youths per acre, about the average number of seniors per acre, and household incomes above the average median household income. Since the demographic profile in this area of the City has not changed markedly since the 2000 Census, the maps and figures in the adopted ROSE continue to provide reasonably accurate information for identifying “high needs areas.”

The following new footnotes are added to p. IV.H.7 as part of this text change (new text is underlined):
The neighborhoods of San Francisco Supervisorial District 3, which includes the Embarcadero/Barbary Coast neighborhood where the GGTSC, Golden Gateway Center, and Golden Gateway Commons are located, exhibit some of the highest residential densities in the City.\(^2\) District 3 residential areas include the Chinatown, Nob Hill, Russian Hill, North Beach, and the Northeast Waterfront neighborhoods. According to the San Francisco Department of Public Health, residential density is calculated using the total number of housing units per acre. Based on this metric, the census tracts with the highest residential densities (between 58 – 92 housing units per acre) are generally found in the Tenderloin neighborhood southwest of the project site (District 6) and within the Chinatown neighborhood west of the project site. The census tracts that constitute the Russian Hill, Nob Hill, and North Beach neighborhoods generally exhibit a residential density of between approximately 24 – 57 housing units per acre while the area in the vicinity of the project site exhibits a residential density of between approximately 12 – 23 housing units per acre. In general, as one of the most built up parts of the City, District 3 challenges include the provision of recreational and open space at levels commensurate to its diverse range of population densities which include a high number of children and seniors. The June 2011 ROSE revised draft includes a figure, Figure 3 - Priority Renovation and Acquisition Areas, which is a composite of the high needs areas maps that focus City efforts on providing an equitable distribution of parks, open spaces, and recreational facilities. The need for public parks, open spaces, and recreational facilities in Supervisorial Districts 3 and 5 is a focus area; however, the Tenderloin and Chinatown neighborhoods are the subareas that exhibit the highest need within Supervisorial District 3 while the neighborhoods along the northeast waterfront, including the project site and its vicinity, exhibit a lower level of need. This is most likely attributable to the fact that residents in the project site vicinity are well-served by public and private open spaces such as Sue Bierman Park, Sydney Walton Park, and the Embarcadero Promenade.

Thus, the use of the adopted ROSE in the EIR recreation analysis remains valid, and the project area is not a “high needs area” based on the same criteria identified in the EIR – population density, number of youths per acre, number of seniors per acre, and household income. The areas that exhibit the greatest need under the revised draft ROSE include the Chinatown neighborhood.

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\(^2\) San Francisco Department of Public Health, Environmental Health Section, Residential Housing Density, accessed online August 29, 2011 at http://www.thehdmt.org/img/indicators/pdf/ResidentialDensity.pdf. This map is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
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(in District 3), the Tenderloin and Western Addition neighborhoods (in Districts 3 and 5), and the Mission neighborhood (in District 6). However, like many other parts of the City, this area does exhibit need; it just does not exhibit a high need in relation to other areas of the City. Therefore, City efforts for renovation of existing facilities and acquisition and development of new facilities are focused elsewhere. Nonetheless, ongoing City efforts has led to the renovation of parks and pools within District 3, such as the renovation of the North Beach Pool and Joe DiMaggio Playground, the reconstruction of the Chinese Recreation Center, and the renovation of Helen Wills Playground.

RECREATION OPTIONS FOR CLUB MEMBERS DURING CONSTRUCTION

Comments

Then on page IV.H.3 where it mentions Sue Bierman Park and Blocks 202 and 203, I think it would be worthwhile to mention in the final EIR that Block 203, which is the one next to One Maritime Plaza has from time to time been discussed as being able to accommodate four tennis courts or three tennis courts and one basketball court, which potentially could be funded by the 8 Washington developer. There are concerns over having inadequate recreation in the area. Now, on pages IV.H.10 to 12 the EIR concludes that the project would not create a need for a physically altered park and would not have any significant adverse effect on recreation opportunities. I concur with that, but believe that would certainly help to include that in the EIR for informational purposes. (Alec Bash) [TR.12.4]

I would also like to say that -- I lost it -- okay, we'll skip that. We'll go on. I would like to comment on the status of the pools and recreation facilities here in San Francisco, which is not referenced in this; and that is that many of the facilities that we've taken for granted are being closed or partially closed down. That includes the recreation center at the Joe DiMaggio Playground. The pools have been reduced hours and the fees have gone up. It actually costs more to swim at the North Beach pool than it does to pay the membership rate and swim at the pool at the Golden Gateway Swimming Club. To what extent are these alternatives currently operating at capacity? (Nan Roth) [TR.24.6]

I live at 1915 Greenwich Street. I moved to San Francisco 17 years ago. Golden Gateway was the only place I could find to join to play tennis and swim outside. This is the only place that is still available to swim and play tennis outside. People from all over the city come to Golden Gateway to swim and play tennis, to socialize, to meet people, to do things, or just to be outside, because it's one of the only sunny places in the city during the summer. So I really would not enjoy the fact that the club be closed. I would leave the city because I would have nowhere to go. (Jill Tannenbaum) [TR.31.1]

To suggest that the present members can find other venues for their recreational activities is really insulting to our member’s intelligence. Facts do not bear out that other recreational facilities are easily reached, readily available, or not already overcrowded.

Facts are that the Golden Gateway Tennis & Swim Club is open 364 days (It is closed on Christmas day), and open 12-to 14 hours every day. (Lee Radner, Friends of Golden Gateway) [C.5.2c]
The EIR does not offer any explanation as to how these seniors would find alternative venues for these important physical activities, or how they would be transported.

It is insulting to say the least that they could wait 3 years while construction goes on before they could return as members of the Club, if they are still with us, and could afford what will be a limited membership. (Lee Radner, Friends of Golden Gateway) [C.5.2f]

The population using the Golden Gateway Tennis & Swim Club includes a substantial population of seniors living in the immediate area (including a significant population over 80 years old) who swim at the club to sustain their health. Others are sensitive to chlorine and are able to use an open air pool because, unlike enclosed pools, chlorine does not sit in a layer on the surface of the water. The “alternatives” for these people do not exist during the so-called “temporary removal.” It is highly likely that the construction period has been seriously understated, particularly in light of operations related to the America’s Cup and the amount of excavated materials to be removed, and that they will be cut from needed exercise. What arrangements has developer made to locate and provide reasonably similar exercise for that population? (Sue C. Hestor, Friends of Golden Gateway) [C.8.13]

Page IV.H.3: Sue Bierman Park’s Assessor’s Block 203 across Washington Street from the Project and next to One Maritime Plaza has been discussed as a possible site for four public tennis courts or three tennis and one basketball court, constructed at the Project Sponsor’s expense. While the DEIR on Pages IV.H.10-12 concludes that the Project would not have a significant adverse effect on recreational opportunities or create a need for physically altered park facilities, a Less Than Significant Impact with which I agree, it would be useful for the Final EIR to include the potential for adding public courts nearby. (Alec Bash) [D.2.2]

Health Impact of a 2+ year loss of active recreational space with no replacement. (Lisa Schreiber) [D.7.3a]

In addition, the recreation space in the densest part of San Francisco will be eliminated not only for the current membership, but for the 500 plus underprivileged youths that use the club free every year. (Jim Oakes, Jr.) [D.13.3]

The Recreation loss is more than an inconvenience. This is devastating. We seniors do not have 3 years to go somewhere else as suggested in the DEIR. The impact on us is significant. For the DEIR to state no significant impact on Recreation from this project is an absolute failure of community awareness. I am most anxious to see your review of the 2010 Census for senior residents in this area. You must acknowledge that with the steady increase of the aging population, emphasis on a healthy and independent lifestyle and less isolation for us city dwellers must be addressed in the DEIR. The proposed project will decrease what is already working and available.

I have lived in this immediate project area for over 31 years. I had my first date with my wife on court 3 at our community recreation center. Others who assemble here have similar stories. This existing recreation facility is our ‘back yard’ which my wife and I have happily shared with thousands of others. The DEIR dismisses all of us as insignificant, and my wife and I feel betrayed by the DEIR portrayal of us. (William Benkavitch) [D.16.4h]

The closure of the Club for two to three years during construction is unacceptable. (Norman Patrick Doyle) [D.18.1b]
-Impact RE-3: The proposed project would not have a significant adverse effect on recreational opportunities. (Less than Significant)

-Impact RE-4: The proposed project would not result in a significant impact related to Recreation. (Less than Significant).

-Current members who chose not to re-join the athletic club would need to find alternative recreation opportunities elsewhere.

Every single one of the 2,300 members will need to find alternative recreation opportunities elsewhere, initially for at least three years, whether they plan to re-join or not. The Golden Gateway Development is physically connected of the Golden Gateway Tennis & Swim Club with the exercise area accessible from the William Heath Davis building. The pools and courts are located opposite with club participants walking, hobbling, scooting on their mobility scooters or jogging over to the club. However, many members are senior citizens, women with small children, people with disabilities, with no form of transport and additionally there are no nearby direct buses to any of the alternatives mentioned in the DEIR.

Actually, individual tennis courts, local municipal pools, random basketball courts miles away from the site of the Golden Gate Tennis & Swim Club provide no alternative whatsoever because Golden Gate Tennis & Swim Club is a well established community based entity, with continuity of membership and a shared communal interest in playing tennis together, swimming together, playing basketball together, working out in the gym side by side, sharing tips, trends and company.

The alternative put forward by the developers when they demolish this center is that people can ‘go somewhere else’. Where?

- No club in the city has two open-air pools at ground level.
- No club in the city has nine open-air tennis courts.
- Add an outdoor basketball court and you have a list of facilities that no club or YMCA, or public tennis court/public pool locations can match.
- Sports activities are community activities, not solo, and clubs offer interactions on a personal level.
- The only city venue that mirrors the above criteria is The Golden Gate Tennis & Swim Club.

Two miles away the UCSF Mission Bay Club has two pools, one heavily chlorinated indoor pool, and 4 stories up, made of stainless steel, situated on a windswept roof rendering it highly unsuitable for family sports activity, is an outdoor pool. Even so, two miles away, as opposed to two minutes away makes for a preposterous community ‘alternative’. (Paula Eve Aspin) [D.24.8]

2. The Evaluation assumes that during the years of construction that the facilities of the North Beach Pool and of the UCSF Mission Bay will be available, and so the differences are only in distance, cost, and quality of these other facilities, thus “at least some of the changes would result in social rather than environmental impacts” (IV.H.13).

But what if these other facilities were not in fact available? Clearly, an environmental impact should result from the closing for years of the existing recreational facilities to Embarcadero office workers pressed for time, and for the thousands of residents in the area and kids alike if alternative facilities are in reality unavailable.
Beginning in September the North Beach Pool will be closed both Sundays and Mondays. On Tuesday and Thursdays it will not open for lap swimming until 10:00 am and then only until 11:30. On Tuesdays, Fridays and Saturdays there is no lap swimming at the lunch hour.

During the critical opening hours of 5:30 am - 8:30 am on Mondays, Wednesdays, and Fridays, the UCSF rooftop pool has only 2 lanes available for lap swimming. Only 2 lanes are available Saturday mornings as well from 7:30 - 9:00.

By contrast all facilities of the Golden Gateway Tennis and Swim Club are open every day of the year, with the exception of Christmas, from 5:30 am weekdays and from 7:00 am on the weekends. The entirety of the 6 lane larger pool is wholly allocated to lap swimming each and every day, all day long, and every lane remains fully utilized continuously all day until closing.

The DEIR did not include a review of the days the alternative facilities are closed, the limited hours available for lap swimming when they are open, and the restricted numbers of lanes made available to lap swimmers. The DEIR was predicated on only the existence of alternative facilities without examining the substance of the alternative offerings. The DEIR is therefore inadequate and so for this reason too, it should be rejected. (Charles Dutkin) [D.26.2]

So, the 8 Washington DEIR assumes: … 3. that the members of the current club will find club memberships at nearby facilities that are clearly not able to add the capacity that will besiege them, (Douglas Arnstein) [D.32.3]

In the consideration of private tennis facilities, the EIR fails to include consumer fees (see Table A).

<table>
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<th>Number of courts</th>
<th>Facility</th>
<th>Initiation fee</th>
<th>Monthly dues</th>
<th>Court fees</th>
<th>Food/Drink minimums</th>
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<td>Golden Gateway T&amp;SC**</td>
<td>$95</td>
<td>$147</td>
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</tr>
<tr>
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<td>Olympic Club</td>
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<td>$259</td>
<td>--</td>
<td>$ 45/mo.</td>
</tr>
</tbody>
</table>

* Updated 8/2/11 for individual membership
** Part of same ownership (Western Athletic Club)

Clearly, the cost to members of the GGTSC is at the affordable range compared to the other clubs.

The public tennis courts referenced in the EIR within two miles of the 8 Washington site all have problems with parking and no ability to reserve court time (GGTSC has 15 off street parking spaces available free to members and Drumm Street, in front of the club, has 2 hour meters). (Edward Helfeld) [D.35.4b]

The EIR analysis fails to recognize the importance of location. The Golden Gate Tennis and Swim Club is conveniently sited to serve the immediate high density neighborhood and the large downtown workforce. The alternate swimming and tennis facilities listed in the EIR are particularly inconvenient for downtown users trying to fit their athletic programs in busy work schedules. (Edward Helfeld) [D.35.5]

Health Impact of a 2+ year loss of active recreational space with no replacement. (Lisa Schreiber) [D.47.5]
The study assumes that the existing membership can go to other recreation facilities in the city, but many of the members are unable to go out of the neighborhood, either because their mobility is impaired (one reason they go to the club) or they cannot travel. Also, the club is a social setting, for many a very meaningful one. (Richard and Barbara Stewart) [D.48.4c]

There is NO OTHER FACILITY available to us within a reasonable distance in San Francisco where we can swim and do aqua aerobics and other water exercises! If the Washington Project continues as planned, it will pose a serious hazard to my wife’s health, at least during the period of construction, and potentially beyond as there is no assurance that we will be able to avail ourselves of the use of the proposed pools in the development. There is no reasonable alternative for us to use if the GGSTC is eliminated, and none is proposed in the project or in the DEIR! (George T. Haymaker, Jr.) [D.56.1]

Response

Comments express concerns about the loss of recreational facilities and the availability, accessibility, and quality of recreation options during construction, particularly for seniors. The existing facility would be closed for approximately 24 months, and would re-open prior to the estimated 27- to 29-month construction period for completion of the project buildings and parking garage. Potential effects on existing club members and the inconvenience that would be experienced during the temporary closure of the GGSC is described on EIR p. IV.H.13.

Although the interim closure of the GGSC for two years during construction would be an inconvenience and hardship for some club members accustomed to existing conditions at the GGSC, these conditions would not result in a physical environmental impact on recreational resources, and would not be considered a significant impact under CEQA. The decision-makers would consider these factors during their deliberations to approve, modify or deny the proposed project. Refer to the response under “Recreation Impact Analysis under the California Environmental Quality Act,” beginning on C&R p. III.M.7, for a discussion of the adequacy of the EIR’s evaluation of the effects of the temporary closure.

As stated in the EIR p. IV.H.12, “the existing indoor fitness center at the Golden Gateway Center across Drumm Street would continue to operate during the construction period.” Additionally, and in response to the community’s desire to preserve their recreational options during the construction period, Western Athletic Clubs, the operators of the GGSC, has agreed to expand its existing shuttle service from the existing GGSC location during the 24-month construction period to minimize the inconvenience some members would experience in accessing other tennis facilities (San Francisco Tennis Club at 5th and Brannan Streets) and swim and basketball facilities (San Francisco Bay Club at 150 Greenwich Street) operated by Western Athletic Clubs. Western Athletic Clubs would implement new shuttle service from the GGSC to the San Francisco Tennis Club. The service schedule would be similar to the existing shuttle service between the GGSC and the San Francisco Bay Club which runs every 15 minutes between
10:30 A.M. and 9:00 P.M.  Current GGTSC members can access the San Francisco Bay Club via the existing shuttle service from the GGTSC.

The following text is added after the first full paragraph on EIR p. IV.H.13 to incorporate information concerning the proposed shuttle service agreed to by the Western Athletic Clubs (new text is underlined):

In order to minimize the inconvenience of traveling to alternative private tennis and swim facilities, Western Athletic Clubs, the operator of the GGTSC, would provide to existing GGTSC members the existing shuttle service from the GGTSC to the San Francisco Bay Club (swim and aquatic fitness programs) and would introduce new shuttle service from the site of the existing GGTSC to the San Francisco Tennis Club (full range of tennis programs and tournaments).  Current members would have access to these alternative recreation facilities at no additional cost during the interim closure of the GGSTC, which is expected to last for 24 months.26

The following new footnote is added to p. IV.H.13 as part of this text change (new text is underlined):

26 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011.  These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

With implementation of the shuttle service, current GGTSC members would be able to access Western Athletic Clubs other tennis and swim facilities in San Francisco more conveniently during the closure period of approximately 24 months.  The effects of the temporary loss of the tennis courts, the basketball half-court, and swimming pools would be reduced to some degree with new and more convenient access provided by this service.

In addition, new text is added to EIR Chapter II, Project Description after the first partial paragraph on EIR p. II.18 to identify the Western Athletic Clubs existing and proposed shuttle services:

The Western Athletic Clubs, the operator of the GGTSC, would promote the existing shuttle service from the GGTSC to the San Francisco Bay Club and would introduce new shuttle service from the site of the existing GGTSC to the San Francisco Tennis Club.6

The following new footnote is added to p. II.18 as part of this text change (new text is underlined):

6 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011.  These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

In addition, Western Athletic Clubs has indicated that GGTSC members would also be able to use their existing membership at other clubs operated by Western Athletic Clubs.  In addition to the
San Francisco Bay Club and the San Francisco Tennis Club, members can access the Bay Club Financial District (fitness), the Bay Club Ross Valley Tennis and Swim Club (swim/tennis/fitness), the Bay Club Marin (fitness/swim). Furthermore, the public and private parks, open space, and recreational facilities, including tennis courts and swimming pools, that would be alternative locations for current GGTSC members are identified and described on EIR pp. IV.H.3-IV.H.6.

As mentioned in a number of comments, the City’s tennis facilities and public swimming pools identified on EIR pp. IV.H.3-IV.H.6 vary in quality. The closest tennis courts that have been renovated or newly constructed are located at Helen Wills Playground (recently updated as part of the 2000 Neighborhood Park Improvement Bond) and Berry Park (part of the Mission Bay development). The North Beach Pool, the closest to the project site, was fully renovated in 2005. Additionally, the North Beach Pool has available capacity and a full array of swim programs such as lessons for adults, youth, toddlers, and infants, and exercise programs for seniors. These programs are similar to those provided at the GGTSC. Other public swimming pools such as the Sava Pool in the Stonestown area in the southwestern part of the City, the Hamilton Pool in Japantown, and the Coffman Pool in Visitacion Valley were renovated in 2007, 2010, and 2008, respectively, under the 2000 Neighborhood Park Improvement Bond. The Mission Pool is currently under renovation. The Sava and Hamilton swimming pools were identified as being above capacity and near capacity, respectively, according to the 2004 Recreation Assessment Report. As stated in some comments on the proposed project, public swimming pools have varied and in some cases limited hours for lap swim, lessons, and aquatic fitness programs. These hours may change from season to season, and most pools are closed at least once a week, usually Sunday or Monday. The North Beach and Coffman Pools are closed on Sundays and Mondays. However, GGTSC members would be able to use the Western Athletic Clubs swimming pools at the San Francisco Bay Club, the Bay Club Ross Valley Tennis and Swim Club, and the Bay Club Marin.

The GGTSC children’s summer camps would be curtailed during the construction period. The San Francisco Recreation and Parks Department as well as private and non-profit organizations provide a number of children’s camp programs throughout the city during the summer that could provide similar services to the current users of the GGTSC children’s summer camp program (Kids Camp).

As stated on EIR p. IV.H.12, the fitness center would remain open during the construction period. Therefore, existing members would continue to have access to the fitness center during construction, but would need to seek alternate options and locations for swim, tennis, and basketball facilities during the 24-month closure. To help club members use the other private swim and tennis clubs operated by Western Athletic Clubs, a new shuttle service to the San Francisco Tennis Club would be initiated and existing shuttle service to the San Francisco Bay
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Club would be expanded during the construction period of the new swimming pools, tennis courts, and fitness center. GGTSC members who live in San Francisco would have to use transit or private automobile to reach the clubs outside of San Francisco.

Use of these Western Athletic Club facilities by existing GGTSC members during the 24-month closure period would not add any membership costs; there may be user fees or court fees at the other swim and tennis clubs. These private tennis and swim facility options for GGTSC members would be augmented by available public swim and tennis facilities operated by the San Francisco Recreation and Parks Department. During the 24-month interim closure the tennis programs that are currently offered or sponsored by the GGTSC such as USTA League play would be accommodated at different locations under the control of the Western Athletic Clubs including the San Francisco Tennis Club, if sites become available for such programs.3

The availability of alternate public recreational facilities as well as the Western Athletic Clubs-provided private transportation to affiliated private athletic clubs intended to minimize the effect on GGTSC members during the construction period would not fully replace the closure of GGTSC swim, tennis, and half-court basketball facilities during project construction. Nevertheless, these effects would not be permanent. Existing users would have alternative recreation options within the City’s publicly provided recreational resources that, while not as desirable or convenient, would be feasible. Furthermore, access to other Western Athletic Clubs facilities would be made available to all GGTSC users, although it is likely some would not be able to take advantage of them. As stated earlier, under the thresholds of significance used by the City to determine the impact, the EIR concluded that temporary impacts would be less than significant.

As stated in the comments, the 5.3-acre Sue Bierman Park, south of the project site across Washington Street, would be large enough for four tennis courts or three tennis courts and a basketball court. There are no current plans to accommodate such uses as part of on-going renovations.4

PERMANENT CHANGES TO RECREATION FACILITIES AND PROGRAMS

Comments

So a few more facts to talk about. This community that we live in has the highest density of all districts in San Francisco. I've been trying to live there with my family for 13 years. My children

3 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

4 San Francisco Recreation and Parks, Memo to Recreation and Park Commission re: Sue Bierman Park Renovation, August 31, 2010. This memorandum is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
were born when we were living in this property. The least amount of active recreational space in all of San Francisco. You can say that this is private if you will, but it's reasonably priced and it's the only active recreational space we have. My children, when they play soccer practice now, my son and his school, they have to reserve space. I've talked to Phil Ginsberg about this and I've talked to David Chiu about it. They just can't go out to any park and say, oh, let's have a pickup game. All of the schools reserve space. This is just not a single problem. There's not enough in the entire city, and there's definitely not enough where we live. My son can play a little soccer perhaps across the street, but there's no pickup games in soccer. The field is not very even. And even when we just redid the park near the Embarcadero, there's no soccer space, football space, baseball space. You name the sport, there's no place you're going to go and run around and get any kind of great activity going. So there's a big issue with active recreational space. You're taking away what's very important to the community. There's some omissions. (*Lisa Schreiber*)

I speak to people all the time -- tourists. I've never heard one tourist say, Gee, I really like that highrise. But what they talk about are the views, the ambience, the general -- the water, the parks, the spaces, and the healthy-looking people in San Francisco. We have very healthy-looking people. Okay. I went onto the Website of the planning organization to figure out what I'm trying to say here. And the first thing I came about was, number one, they said the planning department places protection and preservation at the very top of its list of priorities. Interesting. Because this is a club that's going to be demolished. Okay? Second, improvement of the city as a place for living by aiding and making it more healthful, safe, pleasant, and satisfying with housing representing good standards for all residents and providing adequate open spaces and appropriate community facilities. And the third point I found was that the established priority policies of your planning says our parks and our open space and their access to sunlight and vistas be protected from demolition. So here I've got this health club that's going to be demolished, proposed. It's healthful. It's pleasant. It's been there for 50 years. Right now if I wasn't here, I'd be out there swimming with, like, 50 other people; playing tennis. There's a camp out there. I live at Market and Castro. I go on the Muni every day and back to get there. I'm not rich, but I'm healthy because of this club. It's the only health club like this in the city and in the state; and I'm willing to say in America, because it's in the center of an urban development. You've got nine tennis courts and two open pools. This is unheard of. You guys, you have the most amazing amenity right in front of your city and you want -- it's in danger. Playland is gone. And, you know, I'm old so I can talk about it. What's in Playland now? Something very similar to 8 Washington Street. Very nice. Now, no tourist is standing at that Playland, where it was, looking at, Gee, it's beautiful, I just love this apartment building. Okay. Come on. You've got to protect your city. This is all we've got. We don't have much left here. Okay. Cities across America are considering how to bring life to urban centers, but San Francisco, with Seawall 351, is promoting the destruction of a lively, long-lived, thriving sports community within its center. And make no mistake. Demolish and it will be destroyed. It's the only San Francisco sports facility like it, like I said. Okay. It's a retrograde step. Demolition of a functioning and thriving community sports center goes against green thinking, but also goes against its own planning guidelines. Innovators and town planners are now not demolishing. They're using what they've got. (*Paula Aspin*)

The EIR has been around for a while, but I am convinced they can be tailored to your needs. And I think this document is particularly slanted as well. For instance, with the environmental settings and impact on recreation, 168 public tennis courts and 52 private courts are cited. But they do not talk about quality. For organized tennis, there are really only a handful of options -- the Olympic
Club, Cal Club, SFTC, and Golden Gate Park as well as the Golden Gateway. Without that, we are down to four, two of which are probably left over for the people who move into this complex. It also slights the fact that, while the SF population will increase, loss of recreation is not really that important. That conclusion seems fairly odd to me. (Bob Iwersen) [TR.26.1]

To reach the proposed roof pools how does one ingress and egress the roof top? Are there stairs and or elevators, inside or on the outside? Will swimmers have to walk through the gym and exercise rooms to the disturbance to those working out? Will swimmers have to shower and change downstairs or upstairs? These are just a few of the unanswered questions that require an honest response from those who prepared this flawed EIR.

I am focusing mainly on the swimming element of the recreational center as others are directing their comments to the tennis program.

There is hardly any mention that the two present swimming pools, located at ground level, with an expansive grass open area for family gatherings, receptions, picnics, barbeques, and fund raising events for community groups will disappear and be relocated on top of the proposed athletic club building.

This building will be located next to the Embarcadero roadway and the proposed open pools on the roof top will be vulnerable to all the traffic noise, air pollution and winds that are the norm along this heavily traveled roadway.

To say as the EIR does “there would be no significant negative changes to these facilities” is so totally incorrect and misleading that it is difficult to respond to such lack of interest in what is definitely a QUALITY OF LIFE AND HEALTH issue.

We don’t dispute that there are roof top pools, but they are mostly located on hotels and resort buildings where the traffic and swimmers are minimal. Here we are talking about hundreds of daily swimmers and Aqua Fit members arriving for their exercise, lessons, physical rehabilitations and social gatherings.

Under the section IMPACT EVALUATION (IV.H.9) the EIR states that the summer Kids Camp would still be operating at “full capacity.” How can that be when the outdoor recreational area would be reduced by over 50% with 5 less tennis courts, loss of the 1/2 basketball court and 2 swimming pools on a roof.

It is obvious that the consultants who wrote this EIR have no idea what the negative impact would be on the closing of the GGT&SC on the Kids Camp program. They did not study the impact of the loss of five outdoor tennis courts where the youngsters meet on one or two tennis courts in the morning and 1/2 basketball court for activities important in their introduction to the physical and creative programs they will participate in during the day filled with physical activities (swimming and tennis lessons), and a number of creative educational projects.

By reducing the tennis courts from 9 to 4 as proposed in the EIR, and the Kids Camp use of one or two of the courts at times during the day there would only be two courts available for tennis in the summer after construction. Where is the benefit to the members in that.

The summer Kids Camp has been operating for 15 years with an average of 700 young people for 15 years over a 12 week summer period. –Do the math – it means that thousand of youngsters have had the opportunity to enjoy and participate in a creative and physical experience that no other recreational facility provides in the City, and the developer wants to reduce and end this program to build 165 pied-a-tiers for their own profit.

Where is the equitable trade-off?
It is important to note that a number of Kids Camp participants go on to become well trained counselors and instructors as they wish to pay back their previous experience at Kids Camp.

We must also add that FOGG began a scholarship program for youngsters from Chinatown’s low income housing projects last year so that they could enjoy this one of a kind Kids Camp. Thanks to donations from FOGG supporters we succeeded in underwriting a number of the young ones.

This year FOGG with the cooperation of GGT&SC management we were able to double the number of participants, and added a few youngsters south of Market Street. We plan on continuing this outreach program for many years to come.

Youngsters are fed a lunch, and if there is a need for a special diet it is taken care of. Every Friday during summer Kids Camp there is a barbeque that the parents are invited to attend.

The use of the present ground level swimming pools provide easy access for the Kids Camp programs, under the careful and watchful eyes of the instructors, and provide a security that would not be available on a roof top setting.

More important would be the serious concerns for the negative environmental impact of using a roof top facility that is directly parallel to the Embarcadero roadway. This EIR review does not show a study that reflects the obvious need to review air pollution, traffic noise or wind factors on an open deck next to the Embarcadero roadway. Parents would rightfully be concerned as to the health hazards their youngsters would encounter.

In conclusion we can only reiterate that this EIR is flawed and totally unreliable (Lee Radner, Friends of Golden Gateway) [C.5.2g]

On page 13 and following, the claim is there would be no significant impact on recreation when the construction is finished, even though there will only be 4 tennis courts instead of 9, the green lawn near the swimming pools will be gone as will the basketball court. Some of the open space of the former tennis courts will be replaced by buildings for retail/restaurant/residence purposes. The swimming pools will be less accessible as they will be on the roof of the fitness building rather than on the entrance level as they are now. This will make it difficult for seniors to enter the pools and less safe for families with young children without the green grass play area. Though the DEIR claims the day camps will proceed as before with the same activities, this is improbable, considering the enormous reduction of outdoor recreation area (Irene Glassgold) [D.4.1e]

Permanent loss of active recreational space in an area that already has too little. (Lisa Schreiber) [D.7.3b]

None of what is documented in DEIR address the aggregate loss to the immediate neighborhood of the existing tennis programs. These can never be reconstituted at another location, and certainly not at the proposed ‘new’ tennis courts. (William Benkavitch) [D.16.4e]

My main concerns are, in brief:

- The loss of five tennis courts and the ground-level swimming pools will completely change the character of the Golden Gateway Swim and Tennis Club, a treasured neighborhood asset. (Norman Patrick Doyle) [D.18.1a]

I am a senior member of the Golden Gateway Tennis and Swim Club and depend upon the facilities in my neighborhood for therapeutic exercise. I am not a person of great means and
consider this “amenity” part of the civic compact to provide a safe and healthy environment for
纳税公民提供安全健康的环境。 (Monica St. Géme) [D.31.4]

For many years, City elected officials have declared that retaining families with children is
重要的是城市的健康。如今年7月24日《纽约时报》文章所述：

“Census data from 2010 revealed that even though the City’s population grew by 4 percent in the
上十年，尽管城市人口增长了4%，但城市儿童人口减少了5%，降至116,000或14%。

This percentage is lower than Manhattan’s. The same article notes that, “...a 2006 decree by then
市的13%。同篇文章指出，2006年，前市长加文·纽森（Gavin Newsom）发布了一项官方声明，将提高城市内儿童的数量作为该市儿童部门的官方使命。”

The Golden Gateway Tennis and Swim Club provides a significant amenity for middle class
家庭。大幅削减设施、项目和地面层空间是重要的。 (Lisa Schreiber) [D.47.6]

Response

Comments state that the reduction in the number of tennis courts in the proposed replacement
运动设施的减少会影响现有的训练活动。表C&R-14：现有和拟建的场地，包括公共可达的项目开放空间，展示了GGTSC资源的现状和未来情况。永久变化包括网球场地的数量从9个减少到4个，失去USTA和俱乐部网球

There are a number of permanent changes that would occur at the project site as a result of the
预定的项目。表C&R-14：现有和拟建的场地，包括公共可达的项目开放空间，展示了GGTSC资源的现状和未来情况。永久变化包括网球场地的数量从9个减少到4个，失去USTA和俱乐部网球
### Table C&R-14: Existing and Proposed On-Site Recreation Resources and Publicly Accessible Project Open Space

<table>
<thead>
<tr>
<th>Recreation Resource</th>
<th>Existing</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>GGTSC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>2 pools at ground level and jacuzzi (25- by 55-foot recreational pool, 36- by 75-foot lap pool)</td>
<td>2 pools on rooftop and jacuzzi (30- by 46-foot recreational pool, 49- by 75-foot lap pool)</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>9 outdoor lighted courts (59,400 sq. ft.)</td>
<td>4 outdoor lighted courts (27,000 sq. ft.)</td>
</tr>
<tr>
<td>Fitness Center Building</td>
<td>Off-site in William Heath Davis Building (7,355 sq. ft.)</td>
<td>On-site new center (12,800 sq. ft.)</td>
</tr>
<tr>
<td>Basketball</td>
<td>1 outdoor half-court</td>
<td>None</td>
</tr>
<tr>
<td>Publicly Accessible Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Block 168, Lot 58</td>
<td>Pacific Avenue Mall Eastern Terminus&lt;sup&gt;a&lt;/sup&gt; (5,650 sq. ft.)</td>
<td>Pacific Avenue Park (11,500 sq. ft.)</td>
</tr>
<tr>
<td>Jackson Common</td>
<td>none</td>
<td>9,500 sq. ft.</td>
</tr>
<tr>
<td>Drumm Street Walkway</td>
<td>Existing</td>
<td>Widened by 2,800 sq. ft.</td>
</tr>
</tbody>
</table>

**Note:**

<sup>a</sup> Two triangular areas on this parcel are outside of the fence enclosing the northernmost tennis court, and are adjacent to the Drumm Street walkway and public utilities easement adjacent to the western boundary of the project site. These triangular areas are planted with trees and lawn.

**Source:** Turnstone Consulting

Tournaments at the new GGTSC facility, the relocation of the ground-level swimming pools to the rooftop of the proposed new fitness center and the associated change in access, and the relocation of the fitness center from an off-site location (the William Heath Davis building) and its expansion (from approximately 7,355 sq. ft. to 12,800 sq. ft.). The proposed project would also permanently remove the lawn area near the existing ground-level pools and provide new publicly accessible open space. As described on EIR p. IV.H.14, the project would provide new usable, publicly accessible open space where none currently exists. The project would create Jackson Common, a 9,500-sq.-ft. public open space corridor; Pacific Avenue Park, an 11,500-sq.-ft. publicly accessible park at the northern end of the project site; a 2,800-sq.-ft. strip that would widen the existing Drumm Street pedestrian path, and additional public open space in the form of various setbacks and sidewalk widening along Drumm Street, The Embarcadero and Washington Street.

Comments regarding the reduction in the amount of space for tennis courts are correct. There would be a loss of five tennis courts, resulting in a reduction of approximately 32,400 sq. ft. of space allocated for the tennis courts (from 59,400 sq. ft. to 27,000 sq. ft.). Due to this reduction in space, the GGTSC would not have a sufficient number of tennis courts to maintain certain tennis programs such as USTA tournament play and club tournaments. The Western Athletic Clubs has indicated in a letter dated August 25, 2011 that the GGTSC’s current participation in league and tournament play as well as tennis programs would be eliminated, and that the Western
Athletic Clubs would review its San Francisco facilities to continue to provide these programs at alternative locations.\(^5\) Potential project impacts related to the reduction in the number of private tennis courts in relation to the public and private tennis courts available in the City are discussed on EIR p. IV.H.12:

The reduction in the number of tennis courts could result in longer wait times for tennis courts at the proposed new facility, and fewer scheduling options and longer lead times for making reservations than those to which GGTSC tennis users are now accustomed. Some tennis users may seek courts elsewhere in the area or City.\(^24\) As indicated above, 168 public tennis courts and 52 tennis courts at private facilities are available elsewhere within the City. Some tennis users may be deterred by inconvenience from playing tennis as often as they otherwise might have under existing conditions. Such inconvenience is not considered a significant impact for purposes of CEQA because it would not result in a significant change to the physical environment.

To clarify the elimination of future tennis league programs at the GGTSC, the following paragraph is added after the first partial paragraph on EIR p. IV.H.14 (new text is underlined):

Due to the reduction in space allocated for tennis courts from 59,400 sq. ft. to 27,000 sq. ft. that would result in a reduction of five tennis courts, from nine to four tennis courts, the GGTSC would not have a sufficient number of tennis courts to maintain certain tennis programs such as USTA tournament play and club tournaments. The loss of five private tennis courts would not be a significant environmental impact; over 168 public tennis courts and at least 52 tennis courts at private facilities are available nearby and elsewhere within the City. The total number of available public courts is in line with the recommended national guidelines of one court per 5,000 people.\(^27\)

The following new footnote is added to p. IV.H.14 as part of this text change (new text is underlined):


Several comments express concern about the relocation of the two existing ground-level pools to a rooftop location and the effect this would have on access and exposure to noise and air pollution from The Embarcadero. As discussed on EIR p. IV.H.14, GGTSC would be replaced on the project site with modifications, e.g., the swimming pools would be equivalent in number but slightly larger. There would be no change to the swimming programs offered at the GGTSC with the proposed project. Chapter II, Project Description, EIR p. II.14, states that “the fitness center roof level would include a changing room and stair and elevator bulkhead, an outdoor lap pool, a recreation pool, a spa area, and deck seating, all enclosed with a railing.” With the proposed

\(^5\) Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
project, the two rooftop swimming pools would be fully accessible by elevator or stairs which would be constructed in full compliance with the Americans with Disabilities Act (ADA) and 2010 San Francisco Building Code requirements. Thus, there would be no permanent loss in swimming pool facilities; however, access would change due to the relocation to the rooftop of the new athletic club facility. However, a change in the means of access to the swimming pools does not constitute a physical environmental effect under CEQA. The existing pools are approximately 100 feet away from the edge of The Embarcadero roadway. Relocating the existing swimming pools to the 25-foot-high roof of the proposed Athletic Club building would not noticeably increase exposure to noise or air pollution even though they would be approximately 75 feet closer to The Embarcadero. The relocation of the swimming pools to the rooftop of the proposed Athletic Club building would not be a significant environmental impact.

For a discussion of pools that would be located at ground level and farther from The Embarcadero than the rooftop pool in the proposed project, see also the discussion under the subheading “Larger Fitness Center Project Variant” on C&R pp. III.Q.22.

The reduction in the number of tennis courts would not result in permanent changes to the children’s summer camp (Kids Camp) program; however, this reduction would affect the level and types of tennis programs available at the new GGTSC as well as the availability of courts for club tennis players. As discussed on EIR p. IV.H.9, the GGTSC’s current operating policy and camp activity levels are anticipated to be similar with the proposed project.

The comment noting the lack of soccer playing fields in the City is noted. The project site does not now and would not under the proposed project provide public field play areas for soccer or similar sports. These types of uses are accommodated by the San Francisco Recreation and Parks Department (SFRPD). The 2004 Recreation Assessment Report identified the lack of multi-use athletic fields as a critical need. In 2006, the City partnered with the City Fields Foundation under the Playfields Initiative to renovate selected existing fields with synthetic turf and field lights in order to increase their use. Over six fields have been renovated since the partnership began and three more are proposed for renovation. Other efforts undertaken by the SFRPD to increase the use of existing athletic fields include an updated permit and reservation system. Additionally, a joint use agreement between the San Francisco Unified School District and the City to open athletic fields on selected school campuses to athletic leagues during the weekends augments the City’s existing inventory. At this time private and public funding has been sufficient to move the Playfields Initiative forward.

For comments expressing concern with the changing demographics in the project area and the City as well as the availability of affordable recreational resources to seniors and the middle class, especially those with children, refer to the response under “Recreational Needs Analysis,” starting on C&R p. III.M.21.
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GOLDEN GATEWAY TENNIS & SWIM CLUB MEMBERSHIP AND OPERATIONS

Comments

I'm going to address one area, the recreation section of the report, which is inadequate. In my work as a real estate agent in Marin County, one of the first things that a prospective buyer was given were the CCNRs. The CCNRs were very, very important and they had to sign off on them within ten days. We have no paperwork that suggests how in the world the remaining public facilities are to be operated, the hours of operation, who can have membership. Will there be limitations on the use by nonresident members, such as exists at San Francisco State, another public institution with limited hours and reservation requirements? All of this is in a four-color brochure and in representations that have been made along the line. But we saw this in the bond crisis. We saw lots of people having big files of paperwork that were not read or not completed or not signed. How do we know that people purchasing a limited number of condos in a small site -- I've never seen a project like this, where the public had access. You might find this in a community with a homeowners association where there was a golf course and they needed to underwrite some of the expenses and so they had nonresident memberships. But you'll never find it, I don't believe, in a compact residential situation where a purchaser for $2.5 million might foresee 1600 people walking and out of the facilities. I don't believe that those homeowners would allow it. And I think the first chance that the developer left and the seller of the property was no longer around, they would exercise their legal rights to change the homeowner document, which they can do under California law. So I would like to see what legal arrangements have been made so that the protections for the remaining facilities run with the land, no matter whether the current parties are involved in the project or not. (Charles Dutkin) [TR.11.1]

Our esteemed Senator Dianne Feinstein today, if she was here, would tell you she made a critical mistake by not zoning this parcel open space just like Sidney Walton Park. Mr. Ramsdell, the head of the redevelopment agency will tell you that today too. Everybody in town knows that this recreational facility is very important to the success of this neighborhood. Taking it away from all the seniors that reside in the neighborhood will be a sin. Taking nine courts that's open to anybody that wants to play -- and you could that 14-foot fence down and paint it white or you could make it one-half the size and you wouldn't have this issue about building a 14-story building there for the iconic use of multimillionaires. Nevertheless, there's so many things in this. (Frederick Allardyce) [TR.22.2]

And that's the jewel that neighborhood enjoys now. This developer wants to take it and make it into four courts and two pools. And I will guarantee you the people that will use that will be the 180 new condominiums that use it and the 1600 people that use it today will never have a chance to use it again. (Frederick Allardyce) [TR.22.4]

I'd like to focus on the recreation section, IV.H.9, which starts out with the sentence, Impact on environment less than significant. Let me divert here for just a second. Last year, Friends of Golden Gateway started a scholarship program for young people, particular in our neighbors of the Chinatown area, to be able to attend kids camp. Thanks to our supporters' donations, we were able to send a number of young kids to kids camp. And this year we were able to expand that to include not only Chinatown but young people south of Market Street. We feel it's been a very successful program. And the closing down of this club as you see it -- and it sure is ugly, isn't it? I would derail such a program and it would never come back if it were done at half the size that is presently planned. Over 700 young people each summer for the last 15 years have been attending
this kids camp. We now are able to provide the space for a number of young people who could not come before. You multiply that by 15 years, you know how many thousands of kids we have been able to support. You translate that into families. And I heard two weeks ago when I was here, a number of you discussing why families are leaving the city. We recognize housing and education are important -- very important. But recreational space and the limited space is also very important. And taking away this area would be devastating, not only to the community but to hundreds and hundreds of families who live in this community I was a little late today. And I had some other young people to come, but we do have Joyce Lu here. Joyce, where are you? Joyce? Joyce is one of the members of the kids camp that FOGG proudly was able to support. There's some of them still over there till five o'clock, so we couldn't bring them all here. The two pools that you see down here -- already? Thank you very much. I hope you get the message. (Lee Radner, Friends of Golden Gateway) [TR.23.1]

I was one of the very earliest members of the Golden Gateway Tennis Club, back in the days when you couldn't get a court there to save your soul. It was a very carefully controlled big in-group used the courts. I must say since the Western Athletic Club has taken over, it's become much diplomatic. I would like to note that in this report, although it's often referred to as an ongoing commitment from the Western Athletic Club to run this facility, I see no direct evidence of that whatsoever. And I am very concerned about that and I will submit that in my comments. I find many aspects of this report have hearsay in them without any supporting documentation, when indeed it should be present. (Nan Roth) [TR.24.1]

I hear some individuals here today who are concerned they'll lose access to the existing private club. I'd like to point out that there is no way that 165 residential units can support operation of the club. The operator will need their memberships today -- will need their memberships in the future just as they do today. So while I sympathize with the fear of these individuals, the fear of loss of the club are unfounded. The public benefits of this project far outweigh any negative impacts. The DEIR is adequate, accurate, and complete. (Jim Chappell) [TR.28.2]

There were questions about the recreational uses of the club, which I believe in the report it does say that this future club would be open to residents that -- obviously not just for the residents, but it will be to open the public and there are examples of that. (Commissioner Michael Antonini, San Francisco Planning Commission) [TR.34.4]

Secondly, based on testimony, we're hearing arguments that swim and tennis club is supposed to serve the neighborhood. And yet more than one person has come forward and said, Well, either I don't live in the neighborhood or there are people from all over the city coming here. So I'd like to have some discussion in the EIR. I don't know if that's an appropriate discussion, but some consideration of that issue and maybe take a look at the -- and I don't know if this is private or not. But if we could see what the membership geographic locations are of the people who are members of the club at the moment. (Commissioner Hisashi Sugaya, San Francisco Planning Commission) [TR.35.2]

How long would it take before the millionaire residents of the luxury condominiums insist that they be given high priority to the remaining outdoor recreational facilities, And shut out many of the few remaining members who could not afford what we believe would be an increased dues structure. (Lee Radner, Friends of Golden Gateway) [C.5.2b]

A good number of the seniors from the Gateway and neighboring community use the facilities on a daily basis. Some come in their scooters, wheel chairs and walkers to work out in the Aqua Fit
program offered Monday through Saturday, **at no charge**, in the morning and evening on alternate days. Others still do lap swimming and play tennis. *(Lee Radner, Friends of Golden Gateway)* [C.5.2e]

**LU-2: The proposed project would not have a substantial impact on the existing character of the vicinity.**

Loss of recreation: This conclusion is defective due to the fact that the 8 Washington project will forever decimate an important outdoor recreational facility that was created part-and-parcel with the Redevelopment Agency’s Embarcadero Center/Gateway project. What more impact could a development have than to cut the legs out from under an honor-bound compact made between the developers and the future tenants of the rent-controlled Gateway apartment building? This loss is not mitigated by a “partial” tennis and swim club, which will likely only be available to the wealthy and typically part-time resident owners of 8 Washington luxury condos. *(William H. Sauro, The Barbary Coast Neighborhood Association)* [C.6.3]

The DEIR states unequivocally that: “The Golden Gateway Tennis & Swim Club would operate the proposed fitness center in a new one-story building north of Jackson Street, as well as tennis courts and other outdoor recreational facilities on the northern part of the project site.”

- Is there any written agreement between the developer and Western Athletic Club (WAC) re: how WAC would manage the new club? If so, please describe and discuss the terms of this agreement.
- Golden Gateway Center will no longer own or control the new athletic club and facilities. Since tenants of the Golden Gateway Apartments are provided with “Preferred Membership at the Golden Gateway Tennis & Swim Club” how will tenants be compensated for the loss or reduction of this benefit, which will be caused by the implementation of Project?
- Will the tenants’ rents be reduced during construction while they are deprived of all services, and following construction to reflect the significantly reduced tennis facilities? Please discuss how the “reduction of services” section of San Francisco’s rent control ordinance would apply. *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.11]

- What guarantee is there the Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities? Is there a contract between the project sponsor and Western Athletic Club to require, as claimed in this section of the DEIR that “the club would also continue to be used for children’s summer camps” and that “camp activity levels are anticipated to be similar with the proposed project”? *(Jon Golinger, Telegraph Hill Dwellers)* [C.10.15b]

The Golden Gateway Tennis and Swim Club is an affordable place to play tennis and swim in the open air. It is green. It was built as a part of an affordable rental development, Golden Gateway Apartments, and is a low key simple place. It has green grass and ivy. It provides summer day camps for kids and swimming and tennis lessons.

The DEIR underestimates membership which consists of 1750 members plus 650 members who have access to all Western Athletic Clubs. In addition, there were 3000 guests who used the club this year. The swimming pools and tennis courts are in constant use. *(Irene Glassgold)* [D.4.1b]

The four public courts listed are inadequate to support the existing programs offered at the GGTSC. If you go to these public courts, you would draw the same conclusion.
Concerning the private courts available, 2 miles or more from GGTSC, the DEIR makes no assessment of their willingness or capability of supporting existing programs. The existing programs at GGTSC will not be replaceable. *(William Benkavitch)* [D.16.4d]

At the same time the project would destroy The Golden Gateway, a popular and well used recreational facility, enjoyed by many in the community both near and far for many years, and replacing it several years later by a much smaller, off the street facility that, as a practical matter, is likely to end up serving as a private club for those owning the $2,500,000 condominiums. *(James Cunningham)* [D.17.5]

The Impact Evaluation, Impact RE-3: The proposed project would not have a significant adverse effect on recreational opportunities (Less than Significant) is inadequate in at least 2 respects:

1. The Evaluation assumes that after construction, the replacement facilities would remain open to membership by the general public, as non-residents of the proposed condominiums, and without significant restrictions favoring condominium owners and their guests. So the impact on Recreation is deemed less than significant.

However, what if the facts after construction are substantially different? Virtually unrestricted public access to membership in lively, often noisy, outdoor recreational facilities located in the common area of a compact urban condominium development, with such facilities in close proximity to residences (perhaps including as many as 1,300 public memberships after the attrition of 300 tennis members), where public members outnumber residents at least 5 or perhaps 10 to 1, has no precedent. An adequate DEIR would not assume that this would be the result, especially when the target market of the developer are purchasers qualified at $2.5 million and above, many of whom likely have had or desire their own private pool and/or tennis court.

A memorandum from Monique Moyer dated 2/19/2009 to members of the Port Commission requesting approval of SWL 351 to be part of the 8 Washington project summarized the result of the transaction as follows: “The condominiums would be sold. The developer would lease the retail and restaurant portions of the project to private operators. The developer or future transferee would own the private recreation club.”

Perhaps changes have been made to the Port’s and the developer’s strategies since that memorandum, but in the event the gist of that plan remains intact, the DEIR and Planning Commission should consider this: we know of no prior interest or experience by the developer in the operation of such club facilities, and also consider the reasonable assumption that the developer would instead intend to, at some point after garnering approvals and purchasing the lots, to next obligate himself to transfer the ownership of the recreation club to the condominium Homeowners Assn so that the listed Sales Prices actually made sense to prospective purchasers.

The DEIR does not question whether the general public will be protected on an ongoing basis, and whether the condominium owners and Homeowners Assn will be bound, by proper legal documents creating protective legal arrangements running with the land. No exhibits in this regard are made part of the DEIR. For this reason the DEIR is inadequate and should be rejected. *(Charles Dutkin)* [D.26.1]

So, the 8 Washington DEIR assumes: … 4. that 3 to 4 years down the road the owners of the new club on the 8 Washington property will gladly accept all those current club members into the fold no questions asked, *(Douglas Arnstein)* [D.32.4]

RECREATION - Request for more information to be included in next DEIR.
There is no analysis on the number of people who will be negatively impacted by the loss of the existing tennis programs should this project be built. It is the tennis courts that are being demolished and there is a significant impact which is not addressed in the DEIR.

Request that the next DEIR provide the following analysis. A chart and/or table listing each existing program and the number of people who participate. Include the programs listed below as a minimum. Request this review cover at least the past 3 years so a trend can be established. All this information is readily available. Include data source so that information can be verified independently.

Specifically discuss the USTA Adult League Program including Men's, Women's, Senior, Combo Leagues. Include the number of players who participate, not just members of the GGTSC but all teams in the USTA Adult League who play matches at the GGTSC. List all teams and number of players on each.

Specifically discuss tennis lessons, both individual and group lessons and identify numbers both of GGTSC members and non-members. Include gender.

Specifically discuss the Circuit tennis program available and identify the numbers of players. Include gender.

Specifically identify the high school and college tennis teams that practice at the GGTSC and the number of players. Include gender.

Specifically discuss the junior tennis programs at the GGTSC and the number of players. Include gender.

Specifically discuss the tennis component of the Kids Camp program at the GGTSC and the number of kids in it. Include both GGTSC members and non-members. Include gender.

Specifically discuss spontaneous tennis and the number of players. Analyze how spontaneous play is managed in context with the other tennis programs.

Specifically provide the number of guests who play tennis at the GGTSC, including where they are from. Include gender.

Assess the impact on the existing tennis staff should the proposed project be built. Include number of existing positions and number of positions should the proposed project be built. (Bill Benkavitch) [D.33.1a]

1. In the Environmental Settings and Impact Part H - Recreation.
   • The statement and conclusion that because there are 168 public courts and 58 private courts within the city and the subsequent loss of 5 courts is “insignificant” lacks any incite and qualitative analysis. The quantity of courts at any given site is actually a critical matter. Single and up to 5 courts at any given location lack the ability to support many functions for which organizations, teaching professionals, team tennis and other functions are able to exist. If this were taken into account, one could see that within the city there are 5 locations for these activities to be vital - Golden Gateway Tennis and Swim Club (to be removed by this project), San Francisco Tennis Club, the Olympic Club, The Cal Club and Golden Gate Park. Both the Olympic Club and Cal Club are extremely exclusive and not readily available to most of the population. SFTC and Golden Gateway are affordable (Golden Gateway more so) and the GGpark courts are under a plan to be downsized. Take away the Golden Gateway and you will have stressed the only two viable courts -SFTC and GGPark. (Bob Iwersen) [D.36.1]
And, even if the new facility were to have pools and tennis courts that could be viewed as “substitutes” for those at the GGTSC, there is no guarantee that they would be available to current club members, as a practical matter. What would preclude the residents of the new building from simply changing their CC&Rs or using other means to price other users out of the market or exclude them altogether? The representations in the “plan” mean nothing. (Harry Shulman) [D.39.2]

Response

Existing Membership and Operations

Comments request information concerning the geographic distribution of existing GGTSC members within San Francisco and the greater Bay Area, and detailed information concerning the GGTSC programs by program type and membership. The current recreational facilities and programs offered at the GGTSC are described in EIR Chapter IV.H, Recreation, EIR pp. IV.H.1-IV.H.2. The EIR also describes existing GGTSC membership on EIR p. IV.H.2.

To provide additional information concerning GGTSC membership, the last paragraph on EIR p. IV.H.2 is revised and augmented with additional text as shown below (new text is underlined, deleted text is shown in strikethrough):

The athletic club is a privately owned and operated facility that is open to dues-paying members of the public. The club offers three types of membership: tennis, fitness/swim, and flex tennis. The tennis membership allows the use of all club facilities; the fitness/swim membership allows the use of all facilities other than the tennis courts; and the flex tennis membership allows the use of all facilities outside of prime-time club hours.4 The tennis and fitness/swim membership types allow members to use the fitness/swim facilities at the San Francisco Bay Club. Within each membership type are categories such as Individual, Couple, Family, Young Professional (under 30), and Corporate. Executive and Club West memberships for tennis and fitness/swim are elite membership types that allow member access to all facilities operated by Western Athletic Clubs in the Bay Area and to all facilities operated by Western Athletic Clubs in California, respectively. The club also provides a discounted Preferred Membership to residents of Golden Gateway Center and the Golden Gateway Commons.

As of August 2011, the GGTSC has a total of 1,744 memberships (about 2,500 individuals) comprised of 1,104 Individual, 258 Couple, 168 Family, 164 Young Professional, and 50 Corporate memberships. Of these, 659 are tennis memberships including flex, and 1,085 are fitness/swim memberships. Of the current membership approximately 354 Preferred Memberships (20 percent) are held by residents of the adjacent Golden Gateway Center and the Golden Gateway Commons.

More broadly, approximately 87 percent of memberships are held by San Francisco residents with approximately 38 percent of those memberships held by residents in zip codes 94111 (Embarcadero/Barbary Coast), 94104 (Financial District), 94133 (North Beach/Chinatown), and 94108 (Chinatown). The GGTSC also provides reciprocal services to Western Athletic Clubs members from other facilities such as the San
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Francisco Bay Club. Western Athletic Clubs estimates that approximately 1,600 members of its other club facilities pay to access the full array of GGTSC facilities while another 1,145 members of other clubs pay to access GGTSC’s fitness/swim facilities.5,6

Footnote 5 on EIR p. IV. Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communication, January 21, 2011. Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review with the Planning Department, 1650 Mission Street, Suite 400.

6 Jessica Jennings, Director of Membership Accounting for Western Athletic Clubs, email communication and attached spreadsheet provided to Alicia Esterkamp Allbin, Pacific Waterfront Partners and Turnstone Consulting, August 22, 2011. This communication and the membership spreadsheet are on file as part of Case No. 2007.0030E and available for public review with the Planning Department, 1650 Mission Street, Suite 400.

One comment requests more information on existing tennis programs to supplement information provided on EIR p. IV.H.1. GGTSC’s current tennis programs include spontaneous play, reserved court time, weekly activities such as exercise and conditioning tennis, group tennis clinics, junior tennis clinics, and private lessons. Spontaneous play, reservations, and lessons are managed by the reception team at the tennis reception desk. Spontaneous play is accommodated on a first-come, first-served basis on Courts 4 and 5 between 5:00 A.M. and 10:00 P.M. (Monday through Friday) and between 7:00 A.M. and 8:00 P.M. (Saturday and Sunday). Court time is 45 minutes for spontaneous singles play and 75 minutes for doubles play. Courts 6, 7, 8, and 9 are available for reservations between 5:00 A.M. and 10:00 P.M. (Monday through Friday) and between 7:00 A.M. and 8:00 P.M. (Saturday and Sunday). Courts 1, 2, and 3 are teaching courts between 7:00 A.M. and 6:00 P.M. all week. These courts are available for reservations between 5:00 A.M. and 7:00 A.M. and between 6:00 P.M. and 10:00 P.M. Court time for reserved singles/doubles play is 75 minutes. Over a typical week, on average approximately 22 members engage in exercise and conditioning tennis, approximately 56 members participate in group tennis clinics, approximately 60 members participate in junior tennis clinics, and approximately 90 members participate in private lessons. Singles and doubles league and club tournament tennis including USTA league play and high school team play are also accommodated. For example, approximately 20-25 members engage in USTA singles and doubles league play, approximately 110 members currently participate in the three-month-long competitive member tennis circuits, approximately 15 high school students participate in junior tennis clinics, and approximately 80 members in total participate in the spring, summer, and fall 12-week junior tennis clinics.6

6 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
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The impact on the existing tennis staff with implementation of the proposed project is discussed below under “Future Facility Management and Operations”.

Future Facility Management and Operations

A number of comments relate to the future status of current GGTSC members and future membership opportunities for the nearby residential community. These comments also raise questions about potential effects of the proposed project on existing fitness programs and the children’s summer camps. To the extent that these comments can be construed as comments on the adequacy of the EIR’s analysis of physical environmental effects on recreational facilities, a response to these comments is provided here.

The Golden Gateway Center, the current owner of the GGTSC land and facilities, has indicated that upon completion of the new fitness club by the developer, San Francisco Waterfront Partners II, fee ownership of the land and GGTSC facilities would revert back to the Golden Gateway Center. The Golden Gateway Center is willing to consent, as a condition of approval of the proposed project, to a requirement that for so long as it operates the facility must remain open to members of the public who purchase a club membership. This condition would be recorded against the property, would run with the land, would apply to all future owners, and would require notice to all future owners of the land use requirement. After construction, existing members who allowed their membership to lapse would be able to renew their memberships at the new GGTSC facility, and residents of Golden Gateway would continue to be offered a discounted membership. As noted on EIR p. IV.H.11, the number of tennis memberships could be reduced based on the existing ratio of members to courts, likely resulting in a reduction of 350 memberships, from about 650 to 300 memberships.

Statements concerning future operations of GGTSC as a private facility for project residents are unfounded. As discussed above, GGTSC would continue to operate as a privately owned facility available to members of the public who purchase club memberships. EIR p. IV.H.11 also states that project residents would have access to the privately operated GGTSC tennis courts, swimming pools, and indoor health club facilities, if they choose to join GGTSC; project residents would not have priority for membership and residents of the Golden Gateway Center would continue to receive the discounted “Preferred Membership,” as currently exists.

The EIR also describes the recreation program operations of GGTSC. The current recreational facilities and programs as well as membership information at GGTSC are provided on EIR pp. IV.H.1 – IV.H.2. Additional detail, provided by Western Athletic Clubs, regarding the current

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7 Foo, Timothy, President, Oak Hill Investment, Inc., written communication to the San Francisco Planning Department, August 23, 2011. This letter is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
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tennis programs is provided in the response under the subheading “Existing Membership and Operations,” beginning on C&R p. III.M.45.

With implementation of the proposed project, the current level and types of tennis programs would be reduced as described on EIR p. IV.H.14 under Impact RE-3. While some tennis programs would be more limited in scope, the reduction in USTA league play and other types of tournament play would be the primary elements of the existing tennis programs that would be eliminated. However, the EIR states that “available private courts provide adult and junior programs, tournaments, and other activities, and thus would provide opportunities comparable to those at the Golden Gateway Tennis & Swim Club.” Western Athletic Clubs has indicated in a letter dated August 25, 2011 that the GGTSC’s current participation in league and tournament play as well as tennis programs would be eliminated, and that Western Athletic Clubs would review its alternative locations to continue to provide these programs.8

The children’s summer camps that are held at GGTSC generally rotate through different daily activities such as swimming, tennis, arts and crafts, and team-building activities in groups of 10 to 12.9 This camp program would remain in place after implementation of the proposed project. Tennis would continue to be included in camp activities. The reduction in the number of tennis courts and the reduction in the overall square footage of the new GGTSC would not permanently or adversely affect the children’s summer camps; however, as discussed in the response under the heading “Recreation Options for Club Members During Construction” the children’s summer camps would be eliminated during the 24-month closure period.

Text on EIR p. IV.H.13 is updated as follows to clarify the programmatic changes (new text is underlined, deleted text is shown in strikethrough):

As noted previously, the project would result in the permanent removal of five tennis courts, reducing the total number of courts at the site from nine to four. The basketball half-court would not be replaced. The future number of tennis memberships would be reduced correspondingly. In addition, GGTSC would not have a sufficient number of tennis courts to maintain certain tennis programs such as USTA tournament play and club tournaments. However, the GGTSC children’s summer camps would continue to be provided at the same level as at present. These GGTSC facilities are privately owned and operated; though they are available to the public through membership, the courts are not a public recreational resource. After project completion, approximately 168 public tennis courts would continue to be available in the City. None of the existing off-site public courts would be affected by the proposed project. Approximately 52 other private courts,

8 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
besides those on the project site, would also continue to be available. The loss of five private tennis courts would not be a significant environmental impact. The City would continue to have a large number of public tennis courts in line with the recommended national guidelines of one court per 5,000 people, in addition to a large number of private courts.

The reduction and/or loss of tennis programs would not result in a physical environmental effect under CEQA, because other private and public facilities are available that provide tennis facilities and programs. As such, there would be no physical impact on the environment that would require new construction or that would degrade existing tennis facilities, as described under on EIR pp. IV.H.11-IV.H.12, and pp. IV.H.13-IV.H.14. Decision-makers will consider the reduction in the level of tennis programs that would result from the proposed project as part of its deliberations to approve, modify, or deny the project.

Future operations of the GGTSC would require fewer employees due to the reduction in the number of tennis courts and the associated reduction in tennis programs as described in Appendix A, Notice of Preparation/Initial Study, p. 49:

Existing employment at the Golden Gateway Tennis & Swim Club (including the facility across Drumm Street in the Golden Gateway Center) consists of about 26 full-time employees and about 74 part-time employees. After project completion, the Golden Gateway Tennis & Swim Club would retain most of the employees currently on site and would transfer the existing health club employees across the street to the new facility in the proposed building. The composition of the staff would likely change to reflect the consolidation of facilities, larger fitness facilities, and reduction in tennis courts; front desk and tennis pro staff would decrease, and fitness department staff would increase. However, total athletic club employment would not change substantially. Most of the athletic club employees would not be new to the City or even the project vicinity, and therefore would not require additional housing in San Francisco. The number of employees displaced would be small.

In reference to children’s camps, the existing GGTSC children’s summer camps (Kids Camp) are discussed on EIR p. IV.H.9. The additional allocated space refers to additional space for the children’s summer camps, which, after members have reserved space, are open to the general public (refer to revised EIR text under “Recreation Impact Analysis under the California Environmental Quality Act” on C&R pp. III.M.10-III.M.11). This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the proposed project. Western Athletic Clubs has confirmed the accuracy of this statement and has provided a letter indicating that the proposed relocation and reconstruction of the GGTSC is not expected to affect camp
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However, as indicated above, the reduction in the number of tennis courts would affect the existing tennis programs and likely lead to a reduction in tennis memberships at the new GGTSC.

Certain comments suggest that the Golden Gateway Center, including the project site, was intended to be preserved as a recreational facility. This statement is not accurate. The final agreement between the Redevelopment Agency and developer of the Golden Gateway Center does not require the project site to be used solely for recreation purposes or as a tennis and swim club. A detailed discussion of the original Embarcadero – Lower Market (Golden Gateway) Redevelopment Plan, the original Redevelopment Agreement, its amendments, and the effect on recreational facilities and open space in the former Redevelopment Project Area is provided in the response under the subheading “Past Redevelopment Area Planning” in Section III.B, Project Description, C&R pp. III.B.19-III.B.24.

PUBLIC AND PRIVATE RECREATIONAL FACILITIES

Comments

And the other comment I'd like to make -- I know I'm not citing pages. Sorry about that. But the other comment I'd like to make is that every hearing that I have been to -- and I haven't been able to attend all of them -- people keep saying this is a private club, as if it's a horrible, horrible place where, you know, private things take place. It's no more private than the YMCA or the YWCA, which you have to pay to attend. And now it's no more private than recreation facilities in the city because of the budget crisis that we're in and the recreation department is now charging. So I think the use of "private" wherever it appears in the EIR is a bogus attack on a wonderful facility that will not remain as it is and will be closed down for three years and in their estimation a minor inconvenience. (Nan McGuire) [TR.21.2b]

I'm an avid tennis player. I'm a wife -- I'm a husband to a wife who is a swimmer and I'm a father to a seven-month-old baby who is beginning to swim. I'm also a club member. So I guess it's probably pretty clear where I come down on this. But I just wanted to speak to something that other people have spoken to. And that is the notion that this is a private club. Technically it's true. But before I became a club member, before I was a father or a husband, I played at the park - - at Golden Gate Park -- on public courts. And this private club hosts public matches routinely for very young people and for very old people and invites them in for free. And I will say, as a -- before I became a member, it was a privilege to play at that place. They are important tennis courts. The environmental report cites in Part IV, Section H, the recreation element -- it cites the impact to recreation; and it says that there are 158 public tennis courts in the city. That may be true if you count them. If you take the court in my neighborhood, in Potrero Hill, it's not playable. I'm not taking -- I'm not saying it's not like to my liking. People cannot play tennis on that court. So the notion that this is just a private, exclusive club mischaracterizes the nature of the club. And as a last kind of word, I just encourage you, before you make any decision, to

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10 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
please go to the club. Go there on a Saturday and see the people like my seven-month-old baby swimming next to 90-plus-year-old people, how many people enjoy that club, both members and non-members. (Joel Rosenblatt) [TR.27.1]

Loss of Active Recreation

It is a misnomer to call the Golden Gate Tennis and Swim Club a “private” facility. It is private in the same way the YMCA is private… very modest dues, open to anyone and everyone, with fees covering the basic operation and maintenance of the recreation amenities. With today’s SF Recreation and Parks budget problems, even if the Golden Gateway recreation facility became “public,” it would have no resources for operation, and fees would have to be charged to play tennis or swim. How would this be any different from today’s “private” scenario? The developer is trying to paint this modest family facility as a “country club.” Ironically, it will only be exclusive and limiting if the developer builds “his” version of a recreation club and ends up with millionaire condo owners as the only people who can use the faculty. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.20]

The DEIR’s use of the word “private” throughout the DEIR to describe existing recreation activities at the Golden Gateway is biased, misleading and inaccurate. The term “private” appears to have been used in an attempt to diminish the impact of closing the Golden Gateway Tennis and Swim Center for 3-4 years during construction, along with the permanent loss of five of nine existing tennis courts, a basketball court and the current, family-friendly ground level swimming pools.

The DEIR must include and analyze the City’s existing recreation facilities in comparison to the Golden Gateway Tennis and Swim Center, including the following information:

- The Recreation & Park Department (RPD) has been increasing user fees, reducing hours and leasing (23 of its 47) recreation centers to “private” interests. Out of a total of 47 city recreation centers, city workers staff only 12 of them where they oversee programs, many of them for a fee, during reduced days and hours. The RPD also runs nine “public” swimming pools in neighborhoods such as North Beach, the Mission, Bayview and Visitacion Valley. These pools were previously open five or six days a week and were free for residents. Today, residents pay $5 for each swim and $7 for adult swim lessons/water exercise. Children under 17 pay $1 per swim and $2 for swim lessons/water exercise ($3 for a swim & a class together).

- Given the recent shift by the City’s RPD toward “privatization” and imposition of a fee system for the use of the City’s “public” recreation facilities and pools, what is the real difference between “private” and “public” in terms of accessibility and affordability? Isn’t the result that both the “private” Golden Gateway facility and the “public” pools are open to anyone who is willing to pay to use them since neither is free to the public?

- A complete and factual explanation of this issue must be included in the EIR. Further, as requested in other comments, a chart must be added to the EIR comparing the costs to San Francisco residents of the City’s 9 “public” swimming pools to the current costs of the Golden Gateway community recreation facility.

Without such information and analysis, critical information is lacking that the Planning Commissioners, the Park and Recreation Commission, the Port Commission and the members of the Board of Supervisors will need in order to accurately assess the validity of the developer’s claims as to who is being served by the current facilities versus who will be served by the proposed project. (Jon Golinger, Telegraph Hill Dwellers) [C.10.58]
Project Description. The Project Description requires clarification, as followings…

- The description of the Golden Gateway Swim and Tennis Club as “private athletic club” is incomplete and therefore inaccurate. The club was established as a required community space in the original Redevelopment agreement. This document must recognize this use as an essential part of this planned community. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.2]

There are 2,300 individuals who pay for membership to use the facility.

What is the difference in requiring residents of SF to pay for use of city facilities?

Why does the DEIR make a distinction between public and private? Payment is required for both. There are examples where it is cheaper to play tennis at GGTSC than it is to play the same type of organized programs at public courts such as Golden Gate Park. (William Benkavitch) [D.16.4c]

6. ACTIVE RECREATION: Public vs. Private—is there any real difference today? I challenge the word "private" throughout the DEIR to describe recreation activities at the Golden Gateway as both misleading and inaccurate in the light of the recent privatization/fee system imposed on San Francisco’s "public" recreation facilities/pools, a fee structure that can exceed prices charged by the "private" Golden Gateway facilities. The term "private" is being used here to minimize the loss of the entire facility for 2-3 years during construction as well as the permanent loss of five (5) of nine (9) tennis courts and the current, family-friendly ground level swimming pools.

The Parks and Recreation Department keeps increasing user fees, reducing hours, and leasing recreation centers to ‗private‘ interests (e.g. martial arts schools, private exercise classes). Today, both the ‗private‘ Golden Gateway facility and ‗public‘ pools are open to anyone who is willing to pay to use them. Neither is free. (Deborah Smith) [D.22.8]

Public vs. Private the FIR purposely distorts reality to tell a “negative” story.

One can argue that a church is PRIVATE. Members of the congregation pay for the church and pastor. A recreation club like the GGTSC has members who pay to have recreation, swim and exercise. To many this part of their daily life is spiritual, healthy, and positive – not unlike attending church. The City of San Francisco swimming pools are PRIVATE – you have to pay to use the pool? This is the distortion represented in the EIR. This is also true of other Park & recreation facilities and field use. Pay to play – no longer a “free” public resource – the City collects taxes – and still charges for use? Anyone can pay the daily or monthly fee to use GGTSC. There is no discrimination.

EIR Comment: Remove the word “private”, to describe the club, throughout the DEIR and modify the document to remove distortions of truth and fact. (Reinhard Ludke) [D.28.5a]

1. Recreational alternatives. The EIT suggests that there are ample alternatives for the users of the “private” GGTSC club. That ignores reality. It is not a “private” club in any real sense. There is not any waiting time or any requirements for any City resident to use the facility, and it is cheaper than “public” facilities suggested as alternatives. And anyone who says that the alternatives listed in the draft EIR are actually acceptable alternatives (particularly for the many older users of the GQTSC) is not being honest. (Stan G. Roman) [D.30.2]

The Golden Gateway Tennis and Swim Club is private only in the sense that the YMCA is private. Monthly dues are required but membership is open and not controlled by a private group
or board. It is central to the opportunity for active recreation for hundreds of residents of this neighborhood and open to all city residents. (Monica St.Geme) [D.31.2]

1) The club is not all that “private”. The club is open to any individual or family (at a reasonable cost of membership) seeking access to first class facilities designed for healthy lifestyles and a better quality of life. My membership allowing me access to the gym and the pool costs only $80 dollars a month (approx. $2.66 per day). The per day price for having access to these facilities is less than single day use prices at the alternatives suggested in the EIR. Also, the quality of the current facilities is much better and at a much higher level than the alternatives suggested (some of the alternatives are not even comparable). The potential for serving the community is much greater and unlimited if the site is allowed to remain as a health and fitness club. Whereas, it would become even more private and more restricted if the developer is allowed to destroy this valuable health facility and erode the quality of life for the current population and the financial district public the club currently serves. (Tom Verhauz) [D.41.1]

Comment: Reference is made to the Tennis and Swim Club as private. It is private, but membership is open to anyone. No sponsorship is required. (Richard and Barbara Stewart) [D.48.4a]

IV. FREQUENT USE OF THE WORD “PRIVATE” AS A MODIFIER OF THE GOLDEN GATEWAY RECREATION FACILITIES THROUGHOUT THE DEIR IS BOTH MISLEADING AND INNACCURATE IN LIGHT OF THE RECENT PRIVITIZATION AND FEE STRUCTURES IMPOSED ON THE CITY’S “PUBLIC” RECREATION FACILITIES AND SWIMMING POOLS.

This current fee structure for public recreation facilities in San Francisco results in situations where the cost of attending ‘public’ pools can often exceed fees charged by the “private” Golden Gate Tennis & Swim Center (GGTSC).

The use of the term “private” in this context throughout the DEIR appears to be an attempt to justify the loss of GGTSC facilities for the 3-4 years that it would be shut down if the “preferred project” were approved (see section A for actual construction schedule) as well as the permanent loss of five of nine tennis courts, the basketball court and the current, family-friendly ground level swimming pools, Jacuzzi and open space.

In the past, the city’s public recreation facilities, including its swimming pools, were “public” in every sense of the word—open long-hours, open 6-7 days a week and “free” to residents. In recent years, however, the San Francisco Recreation and Parks Department has increased resident user fees, reduced hours and increased the privatization of its facilities in response to ongoing budget deficits. Today, both the ‘private’ Golden Gateway facility and ‘public’ pools are open to anyone, anyone who is willing to pay the fees that they charge. Neither is free. (Brad Paul) [D.53.23]

A. The DEIR fails to discuss the privatization of the City’s recreation centers: According to a 7/9/11 SF Chronicle article, the city is now leasing 23 of its 47 recreation centers to outside interests (e.g. nursery schools, private classes) with the city staffing only a dozen (12) of the 47 former “public” recreation centers. Seven (7) of the remaining recreation centers are under renovation and five (5) are vacant, unavailable for any kind of use “because no one has leased them and there is no money for city workers to run them”. Out of a total of 47 city recreation centers, only 12 are staffed by city workers who run programs for residents, many of them for a fee, during reduced days and hours.
The City also runs nine “public” swimming pools in neighborhoods such as North Beach, the Mission, Bayview, Visitation Valley, etc. These pools used to be open five or six days a week and were free for residents. Today, residents pay $5 for each swim and $7 for adult swim lessons/water exercise. Children under 17 pay $1 per swim and $2 for swim lessons/water exercise ($3 for a swim & a class together). (Brad Paul) [D.53.24]

**Active Recreation Facilities: Public vs. Private… is there a difference anymore?**

Each time a family of two adults goes to a city pool it costs $10 per visit to swim and up to $14 per visit if they participate in swim lessons or water exercise. If that family went three times a week, it would cost them $120-$168 per month depending upon how many times they took a swim vs. participated in swim lessons/water exercise. That comes to at least $1,440 dollars per year. Additional swim lessons/water exercise classes drive costs of using a “public” pool even higher.

Now imagine a family of two adults living at the Golden Gateway who currently swim every day at the Golden Gate Tennis and Swim Center. At the city’s North Beach (public) pool, it would cost them $200 a month ($10/swim X 20 days) to swim Tuesday through Saturday (the pool is closed Sunday/Monday) and their schedules would have to match specific windows each day when the pool is available for adult lap swimming. Compare that to the two pools at the Golden Gateway Tennis and Swim Center—one just for swimming laps; one for kids, families and seniors that are open seven days a week for longer hours. (Brad Paul) [D.53.25]

**B. Comparative Costs.** Because our hypothetical couple live at the Golden Gateway Apartments they automatically receive a discounted membership of about $170 per month ($85 each) to use the two pools, full gym across the street and have the ability to reserve tennis courts at $20 per use. Since the Golden Gateway was built (1960’s), residents have always received discounted membership at this facility, one of two community benefits Redevelopment required, along with Sidney Walton Square, in exchange for entitlements to build both the Golden Gateway (1,150 rental units) and the adjacent Gateway Commons (condominiums). Redevelopment felt both amenities were needed to meet the open space and active recreation needs of what was to become one of the densest residential communities in San Francisco and discounted the land for the GGTSC and Gateway Commons in exchange for the owner maintaining an active recreation facility at the GGTSC in perpetuity.

Even for those who don’t get the Golden Gateway resident discount, memberships to the Tennis and Swim Center that don’t include automatic access to the tennis courts cost about $220 a month to swim 30 days a month, the same price two adults would pay to swim only 20 days a month at the North Beach pool, a facility with only one pool and therefore greater restrictions on when they could swim laps. It should also be noted that over 300 “guests” are admitted free to the Golden Gateway recreation facility each month, a total of 3,000 to 4,000 guests each year. We [are] not familiar with a similar policy for free guests at the North Beach pool (or any other city pools).

Clearly, the recent privatization and escalating fee structures at the city’s “public” recreation centers/swimming pools have erased any real distinctions between public facilities and private facilities as viewed by local families and residents. But one of 8 Washington’s main justifications for closing the Golden Gateway Tennis and Swim Center for 3-4 years during construction and downsizing the replacement facility is that it is a “private” club maintained for the selfish interests of the few.
Putting aside the fact that 8 Washington’s condos will cost $2 million each to build and will sell for $2.5 to $5 million each and up (for upper floors), making them unaffordable to 97% of all San Franciscans (talk about catering to “the few”), the issue of who uses the current recreation facilities on this site is an important one that the DEIR must address. The similarities outlined above between today’s Golden Gateway recreation facilities and the City’s current “public” recreation centers/swimming pools contradicts the impressions created by the DEIR in its current form with so many derogatory references to GGTSC as a ‘private’ club.

It is imperative that public officials have the information outlined above regarding the current costs of “public” recreation in front of them so they can decide for themselves what distinctions, if any, exist in today’s world between this ‘private’ club and so called “public” alternatives. This information is precisely what an EIR is suppose to provide to officials charged with making these kinds of decisions.

For these reasons, we must insist that you provide—in the Comments and Responses document—a clear, complete explanation of this issue, with a chart (see attached for potential template) that compares the facilities, hours, programs and costs to San Francisco residents of the city’s nine (9) “public” swimming pools and the current Golden Gateway community recreation facility. Without such an analysis critical information will be lacking, information that Planning Commissioners, Park and Recreation Commissioners, Port Commissioners and the Board of Supervisors will clearly need as they assess the validity of the developer’s claims about who is served by the current facilities (and what environmental impacts they have) versus those who’ll be served by the proposed project (and their environmental impacts).

Without this information, it will be difficult for these public bodies to make informed decisions as to whether to grant or not grant the conditional use authorizations, upzonings and dozens of separate approvals and permits needed for this complicated and controversial project to proceed.

[Footnote 19:] This does not include the published initiation fee of $95, but as with all initiation fees, this is often discounted or waived during the year of special promotions.

[Footnote 20:] $345 million all in construction costs divided by 165 condos = $2,000,000 per unit. (Brad Paul) [D.53.26]

The report states that 2,300 individuals members make use of the club, and points to the fact that the city operates nine swimming pools and 168 public tennis courts in San Francisco – “close,” according to the report, “to the national guideline of 1 court per 5,000 people.” The closest public swimming pool to the project is in North Beach, according to the report.

I have played tennis at some of those public courts, some of which are in such a state of disrepair that they are not playable. The single public court closest to me, at Carolina St. and Mariposa St. is in such a sad state that no one can play tennis there. The tennis courts at Golden Gate park, while playable, require serious repair and maintenance. My point is that if the public court in my neighborhood is representative of other public courts in the city, then San Francisco doesn’t truly have the 168 public tennis courts the report claims.

Before concluding that “impacts to recreation would be less than significant,” an accurate Draft EIR would examine the true condition of the public courts it adds to its total. The report should also examine whether the city is willing anytime soon to invest the money required to repair and maintain the existing courts. (Joel Rosenblatt) [D.54.2]

Finally, the report repeatedly couches its arguments in the context of Golden Gateway being a private club. While technically this is a true statement, it intentionally clouds the public spirit of
Golden Gateway. The club hosts hundreds of United States Tennis Association matches every year, which means hundreds of people who are not members are invited to play tennis there. Again, where swimming is concerned, the club has numerous Swimming camps for children who are not members. Yes, these children must pay for the camps but the pools and the instruction are open to any member of the public.

In sum, while the Golden Gateway is indeed private, it costs me and my family, for example, $360 per month to swim and play as much tennis as we can in pools and courts that are reliably, albeit privately, maintained. The club also has a liberal guest policy where non-members are permitted to use all the facilities free of charge. It is not, in short, a private country club like the Olympic Club. In fact, it is an affordable private club that many non-members from around the city make good use of for free. (Joel Rosenblatt) [D.54.4]

Throughout the report the writers use the term “private” every time they refer to this communal facility and this reveals their clear bias in favor of the developer and not the people of the Golden Gateway complex. (Martie W. Young) [D.55.4]

I wish to challenge the use of the word “private” throughout the DEIR in relation to the Golden Gateway Tennis and Swim Club. The word appears to be deliberately used in a pejorative fashion to suggest that this is somehow an exclusive enclave for the wealthy. The club is anything but that! It is a reasonably priced facility that is open to membership by anyone. The Club’s members come from all walks of life, including many who live in this neighborhood, and including retirees on limited incomes who depend on the Club for exercise and health maintenance. Although there are fees for membership, there are fees for use at San Francisco’s “public” pools and recreational facilities, with a fee structure that can exceed the cost of membership at the GGTSC. And, as noted above, these facilities are not at all near or reasonably accessible for us in this neighborhood. For us, this is a neighborhood “public” facility that charges a fee. It should be so described in the DEIR. (George T. Haymaker, Jr.) [D.56.2]

6. ACTIVE RECREATION: Public vs. Private-is there any real difference today? We should challenge use of the word “private” throughout the DEIR to describe recreation activities at the Golden Gateway as both misleading and inaccurate in the light of the recent privatization/fee system imposed on SF’s “public” recreation facilities/pools, a fee structure that can exceed prices charged by the “private” Golden Gateway facilities. The term “private” is being used here to minimize the loss of the entire facility for 2-3 years during construction as well as the permanent loss of five (5) of nine tennis courts and the current, family-friendly ground level swimming pools. The Rec & Parks Dept. keeps increasing user fees, reducing hours and leasing [23 of its 47] recreation centers to ‘private’ interests (e.g. martial arts schools, private exercise classes). Today, both the ‘private’ Golden Gateway facility and ‘public’ pools are open to anyone who is willing to pay to use them. Neither is free. Which is the better value?

- **Comments:** Restate this argument in your own words, talk about what the Golden Gateway Recreation Center means to you and your family (how it helps keep families

- **Comments:** Restate this argument in your own words, talk about what the Golden Gateway Recreation Center means to you and your family (how it helps keep families in the city, if you think so) and what its loss will mean to you and others. (Mary Pecci) [D.58.8]
Response

A number of comments take issue with the EIR’s characterization of the GGTSC as a “private” athletic club facility. The existing GGTSC facility is nonetheless correctly characterized as a “private” facility. It is operated on privately owned land, is privately owned and operated by Western Athletic Clubs, a for-profit company, and is open to dues-paying members from the general public and the guests of members. Residents of the Golden Gateway Center are afforded reduced-rate memberships.

Public recreation facilities, as referred to in the EIR, are facilities that are owned by the City and County of San Francisco, and operated by the San Francisco Recreation and Parks Department (SFRPD). SFRPD facilities are open to members of the general public and, in most circumstances, without a dues requirement. SFRPD facilities include neighborhood parks and natural areas, marina slips, recreation centers and clubhouses, basketball courts, soccer/playfields, community gardens, golf courses, and stadiums. As noted in the comments, some of the services provided by SFRPD, such as access to swimming pools or participation in certain programs, require that the public pay a user fee. Many other SFRPD services and programs are free of charge.

In contrast, private recreation facilities, as referred to in the EIR, are facilities at which members of the general public may not access recreational facilities, programs or amenities without being a dues-paying member, having guest privileges from a paying member, or by another arrangement with the facility. Private facilities generally do not include the wide range of publicly accessible recreational resources provided by the City, such as neighborhood parks and natural areas.

As noted in the comments, there is a range in the types of private athletic clubs and in their membership requirements. As an example, on one end of the spectrum, the Olympic Club is a San Francisco private athletic and social club which requires sponsorship and review by a membership panel in order to obtain membership. All Olympic Club facilities and activities are exclusively available to dues-paying members and their guests; members of the general public (i.e., non-members) may not use their facilities. More commonly, private athletic clubs have a membership structure similar to the GGTSC, where facilities and activities are available to members. The use of some facilities, such as tennis courts, may require an additional fee, depending on the individual’s membership level. The existing GGTSC provides services to its members, and through such activities as the children’s summer camp, to the community at large. Comments concerning the increase in fees to use the SFRPD facilities due to the City’s ongoing budget hardships are noted.

None of the comments or information provided with respect to characterization of the GGTSC as a “private” facility alters the conclusions or the significance of potential environmental impacts under CEQA of the proposed project on recreation in the EIR.

Certain comments suggest that the Golden Gateway Center, including the project site, was intended to be a planned community with land reserved for permanent open space and a recreational facility. The final agreement between the Redevelopment Agency and the developer of the Golden Gateway Center does not require the project site to be used solely for recreation purposes or as a tennis and swim club. A detailed discussion of the original Embarcadero – Lower Market (Golden Gateway) Redevelopment Plan, the original Redevelopment Agreement, its amendments, and the effect on land use planning, recreational facilities, and open space in the former Redevelopment Project Area is provided in the response under “Past Redevelopment Area Planning” in Section III.B, Project Description, C&R pp. III.B.19-III.B.24.

A comment requests that additional information be presented about SFRPD swimming pools (facilities, hours, programs, and costs). This information is available on the San Francisco Recreation and Parks Department website (at http://sfrecpark.org/Rec-Aquatics.aspx). Facilities, hours and programs vary at each of the SFRPD swimming pools. Fees for pool use is economic information, which is not required and typically not presented in a CEQA document. Nevertheless, for informational purposes, information is provided here regarding the costs of SFRPD swimming facilities. The current use fee at swimming pools operated by the SFRPD for one swim is $1 for children (17 and younger) and $5 for adults (18 and older). Subscriptions for use of SFRPD pools are as follows: adults - $47/10 swims; seniors - $22/10 swims; families establishing economic need - $22/10 swims. The current cost of membership to use the swimming facilities at the GGTSC is $155/month, in addition to a one-time $250 initiation fee. Use of the tennis and swimming facilities costs $230/month in addition to the one-time $250 initiation fee.11 GGTSC members with a tennis and swim membership may also use San Francisco Tennis Club facilities for a fee of $12-$24 per reservation (fee varies depending on time of day). None of this information alters the EIR’s conclusions or the significance of potential environmental impacts under CEQA related to recreation.

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11 James Lent, General Manager, Bay Club at the Gateway, personal communication with Turnstone Consulting, December 19, 2011.
N. SEA LEVEL RISE / HYDROLOGY

Comments

The sea-level rise is another question. (Ernestine Waters Weiss) [TR.4.7a]

Water-displacement issues. When you put a garage down that far, the water is going to go somewhere, that's being displaced, likely into the garages of nearby residential buildings. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.6]

And it's required to keep the garage from popping out of the ground. The need for -- that's true. I mean its weight because of the water and the hydraulics under this site, which is again not adequately addressed, are substantial. And you need weight to keep that down. (Nan Roth) [TR.24.3]

I'm showing page II-2, which is the area along the waterfront. I tried calling up any EIR that had an underground parking garage. All of this area east of Sansome Street all way to the waterfront. There is no EIR that has ever been developed with an underground parking garage along the waterfront. From Greenwich Street down. I tried. Nannie Turrell can confirm this. The redevelopment has none because all the redevelopment area was done before CEQA. No EIRs at all for Golden Gateway Embarcadero Center. And there was an EIR for a hotel at 8 Mission Street. Doesn't have an underground garage. That's the parking that is the former turnaround area for the PUC. What you have is a 420-car garage that has excavation of 38 to 40 feet on old ships. It's all fill. The entire area that I was looking for an EIR is all fill. It is above the high-tide line. There is no soil drainage. When there's rain storms, the water table is so high. This is going to be excavating into a site that is going to have 110,000 cubic yards of debris, fill, and soil. And you're going to have sea-level rise -- sea-level rise on a site that has -- this is one of the significant impacts of the project -- on fill. The elevation is 0.95 to 0.1 San Francisco city data. It is basically at sea level. The sea level is rising. You're building a gigantic bathtub three stories down for a 420-car garage. And, as Nan Roth, said it's basically the building has to keep the garage from popping up because the water level is so high. There is a flooding risk associated with this project. The seawall lot -- the original seawall lot goes straight through this site. The current seawall lot is on the other side of the Embarcadero. There is no discussion of hydrology in this EIR. There is no discussion except for the archeology of the old ships. That's historic. You cannot find any of this in the EIR. It's totally missing a discussion of the impact of building an underground garage on Bay fill with the sea level rising and a water table that is already very high. This is an environmental issue just not there at all. And it wasn't there in the EIR because no EIRs have ever been done for this kind of a situation. (Sue Hestor) [TR.32.1]

Let's see what else I spotted in here. The water displacement issue is one that is spoken to in there. It is mentioned as an impact. And I just want to make sure that the analysis takes into account all of the possibilities that might occur because of the garage space and the displacement that might occur from that. (Commissioner Michael Antonini, San Francisco Planning Commission) [TR.34.5]

I think it's important to address the things that Ms. Hestor referenced about the underground garage and the water table. (Commissioner Gwyneth Borden, San Francisco Planning Commission) [TR.36.2]
Pg. 1.14 & 15, SLR 1, 2, 3, 4: Inasmuch as this project is virtually at sea level, the conclusions make little sense and are not substantiated by actual scientific data. In both the Hunter’s Point and Treasure Island EIR’s, the impact of sea level rise was a major consideration. The details as to the required number of feet above sea level, etc. are not discussed in a similar manner with this project. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.8]

SLR-3: The proposed project would expose people or structures to increased risk of flooding due to climate-induced sea level rise.
Mitigate proposed inadequate. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.15]

Hydrology and ground water improperly ignored in DEIR

Project site is on Bay fill and is surrounded by blocks of other Bay fill sites. The historic shore of the Bay abutting Yerba Buena Cove north of Market Street extended west to the base of Telegraph Hill then extending along a line close to what is now Montgomery Street. The Golden Gateway area was exposed water. The water table is very close to the surface along the northern waterfront, as well as in south of Market, because the land was created by extending piers into the Bay, sinking abandoned ships, then adding fill over those ships. Some tidal action still exists on many fill lots. Because the water table is so high on this site accompanied by poor drainage, when there are heavy rains on project site, nearby residents regularly confront large puddles that collect because it cannot drain into the soil underground.

There has never been an EIR for a project with an underground parking garage constructed on bay fill anywhere north of Market Street. No opportunity to do a thorough review of the effects of excavating so deeply into bay fill, set out the information so that it is reviewed by and commented on by the public. Even projects with some underground garage levels, e.g. the Embarcadero Center and Golden Gateway, were developed and entitled as Redevelopment projects before CEQA mandated project EIRs. Please provide a list of on ALL projects on bay fill downtown that have massive underground garages and the level of environmental analysis done on effects of signification depth into bay fill or into the water table. Many garages in the fill area north of Mission are mostly above ground. The most recent project constructed with an EIR - the Hotel Vitale at Mission and the Embarcadero - has no basement and no underground parking.

Concerns about the high level of the water table have affected proposed development along the waterfront for many decades. As recently as when the ballpark was constructed on Port property along King Street, even though it did not propose underground construction, there was substantial concern and comments by owners of nearby apartment complexes about the level of the Bay and tidal, action which occasionally results in tides that are higher than the wet weather overflow pipe that drains into the bay.

The 8 Washington project proposes huge 3-level 420 car underground garage which will be excavated 38-40 feet. It will go through and demolish the historic SEAWALL. It will require excavation of the ship that was sunk to create this parcel. The information in the DEIR is mostly focused in two areas - the archeological remains that will be exposed and the effects thereon. The most significant discussion is in the analysis of Sea Level Rise, where Significant Impact is found on flooding:

Impact SLR-3: The proposed project would expose people or structures to increased risk of flooding due to climate-induced sea level rise. (Significant and Unavoidable)
The project site is treated as though it was almost literally. The garage itself will be a massive, waterproof underground concrete “bathtub” supposedly impervious to seepage of water. At a bare minimum two questions should have been asked and analyzed:

- Is there any provision to pump out water that manages to get thru the “waterproof” barrier? San Francisco has a lot of experience with underground garages in such places as the CIVIC CENTER which also happens to have been built over a water source. Those garages have a lot of NOISY de-watering pumping and garage exhaust ventilation systems. On the way into and out of City Hall for the hearing on THIS DEIR the noise from those mechanical operations in the garage was VERY audible. If water manages to work its way into the garage, what will be the environmental impacts of de-watering and exhaust operations, including noise impacts.

- When water confronts a barrier, such as a 3-story concrete bathtub, doesn’t it seek to go around that barrier. This will occur at various levels - regular tidal action, increased flow from sea level rise, and action associated with a seismic event. How will “protecting” the 8 Washington garage affect nearby properties? Including the part of the 8 Washington site that does NOT have the garage underneath it.

Is there any relevant experience from other underground garages built on sites of former deep Bay fill?

When the Golden Gateway was proposed as a Redevelopment site in 1960, there was conscious effort to avoid constructing underground parking. That was 50 years ago when there was no concern about global climate change and rising sea levels. In 1960 the City was aware of the high water table and the advisability of avoiding the expense of excavating garages

Mr. Foo, owner of the Golden Gateway complex, is part of the development team as the owner of the Golden Gateway Tennis and Swim Club site which is 80% of the project site. He should be required to provide the following information for the entire Gateway complex:

The depth in feet to which each individual building was constructed, how many garage levels, and their depths, amount of water that is annually pumped out of each building.

The project description at II.19 discusses how landscaping on the site will be handled along with stormwater management to help gain LEED certification. What analysis has been done of the high water table on site in particular for that part of the site that does not have the garage underground. The discussion on that page is confusing in that regard.

Also please explain how the demolition of the Old Seawall (1867-69) , which runs through this site, could affect the flow of water through this site and how it might affect nearby properties.

The 2007 initial study (page 87) stated that the project is not located in the 100-year flood plain and that analysis of that issue was not needed. Have you revisited that issue given recent reports by the federal government?

Please discuss the ability of the site itself to handle sea level rise and storm water if it remains in its current configuration as a Tennis and Swim Club (with minor improvements if they are needed) vs the massive construction and reconfiguration proposed.

The public is somewhat aware of problems in this area tied to Loma Prieta affects on the Embarcadero Freeway. Was there any analysis of how Loma Prieta affected this area near to the waterfront (not just the site itself) which was substantially built up in 1989? (Sue C. Hestor, Friends of Golden Gateway) [C.9.1]
The DEIR finds that because of the location and elevation of the project site, the proposed project would expose people and structures to increased risk of flooding due to sea level rise and that such impact is “Significant and Unavoidable” (Impact SLR-3).

- The DEIR does not adequately address the applicability of BCDC’s Climate Change Program on the proposed project. Specifically, because the project site is located in an area “vulnerable to future climate-induced shoreline flooding” due to sea level rise, please address the relevancy of the proposed amendment to the Bay Plan (quoted on page IV.I.10) to the considerations by the Port Commission, Planning Commission and Board of Supervisors in determining whether development on the project site should be allowed.

- The DEIR does not adequately address the applicability of the State Lands Commission’s directive to its staff “to evaluate proposed development projects in relation to sea level rise scenarios of 16 and 55 inches…” Specifically, because the project site is located within the inundation zones for 16 and 55 inches, how will this apply to the proposed project? How could this staff evaluation affect the developer’s proposed public trust exchange?

- In light of the project site’s vulnerability to future to sea level rise, which according to the DEIR cannot be mitigated, discuss how the benefits of the proposed project would outweigh the risks to people and structures.

- As disclosed in other sections of the DEIR, the old seawall runs underground and parallel to The Embarcadero through Seawall Lot 351. Seawall Lot 351 was created when the bay was filled in. Is there still tidal action under the surface of that lot? How close is the water table to the surface of the seawall lot? Explain how excavation and dewatering will take place and how the 3-level underground garage will be kept dry. (Jon Golinger, Telegraph Hill Dwellers) [C.10.59]

5. ‘Impact LU-3: The proposed project would not result in a significant cumulative impact related to Land Use. (Less than Significant.)’

‘The policies currently in the San Francisco Bay Plan are in the process of being amended. These policies generally discourage building in shoreline areas that are vulnerable to current or future flooding (San Francisco Bay Plan, Safety of Fills).’ www.paladinlaw.com

8 Washington Street/Seawall 351 Project proposes to build the only underground car park servicing a high-rise building directly on the Embarcadero, which is land fill. Such proposed engineering is a radical departure from the status quo whereby it would appear that no other such underground car parks exist on the Embarcadero Seawall lands. (Paula Eve Aspin) [D.24.10]

4. Water table issues. I understand that the project will extend far below the water table, which is rising as is the water level in the Bay. I am not an engineer, but the draft EIR does not seem to adequately address this very significant issue. (Stan G. Roman) [D.30.5]

Comment: In spite of varying projections which point to sea-level rise, the DEIR concludes that the “proposed project would not expose people or structures to a significant risk of loss, injury or death involving flooding....”

Moreover, the DEIR does not include a discussion of the effect of rising sea level on the garage construction 3 levels below sea level. (Richard and Barbara Stewart) [D.48.6]

The DEIR fails to adequately address the incredible hole that is to be made to accommodate an underground garage and the resulting effects from displacing water on the Embarcadero and the
Ferry Building. Will there be a water drainage problem? Where will the water be pumped? Into the bay via pipes that back up during high tide and a full moon? (Timothy F. Geraci, D.D.S.) [D.51.1]

C. The DEIR Fails to Analyze Potential Hydro-Geologic Impacts From the Underground Parking Garage.

1. The proposed parking garage would be constructed beneath the residential buildings to a depth of 31 feet below grade on land entirely composed of Bay fill. The DEIR is completely silent on the potentially significant impacts from this unprecedented waterfront land use. Potential impacts could include the following:

   a. There is no description of the quantity of water that inevitably will seep in around the garage that will need to be pumped out and disposed of properly. The DEIR does not discuss the energy requirements for this type of operation or the related air quality impacts associated with the energy necessary to operate such pumps.

   b. Nor does the DEIR identify the recipient waters for the pumped water. If the pumped water, which will likely be contaminated with pollutants from the parking garage and sediment, will be discharged into the Bay, the DEIR must analyze the potential water quality impacts. If the pumped water and sediment will be discharged into the City’s already overloaded wastewater system, the DEIR must analyze these impacts as well, particularly during winter storm and high tide conditions. Such discharges may require issuance of a Waste Discharge Requirement from the San Francisco Regional Water Quality Control Board, yet no such permit is listed under the Required Approvals.

   c. Sea level rise will exacerbate these impacts by raising the water level around the parking garage and adding more water pressure against the structure and the pumping system. These impacts must be evaluated. (Zane O. Gresham, Morrison Foerster) [D.52.19]

   b. For the significant and unavoidable impact of sea level rise, the DEIR identifies a single mitigation measure that the project sponsor prepare an emergency plan that consists of the building manager monitoring forecasts of flooding, methods for notifying residents and businesses of such risks, and preparing evacuation plans. This mitigation measure does virtually nothing to address sea level rise. Sea level rise will occur gradually over many years and will unlikely be a sudden emergency inundation. The 2009 California Climate Adaption Strategy identified strategies agencies should consider for addressing sea level rise when approving new development, including designing coastal structures to be resilient to the impacts of climate change, or so that they can be easily relocated or removed to allow for progressive adaptation to sea level rise. 2009 California Climate Adaption Strategy, at 74. The Bay Conservation and Development Commission is currently considering amending the Bay Plan to include policies to address sea level rise, including policies that encourage new development to be resilient or adaptable. As discussed further below in Comment No. C.1, the DEIR actually identifies an alternative that would incorporate these concepts of resiliency, yet it is rejected because that alternative would not meet some of the design goals set forth in the Port’s RFP for Seawall Lot 351. The DEIR does not state that the alternative is infeasible. The DEIR must include as mitigation requirements to make the Project more resilient to sea level rise, such as those design modifications described in the DEIR at page VI.34. (Zane O. Gresham, Morrison Foerster) [D.52.21]
E. The DEIR Fails to Analyze SFPUC’s New Force Main Project.

Because the December 2007 Initial Study found that impacts on the City’s wastewater system would be less than significant, the DEIR contains no analysis of such impacts. However, as discussed in the REP for Seawall Lot 351, in June 2008, the San Francisco Public Utility Commission discovered a leak in the North Point force main sewer line that runs along The Embarcadero directly adjacent to the Project. During the leak repairs, SFPUC identified significant deterioration in the force main line and determined that the area needed a new force main. That line bisects Seawall Lot 351 and the Project. Although the Port identified this as an issue that potential developers would be interested in, the DEIR failed to address this new information. This is a particular concern as the underground garage will abut the SFPUC Right-of-Way, resulting in potential construction conflicts. It must also be confirmed that the proximity of the underground garage to the force main line does not pose any seismic safety risks. The DEIR needs to be revised to address this SFPUC force main replacement project and the on-going risks associated with that location of the force main. (Zane O. Gresham, Morrison Foerster) [D.52.22]

…or “unnecessary” when referring to a three-story below water-table underground parking garage to be constructed in toxic landfill. (Martie W. Young) [D.55.6]

Response

The comments raise four general issues related to hydrology and sea level rise: dewatering during construction, the San Francisco Public Utilities Commission (SFPUC) plans to improve the North Shore to Channel force main, groundwater displacement by the multi-level underground garage, and the effects of sea level rise for a project close to the Bay shoreline.

Hydrology is discussed in the Initial Study, on pp. 87-95, prepared for the proposed project and provided in Appendix A in the EIR; contrary to the statement in one comment, the issue was not omitted from the EIR. It is correct to state, as suggested in some comments, that the project site was under water until it was filled in the latter half of the 19th century (see EIR pp. IV.C.1-IV.C.4 in the discussion of the historic context in Section IV.C, Archaeological Resources).

Groundwater at the project site is at depths of approximately 7 to 12 feet below the ground surface, as discussed in the Geology and Soils section of the Initial Study, on p. 82. Excavation for the proposed subsurface parking levels would be to a depth of about 40 feet; therefore, groundwater would be expected to be encountered during excavation. The Final Geotechnical Report that will be required for the proposed project by the Department of Building Inspection (DBI) as part of the building permit process would evaluate the various soil types and groundwater under the project site in more detail, including laboratory testing of the soil, and will include a detailed engineering analysis with recommendations for construction and foundations for the proposed building that will be reviewed by DBI (see Initial Study pp. 84 and 86 for a discussion of DBI’s requirements, and also the response in Section III.B, Project Description, in the subsection entitled “Settlement and Dewatering” in “Project Construction/America’s Cup Host and Venue Agreement,” beginning on C&R p. III.B.58). The Initial Study also explains that the Preliminary Geotechnical Study recommends preparation of a site-specific dewatering plan.
III. Comments and Responses

N. Sea Level Rise / Hydrology

(p. 85), and that DBI would determine whether this and other site-specific reports would be required. Any groundwater pumped from the project site during construction would be collected into a Sand or Baker Tank to collect sediment prior to being discharged to the City’s combined sewer system, and would be required to comply with the requirements of Article 4.1 of the San Francisco Public Works Code and the Department of Public Works Order 158170. A discharge permit would be required from the SFPUC, which would include discharge standards and treatment requirements, as discussed in the Initial Study on pp. 90-91, and no discharge permit would be required from the Regional Water Quality Control Board (see also the response in Section III.B, Project Description, in the subsection entitled “Project Approvals,” beginning on C&R p. III.B.67). Note that the project site is not a “toxic landfill” site, as stated in one comment. See pp. 95-107 of the Initial Study, and the response in Section III.P, Hazards and Hazardous Materials, for discussions of the presence of hazardous materials in soil on the project site.

The shoring system proposed to be used during excavation for the subsurface levels and foundation installation would be a soil-cement wall with steel reinforcement. This type of shoring system would be nearly water tight, as recommended in the Preliminary Geotechnical Study for the proposed project prepared in 2006 and cited in the Initial Study on p. 85, and would be constructed around the perimeter of the proposed basement footprint. Because the soil-cement wall would be installed around the perimeter and before excavation commences, no dewatering of the excavation itself would occur until the perimeter shoring wall is completed. This approach would reduce the amount of potential groundwater that could seep into the excavation area, and would substantially reduce the change in groundwater levels near the project site that could result from dewatering during construction. Installation of the soil-cement wall would allow for soil and cement to be mixed in place and, once completed, dewatering would occur from inside the limits of the excavation. Little or no lowering of groundwater levels outside the excavation is anticipated.

1 Chuck Palley, President, Cahill Contractors, letter to Simon Snellgrove, September 12, 2011. A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
3 Chris Nelson, Senior Principal Scientist, AMEC Environment & Infrastructure, Inc., Memorandum to Paul Osmundson, Simon Snellgrove, and Alicia Esterkamp-Allbin, Pacific Waterfront Partners, August 31, 2011 (hereinafter “AMEC memo, August 31, 2011”). A copy of this document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
Groundwater monitoring wells would be located around the perimeter outside of the excavation to monitor nearby groundwater levels. Although it is not expected that groundwater levels in the vicinity of the project excavation would be substantially lowered, if the monitoring wells show substantial localized declines, groundwater recharge would be used to restore levels during construction. This is standard practice during construction in San Francisco when constructing in areas with high groundwater levels. To clarify that this is included as part of the proposed project, the following new text is added in Chapter II, Project Description, on EIR p. II.20 as a new second paragraph on the page, above Subsection C, Objectives of the Proposed Project (new text is underlined):

Shoring around the excavation for basements and foundations would be nearly water tight; therefore, relatively little dewatering of groundwater from off the site would be expected to be necessary during excavation and foundation/basement construction. Monitoring wells would be installed around the perimeter of the construction site outside the excavation area to monitor groundwater near the project site. If these monitoring wells show substantial localized declines, groundwater recharge would be used to restore levels during construction.

The approach to excavation and groundwater management during construction is not unusual for sites with relatively high groundwater tables in San Francisco and other cities, regardless of whether they are located near the Bay shoreline or in other areas with high groundwater. Examples in San Francisco include the parking garage for the Gap building at The Embarcadero and Folsom Street, construction of the Muni Metro Turnaround under The Embarcadero between Market and Folsom Streets, and the subsurface levels in the new portion of the Hills Plaza building adjacent to the historic building, also on The Embarcadero. The Embarcadero Center parking garages were constructed in fill and are partly below groundwater levels, similar to the proposed project.

The project sponsor and the project design and construction team have been coordinating with the SFPUC staff for many months related to the subsurface wastewater facilities on and adjacent to the project site. Plans for the basement levels were modified slightly in spring 2011 to be a

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4 Rollo and Ridley memo, August 31, 2011.
5 AMEC memo, August 31, 2011.
6 Ibid.
7 One comment indicates that there was concern regarding groundwater issues related to construction of the Giants Ballpark on King Street. The Final EIR for that project discusses dewatering during construction on pp. IV.321-IV.322, and indicates that groundwater monitoring during construction would be included in the project, as required by the Regional Water Quality Control Board (see pp. V.71-V.72 in Chapter V, Mitigation Measures). The concern was not that groundwater displacement would occur as a result of constructing some portions of the structure underground and that this displacement would result in flooding basements of nearby buildings; the concern was related to known contaminants in the groundwater and the possibility that those contaminants would be released to the Bay because the site is immediately adjacent to and extends over Bay waters in China Basin Channel (see San Francisco Giants Ballpark at China Basin, Final EIR, Case File No. 96.176E, State Clearinghouse No. 96102056, Volume III, pp. C&R.606-C&R.607).
reasonable distance from the North Shore to Channel force main facilities proposed to be in the sidewalk along The Embarcadero, and the existing sewer in the extension of Jackson Street between Drumm Street and The Embarcadero is accounted for in the foundation plans. The SFPUC project would involve excavation to install a vault under the sidewalk along the west side of The Embarcadero adjacent to the 8 Washington Street project site for special control equipment such as shut-off valves. The remainder of the North Shore to Channel force main improvements project would involve installing a new pipe inside the existing underground structure under the project site in the alignment of Jackson Street between The Embarcadero and Drumm Street, and installing a new pipe in Drumm Street between Jackson Street and California Street and extending south of Market Street to Howard Street. Therefore, the amount of excavation for the SFPUC project in the vicinity of the 8 Washington Street project site would be very small compared to that required for the proposed project. Both the proposed project and the facilities for the North Shore to Channel force main would be supported on piles with separate foundations; neither would result in any seismic risks for the other project. Access plans during excavation and pile driving for the proposed project have been and will continue to be coordinated with the SFPUC’s expected construction schedule for the SFPUC North Shore to Channel wastewater force main improvements, as both are expected to occur in spring and summer 2012 (if the proposed project is approved). The North Shore force main construction activities would involve fewer than 14 truck trips per day for a limited time frame as that project would progress through the vicinity of the proposed 8 Washington Street project (see also the discussion in the Response in Section III.B, Project Description, under “Construction Schedule and Haul Route Information” on p. III.B.50). Both the amount of activity and the duration of construction in this area would be substantially smaller than construction activities estimated for the proposed project. Thus, the North Shore force main project is not expected to significantly increase the volume or extent of construction activity in the project area beyond that already analyzed for the proposed project. For the most part, it is expected that the relatively low level of construction activity for the force main project, while progressing through the project vicinity, would not add appreciably to, and often times fit within the fluctuating higher levels of construction activity analyzed for the proposed project. Therefore, it is expected that construction

8 Eric Long, P.E., S.E., Skidmore Owings and Merrill, LLP, telephone conversation with Turnstone Consulting, September 8, 2011.

9 Although construction documents for this SFPUC project have been made available for bid, the SFPUC is preparing an addendum that will result in delaying the due date for bids, so the construction dates and duration are not known at this time. Telephone conversation with Bessie Tam, Project Manager, SFPUC, November 22, 2011.

10 The North Shore to Channel Force Main Improvements project was advertised for construction bids on November 3, 2011. Bids from construction contractors must be submitted to the SFPUC by January 19, 2012. (See SFPUC web site www.sfwater.org/bids/bidDetail.aspx?bidid=2692, accessed November 21, 2011; a copy of the website page is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.) Once a construction contract is awarded some time after January 2012, the final schedule for construction in the vicinity of the 8 Washington Street project site will be established.
of the force main project would not combine with the proposed project to result in significant transportation, noise or air quality impacts substantially greater than those identified for the proposed project alone.

Engineering and construction would be coordinated to allow both projects to work together on and adjacent to the project site. During consultations with SFPUC, no obstacles to coordination have been identified.\textsuperscript{11} There is no reason to expect that construction activities for the force main would delay or interrupt construction of the proposed project, and no environmental impacts are expected to result from concurrent construction activities.

The amount of groundwater displaced by the building’s basement levels would not result in substantial increases in groundwater levels at nearby buildings, although it might rise slightly immediately adjacent to the building along Drumm Street, because of the relatively high permeability of the upper fill soils through which the groundwater flows, and the relatively flat gradient of the groundwater.\textsuperscript{12} Because the groundwater gradient is relatively flat, groundwater flows are not swift and there would be “time” for the water to flow around the proposed building rather than pooling behind it to cause flooding in nearby basements. The nearest basements are more than 80 feet from the project site. Groundwater would continue to flow around the project site, and some may flow under the project site, depending on the type of materials placed under the building foundations as part of construction. This is similar to flows around other nearby buildings with basements, and similar to the flows around and under the transport/storage sewer and the porous rock-fill seawall.\textsuperscript{13}

The proposed project would not require long-term, continuous dewatering following construction. This is because the basement walls and the floor at the lowest level would be waterproof to prevent groundwater seepage.\textsuperscript{14} Therefore, no pumping or disposal of seepage would be required. This waterproofing would also protect the subsurface levels when groundwater levels change due to tidal fluctuations and heavy rains. The building would be designed for a groundwater level of about 4 to 5 feet higher than the highest recorded level in the area, as part of the detailed engineering analysis. This is standard engineering practice in areas with high groundwater levels.\textsuperscript{15}

The potential for the building to “float” (hydrostatic uplift – one of the reasons that long-term groundwater pumping is occasionally used for buildings with basements below groundwater levels) would be accounted for in the structural design of the building. The downward pressure

\textsuperscript{11} Bessie Tam, Project Manager, San Francisco Public Utilities Commission, telephone conversation with Turnstone Consulting, September 8, 2011.
\textsuperscript{12} AMEC memo, August 31, 2011.
\textsuperscript{13} AMEC memo, August 31, 2011.
\textsuperscript{14} Appendix A, Initial Study, p. 91; and AMEC memo, August 31, 2011.
\textsuperscript{15} Rollo and Ridley memo, August 31, 2011.
of the weight of the building and the resistance provided by the foundation piles would keep the building from being lifted by groundwater.\textsuperscript{16}

Sea level rise is discussed in detail in Section IV.I, Sea Level Rise, in the EIR. As explained on EIR pp. IV.I.9 and IV.I.15, there are numerous studies predicting varying levels of sea level rise; the Bay Conservation and Development Commission (BCDC) maps of potential sea level rise assume about 16 inches of sea level rise in 2050 and 55 inches by 2100. The inundation zone with 55 inches of sea level rise includes the project site. The EIR identifies the potential impact of flooding due to climate-induced sea level rise as significant and unavoidable. The discussion includes an analysis of approaches to avoiding the impact, such as raising the ground floor to about 41 inches above the existing ground level. The analysis explains why these approaches would make it difficult or impossible to comply with the access requirements of the Americans With Disabilities Act and with urban design policies promoting a pedestrian-oriented street environment. Thus, the EIR evaluates the proposed development project in relation to sea level rise scenarios of 16 and 55 inches, and provides the information the State Lands Commission has directed its staff to consider, discussed on EIR p. IV.I.10.

Comments ask how the proposed project would comply with amendments to the \textit{San Francisco Bay Plan} under consideration by BCDC related to climate change and sea level rise. The EIR discusses BCDC’s maps showing areas around the Bay that are vulnerable to sea level rise and BCDC’s Climate Change Program on EIR pp. IV.I.9-IV.I.10 as part of the discussion of the regulatory framework for this topic. The information presented was the latest available at the time the Draft EIR was published. On July 29, 2011, after the Draft EIR was published, BCDC staff published the fourth revised preliminary recommendations for consideration by the Commission at its September 1, 2011 public hearing.\textsuperscript{17} The fourth revision expands on and revises the recommendations available earlier. The section from the proposed Bay Plan amendments quoted on EIR p. IV.I.10 has been revised and now reads as follows:

Until a regional sea level rise adaptation strategy can be completed, the Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project’s public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged…: a project that will concentrate employment or housing near existing or committed transit service (whether by public or private funds or as part of a project), particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission, and that includes a financial strategy for flood protection that will minimize the burdens on the public and a sea level rise adaptation strategy that

\textsuperscript{16} Ibid.

will adequately provide for the resilience and sustainability of the project over its designed lifespan…

Other revisions to the Bay Plan amendments include the following proposed finding related to climate change:

[T]he strategy also acknowledges that vulnerable shoreline areas containing existing development or proposed for new development that has or will have regionally significant economic, cultural, or social value may have to be protected, and infill development in these areas should be closely scrutinized and may be accommodated.18

Public comment on this latest version of the proposed Bay Plan amendments and the environmental assessment was accepted at BCDC’s September 1, 2011, public meeting, and written comments were accepted through September 6, 2011.19 The Commission is scheduled to consider adoption of the proposed Bay Plan amendments on October 6, 2011.

The project site is not within the jurisdiction of the Bay Conservation and Development Commission. There is no intent to expand BCDC’s jurisdiction as part of the Bay Plan amendments now under consideration.20 Therefore, the Bay Plan amendments under consideration are not applicable to the proposed project. The proposed amendment quoted in the Draft EIR, and the revised version quoted above, provide input to BCDC for it to consider when reviewing a project that falls within its jurisdiction. The EIR text on p. IV.I.10, beginning with the second full sentence in the first partial paragraph and the quote that follows the paragraph are revised to provide and discuss the current relevant text of the proposed Bay Plan amendments, as follows (new text is underlined, deleted text is shown in strikethrough):

Although the project site falls outside BCDC’s jurisdiction, the proposed amendments to the Bay Plan provide relevant considerations, findings and policies that BCDC would consider when determining whether development in areas that are within its jurisdiction and are vulnerable to future climate-induced shoreline flooding should be allowed. The latest available text prepared by staff provides the following: 34

Until a regional sea level rise adaptation strategy can be completed, when planning or regulating new development in areas vulnerable to future shoreline flooding, new projects should be limited to: ... infill development within existing urbanized areas that contain development and infrastructure of such high value that the areas will likely be protected whether or not the infill takes place; the Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project’s public benefits, resilience to flooding,

and capacity to adapt to climate change impacts. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged...: a project that will concentrate employment or housing near existing or committed transit service (whether by public or private funds or as part of a project), particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission, and that includes a financial strategy for flood protection that will minimize the burdens on the public and a sea level rise adaptation strategy that will adequately provide for the resilience and sustainability of the project over its designed lifespan...

This proposed new policy (Policy 7 and 7.c in a new section on Climate Change in Part IV of the Bay Plan) would not be applicable to the proposed project, since the project site is not within the jurisdiction of BCDC.

The text of footnote 34 on EIR p. IV.I.10 is revised to read as follows (new text is underlined, deleted text is shown in strikethrough):


Although the proposed project would, in fact, concentrate employment and housing near existing transit services, and would be infill development in an area containing existing development with regionally significant cultural value such as the historic Ferry Building and the two nearby historic districts, because the proposed project would not fall within BCDC’s jurisdiction, Bay Plan policies, whether or not they are amended, are not applicable. San Francisco decision-makers will balance the benefits of the proposed project against significant environmental impacts identified in the EIR that may not be mitigable as part of required findings (pursuant to CEQA Guidelines Sections 15092 and 15093), and will consider the proposed project in light of City policies in the San Francisco General Plan, the Waterfront Land Use Plan, and other adopted policy documents.

A mitigation measure is identified in the EIR to help reduce the impacts of sea level rise on the proposed project on EIR p. IV.N.16 (measure M-SLR-3: Emergency Plan). That measure would require the project sponsor to prepare an initial Emergency Plan, including evacuation plans, and would require the building management to provide educational meetings for residents and businesses and to update the Emergency Plan annually. This measure is considered the best
available measure at this time, given the nature and extent of the potential impact. The impact would remain significant and unavoidable with implementation of the mitigation measure.

An alternative attempting to reduce the significant and unavoidable impact of sea level rise on the proposed project is discussed in Section VI.G, Alternatives Considered But Rejected, on EIR p. VI.34. That alternative would place the first occupied floor level above a partially submerged garage level. If the project site were inundated in the future due to sea level rise, the garage levels could be flooded, but the first floor would not be. The reasons that this alternative was not considered in detail in Chapter VI, Alternatives, are provided in the discussion on EIR p. VI.34. These reasons include the fact that the alternative would not comply with adopted policies in the San Francisco General Plan promoting a pedestrian-oriented street environment. In addition the alternative would not comply with the Port’s project objectives, identified in EIR Chapter II, Project Description. For these reasons, this alternative was considered infeasible and rejected from further consideration in the EIR. Moreover, contrary to the assertions in one comment, the EIR does not conclude that this alternative would substantially lessen or avoid the significant and unavoidable impact associated with climate-induced sea level rise. The standard of significance set forth on EIR p. IV.I.12 for climate-induced sea level rise is whether a project would “[e]xpose people or structures to increased risk of flooding due to climate-induced sea level rise.” Even if this alternative were implemented, a significant and unavoidable impact would potentially result from climate-induced sea level rise because the alternative would – like the proposed project – increase the number of people that live, work, and recreate in an area that may be inundated with water and, as a result, expose people and structures to increased risks associated with flooding. For this reason, even if this alternative were feasible, it would not substantially lessen the project’s impact with respect to climate-induced sea level rise. Finally, there is authority for the proposition that the focus of CEQA is on the impact of the project on the environment, rather than the environment’s impact on the project; nonetheless, the EIR considers the impact of sea-level rise on the project.

One comment notes that the building is “virtually at sea level.” As explained in Section VI.I, Sea Level Rise, on EIR p. IV.I.4, the elevation of the project site can be expressed using a number of different measurement systems. The project site is at approximately 0 feet San Francisco City Datum, which is the approximate equivalent of 11.3 feet North American Vertical Datum of 1988 (see footnote 8 on EIR p. IV.I.4 for a detailed explanation of this datum). The EIR points out that the project site is about 1.2 feet above a 100-year flood event that takes into account storms, tides and waves.
O. BIOLOGICAL RESOURCES

BIRDS

Comments

Please explain in detail the proposed features of the buildings as to their compatibility with the City’s adopted Standards for Bird Safe Buildings.

Specifically, would it contain any of the design features that are identified in the Standards for Bird Safe Buildings as posing the greatest hazards to birds? Please list any of these design features. (Jon Golinger, Telegraph Hill Dwellers) [C.10.60a]

San Francisco’s parrots are completely overlooked in the DEIR discussion of the effects of the proposed project on animals and vegetation. (DEIR, IV.J.1-11.) Parrots may not be endangered but they are treasured members of the San Francisco community. Everyone, residents and visitors alike, finds great enjoyment in spotting, watching and listening to the parrots.

One place they live in the city is Telegraph Hill and the area near the Embarcadero. In daytime they travel around the city. But at night huge flocks roost in trees along the southern side of Washington Street across from the proposed project at 8 Washington and on either side of Drumm between Washington and Clay.

Every evening great “gangs” of parrots streak low over the Club tennis courts and swimming pools, heading towards their roosts in the trees just south of Washington Street at Drumm. Their flight path is on a collision course, one that would take them straight into the two proposed buildings. (Richard and Barbara Stewart) [D.48.8]

Response

The comments question the impacts of the proposed project on birds and ask how the project design would mitigate these effects. As discussed in the Setting section of EIR Section IV.J, Biological Resources, on EIR pp. IV.J.2-IV.J.3, the project site is near Sue Bierman Park and adjacent to The Embarcadero, which provide habitat opportunities for wildlife that is adapted to the urban environment, including birds. This includes, as mentioned in the comments, a flock of parrots (primarily conures) that inhabit the vicinity of Telegraph Hill and is known to visit the park. To be more explicit on this point, the following sentence is added at the end of the first paragraph under the heading “Wildlife” on EIR p. IV.J.2 (new text is underlined):

Along with other birds, the flock of parrots (mainly conures) that inhabit the vicinity of Telegraph Hill is known to frequent the trees in and near Sue Bierman Park and the median in The Embarcadero.

The EIR also states that San Francisco is located on the Pacific Flyway, a major route for migratory birds. The effect of the proposed project design on birds is discussed on EIR pp. IV.J.10-IV.J.11 in Impact BI-4, which states “The new buildings would adversely impact bird movement and migration.” The text on EIR pp. IV.J.10-IV.J.11 summarizes relevant provisions of the draft Standards for Bird-Safe Buildings. This impact is found to be Less than Significant
with Mitigation. Mitigation Measure M-BI-4: Conformity with the Planning Department’s Standards for Bird-Safe Buildings, on EIR p. IV.J.11, states:

The proposed project shall conform with the applicable requirements of San Francisco Planning Department Standards for Bird-Safe Buildings, Public Review Draft, October 2010 that would apply to the proposed project. In the event that Standards for Bird Safe Buildings are adopted and effective at the time a building permit for the proposed project is sought, the proposed project shall comply with the adopted Standards in addition to any provisions contained in the Public Review Draft, October 2010, not included in the adopted Standards that, in the judgment of the ERO, would provide greater protection for birds.”

As is clear in the Mitigation Measure M-BI-4, the analysis in the EIR anticipates the eventual adoption of a version of the draft Standards as a City ordinance. The October draft Standards went through a process of public review and comment, and, subsequent to publication of the Draft EIR, a revised Standards for Bird-Safe Buildings was adopted by the Planning Commission on July 14, 2011. The Board of Supervisors passed and the Mayor signed an ordinance implementing these standards on October 7, 2011 (Ordinance 199-11). Under Mitigation Measure M-BI-4, this ordinance will apply to the project. Sue Bierman Park is an open space that is over two acres and dominated by landscaping, so it is an Urban Bird Refuge, as defined by the July 14, 2011 Standards; the project is within 300 feet of the park. The project site is just within 300 feet of San Francisco Bay, although Pier buildings along The Embarcadero intervene between the site and the open water, so the direct line of sight to the water is greater than 300 feet.

In any event, the project sponsor has already committed to including all of the following measures in the design.

The July 14, 2011 Standards for Bird-Safe Buildings defines building feature-related hazards that are prohibited throughout the City. The project design will not employ building feature-related hazards that are prohibited by the ordinance. The prohibited features are free-standing clear-glass walls, greenhouses, and skywalks (July 14, 2011 Standards p. 30, Checklist, line 19). The project design will not have clear-glass landscape features, and will not have glazed passageways that could create clear sightlines from the exterior of the project inward (Checklist, lines 29 and 30).

The project employs the following building design features recommended by the July 14, 2011 Standards. The overall façade design of 8 Washington, as proposed, is well articulated (Standards p.13; Checklist, line 16) and the fenestration is broken into multiple lites (Checklist, line 17). Façade articulation is achieved through a large-scale pattern of stone, wood, glass, and deeply recessed windows. Approximately 50 percent of the façade design is opaque stone that contrasts and does not reflect the surrounding sky or vegetation (Standards p. 6: Checklist, line 11). There are no large multi-story expanses of glass and the typical glazing would be as non-reflective as energy codes would allow (Checklist, lines 10 and 11). All windows in the primary massing of the building would be set back from the building façade, providing relief and shading
around the entire opening and limited oblique reflections of vegetation. Large unbroken expanses of glass are limited to areas above 60 feet above grade and are screened by overhanging canopies which are intended to shield interior light from spilling upward, minimizing nighttime light pollution (Standards p. 25: Checklist, line 24). Glazing at the ground level is deeply recessed, screened by columns, and shaded by overhanging canopies. With the exception of limited areas above 60 feet in height, the project design does not have transparent building corners (Checklist, line 22).

Use of public interior lighting at the ground level would be minimized by motion sensitive lighting and exterior building lighting would be installed with timers and dimmed to the minimum level that would ensure basic pedestrian safety. These fixtures would be designed to direct light only onto building surfaces and the ground, and not into the sky. Because of the residential nature of the project, the building would be predominantly lights-out during the peak avian migratory time between midnight and sunrise (Checklist, lines, 24, 25, 26, and 28).

With respect to specific location-related hazards, the project sponsor and architect will continue to work with Planning Department staff now that the ordinance is adopted, to comply with all relevant requirements of the ordinance.

LANDSCAPING AND TREES

Comments

PROPOSED OPEN SPACE AND LANDSCAPING AND SIDEWALKS
The DEIR discloses in its discussion of landscaping that the proposed project will require the removal of 136 trees.

Please provide a new figure showing the locations of each of the 136 existing trees proposed to be removed to accommodate the project, identifying each of the 50 “street trees” and 36 “significant” trees that are subject to the Public Works Code.

Please indicate on the new figure the species and size of each tree to be removed. (Jon Golinger, Telegraph Hill Dwellers) [C.10.17]

The DEIR further discloses in its discussion of Sidewalks that the existing landscaped median on Washington Street between The Embarcadero and Drumm Street would be eliminated as a part of the proposed project “in order to widen the sidewalk” on the north side of Washington Street providing for the construction of a “bulb-out defining a vehicle drop-off area for the proposed project’s residential lobby and for the restaurant.”

• How many street trees are located in this median strip?
• Are they already counted in the 136 existing trees to be removed as disclosed under Landscaping above?
• The DEIR fails to disclose the fact that the elimination of the landscaped median will further accommodate the project’s proposed garage entry off of Washington Street. (Jon Golinger, Telegraph Hill Dwellers) [C.10.19]
As a matter of law under the existing Urban Forestry Ordinance (Article 16 of the Public Works Code), the removal of 75 “significant” trees is a clear conflict with local ordinance and would constitute a significant impact on biological resources. This would be the largest number of “significant” trees that have been removed since the enactment of the Ordinance. The DEIR’s conclusion that “the proposed project would not conflict with any local policies or ordinances protecting trees” is simply incorrect and must be corrected.

Explain in detail why 136 trees have to be removed to accommodate the proposed project and discuss alternatives. (Jon Golinger, Telegraph Hill Dwellers) [C.10.60b]

Explain in detail why the existing landscaped median (and all its trees) on Washington Street must be removed to accommodate the proposed project and discuss alternatives. (Jon Golinger, Telegraph Hill Dwellers) [C.10.60c]

Tree Removal. The plan must describe how the removal of 136 trees, particularly the 50 street trees and 36 “significant” trees will be mitigated. The limited tree cover in the area increases the impact of the proposed tree removal, and replaced of significant trees cannot be mitigated by simply planting replacement trees, as the time period for them to grow to maturity will ensure that the impact is felt for years, if not decades. Further, there should be some discussion of the proposed size of new trees; that is, which if any of the trees planted as mitigation for the removal of significant trees be of a species or in a location that will allow it to become a significant tree. In particular, the removal of the median on Washington street essentially removes the best location for allowing trees to reach maturity and significant status. (Jennifer Clary, President, San Francisco Tomorrow) [C.11.9]

Response

The comments request information on the trees to be removed to construct the project and remove the Washington Street median, and how the removal of trees identified as “significant” under the San Francisco Urban Forestry Ordinance would be mitigated. This information is provided in the EIR. As described on EIR p. IV.J.1 and cited in footnote 1, a Consulting Arborist surveyed all trees on the project site and in the adjacent public rights of way, including the Washington Street median, and identified their species, condition, and significance under the San Francisco Urban Forestry Ordinance. As identified in the first full paragraph on EIR p. IV.J.2, six ornamental fig trees in the Washington Street median could be affected by the project. As described in Chapter II, Project Description under “Sidewalks” on EIR p. II.19, the proposed widened sidewalk on the Washington Street frontage of the project is designed to provide additional pedestrian space; this results in the proposed elimination of the landscaped median. The various species and locations of the approximately 163 existing trees are described in three paragraphs on EIR pp. IV.J.1-2. The Arborist report cited in the EIR has a map that shows the location of each of the trees (Appendix 2, Tree Location Map) and a table that identifies the species, condition, and significance under the San Francisco Urban Forestry Ordinance of each tree (Appendix 1, Tree Survey Data).

As stated on EIR p. IV.J.9, of the 163 trees surveyed, 136 would be removed to construct the project buildings. The provisions of the San Francisco Urban Forestry Ordinance are described
on EIR p. IV.J.4-IV.J.5, and as they relate to the trees on and adjacent to the project site on EIR pp. IV.J.9 – pp.IV.J.10 in Impact BI-3. The proposed project would not conflict with local policies or ordinances protecting biological resources because, prior to tree removal, the project sponsor would apply to the Department of Public Works for a tree removal permit, and the sponsor would comply with all requirements of the Urban Forestry ordinance, including requirements for tree replacement or in-lieu fees. Six additional trees in the Washington Street median would be removed. The first paragraph on that page identifies the number of trees to be removed, and is revised as follows to provide specificity on the trees in the Washington Street median (new text is underlined, deleted text is shown in strikethrough):

The project site contains 163 trees. About 163 trees are located on the four parcels comprising the project site and in the adjacent rights-of-way. Of those 163 trees, all of the 86 trees within the project site would be removed. Just outside the project site, an additional fifty existing street trees on the adjacent Drumm Street, and Washington Street, and The Embarcadero sidewalks would be removed as part of the proposed project. In addition, 86 trees within the project site would be removed. Furthermore, the existing landscaped median on Washington Street between The Embarcadero and Drumm Street, containing six trees, would be eliminated as part of the proposed project in order to widen the sidewalk on the north side of Washington Street from the existing 10 feet to approximately 20 feet. A total of 142 trees would be removed.

The fifth paragraph on EIR p. IV.J.9 is similarly revised as follows (new text is underlined, deleted text is shown in strikethrough):

There are no landmark trees within the project site or within the adjacent public right-of-way. Of the 86 trees within the four parcels comprising the project site, 36 trees have been identified as “significant” per the Public Works Code, and 39 of the 77 trees within the adjacent public right-of-way meet the size criteria for significance. The project would result in the removal of all 86 trees within the project site and 56 trees within the adjacent public right-of-way and in the median in Washington Street. A total of 59 trees (36 on the project site and 23 in the public right-of-way) that have been identified as “significant” per the Public Works Code are proposed to be removed.

As discussed above, Impact BI-3, on EIR p. IV.J.9, states “The proposed project would not conflict with local policies or ordinances protecting biological resources” and is shown as Less than Significant. As described on EIR pp. IV.J.9-IV.J.10, there are no landmark trees that would be affected by the project and requirements of the San Francisco Urban Forestry Ordinance adequately mitigate any project impact. Therefore, the proposed project would not conflict with any local policies or ordinance protecting trees, and no mitigation would be required. As identified in Impact BI-1 on EIR p. IV.J.7, the existing trees that would be affected by the project do not provide habitat for candidate, sensitive or special-status species. As identified in Impact BI-2 on EIR p. IV.J.7, there would be a short-term loss of stopover habitat for migratory birds. New landscaping in Jackson Common and around the project site, although it would take time to mature, would replace the existing trees and create new habitat. Mitigation Measure M-BI-2:

Vegetation Removal During the Non-Breeding Season or Preconstruction Survey, on EIR p. IV.J.8, provides for pre-construction surveys and protection of nesting birds.

The last paragraph on EIR p. II.18-19 in the Project Description is revised as follows (new text is underlined, deleted text is shown in strikethrough):

**Landscaping**

As part of the proposed project, 50 existing street trees on the adjacent Drumm Street and Washington Street, and The Embarcadero sidewalks and six street trees in the Washington Street median would be removed. The proposed project includes street tree replanting in at least a 1:1 ratio in conformity with San Francisco Public Works Code requirements. New street tree planting would also conform to the requirements for new construction under Planning Code Section 143, which requires new construction to include a 24-inch box tree every 20 feet along the project property street frontage. In addition, the 86 existing trees within the project site would be removed. Of these, 36 are significant trees subject to the Public Works Code, and per the code, would be expected to be replaced. A landscaping design scheme would be developed for the proposed publicly accessible open spaces (Jackson Common, Pacific Avenue Park, and widened Drumm Street pedestrian walk) and the common courtyard area between the residential buildings (accessible to residents of the proposed project), which would include the planting of new trees, avoidance of invasive species and use of local and drought-tolerant plants.

On EIR pp. VI.2-VI.5, the EIR considers the No Project Alternative, which does not have a widened sidewalk on Washington Street or involve removal of the landscaped Washington Street median. As the removal of the landscaped median does not involve any significant impact that cannot be mitigated to a less-than-significant level, no other Alternative is required to be analyzed under CEQA.
III. Comments and Responses

P. HAZARDS AND HAZARDOUS MATERIALS

Comments

Thank you for the opportunity to comment on the Draft Environmental Impact Report for 8 Washington/Seawall Lot 351 Project (SCH# 2007122027). As you may be aware, the California Department of Toxic Substances Control (DTSC) oversees the cleanup of sites where hazardous substances have been released pursuant to the California Health and Safety Code, Division 20, Chapter 6.8. As a potential Responsible Agency, DTSC is submitting comments to ensure that the environmental documentation prepared for this project to address the California Environmental Quality Act (CEQA) adequately addresses any required remediation activities which may be required to address any hazardous substances release.

The project description does not include a description of the property’s past uses. Without this information, we are unable to determine whether hazardous substances may have been released into the soil at the Site. We strongly recommend that a historical assessment of past uses be done. Based on that information, sampling should be conducted to determine whether there is an issue which will need to be addressed in the CEQA compliance document. If hazardous substances have been released, they will need to be addressed as part of this project.

For example, if the remediation activities include the need for soil excavation, the CEQA document should include: (1) an assessment of air impacts and health impacts associated with the excavation activities; (2) identification of any 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 should there be an accident at the Site.

DTSC and the Regional Water Quality Control Boards (Regional Boards) signed a Memorandum of Agreement, March 1, 2005 (MOA) aimed to avoid 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 a 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 geographical area. The application is available at [http://www.calepa.ca.gov/brownfields/MOA/application.pdf](http://www.calepa.ca.gov/brownfields/MOA/application.pdf).

(Denise Tsuji, Unit Chief, Northern California-Coastal Cleanup, Department of Toxic Substances Control) [A.2.1]

Have federal and state agencies been consulted about toxic waste being pumped into the bay? (Timothy F. Geraci, D.D.S.) [D.51.2]

Does any one know the chemical elements of the existing landfill? (Timothy F. Geraci, D.D.S.) [D.51.3]

Response

The Initial Study for the 8 Washington Street/Seawall Lot 351 project addresses the topic of Hazards and Hazardous Materials in detail in Section 15, on pp. 95-108. The Initial Study was circulated as part of the Notice of Preparation of an EIR in December 2007 – January 2008, and has been available on the Planning Department website since its publication on December 8, 2007. The Initial Study is also reproduced as Appendix A of the EIR and was circulated as part of the Draft EIR during the July-August 2011 public review period.
The Initial Study provides a history of uses on the project site and in the surrounding vicinity on pp. 98-99, summarizing information from background studies on archaeological resources prepared by Archeo-Tec and environmental site assessments prepared by Treadwell & Rollo. The Initial Study explains that the project site was submerged until the site and surrounding area were filled during the 1850s through the 1880s. After the area was filled, the project site was occupied by the R.D. Chandlers Coal Yard, the R. Dunsmuir & Sons Coal Yard, and a coppersmith during the period from approximately 1887 to 1906. After the 1906 earthquake and fire, other site uses included a sheet metal shop, machine shops, metal products assembly areas, and an automobile repair shop. A gasoline service station occupied part of the project site from 1955 through the mid-1990s.

The EIR includes additional detail about past uses on the project site in Section IV.C, Archaeological Resources, on EIR pp. IV.C.1-IV.C.6.

The Initial Study identifies several potential sources of contamination on the project site, including leaking underground storage tanks at the former service station on the project site and at an adjacent site. However, all known underground storage tanks have been removed and the site has been remediated. All of these underground storage tanks have been formally closed by the San Francisco Department of Public Health.

Chemicals that could be encountered in groundwater and soil during excavation of the project site as a result of past uses are discussed in the Initial Study on pp. 100-102. The potential for hazardous building materials in the structures proposed to be demolished is discussed on Initial Study pp. 105-107, along with the laws and regulations that govern handling of these materials.

As explained on Initial Study p. 97, the project site is within the limits of Article 22A of the San Francisco Health Code, which applies to construction projects located bayward of the historic high tide line. Pursuant to that ordinance, the project sponsor is required to prepare a site history report, a soil investigation, and a soil analysis report, all of which were carried out prior to publication of the Initial Study and are cited in the Initial Study. On the basis of the investigations of soil on the project site, it is likely that hazardous materials would be encountered during demolition and excavation, and a site mitigation plan would be required for the proposed project. The site mitigation plan would identify mitigation measures to mitigate any significant environmental or health and safety risks posed by the presence of hazardous wastes in the soil or groundwater. Although not expected, the site mitigation plan would contain procedures to be followed in case unknown hazardous materials are encountered on the project site, including cordonning off the area around the material and notifying the appropriate regulatory agency. The site mitigation plan would contain protections for workers, identify procedures for handling any hazardous materials disposed off-site, and identify and implement any remedial measures needed for any hazardous materials that remain on-site. The San Francisco Department of Public Health (DPH) would review and approve the proposed site mitigation plan prior to issuance of a building permit.
permit by the Department of Building Inspection for the proposed project. Additionally, the 
Initial Study identifies a mitigation measure requiring a soil vapor survey to assure that if any soil 
vapors are present on the site, the construction safety plan includes control of flammable vapors 
during construction.

DPH is the reviewing and approving agency for issues related to closure of underground storage 
tanks, as it is a Local Oversight Agency. In addition, DPH is the reviewing agency pursuant to 
Article 22A of the City Health Code. DPH provides courtesy copies of the various reports and 
the site mitigation plan prepared for the proposed project to the Department of Toxic Substances 
Control and the Regional Water Quality Control Board. Neither the Department of Toxic 
Substances Control nor the Regional Water Quality Control Board would be directly involved in 
review or approval of the site mitigation plan or other features of the proposed project.

Construction noise is also discussed in the Initial Study, on pp. 54-55 in Appendix A to the EIR. 
As explained there, construction noise level increases would be temporary and intermittent. 
Compliance with the San Francisco Noise Ordinance in Article 29 of the San Francisco Police 
Code is required and would reduce most construction noise impacts to less-than-significant 
levels. Noise related to excavation and disposal of hazardous materials in soil or groundwater 
would not be different from noise generated by typical construction-related activities. Pile 
driving noise is specifically discussed in the Initial Study on p. 55, with a mitigation measure 
included in the project identified on p. 114. That mitigation measure includes pre-drilling pile 
holes to the maximum extent feasible. See also the responses in Section III.H, Noise, C&R 
pp. III.H.1-III.H.4, for additional detail regarding construction noise. Soil removed as a result of 
the pre-drilling activity would be treated in the same way as any other soil to be removed from 
the project site during excavation pursuant to the required site mitigation plan.

Construction dust emissions are required to be controlled pursuant to Article 22B of the City’s 
Health Code, summarized on EIR p. IV.E.14. Air quality impacts during construction are 
discussed in Impacts AQ-1, AQ-2, and AQ-3 on EIR pp. IV.E.17-IV.E.23. The Construction Dust 
Control Ordinance requirements relevant to the proposed project are specified on EIR 
pp. IV.E.19-IV.E.20 in the discussion under Impact AQ-2 related to fugitive dust emissions during 
project construction. Thus, local dust standards would be met during construction. See also the 

Construction traffic is analyzed in Impact TR-8 on EIR pp. IV.D.31-IV.D.32. The analysis 
accounts for truck traffic that would occur during excavation, which is the construction phase 
when any soil containing hazardous waste would be removed from the project site.

In summary, each of the specific environmental issues raised in the comment has been addressed 
in the Initial Study or EIR.
Q. ALTERNATIVES TO THE PROPOSED PROJECT

ALTERNATIVE A: NO PROJECT ALTERNATIVE

Comments

And, finally, I would like to ask that in the no-project alternative, which is the environmentally superior one, do one thing: Put in a clear fence. The developer has a great rendering in his proposal for taking those ugly green fences down and putting up nice clear fences. The only reason it's not happening is because the owner of the property won't let it happen. But he's a partner in the deal. It's to his advantage, to get this deal approved, to keep it ugly. But on a month-to-month lease the Western Athletic Club cannot go out and spend money to get rid of that green fence. But it's not the members of that group's fault. It's not the Western Athletic Club's fault. It is the owner of the property, who is one of the partners in this deal, who stands to make a lot of money if this goes through. So please include that nicer fence. (Brad Paul) [TR.30.4]

The NO PROJECT is the only acceptable alternative assuring that the Community’s open recreational center (GGT&SC) remains to benefit not only the neighborhood community, but for those throughout the City and Bay Area who enjoy and share in this family orientated oasis. (Lee Radner, Friends of Golden Gateway) [C.5.3a]

Since the process was faulty, we believe that the only option that makes sense for the City of San Francisco is ALTERNATIVE A - NO PROJECT ALTERNATIVE. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.2]

ONLY ALTERNATIVE A WILL GUARANTEE THE PRESERVATION OF THE AREA’S AESTHETICS; (Paul Renne) [D.14.2a]

I am convinced that the No Project Alternative is environmentally superior because it eliminates the problems I raise. (Jane and John Siegel) [D.15.6]

Both of these issues cannot be mitigated with any of the alternatives cited in the DEIR except the most obvious: Alternative A: NO PROJECT. (William Benkavitch) [D.16.2]

Alternative A: NO PROJECT is clearly superior to the proposed project and should be adopted. (William Benkavitch) [D.16.5]

Of the alternatives proposed in the DEIR, the "No Project Alternative" looks the best to me. (Norman Patrick Doyle) [D.18.5]

As a resident of 440 Davis Court, the Golden Gateway apartment building adjacent to the proposed 8 Washington Street/Seawall Lot #351 project, I am sure I am joining many of my neighbors in our residential community that would vastly prefer Section VI, Alternatives to the proposed Project, Alternative A: No Project on that site, as we enjoy the existing relatively residential quality and the valued athletic facilities that exist today. This Alternative does not disturb our immediate neighborhood’s relative quiet on streets and pedestrian access opportunities. In addition, the arduous and intrusive, as well as relatively unhealthy, construction period would be avoided. (Sarelle T. Weisberg) [D.23.1]
I am aware that if the No Project Alternative were to be the result of comments on this Draft EIR, that does not preclude other developers or sponsors from working toward developing another project on this site, but it would certainly delay our loss of some of the cherished and valuable athletic facilities and the disruption by major construction activities, which is to be desired at this time. *(Sarelle T. Weisberg)* [D.23.7]

I am writing in support of Chapter IV, Alternatives to the Proposed Project, to endorse Alternative A: NO PROJECT. *(Paula Eve Aspin)* [D.24.1]

The No Project Alternative is environmentally superior because it eliminates the need to build this congestion-inducing garage. *(Eric McGhee)* [D.29.2]

The proposed 8 Washington Street/Seawall Lot 351 project results in the emasculation of an existing, highly successful recreation amenity with significant deleterious environmental impacts. In exchange, some 165 very high income condominiums are proposed, many of which will serve as second homes for wealthy people from other parts of the country. If the city truly cares about keeping families, particularly middle class families, in San Francisco, this project should not be built. The NO PROJECT alternative would preserve this irreplaceable recreation resource for the long-term use of City residents and families. *(Edward Helfeld)* [D.35.6]

The No Project Alternative is far superior and more environmentally sound, and eliminates this unnecessary, traffic-increasing underground garage that violates the City’s “Transit First” Policy. *(Lorraine Sorensen)* [D.40.2]

In addition, to accurately compare the environmental impacts of the project sponsor’s ‘preferred project’ to the “No Project” alternative (energy consumption, traffic impacts, air quality degradation, etc.), one needs to know not only the destination of the approximately 9,166 dump truck trips but also the average miles per gallon of a typical dump truck. For instance, if the final destination for the soil was 100 miles away and a typical dump truck averages 8 miles per gallon of diesel fuel, then:

\[
9,167 \text{ truck trips} \times 200 \text{ miles per round trip} = 1,833,400 \text{ miles for all dump trucks;}
\]

\[
1,833,400 \text{ gallons/8 MPG} = 229,175 \text{ gallons of diesel fuel} \text{ that would be burned.}
\]

In other words, the city’s choices would be:

\[
\text{229,175 gallons of diesel fuel used to transfer 110,000 cubic yards 1,833,400 miles VS.}
\]

\[
\text{ZERO (O) gallons of diesel fuel used if the NO PROJECT alternative were approved.}
\]

*(Brad Paul)* [D.53.9]

G. The DEIR must include a fancy new fence around the Golden Gateway Tennis and Swim Club in its NO PROJECT Alternative. The comments often heard about the ugly green fence prompts us to remind the reader that it is the owner, Mr. Timothy Foo, who is responsible for the current ugly fence. First, he has the GGTSC operator on a monty-to-month lease making it difficult for them to justify a substantial investment in a nicer fence. Second, Mr. Foo stands to gain financially if 8 Washington is approved, so he has not incentive to fix the fence.
Include a rendering of the site with a new, attractive fence in the NO PROJECT alternative.  
(Brad Paul) [D.53.38]

Comment: The No Project Alternative is environmentally superior, because it eliminate this unnecessary, traffic inducing garage that violates the City’s Transit First policy. (Mary Pecci) [D.58.2]

Response

Several comments indicate support for Alternative A: No Project Alternative analyzed in EIR Chapter VII, Alternatives to the Proposed Project. Some of these comments note that the No Project Alternative is superior to the proposed project and should be adopted because it is neighborhood-friendly and limits impacts on traffic, aesthetics and recreation. Decision-makers will consider these comments in making determinations as to whether to approve the proposed project, the No Project Alternative, or one of the other alternatives analyzed in the EIR.

Comments also suggest that the No Project Alternative should include plans to replace the existing fence surrounding the Western Athletic Club with a new, more attractive one. As described on EIR pp. VI.2-VI.3, CEQA requires an EIR to evaluate a No Project Alternative, that is “the circumstance under which the project does not proceed” (CEQA Guidelines Section 15126.6(e)(3)(B)). The purpose of the No Project Alternative is to allow decision-makers to compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the proposed project is approved. The intent is not to include analysis of modifications to the existing conditions. Instead, the discussion of the No Project Alternative explains that the existing environmental setting would be maintained, and the analysis identifies the practical results of not approving the project.

Please also see the response below under “Adequacy and Range of Alternatives Analyzed in the EIR,” beginning on C&R p. III.Q.3.

ADEQUACY AND RANGE OF ALTERNATIVES ANALYZED IN EIR

Comments

Then on page VI.24 and 30 where we talk about Alternative E, which is to develop only 8 Washington under existing height and bulk and the alternative with the environmentally superior alternative, it does not include the fact that those alternatives would have aesthetic impacts compared with the proposed project of a more abrupt step-down from the Golden Gateway Center tower to the Embarcadero. And it would not contribute to the visual interests and improve the pedestrian experience along the Embarcadero. I think that should be included in the environmentally superior alternative. (Alec Bash) [TR.12.5]

I object to there being no alternative omitting the garage. This project is driven by the garage. The need is leveraged by the garage. The size of the housing component is leveraged by the garage. (Nan Roth) [TR.24.2]
Finally, alternatives. I'm disappointed with the alternatives. Both FOGG and Asian Neighborhood Design have come up with much more creative alternatives than the ones cited in this project. I'm not sure if -- here's one possibility. So I think there's much more creative solutions that come out of this and make everybody here who is in favor of this project also happy. That's all. I have some copies of this if you care to see another alternative. (Bob Iwersen) [TR.26.4] (See also Appendix A, Letter D5, submitted to the Planning Commission as part of this speaker's testimony.)

I do not think that the public trust informing Alternative C with the hotel was sufficiently analyzed in the EIR. (Vice President Ron Miguel, San Francisco Planning Commission) [TR.37.2]

I have to agree the west side of the Embarcadero is an absolute mess. It's tragic for a main thoroughfare in San Francisco. We've seen a number of plans that would take care of that in a manner that the city is deserving of. But that is somewhat aside from the particular project that is examined in this EIR. (Vice President Ron Miguel, San Francisco Planning Commission) [TR.37.6]

Pg. I.24, Table 1-3: Insufficient consideration and analysis is given to Alternative C – the Public Trust Conforming alternative. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.9]

San Francisco’s interpretation of CEQA requirements does not consider parking as part of the permanent physical environment (Pg. IV.D 18, Parking). However, in this particular instance parking is not merely a “social effect”, but a key factor in the project’s design, being a required objective of the Port. (See 10 above.) Nowhere in the DEIR is there consideration of the project only providing the code-required parking for its own use. In my opinion, it is very doubtful if the Port would even enter into a development agreement on Seawall Lot·351 without parking consideration. Thus, in this instance, parking must become a CEQA issue – it cannot be ignored – it is integral to the project. (Vice President Ron Miguel, San Francisco Planning Commission) [B.1.11]

The EIR should have studied the above and the impacts of a zero or reduced parking alternative for the following reasons: (Howard Strassner, Sierra Club) [C.7.2]

The EIR should have included a more practical alternative to reduce the maximum height. The project is proposed for an area with historical and ordinance height limitations. The project has the good feature of mixed use with commercial below housing and roof top pools over an exercise facility. We suggest that the excessive height of portions of the project and shadows on park land, can be reduced or the number of housing units increased with better cooperation between the developer and the tennis club by including housing as the mixed use for the tennis courts and pool and that this alternative should been studied. (Howard Strassner, Sierra Club) [C.7.4]

Please explore as an alternative to BUILDING MORE EXPENSIVE UNDERGROUND PARKING better utilization of existing parking resources. This would include a universal validation system so that Ferry Building farmers/merchants only need ONE sticker or stamp to provide subsidized parking for their customers. Using those garages would have the additional benefit of getting cars off The Embarcadero, instead of forcing all the garage traffic to enter the garage after driving on The Embarcadero. (Sue C. Hestor, Friends of Golden Gateway) [C.8.17]
A reduced parking alternative should be analyzed in the EIR. (Jon Golinger, Telegraph Hill Dwellers) [C.10.50]

Page IV.27 and IV.30: Alternative E: Develop Only 8 Washington Lots Under Existing Height and Bulk; and Environmentally Superior Alternative – This discussion ignores the undesirable aesthetic impacts of failing to improve existing visual conditions and the pedestrian experience along The Embarcadero, and having a more abrupt step down in heights from the Golden Gateway Center towers to The Embarcadero. This should be noted in Alternative E. I suggest this be reflected in the Environmentally Superior Alternative discussion as follows: “Beside the No Project Alternative. Alternative E: Develop Only 8 Washington Lots Under Existing Height and Bulk would be the environmentally superior alternative on balance, due to its reduced development program, and site disturbance, and building heights. However, it would not improve existing visual conditions or the pedestrian experience along The Embarcadero, and the step down from the Golden Gateway Center towers to The Embarcadero would be more abrupt.” (Alec Bash) [D.2.3]

...ALTHOUGH, PROPERLY DESIGNED ALTERNATIVE B MIGHT BE DEEMED TO BE CONSISTENT WITH THAT PLAN. (Paul Renne) [D.14.2b]

3. If the Planning Commission does consider approving an increase in the density of residential development by demolishing the existing facility, it should consider 2 alternatives as part of the EIR.

One would be the relocation of the existing Tennis and Swim Club in its full footprint by relocating it to a portion of the existing low density townhouse section and the second alternative is to leave the existing recreation facility exactly where it is and replace a portion of the low density townhouses with higher density units. While I am not in favor of either of these alternatives, the EIR should discuss these as they are obvious logical alternatives to the proposed project. (Sol Silver) [D.21.3]

To a city that says it wants to reduce the number of cars on the road, I suggest that instead of another parking lot that we concentrate on developing more ferries from the East and the Southern areas. We will need these desperately when the Exploratorium transitions to the Embarcadero and the American Cup begins.

I too dislike the parking lots along the Embarcadero but please find a solution that leaves the club and its atmosphere intact. (Leah [Liz] Doyle) [D.34.3]

4. Alternative Projects

- This section is particularly galling. The alternatives presented are unimaginative and clearly not worth an effort. No wonder they are discarded as uncompetitive with the proposal! THey are plain and simply bad. Both Asian Neighborhood Design and FOGG have taken the issue further. These are limited funded groups providing better looks at the are than the Planning Department. I believe the solutions provided by AND and FOGG are just the beginning of what should be considered for the entire area. This one proposed project does little (I believe after a careful study it actually detracts) for the area as a whole. The alternatives only provide a substandard background for approval of the project. (Bob Iwersen) [D.36.7]

The proper preparation of an EIR examining real and sound alternatives that are clearly presented without minimalist treatment of significant impacts that’s reduced to less than significant by mere
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designation and explained away as merely changing the various adopted City plans (3 of them) affecting this proposal and possibly changing State legislation to exempt land from the constraints of the Public Trust Doctrine or exchange properties of equal value in order to effectuate the plan proposal by the developer. It almost appears that city staff has a larger stake in seeing this particular development to fruition that is beyond the normal role and just duties of public employees. Is there something fishy down by the waterfront? (Arthur Chang) [D.50.7]

F. The Alternatives Analysis is Inadequate Because the Alternatives Do Not Substantially Lessen Significant Environmental Impacts.

1. The purpose of the alternatives discussion in an EIR is to identify ways to reduce or avoid significant environmental effects. For this reason, an EIR must focus on alternatives that avoid or substantially lessen a project’s significant environmental effects and the alternatives discussed should be ones that offer substantial environmental advantages over the proposed project. Pub. Res. Code § 21002; CEQA Guidelines § 15126.6(a)-(b). The DEIR fails this test. The DEIR finds that the Project will have significant and unavoidable impacts relating to traffic, air quality, and sea level rise. None of these impacts are substantially lessened under any of the alternatives. To the contrary, as discussed below, impacts are either increased or remain the same. Only Alternative E provides a benefit to traffic impacts, but those too remain significant and unavoidable. As a result, the alternatives discussion fails to accomplish its purpose of fostering informed decision making and public participation.

   a. For traffic, Alternatives B and C would result in increased traffic. Alternative D would include three fewer units and generate basically the same traffic as the proposed Project. While Alternative E reduces traffic, the impact remains significant and unavoidable.

   b. The alternatives similarly fail to address significant and unavoidable air quality impacts. Again, Alternatives B and C would generally have greater air quality impacts than the Project and Alternative D would have the same air quality impact. While Alternative E would show some air quality improvements, those improvements relate only to air quality aspects that are already less than significant for the proposed Project. None of the alternatives have any advantage over the proposed Project with respect to the air quality impacts that are found to be significant and unavoidable.

   c. As for sea level rise, none of the alternatives have any advantage over the Project. Instead of analyzing an alternative that addresses this critical issue, the DEIR summarily rejects an alternative that would greatly reduce the potential for flooding resulting from sea level rise because it would apparently not meet some project objectives. However, alternatives do not need to implement every project objective. Mira Mar Mobile Community v. City of Oceanside, 119 Cal. App. 4th 477 (2004). Indeed, alternatives that can eliminate significant environmental impacts should be studied even if they would impede attainment of project objectives to some degree. CEQA Guidelines § 15126.6(b). Importantly, the DEIR does not suggest that this alternative would be infeasible. Thus, because there is a feasible alternative that would reduce to a less than significant level the sea level rise impacts, that alternative must be included. The fact that the design would not implement every goal proposed by the Port as part of its RFP is not a reason to eliminate study of this alternative.

2. The DEIR does not provide sufficient facts or analysis to support its rejection of Alternative E, the environmentally superior alternative. Under Alternative E, Seawall Lot 351 would remain in its current state as a Ferry Building parking lot. The DEIR rejects this alternative in large part because it would not further the Port’s objectives for Seawall Lot 351. As noted above in Comments No. A.4 and A.5, the proposed Project itself is not consistent with the Port’s
objectives. Therefore, the Port’s objectives are not an adequate measure of the feasibility of this alternative. (Zane O. Gresham, Morrison Foerster) [D.52.23]

Response

Several comments question the adequacy and range of the alternatives analyzed in the EIR. An EIR is required to analyze a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives, and would avoid or substantially lessen one or more of the significant environmental effects of the proposed project (see CEQA Guidelines Section 15126.6(c)). The alternatives need not meet all of the project objectives. An EIR need not consider every conceivable alternative to a project, but must include a reasonable range of potentially feasible alternatives.

The main purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any of the significant effects of the proposed project identified in the EIR, and to foster informed decision-making and public participation. The range of potential alternatives is limited to those that could feasibly attain most of the basic objectives of the proposed project. Among the factors to be considered in feasibility are site suitability, economic viability, general plan consistency, jurisdictional boundaries, and whether the project sponsor can reasonably acquire or have access to an alternative site (CEQA Guidelines Section 15126.6(f)(1)).

An EIR should also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and explain the reasons underlying this determination. Among the factors that may be considered are failure to meet most of the basic objectives of the proposed project and inability to avoid significant environmental impacts.

The final determination of the feasibility of alternatives is made by the project decision-makers, based on substantial evidence in the entire record, which includes, but is not limited to, information presented in the EIR, comments received on the Draft EIR, and responses to those comments.

Reasonable Range of Feasible Alternatives

CEQA Guidelines Section 15126.6 (f) states that alternatives should be limited to ones that would avoid or substantially lessen any of the significant effects of a project. As described in the EIR in Chapter IV, Environmental Setting and Impacts, significant impacts have been identified for the proposed project for the following topics: Archaeological Resources, Biology (birds), Hazards, Transportation and Circulation, Air Quality, and Sea Level Rise. For most of the significant impacts, feasible mitigation measures are identified in the EIR that would reduce the impact to less than significant. As discussed in EIR Chapter V, Other CEQA Issues, on EIR pp. V.1-V.2, some impacts related to Transportation, Air Quality, and Sea Level Rise would be significant and
unavoidable even with the implementation of mitigation measures. Specifically, the EIR concludes that the project would result in the following significant and unavoidable effects: TR-9 (cumulative traffic at The Embarcadero and Washington after implementation of changes included in the Northeast Embarcadero Study), AQ-3 and AQ-10 (TAC emissions during construction), AQ-6, AQ-7, and AQ-8 (TAC exposure during operations), and SLR-3 (flooding due to sea level rise). All of the significant and unavoidable impacts identified for the proposed project are associated with construction activities at the project site, or with redeveloping the project site. The only way to completely avoid these impacts would be to select an alternative that does not involve redevelopment of the site, and does not involve construction activities at the site. Theoretically, an alternative development project small enough to reduce a considerable contribution to cumulative traffic at The Embarcadero/Washington and significant emissions of toxic air contaminants to a less-than-significant level could be devised. However, such an alternative would not meet most of either the project sponsor’s or Port objectives, and it would not reduce or eliminate the significant effect that may occur with potential sea level rise. Operational exposure to TACs could be avoided by redeveloping the site for entirely non-residential uses; such an alternative, however, would still result in exposure to TACs, and would be inconsistent with the project sponsor’s objectives.

As the EIR notes, the required No Project Alternative (Alternative A), which would retain all existing buildings, existing parking, and existing land uses in their current condition, is the only alternative focusing on the same project site that has the potential to avoid the project’s significant impacts. (On pp. VI.32-VI.34, the EIR considered an off-site alternative and concluded it was infeasible.) There are no other feasible alternatives that would avoid the project’s significant and unavoidable impacts. However, Alternative E: Develop Only 8 Washington Lots Under Existing Height and Bulk was selected to lessen, though not eliminate, significant transportation and air quality impacts (EIR pp. VI.24-VI.30.) This alternative also provides a design option that complies with the existing height and bulk requirements to serve as a point of comparison with the height and bulk of the proposed project, and does not involve construction on SWL 351.

Under Alternative E, Seawall Lot 351 would continue in its current use as a surface parking lot, a use consistent with the public trust. The project sponsor would develop the 8 Washington lots with two buildings: a four-story-tall (40 feet tall) building with 87 residential units, 17,000 gsf of retail space, and 12,100 gsf of restaurant space at the ground floor; and a 40-foot-tall building containing 30,000 gsf of indoor athletic club facilities, including four indoor and four rooftop outdoor tennis courts, one ground-level outdoor tennis court (a total of nine tennis courts), and two ground-level outdoor swimming pools. A two-level, 141-space underground parking garage would also be constructed. This alternative could feasibly further some of the objectives of the project sponsor. It would create 87 residential units, 78 units fewer than the proposed project. It would further the project sponsor’s objective to provide indoor and outdoor recreational facilities
to partially replace the GGTSC’s existing facilities. It would not further the project sponsor’s objectives to improve the pedestrian realm along The Embarcadero and to improve pedestrian and visual connectivity with The Embarcadero, as no pedestrian access to The Embarcadero would be provided through the project site along the alignments of Jackson Street and Pacific Avenue, or further the objective to develop Seawall Lot 351 in conjunction with the 8 Washington lots. This alternative would not further any of the Port of San Francisco’s urban design, land use, and financial objectives for Seawall Lot 351, as presented in its Request for Proposals for SWL 351 Mixed Use Development Opportunity.

An EIR must include an analysis of a range of alternatives, and must include an analysis of alternatives that would reduce one or more significant impacts identified for the proposed project, as noted in one comment. However, there is no requirement that the impacts be eliminated or reduced to less-than-significant levels or that each of the significant impacts be reduced in alternatives considered in the EIR. Alternative E, Develop Only 8 Washington Lots Under Existing Height and Bulk, would reduce significant transportation impacts, although not to a less-than-significant level. This alternative reduces the number of residential units by almost one-half (from 165 to 87), and reduces the residential parking from 165 spaces to 21. It retains the same amount of retail and restaurant space and provides the same number of tennis courts that currently exist, although four would be indoor courts. Buildings would be four stories rather than six to twelve. Thus, Alternative E is substantially smaller than the proposed project, and therefore would reduce significant transportation impacts.\(^1\) An alternative that was even smaller, with less retail and restaurant space and smaller athletic facilities in order to reduce transportation impacts to less-than-significant levels, would not attain most of the project sponsor’s objectives and was not considered in the EIR. Therefore, other than Alternative A: No Project Alternative, Alternative E: Develop Only 8 Washington Lots Under Existing Height and Bulk and Alternative would fulfill the requirements in CEQA Guidelines Section 15126.6.

Comments further state that Alternative E does not explain that the alternative would have aesthetic impacts as a result of a more abrupt step-down design, and state that this alternative would not contribute to the visual interest or improve pedestrian experience along The Embarcadero. One intent of this alternative is to show impacts if a project complied with existing height and bulk requirements (40 feet tall, without Conditional Use authorization in an “R” zoning district) to serve as a point of comparison with the height and bulk of the proposed project. As stated in EIR Chapter VI, Alternatives, EIR pp. VI.27-VI.28, the bulk of the south building under this alternative would not be broken down into two separate building volumes, as under the proposed project, but would be a single horizontal building along both the Washington Street and

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\(^1\) The transportation analysis did not subtract existing Tennis and Swim Club travel from the trips generated by the proposed project; therefore, the analysis of the proposed project and the alternatives, including Alternative E, effectively double-count some travel from the athletic club use. See 8 Washington St. / SWL 351 Transportation Study, Adavant Consulting, May 25, 2011, p. 37.
Drumm Street frontages. Under this alternative it is assumed that the design of the buildings would be articulated to break down the scale of the buildings and to add texture and visual interest. The comment suggests that the analysis does not discuss impacts of a more abrupt step-down design from the Golden Gateway Center towers to The Embarcadero. The EIR states on p. VI.27 that this alternative would be comparable in scale to the existing four-story Golden Gateway Commons development to the west of the project site, and, like the proposed project, would be substantially smaller in height and scale than the 22-story William Heath Davis Building to the west of the project site. Existing visual conditions at street level along The Embarcadero would remain under this alternative (unless or until Seawall Lot 351 is independently developed). The EIR concludes that the residential building would have less impact on private views to the east from the upper floors of the William Heath Davis building, and like the proposed project, impacts related to Aesthetics would be less than significant. Thus, the comment is basically correct that the alternative would not improve conditions along The Embarcadero, and there would be a substantial difference in heights compared to the adjacent towers. The EIR text provides sufficient information to reach this conclusion.

The fact that Alternative E does not meet all project sponsor objectives is not a reason to reject this alternative in the EIR. As explained in the EIR, the intent of this alternative is to provide an alternative that does not include development of Seawall Lot 351 and also complies with existing height and bulk requirements to serve as a point of comparison with the height and bulk of the proposed project. After publication of the Final EIR, decision-makers will consider whether to approve the proposed project or one of the alternatives analyzed in the EIR, including Alternative E. The information that decision-makers will use to determine whether to approve the proposed project or one of the alternatives, and reject the other alternatives in the EIR is not restricted to the EIR and its background supporting documents. Other materials in the overall record may also be considered as part of the substantial evidence used to support the final decisions on a proposed project and the CEQA findings required at the time of project approval.

In addition to Alternative A: No Project Alternative and Alternative E: Develop Only 8 Washington Lots Under Existing Height and Bulk, the EIR analyzed three other alternatives to the proposed project: Alternative B: Existing Height and Bulk; Alternative C: Public Trust Conforming; and Alternative D: Develop Only 8 Washington Lots; Alternatives B, C, and D are analyzed to provide decision-makers with information about development that could occur if various regulatory changes were not made part of the proposed project, or if the Port failed to reach agreement on development of Seawall Lot 351. They differ from the project in a number of ways, including site size, units, height and bulk, design, club configuration, and amount of parking provided. This is important information for decision-makers to consider in understanding the effects of the proposals to amend the Planning Code and exchange public trust properties. While these alternatives do not necessarily eliminate or substantially lessen significant impacts
identified with the proposed project, there is no prohibition of including them in the EIR for comparative purposes.

Alternative B: Existing Height and Bulk was selected to provide an alternative that complies with the existing height and bulk requirements to serve as a point of comparison with the height and bulk of the proposed project. This alternative could be considered another approach to a No Project alternative, in that it allows a comparison to the impacts that would occur if a development project were to occur on the project site without revisions to the existing “regulatory plan” (that is, existing Planning Code and Zoning Map provisions) applicable to the site (see CEQA Guidelines Section 15126.6(e)(3)(A)). In this particular case, the Existing Height and Bulk Alternative would almost double the number residential units (297 units) compared to the 165 proposed in the project. This alternative would also substantially reduce the number of residential parking spaces (75 spaces compared to 165 spaces under the proposed project) and public parking spaces for the non-residential uses (120 spaces compared to 255 spaces under the proposed project, including the 90 public parking spaces required by the Port of San Francisco’s Request for Proposals for SWL 351 Mixed Use Development Opportunity). This alternative could feasibly further most of the objectives of the project sponsor, presented in “Objectives of the Proposed Project” in Chapter II, Project Description, EIR p. II.20. It would create a total of 297 residential units; however, its block perimeter configuration for residential buildings north and south of the Jackson Street alignment could result in units with closed courtyard exposure that would make them less marketable. This alternative does not include any tennis courts or swimming pools and would not further the project sponsor’s intent to partially replace the nine existing tennis courts and two outdoor swimming pools of the Golden Gateway Tennis & Swim Club with four tennis courts and two swimming pools. This alternative could feasibly further most of the Port of San Francisco’s urban design, land use, and financial objectives for Seawall Lot 351, as presented in its Request for Proposals for SWL 351 Mixed Use Development Opportunity. Alternative B would not reduce any significant impacts identified with the proposed project. It is intended to provide decision-makers with information on the impacts of a project if a development were to occur on the project site without revisions to existing regulations.

Alternative C: Public Trust Conforming was selected to consider a project alternative that would be constructed in a manner that is consistent with public trust values applicable to Seawall Lot 351 and would not require the proposed public trust exchange agreement. Under this alternative, Seawall Lot 351 would be combined with the 8 Washington lots and the project sponsor would develop the entire site, but unlike the proposed project, a hotel would be developed on Seawall Lot 351 (a use that is consistent with the public trust), rather than the residential uses in the proposed project. Under this alternative, four buildings would be constructed, similar in scale, configuration, location, and layout to the proposed project, including an 8- to 12-story, 111-residential-unit building (54 fewer units than the proposed project); a 4- to 6-story, 160-room hotel (with retail uses); a 35-foot-tall, 12,800-gsf athletic club building with
four ground-level tennis courts and two rooftop pools; and a 15-foot-tall, 12,100-gsf restaurant building. Parking would be accommodated in a two-level, 223-space underground garage. The alternative would have about 55 fewer residential units and about 200 fewer parking spaces than the proposed project, and would add a hotel. This alternative could feasibly further most of the objectives of the project sponsor and could also feasibly further most of the Port of San Francisco’s urban design, land use, and financial objectives for Seawall Lot 351, as presented in its Request for Proposals for SWL 351 Mixed Use Development Opportunity.

Some of the comments suggest that Alternative C: Public Trust Conforming Alternative is not sufficiently considered and analyzed, and cite Table 1-3: Comparison of Significant Impacts of the Proposed Project to Alternatives B, C, D, and E, in EIR Chapter I, Summary, EIR pp. I.24-I.26. Although the Summary Chapter of the EIR provides a table that compares the alternatives analyzed, a complete description and analysis of all alternatives, including Alternative C: Public Trust Alternative, is provided in Chapter VI, Alternatives to the Proposed Project. This alternatives chapter, which provides comparative analysis of impacts from the proposed project, is a supplement to, and needs to be considered in combination with the analyses identified in the various EIR topics, to provide a complete analysis of each of the alternatives. As described on EIR pp. VI.12-VI.18, the purpose of the Public Trust Alternative is to consider a development scenario that would be constructed in a manner that is consistent with public trust uses applicable to Seawall Lot 351. Alternative C would also substantially reduce the number of residential parking spaces and public parking spaces for the non-residential uses, while providing the 90 public parking spaces required by the Port of San Francisco’s Request for Proposals for Seawall Lot 351.

Under Alternative C, most environmental impacts would be similar to those of the proposed project, with less-than-significant impact, in the areas of Land Use, Aesthetics, Archaeological Resources, Greenhouse Gases, Shadow, Recreation, and Biological Resources. Hence, for these topics, the environmental impact analysis for this alternative is essentially the environmental impact analysis provided for the proposed project, supplemented by the additional text in the alternatives impact analysis which explains how Alternative C project impacts would be similar to or differ from the impacts identified for the proposed project. This alternative would generate slightly more person- and vehicle-trips, resulting in marginal changes in delay at intersections but the same levels of service. The alternative would provide less parking than the proposed project and would generate slightly greater parking demand; however, as with the proposed project, the parking shortfall would not result in significant physical impacts. Like the proposed project, this alternative would result in a significant and unavoidable cumulative transportation impact. This alternative would expose the smallest number of new on-site receptors to Toxic Air Contaminants, but would still result in significant and unavoidable air quality impacts. In summary, Alternative C was fully analyzed in Chapter VI of the EIR, which supplemented the analysis in Chapter IV of the EIR. This alternative would not reduce any significant impacts identified with the proposed project. It is intended to provide decision-makers with information
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on the impacts of a project that could use the entire combined site and would require no public trust exchange.

Alternative D: Develop Only 8 Washington Lots does not include development of Seawall Lot 351 in order to analyze the consequences of independent development of the 8 Washington lots without Seawall Lot 351. Under this alternative, Seawall Lot 351 would continue in its current use as a surface parking lot, and the project sponsor would develop the 8 Washington lots with two buildings containing 162 residential units (3 fewer units than the proposed project), 17,000 gsf of retail space, 12,100 gsf of restaurant space at the ground floor, and a 12,800-gsf athletic club containing three ground-level outdoor tennis courts and two ground-level outdoor pools. A three-level, 325-space parking garage would be constructed underground (95 fewer spaces than the proposed project). Seawall Lot 351 would not be changed and would continue to provide 105 parking spaces on its site. This alternative could feasibly further some of the objectives of the project sponsor. It would create a comparable amount of residential units and would further the project sponsor’s objective to provide indoor and outdoor recreational facilities to partially replace the Golden Gateway Tennis & Swim Club’s existing facilities. It would not further the project sponsor’s objectives to improve the pedestrian realm along The Embarcadero and to improve pedestrian and visual connectivity with The Embarcadero, as no pedestrian access to The Embarcadero would be provided through the project site along the alignments of Jackson Street and Pacific Avenue, or further the objective to develop SWL 351 in conjunction with the 8 Washington lots. This alternative would not further any of the Port of San Francisco’s urban design, land use, and financial objectives for Seawall Lot 351, as presented in its Request for Proposals for SWL 351 Mixed Use Development Opportunity. Alternative D would not reduce any significant impacts identified with the proposed project. It is intended to provide decision-makers with information on the impacts of a project that does not include development of Seawall Lot 351.

Comments Requesting Other Alternatives Be Considered

Several comments suggest that the EIR should analyze additional alternatives, such as a no parking garage alternative, a zero or reduced parking alternative that has more emphasis on public transit, a parking code alternative, a parking validation system alternative, a more practical reduced height alternative, and a design options alternative that keeps all of the existing Athletic Club’s outdoor uses. Responses to these comments are discussed below. (For comments referencing the need for an alternative consistent with the Asian Neighborhood Design’s Community Vision for San Francisco’s Northeast Waterfront, please see the discussion below in “A Community Vision for San Francisco’s Northeast Waterfront,” beginning on C&R p. III.Q.16.)

An alternative attempting to reduce the significant impacts of projected sea level rise is discussed in EIR Section VI.G, Alternatives Considered But Rejected, on EIR p. VI.34. Such an alternative
would not include a fully submerged parking garage, but would construct a garden-level parking garage with a partially submerged parking garage at the first parking level, raising the ground floor above the projected sea level rise. As explained in the EIR, this alternative was not analyzed in detail because it would make it difficult to comply with the Americans with Disabilities Act (ADA) requirements, would not further Port objectives, and would not conform to General Plan urban design objectives. Thus, the alternative was not rejected merely because it would not meet some project sponsor objectives, but because it would not meet important urban design objectives of the General Plan. (See also the discussion in the response in Section III.N, Sea Level Rise/Hydrology, beginning on C&R p. III.N.6.) Additionally, this alternative would not substantially lessen or avoid the significant and unavoidable impact associated with climate-induced sea level rise. The standard of significance set forth on EIR p. IV.I.12 for climate-induced sea level rise is whether a project would “[e]xpose people or structures to increased risk of flooding due to climate-induced sea level rise.” Even if this alternative were implemented, a significant and unavoidable impact would potentially result from climate-induced sea level rise because the alternative would, like the proposed project, increase the number of people who live, work, and recreate in an area that may be inundated with water and, as a result, expose people and structures to increased risks associated with flooding.

Regarding comments that request an alternative to include substantially fewer parking spaces than the proposed project, Alternative B and Alternative C were introduced to provide parking in the amount required in the Planning Code for the residential uses and that would require an exception from Code requirements for reduced parking for the non-residential uses, with Alternative B providing 225 fewer spaces than in the proposed project, and Alternative C providing 197 fewer spaces.

Code-required parking for the proposed project is 216 spaces, as discussed on EIR p. IV.D.28. As noted in the EIR and by comments, providing code-required parking for the proposed project, without the 90 spaces for the Port, would not comply with the Port’s Request for Proposals for Seawall Lot 351 or the Port’s objectives as stated on EIR pp. II.21-II.22. Nevertheless, Alternatives B and C do analyze projects that would contain approximately the number of parking spaces required by the Planning Code for the proposed project. Whether or not those parking spaces identified in Alternatives B and C would ultimately be dedicated to the Port would not change the transportation analysis in the EIR. Hence, while the uses proposed in Alternatives B and C would generate greater numbers of person and vehicle trips and a slightly greater parking demand than the proposed project, the two Alternatives could be considered a proxy for transportation analysis of the proposed project with Code required parking, irrespective of how that parking is allocated between the uses and the Port.

Operation of the proposed public parking garage to include a “universal validation system” for the Ferry Building merchants and farmers would not substantially change circulation patterns in the vicinity of the proposed project. Nothing in the analysis prohibits such a system, and if the
Port Commission found it feasible and useful, it could be implemented with or without the proposed project.

Providing additional regional ferry service would not remove the need for parking near the Ferry Building, as suggested in one comment. The demand for parking at and near the Ferry Building has been studied extensively for many years and is the basis for the Port’s *Request for Proposals for SWL 351 Mixed Use Development Opportunity* (see the discussion in the responses in “Port of San Francisco” in Section III.A, Introduction, beginning on C&R p. III.A.9); providing additional regional ferry service would not remove this demand.\(^2\)\(^3\) The Water Emergency Transit Agency (WETA) is planning additional ferry service to the East Bay and South Bay independent of the Port.

Regarding comments requesting a more practical reduced height alternative, a variety of alternative height limits was studied in the Alternatives chapter, including existing height limits in Alternatives B and E. A larger range of heights, including some that would require the same amendments to the Planning Code and Zoning Maps as the proposed project, or that would involve taller building than proposed, is not required, as such an alternative would not reduce any significant impacts identified for the proposed project.

Regarding comments requesting a design options alternative that keeps all of the existing Athletic Club, Alternative E would provide the same number of swimming pools and tennis courts as exist at the GGTSC, although not in the configurations suggested in comments. An alternative that would preserve the existing GGTSC is discussed in the EIR Section VI.G, Alternatives Considered But Rejected, on EIR p. VI.32, with reasons why it was not considered in detail.

In summary, as described on EIR pp. VI.31-VI.34, over the course of project development, the City and County of San Francisco considered a number of alternatives identified by the community, responsible agencies, the applicant, and the City itself. The screening process for identifying viable alternatives included, but was not limited to, consideration of the following criteria: ability to meet the project objectives; potential ability to substantially lessen or avoid significant environmental effects associated with the proposed project; potential feasibility; and understanding the effects of the proposals that would amend the Planning Code and exchange public trust properties. The alternatives analyzed in the EIR were chosen because they could feasibly attain most of the basic project objectives, would avoid or substantially lessen one or more significant impacts, or would achieve the other basic project objectives.

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more of the significant environmental effects of the proposed project, or would provide decision-makers with information about development that could occur if various regulatory changes were not made part of the proposed project or if the Port failed to reach agreement on development of Seawall Lot 351.

A COMMUNITY VISION FOR SAN FRANCISCO’S NORTHEAST WATERFRONT

Comments

The AND “A COMMUNITY VISION FOR SAN FRANCISCO’S NORTHEAST CORRIDOR,” that has been presented to the San Francisco Planning Commission should become operative and implemented as the real alternative to this flawed DEIR. (Lee Radner, Friends of Golden Gateway) [C.5.3b]

Neighborhood “Community Vision” Plan

The SF Planning Department Northeast Embarcadero Study referenced in the DEIR does not represent a consensus of the community. As an alternative, the BCNA and nearly a dozen other neighborhood groups and individuals financed and created a Community Vision Plan that is far more citizen-based and provides a blueprint for development of all the Seawall Lots, not just 351. By adopting the Vision Plan, the Planning Commission could avoid the “one-at-a-time” development battles that paralyze this City. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.21]

There is no explanation, no history of the most signal events dealing with transportation circulation around this site - the erection of the elevated Embarcadero Freeway (which affected both street patterns and how buildings were developed with blank walls next to the freeway and ramps) and its demolition. The reconfiguration of the Embarcadero clearly involved a lot of conscious effort. However, neither Washington nor Broadway - both of which directly abut this site - were given a major overhaul so that they could better serve both the adjacent area AND the areas to the west in Chinatown and North Beach/Telegraph Hill. Broadway still is designed to move large amounts of traffic up and down the hill without much thought to the impact that traffic on those communities. Washington, and the adjacent Golden Gateway garages/buildings, continues to close off pedestrians from any (pleasant) relation to their surroundings. Reconfiguration of Washington to better connect to Chinatown and provide a nicer experience could generate a lot more pedestrian activity to/from Chinatown and the Embarcadero.

Because the Planning Department’s Northeast Embarcadero Study paid so little attention to the street context connecting Chinatown and North Beach to The Embarcadero, community residents retained Asian Neighborhood Design to develop “A Community Vision for San Francisco’s Northeast Waterfront.” A copy of that February 2011 study is provided with these comments. When that community planning process occurred for this area, a process involving low income residents, with residents from Chinatown and North Beach actively participating, the main streets that were identified as needing improved public access and connections to those existing residents and neighborhoods were WASHINGTON STREET and BROADWAY. Those streets should provide real connections of “landside” neighborhoods to the waterfront. Those areas were/are cut off from the waterfront by same action that now makes the 8 Washington Street site so valuable - the construction of the Embarcadero Freeway AND ITS CONNECTING RAMPS on BROADWAY and WASHINGTON/CLAY, followed over 40 years later by its DEMOLITION along The Embarcadero. Pacific Waterfront Properties wants to capture the...
value conferred on the 8 Washington site from the freeway demolition and cloak it as a huge public benefit by driving pathways through the existing recreation facilities - which did not have much value when they were in the shadow of the Embarcadero Freeway.

Compare the value to the public and residents of Chinatown and North Beach of restoring walkable, pleasant access (as opposed to broad streets built to accommodate heavy rapid traffic) down Washington to the Embarcadero and down Broadway to the Embarcadero. The proposed project will not affect Washington Street west of Drumm - even though part of the development team owns the Golden Gateway project which includes an inhospitable black wall the 3 blocks from Battery to Drumm Streets. Please note that Muni has truncated routes that used to connect Chinatown to the waterfront so that people with difficulty walking and children have a much harder time to reach the waterfront as well as comments on the difficulties for pedestrians to use Washington and Broadway.

Please review the AND study and its aspects that are relevant to Transportation, pedestrian activity and reconfiguration of sidewalks and adjacent buildings. This should be given at least the same amount of attention in this chapter as that given to the recommendations of the unadopted Northeast Embarcadero Study. (Sue C. Hestor, Friends of Golden Gateway) [C.8.7]

The DEIR should also reference the conclusion contained in A Community Vision for San Francisco’s Northeast Waterfront, that lack of transit access along the Northeast Waterfront back to the neighborhoods is of major concern to local residents, and the frequency and hours of the current F-line service are well known to be inadequate to serve local residents, workers and visitors. See page 32 of A Community Vision for San Francisco’s Northeast Waterfront for a discussion and map of Muni service and service cuts on the Northeast Waterfront. (Jon Golinger, Telegraph Hill Dwellers) [C.10.8a]

**The DEIR is biased because it fails to include a discussion of A Community Vision for San Francisco’s Northeast Waterfront.** The DEIR is biased because it discusses the Planning Department’s Northeast Embarcadero Study, while failing to include an equally detailed and professional discussion of the background and recommendations of the study by a coalition of community organizations. Prepared by Asian Neighborhood Design, A Community Vision for San Francisco’s Northeast Waterfront, dated February 2011, was presented to the Planning Commission on July 7, 2011. The DEIR should describe the reasons why an alternative community planning process was undertaken and should discuss the recommendations contained in A Community Vision for San Francisco’s Northeast Waterfront. (Jon Golinger, Telegraph Hill Dwellers) [C.10.33]

After reviewing the DEIR for this project I strongly object to the building heights, which are proposed. I have attended nearly all the meetings and workshops for this project and have made the same comments in meetings and in writing to the Planning Department during the Northeast Waterfront Study process. I still feel the same about this extremely important project.

Unfortunately I will be out of town during the June 21, 2011 hearing on the DEIR, so I’m sending my abbreviated comments here and with the 4 enclosures herein.

Simply stated, I am not opposed to a residential mixed-use project on this extremely important site and am happy to see the parking lot on Seawall Lot 351 appropriately utilized. I’m also happy to see that the Developer has chosen one of the best Architects in the Country in SOM.

But, I am strongly opposed to the proposed height and massing and bulk of the present proposal.
I am aware of the fact that the Northeast Waterfront Study suggests the heights that the project presently shows, but as far as I know, this document has not been officially adopted yet and I have objected to this part of The NES in writing more than once during the time of the Study and think it is absolutely wrong.

So, to make my position clear, I propose the following height limits:

1. 38’ along the Embarcadero (The same height as the pier heads on the Bay side.)
2. 220’ in a very slender tower at the corner of Drum St. and Washington St.... (And, I mean only at the corner, not all along Drum St.)
3. 65’ on the western half of Washington St. (not to the corner of Washington and Embarcadero)
4. 38’ at the northern corner of Drum St. and Jackson St.

Please see the enclosures for further clarification of these height proposals.

I know it may seem presumptuous of me to make such finite suggestions for this project and many of my neighbors who are totally opposed to this project will be upset with me, but I believe this is one of the most visible and critical sites in San Francisco and any development on this parcel should be the best possible and absolutely the state of the art.

[Enclosure] In general I think The Preliminary Design Recommendations & Urban Design Guidelines is a very well conceived document.

But there is one major flaw in the height limits which is included in Guideline 7.1.1 on pgs.23 & 24 “Carefully sculpted”, they should be, but not the way it is stated in 7.1.1!!!!!! As I have included in my original comments in my email to you of 11.05.2009 (I know you probably don’t have time to look them up, but if you do have time please do)

Anyway, I reiterate;

From Washington to Jackson along the Face of The Embarcadero the height should not be 67’ to 70’, but should be kept to The same height as the Pier Heads on the East side of the Boulevard which is about 35 to 38’. This should be the maximum height allowed on this portion of this very important site!!!!

I agree that some leeway should be considered in the height limit on Drum St., and specifically on the Drum and Washington corner obviously would require further discussion and consideration.

I also think that the heights North of Jackson St. to Pacific Ave. along the Embarcadero should be no higher than 15’ and no development should be allowed from Pacific to Broadway.

(Robert J. Geering) [D.1.1]

You are requested to include the Asian Neighborhood Design (AND) Community Vision Plan as an additional alternative in the next revision of the DEIR. A link to this Plan is provided later in these comments. (William Benkavitch) [D.16.4a]

In addition, you are requested to include the AND [Asian Neighborhood Design] Community Vision Plan in the next revision of the DEIR as an alternative. This Plan has community consensus. The SF Planning Department NES referenced in the DEIR and upon which the proposed project is based, does not. The AND Plan balances revenue generating, open space and active recreation uses across all seawall lots, including Seawall Lot 351, and is both financially and politically feasible. (William Benkavitch) [D.16.7]
III. Comments and Responses  
Q. Alternatives to the Proposed Project

I believe the proposed project should be evaluated in conjunction with the comprehensive Asian Neighborhood Design Community Vision Plan, which addresses development of the entire seawall in a manner that is both financially and politically feasible. That Plan also has the benefit of wide community support, unlike the 8 Washington Street Project, which has the support only of the project sponsor, and the enmity of many people and groups in the community. (James Cunningham) [D.17.2]

Additional issue to address … Asian Neighborhood Design (AND) Community Vision Plan. The AND Community Vision Plan must be included in the next revision of the DER as an alternative. This Plan has community consensus. The San Francisco Planning Department NES referenced in the DER and upon which the proposed project is based, does not. The AND Plan balances revenue generating, open space and active recreation uses across all seawall lots, including Seawall Lot 351, and is both financially and politically feasible. (Deborah Smith) [D.22.12]

Finally, I do not believe that these issues can be adequately addressed by modifications of this massive project, nor do I believe that any project alternative would address my concerns. I do believe that the Asian Neighborhood Design is certainly preferable to the currently proposed condo plan and it would seem to me should be considered as an alternative in the DEIR. (Stan G. Roman) [D.30.6]

C. The DEIR is inadequate and incomplete due to its failure to include A Community Vision for San Francisco’s Northeast Waterfront. The DEIR is inadequate and biased in discussing the Planning Department’s Northeast Embarcadero Study (NES), while failing to include an equally detailed discussion of the background and recommendations of the study prepared by Asian Neighborhood Design entitled A Community Vision for San Francisco’s Northeast Waterfront, dated February 2011, which was presented to the Planning Commission on July 7, 2011.

The second sentence in the third paragraph of the Introduction states that the purpose of the Northeast Embarcadero Study (NES) was “to foster consensus on the future of Seawall Lot 351 and at other seawall lot properties on the northern waterfront” and leaves the reader with the impression that it succeeded in this goal by stating how many public workshops were held (five) and “on July 8, 2010, the San Francisco Planning Commission adopted a resolution that it ‘recognizes the design principles and recommendations of the Study’ and urges the Port of San Francisco to consider the recommendations of the NES when considering proposals for new development in this area”.

To be accurate and truthful, the DEIR should mention the level of anger and frustration expressed by the majority of the public that attended these five workshops who felt the Port, who was paying for the NES, was dictating its conclusions in order to facilitate the approval of 8 Washington. For example, when 30-40 people at a workshop opposed the notion advanced by Planning staff that The Embarcadero needed a “hard edge” and that “higher heights” were appropriate for the 8 Washington site and only 6-8 people expressed support for these ideas, the notes from that meeting would later say that opinion was divided on these matters. To its credit, the Planning Department states clearly the final draft of the NES that they failed in their goal of achieving consensus on the future of SWL 351.

The DEIR needs to include this information to provide a more accurate representation of the outcome of the NES process.
People were so incensed by what they had viewed as a transparent attempt to ‘justify’ the 8 Washington project, that they began their own community-based planning process to address the larger issues of reconnecting Chinatown, North Beach, Russian Hill and Telegraph Hill to the Waterfront; healing the wounds left by the ramps to the Embarcadero Freeway by making Broadway, Washington and Clay Streets more pedestrian, bicycle and transit friendly; and fostering consensus on the future of Seawall Lot 351 and at other seawall lot properties on the northern waterfront.

Four community organizations representing thousands of local residents, small businesses and organizations became the primary sponsors of this “Community Vision for the Northeast Waterfront” and they hired Asian Neighborhood Design and myself to assist them in developing it. These organizations included: Friends of Golden Gateway; Golden Gateway Tenants Association; Telegraph Hill Dwellers and Barbary Coast Neighborhood Association.

On July 7, 2010, when the Planning Department staff present the NES to the Planning Commission, the four sponsors of the AND “Community Vision for the Northeast Waterfront” were invited to present a summary of their planning work to date.

The DEIR fails to make any mention of the alternative plan created by these four community groups with AND’s help. It needs to describe this study, how it differs from Planning’s NES and be included in the final EIR so that public officials can see its recommendations for themselves.

The DEIR must describe the reasons why this alternative community planning process was undertaken and include a detailed discussion how the proposed project would or would not conform to each of the recommendations contained in A Community Vision for San Francisco’s Northeast Waterfront?

I am attaching a copy of the AND Study: A Community Vision for San Francisco’s Northeast Waterfront to these comments and ask that it be included in the EIR so that readers and public officials can gauge for themselves if it was more successful in “fostering consensus on the future of Seawall Lot 351 and at other seawall lot properties on the northern waterfront” than the Planning Department’s Northeast Embarcadero Study (NES). (Brad Paul) [D.53.33]

There are numerous other mis-statements and flaws in the DEIR regarding the impacts of this project that contravene the public interest, such as:…

- omission of the AND (Asian Neighborhood Design and Community Vision Plan) in the DEIR as an alternative. We and many of our neighbors have reviewed and had input to this plan, which is a balanced proposal that has community consensus, and is a both financially and politically feasible use of all the seawall lots. (George T. Haymaker, Jr.) [D.56.12]

Additional issue to address … Asian Neighborhood Design (AND) Community Vision Plan.
The AND Community Vision Plan must be included in the next revision of the DER as an alternative. This Plan has community consensus. The SF Planning Department NES referenced in the DER and upon which the proposed project is based, does not. The AND Plan balances revenue generating, open space and active recreation uses across all seawall lots, including Seawall Lot 351, and is both financially and politically feasible. (Mary Pecci) [D.58.12]
Response

Several comments were made about the need to analyze in the Alternatives Chapter of the EIR an alternative consistent with Asian Neighborhood Design’s *Community Vision for San Francisco’s Northeast Waterfront* (hereinafter *Community Vision*). Comments provide some of the history leading up to the creation of the *Community Vision* related to demolition of the Embarcadero Freeway and dissatisfaction with the results of the *Northeast Embarcadero Study*. The *Community Vision* is a community-driven comprehensive plan prepared by a number of neighborhood groups representing the Northeast Waterfront area of San Francisco. The plan was created in February 2011; it has not been formally considered or adopted by the City and County of San Francisco. As described, the area addressed in the *Community Vision* extends from the Ferry Building to North Point Street, from The Embarcadero west to the neighborhoods of Golden Gateway, Chinatown, North Beach and Telegraph Hill. The *Community Vision* is intended to guide the use, character and design of future developments in ways that build towards the document preparer’s vision. The *Community Vision* developed suggestions for: (a) creating better connections between Chinatown, North Beach and The Embarcadero; (b) better utilizing the existing parking capacity; (c) preserving and expanding the neighborhood’s active recreation space, parks and playgrounds; (d) improving pedestrian, bicycle and transit access along major streets; and (e) identifying economically and politically feasible, in the opinion of the documents’ preparers, options for the Port’s seawall lots that would generate community support.

With regard to the project site, the *Community Vision* calls for the preservation of the Gateway Recreation Center on Assessor’s Block 171/Lot 69 and Block 201/Lot 12 to “preserve the Gateway’s recreation center as the community resource[s] it was designed to be.” The *Community Vision* calls for public recreation, bicycle, transit and youth-oriented activities that would complement the existing Gateway Recreation Center uses, including constructing a waterfront bike and transit center on Seawall Lot 351 with active uses, including a restaurant or café. Building heights along The Embarcadero would be limited to 40 feet. The *Community Vision* also provides guidelines for street and sidewalk improvements. Washington Street is prioritized for various streetscape improvements, with interpretive signage, transit shelters, bicycle parking, public art, lighting, seating, and street trees. Drumm Street is proposed to be reduced from four lanes to two, with bicycle lanes and a left turning lane added. The Embarcadero would be transformed into a pedestrian and bi-directional bicycle-friendly promenade. Long-term plans for The Embarcadero call for reduction in the number of automobile lanes along the roadway once new transit infrastructure becomes available.

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4 Asian Neighborhood Design, *A Community Vision for San Francisco’s Northeast Waterfront*, February 2011 (hereinafter *Community Vision*). A copy of this report is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

5 Ibid, p. 3.


7 Ibid, p. 8.
Community Vision summarizes previous parking studies conducted in 2005 and 2006, and concludes there is adequate parking space on weekday evenings and weekends available in the vicinity.\(^8\) Parking management strategies are further proposed with the intent of eliminating the need for new parking garages in the Northeast Waterfront area.

As stated in the response on C&R pp. III.Q.7-III.Q.13, an EIR is required to analyze a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives, and would avoid or substantially lessen one or more of the significant environmental effects of the proposed project. An EIR need not consider every conceivable alternative to a project, but must include a reasonable range of potentially feasible alternatives. The alternatives analyzed in the EIR were developed in part to identify those that could avoid or substantially lessen one or more of the significant impacts identified for the proposed project and that could feasibly attain most of the basic project objectives. An alternative based on the policies presented in the Community Vision would call for the preservation of the existing Gateway Recreation Center uses and development of Seawall Lot 351 with a 40-foot-tall (maximum height) waterfront bike and transit center, with a restaurant or café use. This type of alternative would not further any of the objectives of the project sponsor and would not feasibly further most of the Port’s urban design, land use, and financial objectives for Seawall Lot 351, as presented in its Request for Proposals for SWL 351 Mixed Use Development Opportunity. It would not provide parking to serve the Port’s Ferry Building subarea. The alternatives analyzed in the EIR provide a reasonable range of alternatives, including an alternative that attains most of the basic project objectives and would lessen significant any adverse environmental effects of the proposed project.

LARGER FITNESS CENTER PROJECT VARIANT

Comments

However that is not my main objection. My reason is the loss of the recreational feel that the pool and lawn area have at ground level, especially for families wanting to picnic and just hang out.

The loss of the lawn will be a great shame and the putting of the pools on the second level has to increase the wind and for the children and the elderly, it will be most uncomfortable. (Leah [Liz] Doyle) [D.34.2]

It is ideal that the developer is willing to preserve part of the Golden Gateway Tennis and Swim Club as health and fitness are also paramount to creating a healthy urban community. I like that there will still be a large amount of recreational uses at the site - in both the public and private form. However, it seems like tennis courts would still consume a large proportion of the land, at the sacrifice of the fitness club and swimming pools. The planners should consider an alternative for more swimming facilities and open space that would afford greater utilization of the land by a

\(^8\) Ibid, p. 34.
greater diversity of people than would be afforded by the four tennis courts shown in the plan. 
(Matt Harris) [D.45.2]

Response

Comments calling for a larger fitness center with swimming pools at ground level to replace the four remaining tennis courts describe a configuration that more closely resembles a variation on or refinement of the project rather than a fully developed alternative for analysis. It would not create any new significant environmental impacts nor reduce any impacts of the project as proposed. For this reason, such a variant is not a “CEQA” alternative. Rather, it is another design approach that could be considered by decision-makers and is included as a variant to the proposed project. The new variant, called the Larger Fitness Center Project Variant, is introduced in EIR Chapter II, Project Description, and in a new Chapter VII, devoted to the proposed Larger Fitness Center Project Variant, which is added to the EIR (Chapter VII, Authors and Persons Consulted, is renumbered as Chapter VIII). Decision-makers could consider this design approach based on their conclusions regarding its relative merits from a design perspective.

The discussion in Chapter II and Chapter VII is presented below (new text is underlined). As explained in the Chapter VII discussion, the physical environmental effects of the Larger Fitness Center Project Variant would have environmental impacts and mitigation measures substantially similar to those of the proposed project. The entire environmental analysis of this proposed Larger Fitness Center Project Variant, however, is not solely contained in Chapter VII. Since the proposed Larger Fitness Center Project Variant very closely resembles the proposed project, the analysis of the proposed Larger Fitness Center Project Variant includes the entire analysis of the proposed project in the EIR plus the analysis in new Chapter VII. All of the analysis for the proposed project within the Draft EIR and the Comments and Responses applies to this Larger Fitness Center Project Variant. The supplemental analysis contained in Chapter VII analyzes the differences between the proposed project and the variant. The variant is based on the project as described in the Amended Conditional Use Authorization and Planned Unit Development Application for 8 Washington Street, filed on November 30, 2011. However, to provide a conservative analysis of potential impacts, this project variant analyzes 160 residential units, whereas 145 residential units are described in the Amended Conditional Use Application. The project variant analyzed in this document also assumes a parking garage with up to 420 spaces, whereas the Amended Conditional Use Application describes a parking garage with up to 400 spaces.

Chapter II, Project Description, EIR p. II.7 is revised to add the following sentence before the heading “Proposed Buildings”:

The project sponsor is also considering a project variant that is described beginning on p. II.19.
Chapter II, Project Description, EIR p. II.19 is revised to add the following new discussion of the Project Variant above the heading “Project Construction”:

**PROJECT VARIANT**

The proposed project includes a design approach variation, which is briefly described in this chapter and fully described in Chapter VII, Project Variant. The variant modifies limited features of the proposed project and is analyzed at a project level. It is identified to provide flexibility to decision-makers when deciding whether to approve or disapprove the project, and could be included as part of an approval action.

The Larger Fitness Center Project Variant (see [New] Figure II-11:Larger Fitness Center Project Variant Site Plan) would be comprised of the same uses as the proposed project. The two residential buildings south of Jackson Common would be similar to the proposed project in their lobby, restaurant and retail spaces, and access. However, the project variant would have 160 residential units instead of 165, and the variant may also include a base isolation structural system as part of the foundations for the residential buildings. The proposed parking garage and its entrance on Washington Street would remain the same.

The proposed Jackson Common would remain in the same location as with the proposed project. The proposed Athletic Club Building north of Jackson Common would be larger in size in the project variant (16,350 gsf, compared to 12,800 gsf in the proposed project), but similar in height to the proposed project (two-story building, with an average building height of 25 feet and a maximum building height of 35 feet). The café located within the building would be open to members and the public. It would be about 1,915 gsf, similar in size to the 1,850-gsf-café in the proposed project. (See [New] Figure II-12: Larger Fitness Center Project Variant - The Embarcadero Elevation.) Outdoor private recreation facilities north of Jackson Common would differ from the proposed project: the lap swimming and recreational pools would be at ground level in the variant. Unlike the proposed project, there would not be a pool on the roof of the Athletic Club Building; instead, a green rooftop comprised of living plants is proposed. The four tennis courts proposed as part of the project would not be included in this variant.

The park restaurant building in the northern area of the project site would remain in the variant. Pacific Avenue Park would also have a children’s interpretive sculpture garden with an interactive water feature.

New Chapter VII, Project Variant, will be added to the EIR after Chapter VI, Alternatives to the Proposed Project. The existing Chapter VII, Authors and Persons Consulted, will become Chapter VIII. New Chapter VII is presented below on pp. III.Q.27-III.Q.34.
VII. PROJECT VARIANT

This chapter discusses a variation on the proposed project’s design approach that is being considered by the project sponsor. This variant, called the Larger Fitness Center Project Variant, modifies limited features or aspects of the proposed project, unlike the alternatives to the proposed project analyzed in Chapter VI, Alternatives, which provide a different approach to development of the project site. Therefore, this variant is the same as the proposed project except for the specific variations described. The project variant would be available for selection by the project sponsor and decision-makers. If selected, the decision-makers would authorize construction of the proposed project with the recreational and other facilities designed as proposed in the variant instead of the recreational and other facilities designed as included in the proposed project.

The analysis of the proposed project variant includes the analysis in Chapter IV, Environmental Setting and Impacts, and in the Comments and Responses chapter. This chapter describes the project variant and also analyzes how that variant’s impacts could differ from those of the proposed project as identified in Chapter IV and in the Comments and Responses.

A. DESCRIPTION OF THE LARGER FITNESS CENTER PROJECT VARIANT

As described in Chapter II, Project Description, beginning on p. II.19, the Larger Fitness Center Project Variant would be comprised of the same uses as the proposed project, with a few modifications, as shown in Figure II-11: Larger Fitness Center Project Variant Site Plan, p. II.19b (C&R p. III.Q.25). The Athletic Club Building would be larger in size in this variant (16,350 gsf, compared to 12,800 gsf in the proposed project), but similar in height to the proposed project (two stories, with an average building height of 25 feet and a maximum building height of 35 feet. See Figure II-12: Larger Fitness Center Project Variant – The Embarcadero Elevation, p. II.19c (C&R p. III.Q.26)). The café located within the Athletic Club Building, accessed from Jackson Common, would be open to members and the public. It would be about 1,915 gsf, similar in size to the 1,850-gsf café in the proposed project. Unlike the proposed project, the recreational swimming and lap pools would not be on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. The pools would be at ground level. The tennis courts proposed as part of the project would not be included in this variant.

The total restaurant/retail space, including the café, would be reduced from 29,100 gsf to 19,800 gsf in this variant, and the space is assumed for purposes of analysis to be predominantly restaurant space. There would be 160 residential units in the variant, five fewer than in the proposed project.

The variant also includes a base isolation structural system as part of the building foundation, which the project sponsor is considering, for the proposed East Building and West Building. This would involve 3 to 5 feet of additional excavation depth for the residential buildings south of the proposed Jackson Common, construction of a slab diaphragm to support the isolators, and slightly different detailing of the joints at ground level along the property line. The exterior building design and square footages would not change as a result of this structural system.
In addition to the re-landscaping proposed by the project for the Pacific Avenue Park at the northern end of the site, in the variant the park would include a children’s interpretive sculpture garden with an interactive water feature to serve the children of visitors to the waterfront and from nearby areas.

The amount of parking proposed in the variant would remain at 420 spaces, with 160 spaces allocated to the proposed 160 residential units, and 260 public spaces allocated to serve the proposed commercial uses and the requirements of the Port.

**B. IMPACT EVALUATION**

Physical environmental effects related to population and housing, utilities and service systems, public services, geology and soils, hazards and hazardous resources, mineral and energy resources, agricultural and forest resources, land use, aesthetics, historic architectural resources, noise, effects on pedestrian-level winds, sea level rise, hydrology, and biological resources would be substantially the same as those described under the proposed project. All mitigation measures described for these topics under the proposed project would be applicable for this project variant.

The variant would include different private and publicly accessible recreational facilities than those described for the proposed project, and could include a base isolation structural system as part of the building foundation. Therefore, the topics of plans and policies, archaeological and historical resources, transportation and circulation, construction impacts, air quality, greenhouse gas emissions, shadow, and recreation are discussed at greater length below.

**PLANS AND POLICIES**

Regarding the public trust land, the Larger Fitness Center Project Variant would similarly exchange land with the public trust in the same manner as the proposed project, as described in Chapter III, Plans and Policies, B. State Lands and Policies, subsection “Tidelands Trust and State Lands Commission,” in pp. III.10-III.11. The project sponsor proposes under the variant to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue) with the portion of SWL 351 that would be occupied by residential and health club development. The property that would be transferred into the public trust would become new publicly accessible open space (Jackson Common, Pacific Avenue Park, Drumm/Jackson Corner, and areas of expanded sidewalk along The Embarcadero). (See [New] Figure VII-1: Public Trust Diagram for Variant.) Although configuration of the land exchange would be slightly different than with the proposed project, the analysis and conclusions presented in Chapter III, Plans and Policies, pp. III.10-III.11, and Comments and Responses Section III.B, Project Description, with respect to the Tidelands Trust and State Lands Commission, would be the same for the project variant.

**ARCHAEOLOGICAL RESOURCES**

With a base isolation structural system for the variant, excavation for the foundations of the residential buildings would be 3 to 5 feet deeper than in the proposed project. The analysis that was performed on the proposed project’s foundations was reconsidered by the archeologist.
NEW OPEN SPACE ADDED TO TRUST, NOT INCLUDED IN EXCHANGE CALCULATION

EXISTING OPEN SPACE

RETAIL, RESTAURANTS & CAFES

PUBLIC USE LAND

PACIFIC PARK, CAFE, AND EMBARCADERO EXPANSION

JACKSON COMMON

TOTAL

PORTION OF SEAWALL LOT REMOVED FROM TRUST

TOTAL

SURPLUS

DRUMM ST GARDEN WALK

(ADDED TO TRUST LAND, NOT INCLUDED IN CALCULATION)

SEAWALL LOT 351

SOURCE: San Francisco Waterfront Partners

8 WASHINGTON STREET / SEAWALL LOT 351

(NEW) FIGURE VII-1: PUBLIC TRUST DIAGRAM FOR VARIANT

III.Q.29
who researched and drafted the Archeological Research Design / Treatment Plan for the 8 Washington Street Project. The results of that study are discussed in Section IV.C, Archeological Resources. The archeologist determined that an additional 3 to 5 feet of excavation would not pose any additional risk to CEQA-significant cultural resources located within the proposed project area because cultural resources within the site area would be located at a shallower depth than the 38-40 feet of excavation proposed for the proposed project as identified in the EIR. Thus the impact of the variant would remain less than significant with the mitigation measures set forth in Mitigation Measure M-CP-1a: Archaeological Testing, Monitoring and Data Recovery and Reporting (p. IV.C.15), Mitigation Measure M-CP-1b: Interpretation (p. IV.C.19), and Mitigation Measure M-CP-6: Accidental Discovery (p. IV.C.23). Therefore, the analysis, conclusions, and mitigation measures presented in Section IV.C, Archeological Resources, would be substantially similar for the project variant.

TRANSPORTATION AND CIRCULATION AND CONSTRUCTION IMPACTS

Compared to the proposed project, the Larger Fitness Center Project Variant would generate approximately 2 fewer vehicular trips (1 percent less) to and from the site during the peak hour. It would generate about 127 fewer daily vehicle trips. This decrease would be considered to be within the daily variation of traffic and would not modify the intersection levels of service results or conclusions presented for the project in Section IV.D, Transportation and Circulation. The variant would have a peak parking demand that would be lower than the proposed project by about 8 spaces in the evening and 11 spaces at midday. The maximum parking demand generated by the variant, including existing demand, would be below the 420 spaces to be provided on-site, and thus would not modify or change the parking impacts analysis and conclusions presented in the EIR.

With the base isolation structural system, excavation for foundations would be slightly deeper, resulting in additional haul truck trips to remove more soil from the project site during construction. The additional 1,100 to 1,230 truck loads (2,200 to 2,460 one-way trips) would not be expected to increase the total number of truck trips per day generated during the excavation phase, but could extend the amount of time needed to complete excavation by an additional two to four weeks. There would be about 100 fewer piles in the foundation; therefore, pile driving would take less time, offsetting the additional time needed for excavation, and reducing the number of truck trips for delivery of construction materials to the project site. The overall length of the construction period would not change. Since the number of truck trips during

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9 A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.
10 Allen G. Pastron Ph.D, Archeo-Tec Consulting Archeologists, Letter re: Relationship between an Increase in the Maximum Depth of Excavation and Possible Impacts to Subsurface Cultural Resources that may exist within the 8 Washington Street Project, November 29, 2010. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.
11 Memorandum from Adavant Consulting on Larger Fitness Center Variant, December 5, 2011. A copy of this document is on file as part of Case No. 2007.003E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
12 Mark Sarkasian, PE, SE, LEED, SOM Letter to Simon Snellgrove re: 8 Washington Seismic Isolation, November 28, 2011. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.
construction (200 one-way daily truck trips) would be lower than the total number of vehicle trips generated by the proposed project (655 vehicle trips), and since construction traffic would peak at an earlier time in the day compared to the overall peak traffic hour, the traffic impact of construction traffic would be smaller than the impact of the proposed project when implemented. The impacts of construction traffic would remain as described for the proposed project in Impact TR-8 and as discussed under subheading “Project Construction/America’s Cup Host and Venue Agreement,” in the Comments and Responses chapter, Section B, Project Description, C&R pp. III.B.34-III.B.58. Therefore, the analysis, conclusions, and mitigation measures presented in Section IV.D, Transportation and Circulation, would be substantially similar for the project variant.

AIR QUALITY

The approximately 15 percent increase in the number of truck trips generated during construction for the additional excavation with this variant would result in an increase in the amount of criteria pollutants emitted compared to the proposed project; however, this change would not cause emissions to exceed the BAAQMD thresholds, and no new significant impact would occur. The construction health risk assessment analysis presented for the proposed project would not change substantially with the additional construction-related haul truck trips for the variant, because emissions from the haul trucks represent a small fraction of the total on-site diesel particulate emissions during construction. The health risk impacts during construction would be significant and unavoidable, as for the proposed project, and no mitigation measures are available to reduce those emissions by 3-fold, the amount required to reduce emissions to levels below those identified in the BAAQMD CEQA Guidelines as assuring a less-than-significant impact.

The larger fitness center would generate more vehicle trips than the fitness center in the proposed project. This increase would be more than offset by a reduction in vehicle trips generated by fewer residential units and less restaurant and retail space. With approximately 127 fewer daily vehicle trips, air pollutant emissions, including toxic air contaminants from operation of the variant, would be similar to or less than those identified for the proposed project in Impacts AQ-1 through AQ-11. Two of the significant impacts identified for the proposed project (related to exposing project residents to substantial levels of PM$_{2.5}$ and other TACs) are not dependent upon the number of new residents at the site. The fourth finding of significant impact (construction activities contributing to cumulatively significant levels of PM$_{2.5}$ and TACs) would apply equally to the proposed project and the project variant. Hence, significant impacts identified for the proposed project would not be reduced to less-than-significant levels with the variant, and conclusions in Section IV.E, Air Quality, remain applicable to the variant.

GREENHOUSE GAS EMISSIONS

The variant would not change the features of the proposed project that support the Planning Department’s determination of consistency with San Francisco’s Strategies to Address

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13 The emissions of nitrogen oxides (NOx) would be closest to the BAAQMD threshold of 54 pounds per day, at 42.93 pounds per day for the proposed project, presented in Revised Table IV.E-4. A 15 percent increase in the total NOx emissions for project construction, divided by the number of work days, would be about 50 pounds per day, well below the 54 pounds-per-day threshold. The other criteria pollutant emissions would be substantially less than NOx and therefore also would not exceed BAAQMD thresholds.
Greenhouse Gas Emissions, as discussed in Section IV.E, Greenhouse Gases. That is, the variant would still be required to comply with various City ordinances and regulations that reduce GHG emissions for new buildings; would provide the same GHG-reducing features such as increased bicycle parking, programs to encourage employees to use transit, and provision of renewable energy on site; and would comply with energy efficiency requirements, reduced water consumption requirements, and street tree planting requirements. Therefore, the analysis and conclusions presented in Section IV.E, Greenhouse Gases Emissions, for the proposed project would be substantially similar for the project variant.

SHADOW

During the spring, summer, and autumn, the project variant would shadow the ground-level swimming pools of the variant in the early morning. The shadows would begin at sunrise and recede as the day progresses, moving off the swimming pools around 9:00AM. Shadows from existing buildings would begin to reach the swimming pools around 3:00PM and would remain until the end of the day. Overall, the swimming pools would be sunny for about 6 hours each day (from 9:00AM until 3:00PM). Compared to the rooftop swimming pools associated with the proposed project, which would be sunny throughout the day, the ground-level swimming pools associated with the project variant would receive about 4 to 6 fewer hours of sunlight each day.

During the winter, the project variant would shadow the ground-level swimming pools of the variant from sunrise until noon. Shadows from existing buildings would begin to reach the swimming pools shortly after noon and remain until the end of the day. Overall, the swimming pools would be sunny for less than 1 hour each day. Compared to the rooftop swimming pools associated with the proposed project, which would be shadowed throughout the day, the ground-level swimming pools associated with the project variant would be similarly shadowed each day.

RECREATION

As shown in Table VII-1: Existing, Proposed, and Variant On-Site Recreation Resources and Publicly Accessible Project Open Space, below, the Larger Fitness Center Project Variant would provide private recreational space for members of the Athletic Club and publicly accessible open space for the use of the general public. Club members would have access to swimming pools for lap swimming and recreation, and a jacuzzi. In the variant, these pools would be on the ground level instead of on the roof of the fitness center as in the proposed project. The variant would not have tennis courts, tennis memberships, or a half-basketball court. The variant would have a larger fitness center (16,350 sq. ft., compared to 12,800 sq. ft. in the proposed project, and the existing 7,355 sq. ft. fitness center in the Davis Building). The larger fitness center would be able to accommodate more fitness club members.
### Table VII-1: Existing, Proposed, and Variant On-Site Recreation Resources and Publicly Accessible Project Open Space

<table>
<thead>
<tr>
<th>Resource</th>
<th>Existing</th>
<th>Proposed</th>
<th>Variant</th>
</tr>
</thead>
<tbody>
<tr>
<td>GGTSC</td>
<td>2 pools at ground level and jacuzzi (25- by 55-foot recreational pool, 36- by 75-foot lap pool)</td>
<td>2 rooftop pools and jacuzzi (30- by 46-foot recreational pool, 49- by 75-foot lap pool)</td>
<td>2 ground-level pools and Jacuzzi (recreational and lap pools)</td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>9 outdoor lighted courts (59,400 sq. ft.)</td>
<td>4 outdoor lighted courts (27,000 sq. ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>Off-site in William Heath Davis Building (7,355 sq. ft.)</td>
<td>On-site new center (12,800 sq. ft.)</td>
<td>On-site new center (16,350 sq. ft.)</td>
</tr>
<tr>
<td>Fitness Center Bldg</td>
<td>None</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Basketball</td>
<td>1 outdoor half-court</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Publicly Accessible Open Space</td>
<td>Pacific Avenue Mall Eastern Terminus* (5,650 sq. ft.)</td>
<td>Pacific Avenue Park, re-landscaped and expanded (11,500 sq. ft.)</td>
<td>Pacific Avenue Park re-landscaped and expanded (11,840 sq. ft.) with children’s interpretive sculpture garden and water feature</td>
</tr>
<tr>
<td>Block 168, Lot 58</td>
<td>None</td>
<td>9,500 sq. ft.</td>
<td>10,450 sq. ft.</td>
</tr>
<tr>
<td>Jackson Common</td>
<td>None</td>
<td>Existing</td>
<td>Widened by 2,890 sq. ft.</td>
</tr>
<tr>
<td>Drumm Street Walkway</td>
<td>Existing</td>
<td>Widened by 2,800 sq. ft.</td>
<td></td>
</tr>
</tbody>
</table>

* Two triangular areas on this parcel are outside of the fence enclosing the northernmost tennis court, and are adjacent to the walkway and public utilities easement west of the project site. These areas are planted with trees and lawn.

**Source:** Turnstone Consulting

The project variant would provide more publicly accessible open space when compared to either the existing conditions or the proposed project. Both the Pacific Avenue Park and the Jackson Common would be slightly larger in the variant compared to the proposed project. The variant would also have a children’s interpretive sculpture garden with an interactive water feature in Pacific Avenue Park, which would provide interest for children visiting the waterfront and from nearby. The proposed project does not include any publicly accessible open space features specifically serving children.

Although the proposed tennis courts would be eliminated, impacts on recreation would remain less than significant. Under the proposed project and the variant, a children’s camp would continue to be provided. The proposed variant would affect the existing children’s camp at the GGTSC, which currently offers tennis as one of its activities. The additional space provided by the variant would permit other activities, but tennis would no longer be offered. The pools would also be at ground level. These changes to camp activities would not result in a significant impact under CEQA.

With the project variant, there would be no tennis courts provided at the project site and tennis players would need to play on courts at other locations throughout the City. The EIR
III. Comments and Responses

Q. Alternatives to the Proposed Project

acknowledges that, with respect to the proposed project in the Draft EIR (which includes four tennis courts) existing tennis players at the GGTSC would experience a reduction of a recreational resource on the site, and some tennis players would be forced to find other courts elsewhere in the City. While not as convenient or desirable as tennis courts at the project site, the reduction or loss of tennis courts at the project site was not found to result in a significant recreational impact. The project variant (with no tennis courts) would increase that impact, relative to the project proposed in the Draft EIR, but would not meet the CEQA standard for significant recreation impact, as described more fully in EIR Chapter IV, Section H, Recreation Impacts, and in Comments and Responses Section III.M, Recreation.

Section IV.H, Recreation, addresses the supply of public and private tennis courts both in San Francisco as well as in the service area. The recommended supply of tennis courts is 1 court for every 5,000 residents. The current ratio is 1 court for each 3,537 residents (810,000 residents / 215 tennis courts, 168 public and 61 private). With the proposed project and its removal of five existing tennis courts at the Golden Gateway Tennis and Swim Club, the ratio would increase to 1 court for every 3,616 residents. With the variant and its four fewer courts than the proposed project, the ratio would increase to 1 court for every 3,682 residents. The number of residents per tennis court would remain lower than the recommended standard of 1 court for every 5,000 residents. The analysis and conclusions presented in Section IV.H, Recreation, would be similar for the project variant.

[END OF NEW TEXT]

Other chapters of the EIR are revised as well to include a discussion of the new variant. Presented below are these text changes to the EIR Introduction chapter; to Chapter I, Summary; and to Chapter IV, Environmental Setting and Impacts.

In the Introduction chapter, the following text change is made to the paragraph under the heading “A. The Proposed Project,” on p. Intro.2:

A. THE PROPOSED PROJECT

On July 27, 2010, an EE application for a revised project proposal (the proposed project) was submitted. (To distinguish the earlier version of the project as originally filed on January 3, 2007, from the project as currently proposed, the earlier version of the project is called “the initial project proposal.”) The proposed project is intended to respond to urban design recommendations of the Northeast Embarcadero Study. The proposed project calls for demolition of the existing health club facility and the existing surface parking lot on Seawall Lot 351, and construction of two residential buildings south of the Jackson Street alignment: one along The Embarcadero (four to six stories) and the other along Drumm Street (8 to 12 stories). The buildings would be connected at their ground floor. Together, the buildings would contain about 165 residential units, 420 underground parking spaces for residents and the public, and ground-floor retail and restaurant space. North of the building, a new publicly accessible open space would be constructed to align with Jackson Street. North of this open space, a new, one-story, fitness center building, two swimming pools, and four tennis courts would be constructed. The northern end of the site would contain a one-story restaurant building and a publicly accessible open space. The project sponsor is also considering a Larger...
Fitness Center Project Variant that provides a larger Athletic Club Building (16,350 gsf, compared to 12,800 gsf in the proposed project). Unlike the proposed project, there would not be a lap pool on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. The recreational swimming and lap pools would be at ground level. The four tennis courts proposed as part of the project would not be included in this variant. The total restaurant/retail space would be reduced in the variant. The variant would have 160 instead of 165 residential units, and the variant may also include a base isolation structural system as part of the building foundation. The proposed project and project variant are described in greater detail in Chapter II, Project Description, of this Environmental Impact Report (EIR).

In the Introduction chapter, the following text change is made to the second full paragraph p. Intro.7:

Chapter II, Project Description, presents details about the proposed project and project variant and the approvals required for implementation. The Project Description chapter also identifies the project sponsor and project objectives.

In Chapter I, Summary, new text is added to the first and second paragraphs on p. I.1 as follows:

The proposed project calls for demolition of the existing health club facility and the existing surface parking lot on Seawall Lot 351, and construction of two residential buildings south of the Jackson Street alignment: one along The Embarcadero (four to six stories) and the other along Drumm Street (8 to 12 stories). The buildings would be connected at their ground floor. Together, the buildings would contain about 165 residential units, 420 underground parking spaces for residents and the public, and ground-floor retail and restaurant space. North of the buildings, a new publicly accessible open space would be constructed to align with Jackson Street. North of this open space, a new, one-story, fitness center building, two rooftop swimming pools, and four tennis courts would be constructed. The northern end of the site would contain a one-story restaurant building and a landscaped publicly accessible open space. The project sponsor is also considering a Larger Fitness Center Project Variant that provides a larger Athletic Club Building (16,350 gsf, compared to 12,800 gsf in the proposed project), and ground-level swimming pools and no tennis courts. Unlike the proposed project, the lap pool would not be on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. There would be 160 residential units in the variant, five fewer than in the proposed project, and the project variant may include a base isolation structural system as part of the building foundation. The publicly accessible open space would include a children’s interpretive sculpture garden with an interactive water feature.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table I-1 summarizes the impacts of the proposed project identified in this EIR and, where applicable, the associated mitigation measures identified in the EIR. Impacts and Mitigation Measures would be the same for the project variant as they are for the proposed project.
In Chapter IV, Environmental Setting and Impacts, the first paragraph on p. IV.A.1 is revised and a new paragraph is added after it, as follows:

The NOP/Initial Study found that the initial project proposal could have a significant impact with respect to the following environmental topics: aesthetics, cultural resources (archaeological resources), transportation and circulation, air quality, and shadow. The proposed project is substantially similar to the initial project proposal and thus the conclusions of the NOP/Initial Study likewise apply to the proposed project. This chapter assesses the project’s impacts under these topics. In addition, this chapter includes sections on land use for informational purposes, on recreation in response to comments submitted on the NOP/Initial Study, and on greenhouse gases, sea level rise, and biological resources. In each of these environmental sections, existing conditions are described first, under the heading Setting. These existing conditions serve as the baseline for the analysis of potential environmental impacts from the proposed project under the heading Impacts. Cumulative impacts from the proposed project are analyzed for each environmental topic. Mitigation measures are identified to avoid, eliminate, or reduce significant adverse impacts of the proposed project. Where called for, improvement measures are also identified to reduce the proposed project’s effects of impacts that would be less than significant.

Since the project variant closely resembles the proposed project, all of the analysis, impacts, mitigations, improvement measures, and conclusions within the NOP/Initial Study, the EIR, and the Comments and Responses applies to this Larger Fitness Center Project Variant. Chapter VII, Project Variant, provides supplemental analysis of the few differences between the proposed project and the Larger Fitness Center Project variant.
R. ADEQUACY OF THE EIR

ADEQUACY OF ANALYSIS IN THE EIR

Comments

But having read through the EIR, I do believe that it is largely adequate, accurate, and objective. (Alee Bash) [TR.12.1]

And, of course, there were questions about the adequacy of the traffic analysis. And, you know, that's always something to look at. (Commissioner Michael Antonini, San Francisco Planning Commission) [TR.34.2]

California Walks, a statewide advocacy and training non-profit corporation maintains that the transportation element of the draft EIR for 8 Washington St. is inadequate and unresponsive. (Bob Planthold, California Walks) [C.2.1]

Just from this small sample of claims and plans in the transportation section of the draft EIR, it is not reliable and not fully and properly responsive. So, if one expands this logical analysis of incompleteness to other sections of the transportation section, it seems clear this draft EIR needs to be re-worked. (Bob Planthold, California Walks) [C.2.3]

1. I urge the Planning Commission to strongly consider keeping the existing recreational usage and open space of the Golden Gate Tennis and Swim Club and to reject the proposed destruction of this excellent facility. The many issues of Parking, Pedestrian Safety, Housing and both physical and esthetic damage that would be caused should this luxury condo development and parking project be approved, have not been adequately addressed by the draft EIR. (Sol Silver) [D.21.1]

Does the author ever try to get on a bus with a hip whose implant has gone sour? Does the author ever exercise, does he/she live in this city? (Timothy F. Geraci, D.D.S) [D.51.6b]

EOP holds a long-term lease from the City and County of San Francisco (City) on the San Francisco Ferry Building and is the licensee from the City for the term of that lease of Seawall Lot 351 for parking to serve the Ferry Building. Accordingly, EOP has a strong interest in ensuring that development of the area surrounding the Ferry Building occurs in a manner that accounts for existing and reasonably foreseeable uses. The first step is any such development is adequate review under the California Environmental Quality Act (CEQA). Unfortunately, after a close review of the DEIR, it is clear that the Project as designed, and the City’s environmental review of the Project in the DEIR, is flawed. The DEIR fails to describe essential facts necessary to establish the setting of the Project, it fails to provide a factual basis for critical conclusions contained in the DEIR, it relies on inaccurate and outdated data, and it understates substantially the potential impacts of the Project.

At this time, EOP does not take a position on the Project itself. The deficiencies of the DEIR are such that no sensible conclusions properly may be drawn from that document. Indeed, pursuant to CEQA, before it may proceed, the City must correct the many material deficiencies in the DEIR. Because such deficiencies are so substantial, the City must recirculate the corrected document as a new draft environmental impact report, so that the public, will have the meaningful opportunity to review the Project’s potential environmental impacts as CEQA requires.
III. Comments and Responses

R. Adequacy of the EIR

[Footnote 1:] The City acts administratively through subdivisions of the City, such as the Port of San Francisco, the Department of Parking and Traffic and the Recreation and Park Department. All such actions are, of course, actions of the City. Accordingly, although these comments sometimes refer to the various departments of the City, those references all are to the City and County of San Francisco. (Zane O. Gresham, Morrison Foerster) [D.52.1]

An EIR must be recirculated when significant new information is added, including “changes in the project or environmental setting as well as additional data or other information.” CEQA Guidelines § 15088.5(a). The additional data and information we have provided in this letter, and the additional data and information that the City must provide to correct the deficiencies in the DEIR, is significant. The new information could show that new significant environmental impacts would result from the Project or that the severity of the identified environmental impacts would be substantially increased unless mitigation measures are adopted. These are all grounds for recirculation. See CEQA Guidelines § 15088.5(a)(1),(2).

Recirculation of a Substantially Revised Draft Environmental Impact Report Is Required

The DEIR for the Project is so flawed that it can only be brought into compliance with CEQA if the document is substantially revised and recirculated for a new period of public review and comment. (Zane O. Gresham, Morrison Foerster) [D.52.24a]

EOP looks forward to an opportunity to review a substantially revised and recirculated draft environmental impact report. The Project as proposed would violate EOP’s rights under the Parking Agreement and it would further harm the Ferry Building merchants and farmers who make the Ferry Building what it is today. (Zane O. Gresham, Morrison Foerster) [D.52.24b]

Response

Several comments suggest that the EIR does not thoroughly or adequately address environmental analysis, including, but not limited to, the topics of Transportation and Circulation, Recreation, and Aesthetics. EIR adequacy is defined in CEQA Guidelines Section 15151, Standards for Adequacy of an EIR, which states:

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Specific comments regarding the adequacy or inadequacy of the environmental analysis are addressed in this Comments and Responses document by environmental topic. Responses to comments on transportation and circulation are presented in Section III.G, Transportation, on C&R pp. III.G.1-III.G.58. Responses to comments on recreation are presented in Section III.M, Recreation, on C&R pp. III.M.1-III.M.58. Responses to comments on aesthetics are presented in Section III.E, Aesthetics, C&R pp. III.E.1-III.E.33. The San Francisco Planning Commission
will consider the adequacy and accuracy of the Draft EIR, based on the administrative record as a whole (including all comments submitted on the Draft EIR and responses to them) at the EIR certification hearing.

Comments state that the EIR relies on inaccurate and outdated data and fails to provide a factual basis for critical conclusions contained in the EIR, and that the Draft EIR should be recirculated. However, the comments do not specially identify any inaccuracies or make reference to any specific topic, study, or outdated information cited or referenced in the document. The rules governing recirculation of a Draft EIR are well established. Under these rules, new information regarding a project or its environmental impacts requires recirculation of a Draft EIR in some instances, and not in others. The Courts have held that recirculation of a Draft EIR is intended to be the exception, rather than the rule. ([Laurel Heights Improvement Association v. Regents of the University of California](http://example.com) (1993) 6 Cal 4th 1112, 1132; [CEQA Guidelines § 15088.5(b).]) In keeping with this general rule, the State [CEQA Guidelines](http://example.com) identify the specific circumstances in which an agency should recirculate a Draft EIR for a second round of public review and comment ([CEQA Guidelines § 15088(a)).](http://example.com) Absent those circumstances, an agency is not required to recirculate a Draft EIR. An agency’s decision not to recirculate a Draft EIR will be upheld if that decision is supported by substantial evidence ([CEQA Guidelines § 15088.5(e)).](http://example.com)

The inclusion of new information in a Final EIR does not automatically require recirculation of the Draft EIR. The CEQA process is premised on the idea that the Final EIR will, by definition, include new information ([CEQA Guidelines § 15132](http://example.com) [Final EIR includes Draft EIR or revision of the draft, comments on Draft EIR, responses to comments, and any other information added by the lead agency]; accord [Laurel Heights Improvement Association v. Regents of the University of California](http://example.com), supra, 6 Cal 4th at p. 1128).

Under [CEQA Guidelines](http://example.com) Section 15088.5, a “lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification” (emphasis added; see also CEQA § 21092.1). “New information” within the meaning of this section may consist of information regarding changes in the project, changes in the setting, or new data ([CEQA Guidelines § 15088.5(a)).](http://example.com)

Not all new information triggers the obligation to recirculate the Draft EIR. Rather, the information must be “significant,” such that the “EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.” ([Laurel Heights Improvement Association v. Regents of the University of California](http://example.com), supra, 6 Cal 4th at p. 1129.)
III. Comments and Responses
R. Adequacy of the EIR

The CEQA Guidelines section 15088.5(a) provides the following guidance regarding what constitutes “significant new information”:

“Significant new information” requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.

(4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

It is correct that changes have occurred after the City circulated the Draft EIR. None of these changes, however, gives rise to “significant new information.” Nor do they represent fundamental changes to the project description or objectives. New information is “significant” only when that information implicates a new or substantially more severe environmental impact. (See CEQA Guidelines § 15088.5(a) (1) & (2) [recirculation may be required with the addition of a new impact or increase in the severity of previously identified impact, when the impacts cannot be mitigated].) No new or substantially more severe environmental impact has been identified, nor has any new feasible project alternative or mitigation measure been identified that would lessen significant environmental impacts of the project. In addition, as described throughout the EIR topic sections, including Section IV.B, Aesthetics, pp. IV.B.15-IV.B.22, IV.H, Section Recreation, pp. IV.H.8-IV.H.15, and Section IV.D, Transportation and Circulation, pp. IV.D.19-IV.D.37, the EIR adequately provides supporting evidence and explanation of the methodology used to accurately analyze impacts and to support its conclusions. Therefore, recirculation of the Draft EIR is not required.

COMPLETENESS OF EIR CONTENTS

Comments

The DEIR comments on area recreation facilities are sophisms and flawed. Did the author ever visit these sites, inspect them? (Timothy F. Geraci, D.D.S.) [D.51.6a]

3. It is telling that the Authors and Persons Consulted includes the Port as “Property Owner, Seawall Lot 351,” but EOP was not consulted as the long-term licensee with exclusive control of the property. See DEIR at VII.3. EOP must be consulted when the DEIR is revised and recirculated. (Zane O. Gresham, Morrison Foerster) [D.52.6]
13. We also note that the transportation and parking analysis in the DEIR is merely a summary of the “8 Washington St./SWL 351 Transportation Study Final Report” prepared by Adavant Consulting on May 25, 2011, but the study itself is not included in the DEIR. See DEIR at IV.D.1 n. 1. The Adavant study is not a general background document; it “contribute[s] directly to the analysis of the problem at hand” and thus is not appropriate for incorporation by reference. See CEQA Guidelines § 15150(f). Because an EIR is an informational document, the Adavant study must be included in the DEIR as an appendix so the public can have a meaningful opportunity to review the analysis underlying the DEIR’s conclusions. Since it was not so included, the DEIR as circulated was incomplete under CEQA.

[Footnote 4:] Throughout the Transportation section, the DEIR also cites to a May 2011 Wilbur Smith Associates source, a December 2010 Adavant Consulting source, an April 2010 Adavant Consulting source, an April 2010 Wilbur Smith Associates source, an August 2008 Adavant Consulting source, and an October 2007 Wilbur Smith Associates source. These sources also must be provided in an appendix or at least described in sufficient detail so that the reader may undertake a meaningful review and understand how they are related to the analysis and conclusions in the DEIR. (Zane O. Gresham, Morrison Foerster) [D.52.16]

Response

The comments state that Chapter VII, Authors and Persons Consulted, does not list Equity Offices Properties, a long-term licensee of Seawall Lot 351, as being consulted. Equity Offices Properties was not consulted in the preparation of the EIR. Therefore, Chapter VII is accurate in not listing it. As discussed in the C&R pp. III.T.6-III.T.7, the San Francisco Planning Department has complied with all notice and disclosure requirements of CEQA. Please see the response under “Ferry Building Parking,” in Section III.B, Project Description, on C&R pp. III.B.4-III.B.9, for a discussion of the Equity Offices Properties’ license with the Port of San Francisco, as it pertains to Seawall Lot 351. The City had no obligation to consult with Equity Offices Properties. The City maintains that regardless of a difference of legal opinion over the terms of an existing agreement, the EIR presents an accurate and complete accounting of the existing physical setting and potential environmental impacts regarding the existing parking use of Seawall Lot 251 and the proposed project changes to that existing setting.

The comments state that the various integral transportation-related background documents, which were used for analysis and cited throughout EIR Section IV.D, Transportation and Circulation, should be included as an appendix in the EIR. The San Francisco Planning Department does not typically include Transportation Impact Studies or background transportation memos as an appendix to an EIR, due to the volume and technical nature of those types of documents. Analysis presented in the 8 Washington Project EIR is based on Adavant Consulting’s 8 Washington St./SWL 351 Transportation Study Final Report, May 25, 2011. The Transportation Study Final Report also cites to various background files and supporting materials; which are included as appendices to that study. As stated on EIR p. IV.D.1, a copy of this report was on file and available for public review during the public comment period as part of Case No. 2007.0030E. This study and other technical studies cited in the EIR continue to be available to any member of the public or interested party for review at the Planning Department, 1650
Mission Street, Suite 400. All supporting background materials are also included as part of the project’s administrative record and are available for review. This is standard practice in the preparation of CEQA documents.

As described in the response beginning on C&R p. III.G.42, the conclusions of the parking analysis have been reconfirmed with current parking counts. Please see the responses in “Parking,” in Section III.G, Transportation, beginning on C&R p. III.G.42, for a discussion of the parking analysis.

OBJECTIVITY, LEGIBILITY AND COMPLETENESS OF EIR

Comments

And I say the very fact that the planning department has done an EIR is grossly slanted towards the City. This should be done by an independent agency. I’ve said that more than once. (Ernestine Waters Weiss) [TR.4.9]

And two words come to mind when I read the draft EIR: Incomplete and inadequate. (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.1]

As Chair, Friends of Golden Gateway (FOGG) representing over 2700 supporters, I find the above DEIR to be fatally flawed. It contains many misrepresentations of fact, omissions and does not deserve to be considered for approval by the Planning Commission...

The consultants who prepared the DEIR did not seem to understand or cared to ignore the needs and concerns of the local community and the neighborhood that would be most directly impacted by this study. (Lee Radner, Friends of Golden Gateway) [C.5.1]

As set forth below, the 8 Washington Street/Seawall Lot 351 DEIR is incomplete and inadequate, fails to present objective information and analysis, and is filled with judgments and conclusions not based on facts. Our comments correspond to the section headings in the DEIR. (Jon Golinger, Telegraph Hill Dwellers) [C.10.1]

For all the reasons stated in this letter, we believe this DEIR is seriously incomplete and inadequate to address the potentially significant impacts of this precedent-setting project. We urge you to revise the document and re-circulate it in draft form. (Jon Golinger, Telegraph Hill Dwellers) [C.10.63]

What I found most disturbing is the overall theme of the DEIR regarding Recreation. It is the same theme that the SF Planning Department exhibited in their NES. It is very easy to conclude that all these words are being written to justify the proposed project at the expense of Recreation.

As I continue to look further into the DEIR, I am concluding that the overall reliability of the consultants who prepared the document must be challenged. There is a clear bias in their presentation to favor the proposed project. (William Benkavitch) [D.16.3]

I am writing concerning the project proposed for 8 Washington Street, and the Draft Environmental Impact Report (DEIR) recently submitted by the sponsor of the project, and discussed at a Planning Commission meeting. It is clearly a one-sided and deficient report,
leaving out numerous matters that will be pertinent to the decisions the Planning Commission will be required to make. \textit{(James Cunningham)} [D.17.1]

The DEIR is a biased document that favors the proposed development project at the cost of destroying a facility that is tremendously important to those who use it. The DEIR cavalierly dismisses the negative impacts of the project by referring to them as merely “perceived,” and by suggesting that the GGTSC facility will be substantially replaced by something as good or better, with adequate alternative options for those who are displaced in both the short term and the long term. The author of the DEIR appears not to have any direct familiarity with the facility or its place in the lives of those who use it. Much less does the author have any appreciation for the inherent value and beauty of the facility as it exists. The conclusions embraced by the DEIR are no more thoughtful or sound than if one were to say that the Palace of Fine Arts could be replaced with a nice new facility that would include housing and also have a theater; or that Crissy Field could be ripped out and it would not have a substantial impact on the people who use it because running, dog walking, and windsurfing can be done in other locations, just a bus ride away. There is nothing that cannot be dismissed as lacking sufficient importance to be saved using these types of arguments. \textit{(Harry Shulman)} [D.39.1]

This 2011 DEIR, except for the format, is closer to a real estate sales promotion document of the developer - this is not surprising! Since it is an adaptation of the first NOP Initial Study of April 10, 2002 without any exception to the new plans and proposals prepared by the developers and those problematic conclusions are taken unto the bosoms of the environmental division of the Planning Department without the slightest earnest questioning of its applicability to the CEQA standards - quote: \textit{(Arthur Chang)} [D.50.3]

The diminishing of CEQA, its content, timing and relevancy is patently clear and surely must constitute the prejudicial abuse of discretion within the meaning of Sections 21168 and 21168.5, \textit{(Arthur Chang)} [D.50.6]

I have chosen a few things to demonstrate what I consider to be a very poorly constructed and written DEIR, one that shows a total disregard for the residents of the Golden Gateway Apartments, particularly its senior citizens who regularly use and depend on a recreational center that has been on this site for over forty years. \textit{(Martie W. Young)} [D.55.3]

This DEIR must be returned and rethought and rewritten in simple prose with a severe word count limitation, and with instructions to look at the project objectively and, I would hope, with the neighborhood residents given proper respect for their concerns. \textit{(Martie W. Young)} [D.55.8]

Response

The comments suggest that the EIR is not objectively prepared, nor is it complete or decipherable. Comments further state that the EIR does not understand the concerns of the local community that would be most directly impacted as a result of the proposed project. As described in the Introduction chapter of the EIR, p. Intro.2, the EIR was prepared by the San Francisco Planning Department, the lead agency, in conformance with the provisions of the California Environmental Quality Act (CEQA) and the \textit{CEQA Guidelines} (California Public Resources Code Sections 21000 et seq., and California Code of Regulations Title 14,
III. Comments and Responses

R. Adequacy of the EIR

Section 1500 et seq., “CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code. The document is objective and does not present biased information.

Rather, per the CEQA Guidelines, this EIR is an “informational document” intended to inform public agency decision makers and the public of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. As defined in CEQA Guidelines Section 15382, a “significant effect on the environment” is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

A Notice of Preparation of an EIR/Initial Study (the “NOP/Initial Study”) was prepared to focus the scope of the EIR on potentially significant effects of the proposed project. The NOP/Initial Study concluded that the potential individual and cumulative environmental effects of the project were determined either to be less than significant or to be reduced to a less-than-significant level through recommended mitigation measures for the following topics: Land Use (all topics, but to be discussed in the EIR for informational purposes); Aesthetics (light and glare); Population and Housing (all topics); Cultural and Paleontological Resources (historical architectural resources, unique paleontological or geologic resources); Transportation and Circulation (air traffic patterns, emergency access); Noise (all topics); Air Quality (exposure of sensitive receptors, odors, greenhouse gas emissions); Wind; Recreation (all topics); Utilities and Service Systems (all topics); Public Services (all topics); Biological Resources (all topics); Geology and Soils (all topics); Hydrology and Water Quality (all topics); Hazards/Hazardous Materials (all topics); Minerals/Energy Resources (all topics); and Agricultural Resources (all topics). The EIR assesses the project’s significant effects under the environmental topics of land use, aesthetics, cultural resources (archaeological resources), transportation and circulation, air quality, greenhouse gases, shadow, recreation, sea level rise, and biological resources. In each of these environmental sections, existing conditions are described first and serve as the baseline for the analysis of potential environmental impacts from the proposed project. Impact determinations are made based upon CEQA Guidelines Checklist criteria, as described and explained within each “Impacts” discussion in each environmental topic section. Cumulative impacts from the proposed project are analyzed, as appropriate, for each environmental topic. Mitigation measures are identified to avoid, eliminate, or reduce significant adverse impacts of the proposed project. Where called for, improvement measures are also identified to reduce the effects of impacts that would be less than significant.
To the extent that comments indicate a general opposition to the proposed project, those comments would be considered by the decision-makers as part of their decision to approve or disapprove the proposed project. Please also see Section III.S, Merits of the Proposed Project, C&R pp. III.S.1 -III.S.8, for a discussion of opposition to and support for the proposed project.
S. COMMENTS ON THE MERITS OF THE PROPOSED PROJECT

COMMENTS IN SUPPORT OF, OR OPPOSITION TO, THE PROPOSED PROJECT

Comments

We note that the original project has been modified many times in response to community input. On our board we have a number of world-class architects and planners who have looked at the project and at the EIR and have voted unanimously to support the project based on the fact that the mitigating items far outweigh any potential negative impacts to the project itself. (Marvin Kasoff, Renew SF) [TR.2.1]

There's so many negatives. There's nothing positive about this project. (Ernestine Waters Weiss) [TR.4.8]

This is not just warfare. And all the people who are have take time and effort to attend all the community meetings are against it. That's 99 percent. So there are very few people who want this project. Please take their advice. They know. They live there. I defeated a garage under Ferry Park of the same nature -- 600 cars -- because it was a foolish idea. So this is the same thing over and over again. Please do not vote for it. It would be a disrespect for the people and for the people you represent; and you're paid to represent the people. (Ernestine Waters Weiss) [TR.4.10]

We believe that this draft EIR is complete. We believe that the proposed development at 8 Washington is a significant improvement for a key intersection on the city's northern waterfront. 8 Washington presents a unique opportunity to replace a surface parking lot and private tennis club with pedestrian-friendly, publicly accessible open-space housing, a renovated space-efficient club, ground-floor retail, and a much needed and some needed underground parking. (Sarah Karlinsky, San Francisco Planning and Urban Research Association) [TR.8.1]

This draft shows that this project will have more open space than the City requires. I am in favor of moving this draft forward and making the waterfront available for all with more open space. It certainly is better than the parking lot and the high fence that exists now. (Sally Tooley) [TR.9.1]

Based on the information we have now, our association is opposed to the project. (Bill Hannan, Golden Gateway Tenants Association) [TR.10.3]

The Embarcadero has the potential to be one of the world's great boulevards, bringing a vibrant, open waterfront. First and foremost, we should make better use of the seawall lots that currently serve as parking lots. And while I understand how many people here are troubled with the loss of their private club and some of the way their community is today, there is a much better use for that lot. We should encourage land uses that serve as a transition between the Bay and the rest of the city. Ideally, these uses would promote an active and publicly accessible waterfront. I will be providing more detailed comments on the draft EIR, but from my initial review I'm convinced that there are no impacts that outweigh the benefit of the project. The project is a meaningful opportunity to replace one of the surface parking lots and the infamous green tennis wall with pedestrian-friendly, publicly accessible open space with ground-floor commercial, dense housing along one of our major transit thoroughfares. And given the number of public and private recreation facilities in the area -- I, for one, am a member of the Dolphin Club. I swim down there all the time, I run along the Embarcadero, I run up to Coit Tower about two or three times a
III. Comments and Responses
S. Comments on the Merits of the Proposed Project

week. I think that the project sponsor's efforts to maintain some of the club adequately addresses the recreation needs. I appreciate this opportunity to support smart development. And I hope that this development will serve as a catalyst to change and create better uses on the other surface parking lots as well. (Justin Allamano, Waterfront for All) [TR.17.1]

Unfortunately, this development has been in bed with the mayor and the Port from the beginning. And so I hope it's not in bed with the Planning Commission. (Nan McGuire) [TR.21.3]

We believe that this project opens up the opportunity for a long overdue civic conversation on urban land use and environmental values. We believe that the EIR provides a map on thoughtfully increasing the intensity of land use in this area. And we believe that the EIR is thorough, balanced, and fair, although this is probably not relevant to this discussion. The EIR on the 8 Washington project opens an opportunity to have a much more basic civic conversation. Again, this is about two simple questions: Should the city preserve a surface parking lot on public land at this unusual location? And, two, should San Francisco be able to realize the economic value of this land or should it provide an economic subsidy to local neighbors who want to preserve the parking lot; that is subsidize a private purpose? Opposition to changing the surface parking lot from our good friends at FOGG comes from folks who are living in housing that itself displaced businesses and residences. Does anyone seriously think that this was sand dunes before the Golden Gateway was built? And it's fair to assume that the building of the Golden Gateway employed driving lots of piles into the ground. But in one of San Francisco's delicious and all too common ironies there is now a narrative that the present use must be the last and best word on land use on the waterfront. That is no further change is allowed here and certainly not increasing height and density. And we might again recall that this site is next to the tallest buildings in the city's skyline, many 30 and 40 years old. This proposed project is half as tall as the immediately adjacent residential building and one-fifth as tall as the closest commercial building. By contrast, the 8 Washington project displaces no one and certainly not any recreational use. Instead, it proposes environmental uses and values that we as a city, after years and exhaustive public process, say we applaud. That is opening access to the waterfront, activating the streetscape, increasing public open space, and subsidizing housing affordability as well as funding repair of degraded civic infrastructure. How do we as a city compare these values against the surface parking lot for the benefit of a few? This on public land. Finally, as to the actual opportunity costs of the two choices here, we would like to know which does the City value more highly -- five private tennis courts or 33 below-market-rate housing units? (Tim Colon, San Francisco Housing Action Coalition) [TR.25.1]

I'm a professional planner and I have read and studied the DEIR in detail. In my best professional opinion, the EIR is adequate, accurate, and complete. As this planning document points out, the existing surface parking lot and private club are inconsistent with the grand boulevard and transit line that have been constructed with tens of millions of dollars of public money. This is exactly where new housing should be located, in an area that is flat, with good weather, beautiful views. The current conditions of the site are a blight on the landscape. (Jim Chappell) [TR.28.1]

After reviewing the draft EIR, we believe that it is adequate and complete, so we recommend you to move this project forward. (John Huang, San Francisco Building and Construction Trades Council) [TR.29.1]

The San Francisco Planning and Urban Research Association (SPUR) supports the adoption of the 8 Washington/Sea Wall Lot 351 Project EIR. We believe that the proposed development is a
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S. Comments on the Merits of the Proposed Project

significant improvement for a key intersection on the City’s northern waterfront. In particular, we are impressed with the public access components of the project – the public park and landscaped commons – and appreciate the efforts to re-connect the city streets to the waterfront with view corridors and pedestrian access.

8 Washington presents a unique opportunity to replace a surface parking lot and private tennis club with pedestrian friendly, publically accessible open space, housing, a renovated space-efficient club, ground-floor retail and much-needed underground parking. Per the DEIR, all of these uses would be more consistent with the surrounding area. (San Francisco Planning + Urban Research Association) [C.1.1]

The Embarcadero has the potential to be one of the world’s great boulevards, framing a vibrant, open waterfront. First and foremost we must make better use of the seawall lots that are currently surface parking lots. We should encourage land uses that serve as a transition between the bay and the rest of the city. Ideally, these uses would promote an active and publicly accessible waterfront.

We have reviewed the 8 Washington DEIR and are convinced that there are no impacts that outweigh the benefits of the project. The project is a meaningful opportunity to replace one of the surface parking lots and the infamous green tennis wall with pedestrian friendly, publicly accessible open space, ground-floor activity and density along one of our major transit thoroughfares. Given the number of public and private recreation facilities in the area, we think that the DEIR adequately addresses any loss of recreation and agree that this impact would be insignificant given the fact that the project seeks to incorporate a new club into its design.

As for the project heights, WFA thinks the heights are appropriate for the area. In fact, slightly higher project heights would also be appropriate given the proximity of significantly taller buildings, such as the Golden Gateway and Embarcadero Center.

Additionally, WFA agrees with the DEIR’s conclusion regarding transportation and thinks that this project will improve and enlivened the pedestrian experience near the intersection of Washington and Embarcadero.

WFA agrees that the proposed project will have a less than significant impact on scenic resources. Views of Coit Tower are currently obscured at various times when walking from the Ferry Building. These views are episodic and pleasant.

In short, WFA believes the DEIR is adequate, accurate and complete. We appreciate this opportunity to support a smart development that will hopefully serve as a catalyst for future surface parking lot reuse. (Justin L. Allamano, Waterfront For All) [C.4.1]

Attachments:

Kids Camp Brochure,
Letters from Kids Camp Participants (Chinatown Housing) (Lee Radner, Friends of Golden Gateway) [C.5.5]

I am writing you as a neighbor of the proposed 8 Washington Street Project. I live two blocks away from the proposed project and I can tell you that if this project is approves and moves forward it will change my life and the lives of many other residents for the worse. I can not see myself living in San Francisco if the Golden Gateway Tennis and Swim Club is gone and million dollar apartments and parking are going in it’s place. I can not see living in a neighborhood that is all shops, restaurants, overpriced condos for the wealthy and traffic jams.
I LOVE San Francisco and have lived in this city and New York City for all my adult life. While the charms of San Francisco won me back as a resident I can tell you that if our city becomes just a bunch of high priced condos with no outdoor activity then I might as well move back to New York or to any number of suburban areas. I will definitely not stay in a city that does not provide outdoor space for activity and social venues that are not bars or restaurants (I am an avid tennis player and play at least 4 times a week). Much of my social life revolves around friends I have met through tennis and staying in shape together has grown those neighborhood bonds and friendships. (Janet Lautenberger) [D.11.1]

The Golden Gateway Tennis and Swim Club has kept me and thousands of San Francisco residents healthy and happy for over 40 years. It brings me and my fellow tennis players and swimmers such joy ... I literally cannot imagine my life without it. It is such an important part of my life and such a unique place that I would have to leave the city to find another outlet like it and that would be a shame.

Please take the neighborhood and San Francisco residents into consideration when you plan this project. Please do not just take the developer and big business into consideration. This city can not lose the things about it that make it special like people who care about environmental impact, a healthy lifestyle, the charm of San Francisco and staying in a city that respects its citizens. Please do not allow this project to move forward as the developer has proposed. Thank you for your attention to this matter. (Janet Lautenberger) [D.11.3]

The GGT&SC is an incredible asset to the City of San Francisco. They have wonderful programs all year long for every age group in this City. Their summer program for kids is a WOW.

Do we really need a condo complex and parking lot at that particular spot. If so build it in the open space directly across the street adjacent to Justin Herman Plaza.

Why destroy something so many San Franciscans want. Does it always have to be "follow the money"? (Dolores Muratore) [D.12.1]

If this project goes forward, I and my family will move to the suburbs after more than 20 years in the neighborhood. Do the right thing and kill this project. (Jim Oakes, Jr.) [D.13.5]

I STRONGLY RECOMMEND THAT THIS PROJECT NOT BE APPROVED IN ITS PRESENT FORM. (Paul Renne) [D.14.10]

The GGSTC is a gem in this city and the proposed development would be a tragedy. (Jane and John Siegel) [D.15.1]

I am old enough to remember the arguments pro and con for tearing down the freeway that used to be a waterfront eyesore, a traffic congestion problem and air quality disgrace on the embarcadero. If this proposed development were to proceed it would nullify in large part the benefits gained by opening up the waterfront. (Jane and John Siegel) [D.15.2]

The DEIR should be rejected as inadequate, and the project itself declined. (James Cunningham) [D.17.6]

I'd just like you to know that a resident of the area impacted by the project (101 Lombard) is entirely enthusiastic about it. I like the fact that it will transform the ugly parking lots along the Embarcadero and turn the Golden Gateway area into a modern pedestrian friendly/family friendly
area with parks and attractive landscaping. I see no need to keep an outdated recreation site when a new, more useful and efficient recreation site has been proposed. (Diane Kretschmer) [D.19.1]

2. I urge the Planning Commission to carefully review "A Community Vision for the San Francisco Northeast Waterfront", produced by a consortium of Community Groups as a more fitting development solution as it does respond to the public desire to retain what presently works well and advocates a No Project Alternative. (Sol Silver) [D.21.2]

Approval of 8 Washington Street/Seawall Lot 351 Project thwarts the stated goals of the planning commission: the protection and preservation of social amenities. Demolishing a unique and thriving community recreational facility serving 3,000 plus members and visitors and replacing it with a high rise gated building complex, that shadows and mocks the esthetic values exemplified by the Golden Gateway Development, is an ill-advised precedent for carte blanche over-development of Seawall lots owned/managed by the San Francisco Port. (Paula Eve Aspin) [D.24.2]

I strongly support maintaining the health, exercise, children camps, and recreation provided by the existing Golden Gateway Tennis & Swim Club. The club is one of the only outdoor lap swimming pools in the City and has nine (9) tennis courts. It is a unique recreation facility in San Francisco, and available to everyone.

Assets of the existing facility:

- Outside swimming pools - in the sun (not blocked by a high rise luxury condo building)
- Close to neighborhoods and financial district - making it accessible by walking to 100,000 people
- Senior water exercise, aerobics, and healthy life classes
- Kids camps
- Swim and tennis lessons
- Nine tennis courts fully booked within 10 minutes of sign up commencement every day of the week! (Reinhard Ludke) [D.28.2]

- I and many other members can use this facility during the day because of the location near our home and office. It is an oasis in the city that provides a welcome separation from business, work and stress. The popularity of the facility is demonstrated by lap lanes full of swimmers, summer camps full of laughter and happy children, and nine full tennis courts with practice and matches all day long. Do not certify the EIR and do not approve this project. Don’t destroy our neighborhood, park, and recreation. (Reinhard Ludke) [D.28.5b]

1. As a San Francisco resident, I think it would be an abomination to place a massive, multi-story condominium complex on what, since the 1989 earthquake, has become a jewel of a waterfront. I think you already allowed the Southern end of the Embarcadero to be compromised with the two restaurants and hotel directly on the street. But north of that is currently delightful open space along the Embarcadero - a pleasure to walk or drive along. Moving along that street, with piers to one side, and views of San Francisco’s hills and skyscrapers on the other and then - wham, a huge, chunky condo building right on the waterfront. I cannot imagine that a planning department looking out for the greatness of San Francisco could possibly approve such a thing. There are multiple other locations for condos. There is no compelling need to destroy the Embarcadero waterfront that should belong to all residents of the City for a developer or a few parking spaces. Some have said that the Golden Gateway club is not such a beautiful sight along
the Embarcadero, either. But it is much better than a huge condo complex would be because it allows the feeling of open space. And with clear (rather than green) enclosures the club would be an interesting enhancement of the waterfront’s look and feel.

2. It would be a true shame to get rid of the open recreational space offered by the Golden Gateway Tennis & Swim Club. I cannot think of anything like it in other great cities. It has long been a very important part of the lives of a great many City residents. (Stan G. Roman) [D.30.1]

I am a resident of the Waterfront neighborhood and reside at the intersection of Broadway and the Embarcadero. I have a bird’s eye view of one of the busiest intersections in the City and I am writing to protest the DEIR for the 8 Washington Development which was presented to the Planning Commission on July 21, 2011.

As a resident of the NE Waterfront neighborhood for seventeen years, I find the city’s denial of the well-being of thousands of fellow residents to be reprehensible.

I protest the findings of the DEIR that denies the effect of increased traffic, pedestrian safety, and upscale housing of the proposed development. Most of all, I disagree with the finding that this area has sufficient active recreation opportunities for the residents. The citing of Portsmouth Park as meeting the needs of our community for active recreation is insulting. (Monica St.Geme) [D.31.1]

I very much object to the planned change to the Tennis and Swim Club on Drumm St. I have been a member for 6 years at a very reasonable cost per year, the equivalent of one dinner for two at a restaurant and attend their water aerobics classes 3 times a week. (Leah [Liz] Doyle) [D.34.1]

420 new parking spaces - 165 for new residents, 255 for retail and general public, 90 for the Ferry Building. This should be highly scrutinized and strong provisions for use should be upheld. Not only do I believe that 5 owners paying a minimum of $2 million for a unit will not accept being shut out of a parking space, I don’t believe those paying $5 million will accept just one space. Additionally, the general public uses should be carefully considered. The project sponsor has made it perfectly clear that his tenant across the Embarcadero at Piers 1.5-5 need parking. Are these spaces already spoken for? Finally, with 90 spaces for the Ferry Building, there are already more than that available in the existing lot. (Bob Iwersen) [D.36.4]

Also, at no point are the lost street parking, the tennis and swim club spaces, and the existing lot considered as a comparison in the net change. This project actually becomes no more than camouflage for the project sponsor providing parking for his own needs. Only statistics as to present conditions are presented (IV.D.13 -18) (Bob Iwersen) [D.36.5]

As a resident of Telegraph Hill(1406 Montgomery) and a financial district business owner(555 Montgomery, suite 603), I feel that the demolition of a valuable recreational facility, and it replacement by luxury condos, is detrimental to the quality of life in the area. (John Lee) [D.37.1]

If the Planning Department is truly dedicated to the City and protecting its assets, it should reject this project. The people who would buy the condos will never feel the loss; but if the GGTSC is destroyed, it will cause enormous harm to the hundreds of people who currently use it, need it, and love it. (Harry Shulman) [D.39.3]

I’m almost 55 years old. And, over two years ago I realized if I wanted a better quality of life for myself in my “retirement” years, I’d need a place near my home (walking distance) where I could
have access to first class health and fitness facilities to help me live a better and longer life. And, I feel like the Golden Gateway Tennis and Swim Club helped save my life (its most assuredly extended my life). I’m not alone in this quest. There are others (even older than I) who utilize the health and fitness facilities for a better quality of life. The proposed replacement facility and the time it will take to build will not be satisfactory and is not a compromise to the previous “public benefit commitment” and other items mentioned above. Please do not allow a developer and a few wealthy private property owners to take this away from us and future generations. (Tom Verhauz) [D.41.7]

San Francisco should be looking to the future with more public transportation, affordable housing and preserving our beauty for everyone. Please help the long-time residents of San Francisco maintain our vistas and fabulous waterfront for all residents and our visitors. (Marian Wallace) [D.42.3]

The location of this project certainly does not benefit the citizens and tax payers of this area. It mainly puts money in the pockets of the developer and creates unreasonable noise and construction traffic. Emphasis at this time should be on the America Cup and Exploratorium which are projects already underway. A city such as ours which prides itself on uniqueness and environmental issues should not even consider that the existing club facilities are to be changed. The atmosphere brings families together and the summer camp has been a great source to our children for many years. Yes, there is always a need for growth but not at 8 Washington. (Joan Rees) [D.44.1]

As a resident of North Beach/Russian Hill, I support the 8W project because it presents a generous, creative reuse of underutilized urban land. Dense housing and retail are key to creating lively neighborhoods with pedestrian culture and urban energy. (Matt Harris) [D.45.1]

I have been a resident of Golden Gate Commons III for 10 years. This is a quiet community with a pleasant feel of a neighborhood within a big city. I have just reread the DEIR issues (http://fogg.us/deir-issues/). Each one of those items are detrimental to this section of San Francisco and would take away the privacy, the calm and the civilized atmosphere that surrounds those of us that live here every day of our lives.

Specifically, I am asking you to stop the partial destruction of the GGTSC to be replaced by a “luxury” condominium and 420 space underground parking garage. (Joan Knutson) [D.46.1]

The people do not want this project. The developers want this project. They do not live in this neighborhood. (Timothy F. Geraci, D.D.S.) [D.51.7]

Seawall 351 is presently a useful ground level parking lot - unremarkable, casting no shadows, with ivy on fences and trees on the frontage. It is ripe for a landscaping ‘makeover’ and a few new trees would smarten it up nicely.

There are, and have been for years, many empty units in SOMA available for the price point of these projected units. There are many, and have been for years, empty retail/restaurant units one block away in the Embarcadero Center. (Paula Eve Aspin) [D.24.3b]

While saving the Golden Gateway Swim and Tennis Club is important, I think the project should be rejected on the basis of traffic, pollution and congestion in the neighborhood. (Desa Belyea) [D.57.2]
4. HOUSING IMPACTS. A project "goal" (Pg 11.14) is to "help meet the projected City housing needs". These condos will cost **$2 million/unit** JUST TO BUILD with sales prices of $2.5-$5 million and up ($6-8 million for penthouses). Studies show transit use goes down as income goes up, with buyers like these - people making millions of dollars a year - being the least likely to use transit.

(This 'cost per unit' number was derived by taking the project’s total cost ($345 million), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the $40 million garage cost = $24.2 million) and dividing this by the 165 units: $345 million - $24.2 million = $320.8 million/165 units = $2 million/unit to build.)

**Question**: Exactly what portion of San Francisco’s affordable and middle-income housing needs will these pied-a-tiers for millionaires actually meet?

**Question**: How likely is it that these new, part-time residents will use transit?

**Comment**: Final EIR must state the average cost to build each unit and the range of sales prices expected so that public officials can assess the unsubstantiated claims in DEIR about “sustainability”, the “transit oriented” nature of project or claims that it “helps meet the projected City housing needs”. (Mary Pecci) [D.58.6]

**Response**

A number of comments concern the merits of the proposed project, expressing support or opposition to the proposed project. Comments expressing support or opposition to the proposed project do not raise any specific environmental issues about the adequacy or accuracy of the EIR’s coverage of environmental impacts that require a response in this Comments and Responses document under CEQA Guidelines 15088. Comments on the merits of the proposed project may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

**HOUSING AFFORDABILITY / ECONOMIC AND SOCIAL EFFECTS**

**Comments**

The other thing is that they mention that this helps meet the projected city housing needs. And, you know, we're wondering how the officials can know how a project at this price point is going to help with any city housing needs, except for the extremely, extremely wealthy. (Kathleen Dooley) [TR.3.2]

Incidentally, I don't know if you know about this, but families are leaving the city by the droves because there's no affordable housing. The amount of affordable housing given on this project is peanuts. It will not solve anything. (Ernestine Waters Weiss) [TR.4.6]

In a more general approach, I think we have a fundamental problem in the way the EIRs treat housing development. We are talking about a housing development where the units are expensive. I think $2.5 million is expensive in almost anyone's standard. So here you're putting very expensive housing in a city that already has adequate, very expensive housing, which in turn
places demands on services. In other words, it will bring in the need for more employees in various areas. What we're not doing with this is providing housing that is affordable to the middle of the population, the people who most likely will be providing services, which is the underserved area of the community. Where the EIR, I think, is deficient is it fails to look at opportunity costs. In other words, if I have a certain amount of money, do I spend it building a highly complex engineered garage to support luxury condos? Or do I put it in developing housing that supports the broader population? From a financial standpoint, clearly $2.5 million condos win the day. But from an environmental standpoint and a net benefit to the quality of life in the city, it may very well be that using those resources elsewise makes more sense. That's not considered. It's not considered part of the environmental impact. But we're making very significant decisions that by their nature force environmental impacts and in this particular case encourage far more transit from people out of the city into the city because they can't afford to live here. (Paul Wermer) [TR.7.2]

The demographics of this project. $2.5 to 5, 7, 10 million -- who knows how much the penthouse is going to cost? (Bill Sauro, Barbary Coast Neighborhood Association) [TR.13.7]

It's interesting what Ms. Sanchez just said about the developer being sensitive to the community. I recall one of the first meetings that the developer had with the community to explain his project. And that was a very good first step for him. However, during this meeting, someone -- not myself -- asked him if he could give us a sense how much these condominiums would cost. And he didn't respond immediately. He stood there. He thought. And his response was, They will be the most-expensive condominiums in the city. This did not have a very positive effect on me, for sure, and I suspect many people in the room. We don't need more most-expensive condominiums in this city. And you know that. You know that. And you know who buys there? Not people who are going to be there and contribute to the community. People who are going to fly in. They're called pied-à-terres. That's going to be a high percentage of the people who will buy there. (Nan McGuire) [TR.21.1]

I would also like to address the issue of the way that the -- when I first started reading the project description, the first thing I came across was that this project was going to be a boon to housing needs in San Francisco. It certainly does nothing to support equal access and diversity. It is highly privatized and does not include any affordable units. Any fee due to the affordable housing fund is not commensurate with the total value of the housing and it should be. The fee is standard, whether the project is affordable or über-luxury housing such as 8 Washington, thus making it more advantageous for this type of project to not elect to include affordable housing on-site. I think this issue needs to be addressed. (Nan Roth) [TR.24.5]

Also, with the housing, the San Francisco General Plan and housing element speaks of achieving decent, suitable, and affordable housing for current and future San Franciscans. This document cites that 170 exceptionally expensive units and 31 affordable units, somewhere else, fills this need. I don't know where a six-to-one ratio fills the housing element need, but it's a conclusion drawn by this document. (Bob Iwersen) [TR.26.2]

I just want to show you where this number two and a half million comes from. They weren't kidding when they said it was going to be pretty expensive. Can we shrink this down a little bit? Anyway, it's the total development costs of the project -- 345 million divided by 165 condos equals $2.1 million per condo just to build it. Assuming a 20-percent return minimum to get any
kind of financing, that gets you up above 2.5 million. That's what it's going to cost to build -- $2.1 million. (Brad Paul) [TR.30.1]

And there were a lot of comments on the type of the housing type and the price of the unit, which is not an EIR consideration. And that could be something that's discussed at another time. (Commissioner Michael Antonini, San Francisco Planning Commission) [TR. 34.3]

I disagree with the statements that this in any way takes care of any of San Francisco's housing needs. This is -- and I have to agree with the comments -- I think it may have been Nan Roth -- someone who said these are extremely expensive pied-à-terres. I know that you're talking about the dollar equivalent for 34 BMR spaces, but that's based on the number of units, not the value and cost of the units, because that's the way that particular legislation was crafted. So 34 BMR units on $2.5 million dollars pied-à-terres would be the same 34 units if they were $600,000 middle-income-type units. I really find a disparity in that ratio. (Vice President Ron Miguel, San Francisco Planning Commission) [TR.37.5]

Pg II.14 Housing Impacts
Who is actually proposing to develop 8 Washington? How much will the units cost? Our estimates place their cost at about $2 million per unit, but the sales prices will be much higher. How can public officials ascertain the sustainability of this project or its real impact on transit, when these facts are not in the DEIR?

In addition, what proof has the developer offered that the 8 Washington project will actually be built, as opposed to simply selling off the entitlements to the project? Who are the real parties-in-interest within San Francisco Waterfront Partners II? We believe this is crucial to properly evaluate the Final EIR. (William H. Sauro, The Barbary Coast Neighborhood Association) [C.6.17]

This project proposes to use a Special Use District (as described on III.5) to change the zoning map of the City and dramatically increase the height limit. Special Use Districts have basically been used to give more height/density to AFFORDABLE HOUSING projects. Please explain the rather dramatic change in an allowance for increased height and density for a project that the developer has stated he intends to be the MOST EXPENSIVE HOUSING IN THE CITY. What are the public policy implications of THAT - particularly for a site that is under the Public Trust. (Sue C. Hestor, Friends of Golden Gateway) [C.8.23]

Impacts on the City’s Housing Needs were Not Analyzed in the DEIR. The DEIR incorrectly concludes that potentially significant impacts to Population and Housing will not be discussed in the DEIR because the 2007 NOP/Initial Study found that the proposed project would not adversely affect them.

- One of the project “objectives” (Pg II.14) is to “help meet the projected City housing needs.” The final EIR must state the average cost to build each unit and the range of sales prices expected so that public officials can assess how the project will meet this objective. Estimates are that these condos will cost $2 million/unit to build with projected sales prices of $2.5 - $5 million and up ($6-8 million for penthouses).
- The Draft Housing Element, recently approved by the Planning Commission, says that the housing need in San Francisco is more than 60% below market rate. How does this project relate to the objectives, policies and goals of the Housing Element of the General Plan? What
portion of San Francisco’s affordable and middle-income housing needs will the proposed project meet?

[Footnote 5:] This number was derived by taking the project’s total cost ($345 million), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the $40 million garage cost = $24.2 million) and dividing this by the 165 units: $345 million - $24.2 million = $320.8 million/165 units = $2 million/unit to build

• What are the requirements for including permanent below market rate (BMR) units of housing for this project? There is no discussion of affordable housing, no mention of considering on-site BMR units or any mention of how, or where, in-lieu funds would be used. Would they be used within a 1-mile radius of the project? (Jon Golinger, Telegraph Hill Dwellers) [C.10.61a]

• Please discuss the following finding from the Bay Area Air Quality Management District’s 2010 Clean Air Plan, Transportation Control Measure TCM E-2 (on pg C-79) in relation to the proposed project’s 240 space parking garage:

  “An oversupply of parking and ineffective parking management policies creates a number of adverse impacts. For example, parking in dense areas requires using high-value land for parking lots and structures. The high cost of land and construction to build parking drives up development costs. Construction costs for structured parking can range from $30,000 to $60,000 per parking spot. These costs are typically hidden in purchase prices and rents. This exacerbates the shortfall of affordable housing in the Bay Area, creates obstacles to transit-oriented development, and reduces the land available for other uses.” (Jon Golinger, Telegraph Hill Dwellers) [C.10.61b]

• The DEIR fails to analyze the cumulative impacts on affordable housing in the City of past, present and future market rate condo projects. (Jon Golinger, Telegraph Hill Dwellers) [C.10.61c]

• What the total number of existing market rate condominium units available for purchase in San Francisco? What is the total number of approved market rate condominium units that will be available? How many units of market rate condominiums have already been approved, but not yet completed? Include a list of all market rate condos currently on the market, including the total number of units sold and still available, and a list of those that have already been approved, including the number of units in each. Include those projects listed in the appraisal report prepared by Martorana•Bohegian & Co in connection with the proposed 555 Washington Street project (see the attached list from this report) and any new projects that have been approved by the City since.

• Given the total number of market rate condos currently on the market and those that have been approved, the EIR must evaluate how the proposed project will “help meet the projected City housing needs” for market rate housing in San Francisco. (Jon Golinger, Telegraph Hill Dwellers) [C.10.61d]

Impact to the community long term when key things that attract a diverse group to a community are missing. Where are the children?? (Lisa Schreiber) [D.7.7]
The condominiums to be built are for the rich, not average, hard working San Franciscans. 
(Jim Oakes, Jr.) [D.13.2]

On page II.20 of the DEIR the Project Sponsor’s list as the first objective of the proposed project is to meet the “projected City housing needs and satisfy the City’s inclusionary affordable housing requirements.” No explanation or support is given to show that there is a projected need for more multi-million dollar condominiums in San Francisco; it is ludicrous to suggest that the units projected at 8 Washington Street are intended to be occupied by individuals who require “affordable housing.” (Paul Renne) [D.14.6]

For what purpose or goal? To construct $2.5-$5 million+ condos? Further we are dumbfounded as to how the proposed project with units costing millions of dollars each meets San Francisco’s affordable and middle-income housing needs. Moreover, these millionaire owners of their pied-a-tiers will likely never use public transit. (Jane and John Siegel) [D.15.5]

This is especially so when the building at the heart of the project will primarily provide housing only for those who can afford to purchase a condominium costing in the $2,500,000 plus range. (James Cunningham) [D.17.4]

My main concerns are, in brief:

- It is unlikely that the type of luxury housing proposed will attract full-time residents who will be a positive addition to the life of the neighborhood. (Norman Patrick Doyle) [D.18.4]

4. HOUSING IMPACTS. A project "goal" is to "help meet the projected City housing needs". These condos will cost $2 million/unit JUST TO BUILD with sales prices of $2.545million and up ($6-8 million for penthouses). Studies show transit use goes down as income goes up, with buyers like these—people making millions of dollars a year—being the least likely to use transit. (This 'cost per unit' number was derived by taking the project’s total cost ($345 million), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the $40 million garage cost = $24.2 million) and dividing this by the 165 units: $345 million -$24.2 million = $320.8 million/165 units = $2 million/unit to build.) Question: Exactly what portion of San Francisco’s affordable and middle-income housing needs will these pied-a-tiers for millionaires actually meet? Question: How likely is it that these new, part-time residents will use transit?

(This 'cost per unit' number was derived by taking the project’s total cost ($345 million), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the $40 million garage cost = $24.2 million) and dividing this by the 165 units: $345 million -$24.2 million = $320.8 million/165 units = $2 million/unit to build.) Question: Exactly what portion of San Francisco’s affordable and middle-income housing needs will these pied-a-tiers for millionaires actually meet? Question: How likely is it that these new, part-time residents will use transit?

The final EIR must state the average cost to build each unit and the range of sales prices expected so that public officials can assess the unsubstantiated claims in DIER about "sustainability", the "transit oriented" nature of project or claims that it "helps meet the projected City housing needs". (Deborah Smith) [D.22.6]
Regarding the major housing component, I found no reference to the stated planning goal of the "need to satisfy inclusionary affordable housing" here. What are the alternative options for the developer in San Francisco, as these project units have been described as upscale condos, which does not translate, for me, into "affordable housing." (Sarelle T. Weisberg) [D.23.5]

II.2 ‘A private central courtyard accessible to residents, would be located in the ground floor area between the two buildings’

If this project is approved, San Francisco will gain short-term cash benefits, in exchange for allowing the protected height limits to be flaunted. San Francisco will exchange a protected vista, a homogenous community base, for a 12- story luxury gated complex.

I challenge whether the Planning Commission’s decision makers appointed agenda is to destroy such a singular amenity that over 3,000 people currently benefit from and replace it with a gated community for millionaires. San Francisco depends on you to make honorable and equitable decisions that protect and preserve our valuable city. (Paula Eve Aspin) [D.24.11]

The City has authorized construction of 1000’s of luxury high rise condominium projects along the waterfront in the past 10 years. Many of these luxury housing units are unsold or sit empty because wealthy absentee owners don’t even live in them. The proposed 8 Washington Street luxury condominium project will replace an open, sunny, parklike, recreation center, with a dense, high, shadow creating barrier that eliminates a unique San Francisco neighborhood recreation asset. The proposed project creates an 85 feet high wall along the Embarcadero, Washington, and Drumm streets. It cast shadows and eliminates the existing open vista along the Embarcadero. I know the City, the Port and the Developer see only the money from the development and luxury condominiums. The price to San Francisco and our community is losing an open sunny park space; a unique, accessible, and diverse recreation site in the Chinatown, Telegraph Hill, and Financial District neighborhood(s); eliminates access to healthy exercise for 100,000 local people. The project violates development agreements stipulated by the City when the Golden Gateway Residential buildings were authorized by the Planning Commission. It makes no sense to add a high rise building, adjacent to the parks across the street including the recently improved public park at the Drumm/Washington/Embarcadero. The last thing San Francisco needs is another luxury condominium building that creates urban canyons, shadow, and wind along the waterfront. Make the right choice - SAVE RECREATION, HEALTH, OPEN SPACE AND A NEIGHBORHOOD and reject this development plan. (Reinhard Ludke) [D.28.1]

A project “goal” (Pg II.14) is to “help meet the projected City housing needs”. The condo construction cost is over $2 million/unit with sale prices of $2.5million up to $6-8 million for a penthouse. The residents of these luxury condos will not use public transit.

EIR Question: How does this project meet the City of San Francisco’s affordable and middle-income housing goals. It does not. (Reinhard Ludke) [D.28.3]

3. Housing impact. The suggestion that the proposed project would address San Francisco’s housing needs is ludicrous. The few high-end condos it would provide are already (or could be) available elsewhere, and would likely be owned in significant part by non-residents. The low income housing that would be funded by the project would be negligible because based on the number of units in the project, not its value or impact. (Stan G. Roman) [D.30.4]

This document cites the SF General Plan and Housing Element. The housing element speaks of “achieving decent, suitable, and affordable housing for current and future San Franciscans.
Apparently 170 of the most expensive codominiums and a future 31 affordable units somewher
else fills this need. I am fine with housing for the wealthy, but a 6:1 ratio hardly speaks to the
demographics of the US, but could easliy do so for a future San Francisco as a playground for the
wealthy. I do not believe this meets the intent of the Housing element and greater subsidies to
affordable housing should be sought. (Bob Iwersen) [D.36.3]

It sounds much like someone or some people who have nothing to lose, i.e. a wealthy non-
residents, are pushing this agenda for the benefit of themselves and a few others, much to the
detriment of our city.

It would be a tragedy for construction to happen as described at this site. It is an unfair, and from
the sounds of it quite possibly illegal project. Who will benefit? What is their interest in our city?
Why would this be allowed to happen by our very own Planning Department?

There is no reason to build another luxury condominium in the San Francisco Northern
Waterfront area, plenty of that type of housing remains vacant, for example on Fresno Alley - a
project of 5 condominiums is at least 80% vacant after several years. (Marian Wallace) [D.42.2]

The most disturbing fact about this project is that our precious open space is to be lost to luxury
condominiums and a parking garage. In San Francisco’s quest for affordable housing, how can
any average-income resident afford a $2 to $5 million condo? When the City is trying to
implement a “Transit First” policy, constructing a 420-car garage on a major boulevard where we
are trying to reduce the number of cars makes no sense. This entire project seems totally
antithetical to San Francisco’s stated goals for the waterfront.

Unlike Market Street that continues to dream of becoming an attractive boulevard, The
Embarcadero has achieved that dream and is one of the most appealing roadways in the City.
With the water on one side and mostly low-rise buildings on the other, it is a wonderful place to
walk, jog and bicycle. It is wide open and does not give one the feeling of being in a tunnel, like
so many of the financial district streets. Residents and tourists alike flock to The Embarcadero.

I fear that if the proposed project at 8 Washington is approved, it will encourage similar
construction along The Embarcadero, providing housing for a privileged few, blocking views
both to the east and the west, and limiting the use and enjoyment of this lovely boulevard for the
public at large. (Margaretta C. Kildebeck) [D.43.2]

Effect on those that cannot advocate for themselves - elderly and young.

Impact to the community long term when key things that attract a diverse group to a community
are missing. Where are the children?? (Lisa Schreiber) [D.47.9]

You need to consider why all the children are leaving SF, aren't they part of a thriving
community? (Lisa Schreiber) [D.47.12]

The 8 Washington Project is extremely elitist and Machiavellian in nature, it replaces a facility
FOR the PEOPLE with a very restrictive and expensive living facility and, more than likely, a
very expensive and restrictive private club. (Timothy F. Geraci, D.D.S.) [D.51.5]

B. The DEIR fails to analyze how the type and price of housing proposed for 8 Washington
determines whether or not it meets the city’s housing needs.

One of the project objectives (Pg II.14) is to “help meet projected City housing needs.” How is
that possible, given the fact that the developer has publicly stated that these will be “the most
expensive condominiums in the history of SF.”\textsuperscript{10} With a $345,000,000 project cost\textsuperscript{11}, 8 Washington’s 165 units will cost $2.0 million a unit just to build\textsuperscript{12}. To secure financing and a ‘reasonable’ profit, each unit will have to sell for $2.5-$5 million with penthouses selling for $8-$10 million.

**Nowhere in the DEIR is ANY of this discussed.** There is no analysis of how these very high sales prices will determine who lives at 8 Washington (e.g. how many San Francisco families could afford these prices?) and how the incomes of these new residents ($250,000 to over $1 million/year) will dramatically change a number of the environmental impacts of the project, with major implications for sustainability and energy use, among other things.

**The final EIR must state the average cost to build each unit and the range of sales prices expected** so that public officials can assess for themselves whether the proposed condos will or will not “help meet projected City housing needs.”

The 2009 Housing Element, signed into law by Mayor Ed Lee on June 29, 2011, states that 61% of the housing need in San Francisco is for below-market-rate housing—serving families making 30-120% of Area Median Income (AMI), and only 39% of the city’s housing need is for market rate housing (120% to 500+% AMI).

[Footnote 10:] quote was reported by a witness, Nan McGuire, during her testimony at the 7/21/11 DEIR hearing.

[Footnote 11:] Figure used by San Francisco Waterfront Partners (Pacific Waterfront Partners and CalSTRS).

[Footnote 12:] This number was derived by taking the project’s total cost ($345 million), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the $40 million garage cost = $24.2 million) and dividing this by the 165 units: $345 million - $24.2 million = $320.8 million/165 units = $2 million/unit to build (Brad Paul) [D.53.12]

As Planning staff and Commissioners know from their Housing Element discussions, the luxury condos proposed for this project are so expensive they will not help the city meet its current unmet housing needs. If this project objective (Pg II.14) is left in the final EIR, it should include a note explaining that the project, as proposed, is unlikely to meet this objective for the following reasons:

Condominiums selling for $2.5 million and more fall into the one segment of the city’s housing market that is currently overbuilt and has historically been over represented in relation to the state’s Regional Housing Needs Allocation (RHNA) goals that underpin the updated 2009 Housing Element of the city’s General Plan. An ABAG report on housing needs vs. housing production in SF (1999-2006) that came out in 2007—a report that should have informed the 2007 NOP/Initial Study for 8 Washington—states RHNA Allocations (Goal), Permits Issued (Permitted) and % of Allocation Permitted (% of RHNA Goal) by income category as follows:
Table 2: SF Housing Production (1999-2006)*

<table>
<thead>
<tr>
<th>Housing Type by Income</th>
<th>Very Low Income</th>
<th>Low Income</th>
<th>Moderate Income</th>
<th>Market Rate Housing</th>
</tr>
</thead>
<tbody>
<tr>
<td>% of AMI:</td>
<td>21-50%</td>
<td>51-80%</td>
<td>81-120%</td>
<td>120-500+%</td>
</tr>
<tr>
<td>Annual income:</td>
<td>[21-50K]</td>
<td>[57-81K]</td>
<td>[85-123K]</td>
<td>[123K-$1million+]</td>
</tr>
<tr>
<td>RHNA Goal (units)</td>
<td>5,244</td>
<td>2,126</td>
<td>5,639</td>
<td>7,363</td>
</tr>
<tr>
<td>Permitted</td>
<td>4,203</td>
<td>1,101</td>
<td>661</td>
<td>11,474</td>
</tr>
<tr>
<td>% of RHNA Goal</td>
<td>80%</td>
<td>52%</td>
<td>12%</td>
<td>156%</td>
</tr>
</tbody>
</table>

* from a 2007 ABAG report entitled: A Place to Call Home

A chart like this, showing housing goals by income group (based on RHNA numbers from the State Office of Housing and Community Development), needs to be in the DEIR so public officials can analyze what portion of the city’s unmet affordable and middle income housing needs, if any, the proposed project would meet. It illustrates something local housing experts have long known, that the city consistently comes in well above its RHNA goals for market rate condos, and has historically fallen short of its goals in all other categories for affordable housing, the housing that serves the 61% of San Franciscans that cannot afford ‘market rate’ housing. (Brad Paul) [D.53.13]

C. Dramatic changes to the San Francisco housing market since the 2007 NOP/Initial Study were not acknowledged and analyzed in the DEIR. All the traditional (pre-2007) sources of funding for the city’s affordable housing programs have dried up since the 2008 housing crash. Redevelopment tax increment funds will either be significantly reduced to pay the state to avoid closure of the SF Redevelopment Agency, or they will be eliminated altogether. Proceeds from the state’s $2.8 billion Affordable Housing Bond (Prop. 1C) are all spent. The federal Low Income Housing Tax Credit, a major source of funding for affordable housing, is under attack by House and Senate Republicans and may not survive.

This indicates San Francisco won’t come close to meeting its pre-2007 affordable housing production levels until we find a new permanent local source of funding for affordable housing. How long will that take? The DEIR must address this issue.

Another chart that must be included in the DEIR shows the city’s RHNA goals by income category combined with a summary of a recent SF Business Times (6/24/2011) chart showing all San Francisco residential projects under construction, permitted or in the planning pipeline. Such a chart would look something like Table 3 below:
Table 3: Where does the city need help in meeting its RHNA goals?

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>RHNA 439/yr.</td>
<td>439/yr.</td>
<td>738/yr.</td>
<td>901/yr.</td>
<td>1,632/yr.</td>
</tr>
<tr>
<td>Goals: 10.5%</td>
<td>+ 10.5%</td>
<td>+ 18%</td>
<td>+ 22% = 61%</td>
<td>39% of total</td>
</tr>
<tr>
<td># of units of total</td>
<td>% of goal</td>
<td>% of total</td>
<td>% of total</td>
<td>% of total</td>
</tr>
<tr>
<td>All Affordable Categories Combined</td>
<td>Market Rate</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underway: 470 units 15</td>
<td>1,557 units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved: 8,751 units</td>
<td>30,878 units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>In Pipeline: 780 units</td>
<td>4,184 units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10,000 units or 21.5% of all units</td>
<td>36,619 units or 78.5% of all units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>56% of RHNA goals in all affordable categories</td>
<td>300% of RHNA goal in market rate category</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Some version of Table 3 must be included in the revised DEIR to help public officials determine whether the significant negative environmental impacts this project creates are outweighed by the ‘need’ for the type of housing that 8 Washington provides given the priorities set forth in the Housing Element of the General Plan and what the above-mentioned SF Business Times chart tells us about likely housing production in each segment of the city’s housing needs (from 2011-2014).

Table 3 demonstrates that in a few years, if nothing changes, the city will have approved and built out 300% of its RHNA goal for Market Rate projects such as 8 Washington but only 56% of its RHNA goals for all other housing that serves San Franciscans making 30% AMI to 120% AMI. But given what we now know about the current lack of funding for affordable housing, the exact opposite of what was true in 2007 (when the city had significant amounts of Redevelopment tax increment and other affordable housing funds), many of the affordable housing projects listed by the Business Times are now on hold and unlikely to come on line by 2014. This means the mismatch between market rate (39% of need but 300% of production) and all categories of affordable is even greater than Table 3 would indicate.

To be fair, one could argue that some of the market rate housing on the Business Times chart may not be built soon given that banks have been reluctant to lend money these days. However, a recent article in the SF Chronicle (8/11/11) entitled “Rents Go Through Roof” indicates that the city’s housing market is ‘roaring back; Dennis Robal, property manager with Chandler Properties, reports “Noe Valley apartments that were $2,000 a month a year ago are now going for $2,400”.

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These kinds of increases, driven by new renters from the tech sector, are prompting major increases in investments by financial institutions in new rental housing.

Regarding the condo market, the one group of potential condominium buyers that has not suffered financially from the economic meltdown are the very people who caused it, the Wall Street investors, derivatives specialists, hedge fund managers, etc. who are now making record salaries and bonuses. These are some of the people 8 Washington will be marketing to because they have the cash to spend $2.5-$10 million on a second, third or fourth home in San Francisco.

NONE of this housing analysis appears in the DEIR yet including it in the DEIR is critical to the ability of public officials to make informed, rational decisions on this project, particularly claims by the developer that this project will “help meet projected City housing needs”. The information and analysis described above is necessary to allow city officials and other readers to determine accurately and objectively what portion of San Francisco’s unmet affordable and middle income housing needs, if any, 8 Washington would meet.

Each year, as the City assesses how well it is meeting its RHNA (state) housing goals, the one area that is consistently over produced is high-end market rate housing affordable to people making $250,000 to $1 million+ a year.

How does building second, third and fourth homes for this demographic “help the city meet its housing needs?”

The unmet housing needs in San Francisco are for people making from 30%-50% of median income all the way up to 100-120%, not people making $250,000 to $1,000,000+ a year (200-500% or more of area median income). The DEIR needs to discuss these questions to be considered complete, adequate and accurate, questions such as:

How does this project relate to the objectives, policies and goals of San Francisco’s recently enacted 2009 Housing Element of the General Plan?

What portion of San Francisco’s affordable and middle-income housing needs will this proposed project actually meet?

How many other projects under construction, approved or in the pipeline (see June 24, 2011 SF Business Times chart updating each category for 2012) will meet the needs of San Franciscans who can afford market rate housing vs. those that meet the needs of the 61% of SF residents needing below market housing?

What percentage of “residents” of these condos will be using this housing as their primary residence vs. as second, third and fourth vacation homes?

Given that numerous studies show transit use goes down as income goes up, how likely is it that these new owners will use public transit?

Again, the answer to each of these questions provides critical information that public officials need to assess for themselves whether the proposed condos will or will not “help meet the projected City housing needs.”

Everything that’s happened since the 2008 economic/housing meltdown has made our housing problems worse, something the DEIR doesn’t attempt to analyze, arguing instead that a 2007 NOP/Initial Study—competed a year before the housing bubble burst—absolves it of all such responsibility, an argument that is factually absurd.

[Footnote 13:] e.g. 80% of the 1999-2006 RHNA goal for Very Low Income housing (see Table 2).
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[Footnote 14:] Chart gives the # of units for each project and whether they’re rental, condo, market rate or affordable.

[Footnote 15:] These unit counts drawn from the 6/24/2011 SF Business Times chart. (Brad Paul)

D.53.14

E. The DEIR confuses project “objectives” with city mandated requirements with regard to Inclusionary Housing, then fails to discuss any of the relevant issues around this city policy.

The project objective (Pg II.14) that talks about the project’s ability “to help meet projected City housing needs” reads in full:

“To develop a high-quality, sustainable and economically feasible high-density, primarily residential, project within the existing density designation for the site, in order to help meet projected City housing needs and satisfy the City’s inclusionary affordable housing requirement;”

Satisfying the city’s inclusionary affordable housing requirement, for this or any market rate housing development, IS NOT an Objective, and stating it as such is misleading. It is, in fact, legally mandated by city ordinance. The developer doesn’t have a choice in the matter and should be struck from this Objective. However, this reference to inclusionary housing leads one to ask several questions that are never addressed in the DEIR but should be. An Inclusionary Housing section must be added that answers questions such as:

What are the specific requirements for including permanent below market rate (BMR) units in all market rate projects and how many would be required on-site for this one?

Did the developer ever consider building on-site BMR units and if not, why not?

If the developer did consider and reject on-site BMR units, why?

If the developer has decided to pay the in-lieu affordable housing fee, what would it be and how and where (e.g. within a 1-mile radius of the project) would it be spent?

Given that the in-lieu fee charged developers to buy out of providing BMR units on-site is based on construction costs and sales prices for “average” condos, how will the extraordinarily high construction costs and sales prices for these condos impact the in-lieu fee?

Mentioning the inclusionary requirement as part of an objective stating that the project seeks to “help meet projected City housing needs” is misleading and inaccurate. It tries to infer that the funding for 30 affordable units provided by the developer’s inclusionary requirement is helping to meet this objective when, in fact, relying on inclusionary payments to advance the city’s affordable housing goals will only drive the city further out of compliance with its state mandated RHNA goals. The following example clearly demonstrates the validity of this claim:

TNDC’s proposed affordable family apartment project at Eddy and Taylor Streets is typical of the projects now stalled in the city’s affordable housing pipeline due to the lack of affordable housing funding from traditional sources. But the Eddy and Taylor project is a 150 unit development, not 30 units. For it to go forward, you would need the inclusionary housing funds from FIVE market rate projects like 8 Washington. What would that do to San Francisco’s RHNA goals:

If: 165 market rate units are needed to fund 30 affordable units,

Then: 825 market units (5X) are needed for 150 affordable units (975 total units).
If: out of a every 975 new housing units, 825 are market rate & 150 affordable,
Then: for each new 975 units built in SF: 85% are market rate, 15% affordable.

But the 2009 Housing Element of San Francisco’s General Plan (based on the state RHNA goals) calls for 39% OF NEW HOUSING TO BE MARKET RATE (NOT 85%). Relying on Inclusionary Housing off-site payments to fund affordable housing clearly runs counter to the housing production goals set forth in the 2009 Housing Element in the General Plan as well as the RHNA goals for San Francisco established by the state of California. Furthermore, as SB375 Sustainable Development funding criteria begins influencing state funding decisions, by driving our RHNA numbers toward 85% market rate, projects like 8 Washington could jeopardize San Francisco’s ability to apply for and receive state and federal infrastructure and transit funding.

The only way to bring San Francisco’s housing production numbers back into line with the goals in the Housing Element (and RHNA numbers) is to create a new local permanent and dedicated source of funding for affordable housing. These relevant facts regarding the impacts of inclusionary housing must be included in the DEIR. (Brad Paul) [D.53.18]

III. THE DEIR IGNORES THE GENTRIFICATION/DISPLACEMENT IMPACTS OF THIS PROJECT THAT WILL RESULT IN THE LOSS OF HUNDREDS OF RENT CONTROLLED UNITS IN THE GOLDEN GATEWAY BY ENCOURAGING THE FURTHER HOTELIZATION OF ITS 1,200 RENTAL APARTMENTS (Brad Paul) [D.53.19]

Nowhere do we encounter the words “luxury” with reference to the proposed condominiums,… (Martie W. Young) [D.55.5]

There are numerous other mis-statements and flaws in the DEIR regarding the impacts of this project that contravene the public interest, such as:

- the purported “help” in meeting the City’s housing needs (which are for affordable housing, not for exclusive high end condos that start at $2.5 million in price); (George T. Haymaker, Jr.) [D.56.10]

Response

Comments express concern that the proposed project would be comprised of luxury condominiums and contend that the proposed project would not meet the City’s need for affordable housing for low and moderate income families. The proposed project would comply with the City’s requirement to provide affordable housing pursuant to Section 415.1 et seq., of the San Francisco Planning Code, as required by existing law. The San Francisco Planning Code provides three options for meeting a project’s affordable housing requirement, namely, provision of the affordable units on-site, provision of the affordable units off-site, or payment of an in-lieu fee to the affordable housing fund.

The primary purpose of an EIR is to address whether and how a proposed project could result in adverse physical impacts to the environment. The comments do not introduce any facts that support how the creation of high-end housing on the site, together with a Code-required contribution to the creation of affordable housing units, would have physical environmental
impacts other than those described in the EIR. These comments do not present evidence that a significant adverse environmental impact would result and do not raise any specific environmental issues about the adequacy or accuracy of the EIR’s coverage of environmental impacts that require a response in this Comments and Responses document under CEQA Guidelines 15088. Comments on the merits of the proposed project may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

FINANCIAL / ECONOMIC CONSIDERATIONS

Comments

At the time there was financial consideration. The Port was in dire need of money. They came -- they went into a noncompetitive negotiation process with 8 Washington to try to solve their financial problems, which are vast. And, hopefully, I'm pretty sure the America's Cup -- and I work at Oracle -- coming to the Port will help relieve some of their financial pressures and maybe they'll rethink this noncompetitive negotiation process. But 8 Washington was not a response to this proposal. It's a moneymaking deal. We all know that. (Lisa Schreiber) [TR.15.2]

The need for ultra-luxury housing is driven by the extraordinary cost for a parking stall, which I also could not find in the EIR. Why do we have no data comparing this cost to that of parking facilities on solid dry land or even on the nearby lot -- Seawall Lot 322-1, which would be perfectly adequate for this purpose. (Nan Roth) [TR.24.4]

I also want to address the revenue to the Port. Several speakers said, well, this is going to create revenue to help the Port. It's actually not. It's going to cost the City money. Let me explain why. Down here is a picture of the site. In yellow is Seawall Lot 351, owned by the Port. The rest of the site is City planned. They are proposing as one of their major sources of revenue to create an infrastructure finance district that I believe is supposed to generate over a period of time over $40 million. The Port is entitled to 20 percent of that, which I believe is 8 million. 32 million belongs to the City, to the general fund. The term sheet says that that money all goes to the Port. The environmental impacts of that are that if this were ever to come to pass -- I can't imagine a Board of Supervisors giving up 32 million -- but if were to happen, then the question we have to ask is what recreation centers would have to be closed because of that loss of revenue? What Muni lines would have to be shut down because of that loss of revenue? There are, as many people have said, consequences to the economics of this project that have real environmental impacts. And I think those have to be addressed. If we lose this revenue -- and there's other sources of revenue they claim that don't exist. So there is no revenue coming from this. And we have the America's Cup now to take care of the cruise ship terminal, which is the other big reason for doing this. (Brad Paul) [TR.30.2]

The financial terms with the Port - including but not limited to matters set out in the Term Sheet - need approval from the Mayor and Supervisors. What assurance does sponsor/the Port have that it is acceptable to take money away from the General Fund and dedicate it to the Port. The justification for the Infrastructure Finance District and allocating funds from real estate transfers to the Port, instead of the General Fund, was the need for funds to repair the waterfront. Those terms were worked out before the America’s Cup came to the City - and before revenues from that event were “dedicated” to Port operations. Is the Port still trying to sequester funds
from this project - and justify its adverse impacts - because the project is a revenue source for the Port? (Sue C Hestor, Friends of Golden Gateway) [C.8.22]

Port Commission:
• What public facilities does the project sponsor propose to finance through CFDs and an IFD?
• Can those public facilities even be built with IFD funding, given that a) the IFD is predicated on the Port capturing 100% of the tax increment generated by 8 Washington even though the Port only owns 20% of the site, and b) according to recent testimony before the Planning Commission by Michael Yarne (OEWD), under state law IFD’s are prohibited on land that “is currently, or was previously part of a redevelopment area” (the 80% of the 8 Washington site a previous redevelopment area).
• Under what circumstances does the Port anticipate that the current (or a future) members of the Board of Supervisors would voluntarily give up its 80% of this tax increment ($32 million out of $40 projected by the Port) to fund public improvements for 8 Washington or other Port projects?
• Has the Port had discussions with the Board of Supervisors regarding its proposal to capture 100% of the tax increment discussed in the IFD (8 Washington Term Sheet? What was their reaction?
• Has the Port or project sponsor had state legislation passed (or introduced) that provides the necessary waivers from the current state prohibition against setting up IFD’s in former redevelopment areas? (Jon Golinger, Telegraph Hill Dwellers) [C.10.27]

The purpose of this Project is not to enhance or improve the surrounding environment or to meet some strongly felt need of the community, its only purpose is to make a profit for the developers. In that regard, there is inadequate discussion in the DEIR as to the real economic feasibility of this project without some form of economic support by the City or other governmental agency. In today’s economic climate it is difficult to see how this project can be completed and it may well be that the Project Sponsors are merely seeking to obtain the approval of the Commission in anticipation that they will be able to sell the development rights to some other entity. (Paul Renne) [D.14.7]

Also, I’d like to address something I’m certain I read in the EIR regarding the condo project helping to ensure the viability of the ferry building farmers market. All one needs to do is; visit the ferry building any day of the week right now and see for themselves, the farmers markets and the businesses in the ferry building are already “viable” and thriving and need no further assistance from a developer. (Tom Verhauz) [D.41.3]

What this DEIR has totally left out without even a casual reference as though it’s irrelevant, but which is a major thrust of CEQA: is feasibility! This is where economics play an important role in CEQA and the CEQA guidelines. (Arthur Chang) [D.50.8]

In real estate development, economics is the ultimate criteria to measure feasibility. This DEIR has virtually no economic or financial information. What makes this proposal feasible as an investment? In terms of supporting real estate development data which any investor would want before signing a check for property acquisition and development of condominiums in San Francisco would want at a minimum: a) feasibility analysis, b) demand analysis, c) marketability and rate of absorption analysis. Although any such information produced for the developer may need be kept in confidence, but the City must for satisfying their own purpose the determination of financial feasibility of the proposal since Port property (SWL 351)would be involved. And
accordingly, some intricate exchange of financing of public capital improvements for the developer to provide 250 public parking spaces in an outlandish three level below grade parking garage which would also include the replacement of the SWT 351 surface parking loss to building development on the site.

Such complex financial exchange will inevitably involve absorbing the excessive cost of the incredibly problematical three level below grade parking garage with the creating an Infrastructure Financing District (IFD). A premise of financial possibility in theory although predicated on legislation by then State Senator Carroll Migden created for the Port, but, which now under the City’s and the State’s financial bind are not likely to allowed materialize, just as the Redevelopment projects reliant on similar type of financing may see itself evaporating or already have been eliminated. Questions raised by Friends of Golden Gateway and Neighbors to Preserve the Waterfront back in September 28, 2010 addressing these questions of financial reality relating to the “Term Sheet for Seawall Lot 351 have never been properly answered, if even the Port is in the position to answer. All these shaky financial structures need be subject to CEQA analysis. Pub. Res. Code 21000 (g) requires it as follows:

(g) Require governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs, in addition to short-term benefits and costs and to consider alternatives to proposed actions affecting the environment (Arthur Chang) [D.50.9]

Granted that CEQA has made it clear that CEQA does not require analysis of of potential project effects that do not result, directly or indirectly in “physical change” to the environment per CEQA (Section 21080 (e) and CEQA Guidelines (e.g., Section 15131), however, the same CEQA Guidelines provide that socioeconomic issues may be considered if they would cause physical environmental effect.

This proposed “bunker for expensive furniture” is a vertical gated community comparable to the worst examples found in the suburbs (many more on the horizon in large cities) As such this proposed development will create significant environment impact. The price range publicly quoted by the development’s lead spokesman is that these units will be the most expensive in the city. As per announcement of the projected cost for the development, it will average out to be $2.1 million per condo. This is a fortress island in an otherwise open integrated middle class neighborhood whose physical structures are accessible from all corners and streets at the street level and a story above with pedestrian crossing (in the case of GGG Apts) over streets. The contrast will be shockingly distinct. These units slated for multi-million/billionaire pied-a-terres will be vacant storage bins for expensive furniture until the owner’s occasional weekend use from time to time. The socioeconomic impetus to produce this kind of development yields this kind of physical environment. These structures are built to achieve class distinctions not unlike private clubs such as the Bohemian Club or Virgin Island resorts which Sir Richard Branson owns and cater to the very rich. This development divides the community both physically and socioeconomically This should be analyzed under CCEQA. Such a product proposal as 8 Washington, the lead agency surely need examine what the City’s housing objectives are to be achieved. Just because City ordinance requires a 12 % affordable housing units as part of the development (in this case off-site) are required for the development license so to speak, how many more such units would be secured with a development doubling the size. But then, these two City Departments are not in the business of promoting affordable housing for the City. From the standpoint of project feasibility, this city should closely examine the finances of the developer entity. Just because it has the ostensible commitment from the California Teachers Pension Fund, doesn’t mean that when the actual time arrives to put in the equity, the California Teachers
Pension Fund would be able to do so, especially when there are outstanding investigation by the various State Departments including the State Attorney’s Generals office and the Department of Corporations of some of the funds placement agents who have cross certain line of propriety and investments improperly investigated have bellied-up. (Arthur Chang) [D.50.11]

MEE a national real estate surveyor of housing development has noted that in the downtown area! Telegraph Hill South of Market the”Class A cap rates are a sub (-)5 percent. And if you understand cap rates - a sub -5% is not terribly exciting (really insupportable for investment) and would raise some serious questions about this project. (Arthur Chang) [D.50.12]

Is the ‘hotelization’ of Golden Gateway and other large apartment complexes likely to increase with the approval of 8 Washington, a development that:

a) builds 165 high-end luxury condos ($2.5 - $10 million each) on Mr. Foo’s property—creating a much more upscale environment adjacent to his Golden Gateway apartments;

b) provides Mr. Foo with $10-15 million (what he’s likely to be paid for his 80% of the site) that can be used to upgrade his rent controlled apartments at Golden Gateway in order to attract even more higher paying hotel users; and

c) if no mention of these conversions is made in the DEIR, after these written comments are submitted, then the DEIR sends a clear message to Mr. Foo and others that the city has no intention of enforcing its own zoning, rent control and apartment conversion ordinances, thereby encouraging even more conversions.

If conversions like those at Golden Gateway are not stopped soon, the city is at risk of losing thousands of residential apartments in its downtown neighborhoods. (Brad Paul) [D.53.21]

What kind of mitigations would prevent the further hotelization of the Golden Gateway’s 1,200 rent controlled apartments?

With larger apartment complexes such as Golden Gateway, Parkmerced and Fox Plaza, owners get around the current prohibition on renting residential apartments for less than 30 days as hotel rooms (an action that is legally prohibited by the San Francisco Apartment Conversion Ordinance) by leasing them for more than 30 days to third parties (e.g. corporations, apartment brokers). These intermediaries then rent the apartments for anywhere from a day or two to a few weeks.

An simple amendment to the Apartment Conversion Ordinance that changes “you cannot rent an apartment for less than 30 days” to “you cannot rent or occupy an apartment for less than 30 days” would prevent Golden Gateway and others from renting apartments for anywhere from a few days to up to four weeks. Preventing 30-60 day rentals would be a more complicated matter.

The DEIR must first address how constructing 8 Washington could encourage, help fund and accelerate Mr. Foo’s conversion of the 1,200 units at Golden Gateway from rent controlled apartments to hotel use as well as the impacts this would have on the city’s housing goals as set forth in the San Francisco’s 2009 Housing Element and its RHNA goals. For instance, if we’re converting housing to non-housing (hotel) uses as fast or faster than we are creating new housing units, we will never dig ourselves out of our current housing crisis and that outcome would have catastrophic impacts on the environmental and economic sustainability of San Francisco as a city.

The DEIR must also describe, in detail, the kind of mitigations (see above) that, if enacted, could mitigate the potential impact of losing more that 165 rent controlled apartments at the Golden Gateway. (Brad Paul) [D.53.22]
V. THE DEIR FAILS TO ADDRESS OR ANALYZE ANY OF THE MAJOR ECONOMIC ISSUES RELATED TO THIS PROJECT, ISSUES THAT HAVE SIGNIFICANT ENVIRONMENTAL AND FINANCIAL IMPACTS ON THE NEIGHBORHOOD AND THE CITY.

Several of the project sponsor’s and the Port’s objectives for this project speak to the “economic” benefits of the project for the developers, the Port and the City. The DEIR and other Port documents talk about the need to develop SWL 351 in order to generate revenue for badly needed Port infrastructure work. But the Port’s financial term sheet for this project is unrealistic, misleading and relies on depriving the city of $32 million in general fund monies as part of a proposed Infrastructure Financing District.

This section addressed the DEIR’s lack of analysis or scrutiny regarding the ‘alleged’ financial benefits of the project as described in the Port’s Term Sheet for Seawall Lot 351 with San Francisco Waterfront Partners (“Term Sheet”) and how that Term Sheet, if executed, would have very real environmental impacts with regard to transit, open space, recreation, housing and population. An examination of the Term Sheet demonstrates that the stream of income on which the term sheet’s finances rely cannot be achieved. An objective analysis of “payments” described in this Term Sheet leads one to a much more pessimistic set of income projections than those presented in the September 23, 2010 Director’s Recommendation to the Port Commission. That report describes three payment sources as follows:

1. a land lease with annual payments of $120,000 per year;
2. future payments triggered by resale of condos created by the Project;
3. a to-be-established Infrastructure Financing District (IFD) that allows a portion of growth in property taxes to be reinvested in public facilities;

That third source of funding is particularly troubling since it requires a sizeable appropriation of City General Fund revenues ($32 million) by the Port for its own purposes. We will know examine each of these proposed “payment” schemes to determine how realistic they are as well as the potential environmental and economic consequences they create for San Francisco’s residents and taxpayers:

1. Lease Payments. It is easy to refute the likelihood of the $120,000/year lease payment for parcels to be used as open space with related facilities. The second paragraph of Director’s Recommendation (page 5) states: “If engineering and cost analyses deem additional funding is needed to finance agreed upon public improve- ments, the Port agrees to designate some or all of the $120,000 per year park rent to augment financing of these public improvements.” If the developer produces “engineering and cost analyses” showing “additional funding is needed to finance agreed upon public improvements,” the Port will “designate some or all of the $120,000/year in park rent to finance public improvements,” improvements that the developer is responsible to pay for. Suddenly this $120,000 of alleged “rent” could become no rent. Is that likely to happen? You be the judge:
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A Little Recent History

The developer of 8 Washington is San Francisco Waterfront Partners, a partnership between Pacific Waterfront Partners and CALSTRS, the same partnership that developed Piers 1½, 3 and 5 across the street. According to the Port’s rent rolls, San Francisco Waterfront Partners makes rent payments for Piers 1½, 3 and 5 of $41,666.67 per month or $500,000 annually. But 90% of this is wiped out by a rent credit of a $450,000 annual rent credit ($37,500.00 per month). This means that the actual rent for Piers 1½, 3 and 5 paid by San Francisco Waterfront Partners isn’t $500,000/year, but $50,000/year or 1/10 of the original rent. Knowing this, it seems highly likely that the Port will grant a similar rent credit to 8 Washington, a credit it has already offered in the Term Sheet approved last year.

The DEIR needs to discuss this and ask the following questions as they help establish for public officials whether or not 8 Washington has the possibility of generating resources to fix up the Port’s historic infrastructure.

Was the $450,000 rent rebate given Piers 1½, 3 and 5 given for “public improvements” in the same way the 8 Washington Term Sheet proposes to give 8 Washington an up-to-$120,000/year (100%) rebate for “public improvements”?

How much of this $120,000/year lease payment to the Port is guaranteed?

Based on recent history with this developer (see above box), it would appear that claiming a $120,000 per year lease payment is, at best, a gross overestimate.

2. Future payments triggered by resale of condos (aka increase transfer tax). The second source of payments (around $25 MILLION over life of the lease) involves the developer recording covenants “committing all owners to transfer payments to the Port of ½ percent of sale value for all sales of the residential condominiums and all re-sales of commercial condominiums” (from Director’s Report, Page 4), in other words, a ‘voluntary’ increase in the transfer tax.

The idea of obligating future owners to a special transfer tax after the initial sale was tried, unsuccessfully, several years ago by then Mayor Gavin Newsom’s office as a way to provide “stimulus” for large condo developers with approved projects who were trying to get financing. In exchange for agreeing to binding future condo owners to ‘voluntarily’ pay a 1% increase in the real estate transfer tax (but not calling it a “tax”), the Mayor’s Office proposed relieving the developers of 1/3 of their affordable housing requirement. That idea failed to get off the ground for both legal and political reasons. Regarding this proposal:

How does the Port plan to argue this increase in the real estate transfer TAX is not really a tax and do so in a way that convinces the Pacific Legal Foundation, Howard Jarvis Taxpayers Association and SF Board of Realtors not to sue?

Mayor Newsom’s failed proposal did trigger an multi-stakeholder discussion of a broader, legally defensible strategy, going to the voters for a permanent, across the board increase in the transfer tax on ALL real estate transactions (above the median home price) generating tens of millions of dollars a year for affordable housing. A portion of this new money would fund traditional affordable housing built by non-profit housing development corporations, but a portion would also be available to for-profit housing developers to buy down their affordable housing obligations. All sides agreed to this compromise and to place it on the November 2010 ballot, because it HAD to go to the voters, just as the ½ % transfer tax increase proposed in this Term Sheet would need voter approval.
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NOTE: The reason that this proposal was not on the ballot that November, as reported in the New York Times, was because Mayor Newsom refused to support it or ANY tax increase, no matter how much support it had, for fear of giving his Republican opponent in the Lt. Governor’s race an issue to use against him in the 2010 election.

If the best legal and political minds in the city couldn’t figure out a way to “voluntarily” increase the real estate transfer tax without going to the voters then, how does the Port propose to do the same thing for 8 Washington now? (Brad Paul) [D.53.27]

3. New IFD Funding Mechanism. The third weak link in this financing plan is the as yet “to-be-established Infrastructure Financing District (IFD) that will allow a portion of growth in property taxes to be reinvested in public facilities.” Port Director’s Recommendation, page 2. While the concept is an interesting one, it is in its infancy in San Francisco. The Board of Supervisors is in the process of setting up a pilot IFD with seven or eight property owners on Rincon Hill to test this model.

To date, citywide discussions about the use of tax increment financing tools, such as the IFD, have linked their use to funding a larger set of neighborhood infrastructure needs and public benefits previously identified through adopted Area Plans such as Eastern Neighborhoods, Market Octavia and Rincon Hill and not for the specific needs of individual projects or developers (e.g. 8 Washington).

Looking ahead, it isn’t hard to imagine the kind of criteria the Board of Supervisors might adopt to determine what developments could avail themselves of IFDs. Those with significant legal, political and financial challenges, such as 8 Washington, would not score well. Nor would projects that dramatically reduce and eliminate active recreation facilities used by middle income families and seniors for 45 years. Finally, projects that undo decades old community benefits agreements, provided as part of a Redevelopment plan (e.g. Golden Gateway’s permanent active recreation center), probably wouldn’t pass muster21.

Assuming the city eventually creates IFDs in certain circumstances, how does the Port make the case for THIS project, given the growing political and legal opposition to it, the longstanding community resource that it destroys and the Board of Supervisors won’t give up $32 million in revenue (see below).

[Footnote 21:] In fact, present and former redevelopment areas are currently prohibited by state law from being a part of an IFD (source: Michael Yarne, MOEWD) (Brad Paul) [D.53.28]

4. Diversion of property taxes from the General Fund to the Port. The majority of the 8 Washington/SWL 351 site is NOT Port property, but under the jurisdiction of the City and County of San Francisco. Exhibit A of the Term Sheet shows the boundary of the 0.64 acre under Port control (SWL 351) and the 2.51 acres portion currently privately owned by Golden Gateway on AB 168, 171, 291 (80% of the site). SWL 351 (the Port land) is only 20% of the total development site.

While these blocks were under jurisdiction of the Redevelopment Agency, the property tax increment was diverted from the City’s General Fund to that Agency. Following termination of the Redevelopment project area several years ago, however, ALL property tax increment from this land now flows to the General Fund. The Port now proposes to divert the property tax increment from the portion of this site NOT UNDER PORT JURISDICTION away from the General Fund and to the Port.
The Port Director’s Term Sheet Recommendation on page 6 proposes “a new Port IFD” covering both SWL 351 and the Golden Gate Tennis and Swim Club (WHICH IS NOW ENTIRELY UNDER THE CITY’S JURISDICTION AND TAXING AUTHORITY). Under the “new Port IFD” all the property tax increment from development on non-Port property would be diverted FROM the General Fund TO the Port. Toward the end of the Term Sheet recommendation the Director does state that the Board of Supervisors would have to agree to this arrangement.

Who from the city, not the Port, agreed to including these IFD financial terms in the Term Sheet?

Which members of the Board of Supervisors were consulted regarding this planned appropriation of property tax revenue from the city’s general fund?

What would lead the Port to think that the Board of Supervisors would voluntarily turn over $32 million in General Fund monies to the Port, particularly when the Board is struggling with massive budget deficits?

The DEIR must address whether or not this project is financially viable because if it is not, then the public facilities and infrastructure the project is promising cannot be built. The DEIR must also assess the likelihood of the Board of Supervisors turning over $32 million in General Fund monies to the Port for this and other projects and analyze what environmental impacts the loss of that $32 million to the city would create over time: what parks wouldn’t be maintained, which parks and recreation centers closed, what transit lines discontinued or run less frequently, etc.; actions that wouldn’t have been necessary had the city kept that $32 million. Specifically, the DEIR must answer the following questions:

Can 8 Washington’s public facilities (e.g. Jackson Commons, other open space) ever be built with IFD funding, given that:

- the IFD is predicated on the Port capturing 100% of the tax increment generated by 8 Washington even though the Port only owns 20% of the site, and
- according to recent testimony before the Planning Commission by Michael Yarne (OEWD), under state law IFD’s are prohibited on land that “is currently, or was previously part of a redevelopment area”?

Under what circumstances does the Port anticipate that the current (or a future) Board of Supervisors would voluntarily give up its 80% of this tax increment ($32 million out of $40 projected by the Port) to fund public improvements for 8 Washington or other Port projects?

Has the Port had any discussions with the Board of Supervisors regarding this?

If so, what was their reaction?

Has the Port or project sponsor had state legislation passed (or introduced) that provides the necessary waivers from the current state prohibition against setting up IFD’s in former redevelopment areas?

Again, this is information that public officials must have to make informed, objective decisions about the impacts of this project. (Brad Paul) [D.53.29]

B. In other Port documents related to 8 Washington, San Francisco Waterfront Partners II is described as a partnership between Pacific Waterfront Partners and the California State Teachers Retirement System (CalSTRS). However, the involvement of CalSTRS in this project appears nowhere in the DEIR. Given that CalSTRS has already spent over $23 million
dollars in predevelopment funds for 8 Washington, the DEIR must contain some mention of CalSTRS as a member of this partnership and the fact that the same partnership developed Piers 1½, 3 and 5 across The Embarcadero from this site.

Finally, the first sentence of the Introduction to the DEIR refers to the fact that “on January 3, 2007 an environmental evaluation application (EE) was filed by SF Waterfront Partners on behalf of the Golden Gateway Center for a project at 8 Washington”. That footnote references “Golden Gateway Center, Authorization Letter from Timothy Foo dated Dec. 27, 2006.”

For this DEIR to be complete and accurate it must address several key questions including:

1. **Who is developing this project? Pacific Waterfront Partners? CalSTRS? Timothy Foo? What are their relationships to each other and the proposed project?**

2. **What precisely is the relationship between these three entities and the Port?** (Brad Paul) [D.53.32]

3. **What was the understanding between SFWPII, Tim Foo and the Port when SFWPII submitted its EE application on behalf of Golden Gateway Center?** (Brad Paul) [D.53.32a]

**Response**

Comments concern the financing arrangements and economic viability of the proposed project, and the relative economic benefit of the proposed project to the City. The primary purpose of an EIR is to address whether and how a proposed project could result in adverse physical impacts to the environment. An EIR is not intended to investigate financing arrangements or economic viability of a proposed project. Rather, an EIR investigates the potential physical environmental impacts that could result, if a proposed project were to be built. The comments do not present evidence that any significant adverse environmental impacts other than those described in the EIR would result and do not raise any specific environmental issues about the adequacy or accuracy of the EIR’s coverage of physical environmental impacts that require a response in this Comments and Responses document under CEQA Guidelines 15088.

A number of comments concern the proposed Infrastructure Financing District (IFD). The proposed IFD is not a CEQA issue because it does not give rise to or cause physical impacts in addition to or different from those of the project being analyzed in the EIR. The IFD proceeds will be used first to pay up to $5 million to create the public park and related amenities at the project site, all of which are analyzed as part of the proposed project in this EIR, and thereafter will be available to the Port for use pursuant to the existing requirements of California Government Code Section 5395.8, the state legislation amending the IFD law (Gov. Code Section 53395-53397.11) which authorizes the Port to form IFDs for use on Port properties (the “Port IFD Act,” signed by the Governor on September 23, 2011). The other uses of IFD proceeds would be used for other capital projects for the Port’s benefit, after identification of, and full environmental review of any specific proposals and plans for such projects. Other than projects that have already been fully analyzed by the Port pursuant to CEQA, any other future projects that may benefit from the availability of such IFD proceeds in the future are uncertain, and therefore
speculative, but under all circumstances, will require review under the California Environmental Quality Act before approval and implementation.

Other comments suggest that the proposed project financing would divert public funding from recreational facilities, resulting in the closure of recreational facilities, or that the project would accelerate the conversion of rent controlled apartments to hotels. Such comments are too speculative and beyond the scope of what can reasonably and meaningfully be evaluated in an EIR. As such, these comments require no further response in this Comments and Responses document.

Comments about the relative economic merits of the proposed project may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.
III. Comments and Responses

T. EIR PROCESS

REVISIONS TO A PROJECT

Comment

If this proposed project were to have further revision, which differs from the project studied in the DEIR, how would these differences be accommodated by the DEIR? (Richard Cardello) [D.25.1]

Response

The comment asks how the EIR would be affected if the project were to undergo further revisions, different from the project studied in the EIR. As stated in CEQA Guidelines Section 15088.5, if revisions are introduced prior to EIR certification, the Lead Agency would need to determine if such revisions result in significant new information that would deprive the public of the opportunity to comment on substantial adverse environmental effects, feasible mitigation, or an alternative. “New information” within the meaning of this section may consist of information regarding changes in the project, changes in the setting, or new data. In other words, if any future changes are deemed to be substantial, then the Draft EIR would need to include the new information and be recirculated for another round of public review and comment, in order to provide the public an opportunity to evaluate new potential environmental impacts and mitigation measures, and comment on the new information. If future changes are deemed not to be substantial, then the new information could be incorporated into the Final EIR through the Comments and Responses document, to inform the public and decision-makers, but without the need for another round of public comment.

While an EIR is required to contain an “accurate, stable, and finite project description,” CEQA is not designed to “freeze the ultimate proposal in a precise mold of the initial project” (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 199-200 [“County of Inyo I”]). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. CEQA contemplates that the public review process may reveal new and unforeseen insights about the project, and that revisions to and refinements of the original proposal are regularly made. In Western Placer Citizens for an Agricultural and Rural Environment v. County of Placer (2006) 144 Cal.App.4th 890, for example, the Court upheld the county’s decision not to recirculate a draft EIR due to changes in the project description, finding that the county’s decision not to recirculate was supported by substantial evidence. The Court explained that changes in the project description are not per se significant new information triggering recirculation. The Court concluded that changes in the project description are subject to the same vetting process under section 15088.5, as any other new information, and the decision by the county at the conclusion of that process will be upheld if it is supported by substantial evidence (pp. 903-906).
As a result of comments calling for a larger fitness center with swimming pools at ground level to replace the four tennis courts described as part of the project, a variation on the proposed project’s design and program is being considered by the project sponsor. This project variant is described in Comments and Responses Chapter III.Q, Alternatives to the Proposed Project, C&R p. III.Q.22, under the subheading “Larger Fitness Center Project Variant”. This Larger Fitness Center Project Variant is a configuration that modifies a few limited features of the proposed project. Changes are not substantial; it would not create any new significant environmental impacts nor reduce any impacts of the project as proposed, and does not present significant new information and, therefore, would not require recirculation as explained above. As described, the physical environmental effects of the Larger Fitness Center Project Variant would have environmental impacts and mitigation measures substantially similar to those of the proposed project, and therefore would not require recirculation of the EIR. Rather, it is another design approach that decision-makers could consider based on their conclusions regarding its relative merits.

For additional discussion regarding requirements for recirculation, please also see the response under “Adequacy of Analysis in the EIR,” in Section III.R, Adequacy of the EIR, beginning on C&R p. III.R.2.

CEQA AND SOCIO-ECONOMIC EFFECTS

Comment

This DEIR is full of pronouncements that in themselves are contradicted by the stated descriptions of the proposal which it purports to examine in support of its pronouncements. It even begins with quotes from CEQA Guidelines Section 15382 to ensure our understanding of the “Purpose of this Impact Report” and the meaning of a “significant effect on the environment” as quoted on (B of page - Intro 2). But, in just quoting this section “g” of the guideline, it fails to include the description of the confusion surrounding the second and third sentence of this paragraph quoted with regard to social and economic effects. This confusion is cleared-up in the legislative annotation and uses another code citation which requires such considerations - the authority cited; case law (Hector v. People of the State of California, 58 Cal. App. 3d). The discussion follows:

Discussion: The first sentence combines the statutory language in the definitions of “significant effect” and “environment” in the interest of clarity because they are interrelated.

“The second and third sentence pose a problem of interpretation that has caused controversy for many years. The controversy centers around the extent to which CEQA applies to economic and social effects of projects. In determining whether an effect is significant, however, Section 21083(c) requires an effect to be found significant if the activity would cause an adverse effect on people.” (Arthur Chang) [D.50.2]
Response

The comment raises questions about the definition of the significant effect on the environment and the extent to which CEQA applies to economic and social effects of projects. (The comment incorrectly cites to Public Resources Code Section 21083 (c): CEQA Guidelines by OP&R, which states that the “guidelines shall include procedures for determining the lead agency pursuant to Section 21165.”) As stated in the Introduction Chapter of the EIR p. Intro 2, as defined in CEQA Guidelines Section 15382, a “significant effect on the environment” is:

... a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.

CEQA (CEQA Guidelines Section 15134) states that economic or social effects of a project shall not be treated as significant effects on the environment. However economic or social effects may be used to determine the significance of physical changes caused by a project. Physical changes as a result of the proposed project are discussed and analyzed in the EIR, throughout Chapter IV, Environmental Settings and Impacts. In addition, public comments and concerns regarding the project’s economic and social effects (pertaining to housing affordability) and financial and economic conditions are discussed in Section III.S, Comments on the Merits of the Proposed Project, in this Comments and Responses document.

PREVIOUS ENVIRONMENTAL APPLICATIONS AND THE NOP/INITIAL STUDY

Comments

Your examination of the proposal record has led to your relegating 17 major topics to the category of LS (less than significant) designation as if to reassert the Department’s previous conclusion that the proposed project in 2002 with the environment evaluation application at that time producing a PMND is appropriate today for the 2011 EIR consideration, but that plan and proposal is very different than the one being considered now. Even though the December 4, 2007 submission of a new EE application determination by reviewing officers Wycko and Muraoka found that the proposal project “may have significant effect on the environment and an ENVIRONMENT IMPACT REPORT is required. So to satisfy that determination, we have herewith a DEIR dated June 15, 2011.

This 2011 DEIR is rendered almost the next best thing to the PMND submitted in 2002 in that this DEIR (with mitigation) has so many of the major areas for potential significant environmental impacts eliminated for consideration.

This report’s relegation of major categories of consideration such as:”Land use, LU 1-3; Aesthetics 1-3; Transportation TR 1-8 only mitigating TR-9; Shadows SH1-1-3; to the less than significant (LS) category (on page Into 3) consisting of 17 items is a maneuver to effect almost a
negative declaration. What’s left - all that which facilitates the development of the project as much as the lead agency had concluded in 2002 (Case No. 2007.00.30E) in the developer prepared NOP/Initial Study for which this lead agency concluded was worthy of a negative declaration (Neg Dec) based on the records submitted by the developers to the Department. But, that was rejected on appeal to the Board of Supervisors. It appears in 2011, this same lead agency still pursues almost a Neg Dec option in tiering this report submitted as though there are no significant environmental impacts, except those due to construction with an entirely different plan and proposal before them to be analyzed. (Arthur Chang) [D.50.1]

The plausibility of the January 3, 2007 EE application adapting the NOP/Initial Study of 2002 needs to be challenged, then, as this adaptation now in a further integration of the July 2011 DEIR with the 2007 EE App. needs to be challenged.

How it must be comforting for planners in the department’s environmental division who took on the responsibility of adapting the 2007 EE App for the 2011 DEIR herein provided, confident that facts that don’t support assertions, won’t be questioned since this over-burdensome form of this report over whelms and befuddles common grasp of logical incoherence of the assertions, especially working on the interchangeability of the two reports (really three reports) rolled into one and by just declaring ex cathedra that these topics are less than significant, or with mitigation, rendered less than significant - indeed a unique approach to preparing a DEIR! (Arthur Chang) [D.50.4]

It is apparent that the City by its staff both at the Planning Department and the Port wishes to both influence 8 Washington Project development and facilitate it to happen. This has been cited in litigation filed by twelve neighborhood groups and John Does etc. in Superior Court of San Francisco, Case No. CPF -10-510634 in which the following statement on page 4 of the brief appears: (Arthur Chang) [D.50.5]

Response

The comments state that the EIR’s less-than-significant conclusions are erroneously similar to those presented in Planning Department’s 2002 Preliminary Negative Declaration’s (PMND) and that the City should not be facilitating this project’s approval, as apparent in the conclusions of the published 2011 EIR.

The proposed 8 Washington Street / Seawall Lot 351 project, as analyzed in this EIR, was initiated in 2007. It does not rely on analysis or conclusions from earlier proposals, including the 2002 PMND that was prepared for a different project with a different developer on a smaller site that excluded Seawall Lot 351. As summarized in the Introduction Chapter of the EIR, pp. Intro.1-Intro.4, on January 3, 2007, an environmental evaluation application (EE application) was filed by San Francisco Waterfront Partners II (the “project sponsor”) on behalf of the Golden Gateway Center. A Notice of Preparation of an EIR/Initial Study (the “NOP/Initial Study”) was prepared for the initial project proposal and was issued on December 8, 2007 (included in the EIR as Appendix A) to focus the scope of the EIR on potentially significant effects of the proposed project. The NOP/Initial Study concluded that the following potential individual and cumulative environmental effects of the initial project proposal were determined either to be less than
significant or to be reduced to a less-than-significant level through recommended mitigation measures: Land Use (all topics, but to be discussed in the EIR for informational purposes); Aesthetics (light and glare); Population and Housing (all topics); Cultural and Paleontological Resources (historical architectural resources, unique paleontological or geologic resources); Transportation and Circulation (air traffic patterns, emergency access); Noise (all topics); Air Quality (exposure of sensitive receptors, odors, greenhouse gas emissions); Wind; Recreation (all topics); Utilities and Service Systems (all topics); Public Services (all topics); Biological Resources (all topics); Geology and Soils (all topics); Hydrology and Water Quality (all topics); Hazards/Hazardous Materials (all topics); Minerals/Energy Resources (all topics); and Agricultural Resources (all topics).

On July 27, 2010, an Environmental Evaluation application for a revised project proposal (the proposed project as analyzed in this EIR) was submitted. (To distinguish the earlier version of the project as originally filed on January 3, 2007, from the project as currently proposed, the earlier version of the project is called “the initial project proposal.”) The proposed project would occupy the same site as the initial project proposal and, like the initial project proposal, would call for disturbance of the entire project site. As described in the Introduction Chapter of the EIR p. Intro.2, the proposed project would include a substantially similar mix and quantity of uses as the initial project proposal and would include a comparable number of residential units (slightly fewer at 165 residential units compared to 170 under the initial project proposal).

The 2007 NOP/Initial Study determined that implementation of the initial project proposal could result in potentially significant environmental impacts to the environmental topics of Aesthetics, Archaeological Resources, Transportation, and Shadow. The Planning Department determined that many of the 2007 NOP/Initial Study’s conclusions are equally applicable to the proposed project because of its similarities to the initial project proposal. However, the Planning Department also determined that a number of environmental topics that the 2007 NOP/Initial Study eliminated from further study in the EIR should be analyzed in the EIR for the current proposal. These included the topics of: Air Quality (except for odors); Greenhouse Gas Emissions; Recreation; Sea Level Rise; and Biological Resources.

The EIR was prepared by the San Francisco Planning Department, the lead agency, in conformance with the provisions of the California Environmental Quality Act (CEQA) and the CEQA Guidelines (California Public Resources Code Sections 21000 et seq., and California Code of Regulations Title 14, Section 1500 et seq., “CEQA Guidelines”), and Chapter 31 of the San Francisco Administrative Code. The EIR identifies five significant and unavoidable environmental impacts that could not be eliminated or reduced to less-than-significant levels by implementation of mitigation measures:

- It could expose people or structures to increased risk of flooding due to climate-induced sea level rise. (Impact SLR-3, EIR pp. IV.I.15-IV.I.16)
III. Comments and Responses

T. EIR Process

- Construction of the proposed project would expose sensitive receptors to substantial levels of PM$_{2.5}$ and other TACs, including DPM. (Impact AQ-3, EIR pp. IV.E.20-IV.E.24)

- The proposed project would expose new (on-site) sensitive receptors to significant levels of PM$_{2.5}$ and other TACs from a single source. (Impact AQ-7, EIR pp. IV.E.29-IV.E.33)

- The proposed project would expose new (on-site) sensitive receptors to cumulatively considerable levels of PM$_{2.5}$ and other TACs from off-site and on-site sources. (Impact AQ-8, EIR pp. IV.E.34-IV.E.35)

- Project construction activities would result in a considerable contribution to cumulatively significant levels of PM$_{2.5}$ and other TACs on off-site receptors. (Impact AQ-10, EIR p. IV.E.36)

- The proposed project would contribute to cumulative traffic impacts at study intersections. (Impact TR-9, EIR pp. IV.D.34-IV.D.35)

The Planning Department believes that the document is objective and does not present biased information intended to persuade decision-makers to approve or disapprove the project. The facts, analyses and conclusions presented are believed to be objective, accurate, and supported by substantial evidence in the record, which is also described in the EIR and contained in the Department files for the project. Please also see the response under “Objectivity, Legibility and Completeness of EIR,” in Section III.R, Adequacy of the EIR, beginning on C&R p. III.R.7, for additional discussion on the Planning Department’s objectivity in the preparation of the EIR.

EIR DISCLOSURES

Comment

CEQA also offers procedural protections that foster governmental transparency and accountability [Citizens of Goleta Valley v BD of Supervisors (1990) 52 Cal 3d 553, 564 (“Goleta II”)] And, an Agency must discharge its disclosure obligations: [In Re Bay-delta Programmatic EIR coordinated Proceedings (2008) 43 Cal 4th 1143, 1162] My neighbors (referenced earlier) inform me that with the Port, it’s a hide-and-seek game for information. Which game will we be engaged in with the new EIR, which litigation referenced earlier will surely by Court mandate require to be produced different terms than the present DEIR was authorized or will further Court action be necessary for the Lead Agency to discharge its disclosure obligations? (Arthur Chang) [D.50.10]

Response

The comment states that CEQA provides procedural protections that require governmental transparency and accountability, and implies that it will be necessary for the lead agency to discharge its disclosure obligations. As stated in the Introduction Chapter of the EIR p. Intro.3, under Chapter 31 of the San Francisco Administrative Code, the Planning Department is responsible for CEQA review for all City and County of San Francisco projects and serves as the Lead Agency. Public notice of the availability of the Draft EIR was provided by all of the means
required in Chapter 31 of the San Francisco Administrative Code: by newspaper notice, by posting on and around the project site, and by mail to interested groups and individuals. This exceeds the requirements in CEQA Section 21092(b), which requires that at least one of these three procedures be used.

Notices of availability of the Draft EIR were provided to federal, state, and regional agencies by direct mail as well as through the State Clearinghouse. Public notice of the availability of the Draft EIR was published in the San Francisco Chronicle. Notices of the availability of the Draft EIR were also posted at numerous locations in the vicinity of the project site, as well as at the Planning Department.

The Draft EIR is available electronically at the Planning Department’s website (at http://tinyurl.com/meacases) under Case No. 2007.0030E, and was posted on the website on June 15, 2011, the day that public notice of its availability was provided for circulation in the San Francisco Examiner. Paper copies of the Draft EIR were made available at the Planning Department’s Planning Information Counter at 1660 Mission Street, and copies were mailed to groups and individuals who had requested it in advance of the publication date, and in response to additional requests following publication.

Furthermore, contributors and persons consulted in the preparation of the EIR are acknowledged in Chapter VII, Authors and Persons Consulted. All supporting and background materials used in the preparation of the EIR are appropriately cited throughout the document. Also, an administrative record for the project was available for public review during the public comment period, and remains available to any member of the public at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2007.0030E.

The EIR and the Initial Study included as EIR Appendix A fully disclose all potential physical environmental impacts of the proposed project, and mitigation measures that would reduce or eliminate significant impacts where feasible.

The website of the Port contains a page discussing Seawall Lot 351 that provides copies of the Request for Proposals issued by the Port in 2008, the proposal submitted by the project sponsor, and a summary of the Exclusive Negotiating Agreement with the project sponsor.
IV. DRAFT EIR REVISIONS

This chapter presents text changes for the 8 Washington Street/Seawall Lot 351 Project Draft Environmental Impact Report initiated by Planning Department staff. The first part of this chapter presents revisions to the EIR gathered from the responses in Chapter III, Comments and Responses. The second part of the chapter lists staff-initiated text changes to add minor information or clarification related to the project and to correct minor inconsistencies and errors. Deleted text is struck through and new text is underlined. The text revisions presented below clarify, expand or update the information presented in the Draft EIR. The revised text does not provide new information that would call for changes to any of the conclusions of the EIR, or result in any new significant impact not already identified in the EIR or any substantial increase in the severity of an impact identified in the EIR. In addition to the changes called out below, minor changes may be made to the Final EIR to correct typographical errors and to correct small inconsistencies.

IV.1 CHANGES IN RESPONSE TO COMMENTS

Introduction

The first full paragraph on EIR p. Intro.2, is revised as follows (new text is underlined, deleted text is shown in strike-through):

On July 27, 2010, an EE application for a revised project proposal (the proposed project) was submitted. (To distinguish the earlier version of the project as originally filed on January 3, 2007, from the project as currently proposed, the earlier version of the project is called “the initial project proposal.”) The proposed project is intended to respond to urban design recommendations of the Northeast Embarcadero Study. The proposed project calls for demolition of the existing health club facility and the existing surface parking lot on Seawall Lot 351, and construction of two residential buildings south of the Jackson Street alignment: one along The Embarcadero (four to six stories) and the other along Drumm Street (8 to 12 stories). The buildings would be connected at their ground floor. Together, the buildings would contain about 165 residential units, 420 underground parking spaces for residents and the public, and ground-floor retail and restaurant space. North of the building, a new publicly accessible open space would be constructed to align with Jackson Street. North of this open space, a new, one-story, fitness center building, two swimming pools, and four tennis courts would be constructed. The northern end of the site would contain a one-story restaurant building and a publicly accessible open space. The project sponsor is also considering a Larger Fitness Center Project Variant that provides a larger Athletic Club Building (16,350 gsf, compared to 12,800 gsf in the proposed project). Unlike the proposed project, there would not be a lap pool on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. The recreational swimming and lap pools would be at ground level. The four tennis courts proposed as part of the project would not be
The proposed project and project variant are described in greater detail in Chapter II, Project Description, of this Environmental Impact Report (EIR).

In the Introduction chapter, the following text change is made to the second full paragraph p. Intro.7:

Chapter II, Project Description, presents details about the proposed project and project variant and the approvals required to implement it for implementation. The Project Description chapter also identifies the project sponsor and project objectives.

Chapter I, Summary

In Chapter I, Summary, the new text is added to the first and second paragraphs on p. I.1 as follows:

The proposed project calls for demolition of the existing health club facility and the existing surface parking lot on Seawall Lot 351, and construction of two residential buildings south of the Jackson Street alignment: one along The Embarcadero (four to six stories) and the other along Drumm Street (8 to 12 stories). The buildings would be connected at their ground floor. Together, the buildings would contain about 165 residential units, 420 underground parking spaces for residents and the public, and ground-floor retail and restaurant space. North of the buildings, a new publicly accessible open space would be constructed to align with Jackson Street. North of this open space, a new, one-story, fitness center building, two rooftop swimming pools, and four tennis courts would be constructed. The northern end of the site would contain a one-story restaurant building and a landscaped publicly accessible open space. The project sponsor is also considering a Larger Fitness Center Project Variant that provides a larger Athletic Club Building (16,350 gsf, compared to 12,800 gsf in the proposed project), and ground-level swimming pools and no tennis courts. Unlike the proposed project, the lap pool would not be on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. There would be 160 residential units in the variant, five fewer than in the proposed project, and the project variant may include a base isolation structural system as part of the building foundation. The publicly accessible open space would include a children’s interpretive sculpture garden with an interactive water feature.

B. SUMMARY OF IMPACTS AND MITIGATION MEASURES

Table I-1 summarizes the impacts of the proposed project identified in this EIR and, where applicable, the associated mitigation measures identified in the EIR. Impacts and Mitigation Measures would be the same for the project variant as they are for the proposed project.

Chapter II, Project Description

The first three sentences on EIR p. II.1 are clarified as follows:
The project site is located north of downtown San Francisco within the Northeast Waterfront, on the north side of Washington Street, across from Sue Bierman Park, between The Embarcadero and Drumm Street. The overall shape of the project site is roughly a right triangle, bounded by The Embarcadero to the east, Washington Street to the south, and Drumm Street and a walkway and public utilities easement to the west. (See Figure II-1: Project Location.) The project site encompasses both private property (Assessor's Block 168/Lot 58, Block 171/Lot 69, and Block 201/Lot12, owned by the Golden Gateway Center), which is subject to Planning Commission jurisdiction; and Seawall Lot 351, which includes Block 201/Lot 13, and is owned by the Port and subject to Port Commission jurisdiction.

The discussion of adjacent uses on EIR p. II.5 is revised as follows:

**ADJACENT USES**

The project site is on the periphery of the Downtown Financial District. Uses adjacent to the project site include the high-density residential communities of Golden Gateway Center and Golden Gateway Commons; the Sue Bierman Park public open spaces and other public uses on Assessor’s Blocks 202 and 203; public open space along The Embarcadero Promenade and on Pier 7 (the latter opposite the northern tip of the project site); and the offices, restaurants, retail uses, and open space at Piers 1, 1-1/2, 3, and 5. The high-rise Embarcadero Center office and commercial development is about a block (approximately 400 feet) to the south and southwest, the mixed-use Ferry Building is about a block (approximately 450 feet) to the southeast, and Pier 7 (with a restaurant and promenade) is about one-half block (approximately 200 feet) to the northeast.

The following sentence about new Figures III.3 and III.4 is added to the end of the partial paragraph at the top of p. II.5:

The public trust land exchange proposed to allow for development of SWL 351 is described in detail in Section III.B, and the proposed trust exchange and new public and private ownership of the project components after the exchange is complete are shown in Figures III-3 and III-4.

The last paragraph on EIR p. II.5 is revised as follows:

**PROJECT OVERVIEW**

Under the proposed project, the existing Golden Gateway Tennis & Swim Club facility would be demolished temporarily removed from the project site, and the site would be developed with two primarily residential buildings and new indoor and outdoor athletic club facilities...

EIR p. II.7 is revised to add the following sentence before the heading “Proposed Buildings”:

The project sponsor is also considering a project variant that is described beginning on p. II.19.

The second paragraph on EIR pp. II.17-II.18 is revised as follows:

The project sponsor proposes to construct four regulation-size tennis courts on the northern part of the project site, Assessor’s Block 171/Lot 69, to partially replace the nine
existing tennis courts that would be removed for construction of the project. Two outdoor swimming pools (a 49-by-75-foot lap pool, and a 30-by-46-foot recreation pool), a Jacuzzi spa, and outdoor deck seating would be constructed on the roof of the proposed fitness center building. These would replace the two existing in-ground pools (25 feet by 55 feet, and 36 feet by 75 feet) with larger pools (30 feet by 46 feet, and 49 feet by 75 feet). The tennis courts would occupy about 27,000 sq. ft., and the pools and related rooftop outdoor space for the athletic club would occupy about 13,000 sq. ft. The basketball half-court would not be replaced. It is expected that The Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities. Besides being used for general membership activities, the club would also continue to be used for children’s summer camps with priority for dues-paying club members, but with additional space allocated enrollment in the children’s summer camps open to the general public. This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the proposed project.5

The existing tennis courts and pools would be closed at the outset of project construction. Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of buildings, is estimated to take 27 to 29 months. The existing indoor fitness center at the Golden Gateway Center across Drumm Street would continue to operate during the construction period. The existing tennis courts, pools, and basketball court on the project site would be closed at the outset of project construction. The current schedule calls for the proposed new athletic club building, tennis courts, and swimming pools to be completed and available for use within 24 months of commencement of construction. The existing indoor fitness center would move into the proposed 12,800-gsf fitness center building upon completion, and the space now occupied by the existing facility would be converted into a storage and garage area for Golden Gateway Center maintenance staff.

New text is added to EIR Chapter II, Project Description after the first partial paragraph on EIR p. II.18 (new text is underlined):

The Western Athletic Clubs, the operator of the GGTSC, would promote the existing shuttle service from the GGTSC to the San Francisco Bay Club and would introduce new shuttle service from the site of the existing GGTSC to the San Francisco Tennis Club.6

The following new footnote is added to EIR p. II.18 as part of this text change (new text is underlined):

6 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

The last paragraph on EIR p. II.18-19 is revised as follows:

**Landscaping**

As part of the proposed project, 50 existing street trees on the adjacent Drumm Street, and Washington Street, and The Embarcadero sidewalks, and six street trees in the Washington Street median, would be removed. The proposed project includes street tree
replanting in at least a 1:1 ratio in conformity with San Francisco Public Works Code requirements. New street tree planting would also conform to the requirements for new construction under Planning Code Section 143, which requires new construction to include a 24-inch box tree every 20 feet along the project property street frontage. In addition, the 86 existing trees within the project site would be removed. Of these, 36 are significant trees subject to the Public Works Code, and per the code, would be expected to be replaced. A landscaping design scheme would be developed for the proposed publicly accessible open spaces (Jackson Common, Pacific Avenue Park, and widened Drumm Street pedestrian walk) and the common courtyard area between the residential buildings (accessible to residents of the proposed project), which would include the planting of new trees, avoidance of invasive species and use of local and drought-tolerant plants.

Chapter II, Project Description, EIR p. II.19 is revised to add the following new discussion of the Project Variant above the heading “Project Construction”:

**PROJECT VARIANT**

The proposed project includes a design approach variation, which is briefly described in this chapter and fully described in Chapter VII, Project Variant. The variant modifies limited features of the proposed project and is analyzed at a project level. It is identified to provide flexibility to decision-makers when deciding whether to approve or disapprove the project, and could be included as part of an approval action.

The Larger Fitness Center Project Variant (see [New] Figure II-11: Larger Fitness Center Project Variant Site Plan) would be comprised of the same uses as the proposed project. The two residential buildings south of Jackson Common would be similar to the proposed project in their lobby, restaurant and retail spaces, and access. However, the project variant would have 160 residential units instead of 165, and the variant may also include a base isolation structural system as part of the foundations for the residential buildings. The proposed parking garage and its entrance on Washington Street would remain the same.

The proposed Jackson Common would remain in the same location as with the proposed project. The proposed Athletic Club Building north of Jackson Common would be larger in size in the project variant (16,350 gsf, compared to 12,800 gsf in the proposed project), but similar in height to the proposed project (two-story building, with an average building height of 25 feet and a maximum building height of 35 feet). The café located within the building would be open to members and the public. It would be about 1,915 gsf, similar in size to the 1,850-gsf-café in the proposed project. (See [New] Figure II-12: Larger Fitness Center Project Variant - The Embarcadero Elevation.) Outdoor private recreation facilities north of Jackson Common would differ from the proposed project: the lap swimming and recreational pools would be at ground level in the variant. Unlike the proposed project, there would not be a pool on the roof of the Athletic Club Building; instead, a green rooftop comprised of living plants is proposed. The four tennis courts proposed as part of the project would not be included in this variant.

The park restaurant building in the northern area of the project site would remain in the variant. Pacific Avenue Park would also have a children’s interpretive sculpture garden with an interactive water feature.
New Figure II-11: Larger Fitness Center Project Variant Site Plan and [New] Figure II-12: Larger Fitness Center Project Variant - The Embarcadero Elevation are shown on the next two pages.

The last paragraph on EIR p. II.19, continuing to p. II.20, is updated as follows:

Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of the buildings, would take 27 to 29 months. Assuming that construction would begin in 2012, the buildings would be ready for occupancy in 2014. The first phases of construction would take about 46 1/2 months and would include demolition (2 1/2 months), excavation and shoring (2 9/ months), and foundation and below-grade construction work (7 months).

The first full paragraph on EIR p. II.20 is revised, as follows:

The proposed buildings would have a pile foundation system supporting a thick mat. The estimated depth of proposed excavation would be as much as 38 feet below the ground at the site of the proposed residential buildings (with excavation of as much as about 40 feet deep for elevator pits), and 2 feet to 4 feet beneath the tennis courts and proposed athletic club building north of Jackson Street. Pile driving would be required; pile lengths would average about 130 feet. Indicator piles would be driven during early portions of the excavation activities prior to installation of the foundation piles. Vibration would be monitored as part of installation of the indicator piles. If there were evidence of potential for damage to Piers 1, 1-1/2, 3 and 5, the historic buildings near the project site, the contractor would adjust the type of pile used in the areas close to these buildings. Approximately 110,000 cubic yards of soil would be removed from the project site.

The following new text is added on EIR p. II.20 as a new second paragraph on the page, above Subsection C, Objectives of the Proposed Project (new text is underlined):

Shoring around the excavation for basements and foundations would be nearly watertight; therefore, relatively little dewatering of groundwater from off the site would be expected to be necessary during excavation and foundation/basement construction. Monitoring wells would be installed around the perimeter of the construction site outside the excavation area to monitor groundwater near the project site. If these monitoring wells show substantial localized declines, groundwater recharge would be used to restore levels during construction.

Footnote 6 on EIR p. II.21 is revised, as follows:

6 Port of San Francisco, Request for Proposals SWL 351 Mixed Use Development Opportunity, November 10, 2008. This document is on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

Section III. Plans and Policies

The third paragraph on EIR p. III.1 is revised to identify potential conflicts between the proposed project and the Transportation Element of the General Plan, as follows (new text is underlined):

December 22, 2011
Case No. 2007.0030E

IV.6

8 Washington/Seawall Lot 351
Comments and Responses
The General Plan provides general policies and objectives to guide land-use decisions and contains some policies that relate to physical environmental issues. The proposed project could potentially conflict with a number of policies in the Transportation Element of the General Plan:

- Policy 1.3 - Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.
- Policy 16.5 - Reduce parking demand through limiting the absolute amount of spaces and prioritizing the spaces for short-term and ride-share uses.
- Policy 34.1 - Regulate off-street parking in new housing so as to guarantee needed spaces without requiring excesses and to encourage low auto ownership in neighborhoods that are well served by transit and are convenient to neighborhood shopping.

The Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with applicable provisions of the General Plan, and will consider potential conflicts as part of the decision-making process. This consideration of General Plan objectives and policies is carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project. Potential conflicts with provisions of the General Plan that would cause physical environmental impacts have been evaluated as part of the impacts analysis carried out for relevant, specific topics in this EIR. For example, policies concerning parking are addressed in EIR Section IV.D, Transportation and Circulation. Potential conflicts with General Plan objectives and policies not identified in the EIR could be considered in the project evaluation process and would not alter the physical environmental effects of the proposed project. The project would be reviewed by the Planning Commission in the context of all applicable objectives and policies of the General Plan.

The second full paragraph on EIR p. III.5 is revised, and new text is added after that paragraph, as follows (new text is underlined, deleted text is shown in strikethrough):

**PRIORITY PLANNING POLICIES**

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which added Section 101.1 to the Planning Code to establish eight Priority Policies. These policies are (1) preservation and enhancement of neighborhood-serving retail uses; (2) protection of neighborhood character; (3) preservation and enhancement of affordable housing; (4) discouragement of commuter automobiles; (5) protection of industrial and service land-uses from commercial office development and enhancement of resident employment and business ownership; (6) maximization of earthquake preparedness; (7) preservation of landmarks and historic buildings; and (8) protection of parks and open spaces and their access to sunlight. The case report and approval motions for the proposed project will contain the San Francisco Planning Department’s comprehensive project analysis and findings regarding consistency of the proposed project with the Priority Policies.
The proposed project could potentially conflict with several of the Priority Planning Policies. Those conflicts are identified and briefly discussed below, but the conflicts are not, in and of themselves, physical environmental impacts. However, the physical environmental impacts that would result from those conflicts if the proposed project were implemented are discussed in the appropriate topical sections of EIR Chapter IV, Environmental Setting and Impacts.

The condominium buildings in the proposed project, which would exceed the current height limit for the project site, would change the land use character and the architectural/visual character of the neighborhood, and potentially conflict with Priority Planning Policy No. 2. The impacts on the land use character of the neighborhood are discussed on EIR pp. IV.A.9-IV.A.11, and the impacts on the architectural/visual character of the neighborhood are discussed on EIR pp. IV.B.18-IV.B.21. The proposed project would include an underground parking garage containing 165 residential parking spaces, a ratio of 1 space for each dwelling unit, which would affect commuter traffic and public transit, and potentially conflict with Priority Planning Policy No. 4. The impacts on transportation and circulation are discussed on EIR pp. IV.D.16-IV.D.37. The condominiums in the proposed project would cast new net shadow on several nearby parks and open spaces and potentially conflict with Priority Planning Policy No. 8. The shadow impacts on parks and open spaces are discussed on EIR pp. IV.G.11-IV.G.45. The proposed project would be consistent with the other Priority Planning Policies.

The text under the heading “Transit First Policy” on EIR pp. III.5-III.6 is revised, as follows (new text is underlined, deleted text is shown in strikethrough):

TRANSIT FIRST POLICY

In 1997, the San Francisco voters approved amending the City Charter to include a Transit First Policy. The Transit First Policy is a set of principles that underscore the City’s commitment that travel by transit, bicycle, and on foot be given priority over the private automobile. These principles are embodied in the policies and objectives of the Transportation Element of the General Plan. All City boards, commissions, and departments are required, by law, to implement Transit First principles in conducting the City’s affairs.

The City’s Transit First Policy provides that “parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation” (City Charter, Section 8A.115). As discussed in EIR Section IV.D, Transportation, the proposed project would exceed Planning Code allowances for accessory parking, requiring Conditional Use authorization or adoption of a Special Use District to allow for the proposed parking ratio. Provision of parking in excess of required and accessory amounts could encourage additional residents and users of the proposed project to choose driving over other forms of travel.

The proposed project would provide a total of 420 parking spaces, of which 330 would be for the commercial and residential development at the project site, reflecting 1:1 parking for each of the 165 residential units, and an additional 165 spaces supporting new commercial uses (restaurant, retail, and health club) pursuant to Planning Code Section 151 (the Planning Code requires 175 nonresidential spaces). The remaining 90 spaces replace the existing 105 surface parking spaces at Seawall Lot 351, as required under the Port’s Request for Proposals, to serve the Ferry Building waterfront area.
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spaces for project residents and 255 spaces for the retail uses and the general public, including 90 spaces required to serve the Ferry Building waterfront area under the Port of San Francisco’s Request for Proposals. These 420 parking spaces would meet the midday project parking demand of 298 spaces, as well as replace and relocate the existing surface spaces on the project site that would be removed as part of the proposed project (17 existing spaces for the Golden Gateway Tennis and Swim Club and 105 existing spaces on Seawall Lot 351—298+17+105=420). Thus, proposed project would not contribute to a net reduction of available parking spaces in the area that could encourage more project residents, project visitors, and visitors to the area, to choose alternative forms of transportation over driving the proposed project, with a total of 420 parking spaces, could encourage project residents, project visitors, and visitors to the area to drive instead of using alternate forms of transportation.

Other aspects of the proposed project are consistent with the Transit First Policy. The proposed project would place 165 new residential units and other uses at the edge of the downtown financial district within convenient walking distance to and from places of employment, public transit, services, and attractions. In addition, the proposed project would include improvements to the bicycle circulation system and the pedestrian realm around and through the project site to encourage walking, transit use, and bicycling. The policy is also discussed on EIR p. IV.D.16.

The Planning Department, the Planning Commission, the Board of Supervisors, and other City decision-makers will evaluate the proposed project in accordance with provisions of the Transit First Policy, and will consider whether the proposed project would, on balance, conform or conflict with the Transit First Policy. These deliberations are carried out independent of the environmental review process, as part of the decision to approve, modify, or disapprove a proposed project.

The text on EIR pp. III.7-III.8 is revised, as follows:

PORT OF SAN FRANCISCO WATERFRONT LAND USE PLAN

After effecting the proposed trust exchange, the elements of the proposed project on private land (such as the residential buildings and the newly constructed Golden Gateway Tennis & Swim Club facility) would not be subject to the Port Commission’s jurisdiction or the Waterfront Land Use Plan. However, potential conflicts with the Waterfront Land Use Plan are discussed, because the elements of the proposed project on private land would be adjacent to the Port’s land and could not be constructed as proposed without inclusion of the existing Seawall Lot 351 in the project site and the proposed trust exchange.

Seawall Lot 351 is within the Ferry Building Waterfront Subarea of the Port of San Francisco Waterfront Land Use Plan. This area extends from Pier 5 to the Agriculture Building and includes Piers 1/2, 1, 1-1/2, and 3, the Ferry Building, and Ferry Plaza. Land uses identified as acceptable on Seawall Lot 351 include residential, open space, parking, retail, and recreational (among others).

The Waterfront Land Use Plan recognizes that new residential uses would require the public trust to be removed from Seawall Lot 351 so that housing can benefit the trust by enlivening the waterfront on a 24-hour basis and providing a mix of users. In addition, revenue generated by non-trust uses can be used to further public trust purposes such as the development of public open space and public access.
The project sponsor proposes a public trust exchange under which a portion of 8 Washington not currently subject to the public trust would be exchanged for a portion of Seawall Lot 351. Residential components of the proposed project would be constructed on the reconfigured parcel that is not subject to the public trust. The proposed public trust exchange is discussed in Section III.B.

The Waterfront Design & Access Element is a component of the Waterfront Land Use Plan, and is intended to guide the physical form of waterfront revitalization. The Waterfront and Access Element provides policy for the preservation and development of public access and open space, views, and historic resources, as well as architectural design criteria that will be applied to new development.

The design criteria provide the following direction for the massing of new development on the current Seawall Lot 351: “Massing: To define the north edge of adjacent open space, new development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g., bold forms of similar height, constructed to the Embarcadero edge.) (emphasis added).” The horizontal mass of the Pier 1 bulkhead building is about 37 feet tall, and its pedimented central segment is about 55 feet tall.

The proposed east building would measure between 48 and 70 feet tall along the west side of The Embarcadero. As such, the proposed east building would not be similar in height to the Pier 1 bulkhead building. At a height of 35 feet, the proposed health club building would be similar in height to, but shorter than, the Pier 1 bulkhead building.

The residential condominium buildings in the proposed project would also potentially conflict with aspects of the Waterfront Design & Access Element’s design criteria for the orientation of new development on Seawall Lot 351. The design criteria provide the following direction for building orientation on Seawall Lot 351: “Orientation: Primary Uses and pedestrian entrances should face The Embarcadero.” The proposed project would have its primary residential entrance lobby along Washington Street at the midpoint of the block. The east building would provide a secondary residential entrance along The Embarcadero. The east building would also provide for ground-floor restaurant and retail space along its entire length on The Embarcadero, intended to maintain an active street presence along The Embarcadero. The entrance to the Golden Gateway Tennis & Swim Club would also be from The Embarcadero (or from the proposed Jackson Common just off of The Embarcadero).

The Port issued a Request for Proposals for the development of Seawall Lot 351 in November 2008, stating development objectives drawn from the Waterfront Land Use Plan and the Waterfront Design & Access Element. The extensive public process leading up to the Port’s solicitation of a developer for Seawall Lot 351 and considerations for the Port Commission’s selection of the project sponsor for exclusive negotiations are described in detail in Port staff reports. (Footnote)

The element contains certain policies that relate to environmental impacts on aesthetics. A discussion of the intent of the project to conform with the Waterfront Design & Access Element is found in Section IV.B, Aesthetics, of the EIR.
The following new footnote is also added to EIR p. III.7:


The text on EIR pp. III.10-III.11 is revised, as follows:

TIDELANDS TRUST AND STATE LANDS COMMISSION

Seawall Lot 351 is subject to the common law public trust doctrine, as well as the terms and conditions of the Burton Act, which is the trust grant from the State to the City (sometimes referred to collectively as the “public trust”). The public trust doctrine as developed in California limits uses of trust lands to those that are water-dependent or water-related, including commerce, fisheries, navigation, environmental preservation, and recreation. Ancillary or incidental uses that directly promote trust uses, are directly supportive and necessary for trust uses, enhance natural resources, or that accommodate the public’s enjoyment of trust lands are also permitted, such as hotels, restaurants, shops, and parking areas. Non-water-oriented private uses such as general office and residential uses are not considered public trust uses. The public trust use limitations are also incorporated into the Burton Act. The Burton Act is the legislative grant that authorized the transfer of San Francisco’s submerged and filled tidelands from the State to the City, and sets forth the terms under which the property is to be held in trust by the San Francisco Port Commission.

The Waterfront Land Use Plan allows for certain non-trust uses on seawall lots, including residential use on Seawall Lot 351, if the Port determines the lots are surplus to the trust and public trust land use restrictions are removed. The removal of the trust can be accomplished by an exchange for other non-trust property of equivalent value, or a State legislative action. If an exchange were used, the Port would enter into an exchange with the State Lands Commission and the project sponsor that provides for conveyance of a portion of Seawall Lot 351 to the developer and for conveyances of private property not subject to the public an alternative trust parcel to the City (to be held by the Port subject to the public trust). This process would require approvals by the Port Commission, San Francisco Board of Supervisors, and State Lands Commission. The State Lands Commission is authorized to approve public trust exchange to lift the public trust pursuant to Chapter 310, Stats. 1987 upon the following findings:
• The lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged;
• SWL 351 has been filled and reclaimed;
• SWL 351 is cut off from access to the waters of San Francisco Bay;
• SWL 351 constitutes a relatively small portion of the lands granted to the City and County;
• The portion of SWL 351 to be exchanged is no longer needed or required for the promotion of the public trust for commerce, navigation and fisheries or the statutory trust; and
• No substantial interference with the trust uses and purposes will ensue by virtue of the exchange.

Such an exchange would be considered consistent with applicable public trust principles.

The project sponsor proposes to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue, and Drumm Street) with the portion of SWL 351 south of the former Jackson Street right-of-way that would be occupied by residential and other non-trust development. The property that would be transferred into the public trust would become new publicly accessible open space (Jackson Common and Pacific Avenue Park, and a widening of the existing Drumm Street pedestrian walkway). The proposed exchange would likely satisfy the requirements of Chapter 310, Stats. 1987, because portions of Seawall Lot 351 that the project sponsor proposes to be exchanged out of the trust (1) have been filled and reclaimed, (2) are located across The Embarcadero from the Bay and no longer have direct access to the Bay, and (3) are a small fraction of the Port’s overall trust holdings.

In addition, an appraisal must show that the lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged. The State Lands Commission must also find that the lands are not needed or required for promotion of the public trust, and that no substantial interference with the trust uses and purposes will ensue.

The property proposed to be exchanged into the public trust and the property proposed to be exchanged out of the public trust are shown in more detail on Figure III-3: Public Trust Diagram. Figure III-4: Ownership of Project Components, shows the public and private ownership of the project components after the exchange has been completed. According to the project sponsor’s calculations, the land area to be exchanged into the public trust would exceed the land area to be exchanged out of the public trust by approximately 825 square feet. The project sponsor has commissioned appraisals of the exchanged parcels to be prepared in conformance with the Uniform Standards of Professional Appraisal Practice by a member of the Appraisal Institute.

The Burton Act specifies the conditions on which a public trust exchange may be approved without the need for legislation. Public trust exchanges may be effected through a two-stage process under this authorizing statute.

First, the City (acting through the Port Commission) must find that:
• Seawall Lot 351 has been filled and reclaimed;
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- Seawall Lot 351 is cut off from access to the waters of San Francisco Bay;
- Seawall Lot 351 constitutes a relatively small portion of the lands granted to the City and County under the Burton Act;
- The portion of Seawall Lot 351 to be exchanged is no longer needed or required for the promotion of the public trust for commerce, navigation, and fisheries or the Burton Act trust;
- No substantial interference with the trust uses and purposes would ensue by virtue of the exchange; and
- The lands to be acquired have a value equal to or greater than the value of the lands for which they are to be exchanged and would be useful for the trust purposes authorized by the Burton Act.

If the Port Commission makes those findings, the matter is submitted to the State Lands Commission for its determination.

Second, the State Lands Commission must review and approve appraisals of the exchange parcels, including the valuation methodology and value conclusions, and find that:

- The property to be exchanged into the public trust has a value equal to or greater than the value of the property to be exchanged out of the public trust;
- The portion of Seawall Lot 351 to be exchanged out of the public trust has been filled and reclaimed;
- The portion of Seawall Lot 351 to be exchanged out of the public trust is cut off from access to the waters of San Francisco Bay;
- The portion of Seawall Lot 351 to be exchanged out of the public trust constitutes a relatively small portion of the lands granted the City and County under the Burton Act;
- The portion of Seawall Lot 351 to be exchanged out of the public trust is no longer needed or required for the promotion of the public trust for commerce, navigation, and fisheries, or for the Burton Act trust; and
- The exchange will not cause substantial interference with public trust uses.

In addition to maritime uses and maritime-serving uses, recognized public trust uses include the operation of public buildings and visitor-serving parks, playgrounds, public educational facilities, and recreational facilities, the rehabilitation of historic maritime facilities in accordance with the Secretary of the Interior’s Guidelines for the Treatment of Historic Properties, visitor-serving retail, and physical and visual public access to San Francisco Bay.

If the public trust exchange occurs, the Port would own all of the reconfigured public trust property within the project. The Port would enter into a long-term management contract or other binding arrangement with the project sponsor for the use, operation, and maintenance of the public property, including the public garage, the public open space, and ancillary public trust uses such as the Pacific Avenue Park café fronting Pacific Avenue Park as identified in EIR Chapter II, Project Description. The project sponsor
would also be responsible for designing, constructing and maintaining the public open space improvements and widening the sidewalk along a portion of the west side of The Embarcadero that abuts the proposed project. Through these uses and improvements, the proposed trust exchange would promote recognized public trust purposes of providing enhanced pedestrian and visual public access to the waterfront, and create new visitor-serving commercial uses such as the Pacific Avenue Park café.

The private residential and associated uses on the project site, other than the Pacific Avenue Park café which would be leased by the Port as described above, would be on property that is not subject to the public trust, including the rebuilt Golden Gateway Tennis and Swim Club, the residential buildings, and their associated privately owned and maintained amenities (such as private open space and residential parking). While the restaurant proposed within the residential building at the corner of The Embarcadero and Washington Street would not be on public trust property or subject to the public trust, the use would promote public trust purposes. The uses on the private parcels would not substantially interfere with public trust uses. The pedestrian improvements adjacent to Drumm Street are not included within the proposed public trust exchange. As such, no existing easements within that area would be affected by the trust exchange.

The Exclusive Negotiation Agreement between the Port and the project sponsor requires the project sponsor to consult with and obtain a determination by the State Lands Commission or by state legislation that the project (including the proposed public trust exchange) is consistent with the public trust before the Port Commission would consider approving the portion of the project on Port property. The project sponsor and Port staff have begun the consultation process and provided materials, including public trust exchange maps such as Figure III-3 and preliminary concept drawings, to State Lands Commission staff regarding the proposed trust exchange.

[New] Figure III-3: Public Trust Diagram and [New] Figure III-4: Ownership of Project Components, shown on the following two pages, are added after EIR p. III.11 to show more details of the proposed trust exchange.

The following text is added after the last paragraph on EIR p. III.11 as follows:

**C. REGIONAL PLANS AND POLICIES**

**2010 Clean Air Plan**

The Bay Area 2010 Clean Air Plan (“Clean Air Plan”) is a comprehensive plan to improve Bay Area air quality and protect public health. The Clean Air Plan defines a strategy that the Bay Area Air Quality Management District and local government agencies will implement to: (1) reduce emissions and decrease ambient concentrations of harmful pollutants; (2) safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily impacted by air pollution; and (3) reduce greenhouse gas (GHG) emissions to protect the climate. The policy set forth in TCM E-2 is to promote parking policies to reduce motor vehicle travel.

It is acknowledged that the proposed project is seeking conditional use authorization to increase the limits on parking supply permitted as of right under the Planning Code. However, nothing in the Clean Air Plan specifically calls for a limitation on parking...
LANDS REMAINING IN TRUST
OPEN SPACE ADDED TO TRUST
PORT LAND REMOVED FROM TRUST
NEW OPEN SPACE/NOT TRUST LAND

PUBLIC USE LAND
PACIFIC PARK 11,560sf
CAFE / BIKE CENTER 2,910sf
TOTAL NORTH OF CLUB 14,470sf
EXPANDED EMBARCADERO SIDEWALK 1,620sf
EMBARCADERO CLUB SIDEWALK 375sf
JACKSON COMMON 7,010sf
TOTAL 23,475sf

PORTION OF SEAWALL LOT REMOVED FROM TRUST
TOTAL 22,650 sf

SURPLUS 825 sf
SEAWALL LOT 351

DRUMM ST GARDEN WALK 2,850sf

SOURCE: San Francisco Waterfront Partners

8 WASHINGTON STREET / SEAWALL LOT 351
2007.0030E

(NEW) FIGURE III-3: PUBLIC TRUST DIAGRAM

IV.17
supply to below one space per residential unit. While the City retains the discretion to
determine the appropriate parking maximum for the proposed project, a limitation of one
space per residential unit would not necessarily be inconsistent with the Clean Air Plan.

In addition, to the extent that any conflicts between the proposed project and the
objectives and policies of the Clean Air Plan were found to exist, such conflicts are not,
in and of themselves, physical environmental impacts. The physical environmental
impacts that would result from any such conflicts if the proposed project were
implemented are discussed in Section IV.D, Transportation and Circulation, on EIR pp.
IV.D.16-IV.D.37, and in Section IV.E, Air Quality, on EIR pp. IV.E.15-IV.E.37.

Chapter IV, Environmental Setting and Impacts

The first paragraph on p. IV.A.1 is revised and a new paragraph is added after it, as follows:

The NOP/Initial Study found that the initial project proposal could have a significant
impact with respect to the following environmental topics: aesthetics, cultural resources
(archaeological resources), transportation and circulation, air quality, and shadow. The
proposed project is substantially similar to the initial project proposal and thus the
conclusions of the NOP/Initial Study likewise apply to the proposed project. This chapter
assesses the project’s impacts under these topics. In addition, this chapter includes
sections on land use for informational purposes, on recreation in response to comments
submitted on the NOP/Initial Study, and on greenhouse gases, sea level rise, and
biological resources. In each of these environmental sections, existing conditions are
described first, under the heading Setting. These existing conditions serve as the baseline
for the analysis of potential environmental impacts from the proposed project under the
heading Impacts. Cumulative impacts from the proposed project are analyzed for each
environmental topic. Mitigation measures are identified to avoid, eliminate, or reduce
significant adverse impacts of the proposed project. Where called for, improvement
measures are also identified to reduce the proposed project’s effects of impacts that would
be less than significant.

Since the project variant closely resembles the proposed project, all of the analysis,
impacts, mitigations, improvement measures, and conclusions within the NOP/Initial
Study, the EIR, and the Comments and Responses applies to this Larger Fitness Center
Project Variant. Chapter VII, Project Variant, provides supplemental analysis of the few
differences between the proposed project and the Larger Fitness Center Project variant.

Section IV.A, Land Use

The following new text is added after the third full paragraph on EIR p. IV.A.6:

Public Parking

In addition to the public pay lot at Seawall Lot 351, public parking, bicycle, and
pedestrian needs for visitors to the Ferry Building area are accommodated as follows:

After the closure of Pier ½ in 2008, the Port repainted the curbs between the Agriculture
Building and Pier 5 in May of 2009, to provide three additional accessible parking spaces
(“blue zones”), dedicated delivery areas (“yellow zones”) and dedicated drop off zones
(“white zones”). Working with SFMTA, the Port also created 11 additional metered
parking spaces on Davis Street and arranged for validated parking spaces at the Golden
Gateway Garage located at 250 Clay Street on weekends for visitors and patrons of the Ferry Building and Farmers’ Market.

Additional nearby garages offering validation or discounted parking to Ferry Building and Farmers’ Market shoppers on weekends include the Embarcadero Center 3 and 4 Garages (870 total spaces) located across The Embarcadero from the Ferry Building, and the 75 Howard Parking Garage (515 total spaces), located at 75 Howard Street. None of these garages limit the number of Ferry Building and Farmers’ Market shoppers who may park on weekends at the validated or discounted rate.

Nearby weekday parking sites include the Golden Gateway Garage, the Embarcadero Center 3 and 4 Garages, the 75 Howard Parking Garage, Pier 3, and the surface parking lot at Broadway and The Embarcadero.

The impact statement for Impact LU-2, on EIR p. IV.A.9, is clarified and revised, as follows:

Impact LU-2: The proposed project would not have a substantial adverse impact on the existing character of the vicinity. (Less than Significant)

This text change is also made to Table I-1: Summary of Environmental Effects and Mitigation Measures Identified in the EIR, on p. I.2 in Chapter I, Summary.

Section IV.B, Aesthetics

The first sentence under the heading “Photographic Views,” on EIR p. IV.B.3, is revised as follows:

The project site occupies a prominent position along The Embarcadero across from the Piers 1-5 bulkhead buildings, significant historic resources that line the east side of The Embarcadero, and across from the Sue Bierman Park Open Space.

The first full paragraph on EIR p. IV.B.11 is revised as follows:

View F - From Calhoun Terrace on Telegraph Hill, Looking Southeast, and View G - From Pioneer Park on Telegraph Hill, Looking Southeast

Telegraph Hill rises abruptly about four blocks north and west of the project site. Public rights-of-way on Telegraph Hill afford the nearest public hilltop views of the project site in the context of panoramic scenic views of the Bay, the East Bay hills beyond, and the Bay Bridge, over the rooftops of waterfront development (particularly the view from Calhoun Terrace at the edge of a steep drop on the south eastern slope of Telegraph Hill, and from Pioneer Park, a popular tourist destination). In this view these views (Figure IV.B-7: View F - From Calhoun Terrace on Telegraph Hill, Looking Southeast (Existing); and Figure IV.B-8: View G – From Pioneer Park on Telegraph Hill, Looking Southeast(Existing)), looking southeast, the project site is visible in the distance, over the rooftops of buildings in the Northeast Waterfront at the base of Telegraph Hill and the Golden Gateway Commons development. Beyond the project site, the Piers 1-5 bulkhead buildings and the Ferry Building and Clocktower are visible along The Embarcadero. The William Heath Davis building rises to the west of the project site (to the right in
these views] with downtown high-rise development rising beyond and inland from the Bay.

The new EIR Figure IV.B-8: View G – From Pioneer Park on Telegraph Hill, Looking Southeast, is added following EIR Figure IV.B.7: View F- From Calhoun Terrace on Telegraph Hill, Looking Southeast, on EIR p. IV.B.12.

The last sentence in the second paragraph on EIR p. IV.B.17 is revised accordingly as follows:

...Because views of Telegraph Hill and Coit Tower would continue to be available from The Embarcadero in front of the nearby Pier 1 Bulkhead Building, from the public area to the east of the Embarcadero Promenade outside of the north entrance to the Ferry Building, and from numerous other locations in San Francisco and around the Bay, the obstruction of views toward Coit Tower and Telegraph Hill from a segment of the Embarcadero Promenade in front of the northern end of the Ferry Building would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.

The first paragraph on EIR p. IV.B.18 is revised as follows:

Views of the Ferry Building

When viewed from some locations on Telegraph Hill, the proposed buildings would obstruct a portion of the landmark Ferry Building (see Figure IV.B-7 (Proposed Project) and Figure IV.B-8 (Proposed Project)), although the northern portion of the Ferry Building and the iconic Ferry Building Clock Tower would continue to be visible beyond the proposed project in this view. The lower-rise portions of the Ferry Building would continue to be visible from numerous vantage points in the vicinity of the project site and within the City, and would continue to function as the visual focal point of the waterfront. The proposed project would not obstruct the view of the Ferry Building Clock Tower from any of the proposed viewpoints, popular public viewing areas on Telegraph Hill. Because the Ferry Building would continue to be visible from numerous public vantage points around the City, the obstruction of the lower portions of the Ferry Building when viewed from some vantage points on Telegraph Hill would not create a substantial adverse effect on a scenic vista or cause substantial damage to a scenic resource.

New Figure IV.B.8 is shown on the following page.

Impact AE-2, on EIR p. IV.B.18, is revised as follows:

Impact AE-2: The proposed project would not cause a substantial adverse change in substantially alter the existing visual character of the project site and its surroundings. (Less than Significant)

This text change is also made to Table I-1: Summary of Environmental Effects and Mitigation Measures Identified in the EIR, on p. I.2 of EIR Chapter I, Summary.
IV. Draft EIR Revisions

Section IV.C, Archaeological Resources

The first two paragraphs on EIR p. IV.C.1 are revised as follows (new text is underlined):

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have significant effect on the environment. This section assesses the potential impacts on historical resources (specifically, archaeological resources that qualify as historic resources under CEQA) resulting from implementation of the proposed project.

For the purposes of this section, the term “cultural resources” is used synonymously with the term “historical resources” as defined by CEQA. Both “historic archaeological resources” and “historic architectural resources” are subset categories of historical resources. These terms are used to distinguish between these types of historical resources in environmental review because of differing methodologies for identification of resources, and for evaluation and mitigation of impacts.

In response to comments requesting additional information about the seawall lots and the New Seawall, the last paragraph beginning at the bottom of EIR p. IV.C.5 is revised as follows:

Construction of the New Seawall

The New Seawall was designed to follow a smooth curve of the shore instead of the angles of the street, to better conform to the Bay’s currents and, thus, reduce shoaling. This new bulkhead was begun in 1877 and today defines the shoreline of San Francisco in the vicinity of the project site along the east side of The Embarcadero. The construction of the New Seawall created new areas of land, “the Seawall Lots.” These are often triangular and irregularly shaped, because of the angle of the intersection of the New Seawall and the City’s street grid. Its final segment was completed in 1916. Sanborn maps from 1887 and 1899 give the first detailed look at the 8 Washington Street/Seawall Lot 351 project site after the New Seawall was completed. The 1887 map shows the project site completely filled in and the New Seawall along the eastern edge of East Street. Washington Wharf, Jackson Wharf, and Pacific Wharf are identified extending out from East Street, east of the project site. The New Seawall is a contributing resource within the Embarcadero Historic District. Located along the east side of The Embarcadero, the New Seawall would not be affected by the proposed project.

Section IV.D, Transportation and Circulation

The last sentence in the last paragraph on p. IV.D.5 is deleted, as follows:

Table IV.D-1 presents the results of the intersection LOS analysis for the existing weekday PM peak hour conditions. The study intersections were evaluated using the 2000 Highway Capacity Manual (HCM) methodology. Existing intersection operating conditions were evaluated for the peak hour (generally 5:00 PM to 6:00 PM) of the weekday PM peak period (4:00 PM to 6:00 PM). Intersection turning movement counts were conducted at all study intersections on Wednesday, September 19, 2007.
The last paragraph on p. IV.D.9 is expanded as follows:

Currently, all the bus lines that operate in the vicinity of the proposed project operate below Muni’s maximum utilization factor (85 percent) and have available capacity at the MLP to accommodate additional passengers. On the other hand, the F-line streetcars in the southbound direction (toward the Castro district) operate at a 103% percent utilization factor during the weekday PM peak period. This value is above Muni’s maximum policy standard (85%) and means that passengers experience crowded conditions with many standees during the summer evening period, when the ridership data was collected. The MLPs of all nearby Muni bus routes, . . .

The second paragraph on p. IV.D.15, shown below, is deleted:

Approximately 40 parking meters are located along Washington Street, between The Embarcadero and Davis Street, Clay Street, between Davis and Drumm Streets, and Drumm Street, between Sacramento and Washington Streets, are bagged and reserved for Ferry Plaza Farmers Market sellers on Tuesdays and Saturdays from 6 AM to 4 PM.

Improvement Measure TR-3: Pedestrian Alert Device on p. IV.D.26 is expanded as follows:

The project sponsor will install an audible and visual device at the garage entrance to alert pedestrians when a vehicle is exiting the facility. A sign will also be installed at the top of the garage ramp facing exiting vehicles with the words “Caution – Watch for Pedestrians” to warn motorists to be observant for pedestrians on the sidewalk.

This text change is also made to Table I-2: Summary of Improvement Measures Identified in the EIR, on p. I.17 in Chapter I, Summary.

The first two paragraphs on EIR p. IV.D.28 are revised, as follows (new text is underlined, deleted text is shown in strikethrough):

The proposed project would provide 420 parking spaces (165 spaces allocated for the proposed residential units plus 255 spaces for commercial uses and the general public) in a three-level parking garage below the proposed buildings. The 255 public spaces would include some 165 spaces allocated for the use of athletic club patrons, Golden Gateway Tennis & Swim Club members, and employees, as well as retail and restaurant visitors, and the general public. The other 90 spaces are required under the Port’s Request for Proposals for the purpose of serving the general public visiting the Ferry Building waterfront area. These 90 spaces would also replace the existing 105 parking spaces on Seawall Lot 351 that would be removed with implementation of the proposed project. The proposed project would also include 17 handicap-accessible parking spaces (7 spaces for the residents and 10 spaces for the general public), as well as 6 car-share parking spaces (1 space for the residents and 5 spaces for the general public). The proposed project would eliminate 14 metered on-street spaces.

The proposed project would be required by the Planning Code to provide a total of 216 off-street parking spaces, of which 41 spaces would be for residential uses, and 175 spaces would be for nonresidential uses (80 for the athletic club use, 34 for retail uses, and 61 for restaurant uses). The proposed project would provide 124 residential parking spaces in excess of the 41 required by the Planning Code, and 103 residential parking spaces.
spaces in excess of 62 allowable by the Planning Code as an accessory use. The proposed project would meet and exceed provide 165 residential spaces (41 required) and 165 nonresidential spaces (175 required). It would exceed the number of parking spaces for residential uses but fall 10 spaces short of the minimum Planning Code requirements for nonresidential off-street parking spaces. As discussed in Chapter II, Project Description, on pp. II.22-II.23, the project sponsor is seeking a modification of the off-street parking requirement pursuant to the procedures for Planned Unit Developments set forth in Planning Code Section 304.

The first and second sentences under Impact TR-8 on EIR p. IV.D.31 are revised as follows:

The construction of the proposed project would start with the demolition of the existing structures, which would take approximately 21 months. Construction would continue with excavation, shoring, and pile driving for the underground parking garage, for approximately 79 months.

The second paragraph on EIR p. IV.D.31 is revised as follows:

The next phase of project construction, including site and foundation work, construction of the parking garage, and construction of the buildings, would take an additional 2518 months.

The third sentence in the first paragraph on EIR p. IV.D.31 is revised as follows:

The highest demand for construction trucks would occur during this phase, with an average of 2090 one-way truck trips (400 200 one-way truck trips per day during the peak excavation days) that would travel to and from the site on a typical weekday.

Section IV.E, Air Quality

Table IV.E-4, on EIR p. IV.E.18, is revised as follows:

(Revised) Table IV.E-4: Estimated Average Daily Construction Emissions

<table>
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<tr>
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<th>Projected Emissions (Pounds per Day)¹</th>
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<tbody>
<tr>
<td></td>
<td>ROG</td>
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<tr>
<td>Average Daily Emissions</td>
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<td></td>
<td>30.29</td>
</tr>
<tr>
<td>BAAQMD Threshold</td>
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</tr>
</tbody>
</table>

Note:

¹ Emission factors were generated by the URBEMIS 2007 (v. 9.2.4) CalEEMod model for San Francisco County for summer conditions.

Section IV.G, Shadow

The second-to-last sentence of the first paragraph on EIR p. IV.G.3, which describes the eastern block of Sue Bierman Park, is revised, as follows:

At the time of publication of this DEIR, the Block 202 portion of the park is fenced and work is ongoing.

The second paragraph on EIR p. IV.G.3, which describes the western block of Sue Bierman Park, is revised, as follows, and footnote 1 is deleted:

The western block (Assessor’s Block 203) of Sue Bierman Park is bounded by Washington Street on the north, Drumm Street on the east, Clay Street on the south, and Davis Street on the west. The western block slopes upward from east to west, but the northern perimeter is at street grade and is generally flat. A network of walkways, stairs, and terraces meanders up the slope to meet a pedestrian bridge crossing Davis Street to Maritime Plaza grove of trees. The western block has been densely planted with trees, and other amenities include lawns, paved walkways, and seating areas. In late 2010, a renovation project was undertaken to reorient the pedestrian walkways, relandscape the park, and remove the space frame structure in the eastern block. At the time of publication of this DEIR, the western block, Block 203, is fenced and work is ongoing. It is expected to reopen in June of 2011. When the NOP/Initial Study was published on December 8, 2007, there was an elevated pedestrian bridge that crossed Davis Street and connected this block to Maritime Plaza. That pedestrian bridge, which is shown in figures IV.G.1 through IV.G.25, has been removed.

The second sentence in the third full paragraph on EIR p. IV.G.3 is revised, as follows (deleted text is shown in strikethrough, and new text is underlined):

The southern portion (Lots 6, 14, and 15, and 20) of Assessor’s Block 202 was occupied by a segment of the Clay Street on-ramp to the Embarcadero Freeway, which was demolished after the 1989 Loma Prieta earthquake.

The paragraph that begins at the bottom of EIR p. IV.G.3 is revised, as follows (deleted text is shown in strikethrough, and new text is underlined):

Prior to 2001, Assessor’s Block 203 was not part of Sue Bierman Park. Assessor’s Block 203 was formerly part of the right-of-way occupied by the Clay Street on-ramp to the Embarcadero Freeway, which was demolished after the 1989 Loma Prieta earthquake. The State of California conveyed ownership of these parcels to the City and County of San Francisco in 1991. Jurisdiction over this parcel was transferred by ordinance from the Department of Public Works to the Recreation and Park Department in April 2001, thus further expanding Sue Bierman Park to its current size and configuration. The northeastern corner of this block (Lot 13) is not part of Sue Bierman Park. This parcel, which is occupied by a one-story building housing a wastewater pump...
station and a maintenance facility, is under the jurisdiction of the San Francisco Public Utilities Commission.

The second and third full paragraphs on EIR p. IV.G.9 are revised to provide information on the Drumm Street sidewalk, as follows:

During the spring, summer, and autumn, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street are sunny in the morning and early afternoon (see Figures IV.G-2 through IV.G-4, Figures IV.G-7 through IV.G-9, and Figures IV.G-12 through IV.G-14). The sidewalk and almost the entire length of the pedestrian path are shadowed by existing buildings in the late afternoon. The shadows begin at approximately 3:00 PM and remain until the end of the day (see Figures IV.G-5, IV.G-6, IV.G-10, IV.G-11, IV.G-15, and IV.G-16).

During the winter, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street are shadowed by existing buildings in the late morning until the end of the day, with the shadows beginning at approximately 11:00 AM and remaining until the end of the day (see Figures IV.G-17 through IV.G-21).

The following heading and text are added after the third full paragraph on EIR p. IV.G.9:

**Jackson Street and Pacific Avenue Sidewalks**

The sidewalks along Jackson Street between Drumm Street and Front Street and along Pacific Avenue between Drumm Street and Davis Street are sunny from mid-morning until mid-afternoon (10:00 AM until 3:00 PM) during the summer. At all other times of the day throughout the year, the sidewalks are shadowed by existing buildings (see Figures IV.G-2 through IV.G-21).

The second and third full paragraphs on EIR p. IV.G.40 are revised, as follows:

The proposed project would cast some net new shadow on the southern half of the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street in the morning. During the spring, summer, and autumn, the shadows would begin at sunrise and move off the pedestrian path and the sidewalk at approximately 10:00 AM (see Figures IV.G-2, IV.G-3, IV.G-7, IV.G-8, IV.G-12, and IV.G-13). During the winter, the shadows would begin at sunrise and move off the pedestrian path and the sidewalk at approximately 11:00 AM (see Figures IV.G-17 through IV.G-19).

During the spring, summer, and autumn, the pedestrian path and the sidewalk on Drumm Street between Jackson Street and Washington Street would continue to receive 5 to 7 hours of sunlight each day. During the winter when the days are coldest and shortest, the pedestrian path and the sidewalk would continue to receive 4 to 5 hours of sunlight each day. Considering the amount of sunlight that would reach the pedestrian path and the sidewalk throughout the year, the shadows from the proposed project would not be harmful to the growth or health of landscaping and vegetation and would not substantially affect the use of the pedestrian path. For these reasons, the shadow impact of the proposed project on the pedestrian path and the sidewalk between Jackson Street
and Washington Street would be considered less than significant, and no mitigation measures are required.

The following heading and text are added after the third full paragraph on EIR p. IV.G.40:

**Jackson Street and Pacific Avenue Sidewalks**

The proposed project would cast net new shadow on the sidewalks along Jackson Street between Drumm Street and Front Street for about two hours in the morning throughout the year (see Figures IV.G-2, IV.G-3, IV.G-7, IV.G-8, IV.G-12, IV.G-13, IV.G-17, and IV.G-18).

The proposed project would cast net new shadow on the sidewalks along Pacific Avenue between Drumm Street and Davis Street for about one hour in the morning during the spring, autumn, and winter (see Figures IV.G-2, IV.G-3, IV.G-12, IV.G-13, IV.G-17, and IV.G-18).

Many of the sidewalks in the vicinity of the project site are already shadowed for much of the day throughout the year by existing high-rise development. This amount of shadow is typical for an urban environment. The existing shadows have caused no apparent detrimental effect on the sidewalks or the use of the sidewalks, and an additional one to two hours of shadow would not substantially change the conditions that have existed for the past 40 years. For these reasons, the shadow impact of the proposed project on the sidewalks along Jackson Street and Pacific Avenue in the vicinity of the project site would be less than significant, and no mitigation measures are required.

The fourth and fifth paragraphs under the heading “Golden Gateway Tennis & Swim Club,” on EIR pp. IV.G.44-IV.G.45, are revised, as follows:

During the winter, existing buildings would shadow the southeast corner of the four relocated tennis courts in the early morning. The shadows would begin at sunrise and recede as the day progresses, moving off the tennis courts by 9:00 AM. The proposed project would shadow the tennis courts in the morning. The shadows would begin at sunrise and recede as the day progresses until only the southeast corner of the tennis courts is shadowed at noon. Beginning at noon, shadows from existing buildings would begin to reach the tennis courts and would remain until the end of the day. At the end of the day, the tennis courts would be completely shadowed. The proposed project would shadow the proposed rooftop swimming pools from about 8:00 AM until noon. Beginning at noon, shadows from existing buildings would begin to reach the swimming pools, overlap with shadows from the proposed project, and remain until the end of the day. At the end of the day, the swimming pools would be completely shadowed by existing buildings (see Figures IV.G-17 through IV.G-21).

During the spring, summer, and autumn, the relocated tennis courts would receive 6 to 7 hours of sunlight each day, and the rooftop swimming pools would be without shadows all sunny throughout the day. During the winter, when the days are coldest and shortest, the relocated tennis courts would receive 3 to 4 hours of sunlight each day, and the rooftop swimming pools would be without shadows all shadowed throughout the day. Overall, throughout the year, the relocated tennis courts would receive less sunlight during the day than the existing tennis courts, and the proposed rooftop swimming...
pools would receive more sunlight during the day than the existing at-grade swimming pools, which are shadowed by existing buildings during the mid- to late afternoon throughout the year.

Section IV.H, Recreation

The last paragraph and footnote 5 on EIR p. IV.H.2 are revised, and a new footnote 6 is added, as follows:

The athletic club is a privately owned and operated facility that is open to dues-paying members of the public. The club offers three types of membership: tennis, fitness/swim, and flex tennis. The tennis membership allows the use of all club facilities; the fitness/swim membership allows the use of all facilities other than the tennis courts; and the flex tennis membership allows the use of all facilities outside of prime-time club hours. The tennis and fitness/swim membership types allow members to use the fitness/swim facilities at the San Francisco Bay Club. Within each membership type are categories such as Individual, Couple, Family, Young Professional (under 30), and Corporate. Executive and Club West memberships for tennis and fitness/swim are elite membership types that allow member access to all facilities operated by Western Athletic Clubs in the Bay Area and to all facilities operated by Western Athletic Clubs in California, respectively. The club also provides a discounted Preferred Membership to residents of Golden Gateway Center and the Golden Gateway Commons.

As of August 2011, the GGTSC had a total of 1,744 memberships (about 2,500 individuals) comprised of 1,104 Individual, 258 Couple, 168 Family, 164 Young Professional, and 50 Corporate memberships. Of these, 659 are tennis memberships including flex, and 1,085 are fitness/swim memberships. Of the current membership approximately 354 Preferred Memberships (20 percent) are held by residents of the adjacent Golden Gateway Center and the Golden Gateway Commons.

More broadly, approximately 87 percent of memberships are held by San Francisco residents with approximately 38 percent of those memberships held by residents in zip codes 94111 (Embarcadero/Barbary Coast), 94104 (Financial District), 94133 (North Beach/Chinatown), and 94108 (Chinatown). The GGTSC also provides reciprocal services to Western Athletic Clubs members from other facilities such as the San Francisco Bay Club. Western Athletic Clubs estimates that approximately 1,600 members of its other club facilities pay to access the full array of GGTSC facilities while another 1,145 members of other clubs pay to access GGTSC’s fitness/swim facilities.

5 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communication, January 21, 2011.

5 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communications, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review with the Planning Department, 1650 Mission Street, Suite 400.
The text beginning with the first paragraph on pp. IV.H.3 - IV.H.4 is revised as follows:

The San Francisco Recreation and Park Department administers more than 200 parks, playgrounds, and open spaces throughout the City. System recreation facilities also include 15 recreation centers, 9 swimming pools, 5 golf courses, and more than 300 athletic fields, tennis courts, and basketball courts.6 Publicly owned park and open space facilities near the project site, as well as one privately owned public park, include the following:

- Sue Bierman Park (Assessor’s Blocks 202 and 203), south and southwest of the project site across Washington Street;
- Maritime Plaza, a podium-level open space within One Maritime (about one block west of the project site);
- Justin Herman Plaza, south of Clay Street along The Embarcadero (one block south of the project site);
- The Embarcadero Promenade (Herb Caen Way) along the east side of The Embarcadero and the Port Walk Promenade that runs around the Ferry Building and Piers 1, 1-1/2, 3, and 5;
- Sydney G. Walton Square, a publicly permanently accessible open space, owned by Golden Gateway, one block west of the project site;
- Pier 7, directly northeast of the project site across The Embarcadero;
- Harry Bridges Plaza, The Embarcadero in front of the Ferry Building; and
- Ferry Plaza, a public plaza on the water side of the Ferry Building.

Other active, publicly owned recreation facilities near the project site include the following:

- Portsmouth Square at Washington Street and Walter Lum Place (about 0.6 mile west of the project site). Facilities include a recreation center.
- Willie Woo Woo Wong Playground (formerly the Chinese Playground) at Sacramento and Waverly Streets (about 0.8 mile southwest of the project site). Facilities include a tennis court and a basketball court.
- Chinese Recreation Center at Washington and Mason Streets (about 1.0 mile west of the project site) is scheduled to reopen in fall 2012. Planned facilities include a recreation center, an indoor basketball court, and an outdoor basketball court.
- Wo Hei Yuen Recreation Center at Powell and John Streets (about 1.0 mile west of the project site). Facilities include a recreation center, a public garden, and a children’s play area.
• Joe DiMaggio Playground at 651 Lombard Street (about 1.3 miles northwest of the project site). Facilities include three tennis courts, a basketball court, and a multi-use field.

• North Beach Pool and Clubhouse at Lombard and Mason Streets (adjacent to the Joe DiMaggio Playground). Facilities include a recreation center and two swimming pools (a 25 meter x 21’ lap pool and 89’ x 21’ recreation pool).

Combined, these locations offer a multi-use field, two swimming pools, three four recreation centers, three four basketball courts, and four tennis courts.7


The second paragraph on p. IV.H.4 is revised as follows:

The recreation facility with the highest number of tennis courts is Golden Gate Park, which has 21 courts. Court reservation fees at Golden Gate Park range from $2 to $6 per session.10 The other 132 Recreation and Park courts in the City are free.11 There is one Recreation and Park tennis court within 1 mile of the project site (at Willie Woo Woong Playground); six nine courts between 1 and 2 miles of the site (at Alice Marble Courts and North Beach, Joe DiMaggio Playground, Helen Wills Playground, and Margaret P. Hayward Park); and eight 27 courts between 2 and 3 miles of the site (at Lafayette Square, Moscone Recreation Center, Alta Plaza Park, Ella Hill Hutch Recreation Center, Mission Dolores Park, Mission Playground, Hamilton Park, Jackson Park, Potrero Hill Recreation Center, and Herz Playground Berry Park).

The following text has been added after the second paragraph on EIR p. IV.H.7 as follows:

The 2010 Census data for San Francisco shows that the City grew by approximately 4 percent since the 2000 Census.18 The 2010 Census shows that citywide, persons over the age of 65 make up approximately 14 percent of the total population while persons under the age of 18 comprise approximately 16 percent of the total population. The 2010 Census results for Census Tract 10519 which includes the GGTSC, Golden Gateway Center and Golden Gateway Commons indicate that there are approximately 2,685 people in this census tract, an increase of approximately 470 people since the 2000 Census.20 Of this census tract’s total 2010 population, approximately 26 percent are over the age of 65 and approximately 7 percent are under the age of 18. Since the 2000 Census, there has been no change in the percentage of persons over age 65 and an approximately 4 percent increase in the percentage of persons under 18. Thus, the percentage of persons over the age of 65 continues to be moderately higher than in other parts of the City, and the number of persons under 18 continues to be lower.

The Recreation and Open Space Element (ROSE) is in the process of being updated. The revised draft was completed in June 2011 and is expected to be adopted in 2012. The revised draft ROSE includes more recent census data from the 2010 Census and from the 2005–2009 American Community Survey. The revised draft includes high needs area maps (Figure 2) that show population density, household income, youths under 17 per acre, and seniors over 65 per acre. Similar to the data above, the area near the project site has a population density lower than the median population density (collected at the census tract block group level), lower numbers of youth per acre, about the average number of seniors per acre, and household incomes above the average median household
income. Since the demographic profile in this area of the City has not changed markedly since the 2000 Census, the maps and figures in the adopted ROSE continue to provide reasonably accurate information for identifying “high needs areas.”

The following three footnotes are added to p. IV.H.7 as part of this text change:

18  U.S. Census, 2010 and 2000 Census, Demographic Profile for City and County of San Francisco.
19  Census Tract 105 is bounded by Chestnut Street to the north; San Francisco Bay to the east; Sacramento, Drumm, Market, and Steuart Streets to the south; and Battery, Sansome, Greenwich, and Montgomery Streets to the west.

The last paragraph in the Methodology section of the EIR p. IV.H.8 is revised as follows:

In determining whether the subject project would have a significant adverse impact on recreational facilities, this section considers existing recreational facilities that would be removed by the proposed project, the surrounding recreational facilities, the existing capacity of those facilities, and the proposed recreational improvements that would be included as part of the project. This report assumes that if there are recreational facilities within a service distance with sufficient capacity to provide a variety of recreational opportunities, there would not be a significant adverse effect. However, this analysis does not assume that a lack of prescribed capacity for each type of recreational activity, in itself, does not constitute a significant adverse impact, provided that recreational options continue to be available to nearby and proposed project residents. This report also considers the recreational facilities that would be provided by the proposed project in the context of the City’s overall open space and recreational system.

The discussion of the future GGTSC facility is revised as follows for clarification in the first full paragraph on EIR p. IV.H.9 is revised as follows:

The project sponsor proposes to construct four regulation-size tennis courts on the northern part of the project site (Assessor’s Block 171, Lot 69) to replace, in part, the nine existing tennis courts that would be removed for construction of the project. Two outdoor swimming pools would be constructed on the roof of the proposed fitness center building, replacing the two existing in-ground pools that would be removed. The existing basketball half-court near the north end of the project site would be removed. The tennis courts would occupy about 27,000 sq. ft., and the pools and related outdoor space for the athletic club would occupy about 13,000 sq. ft. The Golden Gateway Tennis & Swim Club. It is expected that Western Athletic Clubs would control and operate the athletic club facilities, which would be secured from public access with the proposed building and tennis court placement and a stone wall along the western side of the site. The club would also continue to be used for children’s summer camps with priority for dues-paying club members but with additional space allocated enrollment in the children’s summer camps open to the general public. This is the club’s current operating policy, and camp activity levels are anticipated to be similar with the project. The summer camp has a capacity of 722 children per month, and the average enrollment is approximately 500 children per month.20
The last sentence on EIR p. IV.H.9 is revised as follows:

The existing indoor fitness center would move into the proposed 12,800-gsf fitness center building and the space now occupied by the existing facility would be converted into a storage and garage area for Golden Gateway Center maintenance staff.

The last sentence in the first paragraph under Impact RE-2 on p. IV.H.10 is revised as follows:

The project would also provide a total of about 29,800 sq. ft. of publicly accessible open space.

The text under Impact RE-2 on EIR p. IV.H.10 is revised as follows:

The population accommodated by the project’s approximately 165 residential units (an estimated 376 people) would increase the demand for public park and recreation facilities. However, the project’s contribution to this need would not be considered a substantial addition to the existing demand for public parks and recreation facilities in the area. The increase in demand would not be in excess of amounts expected and provided for in the project area and the City as a whole. The proposed project is within the service areas of several public parks and open spaces; public parks are adjacent to the project site and public open spaces are within a block of the site. The additional use of these facilities would be relatively minor compared with the existing use of the facilities. The proposed project would provide about 28,100 sq. ft. of private residential open space (14,900 sq. ft. of private residential open space and about 28,900 sq. ft. of common residential open space) on site for project residents, exceeding the requirements of the Planning Code (see “Regulatory Framework,” above Chapter II, Project Description, p. II.18).

The proposed project is not within the defined service areas (which were selected based on facility capacity and population, not distance) of the nearest public recreational facilities. The San Francisco General Plan and 2004 Recreation Assessment Report do not specifically identify the project area as deficient in or underserved by public recreation facilities. The nearest public recreation center at Portsmouth Square is about 0.6 mile (about a 12-minute walk) from the project site; the nearest public basketball court and tennis court at the Willie Woo Woo Wong Playground are about 0.8 mile (about a 16-minute walk) from the site; and the nearest public swimming pool at the North Beach Pool and Clubhouse is about 1.3 miles (about a 25-minute walk) from the site. These facilities can be accessed directly by transit (e.g., the Muni 1-California and 30-Stockton lines) from the project site. The additional use of these facilities would be relatively minor compared with the existing use of the facilities. In addition, privately operated tennis courts and swimming pools would be rebuilt on the project site and the associated indoor health club facilities would be relocated and expanded there. The project residents would have access to these facilities if they chose to join the Golden Gateway Tennis & Swim Club (though project residents would not have priority for membership). Project residents would also have access to tennis courts, swimming pools, and fitness centers in other privately operated facilities nearby if they choose to join such facilities.
New text is added after the first full paragraph on EIR p. IV.H.13 as follows:

In order to minimize the inconvenience of traveling to alternative private tennis and swim facilities, Western Athletic Clubs, the operator of the GGTSC, would provide to existing GGTSC members the existing shuttle service from the GGTSC to the San Francisco Bay Club (swim and aquatic fitness programs) and would introduce new shuttle service from the site of the existing GGTSC to the San Francisco Tennis Club (full range of tennis programs and tournaments). Current members would have access to these alternative recreation facilities at no additional cost during the interim closure of the GGSTC, which is expected to last for 24 months.26

The following new footnote is also added to EIR p. IV.H.13:

26 Stevens, Matthew, Chief Executive Officer, Western Athletic Clubs, written communication, August 25, 2011. These memoranda are on file as part of Case No. 2007.0030E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.

The third paragraph on p. IV.H.13 is revised as follows:

As noted previously, the project would result in the permanent removal of five tennis courts, reducing the total number of courts at the site from nine to four. The basketball half-court would not be replaced. The future number of tennis memberships would be reduced correspondingly. In addition, the GGTSC would not have a sufficient number of tennis courts to maintain certain tennis programs such as USTA tournament play and club tournaments. However, the GGTSC children’s summer camps would continue to be provided at the same level as at present. These GGTSC facilities are privately owned and operated; though they are available to the public through membership, the courts are not a public recreational resource. After project completion, approximately 168 public tennis courts would continue to be available in the City. None of the existing off-site public courts would be affected by the proposed project. Approximately 52 other private courts, besides those on the project site, would also continue to be available. The loss of five private tennis courts would not be a significant environmental impact. The City would continue to have a large number of public tennis courts in line with the recommended national guidelines of one court per 5,000 people, in addition to a large number of private courts.

New text has been added after the first partial paragraph on EIR p. IV.H.14 as follows:

Due to the reduction in space allocated for tennis courts from 59,400 sq. ft. to 27,000 sq. ft. that would result in a reduction of five tennis courts, from nine to four tennis courts, the GGTSC would not have a sufficient number of tennis courts to maintain certain tennis programs such as USTA tournament play and club tournaments. The loss of five private tennis courts would not be a significant environmental impact; over 168 public tennis courts and at least 52 tennis courts at private facilities are available nearby and elsewhere within the City. The total number of available public courts is in line with the recommended national guidelines of one court per 5,000 people.27

The following new footnote is added to p. IV.H.14 as part of this text change (new text is underlined):

27
IV. Draft EIR Revisions

Section IV.I, Sea Level Rise

The EIR text on p. IV.I.10, beginning with the second full sentence in the first partial paragraph and the quote that follows the paragraph are revised to provide and discuss the current relevant text of the proposed Bay Plan amendments, as follows (new text is underlined, deleted text is shown in strikethrough):

**Although** the project site falls outside BCDC’s jurisdiction, **the proposed amendments to the Bay Plan provide relevant considerations, findings and policies that BCDC would consider when determining whether development in areas that are within its jurisdiction and are vulnerable to future climate-induced shoreline flooding should be allowed. The latest available text prepared by staff provides the following:**

Until a regional sea level rise adaptation strategy can be completed, when planning or regulating new development in areas vulnerable to future shoreline flooding, new projects should be limited to: ...infill development within existing urbanized areas that contain development and infrastructure of such high value that the areas will likely be protected whether or not the infill takes place... the Commission should evaluate each project proposed in vulnerable areas on a case-by-case basis to determine the project’s public benefits, resilience to flooding, and capacity to adapt to climate change impacts. The following specific types of projects have regional benefits, advance regional goals, and should be encouraged...: a project that will concentrate employment or housing near existing or committed transit service (whether by public or private funds or as part of a project), particularly within those Priority Development Areas that are established by the Association of Bay Area Governments and endorsed by the Commission, and that includes a financial strategy for flood protection that will minimize the burdens on the public and a sea level rise adaptation strategy that will adequately provide for the resilience and sustainability of the project over its designed lifespan...

This proposed new policy (Policy 7 and 7.c in a new section on Climate Change in Part IV of the Bay Plan) would not be applicable to the proposed project, since the project site is not within the jurisdiction of BCDC.

The text of footnote 34 on EIR p. IV.I.10 is revised to read as follows (new text is underlined, deleted text is shown in strikethrough):

**Memorandum to Commissioners and Alternates, from Will Travis, Executive Director, and Joseph LaClair, Chief Planner, re: Staff Report and Revised Preliminary Recommendation for Proposed Bay Plan Amendment 1-08 Concerning Climate Change, Sept. 3, 2010, pp. 17-18, available at http://www.bcdc.ca.gov/proposed_bay_plan/2010-10-1-08bpa3.pdf, accessed Jan. 12, 2011.** See also p. 13, item p, for the definition of infill development, and item r, regarding the potential policy conflict between desirable infill and other shoreline development and protecting development from future increased...
IV. Draft EIR Revisions

Section IV.J, Biological Resources

The following sentence is added at the end of the first paragraph under the heading “Wildlife” on EIR p. IV.J.2 (new text is underlined):

Along with other birds, the flock of parrots (mainly conures) that inhabit the vicinity of Telegraph Hill is known to frequent the trees in and near Sue Bierman Park and the median in The Embarcadero.

The first paragraph on EIR p. IV.J.9 is revised as follows:

The project site contains 163 trees. Fifty about 163 trees are located on the four parcels comprising the project site and in the adjacent rights-of-way. Of those 163 trees, all of the 86 trees within the project site would be removed. Just outside the project site, an additional fifty existing street trees on the adjacent Drumm Street, and Washington Street, and The Embarcadero sidewalks would be removed as part of the proposed project. In addition, 86 trees within the project site would be removed. Furthermore, the existing landscaped median on Washington Street between The Embarcadero and Drumm Street, containing six trees, would be eliminated as part of the proposed project in order to widen the sidewalk on the north side of Washington Street from the existing 10 feet to approximately 20 feet. A total of 142 trees would be removed.

The fifth paragraph on EIR p. IV.J.9 is revised as follows:

There are no landmark trees within the project site or within the adjacent public right-of-way. Of the 86 trees within the four parcels comprising the project site, 36 trees have been identified as “significant” per the Public Works Code, and 39 of the 77 trees within the adjacent public right-of-way meet the size criteria for significance. The project would result in the removal of all 86 trees within the project site and 56 trees within the adjacent public right-of-way and in the median in Washington Street. A total of 59 trees (36 on the project site and 23 in the public right-of-way) that have been identified as “significant” per the Public Works Code are proposed to be removed.

New Chapter VII, Project Variant

New Chapter VII, Project Variant, will be added to the EIR after Chapter VI, Alternatives to the Proposed Project. Chapter VII, Authors and Persons Consulted, will become Chapter VIII. New Chapter VII is presented below on pp. IV.37-IV.44.

VII. PROJECT VARIANT

This chapter discusses a variation on the proposed project’s design approach that is being considered by the project sponsor. This variant, called the Larger Fitness Center Project Variant, modifies limited features or aspects of the proposed project, unlike the alternatives to the proposed project analyzed in Chapter VI, Alternatives, which provide a different approach to development of the project site. Therefore, this variant is the same as the proposed project except for the specific variations described. The project variant would be available for selection by the project sponsor and decision-makers. If selected, the decision-makers would authorize construction of the proposed project with the recreational and other facilities designed as proposed in the variant instead of the recreational and other facilities designed as included in the proposed project.

The analysis of the proposed project variant includes the analysis in Chapter IV, Environmental Setting and Impacts, and in the Comments and Responses chapter. This chapter describes the project variant and also analyzes how that variant’s impacts could differ from those of the proposed project as identified in Chapter IV and in the Comments and Responses.

A. DESCRIPTION OF THE LARGER FITNESS CENTER PROJECT VARIANT

As described in Chapter II, Project Description, beginning on p. II.19, the Larger Fitness Center Project Variant would be comprised of the same uses as the proposed project, with a few modifications, as shown in Figure II-11: Larger Fitness Center Project Variant Site Plan, p. II.19b (C&R p. III.Q.25). The Athletic Club Building would be larger in size in this variant (16,350 gsf, compared to 12,800 gsf in the proposed project), but similar in height to the proposed project (two stories, with an average building height of 25 feet and a maximum building height of 35 feet. See Figure II-12: Larger Fitness Center Project Variant – The Embarcadero Elevation, p. II.19c (C&R p. III.Q.26)). The café located within the Athletic Club Building, accessed from Jackson Common, would be open to members and the public. It would be about 1,915 gsf, similar in size to the 1,850-gsf café in the proposed project. Unlike the proposed project, the recreational swimming and lap pools would not be on the roof of the Athletic Club Building; instead, a “green” roof comprised of living plants is proposed. The pools would be at ground level. The tennis courts proposed as part of the project would not be included in this variant.

The total restaurant/retail space, including the café, would be reduced from 29,100 gsf to 19,800 gsf in this variant, and the space is assumed for purposes of analysis to be predominantly restaurant space. There would be 160 residential units in the variant, five fewer than in the proposed project.

The variant also includes a base isolation structural system as part of the building foundation, which the project sponsor is considering, for the proposed East Building and West Building. This would involve 3 to 5 feet of additional excavation depth for the residential buildings south of the proposed Jackson Common, construction of a slab diaphragm to support the isolators, and slightly different detailing of the joints at ground level along the property line. The exterior building design and square footages would not change as a result of this structural system.
In addition to the re-landscaping proposed by the project for the Pacific Avenue Park at the northern end of the site, in the variant the park would include a children’s interpretive sculpture garden with an interactive water feature to serve the children of visitors to the waterfront and from nearby areas.

The amount of parking proposed in the variant would remain at 420 spaces, with 160 spaces allocated to the proposed 160 residential units, and 260 public spaces allocated to serve the proposed commercial uses and the requirements of the Port.

B. IMPACT EVALUATION

Physical environmental effects related to population and housing, utilities and service systems, public services, geology and soils, hazards and hazardous resources, mineral and energy resources, agricultural and forest resources, land use, aesthetics, historic architectural resources, noise, effects on pedestrian-level winds, sea level rise, hydrology, and biological resources would be substantially the same as those described under the proposed project. All mitigation measures described for these topics under the proposed project would be applicable for this project variant.

The variant would include different private and publicly accessible recreational facilities than those described for the proposed project, and could include a base isolation structural system as part of the building foundation. Therefore, the topics of plans and policies, archaeological and historical resources, transportation and circulation, construction impacts, air quality, greenhouse gas emissions, shadow, and recreation are discussed at greater length below.

PLANS AND POLICIES

Regarding the public trust land, the Larger Fitness Center Project Variant would similarly exchange land with the public trust in the same manner as the proposed project, as described in Chapter III, Plans and Policies, B. State Lands and Policies, subsection “Tidelands Trust and State Lands Commission,” in pp. III.10-III.11. The project sponsor proposes under the variant to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue) with the portion of SWL 351 that would be occupied by residential and health club development. The property that would be transferred into the public trust would become new publicly accessible open space (Jackson Common, Pacific Avenue Park, Drumm/Jackson Corner, and areas of expanded sidewalk along The Embarcadero). (See [New] Figure VII-1: Public Trust Diagram for Variant.) Although configuration of the land exchange would be slightly different than with the proposed project, the analysis and conclusions presented in Chapter III, Plans and Policies, pp. III.10-III.11, and Comments and Responses Section III.B, Project Description, with respect to the Tidelands Trust and State Lands Commission, would be the same for the project variant.

ARCHAEOLOGICAL RESOURCES

With a base isolation structural system for the variant, excavation for the foundations of the residential buildings would be 3 to 5 feet deeper than in the proposed project. The analysis that
was performed on the proposed project’s foundations was reconsidered by the archeologist who researched and drafted the Archeological Research Design / Treatment Plan for the 8 Washington Street Project. ¹ The results of that study are discussed in Section IV.C, Archeological Resources. The archeologist determined that an additional 3 to 5 feet of excavation would not pose any additional risk to CEQA-significant cultural resources located within the proposed project area because cultural resources within the site area would be located at a shallower depth than the 38-40 feet of excavation proposed for the proposed project as identified in the EIR. Thus the impact of the variant would remain less than significant with the mitigation measures set forth in Mitigation Measure M-CP-1a: Archaeological Testing, Monitoring and Data Recovery and Reporting (p. IV.C.15), Mitigation Measure M-CP-1b: Interpretation (p. IV.C.19), and Mitigation Measure M-CP-6: Accidental Discovery (p. IV.C.23).² Therefore, the analysis, conclusions, and mitigation measures presented in Section IV.C, Archeological Resources, would be substantially similar for the project variant.

TRANSPORTATION AND CIRCULATION AND CONSTRUCTION IMPACTS

Compared to the proposed project, the Larger Fitness Center Project Variant would generate approximately 2 fewer vehicular trips (1 percent less) to and from the site during the peak hour. It would generate about 127 fewer daily vehicle trips. This decrease would be considered to be within the daily variation of traffic and would not modify the intersection levels of service results or conclusions presented for the project in Section IV.D, Transportation and Circulation. The variant would have a peak parking demand that would be lower than the proposed project by about 8 spaces in the evening and 11 spaces at midday. The maximum parking demand generated by the variant, including existing demand, would be below the 420 spaces to be provided on-site, and thus would not modify or change the parking impacts analysis and conclusions presented in the EIR.³

With the base isolation structural system, excavation for foundations would be slightly deeper, resulting in additional haul truck trips to remove more soil from the project site during construction. The additional 1,100 to 1,230 truck loads (2,200 to 2,460 one-way trips) would not be expected to increase the total number of truck trips per day generated during the excavation phase, but could extend the amount of time needed to complete excavation by an additional two to four weeks. There would be about 100 fewer piles in the foundation; therefore, pile driving would take less time, offsetting the additional time needed for excavation, and reducing the number of truck trips for delivery of construction materials to the project site. The overall length

¹ A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.
² Allen G. Pastron Ph.D, Archeo-Tec Consulting Archeologists, Letter re: Relationship between an Increase in the Maximum Depth of Excavation and Possible Impacts to Subsurface Cultural Resources that may exist within the 8 Washington Street Project, November 29, 2010. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.
³ Memorandum from Adavant Consulting on Larger Fitness Center Variant, December 5, 2011. A copy of this document is on file as part of Case No. 2007.003E and available for public review at the Planning Department, 1650 Mission Street, Suite 400.
of the construction period would not change. Since the number of truck trips during construction (200 one-way daily truck trips) would be lower than the total number of vehicle trips generated by the proposed project (655 vehicle trips), and since construction traffic would peak at an earlier time in the day compared to the overall peak traffic hour, the traffic impact of construction traffic would be smaller than the impact of the proposed project when implemented. The impacts of construction traffic would remain as described for the proposed project in Impact TR-8 and as discussed under subheading “Project Construction/America’s Cup Host and Venue Agreement,” in the Comments and Responses chapter, Section B, Project Description, C&R pp. III.B.34-III.B.58. Therefore, the analysis, conclusions, and mitigation measures presented in Section IV.D, Transportation and Circulation, would be substantially similar for the project variant.

AIR QUALITY

The approximately 15 percent increase in the number of truck trips generated during construction for the additional excavation with this variant would result in an increase in the amount of criteria pollutants emitted compared to the proposed project; however, this change would not cause emissions to exceed the BAAQMD thresholds, and no new significant impact would occur. The construction health risk assessment analysis presented for the proposed project would not change substantially with the additional construction-related haul truck trips for the variant, because emissions from the haul trucks represent a small fraction of the total on-site diesel particulate emissions during construction. The health risk impacts during construction would be significant and unavoidable, as for the proposed project, and no mitigation measures are available to reduce those emissions by 3-fold, the amount required to reduce emissions to levels below those identified in the BAAQMD CEQA Guidelines as assuring a less-than-significant impact.

The larger fitness center would generate more vehicle trips than the fitness center in the proposed project. This increase would be more than offset by a reduction in vehicle trips generated by fewer residential units and less restaurant and retail space. With approximately 127 fewer daily vehicle trips, air pollutant emissions, including toxic air contaminants from operation of the variant, would be similar to or less than those identified for the proposed project in Impacts AQ-1 through AQ-11. Two of the significant impacts identified for the proposed project (related to exposing project residents to substantial levels of PM$_{2.5}$ and other TACs) are not dependent upon the number of new residents at the site. The fourth finding of significant impact (construction activities contributing to cumulatively significant levels of PM$_{2.5}$ and TACs) would apply equally to the proposed project and the project variant. Hence, significant impacts identified for the proposed project would not be reduced to less-than-significant levels with the variant, and conclusions in Section IV.E, Air Quality, remain applicable to the variant.

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4 Mark Sarkasian, PE, SE, LEED, SOM Letter to Simon Snellgrove re: 8 Washington Seismic Isolation, November 28, 2011. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0030E.

5 The emissions of nitrogen oxides (NOx) would be closest to the BAAQMD threshold of 54 pounds per day, at 42.93 pounds per day for the proposed project, presented in Revised Table IV.E-4. A 15 percent increase in the total NOx emissions for project construction, divided by the number of work days, would be about 50 pounds per day, well below the 54 pounds-per-day threshold. The other criteria pollutant emissions would be substantially less than NOx and therefore also would not exceed BAAQMD thresholds.
GREENHOUSE GAS EMISSIONS

The variant would not change the features of the proposed project that support the Planning Department’s determination of consistency with San Francisco’s Strategies to Address Greenhouse Gas Emissions, as discussed in Section IV.E, Greenhouse Gases. That is, the variant would still be required to comply with various City ordinances and regulations that reduce GHG emissions for new buildings; would provide the same GHG-reducing features such as increased bicycle parking, programs to encourage employees to use transit, and provision of renewable energy on site; and would comply with energy efficiency requirements, reduced water consumption requirements, and street tree planting requirements. Therefore, the analysis and conclusions presented in Section IV.F, Greenhouse Gases Emissions, for the proposed project would be substantially similar for the project variant.

SHADOW

During the spring, summer, and autumn, the project variant would shadow the ground-level swimming pools of the variant in the early morning. The shadows would begin at sunrise and recede as the day progresses, moving off the swimming pools around 9:00AM. Shadows from existing buildings would begin to reach the swimming pools around 3:00PM and would remain until the end of the day. Overall, the swimming pools would be sunny for about 6 hours each day (from 9:00AM until 3:00PM). Compared to the rooftop swimming pools associated with the proposed project, which would be sunny throughout the day, the ground-level swimming pools associated with the project variant would receive about 4 to 6 fewer hours of sunlight each day.

During the winter, the project variant would shadow the ground-level swimming pools of the variant from sunrise until noon. Shadows from existing buildings would begin to reach the swimming pools shortly after noon and remain until the end of the day. Overall, the swimming pools would be sunny for less than 1 hour each day. Compared to the rooftop swimming pools associated with the proposed project, which would be shadowed throughout the day, the ground-level swimming pools associated with the project variant would be similarly shadowed each day.

RECREATION

As shown in Table VII-1: Existing, Proposed, and Variant On-Site Recreation Resources and Publicly Accessible Project Open Space, below, the Larger Fitness Center Project Variant would provide private recreational space for members of the Athletic Club and publicly accessible open space for the use of the general public. Club members would have access to swimming pools for lap swimming and recreation, and a jacuzzi. In the variant, these pools would be on the ground level instead of on the roof of the fitness center as in the proposed project. The variant would not have tennis courts, tennis memberships, or a half-basketball court. The variant would have a larger fitness center (16,350 sq. ft., compared to 12,800 sq. ft. in the proposed project, and the existing 7,355 sq. ft. fitness center in the Davis Building). The larger fitness center would be able to accommodate more fitness club members.
### Table VII-1: Existing, Proposed, and Variant On-Site Recreation Resources and Publicly Accessible Project Open Space

<table>
<thead>
<tr>
<th>Resource</th>
<th>Existing</th>
<th>Proposed</th>
<th>Variant</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GGTSC</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Swimming Pools</td>
<td>2 pools at ground level and jacuzzi (25- by 55-foot recreational pool, 36- by 75-foot lap pool)</td>
<td>2 rooftop pools and jacuzzi (30- by 46-foot recreational pool, 49- by 75-foot lap pool)</td>
<td>2 ground-level pools and Jacuzzi (recreational and lap pools)</td>
</tr>
<tr>
<td>Tennis Courts</td>
<td>9 outdoor lighted courts (59,400 sq. ft.)</td>
<td>4 outdoor lighted courts (27,000 sq. ft.)</td>
<td>None</td>
</tr>
<tr>
<td>Fitness Center Bldg</td>
<td>Off-site in William Heath Davis Building (7,355 sq. ft.)</td>
<td>On-site new center (12,800 sq. ft.)</td>
<td>On-site new center (16,350 sq. ft.)</td>
</tr>
<tr>
<td>Basketball</td>
<td>1 outdoor half-court</td>
<td>None</td>
<td>None</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Publicly Accessible Open Space</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Block 168, Lot 58</td>
<td>Pacific Avenue Mall Eastern Terminusa (5,650 sq. ft.)</td>
<td>Pacific Avenue Park, re-landscaped and expanded (11,500 sq. ft.)</td>
<td>Pacific Avenue Park re-landscaped and expanded (11,840 sq. ft.) with children’s interpretive sculpture garden and water feature</td>
</tr>
<tr>
<td>Jackson Common</td>
<td>None</td>
<td>9,500 sq. ft.</td>
<td>10,450 sq. ft.</td>
</tr>
<tr>
<td>Drumm Street Walkway</td>
<td>Existing</td>
<td>Widened by 2,800 sq. ft.</td>
<td>Widened by 2,890 sq. ft.</td>
</tr>
</tbody>
</table>

Note:  
- Two triangular areas on this parcel are outside of the fence enclosing the northernmost tennis court, and are adjacent to the walkway and public utilities easement west of the project site. These areas are planted with trees and lawn.

*Source:* Turnstone Consulting

The project variant would provide more publicly accessible open space when compared to either the existing conditions or the proposed project. Both the Pacific Avenue Park and the Jackson Common would be slightly larger in the variant compared to the proposed project. The variant would also have a children’s interpretive sculpture garden with an interactive water feature in Pacific Avenue Park, which would provide interest for children visiting the waterfront and from nearby. The proposed project does not include any publicly accessible open space features specifically serving children.

Although the proposed tennis courts would be eliminated, impacts on recreation would remain less than significant. Under the proposed project and the variant, a children’s camp would continue to be provided. The proposed variant would affect the existing children’s camp at the GGTSC, which currently offers tennis as one of its activities. The additional space provided by the variant would permit other activities, but tennis would no longer be offered. The pools would also be at ground level. These changes to camp activities would not result in a significant impact under CEQA.

With the project variant, there would be no tennis courts provided at the project site and tennis players would need to play on courts at other locations throughout the City. The EIR
IV. Draft EIR Revisions

acknowledges that, with respect to the proposed project in the Draft EIR (which includes four tennis courts) existing tennis players at the GGTSC would experience a reduction of a recreational resource on the site, and some tennis players would be forced to find other courts elsewhere in the City. While not as convenient or desirable as tennis courts at the project site, the reduction or loss of tennis courts at the project site was not found to result in a significant recreational impact. The project variant (with no tennis courts) would increase that impact, relative to the project proposed in the Draft EIR, but would not meet the CEQA standard for significant recreation impact, as described more fully in EIR Chapter IV, Section H, Recreation Impacts, and in Comments and Responses Section III.M, Recreation.

Section IV.H, Recreation, addresses the supply of public and private tennis courts both in San Francisco as well as in the service area. The recommended supply of tennis courts is 1 court for every 5,000 residents. The current ratio is 1 court for each 3,537 residents (810,000 residents / 215 tennis courts, 168 public and 61 private). With the proposed project and its removal of five existing tennis courts at the Golden Gateway Tennis and Swim Club, the ratio would increase to 1 court for every 3,616 residents. With the variant and its four fewer courts than the proposed project, the ratio would increase to 1 court for every 3,682 residents. The number of residents per tennis court would remain lower than the recommended standard of 1 court for every 5,000 residents. The analysis and conclusions presented in Section IV.H, Recreation, would be similar for the project variant.

[END OF NEW TEXT]
Chapter VIII, Authors and Persons Consulted

Chapter VIII, Authors and Persons Consulted, is updated to add the following information regarding consultations with City staff:

**PERSONS CONSULTED**

Jerry Robbins, Transportation Planning Manager  
San Francisco Municipal Transportation Agency

Patrick Fosdahl, MS, REHS  
Senior Environmental Health Specialist  
San Francisco Department of Public Health

Peter Albert, Urban Planning Initiatives Program  
San Francisco Municipal Transportation Agency

Bessie Tam, Project Manager  
San Francisco Public Utilities Commission

James Morales, General Counsel  
San Francisco Redevelopment Agency

### IV.2 STAFF-INITIATED CHANGES

**Table of Contents**

Table I-3: Comparison of Significant Impacts of the Proposed Project to Alternatives B, C, D and E, on EIR p. iii, is renumbered as follows:

**Table I-34: Comparison of Significant Impacts of Proposed Project to Alternatives B, C, D, and E**

Chapter I, Summary

Mitigation Measures M-CP-1a, M-CP-1b, and M-CP-6 in Table I-1: Summary of Environmental Impacts and Mitigation Measures Identified in the EIR, on EIR pp. I.2-I.9, are revised to be consistent with the mitigation measures as they appear in EIR Section IV.C, Archaeological Resources, as follows:
### ARCHAEOLOGICAL RESOURCES

<table>
<thead>
<tr>
<th>Impacts</th>
<th>Impact Significance Without Mitigation</th>
<th>Mitigation Measures</th>
<th>Impact Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>CP-1: Project construction activities could disturb the remains of the <em>Bethel</em> (and possibly other scuttled Gold Rush era ships).</td>
<td>S Mitigation Measure M-CP-1a: Archaeological Testing, Monitoring and Data Recovery and Reporting Based on a reasonable presumption the archaeological identification efforts undertaken, it is clearly known that archaeological resources may be present within the project site. The following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeologists maintained by the Planning Department Archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant’s work shall be conducted in accordance with this measure and with the requirements of the project archeological research design and treatment plan (Archeo-Tec. Archaeological Research Design/Treatment Plan for the 8 Washington Street Project, January 2003; and Addendum Archaeological Research Design and Treatment Plan for the 8 Washington Street Project, June 2007 February 2011) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirement of this archeological mitigation measure shall prevail. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archaeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to Implement the archaeological identification, evaluation, and data recovery requirements of this measure and of the project archaeological research design and treatment plans (2003, 2011) would reduce to a less-than-significant level potential effects on a significant archaeological resource as defined in CEQA Guidelines Section 15064.5 (a) and (c).</td>
<td>LS-MM Archaeological Testing Program The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP) taking into account the ARDTP and Addendum to the ARDTP. The archaeological testing program shall be conducted in...</td>
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| accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA. At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:

A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archaeological resource; or

B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.

Archaeological Monitoring Program (AMP)
If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program shall be implemented, the archaeological monitoring program shall minimally include the following provisions:

- The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils-disturbing activities commencing. The ERO in consultation with the archaeological consultant shall determine what project activities shall be archaeologically monitored. In most cases, any soils-disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require
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<td>archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</td>
<td>• The archaeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archaeological resource;</td>
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<td>• The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with the project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</td>
<td>• The archaeological monitor shall record and be authorized to collect soil samples and artifactual/eco-factual material as warranted for analysis;</td>
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<td>• If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile-driving activity (foundation, shoring, etc.), the archaeological monitor has cause to believe that the pile-driving activity may affect an archaeological resource, the pile-driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</td>
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<td>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</td>
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<td></td>
<td><strong>Archaeological Data Recovery Program</strong></td>
<td>The archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO.</td>
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The ADRP shall identify how the proposed data recovery program will preserve the significant information the archaeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practical.

The scope of the ADRP shall include the following elements:

- **Field Methods and Procedures.** Descriptions of proposed field strategies, procedures, and operations.
- **Cataloguing and Laboratory Analysis.** Description of selected cataloguing system and artifact analysis procedures.
- **Discard and Deaccession Policy.** Description of and rationale for field and post-field discard and deaccession policies.
- **Interpretive Program.** Consideration of an on-site/off-site public interpretive program during the course of the archaeological data recovery program.
- **Security Measures.** Recommended security measures to protect the archaeological resource from vandalism, looting, and non-intentionally damaging activities.
- **Final Report.** Description of proposed report format and distribution of results.
- **Curation.** Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.

### Human Remains and Associated or Unassociated Funerary Objects

The treatment of human remains and of associated or unassociated funerary objects discovered during any soils-disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner’s determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archaeological consultant, project sponsor,
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<td>and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (CEQA Guidelines Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects.</td>
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<tr>
<td>Final Archaeological Resources Report</td>
<td>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</td>
<td></td>
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<tr>
<td>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive three copies: one bound copy, one unbound copy, and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</td>
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<td>Implementation of the approved plan for testing, monitoring, and data recovery under Mitigation Measure Cultural - M-CP-1a would ensure that the information potential of archaeological resources that may be encountered during construction of the project would be preserved and/or realized. With this mitigation, the proposed project would not have a significant impact on archaeological resources.</td>
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<tr>
<td>Mitigation Measure M-CP-1b: Interpretation</td>
<td>Based on a reasonable presumption that archaeological resources may be present within the project site, and that the potential significance of some such resources may be premised on CRHR Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), the following measure shall be undertaken to avoid any potentially significant adverse effect</td>
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<td>from the proposed project on buried or submerged historical resources. The project sponsor shall implement an approved program for interpretation of resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California urban historical and marine archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the ARDTP): surface commemoration of the original location of resources; display of resources and associated artifacts (which may offer an underground view to the public); display of interpretive materials such as graphics, photographs, video, models, and public art; and academic and popular publication of the results of the data recovery. The archaeological consultant’s work shall be conducted at the direction of the ERO, and in consultation with the project sponsor. All plans and recommendations for interpretation by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO.</td>
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<td>CP-2: Project construction activities could disturb the remains of wharf structures.</td>
<td>S</td>
<td>See Mitigation Measures M-CP-1a and M-CP-1b.</td>
<td>LS-MM</td>
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<td>CP-3: Project construction activities could disturb the remains of wharf-side discards.</td>
<td>S</td>
<td>See Mitigation Measures M-CP-1a and M-CP-1b.</td>
<td>LS-MM</td>
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<td>CP-4: Project construction activities could disturb the remains of the Old Seawall.</td>
<td>S</td>
<td>See Mitigation Measures M-CP-1a and M-CP-1b.</td>
<td>LS-MM</td>
</tr>
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<td>CP-5: Project construction activities could disturb the remains of 19th century commercial and residential deposits.</td>
<td>S</td>
<td>See Mitigation Measures M-CP-1a and M-CP-1b.</td>
<td>LS-MM</td>
</tr>
<tr>
<td>CP-6: Project construction activities could disturb unknown remains.</td>
<td>S</td>
<td>Mitigation Measure M-CP-6: Accidental Discovery The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources</td>
<td>LS-MM</td>
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as defined in *CEQA Guidelines* Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken, each contractor is responsible for ensuring that the “ALERT” sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the Environmental Review Officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) to the ERO confirming that all field personnel have received copies of the Alert Sheet.

Should any indication of an archeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.

If the ERO determines that an archaeological resource may be present within the project site, the project sponsor shall retain the services of a qualified archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall advise the ERO as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. If the archaeological consultant determines that continuation of construction in the vicinity of the archaeological resource may have a significant impact on the resource, the consultant shall provide recommendations to the ERO regarding how to avoid such an impact. Based on the recommendations reviewed and approved by the ERO, the ERO shall require such specific additional measures to be implemented by the project sponsor that the ERO finds necessary to implement the approved consultant’s recommendations.

Measures might include: preservation in situ of the archeological resource; an archaeological monitoring program; or an archeological testing program. If an archeological monitoring program or archeological testing program is required, it shall be consistent with the Environmental Planning (EP) division guidelines for such programs.
The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions.

The project archeological consultant shall submit a Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The EP division of the Planning Department shall receive three copies: one bound copy, one unbound copy, and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.
Table I-1, at EIR p. I.12 is revised to change the last column for Impact AQ-6 from “SU-MM” to “LS-MM.”

The last sentence of the paragraph under the heading C. Summary of Project Alternatives, at the top of EIR p. I.21, is revised as follows:

Impacts of each alternative, with respect to each environmental topic covered in the EIR, are summarized and compared to the proposed project in Table I-3 at the end of this section.

Table I-3: Comparison of Significant Impacts of the Proposed Project to Alternatives B, C, D and E, on p. I.24 is renumbered as follows:

Table I-3: Comparison of Significant Impacts of the Proposed Project to Alternatives B, C, D and E

Also in Table I-3, the following change is made to the number of tennis courts shown for Alternative E, Develop Only 8 Washington with Existing Height and Bulk, on p. I.24:

4 indoor + 4 5 outdoor tennis courts

Chapter II, Project Description

On EIR p. II.1, the discussion of the Golden Gateway Tennis & Swim Club is revised to acknowledge the change in the club’s name after publication of the Draft EIR as follows:

EXISTING USES ON THE PROJECT SITE

The lots owned by the Golden Gateway Center are occupied by the Golden Gateway Tennis & Swim Club operated by Western Athletic Clubs. (Note: After publication of the Draft EIR, the name of the Golden Gateway Tennis & Swim Club was changed to Bay Club at the Gateway. However, for the purposes of this EIR, the name remains Golden Gateway Tennis & Swim Club.) Seawall Lot 351 is occupied by a surface parking lot…

On EIR p. II.3, the discussion of the Golden Gateway Center Lots is revised as follows:

Golden Gateway Center Lots

The lots owned by the Golden Gateway Center are in a Residential/Commercial Combined: High Density (RC-4) use district and an 84-E and 275-E height and bulk district. The Golden Gateway Center lots north of the Jackson Street alignment (Blocks 168 and 171) are also within the former Golden Gateway Redevelopment Project Area. The Embarcadero-Lower Market (Golden Gateway) Redevelopment Plan (as amended through November 20, 1995) has expired and is no longer applicable to the project site Blocks 168 and 171. The Redevelopment Plan was in effect for Block 171 through May 19, 2008, and through January 1, 2009, for Block 168. Development of Blocks 168, 171, and 201, owned by the Golden Gateway Center, is subject to Planning Commission review and approval.
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On EIR p. II.3, the first sentence of the paragraph under “Seawall lot 351” is revised and a new second sentence is added as follows:

Like the Golden Gateway Center lots, Seawall Lot 351 is zoned P in an RC-4 use district and an 84-E height and bulk district. The Port Commission reviews and approves development on Port-owned land, subject to the City's underlying zoning districts and the Port of San Francisco's Waterfront Land Use Plan.

In Figure II-9: Proposed The Embarcadero Elevation, Golden Gateway Tennis and Swim Club, on EIR p. II.15, the height of the proposed fitness center’s roof level is revised from 20 feet to 25 feet to correct a typographical error.

The fourth bullet under the heading “Board of Supervisors” on EIR p. II.24 is revised to read:

- Approval of a lease disposition and development agreement, ground lease (if any) and related transaction documents governing development and operation of improvements by the project sponsor on certain portions of Seawall lot 351 retained by Port.

Under the heading San Francisco Public Utilities Commission / Port on EIR p. II.24, the following new bulleted item is added after the first item:

- Approval from the SFPUC for discharging into the combined sewer system as a result of dewatering the site.
- Approval of a Stormwater Control Plan by the Port in compliance with San Francisco Stormwater Design Guidelines.

Section IV.A, Land Use

The third sentence of the first full paragraph on EIR p. IV.A.2 is revised, as follows (new text is underlined):

These areas, which total 5,650 sq. ft., are planted with trees and a lawn.

The paragraph that begins at the bottom of EIR p. IV.A.6 and ends at the top of EIR p. IV.A.7 is revised, as follows:

The Exploratorium is relocating from the Palace of Fine Arts, at 3601 Lyon Street, to Piers 15-17, along The Embarcadero, and construction started in October 2010. The project site, owned by the Port of San Francisco, is comprised of Pier 15, Pier 17, a connector building, and the “valley”, a paved parking area between the two piers, and an office shack. The Exploratorium has leased from the Port Pier 15, Pier 17, the connector building and the valley parking area, plus a portion of the walkway between the building and water edge, for use as a museum. The Exploratorium has an option to expand the museum into Pier 17 in the 17th year of its lease. Until then, the Port would continue to lease Pier 17 to commercial and light industrial users and proposes to lease approximately 5,000 gsf within Pier 17 for restaurant or other retail use. Total post-construction floor area in Pier 15 and the connector building will be approximately 245,000 gsf. The project also would include temporary and ceremonial berthing of ships,
and a water taxi landing. Construction activities for the Exploratorium project are expected to occur over an approximately 26-month period.

The second sentence of the second full paragraph on EIR p. IV.A.10 is revised, as follows (new text is underlined, deleted text is shown in strikethrough):

The amount of space used for tennis courts would also decrease by about 19,300 sq. ft. (about 32 percent).

Section IV.C, Archaeological Resources

The last paragraph of Mitigation Measure M-CP-6, on EIR p. IV.C.24, is revised, as follows:

Copies of the Draft FARR shall be sent to the ERO for review and approval. Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The EP division of the Planning Department shall receive one bound copy, one unbound copy, and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.

Section IV.D, Transportation

The reference number for footnote 9 on EIR p. IV.D.18 is changed to 8, as shown below:

9 These estimates are somewhat conservative since the analysis did not take a credit for the elimination of loading trips associated with the existing uses at the project site.

The source for Table IV.D-5 on EIR p. IV.D.21 is changed to the 1990 Census, as shown below:


Section IV.E, Air Quality

The following correction is made to footnote 1 on EIR p. IV.E.11:


The following correction is made to the San Francisco Health Code Article reference cited in the first sentence under the heading Construction Dust Control on EIR p. IV.E.14:

San Francisco Health Code Article 2213 B, Construction Dust Control, requires preparation of a site-specific dust control plan for construction projects within 1,000 feet of sensitive receptors (residence, school, childcare center, hospital or other health-care facility or group-living quarters).
Section IV.G, Shadow

The following revision is made to the reference cited in footnote 7 on EIR p. IV.G.7:


Section IV.H, Recreation

The following bullet about the existing publicly accessible open space at the north end of Block 168, Lot 58 (outside of the fenced northernmost tennis court) is added to the end of the bulleted list on EIR pp. IV.H.1-IV.H.2:

- A landscaped 5,650 sq. ft. publicly accessible open space at the eastern terminus of the Pacific Avenue Mall adjacent to the Drumm Street pedestrian pathway.

The first complete paragraph on EIR p. IV.H.10, shown below, is deleted:

Proposed open spaces would include private and common open space for residents and publicly accessible space. The project would include approximately 28,100 sq. ft. of private open space in the form of decks and terraces for individual residential units. Proposed common open space for the residents would total approximately 28,900 sq. ft., and would include approximately 14,900 gsf of lobby space and a 4,000 gsf private residents' club on the first floor of the buildings, and approximately 10,000 sq. ft. of outdoor space in courtyards at the southern and northern ends of the buildings.

In the second complete paragraph on EIR p. IV.H.11, the reference mark for footnote 23 is deleted at the end of the third sentence and footnote 23 is deleted from that page, as follows:

The existing nine tennis courts are busy for most of the day, and there are waiting lists for court use during early evening time slots.23


Section IV.I, Sea Level Rise

The following correction is made to footnote 7 on EIR p. IV.I.3:


The following corrections are made to footnote 22 on EIR p. IV.I.7:

The following correction is made to the page range cited in footnote 23 on EIR p. IV.I.8:


A date cited in footnote 35 on EIR p. IV.I.10 is corrected as follows:


Chapter VII, Authors and Persons Consulted

The list of authors and person consulted is revised as follows:

**EIR AUTHORS**

Planning Department, City and County of San Francisco  
1650 Mission Street  
San Francisco, CA  94103

- Environmental Review Officer: Bill Wycko  
- Senior Environmental Planner: Nannie Turrell  
- Paul Maltzer  
- Air Quality: Jessica Range  
- Archaeology: Randall Dean  
- Transportation: Viktoria Wise

**EIR CONSULTANTS**

Turnstone Consulting  
330 Townsend Street, Suite 216  
San Francisco, CA  94107

- Principal in Charge: Barbara W. Sahm  
- Project Director: Nancy Cunningham Clark  
- Project Manager: Michael Kometani  
- Staff: Michael Li, Eric Dupre, William F. Dietrich, Barbara Westree, Julie Tilley Barlow, Peter A. Mye, Donna Pittman, Elizabeth Haines

- Editor: Elizabeth Haines

Adavant Consulting (Transportation)  
200 Francisco Street, 2nd Floor  
San Francisco, CA  94133  
José Farrán
Archeo-Tec (Archaeology)
5283 Broadway
Oakland, CA  96418
Allen Pastron
James Delgado
Emily Wick

Donald J. Ballanti (Air Quality, Wind)
Certified Consulting Meteorologist
1424 Scott Street
El Cerrito, CA  94530
Donald Ballanti

ENVIRON (Air Quality)
6001 Shellmound Street, Suite 700
Emeryville, CA  94608
Shari Libicki
Jennie Louie

Stephen Batchelder (Tree Survey)
Consulting Arborist
1534 Rose Street
Crockett, CA  94525
Stephen Batchelder

CADP Associates (Shadow)
242 Eldridge Avenue
Mill Valley, CA  94941
Adam Noble

Square One Productions (Visual Simulations)
1736 Stockton Street
San Francisco, CA  94133
Angela Lin

Steelblue LLC (Visual Simulations)
315 Montgomery Street, 8th Floor
San Francisco, CA  94104
O’Brien Chalmers

Lend Lease (Construction)
71 Stevenson Street, Suite 800
San Francisco, CA  94105
Richard Paugh

PROJECT SPONSOR

San Francisco Waterfront Partners II
Pier 3, The Embarcadero
San Francisco, CA  94111
Simon Snellgrove
Paul Osmundson
Alicia Esterkamp
IV. Draft EIR Revisions

PROJECT ATTORNEY
Gibson Dunn & Crutcher
555 Mission Street, Suite 3000
San Francisco, CA 94105
Mary Murphy, Esq.
Neil H. Sekhri, Esq.
Dan Engler, Esq.

PROJECT ARCHITECTS
Skidmore, Owings and Merrill
1 Front Street, 25th Floor
San Francisco, CA 94111
Craig Hartman
Mark Schwettman
Nate Sunderhaus
Eric Long

PROJECT CONSULTANTS
Treadwell & Rollo
Environmental and Geotechnical Consultants
555 Montgomery Street, Suite 1300
San Francisco, CA 94111
Frank J. Rollo

Rollo & Ridley
Geotechnical Engineers & Scientists
360 Post Street, Suite 505
San Francisco, CA 94108
Frank Rollo, Jr.

AMEC
Environment & Infrastructure
28 Second Street, Suite 700
San Francisco, CA 94105
Chris A. Wilson

Cahill Contractors
Contracting Engineers
425 California Street
San Francisco, CA 94104
Chuck Palley

PROPERTY OWNER, SEAWALL LOT 351
Port of San Francisco
Pier 1, The Embarcadero
San Francisco, CA 94111
Phil Williamson
Kathleen Diohep

PROPERTY OWNER, GOLDEN GATEWAY TENNIS & SWIM CLUB
Golden Gateway Center
460 Davis Court
San Francisco, CA 94111
Timothy Foo