RESPONSES TO COMMENTS

75 HOWARD STREET PROJECT



CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT: CASE NO. 2011.1122E

STATE CLEARINGHOUSE NO. 2012122022

DRAFT EIR PUBLICATION DATE: JULY 31, 2013

DRAFT EIR PUBLIC HEARING DATE: SEPTEMBER 12, 2013

DRAFT EIR PUBLIC COMMENT PERIOD: AUGUST 1, 2013 - SEPTEMBER 23, 2013

FINAL EIR CERTIFICATION HEARING: JULY 23, 2015

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DEPARTMENT

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TO: Members of the Planning Commission and Interested Parties

FROM: Sarah B. Jones, Environmental Review Officer

Re: Attached Responses to Comments on Draft Environmental Impact Report Case No. 2011.1122E

Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on July 23, 2015.** The Planning Commission will receive public testimony on the Final EIR certification at the July 23, 2015 hearing. Please note that the public review period for the Draft EIR ended on September 23, 2013; any comments received after that date, including any comments provided orally or in writing at the Final EIR certification hearing, will not be responded to in writing.

The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact Donald Lewis at 415-575-9168.

Thank you for your interest in this project and your consideration of this matter.

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75 HOWARD STREET PROJECT
RESPONSES TO COMMENTS

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Attachment A: Public Hearing Transcript Comments
Attachment B: Draft EIR Comment Letters

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1. INTRODUCTION

A. PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT

The purpose of this Responses to Comments (RTC) document is to present comments submitted on the Draft Environmental Impact Report (Draft EIR) for the proposed 75 Howard Street Project, to respond in writing to comments on environmental issues, so thatand 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 commenters. To the extent that some of the comments received during the public review period are not relevant to physical environmental impacts, express support for or opposition to the proposed project, or raise other issues related to the merits of the proposed project, this document provides limited responses to those comments. Comments were made in written form during the public comment period from August 1, 2013 to September 23, 2013, and as oral testimony received at the public hearing before the Planning Commission on the Draft EIR held on September 12, 2013. A complete transcript of proceedings from the public hearing on the Draft EIR and all written comments are included in their entirety as Attachments A and B, respectively, to this RTC document. The Draft EIR together with this Responses to Comments document constitute the Final EIR for the proposed 75 Howard Street Project, in fulfillment of CEQA requirements and consistent with CEQA Guidelines Section 15132.

B. ENVIRONMENTAL REVIEW PROCESS

The San Francisco Planning Department prepared the Draft EIR for the 75 Howard Street Project in accordance with CEQA, the CEQA Guidelines in Title 14 of the California Code of Regulations, and Chapter 31 of the San Francisco Administrative Code (Administrative Code). The Draft EIR was published on July 31, 2013. A public comment period was then held from August 1, 2013 to September 23, 2013, 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 RTC document, which addresses all substantive written and oral comments on the Draft EIR.

The Draft EIR, together with this RTC document, will be presented to the Planning Commission at a hearing in accordance with Administrative Code Section 31.15. If the Planning Commission deems the EIR adequate with respect to accuracy, objectiveness, and completeness, it will certify the document as a Final Environmental Impact Report (Final EIR). The Final EIR will consist of

the Draft EIR and this RTC document, which includes the comments received during the public review period, responses to the comments on environmental issues, 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 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

This Responses to Comments document consists of the following chapters:

Chapter 1, Introduction, discusses the purpose of the RTC document, the environmental review process for the EIR, and the organization of the RTC document.

Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, presents text revisions as a result of new state legislation, Senate Bill (SB) 743, signed into law on September 27, 2013, and effective as of January 1, 2014, after publication of the 75 Howard Street Project Draft EIR.[1] This legislation amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas, such as the proposed 75 Howard Street Project. For these identified urban infill projects, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects; therefore, revisions to the Draft EIR are introduced to eliminate impact determinations for the topics of aesthetics and parking conditions, in accordance with SB 743. This chapter also introduces minor changes to the Code Compliant Alternative (Draft EIR Chapter 6, Alternatives, pp. 6.12-6.31), which the project sponsor has indicated is the now the preferred project, and has since submitted

[1] California Legislative Information, Senate Bill No. 743, Chapter 386 (SB 743), filed September 27, 2013 (hereinafter "CA Senate Bill No. 743, Chapter 386"). A copy of the bill's text can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743, accessed December 2, 2014.

a revised entitlement application for consideration by the City Planning Commission (CPC) consistent with the revised Code Compliant Alternative design.[2]

Chapter 3, List of Persons Commenting, presents the names of persons who provided comments on the Draft EIR. This chapter is made up of three tables: Public Agencies Commenting on the Draft EIR, Non-governmental Organizations Commenting on the Draft EIR, and Individuals Commenting on the Draft EIR. Commenters are listed in alphabetical order within each category. These lists also show the commenter code (described below) and the format (i.e., public hearing transcript, letter, or email) and date for each set of comments.

Chapter 4, Comments and Responses, presents the substantive comments excerpted verbatim from the public hearing transcript and written comments. The comments are organized by topic and by subtopic where appropriate. Comments appear as single-space text and similar comments are grouped together by topic area. Comments are coded in the following way:

- Comments from agencies are designated by "A-" and an acronym of the agency's name.
- Comments from non-governmental organizations are designated by "O-" and an acronym of the organization's name.
- Comments from individuals are designated by "I-" and the commenter's last name.

In cases where commenters have spoken at the public hearing and submitted written comments, or have submitted more than one letter or email, comment codes end with a sequential number.

Following each comment or group of comments on a topic are the City's responses. The responses generally provide clarification of the Draft 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 5, 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 Planning Department staff to update, correct, or clarify the Draft EIR text, including an update to Draft EIR Chapter 2, Project Description, and Chapter 6, Alternatives, describing how the revised Code Compliant Alternative, which the project sponsor has indicated is the now the preferred project, would meet its affordable housing requirements of the City's Affordable Inclusionary Housing Ordinance.

The changes to the Draft EIR do not result in significant new information with respect to the proposed project, including any new significant environmental impacts or new mitigation

[2] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122X.

measures. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

The comment excerpts in Chapter 4 tie in with the two RTC attachments. Attachment A presents a complete transcript of the public hearing, and Attachment B presents copies of the letters and emails received by the Planning Department in their entirety. Comments are bracketed and coded by commenter in each attachment.

This RTC 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 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, Chapter 4, Comments and Responses, and Chapter 5, Draft EIR Revisions, will be incorporated into the Final EIR text.

2. REVISIONS TO DRAFT EIR ANALYSIS APPROACH AND MODIFICATIONS TO PROJECT ALTERNATIVES

A. INTRODUCTION

This chapter of the Responses to Comments (RTC) document introduces revisions to the Draft EIR, which address both text changes as a result of the introduction of Senate Bill 743, Chapter 386 (SB 743),[1] and those as a result of modifications to the Code Compliant Alternative design. The project sponsor has now indicated that the Code Compliant Alternative is the preferred project and has since submitted a revised application for consideration by decision-makers consistent with the revised Code Compliant Alternative discussed in this RTC.

CEQA Guidelines Section 15088.5 requires recirculation of an EIR when "significant new information" is added to the EIR after publication of the Draft EIR and before certification. New information is "significant" if "... the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect ... that the project proponents have declined to implement." Section 15088.5 further defines "significant new information" that triggers a requirement for recirculation as including, but not limited to, identification of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact to a less-than-significant level), or identification of a new feasible alternative or mitigation measure that would lessen the environmental impacts of the proposed project that the project sponsor is unwilling to adopt. CEQA Guidelines Section 15088.5(d) states that recirculation is not required if "new information in the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR."

The proposed changes to the Draft EIR described below do not present significant new information with respect to the proposed project, would not result in any new significant environmental impacts or present new feasible alternatives or mitigation measures, and would not result in a substantial increase in the severity of a significant impact identified in the 75 Howard Street Project Draft EIR. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

City decision-makers can adopt any of the alternatives analyzed in the Draft EIR instead of approving a proposed project if it is found that an alternative would substantially reduce or eliminate significant environmental impacts identified for the proposed project, that alternative is determined feasible, and that alternative would achieve most of the project sponsor's objectives.

[1] CA Senate Bill No 743. Chapter 386. A copy of the bill's text can be found at http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743, accessed December 2, 2014.

The determination of feasibility would be made by City decision-makers based on substantial evidence in the record, which shall include, but not be limited to, information presented in the Draft EIR and Responses to Comments document.

B. REVISIONS TO DRAFT EIR ANALYSIS APPROACH IN RESPONSE TO SENATE BILL 743

Since publication of the 75 Howard Street Project Draft EIR (Draft EIR) on July 31, 2013, SB 743 was signed into law.[2] SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.[3] According to SB 743, for these urban infill projects, aesthetics and parking shall no longer be considered in determining if a project has the potential to result in significant environmental effects.

The proposed 75 Howard Street project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by Public Resources Code Section 21099.[4] As the Lead Agency, the San Francisco Planning Department must adhere to state requirements that dictate the change in what can be considered a significant environmental impact under CEQA. Therefore, this section of the RTC document presents revisions to the Draft EIR text that eliminate impact determinations for the topics of aesthetics and parking demand conditions, in accordance with SB 743.

The Planning Department recognizes that the public and decision-makers nonetheless may be interested in information pertaining to the aesthetic and parking demand effects of a proposed project and may desire that such information be provided as part of the environmental review process. Therefore, in Draft EIR Section 4.C, Aesthetics, the analysis has been modified so that environmental impact determinations are not presented. That section continues to present "before" and "after" visual simulations and to discuss aesthetics in regard to the proposed project. However, this information is provided solely for informational purposes and is not used to determine the significance of the environmental impacts of the project, pursuant to CEQA as amended.

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[2] CA Senate Bill No. 743, Chapter 386.

[3] A "transit priority area" is defined in as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of San Francisco Transit Priority Areas can be found on-line at: http://sfmea.sfplanning.org/Map%20of%20San%20Francisco%20Transit%20Priority%20Areas.pdf.

[4] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist*, 75 Howard Street Project, March 11, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400.

Similarly, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision-makers. Therefore, this EIR presents the parking supply and demand discussion for informational purposes and continues to consider any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces that affects the public right-of-way) as applicable in the transportation analysis in Section 4.E, Transportation and Circulation; however, the analysis has been modified so that environmental impact determinations are not presented.

The text changes to address revisions due to SB 743 are presented below by Draft EIR page and paragraph number. They are repeated in Chapter 5, Draft EIR Revisions, of this RTC document, along with minor accompanying revisions.

TEXT CHANGES

Summary Chapter

The second sentence in the paragraph under "Environmentally Superior Alternative" on EIR p. S.47 has been revised, as follows (deletions are shown in ~~strikethrough~~):

> The proposed project would result in a significant and unavoidable cumulative impact related to land use and land use planning, ~~aesthetics,~~ transportation and circulation, shadow, and hydrology and water quality.

The following paragraph has been added after the last paragraph on EIR p. S.48 and a new footnote has been added to that page (new text is underlined):

> An additional area of controversy may emerge regarding the provisions of California Legislative Information, Senate Bill No. 743, Chapter 386 (SB 743), as they relate to the proposed project and this EIR. SB 743, which amended the Public Resources Code to add Section 21099, was signed by Governor Brown on September 27, 2013. This was subsequent to the publication of the NOP/IS, which had indicated that this EIR would include a discussion of aesthetics-related impacts of the proposed project. Section 21099(d) directs that the aesthetic and parking impacts of mixed-use residential infill projects located in a transit priority area may not be considered impacts on the environment under CEQA. The proposed 75 Howard Street Project meets the definition of a mixed-use residential project on an infill site located within a transit priority area.[1] Accordingly, this EIR does not contain a separate discussion of aesthetics impacts, because they can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation. The topics of aesthetics and parking, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

[New footnote]

[1] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist*, 75 Howard Street Project, March 11, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400.

Chapter 1, Introduction

The third sentence of the third full paragraph on EIR p. 1.1 has been revised, and a new paragraph has been added after it, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> Pursuant to CEQA Guidelines Section 15161, this is a project-level EIR, defined as an EIR that examines the physical environmental impacts of a specific development project. The project sponsor has provided sufficient information about the proposed project for a project-level analysis to be conducted. This EIR assesses potentially significant impacts in the areas of land use and land use planning, ~~aesthetics,~~ archaeological resources, transportation and circulation (excluding parking), noise, air quality, shadow, biological resources related to bird strikes, and sea level rise (discussed in hydrology and water quality). 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.
>
> On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014. Among other things, SB 743 added Section 21099 to the Public Resources Code and no longer permits the analysis of aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by Public Resources Code Section 21099. Accordingly, this EIR does not contain a separate discussion of Aesthetics impacts, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation.

The paragraph under "Environmental Effects Requiring Further Study in the EIR" on EIR p. 1.4 has been revised and a new second paragraph has been added after it, as follows (new text is underlined):

> **Environmental Effects Requiring Further Study in the EIR**
>
> The IS determined that the project analyzed in the IS may result in potentially significant environmental impacts related to the following environmental topics: Aesthetics; Cultural and Paleontological Resources (Archaeological Resources only); Transportation

and Circulation; Noise, including project construction effects on existing utilities infrastructure; Air Quality; Wind and Shadow (Shadow only); Biological Resources (Bird Migration and Local Movement only); and Hydrology and Water Quality (Sea Level Rise only). ~~These topics, along with Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only), and Utilities and Service Systems (Wastewater and Stormwater Facilities and Odor Issues from Infrastructure only), as mentioned above on p. I.3, are evaluated in this EIR.~~ Other topics determined to require additional evaluation in the EIR include Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only), and Utilities and Service Systems (Wastewater and Stormwater Facilities and Odor Issues from Infrastructure only).

Since publication of the IS, the proposed project became subject to Public Resources Code Section 21099(d), which eliminated aesthetics and parking as impacts that can be considered in determining the significance of physical environmental effects under CEQA for projects meeting certain criteria. Accordingly, this EIR does not contain a separate discussion of Aesthetics impacts, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.B, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation. The topics of aesthetics and parking, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

The description of Chapter 4 in the sixth paragraph under "C. Organization of this EIR" on EIR pp. 1.6-1.7 has been revised, as shown below (new text is underlined):

Chapter 4, Environmental Setting, Impacts, and Mitigation, addresses the following topics: Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only); Aesthetics discussion (no impact analysis provided); Cultural and Paleontological Resources (Archaeological Resources only); Transportation and Circulation (excluding parking); Noise; Air Quality; Wind and Shadow (Shadow only); Utilities and Service Systems (Wastewater Treatment Facilities and Stormwater Drainage Facilities and Odor Issues from Infrastructure only); Biological Resources (Bird Migration and Local Movement only); and Hydrology and Water Quality (Sea Level Rise only). Each topic section includes the environmental setting; regulatory framework; approach to analysis, when appropriate; project-specific and cumulative impacts; and mitigation measures and improvement measures, when appropriate.

Chapter 4. Environmental Setting, Impacts, and Mitigation

Section 4.A, Introduction

The following new text has been added after the third paragraph on EIR p. 4.A.1, and three new footnotes have been added to that page (new text is underlined):

SENATE BILL 743 AND PUBLIC RESOURCES CODE SECTION 21099

On September 27, 2013 and after the publication of the 75 Howard Street Project Draft EIR on July 31, 2013, Governor Brown signed SB 743, which became effective on January 1, 2014.[1] Among other provisions, SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.[2]

Aesthetics and Parking Analysis

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

1. The project is in a transit priority area;
2. The project is on an infill site; and
3. The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this EIR does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.[3]

Public Resources Code Section 21099(e) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers and that aesthetics impacts do not include impacts on historical or cultural resources. As such, there will be no change in the Planning Department's methodology related to design and historic review.

The Planning Department recognizes that the public and decision makers nonetheless may be interested in information pertaining to the aesthetic effects of a proposed project and may desire that such information be provided as part of the environmental review process. Therefore, this EIR presents an aesthetics discussion, including presentation of "before" and "after" visual simulations in Section 4.C, Aesthetics. However, this information is provided solely for informational purposes and is not used to determine the significance of the environmental impacts of the project, pursuant to CEQA.

Similarly, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this EIR presents a parking demand discussion for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way) as applicable in the transportation analysis in Section 4.E, Transportation and Circulation.

[New footnotes]

[1] SB 743 can be found on-line at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743.

[2] A "transit priority area" is defined as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail

transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of San Francisco Transit Priority Areas can be found on-line at: http://sfmea.sfplanning.org/Map%20of%20San%20Francisco%20Transit%20Priority%20Areas.pdf.

[3] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist*, 75 Howard Street Project, March 11, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

Section 4.C, Aesthetics

The following changes have been made to the paragraphs under "Introduction" on EIR p. 4.C.1 (new text is underlined and deletions are shown in ~~strikethrough~~):

Section C, Aesthetics, describes and analyzes ~~the potential impacts of the proposed project and its variants on~~ changes to scenic vistas, scenic resources, and ~~on~~ the visual character and quality of the project site and its surroundings as a result of the proposed project and its variants. The Notice of Preparation/Initial Study, pp. 43-46, concluded that project and variants' impacts related to the Aesthetics subtopic of light and glare would be less than significant. Therefore the subtopic of light and glare is not addressed in the EIR.

The Environmental Setting discussion in this section presents photographic views and describes the existing visual conditions of the project site and its surroundings; identifies existing scenic vistas and scenic resources in the areas that could be potentially affected by the proposed project; and describes the existing visual character of the 75 Howard Street project site and its surroundings.

In California, Lead Agencies, including the City and County of San Francisco, can no longer consider aesthetics impacts of a mixed-use residential project located on an infill site within a transit priority area as significant impacts on the physical environment. As explained in **Section 4.A, Introduction**, pp. 4.A.1-4.A.2, SB 743 eliminated the analysis of aesthetics in determining the significance of the proposed project's physical environmental effects under CEQA. The San Francisco Planning Department acknowledges, however, that changes in the aesthetics environment may be of interest to the public and the decision-makers; therefore, aesthetics is discussed here for informational purposes. ~~The Impacts discussion in this section~~ The discussion below identifies the considerations applied when evaluating the ~~significance of impacts on~~ changes to visual quality as a result of the proposed project and project variants, and describes and evaluates ~~impacts on~~ changes to visual resources and visual quality with reference to visual simulations of the proposed project. This section also ~~considers whether~~ discusses cumulative aesthetic changes as a result of the proposed project, in combination with other reasonably foreseeable development projects in the vicinity of the project site~~, would make a considerable contribution to cumulative environmental impacts related to aesthetics~~.

The following text on EIR p. 4.C.16 has been deleted (deletions are shown in ~~strikethrough~~):

> ~~**IMPACTS AND MITIGATION MEASURES**~~
>
> ~~**SIGNIFICANCE CRITERIA**~~
>
> ~~The thresholds for determining the significance of impacts in this analysis are consistent with the environmental checklist in Appendix G of the State CEQA Guidelines, which has been adopted and modified by the San Francisco Planning Department. For the purpose of this analysis, the following applicable thresholds were used to determine whether implementing the project would result in a significant impact related to aesthetics. Implementation of the proposed project and project variants would have a significant effect related to aesthetics if the project would:~~
>
> ~~C.1 Have a substantial adverse effect on a scenic vista;~~
>
> ~~C.2 Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and other features of the built or natural environment, that contribute to a scenic public setting; or~~
>
> ~~C.3 Substantially degrade the existing visual character or quality of the site and its surroundings.~~

On EIR p. 4.C.17, the "Approach to Analysis" heading has been replaced and the paragraph beneath it, which continues on EIR p. 4.C.18, has been deleted, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> ~~**APPROACH TO ANALYSIS**~~ **AESTHETICS DISCUSSION**
>
> ~~Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and members of the public. In determining whether an impact is significant under CEQA, the question is whether a project would affect the environment of persons in general, not whether a project would affect particular persons. A proposed project would therefore be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change in the physical environment that affects the public in one or more ways listed above in this section. Changes to private views resulting from the proposed project and project variants would not be considered to substantially degrade the existing visual character of the environment. However, the effect on private views is discussed for informational purposes.~~

On EIR p. 4.C.18, the "Impact Evaluation" heading and the impact statement for Impact AE-1 have been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> ~~**IMPACT EVALUATION**~~
>
> ~~**Impact AE-1: The proposed project and project variants would have a substantial adverse effect on a scenic vista.** ***(Significant and Unavoidable)***~~

Effects on Scenic Vistas

This discussion describes project-related ~~impacts on~~ changes to scenic vistas available along inland streets in the vicinity of the proposed project and ~~on~~ to views of Downtown from the eastern waterfront and the Bay Bridge.

The following changes have been made to the paragraph under "Views along Inland Street View Corridors" on EIR p. 4.C.18 (deletions are shown in ~~strikethrough~~):

Views along Inland Street View Corridors

As shown in Figure 4.C.2: View A - View from Steuart Street, Looking South, p. 4.C.7, the proposed project's tower would be visible rising beyond Rincon Towers. The proposed project and project variants would vertically extend the existing street wall on the west side of Steuart Street and would not obstruct long-range, south-facing scenic vistas of the Bay Bridge along the Steuart Street view corridor. Together with buildings on the east side of Steuart Street, the proposed building would frame south-facing views down Steuart Street toward the Bay Bridge. Likewise, the proposed project's tower would not obstruct long-range, east-facing scenic vistas of the Bay along the Howard Street view corridor. Together with Rincon Towers on the north side of Howard Street, the proposed new tower on the south side of Howard Street would frame east-facing views along Howard Street toward the Bay and Yerba Buena Island beyond. For these reasons, the proposed project and project variants would not substantially degrade or obstruct the scenic vista along inland street view corridors ~~and would have a less-than-significant effect on scenic vistas along inland street view corridors. No mitigation measures are necessary.~~

The following changes have been made to the last paragraph on EIR p. 4.C.19, which continues on EIR p. 4.C.20 (new text is underlined and deletions are shown in ~~strikethrough~~):

Given the familiarity and importance of the existing views of San Francisco's Downtown core to San Francisco's identity, and the scale and prominence or proposed new development, the ~~effect of the~~ proposed project and project variants ~~on~~ would noticeably change scenic vistas of Downtown as viewed from the eastern waterfront ~~would be considered significant~~. The proposed project would place a prominent 348-foot-tall tower at the southeastern waterfront edge of Downtown. The podium would not provide a substantial step-down transition from the tower element to the waterfront; however, the project would be shorter than other buildings located one to two blocks inland from the project site. ~~This effect on a scenic vista is considered unavoidable because no effective mitigation measure is available that would avoid or substantially reduce the significant impact of the proposed project and project variants. Reduced height is considered in the Alternatives Chapter. However, as discussed under Impact AE-2 and AE-3 below, the proposed project would not result in a significant adverse impact on a scenic resource or on visual quality and character of the site and its surroundings.~~

On EIR p. 4.C.20, the paragraph under "Private Views from Nearby Buildings (Informational Discussion) has been revised, as follows (deletions are shown in ~~strikethrough~~):

Private Views from Nearby Buildings ~~(Informational Discussion)~~

Private views ~~are not considered scenic vistas under the City's significance criteria, but~~ are discussed here for informational purposes. The proposed high-rise tower would obscure and/or alter some existing private views over the building site, to the extent that such views are now available from nearby buildings (most notably, but not limited to, Rincon Towers and 201 Spear Street). The proposed project and project variants would replace longer-range private views over the building site with shorter-range views of the proposed high-rise tower. The proposed change in private views could be experienced as an undesirable consequence for affected persons who have grown accustomed to existing visual conditions. The nature and experience of this change for each affected viewer would vary depending on the nature of the existing view over the project site, the position and proximity of the proposed tower within the private view, and the subjective sensitivity of the viewer. ~~In determining whether an impact is significant under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. A proposed project would therefore be considered to have a significant adverse effect on scenic vistas under CEQA if it were to substantially degrade or obstruct public scenic vistas observed from public areas~~. The alteration or interruption of private views is a commonly expected and experienced consequence of new construction within a densely populated urban setting. ~~A project would be considered to have a significant impact on scenic vistas if it were to substantially degrade or obstruct public scenic vistas observed from public areas~~. Therefore, ~~The~~ changes to private views resulting from the proposed project and project variants would not affect public scenic vistas observed from public areas.~~, and therefore would not be considered a potentially significant aesthetic impact under CEQA. No mitigation measures are necessary.~~

On EIR p. 4.C.20, the impact statement for Impact AE-2 has been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~**Impact AE-2: The proposed project and project variants would not have a substantial adverse effect on a scenic resource.** ***(Less than Significant)***~~

Effects on a Scenic Resource

As discussed above on p. 4.C.5, the project site contains no scenic resources. All excavation for the proposed project and project variants would occur below existing grade level on the site. As a result, there would be no visible topographic change at the site under the proposed project.

The following changes have been made to the last paragraph on EIR p. 4.C.20, which continues on EIR p. 4.C.21 (deletions are shown in ~~strikethrough~~):

The proposed project is in the vicinity of two offsite scenic resources: The Embarcadero and Rincon Park. The proposed tower would replace views of the existing eight- ~~seven~~-story 75 Howard Garage, as seen from The Embarcadero and Rincon Park, with views of the proposed building. The proposed project and project variants would create new backdrop for The Embarcadero (see Figure 4.C.4: View C – View from The Embarcadero, South of Folsom Street, Looking Northwest, on p. 4.C.9) and for Rincon

Park (see Figure 4.C.5: View D – View from Rincon Park, Looking Northwest, on p. 4.C.10). The proposed residential tower would reinforce the western edge of The Embarcadero and would present an active face to The Embarcadero and Rincon Park. In addition, the proposed project would improve and activate a new public open space adjacent to The Embarcadero (the open space improvement site) with landscaping and public art to improve the pedestrian environment along this segment of The Embarcadero. Therefore, the proposed project and project variants would not result in damage to a scenic resource. ~~The impact of the proposed project and variants on scenic resources would be less than significant. No mitigation measures are necessary.~~

On EIR p. 4.C.21, the impact statement for Impact AE-3 has been deleted and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> ~~**Impact AE-3: The proposed project and project variants would not have a substantial adverse effect on the visual character or quality of the site and its surroundings. *(Less than Significant)***~~
>
> **Effects on Visual Character or Quality of the Site and its Surroundings**
>
> As discussed above under Environmental Setting on pp. 4.C.11-4.C.12, the building site is currently occupied by an 8~~7~~-story, concrete parking garage, built 1976, that is utilitarian in design. As discussed on p. 4.C.12, the open space improvement site includes the Steuart Street right-of-way and a triangular lot that is currently vacant and paved with asphalt. As discussed on pp. 4.C.12-4.C.13, the visual character of the surrounding area around the project site, in terms of building height, massing, scale, materials, and architectural character, is varied.

The following change has been made to the paragraph under "Temporary Construction Impacts" on EIR p. 4.C.21 (deletions are shown in ~~strikethrough~~):

> Temporary Construction Effects ~~Impacts~~
>
> Construction of the proposed project and project variants would result in intermittent and short-term aesthetics effects ~~impacts~~ due to construction activities. Construction activities that could have temporary effects on visual quality include ground disturbance, the use of heavy machinery, storage of equipment and materials, and the installation of security fencing and barriers. Such changes to the visual environment are a commonly accepted and unavoidable temporary outcome of development projects in a dense urban setting. Such conditions would exist only for a limited duration. The estimated construction period for the proposed project and project variants would extend up to 30 months. ~~Because construction-related changes to visual character and quality would be short-lived, and the existence of a construction site in an urban setting is not considered a substantial adverse condition, they would be considered less than significant.~~

The following changes have been made to the fourth paragraph on EIR p. 4.C.22 (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed project would replace a visually utilitarian parking garage and vacant paved areas that now occupy the project site with a new residential building and

landscape scheme.~~.~~ ~~Although i~~Implementation of the proposed project or its project variants would transform the visual character of the project site and would result in a prominent new presence within the visual setting of the surrounding area~~, development of the proposed project and project variants would have a less-than-significant impact on the visual character/quality of the site and its surroundings. No mitigation measures are necessary.~~

On EIR p. 4.C.22, the "Cumulative Impact Evaluation" heading and the impact statement for Impact C-AE-1 have been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~**CUMULATIVE IMPACT EVALUATION**~~

~~**Impact C-AE-1: The proposed project and project variants, in combination with past, present and reasonably foreseeable future projects in the project vicinity, would not make a cumulatively considerable contribution to a significant impact related to aesthetics.** ***(Less than Significant)***~~

Cumulative Aesthetics Effects

The TCDP is a comprehensive plan encompassing approximately 145 acres roughly bounded by Market Street, Stuart Street, Folsom Street, and a line to the east of Third Street. The TCDP included height limit increases in subareas composed of multiple parcels or blocks within the TCDP area. The TCDP increased height limits to allow for an approximately 1,000-foot-tall Transit Tower at the former Transbay Terminal site, 700- and 850-foot-tall towers north of Mission Street on specific sites within the existing 550-S Height and Bulk District, and 700- and 750-foot-tall towers along the north side of Howard Street on specific sites within the existing 450-S and 350-S Height and Bulk Districts.

The last two paragraphs on EIR p. 4.C.23 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~). There are no changes to Footnote 5 on that page.

Figure 4.C.8: Cumulative View E – Cumulative View from the Ferry Building, Looking South; and Figure 4.C.9: Cumulative View F – Cumulative View from Pier 14, Looking West show the proposed project together with development anticipated under the TCDP. Potential development allowable under the TCDP would be visible rising in the background to the west and northwest of the project site. Under cumulative conditions, the proposed project tower would be viewed in the context of a dense and varied Downtown high-rise skyline. Implementation of the TCDP and Transit Tower, and other foreseeable Downtown development plans, would transform scenic views of San Francisco's Downtown skyline. The TCDP EIR considered the TCDP and Transit Tower, together with development under the Rincon Hill Plan and the Transbay Redevelopment Plan, and concluded that the TCDP and Transit Tower would result in a significant and adverse cumulative impact on scenic views of Downtown.[5] In the broader geographic and visual context of foreseeable projects under the TCDP and Transit Tower, the Rincon Hill Plan, and the Transbay Redevelopment Plan, the proposed project would appear within a dense cluster of existing and proposed high-rise buildings. The proposed project would conform to the overall pattern of building heights under cumulative

conditions. ~~For these reasons, under cumulative conditions, the proposed project would not contribute considerably to a cumulative impact on scenic vistas of the Downtown core.~~

As discussed above under ~~Impact AE-2~~ Effects on a Scenic Resource, the proposed project and project variants would not damage an existing scenic resource, and ~~. A~~as such, the proposed project would not contribute to cumulative effects ~~it would not contribute to any potential cumulative impact~~ on any scenic resources.

[EIR Footnote]

[5] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, Cases No. 2007.0558E and 2008.0789E, certified May 24, 2012, p. 173. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

The last two paragraphs on EIR p. 4.C.26 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

As discussed above ~~under~~ under ~~Impact AE-3~~ "Effects on Visual Character or Quality of the Site and its Surroundings," the proposed project and project variants would not degrade, but would enhance the visual quality of the site and its surroundings~~.~~ and ~~A~~as such, the proposed project would not ~~contribute to any potential cumulative impact on~~ cumulatively contribute to any degradation of visual character and quality.

~~For these reasons, the proposed project and project variants would not make a cumulatively considerable contribution to a significant cumulative impact related to Aesthetics. No mitigation measures are necessary.~~

Section 4.E, Transportation and Circulation

The following change has been made to the first paragraph on EIR p. 4.E.1 (deletions are shown in ~~strikethrough~~). There are no changes to Footnote 1 on that page.

As described in Appendix A, the Initial Study, pp. 59-60, considered the issue of transportation impacts and determined that further environmental review was necessary. A *Transportation Impact Study* (TIS) was therefore prepared by the transportation subconsultant for the proposed project, and this section summarizes and incorporates by reference the results of that study.[1] The TIS examined circulation impacts, in terms of intersection Level of Service (LOS); transit impacts; pedestrian impacts; bicycle impacts; loading impacts; emergency vehicle access impacts; ~~parking impacts;~~ and construction impacts. All of these transportation subtopics were considered in the discussions of existing conditions, the Existing plus Project scenario, an Existing plus Public Parking Variant, an Existing plus Residential/Hotel Mixed Use Variant, and the future year 2035 cumulative analysis.

[EIR Footnote]

[1] Adavant Consulting, *75 Howard Street Project Transportation Study, Case No. 2011.1122!* (hereinafter referred to as "TIS"), July 1, 2013. 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. 2011.1122E.

The following change has been made to the last two Significant Thresholds on EIR p. 4.E.29 (new text is underlined and deletions are shown in ~~strikethrough~~):

~~E.7 The project would have a significant effect on the environment if it would result in a substantial parking deficit that could create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians and where particular characteristics of the project or its site demonstrably render use of other modes infeasible.~~

E.~~7~~8 Construction-related impacts generally would not be considered significant due to their temporary and limited duration.

On EIR p. 4.E.63, the "Parking Impacts" heading has been revised, a new paragraph has been added beneath it, a new heading has been added after that paragraph, and the impact statement for Impact TR-7 has been deleted, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~). The newly titled "Parking Discussion" on EIR pp. 4.E.63-4.E.69 has also been moved to follow the discussion of "Construction Impacts" on EIR pp. 4.E.69-4.E.72.

Parking Discussion ~~Impacts~~

San Francisco does not consider 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. As explained in **Section 4.A, Introduction**, pp. 4.A.1-4.A.2, SB 743 eliminated the analysis of parking, which can no longer be considered in determining significant transportation and circulation effects for infill residential projects in transit priority areas. The San Francisco Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision-makers; therefore, parking is analyzed here for informational purposes.

Parking Supply and Demand

~~**Impact TR-7: Construction and operation of the proposed project or its variants would not have a significant effect on the environment as they would not result in a substantial parking deficit that could create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians nor would the proposed project or its variants exhibit particular characteristics that would demonstrably render use of other modes infeasible. *(Less than Significant)***~~

The following changes have been made to the second paragraph under "Parking Demand" on EIR p. 4.E.66, which continues on EIR p. 4.E.67 (new text is underlined and deletions are shown in ~~strikethrough~~):

Parking demand would not be accommodated within the proposed supply of off-street parking spaces for either the proposed project or the variants, as shown in Table 4.E.25: Parking Surplus/Deficit for Proposed Project and the Variants (Weekday Midday and Evening Periods). There would be a shortfall of ~~444 to 600~~ 463 to 633 spaces during the weekday midday period and a shortfall of ~~118 to 278~~ 137 to 311 spaces during the weekday evening period. As discussed in "Parking Conditions" (pp. 4.E.23-4.E.27), on-street parking spaces in the study area are almost full and there is very limited parking availability (approximately 200 spaces) at midday at the existing off-street parking facilities within the project area. While the off-street parking spaces proposed for the

proposed project and Variants would be less than the anticipated parking demand at midday, the resulting net parking deficits of ~~244 to 400~~ 263 to 433 spaces (taking into account the approximately 200 existing off-street spaces available) would not be expected to be substantial. ~~result in a significant parking impact.~~ Due to the difficulty in finding parking during the midday, motorists may park outside of the study area or carpool, or alternatively, since the project area is well served by transit, bicycle, and pedestrian facilities, motorists might switch to transit, walking, or bicycling. In addition, San Francisco is in the process of implementing a more efficient way of managing its on-street and public garage parking supply though implementation of the SF*park* program administered by SFMTA, which includes the study area for this project. SF*park* uses new technologies and parking pricing policies to optimize the use of existing parking resources in order to make finding a parking space faster and easier and, by extension, reducing circling by vehicles looking for parking near their destination. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

On EIR p. 4.E.69, the following change has been made to the letter designation of Improvement Measure I-TR-K (new text is underlined and deletions are shown in ~~strikethrough~~):

Improvement Measure I-TR-O~~K~~: Installation of Electronic "Parking Full" Sign

The second paragraph after Improvement Measure I-TR-K on EIR p. 4.E.69 has been revised as follows (deletions are shown in ~~strikethrough~~)

In summary, with the off-street parking provided under the proposed project and its variants, the proposed project would not result in a substantial parking deficit that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. ~~Therefore, impacts related to parking would be less than significant and no mitigation is required.~~

Chapter 5, Other CEQA Considerations

The following paragraph has been added after the last paragraph on EIR p. 5.9 (new text is underlined):

An additional area of controversy may emerge regarding the provisions of Senate Bill (SB) 743 as they relate to the proposed project and this EIR. SB 743, which amended the Public Resources Code to add Section 21099, was signed by Governor Brown on September 27, 2013. This was subsequent to the publication of the NOP/IS, which had indicated that this EIR would include a discussion of aesthetics-related impacts of the proposed project. Section 21099(d) directs that the aesthetic and parking impacts of mixed-use residential infill projects located in a transit priority area should not be considered impacts on the environment under CEQA. The proposed 75 Howard Street project meets the definition of a mixed-use residential project on an infill site located within a transit priority area. Accordingly, this EIR does not contain a separate discussion of aesthetics impacts, because they can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA.

> The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation.

Chapter 6, Alternatives

The first full paragraph on EIR p. 6.2 has been revised, as shown below (deletions are shown in ~~strikethrough~~):

> The intent of the alternatives discussed in this chapter is to consider designs and development programs that could avoid or lessen significant and unavoidable impacts resulting from development (demolition and new construction) under the proposed project, as identified in Chapter 4, Environmental Setting, Impacts, and Mitigation. The EIR concludes that the project, if implemented as proposed, would result in significant and unavoidable impacts related to Land Use and Land Use Planning, ~~Aesthetics,~~ cumulative Transportation and Circulation, Shadow, and Hydrology and Water Quality.

The topic of aesthetics has been removed from Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives, on EIR p. 6.4. The revised table row is shown below on p. 2.22.

The topic of Aesthetics on EIR p. 6.7 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Aesthetics Discussion**
>
> Under the No Project Alternative, existing visual quality conditions for the project site and its surroundings would not change. The existing parking garage would not be demolished and replaced by a 348-foot-tall high-rise tower, so there would be no change in effects on scenic vistas, resources, or existing visual quality, unlike the proposed project, which would have significant and unavoidable project-level adverse effects on a scenic vista. The proposed project would not contribute to cumulatively considerable effects ~~have less-than-significant project-level impacts and a less-than-significant cumulatively considerable contribution to significant cumulative impacts~~ on a scenic resource or visual character or quality of the site. ~~The No Project Alternative would have no impacts related to aesthetics.~~

The last paragraph beginning on EIR p. 6.7 and continuing on EIR p. 6.8 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Transportation and Circulation**
>
> Under the No Project Alternative, existing conditions would continue. There would be no change to the configuration or operation of the existing 75 Howard Street Garage; no alterations or improvements would be made to the Howard Street and Steuart Street rights-of way; bicycle and pedestrian conditions would remain unchanged; traffic or transit trips would not increase; and trip generation, parking, transit and loading demands would remain the same. The suggested transportation and circulation improvement measures (transit-related Improvement Measures I-TR-A: Transit Information for

> Residents and I-TR-B: Alternative Transportation Modes for Hotel Guests, on pp. 4.E.50-4.E.51; pedestrian-related Improvement Measures I-TR-C: Driveway Operations Plan, I-TR-D: Vehicle Queues and Pedestrian Conflicts, and I-TR-E: Installation of Pedestrian Alerting Devices, on pp. 4.E.55-4.E.56; bicycle-related Improvement Measures I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza, I-TR-G: Provision of Bicycle Signage and Information, and I-TR-H: Bicycle Availability to Hotel Guests, on p. 4.E.59; loading-related Improvement Measures I-TR-I: Sidewalk Widening, ~~and~~ I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out, and I-TR-K: Installation of Turntable Operation Device, on p. 4.E.62; ~~parking-related Improvement Measure I-TR-K: Installation of Electronic "Parking Full" Sign, on p. 4.E.69, and~~ construction-related Improvement Measures I-TR-L: Expanded Traffic Control Plan for Construction, I-TR-M: Carpool and Transit Access for Construction Workers, and I-TR-N: Project Construction Updates for Adjacent Businesses and Residents, on pp. 4.E.71-4.E.72; and parking-related Improvement Measure I-TR-O: Installation of Electronic "Parking Full" Sign, on p. 4.E.69) would not be applicable to the No Project Alternative. The proposed project would have less-than-significant project-level transportation and circulation impacts and a cumulatively considerable contribution to significant cumulative transportation and circulation impacts. The No Project Alternative would have no impacts related to transportation and circulation.

On EIR p. 6.10, the second bullet point is revised, as shown below (new text is underlined):

- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);

The third sentence of the second paragraph on EIR p. 6.11, is revised, as shown below (deletions are shown in ~~strikethrough~~):

> The No Project Alternative would have no significant and unavoidable impacts related to land use and land use planning, ~~aesthetics,~~ transportation and circulation, shadow, and hydrology and water quality; would have no impacts related to archaeological resources, noise, air quality, utilities and service systems, and biological resources; and would have no impacts on topics determined in the NOP/IS to either be less than significant or less than significant with mitigation under the proposed project.

The second paragraph on EIR p. 6.35 is revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The physical environmental impacts that could result from the potential inconsistency between the Code Compliant Alternative and Priority Policy No. 8 are discussed below under the topic~~s~~ of ~~Aesthetics and~~ Shadow. Inconsistency with this policy is also explained below in the Aesthetics Discussion.

The five paragraphs under the Aesthetics discussion on EIR pp. 6.35-6.36 are revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Aesthetics Discussion

Section 4.C, Aesthetics, on pp. 4.C.3-4.C.4, identifies two types of potentially affected scenic vistas: Views Along Inland Street View Corridors, and Views of Downtown from the Eastern Waterfront and the Bay Bridge. ~~The impact of this alternative on v~~Views along inland street view corridors with this alternative would be substantially the same as that described for the proposed project on pp. 4.C.18-4.C.20. As with the proposed project, this alternative would not obstruct views to the Bay from inland street corridors~~,~~ but, together with existing buildings, would frame these views~~, and would have a less-than-significant effect on scenic vistas along inland street view corridors~~.

Like the proposed project, this alternative would change ~~have a significant and unavoidable impact on~~ scenic vistas of Downtown from the eastern waterfront and the Bay Bridge. At a height of 281 feet, this alternative would be potentially inconsistent with certain policies relating to urban form as articulated in the objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and TCDP. In particular, because this alternative would be similar in height to the buildings immediately adjacent to the project site rather than shorter than these immediately adjacent buildings, this alternative would potentially conflict with policies calling for Downtown building heights to respect the prevailing scale of development and to step down to the waterfront. ~~While conformity or conflict with plans and policies is not to be construed as constituting a significance threshold, t~~These plans and policies reflect the City's vision for the overall form of Downtown, and can inform the analysis of impacts under CEQA. This alternative, because it is not shorter than the buildings immediately adjacent to it, could be experienced as interrupting an existing pattern discernible at the southeast edge of Downtown of buildings stepping down to the water's edge. This existing pattern is to be continued and reinforced in new development under the *General Plan*. ~~As such, the impact of this alternative on scenic vistas of Downtown as viewed from the eastern waterfront would be considered significant and unavoidable.~~

~~The impact of the Reduced Height Alternative on~~ Effects on scenic resources for this alternative would be ~~similar to that~~ substantially the same as described for the proposed project. The project site contains no scenic resources. As with the proposed project, this alternative would reinforce the western edge of The Embarcadero, presenting an active face to The Embarcadero and Rincon Park, and would develop the open space improvement site into a landscaped publicly accessible open space. ~~Like the proposed project, this alternative would have a less-than-significant effect on scenic resources.~~

Under the Reduced Height Alternative, it is assumed that the design and materials of the new tower would be similar to the proposed project, and include features that relate visually with the surrounding setting and improve the pedestrian realm, including development of a new public open space on the open space improvement site. ~~This alternative would have a less-than-significant effect on visual character and quality.~~

The Reduced Height Alternative would have a similar cumulative ~~impact~~ effect as that described for the proposed project. As with the proposed project, this alternative would not adversely contribute ~~make a cumulatively considerable contribution~~ to cumulative

changes on the project site and project site vicinity ~~in a significant impact related to aesthetics~~.

On EIR p. 6.40, the "Parking Impacts" heading has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~). The newly titled "Parking Discussion" has also been moved to EIR p. 6.41, to follow the discussion of Construction Impacts on that page:

Parking ~~Impacts~~ Discussion

On EIR p. 6.48, the second bullet point is revised, as shown below (new text is underlined):

- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);

The second full sentence of the last paragraph on EIR p. 6.49 is revised as follows (deletions are shown in ~~strikethrough~~):

> As under the proposed project, but to a somewhat lesser degree, the Reduced Height Alternative would still result in the following significant and unavoidable impacts: significant and unavoidable project-level land use and land use planning impacts since this alternative would not comply with the existing height limit for the project site, and would result in net new shadow on Rincon Park (land use and land use planning); ~~significant and unavoidable impacts on scenic vistas of Downtown from the eastern waterfront and the Bay Bridge (aesthetics);~~ significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow).

The third full sentence on EIR p. 6.50 is revised as follows (deletions are shown in ~~strikethrough~~):

> Neither the proposed project nor the Reduced Height Alternative would make a cumulatively considerable contribution to a significant cumulative ~~aesthetic or~~ land use impact~~s~~, because both the proposed project and the Reduce Height Alternative would be substantially shorter than the new height limits and buildings anticipated by the TCDP on nearby blocks.

The second and third sentences in the first paragraph on EIR p. 6.51 are revised as follows (deletions are shown in ~~strikethrough~~):

> The proposed project would result in significant and unavoidable project specific impacts related to land use and land use planning, ~~aesthetics,~~ shadow, and hydrology and water quality, and to cumulative impacts related to transportation and circulation, and shadow. The Code Compliant Alternative would be the environmentally superior alternative because it would result in less-than-significant impacts related to land use and land use planning ~~and aesthetics~~, unlike the proposed project.

All text changes to the Code Compliant Alternative as a result of implementation of SB 743 are summarized below, under Section C, Modifications to Code Compliant Alternative.

C. MODIFICATIONS TO CODE COMPLIANT ALTERNATIVE

INTRODUCTION

Since publication of the Draft EIR, the project sponsor has modified the design of the Code Compliant Alternative. The project sponsor has indicated that this revised Code Compliant Alternative is the now the preferred project, and has since submitted a revised entitlement application for consideration by decision-makers consistent with the revised Code Compliant Alternative design.

In response to these modifications, EIR Chapter 6, Alternatives, has been revised. The design changes do not alter any of the conclusions presented in the Draft EIR regarding the analysis of this alternative. As noted above on RTC p. 2.1, revisions to the Code Compliant Alternative would not result in any new significant environmental impacts or present new feasible alternatives or mitigation measures, and would not result in a substantial increase in the severity of a significant impact identified in the 75 Howard Street Project Draft EIR. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

Additionally, since publication of the Draft EIR and similar to revisions made to the Draft EIR Project Description (see RTC pp. 4.O.2-4.O.3), the revised Code Compliant Alternative has been updated to describe how the project would meet the affordable housing requirements of the City's Affordable Inclusionary Housing Ordinance by paying a 20 percent in-lieu fee.

The text changes to the EIR Alternatives chapter are presented below by Draft EIR page number. They are repeated in Chapter 5, Draft EIR Revisions, of this RTC document, along with minor accompanying revisions. Similar changes are also made to the discussion of the Code Compliant Alternative in the Summary Chapter, presented in Chapter 5 of this RTC document.

TEXT CHANGES

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives, on EIR pp. 6.3-6.5, has been revised as shown on pp. 2.21-2.23 (new text is <u>underlined</u> and deletions are shown in ~~strikethrough~~).

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Description				
High-Rise Tower Height	348 ft.	-	220~~200~~ ft.	281 ft.
Number of Stories	31	-	20~~18~~	25
Number of Residential Units	186 units	-	133~~169~~ units	172 units
GSF by Use				
Residential	285,498 gsf	None	237,153~~233,530~~ gsf	280,430 gsf
Retail	5,658 gsf	None	5,824~~5,900~~ gsf	5,900 gsf
Parking	26,701 gsf	166,483 gsf	26,701~~25,700~~ gsf	25,700 gsf
Other [a]	114,396 gsf	None	64,186~~91,070~~ gsf	95,820 gsf
Total GSF	***432,253 gsf***	***166,483 gsf***	***333,864~~356,200~~ gsf***	***407,850 gsf***
Open Space Site	Yes	No	No	Yes
Parking				
Public Parking Spaces	-	540	-	-
Residential Spaces [b]	140~~172~~	-	100~~143~~	129~~156~~
Commercial Spaces	1~~2~~	-	0~~2~~	1~~2~~
Car-share Spaces [c]	1	-	2~~1~~	1
Total Parking Spaces	**142~~175~~**	**540**	**102~~146~~**	**131~~159~~**
Bicycle Parking Spaces	64	-	123~~55~~	56
Loading				
Off-street spaces	2	-	2	2
On-street loading zones	2	-	~~1~~0	2
Ability to Meet Project Sponsor's Objectives				
	Yes	No	Most~~Some~~	Most

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Land Use and Land Use Planning				
Plan, policy, or regulation conflict	**LU-1**: The proposed project or variants would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (SU)	Not applicable	Less than the proposed project. (LS)	Less than the proposed project. (SU)
Aesthetics				
~~Scenic Vista~~	~~**AE-1**: The proposed project and project variants would have a substantial adverse effect on a scenic vista. (SU)~~	~~Not applicable~~	~~Less than the proposed project. (LS)~~	~~Similar to but less than the proposed project. (SU)~~
Transportation and Circulation				
Cumulative traffic – intersection operations	**C-TR-1**: The proposed project would contribute considerably to reasonably forseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets. (SUM)	Not applicable	Similar to but less than proposed project. (SUM)	Similar to but less than proposed project. (SUM)
Shadow				
Shadows	**WS-1**: The proposed project or variants would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)
Cumulative shadows	**C-WS-1**: The proposed project or variants, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, resulting in a significant cumulative shadow impact. The proposed project or variants would make a cumulatively considerable contribution to this significant cumulative shadow impact. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
~~**Hydrology and Water Quality**~~				
~~Sea level rise~~	~~**HY-2**: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. (SUM)~~	~~Existing flooding risks due to Sea Level Rise would remain on the project site.~~	~~Similar to the proposed project. (SUM)~~	~~Similar to the proposed project. (SUM)~~
Notes: [a] Includes space devoted to mechanical, circulation and building support areas. [b] Includes the maximum number of off-street parking spaces allowed as of right in the C-3 District where the proposed project is located plus accessory off-street parking spaces as determined through the Planning Code Section 309 Review process. Project sponsor has requested an increase to the maximum amount of accessory off-street parking spaces. [c] Required per SF Planning Code Section 166.				

Sources: Turnstone Consulting and Adavant Consulting, July~~February~~ 2013 and June 2015

The following text changes have been made to the discussion of Alternative B, Code Compliant Alternative, on EIR pp. 6.12-6.31 (new text is underlined and deletions are shown in ~~strikethrough~~):

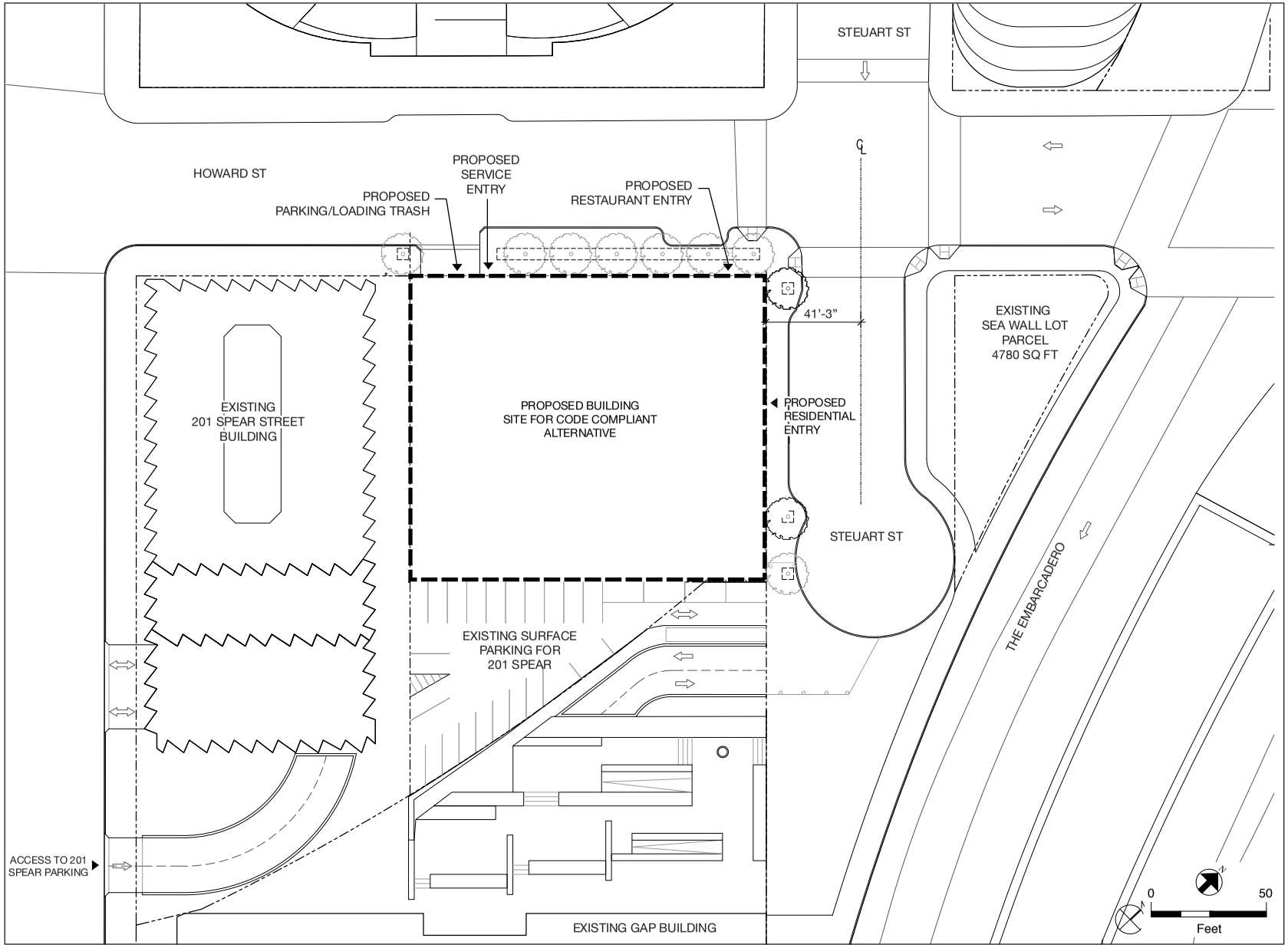
C. ALTERNATIVE B: CODE COMPLIANT ALTERNATIVE

DESCRIPTION

The Alternative B: Code Compliant Alternative provides an alternative that meets all applicable provisions of the Planning Code, but includes certain exceptions that are permitted pursuant to the applicable Planning Code controls. Under this alternative, the project site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01~~, the 200-foot height limit specified on~~ and Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan*. Section 263.9 of the Planning Code allows for an additional height of up to 10 percent as an extension of the upper tower pursuant to the provisions of Section 309, and Section 260 allows for up to 20 feet for elevator/mechanical penthouse screening in C-3 districts. Development under this alternative would comply with the bulk controls for the "lower tower" ~~and "upper tower"~~ as set forth under Planning Code Section 270(d), but would require an exception for the upper tower bulk limits as allowed pursuant to Planning Code Section 309. This alternative would not include either the Parking Variant or Residential/Hotel Mixed Use Variant analyzed for the proposed project.

Under this alternative, the existing commercial parking garage would be demolished and a new ~~18~~20-story, approximately 220~~200~~-foot-tall tower (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) would be constructed on the 75 Howard Street building site (see Figure 6.1: Code Compliant Alternative Site Plan and Figure 6.2: Code Compliant Alternative Massing Diagrams, p. 6.13 and p. 6.14, respectively). This alternative would be 11~~13~~ stories and 128~~150~~ feet shorter than the tower under the proposed project. The approximately 284,300-gsf Code Compliant Alternative would contain 133~~169~~ market rate units (53~~17~~ fewer units than under the proposed project) consisting of 36 one-bedroom units, 71 two-bedroom units, 23 three-bedroom units, and 3 four-bedroom units. This alternative would also include ~~and~~ approximately 5,824~~5,900~~ gsf of retail use (slightly more~~less~~ than under the proposed project), including space for restaurant and café uses. This alternative would comply with the City's Inclusionary Affordable Housing Ordinance by paying a 20 percent in-lieu fee.

Under the Code Compliant Alternative, a total of 102~~146~~ parking spaces (73~~29~~ fewer spaces than under the proposed project) would be constructed in a 41,000~~25,700~~-gsf ~~parking garage~~ basement located on two below-grade levels accessed from Howard Street. Two~~One~~ parking spaces would be reserved for car-share vehicles, no~~two~~ parking space~~s~~ would be reserved for commercial uses, and 100~~143~~ parking spaces would be assigned to building residents. The Code Compliant Alternative would not provide any parking spaces for the commercial uses proposed, although, under Section 151.1 of the Planning Code, it could provide parking spaces equal to 3.5 percent of the gross floor area of the non-residential uses of the Code Compliant Alternative to serve the commercial uses, which space would accommodate an additional two to three spaces.

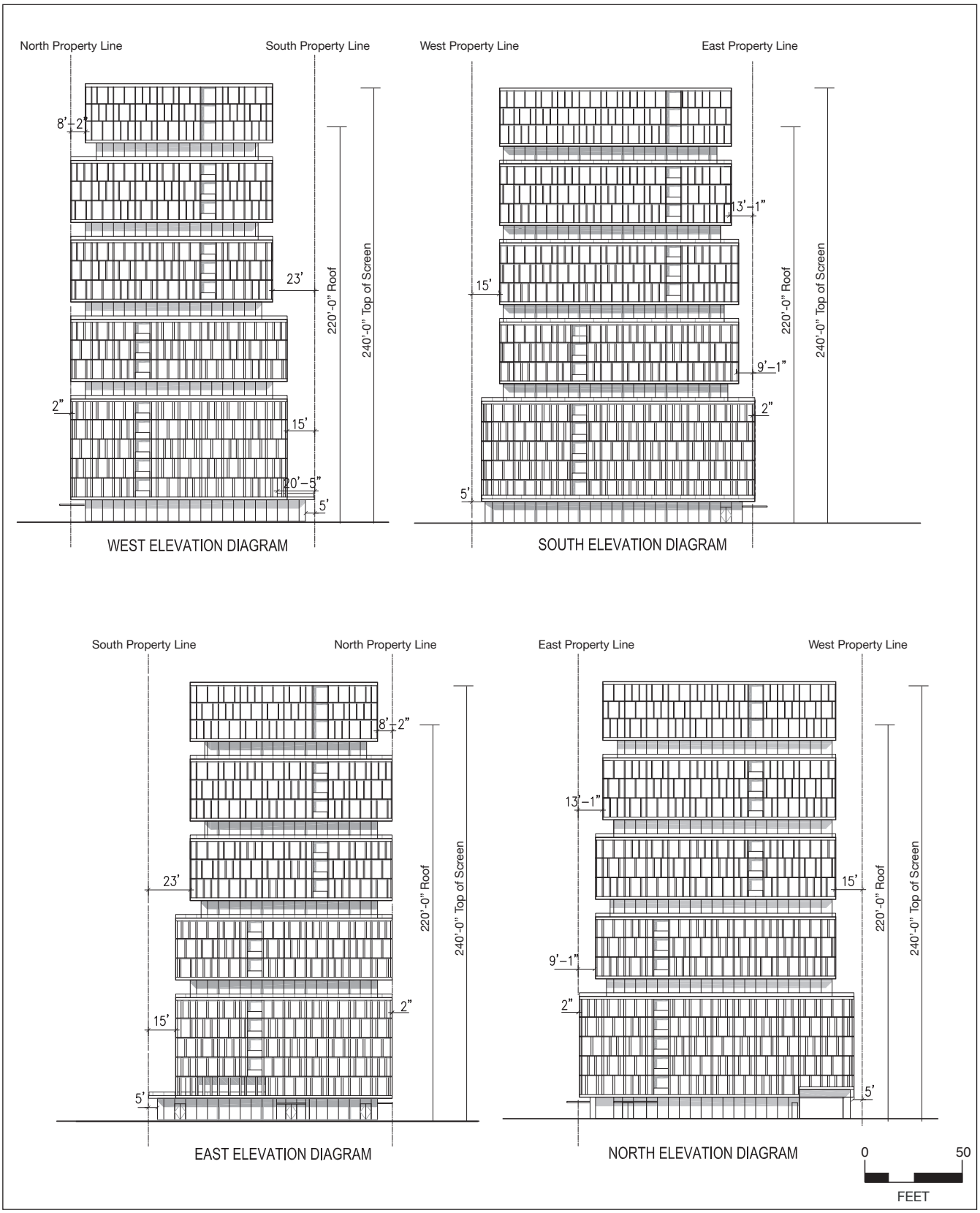


SOURCE: Turnstone Consulting, SOM

CODE COMPLIANT ALTERNATIVE SITE BOUNDARY

75 HOWARD STREET

(REVISED) FIGURE 6.1: CODE COMPLIANT ALTERNATIVE SITE PLAN



75 HOWARD STREET

(REVISED) FIGURE 6.2: CODE COMPLIANT ALTERNATIVE MASSING DIAGRAMS

Similar to the proposed project, none of the parking spaces would be independently accessible; all vehicles would be mechanically parked by valet in stacked spaces. Similar to the proposed project, this alternative would include two loading spaces located on Basement Level 1, where a loading turntable would assist delivery and service vehicles with entering the loading space and existing the garage via the garage ramp. This alternative would also include 108~~55~~ Class 1 bicycle storage spaces (44 more ~~9 fewer~~ than under the proposed project) located on Basement Level 1 and 15 Class 2 bicycle storage spaces located on the Howard Street sidewalk. As under the proposed project, bicyclists would access these spaces either by elevator from either the residential or service entrance located on the ground floor of the tower, or via Howard Street.

Unlike the proposed project, ~~T~~the Code Compliant Alternative would not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. The site would remain vacant and paved with asphalt, and would continue to be owned by the City and County of San Francisco for ~~temporary uses such as~~ construction staging and other temporary uses or for future development. There would also be no landscape or hardscape improvements to the open space site or portions of the surrounding right-of way. However, as under the proposed project, in furtherance of the requirements of Planning Code Section 138.1, hardscape improvements would be proposed for the surrounding Steuart Street right-of-way, south of Howard Street. Under this alternative, the on-street parking along the east-side segment of Steuart Street south of Howard Street would remain; however, the on-street parking along the west side of Steuart Street adjacent to the east elevation of the proposed building would be removed for curb-side loading. Unlike the proposed project, ~~N~~no changes would occur with regard to narrowing this segment of Steuart Street, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated, as it would under the proposed project. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1. The Code Compliant Alternative also proposes to merge a small triangle of property which is currently a portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31 through a lot line adjustment. Parcel 3 is located within the Rincon Point South Beach Redevelopment Plan Area and as such is subject to the land use controls of the Rincon Point South Beach Redevelopment Plan and Design for Development (collectively, the "Redevelopment Requirements"). On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Code Compliant Alternative located on Parcel 3.

Under the Code Compliant Alternative, the following discretionary project approvals would be required: (i) approval of a Section 309 Determination of Compliance and Request for Exceptions for the Construction of a New Building in a C-3 District~~,~~; ~~and~~ (ii) the granting of variances from Planning Code requirements for Dwelling Unit Exposure (per Planning Code Section 140), which requires at least one room of each dwelling unit to face onto a public street, rear yard, or other open areas that meets minimum requirements for area and horizontal dimensions, and Street Frontages (per Planning Code Section 145.1(c)(2)),which limits the width of parking and loading access to no more than 20 feet; (iii) approval of a Conditional Use Authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and (iv) a determination by the Planning Department or Planning Commission that the Project

is consistent with the Redevelopment Requirements. In addition, the Code Compliant Alternative will require approval of white zones on Howard and Steuart Streets pursuant to the SFMTA Color Curb program and Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) by the Department of Public Health.

IMPACTS

Land Use and Land Use Planning

The Code Compliant Alternative would include a mix of residential, retail, and below-grade parking uses. Under this alternative, the open space improvement site located on Assessor's Block 3742, Lot 12 would not be developed. Similar to the proposed project, the Code Compliant Alternative includes a lot line adjustment on the proposed building site to merge a small undeveloped triangle portion of Block 3741/Lot 35 (Parcel 3) into Block 3471/Lot 31. As with the proposed project, this alternative would not physically divide an established community or have an adverse impact upon the existing character of the project vicinity. At a height of ~~200~~ 220 feet, this alternative would be more consistent with certain objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and *Transit Center District Plan* (TCDP), because it would comply with the existing height limit for the project site with the granting of exceptions permitted pursuant to the applicable Planning Code controls and would be consistent with the Rincon Point South Beach Redevelopment Plan and Design for Development as to that small portion of the building located on the small triangle currently within the Rincon Point South Beach Redevelopment Plan area. Due to its shorter height, this alternative would cast about ~~53.5~~ 35.4 percent less annual net new shadow on Rincon Park than would the proposed project, but would still result in a significant and unavoidable shadow impact to Rincon Park. Like the proposed project, this alternative would conflict with Priority Policy No. 8, which calls for the protection of parks and open spaces and their access to sunlight and vistas. The net new shadow on Rincon Park would occur in the afternoon throughout the year and would fall on pedestrian paths and seating areas in the park as well as the Embarcadero Promenade, which forms the eastern perimeter of the park and is used for active recreation. The proposed project would have significant and unavoidable land use impacts, whereas the Code Compliant Alternative would have less-than-significant land use impacts because the Code Compliant Alternative would not seek a height reclassification that would conflict with a land use regulation adopted for the purpose of avoiding or mitigating an environmental effect. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to a significant cumulative land use impact.

The physical environmental impacts that could result from the potential inconsistency between the Code Compliant Alternative and Priority Policy No. 8 are discussed below under the topic~~s~~ of ~~Aesthetics and~~ Shadow. Inconsistency with this policy is also explained below in the Aesthetics Discussion

Aesthetics Discussion

Section 4.C, Aesthetics, on pp. 4.C.3-4.C.4, identifies two types of potentially affected scenic vistas: Views Along Inland Street View Corridors, and Views of Downtown from the Eastern Waterfront and the Bay Bridge. The ~~impact~~ effect of this alternative on views along inland street view corridors would be substantially the same as that described for

the proposed project on pp. 4.C.18-4.C.20. As with the proposed project, this alternative would not obstruct views to the Bay from inland street corridors, but, together with existing buildings, would frame these views. ~~, and would have a less-than-significant effect on scenic vistas along inland street view corridors.~~

~~Unlike the proposed project, which would have significant and unavoidable project-level impacts on scenic vistas of Downtown from the eastern waterfront and the Bay Bridge, the Code Compliant Alternative would have a less-than-significant impact on scenic vistas.~~ At a height of ~~200~~ 220 feet, this alternative would be more consistent with the City's vision for the urban form of San Francisco's Downtown as articulated in the objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and TCDP than would the proposed project. In particular, this alternative would be more consistent with policies calling for Downtown building heights to respect the prevailing scale of development and to step down to the waterfront. Unlike the proposed project, this ~~200~~ 220-foot-tall alternative (plus an additional approximately 20-foot-tall elevator penthouse and screening) would effectuate a substantial step down to waterfront open space and the Bay from the 256-foot-tall 201 Spear Street Building immediately to the west of the project site, and the 280-foot-tall Rincon Towers to the north. ~~While conformity or conflict with plans and policies is not to be construed as constituting a significance threshold, these plans and policies reflect the City's vision for the overall form of Downtown, and can inform the analysis of impacts under CEQA.~~ As the Code Compliant Alternative would be shorter than the buildings immediately adjacent to the project site, the Code Compliant Alternative would reinforce the existing pattern discernible at the southeast edge of Downtown of buildings stepping down to the water's edge. This existing pattern would be continued and reinforced with new development under the *General Plan*. ~~As such, the impact of the Code Compliant Alternative on scenic vistas of Downtown as viewed from the eastern waterfront would be considered less than significant. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to a significant cumulative aesthetic impact.~~

The ~~impact~~ visual changes of the Code Compliant Alternative at the project site ~~on scenic resources~~ would be substantially the same as that described for the proposed project, except that this alternative would not include development of a new public open space on the open space improvement site. The project site contains no scenic resources. As with the proposed project, this alternative would reinforce the western edge of The Embarcadero, presenting an active face to The Embarcadero and Rincon Park. ~~Therefore, like the proposed project, this alternative would have a less-than-significant effect on scenic resources.~~

Under this alternative, ~~it is assumed that~~ the design and materials of the new tower would be somewhat similar to the proposed project, and include features that relate visually with the surrounding visual setting and improve the pedestrian realm, except that this alternative does not include development of a new public open space on the open space improvement site. ~~As under the proposed project, this alternative would have a less-than-significant effect on visual character and quality.~~ Neither the proposed project nor this alternative would adversely contribute to cumulative aesthetic changes on the project site and project site vicinity ~~make a cumulatively considerable contribution to a significant impact related to aesthetics~~.

Cultural Resources

Excavation required for the Code Compliant Alternative would be similar to that required for the proposed project in terms of location and depth. As such, potential impacts on archaeological resources under this alternative would be similar to those with the proposed project. Mitigation Measures M-CP-1a: Archaeological Testing, Monitoring, Data Recovery and Reporting; M-CP-1b: Interpretation; and M-CP-1c: Accidental Discovery, identified for the proposed project and described on pp. 4.D.35-4.D.40, would also be applicable to this alternative to ensure that, similar to the proposed project, potential project-level impacts on archaeological resources, if present within the project site, would be less than significant (with mitigation incorporated) under this alternative and that contributions to significant cumulative impacts to archaeological resources would not be cumulatively considerable.

Transportation and Circulation[1]

Existing Plus Code Compliant Alternative

Under the Code Compliant Alternative, ~~the location and size of the restaurant (4,913 gsf) and café (918 gsf) uses would be the same as under the proposed project. However, under this alternative~~ the proposed building would be ~~13~~ 11 stories shorter and ~~17~~ 53 fewer residential units would be developed (~~169~~ 133 residential units compared to 186 residential units under the proposed project). The location and total gsf of the restaurant and café would be about the same as under the proposed project, but the café would increase from 918 gsf to 2,624 gsf and the restaurant would decrease from 4,913 gsf to 3,200 gsf. As a result, the travel demand generated by the Code Compliant Alternative for all modes except "other" would be ~~less~~ somewhat greater than that under the proposed project, as shown in Table 6.2: Trip Generation by Mode for Proposed Project and Code Compliant Alternative (Weekday PM Peak Hour), due to the increase in café space.

Traffic Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~180~~ 196 vehicle trips would be generated during the weekday p.m. peak period (~~15 fewer than~~ virtually the same as under the proposed project with 195 vehicle trips). Traffic impacts at the nine study intersections would be similar to~~, but less than,~~ those with the proposed project. As under the proposed project, the impact on traffic operations at the nine study intersections under this alternative would be less than significant.

Table 6.2: Trip Generation by Mode for Proposed Project and Code Compliant Alternative (Weekday PM Peak Hour)

	Person-Trips					
	Auto	**Transit**	**Walk**	**Other [a]**	**Total**	**Vehicle Trips**
Proposed Project						
Total	274	156	363	80	873	195
Code Compliant Alternative						
Total	~~254~~ 293	~~146~~ 180	~~344~~ 402	~~77~~ 95	~~821~~ 970	~~180~~ 196

Notes:
[a] "Other" includes bicycle, motorcycle, and additional modes such as taxis.

Source: Adavant Consulting, ~~June 2013~~ May 2015

Transit Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~146~~ 180 transit trips would be generated during the weekday p.m. peak ~~period~~ hour (~~10 fewer~~ 24 more than under the proposed project). These 24 additional transit trips would be expected to be accommodated by the various transit providers that serve the project site. Therefore, ~~S~~similar to the proposed project, impacts on local and regional transit capacity utilization with this alternative would be less than significant. ~~Transit impacts would be less than significant with this alternative, and~~ Improvement Measure I-TR-A: Transit Information for Residents, identified for the proposed project and described on p. 4.E.50, would also be applicable to this alternative to encourage transit use. Improvement Measure I-TR-A would encourage residents to use transit by having the project sponsor include a transportation insert in new resident move-in packets with information on available transit service (nearby lines, schedules and fares), information on where Clipper Cards could be purchased, and information on the 511 Regional Rideshare Program.

Pedestrian Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~490~~ 582 walk trips (~~344~~ 402 pedestrian trips and ~~146~~ 180 transit trips[2]) would be generated during the weekday p.m. peak period; this is ~~29 fewer~~ 63 more walk trips (~~19 fewer~~ 39 more pedestrian trips and ~~10 fewer~~ 24 more transit trips) than under the proposed project. As with the proposed project, under the Code Compliant Alternative pedestrian access to the restaurant/café and residential uses on the project site would be from Howard Street and Steuart Street, respectively; and the two-way parking garage driveway would be located at the west end of Howard Street.

As with the proposed project, impacts on pedestrian level of service on the adjacent sidewalks and crosswalks – the Howard Street/Steuart Street sidewalks, the Spear Street/Howard Street crosswalk, and the Steuart Street/Howard Street crosswalk – during the weekday p.m. peak period and Saturday midday peak hour with this alternative would be less than significant. Conflicts between pedestrians and vehicles could occur at the two-way parking garage entry driveway under the Code Compliant Alternative, as with the proposed project. Therefore, Improvement Measures I-TR-C: Driveway Operations Plan, I-TR-D: Vehicle Queues and Pedestrian Conflicts, and I-TR-E: Installation of Pedestrian Alerting Devices, identified for the proposed project and described on pp. 4.E.55-4.E.56, would also be applicable to this alternative. Improvement Measure I-TR-C would result in the implementation of a *Driveway Operations Plan*, Improvement Measure I-TR-D would result in the implementation of a queue abatement program to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Howard Street, and Improvement Measure I-TR-E would improve the visibility and awareness of cars and pedestrians at the proposed garage entrance.

Bicycle Impacts

Under the Code Compliant Alternative, ~~55~~ 108 bicycle storage spaces would be located on the first basement level and would be accessed by elevator from either the residential or service entrance located at the ground floor. An additional 15 bicycle storage spaces would be located on the Howard Street sidewalk. The Code Compliant Alternative would not substantially change bicycle travel in the vicinity of the project site, and therefore, similar to the proposed project, impacts on bicyclists would be less than significant. While impacts on bicyclists would be less-than-significant with this

alternative, Improvement Measures I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza and I-TR-G: Provision of Bicycle Signage and Information, identified for the proposed project and described on p. 4.E.59, would also be applicable to this alternative to promote the use of bicycles. Improvement Measure I-TR-F would result in the installation of bicycle racks in the proposed Steuart Street Plaza to support the restaurant/café uses, and Improvement Measure I-TR-G would result in the development and installation of signage indicating the location of bicycle routes and bicycle parking areas.

Loading Impacts

As with the proposed project, the Code Compliant Alternative would provide two off-street freight loading spaces (35 feet long by 12 feet wide by 14 feet high) on the first basement level with access via the two-way driveway at the west end of Howard Street. Off-street loading operations and trash pick-up service under the Code Compliant Alternative would be similar to those for the proposed project. Under this alternative, there would be fewer residential units than under the proposed project; therefore, loading demand would be reduced under this alternative compared to the proposed project. Since the Code Compliant Alternative would provide the code-required off-street loading spaces, and since the loading demand could be accommodated within the proposed supply, loading impacts under this alternative would be less than significant, as with the proposed project.

Like the proposed project, the Code Compliant Alternative would require approval through the SFMTA Color Curb Program to develop two curbside drop-off areas: one on Howard Street (40 feet long) to support the proposed restaurant use and the other on Steuart Street (68 feet long) to support the proposed residential use. As with the proposed project, under this alternative development of the project driveway and curbside drop-off area on Howard Street would require the removal of three metered on-street parking spaces and development of the curbside drop-off area on Steuart Street would require the removal of four metered on-street parking spaces. Unlike the proposed project, modifications to the east sidewalk on Steuart Street would not occur and the four metered on-street parking spaces would remain. Like the proposed project, this alternative would provide sufficient passenger loading to meet the demand on the project site; therefore loading impacts would be less than significant. While loading impacts would be less than significant with this alternative, Improvement Measure I-TR-C: Driveway Operations Plan, identified for the proposed project and described on p. 4.E.55, and Improvement Measures I-TR-I: Sidewalk Widening, ~~and~~ I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out, and I-TR-K: Installation of Turntable Operation Device, identified for the proposed project and described on p. 4.E.62, would also be applicable to this alternative to help improve loading operations ~~and~~, to minimize indirect effects on transportation operating conditions in the project vicinity, and to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1.

Emergency Access Impacts

Unlike the proposed project, implementation of the Code Compliant Alternative would not result in any modifications to the Steuart Street roadway, the elimination of the turnaround bulb at the southern terminus of Steuart Street, or the removal of two on-street metered parking spaces along The Embarcadero to provide an emergency vehicle exit.

Therefore, the Code Compliant Alternative would not affect emergency vehicle access to the project site or project vicinity, nor would it change the configuration or capacity of adjacent travel lanes such that it would conflict with the San Francisco Fire Code. Similar to the proposed project, impacts on emergency access under this alternative would be less than significant.

Parking Impacts

Under the Code Compliant Alternative, a total of ~~146~~ 102 parking spaces (~~29~~ 38 fewer than under the proposed project) would be provided (~~143~~ 100 assigned to residential uses, ~~2~~1 car-share spaces, and no~~2~~ commercial parking spaces assigned to the restaurant/café uses). As with the proposed project, under this alternative off-street parking would be located in the ~~second~~ below-grade basement ~~level~~. Access into the parking garage would be via a 24-foot-wide, two-way driveway at the west end of the proposed building along Howard Street; none of the parking spaces would be independently accessible, i.e., all parking would be by an attendant operating a mechanical parking system. There would be no on-site public parking provided. Of the 100 parking spaces assigned to residential uses under this alternative, 67 of such spaces would be principally permitted per Section 151.1 of the Planning Code. Similar to the proposed project, the project sponsor would request a Conditional Use authorization for ~~under~~ the Code Compliant Alternative to provide the 33 additional accessory off-street parking spaces, up to a maximum of 0.75 spaces per residential unit, permitted per the ~~project sponsor would request, through the Section 309 Review process, an increase in the maximum amount of accessory off-street parking allowed under~~ Planning Code ~~Section 151.1~~, and would seek a variance from the Planning Code to allow for the development of a 24-foot-wide garage access driveway.

As with the proposed project, under the Code Compliant Alternative the existing 540-space public parking garage at 75 Howard Street would be eliminated, resulting in a similar reduction in the off-street parking supply in the project vicinity. Unlike the proposed project, which would require the removal of 13 on-street metered parking spaces, only 7 on-street metered parking spaces would be eliminated under this alternative, resulting in a lesser reduction to the on-street parking supply in the project vicinity. The residential and commercial uses associated with the Code Compliant Alternative would generate a peak evening demand of ~~275~~ 261 parking spaces, approximately ~~43~~ 57 fewer spaces than under the proposed project. Compared to a supply of ~~145~~ 100 long-term parking spaces,[3] the Code Compliant Alternative parking demand would result in a shortfall of ~~130~~ 295 spaces during the weekday evening period, which would be slightly less than that for the proposed project. As with the proposed project, under the Code Compliant Alternative the loss of the existing public parking spaces during the midday period would result in motorists parking outside of the study area or shifting to another travel mode, and during the evening period the off-street parking supply in the study area would be sufficient to meet demand.

Under the Code Compliant Alternative, ~~12~~ 19 fewer vehicles would enter and exit the Howard Street parking garage during the weekday p.m. peak hour than under the proposed project. As with the proposed project, parking operations would not be expected to result in queues that spill out of the parking garage and back onto Howard Street. Unlike the proposed project, which would include Improvement Measure I-TR-~~K~~O: Installation of Electronic "Parking Full" Sign, described on p. 4.E.69, no improvement measures have been identified for this alternative.

Construction Impacts

Construction activities associated with the Code Compliant Alternative would be similar to, but less than, those described for the proposed project. Overall, the construction-related transportation impacts of this alternative would be less than significant due to their temporary and limited duration. Improvement Measures I-TR-L: Expanded Traffic Control Plan for Construction, M: Carpool and Transit Access for Construction Workers, and N: Project Construction Updates for Adjacent Businesses and Residents, identified for the proposed project and described on pp. 4.E.71-4.E.72, would be applicable to this alternative to reduce its less-than-significant, construction-related transportation effects. Improvement Measures I-TR-L, M, and N could require the contractor to prepare a traffic control plan for project construction to reduce potential conflicts between construction activities and pedestrians, transit, and autos; could require the construction contractor to encourage carpooling and transit access to the site by construction workers; and could require the project sponsor to provide nearby residences and adjacent businesses with regularly updated information regarding project construction.

2035 Cumulative Conditions

As with the proposed project, 2035 cumulative conditions under the Code Compliant Alternative would include the public realm and transportation system improvements proposed as part of the TCDP. Under the Code Compliant Alternative, as shown in Table 6.2, ~~180~~ 196 vehicle trips would be generated during the weekday p.m. peak period (~~15 fewer than under~~ nearly the same as the proposed project). Under 2035 cumulative conditions, vehicle delays would increase at the nine study intersections compared to existing conditions, and, as under the proposed project, six of the nine study intersections – The Embarcadero/Mission Street, The Embarcadero/Howard Street, The Embarcadero/Folsom Street, The Embarcadero/Harrison Street, Spear Street/Howard Street, and Spear Street/Folsom Street –would operate at LOS E or LOS F (as described in Section 4.E, Transportation and Circulation, pp. 4.E.72-4.E.75). The other three study intersections – Steuart Street/Mission Street, Steuart Street/Howard Street, and Fremont Street/Folsom Street/I-80 WB Off-Ramp – would operate at LOS C or LOS D under 2035 cumulative conditions.

Like the proposed project, the Code Compliant Alternative would result in less-than-significant cumulatively considerable contributions to significant cumulative impacts at five of the six study intersections that operate at LOS E or LOS F under 2035 cumulative conditions, based on consideration of the alternative's contribution to critical movements. Therefore, the Code Compliant Alternative's traffic impacts under 2035 cumulative conditions at these five study intersections (The Embarcadero/Mission Street, The Embarcadero/Howard Street, The Embarcadero/Folsom Street, The Embarcadero/Harrison Street, and Spear Street/Folsom Street) would result in a less-than-significant cumulatively considerable contribution, ~~especially~~ since its contribution to critical movements would be ~~less than for~~ the same as that of the proposed project.

As described on EIR pp. 4.E.72-4.E.75, intersection operations at Spear Street/Howard Street under 2035 cumulative conditions would degrade to LOS E due to the elimination of one or two southbound travel lanes between Market Street and Folsom Street and their conversion into one northbound travel lane, as called for in the TCDP. This significant cumulative impact would not arise without implementation of this component of the TCDP. Feasible mitigation measures aimed at lessening the significant cumulative traffic

impact at the Spear Street/Howard Street intersection related to the implementation of certain public realm components of the TCDP were not identified as part of its environmental review. Therefore, the significant cumulative traffic impact at the Spear Street/Howard Street intersection under 2035 cumulative conditions would be unavoidable. As with the proposed project, which would contribute considerably to the significant cumulative traffic impact at the Spear Street/Howard Street intersection (as described in Section 4.E, Transportation and Circulation, pp. 4.E.72-4.E.75), the Code Compliant Alternative would also contribute to the significant cumulative traffic impact at the Spear Street/Howard Street intersection~~, although to a lesser degree, because it would generate slightly fewer new vehicle and transit trips~~. Therefore, under the Code Compliant Alternative, the suggested transportation and circulation mitigation measure identified for the proposed project (Mitigation Measure M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets, on p. 4.E.74) would also be applicable. However, as discussed therein, the feasibility of this mitigation measure is not certain, and like the proposed project, the Code Compliant Alternative would generate a cumulatively considerable contribution to the significant and unavoidable cumulative impact at the Spear Street/Howard Street intersection.

As described on EIR pp. 4.E.75-4.E.77, transit operations under 2035 cumulative conditions for the Geary subcorridor of Muni's Northwest screenline would exceed the 85 percent capacity utilization standard resulting in a significant cumulative transit impact. The additional project-related transit trips generated under both the proposed project and this alternative would be within the daily variation of transit demand. Therefore, under the Code Compliant Alternative project-related transit trips added to the Muni screenlines and subcorridors, including those to the Northwest screenline's Geary subcorridor, would make a minimal contribution to the cumulative transit ridership increase and the contribution would be considered less than significant.

In summary, compared to the proposed project, which would have less-than-significant project-level traffic and transit impacts, would make a significant contribution to a significant cumulative traffic impact at the Spear Street/Howard Street intersection, but would not make a significant contribution to a significant cumulative transit impact at the Geary corridor of Muni's Northwest screenline, the Code Compliant Alternative would generate similar~~, but slightly reduced,~~ less-than-significant project-level traffic and transit impacts, would make a significant~~, but slightly reduced,~~ unavoidable contribution to the significant cumulative traffic impact at the Spear Street/Howard Street intersection, and would not contribute to a significant cumulative transit impact at the Geary corridor of Muni's Northwest screenline. Furthermore, compared to the proposed project, which would generate a less-than-significant contribution to cumulative impacts on pedestrian, bicycle, and loading impacts as well as construction-related transportation and circulation impacts in the project vicinity, the Code Compliant Alternative would generate a similar~~, but slightly reduced,~~ contribution to pedestrian, bicycle, and loading impacts under 2035 cumulative conditions as well as construction-related transportation and circulation impacts.

Noise

Similar to the proposed project, the Code Compliant Alternative would result in demolition, excavation, and building construction activities that would temporarily and intermittently increase noise and groundborne vibration in the project vicinity to levels that could be considered an annoyance by occupants of nearby properties. The greatest

construction noise and vibration impacts would be during demolition and basement construction, and the loudest activities, such as installation of piles, demolition, and excavation, would occur over the first 30 weeks, the same duration as with the proposed project. The overall duration of construction noise would be shorter than that for the proposed project. Construction activities would be required to comply with the San Francisco Noise Ordinance. However, as with the proposed project, noise from construction would still be substantially greater than existing noise levels in the project vicinity and could significantly impact nearby sensitive receptors. To ensure construction noise and vibration are reduced to the maximum amount feasible, Mitigation Measures M-NO-1a: Noise Control Measures During Pile Driving, and M-NO-1b: General Construction Noise Control Measures, identified for the proposed project and described in Section 4.F, Noise, pp. 4.F.22-4.F.23, would also be applicable under this alternative. Mitigation Measure M-NO-1a would require the use of feasible noise- and vibration-reducing techniques for installing piles such as erecting barriers and pre-drilling pile holes where feasible, and Mitigation Measure M-NO-1b would require the project contractor to use equipment with lower noise emissions and sound controls where feasible, locate stationary equipment as far as possible from sensitive receptors, designate a construction noise complaint and enforcement manager, and provide advance notification to surrounding receptors.

Construction of the Code Compliant Alternative would cause cumulative construction noise impacts that would occur with other projects in the vicinity, including construction occurring as development is approved pursuant to implementation of the TCDP. As with the proposed project, Mitigation Measure M-C-NO-1a: Cumulative Construction Noise Control Measures, p. 4.F.34, would also be applicable to this alternative. Mitigation Measure M-C-NO-1a would ensure that construction of the alternative would not result in a cumulatively considerable contribution to temporary or periodic increases in ambient noise or vibration. As with the proposed project, implementation of these mitigation measures under this alternative would decrease significant project-level construction noise and vibration impacts and cumulatively considerable contributions to cumulative construction noise and vibration impacts to a less-than-significant level.

Operation of the Code Compliant Alternative would introduce additional noise sources to the area, such as new mechanical equipment for building utilities, including ventilation equipment (HVAC equipment) and other building mechanical systems. To address stationary operational noise sources, Mitigation Measure M-NO-3: Interior Mechanical Equipment, identified for the proposed project and described on p. 4.F.28, would also be applicable to this alternative. This mitigation measure would require that stationary sources of noise be installed with noise-insulating enclosures or other adequate noise-attenuating features. With implementation of this mitigation measure, operational noise would not significantly increase the ambient noise levels of the area and would be consistent with the noise level limits of the San Francisco Noise Ordinance and the *San Francisco General Plan* Land Use Compatibility Guidelines for Community Noise, and this impact would be mitigated to less-than-significant levels for this alternative, similar to the proposed project. As with the proposed project, the Code Compliant Alternative project-level impacts would be less-than-significant (with mitigation incorporated) and would have no cumulatively considerable contribution to significant cumulative operational ambient noise levels in the project vicinity.

Air Quality

Similar to the proposed project, the Code Compliant Alternative would result in demolition, excavation, and building construction activities that would cause emissions of criteria air pollutants and toxic air contaminants that would affect local air quality. Activities that create dust would be subject to the Construction Dust Control Ordinance. The construction activities, equipment, and phasing under this alternative would be similar to those of the proposed project. This alternative would result in construction emissions of criteria air pollutants that would be below the applicable significance thresholds. However, toxic air contaminants (TACs) emitted during construction would expose sensitive receptors to substantial pollutant concentrations, requiring mitigation, as under the proposed project. Implementation of Mitigation Measure M-AQ-2: Construction Emissions Minimization, identified for the proposed project and described on pp. 4.G.31-4.G.33, would be applicable to this alternative. This mitigation measure, which calls for the development of a construction emissions minimization plan, would reduce construction emissions and the construction-related emissions impacts of this alternative on nearby sensitive receptors to a less-than-significant level.

Due to fewer residential units ~~and slightly less retail use~~, operational emissions for the Code Compliant Alternative would be similar to, but less than, those of the proposed project. Sources of operational emissions for this alternative would include a back-up emergency generator, other mechanical systems, and new motor vehicle trips with emissions from mobile sources. The emissions from mobile sources are around the same as ~~would be slightly less than~~ those of the proposed project~~, because of the lower travel demand under this alternative~~. As with the proposed project, the project sponsor would be required to obtain applicable permits to operate an emergency generator from the BAAQMD, and Mitigation Measure M-AQ-4a: Best Available Control Technology for Diesel Generators, identified for the proposed project and described on p. 4.G.36, would also be applicable to this alternative. This mitigation measure would require the diesel generator to achieve up-to-date standards or include a verified emissions control device, which would reduce to a less-than-significant level the impact of locating a new source within an area that already experiences poor air quality.

Under this alternative, as with the proposed project, the new residential land use would be developed in an area that experiences higher levels of air pollution, and this alternative would have the potential to expose sensitive receptors to substantial concentrations of air pollutants. Because of the setting, Mitigation Measure M-AQ-4b: Air Filtration Measures, identified for the proposed project and described on pp. 4.G.36-4.G.37, would be applicable to this alternative. This mitigation measure would require the project sponsor to install ventilation and filtration systems, with provisions for ongoing maintenance and disclosure to occupants. With implementation of this mitigation measure, this alternative would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial pollutant concentrations.

As with the proposed project, the Code Compliant Alternative would not conflict with or obstruct implementation of the applicable air quality plan, and this alternative would not expose a substantial number of people to objectionable odors.

Project-level criteria air pollutant emissions at levels below the thresholds are not anticipated to contribute to an air quality violation or result in a cumulatively considerable net increase in criteria air pollutants. Although this alternative would add a

new residential land use and new sources of TACs within an area of the City that is already adversely affected by poor air quality, mitigation identified for the proposed project (Mitigation Measures M-AQ-2, which could reduce construction period emissions by as much as 94 percent; M-AQ-4a, which requires best available control technology to limit emissions from the project's emergency back-up generator; and M-AQ-4b, which requires that the building be designed to reduce outdoor infiltration of fine particulate matter indoors by 80 percent) would also be applicable to this alternative. Compliance with these mitigation measures would ensure that this alternative's contribution to cumulative air quality impacts would not result in a cumulatively considerable contribution to significant cumulative air quality impacts. Therefore, as with the proposed project, there would be less-than-significant (with mitigation incorporated) project-level impacts and no cumulatively considerable contribution to significant cumulative impacts related to air quality under the Code Compliant Alternative.

Shadow

The ~~200~~220-foot-tall Code Compliant Alternative (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening), which would be ~~148~~ 128 feet shorter than the proposed project, would shadow some of the same publicly accessible open spaces (the Embarcadero Promenade and Rincon Park), privately owned publicly accessible open spaces (POPOs), and public sidewalks. The Code Compliant Alternative would cast about 6,276,795 ~~4,517,994~~ square-foot-hours (sfh) of annual net new shadow on Rincon Park (a reduction of about ~~53.5~~ 35.4 percent when compared to the proposed project). The net new shadow on Rincon Park would occur in the afternoon throughout the year and would fall on the hardscape and seating areas in the middle of the park. Given the number of people who sit in sunlit areas of Rincon Park in the afternoon, net new shadow on these sunlit areas would adversely affect the use of these areas. For these reasons, the Code Compliant Alternative would have significant project-level shadow impacts on outdoor recreation facilities and other public areas. The TCDP EIR identified significant cumulative shadow impacts on outdoor recreation facilities and other public areas,[4] and the Code Compliant Alternative would make a cumulatively considerable contribution to this significant cumulative shadow impact.

Utilities and Service Systems

Under the Code Compliant Alternative, there would be fewer residents on the project site than with the proposed project and the increase in wastewater flows would be less than for the proposed project. The Code Compliant Alternative would not result in the exceedance of any wastewater treatment requirements~~. Under this alternative there would be no alterations or improvements to the Steuart Street right-of-way south of Howard Street; thus stormwater drainage patterns on the Steuart Street right-of-way would be the same as under existing conditions.~~ As under the proposed project, landscape improvements and a wider sidewalk would be installed along the west side of Steuart Street south of Howard Street. Stormwater management on the project site would comply with the SMO, and stormwater would be handled in a way similar to that for the proposed project and project variants. As under the proposed project, this alternative would not require or result in the construction of new or the expansion of existing water wastewater treatment facilities, or stormwater drainage facilities. Construction of the Code Compliant Alternative in combination with reasonably foreseeable projects in the project vicinity would not result in a cumulatively considerable contribution to significant

and adverse cumulative impacts on the treatment of stormwater runoff or affect capacity of wastewater treatment facilities or stormwater drainage facilities. Therefore, under the Code Compliant Alternative, project-level impacts would be less than significant and there would be no cumulatively considerable contribution to significant cumulative impacts on utilities and service systems.

Biological Resources

Construction of the ~~200~~220-foot-tall, high-rise tower under the Code Compliant Alternative would result in similar impacts related to bird migration and local movement, birdstrike risks, or bats as under the proposed project. Mitigation Measures M-BI-1a: Design Standards to Render Building Less Hazardous to Birds and M-BI-1b: Night Lighting Minimization, and Improvement Measure I-BI-A: Tenant Education would also be applicable to this alternative to ensure that the proposed high-rise tower would not result in significant impacts related to bird strikes. As under the proposed project, construction of the ~~200~~220-foot-tall, high-rise tower would not interfere with the movement of, or have any effects on, native resident bats. Therefore, as under the proposed project, the Code Compliant Alternative would have less-than-significant project-level impacts (with mitigation incorporated) and no cumulatively considerable contribution to significant cumulative impacts related to biological resources.

Hydrology and Water Quality

Under this alternative, impacts from exposure to significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow would be the same as under the proposed project. There would be less-than-significant project-level impacts and no cumulatively considerable contribution to significant cumulative impacts related to impacts from inundation by seiche, tsunami, or mudflow.

Impacts from increased risk of flooding due to climate-induced sea level rise under this alternative would also be similar to those with the proposed project. ~~As under the proposed project, even with the implementation of Mitigation Measure M-HY-2: Emergency Plan, described on pp. 4.K.25-4.K.26, there would be significant and unavoidable project-level impacts from flooding due to climate-induced sea level rise under this alternative.~~ As under the proposed project, there would be less-than-significant project-level impacts from flooding due to climate-induced sea level rise under this alternative. Although no mitigation is required, Improvement Meausre I-HY-A: Emergency Plan would still be applicable under this alternative. ~~t~~The Code Compliant Alternative's contribution to cumulative impacts with respect to sea level rise would not result in a cumulatively considerable contribution to significant cumulative sea level rise impacts.

Other Topics

The NOP/IS and public scoping process concluded that the proposed project would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation in the following analysis areas:

- Land Use and Land Use Planning (Physically Divide an Established Community, only);
- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a

potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);

- Population and Housing;
- Cultural and Paleontological Resources (Historic Resources and Paleontological Resources, only);
- Greenhouse Gas Emissions;
- Wind and Shadow (Wind, only);
- Recreation;
- Utilities and Service Systems (Exceedances of Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board, Availability of Sufficient Water Supply to Serve the Project, Capacity of Wastewater Treatment to Serve the Project, Capacity of Landfill to Serve the Project, or Compliance with Federal, State, and Local Statutes and Regulations Related to Solid Waste, only);
- Public Services;
- Biological Resources (Substantial Adverse Effects on any Species, or Special-Status Species in Local or Regional Plans, Policies, or Regulations; Substantial Adverse Effects on any Riparian Habitat or Other Sensitive Natural Community; Substantial Adverse Effects on Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act; Conflict with Any Local Policies or Ordinances Protecting Biological Resources; and Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan or Other Approved Local, Regional, or State Habitat Conservation Plan, only);
- Geology and Soils;
- Hydrology and Water Quality (Violate Water Quality Standards or Waste Discharge Requirements; Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge; Alter the Existing Drainage Pattern of the Site Resulting in Substantial Erosion or Siltation; Alter the Existing Drainage Pattern of the Site Resulting in Substantially Increased Runoff in a Manner that would Result in Flooding; Create or Contribute to Runoff Water which would Exceed Capacity of Existing Stormwater Systems; Degrade Water Quality; Place Housing within a 100-year Flood Hazard Area, Place Structures within a 100-year flood hazard area that would Impede or Redirect Flood Flows; and Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Flooding as a Result of a Failure of a Levee or Dam, only);
- Hazards/Hazardous Materials;
- Mineral/Energy Resources; and
- Agricultural and Forest Resources.

The Code Compliant Alternative would occupy the same building site as the proposed project, but would not include the proposed open space and Steuart Street right-of-way improvements on the open space improvement site. This alternative would include a

substantially similar mix of land uses and a substantially similar (but lessened) intensity of uses on the site. Impacts under this alternative for each of the above-noted environmental topics would be substantially similar to those of the proposed project. The Code Compliant Alternative would not result in any new potentially significant impacts for the environmental topics identified in the NOP/IS for the proposed project. The mitigation measures and improvement measure presented in the NOP/Initial Study for the proposed project (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measures M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would also be applicable under the Code Compliant Alternative. Therefore, the conclusions in the NOP/IS with respect to the above environmental topics would be less than significant or less than significant with mitigation under the Code Compliant Alternative.

CONCLUSION

The Code Compliant Alternative, unlike the proposed project, would result in ~~less-than-significant project-level impacts on~~ less noticeable changes to scenic vistas of Downtown from the eastern waterfront and the Bay Bridge. The reduced height of the high-rise tower would ~~substantially~~ step down to the waterfront open space and the Bay from existing adjacent and nearby high-rise buildings and would be more consistent with the City's vision for the urban form of San Francisco's Downtown; thus it would reinforce the existing pattern discernible at the southeast edge of Downtown because it would be more similar in height than the proposed project to the buildings immediately adjacent to the project site. Unlike the proposed project, the Code Compliant Alternative would also result in less-than-significant project-level land use and land use planning impacts since this alternative would comply with the existing height limit for the project site with the granting of exceptions pursuant to the applicable Planning Code controls and would be consistent with the Redevelopment Requirements as to that small portion of the building located within the Rincon Point South Beach Redevelopment Plan Area. The Code Compliant Alternative would result in less annual net new shadow on Rincon Park, but would still create significant and unavoidable shadow impacts on Rincon Park. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to significant cumulative ~~aesthetic or~~ land use impacts, because both the proposed project and the Code Compliant Alternative would be substantially shorter than the new height limits and buildings anticipated by the TCDP on nearby blocks. As under the proposed project, but to a lesser degree, the Code Compliant Alternative would result in the following significant and unavoidable impacts: significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow). The Code Compliant Alternative would have the same, but to a lesser degree, significant and unavoidable project-level and cumulative shadow impacts on outdoor recreation facilities and other public areas as under the proposed project. ~~The Code Compliant Alternative would also have the same significant and unavoidable project-level impacts as the proposed project from the increased risk of flooding due to climate-induced sea level rise.~~ As with the proposed project, but to a lesser degree, the Code Compliant Alternative would result in less-than-significant impacts (with mitigation or improvement measures) related to cultural and paleontological resources, noise, air quality, wind, utilities and service systems, biological resources, and hazards and hazardous materials.

This alternative, as with the proposed project, would result in less-than-significant impacts in the areas of population and housing, greenhouse gas emissions, recreation, public services, geology and soils, hydrology and water quality, and mineral and energy resources. Neither the Code Compliant Alternative nor the proposed project would result in impacts related to agricultural and forest resources.

The Code Compliant Alternative would achieve most ~~some~~ of the basic objectives of the project sponsor. This alternative would improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking, and ~~. It~~ would ~~also~~ increase the City's supply of housing. It would also partially meet, though not to the full extent as under the proposed project, the sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing. The Code Compliant Alternative, however, would not meet the project sponsor's objective to construct ~~streetscape improvements and~~ open space that serves the neighborhood residents and workers, and enlivens pedestrian activity on the waterfront during evening and nighttime hours. ~~nor would it meet the sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing. Specifically, and according to the project sponsor, the Code Compliant Alternative may be financially infeasible, as the Code Compliant Alternative and the existing Planning Code requirements applicable to the property are not conducive to residential use, as the Code Compliant Alternative would contain floor plates (17,000 square feet) that are unusually large for a residential building.[5] Such floor plates significantly exceed the market standard for residential buildings because bedrooms and living rooms require access to daylight and air. The interior space must be built at nearly the same cost as any other interior area of the building, but it does not add to the value of the unit in the same way that even a very small extra bedroom for children or guests would. Floor plates of these sizes (17,000 sf and greater) are occasionally seen in residential buildings but only when the site is wide enough to allow for very rectangular or bar-shaped double-loaded buildings of no more than 80 feet in depth, with service cores typically placed at the ends.[6]~~

Two of the footnotes in this discussion have been revised, two remain the same, and two have been deleted, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

[Footnote 1 on EIR p. 6.17]

[1] Adavant Consulting, (Revised) Memo to ~~Greg Riessen/~~Susan Mickelsen/Don Lewis Re: 75 Howard Street Project Transportation Study, Case Number 2001.1122! Proposed Project Alternatives Assessment, ~~June 28, 2013~~ May 15, 2015 (hereinafter "75 Howard Street Project – Alternatives Assessment"), pp. ~~4-~~8-11. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122E.

[Footnote 2 on EIR p. 6.18]

[2] Transit trips are included because they involve walking from the transit stop to the project site.

[Footnote 3 on EIR p. 6.21]

[3] This total does not include the two car-share spaces.

[Footnote 4 on EIR p. 6.27]

[4] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final EIR*, certified on May 24, 2012, p. 527.

[Footnote 5, p. 6.31]

~~[5] Email correspondence from Mark Schwettmann, SOM, to W. Calvin Meeder, Paramount Group, Tuesday, May 28, 2013.~~

[Footnote 6, p. 6.31]

~~[6] Email correspondence from Mark Schwettmann, SOM, to W. Calvin Meeder, Paramount Group, Tuesday, May 28, 2013.~~

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3. LIST OF PERSONS COMMENTING

Public agencies, non-governmental organizations, and individuals submitted written comments (letters and emails) on the 75 Howard Street Project Draft EIR, which the City received during the public comment period from August 1, 2013 to September 23, 2013. In addition, the Planning Commission held a public hearing about the Draft EIR on September 12, 2013, and Commissioners, organizations, and individuals made oral comments at that hearing. These commenters are listed below in Tables 2.1-2.3, along with the corresponding commenter codes used in Chapter 4, Comments and Responses, to denote each set of comments. The comments are coded in the following way:

- Comments from agencies are designated by "A-" and an acronym of the agency's name.
- Comments from non-governmental organizations are designated by "O-" and an acronym of the organization's name.
- Comments from individuals are designated by "I-" and the commenter's last name

Within each category, commenters are listed in alphabetical order. In cases where commenters have spoken at the public hearing and submitted written comments, or have submitted more than one letter or email, comment codes end with a sequential number.

Table 3.1: Public Agencies Commenting on the Draft EIR

Commenter Code	Name of Person and Agency Submitting Comments	Comment Format	Comment Date
State			
A-PUC	Sia Mozzafari, Utilities Engineer, Rail Crossings Engineering Section, Safety and Enforcement Division, California Public Utilities Commission	Letter	08/21/2013
Local			
A-SFPC-Antonini	Michael Antonini, San Francisco Planning Commission	Transcript	09/12/2013
A-SFPC-Hillis	Rich Hillis, San Francisco Planning Commission	Transcript	09/12/2013
A-SFPC-Moore	Kathrin Moore, San Francisco Planning Comission	Transcript	09/12/2013
A-SFPC-Sugaya	Hisashi Sugaya, San Francisco Planning Commission	Transcript	09/12/2013

Table 3.2: Non-Governmental Organizations Commenting on the Draft EIR

Commenter Code	Name of Person and Organization Submitting Comments	Comment Format	Comment Date
O-CARD	Nick R. Green, President, Citizens Advocating Rational Development	Email	09/12/2013
O-CSFN	Judith Berkowitz, President, Coalition for San Francisco Neighborhoods	Letter	09/17/2013
O-HRWU	Ian Lewis, Hotel and Restaurant Workers Union, Local 2	Transcript	09/12/2013
O-IBEW	Michael McKenna, IBEW, Local 6	Transcript	09/12/2013
O-OHPRA	Karol K. Denniston, President, One Hills Plaza Residential Association Board	Letter	08/29/2013
O-RCTA1	David Osgood, Rincon Center Tenants Association	Transcript	09/12/2013
O-RCTA2	David Osgood, Rincon Tenants Association	Letter	09/23/2013
O-SFHAC	Tim Colen, San Francisco Housing Action Coalition	Transcript	09/12/2013

Table 3.3: Individuals Commenting on the Draft EIR

Commenter Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Bardel	Keith Bardel	Transcript	09/12/2013
I-Bement1	Reed Bement	Transcript	09/12/2013
I-Bement2	Reed H. Bement	Letter	09/23/2013
I-Buthcher1	Christopher Butcher, Thomas Law Group, on Behalf of Building Owners in the Area	Transcript	09/12/2013
I-Butcher2	Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners	Letter	09/23/2013
I-Carter	Rebecca Carter	Email and Letter	09/12/2013
I-Chinn	Craig and Noelle Chinn	Email	08/11/2013
I-Chiu	Willy Chiu	Email	09/16/2013
I-Cincotta	David Cincotta, Jeffer, Mangels, Butler & Mitchell, on Behalf of Property Owners in the Neighborhood	Transcript	09/12/2013
I-Cookston	H. Stephen Cookston	Letter	09/02/2013
I-Edwards	Leah Edwards	Email	08/16/2013
I-Emblidge	G. Scott Emblidge, Moscone Emblidge Sater & Otis, Representing the Property Owners of 201 Spear Street	Letter	09/12/2013

(continued)

Table 3.3 (continued)

Commenter Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Feinstein	Blake Feinstein	Email	09/16/2013
I-Green	Grant and Heather Green	Email	08/12/2013
I-Gusev	Andrev Gusev	Email	09/14/2013
I-Hestor1	Sue Hestor	Transcript	09/12/2013
I-Hestor2	Sue C. Hestor	Letter	09/23/2013
I-Hestor3	Sue C. Hestor	Letter	09/23/2013
I-Joseph	Thomas Joseph	Email	09/14/2013
I-Kuo	Richard Kuo	Email	09/10/2013
I-Pederson	Christopher Pederson	Email	08/24/2013
I-Seligman	Dee Seligman	Email	09/11/2013
I-Whitaker1	Jamie Whitaker	Transcript	09/12/2013
I-Whitaker2	Jamie Whitaker	Letter	09/10/2013
I-Yadegar	John Yadegar	Transcript	09/12/2013

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4. COMMENTS AND RESPONSES

A. PROJECT DESCRIPTION

Since publication of the Draft EIR in July 2013, the RDF 75 Howard LP (who acquired the property from PPF Paramount, 75 Howard Garage LLP (project sponsor)) indicated that the proposed project, as described in the Draft EIR, is no longer the sponsor's preferred project, and has since submitted a revised entitlement application for consideration for approval.[1] This preferred project is consistent with the design of the revised Code Compliant Alternative, presented and analyzed in the Responses to Comments (RTC) document in Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, pp. 2.20-2.43. Resulting text changes are introduced, with new text shown in underline and deletions shown in ~~strikethrough~~. They are repeated in Chapter 5, Draft EIR Revisions, of this RTC document, along with minor accompanying revisions. These design changes do not present any significant new information, nor do they alter any of the conclusions or present the need for any new mitigation measures regarding the analysis of this alternative presented in the Draft EIR. Therefore, recirculation of the Draft EIR, pursuant to CEQA Guidelines Section 150885, is not required.

For the purposes of this EIR, the proposed project as described and evaluated in the Draft EIR continues to be called the proposed project. Where applicable, responses presented by topic in this RTC document note project features that the project sponsor no longer intends to include in the preferred project, as analyzed as the revised Code Compliant Alternative in this RTC document. City decision-makers can adopt any of the alternatives analyzed in the Draft EIR instead of approving a proposed project if it is found that an alternative would substantially reduce or eliminate significant environmental impacts identified for the proposed project, an alternative is determined feasible, and if an alternative would achieve most of the project sponsor objectives. The determination of feasibility would be made by City decision-makers based on substantial evidence in the record, which shall include, but not be limited to, information presented in the Draft EIR and Responses to Comments document.

[1] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122X.

The comments and corresponding responses in this section cover topics in EIR Chapter 2, Project Description. These include topics related to:

- PD-1: Project Site Description and Ownership
- PD-2: Project Objectives
- PD-3: Residential/Hotel Mixed Use Variant
- PD-4: Podium Height

Comment PD-1: Project Site Description and Ownership

This response addresses the following comments:

A-SFPC-Moore-2	I-Hestor1-3	I-Hestor2-18
A-SFPC-Moore-3	I-Hestor2-16	I-Bement2-1
A-SFPC-Moore-4	I-Hestor2-17	

"The project description for the EIR needs to properly describe site disposition and ownership, what building lots are and are not parts of the project, based on ownership." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-2])*

"There's a lack of clarity about the freeway parcel that the project describes as an open-space amenity. Who owns this parcel at this moment? Who is responsible for designing and disposing of it in whatever form? The record shows that the City-owned parcel was created and transferred when the freeway was torn down." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-3])*

"The project, without color differentiation at the moment, shows that the project is to occur on four, for lack of better word, lots. The project itself seems to only own the garage site with a corner on the southeast owned by the Gap.

"There is a public right-of-way, a street which will be occupied to the project's benefit. The DEIR needs to fully disclose how this assembly of parcels will function as a full-fledged building site." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-4])*

"This site is very adventurous because they were planning on planning -- the developer was planning -- was going to plan the site that was City-owned. The City owns a street. The City owns this site right here. All of those are remnants of the Embarcadero Freeway, as is

the Gap building itself." *(Sue Hestor, Public Hearing Transcript, September 12, 2013 [I-Hestor1-3])*

"Paramount does not own most of this site but their lack of ownership is obscured in the DEIR.

"Although the project evaluated includes 4 parcels - AB 3741/Lot 31 (existing Parking garage), AB 3741 Lot 35 (Gap site), AB 3742/Lot 12 (City site), Steuart Street (City site), the existing site plan on page 2.3 and its associated text fails to CLEARLY explain these sites. Only the garage parcel is owned by developer the Paramount Group. The s*ite description at 2.1 obscures the control of this site and must be revis*ed. *Amend the text and maps (including the Existing Site Plan at 2.2 to make the ownership of this site much clearer and that the majority of this site is in public ownership.*

"The triangular parcel at the southeast corner of the site (AB 3741 Lot 35) is not stated to be such, but appears to be a small part of The Gap headquarters at 2 Folsom. *Explain the current and proposed ownership of the Gap parcel at AB 3742/Lot 35.* The defining feature of this triangular site is a very tall billboard for The Gap on what appears to be the side of the garage. *The existence of the billboard must be included in the description of the site. Is demolition of the billboard part of the project? Will it be replaced or accommodated elsewhere in the project? Explain any 75 Howard building design adjustments related to the Gap ownership of this site. Explain the ownership and boundaries of this site. Will development of this project result in the reassessment of The Gap headquarters? Is The Gap to be paid for transfer of the triangular part of this lot? Is development of the small triangular of the site done in such a way that it will not trigger reassessment?*

"Clearly state that the remainder of this site - a majority of the project site analyzed in this EIR is owned by the public. Steuart STREET and the parcel across Steuart (AB 3742 Lot 12) are NOT owned by the Paramount. They are public sites created by the demolition of the Embarcadero Freeway. This Open Space Improvement Site totals 29,883 sq ft. and is described for the first time on page 2.10. *Describe that aspect of the public ownership and size of project at the beginning of the text and summary.* The text and graphics of the EIR obscure the fact that the majority of the Open Space Improvement Site is owned by the public (29,883 sq ft contrasted to 20,931 sq ft for the proposed housing development site). *Clarify this size and ownership PLAINLY in the EIR.*

> *How did the developer acquire rights to the "open space improvement site" or its components? If they have not been already acquired, what steps does Paramount propose to acquire control of these sites? What agencies, what commissions have to approve that acquisition?*

"The Steuart Street site functions as a park and driveway at the entrance for the 75 Howard building. It currently provides access to parking for 201 Spear and for 2 Folsom. *Please explain clearly in the Project Description whether that access will be altered. How will it be provided? What is the estimated increase in value to the 75 Howard building from this park entrance? What increase in value to 75 Howard from the orientation to a park and changes described to the Steuart Street site?" (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-16])*

"The term "open space improvement site" is used in a confusing manner. The reader could reasonably think that a significant portion of this site was dedicated to OPEN SPACE. Other

places in the DEIR use the term "4,780 sq ft of open space" - under 16% of the site. 4.H.12, 4.J.11, 4.J.10. *The terminology used to describe the project site is CONFUSING and must be changed. Public open space appears to change from a majority of the combined 4 parcel site to 9% for public open space." (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-17])*

"The Steuart Street right-of-way appears to change from being included to not included and back again. *Change the terminology in the EIR from "open space improvement site" to a term that is NOT so misleading or erroneous. Pages where this term is used include 2.31, 3.2, 4.B.5, 4.C.22., 4.E.1, 4.E.27, 4.F.30, 4.G.19, 4.G.20, 4.H.1, 4.J.2, 4.J.3, 4.J. 11, 4.J.3 (open space functions as extension of Gap open space), 4.J.10." (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-18])*

"Project Overview (2.1, 2.4)

"The references to proposed "improvements resulting in a new 4,780-sq.-ft. landscaped, publicly accessible open space at Block 3742/Lot12" are misleading and inadequate. As noted in the DEIR, this lot is owned by the City and County of San Francisco and, until recently, has been open space available to the public. The proposed project would, therefore, not create any "new" open space as the DEIR repeatedly suggests in the above referenced pages and elsewhere (e.g., 4.H.12).

"Indeed, this lot has been specifically identified by a report of a Recreation and Parks Commission task force as a potential new park space (S.F. Chronicle, 9/19/13, p. D1 and D3). It is a space which will, therefore, be developed as a park regardless of the proposed project.

"Please describe in the EIR how this lot has been defined by the Recreation and Parks Commission and point out that this lot will be or likely will be developed as a park whether or not this project is approved." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-1])*

Response PD-1

Several comments state that the EIR needs to better describe the project site boundary and ownership of the various lots within the project site area. Since publication of the Draft EIR, the project sponsor has indicated that the Code Compliant Alternative (which is the environmentally superior project), consistent with the revised Code Compliant Alternative design summarized in RTC Chapter 2, pp. 2.20-2.43, is to be considered the preferred project ; the revised entitlement application has been submitted for consideration by the City Planning Commission (CPC).[2] The Code Compliant Alternative does not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. While improvements within the open space site are no longer proposed as part of the preferred project, this response still addresses comments raised about the

[2] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite, 400, San Francisco, California, as part of Case File No. 2011.1122X.

project's site boundary, ownership, and responsibility for designing, developing and maintaining the site which was analyzed as part of the proposed project in the Draft EIR.

Regarding comments on the project site ownership, the Draft EIR p. 2.1 clearly defines the project site area and identifies ownership of the various lots:

> The project site consists of three lots and a portion of street right-of-way: Assessor's Block 3741/Lot 31, which is owned by PPF Paramount, 75 Howard Garage, LLP (the project sponsor); Assessor's Block 3741/Lot 35 (known as Parcel 3), which is owned by the Gap, Inc.; and Assessor's Block 3742/Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street, which is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW). Block 3741/Lot 31, together with Parcel 3, include approximately 20,931 square feet (sq. ft.) and comprise the proposed 75 Howard Street building site, which is currently developed with the existing 75 Howard Garage, a 540-space, 91-foot-tall, eight-level commercial parking garage structure built in 1976.
>
> …The proposed project also includes landscaping and paving improvements, resulting in a new 4,780-sq.-ft. landscaped, publicly accessible open space at Block 3742/Lot 12 and the portion of the Steuart Street right-of-way south of Howard Street.

Additional detail is provided on Draft EIR pp. 2.7-2.11, which describes the proposed building site and open space improvement site boundaries, and how assemblage of those sites creates the proposed project site boundary.

Comments regarding development on Parcel 3, which is owned by the Gap, Inc., focus on parcel ownership transactions. As part of the proposed project, the project sponsor intends to purchase Parcel 3 from the Gap Inc, and approval of a lot line adjustment by the Department of Public Works would be included as one of the project approvals. In addition, Parcel 3 is also within the Rincon Point South Beach Redevelopment Plan Area and is the subject of a Delegation Agreement by and between the Office of Community Investment and Infrastructure ("OCII") and the City Planning Department whereby OCII delegated to the City Planning Department the responsibility for administering the land use controls of the Rincon Point-South Beach Redevelopment Plan and the Design for Development (collectively, the "Redevelopment Requirements") to the improvements proposed as part of the Project on Parcel 3. The following approval actions are added to the Project Approvals section of the EIR in Chapter 2, Project Description, p. 2.35, after the sixth bullet under "Actions by Other City Departments":

- *Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance):* Department of Public Health approval.
- *Delegation Agreement regarding land use controls of the Rincon Point-South Beach Redevelopment Plan and the Design for Development (collectively, the "Redevelopment Requirements") for the portion of the project located on a small triangle portion of Block*

3741/Lot 35 (referred to as "Parcel 3 ": Office of Community Investment and Infrastructure to delegate to Planning Department

- *Determination by the Planning Department or Planning Commission that the portion of the Project located on Parcel 3 is consistent with the Redevelopment Requirements:* San Francisco Planning Department or Commission.
- *Approval of a lot line adjustment to merge a small triangle portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31:* Department of Public Works approval.
- *Approval of a Color Curb Application for drop off zones on Howard and Steuart Streets:* San Francisco Municipal Transportation Authority (SFMTA).

One comment asks for the status of the existing Gap billboard upon development of the building site. The existing Gap billboard is mounted on the 75 Howard Street garage building; that billboard would be removed when the existing parking garage is demolished. The project sponsor has no plans as of the writing of these Responses to Comments to erect another billboard on the project site. The erection of new billboards is prohibited by the San Francisco Code, pursuant to Proposition G, which was adopted in 2002. One comment requests that Figure 2.2: Existing Site Plan, on EIR p. 2.3, be amended to show the ownership of parcels within the project site area. The primary purpose of Figure 2.2 is to graphically identify the boundaries of the project site and to show the various lots and blocks included within the project site area. Lot ownership is clearly described in the EIR on pp. 2.1 and 2.7-2.11. These pages of the EIR describe the proposed building site and open space improvement site boundaries, and how assemblage of those sites creates the project site boundary. The project sponsor has obtained written authorization from Gap Inc., authorizing Parcel 3 to be considered as part of the project site.[3] The project sponsor has also obtained written authorization from the City and County of San Francisco Real Estate Division, authorizing the San Francisco Planning Department to analyze environmental impacts on the proposed publicly accessible open space lot (Assessor's Block 3741/Lot 12).[4]

Some comments state that the description of the 29,883-sq.-ft. open space improvement site is confusing and that it is unclear whether the Steuart Street right-of-way is included within this defined area. As stated above, the revised entitlement application no longer includes these proposed improvements in part because the Project Sponsor was not able to secure the right to purchase the property from the City (the property's owner) and the City does not have definitive

[3] Letter to Don Lewis from Kevin E. Solliday, Senior Director - Corporate Facilities, Gap Inc, dated August 20, 2012. 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. 2011.1122E.

[4] Letter to Don Lewis from John Updike, Acting Director of Real Estate, City and County of San Francisco Real Estate Division, dated May 4, 2012. 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. 2011.1122E.

plans with respect to the disposition or future uses of the site at this time, but in answer to the comment, the open space improvement site is a trapezoidal area immediately east of the building site. It encompasses the portion of Steuart Street right-of-way area south of Howard Street plus the triangular 4,780-sq.-ft. open space amenity. As described above, the entire open space improvement site is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW). It was originally created as a result of the demolition of the Embarcadero Freeway and subsequent realignment of The Embarcadero roadway to create Rincon Park. The open space improvement site is described on EIR p. 2.10, as follows:

> The open space improvement site is a trapezoidal area immediately to the east of the building site, totaling about 29,883 sq. ft. The open space improvement site is bounded by Howard Street to the north and The Embarcadero to the east. The south boundary of the open space improvement site is defined by a line extending eastward from the northeast corner of the Gap Building, south of the building site. The west boundary is defined by the eastern lot line of the building site and that of the adjacent Lot 35 immediately to the south of the building site.
>
> The open space improvement site includes Block 3742/Lot 12 (approximately 4,780 sq. ft.), a triangular lot at the southwest corner of Howard Street and The Embarcadero, and a portion of the Steuart Street right-of-way south of Howard Street. Block 3742/Lot 12 is owned by the City and County of San Francisco under the jurisdiction of the DPW and is currently vacant and paved with asphalt. This vacant lot is bounded on all sides by sidewalks and two street trees (Sycamore) along Howard Street and nine street trees (Sycamore) along The Embarcadero.

One comment requests an explanation of how the changes within the Steuart Street right-of-way would alter access to adjacent parking lots at 201 Spear Street and 2 Folsom Street (the Gap Building). As stated in the EIR, p. 2.30, the publicly accessible open space in front of the Gap Building and along The Embarcadero would remain. Proposed right-of-way improvements are described on EIR p. 2.30, as follows:

> …the project would install hardscape, landscape, and pedestrian improvements to the segment of Steuart Street south of Howard Street. A total of eight on-street parking spaces along this segment of Steuart Street south of Howard Street would be eliminated. This segment of Steuart Street would be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would be reconfigured and incorporated into the design of the open space area. Approval of these improvements would require either (i) a street improvement permit, (ii) an encroachment permit, or (iii) a street vacation ordinance, as determined by the Department of Public Works. These modifications to Steuart Street are intended to enhance the pedestrian accessibility, size, quality, and utility of the proposed publicly accessible open space and to link this proposed open space with the existing open space of the Gap Building. The resulting enlarged area would be landscaped and have seating and may include outdoor sculptures.

Proposed access from Steuart Street to the adjacent properties directly south of the proposed building site is shown on Figure 2.3: Proposed Site Plan, on EIR p. 2.6. As shown on the figure, the driveway to the surface parking lot for the 201 Spear Street building, which is located adjacent to and south of the building site, and a driveway to the subsurface parking garage of the Gap Building would remain under the proposed project, and would be accessed from the reconfigured Steuart Street turnaround bulb.

Several of the comments are on the particulars of ownership of the open space amenity and the responsibility for designing and developing the site. As discussed above on pp. 4.A.4-4.A.5, the project sponsor's preferred project no longer includes improvements to the open space site on Assessor's Block 3742/Lot 12. While the EIR pp. 2.29-2.30 adequately describes responsibility for development of the publicly accessible open space, described below, it is no longer the project sponsor's intention to proceed with any entitlements on the open space site:

> As part of the proposed project, a new 4,780-sq.-ft. publicly accessible open space would be developed on the open space improvement site. The project would finance the installation and ongoing maintenance of the open space improvements. The open space would be bounded on all sides by sidewalks that would include landscaping and hardscape improvements; these improvements would be visually integrated with the proposed new open space. Installation of the open space improvements would require the approval of the Department of Real Estate and other City departments with regulatory jurisdiction. The City would retain ownership of the open space improvement site.[4]
>
> [EIR Footnote]
> [4] While the San Francisco Department of Real Estate has authorized the Planning Department to analyze potential environmental impacts of the proposed construction and operation of a park, the City would not sell the property and has not authorized construction of a park.

The City has discretion to approve or disapprove the installation of the proposed hardscape and landscape improvements to the open space improvement site on Block 3742/Lot 12. In the event that the City does not permit installation of these improvements, or if installation of these improvements otherwise proves to be infeasible, the City could approve construction of the 75 Howard development project without the open space improvements described above. In this situation, the open space improvement site would not be improved by the proposed project and would remain in its existing condition until such time that the City chose to develop or otherwise improve the property. In order to evaluate the potential environmental effects of the proposed project without the proposed open space improvements on Block 3742/Lot 12, the EIR's analysis of the Code Compliant Alternative (beginning on p. 6.12) and Reduced Height Alternative (beginning on p. 6.31) assumes that such improvements would not occur. The EIR concludes that the project's environmental effects would be substantially similar if the open space improvement site is improved or left in its existing state. Although the open space improvements may have a

beneficial aesthetic effect, the purpose of the EIR is to consider potential environmental impacts of the project rather than potential benefits of that project.

Lastly, one comment states that the open space site has already been designated by the Recreation and Parks Commission as a likely site for a park whether or not the project is approved. As discussed in Response RE-1 in RTC Section 4.Q, Recreation, p. 4.Q.3, in July 2013, the District 6 Open Space Task Force published the results of a 10-month planning effort that identified one or more potential sites within District 6 for future acquisition and development as new parks and open spaces.[5] This planning process refined the information used as the basis for San Francisco's Recreation and Open Space Element mapping of high need areas. These findings do not contradict the analysis presented in the EIR, although the project site was mapped as one of several areas in District 6 that experience a "Distribution Deficiency Gap for Children's Playgrounds."[6] However, the Task Force did not identify any sources of funding for development and maintenance of any park on the project site, nor did it provide construction assurances for any future park or open space. As noted above, and as part of the EIR project description, the project proposes to finance the installation and ongoing maintenance of the open space improvements. The property would remain in City ownership.

Comment PD-2: Project Objectives

This response addresses the following comments:

I-Butcher2-6
I-Emblidge-1
I-Whitaker2-10

"II. The DEIR should Set Forth Public Objectives for the Project.

"The DEIR sets forth Project objectives established by the Project proponent. (DEIR, p. 2.4.) Because the Project includes Assessor's Block 3742/Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street, which is owned by the City and County of San Francisco under the jurisdiction of the Department of Public Works (DPW), we believe the DEIR should include public objectives of the Project in addition to the private objectives developed by the Project proponent." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-6])*

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[5] San Francisco Recreation and Park Department, District 6 Open Space Task Force, Recommendations for Acquisition of New Parks and Open Space in District 6, July 2013. Available online at http://sfrecpark.org/wp-content/uploads/Item-7-District-6-Open-Space-Task-Force-Attachment-091913.pdf. Accessed October 18, 2013.

[6] Ibid, p. 9.

"1. The EIR needs to clarify the project objectives and clearly state the underlying purpose of the project.

"Section 15124 of the California Environmental Quality Act (CEQA) Guidelines requires the statement of objectives to include the underlying purpose of the project.

"Page 2.4 of the EIR identifies four project objectives:

1. To improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high- quality residential project with ground floor retail uses and sufficient parking.

2. To increase the City's supply of housing.

3. To construct streetscape improvements and open space that serve neighborhood residents and workers and enliven pedestrian activity on the waterfront during evening and nighttime hours.

4. To construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, attract investment capital and construction financing, an generate sufficient revenue to finance the open space amenities proposed as part of the project.

"While not included in the Project Description, page 5.2 of the EIR (Other CEQA Considerations) states that *"The basic objective of the proposed project and project variants is to support and contribute to the developing mixed use character of the Transit Center District Plan area by developing in-fill, high density residential development in the downtown area."*

"This creates an inherent contradiction in the EIR because the four project objectives on page 2.4 are not consistent with the "basic objective" stated on page 5.2. For example, while objective 2 and to a certain extent 4 are consistent with the "basic objective" of the project, objective 1 is outside the scope of the "basic objective" and, even worse, is not advanced by the project. Objective 1 is to "improve the architectural and urban design character of the City's waterfront" but the proposed project would degrade the architectural character of the City's waterfront by replacing the 91-foot-high structure with a building over three times as high – an imposing, bulky tower with minimal setbacks. The 356-foot-high building (348 plus eight feet for rooftop screening and mechanical enclosures) has an 85.5 foot-high podium with a tower set-back just 23 feet from the eastern edge. This is a substantial departure from the established building form and height along the waterfront to the north and south as well as from the established citywide pattern of buildings stepping down in height to the waterfront. (Please see comments 5 through 7 below for further discussion of this issue.) *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-1])*

"Page 2.4, Project Sponsor Objective bullet number four: *"generate sufficient revenue to finance the open space amenities proposed as part of the project."* It should be noted that the community could work with the Department of Public Works under their Street Parks Program to maintain the open space which would likely include spray washing a couple times per year and maintaining rubber flooring of a playground space - likely $5,000 or much less per year, in my opinion, for maintenance. Bath room facilities for public use could be provided with the

restaurant or cafe space in the building for open space users." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-10])*

Response PD-2

One comment states that, because the project proposes to improve Assessor's Block 3742/Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street, the EIR should include project objectives by both the project sponsor and the City. CEQA does not require that the City provide project objectives, even if the project proposes to improve certain City-owned property. Development projects in San Francisco commonly include improvements to City-owned property. For example, Planning Code Section 138.1 requires that all development projects located in the downtown zoning districts install landscape and hardscape improvements to City-owned rights of way. The City may provide project objectives in certain instances when the City is a co-sponsor of a project, which is not the case in this situation. Further, as discussed above, the revised project application no longer includes the proposed improvements to Assessor's Block 3742, Lot 12 (the open space improvement site).

Another comment states that the project is inconsistent with the project sponsor's Objective 1, which is to "improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project." CEQA does not require that the EIR determine that the project is consistent with all of the identified project objectives. The purpose of the project objectives is to assist the lead agency in identifying a reasonable range of alternatives to the principal project (CEQA Guidelines Section 15124(b)). However, the inconsistency of an alternative with certain project sponsor objectives is not in all instances an appropriate basis for eliminating an alternative from consideration in the EIR, and would not prohibit the City from adopting that alternative in lieu of the proposed project. Ultimately, decision-makers will be able to consider the project's objectives and public opinion about the project when considering whether to approve or disapprove the proposed project. The project sponsor believes that the project would improve the architectural character of the waterfront by replacing the existing above grade garage with a residential building.

The project sponsor originally proposed to install and maintain the public space at no cost of the City at a value of maintenance estimated to be about $100,000 per year.[7] Installation of the

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[7] Email to Julie Tilley Barlow, Turnstone Consulting, from Calvin Meeder, Director of Design and Construction, Paramount Group, Inc., December 4, 2013. 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. 2011.1122E.

proposed landscaping and hardscaping is expected to exceed several million dollars in cost.[8] If the City permits the installation of the open space improvements on City-owned property, the City will require that the project sponsor submit an appraisal of the proposed value of the open space improvements and associated maintenance costs as a part of the project's approvals. Although the Department of Public Works maintains a variety of neighborhood-sponsored parklets and landscaped sidewalks under its Street Parks Program, the City generally requires that all private sponsors proposing to install major landscaping and hardscape improvements on City-owned property enter into a maintenance agreement with the City, by which the project sponsor must pay for the expense of maintaining the privately installed landscaping and hardscape improvements. Similar agreements govern the maintenance of the improvements to Maiden Lane and to Mint Plaza, both of which are maintained at the cost to the permittee. Any such maintenance agreement for the project cannot be finally approved prior to certification of the EIR.

Comment PD-3: Residential/Hotel Mixed Use Variant

This response addresses the following comments:

A-SFPC-Antonini-7
O-HRWU-1
O-HRWU-2

"The speaker who talked about the hotel variant is probably a good -- if we can have a little bit more in comments-and-responses that would talk to impacts. If that particular variant were the one that is selected, then there might be a little more impact from the hotel part of the project, as would be the case obviously if it's entirely condominiums. So good to look at that a little bit." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-7])*

"You know, I looked at this project primarily with respect to its hotel variant. And, you know, I pored over it, having submitted comment during scoping. And in this two-page -- two-inch thick document, I found about six places where hotels were treated differently from residential. And I need to call that out and insist that you revise this and treat hotels as they should be. They are not residential use. They function differently. Hotels are the place of employment for nearly 20,000 San Francisco workers. The volumes of trash, the flow through the building, the conditions for employees in hotels are extraordinarily important. And, you know, those six places that were addressed differently seemed to me places where some technician looked up in a book and found that the technical volume of

[8] Webcor Builders, 75 Howard Site Improvements, Kevin P. Brady, March 5, 2013. 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. 2011.1122E.

trip generation or parking demand differed in some way from residential. No familiarity with what makes hotels unique uses.

"I'm not going to go through an inventory of all the omissions here. I refer staff back to the comments I submitted in scoping with respect to employee entrances, the employee use of common-area elevators, whether that's going to happen and what the consequences would be. In particular, some attention to the layout and design of the kitchen facilities.

"Just so you know, about a year ago workers working in a brand-new kitchen in an existing hotel in Union Square were taken to the hospital because of ill-conceived ventilation allowing the heat in that kitchen to rise over 120 degrees -- were injured because of very poorly thought-out ergonomics. That should not be allowed to happen, especially when a project undergoes review from the ground up like this." *(Ian Lewis, Hotel and Restaurant Workers Union, Local 2, Public Hearing Transcript, September 12, 2013 [O-HRWU-1])*

"It seems to me like the hotel variant was thrown into this proposed almost as a throwaway. That's certainly how it was treated in this analysis. So I think either it should receive some real scrutiny and analysis or should be stripped out and the hotel variant eliminated." *(Ian Lewis, Hotel and Restaurant Workers Union, Local 2, Public Hearing Transcript, September 12, 2013 [O-HRWU-2])*

Response PD-3

The comments assert that the Residential/Hotel Mixed Use Variant needs to be analyzed in the EIR more thoroughly. A detailed description of the Proposed Residential/Hotel Mixed Use Variant, separate from a description of the proposed project, is included in the EIR on pp. 2.23-2.24. The approach to analysis of this variant is described on EIR p. 4.A.3, which states that EIR Chapter 4 addresses impacts related to the construction of both the Proposed Public Parking Variant and Proposed Residential/Hotel Mixed Use Variant. The proposed Residential/Hotel Mixed Use Variant would have most of the same characteristics as the proposed project but, under the variant, hotel rooms would replace some of the residential units and additional below-grade parking would be provided. Where impacts associated with the Residential/Hotel Mixed Use Variant would be different from those of the proposed project, various topic sections throughout the EIR analyze the variants separately, as discussed below.

One comment states there are only six places in the EIR where the Residential/Hotel Mixed Use Variant is addressed in particular, separately from the proposed residential use. The Residential/Hotel Mixed Use Variant is separately analyzed from the proposed project in multiple environmental topics, including Land Use and Land Use Planning (EIR p. 4.B.9), Transportation and Circulation (EIR pp. 4.E.35-4.E.80), Noise (EIR pp. 4.F.28-4.F.31), Air Quality (EIR pp. 4.G.28-4.G.37), Utilities and Service Systems (EIR p. 4.I.11), and Other CEQA Considerations (EIR pp. 5.1-5.9). The Residential/Hotel Mixed Use Variant is also analyzed separately in the Initial Study prepared for the proposed project (see EIR Appendix A: Notice of

Preparation/Initial Study) in the topics of Land Use (pp. 39-42), Population and Housing (pp. 46-50), Greenhouse Gas Emissions (pp. 71-72), Recreation (pp. 99-101), Utilities and Service Systems (pp. 108-110), Hydrology and Water Quality (pp. 127-130), and Hazards and Hazardous Materials (pp. 135-136). There are no comments explaining why the technical analysis provided for the Residential/Hotel Mixed Use Variant throughout the EIR is inadequate. Analysis of the Residential/Hotel Mixed Use Variant in the EIR is adequate and accurate, and no additional analysis is necessary.

Other specific comments with respect to employee entrances, employee access, and layout and design of the hotel facilities are not comments on the proposed project's significant effects on the environment as defined in CEQA Guidelines Section 15382, and therefore do not require environmental analysis in this EIR. Decision-makers may wish to consider these concerns when determining whether to approve, modify or disapprove the proposed project.

Comment PD-4: Podium Height

This response addresses the following comment:

I-Emblidge-2

"2. The EIR needs to clarify whether the proposed project includes an 82-foot-high or 85.5-foot-high podium.

"Paragraph 5 on page 2.24 refers to an 82-foot-high podium and figure 2.14 shows a podium that is 85.5 feet high." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-2])*

Response PD-4

The comment states that the height of the podium as described in the EIR text differs from that shown on a figure and asks for clarification. EIR Figures 2.14 through 2.17 show the proposed 75 Howard Street building's podium height at 85'6". This is the correct height of the proposed building's podium level. Text references in the Draft EIR to an 82-foot-tall podium height are incorrect. Accordingly, the discussions of podium heights in the EIR are revised as described below (new text is <u>underlined</u> and deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

The first sentence in the last paragraph on EIR p. 2.24 is revised as follows:

> The 7-story (<u>85½-foot-tall</u> ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines, and it would be set back

from the south property line by about 18 feet and from the west property line by about 3 feet.

The first sentence in the first paragraph on EIR p. 4.C.17 is revised as follows:

The 7-story (85½-foot-tall ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines, and it would be set back from the south property line by about 18 feet and from the west property line by about 3 feet.

The second sentence in the last paragraph on EIR p. 4.C.21 is revised as follows:

The 7-story (85½-foot-tall ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines.

The first sentence in the second paragraph on EIR p. 4.J.10 is revised as follows:

For both the proposed project and project variants, the podium element would be 7 stories (85½ feet tall ~~82-feet) tall~~) with large panes of glass.

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B. PLANS AND POLICIES

The comments and corresponding responses in this section cover topics in EIR Chapter 3, Plans and Policies. These include topics related to:

- PP-1: General Plan Objectives and Policies
- PP-2: Priority Policies
- PP-3: Project Approvals

Comment PP-1: General Plan Objectives and Policies

This response addresses the following comments:

A-SFPC-Moore-6	O-CSFN-5	I-Pederson-2	I-Hestor2-2
A-SFPC-Moore-7	I-Emblidge-8	I-Pederson-6	I-Hestor2-11
A-SFPC-Moore-10	I-Joseph-1	I-Pederson-8	

"The other point is the DEIR references the Transit Center. I do not believe that the Transit Center ever implied that there would be additional height and intensification of views going east. We saw the Transit Center speak to towers which are mostly west of the center or surrounding it more closely, but I do not believe that that the Transit Center plan even remotely suggested that this building would go up to 31 stories." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-6])*

"I have other comments. The one thing which is always very important to me is that I do not see that this project clearly references the Urban Design Plan and the Downtown Plan, particularly when it comes to building-massing height and building expression. While this is at this moment only a draft EIR, it is particularly the sculpting and the silhouette of the building which will affect the program and impact as it is described in the EIR." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-7])*

"…and it leaves a number of issues which are clearly spelled out as mandated in those downtown and urban design plans. And I would like the draft EIR to reflect on that." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-10])*

"5.) the Transit Center District Plan requires buildings in the area to step down as they get closer to the bay; the plans for 75 Howard do not do that" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-5])*

"Page 3.3 states that *"The project is generally consistent with the General Plan's call to concentrate tall buildings in centers of activity such as downtown."* This should be deleted from the EIR; the purpose of the Plan and policies section of the EIR is to discuss potential conflicts between the project and applicable plan and policies, not to identify policies with which the project is allegedly consistent." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-8])*

"Permitting a 348 foot tall structure would violate basic principles of the Transit Center District Plan, including but not limited to the following:

* Objective 2.2: Create an elegant downtown skyline, building on existing policy to craft a distinct downtown "hill" form, with its apex at the Transit Center, and tapering in all directions.

* Policy 2.3: Create a balanced skyline by permitting a limited number of all buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.

* Policy 2.4: Transition heights downward from Mission Street to Folsom Street and maintain a lower "saddle" to clearly distinguish the downtown form from the Rincon Hill form and to maintain views between the city's central hills and the Bay Bridge.

* Policy 2.5: Transition heights down to adjacent areas, with particularly attention on the transitions to the southwest and west in the low scale of South of Market areas and to the waterfront to the east.

"Approval of the project as proposed would break the trust of citizens like me who have made a personal and a financial commitment to this San Francisco neighborhood because of our belief in the goals and values of the Transit Center District Plan. It would be a breach of faith to diminish our quality of life and the value of our financial investments by approving a project that violates a published plan." *(Thomas Joseph, Email, September 14, 2013 [I-Joseph-1])*

"In order to serve its primary purpose of informing decisionmakers and the public about the full range of environmental impacts associated with future development at 75 Howard Street, the DEIR should be revised to address the following issues:

1) The EIR should identify and discuss state laws, regional plans, and local policies (including the City Charter Transit First Policy, general plan transit first policies, the Downtown Plan, the Transit Center District Plan, and the Planning Code) that require or encourage high-density, transit-oriented development. It should especially include discussion of policies intended to reduce automobile use downtown, including by reducing the supply of commuter parking, by abolishing minimum parking requirements, and by establishing a low ratio (0.25:1) for residential parking that is permitted by right." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-2])*

"5) When analyzing the variants of the proposed project that include public parking, the EIR should evaluate whether that additional parking is consistent with the City's transit first policies and the policy of the Downtown Plan to reduce the supply of commuter parking. (E.g., Downtown Plan policies 18.3, 18.4, Transit Center District Plan policies 4.51, 4.57.) The

Planning Code does prohibit new parking garages from providing monthly, weekly, or daily rates that encourage all-day commuter parking, but the Transit Center District Plan frankly acknowledges that that requirement is violated with impunity and is effectively unenforceable. The EIR should include analysis of this requirement and whether any mitigation measures are available that would result in effective enforcement. In addition, in order to ensure that the public parking isn't simply a way to circumvent the Planning Code's limitations on residential parking, the project should not be allowed to provide any preferential treatment or prices to residents of the project who wish to use the public parking." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-6])*

"7) The DEIR states that the proposed project is inconsistent with language in the Downtown Plan suggesting that development near the waterfront should taper down from taller structures located further from the waterfront. The City has already approved buildings adjacent to the under-construction Transbay Terminal that are significantly taller than the proposed project. The EIR should acknowledge that the proposed project would taper down from these other already-approved towers." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-8])*

"In general, the DEIR works mightily to avoid any substantive discussion of how this site evolved...

- Policies that buildings should be shaped to step down to the waterfront."

(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-2])

"The map of the project boundaries for the Transit Center District Plan should be included." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-11])*

Response PP-1

These comments address the project's alleged conflicts with various objectives and policies of the *General Plan*, including those found in the Urban Design Element, the *Downtown Area Plan*, and the *Transit Center District Plan* (TCDP). As discussed on EIR p. 3.4, the project site is in the area covered by the TCDP, and therefore, the objectives and policies of the TCDP are applicable to the proposed project and variants. The boundaries of the *Transit Center District Plan* area are described in the EIR on p. 2.5; as referenced on EIR p. 3.4, the entire *Transit Center District Plan* is available for review at the San Francisco Planning Department as part of Case File No. 2007.0558E and Case File No. 2008.0789E. Therefore, a copy of the map showing the boundaries of the Transit Center District was not provided as a separate figure included as part of the 75 Howard Street Project EIR. Please refer to RTC Section 4.V, Project Site Background, pp. 4.V.1-4.V.9, which addresses comments that suggest the EIR should provide information about development of the lots and blocks surrounding the project site over the past 30 years.

One comment states that the proposed project and variants violate some of the basic principles of the TCDP related to building height and urban form. As discussed on EIR p. 3.5, Policy 2.5 of the TCDP calls for the tapering or stepping down of building heights from the Transit Tower to the waterfront (the bay). Although the adoption of the TCDP increased the height limits on certain development sites in the Transit Center District, the 200-foot height limit on the project site was not increased. The TCDP did not envision a building taller than 15 to 20 stories on the project site. The EIR acknowledges that the proposed project and variants, at a height of 348 feet, conflict with objectives and policies of the TCDP and with the current height limit. Similarly, at 281 feet tall, the Reduced Height Alternative would also conflict with the *Downtown Area Plan* of the *General Plan* as adopted in the TCDP, since the proposed building would exceed the existing 200-S Height and Bulk District, as well as the 200-foot height limit specified on Map 5 (Proposed Height and Bulk Districts). When compared to taller buildings around the Transit Center that have already been approved, the proposed project and variants would step down toward the bay as noted in one comment, but at the waterfront, the proposed project and variants would step up from the adjacent site to the west rather than continuing the pattern of stepping down to the current 200-foot height limit applicable to the project site.

The first paragraph and list of bulleted items on EIR p. 3.5 are revised to accommodate additional objective and policy information from the TCDP as follows (new text is underlined). These revisions do not alter any of the conclusions of the EIR.

> Project compliance with the height and bulk controls is discussed in more detail under "Height and Bulk Districts," pp. 3.5-3.6. The proposed project and variants potentially conflict with the TCDP's objectives and policies that call for building heights to step down from the downtown core to surrounding areas, including San Francisco Bay:
>
> - Objective 2.2: Create an elegant downtown skyline, building on existing policy to craft a distinct downtown "hill" form, with its apex at the Transit Center, and tapering in all directions.
> - Objective 2.5: Balance consideration of shadow impacts on key public open spaces with other major goals and objectives of the Plan, and if possible, avoid shading key public spaces during prime usage times.
>   - Policy 2.3: Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.
>   - Policy 2.4: Transition heights downward from Mission Street to Folsom Street and maintain a lower "saddle" to clearly distinguish the downtown form from the Rincon Hill form and to maintain views between the city's central hills and the Bay Bridge.
>   - Policy 2.5: Transition heights down to adjacent areas, with particular attention on the transitions to the southwest and west in the lower scale South of Market areas and to the waterfront to the east.

One comment states that the sculpting and silhouette of the proposed project and variants does not clearly reference the Urban Design Element or the *Downtown Area Plan*. As discussed on EIR pp. 3.3-3.4, the proposed project and variants potentially conflict with some of the objectives and policies of the Urban Design Element and the *Downtown Area Plan* that are related to building height and urban form. As noted on EIR p. 3.5, the physical environmental impacts that could result from these conflicts are discussed in Section 4.B, Land Use and Land Use Planning, pp. 4.B.5-4.B.10, and Section 4.H, Shadow, pp. 4.H.10-4.H.30.

One comment states that the EIR should not identify *General Plan* policies with which the proposed project is consistent. The EIR does not provide specific *General Plan* policies that are consistent with the proposed project. Pursuant to CEQA Guidelines Section 15125(d), the purpose of Chapter 3, Plans and Policies, of the EIR, is to discuss potential conflicts between the proposed project and applicable local, regional, state, and federal plans and policies, rather than discussing how the proposed project is consistent with those plans and policies. To the extent that physical environmental impacts may result from such potential conflicts, these impacts are fully disclosed in the EIR. The consistency of the proposed project and its variants with plans, policies, and regulations that do not relate to physical environmental issues will be considered by City decision-makers when they determine whether to approve, modify, or disapprove the proposed project. The third full paragraph on EIR p. 3.3 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> As explained further in the Urban Design Element, "the heights of buildings should taper down to the shoreline of the Bay and Ocean, following the characteristic pattern and preserving topography and views." The proposed project would potentially conflict with the policy listed above, as the project would be taller than buildings located on the blocks immediately adjacent to the project site. The proposed high-rise tower would make a step up, rather than a step down, at the southeastern edge of Downtown along the waterfront. Given a broad perspective of the downtown edge, t~~T~~he project is generally consistent with the *General Plan*'s call to ~~concentrate~~ cluster tall buildings in ~~centers of activity such as~~ downtown and at other centers of activity for commerce efficiency, to mark important transit facilities, and to avoid unnecessary encroachment upon other areas of the City. However, as previously stated, *General Plan* consistency will be considered by City decision-makers when they determine whether to approve, modify, or disapprove the proposed project.

Chapter 3 is not intended to discuss all plans, policies, and regulations that are applicable to the proposed project and variants. Applicable federal, state, regional, and local plans, policies, and regulations are discussed in each topical section of the EIR. For example, policies related to urban design, such as those contained in the *General Plan's* Urban Design Element and *Downtown Area Plan*, are discussed in Section 4.C, Aesthetics, on EIR pp. 4.C.15-4.C.16. Transit First policies, *General Plan* objectives and policies found in the Transportation Element and the *Downtown Area Plan*, and *San Francisco Bicycle Plan* objectives and policies that are

intended to reduce automobile use downtown are discussed in Section 4.E, Transportation and Circulation, on pp. 4.E.27-4.E.28. The "Parking Discussion," on EIR pp. 4.E.63-4.E.69, discusses the Planning Code requirements for off-street parking and whether the proposed project complies with those requirements. The EIR explains that the proposed project and its variants would not result in a substantial parking deficit that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrian. However, Improvement Measure I-TR-N is introduced and is intended to minimize traffic congestion on queuing impacts.

One comment states that the proposed project should not be approved due to its conflicts with the objectives and policies of the TCDP. As discussed on EIR pp. 3.6-3.7, "prior to issuing a permit for any project that requires an Initial Study under CEQA, prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that such project or action would be consistent with the Priority Policies. The staff reports and approval motions prepared for the decision-makers would include a comprehensive project analysis and findings regarding the consistency of the proposed project and variants with the Priority Policies." The EIR is not an approval document. After the EIR is certified, the proposed project must undergo a separate approval process. The decision to approve or disapprove the proposed project rests with City decision-makers rather than being a conclusion in an EIR. This comment is acknowledged and may be considered by City decision-makers during their deliberations on the proposed project and variants.

Comment PP-2: Priority Policies

This response addresses the following comment:

I-Butcher2-11

"V. Land Use Impacts

"A. The DEIR Fails to Provide Any Meaningful Discussion of San Francisco's Priority Policies.

"The DEIR lists San Francisco's Priority Policies in an abridged form. The DEIR suggests "consistency of the proposed project and variants with the environmental topics associated with the Priority Policies is discussed" in the Initial Study and DEIR. (DEIR, p. 3.7.) However, the Initial Study merely repeats verbatim the same abridged list of Priority Policies included in the DEIR. (Compare Initial Study, pp. 33-34, to DEIR, p. 3.7.) For example, Priority Policies include ensuring that "existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods," "commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking", and that "parks and open space and their access to sunlight and vistas be protected from development." (Planning Code, § 101.1, subd. (b)(2), (4), (8).) The height and massing of the proposed Project alone violates several of these Policies. The DEIR should be revised to include a meaningful discussion

of how the proposed Project conflicts with San Francisco' s Priority Policies." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-11])*

Response PP-2

This comment states that the EIR does not include a detailed discussion of whether the proposed project and variants are consistent with the Priority Policies. The comment further states that the EIR should be revised to include a discussion of how the proposed project's height and massing conflicts with these policies. Both the Notice of Preparation/Initial Study, which is Appendix A of the EIR, and the EIR contain more than an abridged list of the Priority Policies. The text on Initial Study pp. 33-34 explains which topics in the Initial Study or EIR discuss the consistency of the proposed project and variants with the Priority 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 and established eight Priority Policies. These policies, and the sections of this Initial Study or the EIR that address the environmental issues associated with these policies, are: (1) preservation and enhancement of neighborhood-serving retail uses and future opportunities for resident employment in and ownership of such businesses; (2) conservation and protection of existing housing and neighborhood character to preserve the cultural and economic diversity of neighborhoods (Initial Study Topic 1c, Land Use and Land Use Planning); (3) preservation and enhancement of affordable housing (Initial Study Topic 3b, Population and Housing); (4) discouragement of commuter automobiles that impede Muni transit service or that overburden streets or neighborhood parking (to be analyzed in the Transportation and Circulation section of the EIR); (5) protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership (Initial Study Topic 1c, Land Use and Land Use Planning); (6) maximization of earthquake preparedness (Initial Study Topics 14a, 14c, and 14d, Geology and Soils; (7) preservation of landmarks and historic buildings (Initial Study Topic 4a, Cultural and Paleontological Resources); and (8) protection of parks and open space and their access to sunlight and vistas (Initial Study Topics 10a and 10 c, Recreation, with shadow (Initial Study Topic 9b) to be analyzed in the Shadow section of the EIR).

As discussed on EIR pp. 3.6-3.7, "prior to issuing a permit for any project that requires an Initial Study under CEQA, prior to issuing a permit for any demolition, conversion, or change of use, and prior to taking any action that requires a finding of consistency with the *General Plan*, the City is required to find that such project or action would be consistent with the Priority Policies. The consistency of the proposed project and variants with the environmental topics associated with the Priority Policies is discussed in Section E, Evaluation of Environmental Effects, of the Initial Study, or in Chapter 4, Environmental Setting, Impacts, and Mitigation, of this EIR,

providing information for use in the case report for the proposed project. The staff reports and approval motions prepared for the decision-makers would include a comprehensive project analysis and findings regarding the consistency of the proposed project and variants with the Priority Policies."

The proposed project's height and massing are specifically discussed in the environmental topics of Land Use and Shadow. In addition, the project's effects on aesthetics are discussed for informational purposes in EIR Section 4.C, Aesthetics. Although the EIR discusses inconsistencies with the Priority Policies in the relevant topical sections, the EIR is not an approval document. The required findings of consistency with the Priority Policies will be included in the approval documents that will be reviewed by City decision-makers as part of their deliberations on whether to approve or disapprove the proposed project.

Comment PP-3: Project Approvals

This response addresses the following comment:

I-Butcher2-9

"Moreover, the Project requires a number of permits, variances, and exceptions pursuant to the San Francisco Planning Code and related land use planning documents. The Project Description includes minimal discussion of each of the approvals required for the Project. (DEIR, pp. 2.32-2.35.) To inform the public and interested agencies concerning all necessary approvals required for the Project, either the Project description or the land use chapter should include a more robust discussion of these issues including specific reference to all applicable Planning Code or standards applicable to each approval as well as the findings required to grant the approvals. This discussion will assist the public, interested agencies, and decisionmakers in understanding all potential conflicts between the proposed Project and applicable land use plans and regulations." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-9])*

Response PP-3

This comment states that the EIR should include a discussion of all Planning Code standards that are applicable to each required project approval as well as the findings that must be made to grant each approval. The necessary project approvals are listed on EIR pp. 2.32-2.35, as required in CEQA Guidelines Section 15124(d)(2). The project sponsor proposes to merge a small triangle of property which is currently a portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31 through a lot line adjustment. Parcel 3 is located within the Rincon Point South Beach Redevelopment Plan Area and as such is subject to the land use controls of the Rincon Point South Beach Redevelopment Plan and Design for Development (collectively, the

"Redevelopment Requirements"). On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the City Planning Department whereby OCII delegated to the City Planning Department or Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Project on Parcel 3. The following approvals are added at the end of the bulleted list of Actions by Other City Departments on EIR p. 2.35 (new text is underlined). These revisions do not alter any of the conclusions of the EIR.

- *Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance):* Department of Public Health approval.
- *Delegation Agreement regarding land use controls of the Rincon Point-South Beach Redevelopment Plan and the Design for Development (collectively, the "Redevelopment Requirements") for the portion of the project located on a small triangle portion of Block 3741/Lot 35 (referred to as "Parcel 3 ":* Office of Community Investment and Infrastructure to delegate to Planning Department
- *Determination by the Planning Department or Planning Commission that the portion of the Project located on Parcel 3 is consistent with the Redevelopment Requirements:* San Francisco Planning Department or Commission.
- *Approval of a lot line adjustment to merge a small triangle portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31:* Department of Public Works approval.
- *Approval of a Color Curb Application for drop off zones on Howard and Steuart Streets:* San Francisco Municipal Transportation Authority (SFMTA).

The EIR is not an approval document. For this reason, the EIR is not required to discuss the detailed findings that need to be made for each and every required project approval and whether the proposed project and variants meet those findings. These findings will be included in the approval documents that will be reviewed by City decision-makers as part of their deliberations on whether to approve or disapprove the proposed project.

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C. LAND USE AND LAND USE PLANNING

The comments and corresponding responses in this section cover topics in EIR Section 3.C, Land Use and Land Use Planning. These include topics related to:

- LU-1: Land Use Setting
- LU-2: Conflict with Land Use Plans and Policies
- LU-3: Mitigation of Significant and Unavoidable Land Use Impact
- LU-4: Impact on Land Use Character3100
- LU-5: Cumulative Land Use Impact
- LU-6: Stepping Down of Building Heights

Comment LU-1: Land Use Setting

This response addresses the following comments:

O-RTA2-7	O-RTA2-11	I-Bement2-4	I-Emblidge-4
O-RTA2-9	O-RTA2-12	I-Bement2-5	I-Hestor2-22
O-RTA2-10	I-Bement2-3	I-Bement2-6	

"This section and others compare the project with buildings two blocks north, west and south. This is inappropriate and misleading since the blocks in this area are twice as long as they are wide. This creates an elongated comparison area which seems designed to assist the developer by allowing comparison with taller buildings (such as One Market) in the longer directions. Shorter buildings three blocks west (but closer than One Market) are ignored in these comparisons. Using the two-block gauge that Planning chose for this draft EIR, two blocks west is about 700-feet, and there does not appear to be any taller buildings within a 700-foot radius of 75 Howard. Please revise these lopsided comparisons." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-7])*

"NEIGHBORING BUILDING HEIGHTS:

"Comparing the height of a project like this with the heights of neighboring buildings is a critical component of an EIR. However, it's as though this DEIR seems to be comparing the heights of circles and boxes. 75 Howard is very boxy, but many of the neighboring buildings taper to narrow spires. Rincon Center, for example, is topped with four spires above two domes (or barrel vaults) that curve upwards to peaks. Unfortunately, the DEIR compares the height of 75 Howard's nearly flat top with the heights of the other buildings' narrow tops. (The tops of Rincon's domes and spires are insignificant when gauging height.) These references need to be corrected." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-9])*

"The heights of neighboring buildings are listed in multiple places and appear on a map on page 4.B.8 in the draft EIR (right). These height figures appear to be in error or misleading by

including the heights of mechanical areas and decorative tops. It is our understanding that rooftop mechanical areas and decorative tops are not traditionally included when measuring building heights in an EIR. For example, Rincon Center is shown to be 280' tall, yet Rincon's commercial owner (Hudson Pacific Properties) and chief engineer (who references the RC-2 Architectural Drawing #A4-10) state the elevation of the top occupied floor (23) is 222-feet and six-inches above the sidewalk (email dated 12/27/12). That's a 57' difference. Likewise, 201 Spear is shown at 256-feet, yet their law firm stated the height is actually 237.5' (letter to Planning Dept. dated 1/11/13). Apparently the Planning Dept is counting the screened HVAC equipment on top. All of these figures throughout the DEIR need to be checked and corrected as necessary." [Comment O-RTA2-10 includes an image of EIR Figure 4.B.2, Existing Building Heights in the Project Vicinity, referenced in the comment as a map. Please see Letter O-RTA2 in RTC Attachment 2, letter page 4 of 9, for this figure.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-10])*

"Many nearby buildings stretch for an entire block (including but not limited to Rincon, Hills, Gap, One Market), yet have significant setbacks around the 7th floor level. The above map often portrays the entire block with the height of the tower (which is less than half the building footprint). The buildings should show multiple height figures where there is a significant change, such as around the 7th floor. There is precedence for this – One Market is shown on the map with four different elevation figures (although the significant 6th floor rooftops are incorrectly shown at the height of the lower tower). All buildings with podiums and towers (including Rincon, Gap, Hills, One Market and 201 Mission) should have these areas color-coded differently on the above map, and the elevations of the podiums and towers should all be provided." [Comment O-RTA2-11 references the map (EIR Figure 4.B.2, Existing Building Heights in the Project Vicinity) shown in Comment O-RTA2-10. Please see Letter O-RTA2 in RTC Attachment 2, letter page 4 of 9, for this figure.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-11])*

"The map should also be color-coded to simply reflect whether neighboring buildings are taller or shorter than the project (right). Two colors. Very informative, simple to understand, and easy to create." [Comment O-RTA2-12 references a map included in the comment. Please see Letter O-RTA2 in RTC Attachment 2, bottom of letter page 4 of 9, for this map, entitled "Stepping Up to 75 Howard."] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-12])*

"<u>Project Site Vicinity (2.5-2.7)</u>

"The DEIR is also inadequate and misleading in discussing other building in the vicinity in several respects. First, in setting forth heights of other buildings it refers only to the highest point of these buildings without pointing out that the heights are for ornamental towers or for floors with smaller footprints than lower floors. Thus, the Gap Building is referred to as an approximately 290 feet tall office building without describing that the top part of this height is simply an ornamental tower." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-3])*

"Nor does the DEIR even refer to other relevant projects in the area. Thus, One Hills Plaza, which is approximately 200 feet in height, is not mentioned although its location is far more comparable than the Infinity Buildings which are further distant from the Embarcadero and the Bay. The building for the nearest lot in the Transbay Redevelopment area at Spear-Main on Folsom (at approximately 310 feet) is also not discussed, although it is also closer to the proposed project than the Infinity buildings." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-4])*

"In addition, The DEIR is also inadequate in that it does not discuss the very significant set backs in nearby buildings, such as the Gap Building, One Hills Plaza and Rincon Towers, as compared to the very minimal or non-existent set backs for 75 Howard." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-5])*

"The various descriptions and maps of building heights should show the heights of various portions of the individual parts of the buildings so that they accurately show the sculpting of the parts of the buildings." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-6])*

"Hills Plaza is shown on Figure 4.B.2 as a 228-foot building which is misleading since most of the complex is much lower in height. It is estimated that the Tower in the Hills complex is set back approximately 160 feet from The Embarcadero.

"Figure 4.B.2 should be revised to indicate the range of building heights for each individual project along The Embarcadero. As shown in Figures 4.C.5 through 4.C.7, the Gap and Hills complexes are varied in height with a narrow tower comprising a small portion of the complex, in marked contrast to the design of the proposed project. The EIR needs to be revised to accurately describe the dimensions of these buildings in order to understand the established design context along this portion of The Embarcadero and accurately evaluate the land use and aesthetic impacts of the project." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-4])*

"Claim and graphic that Other buildings are taller

"The map of existing building heights at 4.B.8 is TOTALLY misleading and must be amended. The map and DEIR text appears to claim that ENTIRETY of site has been developed to highest point allowed anywhere on that site. This contradicts the information presented on the Skidmore Owings Merrill model showing various building heights and setbacks ON A INDIVIDUAL BUILDING. I provided a photo of that map at the Commission hearing and again as part of these comments.

"Please provide an amended map that correctly shows the various heights imposed AND CONSTRUCTED when the project came thru Agency or Planning for development. The approving entities applied the Urban Design Plan and policies for stepping down building heights to the waterfront. The Map at 4.B.8 is misleading and must be replaced.

"In addition to the Rincon Annex Post office site, 75 Howard is surrounded by other buildings and sites in the Rincon Point-South Beach Redevelopment Area. The description and graphics of these heights must be amended in the EIR.

"Describe that the Infinity towers are two blocks AWAY from the waterfront. Also describe development of Hills Plaza at Folsom and The Embarcadero which has sculpted heights and setbacks on the new construction added to the rehabbed factory." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-22])*

Response LU-1

Several comments state that some of the heights on Figure 4.B.2, Existing Building Heights in the Project Vicinity, are incorrect or misleading, because there is no distinction made between the main portion of a building and its ornamental or decorative features, or rooftop mechanical penthouses. The heights shown on Figure 4.B.2 and discussed in the EIR are measured to the highest point of each building. In some cases, the highest point may not be the finished roof of the main portion of the building; the highest point may be an ornamental or decorative feature such as a spire or campanile. The heights shown on Figure 4.B.2 and discussed in the EIR are based on Planning Department data, not information provided by the project sponsor's architect and were generated using Lidar (light detection and ranging), a technology that measures distance by illuminating a target with a laser and analyzing the reflected light. The Planning Department also uses Pictometry, an aerial imaging technology, to supplement the Lidar data. The Planning Department has confirmed and clarified the heights for Rincon Towers, the Gap Building, Hills Plaza, and 201 Spear Street, as discussed in more detail below.[1]

The main building element of Rincon Towers is approximately 262.14 feet tall, and the domes or barrel vaults are an additional approximately 13.15 feet tall, for an overall height of approximately 275.29 feet. Figure 4.B.2 is revised to show the overall height of Rincon Towers as approximately 275 feet. The revised figure is shown on p. 4.C.8.

The podium of the Gap Building is approximately 87.15 feet tall, and the main portion of the building is approximately 235.21 feet tall. The ornamental tower is approximately an additional 59.49 feet tall, for an overall height of approximately 294.70 feet. Figure 4.B.2 is revised to show the overall height of the Gap Building as approximately 295 feet.

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[1] Emails from Don Lewis, San Francisco Planning Department, to Julie Tilley Barlow, Turnstone Consulting, sent October 31, 2013, and November 7, 2013. A copy of these documents is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

The podium of 201 Spear Street is 74.02 feet tall, and the main portion of the building is 244.37 feet tall. The parapet is an additional 6.68 feet tall, for an overall height of 251.05 feet. Figure 4.B.2 is revised to show the overall height of 201 Spear Street as approximately 251 feet.

Hills Plaza consists of a north building, a south building, and a tower in between the two. The podium of the north building is 85.47 feet tall, and the overall height of the north building is 131.99 feet. The podium of the south building is 83.44 feet tall, and the penthouse structure is an additional 34.56 feet tall, for an overall height of 118 feet. The Hills Plaza tower is 153.91 feet tall. Figure 4.B.2 is amended to reflect the information regarding Hills Plaza. The revised figure is shown following this response on p. 4.C.8.

Several comments state that the EIR's comparison of building heights is misleading, because it compares a proposed building with little to no setbacks or sculpting to existing buildings that include substantial setbacks or sculpting. The existing buildings in the project vicinity vary in architectural style, height, and massing. Some buildings (the Gap Building and Hills Plaza) are sculpted, while other buildings (201 Spear Street, the Spear Tower and the Steuart Tower at One Market Plaza, the Infinity I, and the Infinity II) include little to no sculpting. In order to make a general height comparison between the proposed project and neighboring buildings, the EIR uses the highest point on each building as shown in Figure 4.B.2. Information provided regarding the heights of the different design elements of neighboring buildings, presented above, refines rather than fundamentally alters the analysis in the EIR. For this reason, the supplemental information does not change the conclusions in the EIR and does not need to be added to Figure 4.B.2. Furthermore, the EIR analyzes two alternatives with buildings that would be shorter than the proposed project. See Draft EIR Chapter 6, Alternatives, pp. 6.31-6.51, for an analysis of the 281-foot-tall Reduced Height Alternative, and Responses to Comments (RTC) Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, pp. 2.20-2.42, for an analysis of the 220-foot-tall Code Compliant Alternative. As previously discussed in this RTC document, the project sponsor has indicated this Code Compliant Alternative is now the preferred project, and has since submitted a revised entitlement application for consideration by the City Planning Commission (CPC) consistent with the revised Code Compliant Alternative design.[2] Several comments state that the proposed project does not incorporate setbacks similar to the setbacks on some neighboring buildings, such as Rincon Towers, One Market Plaza, Hills Plaza, and the Gap Building. Some of these buildings, such as Rincon Towers and the Gap Building, were approved and constructed under the regulations of the *Rincon Point-South Beach Redevelopment Plan (RPSB Redevelopment Plan)*. With the exception of the 337-square-foot Parcel 3 located at the southeast corner of the 75 Howard building site, the 75 Howard Street

[2] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite, 400, San Francisco, California, as part of Case File No. 2011.1122X.

building site is outside of the area covered by the *RPSB Redevelopment Plan*. On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Code Compliant Alternative located on Parcel 3. The proposed project is subject to the provisions of the 200-S Height and Bulk District in which it is located. The height and bulk controls of the RPSB D4D differ from the height and bulk controls of the 200-S Height and Bulk District, and these differences account for the design differences between the proposed project and some neighboring buildings. The proposed project is not required to provide setbacks similar to those found on some neighboring buildings.

The proposed project does not include the upper-level sculpting that is seen on some neighboring buildings, but it does include a setback beginning at the eighth floor to differentiate the podium element from the tower element. As shown on Figure 2.14: Proposed North Elevation, on EIR p. 2.25, the 7-story podium would be 85 feet, 6 inches tall, and the 24-story tower would rise to a height of 348 feet. A mechanical penthouse and roof enclosure would bring the overall height of the proposed project to 356 feet. As discussed on EIR p. 2.29, the tower "would be set back from the podium element below by about 2 feet from the podium's north façade, 23 feet from the podium's east façade, 5 feet from the podium's south façade, and 16 feet from the podium's west façade. However, floor 8 (the terrace level), the lowest floor within the tower element, would be farther set back from the tower wall plane above it along the north and south façades to accentuate the transition between the podium and tower elements and to articulate each of these elements as distinct from each other." At 85.50 feet, the height of the proposed project's podium is comparable to the podium heights of neighboring buildings, including 201 Mission Street (50.72 feet), 201 Spear Street (74.02 feet), the Gap Building (87.15 feet), Hills Plaza North (83.44 feet), Hills Plaza South (85.47 feet), and One Market Plaza (136.13 feet). As discussed above, Figure 4.B.2 is intended to show the height of the highest point on each building. For this reason, the incorrect podium height of 112 feet for One Market Plaza is deleted from Figure 4.B.2.

As stated in two comments, the Infinity I and the Infinity II are not directly on the waterfront. The Infinity I is one-and-one-half blocks west of The Embarcadero, and the Infinity II is one block west of The Embarcadero. Both of these buildings are on the second block from the waterfront and are part of the somewhat varied pattern of buildings stepping down from the downtown core to the waterfront along Howard Street. These comments are acknowledged.

One comment states that some nearby high-rise projects, including Hills Plaza and a potential 310-foot tall building near Folsom, Main, and Spear streets, are not mentioned in the EIR. Hills Plaza is discussed above. The development site on the north side of Folsom Street between Main and Spear streets has a height limit of 300 feet. This height limit was not increased as part of the TCDP. A building not exceeding 300 feet in height could be constructed on this development site, and such a building would be 48 feet shorter than the proposed project.

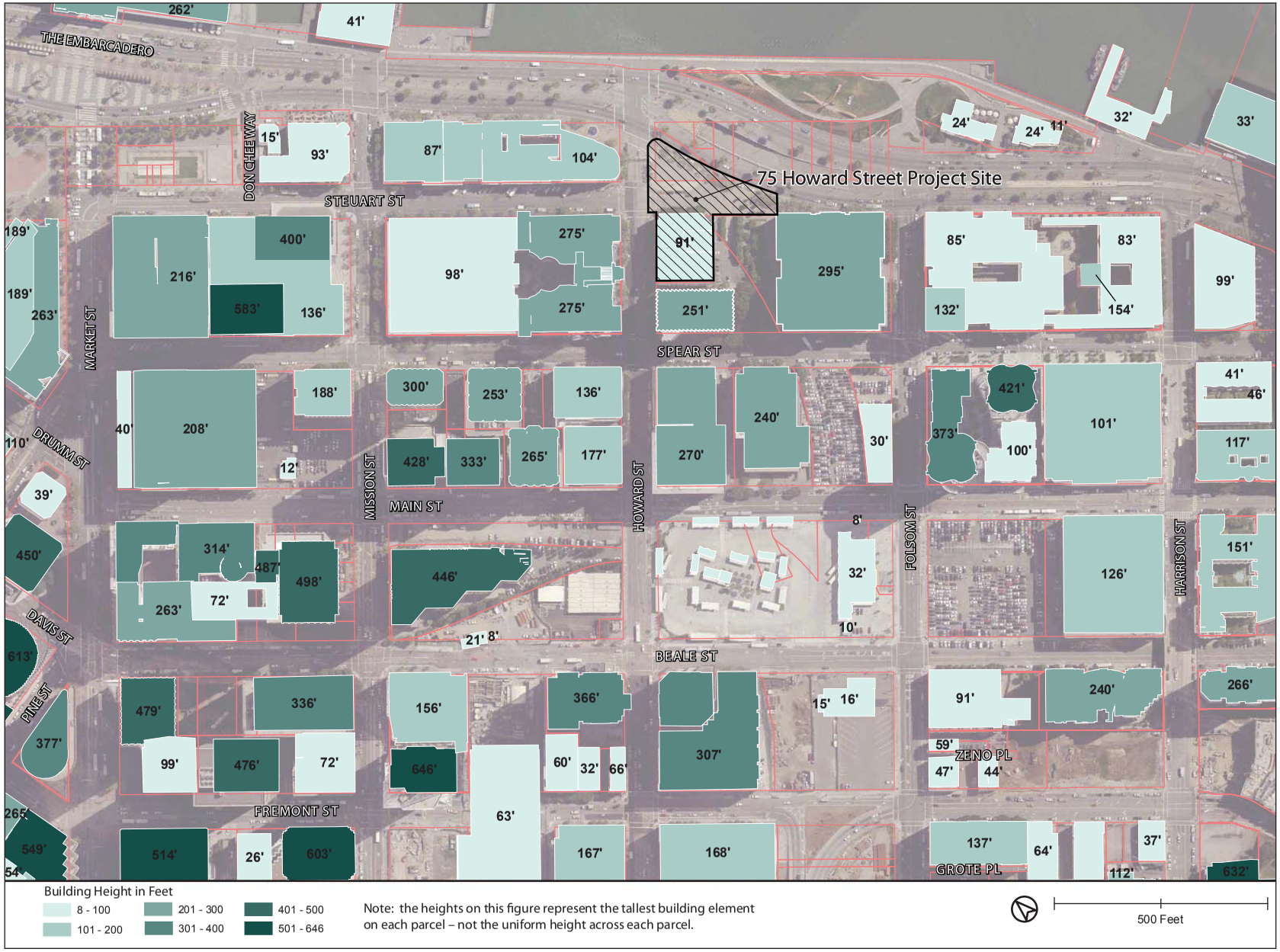
One comment suggests that Figure 4.B.2 should also be color-coded (i.e., one color to identify buildings that are taller than the proposed project and a different color to identify buildings that are shorter than the proposed project). Figure 4.B.2 is already color-coded in six different shades of green. The two darkest shades of green represent buildings that are taller than the proposed project (401-500 feet and 501-646 feet). The three lightest shades of green represent buildings that are shorter than the proposed project (8-100 feet, 101-200 feet, and 201-300 feet). The fourth lightest shade of green represents buildings that range in height from 301 to 400 feet; some of the buildings in this group are taller than the proposed project, and some are shorter. Each building on the figure is labeled with its height (measured to the tallest point), making it possible to determine if a building is taller or shorter than the 348-foot-tall proposed project. Changing the color coding on the figure is not necessary.

One comment states that the EIR's comparison of the proposed project to buildings that are two blocks north, west, and south is inappropriate and misleading since the blocks in this area are twice as long as they are wide, resulting in an elongated comparison area that seems designed to assist the developer by allowing comparisons to taller buildings in the longer directions. The Planning Department established the boundary of the comparison area as two blocks in each direction. The boundary of the comparison area was not established to assist the developer. If the boundary of the comparison area were extended farther west as suggested by the comment, additional buildings taller than the proposed project would be identified.

Comment LU-2: Conflict with Land Use Plans and Policies

This response addresses the following comments:

O-RTA2-1	I-Butcher2-8	I-Butcher2-15	I-Hestor2-12
O-RTA2-2	I-Butcher2-13	I-Emblidge-7	
O-RTA2-4	I-Butcher2-14	I-Hestor2-10	



SOURCE: San Francisco Planning Department

75 HOWARD STREET

(REVISED) FIGURE 4.B.2: EXISTING BUILDING HEIGHTS IN THE PROJECT VICINITY

"4.B LAND USE AND LAND USE PLANNING:

"The introduction to Section 4.B (Land Use and Land Use Planning) states that the DEIR will reevaluate the project's conflicts with plans, policies and regulations (in LU-1) and also analyze the project's impacts on the land use character of the existing neighborhood (in LU-2). These two critical areas are analyzed only because they were requested during the public review period on the NOP/IS. Why would these have been omitted if they had not been requested?" *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013[O-RTA2-1])*

"The DEIR lists numerous criteria for evaluating the project, but much of this seems to be either ignored or evaluated incorrectly.

"The section of Section 4.B on Regulatory Framework cites several "potential conflicts" with the General Plan and Planning Code between the project and:

- the city pattern,
- the character of existing and proposed development,
- transitioning heights to the waterfront, and
- protecting parks and open space access to sunlight and vistas.

"The portion of Section 4.B on Impacts and Mitigation Measures lists several additional considerations from the Planning Code. Impact LU-1 includes:

- the avoidance of an overwhelming or dominating appearance,
- the promotion of building forms that will improve open spaces and public areas,
- the relationship between new and older buildings.
- avoiding "visual disruption along the water," and
- that buildings taper down towards the water.

"Many of these criteria seem to be ignored in the draft EIR. Where are the nine topics that are bulleted above analyzed in the draft EIR?" [Comment O-RTA2-2 includes a photosimulation preceded by the caption "75 Howard is not in character with waterfront buildings." Please see Letter O-RTA2 in RTC Attachment 2, top of letter page 2 of 9, for this image.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-2])*

"Impact LU-1 makes it clear the project is significantly in conflict with land use plans – and that excessive height is not the only problem. There are other conflicts (visible below) including the overwhelming and dominating appearance, it does not step down, the building form does nothing to improve any open spaces and public areas, the glass box design does absolutely nothing to integrate with older styles, and it would be a visual disruption along the water (both in height and style). Please analyze these other criteria." [Comment O-RTA2-4 references a photosimulation included in the comment. Please see Letter O-RTA2 in RTC Attachment 2, bottom of letter page 2 of 9, for this image.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-4])*

"III. Project Description

"The Project includes minimal setbacks. The setbacks proposed are inconsistent with the surrounding area. However, the project description fails to provide any meaningful discussion of this issue, nor is this land use impact analyzed separately in the DEIR." *(Christopher J. Butcher,*

Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-8])

"C. The DEIR Underemphasizes the Project's Significant Land Use Impact.

"The DEIR acknowledges that the proposed Project is inconsistent with various San Francisco planning documents as well as the existing height and bulk limitations for the Project site. Impact LU-1 finds that the Project would have significant and unavoidable conflicts with existing plans based on noncompliance with the height and bulk requirements and that no mitigation is available. The Project applicant seeks to address this issue by requesting an amendment to San Francisco's Planning Code and General Plan to change the height and bulk limitations for the Project area.

"Assuming for the sake of argument that the Commission and Board can make the findings required to approve the Planning Code and General Plan amendments (which appears questionable at best because there is no indication that the amendment is required for the sake of public necessity, convenience, or general welfare, as required by Planning Code), San Francisco would then be stuck with a building that violates the purpose of Section 251 of the Planning Code, Policy 13.1 of the Downtown Area Plan, and the Urban Design Element's "Fundamental Principles for Major New Development." As quoted in the DEIR, the Urban Design Element states: "Low buildings along the waterfront contribute to the gradual tapering of height from hilltops to water that is characteristic of San Francisco and allows views of the Ocean and the Bay." In short, amending the text of the Planning Code and General Plan regarding height and bulk does not remove the proposed Project's inconsistency with the above policies.

"Impact LU-1 in the DEIR acknowledges a significant and unavoidable conflict with height and bulk limitations, but it fails to provide an analysis of the other inconsistencies with City's Planning Code and General Plan. (CEQA Guidelines, § 15125, subd. (d) [establishing that CEQA requires a discussion of such inconsistencies].) The DEIR discloses inconsistencies with Planning Code section 251, Policy 13.1 of the Downtown Area Plan, and the Urban Design Element's principles for development, but does not reach significance conclusions regarding any inconsistencies other than zoning and bulk requirements." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-13])*

"The discussion also misleads readers by pointing out taller buildings in the neighborhood without acknowledging that those buildings are farther from the water and, unlike the Project, are generally consistent with the San Francisco's oft-repeated policy that building heights should taper down to the water. This Project would be an aberration, and this fact should not be downplayed. The policies and planning principles that the Project violates are embedded in San Francisco-approved planning documents to preserve some of the most attractive characteristics of San Francisco. The DEIR treats these Planning Code and General Plan policies as if they are merely optional guidance that can be disregarded in favor of a Project that is inappropriately large for the site and is inconsistent with the character of the surrounding neighborhood. Impact LU- 1 needs to discuss more than just the height and bulk limits for the individual site; it must also reconcile inconsistencies with the established planning vision for the neighborhood. Those inconsistencies will remain even if the Commission amends the height and bulk requirements for

the site." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-14])*

"The land use analysis also ignores the fact that the Project is inconsistent with the applicable rear yard setback requirement. The Project Description acknowledges the need for a reduced size rear yard. (DEIR, p. 2-34.) Planning Code section 134 mandates rear yards equal to 25 percent of the lot size in C-3 districts. The DEIR states that the Project only provides an 18 foot rear yard (it does not disclose what percentage of the lot 18 feet is), which presumably exacerbates the impact of the building's excessive height on the surrounding area. For CEQA purposes, this inconsistency with the applicable code must be disclosed, the potential impacts analyzed, and all feasible mitigation measures implemented. In addition to the CEQA analysis, we see no basis for the findings required by Planning Code sections 134(d) and 309." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-15])*

"Page 4.B.7 of the EIR has an out of place discussion saying that the applicant did not ask to change the height limit as part of a "Developer Scenario Alternative" presented in the Transit Center District Plan EIR." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-7])*

"Reference to the Transit Center Plan

"On 4.B.7 the DEIR implies that as a favor to the City the developer resisted submitting an application for increased height on this site so that that the TCDP could go forward. *Please supply documents that show this intentional delay and relevant discussion with the Department." (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-10])*

"Please explain why the TCDP did not include increased heights for project site." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-12])*

Response LU-2

Several comments state that while the EIR discusses the impacts that would result from the proposed project's or variants' conflict with the height and bulk limits for the project site, there is no analysis of impacts that would result from conflicts with other plans and policies related to urban design and urban form. The visual changes that would result from the proposed project's or variants' conflicts with *General Plan* objectives and policies related to urban design and urban form are discussed in Section 4.C, Aesthetics, of the EIR, pp. 4.C.16-4.C.26, and in Response AE-5: Conformity with Urban Design Element, in Section 4.D, Aesthetics, of this RTC document, pp. 4.D.10-4.D.12. The shadow impacts that would result from the proposed project's or variants' conflict with *General Plan* objectives and policies and Planning Code requirements

related to preserving sunlight on open spaces are discussed in Section 4.H, Shadow, of the EIR, pp. 4.H.10-4.H.39, and in Response WS-4: Planning Code Compliance and Project Approval, in Section 4.I, Shadow, of this RTC document, pp. 4.I.10-4.I.12.

The established planning vision for the neighborhood is expressed through the *General Plan* objectives and policies, Planning Code regulations, and Zoning Map height and bulk controls that are applicable to the project site. The proposed project's or variants' inconsistencies with the established planning vision for the neighborhood are fully disclosed in the EIR (see the list of project approvals in Chapter 2, Project Description, pp. 2.32-2.35, and the discussion of project consistency with applicable plans and policies, and regulations in Chapter 3, Plans and Policies, pp. 3.1-3.7). Two comments state that even if the proposed project is approved, these inconsistencies would remain. These comments are acknowledged and may be considered by City decision-makers during their deliberations on whether to approve or disapprove the proposed project. If approved, the approval actions would include resolution of some of the inconsistencies by adoption of amendments to the *General Plan* and Planning Code, as listed on EIR pp. 2.32-2.35. This does not change the analysis and conclusions in the EIR related to significant land use impacts caused by the proposed project.

Pursuant to CEQA Guidelines Section 15063(c)(4), an Initial Study provides an initial assessment of a project's environmental impacts early in the design of a project. Topics for which an Initial Study concludes that there would be no impact or a less-than-significant impact do not need to be analyzed further in an EIR. An Initial Study also provides the public with an opportunity to comment on the environmental review process and request that specific topics be analyzed in an EIR. As discussed on EIR p. 4.B.1, the Initial Study for the proposed project originally determined that the impacts for all three land use topics were less than significant and, as discussed above, would not need to be analyzed further in the EIR. Based on public comments on the Initial Study, the Planning Department determined that impacts related to conflicts with plans, policies, and regulations should be reevaluated in the EIR and that a more in-depth analysis of impacts on the character of the vicinity should be provided in the EIR.

Several comments address the proposed project's relationship to the *Transit Center District Plan* (TCDP). As discussed on EIR p. 4.B.7, the Planning Department identified potential development sites that were included in the TCDP, and the impacts of new development on those sites are analyzed in the TCDP EIR. The TCDP did not increase the height limit on the project site, because the Planning Department was not seeking additional height in this location to accomplish the goals of the TCDP.

One comment states that the EIR implies the project sponsor did the City a favor by delaying a request to increase the height limit on the project site so that the TCDP could go forward. The third-to-last sentence on EIR p. 4.B.7 is revised as follows (deletions are shown in ~~strikethrough~~):

~~To avoid delaying the TCDP process and EIR, t~~The property owner did not file any development application or request any rezoning during the formation of the TCDP different than what was proposed by the Planning Department as part of the TCDP.

One comment states that the proposed project includes minimal setbacks and states that this is not consistent with the surrounding area. Many of the nearby buildings were approved under the provisions of the *Rincon Point-South Beach Redevelopment Plan*. Some of those buildings, such as the Gap, Inc. Headquarters, contain significant setbacks while others, such as the Carmel Rincon Apartments, contain setbacks that are more similar in depth to those proposed by the project. Setback requirements that were applicable to nearby buildings are no longer applicable, and would not be applicable, to the proposed project in any case because the project building site was not in the Rincon Point-South Beach Redevelopment Area. The proposed project is required to comply with the current zoning controls applicable to the project site unless revisions are requested and approved. The current zoning controls do not require the setbacks that are included in the proposed project. The proposed project complies with the bulk regulations applicable to the base and lower tower portions of the building, which permit a maximum floor size up to 25,000 square feet (each floor of the 7-story podium would be approximately 17,750 square feet, and each floor of the 24-story tower would be approximately 12,400 square feet).

As discussed in Chapter 2, Project Description, of the EIR, pp. 2.32-2.35, the proposed project or variants do not comply with certain Planning Code regulations (including height, upper tower volume reduction, and rear yard), and the approvals required to address these issues are fully disclosed. The EIR is not an approval document; the findings required to grant these approvals will be included in the approval documents that will be reviewed by City decision-makers as part of their deliberations on whether to approve or disapprove the proposed project. The proposed project's or variants' increased height, lack of Code-complying upper tower volume reduction, and lack of a Code-complying rear yard would result in a visual impact that is discussed in Response AE-2: Scenic Resources, of this RTC document, pp. 4.D.6-4.D.8.

Comment LU-3: Mitigation of Significant and Unavoidable Land Use Impact

This response addresses the following comments:

A-SFPC-Sugaya-1 I-Emblidge-5
I-Butcher2-12
I-Cincotta-1

"Perhaps it's only my ignorance or something, but when we've had -- when I've raised issues about potential impacts related to land use and zoning and City policy resulting from increased heights that are being proposed for projects, they've always been, in my recollection, rebuffed because the City has always argued that those kinds of things can be

changed; that heights can be raised; bulk and other standards can be raised; that the General Plan can be amended, et cetera.

"So I'm quite surprised in this case to find that there is a significant and unavoidable impact in the analysis in those sections." *(Commissioner Hisashi Sugaya, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Sugaya-1])*

"B. Impact LU-1 is Not Significant and Unavoidable.

"The proposed Project and its variants would be 348 feet tall. The DEIR discloses that the proposed Project is inconsistent with the height limit for the zoning district (200 feet), and also violates stated policies in the Downtown Area Plan (explaining heights "should taper down to the shoreline of the Bay") as well as the Urban Design Element (explaining buildings should "follow the characteristic pattern and preserving topography and views" and that "low buildings [should be located] along waterfront"). Further, it is inconsistent with the heights specified in the Transit Center District Plan (TCDP) which was adopted just 2 years ago. In light of these and numerous other undisclosed inconsistencies with applicable land use plans and policies, the DEIR concludes the Project's impact resulting from its conflicts with the General Plan's Urban Design Element, the Downtown Area Plan, and Transit Center District Plan is significant. (DEIR, pp. 4.B.5-9.)

"The DEIR acknowledges that one of the key reasons for this significant impact is the Project's proposed height. (DEIR, p. 4.B.9.) Curiously, the DEIR concludes that mitigation is not available to address the Project's height and, therefore, this impact is significant and unavoidable. *(Ibid.)* Mitigation measures may take the form of design modifications. For example, earthquake mitigation commonly requires certain design features to be incorporated into a project and onsite preservation of natural resources frequently requires projects to be designed around such resources. (See, e.g., CEQA Guidelines, § 15126.4, subd. (a)(2) ["mitigation measures can be incorporated into the ... project design"].)

"The DEIR does not provide an adequate discussion of why the Project proponent cannot modify the project to comply with the plans. As a result, the DEIR fails to comply with the requirements of CEQA. The DEIR must be revised to consider potentially feasible mitigation measures that could substantially reduce or avoid the Project's significant and unavoidable land use impacts." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-12])*

"I do want to say that we'll be submitting additional written materials, but I wanted to address a couple of significant issues today. We believe this document is considered grossly inadequate and inaccurate in some areas.

"The first area that I would like to talk about is in regard to the land-use impacts. The EIR -- the draft EIR -- very adequately describes that this project is significant and unavoidable in its creating negative impacts on the land use of this area. And that -- as to how it's unavoidable, I think it's perplexing, but I'm not here to address that today, because you have an alternative that says it is avoidable if you reduce it." *(David Cincotta, Jeffer, Mangels, Butler & Mitchell, on Behalf of the Property Owners in the Neighborhood, Public Hearing Transcript, September 12, 2013 [I-Cincotta-1])*

"4. The DEIR incorrectly determines that there is no feasible mitigation to reduce Impact LU-1.

"Page 4.B.9 of the EIR states that *"...the proposed project and project variants would result in a significant and unavoidable project-level land use impact. There is no effective mitigation measure available that would avoid or substantially reduce the significant impact of the proposed project and project variants."*

"Section 15370 of the CEQA Guidelines defines mitigation states, in part, that "*Mitigation includes...(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation."*

"The EIR incorrectly concludes that there is no feasible mitigation measure available to reduce significant impacts on conflicts with plans and policies. If the project were modified to reduce the height and bulk of the building then the impacts would be reduced. (See *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 308-309 [mitigation measures including scaling back the size of a development project including its height].)

"Planning Code Section 251 specifies that the City adopted its land use plans and policies for the purpose of avoiding or mitigating environmental effects. Because no such mitigation is recommended despite the project's conflicts with these plans and policies, it appears that the EIR assumes that it is not possible for the project sponsor to reduce the height and bulk to any extent without rendering the project financially infeasible. ·Following this "logic" no mitigation could ever be recommended for any project that would alter height or mass if the project sponsor objected on economic grounds. CEQA requires that any such conclusion or finding of financial infeasibility be based on evidence and there is no such evidence in the EIR.

"Page 5.2 of the EIR states that *"The basic objective of the proposed project and project variants is to support and contribute to the developing mixed use character of the Transit Center District Plan area by developing in-fill, high density residential development in the downtown area."* The project could be modified and still achieve this and other stated project objectives (e.g., increasing the City's housing supply).

"The EIR should be modified to include mitigation measures that reduce land use impacts related to the project's conflicts with the City's plans and policies. If those mitigation measures are deemed infeasible, the EIR must explain the basis for such a finding. Only then will the EIR provide the information that the decision-makers and the public need to have about the project. (See § 15151 of the CEQA Guidelines [*"An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences."*].)" *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-5])*

Response LU-3

Three comments state that the EIR incorrectly concludes that the proposed project's or variants' significant and unavoidable land use impact related to a conflict with the height limit cannot be avoided, because such an impact can be mitigated by lowering the height of the building. Lowering the height of the building to 325 feet, 300 feet, or any other height increment

substantially above 200 feet would not eliminate the conflict with the height limit for the project site and would not mitigate the significant land use impact to a less-than-significant level. As discussed in Chapter 6, Alternatives, of the EIR, p. 6.35, the 281-foot-tall Reduced Height Alternative, which is 67 feet shorter than the proposed project but 81 feet taller than the height limit for the project site, would conflict with the height limit for the project site and would result in a significant and unavoidable land use impact. In order for the significant land use impact to be mitigated to a less-than-significant level, the building height would have to be lowered from 348 feet to a height much closer to 200 feet (an approximately 43 percent reduction). This determination is based on the EIR's conclusion that the 220-foot-tall Code Compliant Alternative would have a less-than-significant land use impact. The height of the proposed building is included as part of the Project Description in the EIR and is a central characteristic of the proposed project. A change to the height of the building of the magnitude necessary to avoid the significant land use impact would alter a central characteristic of the project and would be considered an alternative, not a mitigation measure. The land use impacts of such an alternative, the 200-foot-tall Code Compliant Alternative, were analyzed in Chapter 6, Alternatives, in the Draft EIR, p. 6.15, and are presented for the revised 220-foot-tall Code Compliant Alternative in Responses to Comments Chapter 2, Section C, Modifications to Code Compliant Alternative, beginning on p. 2-20.

One comment expresses surprise that the EIR concluded there would be a significant and unavoidable land use impact related to the proposed project's and variants' conflict with the height limit for the project site, because previous EIRs did not reach the same conclusion when there was a conflict with a plan, policy, or regulation. The project's location on and proximity to The Embarcadero and the height limits established for the structures in the area surrounding the project site along Spear Street contribute to the conclusion of a significant impact. Physical environmental effects that could result from construction of the proposed project or variant, such as shadow impacts on open spaces, were also considered in determining whether the proposed project would result in significant land use and land use planning impacts. This comment is acknowledged.

Comment LU-4: Impact on Land Use Character

This response addresses the following comments:

O-OHPRA-4	I-Butcher2-16
O-RTA2-5	I-Cincotta-2
O-RTA2-6	I-Emblidge-6

"Our Board disagrees that "The proposed project or variants would not have a substantial impact on the existing character of the vicinity" (75 Howard DEIR, S.5)." *(Karol K. Denniston,*

President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-4])

"Impact LU-2 contradicts LU-1 by concluding the impact on the existing character of the vicinity would be less than significant. LU-1 states the project "would disrupt the existing pattern of lower buildings on the first block along the waterfront…." This contradiction is not explained. The paragraph comparing buildings uses the words "several" and "some" repeatedly. Again, this analysis can, and should, be more quantifiable. It is not valid as written." Please correct and improve this section. *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-5])*

"Contrary to what LU-2 states, the project's proposed use is not compatible with the vicinity. For example, there are no buildings anywhere near the project site that mix residential and hotel uses. (Nor should there be – the city needs housing. The proposed hotel section should be used instead for affordable housing, a use that is sorely needed and currently exists immediately across the street.) Please address these incompatibilities with the vicinity and city priorities." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-6])*

"D. The DEIR Improperly Concludes Impact LU-2 is Less Than Significant.

"Without any substantive evidence, the DEIR determines that there is less than a significant impact on the "character of the vicinity". The DEIR only considers the neighboring "land uses" in reaching this determination. (DEIR, p. 4.B.9-10.) The DEIR completely ignores the design and character of the adjacent buildings and neighborhood. It ignores the inconsistent heights, inconsistent bulk dimensions, and inconsistent proximity to the Bay. Yet still determines that the Land Use Impact (LU-2) is insignificant. This conclusion is unsupportable.

"As demonstrated throughout the applicable land use planning documents, the purpose of many of the policies and regulations that the proposed Project violates is to ensure the character of existing neighborhoods is preserved. The proposed Project exceeds heights allowed on the parcel by approximately 75%. This substantial deviation from existing planning requirements unquestionably impacts the character of the area. The DEIR must be revised to disclose this significant impact, and mitigation measures must be proposed to address it." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-16])*

"In any case, what I'm here to talk about is the things that it says where it's not significant -- it's less than significant. And that is on its impact on the character of the vicinity and its impact cumulatively on land-use impacts. And I believe you've got the Downtown Area Plan talking about how this steps down. You have the Urban Design Element Plan, you have the Transit Center Development Plan, all talking about how buildings must be stepped down to the Bay or reduced. In fact, it actually says low buildings should be along the waterfront.

"You have -- you even -- one of the things that's not mentioned is the BCDC Waterfront Plan, which is also broadly impacted by this project. The only discussion -- these things were determined less-than-significant. And I believe that "character" in the discussion in the EIR is only referred to as land use. But the impacts of these buildings, its height, its bulk, its proximity to the Bay -- all of that impacts the character of this neighborhood and impacts the cumulative impacts of people going further and further towards the Bay." *(David Cincotta, Jeffer, Mangels, Butler & Mitchell, on Behalf of the Property Owners in the Neighborhood, Public Hearing Transcript, September 12, 2013 [I-Cincotta-2])*

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

"The height and massing of the proposed project would have a substantial impact on the existing land use character of the vicinity because the proposed new buildings are significantly taller and bulkier than the other buildings along The Embarcadero. The character of the western edge of The Embarcadero is defined by buildings under or just over 100 feet in height and buildings with towers over podiums that are setback significantly from the Embarcadero - e.g. the Gap Building is set back well over 100 feet with further progressive stepping back and the Hills Plaza tower is set back approximately 160 feet.

"The project would be over 115 feet taller than 201 Spear to the west, 26 stories higher than 101 Howard further to the west and 14 stories higher that 101 Main the next building to the west. The proposed building would step up, not down to the waterfront.

"The DEIR accurately concludes that the project conflicts with the existing zoning, height and bulk districts and impacts the area's visual character of the vicinity. However, the conclusion that the project would not have a significant impact on the land use character of the area is inaccurate.

"The proposed project would markedly alter the existing character of the western edge of The Embarcadero, thereby significantly impacting the land use pattern and character of the area.

"While the project would not introduce any land use types that would be incompatible with the existing uses in a generic sense (e.g., the project is not a heavy industrial use being introduced into a residential neighborhood), it would alter the land use character of the area, just as a high-rise residential building in a one- to two-story residential neighborhood would adversely impact the land use character of a neighborhood. Land use character is partially defined by the physical characteristics of a project and how they relate to surrounding land uses.

"There are numerous City plans and policies that prescribe development of the site to adhere to the existing well-established land use pattern of development stepping down to the waterfront.[1] This is one of the City's defining characteristics, one which distinguishes it from Miami, New York and other cities that have high rise buildings right up to the waterfront. Our City is blessed with dramatic varying topography and this project should not lead the way to change this defined pattern. The current zoning should not be amended to accommodate the project. Instead, the project should be modified to conform to well- established existing policy and land use that was reviewed comprehensively - as part of the Transit Center District Plan, which was just adopted last year.

"As stated on page 4.B.7 of the EIR, "*The project site was not identified through the TCDP process and EIR analysis as a likely development site due to the existing garage and its location on the Embarcadero along the waterfront.*" In other words, the project site was recently

evaluated as part of an extensive planning process for the TCDP (adopted in 2012) as to whether it should be rezoned to raise the height limit and the City determined that it should not due to its location. There is no evidence that it was somehow "overlooked" because it had an existing structure.

"The EIR should be modified to state that that project would have a significant adverse impact on land use character.

[Footnote 1 cited in the comment:]
"[1]For example, Policy 3.5 of the Urban Design Element of the San Francisco General Plan states: "Relate *the height of buildings to important attributes of the city pattern and to the height and character of existing development. "* As explained further in the Urban Design element, "the heights of buildings should taper down to the shoreline of the Bay and Ocean, following the characteristic pattern and preserving topography and views." The EIR states that *"The proposed high-rise tower would make a step up, rather than a step down, at the southeastern edge of Downtown along the waterfront."* Also, Policy 2.5 of the Transit Center District Plan states: *"Transition heights down to adjacent area, with particular attention on the transition to the southwest and west in the lower scale South of Market areas and to the waterfront to the east. The TCDP did not result in rezoning the site."* The project is in a 200-S height and bulk district. *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-6])*

Response LU-4

These comments disagree with the EIR's conclusion that the proposed project or variants would not have a substantial impact on the character of the vicinity. Impact LU-2, on EIR pp. 4.B.9-4.B.10, provides a detailed discussion of the proposed project's or variants' land use impacts on the character of the vicinity. The proposed residential, hotel, retail, and open space uses would be compatible with existing residential, hotel, retail, and open space uses in the project vicinity. Although there are no buildings in the project vicinity that mix residential and hotel uses, the comments do not provide any evidence that a single building containing both residential and hotel uses would be incompatible with the existing land uses in the project vicinity. The proposed project or variants would not introduce any land uses, such as industrial uses, that would be incompatible with the existing uses in the project vicinity.

Regarding the scale of development, the EIR identifies several existing buildings within two blocks of the project site that approach or exceed a height of 300 feet. The proposed high-rise tower would be taller than some of the existing high-rise buildings that exceed a height of 300 feet, but it would not be the tallest building in the project vicinity. Since there are existing high-rise buildings near the project site, the addition of a 348-foot-tall tower would be consistent with the scale of some of the existing development in the general project vicinity. For the reasons noted above, the EIR concluded that the proposed project or variants would not have a substantial adverse impact on the land use character of the vicinity and would result in a less-than-significant impact.

As discussed above and on EIR pp. 4.B.9-4.B.10, the height of the proposed project would not have a substantial adverse impact on the existing character of the vicinity. Although these comments disagree with the EIR's conclusion,

> "[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 determination that the impact related to conflicts with land use plans, policies, and regulations (Impact LU-1) is significant does not contradict the determination that the impact related to the character of the vicinity (Impact LU-2) is less than significant. These determinations address two distinct issues, and these impacts are assessed separately; the fact that one impact is determined to be significant does not require that the other impact must also be determined to be significant. The EIR, on pp. 4.B.9-4.B.10 (Impact LU-2, land use character) and on pp. 4.C.21-4.C.22 under the subheading "Effects on Visual Character or Quality of the Site and its Surroundings," includes a detailed discussion of the proposed project's or variants' impact on the character of the vicinity and concludes that it would be less than significant.

Two comments state that the EIR only focuses on land uses when discussing the proposed project's or variants' impacts on the character of the vicinity. The manner in which the proposed project's or variants' design (height, bulk/massing, materials) affect the character of the vicinity are discussed in Section 4.C, Aesthetics, of the EIR, pp. 4.C.21-4.C.22.

One comment states that since there are no existing buildings in the project vicinity that mix residential and hotel uses, the hotel use being considered under the Residential/Hotel Mixed Use Variant should be set aside for affordable housing. The project site is in the Downtown Office Special Development (C-3-O(SD)) District, which allows hotels with Conditional Use authorization from the Planning Commission as set forth in Planning Code Section 216(b). The decision on whether to authorize a hotel use is left to the Planning Commission as part of its deliberations on the proposed project. Regarding affordable housing, the project sponsor is required to comply with the affordable housing requirements set forth in Planning Code Section 415.

One comment states that instead of amending the zoning controls (i.e., the height limit) for the project site, the proposed project should be modified to conform to existing policies that were comprehensively reviewed as part of the TCDP. The decision on whether to amend the height limit for the project site is left to City decision-makers, who may consider this comment and other information during their deliberations on the proposed project.

For more information regarding how the proposed project or variants conflict or are consistent with plans, policies, and regulations that call for building heights to step down from the Transit Center toward the waterfront, please see Response PP-1: General Plan Objectives and Policies, in Section 4.B, Plans and Policies, of this RTC document, pp. 4.B.3-4.B.6.

One comment mentions the proposed project's impacts on the San Francisco Bay Conservation and Development Commission's *Waterfront Plan*, which could refer to either the *San Francisco Bay Plan* (SFBP) or the *San Francisco Waterfront Special Area Plan* (SFWSAP). The SFBP contains policies for guiding the future use of San Francisco Bay and its shoreline. The land that is subject to the SFBP consists of a shoreline band, defined as the land between the shoreline and a line that runs parallel to the shoreline at a distance of 100 feet from the shoreline.[3] The project site is outside of the 100-foot-wide shoreline band. For this reason, the proposed project is not subject to the SFBP. The SFWSAP articulates an attainable vision of the future San Francisco waterfront and applies the requirements of the McAteer-Petris Act and the provisions of the SFBP to the San Francisco waterfront in greater detail. The 75 Howard Street building site is not subject to the SFWSAP, but the triangular open space improvement site is.[4] Development of public open space on the open space improvement site would not conflict with any of the policies of the SFWSAP. (Note that the revised Code Compliant Alternative, which has been identified by the project sponsor as the preferred project, does not include development on this open space improvement site.)

Comment LU-5: Cumulative Land Use Impact

This response addresses the following comments:

O-RTA2-8
I-Butcher2-17
I-Emblidge-9

"The Cumulative Impact Evaluation (Impact C-LU-1) tries to justify the project's height by citing distant taller buildings that may – or may not – be built in the Transbay area. Cumulative does not mean distance. This is not a valid analysis for these reasons:

- Assuming buildings will be built is a classic planning blunder that has hindered sound planning practices for decades.
- Residents in the project area do not consider the Transbay area – which reaches as far as Third Street – to even be in the same neighborhood.

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[3] San Francisco Bay Conservation and Development Commission, *San Francisco Bay Plan*, p. 5, amended October 2011.

[4] San Francisco Bay Conservation and Development Commission, *San Francisco Waterfront Special Area Plan*, Map 3, p. 59, amended April 2012.

- This analysis ignores the significant areas of permanent, shorter buildings between the possible Transbay high-rises and the project.
- This analysis also ignores the requirement for "low" (not just "lower") buildings on the waterfront." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-8])*

"E. The DEIR Improperly Concludes Cumulative Impact C-LU-1 is Less Than Significant.

"The land use cumulative impact analysis fails to consider the impact of developing the proposed Project in addition to other planned projects in the area, such as the Warriors Arena. The land use cumulative impact analysis should consider how granting such a substantial exceedance of existing land use planning policies and regulations, in concert with other planned development in the area, may erode the vision for the area as set forth in applicable land use plans. Moreover, the DEIR should consider how granting such exceptions for this Project may increase planning pressure to authorize additional highrise developments along the waterfront. Without further discussion of potential cumulative land use impacts, the DEIR's conclusion that the impact is less than significant is unsupportable." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-17])*

"6. The EIR incorrectly concludes that the project would not contribute considerably to significant cumulative land use impacts related to (a) applicable plans or policies adopted for the purpose of avoiding or mitigating an environmental effect, or (b) substantially impacting the existing character of the site vicinity.

"The project combined with other proposed projects along the waterfront, most notably the massive 125-foot-high Warriors Arena on Piers 30-32 and two 110-foot-high hotel buildings, a 175-foot-high residential tower and commercial development proposed on the adjacent seawall lot, would create significant cumulative land use projects. The open character of the areas immediately adjacent to the waterfront and to The Embarcadero along the waterfront would be replaced by development of a mass and height that would result in significant changes in land use character.

"The EIR should be modified to include this significant, cumulative impact on land use character." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-9])*

Response LU-5

These comments disagree with the EIR's conclusion that the proposed project or variants, in combination with other reasonably foreseeable future projects in the vicinity, would result in less-than-significant cumulative land use impacts. As discussed in Section 4.B, Land Use and Land Use Planning, of the EIR, p. 4.B.10, the analysis of cumulative land use impacts was based on past, present, and reasonably foreseeable future projects in the vicinity of the project site:

> In analyzing cumulative land use impacts, it is appropriate to use a plan-based approach that also accounts for a list of reasonably foreseeable future projects in the vicinity of the project site (the area generally bounded by Market Street on the north, The Embarcadero on the east, Folsom Street on the south, and Third Street on the west). These reasonably foreseeable future projects could introduce land uses that physically affect the community in which the project site is located.

The former site of the proposed Warriors arena project[5] (Piers 30 and 32 and a seawall lot on the west side of The Embarcadero) and the site of the previously proposed 8 Washington Street mixed-use project are outside of the vicinity of the project site as defined above. The arena site analyzed in the Draft EIR is approximately 0.4 mile south of the project site and is physically separated from the project site by the Bay Bridge. The 8 Washington Street site is approximately 0.4 mile northwest of the project site and is physically separated from the project site by Market Street. For these reasons, the then-proposed Warriors arena project and the 8 Washington Street project are not in the vicinity of the proposed project and were not considered in the analysis of cumulative land use impacts. The comments do not provide any evidence that implementation of these development projects would result in cumulative land use impacts.

Impact C-LU-1, on EIR pp. 4.B.10-4.B.12, provides a detailed discussion of the proposed project's or variants' cumulative land use impacts. While the proposed project or variants would conflict with the adopted height limit for the project site and some *General Plan* objectives and policies related to urban design and urban form, no reasonably foreseeable projects in the vicinity, including those within the Transit Center District, would involve development that exceeds existing height limits or conflicts with *General Plan* objectives and policies related to urban design and urban form. The EIR concluded that the proposed project or variants would not combine with past, present, and reasonably foreseeable future projects in the vicinity of the project site to cause a significant cumulative impact related to conflicts with land use plans, policies, and regulations adopted to avoid or mitigate an environmental effect. Implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects, would intensify land uses in the project vicinity, but this intensification and growth would not introduce any land uses, such as industrial uses, that would be incompatible with existing land uses. As a result, the character of the vicinity would not undergo any substantial adverse changes related to land use. There is no evidence to support claims that approval of the

[5] The proposed Warriors arena project (Case No. 2012.0718E), located on Piers 30 and 32 and a seawall lot on the west side of The Embarcadero, is no longer an active project with the City and County of San Francisco. At the time of publication of the 75 Howard Street Project Draft EIR on July 13, 2013, it was still considered a viable project. Since then, the application has been withdrawn. A new application for an arena was filed for a site in Mission Bay, approximately 2 miles from the 75 Howard project site, and the *Golden State Warriors Event Center and Mixed-Use Development at Mission Bay Blocks 29-32 Draft EIR* was published on June 5, 2015 as part of Case No. 2014.0441E, and is available online at http://sf-planning.org/index.aspx?page=1828. (Accessed June 16, 2015.)

75 Howard Street Project may increase pressure to approve additional development along the waterfront. Furthermore, it would be speculative to presume that approval of the 75 Howard Street Project may have bearing on other, yet-to-be proposed projects. These comments disagreeing with the conclusions in the EIR are acknowledged and may be considered by City decision-makers during their deliberations on the proposed project.

The replacement of the open character of the waterfront with high-rise development is a visual impact. For additional information regarding cumulative impacts on the visual character of the project vicinity, please see Section 4.C, Aesthetics, of the EIR, pp. 4.C.22-4.C.26, and Response AE-6 in Section 4.D, Aesthetics, of this RTC document, pp. 4.D.13-4.D.14.

One comment states that the EIR should discuss how approval of the proposed project may erode the land use vision for the waterfront and may increase pressure on City decision-makers to approve additional high-rise development along the waterfront. The decision to approve or disapprove the proposed project or any other planned project along the waterfront rests with City decision-makers. Each individual project will undergo its own entitlement process and will be evaluated on its own merits, including an assessment of whether it would erode the land use vision for the waterfront. Therefore, approval of one particular project along the waterfront would not guarantee approval of other planned projects along the waterfront. It is worth noting that there are relatively few sites along this portion of The Embarcadero south of Market Street that appear likely to be redeveloped other than the seawall lot opposite Piers 30 and 32, approximately 0.4 mile south of the project site. Thus, the proposed project may not be seen as "precedent setting" in the context of other waterfront development.

One comment states that the analysis of cumulative land use impacts, which considers development in the Transbay area (i.e., the Transit Center District), is not valid for a number of reasons related to the assumptions made and the methodology used. As discussed on EIR p. 4.A.4, cumulative impacts may be analyzed by applying a list-based approach (a list of past, present, and reasonably foreseeable future projects, including projects outside the control of the lead agency), a plan-based approach (a summary of projections in an adopted general plan or related planning document), or a reasonable combination of the two (CEQA Guidelines, Section 15130(b)(1)). Under the list-based approach, reasonably foreseeable future projects include those that have been proposed (meaning that a formal application has been filed), approved but not constructed, or are under construction. This approach is not a "classic planning blunder" that invalidates the analysis, but rather is one that presents a more comprehensive and conservative analysis of cumulative environmental impacts. As discussed in Chapter 3, Plans and Policies, on EIR p. 3.4, the project site is in the area covered by the TCDP. Therefore, it is appropriate to consider development projects in the Transit Center District in analyzing the proposed project's or variants' cumulative land use impacts. The existing land use conditions discussed under Environmental Setting, on pp. 4.B.1-4.B.3, serve as the baseline for analyzing cumulative land

use impacts. These existing conditions include low-rise buildings in the vicinity of the project site and along the waterfront. These two factors were not ignored in the analysis of cumulative land use impacts.

Comment LU-6: Stepping Down of Building Heights

This response addresses the following comments:

O-RTA2-13
O-RTA2-15

"STEP DOWN REQUIREMENT:

"The Downtown Area Plan, Urban Design Element, and Transit Center District Plan all require that buildings step down towards the bay. Determining whether a proposed project steps down is an inexact science and can be abused. Priority must be given to the area directly inland and perpendicular from the water (90-degrees from the coastline). Buildings immediately behind the project must also be given emphasis. Claiming a project steps down by primarily citing a few far flung buildings off in the distance is inappropriate. The EIR must demonstrate how the step-down requirement is or is not met at different intervals." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-13])*

"To better gauge and quantify whether a project meets the step-down requirements, the DEIR should use the following two tools:

- One, simply count the number of higher and lower buildings within various perimeters around the project. This method makes it clear that the 75 Howard project is surrounded primarily by shorter buildings all around.
- Two, create profiles or cross sections of area buildings on straight lines fanning out between 45- and 135-degrees from the project. We believe most of these will clearly show buildings stepping down before the project. 75 Howard then creates a big step up and then a 348-foot step almost straight down.

"Both of these methods need to use impartial and random selections. Planning cannot cherry pick where to gauge these measurements. 75 Howard does not come close to meeting the requirements that buildings step down to low buildings on the waterfront." [Comment O-RTA2-15 includes two images, one an annotated portion of EIR Figure 4.B.2 and the other a graph entitled "Profile from 350 Mission to 75 Howard." Please see Letter O-RTA2 in RTC Attachment 2, letter page 5 of 9, for these images.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-15])*

Response LU-6

These comments suggest different methods to gauge and quantify whether the proposed project steps down from taller buildings near the Transit Center to the waterfront. The EIR acknowledges that the proposed project or variants would step up from the adjacent site to the west rather than continuing the pattern of stepping down to the current 200-foot height limit applicable to the project site, resulting in a significant and unavoidable impact (Impact LU-1, on EIR pp. 4.B.5-4.B.9). As discussed on EIR p. 4.B.7, "the project site is effectively on the first block along the waterfront, which has lower buildings than blocks further west and farther from the waterfront. As discussed on p. 4.B.6, the project or variants, as proposed at a height of 348 feet, would be taller than the buildings immediately adjacent to the project site. At a height of 348 feet, the proposed project or variants would disrupt the existing pattern of lower buildings on the first block along the waterfront that step up to taller buildings on blocks further west and farther from the waterfront." The methodology used to reach the conclusion in the EIR is not substantially different from the methods suggested in the comments. Revised Figure 4.B.2, shown in Response LU-1, p. 4.C.8, shows the heights of existing buildings surrounding the project site. In general, buildings that are farther from the waterfront are taller than buildings that are closer to the waterfront.

D. AESTHETICS

The comments and corresponding responses in this section cover topics in EIR Section 3.C, Aesthetics. These include topics related to:

- AE-1: Aesthetics Setting
- AE-2: Scenic Resources
- AE-3: Visual Representations of the Proposed Project
- AE-4: Impact on Private Views
- AE-5: Conformity with Urban Design Element
- AE-6: Cumulative Aesthetic Impacts

As described in this Responses to Comments (RTC) document in Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project Alternatives, pp. 2.2-2.19, since publication of the 75 Howard Street Project Draft EIR on July 31, 2013, Senate Bill 743, Chapter 386 (SB 743) was signed into law. SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics impacts for certain urban infill projects in transit priority areas, such as the proposed 75 Howard Street project. According to SB 743, for these urban infill projects, the topic of aesthetics is no longer considered in determining if a project has the potential to result in significant environmental impacts. Therefore, the Draft EIR analysis has been modified, as described in the Chapter 2 of this RTC document, so that environmental impact determinations are not presented. The responses below address these changes to the analysis approach for aesthetics impacts, where applicable. The Planning Department recognizes that the aesthetic conditions may be of interest to the public and the decision-makers. Thus, the EIR retains the topic of aesthetics for informational purposes.

Comment AE-1: Aesthetics Setting

This response addresses the following comments:

A-SFPC-Antonini-5 I-Emblidge-3
O-RTA2-14 I-Hestor2-14

"Another point is that the waterfront that we have is curvilinear in its nature. So we have to always -- when we talk about a building and its distance from the waterfront, we have to kind of look at where it is really, relative to the waterfront. As we move further south, the waterfront becomes closer to the streets further in. Steuart Street ends, Spear Street ends, Beale ends; and that is a curve. So that is an interesting feature to look at as we really look at where the waterfront is and isn't." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-5])*

"This requirement is very straightforward for most people, but Commissioner Antonini raised questions at the September 12, 2013 meeting of the commission. He noted a "curvilinear" nature to the Embarcadero and how interesting it is "to look at where the waterfront is and isn't." Apparently this requirement needs to be clarified." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-14])*

"3. The EIR needs to accurately describe the existing building heights, setbacks and forms for the Gap building and Hills Plaza complexes and Figure 4.B.2 should be revised.

"As shown in Figure 4.C.7, the existing buildings adjacent to and near the project site along The Embarcadero that define the land use form of the area include Bayside Plaza, Rincon Towers, and the Embarcadero YMCA to the north and the Gap Building and Hills Plaza to the south. The EIR includes adequate descriptions of the buildings to the north along The Embarcadero, but not those to the south.

"On page 2.7 and elsewhere in the document the Gap Building is described as *"...a 14 story (approximately 290 feet tall) office building..."* A.M Stern, the architect, describes the building as a six-story base with a 15 story tower set back from the base. No height is listed on the Stern website, but Emporis lists it as 214.35 feet high. Page 4.C.3 of the EIR indicates that the Gap tower is set back over 100 feet from The Embarcadero. The EIR should identify the precise setback and include it on page 2.7 of the EIR." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-3])*

"*Include information on the shallow waterfront block diagonally across Howard and Spear which is the only remaining block of downtown SF adjacent to the former Embarcadero Freeway. That block is one lot deep from Howard to Mission. Discuss the unusual shape and height of the corner building at 177 Steuart/188 The Embarcadero which was shaped with to follow the path of the Embarcadero Freeway. Discuss the scale and show graphically the low-scale nature of the entire block with the modest tower of the former Seaman's YMCA.*" *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-14])*

Response AE-1

Comments note that San Francisco's eastern waterfront curves to the south of the project site. From Mission Street south to Folsom Street, The Embarcadero and the water's edge run parallel to Steuart Street. Between Mission Street and Howard Street, the west side of The Embarcadero is lined with waterfront buildings within the shallow Block 3715. These waterfront buildings are approximately 170 feet from the water's edge. At Howard Street, The Embarcadero curves inland (west) while the water's edge remains parallel to the alignment of Steuart Street, creating waterfront space for Rincon Park. Between Howard Street and Folsom Street, the west side of The Embarcadero is lined with the triangular vacant

open space improvement site[1] within the project site (with the existing 75 Howard Garage farther west) and the Gap Building to the south. The 75 Howard Garage on the project site and the Gap Building to the south of the project site are approximately 375 feet from the water's edge. South of Folsom Street, the water's edge curves westward, narrowing the distance between waterfront development and the water's edge. The southeast corner of the Hills Plaza complex is about 165 feet from the water's edge.

One comment states that the height of the Gap Building is 15 stories and 214.35 feet tall (according to the Emporis website), not 14 stories and 290 feet tall as stated in the EIR. The Draft EIR erroneously states that the building is 14 stories. The Gap Building is actually 15 stories. Also, as noted in RTC Section 4.C, Land Use and Land Use Planning, p. 4.C.4, the Gap Building has an overall height of approximately 295 feet, not 290 feet as described throughout the Draft EIR. The Draft EIR is therefore revised throughout to correct the error in the number of stories (from 14 stories to 15 stories) and overall building height (from 290 to approximately 295 feet). (See also Response LU-1 in RTC Section 4.C, Land Use and Land Use Planning, pp. 4.C.4-4.C.7, for additional revisions made in the Draft EIR to overall heights of some surrounding buildings.) (In the following revisions, new text is underlined and deletions are shown in ~~strikethrough~~.)

The first full sentence on EIR p. 2.7 is revised as follows:

> The Gap Building, located at the south end of the project's building site block, is a ~~14~~ 15-story (approximately ~~290~~ 295 feet tall) office building, built in 2001.

The first sentence of the third paragraph on EIR p. 4.C.3 is revised as follows:

> The Gap Building, located at the south end of the project block, is a ~~14~~ 15-story (approximately ~~290~~ 295 feet tall) office building, built in 2001.

The last sentence of the second full paragraph on EIR p. 4.C.13 is revised as follows:

> Beyond the 75 Howard Garage is the Gap Building (~~14~~ 15 stories, about ~~290~~ 295 feet tall, built in 2001), with its tower rising beyond the 75 Howard Garage.

The second sentence of the first paragraph on EIR p. 4.C.19 is revised as follows:

> At 348 feet tall, the proposed project and project variants would be taller than existing high-rise buildings located on the blocks immediately adjacent to the project site (Rincon Towers at ~~280~~ 275 feet tall, the Gap Building at approximately ~~290~~ 295 feet tall, and 201 Spear Street at ~~256~~ 251 feet tall) (see Figure 4.C.6: View E – View from the Ferry Building, Looking South (Proposed), on p. 4.C.11; and Figure 4.C.7: View F – View from Pier 14, Looking West (Proposed), on p. 4.C.12).

[1] Note that the revised Code Compliant Alternative, which has been identified by the project sponsor as the preferred project, does not include development on this open space improvement site.

These revisions do not alter any of the conclusions of the EIR. The comment also requests that EIR Chapter 2, Project Description, be revised to state the setback of the Gap Building from The Embarcadero. No such change is necessary in the EIR Project Description as this level of detail regarding nearby properties is not necessary for the purposes of the EIR Project Description.

Another comment requests that the EIR include information about the shallow waterfront block northeast of the project site. Information about this block is found on EIR p. 4.C.2, as follows:

> Across Howard Street to the northeast of the project site is Bayside Plaza, a 7-story, approximately 104-foot-tall office building, built 1986. The building is trapezoidal in plan to fit its irregular site. The narrower south end is rounded. The upper floors each step back successively from the rounded south end of a 4-story base and echo the curve of the base in the floors above. The building is smooth skinned, clad with horizontal bands of light colored masonry panels that alternate with dark bands of windows.
>
> Immediately north of Bayside Plaza is the Embarcadero YMCA building (8 stories, approximately 104 feet tall, built 1926). The building is rated Category II Significant under Article 11 of the Planning Code. The building features a distinctive Renaissance-inspired red brick façade featuring arched windows, ornate balconies and decorative crests at the entrance. The center portion of the façade is capped by an arcaded tower with a red tile roof.

This RTC document includes Section 4.V, Project Site Background, pp. 4.V.1-4.V.9, which provides information about development of the lots and blocks surrounding the project site over the past 30 years, including the waterfront block northeast of the project site. Regardless of the effect that the now-demolished Embarcadero Freeway may have had on the design of the Bayside Plaza building, the EIR correctly describes the existing setting, including the form of this building. Additional information about this block is also found on EIR pp. 4.C.13-4.C.13 in descriptions of existing photographic views of the site and its surroundings.

Comment AE-2: Scenic Resources

This response addresses the following comments:

I-Emblidge-10

"7. The DEIR incorrectly concludes that the proposed project would not have a substantial adverse effect on a scenic resource.

"As stated on page 4.C.20 of the EIR, the project site is in the vicinity of two offsite scenic resources: The Embarcadero and Rincon Park. The project is proposed on a site that is in a prominent, highly visible location along The Embarcadero across from Rincon Park.

"The EIR states that *"The proposed residential tower would reinforce the western edge of The Embarcadero and would provide an active face to The Embarcadero and Rincon Park."* In fact,

the project would build a 350-foot-high, 109- (tower) to 116- (podium) foot-wide building along The Embarcadero and Rincon Park and would have a substantial adverse effect on those scenic resources. While the other buildings along the waterfront north and south of the site gracefully and substantially step back from The Embarcadero or are just over 100-feet-tall, the proposed building would be up to 250 feet higher than any other building along The Embarcadero in the vicinity and it lacks a substantial setback for the tower: the tower's set back from the podium would be just 23 feet from the east, 16 feet from the west, two feet from the north and five feet from the south.

"In contrast, the Gap Inc. building to the south has a six story base with a 15 story tower set back over 100 feet from its base (and approximately 125 feet from The Embarcadero) with successively setback upper-story tiers. (On page 2.5 and elsewhere in the EIR, it is incorrectly referred to as a 14 story, 290-foot-tall office building which mischaracterizes the building. As shown in Figures 4.C.2, 4.C.6 and 4.C.7 of the EIR, the tower is slim and set far back from the lower stories. As described on the architect's website (A.M. Stern), it is *"...set back from the Embarcadero to minimize shadows on the waterfront park. Two Folsom Street is articulated as a cubical background mass and a slender foreground tower working together as one. Despite the irregular configuration of the site, our design presents a symmetrical composition, the coupling of the base and tower taking its cues from the nearby Ferry Terminal Building and providing a larger reading from the water. The articulation also breaks down the project's bulk, creating a village of forms ... the tower complements and in a way completes the stepping up of the campaniles and office tower of the Hills Plaza complex to the south."*

"Further to the south is Hills Plaza, a historic approximately five-story original building, which includes newer 18-story 257-foot-high tower which progressively steps back approximately 160 feet from The Embarcadero.

"Working along The Embarcadero northeast of the site is Bayside Plaza, a 104-foot-tall, seven-story office building that minimizes its impact on the waterfront and The Embarcadero with each story stepping back successively from a four-story base. The Embarcadero YMCA building, just north of Bayside Plaza is 104 feet high and eight- stories.

"Rincon Towers is located north of the project site, but is set back west of Bayside Plaza and is located one building away from the Embarcadero. Rincon Towers is 24 stories and approximately 280 feet tall. It has a six-story podium base with two relatively slender towers set back from the base.

"The EIR should be revised to state that the project would have a significant adverse impact on The Embarcadero and Rincon Park, which are both offsite scenic resources and should include mitigation measures to reduce those impacts." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-10])*

Response AE-2

The comment asserts that the proposed project would have a significant impact on The Embarcadero and Rincon Park, nearby scenic resources identified in the EIR, and that the EIR should be revised to find a significant adverse impact on these scenic resources. The comment also identifies setbacks and podium heights of nearby buildings. As noted in Draft EIR Section 4.C, Aesthetics, p. 4.C.1, since publication of the Draft EIR on July 31, 2013, new Public Resources Code Section 21099(d) was adopted, eliminating aesthetics and parking as impacts that can be considered in determining the significance of physical environmental effects under CEQA for certain projects, such as the proposed 75 Howard Street project, that meet particular in-fill development and transportation-oriented development criteria. Accordingly, this RTC document presents revisions to the Draft EIR to eliminate aesthetic impacts determinations, because aesthetics can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA (see RTC Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project Alternatives). The San Francisco Planning Department, however, recognized that changes in the aesthetics environment created by the project may be of interest to the public and the decision-makers, and therefore, aesthetics is discussed for informational purposes. The EIR, however, does not identify any impact analysis conclusion for the topic of aesthetics. Comments raising questions on the EIR's identified environmental aesthetic impact conclusions are no longer applicable for this project. Nonetheless, these comments are identified in this RTC document, and may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

The proposed residential tower would include a setback beginning at the eighth floor (85'6" tall) to differentiate the podium element from the tower element. The tower setback from the east façade would be 23 feet from the podium level. The building from its east property line would not have setbacks as deep as those of the Gap Building (approximately 78 feet from the east façade), or the Hills Plaza addition (non-historic) (approximately 63 feet from east façade), but would have a greater setback than that of Rincon Towers (approximately 16.5 feet from the south façade). Setbacks of the depth found in these existing buildings are not required by the Planning Code. The podium level of the proposed building would be about 85 feet, 6 inches tall, approximately the same height as the existing 75 Howard Garage building. Existing views from The Embarcadero and Rincon Park would be changed primarily by the tower portion above the podium. Unlike the Gap Building and Hills Plaza, which front directly on The Embarcadero, the proposed building site is separated from The Embarcadero by the triangular open space improvement site[2] which includes Block 3742/Lot 12 and the Steuart Street roadway. The proposed building site is set back from The Embarcadero by about 150 feet at its northeast corner

[2] Note the revised Code Compliant Alternative, which has been identified by the project sponsor as the preferred project, does not include development on this open space improvement site.

and by about 80 feet at the southeast corner. Thus, the tower portion of the proposed building would be set back from The Embarcadero between about 96 to 166 feet.

The scenic value of The Embarcadero and Rincon Park are not defined by any common characteristics of buildings in the project vicinity. As described on EIR pp. 4.C.2-4.C.3, and shown in Figures 4.C.2-4.C.7 on EIR pp. 4.C.7-4.C.12, these are varied in visual character. Rather, the scenic value of The Embarcadero and Rincon Park as scenic resources is primarily defined by their location at the edge of San Francisco Bay and by their landscaping and openness. The proposed project would not have a substantial impact on these characteristics. As discussed in the EIR, on pp. 4.C.20-4.C.21:

> The proposed project is in the vicinity of two offsite scenic resources: The Embarcadero and Rincon Park. The proposed tower would replace views of the existing seven-story 75 Howard Garage, as seen from The Embarcadero and Rincon Park, with views of the proposed building. The proposed project and project variants would create new backdrop for The Embarcadero (see Figure 4.C.4: View C – View from The Embarcadero, South of Folsom Street, Looking Northwest, on p. 4.C.9) and for Rincon Park (see Figure 4.C.5: View D – View from Rincon Park, Looking Northwest, on p. 4.C.10). The proposed residential tower would reinforce the western edge of The Embarcadero and would present an active face to The Embarcadero and Rincon Park. In addition, the proposed project would improve and activate a new public open space adjacent to The Embarcadero (the open space improvement site) with landscaping and public art to improve the pedestrian environment along this segment of The Embarcadero. Therefore, the proposed project and project variants would not result in damage to a scenic resource.

The EIR contains extensive description and graphics which accurately present both the existing setting of the project site and vicinity, and analyzes potential impacts of the proposed project on scenic resources. As noted in Draft EIR Section C, Aesthetics, p. 4.C.1, the topic of aesthetics describes changes to scenic vistas, scenic resources, and on the visual character and quality of the project site and its surroundings as a result of the proposed project and variants. As stated above on RTC p. 4.D.1, since publication of the 75 Howard Street Draft EIR on July 31, 2013, Public Resources Code Section 21099(d) was adopted, eliminating aesthetics as an impact that can be considered in determining the significance of physical environmental effects under CEQA for certain projects. The Draft EIR has been revised accordingly to eliminate impact analysis conclusions for the topic of aesthetics (see RTC Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project Alternatives), and this discussion in the EIR is provided for informational purposes only. Therefore, no revision to the analysis under the subheading, "Effects on a Scenic Resource" on EIR pp. 4.C.18-4.C.20 is necessary.

The Final EIR (which includes all comments on the DEIR and responses presented in this RTC document) provides adequate information to enable the decision-makers to make a decision

which "intelligently takes account of environmental consequences" (CEQA Guidelines Section 15151).

Comment AE-3: Visual Representations of the Proposed Project

This response addresses the following comments:

O-RTA2-18
I-Emblidge-11
I-Emblidge-12

"There is too much reliance on photos in the DEIR which can be deceptive. Photos flatten the scene. They make distant buildings appear closer, and they hide shorter buildings directly behind the project. Many of the images presented in the DEIR hide or blur the project behind or within existing buildings. Figure 4.C.2 hides 75 Howard behind the shorter Rincon Center. A view just a few feet further south would reveal much more of the proposed high-rise. Image 4.C.3 crops the top 13 floors (40%) off 75 Howard. Figures 4.C.4 and 4.C.5 use telephoto images to make the project appear to blend in with distant buildings. Image 4.C.6 also makes the project seem comparable to Rincon Center because Rincon is closer. Image 4.C.7 shows a project that would conflict with other buildings fronting the Embarcadero, but again uses a telephoto shot to make it appear consistent with buildings further away. This is deceptive." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-18])*

"8. Figure 4.C.3 View B - View from The Embarcadero at Howard Street, looking west needs to be revised to show the top of the proposed project.

"The visual simulations do not fully capture the project's impacts on views along the waterfront and The Embarcadero. Figure 4.C.3, one of the most important viewpoints cuts off the top of the building, thereby minimizing the impact from this vantage point. While a fixed camera only captures a certain vertical dimension, people passing by look up and change their orientation as they walk, run, bike or drive along the waterfront. Revise Figure 4.C.3 to show the top of the proposed project." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-11])*

"9. Prepare a Video Simulation to more accurately understand the impacts of the project on the waterfront and The Embarcadero.

"In order to fully understand the visual impacts of the project, a video should be prepared to accurately depict the project's impacts on views from the waterfront and the Embarcadero. This would allow the public and decision-makers to more accurately understand the visual impacts of the project, and with current technology can be done for a reasonable cost." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-12])*

Response AE-3

Comments assert that the photographic representations of the project site shown in EIR Figures 4.C.2 through 4.C.9, EIR pp. 4.C.7-4.C.25, do not accurately represent existing visual conditions. The comment also requests that a video be prepared to depict the impact on views from the waterfront and The Embarcadero.

In photographing the project site and its surroundings, the independent visual simulation consultant used a 50 millimeter lens because it simulates the field of vision of the human eye. No telephoto lenses were used. The purpose of Figure 4.C.3, on EIR p. 4.C.8, is to represent how the proposed project would appear to pedestrians from closer range. Although the top of the proposed building is outside the frame of this view, the top of the proposed building is included in all other photosimulations, as these are taken from a greater distance, allowing the reader to assess the impact of the proposed building's height.

EIR Section 4.C, Aesthetics (as revised in this RTC document) contains extensive description and graphics, which are presented solely for informational purposes and are no longer considered in determining if the project has the potential to result in significant environmental aesthetic impacts. These description and graphics are presented to accurately show both the existing setting of the project site and vicinity, and aesthetics changes as a result of the proposed project. The EIR already states (EIR pp. 4.C.18-4.C.20) that the proposed project and project variants would substantially degrade or obstruct scenic vistas. These discussions are supported by the information in Figures 4.C.2 and 4.C.3 (EIR pp. 4.C.7 and 4.C.8). Therefore, no additional visual simulation is required to inform decision-makers of the proposed project's aesthetic effects.

Comment AE-4: Impact on Private Views

This response addresses the following comments:

I-Emblidge-14
I-Kuo-2

"11. Impacts on Private Views

"Page 4.C.20 correctly states at under CEQA a project would only have a significant impact if it were to adversely affect public, not private views. We do not disagree with this conclusion. However, it should be noted that the setback proposed on the west side of the building is minimal at 16 feet and intrusive to the occupants of 201 Spear, the 237.5 foot-high building to the west, especially given that the maximum permitted height on the subject site is 200 feet and the project proposes to exceed that by 150 feet, or 75 percent." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-14])*

"Our waterfront is a precious resource and buildings placed next to the waterfront must respect the access to the views. Proper tapering and height limits provide access and views to the rest of the city instead of limiting it to just one building. Being considerate in this fashion also makes it much more viable to continue redevelopment efforts into the future." *(Richard Kuo, Email, September 11, 2013 [I-Kuo-2])*

Response AE-4

Comments express concern for the impact of the proposed project on private views. Private views are discussed in the EIR on p. 4.C.20 for information purposes only. Private views are not considered scenic vistas under the City's significance criteria. Furthermore, pursuant to SB 743, for certain urban infill projects in transit priority areas, such as the proposed 75 Howard Street Project, the topic of aesthetics is no longer to be considered in determining if a project has the potential to result in significant environmental impacts. The proposed project would not obscure any existing views of the waterfront from any public open spaces. In addition, final building design details for the proposed tower will need to be considered by the decision-makers as part of their decision to approve or modify the proposed project.

Comment AE-5: Conformity with Urban Design Element

This response addresses the following comment:

O-RTA2-16

"4.C AESTHETICS:

"The Regulatory Framework section of 4.C (Aesthetics) says the Urban Design Element calls for new development to:

- "complement existing patterns of development",
- integrate with "surrounding urban patterns", and
- "protect visual relationships and transitions with respect to older structures."

"These criteria then seem to be ignored in the DEIR's analysis." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-16])*

Response AE-5

This comment asserts that the EIR's discussion of aesthetics ignores policies of the Urban Design Element of the *General Plan* that call for relating new development to existing patterns of development, surrounding urban patterns and with visual relationships and transitions with

respect to older structures. The EIR, on pp. 4.C.2-4.C.3, describes the existing varied development surrounding the project site in detail. The EIR identifies an overall development pattern of building heights in the surrounding area that steps down from west to east toward the Bay. The EIR, on pp. 4.C.19, described how the proposed project would not conform to existing patterns of development in the area.

> Given the familiarity and importance of the existing views of San Francisco's Downtown core to San Francisco's identity, and the scale and prominence or proposed new development, the proposed project and project variants scenic vistas of Downtown as viewed from the eastern waterfront. The proposed project would place a prominent 348-foot-tall tower at the southeastern waterfront edge of Downtown. The podium would not provide a substantial step-down transition from the tower element to the waterfront.

Following the passage of SB 743 that added Section 21099(d) to CEQA, this text has been revised to remove the determination of "significant effect". However, the discussion of conformity to existing pattern of development in the EIR remains accurate.

Contrary to the comment's assertion that the EIR ignores the proposed project's relationship to existing patterns of development, surrounding urban patterns, and visual relationships and transitions with respect to older structures, the EIR provides ample description of existing development and analysis of the proposed project's changes to the scenic vista of Downtown from the eastern waterfront. As discussed and described in detail on EIR pp. 4.C.2-4.C.3, the surrounding visual setting of the project site is varied in character. Building massing, scale, materials, and architectural character (with respect to age and architectural style) do not conform to any strongly discernible overall pattern at this southeast edge of the Downtown high-rise core. See Response CP-2 in RTC Section 4.E, Cultural and Paleontological Resources, on pp. 4.E.3-4.E.4, for a discussion of the relationship of the project site to historic buildings.

Generally, however, building heights tend to step down from west to east toward the waterfront. As discussed on EIR p. 4.C.19, the proposed high-rise tower would be seen against the backdrop of the dense Downtown and would contribute to the dense and varied that currently characterizes the existing skyline. However, the EIR finds that the proposed project would interrupt the existing discernible pattern at the southeast edge of Downtown of buildings stepping down to the water's edge.

The Planning Commission and the Board of Supervisors 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 changes 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. (As noted above, aesthetics

is no longer considered in determining if the 75 Howard Street Project would result in a significant impact, pursuant to SB 743.) 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.

Comment AE-6: Cumulative Aesthetic Impacts

This response addresses the following comments:

O-RTA2-21
I-Butcher2-18
I-Emblidge-13

"Once again, the DEIR depends on high buildings that may, or may not, be built in the Transit Center district to make this project appear to blend in. Those buildings would be blocks away and separated by permanent buildings that are shorter 75 Howard. The conflict of visual character may not be apparent in telephoto shots, but it would be very clear firsthand." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-21])*

"VI. Aesthetics

"The cumulative aesthetic impacts analysis of the Project is inaccurate. In Impact C-AE- 1, the DEIR concludes that the aesthetic impact of the Project will be less than cumulatively considerable. The rationale for the conclusion is that the Project will purportedly conform to overall building heights in the cumulative condition. However, Figures 4.C.8 and 4.C.9 clearly show that the taller buildings contemplated in the cumulative scenario are further inland than the proposed Project. The buildings in the immediate vicinity of the Project, including those further from the waterline, are significantly shorter than the proposed building. Even in the cumulative scenario, the proposed Project will be a departure from San Francisco's established norm of a skyline tapered down to the waterfront. The facts do not support the DEIR's conclusion that the cumulative aesthetic impact will be less than cumulatively considerable. The analysis should be revised and all feasible mitigation measures must be considered." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-18])*

"10. The EIR incorrectly concludes that the project would not make a cumulatively considerable contribution to a significant impact related to aesthetics.

"The aesthetics section includes a detailed discussion of the project within the context of the Transit Center Development Plan and dismisses the project's contribution to cumulative aesthetic impacts: page 4.C.23 of the EIR states that *"The proposed project would conform to the overall pattern of building heights under cumulative conditions. For these reasons, under cumulative conditions, the proposed project would not contribute considerably to a cumulative impact on scenic vistas of the Downtown core"*.

"The project does not conform to the overall pattern of building heights, which step down to the waterfront. The project does not follow this established pattern. Moreover, the EIR omits an important discussion of the project's contribution to cumulative aesthetic impacts on the City's waterfront. The project combined with the proposed 12-story, 125 foot-high Warriors Arena, 175-foot-high residential tower, two 110-foot-high hotel buildings, and commercial space would have a significant adverse impact on scenic vistas and visual character of this portion of the waterfront and would further break with the pattern of development stepping down to the waterfront.

"The EIR should be modified to identify a significant, cumulative impact on aesthetics and should include mitigation measures to reduce these impacts." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-13])*

Response AE-6

Comments disagree with the EIR's discussion with respect to cumulative aesthetic impacts, including those within the context of the Transit Center Development Plan, that the proposed project would not contribute considerably to a cumulative impact on scenic vistas of the Downtown core. On pp. 4.C.24 and 4.C.25, the EIR discussed the contribution of the proposed project to views of existing and future development, including that under the TCDP, the Rincon Hill Plan, and the Transbay Redevelopment Plan on pp. 4.C.23-4.C.26. In this cumulative context, the proposed project would conform to the overall pattern of cumulative development, and the EIR concluded that the proposed project would not contribute considerably to a significant cumulative impact. This discussion was not omitted from the EIR, but as noted in RTC Chapter 2, since publication of the Draft EIR, SB 743 was signed into law, and CEQA has been amended to remove the topic of aesthetics as one to be used in determining whether certain urban infill projects in transit priority areas would have a significant environmental impact. Therefore, the text in the EIR regarding significant cumulative visual effects has been revised, but the overall discussion of aesthetics, including cumulative, remains to inform decision-makers.

One comment asserts that the proposed project, combined with the proposed mixed-use development under the anticipated Warriors Arena, would have a significant adverse impact on scenic vistas and visual character of this portion of the waterfront. At the time of publication of the 75 Howard Street Project Draft EIR, the Arena project was undergoing environmental review, and the data on transportation effects of the Arena project was not fully developed, including the assessment of cumulative transportation conditions. After publication of the 75 Howard Street Draft EIR, however, the developer for the proposed Arena project withdrew the Arena application

on the Piers 30-32; the development application submitted to the San Francisco Planning Department for this project has been officially closed.[3] Even if the Warrior's Arena development proposal were to still be an active project at Piers 30-32, the 75 Howard Street project and the Downtown skyline would not be prominent (if visible at all) within views of the Warriors Arena from south of that project site along The Embarcadero. In such views, the proposed project and Downtown would be largely obscured by the Bay Bridge and its footings, by existing intervening development, and by intervening landside development proposed under the proposed Warriors Arena project. To the extent that the proposed Warriors Arena could be visible together with the 75 Howard Street project within views from north and west of the project site, the proposed project would not contribute towards any related potential effects on scenic vistas from the Bay and Bay Bridge that could result from the Warrior's Arena. While the Warriors Arena was intended to be built on vacant Piers 30-32 over the Bay, the proposed residential tower at 75 Howard Street would be located about 375 feet inland from the edge of the Bay. The proposed project would be viewed from the waterfront against the backdrop of the dense southeastern edge of Downtown and would conform to the overall pattern of building heights under cumulative conditions.

The EIR's discussion regarding the proposed project's contribution to a potential cumulative aesthetic effect is presented solely for informational purposes. The Final EIR (which includes all comments on the Draft EIR and responses presented in this RTC document) provides adequate information to enable the decision-makers to make a decision which "intelligently takes account of environmental consequences" (CEQA Guidelines Section 15151).

[3] San Francisco Property Information Map, Case No. 2012.0718E; http://propertymap.sfplanning.org/?dept=planning, accessed October 8, 2014. A new application has been filed for an arena on Third Street between South Street and 16th Street in Mission Bay, approximately 1.5 miles further away from the 75 Howard Street project site (Case No. 2014.1441E).

E. CULTURAL AND PALEONTOLOGICAL RESOURCES

The comments and corresponding responses in this section cover topics in EIR Section 4.D, Cultural and Paleontological Resources. These include topics related to:

- CP-1: Archaeological Resources Impacts
- CP-2: Impacts on Historic Resources

Comment CP-1: Archaeological Resources Impacts

This response addresses the following comment:

I-Butcher2-20

"B. Mitigation Proposed to Address Archeological Resource Impacts Fails to Comply with the Requirements of CEQA.

"The DEIR concludes that construction of the proposed Project has a moderately-high probability of encountering known historic-era archaeological features located in the Project area. (DEIR, p. 4.D.34.) The Initial Study concludes that "[g]iven the likelihood of encountering historical era subsurface archeological resources within the project site, the proposed project and project variants could have a potentially significant adverse impact on legally-significant archeological resources." (Initial Study, p. 57.) The DEIR includes mitigation measures to address this potentially significant impact. (DEIR, pp. 4.D.35-39.)

"The mitigation measures proposed in the DEIR are inadequate pursuant to CEQA. As explained in *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal.App.4th 48, CEQA sets forth a detailed process for mitigating potential impacts to these types of historical archeological resources. Specifically, "the EIR 's discussion of mitigation measures for impacts to historical resources of an archaeological nature must include preservation in place, and the discussion of preservation in place must include, but is not limited to, the four methods of preservation in place listed in subparagraph (B) [of CEQA Guidelines section 15126.4, subdivision (b)(3)]." *(Id.* at p. 85.) "[F]easible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency detemines that another form of mitigation is available and provides superior mitigation of the impacts." *(Id.* at p. 87.)

"The mitigation measures proposed in the DEIR fail to require preservation in place. The DEIR must be revised to comply with the requirements of CEQA Guidelines section 15126.4, subdivision (b)(3)(B). To the extent the DEIR concludes mitigation is available to protect historical archeological resources better than preservation in place, the DEIR must provide a detailed justification for that conclusion." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-20])*

Response CP-1

The comment asserts that the EIR must be revised to comply with CEQA Guidelines 15126.4(b)(3)(B). That section describes ways in which preservation of archaeological resources in place may be accomplished through avoiding construction within archaeological sites. The EIR, on p. 4.D.34, identifies potential impacts on the significance of archaeological resources if such resources are present on the project site. The EIR also analyzes a No Project Alternative which concludes that existing archaeological resources would not be affected (EIR p. 6.7). Assuming, for the purposes of this Responses to Comments document, that significant archaeological resources are indeed present within the project site and that such resources would be disturbed by project construction, implementation of the archaeological site avoidance measures of CEQA Guidelines 15126.4(b)(3)(B) would not be feasible mitigation. The 20,931-sq.-ft. building site within San Francisco's densely developed downtown Financial District is relatively small when compared to the Downtown area. The proposed project tower covers its entire building site and therefore cannot be feasibly relocated within its building site, nor can the proposed project be feasibly reconfigured through mitigation to occupy a substantially smaller footprint without altering the basic characteristics of the proposed project. No effective mitigation measure is available that would avoid the potential for encountering archaeological resources within the project site during project construction. When, as here, data recovery through excavation is the only feasible mitigation, CEQA Guidelines Section 15126.4(b)(3)(C) states that,

> a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

In compliance with CEQA Guidelines Section 15126.4(b)(3)(C), Mitigation Measure M-CP-1a (Testing, Monitoring, Data Recovery and Reporting), Mitigation Measure M-CP-1b (Interpretation), and Mitigation Measure M-CP-1c (Accidental Discovery), presented on EIR pp. 4.D.35-4.D.40, establish a data recovery plan, provide for treatment of human remains in accordance with Section 7050.5 of the Health and Safety Code, and provide for curation and interpretation of artifact finds.

For these reasons, the archaeological mitigation measures presented in the EIR are adequate under CEQA, the "mitigation" suggested in the comment is not feasible, and no additional mitigation measures are necessary.

Comment CP-2: Impacts on Historic Resources

This response addresses the following comments:

O-RTA2-20
I-Butcher2-19

"There are numerous grand and older buildings close by, and this boxy high-rise does nothing to compliment them. Other buildings do. Hills Plaza does an excellent job of transitioning with its historic section. Rincon Center also makes a seamless transition from the historic post office to its new section." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-20]*)

"VII. Cultural and Paleontological Resources

"A. The DEIR Improperly Excludes a Discussion of Potential Impacts on Historic Resources. "The Initial Study concludes the proposed Project does not have the potential to impact any historic resources. (Initial Study, p. 54.) As a result, the DEIR does not include an analysis of historical resources impacts. The DEIR, however, discloses that the Project has the potential to impact historic brick sewers underneath Steuart Street. (DEIR, p. 4.F.11.) As a result, it was improper to exclude a discussion of historic resources from the DEIR. Therefore, the DEIR must be revised and recirculated to address potential impacts on historic resources.

"Moreover, the DEIR must disclose and acknowledge the proposed Project's potentially significant impacts on 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." " *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-19])*

Response CP-2

One of the comments asserts that the Initial Study improperly excluded the discussion of historical resources – the historic brick sewers underneath Steuart Street – from the Draft EIR. In Section 4.F, Noise, on p. 4.F.11, in the description of Setting, the EIR notes the presence of the 19th century brick sewers within the Steuart Street right-of-way that could be potentially affected by groundborne vibration during construction. In the analysis of Impacts on p. 4.F.26, the EIR concludes that the proposed project would not have a significant impact on the brick sewers because of precautions that would be required as part of the permitting process for the proposed project:

> To reduce the potential impact to a wastewater line underneath Steuart Street, as part of the permitting process, the SFPUC would review and approve the underground excavation plan and require a shoring plan and vibration

> monitoring. The approved shoring design and monitoring would prevent damage and avoid excessive levels of vibration and settlement. By taking these steps, the potential impact to structures would be less than significant because no other historic or potentially fragile structures occur near the project site.

The required shoring and monitoring program would ensure that the potential impact of the proposed project on the brick sewers would be less that significant. No further discussion of potential impacts on historical resources, beyond that presented in the Initial Study (see EIR Appendix A) and EIR, is required.

The comments also assert that the proposed project does not complement historic buildings in the area and conflicts with *General Plan* Objective 12, Policy 12.3: "Design new buildings to respect the character of older development nearby." The Initial Study, p. 54, concludes that the proposed project would not have a significant impact on nearby historical resources.

> The project site is not adjacent to any off-site individual historic architectural resource. Nearby individual historic architectural resources include the following: the Rincon Annex Post Office at 101-199 Mission Street; the Folger Building at 101 Howard Street; the Embarcadero YMCA at 169 Steuart Street; the Hills Brothers Coffee Plant at 2 Harrison Street at The Embarcadero; and the Agriculture Building at the foot of Mission Street. Nor is the project site within or adjacent to any historic district. The nearest historic district, the National Register of Historic Places Embarcadero Historic District, is separated from the project site by the width of The Embarcadero and Rincon Park. The proposed project and project variants would not have an indirect impact on off-site historic architectural resources by altering the existing visual setting of these resources. The integrity and significance of these off-site resources are not premised on their possessing an intact visual setting or a cohesive visual relationship with their surroundings. Rather, the historic visual setting of these resources has been transformed within the past 50 years. In addition, visual interaction between these historical resources and the proposed project site is limited by distance and/or by the scale and density of intervening development.

Thus, the Initial Study explains that there are no historic buildings or other historic resources adjacent to the project site. Intervening buildings separate the project site from all nearby historic buildings, unlike the Rincon Center and Hills Plaza buildings that are immediately adjacent to historic structures. Therefore, the proposed project would not significantly impact existing historical resources and would not conflict with Objective 12, Policy 12.3. No further discussion of potential impacts on historical resources, beyond that already presented in the Initial Study and EIR, is required.

F. TRANSPORTATION AND CIRCULATION

The comments and corresponding responses in this section cover topics in EIR Section 3.E, Transportation and Circulation. These include topics related to:

- TR-1: Periods of Analysis
- TR-2: Parking Impacts
- TR-3: Safety
- TR-4: Methodology
- TR-5: Analysis of Cumulative Transportation and Circulation Conditions
- TR-6: Analysis of Traffic Impacts
- TR-7: Steuart Street Impacts
- TR-8: Transit

As described in this Responses to Comments (RTC) document in Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project, pp. 2.2-2.19, since publication of the 75 Howard Street Project Draft EIR on July 31, 2013, Senate Bill 743, Chapter 386 (SB 743) was signed into law. SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of parking impacts for certain urban infill projects in transit priority areas, such as the proposed 75 Howard Street project. According to SB 743, for these urban infill projects, the topic of parking is no longer considered in determining if a project has the potential to result in significant environmental impacts. Therefore, the Draft EIR analysis has been modified, as described in Chapter 2 of this RTC document, so that environmental impact determinations related to parking are not presented. The responses below address these changes to the analysis approach for parking impacts, where applicable. The Planning Department acknowledges that parking conditions may be of interest to the public and the decision-makers. Thus, the EIR retains the parking supply and demand discussion for informational purposes and continues to consider any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce on-site parking spaces that affects the public right-of-way) as applicable in the transportation analysis in EIR Section 4.E, Transportation and Circulation.

Comment TR-1: Periods of Analysis

This response addresses the following comments:

I-Butcher1-2	I-Butcher2-23	I-Butcher2-29
I-Butcher1-3	I-Butcher2-25	I-Butcher2-30
I-Butcher1-4	I-Butcher2-26	

"We're going to submit additional comments with more detailed information. But some of the areas that are flawed include the transportation analysis as previously discussed. One specific issue in the transportation analysis is that they looked at data for just an evening in

the weekday to determine the level of service. There's no analysis of the weekend traffic. And as mentioned, the Warriors arena is coming to town." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-2])*

"Also, we've got the Ferry Building that now is being, thankfully, a lot more used. We've got the farmers market and all of the other facilities in the area that bring a lot of transportation and traffic issues on weekends. There's no discussion of that." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-3])*

"In order for the transportation analysis to be adequate, there must be a discussion of potential impacts. There's data to suggest that the peak level on the weekends can be greater than a weeknight level analyzed at, I believe, one day in the EIR." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-4])*

"The DEIR also provides no evidence to support its implicit assumption that travel demand would be higher during the PM peak period than during the AM peak commute period. The DEIR appears to treat the Project as a simple residential development, failing to recognize its diverse uses including restaurant, cafe, and open space uses that will draw visitors at various hours of the day." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-23])*

"Moreover, the Transportation Study and DEIR rely on a single day of PM peak data on a Thursday for each intersection. The DEIR provides no justification for use of data for one Thursday or for excluding an analysis of AM peak levels. Not only is this sample too small to be meaningful, but Thursday PM traffic is not representative of traffic in the area. The data used wholly ignores the Tuesday, Thursday, and Saturday Farmers Markets, whose growing popularity is evidenced by the increasing vendor and restaurant surcharges collected for the markets and the approximately 25,000 visitors that come to the area during the markets. To more accurately reflect peak traffic, the analysis should have considered traffic counts from a variety of days and times including Tuesdays and Fridays, as well as special event days." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-25])*

"Furthermore, traffic counts on the weekend can exceed weekday PM peak levels in this area as a result of substantial tourist, commercial, and recreation related traffic generated on the weekends. Therefore, the DEIR should have evaluated weekend traffic in addition to weekday traffic. The fact that the Transportation Study excludes any analysis of weekend traffic is even more egregious given that the study discusses, albeit superficially, weekend pedestrian counts and weekend parking in the area. (Transportation Study, p. 18.)" *(Christopher J. Butcher, Thomas*

Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-26])

"Additionally, in evaluating existing conditions on the Project site, the parking analysis only took into account one "typical Thursday" and one "typical Saturday" based on data provided by the Project sponsor, surveys conducted in October 2012, and information presented in the Transit Center District Plan (TCDP) study. Despite the popularity of the weekend Farmers Market and the Ferry Building, along with the parking challenges associated with these uses, no surveys were conducted for the morning or weekend periods. (See Transportation Study, p. 44 [Table 2-10].) Moreover, the DEIR fails to define "typical," though the term presumably excludes high-traffic events. This leads to understating the existing traffic conditions in the vicinity of the Project, which may explain why such a small study area was used. Understating existing traffic conditions may lead to understating the Project's potential parking impacts, as well as the traffic impacts, in the cumulative scenario." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-29])*

"The DEIR should consider known peak periods for the area surrounding the Ferry Building. Because this area is uniquely situated, the traffic analysis should evaluate weekday AM data on a Farmers Market day as well as weekend data." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-30])*

Response TR-1

Comments suggest that the analysis of traffic conditions during the weekday PM peak hour is insufficient and that an analysis of weekday morning or Saturday traffic conditions should also have been performed as part of the transportation study conducted for the project.

The performance of weekday AM peak hour and Saturday midday transportation analyses was considered as part of the transportation scoping process, but ultimately rejected. The proposed project would not be expected to generate higher trip generation on a weekday AM peak hour compared to a weekday PM peak hour. Table RTC-1: Comparison of Vehicle Trip Generation Rates by Type of Land Use and Time Period includes trip generation data for weekdays and Saturdays compiled by the Institute of Transportation Engineers (ITE). The weekday AM peak hour vehicle trip generation rates for land uses being considered as part of the project and its variants are lower than those that can be expected during the weekday PM peak hour, except for the cafe which represents a small component of the overall project. In addition, as discussed below, AM peak hour total traffic volumes are 1.3 percent lower than those observed during the weekday PM peak hour.

Table RTC-1: Comparison of Vehicle Trip Generation Rates by Type of Land Use and Time Period

Land Use Type	Land Use Code	Vehicle Trips Per	Weekday PM Peak Hour Trip Rate	Weekday AM Peak Hour Vehicle Trip Rate	Weekday AM Peak Hour Percent of Weekday PM Peak Hour	Saturday Midday Peak Hour Vehicle Trip Rate	Saturday Midday Peak Hour Percent of Weekday PM Peak Hour
Residential	230	unit	0.52	0.44	-15%	0.47	-10%
Hotel	310	room	0.60	0.53	-12%	0.72	20%
Cafe	932	1,000 gsf	9.85	10.81	10%	14.07	43%
Restaurant	931	1,000 gsf	7.49	0.81	-89%	10.82	44%

Source: Institute of Transportation Engineers, *Trip Generation Report*, 9th Edition, 2012.

Similarly, the number of vehicle trips generated by the residential uses during the Saturday midday peak hour is lower than those that can be expected during the PM peak hour. On the other hand, the vehicle trip generation for the hotel, cafe, and restaurant uses during the Saturday midday peak hour would be higher than that of the weekday PM peak hour, but as discussed in the following paragraphs, the increase in vehicle trips is not substantial and is not sufficiently different to warrant the analysis of Saturday conditions.

Table RTC-2: Comparison of Vehicle Trips Generated by the Proposed Project and its Variants by Time Period summarizes the results of applying the trip generation rates presented in Table RTC-1 to the proposed project land uses.

As shown in Table RTC-2, the proposed project and its variants would generate fewer vehicle trips during the weekday AM peak hour compared to the weekday PM peak hour. On the other hand, the proposed project and its variants would generate more trips during the Saturday midday peak hour compared to the weekday PM peak hour. However, the maximum number of trips generated during the Saturday midday peak hour (153 for the proposed project and the public parking variant), is about 7 percent higher than those generated during the weekday PM peak hour. As described in the next paragraphs, background traffic volumes in the area on a Saturday midday peak hour are approximately 28 percent lower than those occurring during the weekday PM peak hour, which would compensate for the 7 percent increase in traffic due to the proposed project. Furthermore, an increase of 10 to 31 vehicles during the Saturday midday peak hour in the area would fall well within the variations of traffic that can be expected on a day-to-day basis.

Traffic data collection efforts conducted in 2011 at the intersection of The Embarcadero and Howard Street for other waterfront projects indicate that weekday PM peak hour traffic levels are higher than those during the weekday AM peak hour and the Saturday midday peak hour.

Table RTC-2: Comparison of Vehicle Trips Generated by the Proposed Project and its Variants by Time Period

Land Use Type	Land Use Intensity	Units	Weekday PM Peak Hour Vehicle Trips	Weekday AM Peak Hour Vehicle Trips	Weekday AM Peak Hour Difference with Weekday PM Peak Hour	Saturday Midday Peak Hour Vehicle Trips	Saturday Midday Peak Hour Difference with Weekday PM Peak Hour
Proposed Project and Public Parking Variant							
Residential	186	units	97	82	-15	87	-10
Cafe	918	gsf	9	10	1	13	4
Restaurant	4,913	gsf	37	4	-33	53	16
Total			**143**	**96**	**-47**	**153**	**10**
					-33%		**7%**
Residential/Hotel Mixed Use Variant							
Residential	109	units	57	48	-9	51	-6
Hotel	82	rooms	49	43	-6	59	10
Café	1,203	gsf	12	13	1	17	5
Restaurant	4,891	gsf	37	4	-33	53	16
Total			**98**	**60**	**-38**	**129**	**31**
					-39%		**32%**

Source: Based on rates shown in RTC-1; Adavant Consulting – October 2013.

As shown in Table RTC-3: Comparison of Traffic Volume Counts at The Embarcadero/Howard St, below, weekday AM peak hour total traffic volumes are 1.3 percent lower than those observed during the weekday PM peak hour, while Saturday midday peak hour traffic volumes are about 28 percent lower than those observed during the weekday PM peak hour. The approach targeted the highest traffic volumes, resulting in a conservative analysis approach of traffic impacts.

It should be noted that the transportation analysis conducted as part of the EIR included an evaluation of existing and future pedestrian and bicycle conditions during the Saturday midday period to account for potentially localized increases in pedestrian and bicycle flows in the vicinity of the proposed project due to the nearby Ferry Plaza Farmers Market. The Saturday analysis did not identify any significant pedestrian or bicycle impacts that would occur during the Saturday midday period.

A comment suggests that the transportation analysis should have used traffic count data from a variety of days and times including, Tuesdays and Fridays. 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, typically a mid-week (Tuesday, Wednesday or Thursday) day outside special events or holiday periods is usually selected. As indicated on p. 4.E.7 of the EIR, intersection vehicle turning movement counts in the vicinity of the project site (The Embarcadero/Howard Street, The Embarcadero/Folsom Street, Steuart Street/Mission

Table RTC-3: Comparison of Existing Traffic Volume Counts at the Intersection of The Embarcadero and Howard St. Weekday PM, Weekday AM and Saturday Midday Peak Hours

Day of the Week / Time Period	Northbound Embarcadero (vehicles per hour)	Southbound Embarcadero (vehicles per hour)	Eastbound Howard St (vehicles per hour)	Total Intersection (vehicles per hour)	Percentage that is less than Weekday PM Peak Hour
Weekday PM Peak Hour (peak hour within 4 to 6 PM period)	1,669	1,477	421	3,567	
Weekday AM Peak Hour (peak hour within 7 to 9 AM period)	1,846	1,438	235	3,519	-1.3%
Weekday Saturday Midday (peak hour within 11 AM to 1 PM period)	1,403	947	233	2,583	-27.6%

Source: Appendix TR, Section 3, p. 51 in Volume 4, *Environmental Impact Report for the 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Project*, Case No. 2010.0493E, Final EIR Certification Date: December 15, 2011.

Street, Steuart Street/Howard Street, Spear Street/Howard Street, and Spear Street and Folsom Street) were collected in June 2012, on a Thursday when the Ferry Plaza Farmers Market was in operation.

Traffic from the proposed Warriors Arena is addressed in the EIR as part of the discussion of cumulative traffic impacts on pp. 4.E.78-4.E.80. See also Responses TR-4 and TR-5.

Comment TR-2: Parking Impacts

This response addresses the following comments:

O-CSFN-10 I-Green-7
I-Butcher2-27 I-Green-8
I-Butcher2-28 I-Pederson-6

"12.) Paramount Group would demolish an existing garage with 550 public parking spaces which is sorely needed in San Francisco" (*Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-10])*

"Lastly, Implementation Measure 1-TR-D states that it is "the responsibility of the owner/operator of the proposed project to ensure that vehicle queues do not block any portion of the sidewalk." (DEIR, p. S.17.) If the owner/operator fails to fulfill its obligation and substantial queues or conflicts result, the owner/operator may be required to limit inbound and/or outbound

Project driveway access during peak hours. *(Ibid.)* The DEIR provides no discussion of potential traffic and parking impacts associated with limiting access to the Project driveway during peak hours. CEQA requires an EIR to discuss potential impacts caused by measures required in an EIR. (CEQA Guidelines, § 15126.4, subd. (a)(l)(D).) Therefore, the DEIR must be revised to address the potential impacts associated with Measure I-TR-D." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-27])*

"B. The Analysis of Parking Impacts and Associated Air Quality, Safety, and Noise Impacts is Inadequate.

"The analysis of the Project's parking impact is inadequate. Parking deficits can create environmental impacts in the form of hazardous conditions for pedestrian, cyclists, and motorists, increased traffic delays, and air quality impacts. The DEIR forecasts that the Project will create a deficit of 444-600 spaces during weekday midday, which would potentially be even worse during peak-event traffic on both weekdays and weekends. Other off-street parking facilities may be able to accommodate some of the forecasted shortfall (the DEIR assumes 200 spaces will be available elsewhere),[5] however, even in the best case scenario the parking deficit caused by this Project will have environmental consequences. Nonetheless, the DEIR reaches a conclusion in Impact TR-7 that the parking deficit will not ''be expected to result in a significant parking impact." (DEIR, p. 4.E.66.) The DEIR is completely devoid of any explanation as to how the less than significant conclusion was reached. There is no defined threshold of significance and no connection between the conclusion and the parking deficit. If creating a parking deficit of up to 600 spaces in a high-traffic area in downtown San Francisco is not significant, then what is? The DEIR must clearly identify the air quality, health and safety, and noise impacts that will be associated with the parking deficit caused by the Project in order to inform the decisionmakers and the public regarding the true impacts of the Project.

[Footnote 5 cited in the comment:]
"[5] / It should be noted that the Project's conclusion that the parking demand created by the Project can be accommodated elsewhere is questionable at best. For example, the Transportation Study demonstrates that the existing parking structure at 75 Howard Street constitutes *over 40%* of all garage parking spaces available in the evenings and on weekends in the Project vicinity. The DEIR provides no explanation how the Project, which both substantially increases parking demand and reduces available parking in the Project vicinity, will not cause significant environmental impacts associated with a parking deficit." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-28])*

"…As to parking, the proposed project fails to provide sufficient off-street parking for the number of residents (and/or hotel guests) and their guests it proposes, which means that the project will further impact the already scarce parking available in the area by soaking up local on-street parking and other public parking areas. Not only does the project eliminate the existing garage, it also eliminates a number of street parking spaces. Finally, the project relies on mechanical parking, which means that when the system is being maintained or repaired, all those residents will need to find alternate parking elsewhere in the neighborhood, when parking is even tighter due to elimination of the 75 Howard garage." *(Grant Green, Email, August 12, 2013 [I-Green-7])*

"5. The existing parking garage is convenient and sorely needed, as public parking is notoriously scarce in San Francisco. The 75 Howard garage is within convenient walking distance of both the Ferry Terminal (and its plaza), Rincon park, the Exploratorium, the Embarcadero waterfront, and the ballpark. When the new basketball stadium is constructed, it will also serve a vital parking (and/or overflow parking) for events there as well. Mass transit improvements are years in the future, while approval of the 75 Howard project will result in an immediate impact on parking the area. Personally, I use public transportation whenever possible, but at the same time I understand that SF derives a fair amount of revenue from tourism: while we may want to discourage individual automobile use, this also negatively impacts San Francisco's desirability as a tourist destination. While we residents (and commuters) can be expected to learn the optimal, low impact way to get around town, the vast majority of tourists will not arrive so informed." *(Grant Green, Email, August 12, 2013 [I-Green-8])*

Response TR-2

One comment suggests that the elimination of approximately 540 parking spaces should be considered a significant impact and indicates the convenience of a large parking garage located near downtown and the waterfront. 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. Revisions to CEQA in SB 743, Chapter 386, effective January 2014, after publication of the Draft EIR, eliminated parking as a topic to be considered in determining significant environmental impacts for urban infill projects such as the 75 Howard Street Project. The San Francisco Planning Department recognizes, however, that parking issues may be of interest to the public and decision-makers. Therefore, parking supply and utilization data were collected and a parking analysis was conducted for informational purposes for the 75 Howard Street Project EIR. Further, for informational purposes, the 75 Howard Street Project EIR 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).

As indicated in the EIR, pp. 4.E.63-4.E.69, parking supply and utilization data were collected from available sources for the weekday midday (1 PM to 3 PM) and weekday evening (7 PM to 9 PM) periods. 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 shown in Table 4.E.8 of the EIR, overall existing parking utilization at midday is 90 percent, while the overall utilization in the evening is 31 percent. Table 4.E.25 and the text on p. 4.E.66 of the EIR indicates that the future parking demand generated by the project, including the elimination of the spaces at the 75 Howard garage, would not be accommodated within the supply of off-street parking spaces during the weekday midday period.

Since publication of the Draft EIR, the San Francisco Board of Supervisors has adopted amendments to the Planning Code that reduce the maximum amount of off-street parking allowed for residential and some commercial uses in the C-3 Districts. The Planning Code amendments would apply to the proposed project, resulting in a maximum of 140 parking spaces for the residential use and 1 parking space each for the restaurant and café uses instead of 172 spaces for the residential use and 2 for the restaurant and café uses as originally proposed. The Planning Code amendments would also apply to the two variants. The EIR Chapter 2, Project Description, is revised to present the maximum amount of off-street parking that could be approved pursuant to amended Planning Code Section 151.1, and the parking information in Section 4.E, Transportation and Circulation, is revised to use the updated maximum amounts of parking allowed. For the proposed project and variants, although the parking demand would not change, the reduced parking supply would result in somewhat larger parking shortfalls than presented in the Draft EIR; the analysis of indirect impacts due to the parking shortfall and the conclusions presented on EIR pp. 4.E.64 to 4.E.67 remain valid and recirculation is not required. Revisions to the EIR text reflecting the new Planning Code parking maximums are provided here.

The third sentence in the second paragraph on EIR p. 2.1 is revised to update the amount of off-street parking in the proposed project (new text is underlined and deletions are shown in ~~strikethrough~~):

> The garage would contain ~~172~~ 140 accessory parking spaces for residential units, ~~2~~ 1 parking space~~s~~ assigned for commercial uses, and 1 car-share space, for a total of ~~175~~ 142 parking spaces.

The first sentence in the first paragraph on EIR p. 2.4 is revised to update the amount of parking in the Public Parking Variant (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would provide an additional 91 non-accessory public off-street parking spaces, and two additional car-share parking spaces for a total of ~~268~~ 235 parking spaces, to partially offset the 540 public spaces lost by demolition of the 75 Howard Garage. All ~~268~~ 235 parking spaces would be located in stacked spaces located on Basement Level 2 within the proposed 26,701-gsf parking garage.

The last sentence in the second paragraph on EIR p. 2.4 is revised to update the amount of parking in the Residential/Hotel Mixed Use Variant (new text is underlined and deletions are shown in ~~strikethrough~~):

> Parking under this variant would include a total of ~~268~~ 246 stacked parking spaces on Basement Level 2 (comprised of 82 parking spaces for the residential use, 6 parking spaces for commercial use, 4 car-share spaces and an additional 154 non-accessory public off-street parking spaces to partially offset the public spaces lost by demolition of the 75 Howard Garage) ~~(the same total number of parking spaces as under the Public Parking Variant)~~ within the 26,701-gsf parking garage area.

The first sentence in the second paragraph on EIR p. 2.20 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed project would contain ~~172~~ 140 accessory parking spaces for residential units, ~~2~~ 1 parking space~~s~~ assigned for commercial uses, and 1 car-share space, for a total of ~~175~~ 142 parking spaces located in a 26,701-gsf parking garage located on two below-grade levels.

The next-to-last sentence on EIR p. 2.20 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would similar to ~~be identical~~ to the proposed project, except this variant would provide a total of ~~268~~ 235 parking spaces (93 more than under the proposed project).

The first two sentences at the top of EIR p. 2.23 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> As under the proposed project, there would be ~~172~~ 140 accessory parking spaces for residential uses, and ~~2~~ 1 parking space~~s~~ assigned for commercial uses. The Public Parking Variant would provide a total of 3 car-share parking spaces (2 more than under the proposed project). All ~~268~~ 235 parking spaces would be located in stacked spaces on a portion of Basement Level 2 with use of a proposed mechanical parking system.

The last sentence on EIR p. 2.23, continuing on to the top of p. 2.24, is revised to update parking information for the Residential/Hotel Mixed Use Variant, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Residential/Hotel Mixed Use Variant would provide a total of ~~268~~ 246 stacked parking spaces (93 more than under the proposed project): ~~103~~ 82 accessory parking spaces for the residential units ~~and hotel~~ (~~69~~ 58 fewer spaces than under the proposed project); ~~7~~ 6 parking spaces assigned for commercial uses including the hotel (5 more than under the proposed project); 4 car-share spaces (3 more than under the proposed project); and 154 non-accessory public parking spaces to partially offset the 540 public spaces lost by the demolition of the 75 Howard Garage.

The first paragraph at the top of EIR p. 2.34 is deleted to reflect the Planning Code amendments regarding parking in the C-3 Districts that now require a Conditional Use authorization for additional accessory parking rather than an exception under the Planning Code Section 309 Review process (deletions are shown in ~~strikethrough~~):

> ~~Accessory Parking. Per Planning Code Section 151.1, within C-3 Districts, off-street accessory parking may be provided for 0.25 cars per residential unit. The project sponsor requests, by the Section 309 Review process, to provide accessory off-street parking in the following amounts: 1 car parked per each dwelling unit that has two or more bedrooms (and is greater than 1,000 sq. ft. in size), and 0.75 car parked per dwelling unit that has one or fewer bedrooms (or is otherwise smaller than 1,000 sq. ft. in size).~~

A last bullet item has been added on EIR p. 2.34, to follow the last bulleted item under "Actions by the Planning Commission," to add the requirement for a Conditional Use authorization by the Planning Commission to provide accessory off-street parking above the maximum 0.5 parking spaces per residential unit (new text is underlined):

- *Approval of Conditional Use Authorization.* For the proposed project to provide 47 additional accessory off-street parking spaces for the residential units, up to a maximum of 0.75 spaces per residential unit, the Planning Commission would need to grant Conditional Use authorization, pursuant to Planning Code Sections 151.1(f) and 303. The Commission would consider the specific criteria of Sections 151.1(e), in addition to the Conditional Use authorization criteria of Section 303.

The third paragraph on EIR p. 4.E.30 is revised to reflect the new maximum amounts of off-street parking, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed project would provide a total of ~~175~~ 142 parking spaces in an underground parking garage. One parking space would be reserved for car-share vehicles, ~~two~~ one space~~s~~ would be allocated to commercial uses on site, and a maximum of ~~172~~ 140 parking spaces would be assigned to building residents, pursuant to amendments to San Francisco Planning Code Section 151.1 in 2014. None of the parking spaces would be independently accessible; all parking would be by valet attendant operating a mechanical parking system.

The second sentence in the second full paragraph on EIR p. 4.E.31 regarding the Public Parking Variant is also revised pursuant to the amendments to parking provisions in the Planning Code, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would provide an additional 91 parking spaces for public parking to partially offset the 540 public spaces lost by the proposed demolition of the 75 Howard Garage. This variant would have a total of ~~268~~ 235 parking spaces: ~~172~~ a maximum of 140 for the proposed residential units, ~~2~~ 1 for commercial uses, plus 91 public spaces, and 3 spaces reserved for car-share vehicles (2 more than in the proposed project~~.~~). All of these spaces would be located in stacked spaces in an expanded Basement Level 2.

The second paragraph on EIR p. 4.E.32 regarding the Hotel Variant is revised pursuant to the amendments to Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Residential/Hotel Mixed Use Variant would provide a total of ~~268~~ 246 stacked parking spaces in a parking garage located on a below-grade level, with the same configuration as the proposed Public Parking Variant. Four parking spaces would be reserved for car-share vehicles, ~~7~~ 6 spaces would be allocated to commercial uses on site (reserved for designated employees, visitors, etc., not for public parking) including the hotel, and ~~103~~ 82 parking spaces would be assigned to building residents. In addition, 154 public parking spaces would also be provided to partially offset the 540 public spaces lost by the proposed demolition of the 75 Howard Garage. All parking would be accessed in the same manner as the proposed project and the Public Parking Variant.

The second and third sentences in the first partial paragraph on EIR p. 4.E.42 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The number of vehicles that would access the project site garage during the p.m. peak hour under the proposed project and its variants is summarized in Table 4.E.16: Vehicle Access to Project Garage for Proposed Project and Variants (Weekday PM Peak Hour). There would be ~~71~~ 58 inbound plus outbound vehicles accessing the project garage during the p.m. peak hour under the proposed project, ~~150~~ 128 vehicles under the Public Parking Variant, and ~~193~~ 170 vehicles under the Residential/Hotel Mixed Use Variant.

Table 4.E.16 on EIR p. 4.E.43 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Table 4.E.16 (Revised): Vehicle Access to Project Garage for Proposed Project and Variants (Weekday PM Peak Hour)

Land Use Type	Proposed Project			Public Parking Variant [a]			Residential/Hotel Variant [b]		
	In	Out	Total	In	Out	Total	In	Out	Total
Residential	~~43~~ 35	~~25~~ 21	~~68~~ 56	~~57~~ 51	~~33~~ 30	~~90~~ 81	~~40~~ 37	~~21~~ 23	~~61~~ 60
Hotel	---	---	---	---	---	---	~~0~~ 2	~~12~~ 10	12
Café/Restaurant	1	~~2~~ 1	~~3~~ 2	~~27~~ 21	~~33~~ 26	~~60~~ 47	~~47~~ 46	~~54~~ 52	~~101~~ 98
Public Parking	---	---	---	---[a]	---[a]	---[a]	~~8~~ ---[b]	~~11~~ ---[b]	~~19~~ ---[b]
Total	**~~44~~ 36**	**~~27~~ 22**	**~~71~~ 58**	**~~84~~ 72**	**~~66~~ 56**	**~~150~~ 128**	**~~95~~ 85**	**~~98~~ 85**	**~~193~~ 170**

Notes:
[a] All the 91 non-accessory public parking spaces to be provided by the Public Parking Variant~~,~~ would be fully utilized by the proposed land uses on-site, with no additional spaces available for other off-site vehicles in the evening.
[b] All the 154 public parking spaces to be provided by ~~T~~the Residential/Hotel Mixed Use Variant would ~~provide 154 non-accessory public parking spaces of which 20 spaces would be available to the general public in the evening~~ be fully utilized by the proposed land uses on-site, with no additional spaces available for other off-site vehicles in the evening.

Source: Adavant Consulting, ~~July 2013~~, June 2015

EIR Table 4.E.21, Pedestrian and Vehicular Conflicts at the Proposed Garage Driveway Entrance for Existing and Existing plus Project/Variants (Weekday PM Peak Hour) on EIR p. 4.E.54, is revised to account for the reduced amount of parking in the proposed project and variants in Response TR-6 on RTC pp. 4.F.30-4.F.31, below.

The EIR discussion of parking supply and demand on EIR pp. 4.E.64-4.E.67 is revised to account for the amendments to the Planning Code. The text and tables under "Parking Supply" on EIR pp. 4.E.64 through the next-to-last paragraph on EIR p. 4.E.65 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~) (Footnote 31 on EIR p. 4.E.65 is not revised and is not reproduced here):

Parking Supply

The off-street parking supply in the proposed project and the two variants is summarized in Table 4.E.23: Parking Supply for Proposed Project and Variants.

Table 4.E.23 (Revised): Parking Supply for Proposed Project and Variants

Scenario	Private Residential	Assigned to Commercial Uses	Reserved for Car-share	Public Garage	Total
Proposed Project	~~172~~140	~~2~~ 1	1	0	~~175~~ 142
Public Parking Variant	~~172~~ 140	~~2~~ 1	3	91	~~268~~ 235
Residential/Hotel Variant	~~103~~ 82	~~7~~ 6	~~4~~	154	~~268~~ 246

Source: ~~SOM, October 2013~~ Adavant Consulting, June 2015

The project would provide a total of ~~175~~ 142 parking spaces in a parking garage located in Basement Level 2. One parking space would be reserved for car-share vehicles, ~~2~~ 1 space~~s~~ would be allocated to commercial uses on site, and ~~172~~ 140 parking spaces would be assigned to building residents. Parking spaces for residents would be unbundled from the sale of dwelling units, consistent with Planning Code Section 166. Public parking spaces would be priced according to the provisions of Planning Code Section 155(g).

The Public Parking Variant and the Residential/Hotel Mixed Use Variant would provide ~~an~~ additional ~~93~~ parking spaces in Basement Level 2~~, for a total of 268 parking spaces~~. The Public Parking Variant would provide 3 car-share parking spaces, ~~2~~ 1 space~~s~~ for commercial use, ~~172~~ 140 spaces reserved for building residents, plus 91 public parking spaces, for a total of 235 parking spaces. The Residential/Hotel Mixed Use Variant would provide 4 car-share parking spaces, ~~7~~ 6 spaces for commercial uses on the site (including the hotel), ~~103~~ 82 parking spaces reserved for building residents, and 154 public parking spaces, for a total of 246 parking spaces.

Planning Code Section 151.1 allows off-street accessory parking at up to ~~0.25~~ 0.5 cars per residential unit as of right in C-3 Districts. The Planning Commission may grant additional accessory off-street parking, subject to Planning Code Section 151.1(f) ~~and Section 309~~, up to ~~the following amounts: one car parked per each dwelling unit that has two or more bedrooms and is greater than 1,000 gsf in size, and~~ 0.75 car parked per dwelling unit ~~that has one or fewer bedrooms or is otherwise smaller than 1,000 gsf in size~~. Thus, as shown in Table 4.E.24: ~~Parking~~ Planning Code Requirements for Proposed Project and Variants, under the proposed project and the Public Parking Variant, the project sponsor would request approval to provide a total of ~~174~~ 141 off-street parking spaces, of which ~~172~~ 140 spaces would be for residential uses, and ~~2~~ 1 for commercial uses. Under the Residential/Hotel Mixed Use Variant, the project sponsor would request approval to provide a total of ~~110~~ 88 off-street parking spaces, of which ~~103~~ 82 spaces would be for residential uses and ~~7~~ 6 for commercial uses, including the hotel.

Table 4.E.24 (Revised): Planning Code Requirements for Proposed Project and Variants

	Proposed Project	Public Parking Variant	Residential/Hotel Variant
Permitted as of right			
Residential	~~47~~ 93	~~47~~ 93	~~27~~ 55
Restaurant/Café	~~2~~ 1	~~2~~ 1	~~2~~ 1
Hotel	0	0	5
Subtotal as of right	~~49~~ 94	~~49~~ 94	~~34~~ 61
With Commission Approval	~~125~~ 47	~~125~~47	~~76~~ 27
Non-accessory (public parking)	0	91	154
Car-share	1	3	4
TOTAL	**~~175~~ 142**	**~~268~~ 235**	**~~268~~ 246**

Source: ~~SOM, October 2012~~ Adavant Consulting, June 2015

For the Public Parking and Residential/Hotel variants that propose to provide 91 and 154 additional off-street parking spaces for the general public, respectively, the project sponsor will request that the Planning Commission grant a Conditional Use authorization, pursuant to Planning Code Sections 158 and 303, for the non-accessory parking garage use proposed as part of the two project variants.

The discussion of parking demand and shortfall beginning on EIR p. 4.E.66 under "Parking Demand" and extending through the end of EIR p. 4.E.67, is revised to reflect the reduction in number of parking spaces pursuant to amendments to the Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Parking Demand

As shown in Table 4.E.15 (p. 4.E.42) and in Table 4.E.25, below, the proposed project and the Public Parking Variant would generate a total parking demand for 271 spaces during the midday and 318 spaces in the evening. The Residential/Hotel Mixed Use Variant would generate a total parking demand for 205 spaces during the midday and 248 spaces in the evening. In addition, the existing 540 public parking spaces at the 75 Howard Garage would be eliminated, increasing the total demand for off-street parking in the area.

Parking demand would not be accommodated within the proposed supply of off-street parking spaces for either the proposed project or the variants, as shown in Table 4.E.25: Parking Surplus/Deficit for Proposed Project and the Variants (Weekday Midday and Evening Periods). There would be a shortfall of ~~444 to 600~~ 466 to 633 spaces during the weekday midday period and a shortfall of ~~118 to 278~~ 140 to 311 spaces during the weekday evening period. As discussed in "Parking Conditions" (pp. 4.E.23-4.E.27), on-street parking spaces in the study area are almost full and there is very limited parking availability (approximately 200 spaces) at midday at the existing off-street parking facilities within the project area. While the off-street parking spaces proposed for the proposed project and Variants would be less than the anticipated parking demand at midday, the resulting net parking deficits of ~~244 to 400~~ 266 to 433 spaces (taking into account the approximately 200 existing off-street spaces available) would not be expected to be substantial. ~~result in a significant parking impact.~~ Due to the difficulty in finding parking during the midday, motorists may park outside of the study area

Table 4.E.25 (Revised): Parking Surplus/Deficit for Proposed Project and Variants (Weekday Midday and Evening Periods)

Scenario	Supply [a]	Midday (1 PM- 3 PM) Demand [b]	Midday (1 PM- 3 PM) Surplus/ Deficit	Evening (7 PM- 9 PM) Demand [b]	Evening (7 PM- 9 PM) Surplus/ Deficit
Proposed Project					
Residential	~~172~~ 140	218	~~-46~~ -78	258	~~-86~~ -118
Commercial	~~2~~ 1	53	~~-51~~ -52	60	~~-58~~ -59
Public Parking	0	503 [c]	-503	134 [c]	-134
Total	**~~174~~ 141**	**774**	**~~-600~~ -633**	**452**	**~~-278~~ -311**
Public Parking Variant					
Residential	~~172~~ 140	218	~~-46~~ -78	258	~~-86~~ -118
Commercial	~~2~~ 1	53	-51 -52	60	~~-58~~ -59
Public Parking	91	503 [c]	-412	134 [c]	-43
Total	**~~265~~ 232**	**774**	**~~-509~~ -542**	**452**	**~~-187~~ -220**
Residential/Hotel Mixed Use Variant					
Residential	~~103~~ 82	130	~~-27~~ -48	154	~~-51~~ -72
Commercial and Hotel	~~7~~ 6	75	~~-68~~ -69	94	~~-87~~ -88
Public Parking	154	503 [c]	-349	134 [c]	20
Total	**~~264~~ 242**	**708**	**~~-444~~ -466**	**382**	**~~-118~~ -140**

Notes:
[a] Excludes parking spaces assigned to car-share vehicles.
[b] See Table 4.E.~~16~~,15 p. 4.E.~~43~~ 42.
[c] Vehicles currently parking at the 75 Howard Garage.

Source: Adavant Consulting, July 2013 and June 2015

or carpool, or alternatively, since the project area is well served by transit, bicycle, and pedestrian facilities, motorists might switch to transit, walking, or bicycling. In addition, San Francisco is in the process of implementing a more efficient way of managing its on-street and public garage parking supply though implementation of the SF*park* program administered by SFMTA, which includes the study area for this project. SF*park* uses new technologies and parking pricing policies to optimize the use of existing parking resources in order to make finding a parking space faster and easier and, by extension, reducing circling by vehicles looking for parking near their destination. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

Table 4.E.8 (p. 4.E.26) shows that there are over 550 parking spaces available in the project area at the existing off-street parking facilities during the evening period, even with several of the existing garages being closed after 7 p.m. Thus, there would be a sufficient supply of off-street parking spaces during the weekday evening period to accommodate the expected parking demand generated by the proposed project and the variants, including those displaced by the elimination of the 75 Howard Garage.

The first sentence of the second paragraph beginning on EIR p. 6.40 under "Parking Impacts" is revised to reflect the reduction in number of parking spaces pursuant to amendments to the

Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> Under the Reduced Height Alternative, a total of 131~~159~~ parking spaces (11~~16~~ fewer than under the proposed project) would be provided (129~~156~~ assigned to residential uses, 1 car-share space, and 1~~2~~ commercial parking space~~s~~ assigned to the restaurant/café uses).

The passage of SB 743, Chapter 386 in 2013 added the following language into CEQA: "Aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment."[1]

The 75 Howard Street Project is a mixed-use residential project that is located on an infill site within a transit priority area. Therefore, parking impacts of this project shall not be considered significant impacts on the environment pursuant to the recently enacted statutory language adopted as part of SB 743, Chapter 386.

Further, due to the difficulty in finding parking during the weekday midday, motorists may park outside of the study area or carpool, or alternatively, might switch to transit, walking, or bicycling since the project area is well served by transit, bicycle, and pedestrian facilities. This shift to transit service as a result of the loss in off-street parking is consistent with the public policy in the City and County of San Francisco of encouraging the use of public transit by reducing the supply of parking. The City's Transit First Policy established in the City's Charter Article 8A, Section 8A.115 provides that "parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation." As such, San Francisco transportation planners do not consider the loss of parking as a significant impact.

To avoid the need for drivers to drive around city blocks looking for available parking, San Francisco is in the process of implementing a more efficient way of managing its on-street and public garage parking supply though implementation of the *SFpark* program administered by SFMTA, which includes the study area for this project. *SFpark* uses new technologies and parking pricing policies to optimize the use of existing parking resources in order to make finding a parking space faster and easier and, by extension, reducing circling by vehicles looking for parking near their destination.

The transportation study conducted by Adavant Consulting also took into account the redistribution of the vehicle trips associated with the existing parking facility and selected travel paths and parking facilities such that the vehicles would remain in the vicinity of the project site, resulting in a more conservative (higher volumes) traffic impact analysis. The Draft EIR also fully analyzed any secondary environmental impacts from the reduced supply of off-street

[1] California Public Resources Code Section 21099, subdivision (d)(1).

parking as a result of the project. In the respective sections related to those issues, the Draft EIR fully discusses any impacts to traffic circulation, as well as any impacts to air quality, noise and pedestrian safety, caused as a result of the loss in off-street parking.

There would be a shortfall of 140 to 311 off-street parking spaces during the weekday evening period for the proposed project and the variants. (See Table 4.E.25 in EIR, p. 4.E.67.) On the other hand, Table 4.E.8 (EIR p. 4.E.26) shows that there are over 550 parking spaces available in the project area at the existing off-street parking facilities during the evening period, even with several of the existing garages being closed after 7 p.m. Thus, there would be overall a sufficient supply of off-street parking spaces during the weekday evening period to accommodate the expected parking demand generated by the proposed project and the variants, including those displaced by the elimination of the 75 Howard Garage.

One comment expresses concern that the Draft EIR provides no discussion of potential impacts associated with limiting access to the proposed project garage during peak hours as described in Improvement Measure I-TR-D: Vehicle Queues and Pedestrian Conflicts (EIR p. 4.E.55). The limitation of vehicular access to the project garage during periods of peak pedestrian traffic is one of the several possible strategies listed in Improvement Measure I-TR-D to avoid vehicle queuing on the street and potential conflicts between vehicles and pedestrians. Other strategies also listed in the EIR as part of I-TR-D include the redesign of the garage to improve vehicle circulation and/or on-site queue capacity; employment of additional valet attendants or improved mechanical parking system; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or resident/visitor shuttles; and parking demand management strategies such as time-of-day parking surcharges.

As described on p. 4.E.68 of the EIR, based on the expected ingress and egress traffic volumes estimated to be generated by the proposed project or variants, and the total vehicle processing rate for the proposed mechanical parking system, the estimated maximum inbound queue (90 percent probability) at the vehicular entrance would not be expected to spill out of the project parking garage and back onto Howard Street, and therefore none of the above strategies would have to be implemented in order to avoid a significant environmental impact. In the event that unexpected vehicle queues did in fact occur, then Improvement Measure I-TR-D would be implemented. As discussed above, this measure includes several possible strategies to avoid vehicle queuing on the street and it is likely that some other strategy such as positioning a parking attendant at the garage entrance to adequately manage vehicle and pedestrian flows would be implemented first, rather than the prohibition of access to the project garage.

One comment asks what will happen to parking conditions if the mechanical parking system needs maintenance or repairs. Planning Code Section 151.1 requires that parking facilities in all new residential buildings in the downtown area use car stacking systems or other space efficient

means to reduce the amount of building area devoted to parking. Like any other building technology (such as passenger elevators, building lighting, or garage entry gates), car stacking systems could sometimes need repairs, the result of which would be that persons seeking to access their automobiles would not be able to do so until such time that the system is reactivated. Persons so inconvenienced may be required to seek other means of transportation during the time that the parking system is inactive.

Comment TR-3: Safety

This response addresses the following comments:

A-PUC-1
I-Whitaker2-14
I-Whitaker 2-23

"The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration and closure of crossings in California. The Commission's Rail Crossings Engineering Section (RCES) is in receipt of the *Draft Environmental Impact Report (DEIR)* for the proposed 75 Howard Street Project from the State Clearinghouse. The City and County of San Francisco (City) is the lead agency

"The project area includes active railroad tracks used by the San Francisco Municipal Transportation Agency's Municipal Railway (SFMTA's MUNI) light rail vehicles. RCES recommends that the City add language to the project approval so that any development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments will increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

"We appreciate the opportunity to provide comments on the project. We are available to meet and further discuss the comments presented herein with City SFMTA and other relevant parties. We hope to assist in the identification of acceptable mitigation measures that will effectively address the concerns we have identified. See the following link for more information: http.//www.cpuc. ca.gov/PUC/safety/Rail/Crossings/formaiapps.htm." *(Sia Mozzafari, Utilities Engineer, Rail Crossings Engineering Section, Safety and Enforcement Division, California Public Utilities Commission, Letter, August 21, 2013 [A-PUC-1])*

"Page 4.E.23, Emergency Vehicle Access: *"No specific transportation-related issues such as traffic congestion ... have been observed that affect emergency vehicle access to the project site."*

This statement does not seem accurate because San Francisco is well-publicized to be the third most congested city in the United States, and the Bay Bridge is the epicenter of the congestion... affecting Howard Street among other road ways in the area. Emergency vehicles often take the hazardous route of driving along the MUNI Metro rail tracks, endangering unsuspecting pedestrians, bicyclists, and d rivers, because The Embarcadero is so oversaturated with traffic - especially on weekends and whenever cruise ships are unloading or loading further up the waterfront. I've witnessed fire trucks and ambulances stuck in traffic along Mission, The Embarcadero, and 2nd Street ...delaying arrival to help residents, which may increase chances of death or permanent disabilities." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-14])*

"…The roads are extremely dangerous for pedestrians…" *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker 2-23])*

Response TR-3

One comment expresses concern that emergency vehicles can be caught up in existing traffic congestion in the vicinity of the project. Although traffic congestion exists in the area, particularly during the weekday evening period as a result of vehicles accessing I-80 and the Bay Bridge, no feature of the proposed project has been identified that would worsen the existing conditions, and therefore, no significant impacts by the proposed project related to emergency vehicle access to the project site have been found.

Another comment expresses concern that the streets in the area are dangerous for pedestrians. The San Francisco Municipal Transportation Agency (SFMTA) has not identified any intersection in the vicinity of the proposed project as a dangerous location for pedestrians (intersections with seven or more vehicle-pedestrian collisions resulting in injury over a three-year period) according to the most recent *San Francisco Collisions Report.*[2] All the intersections in the immediate vicinity of the project site are signalized and equipped with pedestrian signal heads and countdown displays. The proposed project would not modify the existing traffic signal cycle timings or phasing configurations of those signals, or the layout of the pedestrian crosswalks which would have sufficient room to accommodate the additional pedestrians generated/attracted by the project, if necessary. Therefore the proposed project would not be expected to result in hazardous conditions for pedestrians.

Another comment notes that the proposed project will be located in the vicinity of a light rail crossing and describes possible mitigation measures that could be implemented to address rail safety issues. The San Francisco Municipal Railway (Muni) operates its Metro light rail service in the median of The Embarcadero with an at-grade highway-rail crossing located at the

[2] San Francisco 2010 Collisions Report, SFMTA, August 28, 2012; http://www.sfmta.com/about-sfmta/reports/2010-2011-san-francisco-collisions-report.

intersections of The Embarcadero with Folsom Street and with Harrison Street; no at-grade highway-rail crossing exists at The Embarcadero/ Howard Street intersection as Muni Metro operates underground north of Folsom Street.

As referred to in the previous paragraph, none of the intersections in the vicinity of the proposed project has been identified by the SFMTA as having a safety-related problem. The intersections of The Embarcadero/ Folsom Street and The Embarcadero/ Harrison Street are signalized and equipped with pedestrian signal heads and countdown displays. In addition, there are three pedestrian refuge safety islands on each of the crosswalks across The Embarcadero at both locations where pedestrians can wait if unable to complete the crossing in a single traffic signal cycle. The safety islands would have sufficient room to accommodate the additional pedestrians generated/attracted by the project. Similarly, the traffic operations analysis summarized in Table 4.E.17 (EIR p. 4.E.45) indicates that the intersections of The Embarcadero/ Folsom Street and The Embarcadero/ Harrison Street would operate at acceptable conditions (LOS D or better) during the weekday PM peak hour and therefore the proposed project would not be expected to result in hazardous rail safety condition at any of these two locations.

Comment TR-4: Methodology

This response addresses the following comments:

I-Butcher1-5	I-Butcher2-24
I-Butcher2-21	I-Pederson-7
I-Butcher2-22	I-Whitaker2-11

"In addition to that, the transportation analysis relies heavily on a transportation study and a driveway plan that is not included in the EIR and it's not included in the appendix. CEQA Guidelines Section 15147 requires information like that either to be in the EIR or in the appendix. 15147 also requires that information to be provided to OPR's clearinghouse so that other agencies, responsible trustee, and the like could review that documentation as part of their review of the EIR. That information was not provided to OPR as part of the clearinghouse; and, therefore, that information was not before other agencies that have looked at this document. And, therefore, the comment period needs to be extended so that they can review that document along with the EIR and its appendix." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-5])*

"VIII. Transportation and Circulation

"The DEIR's analysis of transportation and parking impacts includes a number of glaring omissions and inadequacies. CEQA requires that an EIR provide sufficient analysis and detail about a project and its potential environmental impacts to enable informed decisionmaking by the agency and informed participation by the public. (See CEQA Guidelines § 15151; *Kings County*

Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692.) An EIR "must contain facts and analysis, not just the agency's bare conclusions ..." *(Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 568.)

"A. The Traffic Analysis is Inadequate.

"A fundamental omission is an explanation of the limited geographic scope of the traffic analysis. The traffic study and the Transportation and Circulation chapter in the DEIR only studied nine intersections in the immediate vicinity of the Project and did not provide analysis for any road segments, as is standard in DEIRs. The study area extends only one to two blocks away from the Project site. However, the Project is located in an area with pre-existing traffic problems and with an aggravating circumstance of removing 55l existing public parking spaces (540 by demolishing the existing garage and eleven metered on-street spaces). It seems inevitable that a project of this size will have significant impacts on transportation and circulation beyond the limited scope of the existing study area. The DEIR needs to provide an explanation for the small study area and likely needs to expand the study area to encompass additional areas that may be impacted by the Project." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-21])*

"Additionally, two of the nine intersections evaluated in the transportation study rely on data gathered almost two years before the Notice of Preparation (NOP) was issued in December of 2012. (Transportation Study, p. 18.) Neither the Transportation Study nor the DEIR provide any justification for use of this outdated data. Moreover, neither the Transportation Study nor the DEIR disclose when the data for the Fremont St. / Folsom St. / I-80 WB off-ramp was collected. In short, 1/5 to 1/3[4] of the minimal traffic data relied on in the DEIR is outdated.

"Pursuant to CEQA, the environmental baseline normally is the environmental conditions as of the date the NOP is issued. (CEQA Guidelines, § 15125, subd. (a); *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 445 [analysis based on actual existing conditions are mandatory unless the lead agency presents substantial evidence that "an analysis based on existing conditions would tend to be misleading or without informational value for EIR users"].) The DEIR provides no justification for its reliance on outdated data collected well before the NOP was issued. The "Existing Plus Project Conditions" scenario must be reevaluated to account for current congestion at the study intersections as well as other relevant nearby intersections omitted from the DEIR analysis.

[Footnote 4 cited in the comment:]
"[4] / Depending on when the Fremont St. / Folsom St. / I-80 WB off-ramp data was collected." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-22])*

"In addition to expanding the scope of the traffic study area, the study should also analyze peak event traffic scenarios. For example, traffic can be far worse when multiple high-traffic events overlap than it is on a typical weekday or weekend. The analysis should evaluate the Project's impacts when events such as fleet week, Giants games, Warriors games (in the cumulative scenario), and other high-traffic events coincide. Traffic, transit, and parking capacity can all be overwhelmed during these events and the anal sis of large projects, such as this one, must take

these events into account." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-24])*

"6) The quantitative traffic modeling astonishingly predicts that the proposed residential version of the project will have the same traffic impacts as the residential variant that includes extra public parking. The text of the DEIR acknowledges that this is probably incorrect because the availability of parking affects transportation choices (4.E.39). The EIR should therefore prominently disclose wherever it summarizes or analyzes predictions about future traffic behavior that the results of the traffic modeling are unreliable. (Of course, even if the modeling could factor in how parking supply affects transportation decisions, any predictions about traffic conditions 20 years in the future are entirely speculative. Unfortunately, in the parking universe that is CEQA analysis, we must all pretend that this particular kind of numerology sheds some meaningful light on the future environmental impacts of the project.)" *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-7])*

"Page 4.E.8, Table 4.E.1: This table is inadequate because it fails to evaluate the current conditions of roadways with the new Bay Bridge eastern span now opened and operational. While Thursday evenings were the worst in regards to traffic congestion from east bay commuters leaving work on weekday evenings in their cars towards the Bay Bridge, the new eastern span seems to have created similarly awful and deadly to residents/pedestrians traffic conditions all seven days of the week since opening on September 2, 2013. Traffic analysis needs to be updated to reflect this new major roadway and chokepoint (I-80)." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-11])*

Response TR-4

Comments indicate that the Draft EIR does not include a copy of the Transportation Impact Study (TIS) or the proposed driveway plan as an appendix. As indicated on EIR p. 4.E.1, although the TIS, which is prepared in advance of the Draft EIR, is not included as part of the EIR document, it is available to the public from the San Francisco Planning Department as part of Case File No. 2011.1122E. This is a standard practice for the preparation of CEQA related documents in San Francisco, as CEQA does not require all of the supporting information to be included in a single document. For additional information on this response, please also see Response AD-2 in RTC Section 4.X, Adequacy of the EIR and EIR Process, p. 4.X.7. Appendix I of the TIS includes a copy of the proposed Driveway Operations Plan referenced elsewhere in the document.

A comment indicates that the extent of the study area was too limited, encompassing intersections located only one or two blocks away from the project site and that it does not include the evaluation of any roadway segments as required by CEQA. When defining the extent of the study area for the transportation analysis of a proposed project, the Planning Department takes into account the size and expected travel demand of the project, the likely travel paths to and from

the site, and the existence of special transportation conditions such as freeway ramps, bicycle lanes or pedestrian paths, where transportation impacts could occur. Specifically, the study area for the 75 Howard Street project generally extends for approximately two city blocks around the site. The area includes the intersection of Fremont St./Folsom St., which is located farther away but includes the I-80 westbound off-ramp from the Bay Bridge. As no significant transportation impacts were identified under Existing-plus-Project conditions within the study area, it is not expected that any project-related impacts would occur outside of it, as traffic and pedestrians generated or attracted by the project would be more dispersed, with fewer project-related trips in intersections and on sidewalks that are farther away from the project site.

The transportation analysis conducted for the project does not include the analysis of street segments; rather, it includes the evaluation of street intersections, transit lines, bicycle lanes, and pedestrian sidewalks and crosswalks in the vicinity of the project site. This approach is consistent with San Francisco's *Transportation Impact Analysis Guidelines for Environmental Review,* October 2002 (SF Guidelines), which contain the methodology for analyzing transportation/circulation effects, and focuses the traffic impact analysis on the evaluation of existing and future conditions at intersections, where two roadways converge and generally represent the weakest point of transportation network.

Comments express concern that the transportation analysis needs to be reevaluated because it uses some of the traffic data collected prior to the issuance of the project NOP or does not take into account the opening of the new eastern span of the San Francisco-Oakland Bay Bridge. As indicated on p. 4.E.7 of the EIR, intersection vehicle turning movement counts were collected for The Embarcadero and Howard Street, The Embarcadero and Folsom Street, Steuart and Mission streets, Steuart and Howard streets, Spear and Howard streets, and Spear and Folsom streets intersections in June 2012, and for The Embarcadero and Mission Street, The Embarcadero and Harrison Street, and Fremont and Folsom streets in February 2011. As indicated in the EIR, the February 2011 counts were selected for this project because they represented an appropriate baseline for traffic conditions along the waterfront that had been developed as part of the 34th America's Cup and James R. Herman Cruise Terminal and Northeast Wharf Plaza projects, and for consistency with this and other projects. These three older counts were approximately 1½ years old at the time the transportation analyses were initiated, which is consistent with past practices as described in the SF Guidelines. Appendix B of the SF Guidelines indicates that counts collected within the previous two years can be used when conducting transportation analyses in areas where traffic patterns are stable or no substantial changes in transportation conditions have occurred in the interim, as is the case at The Embarcadero/Harrison and The Embarcadero/Folsom, and at the Fremont/Folsom freeway off-ramp.

The opening of the new eastern segment of the San Francisco-Oakland Bay Bridge in September 2013 has not substantially changed the transportation conditions in the study area. Anecdotal

information indicates that eastbound traffic on the bridge moved slower than usual shortly after the opening of the new span, as motorists decelerate to look at the new views of the East Bay hills and the Port of Oakland, and the bridge itself. According to Steve Heminger, Executive Director of the Metropolitan Transportation Commission, traffic on the bridge will improve substantially in the future since the new span includes a left- and right-shoulder each way, allowing stalled vehicles and accidents to be moved away from the moving traffic faster than under the old span, which had no shoulders.[3] The opening of the new eastern segment of the San Francisco-Oakland Bay Bridge in September 2013 has not had any substantial changes in the transportation conditions in the study area since it provides the same number of traffic lanes, five each way, as the old span.

A comment expresses concern that the transportation analysis does not evaluate the transportation conditions when other events take place along the waterfront such as SF Giants home games or Fleet Week. The transportation data analysis conducted for the EIR has followed a scope of work based on the SF Guidelines, and was reviewed and approved by the Planning Department. It represents average transportation conditions during the weekday PM peak hour with typical commuter travel patterns and does not include special events such as Fleet Week, which takes place once a year in early October. It also does not include SF Giants weekday home games which take place during approximately 21 percent of all the weekdays in a year, most of which start after 7 PM and have limited effects on the PM peak period traffic.[4] Similarly, the project-level transportation analysis of the 75 Howard Street project does not include an assessment of the proposed Golden State Warriors Arena at Piers 30-32. At the time of publication of the 75 Howard Street Project Draft EIR, the Arena project was undergoing environmental review, and the data on transportation effects of the Arena project were not fully developed, including the assessment of cumulative transportation conditions. After publication of the 75 Howard Street Draft EIR, however, the developer for the proposed Arena project withdrew the Arena application on Piers 30-32. While separate analysis of the Golden State Warriors Arena development cumulative conditions was included in the Draft EIR, pp. 4.E.78-4.E.80, it should be noted that the development application for this project has been officially closed.[5] A proposed arena for the Warriors is under review in Mission Bay east of Third Street and south of South Street (Case File No. 2014.1441E), about two miles from the project site. This topic is further discussed in Response TR-5: Analysis of Cumulative Transportation and Circulation Conditions.

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[3] CBS SF Bay Area News; http://sanfrancisco.cbslocal.com/2013/09/11/mtc-chief-says-traffic-on-new-bay-bridge-will-improve/, accessed October 21, 2013.

[4] There were 55 SF Giants home games during the 2013 Season (April-September); 43 (78%) of the home games started at 7:15 PM and 12 (22%) of the home games started at about 1 PM. Source: San Francisco Giants 2013 Schedule.

[5] San Francisco Property Information Map, Case No. 2012.0718E; http://propertymap.sfplanning.org/?dept=planning, accessed October 8, 2014.

One comment expresses doubts that the project would have the same traffic impacts under the proposed project scenario or the public parking variant, which provides 91 additional public parking spaces. As described on EIR p. 4.E.36, the proposed project would generate/attract the same number of trips as the Public Parking Variant since both development options have the same types of land uses and intensities; these estimates do not include vehicle trips from drivers parking in the public garage to be provided under the project variants which are treated separately in the analysis. For transportation impact analysis purposes it is assumed that all vehicles would drive to the project site regardless of the availability of on-site parking. This methodology ensures that all inbound and outbound vehicles would travel through a maximum reasonable number of intersections, a conservative approach, although in reality some of them would park some distance away before arriving at the site or could decide to travel to the area by other modes of transportation. The fact that the Public Parking Variant would provide 91 public parking spaces is addressed starting on p. 4.E.38 under "Redistribution of Existing 75 Howard Garage Vehicles." As explained in this section, the land uses considered under the Public Parking Variant would generate a parking demand that is higher than the 91 public spaces provided, resulting in no spaces being available for other off-site vehicles to park. Thus, both the proposed project and Public Parking Variant trip generation and assignment of vehicles are the same.

Comment TR-5: Analysis of Cumulative Transportation and Circulation Conditions

This response addresses the following comments:

A-SFPC-Antonini-9 I-Butcher2-33
I-Butcher2-31 I-Cincotta-3
I-Butcher2-32

"And if there is an increase in traffic in the area as a result of the arena or other businesses that are planned for the area, the traffic is going to be there regardless. I mean whether -- you know, whether or not this project adds residential parking is not -- it is going to have kind of a neutral effect on that." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-9])*

"C. The Discussion of the Warriors Arena is Inadequate.

"While the cumulative impact discussion in the transportation and circulation analysis briefly discusses the Warriors Arena project (DEIR, pp. 4.E.78-79), the discussion is superficial. The CEQA-mandated point in time relevant for evaluating cumulative impacts of a project is the date of publication of the NOP. *(Communities For a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 122.) The DEIR does not dispute the fact that the Warriors Arena was a reasonably foreseeable project as of the date the NOP was issued. Instead, the justification provided for the lack of meaningful discussion is that the "data and analysis are

expected to be available the fall of 2013, considerably after the 75 Howard Street Project DEIR is published." (DEIR, p. 4.E.78.)

"The Warriors Arena project published its NOP on December 5, 2012 and its sponsors have held several hearings before the City's Planning Commission, Port Commission and Board of Supervisors describing the proposed project for Piers 30-32 and Seawall Lot 330. In fact, the project has been revised at least twice and a new revised proposal will be made shortly. All of these proposals show that there would be virtually no public parking on the Piers for the Arena and very limited parking on the Seawall Lot as it is designed to accommodate only the proposed hotel, residential and retail uses. Planning Commissioners during hearings on the Warriors Arena acknowledged that additional parking would need to be found to handle the parking shortfall generated during the over 200 events per year at the Arena. Clearly there is sufficient information on the parking supply and demand generated by the Warriors Arena to meaningfully address this significant issue in the DEIR for this Project.

"The Warriors Arena and Seawall Lot 330 proposal is situated only 3 blocks from the proposed project. As stated above, the proposed project on its own is increasing parking demand and reducing parking supply in the neighborhood yet the DEIR has, incomprehensibly and without adequate analysis, determined that this is not a "significant" impact. Certainly cumulatively this is a significant and potentially disastrous condition.

"An EIR cannot exclude a meaningful discussion of cumulative impacts associated with other reasonably foreseeable projects on the basis that the environmental review process for those other projects is not as far along as the subject project. Clearly there is material and plentiful information regarding cumulative parking issues in the vicinity of the project. Therefore, the data and information necessary to permit a meaningful analysis of both cumulative parking and traffic issues, particularly as it relates to the Warrior proposed project, is now available and must be included in the DEIR. The DEIR must be revised and recirculated to provide a good faith analysis of these significant issues." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-31])*

"D. The Cumulative Traffic Analysis is Inadequate.

"The cumulative scenario is inadequately defined and the analysis is lacking in several ways. The DEIR simply refers to the traffic analysis for the TCDP and fails to adequately disclose and define the cumulative scenario for this Project.

"The DEIR also concludes that the Project will contribute considerably to significant traffic impacts at the Spear and Howard intersection. Modifications discussed in Mitigation Measure M-C-TR-1 could reduce the impact to less than significant levels. The DEIR, however, states that the measure is infeasible without providing any analysis of feasibility. Conclusory statements regarding the feasibility of a mitigation measure do not satisfy the requirements of CEQA. The DEIR must be revised to provide additional support for the conclusion, and to the extent the mitigation measure is infeasible the DEIR should consider alternative measures. For example, the Project proponent could be required to contribute its fair share towards roadway improvements or roadway management actions necessary in response to the significant impact on Spear and Howard Streets." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-32])*

"The cumulative traffic impact analysis must also address the critical issue of parking in the neighborhood in consideration of the cumulative scenario and, in particular, the Warriors Arena. As drafted, the DEIR fails entirely to provide any discussion of parking within the cumulative impact analysis. The DEIR should be revised to analyze and mitigate the Project's contribution to environmental impacts related to cumulative parking shortfalls." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-33])*

"The other point that I wanted to talk about just briefly is the transportation and circulation section. This doesn't believe that this project will have any cumulative impacts -- or any significant unavoidable cumulative impacts. This area of the EIR is wholly incomplete, because it does not discuss the impacts the Warriors arena will have on this, just three blocks away. This project is considered on record as possibly providing parking for the arena. Yet one of its variants is for parking. And there isn't an adequate discussion of the cumulative impacts that this project will have on transportation in that area when it's already considered incredibly dramatic." *(David Cincotta, Jeffer, Mangels, Butler & Mitchell, on Behalf of the Property Owners in the Neighborhood, Public Hearing Transcript, September 12, 2013 [I-Cincotta-3])*

Response TR-5

Several comments indicate that the Draft EIR is inadequate because it does not include an assessment of future cumulative conditions that include the proposed Golden State Warriors arena at Piers 30-32. As noted above, in Response TR-4, after publication of the 75 Howard Street Draft EIR, the developer for the proposed Arena project withdrew the Arena application on the Piers 30-32 (Case No. 2012.0781E). While analysis of cumulative conditions with the Golden State Warriors Arena development at Piers 30-32 was included in the Draft EIR, pp. 4.E.78-4.E.80, the development application for this project has been officially closed. A new application has been filed for an arena on Third Street between South Street and 16th Street in Mission Bay, approximately 1.5 miles farther away from the 75 Howard Street project site (Case No. 2014.1441E).

As indicated on p. 4.E.44, the analysis of cumulative traffic conditions is based on data obtained from the San Francisco County Transportation Authority (SFCTA) countywide travel demand forecasting model, which takes into account both the future development expected in the Waterfront, Transbay, and South of Market areas, as well as the expected growth in housing and employment for the remainder of San Francisco and the nine-county Bay Area. Although the SFCTA travel demand forecasting model does not reflect the effects of the proposed Golden State

Warriors arena at Piers 30-32 on a weekday game day, a non-typical event,[6] it does include the cumulative effects of future housing, office and retail developments at Piers 30-32 and Seawall Lot 330. See also the cumulative traffic conditions discussion on EIR pp. 4.E.78-4.E.80.

The details of the previously proposed development project at Piers 30-32 and Seawall Lot 330 had not been finalized as of publication of the 75 Howard Street Project Draft EIR as they were still being defined by the project sponsor. A preliminary assessment of parking conditions in the area indicated that the expected parking demand on a game day might be accommodated within existing parking facilities, even without the 75 Howard garage being available due to the low parking demand in the area after 7 PM (38 percent average parking utilization according to the TCDP analyses). The current proposal for an arena in Mission Bay would be expected to have less effect on parking conditions in the vicinity of 75 Howard Street. See also the cumulative traffic conditions discussion on EIR pp. 4.E.78-4.E.80. Regardless, with the passage of SB 743, Chapter 386 in 2013, parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area, such as the area in which the proposed 75 Howard Street Project is located, shall not be considered significant impacts on the environment.

One comment indicates that the Draft EIR does not properly disclose why Mitigation Measure M-C-TR-1, which would be applied to mitigate a cumulative project traffic impact, is infeasible. The EIR states on p. 4.E.74 that Mitigation Measure M-C-TR-1 at Spear Street/ Howard Street is infeasible, based on the analysis conducted by the TCDP Public Realm Plan EIR, where the measure was first identified as Mitigation Measure PRP-TRAFFIC-1i, due to the uncertainty of its implementation. The measure proposes a reduction in the extent of or the removal of the bulb-outs proposed by the Public Realm Plan along Spear Street to allow for striping of left turn pockets on the northbound and southbound Spear Street approaches. (See EIR p. 4.E.74.) However, Mitigation Measure PRP-TRAFFIC-1i would require further evaluation by SFMTA regarding intersection lane geometry, signal progression, pedestrian crossing time requirements, pedestrian circulation area along sidewalks, and effects to area-wide traffic circulation and traffic volumes along area roadways. As the feasibility of this mitigation measure is uncertain and complete mitigation to less-than-significant conditions is not considered feasible, the TCDP Transportation Impact Study identified the future cumulative impacts of the Public Realm Plan at the intersection of Spear and Howard streets as significant and unavoidable (see EIR p. 4.E.74).

Comments request that additional mitigation be included to reduce the proposed project's contribution to cumulative traffic impacts at the intersection of Spear and Howard streets. As

[6] The Notice of Preparation of an EIR for the Event Center and Mixed-Use Development at Piers 30-32 and Seawall Lot 330 expected approximately seven home games per month to take place at the arena, about half of them occurring on weekdays; http://sfmea.sfplanning.org/2012.0718E_NOP.pdf, accessed October 21, 2013.

explained above, the mitigation that could improve operations at this intersection may be infeasible, not because of funding issues but because of operational issues, including signal progression, pedestrian crossing time requirements, pedestrian circulation along sidewalks, and effects to area-wide traffic circulation and traffic volumes along area roadways. Therefore, requiring the project sponsor of the 75 Howard Street project to contribute a fair share toward mitigation at this intersection would not change the feasibility of the measure. In addition, San Francisco has not established a mechanism to collect and use such funds in this location.

One comment indicates that the Draft EIR should be revised because it does not analyze and mitigate the project's contribution to environmental impacts related to cumulative parking shortfalls. As explained in more detail in Response TR-2, in accordance with California Public Resources Code Section 21099, subdivision (d)(1), the project is a mixed-use residential project that is located on an infill site within a transit priority area. Therefore, availability of parking supply shall not be considered a significant impact on the environment.

Comment TR-6: Analysis of Traffic Impacts

This response addresses the following comments:

A-SFPC-Antonini-8
I-Green-6

"In terms of the traffic, I'm in agreement with the plan. Obviously, it depends on the variant; but if the variant is all condominiums, then it would be hard to believe that you're going to generate more traffic from residential parking than you would from a commercial parking garage, which it's their business to park cars; therefore, one would think more cars would be coming in and out of that." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-8])*

"4. The 75 Howard project imposes an unconscionable burden on the local traffic and parking congestion problems. Embarcadero and Spear streets are already heavily congested during rush hours: approval of this project will inject hundreds of new residents (and their cars) directly into the traffic on Embarcadero and Spear streets, and will increase the frequent gridlock on the Bay Bridge approaches (e.g., Harrison St.)…" *(Grant Green, Email, August 12, 2013 [I-Green-6])*

Response TR-6

One comment expresses doubts that the proposed project would generate more traffic than the existing parking garage while another comment states that the proposed project would exacerbate the existing traffic conditions at the intersection of Steuart and Howard Streets.

The EIR does not indicate that the traffic generated by the proposed project is higher than the traffic generated by the existing public garage, as the existing total inbound and outbound daily traffic at the garage entrance has not been quantified. The measurement of traffic during the PM peak hour provides a more accurate measure of the existing conditions that may be affected as a result of the proposed project. Table 4.E.21 and the text on p. 4.E.54 of the EIR provide a comparison of the average number of vehicles per minute entering or exiting the project driveway during the PM peak hour. These tables and accompanying text have been updated below to account for the lower maximum number of parking spaces allowed under the revised Planning Code. As shown in revised Table 4.E.21, 2.1 vehicles per minute access the existing garage during the PM peak hour, which would reduce to .96 vehicles per minute (a 46 percent reduction) with the proposed project that does not provide any public parking on-site. The Public Parking Variant would increase the flow to 2.1 vehicles per minute as a result of the 91 public parking spaces being provided by the variant. The Residential/Hotel Variant would increase the traffic flow further, to 2.8 vehicles per hour, as a result of the shift in some residential space to hotel use and the 154 public parking spaces being provided by this variant.

Table 4.E.21 and the paragraph following it on EIR p. 4.E.54 are revised to reflect the updated number of parking spaces allowed under the revised Planning Code parking provisions (new text is underlined and deleted text is shown in ~~strikethrough~~):

Table 4.E.21 (Revised): Pedestrian and Vehicular Conflicts at the Proposed Garage Driveway Entrance for Existing and Existing plus Project/Variants (Weekday PM Peak Hour)

Scenario	Average Vehicles per minute			Average Pedestrians on sidewalk per minute
	Inbound	Outbound	Total	
Existing	0.5	1.6	2.1	4.5
Proposed project	~~0.7~~0.6	~~0.5~~0.37	~~1.2~~ 0.96	6.8
Public Parking Variant	~~1.4~~1.2	~~1.1~~0.93	~~2.5~~ 2.1	6.8
Residential/Hotel Variant	~~1.6~~1.4	~~1.6~~1.4	~~3.2~~2.8	6.7

Source: Adavant Consulting, July 2012, May 2015

> The total number of vehicles expected to access the garage under the proposed project would be about ~~40~~ 46 percent lower than existing conditions. The number of vehicles accessing the garage under the Public Parking Variant would be about ~~20~~ 2 percent higher than existing, and approximately ~~52~~ 35 percent higher than existing under the Residential/Hotel Mixed Use Variant. Although the proposed project and its variants would provide fewer parking spaces than currently provided by the existing parking

> garage, the different utilization of those spaces by the proposed new land uses (residential and hotel, which have a higher evening demand than the nearby office buildings that generate most of the parking demand for the existing garage) would cause the increase in driveway traffic shown in Table 4.E.21. The future number of pedestrians traversing the garage driveway would also increase due to the new proposed activities generated by the proposed project and the variants, with the total pedestrian flow being about 50 percent higher under all three future scenarios than under existing conditions.

The traffic analysis of nearby intersections on Spear Street and The Embarcadero is included in the EIR. As shown on Table 4.E.17 on p. 4.E.45, the four study intersections on The Embarcadero currently operate at LOS D, while the two study intersections on Spear Street operate at LOS C or better. As the table indicates, the proposed project and its variants would increase the average delay at all the intersections, although the overall LOS would remain the same. Table 4.E.26 on p. 4.E.73 shows that these six study intersections would operate at unacceptable conditions (LOS E or F) by 2035 as a result of the combined effects of cumulative background traffic growth and the TCDP Public Realm Plan. As stated on the same page, the proposed project or its variants would not contribute significantly to the cumulative conditions at these intersections, with the exception of Spear and Howard Streets for which Mitigation Measure M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets was identified.

Comment TR-7: Steuart Street Impacts

This response addresses the following comments:

O-RTA2-22	O-RTA2-25	O-RTA2-28
O-RTA2-23	O-RTA2-26	
O-RTA2-24	O-RTA2-27	

"4.E TRANSPORTATION AND CIRCULATION:

"Mitigation Measure M-C-TR-1 (page 4.E.74) refers to "…changes to the current configuration of Steuart Street…" called for in the TCDP Public Realm Plan, but the summary of such changes beginning on page 4.E.42 mentions no changes to Steuart Street. Please explain." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-22])*

"The project's main entrance would be on Steuart Street, but the existing garage has no entrance here. That would obviously mean an increase in traffic." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-23])*

"The hotel variant would also introduce passenger loading and unloading on Steuart that doesn't exist now." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-24])*

"Meanwhile, the developer is proposing to narrow the street and turnaround. These issues need complete analysis and mitigating solutions need to be identified." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-25])*

"Buildings that have primary entrances on a street (Steuart in this case) other than their primary address (75 Howard) often create annoying confusion for visitors (including delivery and maintenance people) who are more inclined to make wrong turns, slow traffic, idle while finding their way, make U-turns, and travel further than necessary." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-26])*

"Drivers looking for 75 Howard who miss Steuart Street are likely to travel many blocks before finding their way back." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-27])*

"This project should use its 200 Steuart Street address instead of 75 Howard Street. These problems would be compounded by the hotel variant.

"All these issues need to be analyzed in the EIR." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-28])*

Response TR-7

One comment indicates a discrepancy in the text regarding Steuart Street, while other comments express concern that locating the main residential or hotel entrance on Stuart Street, including a passenger pick up and drop off zone that does not exist today, could create confusion for visitors and increase traffic nearby. Another comment expresses concern regarding the proposed narrowing of Stuart Street.

The reference to Steuart Street included in the description of Mitigation Measure M-C-TR-1 on p. 4.E.74 is a typographical error; it should refer to Spear Street as indicated in the title of the measure. That text is revised as follows (new text is <u>underlined</u> and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

Mitigation Measure M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets

If changes to the current configuration of ~~Steuart~~ Spear Street were to be implemented as part of the TCDP Public Realm Plan, configuration of the northbound and southbound approaches along Spear Street shall be modified to incorporate left-turn-only lanes and minor adjustments to the traffic signal timings at the intersection of Spear and Howard streets.

Although the proposed project in the EIR is referred to as 75 Howard Street Project, the location of the existing parking garage, the legal address of the proposed building has not been established at this point. The project sponsor has not made any application to the City to change the address for the project site, which is currently 75 Howard Street. Nonetheless, the EIR includes an analysis of the effects that the proposed main entrance with a passenger drop-off and pick-up zone on Steuart Street would have on the transportation network. The intersection level of service (LOS) analysis conducted for the project and its variants at the intersection of Steuart and Howard Streets and presented in Table 4.E.17 on EIR p. 4.E.45 includes the effects of vehicles turning in and out of the Steuart Street cul-de-sac. Furthermore, the analysis of future passenger loading and unloading activities at the proposed building entrance described on EIR p. 4.E.61 includes an assessment of vehicles arriving/departing the Steuart Street cul-de-sac. No significant transportation project impacts related to the location of the main building entrance on Steuart Street are identified in the EIR and, therefore, no mitigation measures are being proposed as part of the proposed project.

As shown in Figure 2.2 on p. 2.3 of the EIR, the existing roadway width of the Steuart Street cul-de-sac is approximately 44.5 feet, and includes one travel lane (14.25-foot wide) and one parking lane (8-foot wide) each way. In order to provide wider sidewalks and other pedestrian amenities on the Steuart Street cul-de-sac, the project (Figure 2.3 on p. 2.6) proposes to narrow the roadway to approximately 20 feet (one travel lane 10-foot wide each way), and eliminate the existing on-street parking. The reduction of the travel lane widths from 14.25 feet to 10 feet is not expected to create any undue burden on traffic operations, as 10-foot wide lanes can be found in other streets in San Francisco (highway and freeway lanes are typically 11 to 12 feet wide) and is consistent with the San Francisco Better Streets Plan. Furthermore, the elimination of on-street parking at the cul-de-sac would be expected to reduce a portion of the existing traffic turning in and out of the Steuart Street cul-de-sac.

Comment TR-8: Transit

This response addresses the following comments:

I-Whitaker2-12
I-Whitaker2-13
I-Whitaker2-21

"Page 4.E.8, Transit Network: The statement that *"The project site is well served by public transit with both local and regional service provided in the vicinity"* is absolutely false in regards to the local transit component. On December 5, 2009, the SFMTA removed the segments of the 12-Folsom bus line from running east of 2nd Street to the waterfront, thereby cutting out grocery store and casual dining destination travel via transit for over 6,000 current and 20,000 future Rincon neighborhood residents and tens of thousands more workers/visitors. The bus lines that run through the neighborhood do not provide needed southwest to northeast local service, and as such, residents tend to drive much more than what a "Transit Oriented Development" neighborhood is supposed to encourage because the short-sighted SFMTA cut our local bus service off. The Transit Effectiveness Project continues to treat the Rincon neighborhood with discrimination and encourages private auto use along with the negative externalities such use creates that negatively impacts community health. It should also be noted that the T-Third Muni Metro rail will no longer serve the area once the Central Subway project is up and running. It should also be noted that on Giants game days and during commute hours, the Muni Metro N Judah and T-Third is so overly saturated with users that there is often no room for residents in SoMa to safely board and safely ride the trains. Also, the Temporary Transbay Terminal should be closed up in 2017 when the permanent Transbay Transit Center commences operations and buses move to 1st and Mission. It is absolutely false to say that the area is well served by local public transit when the likely destinations are considered - folks who live in Rincon don't want to go to Treasure Island, the Richmond, Western Addition, or other points in the Avenues when they need to reach neighborhood serving businesses that exist in western SoMa." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-12])*

"Page 4.E.15, Muni Transit Effectiveness Project Service Changes, fourth bullet point: *"No route or frequency changes are proposed for the ... T Third Metro lines."* I believe this statement is false in regards to the T-Third Metro once the Central Subway begins operations and the T-Third will be routed up 4th Street instead of the current route along The Embarcadero after exiting Mission Bay." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-13])*

"…With the "transit-oriented development" label on the Rincon neighborhood, it is stupefying that the SFMTA eliminated 12-Folsom bus service and has no plans for any local bus service in the TEP for the area - which will train the new residents to drive their private autos and create more car congestion and related air pollution which harms our health…" *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-21])*

Response TR-8

Comments express disagreement with the statement that the project site is well served by public transit and express dissatisfaction with the elimination of the 12-Folsom bus route by SFMTA in 2009 and with the transit service changes being proposed by SFMTA for the Rincon Hill area as part of its Transit Effectiveness Project (TEP). A comment indicates that a reference to possible changes to the T-Third Muni Metro line stated in the Draft EIR is incorrect.

The comments about the elimination of the 12-Folsom bus line by SFMTA in 2009 and the proposed changes of transit service to the Rincon Hill Area presented in the TEP are noted. A Draft EIR for the TEP was prepared by the Planning Department in July 2013; a public hearing on that Draft EIR was held before the Planning Commission in August 2013, and public comments on the document were accepted until September 17, 2013. The Final EIR was certified by the Planning Commission on March 27, 2014.

The statement presented on p. 4.E.8 of the EIR that the project site is well served by public transit is accurate inasmuch as the site is located in one the most transit rich areas of the City, two blocks south of the Market Street transit corridor, with both surface and underground served by Muni and BART; one block south of the Mission Street transit corridor served by Muni and Golden Gate Transit; one block north of the Folsom/Harrison Street Muni Metro Station on The Embarcadero; two blocks east of the Temporary Transbay Terminal served by Muni, AC Transit, Golden Gate Transit, and other regional bus operators; and about two blocks south of the Ferry Building, from where ferry service to the North and East Bay areas is provided. More detailed information about the routes and services being provided by the local and regional transit operators serving the project area can be found on pp. 4.E.8 through 4.E.13 of the EIR.

The T-Third Muni Metro line as evaluated in the TEP is paired with the K-Ingleside Metro line, operating in the median of The Embarcadero, not under Fourth Street, as it will operate in the future once the Central Subway tunnel opens sometime in 2019. As stated on p. 2-55 of the TEP EIR, "From West Portal Station the K Ingleside becomes the T Third Street and continues to Embarcadero Station, providing connections from the above neighborhoods to Forest Hill, Midtown Terrace, the Castro/Eureka Valley/Corona Heights, Duboce Triangle, Church and Market streets vicinity, and destinations in Civic Center and Downtown before resurfacing after Embarcadero Station to provide transit service along the Embarcadero, through SoMa and Mission Bay, to Potrero Hill, Hunter's Point, Bay View and Visitacíon Valley neighborhoods." No route changes are proposed for the T Third Metro line as part of the TEP and a slight increase in frequency is planned; the detailed service frequencies for the Central Subway line have not been established by SFMTA at this time.

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G. NOISE

The comments and corresponding responses in this section cover topics in EIR Section 4.F, Noise. These include topics related to:

- NO-1: Construction Noise Ordinance Requirements
- NO-2: Construction Noise Mitigations
- NO-3: Vibration Impacts
- NO-4: Compatibility of New Noise Sources and Hotel Variant

Comment NO-1: Construction Noise Ordinance Requirements

This response addresses the following comments:

I-Butcher2-34
I-Butcher2-35

"IX. Noise

"The DEIR discloses that construction will last for over 2.5 years. The DEIR states that the noisiest construction activities will last approximately 30 weeks - over half a year. Construction noise, therefore, is a significant issue for neighboring residents, employees, and users of surrounding open space. As discussed below, the DEIR's noise impact analysis contains a number of substantial flaws, which render the analysis inadequate pursuant to CEQA.

"A. The DEIR Fails to Adequately Discuss the Project's Compliance with San Francisco's Noise Ordinance.

"The DEIR states that "[a]ll construction activities at the project site and construction for off-site projects would *generally* be required to comply with the Noise Ordinance." (DEIR, p. 4.F.33 (emphasis added).) The DEIR, however, fails to explain why, and under what conditions, Project construction would be authorized to violate the Noise Ordinance. The DEIR must be revised to clarify what construction activities would not be required to comply with the Noise Ordinance." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-34])*

"The DEIR also ambiguously states the Noise Ordinance "limits noise from any individual piece of construction equipment, except impact tools, to 80 dBA (Ldn) at 100 feet unless the construction activity would occur during allowable hours." (DEIR, p. 4.F.33.) The Noise Ordinance does not set forth hours in which noise in excess of 80 dBA (Ldn) is authorized. With three narrow exceptions, the Noise Ordinance requires that construction noise never exceed 80 dBA. The DEIR should be revised to make clear that the Noise Ordinance does not authorize noise in excess of 80 dBA during any specific hours, and the DEIR should clearly state whether Project construction is anticipated to exceed the Noise Ordinance's 80 dBA limit." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-35])*

Response NO-1

The comments express concern that the project would not be required to comply with the San Francisco Noise Ordinance and that construction might be authorized to violate the ordinance. The EIR, p. 4.F.16, clearly states that Sections 2904, 2907, 2908, 2909, and 2910 of the Noise Ordinance are all applicable to the proposed project. All project activities would be required to comply with the Noise Ordinance, and compliance with the Noise Ordinance is required by law (EIR pp. 4.F.18-4.F.19). Impact NO-1, EIR pp. 4.F.19-4.F.23, includes Table 4.F.5, which identifies the typical levels of noise from construction equipment. Impact NO-1 describes the potential for the project to generate noise levels in excess of standards established in the Noise Ordinance as a less-than-significant impact after implementation of Mitigation Measures M-NO-1a and M-NO-1b (EIR pp. 4.F.22-4.F.23). With the recommended mitigation, the EIR, p. 4.F.21, concludes that construction noise would be consistent with the limits in the Noise Ordinance.

Some comments raise a concern about ambiguity in the discussion of how the Noise Ordinance limits apply to construction activities. While the 80 dBA limit of Section 2907 applies at all times, the separate nighttime limit of Section 2908 is described in conjunction with that limit because between 8 p.m. to 7 a.m., the limit in Section 2908 is effectively much more stringent.

To clarify the discussion of the Noise Ordinance limits, the third paragraph on EIR p. 4.F.21, part of the discussion of Impact NO-1, is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). These revisions do not alter any of the conclusions of the EIR.

> Proposed construction would be required to comply with the Noise Ordinance, which prohibits notable noise (in excess of the ambient noise level by 5 dBA) from construction activities between 8:00 p.m. and 7:00 a.m. (Section 2908), and limits noise from any individual piece of construction equipment, except impact tools, to 80 dBA at 100 feet (Section 2907) ~~unless the construction activity would occur during allowable hours~~.

Similarly, the first two sentences of the second complete paragraph on EIR p. 4.F.33, part of the discussion of cumulative Impact C-NO-1, are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). These revisions do not alter any of the conclusions of the EIR.

> All construction activities at the project site and construction for off-site projects would ~~generally~~ be required to comply with the Noise Ordinance. As explained above, the Noise Ordinance prohibits notable noise from construction activities between 8:00 p.m. and 7:00 a.m. (Section 2908), and limits noise from any individual piece of construction equipment, except impact tools, to 80 dBA (Ldn) at 100 feet (Section 2907) ~~unless the construction activity would occur during allowable hours~~. [. . .]

Comment NO-2: Construction Noise Mitigations

This response addresses the following comments:

I-Butcher1-6 I-Butcher2-38
I-Butcher1-7 I-Butcher2-39
I-Butcher2-37

"Next, construction noise. There is a mitigation measure for construction noise. That mitigation measure lists potential mitigation that could be adopted if feasible. That's not consistent with the San Francisco noise ordinance in that it doesn't prove that it will, in fact, be lower than what's required." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-6])*

"In addition to that, there's no discussion of nighttime construction. If construction is going to be allowed at night, there needs to be an analysis. If it's not, there needs to be a mitigation measure that says construction will not be allowed at night." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-7])*

"B. The Discussion of Nighttime Construction Noise Impacts is Inadequate.

"The DEIR fails to include any meaningful discussion of nighttime construction noise. Instead, the DEIR simply states that "the Noise Ordinance prohibits construction activities between 8:00 p.m. and 7:00 a.m." (DEIR, p. 4.F.33.) No further discussion of nighttime construction noise is provided. There are several issues with this sparse discussion of nighttime construction noise.

"Even if the Noise Ordinance prohibited nighttime construction noise, as discussed above the DEIR provides a vague admission that the Project will not fully comply with the Noise Ordinance. (DEIR, p. 4.F.33 [Project "would *generally* be required to comply with the Noise Ordinance"].) Therefore, the limitations set forth in the Noise Ordinance provide no assurance that nighttime construction will not occur.

"Contrary to the conclusion in the DEIR, Noise Ordinance Section 2908 only *limits* construction noise authorized at night; it does not *prohibit* nighttime construction noise. Moreover, Section 2908 authorizes the Director of Public Works or the Director of Building Inspection to exempt a project from Section 2908's nighttime construction noise limitation. Therefore, the DEIR provides no assurance that nighttime construction noise will not occur during Project construction.

"The DEIR must either be revised to include a detailed discussion of potential nighttime construction noise associated with the Project or a mitigation measure should be included that expressly prohibits nighttime construction. Until one of these revisions is made to the DEIR, the analysis of construction noise is inadequate." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-37])*

"C. The Discussion of, and Mitigation for, Pile Driving Noise Impacts is Inadequate.

"The DEIR provides that construction of the Project will require up to 400 piles. The DEIR repeatedly states that these piles will either be "driven or drilled". (See, e.g., DEIR, pp. 2.31, 4.F.18, 4.F.23.) Driving piles into the ground creates substantially more noise and vibration impacts than drilling piles into the ground. The DEIR, however, fails to include any discussion of when pile drilling would be used as opposed to pile driving. The DEIR should be revised to include a mitigation measure requiring use of drill rigs and setting forth the conditions upon which pile driving would be authorized." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-38])*

"D. Noise Mitigation Included in the DEIR is Inadequate to Ensure the Project's Potentially Significant Noise Impacts are Reduced to a Less-Than-Significant Level.

"The conclusion in the DEIR that noise impacts are less-than-significant after mitigation is unsupportable for at least two reasons.

"First, one of the thresholds of significance set forth in the DEIR is whether the Project will "[e]xpose people to or generate noise levels in excess of standards established in the San Francisco General Plan or Noise Ordinance (Article 29 of the Police Code)." (DEIR, p. 4.F.17.) The noise analysis included in the DEIR fails to demonstrate construction noise will not exceed levels authorized by the Noise Ordinance. The DEIR merely concludes Mitigation Measures M-NO-1a and M-NO-1b will "decrease construction noise levels and minimize the proposed project and project variants' significant effects." (DEIR, p. 4.F.22.) And, that Mitigation Measure M-NO-3 would "control project-related stationary noise sources to the maximum extent feasible." Therefore, the DEIR fails to demonstrate the proposed mitigation measures ensure either construction or operational noise levels will not exceed levels authorized by the Noise Ordinance.

"The inability of the mitigation measures to ensure noise levels will not violate the Noise Ordinance is illustrated by the terms of Mitigation Measure M-NO-lb. Specifically, Mitigation Measure M-NO-1b demonstrates that Project construction may result in "extreme noise generating activities" which could exceed "noise levels of 90 dBA or greater." (DEIR, p. 4.F.23; see also DEIR, p. 4.F.20 [Table 4.F.5] (demonstrating a variety of construction equipment may result in noise in excess of the Noise Ordinance's 80 dBA limit).) Therefore, rather than demonstrate that Project construction noise will not violate the Noise Ordinance, Mitigation Measure M-NO-1b provides support for the conclusion that Project construction likely *will* violate the Noise Ordinance.

"Second, the mitigation measures not only fail to ensure the project will not exceed the limits established in the Noise Ordinance, but they are not drafted in mandatory terms. Both Mitigation Measures M-NO-1a and M-NO-1b list a series of potential methods to reduce the Project's noise impacts, but the DEIR states the measures will only be adopted "if feasible." (DEIR, pp. 4.F.22-23.) The DEIR defers consideration of the feasibility of Mitigation Measures M-NO-la and M-NO-lb. A mitigation measure cannot include unenforceable standards. *(Federation of Hillside and Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1262.) Without further discussion of how these measures will be implemented and evidence supporting the conclusion that the measures are feasible, the measures are not adequate to ensure that the proposed Project's noise impacts will be reduced to a less than significant level.

"For each of these reasons, the DEIR must be revised to disclose that a significant unavoidable construction noise impact remains after implementation of the mitigation measures. Such disclosure will also require recirculation of the DEIR." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-39])*

Response NO-2

Some comments state that the EIR fails to demonstrate that the identified mitigation measures would ensure compliance with established limits identified in the City's Noise Ordinance, and that the measures are drafted in mandatory terms. The EIR's discussion of Impact NO-1, pp. 4.F.19-4.F.23, identifies two mitigation measures to specifically achieve the maximum feasible reductions of construction noise (Mitigation Measures M-NO-1a and M-NO-1b). Contrary to the assertion of some comments that the EIR defers consideration of feasibility of the mitigation, each measure identifies the standards by which noise would be minimized. For example, Mitigation Measure M-NO-1a would require installing noise barriers, implementing "quiet" pile-driving technology such as predrilling of piles, limiting pile driving to avoid disturbing neighboring land uses, and monitoring the effectiveness of noise attenuation. This means that pre-drilling the piles or using sonic or vibratory pile insertion techniques would be used wherever geotechnical and structural conditions allow. Should pile driving become unavoidable, the notification process for "extreme noise" in Mitigation Measure M-NO-1b would apply because pile driving would be expected to generate levels over 90 dBA, as allowed by the Noise Ordinance, Section 2907(b). Mitigation Measure M-NO-1b also would require contractors to use the best available noise controls and effective mufflers, place equipment behind barriers or in enclosures, and establish a process to respond to complaints. Each mitigation measure allows a narrow amount of flexibility in how the mitigated construction activities might be adjusted in response to geotechnical, structural, safety, or site-space constraints in the field; however, this flexibility does not make the mitigation inadequate because each of the standards is feasible and enforceable through the mitigation monitoring process.

Typical levels of noise from construction equipment (EIR Table 4.F.5, p. 4.F.20) note that some equipment may be over 80 dBA for locations 50 feet from the equipment on an intermittent basis. The table is not an indication of a violation of the Noise Ordinance because the tabulated levels do not take into account how the ordinance would apply to these sources. The project-related construction equipment would demonstrate compliance with the limit in Section 2907 of the Noise Ordinance because the limit applies at locations 100 feet from the equipment, and mitigation identified for construction noise would result in lower than typical noise from these pieces of equipment. Basement construction would occur in the excavated pit, and noise from these sources would be further from receptors and would be obscured by pit walls. As stated on EIR p. 4.F.20, noise from the construction equipment would generally attenuate at a rate of 6 to

7.5 dBA per doubling of distance from the noise source. Taking into account these considerations, the EIR accurately concludes that the construction noise would be consistent with the limits in the Noise Ordinance.

Some comments state that the EIR does not analyze the noise impacts of nighttime construction activities. General construction during nighttime hours is not proposed for the project. Any noise from minor site activity at night, for example security patrols or daily clean-up, would be subject to the nighttime limit in Section 2908 of the Noise Ordinance, which prohibits notable noise (in excess of the ambient noise level by 5 dBA).

See also Response NO-1: Construction Noise Ordinance Requirements, above, regarding project construction compliance with the San Francisco Noise Ordinance.

Comment NO-3: Vibration Impacts

This response addresses the following comment:

I-Butcher2-40

"E. Vibration Impacts are Potentially Significant.

"The DEIR states that the brick sewers underneath Steuart Street "are susceptible to settlement and can be damaged by small amounts of settlement." (DEIR, p. 4.F.11.) The DEIR also concludes that vibrations caused by pile driving "would be over the threshold for potential structural damage for older or historically significant buildings or structures." (DEIR, p. 4.F.25.) The DEIR, however, includes no mitigation measure to address this impact.

"Instead, the DEIR includes a quasi-mitigation measure requiring the San Francisco Public Utility Commission (SFPUC) to review and approve the underground excavation plan and require a shoring plan and vibration monitoring. There are two significant problems with this requirement. First, this requirement must be identified as a mitigation measure as it is a project- specific mandate identified to address a potentially significant impact of the Project. Second, the measure is inadequate as a mitigation measure. The measure simply requires the Project proponent to prepare a vibration analysis in the future and then to comply with the analysis's recommendation. This is not adequate mitigation for the purposes of CEQA. (See, e.g., *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794 [mitigation that "does no more than require a report be prepared and followed" is inadequate].) Therefore, the DEIR must be revised to include adequate CEQA mitigation to address the Project's potentially significant vibration impact." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-40])*

Response NO-3

The comment raises a concern about vibration impacts on underground utility infrastructure from proposed pile-driving activity in the realigned area of Steuart Street. There is existing brick utility infrastructure under Steuart Street, about 25 feet from the nearest edge of the proposed building site. The discussion of Impact NO-2 (EIR pp. 4.F.25-4.F.26) discloses the potential effects of the project excavation and pile driving on the surrounding utilities and describes how the owner of the infrastructure (San Francisco Public Utilities Commission [SFPUC]) will be involved in the permitting process by requiring a shoring plan and vibration monitoring. Contrary to the claim of the comment, the SFPUC review of the project's excavation plan would not be "a project-specific mandate" because it would occur under the San Francisco Public Works Code Article 2.4 requirements pertaining to work in the public right-of-way and the SFPUC Pipeline Right-of-Way Requirements (EIR p. 4.I.9). Adhering to the SFPUC requirements ensures that the project would not trigger a potentially significant impact warranting mitigation.

Comment NO-4: Compatibility of New Noise Sources and Hotel Variant

This response addresses the following comments:

I-Butcher2-36
O-RTA2-29
O-RTA2-30

"Moreover, San Francisco's General Plan discourages new residential development in areas where exterior noise levels exceed 65 dBA (Ldn). The DEIR establishes that exterior noise levels surrounding the Project exceed 65 dBA (Ldn). (DEIR, p. 4.F.8 [Table 4.F.2].) Therefore, the Project is being proposed in an area where the General Plan discourages residential development. This inconsistency must be discussed in the DEIR, and the policy should be carefully considered by the Commission and Board in evaluating the merits of this Project." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-36])*

"4.F NOISE:
"Several topics need analysis. The project's main entrance would be on Steuart Street, but the existing garage has no entrance here. That would obviously increase noise on Steuart."
(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-29])

"The hotel variant would also increase the amount of passenger loading and unloading. Hotel doormen typically use shrill taxi whistles that are often annoying to nearby residents. Garage entrances often have warning horns that can be heard for great distances. These issues need

complete analysis and mitigating solutions need to be identified." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-30])*

Response NO-4

Comments raise concerns over noise increases in the project vicinity that could result from operation of the proposed project and Residential/Hotel Mixed Use Variant. One comment suggests that the project is proposed in an area where the *General Plan* discourages new residential development. The EIR identifies two types of noise impacts for the operational phase of the proposed project and its variants. Impact NO-3, EIR pp. 4.F.26-4.F.28, discusses how the project would increase ambient noise levels, and Impact NO-4, EIR pp. 4.F.28-4.F.31, covers the topic of how new residential uses would be affected by existing noise levels.

Impact NO-3 identifies the existing ambient noise levels, which are dominated by traffic on the adjacent roadways, and describes the minor changes in traffic, parking, and loading patterns that would occur, resulting in no substantial increase in ambient noise levels from the proposed project or its variants. The EIR, pp. 4.F.28-4.F.30, also describes how new residential construction or development in areas of high noise levels is generally discouraged by the *General Plan*, and the EIR relies upon a project-specific noise survey to identify how the new residential and/or hotel uses would provide noise insulation at a level consistent with the *General Plan* Housing Element program specification. EIR p. 4.F.30 also states that the new residential development, as well as any new hotel use, would be subject to noise insulation standards in Title 24 of the California Code of Regulations, and thus would ensure sufficient noise insulation for the proposed project and variants, resulting in an interior noise level consistent with the *General Plan* Land Use Compatibility Guidelines. Contrary to the assertion made by the comment, the EIR analysis demonstrates that the noise experienced by new and existing residents as a result of operation of the project and its variants would not be inconsistent with the *General Plan*.

H. AIR QUALITY

The comments and corresponding responses in this section cover topics in EIR Section 4.G, Air Quality. These include topics related to:

- AQ-1: Quantification of Incremental Ambient Air Quality Impacts
- AQ-2: Mitigation of Exposure to Air Pollution

Comment AQ-1: Quantification of Incremental Ambient Air Quality Impacts

This response addresses the following comment:

I-Butcher2-41

"A. The DEIR Fails to Provide a Quantitative Analysis of Cancer Risk Associated with Project Construction and Operation.

"The DEIR fails to clearly set forth the cancer risk associated with the Project. The DEIR should be revised to include a quantitative analysis of excess cancer risk and incremental PM2.5 concentrations for the maximally exposed individual due to Project construction. *(Kings County Farm Bureau* v. *City of Hanford* (1990) 221 Cal.App.3d 692, 735 [holding an EIR that omitted a "quantitative, comparative analysis" of the project's air quality impacts was inadequate].) The DEIR must also include a quantitative analysis of cumulative cancer risk and PM2.5 concentration exposure for new residents due to the on-site sources, off-site stationary sources, roadway sources, and other relevant sources within 1,000 feet of the Project boundaries. In consideration of a quantitative analysis of cancer risk and PM2.5 concentrations, the EIR for the 8 Washington Project concluded the 8 Washington Project would have significant and unavoidable impacts as a result of construction related cancer risk/PM2.5 as well as cumulative cancer risk/PM2.5 for future residents of the proposed Project. The DEIR fails to provide any justification for why these significant and unavoidable impacts identified in the 8 Washington Project EIR are less than significant for this Project. A similar level of analysis as in the 8 Washington Project EIR is required in the DEIR for this Project." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-41])*

Response AQ-1

The comment states that the EIR does not provide quantitative analysis of excess cancer risk and incremental $PM_{2.5}$ concentrations that would result from project construction activities. The comment also requests that the EIR be revised to include a quantitative analysis of cumulative cancer risk and $PM_{2.5}$ concentration exposure for new residents.

The comment discusses the EIR for the 8 Washington Street/Seawall Lot 351 Project that was certified by the Planning Commission on March 22, 2012, with certification upheld by the Board

of Supervisors on May 15, 2012 on appeal. That EIR followed an air quality impact assessment approach that was developed between the time of the 2007 Initial Study and the June 15, 2011 Draft EIR publication for that project. The thresholds of significance and the impact evaluation approach used in the EIR for the 8 Washington Street/Seawall Lot 351 Project were based on the quantitative health risk thresholds in the Bay Area Air Quality Management District (BAAQMD) guidelines adopted by the Air District Board on June 2, 2010 and further updated in May 2011. These thresholds have been set aside as a result of ongoing litigation.[1] However, the Planning Department has determined that substantial evidence supports the use of many of their thresholds, and thus relies on this evidence to support the EIR's significance thresholds.

The health risk thresholds identified in the EIR on pages 4.G.23-4.G.25 are based on the BAAQMD 2010 CEQA Guidelines. The localized health risk thresholds are not the quantitative thresholds developed by the BAAQMD and used in the EIR referenced by the commenter, but were subsequently developed based on updated information and consultation with BAAQMD staff as part of the development of a Community Risk Reduction Plan (CRRP). The 2010 BAAQMD CEQA Guidelines promote the development and use of a CRRP as an alternative to the BAAQMD's quantitative health risk standards. As part of the development of a CRRP, the Planning Department and the San Francisco Department of Public Health (DPH) partnered with the BAAQMD to inventory and assess air pollution and exposures from vehicles, stationary, and area sources within San Francisco. Citywide dispersion modeling was conducted using AERMOD[2] to assess the emissions from the following primary sources: roadways, permitted stationary sources, port and maritime sources, and Caltrain. Emissions of PM10 (DPM is assumed equivalent to PM10), PM2.5; and total organic gases (TOG) were modeled on a 20 meter by 20 meter receptor grid covering the entire City. The results represent a comprehensive assessment of existing cumulative exposures to air pollution throughout the City. The methodology and technical documentation for modeling citywide air pollution is available in the document entitled, *The San Francisco Community Risk Reduction Plan: Technical Support Documentation*.[3]

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[1] In a ruling dated February 14, 2012 Alameda County Superior Court Judge Frank Roesch found that in adopting new air quality CEQA significance thresholds (new thresholds), the BAAQMD violated CEQA by not first studying the potential environmental impacts of its new thresholds on future growth and transportation patterns. Judge Roesch required that the new thresholds be rescinded pending formal CEQA approval. Judge Roesch did not rule on the merits of the new thresholds this case is pending before the State Supreme Court.

[2] AERMOD is the USEPA's preferred/recommended steady state air dispersion plume model. For more information on AERMOD and to download the AERMOD Implementation Guide see www.epa.gov/ttn/scram/dispersion_prefrec.htm#aermod (accessed May 20, 2014).

[3] Bay Area Air Quality Management District, San Francisco Department of Public Health, and San Francisco Planning Department, *The San Francisco Community Risk Reduction Plan: Technical Support Documentation*, December 2012. Available online at ftp.baaqmd.gov/pub/CARE/SFCRRP/SF_CRRP_Methods_and_Findings _v9.pdf Accessed February 25, 2015.

With further consultation between the Planning Department, DPH and BAAQMD staff, areas with poor air quality were identified and are termed the "Air Pollutant Exposure Zone." The EIR, pp. 4.G.23-4.G.25, includes a detailed description of the approaches to assessing Local Health Risks and Hazards, Excess Cancer Risk, and Fine Particulate Matter and identifies the health protective criteria used by the Planning Department in identifying air pollution hot spots (now called the Air Pollutant Exposure Zone). Air Pollutant Exposure Zones are determined to be those areas experiencing an excess cancer risk from all air pollution sources greater than 100 per one million population, which is consistent with the ambient cancer risk in the most pristine portions of the Bay Area. Air Pollutant Exposure Zone locations in San Francisco are also based on the health protective annual $PM_{2.5}$ concentration of 10 $\mu g/m^3$, which is lower than the promulgated ambient air quality standards, making it even more health protective. Subsequent to publication of the EIR, the Air Pollutant Exposure Zone criteria were further updated to incorporate all areas within 500 feet of a major freeway and to account for certain health vulnerable locations. The following is added to the text before "Cumulative Air Quality Impacts" on EIR p. 4.G.25 to account for the additional health protective criteria used to identify the Air Pollutant Exposure Zone, and a new footnote is added to that page (new text is underlined):

> **Other Criteria.** An additional health vulnerability layer was incorporated in the Air Pollutant Exposure Zone for those San Francisco ZIP codes in the worst quintile of Bay Area Health Vulnerability scores (ZIP Codes 94102, 94103, 94105, 94124, and 94130). In these areas, the standard for identifying areas as being within the zone were lowered to: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 90 per one million population, and/or (2) cumulative $PM_{2.5}$ concentrations greater than 9 $\mu g/m^3$. Lastly, all parcels within 500 feet of a major freeway were also included in the Air Pollutant Exposure Zone, consistent with findings in CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, which suggests air pollutant levels decrease substantially at about 500 feet from a freeway.[1]
>
> [New footnote]
>
> [1] California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective*, April 2005 (hereinafter "ARB Air Quality and Land Use Handbook"). Available at http://www.arb.ca.gov/ch/handbook.pdf. Accessed January 29, 2015.

Projects within the Air Pollutant Exposure Zone that would either site new sensitive land uses or emit substantial levels of toxic air contaminants would result in a significant health risk impact and require implementation of mitigation measures.

The 8 Washington Street/Seawall Lot 351 Project EIR identified significant air quality impacts related to exposing project residents to substantial levels of $PM_{2.5}$ and other TACs and related to construction activities contributing to cumulatively significant levels of $PM_{2.5}$ and TACs. The 75 Howard Street Project EIR identifies similar impacts and recommends feasible mitigation for Impact AQ-2, related to construction activities, and for Impact AQ-4, regarding exposing project residents to air pollution. For construction, Impact AQ-2, EIR pp. 4.G.29-4.G.33, discloses the significant impact while describing the practical difficulties in producing accurate quantification

of health risk and identifying the feasible construction emissions control strategies (Mitigation Measure M-AQ-2) necessary to avoid exposing nearby locations to substantial pollutant concentrations. As stated on EIR p. 4.G.33, the analysis quantifies how the mitigation can reduce construction emissions of diesel exhaust $PM_{2.5}$ by up to 94 percent compared to equipment without mitigation. Regarding the exposure of residents to local pollutant concentrations, Mitigation Measure M-AQ-4a, on EIR p. 4.G.36, would require the best available control technology to be installed on the on-site generator for reducing diesel particulate matter and other air toxics. The discussion of Impact AQ-4 also discloses the significant impact to occupants of the project and the filtration and ventilation system requirements (Mitigation Measure M-AQ-4b, on EIR pp. 4.G.36-4.G.37) necessary to avoid exposing new residents to substantial pollutant concentrations. The filtration and ventilation performance standard of Mitigation Measure M-AQ-4b uses the best available technology to minimize outdoor-to-indoor transmission of air pollution. The quantified mitigation standard ensures that at least 80 percent of outdoor $PM_{2.5}$ concentrations would be removed (EIR p. 4.G.36). These mitigation measures are conservative because the analysis prepared for the project site under Article 38 of the San Francisco Health Code shows that exposure to $PM_{2.5}$ would be below the action threshold requiring installation of ventilation systems (see EIR pp. 4.G.17-4.G.18 and accompanying footnote 28); calculated because the project site is within an area that experiences elevated levels of air pollution (EIR p. 4.G.36).

The impact assessment need not provide the quantification requested in the comment in order to sufficiently disclose the impacts. The impact analysis identifies the combined effects of citywide sources, based on health protective criteria for local cancer risk and $PM_{2.5}$ concentration. The approach provides feasible and best available controls for project sources and reduces exposure of new residents to pollutant concentrations by using the best available technology, and the EIR quantifies the effectiveness of the recommended mitigation measures. The EIR, p. 4.G.30, also describes how construction activities do not lend themselves to analysis of long-term health risks because of their temporary and variable nature. With this information, a project-specific health risk assessment is not necessary for the EIR to provide sufficient evidence demonstrating the magnitude and characterizing the significance of the health risk impacts.

Comment AQ-2: Mitigation of Exposure to Air Pollution

This response addresses the following comments:

I-Butcher2-42 I-Whitaker2-16
I-Whitaker2-7 I-Whitaker2-17
I-Whitaker2-15

"B. Project Design Features Render Mitigation Measure M-AQ-4b Inadequate.

"The DEIR concludes that the "proposed project and project variants . . . would have the potential to expose sensitive receptors to substantial concentrations of air pollutants resulting in a significant impact." (DEIR, p. 4.G.36.) The DEIR proposes Mitigation Measure M-AQ-4b to mitigate this significant impact. *(Ibid.)* Mitigation Measure M-AQ-4b requires use of a ventilation system that removes at least 80 percent of the outdoor PM2.5 concentrations in habitable areas.

"However, neither Mitigation Measure M-AQ-4b nor the corresponding analysis discloses that the residential units all have operable windows, many have balconies, and the Project includes outdoor open spaces. Mitigation Measure M-AQ-4b does not, and cannot, effectively mitigate the significant air quality impacts associated with these areas/project features.

"The DEIR could avoid significant toxic air contaminant and related air pollutant impacts associated with balconies and operable windows by excluding these features from the Project. If balconies and operable windows remain as design features, then the DEIR must be revised to disclose that Impact AQ-4 will remain significant after implementation of Mitigation Measure M-AQ-4. Such disclosure will require recirculation of the DEIR." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-42])*

"Page S.27, Impact AQ-2, Mitigation M-AQ-2: Diesel particulate matter spewing big rigs for the multiple construction projects in the Rincon neighborhood east of 2nd Street between Market Street and the Bay Bridge have been double parking and idling on residential blocks between Folsom and Harrison Streets. There should be a clear "off-limits" cordoned area around the primarily residential blocks southeast of Folsom Street within which the trucks should not stop for any reason other than being stuck in the typical traffic congestion. The area is already marked by San Francisco Health Code Article 38 as an air pollution hot spot, and most of the residences do not have any sort of ventilation or filtration to help keep particulate matter, ozone, and carbon monoxide from vehicles out of their homes." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-7])*

"Page 4.G.3, Table 4.G.1: This table does not seem to be localized to consider the conditions in South of Market. The epidemiologists employed by the San Francisco Department of Public Health have prepared a map (inserted below) that can be found at http://www.sustainablecommunitiesindex.org/city indicators/view/14 which indicates SoMa's % Particulate Matter 2.5 is 6.10% compared to 1.20% citywide and SoMa's % cancer risk is 27.80% compared to 3.30% citywide." [Comment I-Whitaker2-15 includes a map entitled "Average Annual PM 2.5 Concentration from All Sources (ug/m3)." Please see Letter I-Whitaker2 in RTC Attachment 2, middle of letter page 5 of 8, for this image.] *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-15])*

"The number of pediatric asthma-related hospital visits per 1,000 persons under age 18 should also be noted for the area because the number is significantly higher than for other parts of San Francisco. The hospitalization rate for zip code 94105 is 26.7 pediatric asthma related hospital

visits per 1,000 minors versus 11.2 visits citywide. Please see the related table cut out from the Harvey Rose Socioeconomic Equity report presented to the San Francisco Board of Supervisors Budget Committee on June 5, 2013:" [Comment I-Whitaker2-16 includes a figure entitled "Figure 68: Age-Adjusted Hospitalization Rate due to Pediatric Asthma By Zip Code and Neighborhood, 2008-2010." Please see Letter I-Whitaker2 in RTC Attachment 2, top of letter page 6 of 8, for this image.] *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-16])*

"Of course traffic congestion adds to the ozone, carbon monoxide, and particulate matter in the air that residents breathe, and all of the development being built or approved for downtown San Francisco will create total gridlock and more pollution if the City does not implement congestion pricing and other mitigations to try to avoid killing residents with poisons in the air created by past and future planning decisions that did not consider the impacts on community health available by partnering with the Department of Public Health's Environmental Health and Sustainability epidemiologists. " [Comment I-Whitaker2-17 includes a figure entitled "Forecast "core" auto trips create gridlock." Please see Letter I-Whitaker2 in RTC Attachment 2, top of letter page 7 of 8, for this image.] *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-17])*

Response AQ-2

Some comments highlight the existing air pollution levels in the downtown, South of Market, and Rincon Hill areas, with an emphasis on how local emissions from traffic cause substantial levels of air pollution. The EIR, pp. 4.G.1-4.G.18, provides an in-depth discussion of the conditions, including regional and local air pollution levels, supported by local data; background information on air toxics, including discussions of roadway-related pollutants in San Francisco and diesel particulate matter; disclosure of sensitive locations; and the regulatory framework in place to manage and reduce air pollution in the region and in San Francisco.

One comment notes that the new residential units under the proposed project and its variants would be new sensitive receptors.

The EIR analysis of Impact AQ-4, pp. 4.G.35-4.G.37, provides more detail in describing how the project would site the proposed sensitive residential use in an area of San Francisco that experiences higher levels of air pollution, and, because of its location within the TCDP area, mitigation to install air filtration is identified (Mitigation Measure M-AQ-4b). This mitigation measure would ensure that new residents would be protected from substantial concentrations of roadway-generated pollutants, including outdoor diesel particulate matter and $PM_{2.5}$.

One comment claims that the EIR does not disclose that the proposed residential units would have operable windows and balconies and that the project includes outdoor open spaces. The comment states that because of this, the impact cannot be mitigated. The EIR does in fact disclose the incorporation of balconies for the residential units (EIR p. 2.11 and p. 2.29). It is

also likely that there would be operable glazing sections in the windows of the residential units. The mitigation for air filtration (Mitigation Measure M-AQ-4b, EIR pp. 4.G.36-4.G.37) requires the project sponsor to inform residential buyers (and renters) of the proper use of the installed air filtration system, and the occupant would have the option to keep the windows closed and the ventilation system operating continuously to achieve the design-level of minimized outdoor-to-indoor transmission of air pollution. No additional mitigation would be necessary to reduce the impact of roadway-generated pollutants on residents at the project site because filtration would be provided and residents would be sufficiently informed to choose to protect themselves from air pollution by using the ventilation system.

Another comment expresses concern that diesel particulate matter controls included in EIR Mitigation Measure M-AQ-2 would be insufficient to avoid excessive diesel emissions caused by the multiple construction projects in the project area and Rincon Hill area, if vehicles are double parking and idling on residential blocks. Traffic controls enforced by the San Francisco Municipal Transportation Agency and the Police Department limit the ability for construction crews to double-park and idle in the area. The project and all other projects in Rincon Hill and the TCDP area would be required to comply with California regulations that limit diesel truck idling times to five minutes (EIR p. 4.G.30). Additionally, as discussed in the EIR, p. 4.G.31, for those projects in the TCDP area, including the proposed project and its variants, the construction emissions minimization strategies established in the TCDP EIR in Mitigation Measure M-AQ-5 (Measure M-AQ-2 in the 75 Howard Street Project EIR) would be applicable, which ensures that the combined effects of multiple construction projects would be reduced. That mitigation measure requires that idling time for equipment be limited to no more than two minutes (EIR p. 4.G.32).

Another comment suggests that the air quality data reported in EIR Table 4.G.1 (p. 4.G.3) is not localized to consider the conditions in South of Market. This comment is incorrect because, as stated in EIR p. 4.G.2, Footnote 2, the air quality monitoring station is located at 16th and Arkansas streets in San Francisco's lower Potrero Hill area, which accurately captures the actual conditions for this portion of San Francisco, especially over time. Furthermore, the modeling conducted to identify the Air Pollutant Exposure Zone is based on meteorological data from Mission Bay.

One commenter provides maps and socioeconomic data from the Department of Public Health to illustrate modeled air pollutant concentrations and hospitalization rates in the setting. As discussed in Response AQ-1, the Air Pollutant Exposure Zone accounts for increased hospitalization rates due to air pollutant concentrations by lowering the standard for being within the Air Pollutant Exposure Zone for those San Francisco ZIP codes in the worst quintile of Bay Area Health Vulnerability scores. In these areas, the Air Pollutant Exposure Zone criteria have been lowered to an excess cancer risk from the contribution of emissions from all modeled

sources greater than 90 per one million population, and/or cumulative $PM_{2.5}$ concentrations greater than 9 $\mu g/m^3$. Thus, the methodology employed by the Planning Department for assessing health risk impacts incorporates increased hospitalization rates. However, the EIR demonstrates that the mitigated proposed project and its variants would not contribute substantially to existing air pollutant concentrations (Impact AQ-1 and Impact AQ-3) or expose sensitive receptors to substantial pollutant concentrations (Impact AQ-2 and Impact AQ-4).

I. SHADOW

The comments and corresponding responses in this section cover topics in EIR Section 4.H, Shadow, and in EIR Appendix A - Notice of Preparation / Initial Study, Section E.9, Wind and Shadow (Wind). These include topics related to:

- WS-1: Rincon Park
- WS-2: Cumulative Shadow Impacts
- WS-3: Shadow Mitigation and Alternatives to the Proposed Project
- WS-4: Planning Code Compliance and Project Approval
- WS-5: Proposed Open Space
- WS-6: Map of Open Spaces

Comment WS-1: Rincon Park

This response addresses the following comments:

O-CSFN-9
I-Whitaker2-18

"11.) 75 Howard would create substantial shadows on public spaces including Rincon Park" (*Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-9])*

"Page 4.H.15, fifth paragraph: "*Excluding the pedestrian promenade along its eastern perimeter, Rincon Park is used primarily for passive recreation such as sitting and lying down."* I would add that Rincon Park is also primarily used for exercise with personal trainers teaching groups or with individuals doing their own exercises. It is a popular location for wedding photography along the waterfront with Cupid's Span serving as a background or the Bay Bridge and Bay waters. It is also a common spot for dogs to play or kids to learn how to bicycle. Kids from the Embarcadero YMCA and the daycare centers will get brought to Rincon Park chain gang style and will d raw on the sidewalks with chalk too." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-18])*

Response WS-1

One comment states that the proposed project would create substantial shadows on public spaces, including Rincon Park. The EIR, on pp. 4.H.14-4.H.25, includes an extensive discussion of the proposed project's shadow impact on Rincon Park and concludes that the proposed project would result in a significant and unavoidable shadow impact on Rincon Park. This comment is acknowledged.

One comment states that in addition to being used for passive recreation such as sitting and lying down, Rincon Park is used for other activities, including, but not limited to, exercise instruction by personal trainers, wedding photography, playing with dogs, teaching children how to ride bicycles, and children's field trips.

To acknowledge these activities, the paragraph that begins at the bottom of EIR p. 4.H.5 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This paragraph is also revised to provide a more accurate area measurement for Rincon Park. These revisions do not alter any of the conclusions of the EIR.

> Rincon Park is an approximately 2.9-acre (126,810-square-foot) ~~2.7-acre (119,138-square-foot)~~ park along the east side of The Embarcadero between Howard Street and Harrison Street. Rincon Park is bounded by The Embarcadero on the west and the San Francisco Bay on the east. The eastern portion of the park includes the section of the pedestrian promenade that runs along San Francisco Bay (the Embarcadero Promenade). The park is approximately two blocks long, and the central portion of the park is wider than either the northern or southern ends of the park. Most of the northern half of the park is landscaped with grass and small shrubs. The central portion of the park is occupied by an approximately 65-foot-tall sculpture of a bow and arrow known as "Cupid's Span," and there is a paved pedestrian path to the west of the sculpture that generally runs parallel to the Embarcadero Promenade. The southern half of the park includes a small amount of landscaping and a pair of two-story restaurant buildings. There are seating areas along the pedestrian promenade (the Embarcadero Promenade) and seating areas to the east and south of the sculpture. Rincon Park is used for active and passive recreation. Active recreation includes walking, running, cycling, rollerblading, and skateboarding, which occur primarily along the eastern perimeter of the park within the pedestrian promenade. Passive recreation includes sitting or lying down. Other activities include exercise instruction by personal trainers, wedding photography, playing with dogs, and teaching children how to ride bicycles. Rincon Park is also a popular destination for children's field trips. Two field observations (one on a weekday and one on a weekend day, from early morning until mid-morning and from mid-day until early evening on each day), were conducted to assess the types of recreational activities that occur in Rincon Park. The data collected during those field observations are summarized and presented in Table 4.H.1: Recreational Use of Rincon Park by Activity, and Table 4.H.2: Recreational Use of Rincon Park by Location. The field observations are discussed in more detail under Impacts, on pp. 4.H.15-4.H.23.

The first and second full paragraph on EIR p. 4.H.14 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> Rincon Park, which includes the portion of the Embarcadero Promenade adjacent to the park, receives about 471,910,734 ~~443,361,753~~ square-foot-hours (sfh)[11] of TAAS. Approximately 38,552,842 sfh (about 8.2 ~~8.7~~ percent) of the TAAS are used up by

> shadows from existing buildings. The proposed project or variants would cast about 9,715,526 sfh of net new shadow per year on the park. With implementation of the proposed project or variants, the shadow load on Rincon Park would increase from approximately 38,552,842 sfh per year to approximately 48,268,368 sfh per year, an increase of about 25 percent over the existing shadow.
>
> The 9,715,526 sfh of net new shadow is about 2.1 ~~2.2~~ percent of the TAAS for Rincon Park. Expressed as a percentage of the TAAS for Rincon Park, the shadow on the park would increase from about 8.2 ~~8.7~~ percent to about 10.3 ~~10.9~~ percent with implementation of the proposed project or variants.
>
> [Footnote 11]
> [11] Sunlight and shadow are measured in units known as square-foot-hours (sfh), which are calculated by multiplying the area that is in sunlight or shadow (in square feet) by the amount of time that the sunlight or shadow is present (in hours).

The fourth full paragraph on EIR p. 4.H.15 is revised as follows (new text is underlined). This revision does not alter any of the conclusions of the EIR.

> Excluding the pedestrian promenade along its eastern perimeter, Rincon Park is used primarily for passive recreation such as sitting and lying down. Other activities include exercise instruction by personal trainers, wedding photography, playing with dogs, and teaching children how to ride bicycles. Rincon Park is also a popular destination for children's field trips. The pedestrian promenade along the eastern perimeter of the park is used for active recreation such as walking, running, cycling, rollerblading, and skateboarding. As discussed below, the use of Rincon Park was surveyed on two different days, one during the week and one during the weekend.

The second paragraph on EIR p. 4.H.24 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> In summary, the proposed project or variants would cast net new shadow on the northern and central portions of Rincon Park in the afternoon on most days throughout the year. The affected areas include landscaping (the grassy lawn area), the pedestrian path adjacent to and west of the sculpture, the seating areas and the pedestrian path along the eastern perimeter of the park, and the seating areas east of the sculpture. Although the proposed project or variants would not cast net new shadow on Rincon Park in the morning or at mid-day, it would cast about 9,715,526 sfh of annual net new shadow on Rincon Park in the afternoon throughout the year. The net new project or variant shadow would fall on many of the sunlit seating areas in the park where many park users prefer to sit and would adversely affect the use of those areas. Expressed as a percentage of the TAAS, the proposed project or variants would result in a decrease in sunlight of about 2.1 ~~2.2~~ percent per year. Rincon Park is a sunny park along the waterfront, and the current height limits on the west side of The Embarcadero preserve afternoon sunlight on Rincon Park. The net new project or variant shadow on Rincon Park would be substantial and would adversely affect the enjoyment and use of the park. For these reasons, the proposed project or variants would have a significant and unavoidable shadow impact on Rincon Park.

Footnote 16 on EIR p. 4.H.25 is revised as follows to reflect modifications to the Code Compliant Alternative since publication of the Draft EIR (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> [16] CADP generated shadow calculations for a 220~~200~~-foot-tall alternative (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) that would comply with the current height limit for the project site. This alternative would cast about 6,276,795 ~~4,517,994~~ sfh of annual net new shadow on Rincon Park (a reduction of about 35.4 ~~53.5~~ percent when compared to the proposed project). This alternative is 148 feet shorter than the proposed project, but like the proposed project, this alternative would cast net new shadow on Rincon Park. Therefore, an even greater reduction in height would be required to avoid casting any net new shadow on Rincon Park. The shadow calculations for the 220~~200~~-foot-tall alternative are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

Comment WS-2: Cumulative Shadow Impacts

This response addresses the following comments:

A-SFPC-Antonini-3
I-Butcher2-45

"But there are a few things with reference to the plan itself. I think there is mention in the draft EIR of the shadow impacts of the building and then the effects that the buildings now or soon to be under construction in the transit district will have on mitigating the shadows, because they will actually often be part of the shadow from the bigger buildings; therefore, their impact will not be there anymore in many instances. So that I think there's reference to this in this document, which was far-reaching. And I think it's good to understand that when we look at those shadow impacts." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-3])*

"C. The DEIR's Discussion of Cumulative Shadow Impacts is Inadequate.

"During the Planning Commission hearing on September 12, 2013, one or more of the Planning Commissioners expressed confusion regarding the cumulative shadow impact caused by the proposed Project. This confusion was likely derived from the DEIR's inadequate analysis of the Project's cumulative shadow impact. The DEIR discloses that the Transit Center District projects and the proposed Project would both cast shadows on Rincon Park and that the shadow impacts differ. The DEIR, however, fails to quantify the cumulative shadow impacts on Rincon Park.

"The DEIR demonstrates that, if developed, the proposed Project would increase shadow impacts on Rincon Park by approximately 25%. The DEIR does not provide similar data for the cumulative impact. To allow the Commission, Board, and public to fully understand the cumulative impact on Rincon Park, the DEIR should be revised to include a cumulative shadow impact analysis that provides a sufficient level of detail to evaluate cumulative shadow impacts." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-45])*

Response WS-2

One of the comments states that the analysis of cumulative shadow impacts is inadequate, because it fails to quantify the cumulative shadow impacts on Rincon Park or provide a sufficient level of detailed information. The cumulative shadow impacts from the proposed project or variants and reasonably foreseeable projects are adequately discussed in Section 4.H, Shadow, on EIR pp. 4.H.30-4.H.39. The cumulative shadow impact on Rincon Park from the proposed project and proposed development under the TCDP was not quantified, but Figures 4.H.9 through 4.H.14, on EIR pp. 4.H.33-4.H.38, show the cumulative shadow impact on Rincon Park, the Embarcadero Promenade, and downtown sidewalks on four representative days throughout the year (one day from each season). CEQA does not require that the amount of shadow cast by a project on a park be quantified but instead requires a qualitative discussion of whether the shadows created by the project would significantly affect the use and enjoyment of the park. The EIR provides substantial evidence of cumulative shadow impacts. Proposed development under the Transit Center District Plan (TCDP) would cast net new shadow on the Embarcadero Promenade in the late afternoon throughout the year, on Rincon Park in the late afternoon throughout much of the year, and on downtown sidewalks throughout the day and throughout the year. The proposed project or variants would cast net new shadow on Rincon Park and the Embarcadero Promenade in the late afternoon on most days throughout the year and on downtown sidewalks throughout the day and throughout the year. Based on this information, the EIR, on p. 4.H.32, reaches the following conclusion:

> When combined with the shadow that the proposed buildings in the Transit Center District would cast on the Embarcadero Promenade, Rincon Park, and downtown sidewalks, the proposed project or variants would create new cumulative shadow in a manner that would substantially affect the Embarcadero Promenade, Rincon Park, and downtown sidewalks. This cumulative shadow impact would be significant and unavoidable, and the proposed project or variants would make a cumulatively considerable contribution to this significant cumulative shadow impact.

More detailed information, including quantification, is not necessary to reach such a conclusion regarding the cumulative shadow impact.

One comment states that the EIR discusses how shadow from projects approved under the TCDP will overlap with and reduce some of the net new shadow from the proposed project or variants. This comment states that it is good to understand this factor when considering the shadow impacts of the proposed project. This comment is correct and is acknowledged.

Comment WS-3: Shadow Mitigation and Alternatives to the Proposed Project

This response addresses the following comments:

O-OHPRA-6 I-Emblidge-17
I-Butcher2-44 I-Whitaker2-8
I-Emblidge-16

"The fact that the building's shadows on Rincon Park, and public sidewalks, are "significant and unavoidable" leads to the conclusion that another site may be more appropriate for this project. Rincon Park is our neighborhood park. These adverse impacts will not only be experienced by the occupants of the surrounding residential and office buildings but also by the numerous visitors to this busy Embarcadero area, including visitors to Rincon Park." *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-6])*

"B. The DEIR Improperly Concludes No Mitigation is Available to Address the Project's Significant Shadow Impact.

"The DEIR states that no feasible mitigation is available for the proposed Project's shadow impact on Rincon Park, because "any theoretical mitigation would fundamentally alter the basic design and programming parameters of the proposed project or variants." Nothing in CEQA allows dismissal of mitigation measures that change basic design of a project. For the purposes of CEQA, the question is whether proposed mitigation measures are *feasible* not whether they will impact project design. *(County of San Diego* v. *Grossmont Cuyamaca Community College District* (2006) 141 Cal.App.4th 86, 98 ["CEQA contains a 'substantive mandate' requiring public agencies to refrain from approving projects with significant environmental effects if 'there are *feasible ...mitigation measures'* that can substantially lessen or avoid those effects.") (original emphasis).) Therefore, pursuant to CEQA, mitigation could be considered that requires greater setbacks, reductions in bulk, or other design changes to address shadow impacts.

"The DEIR also relies on the alleged infeasibility of avoiding shadow impacts on Rincon Park as an excuse for not proposing mitigation measures to address this significant impact. (See, e.g., DEIR, p. 4.H.24 ["Any development of substantial height (approximately 100 feet or taller) on the project site would shadow Rincon Park."].) This justification is unsupportable.

"The threshold of significance as set forth in the DEIR is whether the Project "[c]reate[s] new shadow in a manner that substantially affects outdoor recreation facilities or other public areas." (DEIR, p. 4.H .10.) Pursuant to the threshold of significance, the question is whether the Project casts a shadow that substantially affects outdoor areas not whether the Project casts any shadows at all. Therefore, the DEIR's focus on whether a mitigation measure or alternative could "avoid casting *any* net new shadow on Rincon Park" is disingenuous. (DEIR, p. 4.8.24 (emphasis added).)

"The DEIR illustrates the fallacy of this argument in its discussion of shadow impacts on the Embarcadero Promenade. The DEIR concludes the Project will result in shadow impacts on the Embarcadero Promenade. (DEIR, p. 4.H.25.) Nevertheless, the DEIR concludes theses shadow impacts are less than significant. *(Ibid.)*

"As demonstrated above, contrary to the conclusions in the DEIR, mitigation or alternatives may be available to reduce the Project's significant shadow impact on Rincon Park to a less than significant level without fully avoiding any shadow impact. The DEIR must be revised to consider potentially feasible mitigation measures and/or alternatives as suggested above that could reduce the shadow impact to a less than significant level. Moreover, it is the decisionmakers responsibility to reach a final determination regarding the feasibility of mitigation measures or alternatives included in the DEIR. The DEIR should not exclude potentially feasible mitigation measures or alternatives solely on the basis that the Project proponent believes the measures would not allow construction of the proponent's ideal design for the site." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-44])*

"13. The DEIR incorrectly determines that there is no feasible mitigation to reduce Shadow Impact WS-1.

"The project would result in a shadow increase of about 25 percent over the existing amount of shadow on the park. Page 4.H.24 of the EIR identifies the project's significant shadow impacts on Rincon Park: *"Rincon Park is a sunny park along the waterfront, and the current height limits on the west side of The Embarcadero preserve afternoon sunlight on Rincon Park. The net new project or variant shadow on Rincon Park would be substantial and would adversely affect the enjoyment and use of the park. For these reasons, the proposed project or project variants would have a significant and unavoidable shadow impact on Rincon Park."*

"The shadow impact could be reduced by reducing the height of the proposed building. However, the EIR concludes on page 4.H.24, that *"Reducing the building height would reduce the development program of the proposed project or variants. Even then the proposed project or variants would still shadow Rincon Park. Thus, there is no feasible mitigation measure."* This is an unreasonable conclusion. Most if not all of the project objectives would be met with a reduced height project. Page 6.26 of the EIR discusses the 200-foot Code Compliant Alternative, which would cut the amount of shadow to about half of that of the proposed project. Just because a mitigation measure would not reduce an impact to a less-than-than-significant level does not mean the mitigation measure should be discarded out of hand. As stated in Section 21002 of CEQA, *"The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to a project, and to indicate the manner in which those significant effects can be mitigated or avoided."*

"The EIR should be revised to include mitigation measures to reduce shadow impacts on Rincon Park." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-16])*

"14. The EIR incorrectly concludes that there is no feasible mitigation for cumulative shadow impacts.

"Page 4.H.32 of the EIR states that *"There is no feasible mitigation for the project's or variants' contributions to cumulative shadow impacts, because and theoretical mitigation would fundamentally alter the basic design and programming of the proposed project or variants"* This is not the standard under which the feasibility of mitigation measures should be evaluated under

CEQA. If this were the standard then many if not most mitigation measures proposed in EIRs would be deemed infeasible.

"Revise the EIR to include mitigation measures to reduce the project contribution to cumulative shadow impacts." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-17])*

"Page S.33, Impact WS-1, No mitigation: *The proposed project or variants would create new shadow in a manner that substantially affects outdoor recreation facilities and other public areas.* There is a mitigation - tapering the building frequently up to the zoned height of 200 feet. The Rincon neighborhood's high rises taper substantially more than the proposed design to help mitigate shadowing on Rincon Park. The DEIR fails to mention this as a mitigation tool and also it would also help the building fit into the character of existing buildings in Rincon." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-8])*

Response WS-3

Several comments state that the EIR incorrectly concludes that there are no feasible mitigation measures to reduce the project-level and cumulative shadow impacts of the proposed project. Other comments suggest that in order to avoid or reduce the shadow impacts on Rincon Park, a different development site should be selected or a 200-foot-tall building with a tapered design should be considered.

The EIR, on pp. 4.H.24-4.H.25, provides the following discussion regarding why there are no feasible mitigation measures to reduce shadow impacts on Rincon Park:

> There is no feasible mitigation for the proposed project's or variants' shadow impact on Rincon Park, because any theoretical mitigation would fundamentally alter the basic design and programming parameters of the proposed project or variants. Any development of substantial height (approximately 100 feet or taller) on the project site would shadow Rincon Park.[16] Reducing the building height would reduce the development program of the proposed project or variants. Even then, the proposed project or variants would still shadow Rincon Park. Thus, there is no feasible mitigation to reduce this impact to a less-than-significant level.
>
> (See EIR Footnote 16, as revised above on RTC p. 4.I.4.)

The project site is approximately 300 feet west of Rincon Park, and there are no intervening buildings between the project site and Rincon Park. For these reasons, and as stated in the EIR on p. 4.H.32, any development of substantial height (approximately 100 feet or taller) on the project site would shadow Rincon Park in the afternoon on most days of the year, resulting in significant and unavoidable shadow impacts. Revisions to the proposed project great enough to minimize the significant shadow impact would constitute an alternative to the proposed project, not a

mitigation measure. Such an alternative is included in the EIR in the 220-foot-tall Code Compliant Alternative as revised and analyzed in Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, in this Responses to Comments Document; this alternative reduces the size of the project nearly by 35 percent. This extent of change to a proposed project is not typically identified as a mitigation measure. The Code Compliant Alternative would still result in a significant project-level and cumulative shadow impact, although the impact would be reduced. Therefore, sculpting the top of the proposed project, which could result in a somewhat narrower shadow but one of the same length, would not be expected to minimize or reduce the significant shadow impact substantially more than the Code Compliant Alternative. Tapering the top of the 220-foot tall Code Compliant Alternative could also result in a somewhat narrower shadow, but like the proposed project, it would not be expected to eliminate project-level and cumulative significant shadow impact. Therefore, it was determined that there were no feasible mitigation measures that would minimize the shadow impact of the proposed project or the Code Compliant Alternative.

As discussed on EIR p. 6.51, an off-site alternative was considered but rejected:

> The proposed project would demolish an existing parking garage and construct a new mixed-use, waterfront high-rise tower on a project site that is already owned and operated by the project sponsor. While there are other waterfront locations along The Embarcadero, few could accommodate a similar-sized project, and none of those parcels is under the ownership of the project sponsor. The only other property owned by the project sponsor in the City and County of San Francisco is an already developed site located at One Market Plaza (1 Market Street), containing the 11-story Southern Pacific Building, the 43-story Spear Tower, and the 27-story Steuart Tower. The project sponsor has not indicated any plans to acquire development rights to or purchase another waterfront property in San Francisco in the near future.

Comment WS-4: Planning Code Compliance and Project Approval

This response addresses the following comments:

I-Bardel-1
I-Butcher2-43
I-Green-3

"I did read the EIR. It was the first time I was involved in reading an EIR in the city as a resident. I'm pleased to have the opportunity to read that.

"My biggest concern is on the bulk and height of the building, primarily on the issue in the EIR on the shadows on Rincon Park. As a member of District 6, we have a lack of green space in that neighborhood, particularly in District 6. I utilize that park, as do thousands of people in the greenspace on a sunny day. And as evident in the EIR, dramatic shadows will

take away a lot of that sunny space that, not only myself and other residents enjoy, but visitors alike.

"So I urge you to consider voting no as is proposed for 75 Howard." *(Keith Bardel, Public Hearing Transcript, September 12, 2013 [I-Bardel-1])*

"XI. Shadow

"A. Approval of the Proposed Project would Violate Planning Code Section 147.

"The DEIR states that the public parks and open spaces that will be impacted by the Project's shadow are not subject to Planning Code Section 295 because they are not within the jurisdiction of the Recreation and Park Commission. The DEIR, therefore, implies that the shadow impacts do not conflict with the Planning Code. (DEIR, p. 4.H.12.) This conclusion ignores Planning Code Section 147.

"Section 147 provides that building heights that exceed 50 feet "*shall* be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the site in question ..." to reduce shadow impacts. (Emphasis added.) By code the Project may not exceed 200 feet. As demonstrated in the DEIR, the Code Compliant alternative reduces the Project's shadow impact as compared to the proposed Project. Specifically, the Code Compliant alternative would cast 53.5% less shadow over Rincon Park than the proposed Project. (See, e.g., DEIR, p. 4.H.24.)

"Because the proposed Project would cast substantially more shadow than other potential alternatives, including the Code Compliant alternative, consistent with the mandatory requirement of Section 147, the City cannot approve the proposed Project over a less impactful alternative, such as the Code Compliant alternative, unless the Commission and Board conclude that San Francisco's existing code requirements are not "consistent with the dictates of good design and [] unduly restrict the development potential of the site in question." It is unlikely that such a finding can be made." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-43])*

"…Instead, it maximizes the shadowing of nearby areas, and seems deliberately designed to increase sidewalk wind levels. This alone is sufficient reason to deny the proponents' request for the necessary variances." *(Grant Green, Email, August 12, 2013 [I-Green-3])*

Response WS-4

One comment states that the proposed project or variants cannot be approved, because they do not comply with Planning Code Section 147 and would result in a greater shadow impact than the shorter Code Compliant Alternative. The EIR does not ignore Planning Code Section 147. The EIR discusses the relevant Planning Code regulations that are applicable to the proposed project and variants. Planning Code Section 147 is discussed on EIR p. 4.H.10:

> Planning Code Section 147 regulates shadow impacts on public or publicly accessible open spaces in C-3 Districts that are not already regulated under

> Planning Code Section 295. New buildings in C-3 Districts that are over 50 feet tall must be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on these public or publicly accessible open spaces. In determining shadow impacts under Section 147, the following factors must be taken into account: the amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed.

The EIR is not an approval document. For this reason, the EIR is not required to make approval findings related to Planning Code Section 147, including whether the proposed project can be shaped, consistent with the dictates of good design and without unduly restricting the development potential of the project site, to reduce substantial shadow impacts on public or publicly accessible open spaces. Information contained in the EIR, such as the amount of area shadowed, the duration of the shadow, and the importance of sunlight to the type of open space being shadowed, may be used by City decision-makers as part of their review of the proposed project. Approval findings will be included in the approval documents that will be reviewed by City decision-makers as part of their deliberations on whether to approve or disapprove the proposed project.

As discussed in Response WS-3: Shadow Mitigation and Alternatives to the Proposed Project, above, both the proposed project and the Code Compliant Alternative would result in a significant and unavoidable shadow impact on Rincon Park. A project that would result in a significant and unavoidable shadow impact can still be approved if City decision-makers adopt a statement of overriding considerations. Pursuant to CEQA Guidelines Section 15093(a), "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable'." Pursuant to CEQA Guidelines Section 15093(b), "when the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record." If City decision-makers approve the proposed project or one of the variants, the approval documents will include a statement of overriding considerations.

Other comments state that the requested exception [commenter states variances, but this comment implies that an exception from Planning Code requirements is required to shadow Rincon Park] should not be granted, that the proposed project should not be approved due to its wind and

shadow impacts, and that the proposed project or variants were deliberately designed to increase sidewalk wind levels. As discussed in the Initial Study, pp. 81-97 (see EIR Appendix A: Notice of Preparation/Initial Study), the proposed project or variants would not result in substantial changes to ground-level wind conditions in the project vicinity. The number of exceedances of the pedestrian wind comfort criterion would remain unchanged, and there would be no exceedances of the wind hazard criterion. Pursuant to Planning Code Sections 148 and 309, the Planning Commission has the authority to grant an exception if a project exceeds the pedestrian wind comfort criterion. The decision to grant an exception rests with the Planning Commission and is made as part of their deliberations on the proposed project rather than a conclusion in the EIR.

As discussed on EIR p. 4.H.12, Rincon Park is not subject to the provisions of Planning Code Section 295. The CEQA significance criterion for shadow impacts on Rincon Park is not based on the provisions of Planning Code Section 295. The EIR, on p. 4.H.24, concludes that the proposed project or variants would have a significant and unavoidable shadow impact on Rincon Park. Although the proposed project or variants would cast a substantial amount of net new shadow on Rincon Park, there is no quantitative standard that would be exceeded. As a result, no exception would need to be granted. The decision to approve the proposed project, despite its significant and unavoidable shadow impact on Rincon Park, rests with the Planning Commission and is made as part of their deliberations on the proposed project rather than a conclusion in the EIR.

For more information regarding the lack of open space in District 6, please see Response RE-1 in Section 4.Q, Recreation, pp. 4.Q.2-4.Q.5.

Comment WS-5: Proposed Open Space

This response addresses the following comments:

A-SFPC-Antonini-6
I-Bement2-2

"The new park that's proposed, I believe there is an analysis in there that talks about the amount of park space being created and how much additional light is created relative to the amount of light being eliminated by this project as it's currently structured. So it's good to look at both those factors." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-6])*

"Nor does the DEIR point out that the developer should not receive any "credit" against the significant and unavoidable shadows the project would create on public open space and sidewalks, as it has claimed, by purportedly creating "new" sunlight on this lot. The public has had in the past and will have in the future the ability to enjoy this sunlight regardless of whether the proposed project is built." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-2])*

Response WS-5

Since publication of the Draft EIR, the project sponsor has indicated that the Code Compliant Alternative is to be considered the preferred project, and entitlement applications for consideration by the City Planning Commission (CPC) consistent with the revised Code Compliant Alternative design have been submitted.[1] As described in RTC Chapter 2, Revisions to the Draft EIR Analysis Approach and Modification to Project Alternatives, p. 2.27, the Code Compliant Alternative does not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. This response addresses comments raised on shadow impacts to this proposed open space site, which was analyzed as part of the project in the Draft EIR.

In addition to discussing the proposed project's shadow impact on existing public open spaces, the EIR, on pp. 4.H.28-4H.30, discusses the proposed project's shadow impacts on the proposed open space that would be developed across Steuart Street from the project site. The EIR does not state that the proposed project should receive credit for the sunlight on the proposed open space in exchange for creating a significant and unavoidable shadow impact on existing public open spaces. Nor does the EIR state that the proposed open space would mitigate the shadow impact to Rincon Park, which remains significant and unavoidable. This information may be considered by City decision-makers during their deliberations on whether to approve or disapprove the proposed project.

One comment states that the EIR discusses the amount of sunlight on newly created park space relative to the amount of sunlight that would be eliminated on existing park space. This comment states that it is good to understand both of these factors. This comment is acknowledged.

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[1] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122X.

Comment WS-6: Map of Open Spaces

This response addresses the following comment:

I-Hestor2-24

"The public open spaces along the waterfront which are to be protected from shadow include Herb Caen Way along The Embarcadero. Figure 4.H.1 does not show the sidewalk areas so protected. Draw in that area on maps of the open space." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-24])*

Response WS-6

This comment states that the sidewalks along Herb Caen Way are not shown on Figure 4.H.1. The purpose of Figure 4.H.1: Existing Public and Publicly Accessible Open Spaces Within Reach of the Proposed Project's Shadow, on EIR p. 4.H.2, is to show the general locations of open spaces that are within reach of the proposed project's shadow. Figure 4.H.1 is not intended to show the boundary of each open space in detail. Herb Caen Way is the sidewalk along the east side of The Embarcadero and serves as a pathway for pedestrians, cyclists, rollerbladers, and runners. Herb Caen Way is not considered part of Rincon Park.[2] In Figures 4.H.2 through 4.H.8, the east side of The Embarcadero is identified as a public open space. These figures are based on larger versions of the shadow graphics that were submitted as part of the shadow analysis for the proposed project.[3]

[2] Email from Don Lewis, San Francisco Planning Department, April 10, 2013.

[3] The shadow analysis is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

J. UTILITIES AND SERVICE SYSTEMS

The comments and corresponding responses in this section cover topics in EIR Section 4.I, Utilities and Service Systems. These include topics related to:

- UT-1: Water Supply
- UT-2: Sewer and Construction Issues

Comment UT-1: Water Supply

This response addresses the following comment:

O-CARD-2

"WATER SUPPLY

"The EIR (or DEIR - the terms are used interchangeably herein) does not adequately address the issue of water supply, which in California, is a historical environmental problem of major proportions.

"What the DEIR fails to do is:

1. Make reference to any urban water management plan;
2. Document wholesale water supplies;
3. Document Project demand;
4. Determine reasonably foreseeable development scenarios, both near-term and long-term;
5. Determine the water demands necessary to serve both near-term and long-term development and project build-out (which would have to examine likely development within the totality of the EBMUD service area);
6. Identify likely near-term and long-term water supply sources and, if necessary, alternative sources;
7. Identify the likely yields of future water from the identified sources;
8. Determine cumulative demands on the water supply system;
9. Compare both near-term and long-term demand to near-term and long-term supply options, to determine water supply sufficiency;
10. Identify the environmental impacts of developing future sources of water; and
11. Identify mitigation measures for any significant environmental impacts of developing future water supplies.

"There is virtually no information in the DEIR which permits the reader to draw reasonable conclusions regarding the impact of the Project on water supply, either existing or in the future.

"For the foregoing reasons, this EIR is fatally flawed." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-2)*

Response UT-1

The comment states that the EIR does not adequately address the topic of water supply, which is inaccurate. Water supply impacts are discussed in the Initial Study on pp. 105-106 (see EIR Appendix A: Notice of Preparation/Initial Study); therefore, the water supply issue was not omitted from the EIR.

Contrary to the comment indicating that there is no reference to any urban water management plan, the Initial Study discusses the 2010 Urban Water Management Plan for the City and County of San Francisco (2010 UWMP).

Regarding the topics of wholesale water supplies, proposed project water demand, reasonably foreseeable development scenarios (near-term and long-term growth), and water demand for near-term and long-term growth plus project, the methodology uses population increases forecasted by the City or ABAG. (See also the discussion in the Population and Housing section of the Initial Study, pp. 46-53.) As stated in the Initial Study, pp. 105-106, according to the 2010 UWMP, the combination of the existing Water Shortage Allocation Plan and the additional supplies from the Water System Improvement Program means that "sufficient water is available to meet existing demand and planned future uses within San Francisco."[1] This conclusion was also reached in the analysis in the Transit Center District Plan EIR.[2] Therefore, a project-specific Water Supply Assessment is not required.

As discussed in the Initial Study on p. 105 (Footnote 74), the 2010 UWMP, pp. 66-69, projects that, during normal precipitation years and multiple dry years, the SFPUC will have adequate supplies to meet projected demand though 2035.

Because water supplies are expected to be adequate to serve the project, it is not necessary in the 75 Howard Street EIR to identify likely near-term and long-term water supply sources and alternative sources; to identify the likely yields of future water from the identified sources; or to determine cumulative demands on the water supply system. For the same reasons, and because the proposed project does not require the development of new water supplies, it is not necessary to identify the environmental impacts of developing future sources of water or identify mitigation measures for any significant environmental impacts of developing future water supplies.

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[1] SFPUC, 2010 UWMP, Sections 5.6 and 5.7, as cited in the Initial Study, p. 106, Footnote 76.
[2] TCDP EIR, pp. 537-538, as cited in the Initial Study, p. 106, Footnote 77.

Comment UT-2: Sewer and Construction Issues

This response addresses the following comments:

O-RTA2-31	O-RTA2-34	O-RTA2-37
O-RTA2-32	O-RTA2-35	O-RTA2-38
O-RTA2-33	O-RTA2-36	

"CLOSE PROXIMITY TO TWO HIGH-PRESSURE SEWER MAINS AND UNDERGROUND VAULTS:

"There is an aging, high-pressure sewer line beneath Steuart Street directly in front of, and only a few feet away from, this project and its excavated garage. This 3-foot diameter pipe, which carries 30% of the city's sewage, has failed three times in the last four years, according to the SF PUC. This line running down Steuart Street is NOT being upgraded as part of the PUC's current improvement work." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-31])*

"Furthermore, a new high-pressure sewer line is being installed on Howard Street also just feet from this project and its excavated garage (see PUC map below). There is also a sewage vault and overflow structure nearby. All of these facilities are buried in unstable fill." [Comment O-RTA2-31 includes a map entitled "2 high pressure sewer mains (SF PUC map)." Please see Letter O-RTA2 in RTC Attachment 2, letter page 8 of 9, for this image.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-32])*

"While the draft EIR discusses 75 Howard's contribution to the city's sewage flow, it does not adequately address the project's close proximity to these high-capacity and pressured sewer facilities. The risks, liabilities, requirements, and safety measures (if any) associated with the aged sewer main are not discussed." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-33])*

"The SF PUC studied this issue at 8 Washington and raised serious concerns. The same issues would seem relevant at 75 Howard. It is the same high pressure sewer main buried in fill land. There is also a vault and overflow structure nearby.

"The PUC found these sewage structures "would also be at risk" (Chron 3-11-13) at 8 Washington." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-34])*

"The very close proximity to excavation, construction activities and an underground garage need to be thoroughly studied at 75 Howard. Questions need to be answered. For example, what effect would pile-driving have on an aging sewer line already susceptible to failure?" *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-35])*

"How old is the existing pipe on Steuart Street?" *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-36])*

"Despite regulations, when the garage at Rincon Center was excavated, there were failures in the retaining wall." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-37])*

"A breach of either of the two high-pressure sewer mains this close to the Bay could cause an environmental catastrophe. An Environmental Impact Report must address this. Vague references to the titles of existing regulations are insufficient." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-38])*

Response UT-2

As discussed on EIR p. 4.I.4, there are sanitary sewer lines of various diameters under the Steuart and Howard streets rights-of-way. The approximately 15-foot-wide Channel Outfalls Consolidation Box is located under the Steuart Street right-of-way. The existing North Shore Force Main comes from the north, under The Embarcadero, to Howard Street and turns west, to connect to the Channel Outfalls Consolidation Box.[3] A force main is a pressurized pipe in which flows are pumped, rather than flowing by gravity. The North Shore Force Main was installed in 1976.

The comment concerning failures of the "aging, high-pressure sewer line beneath Steuart Street directly in front of, and only a few feet away from, this project and its excavated garage" refers to the existing North Shore Force Main, described above. On this portion (near the proposed project) of its route, the force main is made of ductile iron and steel.[4] The pipe, buried in the ground, is susceptible to corrosion. Because of the two failures of the pipe near the intersection of Jackson Street and The Embarcadero in 2008, the SFPUC has operated the North Shore Dry-Weather Pumps at a lowered capacity to reduce the pressure inside the North Shore Force Main.[5] This operational change reduces the chance of another pipe failure.

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[3] San Francisco Planning Department, North Shore to Channel Force Main Project, p. 2, Figure 1, Project Location and Vicinity, Mar. 21, 2012, ("MND for North Shore to Channel Force Main Project"). 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. 2011.1370E.

[4] MND for North Shore to Channel Force Main Project, p. 2, Figure 1.

[5] MND for North Shore to Channel Force Main Project, p. 1.

Even if the North Shore Force Main were to fail again, it would not be an "environmental catastrophe." The flow can be reduced or shut off, pipe repairs can be made, and surrounding soil can be cleaned up. Sewer and water pipes all over the United States age, corrode, and consequently leak sewage and water into the ground routinely.

Moreover, the SFPUC is addressing the age of the existing North Shore Force Main by building the new North Shore to Channel Outfall Force Main, which will bypass the existing force main from the intersection of Jackson Street and The Embarcadero to the endpoint, which is the connection to the Channel Outfall (adjacent to the proposed 75 Howard Street Project at Howard Street and Steuart Street).[6] This new project will greatly reduce the risk of force main failure near the 75 Howard Street project site by providing redundancy, even though the existing North Shore Force Main will not be taken out of service.[7]

A commenter expressed concern that the proximity of construction of the proposed project, and existence of the proposed project, would create a risk to both the existing North Shore Force Main and the new North Shore to Channel Force Main. The shoring system recommended for the proposed project is stronger than typical alternative shoring systems. The proposed residential tower would rest on driven steel piles that would extend past the underlying Bay Mud to bedrock. Therefore, during both construction and operation, the proposed project would not be expected to present an unreasonable risk to nearby structures, including the underground force mains, despite being built on fill.

One comment expresses concern about the potential vibration effect of installing the steel piles on the sewer force mains. The EIR analyzes potential vibration effects of construction, including pile driving, on pp. 4.F.23-4.F.26. See also Response NO-3 in RTC Section 4.G, Noise, p. 4.G.7, for additional discussion about construction and vibration impacts on existing utility infrastructure. To reduce the potential impact to sewers, including the existing North Shore Force Main, as part of the permitting process the SFPUC would review and approve the underground excavation plan and require a shoring plan and vibration monitoring. As stated in the EIR on p. 4.F.26:

> The approved shoring design and monitoring would prevent damage and avoid excessive levels of vibration and settlement. By taking these steps, the potential impact to structures would be less than significant because no other historic or potentially fragile structures occur near the project site. Steps taken to minimize the pile driving noise (Mitigation Measure M-NO-1a: Noise Control Measures During Pile Driving, p. 4.F.22) would further reduce the potential for vibration-related structural damage, and no additional mitigation is required.

[6] MND for North Shore to Channel Force Main Project, p. 2, Figure 1.
[7] MND for North Shore to Channel Force Main Project, p. 5.

Furthermore, many downtown office and residential buildings have been constructed on deeply driven piles, without substantial damage to nearby structures including sewers. This further demonstrates that compliance with applicable Building Code and building permit requirements significantly limits the possibility of such damage.

K. BIOLOGICAL RESOURCES

The comment and corresponding response in this section cover topics in EIR Section 4.J, Biological Resources. These include topics related to:

- BI-1: Urban Bird Refuge and Birdstrike Impacts

Comment BI-1: Urban Bird Refuge and Birdstrike Impacts

This response addresses the following comment:

I-Butcher2-46

"XII. Biological Resources

"The DEIR concludes that the location-related standards included in Planning Code Section 139 relating to bird strikes do not apply to the project. This conclusion is based on the fact that the proposed Project site is 375 feet from the San Francisco Bay. Additionally, the DEIR concludes that Rincon Park is not large enough to constitute an Urban Bird Refuge. This conclusion is flawed for two reasons.

"First, an Urban Bird Refuge is defined as "open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water." Rincon Park is "an approximately 2.7-acre waterfront open space." (See DEIR, p. 2.5.) Therefore, Rincon Park meets the definition of an Urban Bird Refuge.

"Second, Section 139 does not treat the San Francisco Bay separately from other Urban Bird Refuges. As Rincon Park borders the San Francisco Bay, together the San Francisco Bay and Rincon Park constitute an "open space[] two acres and larger dominated by vegetation, including vegetated landscaping , forest, meadows, grassland, or wetlands, or open water." Therefore, the DEIR must be revised to acknowledge that the Project is located within approximately 200 feet of an Urban Bird Refuge, and must include analysis of potential bird strike impacts and mitigation for those impacts in consideration of its proximity to an Urban Bird Refuge." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-46])*

Response BI-1

The comment suggests that the project site is located within 200 feet of an Urban Bird Refuge due to its proximity to Rincon Park and San Francisco Bay, and states that the EIR should therefore analyze potential bird strike impacts and provide mitigation. The comment also states that Rincon Park meets the definition of an Urban Bird Refuge.

As stated on EIR pp. 4.J.8-4.J.9, San Francisco Planning Code Section 139, *Standards for Bird-Safe Buildings*, defines an Urban Bird Refuge as "open spaces two acres and larger

dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water." The open space nearest the project site is the 2.7-acre Rincon Park, which is located 205 feet to the east of the project site (284 feet to the east of the proposed building site), across The Embarcadero. Rincon Park is landscaped with a lawn, shrubs, sculpture, and seating areas, and three spindly trees that provide no cover for birdlife. San Francisco Bay is 375 feet east of the proposed building site and 227 feet east of the proposed open space improvement site, as stated on EIR p. 4.J.2.

EIR p. 4.J.12 states that the project site is located near San Francisco Bay, considered a Bird Refuge Area pursuant to Planning Code Section 139. Location-specific standards apply to buildings within 300 feet of an Urban Bird Refuge, including open spaces 2 acres and larger dominated by vegetation, wetlands, or open water, such as the San Francisco Bay. Were the proposed project to be within 300 feet of the Bay shoreline, the locational standards of Planning Code Section 139 would apply to the proposed project and its variants. However, as San Francisco Bay is 375 feet to the east of the proposed building site, the locational standards of Planning Code Section 139 do not apply. The San Francisco Planning Department does not apply Planning Code Section 139 to parks that do not include vegetation that provides cover for birdlife. In particular, Rincon Park has not been identified as an Urban Bird Refuge by the Planning Department.[1]

EIR p. 4.J.12 further states that that Rincon Park is not considered an Urban Bird Refuge. While Rincon Park exceeds 2 acres in size, the minimum size for an Urban Bird Refuge, the park is not dominated by vegetation that can provide cover for birdlife, as stated above. To clarify this conclusion in the EIR, the discussion of Rincon Park in the second paragraph on EIR p. 4.J.12 is revised as follows (new text is underlined and deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> The project site is located near San Francisco Bay, considered a Bird Refuge Area pursuant to Planning Code Section 139. Were the proposed project to be within 300 feet of the Bay shoreline, the locational standards of Planning Code Section 139 would apply to the proposed project and its variants. However, as San Francisco Bay is 375 feet to the east of the proposed building site, the locational-standards of Planning Code Section 139 do not apply. Rincon Park is not dominated by vegetation that provides cover for birdlife and therefore is not ~~large enough~~ to be considered an Urban Bird Refuge.

While the EIR accurately concludes that the project site is not within an Urban Bird Refuge, Impact BI-1, on EIR pp. 4.J.11-4.J.15, fully analyses the impacts that construction of the new

[1] San Francisco Planning Department, *Standards for Bird-Safe Buildings – Urban Bird Refugee Poster*, July 23, 2014. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400 and available online at http://www.sf-planning.org/ftp/files/publications_reports/library_of_cartography/Urban_Bird_Refuge_Poster.pdf, accessed November 19, 2014.

high-rise tower may have on birdlife, bird movement, and migration. The EIR states that due to the proximity of the project site to San Francisco Bay and because the proposed project building would directly face the Bay, unobstructed by other buildings, the proposed project and project variants would have a significant impact on birds, bird movement, and migratory birds. To reduce these impacts to a less-than-significant level, the proposed project and its variants would implement the locational standards of Planning Code Section 139, as identified in Mitigation Measure M-BI-1a: Design Standards to Render Building Less Hazardous to Birds, on EIR pp. 4.J.13-IV.J.14, in spite of the fact that the standards are not applicable to the project site.

Furthermore, as discussed on EIR p. 4.J.13, since the project site is within the TCDP area, the proposed project and its variants would be subject to the provisions of the TCDP EIR. Because the proposed building would be more hazardous to birds than future development on the rest of the sites within the TCDP, which are farther from San Francisco Bay, the improvement measure identified in the TCDP EIR has been incorporated into the 75 Howard Street Project EIR as Mitigation Measure M-BI-1b: Night Lighting Minimization [TCDP EIR I-BI-2]. The implementation of Mitigation Measures M-BI-1a and M-BI-1b would ensure that the proposed project and its variants would not result in a significant impact related to birdstrikes, migrating birds, and local birdlife.

Lastly, to ensure that tenants understand and follow the goals and objectives of these mitigation measures, Improvement Measure I-BI-A: Tenant Education is identified on EIR p. 4.J.14. This improvement measure requires the owners of the building to provide tenants with a copy of the City's *Standards for Bird-Safe Buildings*.

Therefore, the EIR accurately analyzes potential bird strike impacts, provides mitigation for those impacts, and identifies an improvement measure for less-than-significant impacts.

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L. HYDROLOGY AND WATER QUALITY

The comments and corresponding responses in this section cover topics in EIR Section 4.K, Hydrology and Water Quality. These include topics related to:

- HY-1: Dewatering
- HY-2: Tsunamis
- HY-3: Sea Level Rise Mitigation

Comment HY-1: Dewatering

This response addresses the following comments:

O-RTA2-37
I-Butcher2-47

"Despite regulations, when the garage at Rincon Center was excavated, there were failures in the retaining wall." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-37])*

"XIII. Hydrology and Water Quality

"A. The DEIR Fails to Disclose and Discuss Potential Impacts Caused by Water Pumping Activities in the Context of the Shallow Water Table.

"The water table in the Project area is very close to the surface (approximately seven feet below the surface). The DEIR fails to include any discussion of the substantial dewatering that will be required to construct the 60 foot deep underground parking garage or ongoing pumping that may be required during operation of the Project as a result of the shallow water table. Construction and operational water pumping will consume substantial amounts of energy, and will also require disposal of large amounts of groundwater that likely has a high salt content. The DEIR does not discuss the energy consumption, water disposal, or potential air quality impacts associated with pumping activities required by the Project. The DEIR must include a discussion of these potentially significant impacts." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-47])*

Response HY-1

A comment states that the EIR does not include a discussion of dewatering and groundwater impacts on the site. Contrary to these assertions, this topic is discussed in the Initial Study prepared for the proposed project consistent with CEQA on pp. 129-130 (see EIR Appendix A: Notice of Preparation/Initial Study) and therefore was not omitted from the EIR.

The Initial Study explains that dewatering would be needed during construction only, for excavation below ground surface. Long-term dewatering would not be necessary, as the underground floors would be waterproofed and built to withstand the hydrostatic pressure of the groundwater.

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 San Francisco Public Utilities Commission (SFPUC), which would include discharge standards and treatment requirements, and no discharge permit would be required from the Regional Water Quality Control Board.

The shoring system recommended to be used during excavation for the subsurface levels and foundation installation would be soil-cement walls with internal bracing.[1] If used, this type of shoring system would be nearly water tight, and would be constructed around the perimeter of the proposed basement footprint. 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. If this recommended approach were followed, little or no lowering of groundwater levels outside the excavation is anticipated. The Department of Building Inspection (DBI) will review the proposed dewatering and shoring systems as part of its building permit review. If required, the project sponsor and its contractor would modify the construction methods to comply with permit requirements.

A comment states that when the garage at Rincon Center was excavated, there were failures in the retaining wall. As noted above, DBI will review the proposed shoring system and provide permit requirements as part of its building permit review. The recommended soil-cement walls with internal bracing, if used, are stronger than many other shoring options (such as tie-back and shore nailing).[2] After construction, the permanent basement walls and floor for the underground parking garage would be appropriately designed to withstand the forces that they might meet.

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[1] Treadwell & Rollo, *Preliminary Geotechnical Investigation Report*, December 9, 2011, p. 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. 2011.1122E.

[2] Ibid, pp. 8-9.

These would be supported by driven steel piles extending through the Bay Mud down to bedrock.[3]

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.

Water pumping as part of construction would consume energy. Because there would be no need for water pumping during the operational life of the project, there would not be "substantial amounts of energy" used due to water pumping during construction and operation.

The comment asserts that dewatering would require disposal of large amounts of groundwater that likely has a high salt content. As explained in the Initial Study on pp. 129-130, the groundwater sample analyzed during the Environmental Site Characterization did not contain chemicals that would prevent approval by the SFPUC of the groundwater discharge from the dewatering system into San Francisco's combined sewer system. The dewatering contractor would be required to obtain a batch groundwater discharge permit from the SFPUC. This permit would contain appropriate discharge standards and may require installation of meters to measure the volume of the discharge. The groundwater would be required to be treated as necessary to meet permit requirements prior to discharge.

The comment also suggests there would be unspecified potential air quality impacts associated with pumping activities required by the proposed project. It is unclear what the commenter believes such air quality impacts would be. The dewatering would not require "substantial amounts of energy," for which electric generation could emit notable amounts of air pollution emissions. In sum, no significant air quality impacts are expected from the dewatering process.

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[3] Ibid, p. 7.

Comment HY-2: Tsunamis

This response addresses the following comment:

I-Butcher2-48

"B. The DEIR Fails to Disclose that the Project will Result in a Significant Impact Related to the Tsunamis.

"The DEIR concludes that "[t]he project site would be subject to inundation during a 100-year tsunami event." (DEIR, p. 4.K.23.) The DEIR, however, concludes this impact is less than significant because San Francisco would likely have four to five hours warning and there is "a well-established warning system in place that would provide early notification of an advancing tsunami or seiche and thus allow for evacuation of people." This conclusion ignores the significance threshold applicable to this impact.

"The DEIR provides that impacts from tsunamis are significant if they would "[e]xpose people *or structures to a significant risk of loss,* injury or death involving inundation by seiche, tsunami, or mudflow." (DEIR, p. 4.K.21 (emphasis added).) The DEIR demonstrates that the 100-year tsunami event would "flood the first floor of the building and the underground parking levels." (DEIR, p. 4.K.23.) As a result, it is undisputed that the 100-year tsunami event would result in a significant loss associated with flooding of the Project's parking garage, common areas, restaurant and cafe uses, and other first floor facilities. The DEIR must be revised to acknowledge this significant impact and feasible mitigation measures must be adopted in response to this impact." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-48])*

Response HY-2

The comment suggests that impacts from tsunamis would be significant due to exposing "structures to a significant risk of loss." The comment cites the Draft EIR analysis stating that the 100-year tsunami event would "flood the first floor of the building and the underground parking levels" (EIR p. 4.K.23).

Even if a tsunami caused flooding at the first floor of the building and the underground parking levels, this would not necessarily mean that those parts of the building would be "lost." The proposed construction characteristics of the building would be sturdy, with steel piles into the ground, reinforced concrete underground parking levels, reinforced concrete first floor, and steel building frame. Even if flooded, the building is very unlikely to suffer catastrophic damage. Rather, sheetrock, paint, and perhaps wiring would need to be replaced. Furniture on the first floor may need to be replaced. The building would remain standing and, after repair, would be functional. Therefore, a tsunami event would not be considered a significant impact.

As discussed on EIR pp. 4.K.23-4.K.24, because the Bay Area's earthquake faults are strike-slip faults, a tsunami created by local faults is not a major threat. The major threat is from distant earthquakes along subduction zones elsewhere in the Pacific Basin. There is a well-established warning system in place that would provide early notification of an advancing tsunami or seiche, allowing people to be evacuated. The shape of the Bay, with its narrow neck at the Golden Gate opening into a wide expanse of bay, would dissipate much of the energy of a tsunami wave. For these additional reasons, a tsunami event would not be considered a significant impact.

Comment HY-3: Sea Level Rise Mitigation

This response addresses the following comment:

I-Butcher2-49

"C. The DEIR Should Include Mitigation Measures to Address the Project's Sea Level Rise Impacts.

"The Bay Conservation and Development Commission's San Francisco Bay Plan states that "infill development in [shoreline areas such as the Project site] should be closely scrutinized." (DEIR, p. 4.K.18.) The DEIR does not closely scrutinize the Project. Instead, the DEIR simply concludes sea level rise is significant and fails to consider any potentially feasible mitigation measures that may reduce the impact to a less than significant level.

"If, after close scrutiny, infill development is nevertheless approved in areas such as the Project site, the San Francisco Bay Plan states such a project should utilize "innovative engineering and design solutions so that the structures are resilient to potential flood[ing]" and "should be designed to be resilient to a mid-century sea level rise projection." The DEIR fails to consider any "innovative engineering and design solutions" as mitigation measures, and fails to propose any measures that will ensure the Project is "resilient to a mid-century sea level rise projection." Rather, the DEIR concludes this impact is significant and unavoidable without proposing any mitigation other than developing an emergency plan. Therefore, the Project is not consistent with the San Francisco Bay Plan. The DEIR should include further discussion of this inconsistency either within the Land Use chapter of the DEIR or within the Hydrology and Water Quality analysis.

"A variety of mitigation measures, or alternatives, could be developed to address the significant and unavoidable impact of sea level rise on the proposed Project. First, as discussed in the San Francisco Bay Plan, the DEIR should include an adaptive management plan to mitigate the impacts of sea level rise. Second, the DEIR could require the Project proponent to pay its fair share towards future shoreline improvements undertaken to reduce the potential impacts of sea level rise. Third, design solutions should be proposed to reduce the impacts of sea level rise. These design solutions could, for example, include using the first floor for parking and having all active useable spaces start on the second floor. This type of design solution could be designed to be consistent with the Americans with Disabilities Act (ADA) requirements. The DEIR must be revised and recirculated to address these feasible mitigation measures." *(Christopher J. Butcher,*

Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-49])

Response HY-3

Since publication of the Draft EIR, the City and County of San Francisco has updated its approach to evaluating the potential impact of sea level rise under CEQA based on the best available science-based projection for sea level rise. The Environmental Setting and Impact Discussion regarding Sea Level Rise in Section K, Hydrology and Water Quality of the Draft EIR has been revised as follows (additions are shown in double underline; deletions are shown in ~~strikethrough~~).

The following text in the Setting, beginning with the heading, "Flood Estimates Taking into Account Storms, Tides, Waves," on pp. 4.K.4-4.K.5 has been deleted. Footnotes that have been deleted as part of this text change are shown below on RTC pp. 4.L.7-4.L.8:

> ~~**Flood Estimates Taking into Account Storms, Tides, Waves**~~
>
> ~~Flooding risk analyses have been performed for nearby projects. Their findings are relevant to the setting of the proposed project. The Exploratorium Relocation Project at Piers 15 and 17 is less than a mile to the north. The Exploratorium is east of The Embarcadero, opposite the endpoints of Green and Union streets. *The Exploratorium Relocation Project Final EIR*[10] included an analysis of total water levels (TWL) in relation to that project. The *Final EIR* estimates TWL as 9.6 ft. during a 100-year event for both Piers 15 and 17, measured using the North American Vertical Datum of 1988 reference (NAVD88).[11]~~
>
> ~~This estimate can be used to evaluate the difference in elevation between the project site and a 100-year event. SFCD is 11.32 ft. above NAVD88, plus or minus about two hundredths of a foot at different locations in the City.[12] The variations are due to the ellipsoid shape of the measurement systems (and the earth's crust). (A hundredth of a foot is approximately 1/8 inch.) As described in more detail under "Project Site Elevation," above, the existing elevation of almost all of the project site is between approximately 0.0 ft. and -1.0 ft. San Francisco City Datum (SFCD), or approximately 11.3 ft. to 10.3 ft. NAVD88. The lowest area of the project site (around -2.0 SFCD or 9.3 ft. NAVD88) is at the northeast corner of Block 3742/Lot 012; this is the area proposed as an open space street improvement.~~
>
> ~~The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site. The proposed location of the residential tower varies from approximately 0.0 ft. SFCD on the eastern side (i.e., 11.3 ft. NAVD88) to -0.5 ft. SFCD (10.8 ft. NAVD88) to -1.0 SFCD (10.3 ft. NAVD88) on the western side. Using the *Exploratorium Relocation Project Final EIR* estimate of TWL as 9.6 ft. during a 100-year event, the ground level at the proposed building would be approximately 1.7 ft. to 0.7 ft. higher than the 100-year event. The low-point of the project site in the proposed open space street improvement area would be approximately 0.3 feet below the 100-year~~

~~event (as the 100-year event was estimated for the Exploratorium project), but no structures are proposed in this area.~~

~~The proposed Candlestick Point – Hunters Point Development Project is approximately 4 to 5 miles south of the project site along the City's Bay shoreline. A technical study for the *Candlestick Point – Hunters Point EIR* estimated a 100-year high tide at the Hunters Point tidal gauge of +1.77 ft. SFCD.[13] Using this data leads to similar conclusions (within 0.07 ft.) about the different parts of the project site as the Exploratorium estimate. The proposed building site would be above the 100-year flood level, and a small area of the in the proposed open space street improvement area would not.~~

~~The approved 8 Washington Street/Seawall Lot 351 project is about 1/3 mile north of the 75 Howard Street project, along The Embarcadero. The 8 Washington Street project is a residential tower with retail and underground parking levels. Unlike the Exploratorium Relocation Project and the Candlestick Point – Hunters Point Development Project, there was no technical estimate of flood height at the site. Rather, the EIR for the 8 Washington Street project followed a similar analysis to that above, using estimates prepared for the Exploratorium Relocation Project and the Candlestick Point – Hunters Point Development Project as comparison points.[14] The existing 8 Washington Street project site is generally at an elevation between -0.95 ft. and 0 ft. SFCD.[15] These elevations are very similar to the majority of the 75 Howard project site (-1.0 ft. to 0.0 ft. SFCD). The conclusions for 8 Washington Street regarding relationship to the 100-year floodplain were therefore very similar to those for 75 Howard.[16]~~

Footnotes 10 through 16 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnote 10 on EIR p. 4.K.4]

~~[10] City and County of San Francisco Planning Department, *The Exploratoriaum Relocation Project Final Environmental Imapct Report*, FEIR Certification Date July 9, 2009 (hereinafter "*The Exploratoriaum Relocation Project FEIR*"), Section III.I, Hydrology and Water Quality. A copy of this document is available on the San Francisco Planning Department's website: http://tinyurl.com/sfceqadocs, under the Case File No. 2006.1073E.~~

[Footnotes 11 and 12 on EIR p. 4.K.5]

~~[11] North American Vertical Datum of 1988 (NAVD88) is a fixed reference point (vertical elevation) adopted as the official, civilian, vertical datum for elevations determined by Federal surveying. Historically, the average (mean) sea level or some variation of sea level has served as a reference point for elevations. One problem with using sea level is that it changes. In addition, the earth is not spherical, but has an ellipsoid shape, and has local variations due to uplift and sinking of portions of the earth's crust. Therefore, sea level in relation to the earth's crust varies. A vertical datum system not based on sea level avoids these problems. NAVD88 is based on a point in Quebec, Canada. Sources: U.S. Geologic Survey, http://water.usgs.gov/ADR_Defs_2005.pdf, pp. 8-9, accessed February 28, 2013.~~

~~[12] Telephone conference with Bruce Storrs, San Francisco City Surveyor, and Turnstone Consulting, May 26, 2010.~~

[Footnotes 13 through 16 on EIR p. 4.K.6]

~~[13] This was equivalent to equivalent to +6.7 ft. expressed in the old National Geodetic Vertical Datum or NGVD29. City and County of San Francisco Planning Department, *Candlestick Point - Hunters Point Shipyard Phase II Development Plan Project, Draft Environmental Impact Report*, Case No. 2007.0946E, State Clearinghouse No. 2007082168, DEIR publication date, November 12, 2009 (hereinafter "*Candlestick Point – Hunters Point DEIR*"),~~

p. III.M-13, citing Moffatt & Nichol, *Candlestick Point/Hunters Point Development Project Initial Shoreline Assessment*, prepared for Lennar Urban, February 2009. Copies of these documents are on file for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0946E.

[14] City and County of San Francisco Planning Department, 8 Washington Street/Seawall Lot 351 Project, Final Environmental Impact Report, Case No. 2007.0030E, State Clearinghouse No.2007122027, DEIR publication date June 15, 2011, FEIR certification date May 2012 (hereinafter "*8 Washington Street DEIR*"), Section IV.I, Sea Level Rise. A copy of this document is available on the San Francisco Planning Department's website: http://tinyurl.com/sfceqadocs, under Case File No. 2007.0030E.

[15] *8 Washington Street FEIR*, p. IV.I.1.

[16] *8 Washington Street FEIR*, p. IV.I.4.

The following text, beginning with the heading, "Sea Level Rise Estimates and Scenarios," on pp. 4.K.10-4.K.14, has been deleted, as follows (deletions are shown with ~~strikethrough~~). Footnotes that have been deleted as part of this text change are shown below on RTC pp. 4.L.11-4.L.12.

~~Sea Level Rise Estimates and Scenarios~~

~~Background~~

~~This subsection begins with a discussion of the IPCC's work on sea level rise, which is one of the key foundations for estimates and planning assumptions adopted by other agencies. This section then discusses the National Academy of Sciences report on sea level rise for the West Coast, which appears to be the most detailed and recent study available for California. The next subsection discusses estimates and planning assumptions adopted by various regulatory agencies.~~

~~IPCC's Role~~

~~The IPCC is a non-governmental body associated with the United Nations that assesses global warming and climate change. It reviews worldwide scientific work on the physical aspects and potential environmental impacts of climate change, and proposes policy recommendations. To date, the IPCC has issued four major reports, the last in 2007 (the Fourth Assessment Report). The IPCC is in the process of preparing the Fifth Assessment Report, which is due to be published in parts during 2013 and, for most of the parts, during 2014. The first portion to be published, an update to the physical science basis, is scheduled for publication in September 2013.[30] The Synthesis Report, which is the culmination of the assessment cycle, is not due to be published until October 2014.[31] Therefore, this EIR relies upon the 2007 Fourth Assessment Report.~~

~~According to the IPCC, over the period of 1961 to 2003, the average rate of global mean sea level rise is estimated from tide gauge data to be 1.8 +/- 0.5 mm/yr.[32] One factor contributing to the rise, the average thermal expansion of the oceans (due to warming), is estimated to cause 0.42 +/- 0.12 mm/yr of the total increase (with significant variations by decade). However, the other climate-related factors do not explain the total amount of change measured with tide gauge observations. The IPCC has not determined the factors contributing to sea level rise that are not related to climate change.~~

The IPCC asserts that the rate of sea level rise accelerated between the mid-19th and the mid-20th centuries. There are regional differences, with sea level rising in some regions and falling in others. Satellite data have the advantage of not being affected by the rising and falling of land where tidal gauges are located. Satellite data indicate that during the period of 1993 to 2003, sea level rose 3.1 +/- 0.7 mm/yr, which more closely matches the estimated contributions of ocean thermal expansion and changes in land ice. The IPCC states, "Whether the faster rate for 1993 to 2003 compared to 1961 to 2003 reflects decadal variability or an increase in the longer-term trend is unclear."[33]

Wöppleman *et al*. addressed the problem of tide gauges being affected by land rising and falling.[34] Wöppleman's team used Global Positioning Satellites (GPS) to obtain a GPS-corrected set of "absolute" or geocentric sea level trends.[35] Wöppleman's team measured the increase in global average sea level as 1.31 ± 0.30 mm/yr over a recent 7.7-year period (ending 2005). This measurement is lower than the IPCC's estimates and data, and may contradict other studies which indicate a recent acceleration of sea level rise.

IPCC Forecasts

The IPCC's Fourth Assessment Report estimates sea level rise based on "a hierarchy of models that encompasses a simple climate model, several Earth Models of intermediate complexity, and a large number of Atmosphere-Ocean General Circulation Models, as well as observational constraints."[36] The report estimates a sea level rise of 7 to 23 inches by the year 2100, with the caveat that there is insufficient published scientific information to estimate a maximum.

National Research Council Committee's Report on Sea Level Rise for the West Coast

As described under "Regulatory Framework" below, in November 2008, Governor Arnold Schwarzenegger issued Executive Order S-13-08.[37] The Governor ordered several State agencies to request the National Academy of Sciences to convene a panel to prepare a California Sea Level Rise Assessment Report. Ultimately, ten Federal and State agencies requested the National Research Council (associated with the National Academy of Sciences) to study sea level rise for California, Oregon, and the State of Washington, and some of those agencies[38] helped fund the study. The National Research Council participants[39] ("the NRC Committee") issued the report in 2012.[40]

NRC Committee Forecasts

The Committee reviewed the IPCC Fourth Assessment Report and other scientific studies. The Committee combined several approaches, and used methods different than the IPCC, at least in part.[41] A warming climate causes sea level to rise because: (1) warming causes sea water to expand, increasing ocean volume, and (2) melting of land ice transfers water to the ocean.[42] On the first point, the expansion of sea water due to warming (i.e., the steric contribution to sea level rise), the Committee used the same global models as the IPCC, but used the models directly. In contrast, the IPCC "used lower-order models to develop estimates for emission scenarios that were not simulated in global climate models."[43] On the second point, the Committee used extrapolation methods regarding melting of glaciers and polar ice (i.e., the cryospheric contribution to sea level rise), whereas the IPCC used climate models.[44]

After completing its review of global sea level rise, the Committee focused on West Coast factors that make local differences. These include: (1) land rising from the residual effects of melting of the ancient ice sheets covering North America, and (2) tectonic-

caused changes. For the second factor, from Cape Mendicino to the south, the California coast "is sinking at an average rate of about 1 mm/year, although GPS-measured rates vary widely (-3.7–0.6 mm/year)."[45]

Without going into further detail about the large number of technical judgments and interpretations in the Committee report, the Committee's estimates for sea level rise along the California coast south of Cape Mendicino, including San Francisco, are as follows:[46]

> Ranges of estimated sea level rise, relative to year 2000 levels:
>
> By 2030, less than 2 inches to 12 inches (4 to 30 centimeters [cm])
>
> By 2050, 5 to 24 inches (12 to 61 cm)
>
> By 2100, 17 to 66 inches (42 to 167 cm)

The Committee observed that its "projected values for California are somewhat lower than the Vermeer and Rahmstorf (2009) projections, which are being used by California state agencies on an interim basis for coastal planning."[45] This refers to the projections used by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team in 2010, as discussed below, under "Regulatory Framework."

Sea Level Rise Scenarios from Government Agencies

State and Regional

Various State and regional agencies are involved in assessing climate change effects on California and developing ways to mitigate such effects, including greenhouse gas reduction. This subsection focuses on agency forecasts of sea level rise made for planning purposes.

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over development within 100 feet of the Bay shoreline, which does not include the project site. BCDC plays a key role in planning for protection of San Francisco Bay. BCDC, with funding provided by the California Energy Commission's Public Interest Energy Research Program and the United States Geologic Survey, developed potential sea level rise maps. BCDC maps show areas vulnerable to sea level rise, assuming a forecast of 16 inches of sea level rise by 2050 and 55 inches by 2100. The inundation zone for 16 inches of sea level rise in 2050 excludes the project site.[48] The inundation zone with 55 inches of sea level rise includes the project site.[49]

State Lands Commission

In a similar vein, the State Lands Commission has directed its staff to evaluate proposed development projects in relation to sea level rise scenarios of 16 inches and 55 inches, and perform a variety of other analytical and planning activities to address potential sea level rise.[50]

Local

The City has recognized the risk of climate-induced sea level rise. For example, San Francisco's 2004 *Climate Action Plan* discusses the risk of sea level rise for the City[51] and describes a large number of measures to reduce greenhouse gases. Relying upon the

~~IPCC's 2001 Third Assessment Report, the *Climate Action Plan* mentions the potential sea level rise range of 4 to 36 inches.[52] (However, the IPCC's 2001 Third Assessment Report has been superseded by the IPCC's Fourth Assessment, as discussed above.)~~

~~In a similar vein, the Port of San Francisco considers the potential impact of sea level rise in evaluating projects within its jurisdiction. For example, in December 2009, the Port prepared an Initial Study for the proposed Brannan St. Wharf/Pier 36 project which considers increased sea level rise (relying on BCDC's scenarios of 16 inches by 2050 and 55 inches by 2100),[53] and included changes in the project on that basis.[54]~~

Footnotes 30 through 54 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 30 through 32 on EIR p. 4.K.10]

~~[30] IPCC, "Preparations for AR5 enter final stage," available at www.ipcc.ch/, accessed February 28, 2013.~~

~~[31] IPCC, "IPCC enters new stage of Fifth Assessment Report review," press release, dated October 5, 2012, available at www.ipcc.ch/pdf/ar5/ar5_sod_pr.pdf, accessed February 28, 2013.~~

~~[32] 2007 Technical Summary IPCC Working Group I, pp. 49-50.~~

[Footnotes 33 through 38 on EIR p. 4.K.11]

~~[33] 2007 Technical Summary IPCC Working Group I, p. 49.~~

~~[34] G.B. Wöppleman et al., "Geocentric Sea Level Trend Estimates from GPS Analysis at Relevant Tide Gauges Worldwide," Global and Planetary Change, 57(2007):396-406.~~

~~[35] G.B. Wöppleman et al. (2007), Abstract. ". . . [W]e have shown that GPS data analysis has reached the maturity to provide useful information to separate land motion from oceanic processes recorded by the tide gauges or to correct these latter."~~

~~[36] IPCC, 2007. Climate Change 2007: Synthesis Report in Fourth Assessment of the Intergovernmental Panel on Climate Change (Cambridge University Press, Cambridge, United Kingdom, and New York, NY, USA) (hereinafter "2007 IPCC Synthesis Report"), p. 45, Table 3.1, note (a).~~

~~[37] Executive Order S-13-08, full text available at http://gov.ca.gov/news.php?id=11036, accessed February 28, 2013.~~

~~[38] The requesting agencies included: California Department of Water Resources, California Energy Commission, California Department of Transportation, California State Water Resources Control Board, California Ocean Protection Council, Oregon Watershed Enhancement Board, Washington Department of Ecology, National Oceanic and Atmospheric Administration (NOAA), U.S. Army Corps of Engineers (USACE), and U.S. Geological Survey (USGS).~~

[Footnotes 39 through 44 on EIR p. 4.K.12]

~~[39] The Committee on Sea Level Rise in California, Oregon, and Washington; and Board on Earth Sciences and Resources; and Ocean Studies Board (apparently part of the Division on Earth and Life Studies) of the National Research Council (which is part of the National Academies), consist mostly of academics, with a few members from private industry, assisted by staff of National Research Council for all three (Committee and the two Boards).~~

~~[40] Committee on Sea Level Rise in California, Oregon, and Washington; Board on Earth Sciences and Resources; Ocean Studies Board; Division on Earth and Life Studies of the National Research Council, "Sea-Level Rise for the Coasts of California, Oregon, and~~

Washington: Past, Present, and Future," 2012, available from The National Academies Press at http://www.nap.edu/catalog.php?record_id=13389, accessed February 28, 2013 (hereinafter "*Sea-Level Rise for the Coasts of California, Oregon, and Washington*").

[41] The report explains: "The committee's results differ from the IPCC (2007) results because the committee considered more recent scientific observations and modeling and also used different methods to make projections. For example, although the steric contributions were drawn from the same global climate models used in IPCC (2007), the committee used the global climate model results directly, whereas IPCC (2007) used lower-order models to develop estimates for emission scenarios that were not simulated in global climate models (e.g., A1FI [a scenario in the IPCC report]). In addition, the committee used extrapolation methods to project the cryosphere component of sea-level rise, whereas IPCC (2007) used climate models." Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 95.

[42] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 2.

[43] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 95.

[44] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 95.

[Footnotes 45 through 47 on EIR p. 4.K.13]

[45] Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 3.

[46] Sea-Level Rise for the Coasts of California, Oregon, and Washington, pp. 4 and 6.

[47] Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 101. The Committee cites CO-CAT (Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team), 2010, State of California Sea-Level Rise Interim Guidance Document, October 2010 (18 pp.).

[Footnotes 48 through 54 on EIR p. 4.K.14]

[48] BCDC, web page: http://www.bcdc.ca.gov/planning/climate_change/maps/16/cbay.pdf, accessed February 23, 2013.

[49] BCDC, web page: http://www.bcdc.ca.gov/planning/climate_change/maps/55/cbay.pdf, accessed February 23, 2013.

[50] State Lands Commission, Board agenda item 49 for the December 10, 2010 (describing various staff activities for preparedness and assessment of projects using estimates of 16 inches and 55 inches of sea level rise), available at www.slc.ca.gov/Sea_Level_Rise/index.html, accessed February 16, 2013.

[51] San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions*, September 2004 ("*Climate Action Plan for San Francisco")*, available at http://www.sfenvironment.org/sites/default/fliers/files/climateactionplan.pdf, accessed March 8, 2013, pp. 1-8 through 1-10.

[52] *Climate Action Plan for San Francisco*, p. 1-8.

[53] San Francisco Planning Department, Notice of Preparation of an Environmental Impact Report and Initial Study, Case No. 2009.0418E, Brannan St. Wharf/Pier 36, December 23, 2009 ("Brannan St. Wharf/Pier 36 NOP"), p. 76.

[54] Brannan St. Wharf/Pier 36 NOP, pp. 77-78.

The following text replaces the above deletion, beginning with the heading, "Sea Level Rise Estimates and Scenarios," at the top of p. 4.K.10. New footnotes added as part of this text change are shown on RTC pp. 4.L.18-4.L.19:

Factors Contributing to Coastal Flooding

Coastal areas are vulnerable to periodic flooding due to storm surge, extreme tides, and waves. Rising sea level due to climate change has the potential to increase the frequency, severity, and extent of flooding in coastal areas. These factors are described below.

Storm Surge

Storm surge occurs when persistent high winds and changes in air pressure push water towards the shore, which can raise the water level near the shoreline by several feet and may persist for several days. Along San Francisco's bay shoreline, storm surge typically raises the surface water elevation 2 to 3 feet during major winter storms several times a year. Extreme high tides in combination with storm surge can cause inundation of low-lying roads, boardwalks, and promenades; can exacerbate coastal flooding; and can interfere with stormwater and sewer outfalls.

The degree of storm surge depends on the severity of the storm as well as tidal levels at the time of the storm and is characterized using a return period which represents the expected frequency of a storm event occurring based on historical information. One-year storm surge is expected to occur each year while 100-year storm surge (which represents more extreme conditions) has a one percent chance of occurring in any year.

Tides

Diurnal (twice daily) high tides along San Francisco's bay shoreline typically range from approximately 5 to 7 feet (NAVD88), though annual maximum tides may exceed 7 feet. The twice yearly extreme high and low tides are called "king tides." These occur each year during the winter and summer when the earth, moon and sun are aligned, and may be amplified by winter weather. King tides and other high tides can result in temporary inundation of low-lying roads, boardwalks, and waterfront promenades. The Embarcadero waterfront (Pier 14) and the Marina area in San Francisco experience short-term inundation under current king tide conditions. [FN1, FN2]

Sea Level Rise

Seas are rising globally due to climate change, and they are expected to continue to rise at an accelerating rate for the foreseeable future. The sea level at the San Francisco tidal gauge has risen 8 inches over the past century.

The National Research Council's (NRC) 2012 report, *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* (the NRC Report) provides a scientific review of sea level rise for the West Coast and provides the most recent regional sea level rise predictions for 2030, 2050, and 2100, relative to the year 2000 sea level.[FN3] In this report, the NRC projects that sea levels in the San Francisco Bay area will rise 11 inches by 2050 and 36 inches by 2100 (see **Table 4.K.1, Sea Level Rise for San Francisco Bay Relative to the Year 2000)**. As presented in the NRC Report, these sea level rise projections represent likely sea level rise values based on the

Table 4.K.1: Sea Level Rise Estimates for San Francisco Bay Relative to the Year 2000

Year	Projection
2030	6 ± 2 inches
2050	11 ± 4 inches [FN4]
2100	36 ± 10 inches

Source: National Research Council, 2012

current understanding of global climate change and assuming a moderate level of greenhouse gas (GHG) emissions[FN5] and extrapolation of continued accelerating land ice[FN6] melt patterns, plus or minus one standard deviation.[FN7]

The estimates represent the permanent increase in Mean Sea Level and the associated average daily high tide conditions (represented by Mean Higher High Water, or MHHW)[FN8] that could result from sea level rise; they do not take into account storm surge, extreme tides, or waves, all of which can result in water levels that are temporarily higher than MHHW as discussed above.

In March 2013, the California Ocean Protection Council updated its 2010 statewide sea level rise guidance to adopt the NRC Report as the current, best available science on sea level rise for California.[FN9] The California Coastal Commission supports the use of the NRC Report as the best science currently available in its 2013 Draft Sea-Level Rise Policy Guidance, which also emphasizes the importance of regularly updating sea level rise projections as the science continues to advance.[FN10] The San Francisco Bay Conservation and Development Commission (BCDC) also considers the NRC Report to be the best available science-based prediction of sea level rise for San Francisco Bay. Accordingly, this EIR considers the NRC Report to be the best science currently available on sea level rise affecting San Francisco for CEQA purposes.

Although the NRC Report provides the best available sea level rise projections for San Francisco Bay at this time, scientific uncertainty remains regarding the rate and magnitude of sea level rise. Sea level rise projections beyond 2050 are highly dependent on assumptions regarding future global GHG emissions and future changes in the rate of land ice melting. As a result of the uncertainties inherent in these assumptions, the range of sea level rise predictions becomes substantially broader beyond 2050 (see **Table 4.K.1**). In recognition of this uncertainty, the State of California Sea-Level Rise Guidance recommends an adaptive management approach for development in areas that may be subject to sea level rise beyond 2050.

Sea Level Rise Inundation Mapping

The San Francisco Public Utilities Commission (SFPUC), as part of the planning for its Sewer System Improvement Program, has developed a series of maps published in 2014 that represent areas of inundation along both the Bay and Ocean shorelines of San Francisco. These maps use a 1-meter horizontal grid resolution[FN11] based on the 2010/2011 California Coastal Mapping Program LIDAR.[FN12] The inundation maps leverage data from the Federal Emergency Management Agency's (FEMA) California Coastal Mapping and Analysis Project, which includes detailed coastal engineering analyses and mapping of the San Francisco Bay shoreline.

The SFPUC inundation maps evaluate scenarios that represent the NRC projections of sea level rise in combination with the effects of storm surge. They represent permanent inundation that could occur as a result of total water level rises (over and above year 2000 MHHW) based on daily tidal fluctuations. Each scenario also addresses temporary inundation that could occur from extreme tides and from 1-year, 2-year, 5-year, 25-year, 50-year, and 100-year storm surge. Flooding as a result of storm surge would occur on a temporary basis, during and immediately after a storm event or extreme tide.

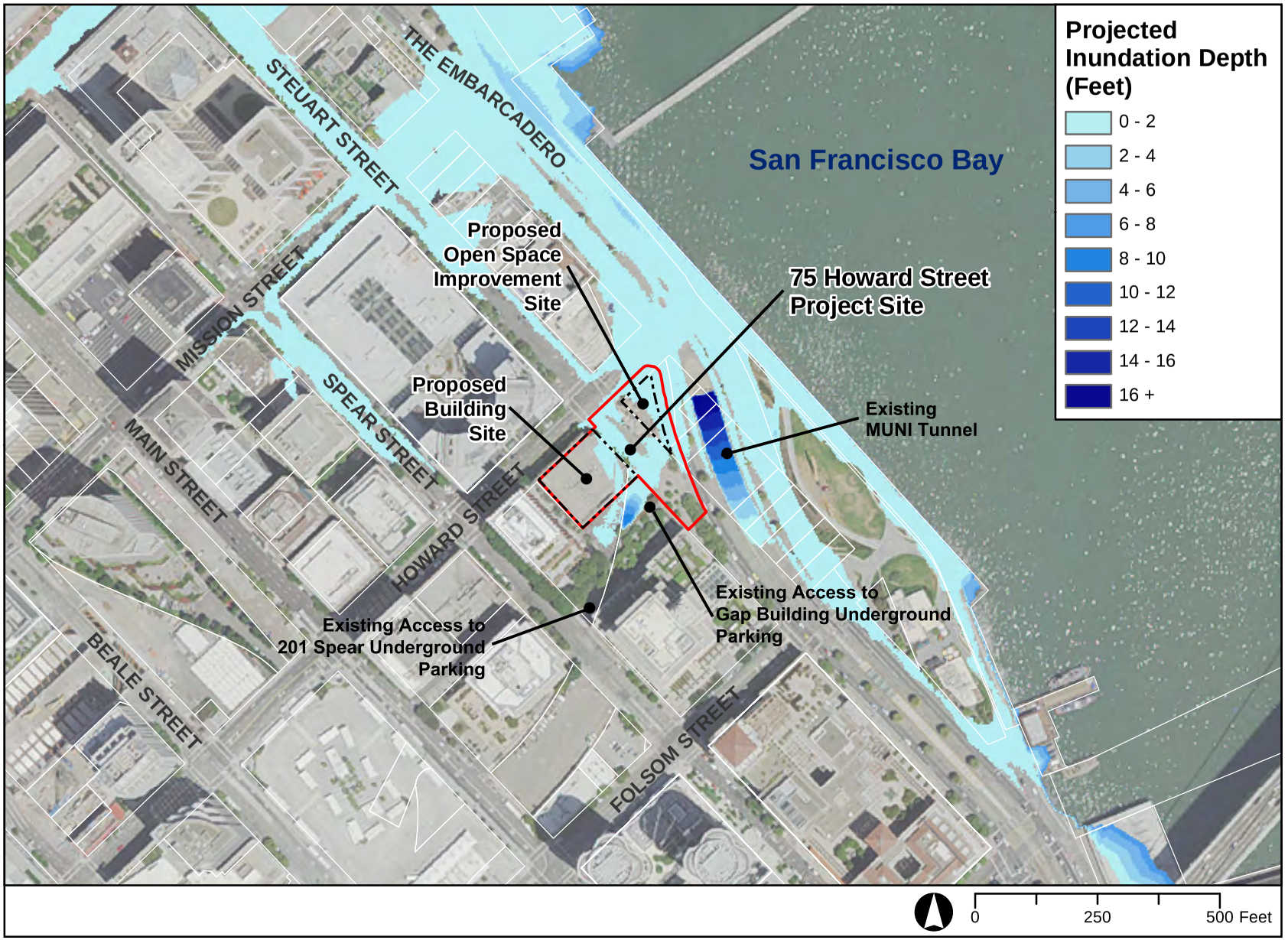
The scenarios used in this EIR analysis, listed below, are representative of inundation that could occur by the year 2050 and the year 2100, based on the NRC's projected amount of sea level rise and considering a 100-year storm surge:

- MHHW plus 12 inches of sea level rise (representative of NRC's projected sea level rise by 2050); [FN13]
- MHHW plus 36 inches of sea level rise (representative of NRC's projected sea level rise by 2100);
- MHHW plus 52 inches of sea level rise (representative of NRC's projected sea level rise by the year 2050 in combination with a 100-year storm surge); and
- MHHW plus 77 inches of sea level rise (representative of NRC's projected sea level rise by the year 2100 in combination with a 100-year storm surge).

The SFPUC cautions that its maps represent a "do nothing" scenario, in which no measures are taken to prevent future flooding and no area-wide measures such as waterfront protection structures are constructed. In the event that the City undertakes area-wide measures to protect against inundation in the future, the mapping would need to be revised to reflect the modified inundation areas with construction of these measures.

Applying the SFPUC Inundation Mapping to the Project Site

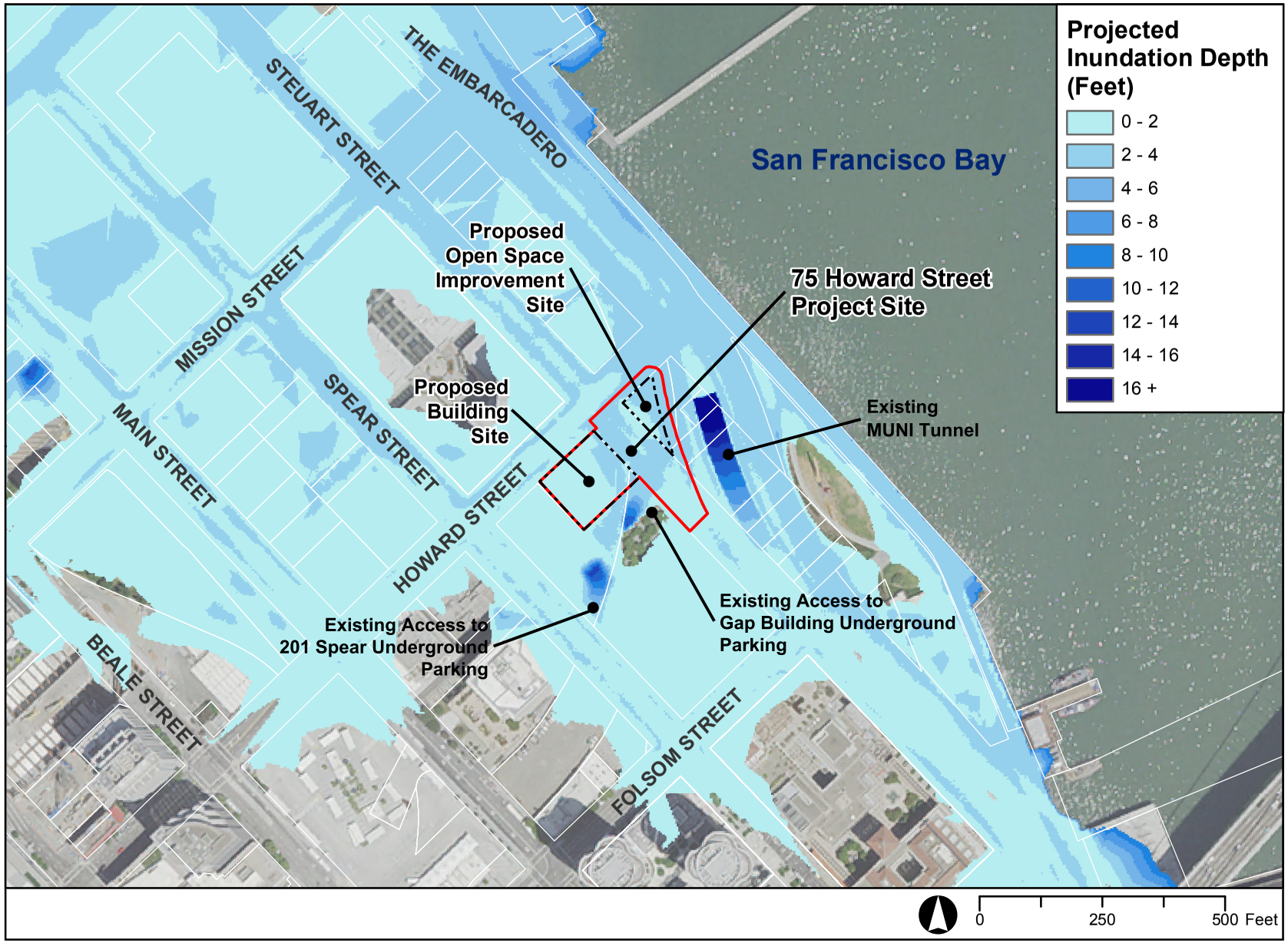
The project site would not be inundated with either 12 inches of sea level rise, which is expected in 2050, or 36 inches of sea level rise, which is expected in 2100. However, when the effects of a 100-year storm surge are combined with water level rises of 12 inches, the SFPUC inundation maps indicate that the project site would be partially inundated by 0 to 2 feet. As shown on **Figure 4.K.1**, the area that would be inundated under this projection includes the proposed open space improvement site, where no structures are proposed, and limited to the eastern portion of the building site. In addition, and as shown on **Figure 4.K.2**, the entire project site would be flooded to depths of between 0 and 4 feet when adding the 100-year storm surge to the projected 36-inch sea level rise in the year 2100.



SOURCE: USDA 2014 (Imagery); CCSF (City Lots), SFPUC 2014 (Inundation Depth)

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(NEW) FIGURE 4.K.1: PROJECTED INUNDATION BY 2050, WITH 12 INCHES OF SEA LEVEL RISE PLUS 100-YEAR STORM SURGE



SOURCE: USDA 2014 (Imagery); CCSF (City Lots), SFPUC 2014 (Inundation Depth)

75 HOWARD STREET

(NEW) FIGURE 4.K.2: PROJECTED INUNDATION BY 2100, WITH 36 INCHES OF SEA LEVEL RISE PLUS 100-YEAR STORM SURGE

The following new footnotes are added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

[FN1] North American Vertical Datum of 1988 (NAVD88) is a fixed reference point (vertical elevation) adopted as the official, civilian, vertical datum for elevations determined by Federal surveying. Historically, the average (mean) sea level or some variation of sea level has served as a reference point for elevations. One problem with using sea level is that it changes. In addition, the earth is not spherical, but has an ellipsoid shape, and has local variations due to uplift and sinking of portions of the earth's crust. Therefore, sea level in relation to the earth's crust varies. A vertical datum system not based on sea level avoids these problems. NAVD88 is based on a point in Quebec, Canada. Sources: U.S. Geologic Survey, http://water.usgs.gov/ADR_Defs_2005.pdf, pp. 8-9, accessed ~~February 28, 2013~~June 22, 2015. Regarding two hundredths of a foot at different locations in the City: Telephone conference with Bruce Storrs, San Francisco City Surveyor, and Turnstone Consulting, May 26, 2010.

[FN2] San Francisco Water Power Sewer. Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum. June 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2014.1441E.

[FN3] National Research Council, Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. Washington, DC: The National Academies Press, 2012. Available on the internet at: http://www.nap.edu/catalog.php?record_id=13389. Accessed on June 19, 2015.

[FN4] As a simplifying assumption, the 2050 most likely value selected for SFPUC's inundation mapping effort is 12 inches rather than the 11 inch value noted in Table 4.K.1.

[FN5] Future emissions of GHGs depend on a collection of human decisions at local, regional, national, and international levels as well as potential unknown technological developments. For this reason, future changes in GHG emissions cannot be accurately estimated, and a range of emissions levels is considered in the NRC Report. Estimates of sea level rise relative to thermal expansion of the oceans were formulated using the mid-level, or moderate level, of predicted changes in GHG emissions (from a combination of fossil and non-fossil fuels), as well as an assumption of high economic growth; this represents scenario "A1B" as described by the Intergovernmental Panel on Climate Change.

[FN6] Land ice includes glaciers, ice caps, and ice sheets. It is used as the opposite of "sea ice".

[FN7] One standard deviation roughly corresponds to a 15 percent/85 percent confidence interval, meaning that there is an approximately 15 percent chance the value will exceed the high-end projection (8 inches for the 2030 example) and a 15 percent chance the value will be lower than the low-end projection (4 inches in 2030).

[FN8] Mean higher high water is the higher of each day's two high tides averaged over time.

[FN9] *State of California Sea-Level Rise Guidance Document.* Developed by the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), with science support provided by the Ocean Protection Council's Science Advisory Team and the California Ocean Science Trust. March 2013 Update. Available on the internet at http://www.opc.ca.gov/webmaster/ftp/pdf/docs/2013_SLR_Guidance_Update_FINAL1.pdf. Accessed on June 17, 2015.

[FN10] California Coastal Commission *Draft Sea Level Rise Policy Guidance, Public Review Draft. October* 14, 2013. Available on the internet at: http://www.coastal.ca.gov/climate/SLRguidance.html. Accessed on June 23, 2015.

[FN11] The horizontal grid resolution of a digital elevation model (DEM) defines the scale of the features that are modeled; this is generally the minimum resolution necessary to depict levees, berms, and other topographic features important to diverting floodwaters.

[FN12] LIDAR (Light Detection and Ranging) is a remote sensing technology that measures distance by illuminating a target with a laser and analyzing the reflected light. LIDAR is commonly used to create high-resolution terrain models, topography data sets, and topographic maps.

[FN13] As a simplifying assumption, the 2050 most likely value selected for SFPUC's inundation mapping effort is 12 inches rather than the 11 inch value noted in Table 4.K.1.

The following new text is added in the "Regulatory Framework" section, under the heading "Local" at the top of p. 4.K.20. New footnotes added as part of this discussion are shown on p. 4.L.21:

Planning for Sea Level Rise in San Francisco

The City has convened an inter-agency Climate Adaptation Working Group to identify ways to make sure that it is prepared to adapt to effects of sea level rise. Participating agencies include the Department of the Environment, SFPUC, Planning Department, City Administrator's office, Port of San Francisco (Port), San Francisco International Airport (SFO), Department of Public Works (DPW), Municipal Transportation Agency (MTA), Department of Public Health, and Recreation and Park Department (RPD). The working group is focusing its effort on the City's most imminent adaptation concerns, including sea level rise along Ocean Beach and shores, flooding from storm surge and extreme rain events, an increased likelihood of extreme heat, and decreased fog that supports redwoods and local ecosystems. To address sea level rise and flooding, the working group is focusing on efforts to improve the existing coastal flood protection infrastructure in time to prevent significant flooding impacts from sea level rise. The working group will establish requirements addressing proper flood insurance for structures in low lying areas, flood-resilient construction of new developments within inundation areas, and a low-carbon foot print for new developments. The working group is also assessing the use of natural solutions such as wetlands to protect the shoreline.

On September 22, 2014, the City's Capital Planning Committee (CPC) adopted the *Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation*, which was prepared by an inter-agency committee including the CPC, SFPUC, Port, SFO, DPW, MTA, and the Planning Department.[FN14] Accordingly, the City's capital planning program now requires the preparation of project-level sea level rise vulnerability and risk assessments for all City capital projects with a cost of $5 million or more that are located in areas potentially vulnerable to future flooding due to sea level rise.

The SFPUC is addressing sea level rise as part of its Sewer System Improvement Program, and is conducting a detailed analysis of the potential for new and existing combined sewer infrastructure to be affected by sea level rise.[FN15] Accordingly, all new facilities will be built using a climate change criterion so the combined sewer system will be better able to respond to rising sea levels. Because rising sea levels and storm surge could potentially

inundate the combined sewer system and exacerbate existing flooding from the sewer system, or cause new flooding, the SFPUC is also evaluating alternatives such as the installation of backflow preventers on the combined sewer discharge structures to restrict the intrusion of Bay water into the combined sewer system.

San Francisco Sea Level Rise Guidance

As noted above, the City and County of San Francisco has developed guidance for incorporating sea level rise into the planning of capital projects in San Francisco.[FN16] The guidance presents a framework for considering the effects of sea level rise on capital projects implemented by the City and County of San Francisco and selecting appropriate adaptation measures based on site-specific information. The planning process described in the guidance includes six primary steps:

- Review sea level rise science
- Assess vulnerability
- Assess risk
- Plan for adaptation
- Implement adaptation measures
- Monitor

As of September 2014, the City and County of San Francisco considers the NRC report as the best available science on sea level rise in California. However, the guidance acknowledges that the science of sea level rise is continually advancing and projections of sea level rise may need to be updated at some point to reflect the most updated science. The SFPUC's inundation maps are considered the most up-to-date maps and take into account both water level rises and the temporary effects of storm surge along the shoreline based on existing topography and conditions. The guidance states that the review of available sea level science should determine whether the project site could be subject to flooding during the lifespan of the project.

For those projects that cost $5 million or more that could be flooded during their lifespan, the guidance requires a vulnerability assessment based on the degree of flooding that could occur, the sensitivity of the project to sea level rise, and the adaptive capacity of the project site and design (the ability to adjust to sea level rise impacts without the need for substantial intervention or modification). The risk assessment takes into consideration the likelihood that the project could be adversely affected by sea level rise and the related consequences of flooding. An adaptation plan is required for projects that are found to be vulnerable to sea level rise and have a potential for substantial consequences. The plan should focus on those aspects of the project that have the greatest consequences if flooded. It should include clear accountability and trigger points for bringing adaptation strategies online as well as a well-defined process to ensure that milestones are being met and the latest science is being considered.

The following new footnotes are added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

[FN14] City and County of San Francisco Sea Level Rise Committee, *Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation*. September 22, 2014. Available online at http://onesanfrancisco.org/wp-content/uploads/San%20Francisco%20SLR%20Guidance%20Adopted%209.22.14%2012182014.pdf, accessed on June 22, 2015.

[FN15] San Francisco Water Power Sewer. Bayside Drainage Basin Urban Watershed Opportunities, Final Draft Technical Memorandum. July, 2014. Available online at http://sfwater.org/modules/showdocument.aspx?documentid=6345, accessed July 6, 2015.

[FN16] City and County of San Francisco Sea Level Rise Committee, Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation. September 22, 2014.Available online at http://onesanfrancisco.org/wp-content/uploads/San%20Francisco%20SLR%20Guidance%20Adopted%209.22.14%2012182014.pdf, accessed on February 5, 2015.

The following text under Impacts and Mitigation Measures, beginning with the heading, "Approach to Analysis," on p. 4.K.21, has been revised as follows:

APPROACH TO ANALYSIS

Sea level rise is analyzed in relation to other natural phenomena that contribute to the risk of flooding. Several factors must be considered in evaluating flooding risk at the project site. These include stormwater, tides, waves, seiche and tsunami. In the analysis of impacts, the impact of the proposed project is first discussed in relation to these events without assuming future sea level rise. In combination with these tsunami, seiche, and storm surge events, future potential climate-induced sea level rise could pose risks of inundation to existing and proposed development located in low-lying areas close to San Francisco Bay like the project site.

The science of estimating sea level rise continues through a process of refinement. The rate of potential future sea level rise is difficult to project, and estimates vary substantially among numerous scientific studies available on climate change and sea level rise. ~~The analysis presented here is based on a reasonable range of sea level rise estimates.~~ The analysis considers whether people or structures on the project site could be exposed to a significant risk of loss, injury or death involving flooding as a result of sea level rise in combination with storm surge and extreme tides. The impact is considered less than significant if the project would not be inundated during a 100-year coastal flood within the life of the project, or if the project would conform to flood resistant building standards and be capable of adapting to future flood hazard conditions. The analysis presented here is based on the best available science-based projection for sea level rise and is consistent with the City's most recent evaluation of sea level rise for CEQA purposes.

The following text under Impact Evaluation, under Impact HY-1 on p. 4.K.22, has been revised as follows (deleted text is shown in ~~strikethrough~~). Footnotes that have been deleted as part of this text change are shown below on RTC p. 4.L.23.

Impact HY-1: The proposed project and project variants would not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow. *(Less than Significant)*

The project site is generally flat and is not flanked by hills that could result in mudflows onto the site. Therefore, there is no risk of mudflow affecting the project or people using it.

As discussed in the Environmental Setting, FEMA has prepared a preliminary Flood Insurance Rate Map for San Francisco. The City joined the NFIP in April 2010, and FEMA has not issued its final FIRM. The project site is not within the 100-year flood area (V zone) on FEMA's preliminary FIRM, nor within any special hazard flood area on the City's 2008 interim floodplain map.

~~As discussed in the Environmental Setting, estimates from other environmental impact analyses can be used to evaluate the difference in elevation between the project site and a 100-year event. SFCD is 11.32 feet above NAVD88, plus or minus about two-hundredths of a foot at different locations in the City. (A hundredth of a foot is approximately 1/8 inch.) The existing elevation at the project site varies from -2.0 to 0.0 ft. SFCD, or approximately 9.3 ft. to 11.3 ft. NAVD88.~~

~~The existing elevation of almost all of the project site, including the proposed location of the residential tower, is between approximately 0.0 ft. and -1.0 ft. SFCD, or approximately 11.3 ft. to 10.3 ft. NAVD88. The lowest area of the project site (around -2.0 SFCD or 9.3 ft. NAVD88) is at the northeast corner of parcel 3742/Lot 012; this is the area proposed as an open space street improvement.~~

~~The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site. The proposed location of the residential tower varies from approximately 0.0 ft. SFCD on the eastern side (or 11.3 ft. NAVD88) to -0.5 (10.8 ft. NAVD88) to -1.0 SFCD (10.3 ft. NAVD88) on the western side. Using the *Exploratorium Relocation Project Final EIR* estimate of TWL as 9.6 ft. during a 100-year event, the ground level at the proposed building would be approximately 1.7 ft. to 0.7 ft. higher than the 100-year event. The low-point of the project site in the proposed open space street improvement area would be approximately 0.3 feet below the 100-year event (as the 100-year event was estimated for the Exploratorium project), but no structures are proposed in this area.[74]~~

~~A technical study for the *Candlestick Point - Hunters Point EIR* estimated a 100-year high tide at the Hunters Point tidal gauge of -1.77 ft. SFCD.[75] Using this data leads to similar conclusions (within 0.07 ft.) about the different parts of the project site as the Exploratorium estimate. The proposed building site would be above the 100-year flood level, and a small area of the proposed open space street improvement would not.~~

~~As discussed in the Environmental Setting, the proposed 8 Washington Street/Seawall Lot 351 project is several blocks north of the 75 Howard Street project, along The Embarcadero. The proposed project is a residential tower with retail and underground parking levels. Lacking a site-specific technical estimate of flood height at the site, the EIR for the 8 Washington Street project followed a similar analysis to that above, using estimates prepared for the the Exploratorium Relocation Project and the Candlestick Point - Hunters Point Development Project as comparison points. The 8 Washington Street project site is generally at an elevation between -0.95 ft. and 0 ft. SFCD,[76] very~~

~~similar to the majority of the 75 Howard project site (-1.0 ft. to 0.0 ft. SFCD). The EIR's conclusions for the 8 Washington Street project regarding sea level rise impacts were therefore very similar to the conclusions for the 75 Howard project.[77]~~

As discussed in the Environmental Setting, the potential for seiche at the project site is likely less than 4 inches, with an earthquake of approximately 8.3 magnitude on the Richter scale. The difference between the ground level at the proposed building and a 100-year flood event is 1.7 ~~feet~~ to 0.7 feet SFCD (from western to eastern ends). If a seiche occurred at the same time as the 100-year flood event, the building would still be above it.

Turning to tsunami risk, as discussed in the Environmental Setting, San Francisco's *Emergency Response Plan* identifies a maximum, worst case, 100-year tsunami run-up at the project site of about 8 feet. The project site would be subject to inundation during a 100-year tsunami event. Under the proposed project and project variants, such a tsunami would flood the first floor of the building (which is non-residential) and the underground parking levels. However, the proposed project would not substantially change or worsen this existing condition, but would expose residents and businesses not now on the site to this hazard. As discussed above, because the Bay Area's earthquake faults are strike-slip faults (where two plates move laterally against one another), a tsunami created by local faults is not a major threat. The major threat is from distant earthquakes along subduction faults (where one plate slides under another) elsewhere in the Pacific Basin, including the State of Washington; the west coasts of Canada and Alaska; and Japan. A tsunami from Alaska would take four or five hours to reach the Bay. There is a well-established warning system in place that would provide early notification of an advancing tsunami or seiche and thus allow for evacuation of people. The warning system includes outdoor sirens and loudspeakers, and a media-related announcement system for local TV, cable TV, and radio stations. For these reasons, the risk of tsunami would be less than significant. In addition, the shape of the Bay, with its narrow neck at the Golden Gate opening into a wide expanse of bay, would dissipate the energy of a tsunami wave.

For these reasons, this impact would be less than significant.

Footnotes 74 through 77 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 74 on EIR p. 4.K.22]

~~[74] It is possible that the final design would include raising this area.~~

[Footnotes 75 through 77 on EIR p. 4.K.23]

~~[75] This was equivalent to +6.7 ft. expressed in the old National Geodetic Vertical Datum or NGVD29. *Candlestick Point - Hunters Point DEIR*, p. III.M-13, citing Moffatt & Nichol, *Candlestick Point/Hunters Point Development Project Initial Shoreline Assessment*, prepared for Lennar Urban, February 2009. Copies of these documents are on file for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0946E.~~

~~[76] *8 Washington Street DEIR*, p. IV.I.1.~~

~~[77] *8 Washington Street DEIR*, pp. IV.I.15-IV.I.16.~~

The text under "Impact Evaluation," in Impact HY-2, starting on p. 4.K.24, has been revised as follows (deleted text is shown in ~~strikethrough~~, new text is double-underlined). Footnotes that have been deleted as part of this text change are shown below on RTC p. 4.L.27.

Impact HY-2: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. *(Less than Significant ~~and Unavoidable~~)*

~~As described in the Environmental Setting, the NRC Committee on Sea Level Rise in California, Oregon, and Washington; the Board on Earth Sciences and Resources; and the Ocean Studies Board of the National Research Council estimated sea level rise along the California coast south of Cape Mendocino, including San Francisco, as follows:[78]~~

> ~~Ranges of estimated sea level rise, relative to year 2000 levels:~~
>
> ~~By 2030, less than 2 inches to 12 inches (4 to 30 cm)~~
>
> ~~By 2050, 5 to 24 inches (12 to 61 cm)~~
>
> ~~By 2100, 17 to 66 inches (42 to 167 cm)~~

~~The portion of the project site proposed for the high rise tower has an elevation of approximately 0.7 ft. to 1.7 ft. SFCD, or approximately 8.4 to 20.4 inches, above a 100-year flood event. Therefore, under the high end of the 2050 increased sea level rise scenario, the project site would be inundated during the 100-year event. Also, under most of the range of the 2100 increased sea-level rise scenario, the project site would be inundated during the 100-year event. The proposed project would expose people or structures to increased risk of flooding due to climate-induced sea level rise.~~

~~As discussed in the Environmental Setting, various California and regional agencies have adopted planning scenarios of 16 inches of sea level rise by 2050 and 55 inches of sea level rise by 2100. Under an assumed sea level rise of 16 inches for 2050, a portion of the project site would be inundated during the 100-year event.[79] Under an assumed sea level rise of 55 inches for 2100, the project site would be inundated during the 100-year event.~~

~~Under the planning principles of the California Emergency Management Agency (which apply to State agencies) and BCDC (which do not apply to the project site), siting new development in an area subject to flooding exacerbated by sea level rise is discouraged. However, the project site is an infill site, close to transit. The planning principles cite such circumstances as factors to weigh in agency decision-making about approving or denying approval for such projects.~~

As described in more detail under "Project Site Elevation," on p. 4.K.2, the existing elevation for almost all of the project site is between approximately -1 to 0 feet SFCD (10.3 to 11.3 feet NAVD88).[FN17] There is a small area at the northeast corner of the project site, which is the location of the proposed open space improvement site located at Block 3742/Lot 012, which is approximately -2.0 feet SFCD (9.3 feet NAVD88). The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site, and varies from approximately 0 feet SFCD (11.3 feet NAVD88) on the eastern side and from -0.5 to -1.0 feet SFCD (10.8 – 10.3 feet NAVD88) on the western side of the building site.

As discussed in the Environmental Setting, the project site is not located within a 100-year flood zone depicted on San Francisco's interim flood maps prepared in 2008. In addition, the project site would not be flooded during daily high tide conditions (MHHW) with the 12 inches of sea level rise that is expected by 2050 or the 36 inches of sea level rise that is expected by 2100.

However, when the effects of a 100-year storm surge are considered in combination with 12 inches of sea level rise, portions of the project site would be partially below the projected 2050 flood elevation of approximately -0.7 feet SFD (10.6 feet NAVD88). Therefore, portions of the building site could be temporarily flooded to depths of up to about 0.3 feet while the open space improvement site where no structures are proposed could be temporarily flooded to depths of up to 1.3 feet. This is consistent with the SFPUC mapping depicted on Figure 4.K.1, which shows flooding depths at 2-foot intervals and indicates that the site could be temporarily flooded to depths of between 0 to 2 feet. With implementation of the proposed project, the portions of the project site that could be prone to flooding by 2050 based on projected sea level rise in combination with the effects of storm surge is the open space improvement site and limited to the eastern part of the building site. However, the entrance to the residential lobby, which is located at the eastern portion of the building site, is at -0.5 feet SFCD (10.8 NAVD88) and would be generally at or above the project inundation. The underground parking garage and service entrances located at the western portion of the building site would not be inundated as these entrances on Howard Street would be approximately 0.1 feet SFCD (11.4 feet NAVD88).

When the effects of a 100-year storm surge are considered in combination with 36 inches of sea level rise, the entire project site would be below the projected 2100 flood elevation of approximately 1.5 feet SFD (12.8 feet NAVD88). Therefore, portions of the building site could be temporarily flooded to depths of up to approximately 2.5 feet while the open space improvement site could be temporarily flooded to depths of up to 3.5 feet. This is also consistent with the SFPUC mapping depicted on Figure 4.K.2, which indicates that the site could be temporarily flooded to depths of between 0 to 4 feet. However, as previously noted in the Environmental Setting, these flooding scenarios are based on 2010/2011 topographic conditions and assumes that no area-wide flood protection measures such as construction of berms, levees or seawalls, would be implemented to protect the project site and surrounding area during the intervening period. As such, it is likely that the actual flood zone would be different by 2100 than what is illustrated on Figure 4.K.2 under build conditions.

Development in the flood zone could expose people or structures to a significant risk of loss, injury or death unless designed and constructed in accordance with flood resistant building standards. San Francisco's Floodplain Management Ordinance (Chapter 2A, Article XX, Sections 2A.280 through 2A.285 of the San Francisco *Administrative Code*) provides standards for building in flood prone areas. For building sites in flood prone areas, Section 2A.283(b)(1) specifically requires that:

- The building must be adequately anchored to prevent flotation, collapse, or lateral movement.
- The building must be constructed with materials and utility equipment that is resistant to flood damage, and with methods and practices that minimize flood damage.

- Electrical, heating, ventilation, plumbing, and air conditioning equipment must be designed or located to prevent water from entering or accumulating within the components during flooding.
- All water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system as well as discharges from the systems into floodwaters.

The Floodplain Management Ordinance is applicable only in areas that are designated by the City Administrator as susceptible to being inundated by a 100-year flood. At present, the City's designated 100-year flood zone is that shown on the 2008 interim flood map, which does not consider projected sea level rise and does not therefore include the project site. As such, the Floodplain Management Ordinance does not apply to the project site.

However, although it is not subject to the San Francisco Floodplain Management Ordinance, the project would be designed and constructed consistent with flood-resistant building standards or, in some cases, to be capable of adapting to meet these standards when needed in the future in recognition of future flood hazards due to sea level rise. The proposed foundation would be a deep foundation consisting of driven or drilled steel piles supporting a reinforced concrete mat foundation. The piles would extend into the underlying bedrock, and therefore, the building would be resistant to flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. In addition, the proposed building would be steel-framed with building materials that would be capable of withstanding direct and prolonged contact with temporary salt water flooding, without sustaining damage that requires more than cosmetic repair.

The proposed residential uses would start at the second floor, which would be above the effects of a 100-year storm surge in combination with projected sea level rise in 2050 and 2100. If the entrance to the residential lobby is inundated under year 2050 conditions with projected sea level rise and the 100-year storm surge, during such circumstances, the service entrance along Howard Street, which would not be inundated, could be used by residents during temporary inundation. In addition, sand bags could be used to keep the temporary flood waters out.

The entrance to the underground parking garage along Howard Street would only be inundated in the year 2100 with projected sea level rise and the 100-year storm surge. To address this possibility, the building could be modified by installing floodgates and/or steel doors for the garage and loading dock entries and for the doors to the residential and commercial spaces. These features could extend to an elevation of 3.5 feet SFD (15 feet NAVD88), which is two feet higher than the projected flood elevation in 2100.

While only portions of the project site could be temporarily flooded by 2050, and the entire project site could be temporarily flooded by 2100, the design of the proposed project is consistent with flood resistant building standards and would be capable of adapting to future flood hazard conditions to provide for the safety of occupants in the event of flooding. The project site could only be flooded during a 100-year storm surge, which would be temporary in nature and could only result in cosmetic damage as construction of the proposed building would be resilient to potential flooding. As such, the proposed project would not expose people or structures to a significant risk from future flooding, and therefore impacts related to flooding and sea level rise would be less

than significant. Although no mitigation is required, the following improvement measure is identified to encourage emergency planning and education.

~~**Mitigation Measure M-HY-2: Emergency Plan**~~

~~The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.~~

Improvement Measure I-HY-A: Emergency Plan

The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.

The following new footnote is added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

FN17 San Francisco City Datum (SFCD) is 11.32 feet. Above NAVD88, plus or minus about two hundredths of a foot at different locations in the City.

Footnotes 78 through 80 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 78 on EIR p. 4.K.24]
~~78 *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, pp. 4 and 6.~~

[Footnotes 79 and 80 on EIR p. 4.K.25]
~~79 If the base of the proposed residential tower would be at 1.7 ft. SFCD, then it would be above the 100-year flood event.~~

~~80 City of San Francisco, *General Plan Urban Design Element*, Objective 4, Policy 13.~~

EIR **Table S.1: Summary of Impacts of Proposed Project Identified in the EIR, on EIR p. S.37** is revised to indicate the deletion of Mitigation Measure M-HY-2: Emergency Plan and addition of Improvement Measure I-HY-A.

Regarding the comment raised which discusses BCDC's policy statements and recommends three approaches to mitigation for potential sea level rise impacts, BCDC has jurisdiction over development within 100 feet of the Bay shoreline, which does not include the project site. Therefore, BCDC's San Francisco Bay Plan does not apply to the project site. The comment relies on the inapplicable San Francisco Bay Plan, indicating that a project should utilize

"innovative engineering and design solutions so that the structures are resilient to potential flood[ing]" and "should be designed to be resilient to a mid-century sea level rise projection." Although BCDC's San Francisco Bay Plan is not related to City Ordinance, the proposed project would be designed and constructed consistent with the City's Flood Management Ordinance and would minimize or resist flood damage. Based on the best available-science based projections for sea level rise, only minimal flooding of the building site could occur under 2050 and flooding would be temporary in nature, and could only result in cosmetic damage as construction of the proposed building would be resilient to potential flooding. In addition, the building could be modified by installing floodgates and/or steel doors for the garage and loading dock entries and for the doors to the residential and commercial spaces. In addition, sand bags could be used to keep the temporary flood waters out. Therefore, the building would be capable of adapting to future flood hazard conditions to provide for the safety of occupants in the event of flooding.

The comment suggests that the EIR should include an adaptive management plan to mitigate the impacts of sea level rise. Adaptive management is a structured, iterative process of decision-making in the face of uncertainty. The aim of adaptive management is to simultaneously meet one or more resource management objectives. At the same time, a goal is to gather information needed to improve future management, either passively or actively.

While adaptive management has a place in addressing climate change, the method focuses on systems, for example, at the societal level. It is unclear how the commenter intends this method to apply to a single building. Waiting for further results to gauge the extent of, and impacts of, climate change could influence operation of the building, but the decision on such key elements as height of entryways to underground parking and the first floor must be made before construction begins. The comment suggests that the City could require the project sponsor to pay its fair share towards future shoreline improvements undertaken to reduce the potential impacts of sea level rise. At this time, the Port of San Francisco has no plans for raising the height of the seawall along The Embarcadero.[4] Future shoreline improvements to address sea level rise are too speculative at this time to require the project sponsor to pay money into a pot that has no identified use.

Using the first floor for parking and having all active useable spaces start on the second floor, as the commenter recommends, would substantially reduce the marketability of retail space and would impede visual, spatial, and physical connectivity between pedestrians at street level and these activities, conflicting with *General Plan* policies to provide active street-level uses and pedestrian interest. In addition, as noted above in this response, the projected mid-century inundation would not warrant these project changes as flooding would be temporary in nature,

[4] Email to Don Lewis from Diane Oshima, Assistant Deputy Director, Waterfront Planning, Port of San Francisco, dated October 21, 2013. A copy of this email is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

and would only reach the eastern part of the project site under sea level rise estimates projected for 2050 in combination with the 100-year flood storm surge, which is an event that has a one percent probability of occurring in any given year starting after 2050. Since the project as designed would be able to tolerate periodic flooding, the extent of inundation projected under mid-century sea level rise in combination with the 100-year storm surge does not have the potential to expose people or structures to a significant risk.

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M. OTHER CEQA ISSUES

The comment and corresponding response in this section cover topics in EIR Chapter 5, Other CEQA Issues. These include topics related to:

- OC-1: High-Density Residential Growth

Comment OC-1: High-Density Residential Growth

This response addresses the following comment:

I-Whitaker2-19

"Page 5.3, fifth paragraph: "*The proposed project would provide for high-density residential growth (up to approximately 186 units per acre) supported by existing community facilities, public services, transit service and infrastructure, and public utilities."* I would laugh if I weren't so agitated at the perception that existing community facilities, public services, transit service, and infrastructure in South of Market would be adequate for thousands of new residents in the Rincon neighborhood…" *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-19])*

Response OC-1

The comment asserts that the future residents of the Rincon Hill area would not be adequately served by the South of Market Area's existing community facilities, public services, and transit service and infrastructure. No evidence is presented to support this assertion. These topics and the project-related and cumulative impacts pertaining to them are addressed in the EIR and the Initial Study as follows: existing and planned community facilities (i.e., utilities and service systems and parks and open spaces) – EIR pp. 4.I.9-4.I.13 and Initial Study pp. 102-110 (Utilities and Service Systems), Initial Study pp. 98-102 (Recreation); public services (i.e., police protection and fire protection/emergency services, schools, and libraries) – Initial Study pp. 110-115; and public transit service and infrastructure – EIR pp. 4.E.8-4.E.17, pp. 4.E.45-4.E.51, and pp. 4.E.75-4.E.77. (See EIR Appendix A for the Notice of Preparation/Initial Study.)

As discussed on EIR pp. 4.I.9-4.I.13 and Initial Study pp. 102-110, projected population and employment growth would increase the demand on the City's utilities and service systems but not to levels that would lead to exceedances of wastewater treatment requirements resulting in the need for the construction of new or expanded wastewater or water treatment facilities; that would require new or expanded water supply resources or entitlements; that would lead to a determination that the combined sanitary sewer system does not have the capacity to accommodate the proposed project's demand on that system; or that would generate solid waste

such that landfills that currently serve the City's solid waste stream would exceed their permitted capacity or be out of compliance with federal, state or local statutes related to solid waste. The project would pay the San Francisco Public Utilities Commission's (SFPUC's) Wastewater Capacity Charge and its Water Capacity Charge, which are intended to reimburse the SFPUC for the cost of past wastewater and water infrastructure required to serve the project, as well as any future expansion of such infrastructure (if necessary). The proposed project's contribution to cumulative impacts on utilities and service systems was also assessed and was determined to not result in a considerable contribution to significant cumulative impacts because the population and employment growth attributable to the proposed project was expected and planned for in the service providers future service plans (e.g., the SFPUC's 2010 Urban Water Management Plan and Sewer System Improvement Plan).

As discussed in the Initial Study on pp. 110-115, projected population and employment growth would increase the demand on the City's police protection and fire protection/emergency services but not to levels that would require the San Francisco Police or Fire Departments to provide new or expanded police or fire/emergency facilities. The proposed project would pay school development fees pursuant to Senate Bill 50, thus mitigating any potential impacts on San Francisco Unified School District facilities related to the expected population growth that would result from the development of 186 residential units. As further discussed under Public Services in the Initial Study on pp. 114-115, the three San Francisco libraries closest to the project site (the Main, Mission Bay, and Chinatown libraries) would have the capacity to accommodate the increased demand from the proposed project's anticipated population growth. The proposed project's contribution to cumulative impacts on public services was also assessed and was determined to not result in a considerable contribution to significant cumulative impacts because the population and employment growth attributable to the proposed project would be anticipated and planned for by these service providers. In order to finance the construction of planned open space and streetscape improvements within the Transit Center District Plan Area, the proposed project would pay the Transit Center District Open Space Impact Fee as well as the Transit Center District Transportation and Street Improvement Impact Fee.

Please also see Response TR-5 in RTC Section 4.F, Transportation and Circulation, pp. 4.F.27-4.F.29, for a discussion of existing and planned public transit service and transit infrastructure, and Response RE-1 in RTC Section 4.Q, Recreation, pp. 4.Q.2-4.Q.5, for a discussion of parks and open spaces in Supervisorial District 6.

N. ALTERNATIVES

The comments and corresponding responses in this section cover topics in EIR Chapter 6, Alternatives. These include topics related to:

- AL-1: Alternatives Photosimulations
- AL-2: Reasonable Range of Alternatives
- AL-3: Analysis of No Project Alternatives
- AL-4: Analysis of Code Compliant Alternatives
- AL-5: Environmentally Superior Alternative
- AL-6: Financial Feasibility of Alternatives
- AL-7: Approach to Alternatives Analysis

Since the publication of the Draft EIR, the project sponsor has modified the design of the Code Compliant Alternative. In response to these modifications, EIR Chapter 6, Alternatives, has been revised. The design changes do not alter any of the conclusions presented in the Draft EIR regarding the analysis of this alternative, nor do they introduce the need for any new mitigation measures.

The text changes to the Code Compliant Alternative are presented in RTC Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives, pp. 2.20-2.43; resulting text changes are introduced, with next text shown in underline and deletions shown in ~~strikethrough~~. They are repeated in Chapter 5, Draft EIR Revisions, of this Responses to Comments (RTC) document, along with minor accompanying revisions.

Where applicable, responses in this section note the Code Compliant Alternative features that have been modified.

Comment AL-1: Alternatives Photosimulations

This response addresses the following comment:

A-SFPC-Hillis-2

"A couple of things I'd like to see beefed up -- or one that -- I know it's not typical in the alternative section to have architecture associated with those alternatives. So the code-compliant alternative as well as the lower-height alternative, it would be nice to compare what's being proposed as far as architecture developed with projects or kind of scenarios or simulations with architecture at those lower height limits, or those lower height levels, just to kind of compare apples to apples." *(Commissioner Rich Hillis, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Hillis-2])*

Response AL-1

The comment requests that more architectural details for both the Code Compliant Alternative and Reduced Height Alternative be included in the EIR so that their architectural features can be compared to the features of the proposed project and project alternatives. As a result of SB 743 being signed into law in 2013, the topic of aesthetics for certain urban infill projects in transit priority areas, such as the proposed 75 Howard Street project, is no longer to be considered in determining if a project or project alternatives have the potential to result in significant environmental effects. However, in response to the comment requesting that more comparative architectural details about the proposed project and project alternatives be made available in the EIR, two new figures are included in this RTC section: Figure RTC.1: View F – View of Code Compliant Alternative from Pier 14, Looking West and Figure RTC.2: View F – View of Reduced Height Alternative from Pier 14, Looking West. These figures, shown on the following pages, are presented solely for information purposes to provide a better comparison of architectural features of the alternatives and the proposed project within the context of the surrounding waterfront development.

Comments AL-2: Reasonable Range of Alternatives

This response addresses the following comments:

I-Butcher1-8	I-Pederson-5
I-Butcher2-50	I-Pederson-4
I-Pederson-1	I-Pederson-5

"Finally, the range of alternatives is not adequate, because there's only two alternatives in the document besides the CEQA-mandated no-project alternative. Those two alternatives do not address four of the six significant and unavoidable impacts. CEQA requires that any potentially feasible alternative that can address significant and unavoidable impacts in an EIR be addressed. There are potentially feasible alternatives that can address the shadow impacts and can also address the sea-rise-level impacts addressed in the EIR." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-8])*



Existing



Proposed

SOURCE: Square One Productions

FIGURE RTC.1: VIEW OF CODE COMPLIANT ALTERNATIVE FROM PIER 14, LOOKING WEST



Existing



Proposed

SOURCE: Square One Productions

75 HOWARD STREET

FIGURE RTC.2: VIEW OF REDUCED HEIGHT ALTERNATIVE FROM PIER 14, LOOKING WEST

"XIV. Alternatives

"A. The Alternatives Analysis Fails to Include a Reasonable Range of Alternatives.

"The DEIR fails to consider a reasonable range of alternatives. "A major function of an EIR 'is to ensure that all reasonable alternatives to proposed project s are thoroughly assessed by the responsible official.'" *(Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1456.) To achieve this goal, CEQA requires a DEIR to include a "reasonable range of alternatives." *(Citizens of Goleta Valley* v. *Bd. of Supervisors* (1990) 52 Cal.3d 553, 566; see also CEQA Guidelines, § 15126.6, subd. (a).) While there are no set-in-stone rules regarding what constitutes a "reasonable range" of alternatives, the range must be "sufficient to permit a reasonable choice of alternatives so far as environmental aspects are concerned." *(San Bernardino Valley Audubon Soc'y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750-751.)

"Courts have held that an EIR considering two alternatives did not satisfy the obligation to discuss a range of reasonable alternatives. *(Sierra Club* v. *Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-1218, 1222.) In contrast, four alternatives may "represent enough of a variation to allow informed decision-making." *(Mann* v. *Community Redevelopment Agency* (1991) 233 Cal.App.3d 1143, 1151; accord *Village Laguna of Laguna Beach* v. *Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1028- 1032; *Sequoyah Hills Homeowners Association* v. *City of Oakland* (1993) 23 Cal.App.4th 704.)

"Here, the DEIR only includes two alternatives not including the CEQA-mandated No Project alternative. On its face, this is not a reasonable range of alternatives.

"Moreover, this error is compounded by the fact that one of the two alternatives included in the DEIR does not satisfy the purpose for considering a CEQA alternative because it does not substantially lessen or avoid any significant unavoidable impacts of the proposed Project. 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, subds. (a)-(b); see *Citizens o/ Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566 ["(A)n EIR for any project subject to CEQA review must consider a reasonable range of alternatives to the project, or to the location of the project, which [] *offer substantial environmental advantages over the project proposal . . . .*"] (emphasis added).) The Reduced Height alternative fails to substantially lessen or avoid any of the Project's significant and unavoidable impacts. Therefore, the DEIR only includes one alternative that complies with the requirements of CEQA.

"The majority of the Project's significant and unavoidable impacts are not substantially reduced or avoided by the alternatives identified in the DEIR. "A potentially feasible alternative that might avoid a significant impact must be *discussed* and *analyzed* in an EIR so as to provide information to the decision makers about the alternative's potential for reducing envirom11ental impacts." *(Habitat & Watershed Caretakers v. City o/ Santa Cruz* (2013) 213 Cal.App.4th 1277, 1304 (original emphasis); CEQA Guidelines § 15126.6, subd. (b) [an alternatives analysis must focus on alternatives that "avoid[] or substantially lessen[] 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"].)

"As discussed previously, through use of alternative design features, the Project's significant and unavoidable sea level rise impact could potentially be reduced to a less than significant level. Additionally, the DEIR discloses that bulk and/or height reductions could reduce the Project's significant and unavoidable shadow impacts to a less than significant level.[6] Finally, the significant shadow, sea level rise, and traffic impacts caused by the proposed Project could all be substantially reduced or avoided by an offsite alternative.[7] The DEIR fails to consider these or other potentially feasible alternatives to substantially reduce or avoid the Project's significant and unavoidable impacts.

"The DEIR should be revised to include a detailed analysis of these alternatives; it would be improper for the DEIR to be revised to reject these alternatives without a detailed analysis. Alternatives identified within an EIR should be carried forward for detailed review unless they are infeasible. Feasibility of the alternatives must be analyzed at two distinct stages of the CEQA process. *(California Native Plant Society* v. *City of Santa Cruz* (2009) 177 Cal.App.4th 957, 981.) First, during preparation of the DEIR a local agency must make an initial determination as to which alternatives are *potentially* feasible and which are not. *(Center for Biological Diversity* v. *County of San Bernardino* (2010) 184 Cal.App.4th 1342, 1356, citing *Save Round Valley Alliance* v. *County of Inyo* (2007) 157 Cal.App.4th 1437, 1457 (emphasis added).) Then, in "the second phase -the final decision on project approval - the decisionmaking body evaluates whether the [environmentally superior] alternatives are *actually* feasible." *(California Native Plant Society* v. *City of Santa Cruz, supra,* 177 Cal.App.4th at p. 981 [emphasis in original]; Pub. Resources Code, § 21081.)

"At this first phase of the analysis of alternatives, an alternative capable of substantially reducing or avoiding the Project's sea level rise and shadow impacts - such as the ones discussed above - are potentially feasible. Therefore, the DEIR should include a detailed analysis of these alternatives. The Commission and Board, in the second phase, may - if supported by substantial evidence - determine the alternatives are infeasible.

[Footnotes 6 and 7 cited in the comment:]
"[6] / The DEIR suggests a project alternative that is less than 100 feet tall could fully avoid the Project's shadow impacts on Rincon Park. (DEIR, p. 4.H.32.) As discussed above, shadow impacts do not need to be fully avoided to reduce this impact to a less than significant level. Therefore, the DEIR establishes that an alternative with a height somewhere between 100 and 200 feet could substantially reduce or avoid the Project's significant and unavoidable shadow impacts. The DEIR, therefore, should include an alternative within this height range.

"[7] / The DEIR states that an offsite alternative was considered but rejected. However, the discussion is inadequate. First, the DEIR acknowledges that this alternative was rejected even though "[n]o off-site location [was] considered ..." (DEIR, p. 6.51.) It is disingenuous to reject this alternative without even consider potential alternative locations. Second, the DEIR explains that no "other waterfront locations along The Embarcadero" could be used for the Project. While this may be true, several of the Project's objectives can be achieved without developing the Project along The Embarcadero. And, pursuant to CEQA, a lead agency may not reject an alternative solely on the basis that it may "impede to some degree the attainment of project objectives, or would be more costly." (CEQA Guidelines, § 15126.6, subd. (b).) Lastly, the DEIR suggests an offsite alternative may be rejected because the Project proponent does not own other land suitable for developing the Project. However, the Project proponent does not own all the parcels that are proposed as part of the Project. For example, Assessor's Block 3742/Lot 12 and a portion of the Steuart Street right-of-way south of Howard Street is included as part of the Project and is owned by the City and County of San Francisco under the jurisdiction of the

Department of Public Works (DPW). Therefore, an undefined offsite alternative cannot in good faith be rejected on the basis of land ownership issues."
(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-50])

"State law (SB 375), regional plans (including Plan Bay Area recently adopted by MTC and ABAG), and the San Francisco General Plan all recognize the importance of encouraging high-density, transit-oriented development adjacent to major employment centers and public transit nodes. Indeed, when enacting SB 375, the Legislature found that California would be unable to achieve the greenhouse gas emission reduction goals of AB 32 without improved land use and transportation policy. Unfortunately, the DEIR slights the imperative importance of these requirements and instead treats subjective aesthetic concerns regarding the shape of the city's skyline and transitory shadows on a nearby urban promenade as being the most pressing environmental issues that this project raises.

"The DEIR's statement that the environmentally preferred alternative would be to allow a squat, ugly, seven-story commuter parking garage to remain (pg. 6.50) illustrates how blind the DEIR is to the importance of encouraging high- density, transit-oriented development in downtown San Francisco. Because the DEIR must also characterize some alternative other than the no project alternative as the environmentally preferable alternative, the DEIR selects the lowest density alternative. This again demonstrates the EIR's failure to recognize the environmental benefits high- density, transit-oriented development in this location and the numerous state, regional, and local policies that are intended to encourage such development.

"Pursuant to SB 375, MTC and ABAG recently adopted Plan Bay Area. That plan was required to identify strategies for reducing greenhouse gas emissions associated with transportation and land use patterns. A crucial component of the plan was to identify priority development areas that are well-served by public transit and/or adjacent to major employment centers. Downtown San Francisco, of course, plays a vital role in that strategy. Between the years 2010 and 2040, the number of jobs in San Francisco is projected to grow by 34%, the number of housing units is projected to grow by 25%, and population is projected to grow by 35%. Unless San Francisco approves a large amount of high-density development in downtown, Plan Bay Area will not achieve its targets for reducing greenhouse gas emissions.

"Unfortunately, the DEIR says not one word about the significant adverse environmental consequences of tunnel-vision CEQA analysis that places primary importance on purely local, comparatively trivial impacts and seeks to reduce those impacts by reducing density, thereby reducing the significant regional and global benefits that high-density, transit- oriented development provides." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-1])*

"2) When evaluating lower-density alternatives, the EIR should address the adverse regional and cumulative environmental effects of reducing the density of development in a place such as downtown San Francisco that is a major employment center and is very well-served by multiple public transit services." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-3])*

"3) The EIR should evaluate a new project alternative that has the same height and the same number of residential units as the proposed project, but that includes the code-compliant ratio of 0.25 parking spaces per residential unit. Such an alternative would allow decisionmakers to evaluate the feasibility and impacts associated with an alternative that is truly consistent with the City's transit first policies. Moreover, the lack of analysis of such an alternative might arguably limit the authority of City decisionmakers to exercise their discretion to deny the exception that is required for any residential parking that exceeds the 0.25:1 parking ratio." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-4])*

"4) The "Code Compliant" alternative should be genuinely code compliant. The alternative discussed in the DEIR would require a discretionary exception from the 0.25:1 ratio for residential parking that is permitted by right. The EIR should consider an alternative that does not require discretionary exceptions from the Planning Code's parking limitations. Failure to evaluate such an alternative would mean that decisionmakers and the public are deprived of an analysis of a genuinely code compliant alternative that is consistent with transit first policies (or at least is as consistent as possible given the reduced density of a code compliant alternative)." *(Christopher Pederson, Email, August 24, 2013 [I-Pederson-5])*

Response AL-2

Range of Alternatives

Some of the comments question the number and range of the alternatives analyzed in EIR Chapter 6, Alternatives, suggesting that additional alternatives should be analyzed because not all of the six significant and unavoidable impacts are reduced to less-than-significant levels with the range of alternatives analyzed, since the alternatives do not mitigate shadow impacts or sea level rise impacts identified in the Draft EIR. One comment further suggests that the analysis of just two alternatives did not satisfy the obligation to discuss a range of reasonable alternatives.

The number and range of alternatives analyzed in the EIR is adequate and complies with the CEQA Guidelines. The CEQA Guidelines do not require a minimum or maximum number of alternatives that must be analyzed. Rather, they recognize that the range of conceivable alternatives to a proposed project, and variations thereto, is potentially vast. CEQA Guidelines Section 15126.6(a) requires only that an EIR consider a reasonable range of alternatives that will foster informed decision-making, and limits the range of alternatives to the "rule of reason," as discussed in the EIR Chapter 6, Alternatives, p. 6.1:

> CEQA Guidelines Section 15126.6(a) requires that an EIR evaluate "a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects, and evaluate the comparative merits of the alternatives." An EIR need not consider every conceivable alternative to a proposed project. Rather, it must consider a range of potentially

> feasible alternatives governed by the "rule of reason" in order to foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(f)).
>
> CEQA Guidelines Sections 15126.6(f)(1) and (f)(3) state that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)" and that an EIR "need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative." The final determination of feasibility will be made by project decision-makers based on substantial evidence in the record, which includes, but is not limited to, information presented in the EIR, comments received on the Draft EIR, and responses to those comments.

The 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 by disclosing the comparative environmental consequences of alternatives vis-à-vis the proposed project. The EIR concludes that the project, if implemented as proposed, would result in significant and unavoidable impacts related to the following topics: Land Use and Land Use Planning, Transportation and Circulation, and Shadow (EIR p. 6.2).[1]

As noted in RTC Section L, Hydrology and Water Quality, since publication of the Draft EIR, the City and County of San Francisco has updated its approach to evaluating the potential impact of sea level rise under CEQA based on the best available science on sea level rise; therefore, Impact HY-2 in the Draft EIR on pp. 4.K.24-4.K.26 is no longer considered Significant and Unavoidable, and no mitigation measure has been identified as necessary to mitigate sea level rise impacts. However, a new Improvement Measure, I-HY-A: Emergency Plan, is proposed. Subsequently, the revisions shown below on RTC pp. 4.N.9-4.N.14 have been made to Chapter S, Summary, and Chapter 6, Alternatives, of the Draft EIR (additions are shown in <u>double underline</u>; deletions are shown in ~~strikethrough~~):

The second sentence in the paragraph under "Environmentally Superior Alternative" on EIR p. S.47 has been revised, as follows (deletions are shown in ~~strikethrough~~):

[1] In accordance with SB 743, the topic of aesthetics is no longer considered in determining if a project has the potential to result in significant environmental impacts. Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project Alternatives, summarizes applicable text changes made to the EIR regarding aesthetic impact conclusions. They are repeated in Chapter 5, Draft EIR Revisions, of this RTC document.

> The proposed project would result in a significant and unavoidable cumulative impact related to land use and land use planning, ~~aesthetics,~~ transportation and circulation, and shadow~~, and hydrology and water quality~~.

The first full paragraph on EIR p. 6.2 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The intent of the alternatives discussed in this chapter is to consider designs and development programs that could avoid or lessen significant and unavoidable impacts resulting from development (demolition and new construction) under the proposed project, as identified in Chapter 4, Environmental Setting, Impacts, and Mitigation. The EIR concludes that the project, if implemented as proposed, would result in significant and unavoidable impacts related to Land Use and Land Use Planning, ~~Aesthetics,~~ cumulative Transportation and Circulation, and Shadow~~, and Hydrology and Water Quality~~.

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives, on EIR pp. 6.3-6.5, has been revised to delete the rows for Hydrology and Water Quality and for Sea Level Rise as shown on RTC p. 4.N.11 (deletions are shown in ~~strikethrough~~).

The last paragraph on EIR p. 6.9, which continues on 6.10, has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Hydrology and Water Quality**
>
> Under the proposed project, Improvement Measure I-HY-A: Emergency Plan ~~Mitigation Measure M-HY-2: Emergency Plan~~, described on pp. 4.K.25-4.K.26, would not be required. There would be a continued increased probability of sea level rise along the waterfront and nearby low-lying areas due to climate change that could expose people or existing structures on the project site to increased risk of flooding under the No Project Alternative. The proposed project would have less-than-significant hydrology and water quality impacts. ~~However, t~~The No Project Alternative would not introduce residential uses to the project site and would not result in project-level impacts or significant cumulative hydrology and water quality impacts.

The second full paragraph on EIR p. 6.11 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> Under the No Project Alternative, the existing conditions at the 75 Howard Street project site would not change. The existing commercial parking garage on the 75 Howard Street building site would be retained in its current condition and no high-rise, mixed-use tower would be constructed on the site. The No Project Alternative would have no significant and unavoidable impacts related to land use and land use planning, ~~aesthetics,~~ transportation and circulation, and shadow~~, and hydrology and water quality~~; would have

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives [Excerpt]

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
~~**Hydrology and Water Quality**~~				
~~Sea level rise~~	~~**HY-2**: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. (SUM)~~	~~Existing flooding risks due to Sea Level Rise would remain on the project site.~~	~~Similar to the proposed project. (SUM)~~	~~Similar to the proposed project. (SUM)~~

Notes:
[a] Includes space devoted to mechanical, circulation and building support areas.
[b] Includes the maximum number of off-street parking spaces allowed as of right in the C-3 District where the proposed project is located plus accessory off-street parking spaces as determined through the Planning Code Section 309 Review process. Project sponsor has requested an increase to the maximum amount of accessory off-street parking spaces.
[c] Required per SF Planning Code Section 166.

Sources: Turnstone Consulting and Adavant Consulting, February 2013

no impacts related to archaeological resources, noise, air quality, utilities and service systems, ~~and~~ biological resources, and hydrology and water quality; and would have no impacts on topics determined in the NOP/IS to either be less than significant or less than significant with mitigation under the proposed project. Therefore, no mitigation measures or improvement measures would be required.

The first two paragraphs on EIR p. 6.28 have been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Hydrology and Water Quality

Under this alternative, impacts from exposure to significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow would be the same as under the proposed project. There would be less-than-significant project-level impacts and no cumulatively considerable contribution to significant cumulative impacts related to impacts from inundation by seiche, tsunami, or mudflow.

Impacts from increased risk of flooding due to climate-induced sea level rise under this alternative would also be similar to those with the proposed project. ~~As under the proposed project, even with the implementation of Mitigation Measure M-HY-2: Emergency Plan, described on pp. 4.K.25-4.K.26, there would be significant and unavoidable project-level impacts from flooding due to climate-induced sea level rise under this alternative.~~ As under the proposed project, there would be less-than-significant project-level impacts from flooding due to climate-induced sea level rise under this alternative. Although no mitigation is required, Improvement Meausre I-HY-A: Emergency Plan would still be applicable under this alternative. ~~t~~The Code Compliant Alternative's contribution to cumulative impacts with respect to sea level rise would not result in a cumulatively considerable contribution to significant cumulative sea level rise impacts.

The sixth and eighth sentences of the first paragraph on EIR p. 6.30 have been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~The Code Compliant Alternative would also have the same project-level impacts as the proposed project from the increased risk of flooding due to climate-induced sea level rise.~~ As with the proposed project, but to a lesser degree, the Code Compliant Alternative would result in less-than-significant impacts (with mitigation or improvement measures) related to cultural and paleontological resources, noise, air quality, wind, utilities and service systems, biological resources, and hazards and hazardous materials. This alternative, as with the proposed project, would result in less-than-significant impacts in the areas of population and housing, greenhouse gas emissions, recreation, public services, geology and soils, hydrology and water quality, and mineral and energy resources.

The paragraphs under "Hydrology and Water Quality" on EIR pp. 6.47-6.48 have been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Hydrology and Water Quality

Construction and excavation required for the Reduced Height Alternative would be similar to that required for the proposed project in terms of location and depth. As under the proposed project, potential impacts from exposure to significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow would be less than significant under this alternative, and the cumulatively considerable contribution to significant cumulative impacts from inundation by seiche, tsunami, or mudflow would be less than significant.

Impacts from increased risk of flooding due to climate-induced sea level rise under this alternative would also be similar to those with the proposed project. ~~As under the proposed project, even with the implementation of Mitigation Measure M-HY-2: Emergency Plan, described on pp. 4.K.25-4.K.26, there would be significant and unavoidable project-level impacts from flooding due to climate-induced sea level rise under this alternative.~~ As under the proposed project, there would be less-than-significant project-level impacts from flooding due to climate-induced sea level rise under this alternative. Although no mitigation is required, Improvement Meausre I-HY-A: Emergency Plan would still be applicable under this alternative. ~~t~~The Reduced Height Alternative's contribution to cumulative impacts with respect to sea level rise would not result in a cumulatively considerable contribution to significant cumulative sea level rise impacts.

The fourth and sixth sentences in last paragraph on EIR p. 6.49, continuing on p.6.50, have been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~The Reduced Height Alternative would also have the same significant and unavoidable project-level impacts as the proposed project from the increased risk of flooding due to climate-induced sea level rise.~~ As with the proposed project, but generally to a lesser degree, the Reduced Height Alternative would result in less-than-significant impacts (with mitigation or improvement measures) related to cultural and paleontological resources, noise, air quality, wind, utilities and service systems, biological resources, and hazards and hazardous materials. This alternative, as with the proposed project but to a slightly lesser degree, would result in less-than-significant impacts in the areas of population and housing, greenhouse gas emissions, recreation, public services, geology and soils, hydrology and water quality, and mineral and energy resources.

The first paragraph on EIR p. 6.51 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Pursuant to the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative that has the fewest significant environmental impacts from among the other alternatives evaluated. The proposed project would result in significant and unavoidable project specific impacts related to land use and land use planning, ~~aesthetics,~~ and shadow~~, and hydrology and water quality~~, and to cumulative impacts related to transportation and circulation, and shadow. The Code Compliant Alternative would be the environmentally superior alternative because it would result in less-than-significant impacts related to land use and land use planning ~~and aesthetics~~, unlike the proposed

project. The Code Compliant Alternative would still result in significant and unavoidable impacts to shadow, and hydrology and water quality, and to cumulative transportation and circulation impacts.

The range of potential alternatives should also include those that could feasibly attain most of the basic objectives of the proposed project. CEQA does not require that the EIR determine that the project is consistent with all of the identified project objectives. The purpose of the project objectives is to assist the lead agency in identifying a reasonable range of alternatives to the proposed project. (CEQA Guidelines Section 15124(b).) The inconsistency of an alternative with certain project sponsor objectives is not an appropriate basis for eliminating an alternative from consideration in the EIR, and would not prohibit the City from adopting that alternative in lieu of the proposed project. Among the factors to be considered regarding feasibility are site suitability, 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 or reduce significant environmental impacts. The final determination of the feasibility of alternatives is made by the 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. Decision-makers can approve, disapprove, or modify the proposed project, one of its variants, or one of the project alternatives as part of their deliberations on the proposed project.

The Planning Department included a range of reasonable alternatives for analysis in the *75 Howard Street Project EIR*. The EIR analyzes three project alternatives: the required No Project Alternative, the Code Compliant Alternative, and the Reduced Height Alternative.

No Project Alternative

Under CEQA Guidelines Section 15126.6(e), the purpose of the No Project Alternative is "to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project." The No Project Alternative presented in the EIR consists of the continuation of the existing conditions on the project site. As described in Chapter 6, Alternatives, pp. 6.6-6.11, under the No Project Alternative, the existing parking garage on the 75 Howard Street building site would be retained in its current condition and Assessor's Block 3742/Lot 12 would remain vacant and paved, and would continue to be owned by the City and County of San Francisco for construction staging and other temporary uses. There would be no landscape or hardscape improvements to the open space site or portions of the surrounding right-of way. The on-street parking along the segment of Steuart Street south of Howard Street

would remain. There would be no changes to or narrowing of this segment of Steuart Street, and the turnaround bulb at the southern terminus of Steuart Street would not be reconfigured.

As concluded on EIR pp. 6.11-6.12, the No Project Alternative would have no significant and unavoidable impacts related to land use and land use planning, transportation and circulation, shadow, and hydrology and water quality; would have no impacts related to archaeological resources, noise, air quality, utilities and service systems, and biological resources; and would have no impacts on topics determined in the NOP/IS to either be less than significant or less than significant with mitigation under the proposed project.[2] Therefore, no mitigation measures or improvement measures would be required. The No Project Alternative would also not achieve any of the objectives of the project sponsor.

Code Compliant Alternative

The Code Compliant Alternative, EIR pp. 6.12-6.31, provides an alternative that meets all applicable provisions of the Planning Code, but includes certain exceptions that are permitted pursuant to the applicable Planning Code controls. Since the publication of the Draft EIR, the project sponsor has indicated that that the proposed project, as described in the Draft EIR, is no longer the sponsor's preferred project, and that the Code Compliant Alternative is to be considered the preferred project. Under this alternative, the project site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01 and Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan.* Section 263.9 of the Planning Code allows for an additional height of up to 10 percent as an extension of the upper tower pursuant to the provisions of Section 309, and Section 260 allows for up to 20 feet for elevator/mechanical penthouse screening in C-3 districts. Development under this alternative would comply with the bulk controls for the "lower tower" as set forth under Planning Code Section 270(d), but would require an exception for the upper tower bulk limits as allowed pursuant to Planning Code Section 309. This alternative would not include either the Parking Variant or Residential/Hotel Mixed Use Variant analyzed for the proposed project. Under this alternative, the existing commercial parking garage would be demolished and a new 20-story, approximately 220-foot-tall tower (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) would be constructed. This alternative would be 11 stories and 128 feet shorter than the tower under the proposed project. The approximately 284,300-gsf Code Compliant Alternative would contain 133 market rate units (53 fewer units than under the proposed project) consisting of 36 one-bedroom units, 71 two-bedroom units, 23 three-bedroom units, and 3 four-bedroom units. This alternative would also include approximately 5,824 gsf of retail use (slightly more than under the proposed project), including space for restaurant and café uses. The Code Compliant Alternative also proposes to merge a

[2] See Footnote 1, p. 4.N.9, regarding the elimination of the topic of aesthetics from the determination of significant impacts.

small triangle of property which is currently a portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31 through a lot line adjustment. Parcel 3 is located within the Rincon Point South Beach Redevelopment Plan Area and as such is subject to the land use controls of the Rincon Point South Beach Redevelopment Plan and Design for Development (collectively, the "Redevelopment Requirements"). On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Code Compliant Alternative located on Parcel 3.

This alternative would comply with the City's Inclusionary Affordable Housing Ordinance by paying a 20 percent in-lieu fee.

So as to analyze the impacts of not constructing any open space improvements planned on Assessor's Block 3742/Lot 12, the Code Compliant Alternative does not include any landscaping and paving improvements there, and that open space site would remain vacant and paved with asphalt, and would continue to be available through the City and County of San Francisco for temporary uses such as construction staging or for future development. However, as under the proposed project, in furtherance of the requirements of Planning Code Section138.1, streetscape improvements would be proposed for the surrounding Steuart Street right-of-way, south of Howard Street. Under this alternative, unlike under the proposed project, Steuart Street would not be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1.

As concluded on EIR pp. 6.29-6.31, the Code Compliant Alternative would avoid significant and unavoidable land use impacts and would reduce shadow impacts, but not to a less-than-significant level.[3] The Code Compliant Alternative would result in significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation). The Code Compliant Alternative would achieve most of the basic objectives of the project sponsor.

[3] See Footnote 1, p. 4.N.9, regarding the elimination of the topic of aesthetics from the determination of significant impacts.

Reduced Height Alternative

The Reduced Height Alternative, EIR pp. 6.31-6.50, provides an alternative that would reduce (but not eliminate) the land use, and shadow impacts when compared to the proposed project.[4]

Under this alternative, the existing commercial parking garage would be demolished and a new 25-story, approximately 281-foot-tall tower (plus an additional 17-foot-tall elevator/mechanical penthouse screening) would be constructed on the 75 Howard Street building site. This alternative would be 6 stories or 67 feet shorter than the tower under the proposed project, and would be similar in height to the immediately adjacent buildings. The Reduced Height Alternative would contain 172 market rate units (14 fewer units than under the proposed project). This alternative would also include approximately 5,900 gsf of retail use, including space for restaurant and café uses (slightly more than under the proposed project).

The Reduced Height Alternative would include landscaping and paving improvements, resulting in a new 4,780 sq. ft. landscaped, publicly accessible open space at Block 3742/Lot 12 and the portion of the Steuart Street right of way south of Howard Street. As under the proposed project, on-street parking along the segment of Steuart Street south of Howard Street would be eliminated. This segment of Steuart Street would be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would be reconfigured.

This alternative would comply with the lower tower bulk controls, but it would not comply with the upper tower bulk control that establishes a maximum diagonal building dimension of 160 feet. In addition, this alternative would not comply with the volume reduction bulk control for the upper tower, which requires that the average floor size of the upper tower be reduced as set forth in Planning Code Section 270(d)(3)(B). This alternative would require bulk exceptions pursuant to Planning Code Sections 270, 272, and 309.

As concluded on EIR pp. 6.49-6.50, while the Reduced Height Alternative would result in the same significant and unavoidable impacts as identified for the proposed project, these impacts would be reduced. The Reduced Height Alternative would result in reduced but still significant and unavoidable impacts in the areas of project-level land use and land use planning impacts (EIR p. 6.35); a reduced but still considerable contribution to a significant cumulative traffic impact (EIR pp. 6.41-6.43); and project-level and cumulative shadow impacts (EIR p. 6.46).[5] The Reduced Height Alternative would have the same, but to a slightly lesser degree, significant and unavoidable project-level and cumulative shadow impacts on outdoor recreation facilities and

[4] See Footnote 1, p. 4.N.9, regarding the elimination of the topic of aesthetics from the determination of significant impacts.

[5] See Footnote 1, p. 4.N.9, regarding elimination of the topic of aesthetics from the determination of significant impacts.

other public areas as under the proposed project. The Reduced Height Alternative would achieve most of the basic objectives of the project sponsor.

Environmentally Superior Alternative

In summary, as concluded on EIR pp. 6.51-6.52, pursuant to the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative that has the fewest significant environmental impacts from among the other alternatives evaluated. The Code Compliant Alternative would be the environmentally superior alternative because it would result in less-than-significant impacts related to land use and land use planning, unlike the proposed project.[6] The Code Compliant Alternative would still result in significant and unavoidable impacts related to shadow (EIR pp. 6.26-6.27), and contribute considerably to significant cumulative transportation and circulation impacts (EIR pp. 6.22-6.23). The Code Compliant Alternative would comply with the existing height limit for the project site, and therefore would have a shorter high-rise tower than the proposed project. This alternative would meet the policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and TCDP that call for buildings at the southeast edge of Downtown to step down in height toward the waterfront. At the lower height limit, this alternative would result in less annual net new shadow due to the reduced height of the high-rise tower. The Code Compliant Alternative would comply with the existing height limit for the project site, and would result in less annual net new shadow on Rincon Park than under the proposed project. Thus, the Code Compliant Alternative would be the environmentally superior alternative.

Request for Analysis of Additional Alternatives

Some comments state that the EIR should analyze alternatives that reduce or substantially lessen shadow and sea level rise impacts. Additional comments suggest that EIR should have included code compliant parking ratios in the Code Compliant Alternative, and that the EIR should have included analysis of a high-density alternative. The analysis of the three alternatives in EIR Chapter 6 satisfies the requirements of CEQA and no additional EIR alternatives are required. As stated above on p. 4.N.9, the 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. The Guidelines do not state that all significant effects identified for the proposed project need to be eliminated or reduced by an alternative.

The EIR does not present an alternative that would not result in any net new shadow on Rincon Park because virtually any new building constructed on the site as tall as or slightly taller than the existing 8-level (91-foot-tall) parking garage on the site would cast net new shadow on Rincon

[6] See Footnote 1, p. 4.N.9, regarding elimination of the topic of aesthetics from the determination of significant impacts.

Park. As stated on EIR p. 4.H.32, any development of approximately 100 feet or taller on the project site would shadow Rincon Park. Further, construction of a building on the site equal to or lower than the height of the existing parking garage or the Code Compliant Alternative would not be considered a reasonable alternative, as a substantially reduced development program would not meet any of the project sponsor objectives nor would there be sufficient economic viability to warrant construction of such a building. For a discussion of the economic viability and feasibility of the project, see RTC Section 4.Z, Economic Feasibility, pp. 4.Z.1-4.Z.6. For additional discussion of the financial feasibility of project alternatives, see Response AL-6, below, on RTC pp. 4.N.29-4.N.31. Further, an EIR need not consider every possible height between the proposed and existing building. There are an unlimited number of possible heights that could be considered as an alternative. The alternatives discussed in the EIR are of sufficient range to fully examine alternatives to reduce the potential impacts of the proposed project.

The reason the EIR does not analyze an alternative that would reduce impacts from flooding due to climate-induced sea level rise, is discussed on EIR p. 4.K.25 and in Response HY-3 in RTC Section 4.L, Hydrology and Water Quality, pp. 4.L.6-4.L.29. As stated in the EIR, to address the potential for inundation of the site under the year 2100 sea level rise scenario of 55 inches in the event of a 100-year flood, the level of the ground floor would have to be elevated above the projected level of inundation, about 35 inches above grade. This height would impede flow of pedestrians and wheelchairs into the ground floor, and would require interior or exterior steps, landings, ramps and/or lifts to comply with Americans with Disabilities Act (ADA) and Building Code requirements. These features would reduce the amount and marketability of ground-floor space, and would impede visual, spatial and physical connectivity between pedestrians at street level and ground floor activities. To address potential flooding of the underground parking garage, the entrance to the garage would have to be similarly elevated, which would be difficult or impossible from a traffic engineering standpoint. For these reasons, raising the elevation of this project site alone, without an area-wide approach that similarly raised the grade of the entire area, would not be feasible.

Some comments state that the Code Compliant Alternative should comply with the Planning Code's parking limitations, in order to be considered a genuine code compliant alternative. An alternative with a parking ratio not exceeding 0. 25:1 was not included in the EIR because parking impacts are considered less than significant in the EIR (EIR pp. 4.E.63-4.E.69). Moreover, the amount of parking proposed by the Code Compliant Alternative is permitted by the Planning Code pursuant to the Section 303 Conditional Use Authorization process. No amendment of the Planning Code is required to provide the amount of parking proposed. (For additional discussion of parking code requirements, see Response TR-2 on RTC pp. 4.F.8-4.F.18.) Regarding comments stating that the EIR should have included a high-density alternative in order to recognize the regional and global environmental benefits that high-density,

transit-oriented development provides, the EIR did not include an alternative with additional density because additional density would be in the form of a taller, larger building on the site, and would further exacerbate the significant and unavoidable land use and land use planning and shadow impacts identified for the proposed project. The purpose of alternatives in an EIR is to reduce or avoid one or more of the significant impacts of a project. A higher density alternative would not do that.

Considered and Rejected Alternatives

Some comments state that the EIR disingenuously dismisses analysis of an off-site alternative. Over the course of project development, the Planning Department considered a number of alternatives identified by the community, responsible agencies, and the applicant. The screening process for identifying viable alternatives included, but was not limited to, consideration of the following criteria: potential ability to substantially lessen or avoid significant environmental effects associated with the proposed project; ability to meet the project objectives; and feasibility of developing the alternative on the site including site suitability, economic viability, and whether the project sponsor can reasonably acquire, control, or otherwise have access to the alternative site, as described under CEQA Guidelines Section 15126.6(f)(1). As part of the EIR certification review and project approval process, decision-makers will consider feasibility of an alternative and whether it would substantially lessen or avoid significant environmental impacts identified for the proposed project. For a discussion on the economic viability and feasibility of the project, see RTC Section 4.Z, Economic Feasibility, pp. 4.Z.1-4.Z.6. For additional discussion of the financial feasibility of project alternatives, see Response AL-6, below, on RTC pp. 4.N.29-4.N.31.

As described on EIR pp. 6.51-6.52, Section 15126.6(c) of the CEQA Guidelines states that an EIR should "identify any alternatives that were considered by the lead agency but rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination." Both an Off-Site Alternative and an Original Preliminary Project Assessment Design Alternative were considered and rejected. The reasons why these alternatives were rejected are discussed on pp. 6.51-6.52. They include the fact that there are few waterfront locations along The Embarcadero and south of Market Street that could accommodate a similar-sized project, and none of those parcels are under the ownership of the project sponsor nor could any of them be easily acquired by the project sponsor. The only other property owned by the project sponsor in the City and County of San Francisco is an already developed site located at One Market Plaza (1 Market Street) that contains the 11-story Southern Pacific Building, the 43-story Spear Tower, and the 27-story Steuart Tower. The project sponsor has not indicated any plans to acquire development rights to or purchase another waterfront property in San Francisco in the near future.

Comment AL-3: Analysis of No Project Alternatives

This response addresses the following comments:

I-Butcher2-51
I-Whitaker2-9

"B. The Analysis of the No Project Alternative is Inadequate.

"The No Project alternative included in the DEIR fails to comply with the requirements of CEQA. "The purpose of describing and analyzing a no project alternative is to allow decisionmakers to *compare* the impacts of approving the proposed project *with the impacts of not approving the proposed project.* " (CEQA Guidelines, § 15126.6, subd. (e)(l) (emphasis added).) The No Project analysis fails to include any discussion of impacts anticipated to occur in the event the Project is not approved. Instead, the No Project alternative merely states for each resource area that the No Project alternative would not result in the impacts caused by the Project.

"It is self-evident that if the Project is not approved the Project's impacts will not occur. The pertinent question for the purposes of the No Project alternative analysis, however, is whether not approving the Project would result in its own environmental benefits or impacts. Absent an analysis of the potential impacts of the No Project alternative, a meaningful comparison between the Project and No Project alternative is not possible. Therefore, the DEIR must be revised to include a meaningful discussion of the No Project alternative." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-51])*

"**Page S.41, Alternative A:** No Project Alternative states that *"Assessor's Block 3742/ Lot 012 would remain vacant and paved, and would continue to be owned by the City and County of San Francisco for construction staging and other temporary uses."* This statement is presumptuous and misleading because the community will advocate and pressure the politicians to make sure that this space becomes a playground given the public health needs of such a use in the space as opposed to it being an underutilized vacant and paved lot. The community raised over $600,000 to pay for the construction of a playground at Sue Bierman Park which, if visited on a nice Saturday or Sunday afternoon, is fully utilized and then some by residents and visitors to the area, and the community could do so again if the City refuses to invest some of the $6 million+ in Downtown Park Fund monies that will be deposited by office building developers in the immediate C-3 zone near block 3742, lot 012. It would be inexcusable to not activate this public space to help promote good health for kids in San Francisco's Rincon neighborhood. This comment also applies to **page S.42, third paragraph** about the Code Compliant Alternative's effect on block 3742, lot 012. *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-9])*

Response AL-3

A comment states that the EIR fails to include any discussion of impacts anticipated to occur in the event that the proposed project is not approved, and asserts that the EIR merely states that the No Project Alternative would not result in the impacts of the proposed project. Another comment states that the assumption that Assessor's Block 3742/Lot 012 would remain vacant under the No Project Alternative and the Code Compliant Alterative is presumptuous and misleading because the community will call for a playground to be constructed on that site.

As discussed in Section 6.B, Alternative A: No Project Alternative, EIR pp. 6.2-6.11, the EIR describes the impacts of the No Project Alternative under each environmental topic. The analysis of the No Project Alternative assumes that the existing structure and uses on the project site would not change and that the baseline existing physical conditions, as described in detail in the discussion of Setting for each environmental topic would continue into the foreseeable future. The analysis also assumes that the open space improvement site owned by the City would remain vacant, as there are no other current plans to develop the City-owned site. Comparison impacts of the No Project Alternative against those of the proposed project, by nature, is determined by the impacts of the proposed project that would not occur under the No Project Alternative.

In some instances, a no project alternative can include reasonable assumptions for future development of a project site under existing land use and height and bulk limitations should the project not be implemented. However, the existing 75 Howard Street project site already contains a parking garage that is full much of the time, and it is reasonable to assume that if the proposed project were not implemented, the existing use and conditions of the project site would be maintained into the foreseeable future because one of the project sponsor's objectives for the proposed project is to construct a project with enough residential units to make demolition of the existing garage economically feasible and produce a reasonable return on investment (EIR p. 2.4). Thus, the existing use is a viable one if the proposed project was not approved. The EIR also analyzes a feasible development scenario that would conform to existing Planning Code requirements (Alternative B: Code Compliant Alternative). Assumption of a new use for the open space improvement site, alone, on vacant Assessor's Block 3742/Lot 12, such as a children's playground, under the No Project Alternative or any other alternative would be speculative. The City has no other specific development plans at this time.

Comment AL-4: Analysis of Code Compliant Alternatives

This response addresses the following comments:

O-RTA2-39
O-RTA2-40
I-Butcher2-52

"**CODE COMPLIANT ALTERNATIVE:**

"Is the code compliant alternative really code compliant? Or would it just meet the height requirement? Vague words such as "more consistent" are often used. The code compliant alternative needs to be completely analyzed in a quantifiable manner." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-39])*

"Page 6.16 states the code compliant alternative would not include the open space improvement? What does the project becoming code compliant have to do with improving the open space?" *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-40])*

"**C. The Analysis of the Code Compliant Alternative is Inadequate.**

"Unlike the proposed Project, the Code Compliant alternative "would reinforce the existing pattern discernible at the southeast edge of Downtown of buildings stepping down to the water's edge." (DEIR, p. 6.16.) As a result, the Code Compliant alternative is identified as the second most environmentally superior alternative after the No Project alternative.

"The Code Compliant alternative, nevertheless, fails to substantially lessen or avoid the majority of the proposed Project's significant and unavoidable impacts. The only reason the Code Compliant alternative is considered the environmentally superior alternative is because the DEIR fails to include a reasonable range of alternative including one or more potentially feasible alternatives that could reduce or avoid the majority of the Project's significant and unavoidable impacts.

"Additionally, the analysis of the Code Compliant alternative is inadequate. Without any explanation, the DEIR states that the Code Compliant alternative would not be required to comply with Improvement Measure I-TR-K. The DEIR should be revised to explain why this improvement is not required for the Code Compliant alternative.

"Moreover, the DEIR states the Code Complaint alternative would not include the open space proposed as part of the Project. (DEIR, p. 6.29.) The DEIR provides no explanation as to why open space is excluded from the Code Complaint alternative. The DEIR should be revised to include the public open space improvements as part of the Code Compliant alternative or should include a detailed explanation as to why these improvements are excluded from the alternative. As drafted, it appears the public open space improvements were excluded merely to ensure the alternative achieves less of the Project objectives than may otherwise be possible." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-52])*

Response AL-4

One comment questions if the Code Compliant Alternative is really code compliant or if it just meets the City's height requirements. As stated on EIR p. 6.12, the Code Compliant Alternative provides an alternative that meets all applicable provisions of the Planning Code. Under this alternative, the project site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01, and the 200-foot height limit specified on Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan*. Section 263.9 of the Planning Code allows for an additional height of up to 10 percent as an extension of the upper tower pursuant to the provisions of Section 309, and Section 260 allows for up to 20 feet for elevator/mechanical penthouse screening in C-3 districts. Development under this alternative would comply with the bulk controls for the "lower tower" as set forth under Planning Code Section 270(d), but would require an exception for the upper tower bulk limits as allowed pursuant to Planning Code Section 309.

The comment further states that the Code Compliant Alternative's analysis should be quantified. The Code Compliant Alternative would contain roughly 53 fewer units than the proposed project and would be about 128 feet shorter than the project. It is typical to present a qualitative analysis in EIRs for alternatives that contain fewer units or less area for other uses than the proposed project, or that are smaller in area or shorter than a proposed project. However, the EIR does in fact contain quantified analyses for the Code Compliant Alternative, where the information would be useful to decision-makers. Comparable shadow calculations for the Rincon Park boundary were prepared and presented in the EIR.[7] Similarly, technical quantified trip generation calculations were prepared for and summarized in the EIR on pp. 6.17-6.23.

Some comments question why the open space improvement site would not be included in the Code Compliant Alternative, and opines that it appears to be excluded merely to ensure that fewer objectives of the project sponsor are met. The EIR include the analysis of two alternatives, only one of which does not include the open space improvement site. As stated on EIR pp. 6.12 and 6.15, the Code Compliant Alternative would not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. In addition, most of the right-of-way improvements proposed along Steuart Street would not occur under this alternative, except for the removal of the on-street parking along the west side of Steuart Street adjacent to the east elevation of the proposed building, which would be necessary for curb-side loading. The Reduced Height Alternative, EIR pp. 6.31-6.50, however, does include the open space improvement site and

[7] CADP, 75 Howard Street Alternatives - Shadow Calculations for Rincon Park (Port Boundary), May 2015. A copy of these documents are available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

similar right-of-way improvements as proposed under the proposed project. Contrary to the claim of the commenter that the developer would gain some advantage by excluding the open space improvement site, the EIR's exclusion of the majority of the improvements within the proposed open space improvement site under the Code Compliant Alternative, was done to assess the environmental effects of a project that does not include those improvements. In addition, since the publication of the DEIR, the Project Sponsor has indicated that the Code Compliant Alternative (as modified) is the preferred project, but the Project Sponsor has also been unable to secure the open space improvement site from the City. The City has discretion to approve or disapprove the installation of the proposed hardscape and landscape improvements to the open space improvement site on Block 3742/Lot 12. In the event that the City does not permit installation of these improvements, or if installation of these improvements otherwise proves to be infeasible, the City could approve construction of the 75 Howard development project without the open space improvements described above. In this situation, the open space improvement site would not be improved by the proposed project and would remain in its existing condition until such time that the City chose to develop or otherwise improve the property.

Further, in order to evaluate the potential environmental effects of the proposed project without the proposed open space improvements on Block 3742/Lot 12, the EIR's analysis of the Code Compliant Alternative assumes that such improvements would not occur. The EIR concludes that the project's environmental effects would be substantially similar if the open space improvement site is improved or left in its existing state. Although the open space improvements may have a beneficial aesthetic effect, the purpose of the EIR is to consider potential environmental impacts of the project rather than potential benefits of that project. As such, the EIR includes a range of potentially feasible alternatives and has fully considered the merits of each alternative.

Another comment states that the analysis of the Code Compliant Alternative is inadequate since it would not be required to comply with Improvement Measure I-TR-K: Installation of Electronic "Parking Full" Sign. Improvement Measure I-TR-K, EIR p. 4.E.69, is an improvement measure under the proposed project and variants that would minimize traffic congestion and queuing on Howard Street. It is not a mitigation measure to address a significant transportation impact. Under this measure, an electronic sign would be installed at the project's garage entrance that indicates when the garage is full. Under the proposed project or variants, between 71 and 193 vehicles would access the parking garage during the p.m. peak hour (EIR p. 4.E.68). The impacts of parking operations under the Code Compliant Alternative would be less than significant and no queues would spill from the garage to the street. Under the Code Compliant Alternative, 12 fewer vehicles would enter and exit the Howard Street parking garage during the weekday p.m.

peak hour than under the proposed project.[8] The total parking demand for this alternative would be 57 fewer spaces than under the proposed project. While parking operations under this alternative would not be expected to result in queues that spill out of the parking garage and back onto Howard Street, given the lower parking demand and fewer number of vehicles entering the garage, Improvement Measure I-TR-K would not be applicable (EIR p. 6.21). This improvement measure, however, can be included as a condition of approval if decision-makers require it.

One comment states that the Code Compliant Alternative would fail to substantially lessen or avoid the majority of the project's significant and unavoidable impacts, and further states that the only reason it is considered the Environmentally Superior Alternative (after the No Project Alternative) is due to the lack of a reasonable range of alternatives presented in the EIR. While the comment correctly states that unlike under the proposed project, the Code Compliant Alternative would result in less-than-significant project-level impacts on scenic vistas of Downtown from the eastern waterfront and the Bay Bridge, since publication of the Draft EIR in July 2013, due to the legislative amendment to Public Resources Code which added Section 21099 (Senate Bill No. 743, Chapter 386) regarding the analysis of aesthetics impacts for certain mixed-use infill projects in transit priority areas, such as the proposed 75 Howard Street Project, this EIR can no longer consider aesthetics impacts in determining the significance of the proposed project's physical environmental effects under CEQA. This alternative would also result in less-than-significant project-level land use and planning impacts since this alternative would comply with the existing height limit for the project site. Like the proposed project, this alternative would continue to contribute to significant and unavoidable cumulative impacts on traffic, and would continue to result in project-level and cumulative shadow impacts but to a substantially lesser degree. Thus, this alternative would reduce or eliminate several of the significant impacts caused by the proposed project. As stated above in Response AL-2 on RTC p. 4.N.8, and on EIR p. 6.1, the number and range of alternatives analyzed in the EIR is adequate. The CEQA Guidelines do not require a minimum or maximum number of alternatives that must be analyzed. Rather, they recognize that the range of conceivable alternatives to a proposed project, and variations thereto, is potentially vast. CEQA Guidelines Section 15126.6(a) requires only that an EIR consider a reasonable range of alternatives that will foster informed decision-making, and limits the range of alternatives to the "rule of reason." Given that the Planning Code permits construction of a building that is 200 feet tall, and allows for an upper tower extension of up to 10 percent with additional height exemptions for elevator/mechanical penthouse screening, analyzing a project alternative that is significantly shorter than what is allowed in the existing 200 foot height limit would not fit within this "rule of reason."

[8] Adavant Consulting, Memo to Susan Mickelsen/Don Lewis Re: 75 Howard Street Project Transportation Study, Case Number 2001.1122! Proposed Project Alternatives Assessment, June 16, 2015 (hereinafter "75 Howard Street Project – Alternatives Assessment"), pp. 4-8. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122E.

Comment AL-5: Environmentally Superior Alternative

This response addresses the following comments:

I-Emblidge-18
O-OHPRA-7

"15. The EIR correctly identifies the Code Complaint Alternative as environmentally superior.

"The EIR correctly identifies the Code Complaint Alternative as the environmentally superior alternative other than the No Project Alternative. It would reduce impacts on land use, land use planning and aesthetics to a less-than-significant level and would reduce impacts on shadow, hydrology and water quality and to cumulative transportation and circulation impacts.

"Page 6.30 of the EIR notes that the Code Compliant Alternative would achieve some of the basic objectives of the project sponsor, but that it *"...would not meet the project sponsor's objective to construct streetscape improvements and open space that serves the neighborhood residents and workers, and enliven pedestrian activity on the waterfront during evening and nighttime hours, nor would it meet the project sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition of the existing above-ground parking garage, produce a reasonable return on investment for the project sponsor and its investors, an attract investment capital and construction financing."* It goes on to say that the floor plates of this alternative would be too large for a residential building, which of course could be remedied by modifying the building to reduce the size of the floor plates.

"Page 5.2 of the EIR identifies *"The basic objective of the proposed project and project variants is to support and contribute to the developing mixed use character of the Transit Center District Plan area by developing in-fill, high density residential development in the downtown area."*

"Because the Code Compliant Alternative would (a) meet the basic objective of the project as well as some of the other stated objectives of the proposed project (b) be consistent with the Urban Design Element of the City's General Plan, the Downtown Area Plan and the Transit Center District Plan that calls for buildings to step down to the waterfront; (c) reduce or eliminate significant environmental impacts; and (d) avoid setting a precedent for rezoning to permit high-rise development along the waterfront and changing the established land from one that steps down to one that steps up to the waterfront, the City should reject the proposed project and preserve existing policies and regulations governing the project site." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-18])*

"The Draft EIR recognizes these serious impacts in the project by concluding that the Code Compliant Alternative is the "Environmentally Superior Alternative" and finding "six significant and unavoidable impacts" in the project which cannot be mitigated. These impacts include the violation of the existing height limit, casting shadows on public open spaces and sidewalks (particularly Rincon Park) and contributing to unacceptable traffic at Spear and

Howard." *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-7])*

Response AL-5

Comments state that the EIR correctly identifies the Code Compliant Alternative as the Environmentally Superior Alternative in part due to the fact that it would reduce or eliminate significant impacts and because it would meet most of the project sponsor's objectives. The EIR identifies the Code Compliant Alternative as the Environmentally Superior Alternative on EIR pp. 6.50-6.51. Decision-makers can consider these comments as part of their decision to approve, disapprove, or modify the proposed project, one of its variants, or one of the project alternatives as part of their deliberations on the proposed project.

Comment AL-6: Financial Feasibility of Alternatives

This response addresses the following comments:

A-SFPC-Hillis-3
I-Butcher2-53

"And then also in the kind of the discussion of the feasibility of those alternatives, it seems somewhat scant, the information that's given on why they aren't feasible or why they can't meet the project sponsor's objectives of like tearing down the garage. So more analysis or more detail on that would be helpful." *(Commissioner Rich Hillis, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Hillis-3])*

"D. The DEIR's Unsupported Assertion that Project Alternatives are Financially Infeasible is Self-Serving and Misleading.

"The DEIR explains that the Project sponsor has stated that neither the Code Compliant or Reduced Height alternatives are financially feasible. (DEIR, pp. 6.30-31, 6.49.) The DEIR includes no discussion to support this conclusion. The DEIR demonstrates that the conclusion is questionable at best. For example, the Reduced Height alternative includes only approximately 2% less residential square footage than the proposed Project. (DEIR, p. 6.3 [Table 6.1].) Given this minimal reduction of square footage, it is difficult to believe the alternative would be financially infeasible. Moreover, the DEIR states that the original Project design proposed by the Project proponent was "similar to the Reduced Height Alternative." (DEIR, p. 6.52.) The Project proponent would not have proposed a Project that was financially infeasible. *(Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600 ["[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful"], quoting *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 449.) Therefore, the conclusions in the DEIR regarding the potential financial feasibility of the Project alternatives appear disingenuous at best." *(Christopher Butcher, Thomas Law Group,*

on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-53])

Response AL-6

One comment asserts that the EIR does not support conclusions stated in the EIR that neither the Code Compliant nor Reduced Height Alternatives are financially feasible for the project sponsor. As stated in EIR p. 6.50, the Reduced Height Alternative would achieve most of the basic objectives of the project sponsor. The following revision is added to clarify financial feasibility of the Reduced Height Alternative; these revisions do not alter any of the conclusions of the EIR. The second paragraph on EIR p. 6.50 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Reduced Height Alternative would achieve most of the basic objectives of the project sponsor. This alternative would improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking. It would also increase the City's supply of housing. This alternative would also meet the project sponsor's objective to construct streetscape improvements and open space that serve the neighborhood residents and workers, and enliven pedestrian activity on the waterfront during evening and nighttime hours. ~~However, according to the project sponsor, t~~The Reduced Height Alternative would ~~not~~ also partially meet, though not to the full extent as under the proposed project, the project sponsor's objective to be able to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing.

Since the publication of the Draft EIR, the project sponsor has indicated that that the proposed project, as described in the Draft EIR, is no longer the sponsor's preferred project, and that the Code Compliant Alternative, as revised, is to be considered the preferred project. The Code Compliant Alternative would partially achieve most of the basic objectives of the project sponsor. These revisions do not alter any of the conclusions of the EIR. For clarification, the last paragraph on EIR pp. 6.30-6.31 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Code Compliant Alternative would achieve most ~~some~~ of the basic objectives of the project sponsor. This alternative would improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking. It would also increase the City's supply of housing. It would also partially meet, though not to the full extent as under the proposed project, the sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its

investors, and attract investment capital and construction financing. The Code Compliant Alternative, however, would not meet the project sponsor's objective to construct ~~construct streetscape improvements and~~ open space that serves the neighborhood residents and workers, and enlivens pedestrian activity on the waterfront during evening and nighttime hours, in part because the Project Sponsor was not able to secure the right to purchase the property from the City (the property's owner) and the City does not have definitive plans with respect to the disposition or future uses of the site at this time. ~~nor would it meet the sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing. Specifically, and according to the project sponsor, the Code Compliant Alternative may be financially infeasible, as the Code Compliant Alternative and the existing Planning Code requirements applicable to the property are not conducive to residential use, as the Code Compliant Alternative would contain floor plates (17,000 square feet) that are unusually large for a residential building.[9] Such floor plates significantly exceed the market standard for residential buildings because bedrooms and living rooms require access to daylight and air. The interior space must be built at nearly the same cost as any other interior area of the building, but it does not add to the value of the unit in the same way that even a very small extra bedroom for children or guests would. Floor plates of these sizes (17,000 sf and greater) are occasionally seen in residential buildings but only when the site is wide enough to allow for very rectangular or bar-shaped double-loaded buildings of no more than 80 feet in depth, with service cores typically placed at the ends.[10]~~

One comment requests more analysis and information regarding feasibility of alternatives. The feasibility of the alternatives analyzed in the EIR has not been finally determined. All were determined to be potentially feasible in that they would attain most of the basic objectives identified in Chapter III, Project Description, all are within the boundaries of the property under the control of the project sponsor, and all are capable of being constructed on the Project Site.

Formal determinations of feasibility will be made as part of the CEQA findings made by decision-makers as part of their deliberations on the proposed project. As noted in CEQA, a project should not be approved if there are feasible alternatives available which would substantially lessen the significant environmental effects; however, specific economic, social, legal, technological, or other conditions may make an alternative infeasible (CEQA Guidelines Sections 15021 and 15091). Reasons why any alternative is found by decision-makers to be infeasible will be provided in those findings; the reasons will need to be supported by substantial evidence in the record. The evidence need not be presented in the EIR, however. Analysis of the economic feasibility or infeasibility of an alternative is typically presented in separate memoranda or reports made available to decision-makers during consideration of actions on a Proposed Project. Information on social conditions that might make an alternative infeasible could be available in reports prepared by the lead agency or other public agencies, such as housing needs analyses and unemployment statistics. The requests for further information about feasibility will,

therefore, be answered in the findings considered by the Planning Commission in supporting evidence in the record outside of this EIR, as the City's decision-makers consider the proposed project for action.

Comment AL-7: Approach to Alternatives Analysis

This response addresses the following comment:

O-CARD-8

"ALTERNATIVE ANALYSIS

"The alternative analysis fails in that the entire alternatives-to-the-project section provides no discussion of the effects of the project, or the absence of the project, on surrounding land uses, and the likely increase in development that will accompany the completion of the project, nor does it discuss the deleterious effects of failing to update the 75 Howard Street Project facilities upon those same surrounding properties and the land uses which may or have occurred thereon." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-8])*

Response AL-7

The comment states that the alternatives analysis fails to provide a discussion of the effects of the project or the absence of the project nor does it discuss the effects of failing to update the existing 75 Howard Street project facilities. As stated on EIR p. 6.2, the intent of the alternatives chapter is to consider designs and development programs that could avoid or lessen significant and unavoidable impacts resulting from development (demolition and new construction) under the proposed project. Table 6.1, EIR pp. 6.3-6.5, provides a comparison of significant and unavoidable impacts of the proposed project to impacts of the three alternatives considered in the EIR, the No Project Alternative, the Code Compliant Alternative, and the Reduced Height Alternative.

Insofar as the comment states that the Alternatives chapter does not provide a discussion of the project's effects or absence of the project, the No Project Alternative analysis (EIR pp. 6.2-6.11) discusses the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and policies and consistent with the available infrastructure and community services. As described on EIR p. 6.2, in accordance with CEQA Guidelines Section 15126.6, an EIR typically analyzes a no project alternative, i.e., "the circumstance under which the project does not proceed. Such a discussion would compare the environmental effects of the property remaining in its existing state against environmental effects that would occur if the project is approved." Regarding the comment that

the EIR does not provide a discussion of the project's effects, the EIR does in fact analyze the proposed project's environmental effects in the topic sections analyzed in Chapter 4, Environmental Setting, Impacts, and Mitigation, as well as in the Initial Study prepared for the proposed project (see EIR Appendix A, NOP/Initial Study).

Regarding the comment that the EIR does not analyze the effects of not updating the existing 75 Howard Street project facilities, this analysis is addressed in the No Project Alternative, EIR pp. 6.2-6.11. Regarding the comment that the EIR does not discuss the likely increase in development that will accompany the completion of the project, this analysis is addressed in EIR Section 5.A, Growth Inducing Impacts, EIR pp. 5.1-5.4.

O. POPULATION AND HOUSING

The comments and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study (NOP/IS), Section E.3, Population and Housing. These include topics related to:

- PH-1: Affordable Housing Needs

Comment PH-1: Affordable Housing Needs

This response addresses the following comments:

I-Hestor1-5
I-Hestor2-7
I-Hestor2-9

"This is the fourth rezoning of heights along the waterfront. Three of the four are for ultra-high-end luxury housing. The ABAG study is relevant. And the population was scoped out of this EIR. There is a relationship between need for housing for the workforce and production of housing that is not needed. That is what this is. This EIR is grossly inadequate." *(Sue Hestor, Public Hearing Transcript, September 12, 2013 [I-Hestor1-5])*

"The issue of housing has been improperly "scoped out" of the 75 Howard EIR
The issue of the environmental effects of population and housing has been scoped out of this EIR. (App A Notice of Preparation, p. 39) If those working in SF cannot afford to buy or rent housing in SF because the housing being constructed is unaffordable to them, construction of new SF housing will not meet the existing work force need. Instead, these workers will push out into areas outside of San Francisco looking for housing that is affordable and which meets their needs. *Explain how exporting demand for housing to OTHER AREAS undermines the ABAG goals of linking employment and housing and concentrating housing in already developed areas where impacts will be reduced." (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-7])*

"The second "goal" for this development - increase the City's supply of housing (2.4) - must be discussed in light of above. Describe *the nature of the "residents" to be served by this project in the discussion on 5.1. If a substantial portion of the buyers of these units have other homes and only occasionally are in residence, how does the proposed project differ from the residential/hotel mixed use variant, which variant is rejected? Explain the housing affordability of THIS project and compare it to the needs identified for SF housing." (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-9])*

Response PH-1

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 but would shift this demand to areas outside San Francisco, further exacerbating a regional jobs-housing imbalance. The comments assert that the topic of population and housing should have been analyzed in the EIR. The comments further contend that the condominiums may only be occupied intermittently and would not meet the project sponsor's objective of increasing the City's supply of housing nor constitute a real difference between the proposed project and the Residential/Hotel Mixed Use Variant.

The significance thresholds relevant to the potential physical impacts on population and housing are whether a project would induce substantial population growth, and whether a project would result in displacement of existing housing or substantial numbers of people that would require construction of replacement housing elsewhere. All of these topics are adequately addressed in the Initial Study on pp. 46-53 (see EIR Appendix A: Notice of Preparation/Initial Study). As explained there, the number of new residential units proposed would not generate a substantial increase in Citywide population. The approximately 75 to 125 jobs generated by the proposed project would not generate a demand for substantial numbers of additional residential units in the City, and the proposed project would displace a parking garage, not housing or substantial numbers of people. Thus, the topic of Population and Housing was appropriately limited to the Initial Study and not included in the EIR.

The affordability of the proposed residential units is an economic issue rather than a physical environmental issue. Nevertheless, as explained in the Initial Study on p. 49, the project sponsor would be required to comply with San Francisco Planning Code Section 415.1 *et seq*., the City's Inclusionary Affordable Housing Program, which requires that affordable housing be provided in the City by any developer proposing to build market-rate housing. To emphasize the proposed project's compliance with the City's Inclusionary Affordable Housing Program, the following paragraphs is added after the second full paragraph on EIR p. 2.1 and a new footnote is added to that page, as follows (new text is underlined). This revision does not alter any of the conclusions of the EIR.

> The proposed project would comply with the City's Affordable Inclusionary Housing Ordinance to provide affordable housing pursuant to Section 415.1 et seq., of the San Francisco Planning Code, as required by existing law, by payment of a 20 percent in lieu fee.[1]
>
> [New footnote]
>
> [1] Inclusionary Affordable Housing Program (Section 415). Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (Environmental Evaluation (EE) or Building Permit Application (BPA) was applied for on or after July 18, 2006.

The Planning Code provides three options for meeting a project's affordable housing requirement: provision of the affordable units on site, provision of the affordable units off site, or payment of an in-lieu fee for deposit into the Citywide Affordable Housing Fund that enables the City to build affordable units. Therefore, the assertion that a demand for affordable housing as a result of the proposed project would be shifted to other jurisdictions is not accurate.

One of the comments asks how the proposed project differs from the Residential/Hotel Mixed Use Variant, asserting that many future residents would occupy their units only on a part-time basis. There is no basis for assuming that any particular number of owners would live elsewhere and occupy their condominium unit on an extremely limited basis, although this could occur with some units. Some may be absentee owners who lease their unit to a local resident. Insofar as one or more owners did not occupy their units on a regular basis, there is no reason to assume that their limited occupancy of that unit would be similar to hotel occupancies analyzed for the Residential/Hotel Mixed Use Variant. The analysis in the Initial Study and EIR used population estimates based on the average San Francisco household size (2.28 persons per household) to accurately assess the full extent of potential impacts not only for the population and housing topic, but also for other relevant environmental topics such as transportation impacts. Any assumption that the residential units would not be fully occupied would disclose reduced impacts compared to the analysis provided in the EIR. There is no reason to have included the topic of Population and Housing in the EIR to speculate on how much time residents would occupy their units, or how many units might be vacant more often than would the unit of a typical household in the proposed project.

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P. GREENHOUSE GAS EMISSIONS

The comments and corresponding responses in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.8, Greenhouse Gas Emissions. These include topics related to:

- GHG-1: Impacts Resulting from Global Climate Change
- GHG-2: Cumulative Effects of Climate Change

Comment GHG-1: Impacts Resulting from Global Climate Change

This response addresses the following comments:

O-CARD-3 O-CARD-5
O-CARD-4 O-CARD-6

"AIR QUALITY/GREENHOUSE EMISSIONS/CLIMATE CHANGE

"The EIR lacks sufficient data to either establish the extent of the problem which local emissions contribute to deteriorating air quality, greenhouse emissions or the closely related problem of global warming and climate change, despite the fact that these issues are at the forefront of scientific review due to the catastrophic effects they will have on human life, agriculture, industry, sea level risings, and the many other serious consequences of global warming." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-3])*

"This portion of the EIR fails for the following reasons:

1. The DEIR does not provide any support or evidence that the Guidelines utilized in the analysis are in fact supported by substantial evidence. References to the work of others is inadequate unless the document explains in sufficient detail the manner and methodology utilized by others." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-4])*

"This portion of the EIR fails for the following reasons:…

2. Climate change is known to affect rainfall and snow pack, which in turn can have substantial effects on river flows and ground water recharge. The impact thereof on the project's projected source of water is not discussed in an acceptable manner. Instead of giving greenhouse emissions and global warming issues the short shrift that it does, the EIR needs to include a comprehensive discussion of possible impacts of the emissions from this project." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-5])*

"This portion of the EIR fails for the following reasons:...

3. Climate change is known to affect the frequency and or severity of air quality problems, which is not discussed adequately." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-6])*

Response GHG-1

The comments state that the EIR lacks a comprehensive discussion of certain impacts resulting from the consequences of global climate change and the adequacy of guidelines followed in the EIR's assessment of greenhouse gas (GHG) emissions. Contrary to the comments, the Initial Study (see EIR Appendix A: Notice of Preparation/Initial Study), pp. 62-64, provides a thorough overview of the scientific consensus on how human-caused GHGs contribute to global warming and adverse impacts, including increased fires, floods, severe storms and heat waves, a global rise in sea level, impacts to agriculture, the state's electricity system, and native freshwater fish ecosystems, an increase in the vulnerability of levees in the Sacramento-San Joaquin Delta, changes in disease vectors, and changes in habitat and biodiversity. Many of these trends will exacerbate air quality problems, for example by increasing demand for electricity or increasing ground-level ozone formation during heat waves. Managing the water supply will also become more complex with the changes in precipitation and storm patterns, although San Francisco's main water sources are high in the Sierra Nevada Mountains and are expected to be somewhat less affected than local sources.

These environmental, socioeconomic, public health, and safety considerations drive the actions of California's lawmakers and policy-makers in the efforts to address global climate change. This is evidenced by the Regulatory Setting for GHG (Initial Study, pp. 64-67), which describes how the CEQA Guidelines require lead agencies to address the issue. Furthermore, the analysis provides citations and footnotes that supply evidence for the approach used by the San Francisco Planning Department as a lead agency following various proceedings, recommendations, and guidelines from the California Natural Resources Agency in the adopted CEQA Guidelines, the Governor's OPR, ARB, and BAAQMD. The GHG analysis in the EIR is adequate and no additional discussion is necessary.

Comment GHG-2: Cumulative Effects of Climate Change

This response addresses the following comment:

O-CARD-7

"This portion of the EIR fails for the following reasons:…

4. The cumulative effect of this project taken with other projects in the same geographical area on water supply, air quality and climate change is virtually missing from the document and the EIR is totally deficient in this regard." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-7])*

Response GHG-2

The comment mentions the cumulative effect of this project and other projects in the area on water supply, air quality, and climate change. These topics are discussed separately in Impact C-UT-1 of EIR Section 4.I, Utilities and Service Systems, pp. 4.I.12-13; Impact C-AQ-1 of EIR Section 4.G, Air Quality, pp. 4.G.39-40; and in the Initial Study under Impact C-GG-1, pp. 69-80.

Impact C-GG-1 in the Initial Study analyzes GHG emissions within the cumulative context described in the Environmental Setting for GHG (p. 62), which notes: "Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operational phases." As described in the Initial Study on p. 67, "GHG emissions are analyzed in the context of their contribution to the cumulative effects of climate change because a single land use project could not generate enough GHG emissions to noticeably change the global average temperature."

Impact C-GG-1 considers the GHG emissions from the proposed project cumulatively with all other emissions from sources within San Francisco in light of the City's *Strategies to Address Greenhouse Gas Emissions* and 2008 Greenhouse Gas Reduction Ordinance. Taken together, San Francisco's aggressive GHG reduction targets and comprehensive strategies meet the CEQA and BAAQMD requirements for an established Greenhouse Gas Reduction Strategy (Initial Study p. 68 and p. 80). The plans, strategies, and ordinances listed in the analysis of Impact C-GG-1 target GHG reductions from multiple sectors of the economy, 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 or an individual project-specific impact statement (Initial Study p. 69). Thus all new proposed projects are considered cumulatively in the City's Strategies *to Address Greenhouse Gas Emissions*, and the cumulative analysis in Impact C-GG-1 considers cumulative growth.

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Q. RECREATION

The comments and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.10, Recreation. These include topics related to:

- RE-1: Availability of Parks and Open Space in the Vicinity of the Project Site

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Comment RE-1: Availability of Parks and Open Space in the Vicinity of the Project Site

This response addresses the following comments:

A-SFPC-Hillis-4 I-Whitaker2-4
I-Whitaker1-3 I-Whitaker2-5
I-Whitaker2-3 I-Whitaker2-20

"And then I agree with some of the public comments, although maybe not an EIR issue on open space. I think we build a lot of this kind of inactive or passive open space along the waterfront. So it would be nice to see a variant; or, ultimately, when this is considered more active use of that triangular lot, if it does become open space and we have Rincon Park across the street and other waterfront open spaces that tend to be pretty passive." (Commissioner Rich Hillis, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 *[A-SFPC-Hillis-4])*

"The City-owned triangle lot. I want you to know, there's a new playground built at Sue Bierman Park that gets very well used. You should visit on the weekend on a nice sunny day. There's -- it's over-saturated. There's more kids than really what there's stuff there. And Adhamina Rodriguez, who helped design and really pushed for a playground for her kids and other kids in the neighborhood, first looked at this triangle. But the Port pushed back and said, "Well, we want to lease this property and make money off this triangle." "I really hope that this is a chance, regardless of the fate of 75 Howard Street, for the City to consider making this triangle a playground with a four-foot fence around it. There's five daycare centers in the immediate area. There's going to be $6 million in open-space money contributed from the office buildings." *(Jamie Whitaker, Public Hearing Transcript, September 12, 2013 [I-Whitaker1-3])*

"Third, the block 3742, lot 012 potential open space parcel owned by DPW should be slated to become an open space with playground equipment (swingset, slide, teeter- totter, etc. enclosed with a 4 foot tall fence) regardless of the fate of the 75 Howard Street Project because of its sunlight exposure, much better air quality compared to the planned park spaces below and beside freeway ramps, close proximity to five daycare centers cited on page 4.G.12 along with the Embarcadero YMCA which host about 600 kids every week day (which shockingly, by the way, are ignored by the Planning Department's Recreation and Open Space Element document's latest version), and Recreation and Parks data indicating that District 6 has only 0.17 acres per 1,000 residents while the City's average is 6.14 acres per 1,000 residents. All the talk about wanting to

retain families in San Francisco seems quite hollow and disingenuous with no action taken to make this City-owned lot at block 3742, lot 012 a much-needed playground for a quickly growing residential area and the 600 kids in nearby daycare centers who deserve to be treated with much more equity and fairness than the City provides them today given the hundreds of millions of dollars South of Market creates in revenues for the City every single year." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-3])*

"Page S.18, Impact TR-4, Mitigation 1-TR-F: The area has plenty of what my neighbor Toby refers to as stupid, useless plazas. Bicycle racks should absolutely not take away from the potential open space provided by block 3742, lot 012 (the "triangle lot" owned by DPW) because of the extreme deficit of open space in the area and wealth of concrete on the other Spear and Howard or Steuart and Howard corners on which bike racks can be installed if needed." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-4])*

"Page S.19, Impact TR-5, Mitigation I-TR-I: The 21.5 feet wide sidewalk should not take away from the potential open space provided by block 3742, lot 012 ("the triangle lot" owned by DPW) because of the extreme deficit of open space in the area with about 600 kids in nearby daycare centers and 300 (and growing) kids as Rincon residents who need a sunny, decent air quality playground on that triangle to help them develop as healthy, well-socialized kids. A 13.5 foot wide sidewalk is perfectly adequate for the area." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-5])*

"…With only 0.17 acres per 1,000 residents and no playground planned that does not sit under or near a freeway (think air pollution, asthma) ramp, it is nuts to think 5,000 new dwelling units can be added without new playgrounds/parks for kids that everybody should know will appear as the next natural lifecycle event following the purchase/rental of a home…" *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-20])*

Response RE-1

The comments express concern about the lack of parks and open space in Supervisorial District 6, especially playgrounds and other active recreational resources, in light of existing and planned residential development. The comments further express a desire to have a playground included on the open space improvement site, as well as concerns about potential encroachment of other project-related infrastructure, such as bicycle racks and sidewalk improvements, onto the triangular lot.

The Initial Study, pp. 98-102 (see EIR Appendix A: Notice of Preparation/Initial Study), discusses existing parks and open spaces near the project site and analyzes potential project-related and cumulative impacts that would result from projected population growth on the project site and in the Transit Center District Plan area. As discussed in the Initial Study on p. 98, the

project site is not located within a 'high needs area' as defined in San Francisco's Recreation and Open Space Element. The project site is located within reasonable walking distance for families (defined in the Recreation and Open Space Element as ¼ mile or 5 minutes) of existing public parks and open spaces such as the Embarcadero Promenade, Rincon Park, the Ferry Building Plaza, Justin Herman/Embarcadero Plaza, and Sue Bierman Park. Privately owned but publicly accessible open spaces are also identified. As described on Initial Study p. 98, the Embarcadero Promenade is used for active recreation uses such as rollerblading, jogging, and bicycling, and, as noted in one of the comments, Sue Bierman Park has recently undergone renovations to include a playground. As discussed in the Initial Study on p. 101, approximately 11 acres of public open space (including the 5-acre City Park in the new Transit Center) would be developed within District 6 as part of the buildout of the Transit Center District Plan area. There are also other existing parks and open spaces, some with playgrounds, within Supervisorial District 6, including Yerba Buena Gardens (between 3rd and 4th streets and Folsom and Howard streets), South Park (at South Park Avenue between 2nd and 3rd streets), the Gene Friend Recreation Center (at 6th and Folsom streets), and the Victoria Manalo Draves Park on Folsom Street between 6th and 7th streets; they are not included in the parks and open spaces discussed in the Initial Study on pp. 98-100 because they are outside of the reasonable walking distance for families (¼ mile or 5 minutes) and adults (½ mile or 10 minutes, as defined in the Recreation and Open Space Element). In July 2013, the District 6 Open Space Task Force published the results of a 10-month planning effort, which identified one or more potential sites within District 6 for future acquisition and development as new parks and open spaces. [1] This planning process refined the information used as the basis for San Francisco's Recreation and Open Space Element mapping of high need areas. High needs areas were identified within District 6, but they did not include the Rincon Hill or Transit Center District Plan areas, primarily because of their proximity to existing and planned parks and open spaces.[2] These findings do not contradict the analysis presented in the Initial Study; however, the project site was mapped as one of several areas in District 6 that experience a "Distribution Deficiency Gap for Children's Playgrounds."[3]

The 29,833-sq.-ft. open space improvement site is described on EIR p. 2.10 and includes the 4,780-sq.-ft. triangular lot (Block 3742, Lot 12), which is under the jurisdiction of the San Francisco Department of Public Works, the Steuart Street right-of-way, and the paved area south of the existing Steuart Street turnaround. As described on EIR pp. 2.29-2.30, although the project sponsor does not own that property, the potential environmental impacts of improvements to, and operation of, the triangular lot as an open space were analyzed, and the future financing of the installation and ongoing maintenance of open space improvements to the triangular lot would be assumed by the proposed project should the City decide to allow the triangular lot to be

[1] San Francisco Recreation and Park Department, District 6 Open Space Task Force, Recommendations for Acquisition of New Parks and Open Space in District 6, July 2013. Available online at http://tinyurl.com/kqunmsf. Accessed October 18, 2013.
[2] Ibid, p. 9.
[3] Ibid, p. 9.

developed as a park and/or open space. Since publication of the Draft EIR, the project sponsor has indicated that the Code Compliant Alternative, as revised, is to be considered the preferred project; the revised entitlement application submitted for consideration by the City Planning Commission (CPC)[4] is consistent with the revised Code Compliant Alternative design summarized in RTC Chapter 2, pp. 2.20-2.43. As described in RTC Chapter 2, p. 2.27, the Code Compliant Alternative does not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12, in part because the project sponsor was not able to secure the right to purchase the property from the City (the property's owner) and the City does not have definitive plans with respect to the disposition or future uses of the site at this time. While improvements within the open space site are no longer proposed as part of the preferred project, this RTC document still addresses comments raised about the open space improvement site, which was analyzed as part of the project in the Draft EIR.

The proposed open space improvements to the Steuart Street right-of-way, the sidewalks that surround the triangular lot, and the paved area south of the existing Steuart Street turnaround are described on EIR pp. 2.29-2.30 and shown on Figure 2.3 on EIR p. 2.6. The proposed landscape and hardscape improvements to the adjacent sidewalks would be intended to visually integrate with the eventual design of the open space on the triangular lot if it were to be developed as park and/or open space. Pedestrian, landscape, and hardscape improvements would also be installed in the area south of the existing Steuart Street turnaround.

Bicycle racks on the Steuart Street Plaza would serve the proposed 75 Howard Street Project's hotel and retail/restaurant visitors (see Improvement Measure I-TR-F: Installation of Bicycle Racks on Steuart Street Plaza, on EIR p. 4.E.59) and would be located adjacent to the proposed 75 Howard Street building per San Francisco Planning Code Section 155.1. Reference in the EIR to the Steuart Street Plaza is not in regard to the triangular lot owned by the Department of Public Works, as noted in one of the comments, but is a reference to the proposed improvement to the Steuart Street right-of-way. The widening of the south sidewalk on Howard Street (from 13.5 to 21.5 feet) from the west edge of the proposed 75 Howard Street building to The Embarcadero (see Improvement Measure I-TR-I: Sidewalk Widening, EIR p. 4.E.62) would require the removal of three parking spaces on the south side of Howard Street (adjacent to the triangular lot). Thus, the full development potential of the 4,780-sq.-ft. triangular lot would not be infringed upon by the adoption and implementation of these Improvement Measures. Furthermore, improvement measures are not mitigation measures; thus they are not required as conditions of approval, unless the decision-makers elect to impose them.

The City has discretion to approve or disapprove the installation of the proposed hardscape and landscape improvements to the open space improvement site on Block 3742/Lot 12. In the event

[4] 75 Howard Street 309 Application Package (Revised), Submitted on June 25, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122X.

that the City does not permit installation of these improvements, or if installation of these improvements otherwise provides to be infeasible, the City could approve construction of the 75 Howard development project without the open space improvements described above. In this situation, the open space improvement site would not be improved by the proposed project and would remain in its existing condition until such time that the City chose to develop or otherwise improve the property. In order to evaluate the potential environmental effects of the proposed project without the proposed open space improvements on Block 3742/Lot 12, the EIR's analysis of the Code Compliant Alternative (EIR pp. 6.12-6.31, as revised in RTC Chapter 2, p. 2-27) assumes that such improvements would not occur. The EIR concludes that the project's environmental effects would be substantially similar if the open space improvement site is improved or left in its existing state. Although the open space improvements may have a beneficial aesthetic effect, the purpose of the EIR is to consider potential environmental impacts of the project rather than potential benefits of that project.

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R. PUBLIC SERVICES

The comment and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.12, Public Services. These include topics related to:

- PS-1: Police Services

Comment PS-1: Police Services

This response addresses the following comment:

I-Whitaker2-22

"…There are not San Francisco Police patrolling the Rincon neighborhood - buildings have had to hire Patrol Special Police to have any sort of public safety monitoring at all in the neighborhood…" *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-22])*

Response PS-1

The comment asserts that the San Francisco Police Department (SFPD) does not patrol the Rincon Hill neighborhood and, as a result, Patrol Special Police have been hired to monitor public safety.

As discussed in the Initial Study, pp. 110-111 (see EIR Appendix A: Notice of Preparation/Initial Study), the project site is located within the SFPD's Southern Police District, which consists of the South of Market neighborhoods (including Rincon Hill), Mission Bay, Treasure Island, and a portion of the Financial District. The district is served by the Southern Police Station, which is staffed by approximately 115 officers. As stated in the Initial Study on p. 111, the SFPD would redeploy police officers from other areas of the City to meet demands on police services that would result from the increase in population and employment in the Transit Center District Plan area and at 75 Howard Street, if needed. The SFPD's deployment of resources is based on the use of computer statistics and allows the SFPD to proactively address public safety issues before they occur, instead of simply reacting to crimes already committed.[1]

As a point of clarification, Patrol Special Officers are non-sworn private security personnel appointed by the Police Commission and are not part of the San Francisco Police Department.

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[1] The San Francisco Police Department has adopted the use of computer statistics to guide its deployment of resources to more effectively address crime throughout the City. Available online at http://www.sf-police.org/index.aspx?page=3254.

No further discussion of police services, beyond that presented in the Notice of Preparation/Initial Study, is required. To the degree that this issue is related to pedestrian safety, please see Response TR-3 in RTC Section 4.F, Transportation and Circulation, pp. 4.F.19-4.F.20.

S. GEOLOGY AND SOILS

The comments and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.14, Geology and Soils. These include topics related to:

- GE-1: Analysis of Site-Specific Seismic Hazards

Comment GE-1: Analysis of Site-Specific Seismic Hazards

This response addresses the following comment:

I-Butcher2-3

"I. The DEIR Fails to Include Information and Analysis Required by CEQA.

"A. The DEIR Improperly Scopes Out Issues that Should be Analyzed in the DEIR.

"A number of potential impacts of the proposed Project were improperly excluded from the DEIR. The CEQA Guidelines state that, subject to exceptions, "[e]ffects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR[.]" (CEQA Guidelines, § 15143; see also CEQA Guidelines, § 15083, subd . (a) [stating that the scoping process may be used to "eliminat[e] from detailed study issues found not to be important"].) The DEIR, however, excludes analysis of a number of issues identified in the Initial Study that are not "clearly insignificant." Excluding analysis of these issues from the DEIR violates CEQA, and renders the DEIR inadequate as an informational document.

"For example, the Initial Study discloses that "that the soil is susceptible to liquefaction at the site." (Initial Study, p. 124.) To address this potentially significant impact, the Initial Study states "[b]asement and pile design would be able to address *some* of the effects of lateral spreading." *(Ibid.* (emphasis added).) The Initial Study also requires this impact to "be addressed through ... adherence to the regulatory requirements in the San Francisco Building Code regarding foundation design and construction ...." *(Ibid.)* While the Initial Study anticipates these measures[1] will reduce liquefaction impacts to a less than significant level, this conclusion does not justify exclusion of the issue from the DEIR. It is indisputable that liquefaction issues are not "clearly insignificant."

[Footnote 1 cited in the comment:]
"[1] The Initial Study states that certain basement and pile design criteria, including ''remov[ing] the sand above a depth of 50 feet deep", should be implemented according to the Preliminary Geotechnical Report to address liquefaction impacts. (DEIR, p. 124.) As this is a project specific requirement identified to address a potentially significant impact of the Project, the measure constitutes a mitigation measure pursuant to CEQA. *(Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260, 280 [mitigation measures are specific "measures that could minimize significant adverse impacts" of a project and are required in an environmental document prepared pursuant to CEQA].) The Initial Study, however, fails to list this requirement

as a mitigation measure. In revising the DEIR to include analysis of liquefaction, the DEIR should include this and other mitigation measures required to address the impact."
(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-3])

Response GE-1

The comment asserts that certain topics analyzed in the Initial Study should have been further analyzed in the EIR, specifically referencing the Initial Study's discussion of liquefaction at the site as the basis for this contention. The comment further states that the Initial Study's conclusion regarding liquefaction impacts does not justify exclusion of the issue from the Draft EIR, since site-specific recommendations provided in the Geotechnical Report should be implemented to address liquefaction impacts.

CEQA Guidelines Section 15143 and Section 15083(a) state the following:

> The EIR shall focus on the significant effects to the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in the Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed.

and

> Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.

As described in EIR Chapter 1, Introduction, p. 1.1, 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. Pursuant to CEQA Guidelines Section15063, a Notice of Preparation of an EIR/Initial Study was prepared by the San Francisco Planning Department to focus the scope of the EIR on potentially significant effects of the proposed project.

The Initial Study, pp. 121-125 (see EIR Appendix A: Notice of Preparation/Initial Study), determined that project-specific and cumulative environmental effects for the topic of Geology and Soils would be less than significant. Regarding the potential for site-specific seismic hazards, including liquefaction, on the site, no mitigation measures were identified because "…any unstable or expansive soil at the project site would be removed or taken into consideration

through the design and adherence to the regulatory requirements of the San Francisco Building Code regarding foundation design and construction." (Initial Study p. 125). The Initial Study further states on p. 123 that:

> Given the underlying subsurface conditions which consist of fill, marine deposits (sand), Bay mud, Bay deposits, and bedrock,[108] and accounting for the variable depth to bedrock, the Preliminary Geotechnical Report recommends that the building foundation for either the proposed project or project variants be steel pile foundations that are anchored in more structurally solid materials. The piles would extend below the Bay mud and sand until they are supported by bedrock, located approximately 60 to 80 feet below the ground surface.[109] This type of foundation has had superior results during earthquakes, and this would ensure that both the proposed project and project variants would have a less-than-significant impact with respect to the risk of loss, injury, or death involving ground shaking. Damage and injury from ground shaking cannot be entirely avoided; however, adherence to current commercial and regulatory practices, including Building Code requirements, can reduce the potential for injury and damage to a less-than-significant level.
>
> [Footnotes 108 and 109 on EIR p. 123]
> [108] *Preliminary Geotechnical Report*, p. 2.
> [109] *Preliminary Geotechnical Report*, p. 7.

The commenter suggests that compliance with the San Francisco Building Code should be considered a mitigation measure. Compliance with regulatory controls and/or programs is not mitigation, is not imposed on projects as a condition of approval, or tracked as part of a project's Mitigation Monitoring and Reporting Program. Compliance with regulatory controls is tracked as part of the building permit process. In this case, the San Francisco Department of Building Inspection (DBI) must review the site-specific geotechnical investigation report and building plans for the proposed project to verify compliance with the San Francisco Building Code and with the recommendations of the site-specific geotechnical investigation report. Without approval from DBI, the project cannot move forward because it is not optional to initiate a construction project with the City approvals and permits required under local and state laws. Therefore, the determination that site-specific seismic hazards, including liquefaction, are less than significant and subsequent exclusion of these topics from further study meets the requirements identified for the purpose of an Initial Study in CEQA Guidelines Section 15063(c)(3)(A).

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T. HAZARDS AND HAZARDOUS MATERIALS

The comment and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.16, Hazards and Hazardous Materials. These include topics related to:

- HZ-1: Mitigation Measures

Comment HZ-1: Mitigation Measures

This response addresses the following comment:

I-Butcher2-4

"Similarly, with respect to Hazards and Hazardous Materials, the Initial Study concludes that mitigation measures are required to address potentially significant "hazard[s] to the public or the environment through the routine transport, use, or disposal of hazardous materials" as well as to avoid a "reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment." (Initial Study, pp. 135-142.) Specifically, the Initial Study states that hazardous material or flammable gases may be present in the soil or groundwater[2] and that during construction "the proposed project or project variants could result in a release of hazardous materials, potentially affecting public health or the environment." (Initial Study, p. 136.) This potential issue is exacerbated by the fact that the proposed Project requires excavation of at least 45,000 cubic yards of soil.[3] *(Ibid.).* Therefore, the Project requires both a site mitigation plan and health and safety plan. *(Ibid.)* Additional mitigation is also proposed in the Initial Study to address potential exposure of "workers or the community to hazardous materials during site-related investigation and remediation" and construction. (Initial Study, pp. 138, 140-141 [Mitigation Measures M-HZ-la and M-HZ-lb].)

"Despite the Project' s potentially significant Hazards and Hazardous Materials impacts discussed in the Initial Study and the need for mitigation to address these impacts, the DEIR excludes any further discussion of these issues. As with liquefaction impacts, these Hazards and Hazardous Materials impacts are not "clearly insignificant." Therefore, these issues should have been discussed in the DEIR. Failure to discuss these issues in the DEIR renders the document legally inadequate. The DEIR must be revised to fully disclose and discuss these potential impacts of the Project, as well as to provide corresponding mitigation.

"Moreover, Mitigation Measure M-HZ-la requires certain actions if "exposure to vapors is suspected" and if such exposure presents an ''unacceptable risk." (DEIR, p. 138.) The Initial Study fails to explain how this mitigation measure will be implemented. In revising the DEIR to address the Project's potentially significant Hazards and Hazardous Materials impacts, the DEIR should explain how this mitigation measure will be implemented. Specifically, who determines if "exposure to vapors is expected" and what standard will be relied on in making this determination? Additionally, what is considered an "unacceptable risk" of exposure? Without these and other details concerning Mitigation Measure M-HZ-1a, neither the public nor decisionmakers can meaningfully discern if the measure will be successful.

"Finally, the DEIR does not explain why the screening level and site-specific evaluation required by Mitigation Measure M-HZ-1a is deferred until an unspecified future date. Development of mitigation measures should only be deferred if "practical considerations prohibit devising such measures early in the planning process[.]" *(Sacramento Old City Ass'n v. City Council* (1991) 229 Cal.App.3d 1011, 1029.) Nothing prohibits the screening level and site- specific evaluation from being undertaken as part of the environmental review process. Until the DEIR includes this additional information, the DEIR is significantly deficient because it fails to provide information necessary for the public, interested agencies, and decisionmakers to fully evaluate the need for, and effectiveness of, Mitigation Measure M-HZ-1a.

[Footnotes 2 and 3 cited in the comment:]
"[2] / Specifically, the Environmental Site Characterization for the Project site found that several semi-volatile organic compounds are present in the soil in levels that exceed reporting limits including benzo(a)anthracene, benzo(k)fluoranthene, and benzo(a)pyrene, fluoranthene, beno(b)fluoranthene, and pyrene. Additionally, levels of cyanide and lead were above the reportable level. (Initial Study, p. 137.)

"[3] / The air quality analysis included in the DEIR states that the Project will require excavation of approximately 50,000 cubic yards of soil and up to 59,000 cubic yards for the variants. (DEIR, p. 4.G.28.) The DEIR should explain the inconsistency in the amount of soil to be excavated as described in the Initial Study versus the DEIR's air quality analysis." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-4])*

Response HZ-1

The comment asserts that the Draft EIR is inadequate because it lacks a "further" discussion of hazards and hazardous material impacts beyond the discussion in the Initial Study. As the commenter notes, the Initial Study for the 75 Howard Street Project addresses the topic of Hazards and Hazardous Materials. The Initial Study fully discloses and discusses the impacts of this topic in detail on pp. 134-142. The Initial Study was reproduced as Appendix A of the EIR and was circulated as part of the Draft EIR during the public review period. Therefore, the Draft EIR did include the topic of Hazards and Hazardous Materials. (The Initial Study was also circulated as part of the Notice of Preparation of an EIR, and has been available on the Planning Department website since publication of the Notice.)

The comment requests further explanation of how Mitigation Measure M-HZ-1a will be implemented. In August 2013, subsequent to publication of the Draft EIR on the 75 Howard Street Project, the Board of Supervisors expanded the applicability of the requirements of

Article 22A (the Maher Ordinance).[1] The prior version of Article 22A applied to projects located bayward of the 1852 high tide line and which would disturb more than 50 cubic yards of soil. This is because such fill may contain hazardous materials deposited after the 1906 earthquake, and may also include the lead keels of abandoned ships. The soil under the open space site of the proposed project site would likely contain fill materials from the 1906 earthquake, as pointed out in the Initial Study (p. 135, note 145, citing TCDP EIR p. 626). With the expansion of Article 22A applicability, the entire project site falls within the scope of Article 22A.

Because the project sponsor would be required to comply with Article 22A[2], which regulates the remediation of hazardous materials contained in soil and/or groundwater, there would be no need to include a separate mitigation measure in the EIR, Mitigation Measure M-HA-1a, requiring the same site assessment and correction action compliance. Therefore, Mitigation Measure MM-HZ-1a: Site Assessment and Correction Action for All Sites is deleted from Table S.2: Summary of Significant Impacts of the Proposed Project Identified in the Initial Study on EIR p. S.39-S.40. Mitigation Measure MM-HZ-1b: Hazardous Building Materials Abatement is renumbered accordingly, as MM-HZ-1a. These revisions are shown below on RTC pp. 4.T.4-4.T.5.

Revisions to EIR Chapter 6, Alternatives, are also required due to the expanded applicability of the Article 22A requirements. The first paragraph on EIR p. 6.11 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The No Project Alternative would result in no impacts related to any of the above-listed environmental topics, because this alternative would result in no changes to existing site conditions. Therefore, mitigation measures and improvement measure presented in the NOP/IS (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measure~~s~~ M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would not be required under the No Project Alternative.

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[1] See, generally, San Francisco Municipal Code, section 22A (2013). (Amended by Ord. 155-13, File No. 130369, App. 7/25/2013, Eff. 8/24/2013). See section 22A.1, Findings, paragraph 7. Available online at: http://www.amlegal.com/nxt/gateway.dll/California/health/healthcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Health. Accessed October 22, 2013.

[2] City and County of San Francisco Department of Public Health / Environmental Health, Maher Ordinance Application for the 75 Howard Street Project, July 7, 2015. A copy of this application is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

Table S.2: Summary of Significant Impacts of Proposed Project Identified in the Initial Study [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Hazards and Hazardous Materials			
HZ-1: The proposed project or project variants would create a significant hazard to the public or the environment through either: a) the routine transport, use, or disposal of hazardous materials, or b) through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. ***cont'd.***	S	~~**M-HZ-1a: Site Assessment and Corrective Action for All Sites**~~ ~~If potential exposure to vapors is suspected, a screening evaluation shall be conducted in accordance with guidance developed by the DTSC to estimate worst case risks to building occupants from vapor intrusion using site specific data and conservative assumptions specified in the guidance. If an unacceptable risk were indicated by this conservative analysis, then additional site data shall be collected and a site specific vapor intrusion evaluation, including fate and transport modeling, shall be required to more accurately evaluate site risks. Should the site specific evaluation identify substantial risks, then additional measures shall be required to reduce risks to acceptable levels. These measures could include remediation of site soil and/or groundwater to remove vapor sources, or, should this be infeasible, use of engineering controls such as a passive or active vent system and a membrane system to control vapor intrusion. Where engineering controls are used, a deed restriction shall be required, and shall include a description of the potential cause of vapors, a prohibition against construction without removal or treatment of contamination to approved risk based levels, monitoring of the engineering controls to prevent vapor intrusion until risk based cleanup levels have been met, and notification requirements to utility workers or contractors who may have contact with contaminated soil and groundwater while installing utilities or undertaking construction activities.~~ ~~The screening level and site specific evaluations shall be conducted under the oversight of SFDPH and methods for compliance shall be specified in the site mitigation plan prepared in accordance with this measure, and subject to review and approval by the SFDPH. The deed restriction, if required, shall be recorded at the San Francisco Office of the Assessor Recorder after approval by the SFDPH and DTSC.~~ **M-HZ-1~~b~~a: Hazardous Building Materials Abatement** The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials	**LS**

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
		including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and regulations.	

The first paragraph on EIR p. 6.29 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Code Compliant Alternative would occupy the same building site as the proposed project, but would not include the proposed open space and Steuart Street right-of-way improvements on the open space improvement site. This alternative would include a substantially similar mix of land uses and a substantially similar (but lessened) intensity of uses on the site. Impacts under this alternative for each of the above-noted environmental topics would be substantially similar to those of the proposed project. The Code Compliant Alternative would not result in any new potentially significant impacts for the environmental topics identified in the NOP/IS for the proposed project. The mitigation measures and improvement measure presented in the NOP/Initial Study for the proposed project (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measure~~s~~ M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would also be applicable under the Code Compliant Alternative. Therefore, the conclusions in the NOP/IS with respect to the above environmental topics would be less than significant or less than significant with mitigation under the Code Compliant Alternative.

The first paragraph on EIR p. 6.49 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Reduced Height Alternative would occupy the same project site as the proposed project, and would include a similar mix of uses on the site. Impacts under this alternative for each of the above-noted environmental topics would be substantially similar to those of the proposed project. The Reduced Height Alternative would not result in any new potentially significant impacts for the environmental topics identified in the NOP/IS for the proposed project. As under the proposed project, the mitigation measures and improvement measure presented in the NOP/IS (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measure~~s~~ M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would also be applicable under the Reduced Height Alternative. Therefore, the conclusions in the NOP/IS with respect to the above environmental topics would be less than significant or less than significant with mitigation under the Reduced Height Alternative.

The Environmental Site Characterization Report[3] indicates the project site is "generally underlain by approximately 10 to 20 feet of fill material which consists of loose sand and gravel and contains rubble and debris, including concrete, brick, wood, and glass fragments. The presence

[3] Treadwell and Rollo, Environmental Site Characterization: 75 Howard Street, San Francisco, California, September 5, 2012 (hereinafter referred to as "Environmental Site Characterization Report").

of fill material underlying the Site is likely associated with the 1906 earthquake and fire."[4] Fill material containing total and soluble lead concentrations exceeding the State of California waste criteria were found 8 feet below ground surface in one location,[5] which means a portion of the soil (likely fill) would be classified as hazardous waste and have to be disposed of accordingly. Chemicals that could be encountered in groundwater and soil during excavation of the project site are discussed in the Initial Study on p. 137. The potential for hazardous building materials in the structures proposed to be demolished is discussed in the Initial Study on pp. 138-141, along with the laws and regulations that govern handling of these materials.

As explained above and in the Initial Study, pursuant to Article 22A, the project sponsor is required to remediate contaminated soils and/or groundwater, which includes preparation of a site history report, a soil investigation, and a soil analysis report. A soil investigation and analysis report[6] was carried out prior to publication of the Initial Study and is cited in the Initial Study. On the basis of these soil investigations at 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 measures to limit any significant environmental or health and safety risks posed by the presence of hazardous wastes in the soil or groundwater. The site mitigation plan would contain procedures to be followed in case unknown hazardous materials are encountered on the project site, including cordoning 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.

Regarding the question of who determines if "exposure to vapors is expected," the San Francisco Department of Public Health (SFDPH) would review and approve the proposed site mitigation plan prior to issuance of a building permit by the Department of Building Inspection for the proposed project.[7] (As required by Article 22A, the screening level and site-specific evaluations shall be conducted under the oversight of SFDPH and methods for compliance shall be specified in the site mitigation plan prepared in accordance with this measure, and subject to review and approval by the SFDPH.)

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[4] Ibid, pp. 6-7.
[5] Ibid, p. 7.
[6] Ibid.
[7] As 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.

Regarding the standard for making this determination of "exposure to vapors is expected," guidance developed by the California Department of Toxic Substances Control (DTSC) would be used.[8] As background information, regulators, scientists, and consultants use the chemical properties of identified contaminants to make determinations about exposure potential. Regarding inhalation risks, chemical compounds have the tendency to volatilize into the air in varying degrees, and these tendencies have been measured. Scientists and regulators have used such information to label compounds as "volatile" or "non-volatile."[9] Attention will focus on any volatile hazardous compounds found at the project site. As required by Article 22A, if potential exposure to vapors is suspected, a screening evaluation shall be conducted in accordance with guidance developed by the DTSC to estimate worst case risks to building occupants from vapor intrusion using site-specific data and conservative assumptions specified in the guidance. Step 2 occurs only if the worst case calculation results merit proceeding further. If an unacceptable risk were indicated by the conservative step 1 analysis, then additional site data shall be collected and a site-specific vapor intrusion evaluation, including fate and transport modeling, shall be required to more accurately evaluate site risks.

Regarding determining "'unacceptable risk' of exposure," health risk screening analysis thresholds are based on the science of toxicology and health risk assessment. Inhalation exposure is determined in part by source concentration of the contaminant within a medium (e.g., soil or groundwater), transfer to the air (e.g., by volatilization from soil or groundwater to the air), resulting concentration in the air, breathing rate and volume, and duration of exposure. Threshold values in terms of chemical concentrations in soil or groundwater have been established based on health thresholds, such as an increased cancer risk of one-in-one-million or an acute exposure that results in illness symptoms (a "hazard quotient" greater than 1.0).[10] A hazard quotient concerns a non-carcinogenic risk, and in general terms, it is calculated by dividing the estimated human exposure by the tolerable daily intake.

DTSC recommends[11] agencies consider using the soil gas screening numbers published by the Office of Environmental Health Hazard Assessment (OEHHA). According to DTSC, a screening number is defined in Senate Bill 32 "as the concentration of a contaminant published by an agency as an advisory number that is protective of public health and safety."[12] The screening

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[8] California Department of Toxic Substances Control, "Final Guidance for the Evaluation and Mitigation of Subsurface Vapor Intrusion to Indoor Air (Vapor Intrusion Guidance)," October 2011 ("*DTSC Vapor Intrusion Guidance*"), available at www.dtsc.ca.gov/AssessingRisk/upload/Final_VIG_Oct_2011.pdf, accessed October 22, 2013.

[9] See, e.g., Table 1, "List of Chemicals to be Considered for the Vapor Intrusion Pathway," in *DTSC Vapor Intrusion Guidance*, pp. 52-54. Table 1, note 2 indicates: "Sufficiently volatile is defined as having a Henry's law constant of greater then 10^{-6} atmospheres-meter cubed per mole (USEPA, 2002a)."

[10] *Cf.*, DTSC Vapor Intrusion Guidance, p. 19.

[11] DTSC Vapor Intrusion Guidance, p. 18.

[12] DTSC Vapor Intrusion Guidance, p. 18.

numbers are not meant to imply cleanup standards. OEHHA uses risk screening thresholds of an increased cancer risk of one-in-one-million and a "hazard quotient" greater than 1.0.[13]

The San Francisco Board of Supervisors found that, "The Department has overseen the Article 22A process for many years and it is the experience of the Department, given the nature of contamination that has been found on City sites, that these sites can be remediated or mitigated through methods such as removal, treatment, installation of vapor barriers, or covers, or by placing restrictions on uses or activities on the site to protect the environment or public health."[14] Based on this City experience, Mitigation Measure M-HZ-1a is appropriate, reasonable, and sufficient.

Regarding the issue raised about the number of cubic yards of soil removal, as cited by the Air Quality section and the Initial Study, there is no discrepancy. The difference in soil removal volumes is the potential 5,000 cubic yards of soil that might be removed as part of landscape improvement and grading changes. To explain, as described on EIR p. 2.31, under the proposed project, approximately 45,000 cubic yards of soil would be excavated and removed from the project site. Both project variants would result in approximately 54,000 cubic yards of soil being excavated and removed from the project site. Under both the proposed project and project variants, installation of the landscape and hardscape improvements to the open space improvement site (east of the building site) could require minor adjustments in grade, and up to 5,000 additional cubic yards of soil to be excavated and removed from the site. The commenter's cited Air Quality text included the potential 5,000 cubic yards. For the proposed project, 45,000 plus 5,000 equals 50,000 cubic yards. For the variants, 54,000 plus 5,000 equals 59,000 cubic yards.

[13] See California Environmental Protection Agency, OEHHA, web page, "Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil, January 2005 revision," available at www.oehha.ca.gov/risk/Sb32soils05.html, accessed Oct. 22, 2013. The report itself: California Environmental Protection Agency, OEHHA, "Human-Exposure-Based Screening Numbers Developed to Aid Estimation of Cleanup Costs for Contaminated Soil," January 2005 revision, available at www.oehha.ca.gov/risk/pdf/screenreport010405.pdf, accessed October 22, 2013.

[14] San Francisco Municipal Code, section 22A.1, Findings, paragraph 3 (2013). Available online at: http://www.amlegal.com/nxt/gateway.dll/California/health/healthcode?f=templates$fn=default.htm$3.0$vid=amlegal:sanfrancisco_ca$anc=JD_Health. Accessed October 22, 2013.

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U. MINERAL AND ENERGY RESOURCES

The comment and corresponding response in this section cover topics in EIR Appendix A - Notice of Preparation / Initial Study, Section E.17, Mineral and Energy Resources. These include topics related to:

- ME-1: Energy Use

Comment ME-1: Energy Use

This response addresses the following comment:

O-CARD-1

"ENERGY

"The DEIR does not discuss any requirements that the Project adopt energy saving techniques and fixtures, nor is there any discussion of potential solar energy facilities which could be located on the roofs of the Project. Under current building standards and codes which all jurisdictions have been advised to adopt, discussions of these energy uses are critical; a 31-story, 350 foot tall, 432,253 gross sf (gsf) residential, high-rise tower containing 186 market rate units and ~5,658 gross sf of retail use will devour copious quantities of electrical energy, as well as other forms of energy." *(Nick R. Green, President, Citizens Advocating Rational Development, Letter Attachment to E-mail, September 12, 2013 [O-CARD-1])*

Response ME-1

The comment raises four issues related to energy: energy efficiency, potential solar energy facilities on the roof of the proposed project, unidentified "current building standards and codes which all jurisdictions have been advised to adopt," and overall energy use (electrical and other types) by the proposed project.

Energy resources impacts are discussed in the Initial Study on pp. 142-144 (see EIR Appendix A: Notice of Preparation/Initial Study). In addition, the proposed project's compliance with policies and regulations to reduce greenhouse gases (GHGs) is discussed in the Initial Study on pp. 62-80. Because many of the GHG policies reduce energy use, they are relevant to the comment. Thus, contrary to the statement in the comment, the energy issue was not omitted from the EIR.

Regarding energy efficiency and building codes, the Initial Study, p. 143, identifies relevant building codes, including Title 24 of the California Code of Regulations, the California Building Code, which requires that new buildings meet certain energy and water conservation standards. The Initial Study, p. 72, discusses the San Francisco Green Building Requirements for Energy

Efficiency (San Francisco Building Code, Chapter 13C). The proposed project would comply with these requirements, which reduce electricity and natural gas use in a variety of ways. The project sponsor has committed to meeting all City requirements and the equivalent of Leadership in Energy and Environmental Design (LEED) Gold or better.[1]

The comment also mentions solar rooftop facilities. Examples of solar rooftop facilities are solar photovoltaic panels for electricity generation or solar thermal technology to heat water. The proposed project is not required by federal, state, or local rules to install solar rooftop facilities. Because the project sponsor has committed to the equivalent of LEED Gold or better, the proposed project will be energy efficient even if it does not include solar rooftop facilities to generate electricity or heat.

Regarding overall energy use, the proposed project would comply with numerous requirements to reduce energy use, many of them also geared towards GHG reductions. In the Initial Study, Table 3: Regulations Applicable to the Proposed Project and Project Variants, on pp. 70-80, describes rules that: 1) reduce vehicle trips by encouraging use of transit and bicycles and other behaviors, 2) require building energy efficiency, and 3) reduce indoor and outdoor water use (water and wastewater pumping and wastewater treatment energy use). Impact ME-2, on pp. 143-144 of the Initial Study, discusses how "the proposed project or project variants would not encourage activities which result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner." This analysis concludes on p. 144 of the Initial Study that "because implementation of either the proposed project or project variants would meet or exceed current state and local codes concerning energy consumption requirements as discussed in the TCDP EIR, and because both would exceed basic LEED certification, there would be less-than-significant impacts on energy resources, and no mitigation is necessary."

[1] Email from Jim Abrams to Julie Tilley Barlow, October 7, 2013.

V. PROJECT SITE BACKGROUND

The comments and corresponding response in this section cover a general topic related to the history of development on the project site. This topic is related to:

- V-1: History of Development on the Project Site

Comment V-1: History of Development on the Project Site

This response addresses the following comments:

A-SFPC-Moore-5	I-Hestor1-1	I-Hestor2-3	I-Hestor2-13	I-Hestor2-23
A-SFPC-Antonini-1	I-Hestor1-2	I-Hestor2-5	I-Hestor2-15	I-Hestor3-1
O-CSFN-4	I-Hestor2-1	I-Hestor2-6	I-Hestor2-19	I-Hestor3-2

"I think the draft EIR needs to be become more of a disclosure background for some of the projects in the area which historically were under the jurisdiction of Redevelopment. And while the Planning Department Office of Environmental Review prepared the EIR, the jurisdiction of the projects were not under the Planning Department's purview. That includes the approvals for Rincon Annex, Rincon Point, South Beach, and other projects up to Broadway. And I think in order for the background of issues surrounding this project, the project needs to reference or make available those documents which substantially set the tone of this development. And I think it will be very interesting. Particularly some of us remember the approval surrounding the historic rehabilitation of the Rincon Post Office, which is indeed a Post Office property, where the creation and the height of the residential towers were ones sculpted to deal with height and bulk and exposure to waterfront. But the height also justified the historic preservation of the building and the murals of the former Post Office.

"I think those things need to be taken into consideration and ultimately properly weighing what this project does contribute, what it asks for, and how you mitigate potential impacts." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-5])*

"First, I understand this property does largely lay within the Transit Center Development Plan; and I would like to kind of -- if there is any history about this site or the height considerations, certainly it would be interesting to know. I sat through the approvals during that time, but, you know, it would be interesting to know what -- if there was any consideration of this as we move forward with the plan, although that's not before us today. What's before us is the draft EIR." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-1)*

"4.) the 200-foot height limit was established before the development of Rincon Park and relocation of the Embarcadero roadway inland; even the 200-foot height limit is out-of-date and excessive for property fronting the Embarcadero" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-4])*

"The map you have on this is a map by SOM, which is the project architect. It's their map of the downtown. The project site is right here.

"And one of the issues that you see is the setback of the city and the Embarcadero Freeway …remains. That is one of the huge issues in the EIR. The EIR basically ignores the fact that -- it should discuss the construction and the impact of the environmental…of the Embarcadero Freeway and its demolition. This site is the site of the project. This site is from the EIR." *(Sue Hestor, Public Hearing Transcript, September 12, 2013 [I-Hestor1-1])*

"And what you don't understand, because there's no clear explanation, is that all of this is City property. This is the Gap property. This is the garage. The Gap property and Rincon Annex and this area up here were Redevelopment. You have no idea about this site unless you understand Redevelopment -- the conditions that were put on buildings to set them back from The Embarcadero intentionally, because a lot of them were placed on by Redevelopment and the Post Office Rincon Annex." *(Sue Hestor, Public Hearing Transcript, September 12, 2013 [I-Hestor1-2])*

"In general, the DEIR works mightily to avoid any substantive discussion of how this site evolved.

- Construction, building form, demolition of the Embarcadero Freeway.
- How the roadways evolved due to actions related to the Embarcadero Freeway"

(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-1])

"In general, the DEIR works mightily to avoid any substantive discussion of how this site evolved...

- The overlay of zoning and plan controls in this area, e.g. the sites under control of the Redevelopment Agency, the Federal government, City agencies, and other agencies which approved projects following City guidelines as much as possible.
- The construction of open spaces along the waterfront.

"Much of the development of this area happened independent of the Planning Commission.

"The location of records that show the involvement of entities other than City Planning in development, the environmental reviews therefor, and the project analyses must be identified so they can be located and read to inform the discussion of the land use development and history that shaped the buildings in this area." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-3])*

"At the Commission hearing I submitted an -

- overhead photo of the 3D model of downtown maintained by the architect of this project, Skidmore Owings and Merrill, 2012 Excellence in Structural Engineering Awards, Structural Engineers Assn of Northern California, showing the north east shoreline and section of San Francisco. That photo is part of my submission. It is also submitted here."

(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-5])

"I am also separately submitting the following documents as part of my comments -

- The Assessor's map of block 3742 as of 1995 - available on the Planning website for 75 Howard
- The Assessor's map of block 3741 as of 1995 - available on the Planning website for 75 Howard
- The colored map of the Rincon Point - South Beach Redevelopment area currently available on the Redevelopment Agency website
- The map of the Transbay Redevelopment area currently available on the Redevelopment Agency website
- The eastern half of the map of San Francisco, Once and Future Waters - Nineteenth-Century Bodies of Water, Twenty-Second Century Shorelines, from the book "Infinite City: A San Francisco Atlas, 2011 copyright Regents of the University of California showing the historic shoreline of San Francisco in 1960 superimposed with "landfill subject to inundation in 2100 from 1.5 meter sea level rise.

"Each exhibit shows at least some portion of the 75 Howard site and is part of my DEIR comments." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-6])*

"Failure to adequately describe Rincon Annex Post Office and development of Rincon Towers

"The Rincon Annex Post Office site is located in the Rincon Point-South Beach Redevelopment Area. A map of that area can be accessed via - www.sfredevelopment.org/index.aspx?page=62. The colored map that includes this site has been provided.

"*To enable the reader to understand development and jurisdiction of this area, the boundaries of Rincon Point-South Beach Redevelopment Area must be shown in the EIR - plus a map that shows the Transbay Redevelopment area.* The map of the Transbay Redevelopment Area is provided here and should also be included. It is on the redevelopment agency website at:

http://www.sfredevelopment.org/ftp/uploadedimages/Projects/Boundary.jpg#Map

> *"A map showing these Redevelopment areas must be included to understand what entity approved the individual projects that surround this site and what Land Use standards were applied to each individual building to ensure that City policy on setbacks and stepping down to the waterfront were part of the decision on those building designs.*
>
> *"Provide information for each project developed within a two block radius of the 75 Howard Street site since 1971 adoption of the Urban Design Plan. Information should include whether the building was subject to environmental review with the file number and the location of the environmental documents. For each such project, the approving*

agency should be listed (mostly SF Redevelopment Agency or the Planning Department) with the file number and current location of the record of that approval.

"Since the project has unmitigated Land Use impacts, sufficient information on how and whether nearby projects were evaluated against land use and setback standards must be adequately provided in the EIR.

"Include information on the historical status of Rincon Annex which was listed on the National Register in 1979 and designated a City Landmark in 1980. Explain that the public area includes Anton Refregier WPA murals. That those murals and the main post off structure original post office were preserved as part of the development of housing along Howard across from the proposed project. The minimal discussion of Rincon Annex in the DEIR must be supplemented with a description of the circumstances leading to development of sculpted housing towers along Howard.

> *"Was the EIR for development of the Rincon Annex site prepared by the Planning Department? Where are those environmental review files located? Where are the project review/approval files of the project on this former Federal site? What factors went into evaluation of this development, including the sculpting of the residential towers along Howard. Describe the trade-offs that were made to increase the height of the apartments along Howard in exchange for the preservation of the murals and the main post office building.*

"Describe the City's conscious decision to allow the building of sculpted towers along Howard Street to fund preservation of the landmark main post office building PLUS the depression era murals. Did the Redevelopment Agency action state that construction of housing along Howard was related to preserving the main post office and its murals?" (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-13])

"History of this area

"Explain location of the headquarters of the 1934 West Coast Waterfront Strike and the 1937 San Francisco General Strike and activity in the block diagonally across the Howard and Spear intersection at 138 Spear/ 110 The Embarcadero. It evolved into the ILWU. The Rincon Annex Post Office building was constructed directly across from that building.

"This scale and this history must be described in the EIR because of the dramatic changes in Land Use and scale proposed for this project and Land Use Impacts which must be found to be significant." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-15])*

"The above request for information about the history of development, shaping and setbacks of projects along The Embarcadero specifically includes The Gap building. *Explain the shaping, setbacks by distance and height, of that building. Were they conditions on this development? What is the relation of this development to the Embarcadero Freeway? What is the relation of the open space to development of the Gap building?" (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-19])*

"Other maps are needed to describe this area

"The EIR must provide graphics which show the route, site and height of the Embarcadero Freeway which was the dominant factor in development of this area. That freeway was in place during development of the Urban Design Plan and Downtown Plan. Among things which should be shown: Construction of the Embarcadero Freeway + its later demolition after Loma Prieta + the transfer of the Port to San Francisco + the federal post office (Rincon Annex) + a Muni yard which became site of the Hotel Vitale + construction of light rail along The Embarcadero + creation of various Redevelopment Areas along The Embarcadero and for the Transit Center. All of these government actions have resulted in a complicated map of current and historic jurisdiction in this area. The Planning Department is only one of the entities approving these projects.

"The EIR totally lacks maps showing all of these areas. I have separately provided maps of the various Redevelopment areas so that they may be included in the EIR. The 2 Assessor's 1995 Block maps show some of the shape of the parcels created by construction and later demolition of the freeway. A map which clearly shows the parcels created for the Embarcadero Freeway AND a discussion of how its creation and demolition affected design of projects in this immediate area is needed to understand the Land Use context for 75 Howard Street. It must be provided.

"To understand development of this area the EIR must discuss how the shape and height of the Embarcadero Freeway affected development of the existing garage and the rest of blocks 3742 and 3741 (map included)." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-23])*

"At the Commission hearing I submitted an

- overhead photo of the model of downtown maintained by the architect of this project, Skidmore Owings and Merrill, 2012 Excellence in Structural Engineering Awards, Structural Engineers Assn of Northern California, showing the northeast shoreline and section of San Francisco. That photo is part of my submission. It is also submitted here."

[The photograph referenced in this comment is shown in Letter I-Hestor3 in RTC Attachment 2.] *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor3-1])*

"I am hereby separately submitting the following documents -

- The Assessor's map of block 3742 as of 1995 - available on the Planning website for 75 Howard
- The Assessor's map of block 3741as of 1995 - available on the Planning website for 75 Howard
- The colored map of the Rincon Point - South Beach Redevelopment area currently available on the Redevelopment Agency website
- The map of the Transbay Redevelopment area currently available on the Redevelopment Agency website
- The eastern half of the map of San Francisco, Once and Future Waters - Nineteenth-Century Bodies of Water, Twenty-Second Century Shorelines, from the book "Infinite City: A San Francisco Atlas, 2011 copyright Regents of the University of California showing the historic shoreline of San Francisco in 1960 superimposed with "landfill subject to inundation in 2100 from 1.5 meter sea level rise."

"Each exhibit shows at least some portion of the 75 Howard site and are part of my DEIR comments." [Comment I-Hestor3-2 includes six attachments. Please see Letter I-Hestor3 in RTC Attachment 2 for these exhibits.] *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor3-2])*

Response V-1

Comments provide historical information about development of the lots and blocks surrounding the project site over the past 30 years, including development constructed under the *Rincon Point-South Beach Redevelopment Plan* (RPSB Redevelopment Plan) (originally adopted in 1981), and assert that the EIR should have included such information and described the project site in relation to nearby redevelopment areas. The baseline for the analyses in the EIR is existing conditions as of the date of the Notice of Preparation (December 12, 2012), not past development that was built and occupied well before that date. In addition, sites in the surrounding area where historic events occurred, such as the 1934 West Coast Waterfront Strike or 1937 San Francisco General Strike, do not raise physical environmental issues related to the analysis of impacts of the proposed project at 75 Howard Street.

A summary of some key features of the RPSB Redevelopment Plan is provided in this response,[1] because the Open Space Improvement Site and Parcel 3 are located within the boundaries of the RPSB Redevelopment Plan area. Parcel 3 is the subject of a Delegation Agreement by and between the Office of Community Investment and Infrastructure ("OCII") and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the land use controls of the Rincon Point-South Beach Redevelopment Plan and the Design for Development (collectively, the "Redevelopment Requirements") to the improvements proposed as part of the Project on Parcel 3. In addition, the revised entitlement application for the preferred project no longer includes these proposed improvements in part because the project sponsor was not able to secure the right to purchase the property from the City (the property's owner) and the City does not have definitive plans with respect to the disposition or future uses of the site. While improvements within the open space site are no longer proposed as part of the preferred project, this RTC document still addresses comments raised about the open space improvement site, which was analyzed as part of the project in the Draft EIR. It is worthy of note that the RPSB Redevelopment Plan is not one of the Major Approved Development Projects that were taken over by the Successor Agency to the San Francisco Redevelopment Agency when redevelopment agencies were dissolved in 2012.

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[1] Redevelopment Agency of the City and County of San Francisco, *Rincon Point – South Beach Redevelopment Plan*, as amended May 8, 2007 (hereinafter "Rincon Point-South Beach Redevelopment Plan"). A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E, as well as on the Redevelopment Agency website at http://www.sfocii.org/Modules/ShowDocument.aspx?documentid =1081, accessed October 8, 2014.

Provisions of the RPSB Redevelopment Plan do not expire until 2021; open space, and the storage, maintenance, and parking uses in the basement levels related to the commercial and residential land uses proposed with the project would comply with uses permitted under the existing RPSB Redevelopment Plan. The eastern boundary of the Transbay Redevelopment Area, also mentioned in the comments, is about two blocks west of the project site, primarily along Main Street between Mission and Folsom streets; policies and development guidelines for the Transbay Redevelopment Area are therefore not related to development proposed on the project site. The potential development site in the Transbay Redevelopment Area that is closest to the project site at Main and Howard streets has a 450-foot height limit, and the development site at Folsom and Spear streets southwest of the project site has a 300-foot height limit.[2]

The Rincon Point Sub-Area of the Rincon Point-South Beach Redevelopment Area extends from Harrison Street to Mission Street and generally from Beale Street to and including The Embarcadero roadway and Rincon Park along the shoreline. The main portion of the project building site is not, nor was it ever, in the Rincon Point Sub-Area, nor are the sites occupied by 201 Spear Street immediately west of the project site or the properties south of Folsom Street and west of The Embarcadero roadway. Parcel 3, the small triangle in the southeast corner of the building site proposed for open space in the form of a café garden adjacent to the café entrance, is currently owned by the Gap, Inc., and was added to the Redevelopment Area as part of the Gap site after demolition of the Embarcadero Freeway following the 1989 Loma Prieta Earthquake.[3] The Open Space Improvement Site, including Steuart Street and the triangle of undeveloped land between Steuart Street and The Embarcadero, is also in the Rincon Point Sub-Area, as is the entirety of the Gap, Inc. headquarters building site and its surrounding open space, added following the 1989 earthquake and related demolition of the freeway. The block north of the project site across Howard Street is in the Redevelopment Area; the Redevelopment Plan provided for retention and redevelopment of the historic Rincon Annex Post Office building on the northern portion of this block. The text of the Redevelopment Plan does not specifically state that construction on the Rincon Towers site would be conditioned on preservation and re-use of the Rincon Annex Post Office building; the post office site is identified as one for "Retention and Redevelopment" on Map 2 of the Redevelopment Plan.[4]

The Rincon Point-South Beach Redevelopment Plan and the Design for Development adopted as part of the Redevelopment Plan included overall height limits for the parcels in the Rincon Point and South Beach Sub-Areas, and established specific height and bulk limits for a few specific

[2] San Francisco Redevelopment Agency, *Redevelopment Plan for the Transbay Redevelopment Project Area*, p. 40, Exhibit 4, Zone One Plan Map, adopted June 21, 2005. 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. 2011.1122E.

[3] Under the Code Compliant Alternative, which the sponsor has indicated is now the preferred project, the café garden is not proposed to be constructed on Parcel 3.

[4] Rincon Point-South Beach Redevelopment Plan, p. 12.

building sites. The height limit for the Open Space Improvement Site in the Rincon Point Sub-Area is 40 feet; the Land Use Plan designates this site for commercial use on Map 1 of the Redevelopment Plan.[5] The height limit for the block north of Howard Street was established at 84 feet for the Rincon Annex building with limitations on where the additional height could be placed given the historic nature of the building; the height limit for the southern portion of the block, available for new development, was 240 feet, with part of that area allowed to be 264 feet tall if building space were removed from the area in the 240-foot limit (in effect requiring setbacks to remove developable area) to be replaced above 240 feet up to the maximum height of 264 feet.[6] Rincon Towers was constructed pursuant to these requirements, with the addition of an 18-foot-tall parapet. The maximum height limit for the Gap, Inc. headquarters building south of the 75 Howard Street project site was established at 240 feet, with setbacks required at 90 and 165 feet.[7] As built, the main portion of the building is approximately 235 feet, and an unoccupied ornamental tower rises about 59 feet above the building's roof. Height and density bonuses were allowed throughout the Redevelopment Area where housing was proposed on sites with height limits greater than 40 feet to encourage provision of affordable housing.[8]

Neither the Rincon Point-South Beach Redevelopment Plan nor its Design for Development specifically state that the height limits established were for the purposes of stepping down from higher heights toward the waterfront or setting buildings back from The Embarcadero. Design Objectives in the Design for Development intended to guide new construction include the following:

> 2. Compliance with the objectives and policies of the General Plan, the City Planning Code and to all applicable codes and ordinances of the City and County of San Francisco as modified by the express provisions of the Redevelopment Plan;
> 3. Building scale relationship of the development to the street and to the overall urban design of the adjacent areas;
> 4. The relationship of all improvements to adjacent structures to provide a harmonious composition and transition between building masses, materials, colors and textures; and
> 9. The appearance of the development from public right-of way.[9]

Urban Design Guidelines in Section IV of the Design for Development require that new development on the Rincon Annex block be designed with consideration for the historic context

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[5] Rincon Point-South Beach Redevelopment Plan, p. 11.
[6] *Rincon Point-South Beach Design for Development*, Section III. Development Standards, A, Height and Bulk, (1) and (2), p. 4, as amended 1991. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.
[7] Ibid., Section III. Development Standards, A. Height and Bulk, (6), pp. 4 and 5.
[8] Ibid., Section III. Development Standards, D, Height and Density Bonus, p. 5.
[9] Ibid., Section II, Design Objectives, p. 3.

not only of the Post Office building but also the YMCA and other historic buildings across Steuart Street and in the vicinity.[10] Because the project site is not in the Redevelopment Area, the EIR does not discuss provisions of the Rincon Point-South Beach Redevelopment Plan; however, *General Plan* and Planning Code provisions, including policies related to development near the waterfront, that are relevant to the proposed project are discussed in the EIR in Chapter 3, Plans and Policies (see p. 3.3). The Land Use and Aesthetics sections of the EIR describe the buildings adjacent to and near the site, including the Rincon Tower building and the hotels along Steuart Street (see, for example, pp. 2.5, 4.B.7, and 4.C.2), and the Gap Building (see, for example, pp. 2.7 and 4.C.3).

The existing height limit applicable to the project site is described in the EIR; it was not revised during the recent planning and environmental review for the Transit Center Development Plan.

An EIR on the Redevelopment Plan was prepared jointly by the Planning Department and the Redevelopment Agency.[11] Addenda to that EIR were subsequently prepared for various amendments to the Redevelopment Plan, including for the addition of the "Gap site" following demolition of the Embarcadero Freeway and the construction of a restaurant or restaurants in Rincon Park following reconfiguration of The Embarcadero roadway to allow the park to be located adjacent to the Bay shoreline. Other amendments to the Redevelopment Plan were related to design and construction of the Giants Ballpark at China Basin, analyzed in an EIR on the Ballpark prepared by the Planning Department.[12]

The proposed 75 Howard Street Project is analyzed in relation to the existing conditions that form the baseline for the EIR. The Embarcadero Freeway, which was located adjacent to the project site before its demolition about 20 years ago after the 1989 Loma Prieta Earthquake, is not part of the baseline for this EIR; information about the former freeway would not change the analysis of impacts in the EIR. The Gap Building, constructed on a portion of the property formerly occupied by the freeway, is described on EIR pp. 2.7 and 4.C.3.

[10] Ibid., Section IV. Urban Design Guidelines, Sub-Section A, Rincon Point Sub-Area, p. 8.

[11] San Francisco Planning Department and San Francisco Redevelopment Agency, Rincon Plan – South Beach Redevelopment Plan, Case 1980.267E, certified November 5, 1980. This document is available for review at 1650 Mission Street, Suite 400.

[12] San Francisco Planning Department, San Francisco Giants Ballpark at China Basin EIR, Case No. 96.176E, SCH No. 96102056, certified June 26, 1997; see pp. II.7 and II.28.

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W. CUMULATIVE GENERAL COMMENTS

The comments and corresponding response in this section cover topics in the cumulative analyses presented in the EIR. These include topics related to:

- CM-1 Adequacy of Cumulative Impact Analysis

Comment CM-1 Adequacy of Cumulative Impact Analysis

This response addresses the following comments:

I-Butcher2-10
I-Hestor2-4

"IV. The Scope of the Cumulative Impact Analysis is Inadequate.

"As a general matter, the scope of the cumulative impact analyses included in the DEIR is insufficient. The DEIR states that for Aesthetics, Noise, Shadow, and Biological Resources, the analysis uses the list based approach for assessing whether the Project's impacts are cumulatively considerable. (DEIR, p. 4.A.4.) The DEIR states further that the list differs for each of these resource areas and was "tailored to the particular environmental topic based upon the potential for combined localized environmental impacts." *(Ibid.)*

"CEQA requires that an agency identify "past, present, and probable future projects producing related or cumulative impacts" in such a way as to afford the fullest possible protection of the environment. *(Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 868, quoting CEQA Guidelines, § 15130, subd. (b)(l)(A).) In light of this CEQA objective, "[t)he primary determination is whether it was reasonable and practical to include the projects [within the cumulative impact analysis) and whether, without their inclusion, the severity and significance of the cumulative impacts were reflected adequately." *(Friends of the Eel River, supra,* I 08 Cal.App.4th at p. 869, quoting *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App. 3d 692, 723.) Where the list based approach is used, CEQA requires all projects for which "an application [] has been received at the time the notice of preparation is released [to be considered in the cumulative analysis], unless abandoned by the applicant..." *(Communities For a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 122.)

"The DEIR lacks any meaningful discussion of the "tailoring" process used to select projects to consider as part of the list based approach. The DEIR also fails to establish that the "tailoring" process used complies with the requirements of CEQA discussed above relating to the list based approach. The DEIR must be revised to establish that all relevant "past, present, and probable future projects" have been considered and, to the extent any such projects are excluded from the cumulative analysis, the DEIR must explain why this "tailoring" complies with CEQA.

"By virtue of omitting this important discussion, the DEIR fails to adequately consider the true cumulative impacts associated with the proposed Project. As a result, and as discussed in further detail below, the DEIR fails to comply with CEQA." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-10])*

"This is the THIRD attempt to increase heights along The Embarcadero where the City meets the Bay. Public views were CONSCIOUSLY adopted to strengthen the City form of stepping down to the Bay.

"#1 was 110 The Embarcadero/138 Stewart - the headquarters of the SF general strike, which was ultimately abandoned after the Supervisors disapproved the environmental review.

"#2 is 8 Washington Street, approval of which is on the November 2013 ballot.

"#3 is this 75 Howard Street.

"#4 is the Warriors' arena on Piers 30/32.

"#5 is Seawall lot 330 on the east side of The Embarcadero opposite Piers 30/32.

"These attempts to change the form of San Francisco along the waterfront must be discussed." *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-4])*

Response CM-1

The comments assert that the scope of the cumulative impact analyses in the EIR is inadequate. One comment states that the EIR lacks meaningful discussion of the tailoring process used to select projects for the cumulative analyses. This comment contends that the EIR consequently fails to establish that the cumulatively considerable contribution of past, present, and probable future projects has been adequately considered, in particular for those environmental topics employing a list-based approach pursuant to CEQA Guidelines Section 15130(b)(1)(A). The other comment requests that other waterfront projects that call for a height increase be discussed in the EIR, and further cites to various specific attempts that have been made to develop increased heights along The Embarcadero.

CEQA Guidelines Section 15130(b)(1)(A) begins by stating:

> The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness, and should focus on the cumulative impact to which the identified other projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

As stated on EIR p. 4.A.4, many of the environmental topics in this EIR use a plan-based approach for cumulative impacts analysis, but, when appropriate, certain topics use a list-based approach. The cumulative analyses in the Noise, Shadow, and Biological Resources sections each use a different list of nearby projects that is appropriately tailored to the particular environmental topic based upon the potential for combined localized environmental impacts. Cumulative analysis is also discussed in Draft EIR Section 4.C, Aesthetics, for informational

purposes; however, there are no impact conclusions for the topic of aesthetics, in accordance with SB 743, Chapter 386. Under CEQA, no exhaustive consideration of all past, present, and probable future projects and substantiation for why projects were not included in the cumulative analysis is required. The EIR does not engage in an exercise of "proving the negative" by focusing on the attributes of other projects, including those in the vicinity that requested height increases, which do not contribute to potential cumulative impacts. Rather, in compliance with CEQA and guided by reasonableness and practicality, each environmental topic of the EIR focuses on potential cumulative impacts that other identified projects may cause and to which the proposed project may contribute, as appropriate for each environmental topic employing a list-based approach under CEQA Guidelines Section 15130(b)(1)(A). For additional discussion on the history of development on the project site and surrounding area, see Response V-1 on RTC pp. 4.V.6-4.V.9.

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X. ADEQUACY OF THE EIR AND EIR PROCESS

The comments and corresponding responses in this section cover general topics related to the adequacy of the EIR and EIR process and procedures. These include topics related to:

- AD-1: Adequacy of the EIR
- AD-2: Background Studies and Supporting Documentation
- AD-3: EIR Process

Comment AD-1: Adequacy of the EIR

This response addresses the following comments:

A-SFPC-Antonini-10	I-Butcher1-1	I-Cincotta-4
A-SFPC-Hillis-1	I-Butcher2-1	
I-Bement2-7	I-Butcher2-54	

"So those were my main feelings after reading this over. I want to concentrate on it a little more. And I do want to see what the comments and responses are. But I think the document seems to be pretty extensive. Now it needs a little fine-tuning, but I think it will be -- give us a good picture of the environmental impacts of this project." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-10])*

"Clearly, height will be the issue that kind of is controversial when this comes before us, with such a substantial kind of request to increase the height limit. And I think the EIR does a good job of analyzing the impacts of the additional height." *(Commissioner Rich Hillis, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Hillis-1])*

"For these reasons, the DEIR should be determined to not be adequate, accurate and objective." *(Reed H. Bement, Letter, September 23, 2013 [I-Bement2-7])*

"The EIR needs to be revised and recirculated." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-1])*

"As explained further below, the DEIR contains a number of procedural and substantive flaws. Due to these inadequacies, the DEIR fails to satisfy the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000, et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, ch. 3, § 15000 et seq.).

"The Planning Commission (Commission) and Board of Supervisors (Board) of the City and County of San Francisco (San Francisco) cannot approve the proposed Project until the DEIR complies fully with the requirements of CEQA. As explained throughout this comment letter, the DEIR fails to provide all the information required by CEQA and does not disclose the full extent and magnitude of the environmental impacts associated with the proposed Project. To satisfy the requirements of CEQA, the DEIR must be revised to include significant additional information and the DEIR must be recirculated.

"Alternatively, the Commission and Board may decide to deny the proposed Project based upon this inadequate DEIR. A legally adequate EIR is not required in order for a lead agency to deny a project. (Pub. Resources Code, § 21080, subd. (b)(5).)" *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-1])*

"XV. To Comply with CEQA the DEIR must be Recirculated.

"CEQA requires recirculation when "significant new information is added to an environmental impact report" after the public comment period has closed but before certification. (Pub. Resources Code, § 21092.1.) New information is considered "significant" if the information is necessary to provide the public and interested agencies with "meaningful opportunity to comment upon a substantial adverse environmental effect of the project or feasible project alternative[s] . . . . " (CEQA Guidelines, § 15088.5, subd. (a).) Revisions required to address the numerous deficiencies discussed above constitutes significant new information. The new information required to respond to this comment letter is necessary to provide the public and interested agencies with a meaningful opportunity to comment upon potential adverse environmental effects of the proposed Project. Therefore, these necessary revisions require San Francisco to recirculate the DEIR." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-54])*

"There will be more in the written materials submitted to you soon, but I think that this thing is not ready for prime time. It's got to be done again." *(David Cincotta, Jeffer, Mangels, Butler & Mitchell, on Behalf of the Property Owners in the Neighborhood, Public Hearing Transcript, September 12, 2013 [I-Cincotta-4])*

Response AD-1

Comments suggest that the EIR does not adequately address or disclose environmental impacts and analysis under CEQA. 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.

The EIR assesses the project's significant effects under the environmental topics of land use, cultural resources, transportation and circulation, noise, air quality, shadow, utilities and service systems, biological resources, and hydrology and water quality.[1] 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, explained, and supported with substantial evidence within each "Impacts" discussion in each environmental topic section. Cumulative impacts from the proposed project are analyzed, as appropriate, for each environmental topic. Feasible mitigation measures are identified to avoid, eliminate, or reduce significant adverse impacts of the proposed project. The remaining topics in the CEQA Checklist are fully addressed, with impacts discussed and mitigation measures included for the proposed project, as identified in EIR Appendix A: Notice of Preparation/Initial Study.

Specific comments regarding the adequacy or inadequacy of the environmental analysis are addressed in this Responses to Comments document by environmental topic. 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. To the extent that comments indicate a general support or opposition to the proposed project, those comments will be considered by the decision-makers as part of their decision to approve or disapprove the proposed project. See RTC Section 4.Y, Comments on the Merits of the Proposed Project, pp. 4.Y.1-4.Y.12, for a discussion of comments expressing opposition to and support for the proposed project.

Comments assert that the Draft EIR requires recirculation. 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* (1993) 6 Cal 4th 1112, 1132; CEQA Guidelines Section 15088.5(b).) In keeping with this general rule, the State CEQA Guidelines identify the specific circumstances in which an agency should recirculate a Draft EIR for a second round of public review and comment (CEQA Guidelines Section15088(a)). Absent those circumstances, an agency is not required to recirculate a Draft EIR. As noted in RTC Chapter 2, Revisions to Draft EIR Analysis Approach and Modifications to Project Alternatives,

[1] As noted on RTC p. 2.2, since publication of the 75 Howard Street Project Draft EIR on July 31, 2013, Senate Bill No. 743, Chapter 386 (SB 743) was signed into law. SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas. According to SB 743, for these urban infill projects, aesthetics and parking are no longer considered in determining if a project has the potential to result in significant environmental effects.

p. 2.1, recirculation of the 75 Howard Street Draft EIR is not required because the proposed changes to the Draft EIR analyzed in the RTC do not present significant new information with respect to the proposed project which would result in any new significant environmental impacts or present new feasible alternatives or mitigation measures, and would not result in a substantial increase in the severity of any identified significant impact. An agency's decision not to recirculate a Draft EIR will be upheld if that decision is supported by substantial evidence (CEQA Guidelines Section 15088.5(e)).

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 Section 15132 [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]; *Laurel Heights Improvement Association v. Regents of the University of California*, *supra*, 6 Cal 4th at p. 1128). 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*, *supra*, 6 Cal 4th at p. 1129.)

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.

New information is "significant" only when that information implicates a new or substantially more severe significant environmental impact. As previously noted in RTC Chapter 2, p. 2.1, CEQA Guidelines Section 15088.5 requires recirculation of an EIR when "significant new information" is added to the EIR after publication of the Draft EIR and before certification.

Recirculation is not required if "new information in the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR." 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 substantially lessen significant environmental impacts of the project. In addition, throughout the topic sections, the EIR provides ample supporting evidence and explanation of the methodology used to accurately analyze impacts and to support its conclusions. Recirculation of the Draft EIR is not required. Furthermore, the decision for City decision-makers to pursue approval of an alternative analyzed in the Draft EIR would not constitute new information for environmental review. Instead, as noted on RTC pp. 2.1-2.2, the determination of feasibility would be made by City decision-makers based on substantial evidence in the record, which shall include, but not be limited to, information presented in the Draft EIR and Responses to Comments document.

Comment AD-2: Background Studies and Supporting Documentation

This response addresses the following comment:

I-Butcher2-5

"B. The DEIR and its Appendix Fail to Include Documentation Required by CEQA.

"The DEIR relies on a significant number of studies and reports to reach the conclusions contained in the DEIR. The vast majority of the project specific reports relied on in the DEIR have not been made available as part of the DEIR. "[H]ighly technical and specialized analysis and data [is not required] in the body of an EIR[.]" (CEQA Guidelines, § 15147.) However, these documents must be included as "appendices to the main body of the EIR" and "shall be submitted to all clearinghouses which assist in public review." *(Ibid.)* Project specific studies and reports cited in the DEIR, but not included in the DEIR or its appendix and not submitted to the Governor's Office of Planning and Research CEQA Clearinghouse, include the following:

(1) Treadwell & Rollo, Preliminary Geotechnical Investigation Report, December 9, 2011.
(2) Far Western Anthropological Research Group, 75 Howard Street Addendum to the Archaeological Research Design and Treatment Plan for the Transit Center District Plan Area, San Francisco, California, December 2012.
(3) Adavant Consulting, 75 Howard Street Project Transportation Study, Case No. 2011.11 22, July 1, 2013.
(4) Adavant Consulting, Assessment of the Year 2040 Cumulative Traffic Conditions for the 75 Howard Street Project, Case No. 2011.1122, June 27, 2013.
(5) Brown-Buntin Associates, Inc, Environmental Noise and Vibration Assessment for the 75 Howard Street Project, San Francisco, California, January 10, 2013.
(6) Aspen Environmental Group, 75 Howard Air Quality Technical Memo and Background Air Quality Emission Calculations with Activity Details and Stationary Sources, March 8, 2013.

(7) City and County of San Francisco Department of Public Health (DPH), Air, Noise and Radiation Program, Re: 75 Howard Street - Air Quality Assessment, March 5, 2013.
(8) CADP, Shadow Calculations and Diagram s, September 2012, February 2013, and May 2013.
(9) The Planning Department shadow fan for the proposed project, dated March 2012.
(10) Shadow Field observations in April and May of 2013.
(11) Martin M. Ron Associates, Preliminary Site Survey of a portion of Assessor's Block Nos. 3741 and 3742 for Paramount Group Inc, April 15, 2013.
(12) Treadwell & Rollo, Environmental Site Characterization, 75 Howard Street, San Francisco, CA, December 29, 2011.
(13) Adavant Consulting, Memo to Greg Riessen/Susan Mickelsen/Don Lewis Re: 75 Howard Street Project Transportation Study, Case Number 2001.1122 Proposed Project Alternatives Assessment, June 28, 2013.

"Because the appendix does not include the required technical data relied on in the DEIR, and because this information was not submitted to the clearinghouses which assisted in agency review of the DEIR, the DEIR is substantially deficient. (CEQA Guidelines, § 15147.) "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and the decision makers, who may not be previously familiar with the details of the project. '[I]nformation scattered here and there in EIR appendices, or a report buried in an appendix, is not a substitute for a good faith reasoned analysis.'" [Citation omitted.] Similarly, . . .contents. . . scattered over a voluminous administrative record does not allow the public and decision makers to readily know those contents and . . . the purposes for which. . . [the information] was intended. And the fact that the information and analysis contained in [] various environmental documents . . . is so extensive makes the need for an easily identifiable document all the greater." *(Environmental Protection Information Center v. California Dept. of Forestry & Fire Protection* (2008) 44 Cal.4th 459, 493-494.) Here, critical information was not buried in an appendix, but rather was excluded entirely from the DEIR and append ix provided to the public and interested agencies. Such exclusion renders the DEIR per se inadequate.

"For example, the Transportation Study and associated Driveway Operations Plan are cited throughout the transportation and circulation analysis included in the DEIR. Implementation measure I-TR-C requires the Project proponent to "implement and adhere to all aspects of the Driveway Operations Plan, presented in the 75 Howard Street Project Transportation Study." (DEIR, p. 4.E.55.) The DEIR, however, fails to include a summary of the requirements of the Driveway Operations Plan and the Plan, as discussed above, is not included in the DEIR or appendix. (See CEQA Guidelines, § 15150 [even if these were the types of documents that may be properly incorporated by reference (they are not), CEQA would still require the documents be meaningfully summarized in the text of the DEIR (they have not been)].) Therefore, neither the public nor interested agencies were provided the information necessary to understand the meaning of this measure. The DEIR must be recirculated along with an appendix including all project specific studies referenced in the DEIR and necessary to meaningfully evaluate the conclusions in the DEIR. Failure to do so renders the DEIR and its associated public comment period inadequate as a matter of law. (See, e.g., Public Resources Code, § 21003, subd. (b) ["Documents prepared pursuant to this division [shall] be organized and written in a manner that will be meaningful and useful to decisionmakers and to the public."].)" *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-5])*

Response AD-2

The comment asserts that the numerous background technical studies and supporting documentation relied upon in the EIR must be included in the EIR as appendices and that the EIR is inadequate under CEQA for failing to do so. On the contrary, CEQA Guidelines Section 15148 states that such documents should not be included in the EIR:

> Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR.

In compliance with CEQA, the San Francisco Planning Department does not typically include technical background studies and other cited documents as an appendix to an EIR, due to the volume and technical nature of those types of documents. As stated in the footnote citation for each cited document, a copy of the document is on file and available for public review at the Planning Department as part of Case No. 2011.1122E. 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 included as part of the project's administrative record and are available for review, which is typical for projects similar to the 75 Howard Street Project Draft EIR.

Comment AD-3: EIR Process

This response addresses the following comments:

A-SFPC-Moore-1
A-SFPC-Moore-11

"I'd like to start with asking for an extension for written comments from September 16th to September 23. The reason is the Planning Commission received this rather voluminous document on August 1st, with us going on break for three weeks. I was out of the country for three weeks. I did not have any time, given the very busy Commission calendar prior to our going on break. And I would like to spend a little bit more time for substantiating written comments." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-1])*

"I would like to restate my question to extend the written comment period till the 23rd and ask the Commission's support for that." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-11])*

Response AD-3

The comments request an extension of the 45-day public comment period for the 75 Howard Street Project Draft EIR. In response to this request, Planning Director John Rahaim extended the public comment period by one week at the September 12, 2013 Planning Commission meeting. Comments on the Draft EIR were thus accepted until 5:00 PM on September 23, 2013.

Y. COMMENTS ON THE MERITS OF THE PROPOSED PROJECT

The comments and corresponding response in this section cover a general topic related to the merits of the proposed project. This topic is related to:

- MR-1: Merits of the Proposed Project

Comment MR-1: Merits of the Proposed Project

This response addresses the following comments:

A-SFPC-Antonini-2	O-IBEW-1	O-RTA1-3	I-Carter-1	I-Feinstein-2	I-Whitaker1-1
A-SFPC-Moore-8	O-IBEW-2	O-RTA2-3	I-Carter-2	I-Green-1	I-Whitaker1-2
A-SFPC-Moore-9	O-IBEW-3	O-RTA2-17	I-Carter-3	I-Green-2	I-Whitaker1-4
O-CSFN-1	O-OHPRA-1	O-RTA2-19	I-Carter-4	I-Green-5	I-Whitaker2-1
O-CSFN-2	O-OHPRA-2	O-SFHAC-1	I-Chinn-1	I-Gusev-1	I-Whitaker2-2
O-CSFN-3	O-OHPRA-3	O-SFHAC-3	I-Chiu-1	I-Gusev-2	I-Whitaker2-6
O-CSFN-6	O-OHPRA-5	I-Bement1-1	I-Chiu-3	I-Hestor1-4	I-Yadegar-1
O-CSFN-7	O-OHPRA-8	I-Bement1-2	I-Cookston-1	I-Joseph-2	I-Yadegar-2
O-CSFN-8	O-RTA1-1	I-Butcher1-9	I-Edwards-1	I-Kuo-1	
O-CSFN-12	O-RTA1-2	I-Butcher2-2	I-Feinstein-1	I-Seligman-1	

"And I do agree with – though it's not before us today, I agree with Commissioner Moore that some kind of sculpting might be advantageous. We see that in the YMCA and the Gap and some of the other buildings that have been built there." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-2])*

"I also believe that the building at this moment in the EIR does not show any differentiation of the required base, shaft, and top, leave alone the sculpting of the building top, which is at this moment just a block, a building block." *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-8])*

"It does not address setbacks as practiced by the Hills building and the Gap building;…" *(Commissioner Kathrin Moore, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Moore-9])*

"Please consider the following comments on the DEIR of 75 Howard Street
"1.) San Franciscans are concerned about barriers in the form of tall buildings built between the city and the Bay" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-1])*

"2.)San Franciscans oppose overdevelopment along the Embarcadero and other special areas of historic and scenic importance; 75 Howard's current plans contribute to this overdevelopment" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-2])*

"3.) the Paramount Group of New York is proposing to build a 350-foot high luxury condo building on the Embarcadero at 75 Howard Street; the 75 Howard project would exceed the area's 200-foot height limit by 75 percent" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-3])*

"6.) 75 Howard would be 47% higher than its neighbor immediately inland
7.) 75 Howard would be higher than every building one block north, one block south, and two blocks west" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-6])*

"8.) 75 Howard would clearly not step down towards the bay as required" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-7])*

"9.) neighboring buildings on the Embarcadero have significant setbacks at the seventh floor and continue to taper as they get higher
10.) 75 Howard would have a relatively minimal setback at the seventh floor and not taper above that" *(Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-8])*

"Please know that the CSFN opposes the current iteration of the Paramount Group's proposed development at 75 Howard Street and *strongly urges* Commissioners and Supervisors to not approve this development until such time as it successfully addresses the items enumerated in this resolution." (*Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-12])*

"I just have to comment, too, on the use of the land and the heights. If you looked at tapering down, say, from 101 1st Street that's being built and not 350 Mission that doesn't exist anymore or Millennium Towers, there certainly would be a tapering down from Transbay Tower that will be going up at close to a thousand feet, the Millennium Tower at

600 feet, and this setback property that's set back in a way where the waterfront stretches around the front and the turn around the Ferry Building and into the port. It definitely is not -- is more representative of the truth than what was testified earlier." *(Michael McKenna, IBEW, Local 6, Public Hearing Transcript, September 12, 2013 [O-IBEW-1])*

"And as far as the housing component, we could look at my 2,000-square-foot house at 41st and Rivera and determine that only a millionaire could afford that house today. And I'm certainly not a millionaire, being just a construction worker here in San Francisco. So the rate of housing here in the city and the need for densely populated housing within the urban core where people work and don't need to use their own cars and add to the greenhouse. I mean this is what we're looking for, right? Increasing the density and the ability of people to live closer to where they work downtown." *(Michael McKenna, IBEW, Local 6, Public Hearing Transcript, September 12, 2013 [O-IBEW-2])*

"I think this is a beautiful project. And I would think we move this forward." *(Michael McKenna, IBEW, Local 6, Public Hearing Transcript, September 12, 2013 [O-IBEW-3])*

"After review of the Draft EIR for 75 Howard Street and in response to various grave concerns that remain unaddressed, the Board of the One Hills Plaza Residential Association has voted to oppose the proposed project for 75 Howard Street." *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-1])*

"The proposed building sets a dangerous precedent for the Embarcadero waterfront. It is inappropriate for the site not only because of its excessive height and bulk,…" *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-2])*

"It is inappropriate for the site not only because of its excessive height and bulk, but also because it will be the first building that does not incorporate the deep upper-floor setbacks by building like the Gap and One Hills Plaza. In addition to the limited setbacks on the East, the setbacks on the North and West sides are also inadequate to provide the necessary privacy, light and views to the occupants of the adjacent buildings. At 350 feet in height, the proposed building is 75% taller than the site's zoning currently permits." *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-3])*

"Our Board also has difficulty understanding why approvals would be issued to a project that will result in a "substantial adverse effect on a scenic vista", "cumulatively contributes to unacceptable traffic level(s)", and casts new shadows that "substantially affects outdoor recreation facilities or other public areas." " *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-5])*

"Based upon these unavoidable impacts which cannot be mitigated, we urge the Planning Department and members of the Planning Commission not to certify the Draft EIR for 75 Howard." *(Karol K. Denniston, President, One Hills Plaza Residential Association Board, Letter, August 29, 2013 [O-OHPRA-8])*

"I want to second some of Sue's comments. And on the screen you can see what she's talking about, also.

"Can we bring this up? Can we bring up the image? All right.

"The project's here, 75 Howard. You can see the setbacks that the neighboring -- all the buildings in this area do one of two things. They either are about seven or eight stories tall. Or if they are taller than that, they have a huge setback from The Embarcadero. The Gap tower sets back about 75 feet. That's three times further than 75 Howard would set back. The Hills Residential Towers sets back about 180 feet. That's seven times further than 75 Howard. The historic Hills Tower sets back about a hundred feet. 75 would only set back 23 feet. It is completely out of sync with the buildings on The Embarcadero." *(David Osgood, Rincon Center Tenants Association, Public Hearing Transcript, September 12, 2013 [O-RTA1-1])*

"I also want to talk about stepping down, which is a requirement. Now, this map which is not in the EIR but should be, is very simple. The buildings that are shorter than 75 Howard are in yellow. The buildings that are taller are blue. There's an ocean of shorter buildings behind 75 Howard. That should be emphasized in the EIR, but it's not." *(David Osgood, Rincon Center Tenants Association, Public Hearing Transcript, September 12, 2013 [O-RTA1-2])*

"Now, I know that some of you -- you always do -- somebody is going to pontificate that this building steps down. It does not step down towards the water. And the best way to gauge that, in my opinion -- and I was an architectural draftsman, so I know how to do this accurately and in scale -- just draw a line like this from a tall building, in this case from 350 Mission Street. Draw it towards the project. And then showing it down below, the same line, you can see whether it steps down or not.

"Now, SOM -- I went to their one community meeting -- they like to draw these swooping lines across all these shorter buildings to make it look like it's stepping down, but it doesn't. This does not step down. It starts to. And then when you get to the project, there's that big jump up and then a huge 348 drop back down towards The Embarcadero. So say what you want about the project, but please don't say it steps down." *(David Osgood, Rincon Center Tenants Association, Public Hearing Transcript, September 12, 2013 [O-RTA1-3])*

"It is important to note that these planning principles address the relationship of waterfront buildings and call for them to be low. It is not just a matter of them being relatively lower than

inland buildings." *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-3])*

"The existing patterns of development clearly allow tall buildings only if they are set back a considerable distance from the Embarcadero. This building would conflict with that pattern and stand out. The Hills Plaza residential tower steps back approximately 160-feet – seven times further than the proposed project (see below). This needs further analysis in the EIR." [Comment O-RTA2-17 includes a photograph annotated to show setbacks. Please see Letter O-RTA2 in RTC Attachment 2, letter page 6 of 9, for this image.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-17])*

"The project would not integrate with "surrounding urban patterns" and would actually stand out. A version of picture 4.C.3 (that shows the entire building) makes this clear (right)." [Comment O-RTA2-19 includes a simulation based on a portion of EIR Figure 4.C.3. Please see Letter O-RTA2 in RTC Attachment 2, letter page 7 of 9, for this image.] *(David Osgood, Rincon Tenants Association, Letter, September 23, 2013 [O-RTA2-19])*

"And the project sponsors together with SOM Architects made a presentation on this project to us a few months ago. And I'd say the quick answer is, if a parking garage like 75 Howard were proposed today, it would never get built. It would never get approved. It's a relic of a bygone era when the freeway was there, the elevated freeway.

"And we think this project is a terrific use of land, to take down the garage and put up something that responds better to the needs of our city.

"We thought that the proposal itself was very attractive. It has the kind of uses that we like to see. We want to see more activation on the waterfront." *(Tim Colen, San Francisco Housing Action Coalition, Public Hearing Transcript, September 12, 2013 [O-SFHAC-1])*

"But all in all this is a terrific use of land and we want to see this move forward." *(Tim Colen, San Francisco Housing Action Coalition, Public Hearing Transcript, September 12, 2013 [O-SFHAC-3])*

"Our condominium board has passed unanimously a resolution opposing this project; and in that regard has joined the Coalition for San Francisco Neighborhoods and many other neighborhood groups in opposing this project. It simply is the wrong project for this site. The height limit, as you know, that now exists is 200 feet. This project is 350 feet in height." *(Reed Bement, Public Hearing Transcript, September 12, 2013 [I-Bement1-1])*

"The EIR itself identifies six significant and unavoidable impacts which cannot be mitigated. Six. And these include -- I'm quoting now from the EIR itself -- conflicts with the adopted height limits, impairs a scenic vista, shadows public open spaces and sidewalks,

cumulatively contributes to shadows on public open spaces and sidewalks, cumulatively contributes to unacceptable traffic level of service at Spear and Howard Streets, and sea-level-rise-induced flooding.

"Because of these six significant and unavoidable impacts, the EIR has found that the environmentally superior proposal or alternative is that which is code-compliant. And I would urge you to take that into consideration when you are voting on whether this matter or this project should proceed." *(Reed Bement, Public Hearing Transcript, September 12, 2013 [I-Bement1-2])*

"We also echo the height and bulk concerns of others. And you will be hearing more in our letter coming next week." *(Christopher Butcher, Thomas Law Group, on Behalf of Some Building Owners in the Area, Public Hearing Transcript, September 12, 2013 [I-Butcher1-9])*

"Despite its inadequacies, the DEIR demonstrates that the proposed Project will result in at least six significant and unavoidable impacts. These impacts alone provide the Commission and Board with sufficient justification to deny the proposed Project. Therefore, should the Commission and Board agree that, in light of these impacts, the proposed Project should not be approved, the Commission and Board could deny the proposed Project without expending additional resources to produce a legally adequate EIR." *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-2])*

"I would urge the Planning Commission to maintain code compliance and disapprove any height variance for this project as it will be visually out of proportion with neighboring buildings and will adversely impact the area and set a dangerous precedent for future developments." *(Rebecca L. Carter, Email and Letter, September 12, 2013 [I-Carter-1])*

"Please restrict this project to current standards for height (200-foot limit), setback, and tapering of the design. It is also important to "stair step" or taper this building consistent with other area buildings. The Gap HQ, Hills Plaza and Rincon Center all have significant setbacks at the 7th floor and continue to taper as they get higher. The 75 Howard design should be held to the same standards for tapering and setbacks." *(Rebecca L. Carter, Email and Letter, September 12, 2013 [I-Carter-2])*

"I am against the current design since significant shadows would be created on public spaces including Rincon Park. I believe in the reasons height and setback standards were created and do not want San Francisco to abandon our standards for development. Please only approve code-compliant developments." *(Rebecca L. Carter, Email and Letter, September 12, 2013 [I-Carter-3])*

"In summary, if this building is allowed to proceed with the requested variances, then a dangerous precedent is set for variances for all future developments in our neighborhoods

damaging our livability and world-class waterfront." *(Rebecca L. Carter, Email and Letter, September 12, 2013 [I-Carter-4])*

"We have read with some trepidation that the 75 Howard Street project is requesting a 350 foot height limit instead of staying within the 200 foot limit. As residents at 333 Main Street, we walk the Embarcadero and take in its many views, which include down the Embarcadero and back into the City. Keeping a lower height for buildings nearest the bay provides a better visual image for San Francisco and helps keep the Embarcadero from being a wall. We believe this is why the original limits were set.

"Keeping the existing height limits unchanged gets our vote. Lowering the limits would be even better." *(Craig and Noelle Chinn, Email, August 11, 2013 [I-Chinn-1])*

"1. Height at 384 feet will overshadow many existing water-front buildings especially those that had been there for such a long time, this new building will distract from the charm and character of the water front. There is less of an impact if 75 Howard is limited at the 200 feet level. Thus, IMPACT on CHARM and CHARACTER of the water front could be lessened!!" *(Willy Chiu, Email, September 16, 2013 [I-Chiu-1])*

"2. Additional traffic and pollution generated from the building as more units got occupied from the increased building height, there will be also a bigger shadow blocking off more sunshine. Thus, ENVIRONMENT AL IMPACT is more negative!!" *(Willy Chiu, Email, September 16, 2013 [I-Chiu-2])*

"3. Construction of a new building although is positive to the local economy, but have you thought of the additional height that houses more high end apartments that may bring to the attention of average citizens that affordable housing is even more out of reach? Thus, there could be negative SOCIAL IMPACT from being a target of discontent!!" *(Willy Chiu, Email, September 16, 2013 [I-Chiu-3])*

"I wish to express my deep concern regarding the proposed building construction located at 75 Howard St.

"Allowing this unnecessary building project to proceed would set a dangerous precedent that could damage the excellent progress that has been accomplished by your department in recent years.

"As I understand it, its 350-foot height would be 75% over the permitted 200-foot limit.

"Unlike its neighboring buildings, this huge monolith would have only one minimal setback at the 7th floor and would not taper above that floor creating numerous potential issues for all surrounding structures including casting surrounding public spaces into darkness due to its hulking shadows.

"I urge you to maintain the existing standards and not grant this variance. There is absolutely no societal need to do so. Please do not unleash what could be the beginning of the end for our beautiful San Francisco skyline." *(H. Stephen Cookston, Letter, September 2, 2013 [I-Cookston-1])*

"I am writing to oppose the propose height limit exception for 75 Howard.

"Although I would love to see more condominiums available in San Francisco, it doesn't make sense to build in ways that diminish the desirability of visiting or living in San Francisco.

"Many good planning decisions in the last decade have made the waterfront area more walkable and have made it a commercial center for residents and tourists, and I don't understand why anyone is even considering altering that plan.

"You know better than me that tall buildings with no setbacks make urban spaces less pedestrian friendly. I also don't believe (no matter who would make assurances) that one height variance in the area wouldn't lead to other variances in areas with high community value.

"I look forward to that corner being developed into something more useful and appealing that what it is now, but I would like it down within existing height limits." *(Leah Edwards, Email, August 16, 2013 [I-Edwards-1])*

"I am concerned about the purposed construction of a 350+ foot tall skyscraper at 75 Howard St. I regularly visit the Embarcadero as it is a beautiful place to relax and enjoy the amazing scenery.

"If 75 Howard gets approved at its current proposed height I fear that 1. it will cast an unpleasant shadow on the Embarcadero and more importantly 2. will create an unfortunate precedent that will allow other developers to go well beyond the zoned height limits and the city will end up with a wall of skyscrapers on the waterfront." *(Blake Feinstein, Email, September 16, 2013 [I-Feinstein-1])*

"I understand that the city needs housing but a condo building for the wealthiest 1% is not a necessity, especially when it comes at the cost of the waterfront which should be for everyone to enjoy." *(Blake Feinstein, Email, September 16, 2013 [I-Feinstein-2])*

"1. The proposed building is far too large for the neighborhood, and substantially exceeds the heights of the buildings nearby. It does not fit within the general planning envelope, of having decreasing building heights toward the Bay, but instead stands out like a sore thumb, an offense exacerbated by its ugliness and lack of design. From many angles, it blocks views of buildings that are much more attractive, such as the Gap building and 201 Spear, and blocks views of the Bay, the Ferry Terminal and other sights from many residential towers in the area. It is 75% taller than permitted for its height/bulk zoning, and will obstruct views from the Transbay Redevelopment towers to be constructed in the near future, reducing their value and marketability as well." *(Grant Green, Email, August 12, 2013 [I-Green-1])*

"2. The proposed design is, to put it bluntly, ugly, oppressive, and void of artistic character. It is architecturally uninteresting, presenting essentially as a featureless rectangular monolith, and does not even have an interesting roof or termination, as required by SF plans. It does nothing to improve or maintain the SF skyline, or the interesting character of the region…" *(Grant Green, Email, August 12, 2013 [I-Green-2])*

"…In short, there is no justification from departing from the existing zoning, height, and bulk requirements. A zoning plan is ineffective if it is not followed and enforced, consistently. While variances should be permitted for exceptional cases, "exceptional cases" should not include "exceptionally bad." The 75 Howard project is essentially without redeeming value in its current form, and should be rejected." *(Grant Green, Email, August 12, 2013 [I-Green-5])*

"I believe by violating established 200-foot limit not only a dangerous precedent is being set, but also a world class architectural composition of Bay Bridge and surrounding buildings will be negatively impacted. The composition is unique to San Francisco and doesn't include a "wall of buildings" that is found in New York City for example. The composition has been created over many decades and now is a heritage of San Francisco as a city, California as a state, and even United States as whole." *(Andrey Gusev, Email, September 14, 2013 [I-Gusev-1])*

"I believe it is important to preserve this landmark composition and develop the area only in accordance with established criteria.

"A violation of the established criteria will have immediate negative impact on historic landmark and also on desirability of the neighborhood. Allowing the proposal to go on as described will be have very few short term benefits (if any) and many long term, hard to fix (huge shadow on Rincon Park and the embarcadero walk) problems." *(Andrey Gusev, Email, September 14, 2013 [I-Gusev-2])*

"And so as the City goes through this process, they should be looking carefully at what is going on from the City. If you go onto the Website, which we were just talking about -- the map function, the bright-pink section -- this is what you have for the Gap building, other than this EIR. The Gap building -- I was here; and a bunch of you participated or listened to the hearing on the Gap building. It was pushed back intentionally and it lines up. The end of this site is the Gap building. The Gap building's increased height starts beyond the point of this parking garage." *(Sue Hestor, Public Hearing Transcript, September 12, 2013 [I-Hestor1-4])*

"Not surprisingly, the Draft EIR has identified several significant aesthetic and environmental impacts with the proposal, and has identified the Code Compliant Alternative as environmentally superior. I concur with this and strongly recommend rejection of the current proposal and approval of the Code Compliant Alternative." *(Thomas Joseph, Email, September 14, 2013 [I-Joseph-2])*

"I am just writing a quick note to note my objection to the 75 Howard project. The proposed plans greatly exceed the recommended height limits in place and have no significant taper." *(Richard Kuo, Email, September 11, 2013 [I-Kuo-1])*

"I am opposed to this project because it exceeds the height limit for such a building. These limits were designed with the aesthetic considerations and shadow limitations for the whole city. They should be followed." *(Dee Seligman, Email, September 11, 2013 [I-Seligman-1])*

"…I live at Main and Harrison Street. It's not too far away from the project. I sent an eight-page letter regarding the EIR, so I'm going to vary a little bit away from EIR stuff. My apologies in advance.

"I think there's a lot of things to like about the proposed project. Eliminating a 550-space public parking garage, given the air pollution concerns that I mentioned earlier during general public comment. There's a lot to like about eliminating that parking garage and instead placing a residential building, residential dwellings, regardless of the economic status of the people that live there." *(Jamie Whitaker, Public Hearing Transcript, September 12, 2013 [I-Whitaker1-1])*

"The mix of the units from the proposed building is also very attractive to me as a resident. We tend to see 90 percent studios or darned close, you know. It's mostly little hotel rooms where it brings on unintended consequences. When people live alone as they age, they might develop Alzheimer's disease and other issues. And I see that in my building at Baycrest. You have people howling at the moon, so to speak. And there's nobody living with them to take care of them; and it's just an unfortunate outcome of having studios and one-bedrooms as the predominant dwelling type.

"So the fact that there's 97 two-bedroom units, only 16 studio units, 39 one-bedroom units. But probably more impressive is there's 29 three-bedroom units and 5 four-bedroom units. I don't know if I've seen a four-bedroom unit proposed in the neighborhood. Who can afford these? Probably up there with the 8 Washington crowd most likely, at least the supposed folks that could afford those." *(Jamie Whitaker, Public Hearing Transcript, September 12, 2013 [I-Whitaker1-2])*

"Now, the proposed height is not code compliant; and my preference is for a code-compliant building. But I'll let everybody else fight over that." *(Jamie Whitaker, Public Hearing Transcript, September 12, 2013 [I-Whitaker1-4])*

"First, I fully support the demolition of the 550 space public parking garage because it would help to reduce the traffic congestion and air pollution that contributes to the premature deaths of residents in my SoMa neighborhood. Elimination of the 550 space parking garage would help a neighborhood which according to the California Office of Statewide Health Planning and

Development had the highest pediatric asthma hospitalization rate at 26.7 while the City's average was 11.2 per 10,000 residents under 18 years of age for the years 2008-2010. This figure does not even include the 600+ children who spend every weekday in daycare centers near their parents' office buildings in the Rincon neighborhood." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-1])*

"Second, there should absolutely not be a public parking variant option approved for this project (though a residential/hotel mixed use variant would possibly be appropriate and beneficial to the extent it adds activity to the area from hotel guests and hotel tax revenues for the City, it should not be allowed to have any public parking because of the negative community health impacts such parking cumulatively increases). The San Francisco County Transportation Authority (SFCTA) has already indicated that the South of Market downtown streets need a 20% reduction in vehicle traffic just to get from a status of "oversaturated" to "saturated" given the currently approved development projects in the area. Adding public parking back to this location is the equivalent of promoting the premature death and asthma of Rincon residents due to the negative health impacts identified by the World Health Organization, the California Air Resources Board, and the Bay Area Air Quality Management District of ozone, carbon monoxide, and particulate matter which gets even worse when the neighborhood experiences weekday evening or Giants game event traffic congestion leading to the Bay Bridge entrance ramps." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-2])*

"**Page S.22, Impact C-TR-1, Mitigation M-C-TR-1:** The City should convert Spear Street into a 2-way roadway to help locals travel north or south by bicycle (or car) and to help slow cars down when they make turns onto Spear Street from Market, Mission, Howard, Folsom, or Harrison Streets. Spear Street is far enough of from the Bay Bridge and Embarcadero to act as a neighborhood, calm street for pedestrians and bicyclists to get from homes along Harrison, Folsom, and Howard to the transit spine and commercial /office corridor of Market Street." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-6])*

"I'm here to express my concern with regards to the proposed development. These concerns are shared unanimously with the entire board at Hills Plaza, where I live. I moved to Hills Plaza at Folsom and Embarcadero in 2004 to enjoy the quality of life at the San Francisco waterfront. One of the only positive outcomes from the Loma Prieta earthquake was the freedom of the waterfront from the clutter created by the two-story Embarcadero Freeway. The piers are finally being developed to their rightful potentials. The Embarcadero is now a destination unlike any other in the entire city." *(John Yadegar, Public Hearing Transcript, September 12, 2013 [I-Yadegar-1])*

"My opposition to the proposed tower is that it doesn't fit appropriately on the waterfront. The proposed height limit is 75 percent more than a generous maximum that was set by the Planning Department for this site. It defies many planning guidelines. The setback, bulk, and architecture are totally at odds with other structures on the waterfront. I fear that this project's approval will set a dangerous precedent for other undeveloped properties on the waterfront to follow. Let's not send a message that the integrity of the San Francisco

waterfront is up for sale." *(John Yadegar, Public Hearing Transcript, September 12, 2013 [I-Yadegar-2])*

Response MR-1

A number of comments concern the merits of the proposed project, expressing opposition or support for the proposed project or aspects of the proposed project, or expressing support for one or more of the project alternatives. Under CEQA Guidelines Section 15088, comments expressing opposition or support for the proposed project, or aspects thereof, do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts, and do not require a response in this Responses to Comments document. 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.

To the extent that support for or opposition to the proposed project, or aspects thereof, is based on environmental concerns, the issues raised in these comments are discussed in the EIR, NOP/Initial Study, and/or elsewhere in this Responses to Comments document, as follows:

- Comments related to the proposed height limit amendment to increase the existing height limit from 200 feet to 348 feet are discussed in EIR Section 3, Plans and Policies, pp. 3.5-3.6; EIR Section 4.B, Land Use and Land Use Planning, pp. 4.B.2-4.B.3; Response PP-1 in RTC Section 4.B, Plans and Policies, pp. 4.B.3-4.B.6; and Response LU-2 in RTC Section 4.C, Land Use and Land Use Planning, pp. 4.C.11-4.C.13.
- Comments related to the height and design of the proposed building, its visual relationship with surrounding buildings and the waterfront, and the changes on scenic vistas, scenic resources, and private views are discussed in EIR Section 4.C, Aesthetics, pp. 4.C.1-4.C.26; and RTC Section 4.D, Aesthetics, pp. 4.D.1-4.D.14.
- Comments related to housing affordability, the proposed mix of residential units, and the need for residential density in the urban core are discussed in the NOP/Initial Study (included as Appendix A to the EIR), Section 3, Population and Housing, on pp. 46-53; and Response PH-1 in RTC Section 4.O, Population and Housing, on pp. 4.O.2-4.O.3.
- Comments related to the shadow impacts of the proposed project are discussed in EIR Section 4.H, Shadow, pp. 4.H.1-4.H.39; and RTC Section 4.I, Shadow, on pp. 4.I.1-4.I.14.
- Comments related to the pedestrian and bicycle impacts, and parking spaces included in the proposed project and variant are discussed in EIR Section 4.E, Transportation and Circulation, pp. 4.E.51-4.E.69; and in Response TR-2 in RTC Section 4.F, Transportation and Circulation, pp. 4.F.8-4.F.18.
- Comments related to air quality are discussed in the NOP/Initial Study (included as Appendix A to the EIR), Section E.7, Air Quality, on pp. 61-62; and RTC Section 4.H, Air Quality, on pp. 4.H.1-4.H.8.

Z. ECONOMIC FEASIBILITY OF THE PROPOSED PROJECT

The comments and corresponding response in this section cover topics a general topic related to the economic feasibility of the proposed project. This topic is related to:

- ECON-1: Economic Feasibility

Comment ECON-1: Economic Feasibility

This response addresses the following comments:

A-SFPC-Antonini 4	O-SFHAC-2	I-Hestor2-8	I-Whitaker2-24
I-Butcher2-7	I-Emblidge-15	I-Hestor2-20	
O-CSFN-11	I-Green-4	I-Hestor2-21	

"I don't believe that you have to analyze perceived socio-economic impacts as part of an EIR, so that is not necessary." *(Commissioner Michael Antonini, San Francisco Planning Commission, Public Hearing Transcript, September 12, 2013 [A-SFPC-Antonini-4])*

"Moreover, while CEQA does not always require an EIR to analyze the issue of economic feasibility, this DEIR should include some discussion of economic issues given that the Project objectives developed by the Project proponent include an economic objective:

> To construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, attract investment capital and construction financing, and generate sufficient revenue to finance the open space amenities proposed as part of the project.

(DEIR, p. 2.4.)

"CEQA requires that a Project description include "[a] general description of the project's technical, *economic*, and environmental characteristics..." (CEQA Guidelines, § 15124, subd. (c) (emphasis added).) As the Project objectives rely on economic considerations, it is essential that the project description include a discussion of economic considerations relevant to the issues identified in the Project objectives. In particular, this discussion is critical because, in reliance on the Project objectives, unarticulated economic justifications are relied on in the DEIR to reject select mitigation measures and alternatives identified in the DEIR. Until the economic characteristics of the Project are discussed in the Project description, the DEIR fails to include a "good-faith effort at full disclosure" concerning the Project objectives. (CEQA Guidelines, § 15003, subd. (i).)" *(Christopher J. Butcher, Thomas Law Group, on Behalf of a Group of Neighboring Property Owners, Letter, September 23, 2013 [I-Butcher2-7])*

"13.) the Paramount Group has stated their current business at 75 Howard is profitable" (*Judith Berkowitz, President, Coalition for San Francisco Neighborhoods, Letter, September 17, 2013 [O-CSFN-11])*

"If I had any reservation at all, it's that some of our members are not convinced on the question of the height. Having seen a rezoning there recently, how does this play off against that value conferred and what's the best way to treat this? We know that there are a lot of people freaking out about heights on the waterfront as we go into the political season this year. I don't think this is the time to be timid. We're going to hold back on that question and hope that discussions continue." *(Tim Colen, San Francisco Housing Action Coalition, Public Hearing Transcript, September 12, 2013 [O-SFHAC-2])*

"12. Mitigation Measures and Project Objectives

"Section 15126.4 of the CEQA Guidelines state that *"An EIR shall describe feasible measures which could minimize significant adverse impacts..."* The EIR deems the land use, visual, and shadow impacts of the project significant and unavoidable. However, such impacts could be reduced if the project were modified to reduce the height and bulk of the building. While it is not clearly stated in the mitigations section of the EIR, it appears from the discussion in the alternatives section, that the City has deemed any decrease in height or mass infeasible. (See, e.g., 6.30-6.31 ["The Code Compliant Alternative, however, would not meet the project sponsor's objective to . . . produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing."].)

"There is no evidence in the EIR on which to base such a conclusion. The project sponsor has proposed a bulky structure that is 150 feet higher than the permitted height limit. How high or bulky would a proposed structure need to be before the City would question the profit motivated objectives of a project? What is the City deeming a "reasonable return on investment"? The EIR fails to identify where these lines are drawn, or even what "returns on investment" could be expected from the proposed project as compared to designs that are less bulky and consistent with approved height limits.

"Section 15093 (b) of the CEQA Guidelines states that *"When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record."* By excluding mitigation measures that would reduce significant land use, visual, and shadow impacts, the EIR deprives the public and decision-makers of critical information regarding ways to reduce or eliminate significant impacts. While the applicant may argue that any reduction in height or mass would render the project infeasible, CEQA demands that the option be provided along with evidence relating to its purported infeasibility.

"The EIR does not provide sufficient detail for the decision-makers and the public to determine how the project could be modified to reduce the significant land use, visual and shadow impacts. The City should revise the DEIR to include mitigation measures to reduce the significant land use, visual and shadow impacts identified in the EIR." *(G. Scott Emblidge, Moscone Emblidge Sater & Otis, representing the property owners of 201 Spear Street, Letter, September 12, 2013 [I-Emblidge-15])*

"3. In return for its burdens and blights, the project offers very little in return to the City of San Francisco. It engenders a few fees, and creates a paltry number of jobs. The fees, and a greater number of jobs, could be created by substituting a much smaller (conforming) building designed for office use…" *(Grant Green, Email, August 12, 2013 [I-Green-4])*

"The housing to be built at 75 Howard is to a great extent "SF Bay view" housing aimed at extremely high income buyers, whether or not this will be their primary residence. *Include information, by income level, on whom developer sees as the market for these units. Primary residents with only one home? Or 2nd, 3rd etc apartments for persons owning multiple residences?*

"Buildings are being developed in SF which are financed in part by those seeking to make an investment over $500,000 to qualify for EB-5 temporary residence status or other similar visas. *Are those potential buyers any part of developers' expected market for these units?* To the extent units along the SF waterfront assume buyers with little or no unmet housing needs - because there is already substantial upper end housing available - the units do not serve the need for housing identified by the Mayors' Office of Housing, the Planning Department, and ABAG. *Does the housing to be constructed meet SF and ABAG housing goals?* If there is no match between the housing being produced and identified SF housing DEMAND BY INCOME LEVEL, housing such as 75 Howard may simultaneously shrink the supply of SF land available and increase the demand for middle and lower income housing outside SF or out of the ABAG Priority Development Area. *If the income level goals are not met because cumulative development in SF is primarily aimed at those who can afford high end market rate housing, what will be the effect on attainment of ABAG goals or of the goals of the Transit Center Plan development?*

"Since population and housing has been improperly scoped out of the DEIR, there is no discussion of the proliferation of extremely high end view housing and encouragement of regional sprawl by people who work in SF and can't afford to live here. *Add that discussion in the EIR. Note that housing developed in the former Redevelopment Areas near the waterfront and Transit Center had a significant component of low and middle income housing. Compare that amount to recent housing proposals made to Planning Department in the areas close to (within 3 or 4 blocks of) The Embarcadero.*" *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-8])*

"Who is Paramount and how are they financed?

"The Project Sponsor is PPF Paramount Group 75 Howard LLP. (7.2) That developer has not had a presence in SF. *What other downtown properties have they developed? What properties have been acquired but not developed?*

"News articles emphasize the foreign investment that funds Paramount projects. *How does developer anticipate financing this project? Will the developer attempt to use the EB-5 program to get financing or investment in the project?" (Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-20])*

"To the extent that foreign owners buy these units it has been reported that areas with a concentration of "prestige" view residences remain unoccupied for much of the year. This has been evident in cities such as Manhattan and London where entire areas and complexes remain vacant for large stretches of the year because of that ownership. *Explain the income tax implications of a foreign national being located in the United States (not just San Francisco) over 183 days a year which result in a large portion of vacant units.*

"Units which are not occupied by persons using this is as their primary residence and live there most of the "52 weeks" a year, make a decreased demand for services and hinder development of a residential neighborhood. With the proposed dramatic increase in building height these units have been designed to increase the amount of unobstructed view housing, many with views of San Francisco Bay. *What steps does Paramount intend to take to avoid sale to owners will use these units only intermittently or as a pied a terre?*" *(Sue C. Hestor, Letter, September 23, 2013 [I-Hestor2-21])*

"…The one bright side of all the new residents is that it makes us a growing constituency to push and shove to get the new services and infrastructure we more than pay for with our tax contributions every year to the City. Just the Rincon Hill existing residences between Folsom and Bryant contributed about $17 million just to the City's General Fund in 2011-12 based on the assessed values of properties available from the Assessor at DataSF.org and knowledge that the General Fund gets about 57% of the Prop 13 base 1% property tax revenue." *(Jamie Whitaker, Letter, September 10, 2013 [I-Whitaker2-24])*

Response ECON-1

Comments concern the financing arrangements and economic viability of the proposed project and the project alternatives, 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. Some commenters point out that the EIR identifies financial feasibility as a project objective. An EIR is not intended to investigate financing arrangements or the 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 Responses to Comments document under CEQA Guidelines Section 15088.

A number of comments express concern that the proposed project would be comprised of market-rate condominiums and contend that the proposed project would not meet the City's need for affordable housing for low- and moderate-income families. As described in RTC Section 4.O, Population and Housing, pp. 4.O-2-4.O-3, 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, by payment of a 20 percent in lieu fee.[1] The San Francisco Planning Code provides three options for meeting a project's affordable housing requirement: 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 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 Responses to Comments document under CEQA Guidelines 15088.

Regarding comments about the jobs and housing balance within San Francisco and the ABAG Priority Development Area, EIR Section 5, Other CEQA Considerations, pp. 5.2-5.4, addresses the growth inducing impacts of the project. Because the total number of employees at the project site would increase under the proposed project and project variants, the growth in employment would result in housing demand in the City or region. As described in the Initial Study on pp. 50-51 (EIR Appendix A), the maximum number of housing units that would be in demand as a result of the proposed project and project variants (approximately 107 housing units under the proposed Residential/Hotel Mixed Use Variant) would represent less than 1.0 percent (0.2 percent) of projected household growth in the City between 2010 and 2030, and a negligible percentage (0.02 percent) of projected household growth in the region between 2010 and 2030. As stated in the EIR on p. 5.4, the proposed project and project variants would contribute to meeting ABAG's regional housing objectives and would conform with ABAG's regional goals to focus growth and development by creating compact communities with a diversity of housing, jobs, activities and services; increasing housing supply; improving housing affordability by meeting the City's inclusionary affordable housing requirements; and increasing transportation efficiency and choices through the development of a Driveway Operations Plan to improve local traffic conditions and the incorporation of improvement measures that encourage and promote transit use and bicycling such that the overall transportation system moves more people more efficiently.

The Initial Study, pp. 51-53 (EIR Appendix A), further states under Impact C-PH-1 that population increases attributable to the implementation of the proposed project or project

[1] Inclusionary Affordable Housing Program (Section 415). Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (Environmental Evaluation [EE] or Building Permit Application [BPA]) was applied for on or after July 18, 2006.

variants, in combination with projects proposed under the TCDP that would develop new residential units and intensify business and employment activity in downtown, would not contribute to a significant cumulative impact related to the direct or indirect inducement of substantial population growth.

One comment asks about Paramount Group's presence in San Francisco and requests particulars on the sources of construction funding. RDF 75 Howard LP (who acquired the property from PPF Paramount, 75 Howard Garage LLP (project sponsor)) is a real estate investment and management group based in New York. Locally, in addition to the 75 Howard Street site, the Paramount Group also owns the One Market Street and Steuart Street towers. Paramount has no other applications for new building construction pending before the City and County of San Francisco. The ultimate source of construction financing for the 75 Howard Street project has not yet been determined.

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. Mitigation measures and improvement measures are identified in the EIR in order to reduce or lessen the proposed project's physical environmental impacts. While considering whether to approve, modify, or disapprove the proposed project, decision-makers will consider which mitigation and improvement measures will be adopted as part of the CEQA findings and project entitlement approvals. Mitigation and improvement measures will be fully enforceable through permit conditions, agreements or other legally binding instruments.

5. DEIR REVISIONS

This chapter presents text changes for the *75 Howard Street Project Draft Environmental Impact Report* initiated by Planning Department staff. The revisions shown are changes identified in the responses in Chapter 2, Revisions to the Draft EIR Analysis Approach and Modifications to Project Alternatives, and Chapter 4, Comments and Responses, or staff-initiated text changes that add minor information or clarification related to the project and correct minor inconsistencies and errors. Deleted text is ~~struck through~~ and new text is underlined, and staff-initiated text changes are indicated by an asterisk (*****) in the left margin.

The text revisions presented below clarify, expand or update the information presented in the Draft EIR, including an update to Draft EIR Chapter 2, Project Description and Chapter 6, Alternatives, describing how the proposed project and revised Code Compliant Alternative would meet its affordable housing requirements of the City's Affordable Inclusionary Housing Ordinance.

The revised text presented in this Chapter 5 does not 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.

SUMMARY CHAPTER

The Summary Chapter has been revised, as described below.

* The following revision has been made to the second sentence under S.2, Summary of Impacts and Mitigation Measures, on EIR pp. S.2-S.3 (deletions are shown in ~~strikethrough~~):

> Topics analyzed in the EIR are Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only); ~~Aesthetics;~~ Cultural and Paleontological Resources (Archaeological Resources only); Transportation and Circulation; Noise; Air Quality; Wind and Shadow (Shadow only); Utilities and Service Systems (Wastewater Treatment Facilities and Stormwater Drainage Facilities and Odor Issues from Infrastructure only); and Biological Resources (Bird Migration and Local Movement only)~~; and Hydrology and Water Quality (Sea Level Rise only)~~.

* The following changes have been made to the first sentence of the paragraph on EIR p. S.4 (deletions are shown in ~~strikethrough~~):

> As described below in Table S.1, this EIR identifies five~~six~~ significant and unavoidable impacts (conflicts with the adopted height limit; ~~impairs a scenic vista;~~ shadows public open spaces and sidewalks; cumulatively contributes to shadows on public open spaces and sidewalks; and cumulatively contributes to unacceptable traffic level of service at Spear and Howard streets~~; and sea-level-rise-induced flooding~~).

* In Table S.1: Summary of Impacts of Proposed Project Identified in the EIR, the topic of "Aesthetics" on EIR p. S.6 has been deleted, as shown on RTC p. 5.3 (deletions are shown in ~~strikethrough~~).

* A new improvement measure, I-TR-K: Installation of Turntable Operation Device, has been added to Table S.1 on EIR p. S.20, as shown below on RTC p. 5.5 (new text is underlined).

* In Table S.1, the row showing Impact TR-7 on EIR p. S.21 has been revised (new text is underlined and deletions are shown in ~~strikethrough~~ and moved to follow the row with Impact TR-8. Impact TR-8, which continues on EIR p. S.22, has been renumbered as TR-7. The revised table rows are shown on RTC pp. 5.6-5.8.

* In Table S.1, a correction has been made to Mitigation Measure M-C-TR-1, on EIR p. S.22 (new text is underlined and deletions are shown in ~~strikethrough~~). The revised measure is shown on RTC p. 5.7.

In Table S.1, the row showing Impact HY-2 on p. S.37 has been revised as shown on RTC p. 5.7.

Table S.1: Summary of Impacts of Proposed Project Identified in the EIR [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable impact; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable			
~~**Aesthetics**~~			
~~**AE-1**: The proposed project and project variants would have a substantial adverse effect on a scenic vista.~~	~~S~~	~~No feasible mitigation available.~~	~~SU~~
~~**AE-2**: The proposed project and project variants would not have a substantial adverse effect on a scenic resource.~~	~~LS~~	~~None required.~~	~~LS~~
~~**AE-3**: The proposed project and project variants would not have a substantial adverse effect on the visual character or quality of the site and its surroundings.~~	~~LS~~	~~None required.~~	~~LS~~
~~**C-AE-1**: The proposed project and project variants, in combination with past, present and reasonably foreseeable future projects in the project vicinity, would not make a cumulatively considerable contribution to a significant impact related to aesthetics.~~	~~LS~~	~~None required.~~	~~LS~~

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable impact; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable			
TR-5: The loading demand of the proposed project and variants during the peak hour of loading activities would be accommodated within the proposed on-site loading facilities or within convenient on-street loading zones, and would not create potentially hazardous traffic conditions or significant delays involving traffic, transit, bicycles, or pedestrians. ***cont'd.***	LS	Implement **I-TR-C: Driveway Operations Plan**, above **I-TR-I: Sidewalk Widening** To improve pedestrian conditions in the area and to facilitate pedestrian movement in front of the project site, the project sponsor would work with SF Planning, SFMTA, and DPW to consider the potential construction of a wider sidewalk on the south side of Howard Street. The south sidewalk would be widened by approximately 7 feet, from the an existing width of about 13.5 feet to approximately 21.5 feet, starting at the west edge of the project site and extending east through the proposed Steuart Street Plaza, and onto The Embarcadero. The project sponsor would be required to fund the design and construction of this improvement. To facilitate passenger drop offs and pick ups, the existing 16-foot-wide sidewalk would not be widened for an approximate length of 35 feet at the proposed curbside white zone in front of the restaurant entrance near Steuart Street. Thus, the sidewalk widening would extended for a total distance of approximately 273 feet, 115 ft. from the west edge to Steuart Street, excluding the proposed passenger zone, 76 feet through the proposed Steuart Street Plaza, and 82 feet to The Embarcadero. This improvement measure would require that the proposed 24-foot wide curb cut that provides access into the Basement Level 1 parking garage and loading docks be widened to about 26 feet, in order to facilitate truck turning movements in and out of the building. This improvement measure would also require the additional elimination of four automobile and two motorcycle metered spaces on the south side of Howard Street (two automobile spaces in front of the project site, and two automobile and two motorcycle spaces west of Steuart Street), resulting in the elimination of a total of 15 automobile and two motorcycle metered spaces by the proposed project and the two variants. The increase in parking utilization created by the elimination of these on-street spaces would add to the expected parking deficits in the area during the midday period, but would be expected to be accommodated by other existing on-street spaces in the area during the evening period. The parking deficits associated with the proposed project and Variants would not create a significant parking impact.	LS

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable impact; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable			
		I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out The project sponsor shall ensure that parking spaces on Howard Street, adjacent to the project site, are reserved as needed through the SFMTA by calling the San Francisco Customer Service Center (311) prior to move-in and move-out activities. This would reduce the potential for double parking on Howard Street during move-in and move-out activities. The project sponsor could also require tenants to schedule and coordinate move-in and move-out activities with building management to space out loading activities. **I-TR-K: Installation of Turntable Operation Device** As an improvement measure to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1, a device will be installed at the bottom of the garage ramp to automatically alert motorists when the loading turntable is in use. The warning device will provide visual and audible messages to drivers to stop and wait for the turntable to complete its rotation.	
TR-~~8~~7: Construction of the proposed project and its variants would not result in significant transportation impacts.	LS	**I-TR-L: Expanded Traffic Control Plan for Construction** To reduce potential conflicts between construction activities and pedestrians, transit and vehicles at the project site, the project sponsor and project contractor would be required to prepare a Traffic Control Plan (TCP) for the project construction period. In addition to the standard elements of the TCP such as coordination with the San Francisco Municipal Transportation Agency, Department of Public Works, San Francisco Fire Department, etc., and the mandatory compliance with the *San Francisco Regulations for Working in San Francisco Streets* (the "Blue Book"), the expanded TCP could include: • Implementation of any necessary lane closures during times that avoid the a.m. and p.m. peak commute periods, • Stationing of uniformed off-duty San Francisco Police officers at various locations to facilitate the movement of pedestrians, bicyclists and transit vehicles	LS

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable impact; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable			
		• Scheduling of construction truck trips during hours of the day other than the peak morning and evening commute periods, and • Development of a construction activities plan so that certain activities such as pile driving do not disturb the Muni Metro tunnel located west of the project site. **I-TR-M: Carpool and Transit Access for Construction Workers** As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor would include methods to encourage carpooling and transit access to the project site by construction workers as part of a Construction Management Plan. **I-TR-N: Project Construction Updates for Adjacent Businesses and Residents** As an improvement measure to minimize construction impacts on access to nearby locations, the project sponsor would provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, parking lane and sidewalk closures. A web site could be created by project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.	
~~**TR-7:** Construction and operation of the proposed project or its variants would not have a significant effect on the environment as they would not result in a substantial parking deficit that could create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians nor would the proposed project or its variants~~	~~LS~~NA	**I-TR-~~K~~Q: Installation of Electronic "Parking Full" Sign** As an improvement measure to minimize traffic congestion and queuing on Howard Street, an electronic sign that can be operated from inside the garage to indicate when the garage is full would be installed at the project garage entrance.	~~LS~~NA

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable impact; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable			
~~exhibit particular characteristics that would demonstrably render use of other modes infeasible.~~ **Parking Discussion**			
C-TR-1: The proposed project would contribute considerably to reasonably foreseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard streets.	S	**M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets** If changes to the current configuration of ~~Steuart~~ Spear Street were to be implemented as part of the TCDP Public Realm Plan, configuration of the northbound and southbound approaches along Spear Street shall be modified to incorporate left-turn-only lanes and minor adjustments to the traffic signal timings at the intersection of Spear and Howard streets.	SUM
HY-2: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise.	~~S~~LS	~~**M-HY-2**~~**I-HY-A: Emergency Plan** The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.	~~SUM~~LS

In Table S.2: Summary of Significant Impacts of the Proposed Project Identified in the Initial Study, Mitigation Measure MM-HZ-1a: Site Assessment and Correction Action for All Sites, EIR pp. S.39-S.40, is deleted, and Mitigation Measure MM-HZ-1b: Hazardous Building Materials Abatement is renumbered accordingly, as MM-HZ-1a. These revisions are shown below on RTC pp. 5.9-5.10.

* The discussion of Alternative B: Code Compliant Alternative, on EIR pp. S.41-S.42 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Alternative B: Code Compliant Alternative provides an alternative that meets all applicable provisions of the Planning Code, but includes certain exceptions that are permitted pursuant to the applicable Planning Code controls. Under this alternative, the project site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01~~, the 200-foot height limit specified on~~ and Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan*. Section 263.9 of the Planning Code allows for an additional height of up to 10 percent as an extension of the upper tower pursuant to the provisions of Section 309, and Section 260 allows for up to 20 feet for elevator/mechanical penthouse screening in C-3 districts. Development under this alternative would comply with the bulk controls for the "lower tower" ~~and "upper tower"~~ as set forth under Planning Code Section 270(d), but would require an exception for the upper tower bulk limits as allowed pursuant to Planning Code Section 309. This alternative would not include either the Parking Variant or Residential/Hotel Mixed Use Variant analyzed for the proposed project.
>
> Under this alternative, the existing commercial parking garage would be demolished and a new ~~18~~20-story, approximately 220~~200~~-foot-tall tower (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) would be constructed on the 75 Howard Street building site (see Figure 6.1: Code Compliant Alternative Site Plan and Figure 6.2: Code Compliant Alternative Massing Diagrams, p. 6.13 and p. 6.14, respectively). This alternative would be 11~~13~~ stories and 128~~150~~ feet shorter than the tower under the proposed project. The approximately 284,300-gsf Code Compliant Alternative would contain 133~~169~~ market rate units (53~~17~~ fewer units than under the proposed project) consisting of 36 one-bedroom units, 71 two-bedroom units, 23 three-bedroom units, and 3 four-bedroom units. This alternative would also include ~~and~~ approximately 5,824~~5,900~~ gsf of retail use (slightly more~~less~~ than under the proposed project), including space for restaurant and café uses. This alternative would comply with the City's Inclusionary Affordable Housing Ordinance by paying a 20 percent in-lieu fee.
>
> Under the Code Compliant Alternative, a total of 102~~146~~ parking spaces (73~~29~~ fewer spaces than under the proposed project) would be constructed in a 41,000~~25,700~~-gsf ~~parking garage~~ basement located on two below-grade levels accessed from Howard Street. Two~~One~~ parking spaces would be reserved for car-share vehicles, no~~two~~ parking space~~s~~ would be reserved for commercial uses, and 100~~143~~ parking spaces would be

Table S.2: Summary of Significant Impacts of Proposed Project Identified in the Initial Study [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
Hazards and Hazardous Materials			
HZ-1: The proposed project or project variants would create a significant hazard to the public or the environment through either: a) the routine transport, use, or disposal of hazardous materials, or b) through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. ***cont'd.***	~~S~~LS	**~~M-HZ-1a: Site Assessment and Corrective Action for All Sites~~** ~~If potential exposure to vapors is suspected, a screening evaluation shall be conducted in accordance with guidance developed by the DTSC to estimate worst case risks to building occupants from vapor intrusion using site specific data and conservative assumptions specified in the guidance. If an unacceptable risk were indicated by this conservative analysis, then additional site data shall be collected and a site specific vapor intrusion evaluation, including fate and transport modeling, shall be required to more accurately evaluate site risks. Should the site specific evaluation identify substantial risks, then additional measures shall be required to reduce risks to acceptable levels. These measures could include remediation of site soil and/or groundwater to remove vapor sources, or, should this be infeasible, use of engineering controls such as a passive or active vent system and a membrane system to control vapor intrusion. Where engineering controls are used, a deed restriction shall be required, and shall include a description of the potential cause of vapors, a prohibition against construction without removal or treatment of contamination to approved risk based levels, monitoring of the engineering controls to prevent vapor intrusion until risk based cleanup levels have been met, and notification requirements to utility workers or contractors who may have contact with contaminated soil and groundwater while installing utilities or undertaking construction activities.~~ ~~The screening level and site specific evaluations shall be conducted under the oversight of SFDPH and methods for compliance shall be specified in the site mitigation plan prepared in accordance with this measure, and subject to review and approval by the SFDPH. The deed restriction, if required, shall be recorded at the San Francisco Office of the Assessor Recorder after approval by the SFDPH and DTSC.~~ **M-HZ-1~~b~~a: Hazardous Building Materials Abatement** The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials	**LS**

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
		including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and regulations.	

assigned to building residents. The Code Compliant Alternative would not provide any parking spaces for the commercial uses proposed, although, under Section 151.1 of the Planning Code, it could provide parking spaces equal to 3.5 percent of the gross floor area of the non-residential uses of the Code Compliant Alternative to serve the commercial uses, which space would accommodate an additional two to three spaces.

Similar to the proposed project, none of the parking spaces would be independently accessible; all vehicles would be mechanically parked by valet in stacked spaces. Similar to the proposed project, this alternative would include two loading spaces located on Basement Level 1, where a loading turntable would assist delivery and service vehicles with entering the loading space and existing the garage via the garage ramp. This alternative would also include 108~~55~~ Class 1 bicycle storage spaces (44 more ~~9 fewer~~ than under the proposed project) located on Basement Level 1 and 15 Class 2 bicycle storage spaces located on the Howard Street sidewalk. As under the proposed project, bicyclists would access these spaces either by elevator from either the residential or service entrance located on the ground floor of the tower, or via Howard Street.

Unlike the proposed project, ~~T~~the Code Compliant Alternative would not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. The site would remain vacant and paved with asphalt, and would continue to be owned by the City and County of San Francisco for ~~temporary uses such as~~ construction staging and other temporary uses or for future development. There would also be no landscape or hardscape improvements to the open space site or portions of the surrounding right-of way. However, as under the proposed project, in furtherance of the requirements of Planning Code Section 138.1, hardscape improvements would be proposed for the surrounding Steuart Street right-of-way, south of Howard Street. Under this alternative, the on-street parking along the east-side segment of Steuart Street south of Howard Street would remain; however, the on-street parking along the west side of Steuart Street adjacent to the east elevation of the proposed building would be removed for curb-side loading. Unlike the proposed project, ~~N~~no changes would occur with regard to narrowing this segment of Steuart Street, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated, as it would under the proposed project. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1. The Code Compliant Alternative also proposes to merge a small triangle of property which is currently a portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31 through a lot line adjustment. Parcel 3 is located within the Rincon Point South Beach Redevelopment Plan Area and as such is subject to the land use controls of the Rincon Point South Beach Redevelopment Plan and Design for Development (collectively, the "Redevelopment Requirements"). On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Code Compliant Alternative located on Parcel 3.

Under the Code Compliant Alternative, the following discretionary project approvals would be required: (i) approval of a Section 309 Determination of Compliance and Request for Exceptions for the Construction of a New Building in a C-3 District~~,~~; ~~and~~ (ii) the granting of variances from Planning Code requirements for Dwelling Unit Exposure (per Planning Code Section 140), which requires at least one room of each dwelling unit

to face onto a public street, rear yard, or other open areas that meets minimum requirements for area and horizontal dimensions, and Street Frontages (per Planning Code Section 145.1(c)(2)),which limits the width of parking and loading access to no more than 20 feet; (iii) approval of a Conditional Use Authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and (iv) a determination by the Planning Department that the Project is consistent with the Redevelopment Requirements. In addition, the Code Compliant Alternative will require approval of white zones on Howard and Steuart Streets pursuant to the SFMTA Color Curb program and Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) by the Department of Public Health.

* Table S.3: Comparison of Significant Impacts of Project to Impacts of Alternatives, on EIR pp. S.44-S.46, has been revised as shown on RTC pp. 5.8-5.10 (new text is underlined and deletions are shown in ~~strikethrough~~).

* The second sentence in the paragraph under "Environmentally Superior Alternative" on EIR p. S.47 has been revised, as follows (deletions are shown in ~~strikethrough~~):

> The proposed project would result in a significant and unavoidable cumulative impact related to land use and land use planning, ~~aesthetics,~~ transportation and circulation, and shadow~~, and hydrology and water quality~~.

* The following paragraph has been added after the last paragraph on EIR p. S.48 and a new footnote has been added to that page (new text is underlined):

> An additional area of controversy may emerge regarding the provisions of California Legislative Information, Senate Bill No. 743, Chapter 386 (SB 743), as they relate to the proposed project and this EIR. SB 743, which amended the Public Resources Code to add Section 21099, was signed by Governor Brown on September 27, 2013. This was subsequent to the publication of the NOP/IS, which had indicated that this EIR would include a discussion of aesthetics-related impacts of the proposed project. Section 21099(d) directs that the aesthetic and parking impacts of mixed-use residential infill projects located in a transit priority area may not be considered impacts on the environment under CEQA. The proposed 75 Howard Street Project meets the definition of a mixed-use residential project on an infill site located within a transit priority area.[1] Accordingly, this EIR does not contain a separate discussion of aesthetics impacts, because they can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation. The topics of aesthetics and parking, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

Table S.3: Comparison of Significant Impacts of Project to Impacts of Alternatives

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Description				
High-Rise Tower Height	348 ft.	-	220~~200~~ ft.	281 ft.
Number of Stories	31	-	20~~18~~	25
Number of Residential Units	186 units	-	133~~169~~ units	172 units
GSF by Use				
Residential	285,498 gsf	None	237,153~~233,530~~ gsf	280,430 gsf
Retail	5,658 gsf	None	5,824~~5,900~~ gsf	5,900 gsf
Parking	26,701 gsf	166,483 gsf	26,701~~25,700~~ gsf	25,700 gsf
Other [a]	114,396 gsf	None	64,186 ~~91,070~~ gsf	95,820 gsf
Total GSF	***432,253 gsf***	***166,483 gsf***	***333,864~~356,200~~ gsf***	***407,850 gsf***
Open Space Site	Yes	No	No	Yes
Parking				
Public parking Spaces	-	540	-	-
Residential Spaces [b]	140~~172~~	-	100143	129~~156~~
Commercial Spaces	1~~2~~	-	0~~2~~	1~~2~~
Car-share Spaces [c]	1	-	2~~1~~	1
Total Parking Spaces	**142~~175~~**	**540**	**102~~146~~**	**131~~159~~**
Bicycle Parking Spaces	64	-	123~~55~~	56
Loading				
Off-street spaces	2	-	2	2
On-street loading zones	2	-	~~1~~0	2
Ability to Meet Project Sponsor's Objectives				
	Yes	No	Most~~Some~~	Most

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Land Use and Land Use Planning				
Plan, policy, or regulation conflict	**LU-1**: The proposed project or variants would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (SU)	Not applicable	Less than the proposed project. (LS)	Less than the proposed project. (SU)
Aesthetics				
~~Scenic Vista~~	~~**AE-1**: The proposed project and project variants would have a substantial adverse effect on a scenic vista. (SU)~~	~~Not applicable~~	~~Less than the proposed project. (LS)~~	~~Similar to but less than the proposed project. (SU)~~
Transportation and Circulation				
Cumulative traffic – intersection operations	**C-TR-1**: The proposed project would contribute considerably to reasonably forseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets. (SUM)	Not applicable	Similar to but less than proposed project. (SUM)	Similar to but less than proposed project. (SUM)
Shadow				
Shadows	**WS-1**: The proposed project or variants would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)
Cumulative shadows	**C-WS-1**: The proposed project or variants, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, resulting in a significant cumulative shadow impact. The proposed project or variants would make a cumulatively considerable contribution to this significant cumulative shadow impact. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
~~**Hydrology and Water Quality**~~				
~~Sea level rise~~	~~**HY-2**: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. (SUM)~~	~~Existing flooding risks due to Sea Level Rise would remain on the project site.~~	~~Similar to the proposed project. (SUM)~~	~~Similar to the proposed project. (SUM)~~
Notes: [a] Includes space devoted to mechanical, circulation and building support areas. [b] Includes the maximum number of off-street parking spaces allowed as of right in the C-3 District where the proposed project is located plus accessory off-street parking spaces as determined through the Planning Code Section 309 Review process. Project sponsor has requested an increase to the maximum amount of accessory off-street parking spaces. [c] Required per SF Planning Code Section 166.				

Sources: Turnstone Consulting and Adavant Consulting, July~~February~~ 2013 and June 2015

[New footnote]

[1] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist*, 75 Howard Street Project, March 11, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400.

CHAPTER 1. INTRODUCTION

* The third sentence of the third paragraph on EIR p. 1.1 has been revised, and a new paragraph has been added after it, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> Pursuant to CEQA Guidelines Section 15161, this is a project-level EIR, defined as an EIR that examines the physical environmental impacts of a specific development project. The project sponsor has provided sufficient information about the proposed project for a project-level analysis to be conducted. This EIR assesses potentially significant impacts in the areas of land use and land use planning, ~~aesthetics,~~ archaeological resources, transportation and circulation (excluding parking), noise, air quality, shadow, biological resources related to bird strikes, and sea level rise (discussed in hydrology and water quality). 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.
>
> On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014. Among other things, SB 743 added Section 21099 to the Public Resources Code and no longer permits the analysis of aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed project meets the definition of a mixed-use residential project on an infill site located within a transit priority area as specified by Public Resources Code Section 21099. Accordingly, this EIR does not contain a separate discussion of Aesthetics impacts, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation.

* The paragraph under "Environmental Effects Requiring Further Study in the EIR" on EIR p. 1.4 has been revised and a new second paragraph has been added after it, as follows (new text is underlined):

> **Environmental Effects Requiring Further Study in the EIR**
>
> The IS determined that the project analyzed in the IS may result in potentially significant environmental impacts related to the following environmental topics: Aesthetics; Cultural and Paleontological Resources (Archaeological Resources only); Transportation

and Circulation; Noise, including project construction effects on existing utilities infrastructure; Air Quality; Wind and Shadow (Shadow only); Biological Resources (Bird Migration and Local Movement only); and Hydrology and Water Quality (Sea Level Rise only).~~These topics, along with Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only), and Utilities and Service Systems (Wastewater and Stormwater Facilities and Odor Issues from Infrastructure only), as mentioned above on p. I.3, are evaluated in this EIR.~~ Other topics determined to require additional evaluation in the EIR include Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only), and Utilities and Service Systems (Wastewater and Stormwater Facilities and Odor Issues from Infrastructure only).

Since publication of the IS, the proposed project became subject to Public Resources Code Section 21099(d), which eliminated aesthetics and parking as impacts that can be considered in determining the significance of physical environmental effects under CEQA for projects meeting certain criteria. Accordingly, this EIR does not contain a separate discussion of Aesthetics impacts, which can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.B, Aesthetics, for informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation. The topics of aesthetics and parking, nonetheless, may be considered by decision-makers, independent of the environmental review process, as part of their decision to approve, modify, or disapprove the proposed project.

* The description of Chapter 4 in the sixth paragraph under "C. Organization of this EIR" on EIR pp. 1.6-1.7 has been revised, as shown below (new text is underlined):

Chapter 4, Environmental Setting, Impacts, and Mitigation, addresses the following topics: Land Use and Land Use Planning (Conflicts with Adopted Plans and Land Use Character only); Aesthetics discussion (no impact analysis provided); Cultural and Paleontological Resources (Archaeological Resources only); Transportation and Circulation (excluding parking); Noise; Air Quality; Wind and Shadow (Shadow only); Utilities and Service Systems (Wastewater Treatment Facilities and Stormwater Drainage Facilities and Odor Issues from Infrastructure only); Biological Resources (Bird Migration and Local Movement only); and Hydrology and Water Quality (Sea Level Rise only). Each topic section includes the environmental setting; regulatory framework; approach to analysis, when appropriate; project-specific and cumulative impacts; and mitigation measures and improvement measures, when appropriate.

CHAPTER 2. PROJECT DESCRIPTION

The third sentence in the second paragraph on EIR p. 2.1 is revised to update the amount of off-street parking in the proposed project (new text is underlined and deletions are shown in ~~strikethrough~~):

The garage would contain ~~172~~ 140 accessory parking spaces for residential units, ~~2~~ 1 parking space~~s~~ assigned for commercial uses, and 1 car-share space, for a total of ~~175~~ 142 parking spaces.

The following paragraph has been added after the second full paragraph on EIR p. 2.1 and a new footnote has been added to that page, as follows (new text is underlined):

> The proposed project would comply with the City's Affordable Inclusionary Housing Ordinance to provide affordable housing pursuant to Section 415.1 et seq., of the San Francisco Planning Code, as required by existing law, by payment of a 20 percent in lieu fee.[1]
>
> [New footnote]
>
> [1] Inclusionary Affordable Housing Program (Section 415). Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, these requirements would apply to projects that consist of five or more units, where the first application (Environmental Evaluation (EE) or Building Permit Application (BPA) was applied for on or after July 18, 2006.

The first sentence in the first paragraph on EIR p. 2.4 is revised to update the amount of parking in the Public Parking Variant (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would provide an additional 91 non-accessory public off-street parking spaces, and two additional car-share parking spaces for a total of ~~268~~ 235 parking spaces, to partially offset the 540 public spaces lost by demolition of the 75 Howard Garage. All ~~268~~ 235 parking spaces would be located in stacked spaces located on Basement Level 2 within the proposed 26,701-gsf parking garage.

The last sentence in the second paragraph on EIR p. 2.4 is revised to update the amount of parking in the Residential/Hotel Mixed Use Variant (new text is underlined and deletions are shown in ~~strikethrough~~):

> Parking under this variant would include a total of ~~268~~ 246 stacked parking spaces on Basement Level 2 (comprised of 82 parking spaces for the residential use, 6 parking spaces for commercial use, 4 car-share spaces and an additional 154 non-accessory public off-street parking spaces to partially offset the public spaces lost by demolition of the 75 Howard Garage) ~~(the same total number of parking spaces as under the Public Parking Variant)~~ within the 26,701-gsf parking garage area.

The first full sentence on EIR p. 2.7 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The Gap Building, located at the south end of the project's building site block, is a ~~14~~15-story (approximately ~~290~~295 feet tall) office building, built in 2001.

The first sentence in the second paragraph on EIR p. 2.20 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed project would contain ~~172~~ 140 accessory parking spaces for residential units, ~~2~~ 1 parking space~~s~~ assigned for commercial uses, and 1 car-share space, for a total of ~~175~~ 142 parking spaces located in a 26,701-gsf parking garage located on two below-grade levels.

The next-to-last sentence on EIR p. 2.20 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would be similar ~~identical~~ to the proposed project, except this variant would provide a total of ~~268~~ 235 parking spaces (93 more than under the proposed project).

The first and third sentences at the top of EIR p. 2.23 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> As under the proposed project, there would be ~~172~~ 140 accessory parking spaces for residential uses, and ~~2~~ 1 parking space~~s~~ assigned for commercial uses. The Public Parking Variant would provide a total of 3 car-share parking spaces (2 more than under the proposed project). All ~~268~~ 235 parking spaces would be located in stacked spaces on a portion of Basement Level 2 with use of a proposed mechanical parking system.

The last sentence on EIR p. 2.23, continuing on to the top of p. 2.24, is revised to update parking information for the Residential/Hotel Mixed Use Variant, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Residential/Hotel Mixed Use Variant would provide a total of ~~268~~ 246 stacked parking spaces (93 more than under the proposed project): ~~103~~ 82 accessory parking spaces for the residential units ~~and hotel~~ (~~69~~ 58 fewer spaces than under the proposed project); ~~7~~ 6 parking spaces assigned for commercial uses including the hotel (5 more than under the proposed project); 4 car-share spaces (3 more than under the proposed project); and 154 non-accessory public parking spaces to partially offset the 540 public spaces lost by the demolition of the 75 Howard Garage.

The first sentence in the last paragraph on EIR p. 2.24 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The 7-story (85½-foot-tall ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines, and it would be set back from the south property line by about 18 feet and from the west property line by about 3 feet.

The first paragraph at the top of EIR p. 2.34 is deleted to reflect the Planning Code amendments regarding parking in the C-3 Districts that now require a Conditional Use authorization for additional accessory parking rather than an exception under the Planning Code Section 309 Review process (deletions are shown in ~~strikethrough~~):

> ~~Accessory Parking. Per Planning Code Section 151.1, within C-3 Districts, off-street accessory parking may be provided for 0.25 cars per residential unit. The project sponsor requests, by the Section 309 Review process, to provide accessory off-street parking in the following amounts: 1 car parked per each dwelling unit that has two or more bedrooms (and is greater than 1,000 sq. ft. in size), and 0.75 car parked per dwelling unit that has one or fewer bedrooms (or is otherwise smaller than 1,000 sq. ft. in size).~~

A last bullet item has been added on EIR p. 2.34, to follow the last bulleted item under "Actions by the Planning Commission," to add the requirement for a Conditional Use authorization by the Planning Commission to provide accessory off-street parking above the maximum 0.5 parking spaces per residential unit (new text is underlined):

- *Approval of Conditional Use Authorization.* For the proposed project to provide 47 additional accessory off-street parking spaces for the residential units, up to a maximum of 0.75 spaces per residential unit, the Planning Commission would need to grant Conditional Use authorization, pursuant to Planning Code Sections 151.1(f) and 303. The Commission would consider the specific criteria of Sections 151.1(e), in addition to the Conditional Use authorization criteria of Section 303.

The following approvals have been added to the Project Approvals section, after the sixth bullet under Actions by Other City Departments, on EIR p. 2.35, as follows (new text is underlined):

- *Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance):* Department of Public Health approval.
- *Delegation Agreement regarding land use controls of the Rincon Point-South Beach Redevelopment Plan and the Design for Development (collectively, the "Redevelopment Requirements") for the portion of the project located on a small triangle portion of Block 3741/Lot 35 (referred to as "Parcel 3 ":* Office of Community Investment and Infrastructure to delegate to Planning Department
- *Determination by the Planning Department or Planning Commission that the portion of the Project located on Parcel 3 is consistent with the Redevelopment Requirements:* San Francisco Planning Department or Commission.
- *Approval of a lot line adjustment to merge a small triangle portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31:* Department of Public Works approval.
- *Approval of a Color Curb Application for drop off zones on Howard and Steuart Streets:* San Francisco Municipal Transportation Authority (SFMTA).

CHAPTER 3. PLANS AND POLICIES

The third full paragraph on EIR p. 3.3 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> As explained further in the Urban Design Element, "the heights of buildings should taper down to the shoreline of the Bay and Ocean, following the characteristic pattern and preserving topography and views." The proposed project would potentially conflict with the policy listed above, as the project would be taller than buildings located on the blocks immediately adjacent to the project site. The proposed high-rise tower would make a step up, rather than a step down, at the southeastern edge of Downtown along the waterfront. Given a broad perspective of the downtown edge, t~~T~~he project is generally consistent with the *General Plan*'s call to ~~concentrate~~ cluster tall buildings in ~~centers of activity such as~~ downtown and at other centers of activity for commerce efficiency, to mark important transit facilities, and to avoid unnecessary encroachment upon other areas

of the City. However, as previously stated, *General Plan* consistency will be considered by City decision-makers when they determine whether to approve, modify, or disapprove the proposed project.

The first paragraph and list of bulleted items on EIR p. 3.5 have been revised to accommodate additional objective and policy information from the TCDP as follows (new text is underlined):

Project compliance with the height and bulk controls is discussed in more detail under "Height and Bulk Districts," pp. 3.5-3.6. The proposed project and variants potentially conflict with the TCDP's objectives and policies that call for building heights to step down from the downtown core to surrounding areas, including San Francisco Bay:

- Objective 2.2: Create an elegant downtown skyline, building on existing policy to craft a distinct downtown "hill" form, with its apex at the Transit Center, and tapering in all directions.
- Objective 2.5: Balance consideration of shadow impacts on key public open spaces with other major goals and objectives of the Plan, and if possible, avoid shading key public spaces during prime usage times.
  - Policy 2.3: Create a balanced skyline by permitting a limited number of tall buildings to rise above the dense cluster that forms the downtown core, stepping down from the Transit Tower in significant height increments.
  - Policy 2.4: Transition heights downward from Mission Street to Folsom Street and maintain a lower "saddle" to clearly distinguish the downtown form from the Rincon Hill form and to maintain views between the city's central hills and the Bay Bridge.
  - Policy 2.5: Transition heights down to adjacent areas, with particular attention on the transitions to the southwest and west in the lower scale South of Market areas and to the waterfront to the east.

CHAPTER 4. ENVIRONMENTAL SETTING, IMPACTS AND MITIGATION

SECTION 4.A, INTRODUCTION

* The following new text has been added after the third paragraph on EIR p. 4.A.1, and three new footnotes, shown below on RTC p. 5.22, have been added to that page (new text is underlined):

SENATE BILL 743 AND PUBLIC RESOURCES CODE SECTION 21099

On September 27, 2013 and after the publication of the 75 Howard Street Project Draft EIR on July 31, 2013, Governor Brown signed SB 743, which became effective on January 1, 2014.[1] Among other provisions, SB 743 amended CEQA by adding Public Resources Code Section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.[2]

Aesthetics and Parking Analysis

Public Resources Code Section 21099(d), effective January 1, 2014, provides that, "aesthetics and parking impacts of a residential, mixed-use residential, or employment

center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment." Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

1. The project is in a transit priority area;
2. The project is on an infill site; and
3. The project is residential, mixed-use residential, or an employment center.

The proposed project meets each of the above three criteria and thus, this EIR does not consider aesthetics and the adequacy of parking in determining the significance of project impacts under CEQA.[3]

Public Resources Code Section 21099(e) states that a Lead Agency maintains the authority to consider aesthetic impacts pursuant to local design review ordinances or other discretionary powers and that aesthetics impacts do not include impacts on historical or cultural resources. As such, there will be no change in the Planning Department's methodology related to design and historic review.

The Planning Department recognizes that the public and decision makers nonetheless may be interested in information pertaining to the aesthetic effects of a proposed project and may desire that such information be provided as part of the environmental review process. Therefore, this EIR presents an aesthetics discussion, including presentation of "before" and "after" visual simulations in Section 4.C, Aesthetics. However, this information is provided solely for informational purposes and is not used to determine the significance of the environmental impacts of the project, pursuant to CEQA.

Similarly, the Planning Department acknowledges that parking conditions may be of interest to the public and the decision makers. Therefore, this EIR presents a parking demand discussion for informational purposes and considers any secondary physical impacts associated with constrained supply (e.g., queuing by drivers waiting for scarce onsite parking spaces that affects the public right-of-way) as applicable in the transportation analysis in Section 4.E, Transportation and Circulation.

[New footnotes]

[1] SB 743 can be found on-line at: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743.

[2] A "transit priority area" is defined as an area within one-half mile of an existing or planned major transit stop. A "major transit stop" is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of San Francisco Transit Priority Areas can be found on-line at: http://sfmea.sfplanning.org/Map%20of%20San%20Francisco%20Transit%20Priority%20Areas.pdf.

[3] San Francisco Planning Department, *Transit-Oriented Infill Project Eligibility Checklist*, 75 Howard Street Project, March 11, 2014. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2011.1122E.

4.B. LAND USE AND LAND USE PLANNING

The third-to-last sentence on EIR p. 4.B.7 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

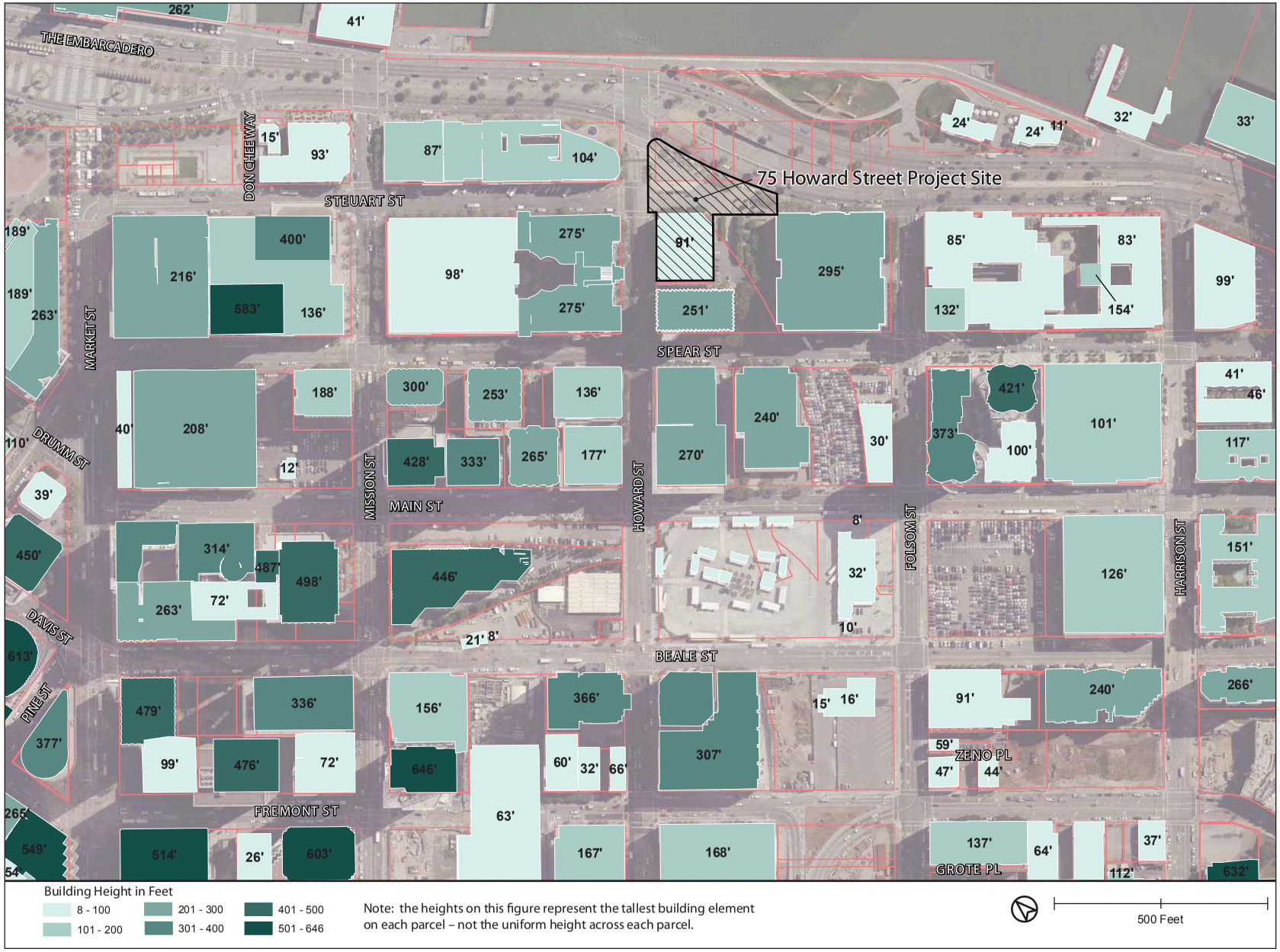
> ~~To avoid delaying the TCDP process and EIR, t~~The property owner did not file any development application or request any rezoning during the formation of the TCDP different than what was proposed by the Planning Department as part of the TCDP.

Figure 4.B.2: Existing Building Heights in the Project Vicinity, on EIR p. 4.B.8, has been revised. The changes consist of revising the podium height of One Market Plaza and updating the heights for Rincon Towers, the Gap Building, 201 Spear Street, and Hills Plaza. The revised figure is shown on the following page.

4.C. AESTHETICS

* The following changes have been made to the paragraphs under "Introduction" on EIR p. 4.C.1 (new text is underlined and deletions are shown in ~~strikethrough~~):

> Section C, Aesthetics, describes and analyzes ~~the potential impacts of the proposed project and its variants on~~ changes to scenic vistas, scenic resources, and ~~on~~ the visual character and quality of the project site and its surroundings as a result of the proposed project and its variants. The Notice of Preparation/Initial Study, pp. 43-46, concluded that project and variants' impacts related to the Aesthetics subtopic of light and glare would be less than significant. Therefore the subtopic of light and glare is not addressed in the EIR.
>
> The Environmental Setting discussion in this section presents photographic views and describes the existing visual conditions of the project site and its surroundings; identifies existing scenic vistas and scenic resources in the areas that could be potentially affected by the proposed project; and describes the existing visual character of the 75 Howard Street project site and its surroundings.
>
> In California, Lead Agencies, including the City and County of San Francisco, can no longer consider aesthetics impacts of a mixed-use residential project located on an infill site within a transit priority area as significant impacts on the physical environment. As explained in **Section 4.A, Introduction**, pp. 4.A.1-4.A.2, SB 743 eliminated the analysis of aesthetics in determining the significance of the proposed project's physical environmental effects under CEQA. The San Francisco Planning Department acknowledges, however, that changes in the aesthetics environment may be of interest to the public and the decision-makers; therefore, aesthetics is discussed here for informational purposes. ~~The Impacts discussion in this section~~The discussion below identifies the considerations applied when evaluating the ~~significance of impacts on~~ changes to visual quality as a result of the proposed project and project variants, and describes and evaluates ~~impacts on~~ changes to visual resources and visual quality with



SOURCE: San Francisco Planning Department

75 HOWARD STREET

(REVISED) FIGURE 4.B.2: EXISTING BUILDING HEIGHTS IN THE PROJECT VICINITY

reference to visual simulations of the proposed project. This section also ~~considers whether~~ discusses cumulative aesthetic changes as a result of the proposed project, in combination with other reasonably foreseeable development projects in the vicinity of the project site~~, would make a considerable contribution to cumulative environmental impacts related to aesthetics~~.

The first sentence of the third paragraph on EIR p. 4.C.3 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The Gap Building, located at the south end of the project block, is a ~~14~~15-story (approximately ~~290~~295 feet tall) office building, built in 2001.

The last sentence of the second full paragraph on EIR p. 4.C.13 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Beyond the 75 Howard Garage is the Gap Building (~~14~~15 stories, about ~~290~~295 feet tall, built in 2001), with its tower rising beyond the 75 Howard Garage.

* The following text on EIR p. 4.C.16 has been deleted (deletions are shown in ~~strikethrough~~):

~~**IMPACTS AND MITIGATION MEASURES**~~

~~**SIGNIFICANCE CRITERIA**~~

~~The thresholds for determining the significance of impacts in this analysis are consistent with the environmental checklist in Appendix G of the State CEQA Guidelines, which has been adopted and modified by the San Francisco Planning Department. For the purpose of this analysis, the following applicable thresholds were used to determine whether implementing the project would result in a significant impact related to aesthetics. Implementation of the proposed project and project variants would have a significant effect related to aesthetics if the project would:~~

~~C.1 Have a substantial adverse effect on a scenic vista;~~

~~C.2 Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and other features of the built or natural environment, that contribute to a scenic public setting; or~~

~~C.3 Substantially degrade the existing visual character or quality of the site and its surroundings.~~

The first sentence in the first paragraph on EIR p. 4.C.17 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The 7-story (85½-foot-tall ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines, and it would be set back from the south property line by about 18 feet and from the west property line by about 3 feet.

* On EIR p. 4.C.17, the "Approach to Analysis" heading has been replaced and the paragraph beneath it, which continues on EIR p. 4.C.18, has been deleted, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

~~APPROACH TO ANALYSIS~~ AESTHETICS DISCUSSION

~~Design and aesthetics are, by definition, subjective and open to interpretation by decision-makers and members of the public. In determining whether an impact is significant under CEQA, the question is whether a project would affect the environment of persons in general, not whether a project would affect particular persons. A proposed project would therefore be considered to have a significant adverse effect on visual quality under CEQA only if it would cause a substantial and demonstrable negative change in the physical environment that affects the public in one or more ways listed above in this section. Changes to private views resulting from the proposed project and project variants would not be considered to substantially degrade the existing visual character of the environment. However, the effect on private views is discussed for informational purposes.~~

* On EIR p. 4.C.18, the "Impact Evaluation" heading and the impact statement for Impact AE-1 have been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~IMPACT EVALUATION~~

~~Impact AE-1: The proposed project and project variants would have a substantial adverse effect on a scenic vista. *(Significant and Unavoidable)*~~

Effects on Scenic Vistas

This discussion describes project-related ~~impacts on~~ changes to scenic vistas available along inland streets in the vicinity of the proposed project and ~~on~~ to views of Downtown from the eastern waterfront and the Bay Bridge.

* The following changes have been made to the paragraph under "Views along Inland Street View Corridors" on EIR p. 4.C.18 (deletions are shown in ~~strikethrough~~):

Views along Inland Street View Corridors

As shown in Figure 4.C.2: View A - View from Steuart Street, Looking South, p. 4.C.7, the proposed project's tower would be visible rising beyond Rincon Towers. The proposed project and project variants would vertically extend the existing street wall on the west side of Steuart Street and would not obstruct long-range, south-facing scenic vistas of the Bay Bridge along the Steuart Street view corridor. Together with buildings on the east side of Steuart Street, the proposed building would frame south-facing views down Steuart Street toward the Bay Bridge. Likewise, the proposed project's tower would not obstruct long-range, east-facing scenic vistas of the Bay along the Howard Street view corridor. Together with Rincon Towers on the north side of Howard Street, the proposed new tower on the south side of Howard Street would frame east-facing views along Howard Street toward the Bay and Yerba Buena Island beyond. For these reasons, the proposed project and project variants would not substantially degrade or obstruct the scenic vista along inland street view corridors ~~and would have a less-than-significant effect on scenic vistas along inland street view corridors. No mitigation measures are necessary.~~

The second sentence of the first paragraph on EIR p. 4.C.19 has been revised as follows (new text is underlined):

> At 348 feet tall, the proposed project and project variants would be taller than existing high-rise buildings located on the blocks immediately adjacent to the project site (Rincon Towers at ~~280~~275 feet tall, the Gap Building at approximately ~~290~~295 feet tall, and 201 Spear Street at ~~256~~251 feet tall) (see Figure 4.C.6: View E – View from the Ferry Building, Looking South (Proposed), on p. 4.C.11; and Figure 4.C.7: View F – View from Pier 14, Looking West (Proposed), on p. 4.C.12).

* The following changes have been made to the last paragraph on EIR p. 4.C.19, which continues on EIR p. 4.C.20 (new text is underlined and deletions are shown in ~~strikethrough~~):

> Given the familiarity and importance of the existing views of San Francisco's Downtown core to San Francisco's identity, and the scale and prominence or proposed new development, the ~~effect of the~~ proposed project and project variants ~~on~~ would noticeably change scenic vistas of Downtown as viewed from the eastern waterfront ~~would be considered significant~~. The proposed project would place a prominent 348-foot-tall tower at the southeastern waterfront edge of Downtown. The podium would not provide a substantial step-down transition from the tower element to the waterfront; however, the project would be shorter than other buildings located one to two blocks inland from the project site. ~~This effect on a scenic vista is considered unavoidable because no effective mitigation measure is available that would avoid or substantially reduce the significant impact of the proposed project and project variants. Reduced height is considered in the Alternatives Chapter. However, as discussed under Impact AE-2 and AE-3 below, the proposed project would not result in a significant adverse impact on a scenic resource or on visual quality and character of the site and its surroundings.~~

* On EIR p. 4.C.20, the paragraph under "Private Views from Nearby Buildings (Informational Discussion) has been revised, as follows (deletions are shown in ~~strikethrough~~):

> Private Views from Nearby Buildings ~~(Informational Discussion)~~
>
> Private views ~~are not considered scenic vistas under the City's significance criteria, but~~ are discussed here for informational purposes. The proposed high-rise tower would obscure and/or alter some existing private views over the building site, to the extent that such views are now available from nearby buildings (most notably, but not limited to, Rincon Towers and 201 Spear Street). The proposed project and project variants would replace longer-range private views over the building site with shorter-range views of the proposed high-rise tower. The proposed change in private views could be experienced as an undesirable consequence for affected persons who have grown accustomed to existing visual conditions. The nature and experience of this change for each affected viewer would vary depending on the nature of the existing view over the project site, the position and proximity of the proposed tower within the private view, and the subjective sensitivity of the viewer. ~~In determining whether an impact is significant under CEQA, the question is whether a project will affect the environment of persons in general, not whether a project will affect particular persons. A proposed project would therefore be considered to have a significant adverse effect on scenic vistas under CEQA if it were to substantially degrade or obstruct public scenic vistas observed from public areas.~~ The

alteration or interruption of private views is a commonly expected and experienced consequence of new construction within a densely populated urban setting. ~~A project would be considered to have a significant impact on scenic vistas if it were to substantially degrade or obstruct public scenic vistas observed from public areas.~~ Therefore, ~~The~~ changes to private views resulting from the proposed project and project variants would not affect public scenic vistas observed from public areas.~~, and therefore would not be considered a potentially significant aesthetic impact under CEQA. No mitigation measures are necessary.~~

* On EIR p. 4.C.20, the impact statement for Impact AE-2 has been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~Impact AE-2: The proposed project and project variants would not have a substantial adverse effect on a scenic resource. (Less than Significant)~~

Effects on a Scenic Resource

As discussed above on p. 4.C.5, the project site contains no scenic resources. All excavation for the proposed project and project variants would occur below existing grade level on the site. As a result, there would be no visible topographic change at the site under the proposed project.

* The following changes have been made to the last paragraph on EIR p. 4.C.20, which continues on EIR p. 4.C.21 (deletions are shown in ~~strikethrough~~):

The proposed project is in the vicinity of two offsite scenic resources: The Embarcadero and Rincon Park. The proposed tower would replace views of the existing eight- ~~seven~~-story 75 Howard Garage, as seen from The Embarcadero and Rincon Park, with views of the proposed building. The proposed project and project variants would create new backdrop for The Embarcadero (see Figure 4.C.4: View C – View from The Embarcadero, South of Folsom Street, Looking Northwest, on p. 4.C.9) and for Rincon Park (see Figure 4.C.5: View D – View from Rincon Park, Looking Northwest, on p. 4.C.10). The proposed residential tower would reinforce the western edge of The Embarcadero and would present an active face to The Embarcadero and Rincon Park. In addition, the proposed project would improve and activate a new public open space adjacent to The Embarcadero (the open space improvement site) with landscaping and public art to improve the pedestrian environment along this segment of The Embarcadero. Therefore, the proposed project and project variants would not result in damage to a scenic resource. ~~The impact of the proposed project and variants on scenic resources would be less than significant. No mitigation measures are necessary.~~

* On EIR p. 4.C.21, the impact statement for Impact AE-3 has been deleted and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~Impact AE-3: The proposed project and project variants would not have a substantial adverse effect on the visual character or quality of the site and its surroundings. (Less than Significant)~~

Effects on Visual Character or Quality of the Site and its Surroundings

As discussed above under Environmental Setting on pp. 4.C.11-4.C.12, the building site is currently occupied by an 8~~7~~-story, concrete parking garage, built 1976, that is utilitarian in design. As discussed on p. 4.C.12, the open space improvement site includes the Steuart Street right-of-way and a triangular lot that is currently vacant and paved with asphalt. As discussed on pp. 4.C.12-4.C.13, the visual character of the surrounding area around the project site, in terms of building height, massing, scale, materials, and architectural character, is varied.

* The following change has been made to the paragraph under "Temporary Construction Impacts" on EIR p. 4.C.21 (deletions are shown in ~~strikethrough~~):

Temporary Construction Effects ~~Impacts~~

Construction of the proposed project and project variants would result in intermittent and short-term aesthetics effects ~~impacts~~ due to construction activities. Construction activities that could have temporary effects on visual quality include ground disturbance, the use of heavy machinery, storage of equipment and materials, and the installation of security fencing and barriers. Such changes to the visual environment are a commonly accepted and unavoidable temporary outcome of development projects in a dense urban setting. Such conditions would exist only for a limited duration. The estimated construction period for the proposed project and project variants would extend up to 30 months. ~~Because construction-related changes to visual character and quality would be short-lived, and the existence of a construction site in an urban setting is not considered a substantial adverse condition, they would be considered less than significant.~~

The second sentence in the last paragraph on EIR p. 4.C.21 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The 7-story (85½-foot-tall ~~82-foot-tall~~) horizontal podium element would be built to its Howard Street (north) and Steuart Street (east) property lines.

* The following changes have been made to the fourth paragraph on EIR p. 4.C.22 (new text is underlined and deletions are shown in ~~strikethrough~~):

The proposed project would replace a visually utilitarian parking garage and vacant paved areas that now occupy the project site with a new residential building and landscape scheme.~~—~~. ~~Although i~~Implementation of the proposed project or its project variants would transform the visual character of the project site and would result in a prominent new presence within the visual setting of the surrounding area~~, development of the proposed project and project variants would have a less-than-significant impact on the visual character/quality of the site and its surroundings. No mitigation measures are necessary.~~

* On EIR p. 4.C.22, the "Cumulative Impact Evaluation" heading and the impact statement for Impact C-AE-1 have been deleted, and a new heading has been added before the paragraph that follows the impact statement, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

~~**CUMULATIVE IMPACT EVALUATION**~~

~~**Impact C-AE-1: The proposed project and project variants, in combination with past, present and reasonably foreseeable future projects in the project vicinity, would not make a cumulatively considerable contribution to a significant impact related to aesthetics.** ***(Less than Significant)***~~

Cumulative Aesthetics Effects

The TCDP is a comprehensive plan encompassing approximately 145 acres roughly bounded by Market Street, Stuart Street, Folsom Street, and a line to the east of Third Street. The TCDP included height limit increases in subareas composed of multiple parcels or blocks within the TCDP area. The TCDP increased height limits to allow for an approximately 1,000-foot-tall Transit Tower at the former Transbay Terminal site, 700- and 850-foot-tall towers north of Mission Street on specific sites within the existing 550-S Height and Bulk District, and 700- and 750-foot-tall towers along the north side of Howard Street on specific sites within the existing 450-S and 350-S Height and Bulk Districts.

* The last two paragraphs on EIR p. 4.C.23 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~). There are no changes to Footnote 5 on that page.

Figure 4.C.8: Cumulative View E – Cumulative View from the Ferry Building, Looking South; and Figure 4.C.9: Cumulative View F – Cumulative View from Pier 14, Looking West show the proposed project together with development anticipated under the TCDP. Potential development allowable under the TCDP would be visible rising in the background to the west and northwest of the project site. Under cumulative conditions, the proposed project tower would be viewed in the context of a dense and varied Downtown high-rise skyline. Implementation of the TCDP and Transit Tower, and other foreseeable Downtown development plans, would transform scenic views of San Francisco's Downtown skyline. The TCDP EIR considered the TCDP and Transit Tower, together with development under the Rincon Hill Plan and the Transbay Redevelopment Plan, and concluded that the TCDP and Transit Tower would result in a significant and adverse cumulative impact on scenic views of Downtown.[5] In the broader geographic and visual context of foreseeable projects under the TCDP and Transit Tower, the Rincon Hill Plan, and the Transbay Redevelopment Plan, the proposed project would appear within a dense cluster of existing and proposed high-rise buildings. The proposed project would conform to the overall pattern of building heights under cumulative conditions. ~~For these reasons, under cumulative conditions, the proposed project would not contribute considerably to a cumulative impact on scenic vistas of the Downtown core.~~

As discussed above under ~~Impact AE-2~~ Effects on a Scenic Resource, the proposed project and project variants would not damage an existing scenic resource, and ~~. A~~as such, the proposed project would not contribute to cumulative effects ~~it would not contribute to any potential cumulative impact~~ on any scenic resources.

[Footnote 5]

[5] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final Environmental Impact Report*, Cases No. 2007.0558E and 2008.0789E, certified May 24, 2012, p. 173. These documents are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

* The last two paragraphs on EIR p. 4.C.26 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> As discussed above ~~under Impact AE-3~~ "Effects on Visual Character or Quality of the Site and its Surroundings," the proposed project and project variants would not degrade, but would enhance the visual quality of the site and its surroundings~~.~~ and ~~A~~as such, the proposed project would not ~~contribute to any potential cumulative impact on~~ cumulatively contribute to any degradation of visual character and quality.
>
> ~~For these reasons, the proposed project and project variants would not make a cumulatively considerable contribution to a significant cumulative impact related to Aesthetics. No mitigation measures are necessary.~~

4.E. TRANSPORTATION AND CIRCULATION

* The following change has been made to the first paragraph on EIR p. 4.E.1 (deletions are shown in ~~strikethrough~~). There is no change to Footnote 1 on that page.

> As described in Appendix A, the Initial Study, pp. 59-60, considered the issue of transportation impacts and determined that further environmental review was necessary. A *Transportation Impact Study* (TIS) was therefore prepared by the transportation subconsultant for the proposed project, and this section summarizes and incorporates by reference the results of that study.[1] The TIS examined circulation impacts, in terms of intersection Level of Service (LOS); transit impacts; pedestrian impacts; bicycle impacts; loading impacts; emergency vehicle access impacts; ~~parking impacts;~~ and construction impacts. All of these transportation subtopics were considered in the discussions of existing conditions, the Existing plus Project scenario, an Existing plus Public Parking Variant, an Existing plus Residential/Hotel Mixed Use Variant, and the future year 2035 cumulative analysis.
>
> [Footnote 1]
> [1] Adavant Consulting, *75 Howard Street Project Transportation Study, Case No. 2011.1122!* (hereinafter referred to as "TIS"), July 1, 2013. 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. 2011.1122E.

* The following change has been made to the last two Significant Thresholds on EIR p. 4.E.29 (new text is underlined and deletions are shown in ~~strikethrough~~):

> ~~E.7 The project would have a significant effect on the environment if it would result in a substantial parking deficit that could create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians and where particular characteristics of the project or its site demonstrably render use of other modes infeasible.~~
>
> E.7~~8~~ Construction-related impacts generally would not be considered significant due to their temporary and limited duration.

The third paragraph on EIR p. 4.E.30 is revised to reflect the new maximum amounts of off-street parking, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed project would provide a total of ~~175~~ 142 parking spaces in an underground parking garage. One parking space would be reserved for car-share vehicles, ~~two~~ one space~~s~~ would be allocated to commercial uses on site, and a maximum of ~~172~~ 140 parking spaces would be assigned to building residents, pursuant to amendments to San Francisco Planning Code Section 151.1in 2014. None of the parking spaces would be independently accessible; all parking would be by valet attendant operating a mechanical parking system.

The second sentence in the second full paragraph on EIR p. 4.E.31 regarding the Public Parking Variant is also revised pursuant to the amendments to parking provisions in the Planning Code, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Public Parking Variant would provide an additional 91 parking spaces for public parking to partially offset the 540 public spaces lost by the proposed demolition of the 75 Howard Garage. This variant would have a total of ~~268~~ 235 parking spaces: ~~172~~ a maximum of 140 for the proposed residential units, ~~2~~ 1 for commercial uses, plus 91 public spaces, and 3 spaces reserved for car-share vehicles (2 more than in the proposed project~~.~~). All of these spaces would be located in stacked spaces in an expanded Basement Level 2.

The second paragraph on EIR p. 4.E.32 regarding the Hotel Variant is revised pursuant to the amendments to Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The proposed Residential/Hotel Mixed Use Variant would provide a total of ~~268~~ 246 stacked parking spaces in a parking garage located on a below-grade level, with the same configuration as the proposed Public Parking Variant. Four parking spaces would be reserved for car-share vehicles, ~~7~~ 6 spaces would be allocated to commercial uses on site (reserved for designated employees, visitors, etc., not for public parking) including the hotel, and ~~103~~ 82 parking spaces would be assigned to building residents. In addition, 154 public parking spaces would also be provided to partially offset the 540 public spaces lost by the proposed demolition of the 75 Howard Garage. All parking would be accessed in the same manner as the proposed project and the Public Parking Variant.

The first sentence of the second paragraph beginning on EIR p. 6.40 under "Parking Impacts" is revised to reflect the reduction in number of parking spaces pursuant to amendments to the Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> Under the Reduced Height Alternative, a total of 131~~159~~ parking spaces (11~~16~~ fewer than under the proposed project) would be provided (129~~156~~ assigned to residential uses, 1 car-share space, and 1~~2~~ commercial parking space~~s~~ assigned to the restaurant/café uses).

The second and third sentences in the first partial paragraph on EIR p. 4.E.42 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The number of vehicles that would access the project site garage during the p.m. peak hour under the proposed project and its variants is summarized in Table 4.E.16: Vehicle Access to Project Garage for Proposed Project and Variants (Weekday PM Peak Hour). There would be ~~71~~ 58 inbound plus outbound vehicles accessing the project garage during the p.m. peak hour under the proposed project, ~~150~~ 128 vehicles under the Public Parking Variant, and ~~193~~ 170 vehicles under the Residential/Hotel Mixed Use Variant.

Table 4.E.16 on EIR p. 4.E.43 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Table 4.E.16 (Revised): Vehicle Access to Project Garage for Proposed Project and Variants (Weekday PM Peak Hour)

Land Use Type	Proposed Project			Public Parking Variant [a]			Residential/Hotel Variant [b]		
	In	Out	Total	In	Out	Total	In	Out	Total
Residential	~~43~~ 35	~~25~~ 21	~~68~~ 56	~~57~~ 51	~~33~~ 30	~~90~~ 81	~~40~~ 37	~~21~~ 23	~~61~~ 60
Hotel	---	---	---	---	---	---	~~0~~ 2	~~12~~ 10	12
Café/Restaurant	1	~~2~~ 1	~~3~~ 2	~~27~~ 21	~~33~~ 26	~~60~~ 47	~~47~~ 46	~~54~~ 52	~~101~~ 98
Public Parking	---	---	---	---[a]	---[a]	---[a]	~~8~~ ---[b]	~~11~~ ---[b]	~~19~~ ---[b]
Total	**~~44~~ 36**	**~~27~~ 22**	**~~71~~ 58**	**~~84~~ 72**	**~~66~~ 56**	**~~150~~ 128**	**~~95~~ 85**	**~~98~~ 85**	**~~193~~ 170**

Notes:
[a] All the 91 non-accessory public parking spaces to be provided by the Public Parking Variant~~,~~ would be fully utilized by the proposed land uses on-site, with no additional spaces available for other off-site vehicles in the evening.
[b] All the 154 public parking spaces to be provided by ~~T~~the Residential/Hotel Mixed Use Variant would ~~provide 154 non-accessory public parking spaces of which 20 spaces would be available to the general public in the evening~~ be fully utilized by the proposed land uses on-site, with no additional spaces available for other off-site vehicles in the evening.

Source: Adavant Consulting, ~~July 2013~~, May 2015

Table 4.E.21 and the paragraph following it on EIR p. 4.E.54 are revised to reflect the updated number of parking spaces allowed under the revised Planning Code parking provisions (new text is underlined and deleted text is shown in ~~strikethrough~~):

Table 4.E.21 (Revised): Pedestrian and Vehicular Conflicts at the Proposed Garage Driveway Entrance for Existing and Existing plus Project/Variants (Weekday PM Peak Hour)

Scenario	Average Vehicles per minute			Average Pedestrians on sidewalk per minute
	Inbound	Outbound	Total	
Existing	0.5	1.6	2.1	4.5
Proposed project	~~0.7~~ 0.6	~~0.5~~0.37	~~1.2~~ 0.96	6.8
Public Parking Variant	~~1.4~~ 1.2	~~1.1~~0.93	~~2.5~~ 2.1	6.8
Residential/Hotel Variant	~~1.6~~ 1.4	~~1.6~~1.4	~~3.2~~2.8	6.7

Source: Adavant Consulting, July 2012, May 2015

The total number of vehicles expected to access the garage under the proposed project would be about ~~40~~ 46 percent lower than existing conditions. The number of vehicles accessing the garage under the Public Parking Variant would be about ~~20~~ 2 percent higher than existing, and approximately ~~52~~ 35 percent higher than existing under the

Residential/Hotel Mixed Use Variant. Although the proposed project and its variants would provide fewer parking spaces than currently provided by the existing parking garage, the different utilization of those spaces by the proposed new land uses (residential and hotel, which have a higher evening demand than the nearby office buildings that generate most of the parking demand for the existing garage) would cause the increase in driveway traffic shown in Table 4.E.21. The future number of pedestrians traversing the garage driveway would also increase due to the new proposed activities generated by the proposed project and the variants, with the total pedestrian flow being about 50 percent higher under all three future scenarios than under existing conditions.

* The following improvement measure has been added to Impact TR-5 (Loading Impacts), to follow Improvement Measure I-TR-J, on EIR p. 4.E.62 (new text is underlined):

I-TR-K: Installation of Turntable Operation Device

As an improvement measure to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1, a device will be installed at the bottom of the garage ramp to automatically alert motorists when the loading turntable is in use. The warning device will provide visual and audible messages to drivers to stop and wait for the turntable to complete its rotation.

* On EIR p. 4.E.63, the "Parking Impacts" heading has been revised, a new paragraph has been added beneath it, a new heading has been added after that paragraph, and the impact statement for Impact TR-7 has been deleted, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~). The newly titled "Parking Discussion" on EIR pp. 4.E.63-4.E.69 has also been moved to follow the discussion of "Construction Impacts" on EIR pp. 4.E.69-4.E.72.

Parking Discussion ~~Impacts~~

San Francisco does not consider 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. As explained in **Section 4.A, Introduction**, pp. 4.A.1-4.A.2, SB 743 eliminated the analysis of parking, which can no longer be considered in determining significant transportation and circulation effects for infill residential projects in transit priority areas. The San Francisco Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision-makers; therefore, parking is analyzed here for informational purposes.

Parking Supply and Demand

~~**Impact TR-7: Construction and operation of the proposed project or its variants would not have a significant effect on the environment as they would not result in a substantial parking deficit that could create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians nor would the proposed project or its variants exhibit particular characteristics that would demonstrably render use of other modes infeasible. *(Less than Significant)***~~

The EIR discussion of parking supply and demand on EIR pp. 4.E.64-4.E.67 is revised to account for the amendments to the Planning Code. The text and tables under "Parking Supply" on EIR

pp. 4.E.64 through the next-to-last paragraph on EIR p. 4.E.65 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). Footnote 31 on EIR p. 4.E.65 is not revised.

Parking Supply

The off-street parking supply in the proposed project and the two variants is summarized in Table 4.E.23: Parking Supply for Proposed Project and Variants.

Table 4.E.23 (Revised): Parking Supply for Proposed Project and Variants

Scenario	Private Residential	Assigned to Commercial Uses	Reserved for Car-share	Public Garage	Total
Proposed Project	~~172~~ 140	~~2~~ 1	1	0	~~175~~ 142
Public Parking Variant	~~172~~ 140	~~2~~ 1	3	91	~~268~~ 235
Residential/Hotel Variant	~~103~~ 82	~~7~~ 6	~~4~~ 1	154	~~268~~ 246

Source: ~~SOM, October 2013~~ Adavant Consulting, May 2015

The project would provide a total of ~~175~~ 142 parking spaces in a parking garage located in Basement Level 2. One parking space would be reserved for car-share vehicles, ~~2~~ 1 space~~s~~ would be allocated to commercial uses on site, and ~~172~~ 140 parking spaces would be assigned to building residents. Parking spaces for residents would be unbundled from the sale of dwelling units, consistent with Planning Code Section 166. Public parking spaces would be priced according to the provisions of Planning Code Section 155(g).

The Public Parking Variant and the Residential/Hotel Mixed Use Variant would provide ~~an~~ additional ~~93~~ parking spaces in Basement Level 2~~, for a total of 268 parking spaces~~. The Public Parking Variant would provide 3 car-share parking spaces, ~~2~~ 1 space~~s~~ for commercial use, ~~172~~ 140 spaces reserved for building residents, plus 91 public parking spaces, for a total of 235 parking spaces. The Residential/Hotel Mixed Use Variant would provide 4 car-share parking spaces, ~~7~~ 6 spaces for commercial uses on the site (including the hotel), ~~103~~ 82 parking spaces reserved for building residents, and 154 public parking spaces, for a total of 246 parking spaces.

Planning Code Section 151.1 allows off-street accessory parking at up to ~~0.25~~ 0.5 cars per residential unit as of right in C-3 Districts.[31] The Planning Commission may grant additional accessory off-street parking, subject to Planning Code Section 151.1(f) ~~and Section 309~~, up to ~~the following amounts: one car parked per each dwelling unit that has two or more bedrooms and is greater than 1,000 gsf in size, and~~ 0.75 car parked per dwelling unit ~~that has one or fewer bedrooms or is otherwise smaller than 1,000 gsf in size~~. Thus, as shown in Table 4.E.24: ~~Parking~~ Planning Code Requirements for Proposed Project and Variants, under the proposed project and the Public Parking Variant, the project sponsor would request approval to provide a total of ~~174~~ 141 off-street parking spaces, of which ~~172~~ 140 spaces would be for residential uses, and ~~2~~ 1 for commercial uses. Under the Residential/Hotel Mixed Use Variant, the project sponsor would request approval to provide a total of ~~110~~ 88 off-street parking spaces, of which ~~103~~ 82 spaces would be for residential uses and ~~7~~ 6 for commercial uses, including the hotel.

Table 4.E.24 (Revised): Planning Code Requirements for Proposed Project and Variants

	Proposed Project	Public Parking Variant	Residential/Hotel Variant
Permitted as of right			
Residential	~~47~~ 93	~~47~~ 93	~~27~~ 55
Restaurant/Café	~~2~~ 1	~~2~~ 1	~~2~~ 1
Hotel	0	0	5
Subtotal as of right	~~49~~ 94	~~49~~ 94	~~34~~ 61
With Commission Approval	~~125~~ 47	~~125~~47	~~76~~ 27
Non-accessory (public parking)	0	91	154
Car-share	1	3	4
TOTAL	**~~175~~ 142**	**~~268~~ 235**	**~~268~~ 246**

Source: ~~SOM, October 2012~~ Adavant Consulting, June 2015

For the Public Parking and Residential/Hotel variants that propose to provide 91 and 154 additional off-street parking spaces for the general public, respectively, the project sponsor will request that the Planning Commission grant a Conditional Use authorization, pursuant to Planning Code Sections 158 and 303, for the non-accessory parking garage use proposed as part of the two project variants.

[Footnote 31]

[31] Car-share parking spaces are not considered off-street accessory parking under Planning Code Section 166.

The discussion of parking demand and shortfall beginning on EIR p. 4.E.66 under "Parking Demand" and extending through the end of EIR p. 4.E.67, is revised to reflect the reduction in number of parking spaces pursuant to amendments to the Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Parking Demand

As shown in Table 4.E.15 (p. 4.E.42) and in Table 4.E.25, below, the proposed project and the Public Parking Variant would generate a total parking demand for 271 spaces during the midday and 318 spaces in the evening. The Residential/Hotel Mixed Use Variant would generate a total parking demand for 205 spaces during the midday and 248 spaces in the evening. In addition, the existing 540 public parking spaces at the 75 Howard Garage would be eliminated, increasing the total demand for off-street parking in the area.

Parking demand would not be accommodated within the proposed supply of off-street parking spaces for either the proposed project or the variants, as shown in Table 4.E.25: Parking Surplus/Deficit for Proposed Project and the Variants (Weekday Midday and Evening Periods). There would be a shortfall of ~~444 to 600~~ 466 to 633 spaces during the weekday midday period and a shortfall of ~~118 to 278~~ 140 to 311 spaces during the weekday evening period. As discussed in "Parking Conditions" (pp. 4.E.23-4.E.27), on-street parking spaces in the study area are almost full and there is very limited parking availability (approximately 200 spaces) at midday at the existing off-street parking facilities within the project area. While the off-street parking spaces proposed for the proposed project and Variants would be less than the anticipated parking demand at midday, the resulting net parking deficits of ~~244 to 400~~ 266 to 433 spaces (taking into

Table 4.E.25 (Revised): Parking Surplus/Deficit for Proposed Project and Variants (Weekday Midday and Evening Periods)

Scenario	Supply [a]	Midday (1 PM- 3 PM) Demand [b]	Midday (1 PM- 3 PM) Surplus/ Deficit	Evening (7 PM- 9 PM) Demand [b]	Evening (7 PM- 9 PM) Surplus/ Deficit
Proposed Project					
Residential	~~172~~ 140	218	~~-46~~ -78	258	~~-86~~ -118
Commercial	~~2~~ 1	53	~~-51~~ -52	60	~~-58~~ -59
Public Parking	0	503 [c]	-503	134 [c]	-134
Total	**~~174~~ 141**	**774**	**~~-600~~ -633**	**452**	**~~-278~~ -311**
Public Parking Variant					
Residential	~~172~~ 140	218	~~-46~~ -78	258	~~-86~~ -118
Commercial	~~2~~ 1	53	-51 -52	60	~~-58~~ -59
Public Parking	91	503 [c]	-412	134 [c]	-43
Total	**~~265~~ 232**	**774**	**~~-509~~ -542**	**452**	**~~-187~~ -220**
Residential/Hotel Mixed Use Variant					
Residential	~~103~~ 82	130	~~-27~~ -48	154	~~-51~~ -72
Commercial and Hotel	~~7~~ 6	75	~~-68~~ -69	94	~~-87~~ -88
Public Parking	154	503 [c]	-349	134 [c]	20
Total	**~~264~~ 242**	**708**	**~~-444~~ -466**	**382**	**~~-118~~ -140**

Notes:
[a] Excludes parking spaces assigned to car-share vehicles.
[b] See Table 4.E.~~16~~ 15, p. 4.E.~~43~~ 42.
[c] Vehicles currently parking at the 75 Howard Garage.
Source: Adavant Consulting, July 2013 and June 2015

account the approximately 200 existing off-street spaces available) would not be expected to be substantial. ~~result in a significant parking impact.~~ Due to the difficulty in finding parking during the midday, motorists may park outside of the study area or carpool, or alternatively, since the project area is well served by transit, bicycle, and pedestrian facilities, motorists might switch to transit, walking, or bicycling. In addition, San Francisco is in the process of implementing a more efficient way of managing its on-street and public garage parking supply though implementation of the SF*park* program administered by SFMTA, which includes the study area for this project. SF*park* uses new technologies and parking pricing policies to optimize the use of existing parking resources in order to make finding a parking space faster and easier and, by extension, reducing circling by vehicles looking for parking near their destination. Therefore, any unmet parking demand associated with the project would not materially affect the overall parking conditions in the project vicinity such that hazardous conditions or significant delays are created.

Table 4.E.8 (p. 4.E.26) shows that there are over 550 parking spaces available in the project area at the existing off-street parking facilities during the evening period, even with several of the existing garages being closed after 7 p.m. Thus, there would be a sufficient supply of off-street parking spaces during the weekday evening period to accommodate the expected parking demand generated by the proposed project and the variants, including those displaced by the elimination of the 75 Howard Garage.

* On EIR p. 4.E.69, the following change has been made to the letter designation of Improvement Measure I-TR-K (new text is underlined and deletions are shown in ~~strikethrough~~):

Improvement Measure I-TR-O~~K~~: Installation of Electronic "Parking Full" Sign

* The second paragraph after Improvement Measure I-TR-K on EIR p. 4.E.69 has been revised as follows (deletions are shown in ~~strikethrough~~):

> In summary, with the off-street parking provided under the proposed project and its variants, the proposed project would not result in a substantial parking deficit that would create hazardous conditions or significant delays affecting traffic, transit, bicycles or pedestrians. ~~Therefore, impacts related to parking would be less than significant and no mitigation is required.~~

The text in Mitigation Measure M-C-TR-1 on EIR p. 4.E.74 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Mitigation Measure M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets**
>
> If changes to the current configuration of ~~Steuart~~ Spear Street were to be implemented as part of the TCDP Public Realm Plan, configuration of the northbound and southbound approaches along Spear Street shall be modified to incorporate left-turn-only lanes and minor adjustments to the traffic signal timings at the intersection of Spear and Howard streets.

4.F. NOISE

The third paragraph on EIR p. 4.F.21, part of the discussion of Impact NO-1, has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> Proposed construction would be required to comply with the Noise Ordinance, which prohibits notable noise (in excess of the ambient noise level by 5 dBA) from construction activities between 8:00 p.m. and 7:00 a.m. (Section 2908), and limits noise from any individual piece of construction equipment, except impact tools, to 80 dBA at 100 feet (Section 2907) ~~unless the construction activity would occur during allowable hours~~.

The first two sentences of the second complete paragraph on EIR p. 4.F.33, part of the discussion of cumulative Impact C-NO-1, have been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> All construction activities at the project site and construction for off-site projects would ~~generally~~ be required to comply with the Noise Ordinance. As explained above, the Noise Ordinance prohibits notable noise from construction activities between 8:00 p.m. and 7:00 a.m. (Section 2908), and limits noise from any individual piece of construction equipment, except impact tools, to 80 dBA (Ldn) at 100 feet (Section 2907) ~~unless the construction activity would occur during allowable hours~~.

* Footnote 31 on EIR p. 4.F.34 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> [31] 75 Howard Street Project, Transportation Study, ~~May~~ July 1, 2013, Figure 12 and Figure 22.

4.G. AIR QUALITY

The following is added to the text before "Cumulative Air Quality Impacts" on EIR p. 4.G.25 to account for the additional health protective criteria used to identify the Air Pollutant Exposure Zone, and a new footnote is added to that page (new text is underlined):

> **Other Criteria.** An additional health vulnerability layer was incorporated in the Air Pollutant Exposure Zone for those San Francisco ZIP codes in the worst quintile of Bay Area Health Vulnerability scores (ZIP Codes 94102, 94103, 94105, 94124, and 94130). In these areas, the standard for identifying areas as being within the zone were lowered to: (1) excess cancer risk from the contribution of emissions from all modeled sources greater than 90 per one million population, and/or (2) cumulative $PM_{2.5}$ concentrations greater than 9 $\mu g/m^3$. Lastly, all parcels within 500 feet of a major freeway were also included in the Air Pollutant Exposure Zone, consistent with findings in CARB's *Air Quality and Land Use Handbook: A Community Health Perspective*, which suggests air pollutant levels decrease substantially at about 500 feet from a freeway.[1]
>
> [New Footnote]
> [1] California Air Resources Board, *Air Quality and Land Use Handbook: A Community Health Perspective,* April 2005 (hereinafter "ARB Air Quality and Land Use Handbook"*)*. Available at http://www.arb.ca.gov/ch/handbook.pdf. Accessed January 29, 2015.

4.H. SHADOW

The paragraph that begins at the bottom of EIR p. 4.H.5 has been revised as follows (new text is underlined):

> Rincon Park is an approximately 2.9-acre (126,810-square-foot) ~~2.7-acre (119,138-square-foot)~~ park along the east side of The Embarcadero between Howard Street and Harrison Street. Rincon Park is bounded by The Embarcadero on the west and the San Francisco Bay on the east. The eastern portion of the park includes the section of the pedestrian promenade that runs along San Francisco Bay (the Embarcadero Promenade). The park is approximately two blocks long, and the central portion of the park is wider than either the northern or southern ends of the park. Most of the northern half of the park is landscaped with grass and small shrubs. The central portion of the park is occupied by an approximately 65-foot-tall sculpture of a bow and arrow known as "Cupid's Span," and there is a paved pedestrian path to the west of the sculpture that generally runs parallel to the Embarcadero Promenade. The southern half of the park includes a small amount of landscaping and a pair of two-story restaurant buildings. There are seating areas along the pedestrian promenade (the Embarcadero Promenade) and seating areas to the east and south of the sculpture. Rincon Park is used for active and passive recreation. Active

> recreation includes walking, running, cycling, rollerblading, and skateboarding, which occur primarily along the eastern perimeter of the park within the pedestrian promenade. Passive recreation includes sitting or lying down. Other activities include exercise instruction by personal trainers, wedding photography, playing with dogs, and teaching children how to ride bicycles. Rincon Park is also a popular destination for children's field trips. Two field observations (one on a weekday and one on a weekend day, from early morning until mid-morning and from mid-day until early evening on each day), were conducted to assess the types of recreational activities that occur in Rincon Park. The data collected during those field observations are summarized and presented in Table 4.H.1: Recreational Use of Rincon Park by Activity, and Table 4.H.2: Recreational Use of Rincon Park by Location. The field observations are discussed in more detail under Impacts, on pp. 4.H.15-4.H.23.

The first and second full paragraph on EIR p. 4.H.14 are revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> Rincon Park, which includes the portion of the Embarcadero Promenade adjacent to the park, receives about 471,910,734 ~~443,361,753~~ square-foot-hours (sfh)[11] of TAAS. Approximately 38,552,842 sfh (about 8.2 ~~8.7~~ percent) of the TAAS are used up by shadows from existing buildings. The proposed project or variants would cast about 9,715,526 sfh of net new shadow per year on the park. With implementation of the proposed project or variants, the shadow load on Rincon Park would increase from approximately 38,552,842 sfh per year to approximately 48,268,368 sfh per year, an increase of about 25 percent over the existing shadow.
>
> The 9,715,526 sfh of net new shadow is about 2.1 ~~2.2~~ percent of the TAAS for Rincon Park. Expressed as a percentage of the TAAS for Rincon Park, the shadow on the park would increase from about 8.2 ~~8.7~~ percent to about 10.3 ~~10.9~~ percent with implementation of the proposed project or variants.
>
> [Footnote 11]
> [11] Sunlight and shadow are measured in units known as square-foot-hours (sfh), which are calculated by multiplying the area that is in sunlight or shadow (in square feet) by the amount of time that the sunlight or shadow is present (in hours).

The fourth full paragraph on EIR p. 4.H.15 has been revised as follows (new text is underlined):

> Excluding the pedestrian promenade along its eastern perimeter, Rincon Park is used primarily for passive recreation such as sitting and lying down. Other activities include exercise instruction by personal trainers, wedding photography, playing with dogs, and teaching children how to ride bicycles. Rincon Park is also a popular destination for children's field trips. The pedestrian promenade along the eastern perimeter of the park is used for active recreation such as walking, running, cycling, rollerblading, and skateboarding. As discussed below, the use of Rincon Park was surveyed on two different days, one during the week and one during the weekend.

The second paragraph on EIR p. 4.H.24 is revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

> In summary, the proposed project or variants would cast net new shadow on the northern and central portions of Rincon Park in the afternoon on most days throughout the year. The affected areas include landscaping (the grassy lawn area), the pedestrian path adjacent to and west of the sculpture, the seating areas and the pedestrian path along the eastern perimeter of the park, and the seating areas east of the sculpture. Although the proposed project or variants would not cast net new shadow on Rincon Park in the morning or at mid-day, it would cast about 9,715,526 sfh of annual net new shadow on Rincon Park in the afternoon throughout the year. The net new project or variant shadow would fall on many of the sunlit seating areas in the park where many park users prefer to sit and would adversely affect the use of those areas. Expressed as a percentage of the TAAS, the proposed project or variants would result in a decrease in sunlight of about 2.1 ~~2.2~~ percent per year. Rincon Park is a sunny park along the waterfront, and the current height limits on the west side of The Embarcadero preserve afternoon sunlight on Rincon Park. The net new project or variant shadow on Rincon Park would be substantial and would adversely affect the enjoyment and use of the park. For these reasons, the proposed project or variants would have a significant and unavoidable shadow impact on Rincon Park.

Footnote 16 on EIR p. 4.H.25 is revised as follows to reflect modifications to the Code Compliant Alternative since publication of the Draft EIR (new text is underlined and deletions are shown in ~~strikethrough~~).

> [16] CADP generated shadow calculations for a 220~~200~~-foot-tall alternative (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) that would comply with the current height limit for the project site. This alternative would cast about 6,276,795 ~~4,517,994~~ sfh of annual net new shadow on Rincon Park (a reduction of about 35.4 ~~53.5~~ percent when compared to the proposed project). This alternative is 148 feet shorter than the proposed project, but like the proposed project, this alternative would cast net new shadow on Rincon Park. Therefore, an even greater reduction in height would be required to avoid casting any net new shadow on Rincon Park. The shadow calculations for the 220~~200~~-foot-tall alternative are available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2011.1122E.

4.J. BIOLOGICAL RESOURCES

The first sentence in the second paragraph on EIR p. 4.J.10 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> For both the proposed project and project variants, the podium element would be 7 stories (85½ feet tall ~~82 feet) tall~~) with large panes of glass.

The second paragraph on EIR p. 4.J.12 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The project site is located near San Francisco Bay, considered a Bird Refuge Area pursuant to Planning Code Section 139. Were the proposed project to be within 300 feet of the Bay shoreline, the locational standards of Planning Code Section 139 would apply to the proposed project and its variants. However, as San Francisco Bay is 375 feet to the east of the proposed building site, the locational-standards of Planning Code Section 139 do not apply. Rincon Park is not dominated by vegetation that provides cover for birdlife and therefore is not ~~large enough~~ to be considered an Urban Bird Refuge.

4.K. HYDROLOGY AND WATER QUALITY

The following text in the Setting, beginning with the heading, "Flood Estimates Taking into Account Storms, Tides, Waves," on EIR pp. 4.K.4-4.K.6 has been deleted. Footnotes that have been deleted as part of this text change are shown below on RTC pp. 5.43-5.44.

~~**Flood Estimates Taking into Account Storms, Tides, Waves**~~

~~Flooding risk analyses have been performed for nearby projects. Their findings are relevant to the setting of the proposed project. The Exploratorium Relocation Project at Piers 15 and 17 is less than a mile to the north. The Exploratorium is east of The Embarcadero, opposite the endpoints of Green and Union streets. *The Exploratorium Relocation Project Final EIR*[10] included an analysis of total water levels (TWL) in relation to that project. The *Final EIR* estimates TWL as 9.6 ft. during a 100-year event for both Piers 15 and 17, measured using the North American Vertical Datum of 1988 reference (NAVD88).[11]~~

~~This estimate can be used to evaluate the difference in elevation between the project site and a 100-year event. SFCD is 11.32 ft. above NAVD88, plus or minus about two hundredths of a foot at different locations in the City.[12] The variations are due to the ellipsoid shape of the measurement systems (and the earth's crust). (A hundredth of a foot is approximately 1/8 inch.) As described in more detail under "Project Site Elevation," above, the existing elevation of almost all of the project site is between approximately 0.0 ft. and -1.0 ft. San Francisco City Datum (SFCD), or approximately 11.3 ft. to 10.3 ft. NAVD88. The lowest area of the project site (around -2.0 SFCD or 9.3 ft. NAVD88) is at the northeast corner of Block 3742/Lot 012; this is the area proposed as an open space street improvement.~~

~~The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site. The proposed location of the residential tower varies from approximately 0.0 ft. SFCD on the eastern side (i.e., 11.3 ft. NAVD88) to -0.5 ft. SFCD (10.8 ft. NAVD88) to -1.0 SFCD (10.3 ft. NAVD88) on the western side. Using the *Exploratorium Relocation Project Final EIR* estimate of TWL as 9.6 ft. during a 100-year event, the ground level at the proposed building would be approximately 1.7 ft. to 0.7 ft. higher than the 100-year event. The low-point of the project site in the proposed open space street improvement area would be approximately 0.3 feet below the 100-year event (as the 100-year event was estimated for the Exploratorium project), but no structures are proposed in this area.~~

~~The proposed Candlestick Point - Hunters Point Development Project is approximately 4 to 5 miles south of the project site along the City's Bay shoreline. A technical study for the *Candlestick Point - Hunters Point EIR* estimated a 100-year high tide at the Hunters~~

~~Point tidal gauge of -1.77 ft. SFCD.[13] Using this data leads to similar conclusions (within 0.07 ft.) about the different parts of the project site as the Exploratorium estimate. The proposed building site would be above the 100-year flood level, and a small area of the in the proposed open space street improvement area would not.~~

~~The approved 8 Washington Street/Seawall Lot 351 project is about 1/3 mile north of the 75 Howard Street project, along The Embarcadero. The 8 Washington Street project is a residential tower with retail and underground parking levels. Unlike the Exploratorium Relocation Project and the Candlestick Point - Hunters Point Development Project, there was no technical estimate of flood height at the site. Rather, the EIR for the 8 Washington Street project followed a similar analysis to that above, using estimates prepared for the Exploratorium Relocation Project and the Candlestick Point - Hunters Point Development Project as comparison points.[14] The existing 8 Washington Street project site is generally at an elevation between -0.95 ft. and 0 ft. SFCD.[15] These elevations are very similar to the majority of the 75 Howard project site (-1.0 ft. to 0.0 ft. SFCD). The conclusions for 8 Washington Street regarding relationship to the 100-year floodplain were therefore very similar to those for 75 Howard.[16]~~

Footnotes 10 through 16 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnote 10 on EIR p. 4.K.4]

~~[10] City and County of San Francisco Planning Department, *The Exploratoriaum Relocation Project Final Environmental Imapct Report*, FEIR Certification Date July 9, 2009 (hereinafter "*The Exploratoriaum Relocation Project FEIR*"), Section III.I, Hydrology and Water Quality. A copy of this document is available on the San Francisco Planning Department's website: http://tinyurl.com/sfceqadocs, under the Case File No. 2006.1073E.~~

[Footnotes 11 and 12 on EIR p. 4.K.5]

~~[11] North American Vertical Datum of 1988 (NAVD88) is a fixed reference point (vertical elevation) adopted as the official, civilian, vertical datum for elevations determined by Federal surveying. Historically, the average (mean) sea level or some variation of sea level has served as a reference point for elevations. One problem with using sea level is that it changes. In addition, the earth is not spherical, but has an ellipsoid shape, and has local variations due to uplift and sinking of portions of the earth's crust. Therefore, sea level in relation to the earth's crust varies. A vertical datum system not based on sea level avoids these problems. NAVD88 is based on a point in Quebec, Canada. Sources: U.S. Geologic Survey, http://water.usgs.gov/ADR_Defs_2005.pdf, pp. 8-9, accessed February 28, 2013.~~

~~[12] Telephone conference with Bruce Storrs, San Francisco City Surveyor, and Turnstone Consulting, May 26, 2010.~~

[Footnotes 13 through 16 on EIR p. 4.K.6]

~~[13] This was equivalent to equivalent to +6.7 ft. expressed in the old National Geodetic Vertical Datum or NGVD29. City and County of San Francisco Planning Department, *Candlestick Point - Hunters Point Shipyard Phase II Development Plan Project*, *Draft Environmental Impact Report*, Case No. 2007.0946E, State Clearinghouse No. 2007082168, DEIR publication date, November 12, 2009 (hereinafter "*Candlestick Point - Hunters Point DEIR*"), p. III.M-13, citing Moffatt & Nichol, *Candlestick Point/Hunters Point Development Project Initial Shoreline Assessment*, prepared for Lennar Urban, February 2009. Copies of these documents are on file for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0946E.~~

[14] City and County of San Francisco Planning Department, 8 Washington Street/Seawall Lot 351 Project, Final Environmental Impact Report, Case No. 2007.0030E, State Clearinghouse No.2007122027, DEIR publication date June 15, 2011, FEIR certification date May 2012 (hereinafter "*8 Washington Street DEIR*"), Section IV.I, Sea Level Rise. A copy of this document is available on the San Francisco Planning Department's website: http://tinyurl.com/sfceqadocs, under Case File No. 2007.0030E.

[15] *8 Washington* Street *FEIR*, p. IV.I.1.

[16] *8 Washington Street FEIR*, p. IV.I.4.

The following text, beginning with the heading, "Sea Level Rise Estimates and Scenarios," on pp. 4.K.10-4.K.14, has been deleted, as follows (deletions are shown with strikethrough). Footnotes that have been deleted as part of this text change are shown below on RTC pp. 5.47-5.48.

Sea Level Rise Estimates and Scenarios

Background

This subsection begins with a discussion of the IPCC's work on sea level rise, which is one of the key foundations for estimates and planning assumptions adopted by other agencies. This section then discusses the National Academy of Sciences report on sea level rise for the West Coast, which appears to be the most detailed and recent study available for California. The next subsection discusses estimates and planning assumptions adopted by various regulatory agencies.

IPCC's Role

The IPCC is a non-governmental body associated with the United Nations that assesses global warming and climate change. It reviews worldwide scientific work on the physical aspects and potential environmental impacts of climate change, and proposes policy recommendations. To date, the IPCC has issued four major reports, the last in 2007 (the Fourth Assessment Report). The IPCC is in the process of preparing the Fifth Assessment Report, which is due to be published in parts during 2013 and, for most of the parts, during 2014. The first portion to be published, an update to the physical science basis, is scheduled for publication in September 2013.[30] The Synthesis Report, which is the culmination of the assessment cycle, is not due to be published until October 2014.[31] Therefore, this EIR relies upon the 2007 Fourth Assessment Report.

According to the IPCC, over the period of 1961 to 2003, the average rate of global mean sea level rise is estimated from tide gauge data to be 1.8 +/- 0.5 mm/yr.[32] One factor contributing to the rise, the average thermal expansion of the oceans (due to warming), is estimated to cause 0.42 +/- 0.12 mm/yr of the total increase (with significant variations by decade). However, the other climate-related factors do not explain the total amount of change measured with tide gauge observations. The IPCC has not determined the factors contributing to sea level rise that are not related to climate change.

The IPCC asserts that the rate of sea level rise accelerated between the mid-19th and the mid-20th centuries. There are regional differences, with sea level rising in some regions and falling in others. Satellite data have the advantage of not being affected by the rising and falling of land where tidal gauges are located. Satellite data indicate that during the period of 1993 to 2003, sea level rose 3.1 +/- 0.7 mm/yr, which more closely matches the

~~estimated contributions of ocean thermal expansion and changes in land ice. The IPCC states, "Whether the faster rate for 1993 to 2003 compared to 1961 to 2003 reflects decadal variability or an increase in the longer-term trend is unclear."[33]~~

~~Wöppleman *et al*. addressed the problem of tide gauges being affected by land rising and falling.[34] Wöppleman's team used Global Positioning Satellites (GPS) to obtain a GPS-corrected set of "absolute" or geocentric sea level trends.[35] Wöppleman's team measured the increase in global average sea level as 1.31 ± 0.30 mm/yr over a recent 7.7-year period (ending 2005). This measurement is lower than the IPCC's estimates and data, and may contradict other studies which indicate a recent acceleration of sea level rise.~~

~~IPCC Forecasts~~

~~The IPCC's Fourth Assessment Report estimates sea level rise based on "a hierarchy of models that encompasses a simple climate model, several Earth Models of intermediate complexity, and a large number of Atmosphere-Ocean General Circulation Models, as well as observational constraints."[36] The report estimates a sea level rise of 7 to 23 inches by the year 2100, with the caveat that there is insufficient published scientific information to estimate a maximum.~~

~~National Research Council Committee's Report on Sea Level Rise for the West Coast~~

~~As described under "Regulatory Framework" below, in November 2008, Governor Arnold Schwarzenegger issued Executive Order S-13-08.[37] The Governor ordered several State agencies to request the National Academy of Sciences to convene a panel to prepare a California Sea Level Rise Assessment Report. Ultimately, ten Federal and State agencies requested the National Research Council (associated with the National Academy of Sciences) to study sea level rise for California, Oregon, and the State of Washington, and some of those agencies[38] helped fund the study. The National Research Council participants[39] ("the NRC Committee") issued the report in 2012.[40]~~

~~*NRC Committee Forecasts*~~

~~The Committee reviewed the IPCC Fourth Assessment Report and other scientific studies. The Committee combined several approaches, and used methods different than the IPCC, at least in part.[41] A warming climate causes sea level to rise because: (1) warming causes sea water to expand, increasing ocean volume, and (2) melting of land ice transfers water to the ocean.[42] On the first point, the expansion of sea water due to warming (i.e., the steric contribution to sea level rise), the Committee used the same global models as the IPCC, but used the models directly. In contrast, the IPCC "used lower-order models to develop estimates for emission scenarios that were not simulated in global climate models."[43] On the second point, the Committee used extrapolation methods regarding melting of glaciers and polar ice (i.e., the cryospheric contribution to sea level rise), whereas the IPCC used climate models.[44]~~

~~After completing its review of global sea level rise, the Committee focused on West Coast factors that make local differences. These include: (1) land rising from the residual effects of melting of the ancient ice sheets covering North America, and (2) tectonic-caused changes. For the second factor, from Cape Mendicino to the south, the California coast "is sinking at an average rate of about 1 mm/year, although GPS-measured rates vary widely (-3.7–0.6 mm/year)."[45]~~

Without going into further detail about the large number of technical judgments and interpretations in the Committee report, the Committee's estimates for sea level rise along the California coast south of Cape Mendicino, including San Francisco, are as follows:[46]

> Ranges of estimated sea level rise, relative to year 2000 levels:
>
> By 2030, less than 2 inches to 12 inches (4 to 30 centimeters [cm])
>
> By 2050, 5 to 24 inches (12 to 61 cm)
>
> By 2100, 17 to 66 inches (42 to 167 cm)

The Committee observed that its "projected values for California are somewhat lower than the Vermeer and Rahmstorf (2009) projections, which are being used by California state agencies on an interim basis for coastal planning."[45] This refers to the projections used by the Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team in 2010, as discussed below, under "Regulatory Framework."

Sea Level Rise Scenarios from Government Agencies

State and Regional

Various State and regional agencies are involved in assessing climate change effects on California and developing ways to mitigate such effects, including greenhouse gas reduction. This subsection focuses on agency forecasts of sea level rise made for planning purposes.

San Francisco Bay Conservation and Development Commission

The San Francisco Bay Conservation and Development Commission (BCDC) has jurisdiction over development within 100 feet of the Bay shoreline, which does not include the project site. BCDC plays a key role in planning for protection of San Francisco Bay. BCDC, with funding provided by the California Energy Commission's Public Interest Energy Research Program and the United States Geologic Survey, developed potential sea level rise maps. BCDC maps show areas vulnerable to sea level rise, assuming a forecast of 16 inches of sea level rise by 2050 and 55 inches by 2100. The inundation zone for 16 inches of sea level rise in 2050 excludes the project site.[48] The inundation zone with 55 inches of sea level rise includes the project site.[49]

State Lands Commission

In a similar vein, the State Lands Commission has directed its staff to evaluate proposed development projects in relation to sea level rise scenarios of 16 inches and 55 inches, and perform a variety of other analytical and planning activities to address potential sea level rise.[50]

Local

The City has recognized the risk of climate-induced sea level rise. For example, San Francisco's 2004 *Climate Action Plan* discusses the risk of sea level rise for the City[51] and describes a large number of measures to reduce greenhouse gases. Relying upon the IPCC's 2001 Third Assessment Report, the *Climate Action Plan* mentions the potential sea level rise range of 4 to 36 inches.[52] (However, the IPCC's 2001 Third Assessment Report has been superseded by the IPCC's Fourth Assessment, as discussed above.)

~~In a similar vein, the Port of San Francisco considers the potential impact of sea level rise in evaluating projects within its jurisdiction. For example, in December 2009, the Port prepared an Initial Study for the proposed Brannan St. Wharf/Pier 36 project which considers increased sea level rise (relying on BCDC's scenarios of 16 inches by 2050 and 55 inches by 2100),[53] and included changes in the project on that basis.[54]~~

Footnotes 30 through 54 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 30 through 32 on EIR p. 4.K.10]

~~30 IPCC, "Preparations for AR5 enter final stage," available at www.ipcc.ch/, accessed February 28, 2013.~~

~~31 IPCC, "IPCC enters new stage of Fifth Assessment Report review," press release, dated October 5, 2012, available at www.ipcc.ch/pdf/ar5/ar5_sod_pr.pdf, accessed February 28, 2013.~~

~~32 2007 Technical Summary IPCC Working Group I, pp. 49-50.~~

[Footnotes 33 through 38 on EIR p. 4.K.11]

~~33 2007 Technical Summary IPCC Working Group I, p. 49.~~

~~34 G.B. Wöppleman et al., "Geocentric Sea Level Trend Estimates from GPS Analysis at Relevant Tide Gauges Worldwide," Global and Planetary Change, 57(2007):396-406.~~

~~35 G.B. Wöppleman et al. (2007), Abstract. ". . . [W]e have shown that GPS data analysis has reached the maturity to provide useful information to separate land motion from oceanic processes recorded by the tide gauges or to correct these latter."~~

~~36 IPCC, 2007. Climate Change 2007: Synthesis Report in Fourth Assessment of the Intergovernmental Panel on Climate Change (Cambridge University Press, Cambridge, United Kingdom, and New York, NY, USA) (hereinafter "2007 IPCC Synthesis Report"), p. 45, Table 3.1, note (a).~~

~~37 Executive Order S-13-08, full text available at http://gov.ca.gov/news.php?id=11036, accessed February 28, 2013.~~

~~38 The requesting agencies included: California Department of Water Resources, California Energy Commission, California Department of Transportation, California State Water Resources Control Board, California Ocean Protection Council, Oregon Watershed Enhancement Board, Washington Department of Ecology, National Oceanic and Atmospheric Administration (NOAA), U.S. Army Corps of Engineers (USACE), and U.S. Geological Survey (USGS).~~

[Footnotes 39 through 44 on EIR p. 4.K.12]

~~39 The Committee on Sea Level Rise in California, Oregon, and Washington; and Board on Earth Sciences and Resources; and Ocean Studies Board (apparently part of the Division on Earth and Life Studies) of the National Research Council (which is part of the National Academies), consist mostly of academics, with a few members from private industry, assisted by staff of National Research Council for all three (Committee and the two Boards).~~

~~40 Committee on Sea Level Rise in California, Oregon, and Washington; Board on Earth Sciences and Resources; Ocean Studies Board; Division on Earth and Life Studies of the National Research Council, "Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future," 2012, available from The National Academies Press at http://www.nap.edu/catalog.php?record_id=13389, accessed February 28, 2013 (hereinafter "*Sea-Level Rise for the Coasts of California, Oregon, and Washington*").~~

~~[41] The report explains: "The committee's results differ from the IPCC (2007) results because the committee considered more recent scientific observations and modeling and also used different methods to make projections. For example, although the steric contributions were drawn from the same global climate models used in IPCC (2007), the committee used the global climate model results directly, whereas IPCC (2007) used lower-order models to develop estimates for emission scenarios that were not simulated in global climate models (e.g., A1FI [a scenario in the IPCC report]). In addition, the committee used extrapolation methods to project the cryosphere component of sea-level rise, whereas IPCC (2007) used climate models." Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 95.~~

~~[42] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 2.~~

~~[43] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 95.~~

~~[44] *Sea-Level Rise for the Coasts of California, Oregon, and Washington*, p. 95.~~

[Footnotes 45 through 47 on EIR p. 4.K.13]

~~[45] Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 3.~~

~~[46] Sea-Level Rise for the Coasts of California, Oregon, and Washington, pp. 4 and 6.~~

~~[47] Sea-Level Rise for the Coasts of California, Oregon, and Washington, p. 101. The Committee cites CO-CAT (Sea-Level Rise Task Force of the Coastal and Ocean Working Group of the California Climate Action Team), 2010, State of California Sea-Level Rise Interim Guidance Document, October 2010 (18 pp.).~~

[Footnotes 48 through 54 on EIR p. 4.K.14]

~~[48] BCDC, web page: http://www.bcdc.ca.gov/planning/climate_change/maps/16/cbay.pdf, accessed February 23, 2013.~~

~~[49] BCDC, web page: http://www.bcdc.ca.gov/planning/climate_change/maps/55/cbay.pdf, accessed February 23, 2013.~~

~~[50] State Lands Commission, Board agenda item 49 for the December 10, 2010 (describing various staff activities for preparedness and assessment of projects using estimates of 16 inches and 55 inches of sea-level rise), available at www.slc.ca.gov/Sea_Level_Rise/index.html, accessed February 16, 2013.~~

~~[51] San Francisco Department of the Environment and San Francisco Public Utilities Commission, *Climate Action Plan for San Francisco, Local Actions to Reduce Greenhouse Emissions*, September 2004 ("*Climate Action Plan for San Francisco*"), available at http://www.sfenvironment.org/sites/default/fliers/files/climateactionplan.pdf, accessed March 8, 2013, pp. 1-8 through 1-10.~~

~~[52] *Climate Action Plan for San Francisco*, p. 1-8.~~

~~[53] San Francisco Planning Department, Notice of Preparation of an Environmental Impact Report and Initial Study, Case No. 2009.0418E, Brannan St. Wharf/Pier 36, December 23, 2009 ("Brannan St. Wharf/Pier 36 NOP"), p. 76.~~

~~[54] Brannan St. Wharf/Pier 36 NOP, pp. 77-78.~~

The following text replaces the above deletion, beginning with the heading, "Sea Level Rise Estimates and Scenarios," at the top of p. 4.K.10. New footnotes added as part of this text change are shown on RTC pp. 5.54-5.55:

Factors Contributing to Coastal Flooding

Coastal areas are vulnerable to periodic flooding due to storm surge, extreme tides, and waves. Rising sea level due to climate change has the potential to increase the frequency, severity, and extent of flooding in coastal areas. These factors are described below.

Storm Surge

Storm surge occurs when persistent high winds and changes in air pressure push water towards the shore, which can raise the water level near the shoreline by several feet and may persist for several days. Along San Francisco's bay shoreline, storm surge typically raises the surface water elevation 2 to 3 feet during major winter storms several times a year. Extreme high tides in combination with storm surge can cause inundation of low-lying roads, boardwalks, and promenades; can exacerbate coastal flooding; and can interfere with stormwater and sewer outfalls.

The degree of storm surge depends on the severity of the storm as well as tidal levels at the time of the storm and is characterized using a return period which represents the expected frequency of a storm event occurring based on historical information. One-year storm surge is expected to occur each year while 100-year storm surge (which represents more extreme conditions) has a one percent chance of occurring in any year.

Tides

Diurnal (twice daily) high tides along San Francisco's bay shoreline typically range from approximately 5 to 7 feet (NAVD88), though annual maximum tides may exceed 7 feet. The twice yearly extreme high and low tides are called "king tides." These occur each year during the winter and summer when the earth, moon and sun are aligned, and may be amplified by winter weather. King tides and other high tides can result in temporary inundation of low-lying roads, boardwalks, and waterfront promenades. The Embarcadero waterfront (Pier 14) and the Marina area in San Francisco experience short-term inundation under current king tide conditions. [FN1, FN2]

Sea Level Rise

Seas are rising globally due to climate change, and they are expected to continue to rise at an accelerating rate for the foreseeable future. The sea level at the San Francisco tidal gauge has risen 8 inches over the past century.

The National Research Council's (NRC) 2012 report, *Sea Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future* (the NRC Report) provides a scientific review of sea level rise for the West Coast and provides the most recent regional sea level rise predictions for 2030, 2050, and 2100, relative to the year 2000 sea level.[FN3] In this report, the NRC projects that sea levels in the San Francisco Bay area will rise 11 inches by 2050 and 36 inches by 2100 (see **Table 4.K.1, Sea Level Rise for San Francisco Bay Relative to the Year 2000)**. As presented in the NRC Report, these sea level rise projections represent likely sea level rise values based on the current understanding of global climate change and assuming a moderate level of greenhouse gas (GHG) emissions[FN5] and extrapolation of continued accelerating land ice[FN6] melt patterns, plus or minus one standard deviation.[FN7]

Table 4.K.1: Sea Level Rise Estimates for San Francisco Bay Relative to the Year 2000

Year	Projection
2030	6 ± 2 inches
2050	11 ± 4 inches [FN4]
2100	36 ± 10 inches

Source: National Research Council, 2012

The estimates represent the permanent increase in Mean Sea Level and the associated average daily high tide conditions (represented by Mean Higher High Water, or MHHW)[FN8] that could result from sea level rise; they do not take into account storm surge, extreme tides, or waves, all of which can result in water levels that are temporarily higher than MHHW as discussed above.

In March 2013, the California Ocean Protection Council updated its 2010 statewide sea level rise guidance to adopt the NRC Report as the current, best available science on sea level rise for California.[FN9] The California Coastal Commission supports the use of the NRC Report as the best science currently available in its 2013 Draft Sea-Level Rise Policy Guidance, which also emphasizes the importance of regularly updating sea level rise projections as the science continues to advance.[FN10] The San Francisco Bay Conservation and Development Commission (BCDC) also considers the NRC Report to be the best available science-based prediction of sea level rise for San Francisco Bay. Accordingly, this EIR considers the NRC Report to be the best science currently available on sea level rise affecting San Francisco for CEQA purposes.

Although the NRC Report provides the best available sea level rise projections for San Francisco Bay at this time, scientific uncertainty remains regarding the rate and magnitude of sea level rise. Sea level rise projections beyond 2050 are highly dependent on assumptions regarding future global GHG emissions and future changes in the rate of land ice melting. As a result of the uncertainties inherent in these assumptions, the range of sea level rise predictions becomes substantially broader beyond 2050 (see **Table 4.K.1**). In recognition of this uncertainty, the State of California Sea-Level Rise Guidance recommends an adaptive management approach for development in areas that may be subject to sea level rise beyond 2050.

Sea Level Rise Inundation Mapping

The San Francisco Public Utilities Commission (SFPUC), as part of the planning for its Sewer System Improvement Program, has developed a series of maps published in 2014 that represent areas of inundation along both the Bay and Ocean shorelines of San Francisco. These maps use a 1-meter horizontal grid resolution[FN11] based on the 2010/2011 California Coastal Mapping Program LIDAR.[FN12] The inundation maps leverage data from the Federal Emergency Management Agency's (FEMA) California Coastal Mapping and Analysis Project, which includes detailed coastal engineering analyses and mapping of the San Francisco Bay shoreline.

The SFPUC inundation maps evaluate scenarios that represent the NRC projections of sea level rise in combination with the effects of storm surge. They represent permanent inundation that could occur as a result of total water level rises (over and above year 2000 MHHW) based on daily tidal fluctuations. Each scenario also addresses temporary

inundation that could occur from extreme tides and from 1-year, 2-year, 5-year, 25-year, 50-year, and 100-year storm surge. Flooding as a result of storm surge would occur on a temporary basis, during and immediately after a storm event or extreme tide.

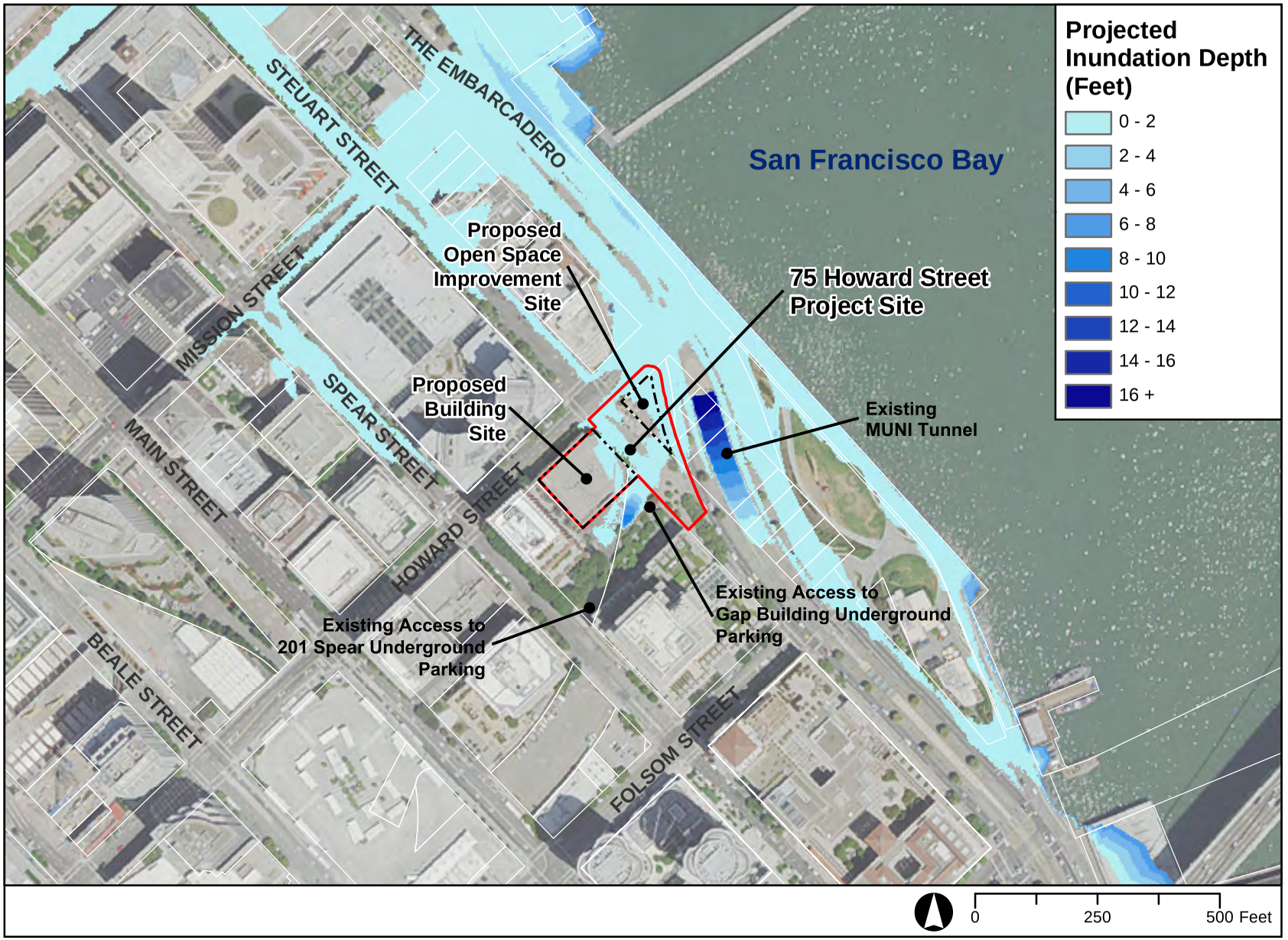
The scenarios used in this EIR analysis, listed below, are representative of inundation that could occur by the year 2050 and the year 2100, based on the NRC's projected amount of sea level rise and considering a 100-year storm surge:

- MHHW plus 12 inches of sea level rise (representative of NRC's projected sea level rise by 2050); [FN13]
- MHHW plus 36 inches of sea level rise (representative of NRC's projected sea level rise by 2100);
- MHHW plus 52 inches of sea level rise (representative of NRC's projected sea level rise by the year 2050 in combination with a 100-year storm surge); and
- MHHW plus 77 inches of sea level rise (representative of NRC's projected sea level rise by the year 2100 in combination with a 100-year storm surge).

The SFPUC cautions that its maps represent a "do nothing" scenario, in which no measures are taken to prevent future flooding and no area-wide measures such as waterfront protection structures are constructed. In the event that the City undertakes area-wide measures to protect against inundation in the future, the mapping would need to be revised to reflect the modified inundation areas with construction of these measures.

Applying the SFPUC Inundation Mapping to the Project Site

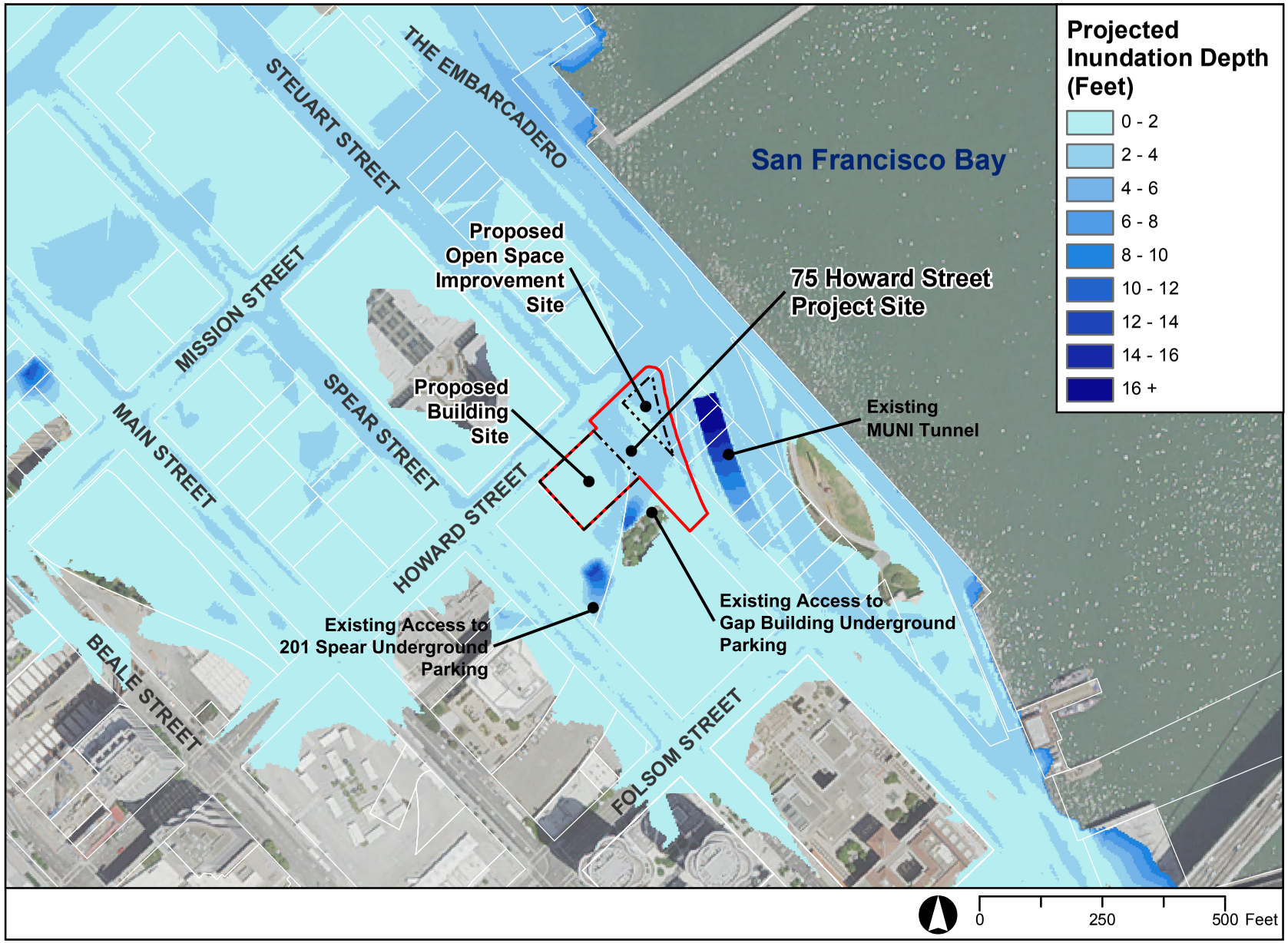
The project site would not be inundated with either 12 inches of sea level rise, which is expected in 2050, or 36 inches of sea level rise, which is expected in 2100. However, when the effects of a 100-year storm surge are combined with water level rises of 12 inches, the SFPUC inundation maps indicate that the project site would be partially inundated by 0 to 2 feet. As shown on **Figure 4.K.1**, the area that would be inundated under this projection includes the proposed open space improvement site, where no structures are proposed, and limited to the eastern portion of the building site. In addition, and as shown on **Figure 4.K.2**, the entire project site would be flooded to depths of between 0 and 4 feet when adding the 100-year storm surge to the projected 36-inch sea level rise in the year 2100.



SOURCE: USDA 2014 (Imagery); CCSF (City Lots), SFPUC 2014 (Inundation Depth)

75 HOWARD STREET

(NEW) FIGURE 4.K.1: PROJECTED INUNDATION BY 2050, WITH 12 INCHES OF SEA LEVEL RISE PLUS 100-YEAR STORM SURGE



SOURCE: USDA 2014 (Imagery); CCSF (City Lots), SFPUC 2014 (Inundation Depth)

75 HOWARD STREET

(NEW) FIGURE 4.K.2: PROJECTED INUNDATION BY 2100, WITH 36 INCHES OF SEA LEVEL RISE PLUS 100-YEAR STORM SURGE

The following new footnotes are added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

FN1 North American Vertical Datum of 1988 (NAVD88) is a fixed reference point (vertical elevation) adopted as the official, civilian, vertical datum for elevations determined by Federal surveying. Historically, the average (mean) sea level or some variation of sea level has served as a reference point for elevations. One problem with using sea level is that it changes. In addition, the earth is not spherical, but has an ellipsoid shape, and has local variations due to uplift and sinking of portions of the earth's crust. Therefore, sea level in relation to the earth's crust varies. A vertical datum system not based on sea level avoids these problems. NAVD88 is based on a point in Quebec, Canada. Sources: U.S. Geologic Survey, http://water.usgs.gov/ADR_Defs_2005.pdf, pp. 8-9, accessed ~~February 28, 2013~~June 22, 2015. Regarding two hundredths of a foot at different locations in the City: Telephone conference with Bruce Storrs, San Francisco City Surveyor, and Turnstone Consulting, May 26, 2010.

FN2 San Francisco Water Power Sewer. Climate Stressors and Impact: Bayside Sea Level Rise Mapping, Final Technical Memorandum. June 2014. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2014.1441E.

FN3 National Research Council, Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. Washington, DC: The National Academies Press, 2012. Available on the internet at: http://www.nap.edu/catalog.php?record_id=13389. Accessed on June 19, 2015.

FN4 As a simplifying assumption, the 2050 most likely value selected for SFPUC's inundation mapping effort is 12 inches rather than the 11 inch value noted in Table 4.K.1.

FN5 Future emissions of GHGs depend on a collection of human decisions at local, regional, national, and international levels as well as potential unknown technological developments. For this reason, future changes in GHG emissions cannot be accurately estimated, and a range of emissions levels is considered in the NRC Report. Estimates of sea level rise relative to thermal expansion of the oceans were formulated using the mid-level, or moderate level, of predicted changes in GHG emissions (from a combination of fossil and non-fossil fuels), as well as an assumption of high economic growth; this represents scenario "A1B" as described by the Intergovernmental Panel on Climate Change.

FN6 Land ice includes glaciers, ice caps, and ice sheets. It is used as the opposite of "sea ice".

FN7 One standard deviation roughly corresponds to a 15 percent/85 percent confidence interval, meaning that there is an approximately 15 percent chance the value will exceed the high-end projection (8 inches for the 2030 example) and a 15 percent chance the value will be lower than the low-end projection (4 inches in 2030).

FN8 Mean higher high water is the higher of each day's two high tides averaged over time.

FN9 *State of California Sea-Level Rise Guidance Document.* Developed by the Coastal and Ocean Working Group of the California Climate Action Team (CO-CAT), with science support provided by the Ocean Protection Council's Science Advisory Team and the California Ocean Science Trust. March 2013 Update. Available on the internet at http://www.opc.ca.gov/webmaster/ftp/pdf/docs/2013_SLR_Guidance_Update_FINAL1.pdf. Accessed on June 17, 2015.

[FN10] California Coastal Commission *Draft Sea Level Rise Policy Guidance, Public Review Draft. October* 14, 2013. Available on the internet at: http://www.coastal.ca.gov/climate/SLRguidance.html. Accessed on June 23, 2015.

[FN11] The horizontal grid resolution of a digital elevation model (DEM) defines the scale of the features that are modeled; this is generally the minimum resolution necessary to depict levees, berms, and other topographic features important to diverting floodwaters.

[FN12] LIDAR (Light Detection and Ranging) is a remote sensing technology that measures distance by illuminating a target with a laser and analyzing the reflected light. LIDAR is commonly used to create high-resolution terrain models, topography data sets, and topographic maps.

[FN13] As a simplifying assumption, the 2050 most likely value selected for SFPUC's inundation mapping effort is 12 inches rather than the 11 inch value noted in Table 4.K.1.

The following new text is added in the "Regulatory Framework" section, under the heading "Local" at the top of p. 4.K.20. New footnotes added as part of this discussion are shown on RTC pp. 5.56-5.57.

Planning for Sea Level Rise in San Francisco

The City has convened an inter-agency Climate Adaptation Working Group to identify ways to make sure that it is prepared to adapt to effects of sea level rise. Participating agencies include the Department of the Environment, SFPUC, Planning Department, City Administrator's office, Port of San Francisco (Port), San Francisco International Airport (SFO), Department of Public Works (DPW), Municipal Transportation Agency (MTA), Department of Public Health, and Recreation and Park Department (RPD). The working group is focusing its effort on the City's most imminent adaptation concerns, including sea level rise along Ocean Beach and shores, flooding from storm surge and extreme rain events, an increased likelihood of extreme heat, and decreased fog that supports redwoods and local ecosystems. To address sea level rise and flooding, the working group is focusing on efforts to improve the existing coastal flood protection infrastructure in time to prevent significant flooding impacts from sea level rise. The working group will establish requirements addressing proper flood insurance for structures in low lying areas, flood-resilient construction of new developments within inundation areas, and a low-carbon foot print for new developments. The working group is also assessing the use of natural solutions such as wetlands to protect the shoreline.

On September 22, 2014, the City's Capital Planning Committee (CPC) adopted the *Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation*, which was prepared by an inter-agency committee including the CPC, SFPUC, Port, SFO, DPW, MTA, and the Planning Department.[FN14] Accordingly, the City's capital planning program now requires the preparation of project-level sea level rise vulnerability and risk assessments for all City capital projects with a cost of $5 million or more that are located in areas potentially vulnerable to future flooding due to sea level rise.

The SFPUC is addressing sea level rise as part of its Sewer System Improvement Program, and is conducting a detailed analysis of the potential for new and existing combined sewer infrastructure to be affected by sea level rise.[FN15] Accordingly, all new facilities will be built using a climate change criterion so the combined sewer system will be better able to respond to rising sea levels. Because rising sea levels and storm surge could potentially

inundate the combined sewer system and exacerbate existing flooding from the sewer system, or cause new flooding, the SFPUC is also evaluating alternatives such as the installation of backflow preventers on the combined sewer discharge structures to restrict the intrusion of Bay water into the combined sewer system.

San Francisco Sea Level Rise Guidance

As noted above, the City and County of San Francisco has developed guidance for incorporating sea level rise into the planning of capital projects in San Francisco.[FN16] The guidance presents a framework for considering the effects of sea level rise on capital projects implemented by the City and County of San Francisco and selecting appropriate adaptation measures based on site-specific information. The planning process described in the guidance includes six primary steps:

- Review sea level rise science
- Assess vulnerability
- Assess risk
- Plan for adaptation
- Implement adaptation measures
- Monitor

As of September 2014, the City and County of San Francisco considers the NRC report as the best available science on sea level rise in California. However, the guidance acknowledges that the science of sea level rise is continually advancing and projections of sea level rise may need to be updated at some point to reflect the most updated science. The SFPUC's inundation maps are considered the most up-to-date maps and take into account both water level rises and the temporary effects of storm surge along the shoreline based on existing topography and conditions. The guidance states that the review of available sea level science should determine whether the project site could be subject to flooding during the lifespan of the project.

For those projects that cost $5 million or more that could be flooded during their lifespan, the guidance requires a vulnerability assessment based on the degree of flooding that could occur, the sensitivity of the project to sea level rise, and the adaptive capacity of the project site and design (the ability to adjust to sea level rise impacts without the need for substantial intervention or modification). The risk assessment takes into consideration the likelihood that the project could be adversely affected by sea level rise and the related consequences of flooding. An adaptation plan is required for projects that are found to be vulnerable to sea level rise and have a potential for substantial consequences. The plan should focus on those aspects of the project that have the greatest consequences if flooded. It should include clear accountability and trigger points for bringing adaptation strategies online as well as a well-defined process to ensure that milestones are being met and the latest science is being considered.

The following new footnotes are added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

[FN14] City and County of San Francisco Sea Level Rise Committee, *Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation*. September 22, 2014. Available online at http://onesanfrancisco.org/wp-content/uploads/San%20Francisco%20SLR%20Guidance%20Adopted%209.22.14%2012182014.pdf, accessed on June 22, 2015.

[FN15] San Francisco Water Power Sewer. Bayside Drainage Basin Urban Watershed Opportunities, Final Draft Technical Memorandum. July, 2014. Available online at http://sfwater.org/modules/showdocument.aspx?documentid=6345, accessed July 6, 2015.

[FN16] City and County of San Francisco Sea Level Rise Committee, Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and Risk to Support Adaptation. September 22, 2014.Available online at http://onesanfrancisco.org/wp-content/uploads/San%20Francisco%20SLR%20Guidance%20Adopted%209.22.14%2012182014.pdf, accessed on February 5, 2015.

The following text under Impacts and Mitigation Measures, beginning with the heading, "Approach to Analysis," on p. 4.K.21, has been revised as follows:

APPROACH TO ANALYSIS

Sea level rise is analyzed in relation to other natural phenomena that contribute to the risk of flooding. Several factors must be considered in evaluating flooding risk at the project site. These include stormwater, tides, waves, seiche and tsunami. In the analysis of impacts, the impact of the proposed project is first discussed in relation to these events without assuming future sea level rise. In combination with these tsunami, seiche, and storm surge events, future potential climate-induced sea level rise could pose risks of inundation to existing and proposed development located in low-lying areas close to San Francisco Bay like the project site.

The science of estimating sea level rise continues through a process of refinement. The rate of potential future sea level rise is difficult to project, and estimates vary substantially among numerous scientific studies available on climate change and sea level rise. ~~The analysis presented here is based on a reasonable range of sea level rise estimates.~~ The analysis considers whether people or structures on the project site could be exposed to a significant risk of loss, injury or death involving flooding as a result of sea level rise in combination with storm surge and extreme tides. The impact is considered less than significant if the project would not be inundated during a 100-year coastal flood within the life of the project, or if the project would conform to flood resistant building standards and be capable of adapting to future flood hazard conditions. The analysis presented here is based on the best available science-based projection for sea level rise and is consistent with the City's most recent evaluation of sea level rise for CEQA purposes.

The following text under Impact Evaluation, under Impact HY-1 on p. 4.K.22, has been revised as follows (deleted text is shown in ~~strikethrough~~). Footnotes that have been deleted as part of this text change are shown below on RTC p. 5.59.

Impact HY-1: The proposed project and project variants would not expose people or structures to a significant risk of inundation by seiche, tsunami, or mudflow. ***(Less than Significant)***

The project site is generally flat and is not flanked by hills that could result in mudflows onto the site. Therefore, there is no risk of mudflow affecting the project or people using it.

As discussed in the Environmental Setting, FEMA has prepared a preliminary Flood Insurance Rate Map for San Francisco. The City joined the NFIP in April 2010, and

FEMA has not issued its final FIRM. The project site is not within the 100-year flood area (V zone) on FEMA's preliminary FIRM, nor within any special hazard flood area on the City's 2008 interim floodplain map.

~~As discussed in the Environmental Setting, estimates from other environmental impact analyses can be used to evaluate the difference in elevation between the project site and a 100-year event. SFCD is 11.32 feet above NAVD88, plus or minus about two-hundredths of a foot at different locations in the City. (A hundredth of a foot is approximately 1/8 inch.) The existing elevation at the project site varies from -2.0 to 0.0 ft. SFCD, or approximately 9.3 ft. to 11.3 ft. NAVD88.~~

~~The existing elevation of almost all of the project site, including the proposed location of the residential tower, is between approximately 0.0 ft. and -1.0 ft. SFCD, or approximately 11.3 ft. to 10.3 ft. NAVD88. The lowest area of the project site (around -2.0 SFCD or 9.3 ft. NAVD88) is at the northeast corner of parcel 3742/Lot 012; this is the area proposed as an open space street improvement.~~

~~The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site. The proposed location of the residential tower varies from approximately 0.0 ft. SFCD on the eastern side (or 11.3 ft. NAVD88) to -0.5 (10.8 ft. NAVD88) to -1.0 SFCD (10.3 ft. NAVD88) on the western side. Using the *Exploratorium Relocation Project Final EIR* estimate of TWL as 9.6 ft. during a 100-year event, the ground level at the proposed building would be approximately 1.7 ft. to 0.7 ft. higher than the 100-year event. The low-point of the project site in the proposed open space street improvement area would be approximately 0.3 feet below the 100-year event (as the 100-year event was estimated for the Exploratorium project), but no structures are proposed in this area.[74]~~

~~A technical study for the *Candlestick Point - Hunters Point EIR* estimated a 100-year high tide at the Hunters Point tidal gauge of -1.77 ft. SFCD.[75] Using this data leads to similar conclusions (within 0.07 ft.) about the different parts of the project site as the Exploratorium estimate. The proposed building site would be above the 100-year flood level, and a small area of the proposed open space street improvement would not.~~

~~As discussed in the Environmental Setting, the proposed 8 Washington Street/Seawall Lot 351 project is several blocks north of the 75 Howard Street project, along The Embarcadero. The proposed project is a residential tower with retail and underground parking levels. Lacking a site-specific technical estimate of flood height at the site, the EIR for the 8 Washington Street project followed a similar analysis to that above, using estimates prepared for the the Exploratorium Relocation Project and the Candlestick Point - Hunters Point Development Project as comparison points. The 8 Washington Street project site is generally at an elevation between -0.95 ft. and 0 ft. SFCD,[76] very similar to the majority of the 75 Howard project site (-1.0 ft. to 0.0 ft. SFCD). The EIR's conclusions for the 8 Washington Street project regarding sea level rise impacts were therefore very similar to the conclusions for the 75 Howard project.[77]~~

As discussed in the Environmental Setting, the potential for seiche at the project site is likely less than 4 inches, with an earthquake of approximately 8.3 magnitude on the Richter scale. The difference between the ground level at the proposed building and a 100-year flood event is 1.7 ~~feet~~ to 0.7 f<u>ee</u>t <u>SFCD</u> (from western to eastern ends). If a seiche occurred at the same time as the 100-year flood event, the building would still be above it.

Turning to tsunami risk, as discussed in the Environmental Setting, San Francisco's *Emergency Response Plan* identifies a maximum, worst case, 100-year tsunami run-up at the project site of about 8 feet. The project site would be subject to inundation during a 100-year tsunami event. Under the proposed project and project variants, such a tsunami would flood the first floor of the building (which is non-residential) and the underground parking levels. However, the proposed project would not substantially change or worsen this existing condition, but would expose residents and businesses not now on the site to this hazard. As discussed above, because the Bay Area's earthquake faults are strike-slip faults (where two plates move laterally against one another), a tsunami created by local faults is not a major threat. The major threat is from distant earthquakes along subduction faults (where one plate slides under another) elsewhere in the Pacific Basin, including the State of Washington; the west coasts of Canada and Alaska; and Japan. A tsunami from Alaska would take four or five hours to reach the Bay. There is a well-established warning system in place that would provide early notification of an advancing tsunami or seiche and thus allow for evacuation of people. The warning system includes outdoor sirens and loudspeakers, and a media-related announcement system for local TV, cable TV, and radio stations. For these reasons, the risk of tsunami would be less than significant. In addition, the shape of the Bay, with its narrow neck at the Golden Gate opening into a wide expanse of bay, would dissipate the energy of a tsunami wave.

For these reasons, this impact would be less than significant.

Footnotes 74 through 77 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 74 on EIR p. 4.K.22]
~~[74] It is possible that the final design would include raising this area.~~

[Footnotes 75 through 77 on EIR p. 4.K.23]
~~[75] This was equivalent to +6.7 ft. expressed in the old National Geodetic Vertical Datum or NGVD29. *Candlestick Point - Hunters Point DEIR*, p. III.M-13, citing Moffatt & Nichol, *Candlestick Point/Hunters Point Development Project Initial Shoreline Assessment*, prepared for Lennar Urban, February 2009. Copies of these documents are on file for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2007.0946E.~~

~~[76] *8 Washington Street DEIR*, p. IV.I.1.~~

~~[77] *8 Washington Street DEIR*, pp. IV.I.15-IV.I.16.~~

The text under "Impact Evaluation," in Impact HY-2, starting on p. 4.K.24, has been revised as follows (deleted text is shown in ~~strikethrough~~, new text is double-underlined). Footnotes that have been deleted as part of this text change are shown below on RTC p. 5.63.

Impact HY-2: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. *(Less than Significant ~~and Unavoidable~~)*

~~As described in the Environmental Setting, the NRC Committee on Sea Level Rise in California, Oregon, and Washington; the Board on Earth Sciences and Resources; and the~~

~~Ocean Studies Board of the National Research Council estimated sea level rise along the California coast south of Cape Mendocino, including San Francisco, as follows:[78]~~

> ~~Ranges of estimated sea level rise, relative to year 2000 levels:~~
>
> ~~By 2030, less than 2 inches to 12 inches (4 to 30 cm)~~
>
> ~~By 2050, 5 to 24 inches (12 to 61 cm)~~
>
> ~~By 2100, 17 to 66 inches (42 to 167 cm)~~

~~The portion of the project site proposed for the high rise tower has an elevation of approximately 0.7 ft. to 1.7 ft. SFCD, or approximately 8.4 to 20.4 inches, above a 100-year flood event. Therefore, under the high end of the 2050 increased sea level rise scenario, the project site would be inundated during the 100-year event. Also, under most of the range of the 2100 increased sea level rise scenario, the project site would be inundated during the 100-year event. The proposed project would expose people or structures to increased risk of flooding due to climate-induced sea level rise.~~

~~As discussed in the Environmental Setting, various California and regional agencies have adopted planning scenarios of 16 inches of sea level rise by 2050 and 55 inches of sea level rise by 2100. Under an assumed sea level rise of 16 inches for 2050, a portion of the project site would be inundated during the 100-year event.[79] Under an assumed sea level rise of 55 inches for 2100, the project site would be inundated during the 100-year event.~~

~~Under the planning principles of the California Emergency Management Agency (which apply to State agencies) and BCDC (which do not apply to the project site), siting new development in an area subject to flooding exacerbated by sea level rise is discouraged. However, the project site is an infill site, close to transit. The planning principles cite such circumstances as factors to weigh in agency decision-making about approving or denying approval for such projects.~~

As described in more detail under "Project Site Elevation," on p. 4.K.2, the existing elevation for almost all of the project site is between approximately -1 to 0 feet SFCD (10.3 to 11.3 feet NAVD88).[FN17] There is a small area at the northeast corner of the project site, which is the location of the proposed open space improvement site located at Block 3742/Lot 012, which is approximately -2.0 feet SFCD (9.3 feet NAVD88). The proposed location of the residential tower (now occupied by the parking garage) is at the higher end of the project site, and varies from approximately 0 feet SFCD (11.3 feet NAVD88) on the eastern side and from -0.5 to -1.0 feet SFCD (10.8 – 10.3 feet NAVD88) on the western side of the building site.

As discussed in the Environmental Setting, the project site is not located within a 100-year flood zone depicted on San Francisco's interim flood maps prepared in 2008. In addition, the project site would not be flooded during daily high tide conditions (MHHW) with the 12 inches of sea level rise that is expected by 2050 or the 36 inches of sea level rise that is expected by 2100.

However, when the effects of a 100-year storm surge are considered in combination with 12 inches of sea level rise, portions of the project site would be partially below the projected 2050 flood elevation of approximately -0.7 feet SFD (10.6 feet NAVD88). Therefore, portions of the building site could be temporarily flooded to depths of up to about 0.3 feet while the open space improvement site where no structures are proposed

could be temporarily flooded to depths of up to 1.3 feet. This is consistent with the SFPUC mapping depicted on Figure 4.K.1, which shows flooding depths at 2-foot intervals and indicates that the site could be temporarily flooded to depths of between 0 to 2 feet. With implementation of the proposed project, the portions of the project site that could be prone to flooding by 2050 based on projected sea level rise in combination with the effects of storm surge is the open space improvement site and limited to the eastern part of the building site. However, the entrance to the residential lobby, which is located at the eastern portion of the building site, is at -0.5 feet SFCD (10.8 NAVD88) and would be generally at or above the project inundation. The underground parking garage and service entrances located at the western portion of the building site would not be inundated as these entrances on Howard Street would be approximately 0.1 feet SFCD (11.4 feet NAVD88).

When the effects of a 100-year storm surge are considered in combination with 36 inches of sea level rise, the entire project site would be below the projected 2100 flood elevation of approximately 1.5 feet SFD (12.8 feet NAVD88). Therefore, portions of the building site could be temporarily flooded to depths of up to approximately 2.5 feet while the open space improvement site could be temporarily flooded to depths of up to 3.5 feet. This is also consistent with the SFPUC mapping depicted on Figure 4.K.2, which indicates that the site could be temporarily flooded to depths of between 0 to 4 feet. However, as previously noted in the Environmental Setting, these flooding scenarios are based on 2010/2011 topographic conditions and assumes that no area-wide flood protection measures such as construction of berms, levees or seawalls, would be implemented to protect the project site and surrounding area during the intervening period. As such, it is likely that the actual flood zone would be different by 2100 than what is illustrated on Figure 4.K.2 under build conditions.

Development in the flood zone could expose people or structures to a significant risk of loss, injury or death unless designed and constructed in accordance with flood resistant building standards. San Francisco's Floodplain Management Ordinance (Chapter 2A, Article XX, Sections 2A.280 through 2A.285 of the San Francisco *Administrative Code*) provides standards for building in flood prone areas. For building sites in flood prone areas, Section 2A.283(b)(1) specifically requires that:

- The building must be adequately anchored to prevent flotation, collapse, or lateral movement.
- The building must be constructed with materials and utility equipment that is resistant to flood damage, and with methods and practices that minimize flood damage.
- Electrical, heating, ventilation, plumbing, and air conditioning equipment must be designed or located to prevent water from entering or accumulating within the components during flooding.
- All water supply and sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the system as well as discharges from the systems into floodwaters.

The Floodplain Management Ordinance is applicable only in areas that are designated by the City Administrator as susceptible to being inundated by a 100-year flood. At present, the City's designated 100-year flood zone is that shown on the 2008 interim flood map,

which does not consider projected sea level rise and does not therefore include the project site. As such, the Floodplain Management Ordinance does not apply to the project site.

However, although it is not subject to the San Francisco Floodplain Management Ordinance, the project would be designed and constructed consistent with flood-resistant building standards or, in some cases, to be capable of adapting to meet these standards when needed in the future in recognition of future flood hazards due to sea level rise. The proposed foundation would be a deep foundation consisting of driven or drilled steel piles supporting a reinforced concrete mat foundation. The piles would extend into the underlying bedrock, and therefore, the building would be resistant to flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. In addition, the proposed building would be steel-framed with building materials that would be capable of withstanding direct and prolonged contact with temporary salt water flooding, without sustaining damage that requires more than cosmetic repair.

The proposed residential uses would start at the second floor, which would be above the effects of a 100-year storm surge in combination with projected sea level rise in 2050 and 2100. If the entrance to the residential lobby is inundated under year 2050 conditions with projected sea level rise and the 100-year storm surge, during such circumstances, the service entrance along Howard Street, which would not be inundated, could be used by residents during temporary inundation. In addition, sand bags could be used to keep the temporary flood waters out.

The entrance to the underground parking garage along Howard Street would only be inundated in the year 2100 with projected sea level rise and the 100-year storm surge. To address this possibility, the building could be modified by installing floodgates and/or steel doors for the garage and loading dock entries and for the doors to the residential and commercial spaces. These features could extend to an elevation of 3.5 feet SFD (15 feet NAVD88), which is two feet higher than the projected flood elevation in 2100.

While only portions of the project site could be temporarily flooded by 2050, and the entire project site could be temporarily flooded by 2100, the design of the proposed project is consistent with flood resistant building standards and would be capable of adapting to future flood hazard conditions to provide for the safety of occupants in the event of flooding. The project site could only be flooded during a 100-year storm surge, which would be temporary in nature and could only result in cosmetic damage as construction of the proposed building would be resilient to potential flooding. As such, the proposed project would not expose people or structures to a significant risk from future flooding, and therefore impacts related to flooding and sea level rise would be less than significant. Although no mitigation is required, the following improvement measure is identified to encourage emergency planning and education.

~~**Mitigation Measure M-HY-2: Emergency Plan**~~

~~The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for~~

~~residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.~~

Improvement Measure I-HY-A: Emergency Plan

The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.

The following new footnote is added to the EIR Section 4.K, Hydrology and Water Quality, as part of this discussion:

[FN17] San Francisco City Datum (SFCD) is 11.32 feet. Above NAVD88, plus or minus about two hundredths of a foot at different locations in the City.

Footnotes 78 through 80 in this discussion have been deleted (deletions are shown in ~~strikethrough~~):

[Footnotes 78 on EIR p. 4.K.24]
~~[78] *Sea Level Rise for the Coasts of California, Oregon, and Washington*, pp. 4 and 6.~~

[Footnotes 79 and 80 on EIR p. 4.K.25]
~~[79] If the base of the proposed residential tower would be at 1.7 ft. SFCD, then it would be above the 100-year flood event.~~

~~[80] City of San Francisco, *General Plan Urban Design Element*, Objective 4, Policy 13.~~

CHAPTER 5. OTHER CEQA CONSIDERATIONS

* The following paragraph has been added after the last paragraph on EIR p. 5.9 (new text is underlined):

An additional area of controversy may emerge regarding the provisions of Senate Bill (SB) 743 as they relate to the proposed project and this EIR. SB 743, which amended the Public Resources Code to add Section 21099, was signed by Governor Brown on September 27, 2013. This was subsequent to the publication of the NOP/IS, which had indicated that this EIR would include a discussion of aesthetics-related impacts of the proposed project. Section 21099(d) directs that the aesthetic and parking impacts of mixed-use residential infill projects located in a transit priority area should not be considered impacts on the environment under CEQA. The proposed 75 Howard Street project meets the definition of a mixed-use residential project on an infill site located within a transit priority area. Accordingly, this EIR does not contain a separate discussion of aesthetics impacts, because they can no longer be considered in determining the significance of the proposed project's physical environmental effects under CEQA. The EIR, however, does provide a discussion of aesthetics in Section 4.C, Aesthetics, for

informational purposes. In addition, parking is discussed for informational purposes in Section 4.E, Transportation and Circulation.

CHAPTER 6. ALTERNATIVES

* The first full paragraph on EIR p. 6.2 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The intent of the alternatives discussed in this chapter is to consider designs and development programs that could avoid or lessen significant and unavoidable impacts resulting from development (demolition and new construction) under the proposed project, as identified in Chapter 4, Environmental Setting, Impacts, and Mitigation. The EIR concludes that the project, if implemented as proposed, would result in significant and unavoidable impacts related to Land Use and Land Use Planning, ~~Aesthetics,~~ cumulative Transportation and Circulation, and Shadow~~, and Hydrology and Water Quality~~.

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives, on EIR pp. 6.3-6.5, has been revised as shown on RTC pp. 5.65-5.67 (new text is underlined and deletions are shown in ~~strikethrough~~).

* In addition to these changes to Table 6.1, the topic of Aesthetics, shown on EIR p. 6.4, has been removed from the table. The revised table row is shown below in revised Table 6.1 on RTC p. 5.66.

* The topic of Aesthetics on EIR p. 6.7 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Aesthetics Discussion**
>
> Under the No Project Alternative, existing visual quality conditions for the project site and its surroundings would not change. The existing parking garage would not be demolished and replaced by a 348-foot-tall high-rise tower, so there would be no change in effects on scenic vistas, resources, or existing visual quality, unlike the proposed project, which would have significant and unavoidable project-level adverse effects on a scenic vista. The proposed project would not contribute to cumulatively considerable effects ~~have less-than-significant project-level impacts and a less-than-significant cumulatively considerable contribution to significant cumulative impacts~~ on a scenic resource or visual character or quality of the site. ~~The No Project Alternative would have no impacts related to aesthetics.~~

Table 6.1: Comparison of Significant and Unavoidable Impacts of the Proposed Project to Impacts of the Alternatives

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Description				
High-Rise Tower Height	348 ft.	-	220~~200~~ ft.	281 ft.
Number of Stories	31	-	20~~18~~	25
Number of Residential Units	186 units	-	133~~169~~ units	172 units
GSF by Use				
Residential	285,498 gsf	None	237,153~~233,530~~ gsf	280,430 gsf
Retail	5,658 gsf	None	5,824~~5,900~~ gsf	5,900 gsf
Parking	26,701 gsf	166,483 gsf	26,701~~25,700~~ gsf	25,700 gsf
Other [a]	114,396 gsf	None	64,186 ~~91,070~~ gsf	95,820 gsf
Total GSF	***432,253 gsf***	***166,483 gsf***	***333,864~~356,200~~ gsf***	***407,850 gsf***
Open Space Site	Yes	No	No	Yes
Parking				
Public parking Spaces	-	540	-	-
Residential Spaces [b]	140~~172~~	-	100143	129~~156~~
Commercial Spaces	1~~2~~	-	0~~2~~	1~~2~~
Car-share Spaces [c]	1	-	2~~1~~	1
Total Parking Spaces	**142~~175~~**	**540**	**102~~146~~**	**131~~159~~**
Bicycle Parking Spaces	64	-	123~~55~~	56
Loading				
Off-street spaces	2	-	2	2
On-street loading zones	2	-	~~1~~0	2
Ability to Meet Project Sponsor's Objectives				
	Yes	No	Most~~Some~~	Most

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
Land Use and Land Use Planning				
Plan, policy, or regulation conflict	**LU-1**: The proposed project or variants would conflict with an applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect. (SU)	Not applicable	Less than the proposed project. (LS)	Less than the proposed project. (SU)
Aesthetics				
~~Scenic Vista~~	~~**AE-1**: The proposed project and project variants would have a substantial adverse effect on a scenic vista. (SU)~~	~~Not applicable~~	~~Less than the proposed project. (LS)~~	~~Similar to but less than the proposed project. (SU)~~
Transportation and Circulation				
Cumulative traffic – intersection operations	**C-TR-1**: The proposed project would contribute considerably to reasonably forseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets. (SUM)	Not applicable	Similar to but less than proposed project. (SUM)	Similar to but less than proposed project. (SUM)
Shadow				
Shadows	**WS-1**: The proposed project or variants would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)
Cumulative shadows	**C-WS-1**: The proposed project or variants, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, resulting in a significant cumulative shadow impact. The proposed project or variants would make a cumulatively considerable contribution to this significant cumulative shadow impact. (SU)	Not applicable	Similar to but less than proposed project. (SU)	Similar to but slightly less than proposed project. (SU)

	Proposed Project	No Project Alternative	Code Compliant Alternative	Reduced Height Alternative
Legend: NI = No Impact; LS = Less than Significant; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable impact with mitigation; NA = Not Applicable				
~~**Hydrology and Water Quality**~~				
~~Sea level rise~~	~~**HY-2**: The proposed project and project variants would expose people or structures to increased risk of flooding due to climate-induced sea level rise. (SUM)~~	~~Existing flooding risks due to Sea Level Rise would remain on the project site.~~	~~Similar to the proposed project. (SUM)~~	~~Similar to the proposed project. (SUM)~~
Notes: [a] Includes space devoted to mechanical, circulation and building support areas. [b] Includes the maximum number of off-street parking spaces allowed as of right in the C-3 District where the proposed project is located plus accessory off-street parking spaces as determined through the Planning Code Section 309 Review process. Project sponsor has requested an increase to the maximum amount of accessory off-street parking spaces. [c] Required per SF Planning Code Section 166.				

Sources: Turnstone Consulting and Adavant Consulting, July~~February~~ 2013 and June 2015

* The last paragraph beginning on EIR p. 6.7 and continuing on EIR p. 6.8 has been revised as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Transportation and Circulation

Under the No Project Alternative, existing conditions would continue. There would be no change to the configuration or operation of the existing 75 Howard Street Garage; no alterations or improvements would be made to the Howard Street and Steuart Street rights-of way; bicycle and pedestrian conditions would remain unchanged; traffic or transit trips would not increase; and trip generation, parking, transit and loading demands would remain the same. The suggested transportation and circulation improvement measures (transit-related Improvement Measures I-TR-A: Transit Information for Residents and I-TR-B: Alternative Transportation Modes for Hotel Guests, on pp. 4.E.50-4.E.51; pedestrian-related Improvement Measures I-TR-C: Driveway Operations Plan, I-TR-D: Vehicle Queues and Pedestrian Conflicts, and I-TR-E: Installation of Pedestrian Alerting Devices, on pp. 4.E.55-4.E.56; bicycle-related Improvement Measures I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza, I-TR-G: Provision of Bicycle Signage and Information, and I-TR-H: Bicycle Availability to Hotel Guests, on p. 4.E.59; loading-related Improvement Measures I-TR-I: Sidewalk Widening, ~~and~~ I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out, and I-TR-K: Installation of Turntable Operation Device, on p. 4.E.62; ~~parking-related Improvement Measure I-TR-K: Installation of Electronic "Parking Full" Sign, on p. 4.E.69, and~~ construction-related Improvement Measures I-TR-L: Expanded Traffic Control Plan for Construction, I-TR-M: Carpool and Transit Access for Construction Workers, and I-TR-N: Project Construction Updates for Adjacent Businesses and Residents, on pp. 4.E.71-4.E.72; and parking-related Improvement Measure I-TR-O: Installation of Electronic "Parking Full" Sign, on p. 4.E.69) would not be applicable to the No Project Alternative. The proposed project would have less-than-significant project-level transportation and circulation impacts and a cumulatively considerable contribution to significant cumulative transportation and circulation impacts. The No Project Alternative would have no impacts related to transportation and circulation.

The last paragraph on EIR p. 6.9, which continues on 6.10, has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Hydrology and Water Quality

Under the proposed project, Improvement Measure I-HY-A: Emergency Plan ~~Mitigation Measure M-HY-2: Emergency Plan~~, described on pp. 4.K.25-4.K.26, would not be required. There would be a continued increased probability of sea level rise along the waterfront and nearby low-lying areas due to climate change that could expose people or existing structures on the project site to increased risk of flooding under the No Project Alternative. The proposed project would have less-than-significant hydrology and water quality impacts. ~~However, t~~The No Project Alternative would not introduce residential uses to the project site and would not result in project-level impacts or significant cumulative hydrology and water quality impacts.

* On EIR p. 6.10, the second bullet point has been revised, as shown below (new text is underlined):

- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);

The first paragraph on EIR p. 6.11 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> The No Project Alternative would result in no impacts related to any of the above-listed environmental topics, because this alternative would result in no changes to existing site conditions. Therefore, mitigation measures and improvement measure presented in the NOP/IS (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measure~~s~~ M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would not be required under the No Project Alternative.

The second full paragraph on EIR p. 6.11 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

> Under the No Project Alternative, the existing conditions at the 75 Howard Street project site would not change. The existing commercial parking garage on the 75 Howard Street building site would be retained in its current condition and no high-rise, mixed-use tower would be constructed on the site. The No Project Alternative would have no significant and unavoidable impacts related to land use and land use planning, ~~aesthetics~~, transportation and circulation, and shadow~~, and hydrology and water quality~~; would have no impacts related to archaeological resources, noise, air quality, utilities and service systems, ~~and~~ biological resources, and hydrology and water quality; and would have no impacts on topics determined in the NOP/IS to either be less than significant or less than significant with mitigation under the proposed project. Therefore, no mitigation measures or improvement measures would be required.

* The following text changes have been made to the discussion of Alternative B, Code Compliant Alternative, on EIR pp. 6.12-6.31 (new text is underlined and deletions are shown in ~~strikethrough~~). An explanation of revisions to footnotes in this discussion is presented on RTC p. 5.88.

C. ALTERNATIVE B: CODE COMPLIANT ALTERNATIVE

DESCRIPTION

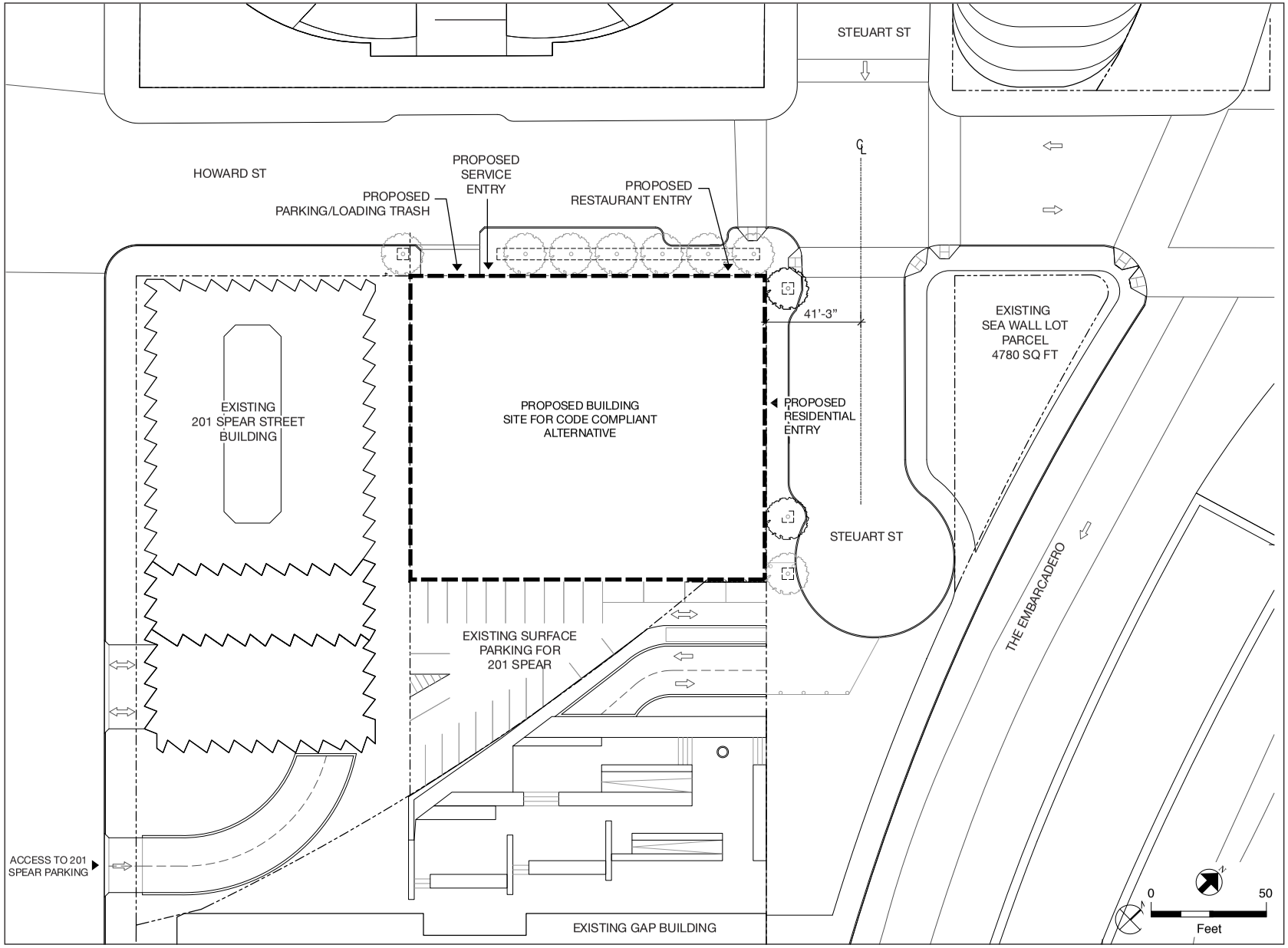
The Alternative B: Code Compliant Alternative provides an alternative that meets all applicable provisions of the Planning Code, but includes certain exceptions that are permitted pursuant to the applicable Planning Code controls. Under this alternative, the project site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01~~, the 200-foot height limit specified on~~ and Map 5 (Proposed Height and Bulk Districts) in the *Downtown Area Plan* of the *General Plan*. Section 263.9 of the Planning Code allows for an additional height of up to 10 percent as an extension of the upper tower pursuant to the provisions of Section 309, and Section 260 allows for up to

20 feet for elevator/mechanical penthouse screening in C-3 districts. Development under this alternative would comply with the bulk controls for the "lower tower" ~~and "upper tower"~~ as set forth under Planning Code Section 270(d), but would require an exception for the upper tower bulk limits as allowed pursuant to Planning Code Section 309. This alternative would not include either the Parking Variant or Residential/Hotel Mixed Use Variant analyzed for the proposed project.

Under this alternative, the existing commercial parking garage would be demolished and a new ~~18~~20-story, approximately 220~~200~~-foot-tall tower (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening) would be constructed on the 75 Howard Street building site (see Figure 6.1: Code Compliant Alternative Site Plan and Figure 6.2: Code Compliant Alternative Massing Diagrams, p. 6.13 and p. 6.14, respectively). This alternative would be 11~~13~~ stories and 128~~150~~ feet shorter than the tower under the proposed project. The approximately 284,300-gsf Code Compliant Alternative would contain 133~~169~~ market rate units (53~~17~~ fewer units than under the proposed project) consisting of 36 one-bedroom units, 71 two-bedroom units, 23 three-bedroom units, and 3 four-bedroom units. This alternative would also include ~~and~~ approximately 5,824~~5,900~~ gsf of retail use (slightly more~~less~~ than under the proposed project), including space for restaurant and café uses. This alternative would comply with the City's Inclusionary Affordable Housing Ordinance by paying a 20 percent in-lieu fee.

Under the Code Compliant Alternative, a total of 102~~146~~ parking spaces (73~~29~~ fewer spaces than under the proposed project) would be constructed in a 41,000~~25,700~~-gsf ~~parking garage~~ basement located on two below-grade levels accessed from Howard Street. Two~~One~~ parking space~~s~~ would be reserved for car-share vehicles, no~~two~~ parking space~~s~~ would be reserved for commercial uses, and 100~~143~~ parking spaces would be assigned to building residents. The Code Compliant Alternative would not provide any parking spaces for the commercial uses proposed, although, under Section 151.1 of the Planning Code, it could provide parking spaces equal to 3.5 percent of the gross floor area of the non-residential uses of the Code Compliant Alternative to serve the commercial uses, which space would accommodate an additional two to three spaces.

Similar to the proposed project, none of the parking spaces would be independently accessible; all vehicles would be mechanically parked by valet in stacked spaces. Similar to the proposed project, this alternative would include two loading spaces located on Basement Level 1, where a loading turntable would assist delivery and service vehicles with entering the loading space and existing the garage via the garage ramp. This alternative would also include 108~~55~~ Class 1 bicycle storage spaces (44 more ~~9 fewer~~ than under the proposed project) located on Basement Level 1 and 15 Class 2 bicycle storage spaces located on the Howard Street sidewalk. As under the proposed project,

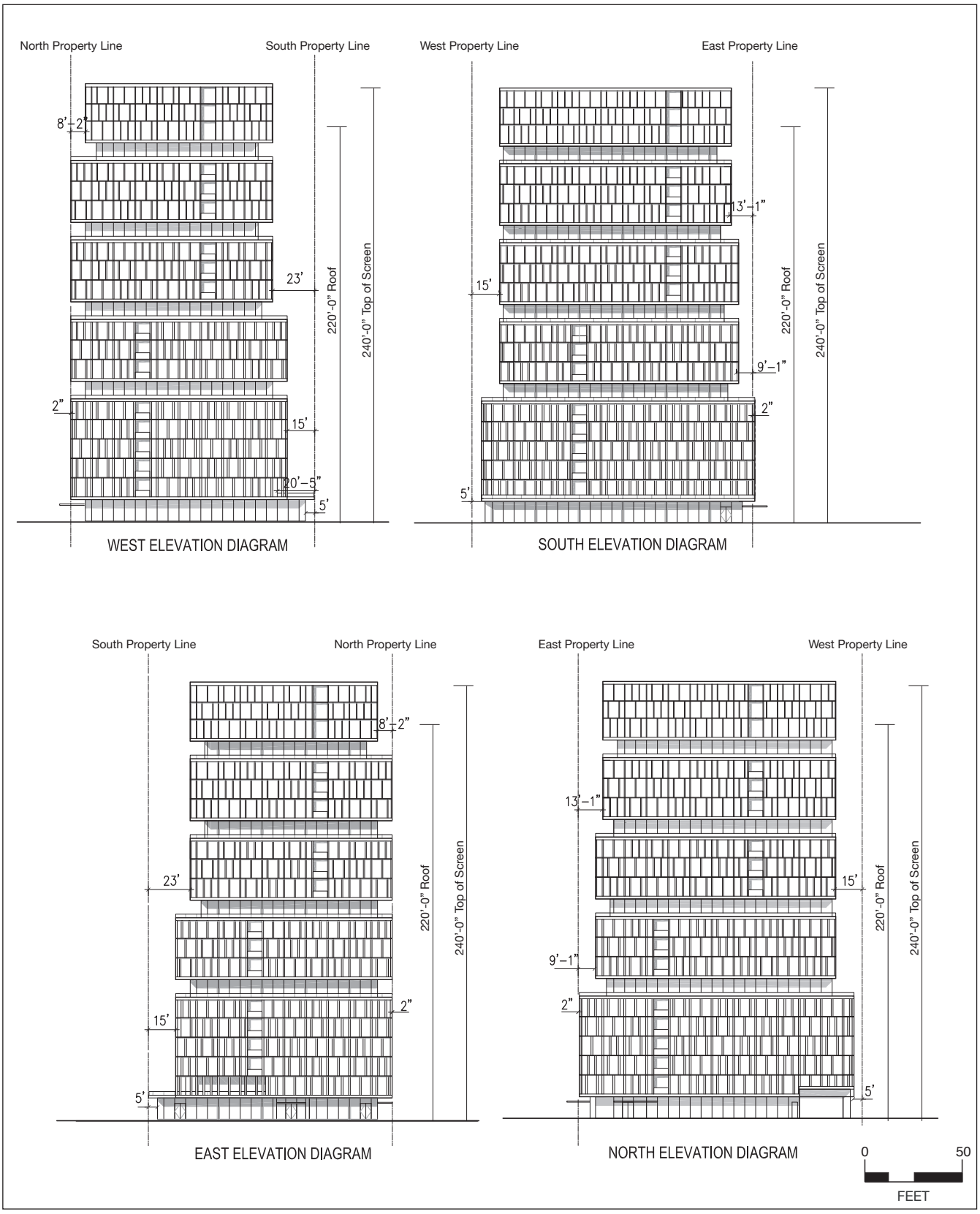


SOURCE: Turnstone Consulting, SOM

CODE COMPLIANT ALTERNATIVE SITE BOUNDARY

75 HOWARD STREET

(REVISED) FIGURE 6.1: CODE COMPLIANT ALTERNATIVE SITE PLAN



75 HOWARD STREET

(REVISED) FIGURE 6.2: CODE COMPLIANT ALTERNATIVE MASSING DIAGRAMS

bicyclists would access these spaces either by elevator from either the residential or service entrance located on the ground floor of the tower, or via Howard Street.

Unlike the proposed project, ~~T~~the Code Compliant Alternative would not include the proposed improvements to the open space site on Assessor's Block 3742/Lot 12. The site would remain vacant and paved with asphalt, and would continue to be owned by the City and County of San Francisco for ~~temporary uses such as~~ construction staging and other temporary uses or for future development. There would also be no landscape or hardscape improvements to the open space site or portions of the surrounding right-of way. However, as under the proposed project, in furtherance of the requirements of Planning Code Section 138.1, hardscape improvements would be proposed for the surrounding Steuart Street right-of-way, south of Howard Street. Under this alternative, the on-street parking along the east-side segment of Steuart Street south of Howard Street would remain; however, the on-street parking along the west side of Steuart Street adjacent to the east elevation of the proposed building would be removed for curb-side loading. Unlike the proposed project, ~~N~~no changes would occur with regard to narrowing this segment of Steuart Street, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated, as it would under the proposed project. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1. The Code Compliant Alternative also proposes to merge a small triangle of property which is currently a portion of Block 3741/Lot 35 (referred to as "Parcel 3") into Block 3741/Lot 31 through a lot line adjustment. Parcel 3 is located within the Rincon Point South Beach Redevelopment Plan Area and as such is subject to the land use controls of the Rincon Point South Beach Redevelopment Plan and Design for Development (collectively, the "Redevelopment Requirements"). On July 7, 2015, the Office of Community Investment and Infrastructure (OCII) approved a Delegation Agreement by and between OCII and the Planning Department whereby OCII delegated to the Planning Department or Planning Commission the responsibility for administering the Redevelopment Requirements to the improvements proposed as part of the Code Compliant Alternative located on Parcel 3.

Under the Code Compliant Alternative, the following discretionary project approvals would be required: (i) approval of a Section 309 Determination of Compliance and Request for Exceptions for the Construction of a New Building in a C-3 District~~,~~; ~~and~~ (ii) the granting of variances from Planning Code requirements for Dwelling Unit Exposure (per Planning Code Section 140), which requires at least one room of each dwelling unit to face onto a public street, rear yard, or other open areas that meets minimum requirements for area and horizontal dimensions, and Street Frontages (per Planning Code Section 145.1(c)(2)),which limits the width of parking and loading access to no more than 20 feet; (iii) approval of a Conditional Use Authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and (iv) a determination by the Planning Department or Planning Commission that the Project is consistent with the Redevelopment Requirements. In addition, the Code Compliant Alternative will require approval of white zones on Howard and Steuart Streets pursuant to the SFMTA Color Curb program and Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) by the Department of Public Health.

IMPACTS

Land Use and Land Use Planning

The Code Compliant Alternative would include a mix of residential, retail, and below-grade parking uses. Under this alternative, the open space improvement site located on Assessor's Block 3742, Lot 12 would not be developed. Similar to the proposed project, the Code Compliant Alternative includes a lot line adjustment on the proposed building site to merge a small undeveloped triangle portion of Block 3741/Lot 35 (Parcel 3) into Block 3471/Lot 31. As with the proposed project, this alternative would not physically divide an established community or have an adverse impact upon the existing character of the project vicinity. At a height of ~~200~~ 220 feet, this alternative would be more consistent with certain objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and *Transit Center District Plan* (TCDP), because it would comply with the existing height limit for the project site with the granting of exceptions permitted pursuant to the applicable Planning Code controls and would be consistent with the Rincon Point South Beach Redevelopment Plan and Design for Development as to that small portion of the building located on the small triangle currently within the Rincon Point South Beach Redevelopment Plan area. Due to its shorter height, this alternative would cast about ~~53.5~~ 35.4 percent less annual net new shadow on Rincon Park than would the proposed project, but would still result in a significant and unavoidable shadow impact to Rincon Park. Like the proposed project, this alternative would conflict with Priority Policy No. 8, which calls for the protection of parks and open spaces and their access to sunlight and vistas. The net new shadow on Rincon Park would occur in the afternoon throughout the year and would fall on pedestrian paths and seating areas in the park as well as the Embarcadero Promenade, which forms the eastern perimeter of the park and is used for active recreation. The proposed project would have significant and unavoidable land use impacts, whereas the Code Compliant Alternative would have less-than-significant land use impacts because the Code Compliant Alternative would not seek a height reclassification that would conflict with a land use regulation adopted for the purpose of avoiding or mitigating an environmental effect. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to a significant cumulative land use impact.

The physical environmental impacts that could result from the potential inconsistency between the Code Compliant Alternative and Priority Policy No. 8 are discussed below under the topic~~s~~ of ~~Aesthetics and~~ Shadow. Inconsistency with this policy is also explained below in the Aesthetics Discussion

Aesthetics Discussion

Section 4.C, Aesthetics, on pp. 4.C.3-4.C.4, identifies two types of potentially affected scenic vistas: Views Along Inland Street View Corridors, and Views of Downtown from the Eastern Waterfront and the Bay Bridge. The ~~impact~~ effect of this alternative on views along inland street view corridors would be substantially the same as that described for the proposed project on pp. 4.C.18-4.C.20. As with the proposed project, this alternative would not obstruct views to the Bay from inland street corridors, but, together with existing buildings, would frame these views. ~~, and would have a less-than-significant effect on scenic vistas along inland street view corridors.~~

~~Unlike the proposed project, which would have significant and unavoidable project-level impacts on scenic vistas of Downtown from the eastern waterfront and the Bay Bridge, the Code Compliant Alternative would have a less-than-significant impact on scenic vistas.~~ At a height of ~~200~~ 220 feet, this alternative would be more consistent with the City's vision for the urban form of San Francisco's Downtown as articulated in the objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and TCDP than would the proposed project. In particular, this alternative would be more consistent with policies calling for Downtown building heights to respect the prevailing scale of development and to step down to the waterfront. Unlike the proposed project, this ~~200~~ 220-foot-tall alternative (plus an additional approximately 20-foot-tall elevator penthouse and screening) would effectuate a substantial step down to waterfront open space and the Bay from the 256-foot-tall 201 Spear Street Building immediately to the west of the project site, and the 280-foot-tall Rincon Towers to the north. ~~While conformity or conflict with plans and policies is not to be construed as constituting a significance threshold, these plans and policies reflect the City's vision for the overall form of Downtown, and can inform the analysis of impacts under CEQA.~~ As the Code Compliant Alternative would be shorter than the buildings immediately adjacent to the project site, the Code Compliant Alternative would reinforce the existing pattern discernible at the southeast edge of Downtown of buildings stepping down to the water's edge. This existing pattern would be continued and reinforced with new development under the *General Plan*. ~~As such, the impact of the Code Compliant Alternative on scenic vistas of Downtown as viewed from the eastern waterfront would be considered less than significant. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to a significant cumulative aesthetic impact.~~

The ~~impact~~ visual changes of the Code Compliant Alternative at the project site ~~on scenic resources~~ would be substantially the same as that described for the proposed project, except that this alternative would not include development of a new public open space on the open space improvement site. The project site contains no scenic resources. As with the proposed project, this alternative would reinforce the western edge of The Embarcadero, presenting an active face to The Embarcadero and Rincon Park. ~~Therefore, like the proposed project, this alternative would have a less-than-significant effect on scenic resources.~~

Under this alternative, ~~it is assumed that~~ the design and materials of the new tower would be somewhat similar to the proposed project, and include features that relate visually with the surrounding visual setting and improve the pedestrian realm, except that this alternative does not include development of a new public open space on the open space improvement site. ~~As under the proposed project, this alternative would have a less-than-significant effect on visual character and quality.~~ Neither the proposed project nor this alternative would adversely contribute to cumulative aesthetic changes on the project site and project site vicinity ~~make a cumulatively considerable contribution to a significant impact related to aesthetics~~.

Cultural Resources

Excavation required for the Code Compliant Alternative would be similar to that required for the proposed project in terms of location and depth. As such, potential impacts on archaeological resources under this alternative would be similar to those with the proposed project. Mitigation Measures M-CP-1a: Archaeological Testing, Monitoring,

Data Recovery and Reporting; M-CP-1b: Interpretation; and M-CP-1c: Accidental Discovery, identified for the proposed project and described on pp. 4.D.35-4.D.40, would also be applicable to this alternative to ensure that, similar to the proposed project, potential project-level impacts on archaeological resources, if present within the project site, would be less than significant (with mitigation incorporated) under this alternative and that contributions to significant cumulative impacts to archaeological resources would not be cumulatively considerable.

Transportation and Circulation[1]

Existing Plus Code Compliant Alternative

Under the Code Compliant Alternative, ~~the location and size of the restaurant (4,913 gsf) and café (918 gsf) uses would be the same as under the proposed project. However, under this alternative~~ the proposed building would be ~~13~~ 11 stories shorter and ~~17~~ 53 fewer residential units would be developed (~~169~~ 133 residential units compared to 186 residential units under the proposed project). The location and total gsf of the restaurant and café would be about the same as under the proposed project, but the café would increase from 918 gsf to 2,624 gsf and the restaurant would decrease from 4,913 gsf to 3,200 gsf. As a result, the travel demand generated by the Code Compliant Alternative for all modes except "other" would be ~~less~~ somewhat greater than that under the proposed project, as shown in Table 6.2: Trip Generation by Mode for Proposed Project and Code Compliant Alternative (Weekday PM Peak Hour), due to the increase in café space.

Traffic Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~180~~ 196 vehicle trips would be generated during the weekday p.m. peak period (~~15 fewer than~~ virtually the same as under the proposed project with 195 vehicle trips). Traffic impacts at the nine study intersections would be similar to~~, but less than,~~ those with the proposed project. As under the proposed project, the impact on traffic operations at the nine study intersections under this alternative would be less than significant.

Table 6.2: Trip Generation by Mode for Proposed Project and Code Compliant Alternative (Weekday PM Peak Hour)

	Person-Trips					
	Auto	**Transit**	**Walk**	**Other [a]**	**Total**	**Vehicle Trips**
Proposed Project						
Total	274	156	363	80	873	195
Code Compliant Alternative						
Total	~~254~~ 293	~~146~~ 180	~~344~~ 402	~~77~~ 95	~~821~~ 970	~~180~~ 196

Notes:
[a] "Other" includes bicycle, motorcycle, and additional modes such as taxis.

Source: Adavant Consulting, ~~June 2013~~ May 2015

Transit Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~146~~ 180 transit trips would be generated during the weekday p.m. peak ~~period~~ hour (~~10 fewer~~ 24 more than under the proposed project). These 24 additional transit trips would be expected to be accommodated by the various transit providers that serve the project site. Therefore, ~~S~~similar to the proposed project, impacts on local and regional transit capacity utilization

with this alternative would be less than significant. ~~Transit impacts would be less than significant with this alternative, and~~ Improvement Measure I-TR-A: Transit Information for Residents, identified for the proposed project and described on p. 4.E.50, would also be applicable to this alternative to encourage transit use. Improvement Measure I-TR-A would encourage residents to use transit by having the project sponsor include a transportation insert in new resident move-in packets with information on available transit service (nearby lines, schedules and fares), information on where Clipper Cards could be purchased, and information on the 511 Regional Rideshare Program.

Pedestrian Impacts

Under the Code Compliant Alternative, as shown in Table 6.2, ~~490~~ 582 walk trips (~~344~~ 402 pedestrian trips and ~~146~~ 180 transit trips[2]) would be generated during the weekday p.m. peak period; this is ~~29 fewer~~ 63 more walk trips (~~19 fewer~~ 39 more pedestrian trips and ~~10 fewer~~ 24 more transit trips) than under the proposed project. As with the proposed project, under the Code Compliant Alternative pedestrian access to the restaurant/café and residential uses on the project site would be from Howard Street and Steuart Street, respectively; and the two-way parking garage driveway would be located at the west end of Howard Street.

As with the proposed project, impacts on pedestrian level of service on the adjacent sidewalks and crosswalks – the Howard Street/Steuart Street sidewalks, the Spear Street/Howard Street crosswalk, and the Steuart Street/Howard Street crosswalk – during the weekday p.m. peak period and Saturday midday peak hour with this alternative would be less than significant. Conflicts between pedestrians and vehicles could occur at the two-way parking garage entry driveway under the Code Compliant Alternative, as with the proposed project. Therefore, Improvement Measures I-TR-C: Driveway Operations Plan, I-TR-D: Vehicle Queues and Pedestrian Conflicts, and I-TR-E: Installation of Pedestrian Alerting Devices, identified for the proposed project and described on pp. 4.E.55-4.E.56, would also be applicable to this alternative. Improvement Measure I-TR-C would result in the implementation of a *Driveway Operations Plan*, Improvement Measure I-TR-D would result in the implementation of a queue abatement program to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Howard Street, and Improvement Measure I-TR-E would improve the visibility and awareness of cars and pedestrians at the proposed garage entrance.

Bicycle Impacts

Under the Code Compliant Alternative, ~~55~~ 108 bicycle storage spaces would be located on the first basement level and would be accessed by elevator from either the residential or service entrance located at the ground floor. An additional 15 bicycle storage spaces would be located on the Howard Street sidewalk. The Code Compliant Alternative would not substantially change bicycle travel in the vicinity of the project site, and therefore, similar to the proposed project, impacts on bicyclists would be less than significant. While impacts on bicyclists would be less-than-significant with this alternative, Improvement Measures I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza and I-TR-G: Provision of Bicycle Signage and Information, identified for the proposed project and described on p. 4.E.59, would also be applicable to this alternative to promote the use of bicycles. Improvement Measure I-TR-F would result in the installation of bicycle racks in the proposed Steuart Street Plaza to support the restaurant/café uses, and Improvement Measure I-TR-G would result in the development

and installation of signage indicating the location of bicycle routes and bicycle parking areas.

Loading Impacts

As with the proposed project, the Code Compliant Alternative would provide two off-street freight loading spaces (35 feet long by 12 feet wide by 14 feet high) on the first basement level with access via the two-way driveway at the west end of Howard Street. Off-street loading operations and trash pick-up service under the Code Compliant Alternative would be similar to those for the proposed project. Under this alternative, there would be fewer residential units than under the proposed project; therefore, loading demand would be reduced under this alternative compared to the proposed project. Since the Code Compliant Alternative would provide the code-required off-street loading spaces, and since the loading demand could be accommodated within the proposed supply, loading impacts under this alternative would be less than significant, as with the proposed project.

Like the proposed project, the Code Compliant Alternative would require approval through the SFMTA Color Curb Program to develop two curbside drop-off areas: one on Howard Street (40 feet long) to support the proposed restaurant use and the other on Steuart Street (68 feet long) to support the proposed residential use. As with the proposed project, under this alternative development of the project driveway and curbside drop-off area on Howard Street would require the removal of three metered on-street parking spaces and development of the curbside drop-off area on Steuart Street would require the removal of four metered on-street parking spaces. Unlike the proposed project, modifications to the east sidewalk on Steuart Street would not occur and the four metered on-street parking spaces would remain. Like the proposed project, this alternative would provide sufficient passenger loading to meet the demand on the project site; therefore loading impacts would be less than significant. While loading impacts would be less than significant with this alternative, Improvement Measure I-TR-C: Driveway Operations Plan, identified for the proposed project and described on p. 4.E.55, and Improvement Measures I-TR-I: Sidewalk Widening, ~~and~~ I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out, and I-TR-K: Installation of Turntable Operation Device, identified for the proposed project and described on p. 4.E.62, would also be applicable to this alternative to help improve loading operations ~~and~~, to minimize indirect effects on transportation operating conditions in the project vicinity, and to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1.

Emergency Access Impacts

Unlike the proposed project, implementation of the Code Compliant Alternative would not result in any modifications to the Steuart Street roadway, the elimination of the turnaround bulb at the southern terminus of Steuart Street, or the removal of two on-street metered parking spaces along The Embarcadero to provide an emergency vehicle exit. Therefore, the Code Compliant Alternative would not affect emergency vehicle access to the project site or project vicinity, nor would it change the configuration or capacity of adjacent travel lanes such that it would conflict with the San Francisco Fire Code. Similar to the proposed project, impacts on emergency access under this alternative would be less than significant.

Parking Impacts

Under the Code Compliant Alternative, a total of ~~146~~ 102 parking spaces (~~29~~ 38 fewer than under the proposed project) would be provided (~~143~~ 100 assigned to residential uses, ~~2~~1 car-share space~~s~~, and no~~2~~ commercial parking spaces assigned to the restaurant/café uses). As with the proposed project, under this alternative off-street parking would be located in the ~~second~~ below-grade basement ~~level~~. Access into the parking garage would be via a 24-foot-wide, two-way driveway at the west end of the proposed building along Howard Street; none of the parking spaces would be independently accessible, i.e., all parking would be by an attendant operating a mechanical parking system. There would be no on-site public parking provided. Of the 100 parking spaces assigned to residential uses under this alternative, 67 of such spaces would be principally permitted per Section 151.1 of the Planning Code. Similar to the proposed project, the project sponsor would request a Conditional Use authorization for ~~under~~ the Code Compliant Alternative to provide the 33 additional accessory off-street parking spaces, up to a maximum of 0.75 spaces per residential unit, permitted per the ~~project sponsor would request, through the Section 309 Review process, an increase in the maximum amount of accessory off-street parking allowed under~~ Planning Code ~~Section 151.1~~, and would seek a variance from the Planning Code to allow for the development of a 24-foot-wide garage access driveway.

As with the proposed project, under the Code Compliant Alternative the existing 540-space public parking garage at 75 Howard Street would be eliminated, resulting in a similar reduction in the off-street parking supply in the project vicinity. Unlike the proposed project, which would require the removal of 13 on-street metered parking spaces, only 7 on-street metered parking spaces would be eliminated under this alternative, resulting in a lesser reduction to the on-street parking supply in the project vicinity. The residential and commercial uses associated with the Code Compliant Alternative would generate a peak evening demand of ~~275~~ 261 parking spaces, approximately ~~43~~ 57 fewer spaces than under the proposed project. Compared to a supply of ~~145~~ 100 long-term parking spaces,[3] the Code Compliant Alternative parking demand would result in a shortfall of ~~130~~ 295 spaces during the weekday evening period, which would be slightly less than that for the proposed project. As with the proposed project, under the Code Compliant Alternative the loss of the existing public parking spaces during the midday period would result in motorists parking outside of the study area or shifting to another travel mode, and during the evening period the off-street parking supply in the study area would be sufficient to meet demand.

Under the Code Compliant Alternative, ~~12~~ 19 fewer vehicles would enter and exit the Howard Street parking garage during the weekday p.m. peak hour than under the proposed project. As with the proposed project, parking operations would not be expected to result in queues that spill out of the parking garage and back onto Howard Street. Unlike the proposed project, which would include Improvement Measure I-TR-~~K~~O: Installation of Electronic "Parking Full" Sign, described on p. 4.E.69, no improvement measures have been identified for this alternative.

Construction Impacts

Construction activities associated with the Code Compliant Alternative would be similar to, but less than, those described for the proposed project. Overall, the construction-related transportation impacts of this alternative would be less than significant due to their temporary and limited duration. Improvement Measures I-TR-L: Expanded Traffic Control Plan for Construction, M: Carpool and Transit Access for Construction Workers,

and N: Project Construction Updates for Adjacent Businesses and Residents, identified for the proposed project and described on pp. 4.E.71-4.E.72, would be applicable to this alternative to reduce its less-than-significant, construction-related transportation effects. Improvement Measures I-TR-L, M, and N could require the contractor to prepare a traffic control plan for project construction to reduce potential conflicts between construction activities and pedestrians, transit, and autos; could require the construction contractor to encourage carpooling and transit access to the site by construction workers; and could require the project sponsor to provide nearby residences and adjacent businesses with regularly updated information regarding project construction.

2035 Cumulative Conditions

As with the proposed project, 2035 cumulative conditions under the Code Compliant Alternative would include the public realm and transportation system improvements proposed as part of the TCDP. Under the Code Compliant Alternative, as shown in Table 6.2, ~~180~~ 196 vehicle trips would be generated during the weekday p.m. peak period (~~15 fewer than under~~ nearly the same as the proposed project). Under 2035 cumulative conditions, vehicle delays would increase at the nine study intersections compared to existing conditions, and, as under the proposed project, six of the nine study intersections – The Embarcadero/Mission Street, The Embarcadero/Howard Street, The Embarcadero/Folsom Street, The Embarcadero/Harrison Street, Spear Street/Howard Street, and Spear Street/Folsom Street –would operate at LOS E or LOS F (as described in Section 4.E, Transportation and Circulation, pp. 4.E.72-4.E.75). The other three study intersections – Steuart Street/Mission Street, Steuart Street/Howard Street, and Fremont Street/Folsom Street/I-80 WB Off-Ramp – would operate at LOS C or LOS D under 2035 cumulative conditions.

Like the proposed project, the Code Compliant Alternative would result in less-than-significant cumulatively considerable contributions to significant cumulative impacts at five of the six study intersections that operate at LOS E or LOS F under 2035 cumulative conditions, based on consideration of the alternative's contribution to critical movements. Therefore, the Code Compliant Alternative's traffic impacts under 2035 cumulative conditions at these five study intersections (The Embarcadero/Mission Street, The Embarcadero/Howard Street, The Embarcadero/Folsom Street, The Embarcadero/Harrison Street, and Spear Street/Folsom Street) would result in a less-than-significant cumulatively considerable contribution, ~~especially~~ since its contribution to critical movements would be ~~less than for~~ the same as that of the proposed project.

As described on EIR pp. 4.E.72-4.E.75, intersection operations at Spear Street/Howard Street under 2035 cumulative conditions would degrade to LOS E due to the elimination of one or two southbound travel lanes between Market Street and Folsom Street and their conversion into one northbound travel lane, as called for in the TCDP. This significant cumulative impact would not arise without implementation of this component of the TCDP. Feasible mitigation measures aimed at lessening the significant cumulative traffic impact at the Spear Street/Howard Street intersection related to the implementation of certain public realm components of the TCDP were not identified as part of its environmental review. Therefore, the significant cumulative traffic impact at the Spear Street/Howard Street intersection under 2035 cumulative conditions would be unavoidable. As with the proposed project, which would contribute considerably to the significant cumulative traffic impact at the Spear Street/Howard Street intersection (as described in Section 4.E, Transportation and Circulation, pp. 4.E.72-4.E.75), the Code

Compliant Alternative would also contribute to the significant cumulative traffic impact at the Spear Street/Howard Street intersection~~, although to a lesser degree, because it would generate slightly fewer new vehicle and transit trips~~. Therefore, under the Code Compliant Alternative, the suggested transportation and circulation mitigation measure identified for the proposed project (Mitigation Measure M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets, on p. 4.E.74) would also be applicable. However, as discussed therein, the feasibility of this mitigation measure is not certain, and like the proposed project, the Code Compliant Alternative would generate a cumulatively considerable contribution to the significant and unavoidable cumulative impact at the Spear Street/Howard Street intersection.

As described on EIR pp. 4.E.75-4.E.77, transit operations under 2035 cumulative conditions for the Geary subcorridor of Muni's Northwest screenline would exceed the 85 percent capacity utilization standard resulting in a significant cumulative transit impact. The additional project-related transit trips generated under both the proposed project and this alternative would be within the daily variation of transit demand. Therefore, under the Code Compliant Alternative project-related transit trips added to the Muni screenlines and subcorridors, including those to the Northwest screenline's Geary subcorridor, would make a minimal contribution to the cumulative transit ridership increase and the contribution would be considered less than significant.

In summary, compared to the proposed project, which would have less-than-significant project-level traffic and transit impacts, would make a significant contribution to a significant cumulative traffic impact at the Spear Street/Howard Street intersection, but would not make a significant contribution to a significant cumulative transit impact at the Geary corridor of Muni's Northwest screenline, the Code Compliant Alternative would generate similar~~, but slightly reduced,~~ less-than-significant project-level traffic and transit impacts, would make a significant~~, but slightly reduced,~~ unavoidable contribution to the significant cumulative traffic impact at the Spear Street/Howard Street intersection, and would not contribute to a significant cumulative transit impact at the Geary corridor of Muni's Northwest screenline. Furthermore, compared to the proposed project, which would generate a less-than-significant contribution to cumulative impacts on pedestrian, bicycle, and loading impacts as well as construction-related transportation and circulation impacts in the project vicinity, the Code Compliant Alternative would generate a similar~~, but slightly reduced,~~ contribution to pedestrian, bicycle, and loading impacts under 2035 cumulative conditions as well as construction-related transportation and circulation impacts.

Noise

Similar to the proposed project, the Code Compliant Alternative would result in demolition, excavation, and building construction activities that would temporarily and intermittently increase noise and groundborne vibration in the project vicinity to levels that could be considered an annoyance by occupants of nearby properties. The greatest construction noise and vibration impacts would be during demolition and basement construction, and the loudest activities, such as installation of piles, demolition, and excavation, would occur over the first 30 weeks, the same duration as with the proposed project. The overall duration of construction noise would be shorter than that for the proposed project. Construction activities would be required to comply with the San Francisco Noise Ordinance. However, as with the proposed project, noise from construction would still be substantially greater than existing noise levels in the project

vicinity and could significantly impact nearby sensitive receptors. To ensure construction noise and vibration are reduced to the maximum amount feasible, Mitigation Measures M-NO-1a: Noise Control Measures During Pile Driving, and M-NO-1b: General Construction Noise Control Measures, identified for the proposed project and described in Section 4.F, Noise, pp. 4.F.22-4.F.23, would also be applicable under this alternative. Mitigation Measure M-NO-1a would require the use of feasible noise- and vibration-reducing techniques for installing piles such as erecting barriers and pre-drilling pile holes where feasible, and Mitigation Measure M-NO-1b would require the project contractor to use equipment with lower noise emissions and sound controls where feasible, locate stationary equipment as far as possible from sensitive receptors, designate a construction noise complaint and enforcement manager, and provide advance notification to surrounding receptors.

Construction of the Code Compliant Alternative would cause cumulative construction noise impacts that would occur with other projects in the vicinity, including construction occurring as development is approved pursuant to implementation of the TCDP. As with the proposed project, Mitigation Measure M-C-NO-1a: Cumulative Construction Noise Control Measures, p. 4.F.34, would also be applicable to this alternative. Mitigation Measure M-C-NO-1a would ensure that construction of the alternative would not result in a cumulatively considerable contribution to temporary or periodic increases in ambient noise or vibration. As with the proposed project, implementation of these mitigation measures under this alternative would decrease significant project-level construction noise and vibration impacts and cumulatively considerable contributions to cumulative construction noise and vibration impacts to a less-than-significant level.

Operation of the Code Compliant Alternative would introduce additional noise sources to the area, such as new mechanical equipment for building utilities, including ventilation equipment (HVAC equipment) and other building mechanical systems. To address stationary operational noise sources, Mitigation Measure M-NO-3: Interior Mechanical Equipment, identified for the proposed project and described on p. 4.F.28, would also be applicable to this alternative. This mitigation measure would require that stationary sources of noise be installed with noise-insulating enclosures or other adequate noise-attenuating features. With implementation of this mitigation measure, operational noise would not significantly increase the ambient noise levels of the area and would be consistent with the noise level limits of the San Francisco Noise Ordinance and the *San Francisco General Plan* Land Use Compatibility Guidelines for Community Noise, and this impact would be mitigated to less-than-significant levels for this alternative, similar to the proposed project. As with the proposed project, the Code Compliant Alternative project-level impacts would be less-than-significant (with mitigation incorporated) and would have no cumulatively considerable contribution to significant cumulative operational ambient noise levels in the project vicinity.

Air Quality

Similar to the proposed project, the Code Compliant Alternative would result in demolition, excavation, and building construction activities that would cause emissions of criteria air pollutants and toxic air contaminants that would affect local air quality. Activities that create dust would be subject to the Construction Dust Control Ordinance. The construction activities, equipment, and phasing under this alternative would be similar to those of the proposed project. This alternative would result in construction emissions of criteria air pollutants that would be below the applicable significance

thresholds. However, toxic air contaminants (TACs) emitted during construction would expose sensitive receptors to substantial pollutant concentrations, requiring mitigation, as under the proposed project. Implementation of Mitigation Measure M-AQ-2: Construction Emissions Minimization, identified for the proposed project and described on pp. 4.G.31-4.G.33, would be applicable to this alternative. This mitigation measure, which calls for the development of a construction emissions minimization plan, would reduce construction emissions and the construction-related emissions impacts of this alternative on nearby sensitive receptors to a less-than-significant level.

Due to fewer residential units ~~and slightly less retail use~~, operational emissions for the Code Compliant Alternative would be similar to, but less than, those of the proposed project. Sources of operational emissions for this alternative would include a back-up emergency generator, other mechanical systems, and new motor vehicle trips with emissions from mobile sources. The emissions from mobile sources are around the same as ~~would be slightly less than~~ those of the proposed project~~, because of the lower travel demand under this alternative~~. As with the proposed project, the project sponsor would be required to obtain applicable permits to operate an emergency generator from the BAAQMD, and Mitigation Measure M-AQ-4a: Best Available Control Technology for Diesel Generators, identified for the proposed project and described on p. 4.G.36, would also be applicable to this alternative. This mitigation measure would require the diesel generator to achieve up-to-date standards or include a verified emissions control device, which would reduce to a less-than-significant level the impact of locating a new source within an area that already experiences poor air quality.

Under this alternative, as with the proposed project, the new residential land use would be developed in an area that experiences higher levels of air pollution, and this alternative would have the potential to expose sensitive receptors to substantial concentrations of air pollutants. Because of the setting, Mitigation Measure M-AQ-4b: Air Filtration Measures, identified for the proposed project and described on pp. 4.G.36-4.G.37, would be applicable to this alternative. This mitigation measure would require the project sponsor to install ventilation and filtration systems, with provisions for ongoing maintenance and disclosure to occupants. With implementation of this mitigation measure, this alternative would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial pollutant concentrations.

As with the proposed project, the Code Compliant Alternative would not conflict with or obstruct implementation of the applicable air quality plan, and this alternative would not expose a substantial number of people to objectionable odors.

Project-level criteria air pollutant emissions at levels below the thresholds are not anticipated to contribute to an air quality violation or result in a cumulatively considerable net increase in criteria air pollutants. Although this alternative would add a new residential land use and new sources of TACs within an area of the City that is already adversely affected by poor air quality, mitigation identified for the proposed project (Mitigation Measures M-AQ-2, which could reduce construction period emissions by as much as 94 percent; M-AQ-4a, which requires best available control technology to limit emissions from the project's emergency back-up generator; and M-AQ-4b, which requires that the building be designed to reduce outdoor infiltration of fine particulate matter indoors by 80 percent) would also be applicable to this alternative. Compliance with these mitigation measures would ensure that this alternative's contribution to cumulative air quality impacts would not result in a cumulatively considerable

contribution to significant cumulative air quality impacts. Therefore, as with the proposed project, there would be less-than-significant (with mitigation incorporated) project-level impacts and no cumulatively considerable contribution to significant cumulative impacts related to air quality under the Code Compliant Alternative.

Shadow

The ~~200~~220-foot-tall Code Compliant Alternative (plus an additional approximately 20-foot-tall elevator/mechanical penthouse and screening), which would be ~~148~~ 128 feet shorter than the proposed project, would shadow some of the same publicly accessible open spaces (the Embarcadero Promenade and Rincon Park), privately owned publicly accessible open spaces (POPOs), and public sidewalks. The Code Compliant Alternative would cast about 6,276,795 ~~4,517,994~~ square-foot-hours (sfh) of annual net new shadow on Rincon Park (a reduction of about ~~53.5~~ 35.4 percent when compared to the proposed project). The net new shadow on Rincon Park would occur in the afternoon throughout the year and would fall on the hardscape and seating areas in the middle of the park. Given the number of people who sit in sunlit areas of Rincon Park in the afternoon, net new shadow on these sunlit areas would adversely affect the use of these areas. For these reasons, the Code Compliant Alternative would have significant project-level shadow impacts on outdoor recreation facilities and other public areas. The TCDP EIR identified significant cumulative shadow impacts on outdoor recreation facilities and other public areas,[4] and the Code Compliant Alternative would make a cumulatively considerable contribution to this significant cumulative shadow impact.

Utilities and Service Systems

Under the Code Compliant Alternative, there would be fewer residents on the project site than with the proposed project and the increase in wastewater flows would be less than for the proposed project. The Code Compliant Alternative would not result in the exceedance of any wastewater treatment requirements~~. Under this alternative there would be no alterations or improvements to the Steuart Street right-of-way south of Howard Street; thus stormwater drainage patterns on the Steuart Street right-of-way would be the same as under existing conditions.~~ As under the proposed project, landscape improvements and a wider sidewalk would be installed along the west side of Steuart Street south of Howard Street. Stormwater management on the project site would comply with the SMO, and stormwater would be handled in a way similar to that for the proposed project and project variants. As under the proposed project, this alternative would not require or result in the construction of new or the expansion of existing water wastewater treatment facilities, or stormwater drainage facilities. Construction of the Code Compliant Alternative in combination with reasonably foreseeable projects in the project vicinity would not result in a cumulatively considerable contribution to significant and adverse cumulative impacts on the treatment of stormwater runoff or affect capacity of wastewater treatment facilities or stormwater drainage facilities. Therefore, under the Code Compliant Alternative, project-level impacts would be less than significant and there would be no cumulatively considerable contribution to significant cumulative impacts on utilities and service systems.

Biological Resources

Construction of the ~~200~~220-foot-tall, high-rise tower under the Code Compliant Alternative would result in similar impacts related to bird migration and local movement, birdstrike risks, or bats as under the proposed project. Mitigation Measures M-BI-1a:

Design Standards to Render Building Less Hazardous to Birds and M-BI-1b: Night Lighting Minimization, and Improvement Measure I-BI-A: Tenant Education would also be applicable to this alternative to ensure that the proposed high-rise tower would not result in significant impacts related to bird strikes. As under the proposed project, construction of the ~~200~~220-foot-tall, high-rise tower would not interfere with the movement of, or have any effects on, native resident bats. Therefore, as under the proposed project, the Code Compliant Alternative would have less-than-significant project-level impacts (with mitigation incorporated) and no cumulatively considerable contribution to significant cumulative impacts related to biological resources.

Hydrology and Water Quality

Under this alternative, impacts from exposure to significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow would be the same as under the proposed project. There would be less-than-significant project-level impacts and no cumulatively considerable contribution to significant cumulative impacts related to impacts from inundation by seiche, tsunami, or mudflow.

Impacts from increased risk of flooding due to climate-induced sea level rise under this alternative would also be similar to those with the proposed project. ~~As under the proposed project, even with the implementation of Mitigation Measure M-HY-2: Emergency Plan, described on pp. 4.K.25-4.K.26, there would be significant and unavoidable project-level impacts from flooding due to climate-induced sea level rise under this alternative.~~ As under the proposed project, there would be less-than-significant project-level impacts from flooding due to climate-induced sea level rise under this alternative. Although no mitigation is required, Improvement Meausre I-HY-A: Emergency Plan would still be applicable under this alternative. ~~t~~The Reduced Height Alternative's contribution to cumulative impacts with respect to sea level rise would not result in a cumulatively considerable contribution to significant cumulative sea level rise impacts.

Other Topics

The NOP/IS and public scoping process concluded that the proposed project would have no impacts, less-than-significant impacts, or less-than-significant impacts with mitigation in the following analysis areas:

- Land Use and Land Use Planning (Physically Divide an Established Community, only);
- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);
- Population and Housing;
- Cultural and Paleontological Resources (Historic Resources and Paleontological Resources, only);
- Greenhouse Gas Emissions;
- Wind and Shadow (Wind, only);
- Recreation;

- Utilities and Service Systems (Exceedances of Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board, Availability of Sufficient Water Supply to Serve the Project, Capacity of Wastewater Treatment to Serve the Project, Capacity of Landfill to Serve the Project, or Compliance with Federal, State, and Local Statutes and Regulations Related to Solid Waste, only);
- Public Services;
- Biological Resources (Substantial Adverse Effects on any Species, or Special-Status Species in Local or Regional Plans, Policies, or Regulations; Substantial Adverse Effects on any Riparian Habitat or Other Sensitive Natural Community; Substantial Adverse Effects on Federally Protected Wetlands as Defined by Section 404 of the Clean Water Act; Conflict with Any Local Policies or Ordinances Protecting Biological Resources; and Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan or Other Approved Local, Regional, or State Habitat Conservation Plan, only);
- Geology and Soils;
- Hydrology and Water Quality (Violate Water Quality Standards or Waste Discharge Requirements; Deplete Groundwater Supplies or Interfere Substantially with Groundwater Recharge; Alter the Existing Drainage Pattern of the Site Resulting in Substantial Erosion or Siltation; Alter the Existing Drainage Pattern of the Site Resulting in Substantially Increased Runoff in a Manner that would Result in Flooding; Create or Contribute to Runoff Water which would Exceed Capacity of Existing Stormwater Systems; Degrade Water Quality; Place Housing within a 100-year Flood Hazard Area, Place Structures within a 100-year flood hazard area that would Impede or Redirect Flood Flows; and Expose People or Structures to a Significant Risk of Loss, Injury or Death Involving Flooding as a Result of a Failure of a Levee or Dam, only);
- Hazards/Hazardous Materials;
- Mineral/Energy Resources; and
- Agricultural and Forest Resources.

The Code Compliant Alternative would occupy the same building site as the proposed project, but would not include the proposed open space and Steuart Street right-of-way improvements on the open space improvement site. This alternative would include a substantially similar mix of land uses and a substantially similar (but lessened) intensity of uses on the site. Impacts under this alternative for each of the above-noted environmental topics would be substantially similar to those of the proposed project. The Code Compliant Alternative would not result in any new potentially significant impacts for the environmental topics identified in the NOP/IS for the proposed project. The mitigation measures and improvement measure presented in the NOP/Initial Study for the proposed project (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measures M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would also be applicable under the Code Compliant Alternative. Therefore, the conclusions in the NOP/IS with respect to the

above environmental topics would be less than significant or less than significant with mitigation under the Code Compliant Alternative.

CONCLUSION

The Code Compliant Alternative, unlike the proposed project, would result in ~~less-than-significant project-level impacts on~~ less noticeable changes to scenic vistas of Downtown from the eastern waterfront and the Bay Bridge. The reduced height of the high-rise tower would ~~substantially~~ step down to the waterfront open space and the Bay from existing adjacent and nearby high-rise buildings and would be more consistent with the City's vision for the urban form of San Francisco's Downtown; thus it would reinforce the existing pattern discernible at the southeast edge of Downtown because it would be more similar in height than the proposed project to the buildings immediately adjacent to the project site. Unlike the proposed project, the Code Compliant Alternative would also result in less-than-significant project-level land use and land use planning impacts since this alternative would comply with the existing height limit for the project site with the granting of exceptions pursuant to the applicable Planning Code controls and would be consistent with the Redevelopment Requirements as to that small portion of the building located within the Rincon Point South Beach Redevelopment Plan Area. The Code Compliant Alternative would result in less annual net new shadow on Rincon Park, but would still create significant and unavoidable shadow impacts on Rincon Park. Neither the proposed project nor the Code Compliant Alternative would make a cumulatively considerable contribution to significant cumulative ~~aesthetic or~~ land use impacts, because both the proposed project and the Code Compliant Alternative would be substantially shorter than the new height limits and buildings anticipated by the TCDP on nearby blocks. As under the proposed project, but to a lesser degree, the Code Compliant Alternative would result in the following significant and unavoidable impacts: significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow). The Code Compliant Alternative would have the same, but to a lesser degree, significant and unavoidable project-level and cumulative shadow impacts on outdoor recreation facilities and other public areas as under the proposed project. ~~The Code Compliant Alternative would also have the same significant and unavoidable project-level impacts as the proposed project from the increased risk of flooding due to climate-induced sea level rise.~~ As with the proposed project, but to a lesser degree, the Code Compliant Alternative would result in less-than-significant impacts (with mitigation or improvement measures) related to cultural and paleontological resources, noise, air quality, wind, utilities and service systems, biological resources, and hazards and hazardous materials. This alternative, as with the proposed project, would result in less-than-significant impacts in the areas of population and housing, greenhouse gas emissions, recreation, public services, geology and soils, hydrology and water quality, and mineral and energy resources. Neither the Code Compliant Alternative nor the proposed project would result in impacts related to agricultural and forest resources.

The Code Compliant Alternative would achieve most ~~some~~ of the basic objectives of the project sponsor. This alternative would improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking, and ~~. It~~ would ~~also~~ increase the City's supply of housing. It would also partially meet, though not to the full extent as under the proposed project, the sponsor's objectives to

construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing. The Code Compliant Alternative, however, would not meet the project sponsor's objective to construct ~~streetscape improvements and~~ open space that serves the neighborhood residents and workers, and enlivens pedestrian activity on the waterfront during evening and nighttime hours, in part because the Project Sponsor was not able to secure the right to purchase the property from the City (the property's owner) and the City does not have definitive plans with respect to the disposition or future uses of the site at this time. ~~nor would it meet the sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing. Specifically, and according to the project sponsor, the Code Compliant Alternative may be financially infeasible, as the Code Compliant Alternative and the existing Planning Code requirements applicable to the property are not conducive to residential use, as the Code Compliant Alternative would contain floor plates (17,000 square feet) that are unusually large for a residential building.[5] Such floor plates significantly exceed the market standard for residential buildings because bedrooms and living rooms require access to daylight and air. The interior space must be built at nearly the same cost as any other interior area of the building, but it does not add to the value of the unit in the same way that even a very small extra bedroom for children or guests would. Floor plates of these sizes (17,000 sf and greater) are occasionally seen in residential buildings but only when the site is wide enough to allow for very rectangular or bar shaped double-loaded buildings of no more than 80 feet in depth, with service cores typically placed at the ends.[6]~~

Two of the footnotes in this discussion have been revised, two remain the same, and two have been deleted, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

[Footnote 1 on EIR p. 6.17]

[1] Adavant Consulting, (Revised) Memo to ~~Greg Riessen/~~Susan Mickelsen/Don Lewis Re: 75 Howard Street Project Transportation Study, Case Number 2001.1122! Proposed Project Alternatives Assessment, ~~June 28, 2013~~ May 15, 2015 (hereinafter "75 Howard Street Project – Alternatives Assessment"), pp. ~~4~~ 8-11. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2011.1122E.

[Footnote 2 on EIR p. 6.18]

[2] Transit trips are included because they involve walking from the transit stop to the project site.

[Footnote 3 on EIR p. 6.21]

[3] This total does not include the two car-share spaces.

[Footnote 4 on EIR p. 6.27]

[4] San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final EIR*, certified on May 24, 2012, p. 527.

[Footnote 5, p. 6.31]

~~[5] Email correspondence from Mark Schwettmann, SOM, to W. Calvin Meeder, Paramount Group, Tuesday, May 28, 2013.~~

[Footnote 6, p. 6.31]
~~[6] Email correspondence from Mark Schwettmann, SOM, to W. Calvin Meeder, Paramount Group, Tuesday, May 28, 2013.~~

* The second paragraph on EIR p. 6.35 is revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> The physical environmental impacts that could result from the potential inconsistency between the Code Compliant Alternative and Priority Policy No. 8 are discussed below under the topic~~s~~ of ~~Aesthetics and~~ Shadow. Inconsistency with this policy is also explained below in the Aesthetics Discussion.

* The five paragraphs under the Aesthetics discussion on EIR pp. 6.35-6.36 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

> **Aesthetics Discussion**
>
> Section 4.C, Aesthetics, on pp. 4.C.3-4.C.4, identifies two types of potentially affected scenic vistas: Views Along Inland Street View Corridors, and Views of Downtown from the Eastern Waterfront and the Bay Bridge. ~~The impact of this alternative on v~~Views along inland street view corridors with this alternative would be substantially the same as that described for the proposed project on pp. 4.C.18-4.C.20. As with the proposed project, this alternative would not obstruct views to the Bay from inland street corridors~~,~~ but, together with existing buildings, would frame these views~~, and would have a less-than-significant effect on scenic vistas along inland street view corridors~~.
>
> Like the proposed project, this alternative would change ~~have a significant and unavoidable impact on~~ scenic vistas of Downtown from the eastern waterfront and the Bay Bridge. At a height of 281 feet, this alternative would be potentially inconsistent with certain policies relating to urban form as articulated in the objectives and policies of the *General Plan's* Urban Design Element, *Downtown Area Plan*, and TCDP. In particular, because this alternative would be similar in height to the buildings immediately adjacent to the project site rather than shorter than these immediately adjacent buildings, this alternative would potentially conflict with policies calling for Downtown building heights to respect the prevailing scale of development and to step down to the waterfront. ~~While conformity or conflict with plans and policies is not to be construed as constituting a significance threshold, t~~These plans and policies reflect the City's vision for the overall form of Downtown, and can inform the analysis of impacts under CEQA. This alternative, because it is not shorter than the buildings immediately adjacent to it, could be experienced as interrupting an existing pattern discernible at the southeast edge of Downtown of buildings stepping down to the water's edge. This existing pattern is to be continued and reinforced in new development under the *General Plan*. ~~As such, the impact of this alternative on scenic vistas of Downtown as viewed from the eastern waterfront would be considered significant and unavoidable.~~
>
> ~~The impact of the Reduced Height Alternative~~ Effects on ~~s~~cenic resources for this alternative would be ~~similar to that~~ substantially the same as described for the proposed project. The project site contains no scenic resources. As with the proposed project, this alternative would reinforce the western edge of The Embarcadero, presenting an active face to The Embarcadero and Rincon Park, and would develop the open space

improvement site into a landscaped publicly accessible open space. ~~Like the proposed project, this alternative would have a less-than-significant effect on scenic resources.~~

Under the Reduced Height Alternative, it is assumed that the design and materials of the new tower would be similar to the proposed project, and include features that relate visually with the surrounding setting and improve the pedestrian realm, including development of a new public open space on the open space improvement site. ~~This alternative would have a less-than-significant effect on visual character and quality.~~

The Reduced Height Alternative would have a similar cumulative ~~impact~~ effect as that described for the proposed project. As with the proposed project, this alternative would not adversely contribute ~~make a cumulatively considerable contribution~~ to cumulative changes on the project site and project site vicinity ~~in a significant impact related to aesthetics~~.

* On EIR p. 6.40, the "Parking Impacts" heading has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~). The newly titled "Parking Discussion" has also been moved to EIR p. 6.41, to follow the discussion of Construction Impacts on that page:

Parking ~~Impacts~~ Discussion

The first sentence of the second paragraph on EIR p. 6.40 under "Parking Impacts" is revised to reflect the reduction in number of parking spaces pursuant to amendments to the Planning Code parking provisions as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Under the Reduced Height Alternative, a total of 131~~159~~ parking spaces (11~~16~~ fewer than under the proposed project) would be provided (129~~156~~ assigned to residential uses, 1 car-share space, and 1~~2~~ commercial parking space~~s~~ assigned to the restaurant/café uses).

* On EIR p. 6.45, the second full paragraph has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Under this alternative, as with the proposed project, the new residential land use would be developed in an area that experiences higher levels of air pollution, and this alternative would have the potential to expose sensitive receptors to substantial concentrations of air pollutants. However, compliance with Article 38 of the San Francisco Health Code ~~Because of the setting, Mitigation Measure M-AQ-4b: Air Filtration Measures, identified for the proposed project and described on pp. 4.G.36-4.G.37, would also be applicable to this alternative. This mitigation measure would require the project sponsor to install ventilation and filtration systems, with provisions for ongoing maintenance and disclosure to occupants. With implementation of this mitigation measure, this alternative~~ would result in a less-than-significant impact with respect to exposing sensitive receptors to substantial pollutant concentrations.

The paragraphs under "Hydrology and Water Quality" on EIR pp. 6.47-6.48 have been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Hydrology and Water Quality

Construction and excavation required for the Reduced Height Alternative would be similar to that required for the proposed project in terms of location and depth. As under the proposed project, potential impacts from exposure to significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow would be less than significant under this alternative, and the cumulatively considerable contribution to significant cumulative impacts from inundation by seiche, tsunami, or mudflow would be less than significant.

Impacts from increased risk of flooding due to climate-induced sea level rise under this alternative would also be similar to those with the proposed project. ~~As under the proposed project, even with the implementation of Mitigation Measure M-HY-2: Emergency Plan, described on pp. 4.K.25-4.K.26, there would be significant and unavoidable project-level impacts from flooding due to climate-induced sea level rise under this alternative.~~ As under the proposed project, there would be less-than-significant project-level impacts from flooding due to climate-induced sea level rise under this alternative. Although no mitigation is required, Improvement Meausre I-HY-A: Emergency Plan would still be applicable under this alternative. ~~t~~The Reduced Height Alternative's contribution to cumulative impacts with respect to sea level rise would not result in a cumulatively considerable contribution to significant cumulative sea level rise impacts.

* On EIR p. 6.48, the second bullet point has been revised, as shown below (new text is underlined):

- Aesthetics (Create a New Source of Substantial Light or Glare, only) (In accordance with SB 743, the topic of aesthetics is no longer considered a potential environmental impact for this project; however, the topic of light and glare remains in the Initial Study (Appendix A);

The first paragraph on EIR p. 6.49 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

The Reduced Height Alternative would occupy the same project site as the proposed project, and would include a similar mix of uses on the site. Impacts under this alternative for each of the above-noted environmental topics would be substantially similar to those of the proposed project. The Reduced Height Alternative would not result in any new potentially significant impacts for the environmental topics identified in the NOP/IS for the proposed project. As under the proposed project, the mitigation measures and improvement measure presented in the NOP/IS (Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, ~~Mitigation Measure M-HZ-1a: Site Assessment and Corrective Action for All Sites,~~ Mitigation Measure~~s~~ M-HZ-1a~~b~~: Hazardous Building Materials Abatement, and Improvement Measure I-WS-A) would also be applicable under the Reduced Height Alternative. Therefore, the conclusions in the NOP/IS with respect to the above environmental topics would be less than significant or less than significant with mitigation under the Reduced Height Alternative.

* The second full sentence of the last paragraph on EIR p. 6.49 is revised as follows (deletions are shown in ~~strikethrough~~):

> As under the proposed project, but to a somewhat lesser degree, the Reduced Height Alternative would still result in the following significant and unavoidable impacts: significant and unavoidable project-level land use and land use planning impacts since this alternative would not comply with the existing height limit for the project site, and would result in net new shadow on Rincon Park (land use and land use planning); ~~significant and unavoidable impacts on scenic vistas of Downtown from the eastern waterfront and the Bay Bridge (aesthetics);~~ significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow).

The fourth and sixth sentences of the last paragraph on EIR p. 6.49, continuing on p. 6.50, have been revised, as shown below (new text is <u>underlined</u> and deletions are shown in ~~strikethrough~~):

> ~~The Reduced Height Alternative would also have the same significant and unavoidable project-level impacts as the proposed project from the increased risk of flooding due to climate-induced sea level rise.~~ As with the proposed project, but generally to a lesser degree, the Reduced Height Alternative would result in less-than-significant impacts (with mitigation or improvement measures) related to cultural and paleontological resources, noise, air quality, wind, utilities and service systems, biological resources, and hazards and hazardous materials. This alternative, as with the proposed project but to a slightly lesser degree, would result in less-than-significant impacts in the areas of population and housing, greenhouse gas emissions, recreation, public services, geology and soils, <u>hydrology and water quality</u>, and mineral and energy resources.

* The third full sentence on EIR p. 6.50 is revised as follows (deletions are shown in ~~strikethrough~~):

> Neither the proposed project nor the Reduced Height Alternative would make a cumulatively considerable contribution to <u>a</u> significant cumulative ~~aesthetic or~~ land use impact~~s~~, because both the proposed project and the Reduce Height Alternative would be substantially shorter than the new height limits and buildings anticipated by the TCDP on nearby blocks.

The second paragraph on EIR p. 6.50 is revised as follows (new text is <u>underlined</u> and deletions are shown in ~~strikethrough~~):

> The Reduced Height Alternative would achieve most of the basic objectives of the project sponsor. This alternative would improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking. It would also increase the City's supply of housing. This alternative would also meet the project sponsor's objective to construct streetscape improvements and open space that serve the neighborhood residents and workers, and enliven pedestrian activity on the waterfront during evening and nighttime hours. ~~However, according to the project sponsor, t~~<u>T</u>he Reduced Height Alternative would ~~not~~ <u>also partially</u> meet<u>, though not to the full extent as under the proposed project,</u> the project sponsor's objective to be able to

construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, and attract investment capital and construction financing.

The first paragraph on EIR p. 6.51 has been revised, as shown below (new text is underlined and deletions are shown in ~~strikethrough~~):

Pursuant to the CEQA Guidelines, an EIR is required to identify the environmentally superior alternative that has the fewest significant environmental impacts from among the other alternatives evaluated. The proposed project would result in significant and unavoidable project specific impacts related to land use and land use planning, ~~aesthetics,~~ and shadow~~, and hydrology and water quality~~, and to cumulative impacts related to transportation and circulation, and shadow. The Code Compliant Alternative would be the environmentally superior alternative because it would result in less-than-significant impacts related to land use and land use planning ~~and aesthetics~~, unlike the proposed project. The Code Compliant Alternative would still result in significant and unavoidable impacts to shadow, and hydrology and water quality, and to cumulative transportation and circulation impacts.

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