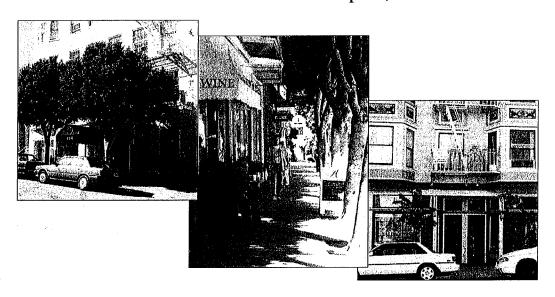
# MARKET AND OCTAVIA NEIGHBORHOOD PLAN

## Volume II Final Environmental Impact Report Comments and Responses

Planning Department Case No. 2003.0347E State Clearinghouse No. 2004012118

September 2007

Draft EIR Publication Date: June 25, 2005 Draft EIR Public Hearing Date: July 28, 2005 Draft EIR Public Comment Period: June 25, 2005 to August 23, 2005 Final EIR Certification Date: April 5, 2007



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

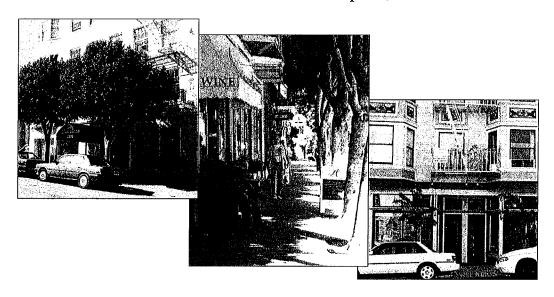
# MARKET AND OCTAVIA NEIGHBORHOOD PLAN

## Volume II Final Environmental Impact Report Comments and Responses

Planning Department Case No. 2003.0347E State Clearinghouse No. 2004012118

September 2007

Draft EIR Publication Date: June 25, 2005 Draft EIR Public Hearing Date: July 28, 2005 Draft EIR Public Comment Period: June 25, 2005 to August 23, 2005 Final EIR Certification Date: April 5, 2007



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

	,		

## **COMMENTS AND RESPONSES**

## TABLE OF CONTENTS

			Page
1.0 IN	TRODUCTION		1-1
2.0 L	ST OF PERSONS COM	MENTING	2-1
3.0 W	RITTEN COMMENTS	AND RESPONSES	3-1
4.0 PI	UBLIC HEARING COM	MENTS AND RESPONSES	4-1
5.0 E	IR TEXT CHANGES		5-1
6.0 IN	IPACT ANALYSIS FOR	R PROPOSED PLAN REVISIONS	6-1
7.0 T	RANSPORTATION TE	CHNICAL APPENDIX	7-1
LIST C	F TABLES (first occur	rrence)	
Table C	,	05 Off-Street Parking Supply in the Market Octavia	
		ised	
Table 4		ber 2005) Off-Street Parking Supply and Occupancy –	
		on a Typical Weekday	
Table 4-		per 2005) Off-Street Parking Supply and Occupancy –	
	,	A	3-30
Table 4-		are Off-Street Parking Supply and Occupancy –	2 54
<del></del>		on a Typical Weekday	3-51
Table 4-		re Off-Street Parking Supply and Occupancy –	2.50
т 11 а		1	
Table 3-	· · · · · · · · · · · · · · · · · · ·	d Zoning for Central Freeway Parcels	3-163
Table A		Parking Supply and Demand –	2 404
77 1 1 TO	Weekday Midday	Conditions	5-181
Table B	2025 Project Area	Parking Supply and Demand	2 404
T-11- C		Conditions	5-181
Table C		Rental Units, Income Levels and Monthly Payments –	2 207
T 11 T		old	3-307
Table D		Ownership Housing, Income Levels and Monthly	2 207
T 11 C		son Household	3-307
Table C		g Off-Street Parking Occupancy in the	F FF
T 11 0		roject Area	5-55
Table C		g Off-Street Percentage Parking Occupancy in the	F F0
	iviarket Octavia Pi	roject Area	5-58

## LIST OF FIGURES (first occurrence)

Figure 4-22	Revised, Existing Year Off-Street Public Parking	3-32
Figure 4-4	Revised, Proposed Generalized Height Districts	
Figure 4-14	Revised, Viewpoint S1: Market Street, Looking East	
Figure 4-15	Revised, Viewpoint S2: Market Street, Looking Southeast	
Figure 4-16	Revised, Viewpoint S3: Octavia Boulevard, Looking North	
Figure 3-1	Revised, Location Map	
Figure 4-2	Revised, Existing Use Districts	
Figure 4-3	Revised, Existing Generalized Height District	
Figure 6-1	Revised Location Map Market and Octavia Area Plan	
Figure 6-2	Revised Use Districts Market and Octavia Area Plan	
Figure 6-3	Revised Generalized Height Districts Market and Octavia Area Plan	

## 1.0 INTRODUCTION

This document contains public comments received on the Draft Environmental Impact Report (DEIR) prepared for the *Market and Octavia Neighborhood Plan* and the responses to those comments. Following this introduction, Section 2.0 contains a list of all persons and organizations who submitted written comments on the DEIR during the public review period from June 25 through August 23, 2005 or who testified at the San Francisco Planning Department public hearing on the DEIR held on July 28, 2005.

Sections 3.0 and 4.0 contain the comments and responses. Comments are grouped by person commenting, rather than by topic, to allow commentors to easily find the responses to their comment(s). As the subject matter of one comment may overlap with that of others, the reader may be referred to another response for a complete answer to a particular comment. Section 3.0 contains written comment letters received by the Planning Department during the public comment period. Section 4.0 contains transcribed comments made at the public hearing on the DEIR and the responses to each of those comments. Each comment letter or person commenting at the public hearing on the DEIR has been given a letter identifier. Each substantive comment on the DEIR is labeled with a number in the margin, and the responses to each set of comments follows those comments.

Section 5.0 contains all of the proposed text and graphics changes to the DEIR. This section includes staff-initiated text changes in addition to the proposed changes made in response to comments in Sections 3.0 and 4.0. The staff-initiated changes, made by the EIR preparers, revise text of the original DEIR subsequent to its publication to correct or clarify information presented in the DEIR. Section 6.0 describes changes to the Plan that were incorporated into Market and Octavia, an Area Plan of the General Plan of the City and County of San Francisco that was developed in August 2006. Section 6.0 also discusses the general environmental impacts of these changes. Section 7.0 contains a transportation technical appendix.

The Responses to Comments phase of the EIR process is intended solely to respond to comments on the adequacy of the approach and analysis of the Draft EIR. Some comments received did not pertain to physical environmental issues of the Plan, but responses may be included to provide additional information for use by decision makers. Comments regarding the merits of and concerns

about the Plan are more appropriately considered by the Planning Commission and the Board of Supervisors as part of the decision as to whether or not to adopt the proposed *Market and Octavia Neighborhood Plan*. This decision will be made subsequent to certification (determination of completeness) of the Final EIR. In order to approve the Plan, the Planning Commission would need to adopt a "Statement of Overriding Considerations," as required by CEQA, to explain the greater public good that would be achieved by implementation of the Plan despite the significant and unavoidable impacts that have been identified in the EIR.

These comments and responses will be incorporated into the Final EIR as a new chapter.

#### 2.0 LIST OF PERSONS COMMENTING

The following lists identify all groups, agencies, or individuals commenting on the DEIR. Each comment letter or person commenting at the public hearing has been given a letter identifier as noted below.

## **Comment Letters**

- A. James W. Haas, Civic Center Places for People in San Francisco
- B. James W. Haas, Civic Center Places for People in San Francisco
- C. David Silverman, Reuben & Junius, LLP on behalf of the San Francisco Symphony, the San Francisco Opera, and the San Francisco Ballet
- D. Charles Marsteller/Molly Hopp, Van Ness Neighbors: A Civic Improvement Organization
- E. Pamela S. Duffy, Coblentz, Patch, Duffy & Bass LLP
- F. Jared Braiterman, Ph.D.
- G. James D. Lowe, Transit Planner, San Francisco Municipal Railway
- H. M. Bridget Maley, President, Landmarks Preservation Advisory Board
- I. Scott B. Birkey, Morrison Foerster LLP on behalf of Agesong, Inc.
- J. Neil H. Sekhri, Farella Braun + Martel LLP on behalf of the owners of 1650 Mission Street
- K. Eric Edenfield, 400 Oak Street Homeowners Association
- L. Jason Henderson, Hayes Valley Neighborhood Association
- M. Paul Olsen/Patricia Walkup, Hayes Valley Neighborhood Association
- N. Steven L. Vettel, Morrison Foerster LLP on behalf of A.F. Evans Development Inc. and Mercy Housing
- O. Andrew W. Ingersoll, Farella Braun + Martel LLP on behalf of owners at Van Ness Avenue and Market Street
- P. Robert Meyers, AIA, Robert Meyers Associates on behalf of Pearl Investment Co.

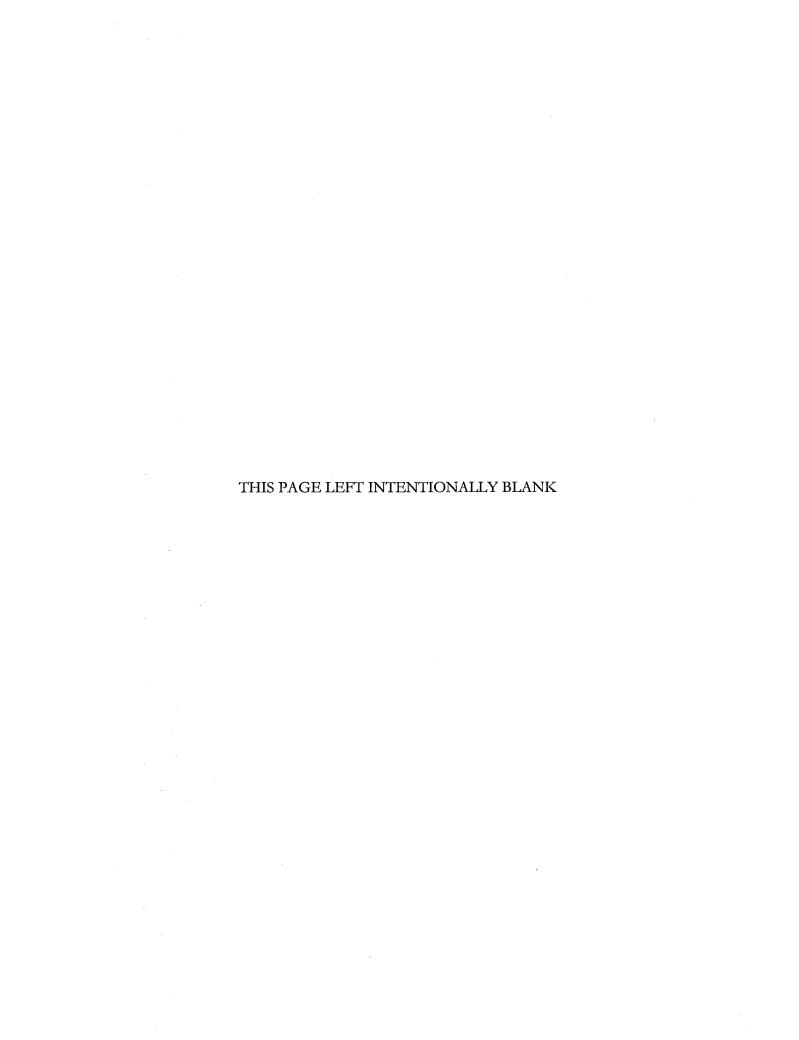
- Q. Kate Hartley/Marcia Rosen, San Francisco Redevelopment Agency
- R. Christopher Pederson
- S. Anna C. Shimko, Cassidy Shimko Dawson, Attorneys at Law on behalf of Safeway Stores
- T. Malik Looper, Goodwill Industries of San Francisco, San Mateo & Marin Counties
- U. Mary Miles, Coalition for Adequate Review
- V. Judy Berkowitz, Coalition for San Francisco Neighborhoods
- W. Robin Levitt, Architect
- X. Rob Anderson
- Y. Timothy C. Sable, California Department of Transportation
- Z. Terry Roberts, State Clearinghouse and Planning Unit
- AA. Gregg Wilcox, Duboce Triangle Neighborhood Association Adam Hagen, Eureka Valley Neighborhood Association Paul Moffett, Merchants of Upper Market and Castro
- AB. Martin Hamilton, New College of California
- AC. Joe Curtin, Castro Area Planning + Action
- AD. Curt Holzinger

## **Public Hearing Comments**

- James W. Haas, Civic Center Places for People in San Francisco
- Christopher Pederson
- Bonnie Jones San Francisco Symphony, San Francisco Opera, and San Francisco Ballet
- Paul Olsen, Hayes Valley Neighborhood Association
- Pamela Duffy, Coblentz, Patch, Duffy & Bass LLP
- Kate White, San Francisco Housing Coalition

## 2.0 LIST OF PERSONS COMMENTING

- Planning Commissioner Michael J. Antonini
- Planning Commissioner Shelley Bradford Bell
- Planning Commissioner Kevin Hughes



## 3.0 WRITTEN COMMENTS AND RESPONSES

This chapter includes a copy of the comment letters received during the public review period on the DEIR and responses to those comments. Each letter is labeled with the letter identifier and each substantive comment on the DEIR is labeled with a number in the margin in the letter. The response to each comment is presented immediately after the letter containing that comment.

Text changes to the DEIR resulting from comments are also presented in this chapter and are included as part of the responses. Text that has been added is <u>underlined</u> and text that has been deleted is shown with a <u>strikethrough</u>. The intent of these text changes is to clarify or amplify information already provided in the DEIR. The text changes do not present any new information that would alter the analysis or conclusions presented in the DEIR. Consequently, the text changes presented below do not trigger the need to recirculate the DEIR, pursuant to CEQA Guidelines Sect. 15088.5.



City & County of S.F. Dept. of City Planing

JUL 2 6 2005

OFFICE OF ENVIRONMENTAL REVIEW

July 25, 2005

Paul Maltzer, Environmental Review Officer Major Environmental Analysis Division San Francisco Planning Department 30 Van Ness Avenue, Fourth Floor San Francisco, CA 94102

> Re: Market and Octavia Neighborhood Plan Draft Environmental Impact Report, Case No. 2003.0347E

Dear Mr. Maltzer:

I write to comment on the completeness and accuracy of the Market and Octavia Neighborhood Plan draft Environmental Impact Report.

The project area covers four blocks included in the Civic Center Historic District as well as eight adjacent blocks mentioned in the Civic Center Plan element of the City's General Plan. The Civic Center has had a major influence on much of the project area from the 1870s to today. The public buildings of Civic Center are of extraordinary quality and of national significance. The governmental agencies and arts and cultural institutions which are currently located in the Civic Center area employ nearly 10,000 people and attract more than 1 million visitors a year to the area. These visitors are the primary customers and patrons of the specialized retail stores and numerous restaurants in the Hayes Valley Neighborhood Commercial area. In spite of this pervasive and intense influence, the draft EIR and the Market and Octavia Plan make little reference to Civic Center, show a lack of understanding of the arts and educational organizations resident there and their affect of the project area, and contain no provisions to support and enhance these uses. The draft EIR needs to be amended to correct this serious omission. I present my particular comments below.

1. Page 1-2. The second paragraph, second sentence, should read "The Project Area lies to the west of the city's Downtown financial district and is bordered on the northeast by the City's Civic Center area and incorporates a portion of it." The third paragraph, first sentence should read "The Plan would govern future developments and public improvements in portions of the Hayes Valley, Duboce Triangle, South of Market West (SoMa West), Mid-Market, Civic Center, and Upper Mission neighborhoods in San Francisco".

A-1

CIVIC PRIDE, AN ADVOCACY GROUP for CIVIC CENTER-633 Battery Street, Fifth Floor • San Francisco, California 94111 • James W. Haas, Chair • 415.989.9222 fax 989.1705

Ser	Page 1-6. The second paragraph calls for the prohibition of subsidized employee parking. everal of the large arts organization resident in the area have contracts with their unionized mployees calling for the availability of parking during rehearsal and performance times at low r no cost. This proposed policy needs to be reconciled with unionized practice.	]A-2
	Providing adequate short term parking for visitors in the Civic Center area."	] A-3
w D	Page 3-3 3.2 Project Review. The first paragraph, second sentence, should read "The Plan would govern future developments and public improvements in portions of the Hayes Valley, Puboce Triangle, South of Market West (SoMa West), Mid-Market, Civic Center, and Upper dission neighborhoods in San Francisco".	]A-4
W	Page 3-4 3.3 Project Location. The first paragraph should read "The Project Area lies to the vest of the city's Downtown financial district and is bordered on the northeast by the City's Sivic Center area and incorporates a portion of it."	A-5
	. Page 3-7 The third full paragraph, first sentence should be revised to add "the San Francisco conservatory of Music" among the listed institutions.	]A-6
er th	Page 3-27 Parking Changes. The second paragraph calls for the prohibition of subsidized mployee parking. Several of the large arts organization resident in the area have contracts with neir unionized employees calling for the availability of parking during rehearsal and erformance times at low or no cost. This proposed policy needs to be reconciled with unionized ractice.	]A-7
Jı ga	econd, it calls for pricing City-owned parking facilities to encourage short term parking. Since only, 2001 the Department of Parking and Traffic has increased the parking rates at the two arages twice in April, 2003 and April 2005 and endeavors to keep these rates at the market with eriodic adjustments.	]A-8
fc at pi	At the top of Page 3-29, in the second sentence last clause, last clause there is a recommendation or Civic Center visitor and arts patrons that valet and parking shuttle services be made available to the Civic Center Garage. Both Civic Center Garage and the Performing Arts Garage currently revide valet parking in the day time and evenings respectively. The major arts organizations feel nat a shuttle service to the Civic Center Garage would not be attractive to their patrons.	] A-9
H	Page 4-2 In the first paragraph the elements of the General Plan are listed including Arts.  Iowever, there is no discussion of the Arts element's relevance to the Market and Octavia Plan.  The Civic Center, of course, contains the City's premier performance arts organizations. In ddition the San Francisco Conservatory of Music is building for itself a new facility at 50 Oak	A-10

L

Street, the San Francisco Girls Chorus has secured a permanent home at 44 Page Street, and the San Francisco United School District has approved plans and partial funding to convert their old headquarters building at 135 Van Ness Avenue into a 1000 student School of the Arts containing a 1200 seat auditorium at Hayes and Franklin Street. This is a critical mass which undoubtedly will attract additional arts activity in the future. The Market and Octavia Plan and the draft EIR make no reference to this significant activity, do not discuss how the Plan conforms to the Arts element of the General Plan nor refer to the objectives in the Arts Element to encourage and support the arts in the project area.

A-10

9. Page 4-2 and 4-18. The draft EIR also does not discuss relevance to the General Plan Civic Center Area Plan despite the fact that some twelve blocks referenced in the Civic Center Plan are included in the Market and Octavia Neighborhood Plan. Discussion should be included about such Civic Center Plan objectives as uniform street design treatments (Policy 1.4), the recruitment of additional cultural activities to the area (Policy 2.2), providing and pricing parking for short term visitor use (Policy 3.3).

A-11

10. Page 4-29. In the second paragraph, first sentence, there is an enumeration of various neighborhoods covered by the Plan which includes Civic Center unlike the enumerations in items 1 and 4 above.

 $\begin{bmatrix} A_{-1} \end{bmatrix}$ 

11. Page 4-35. Institutional and Cultural. The second paragraph, third sentence reference to the San Francisco Bar Association should be dropped as its office were never located on Franklin Street. The State Bar of California used to be located 555 Franklin Street but they sold the building to the San Francisco Unified School District several years ago and moved to 180 Howard St. The paragraph should include these three sentences: "The National Center for International Schools consisting of the French American International School and the Chinese American International School is located on both sides of Oak Street between Franklin and Gough Streets." "The San Francisco Girls Chorus and School is located Page Street between Franklin and Gough Streets" "The Progress Foundation which provides alternative community treatment options to seriously mentally disabled individuals is located on Fell at Octavia Streets".

A-13

12. Page 4-50 Transit Oriented Neighborhood Commercial District. The area proposed for the NCT District consists of numerous restaurants which are primarily dependent on the patrons of the major arts and cultural organizations or are destination restaurants. Likewise many of the speciality retails stores seek customers from throughout the City if not the region. These establishments are not neighborhood serving in the accepted sense of the term. The fourth sentence states that in the NCT District "...auto-oriented uses would not be permitted." Does this change mean that the future businesses could not be established in the District which expect to draw customers primarily from outside the area, a significant portion of which will arrive by car? How will this restriction be enforced? Please explain.

A-14

13. Page 4-61 Cumulative Impacts. In paragraph two, it is stated that the development of the UC

Berkeley Extension site is the only foreseen major development project in the Project area. That statement is incorrect. The San Francisco Unified School District has approved plans and partial funding to convert is old administrative facility at 135 Van Ness into the School for the Arts, a 1000 student high school catering to arts orient students. As part of the SOTA program, these plans call for the rehabilitation of the Nourse Auditorium at Hayes and Franklin Streets into a modern 1200 seat venue for use by the SOTA students as well as by established performing arts groups. This auditorium will have approximately 350 more seats than the Herbst Auditorium at the Veterans Building and thus become the venue of choice for many performance groups. It is anticipated that the SOTA Auditorium would be in use some 150-200 nights a year, thus drawing an additional 1000 people to the area several nights a week. The impact of the SOTA students, faculty and auditorium on the project area will be significant and should be addressed in this section.

A-15

14. Page 4-83. First paragraph, second sentence describes the building at 135 Van Ness Avenue as the central administrative office of the San Francisco United School District. The central administrative headquarters of the School District are located at 555 Franklin Street. Currently 135 Van Ness serves as annex to the 555 Franklin Street Building, but is slated to become the District's School for the Arts (SOTA).

A-16

Paragraph three, sentence three should be changed from "small, neighborhood serving businesses" to "speciality retail businesses" to be accurate.

| | <sub>| | | 1</sub> |

15. Pages 4-137-142 Historical Context. San Francisco's Civic Center is of major architectural and historic significance. It contains the largest collection of neo-classical public buildings in the country outside of Washington D.C. San Francisco is the only city of the some 70 US cities which undertook civic centers to complete its Civic Center. Its construction and that of the Old City Hall before it have had a great impact on the project area throughout the City's history. It is astonishing that the Historical Context discussion does not even mention it let alone discuss it. Thus, to make this discussion complete and accurate, the following should be added:

A-18

Page 4-140 After the fourth full paragraph, include material on the establishment and disestablishment of the Yerba Buena Cemetery in area around Larkin and Market Streets; the sand lots and the anti-Chinese crusade of Dennis Kearney; the construction of the Old City Hall starting in 1871 and finishing in 1898; the construction of the Mechanics Institute Pavilion on the block where the Bill Graham Civic Auditorium currently sits; and the establishment of St. Ignatius College (now the University of San Francisco) on the block bounded by Van Ness, Grove, Franklin and Hayes.

A-19

A second discussion should include material about the City Beautiful movement in the United States and San Francisco, the idea of Civic Centers and the movement to construct them in cities throughout the United States; the Cahill and Burnham competing plans for a Civic Center in San Francisco.

Page 4-141 After the first full paragraph include material on the 1906 Earthquake and Fire destruction of the Old City Hall, St. Ignatius College and Mechanics Institute Pavilion; the effort to create a Civic Center and build a new City Hall; the failure of the 1909 bond election; the awarding to San Francisco of a World Exposition celebrating the opening the of Panama Canal in 1915; the election of James Rolph as Mayor and his leadership in creating a Civic Center and the building of City Hall; the exchange of property with the School District and the moving of the school building on Grove at Larkin Street to 170 Fell Street to build Civic Center Plaza; the construction of the Exposition Auditorium on Grove Street by the Exposition Company as its visitors center; the design and construction of City Hall, the Public Library and the State Building.

A-20

Page 4-141 After the second full paragraph include material on the development of the War Memorial and the construction of the Opera House and the Veterans Building in the 1930s as part of Civic Center and as part of the development the purchase and sale of the St. Ignatius site to the School District for play fields for Commerce High School.

A-2

Page 4-142 After the second full paragraph include material about the construction of Davies Symphony Hall including the dispute with the Public Library over Marshall Square as a site and the purchase from the School District of the Commerce High School play fields (the St. Ignatius site) for Symphony Hall; the consequence of the Loma Prieta earthquake on Civic Center; the completion of Civic Center with the construction of the New Main Library on Marshall Square, the Asian Art Museum in the Old Main Library Building and the Courts Building at McAllister and Polk Streets.

A-22

The most pedestrian of historic resource consultants can easily assemble this material by consulting Joan E. Draper <u>The San Francisco Civic Center; Architecture, Planning and Politics</u>, 1979 (a Ph.D thesis located in the History Room of the Main Branch of the San Francisco Public Library) and Mel Scott <u>The San Francisco Bay Area: A Metropolis in Perspective</u>, (University of California Press) 1985.

A-23

16. Page 4-163 Landmark #140 and Footnote 62. The Landmark nomination the for the High School of Commerce was incompetently prepared, thus the confusion of buildings and dates.

A-24

The San Francisco Public Library purchased the block bounded by Van Ness, Hayes, Franklin and Fell in 1905 as the site for a new Main Library. In 1908, Newton Tharp, City Architect (October 1907 to June 1909) designed for the School District a traditional block school building for use as Commerce High School on Grove between Polk and Larkin. The building was completed in 1910. In 1912, the Supervising Architectural Committee for Civic Center headed by John Gallen Howard, Supervising Architect of the University of California at Berkeley, promulgated their Civic Center plan calling for a plaza in the two blocks bounded by Grove, Larkin, McAllister and Polk Street which included the site occupied by the new Commerce High School. Thus, the City and the School District entered into an exchange by which the City would trade to the School District the Library block and the School District would give the Commerce

High School site to the City. To complete the transaction, the City would move the High School Building to the new site which was accomplished in 1913. The High School Building was located at the corner of Fell and Franklin Streets and given the address of 170 Fell leaving the rest of the block undeveloped for pay fields. See "Moving the Brick Commercial High School Building" (San Francisco) Real Estate Circular XLVII (March 1913) page 2.

In the 1920s the School District decided that the 170 Fell Street Building was inadequate as a high school and commissioned the City Architect, John Reid Jr, to design a new building on the block for that purpose. (John Reid Jr. was a Beaux Arts trained architect, a member of the Supervising Architects Committee for Civic Center and Mayor James Rolph's brother-in-law) He designed the Spanish Renaissance building standing today on the block and known as 135 Van Ness. Since this new building covered the remaining area of the block, the School District purchased the adjoining St. Ignatius block from the City for play fields. The 170 Fell Street building thus became an annex building to the Commerce High School. Draper, pgs 236 and 237.

17 Page 4-197 Parking. In the first paragraph, second sentence there is reference to Figure 4-21, page 4-187. That appears to be an error and the reference should be to Figure 4-22, page 4-199.

Paragraph four, first sentence includes a statement that there are 31 existing off-street parking facilities within the project Area providing 3160 parking spaces and references Figure 4-22 and a Table C-5 in Appendix 9-C listing the parking facilities. A review of the list of parking facilities shows that 11 facilities containing 477 spaces are former Central Freeway parcels slated for development and subject to project review by this draft EIR. (Parking Facilities# 1, 2,3,5,7,10, 14,17,18, 22 and 25 ) [Facility #1 is misidentified and its locations should be described as 750 Golden Gate (Mid-block between Franklin and Gough Streets.) In addition, a number of project lots not listed in Table C-5 serve as off-street parking but are restricted to City or arts organization employees (Parcels A, D, E, F, G, J, L and Q). An additional four facilities containing of 302 spaces are on parcels which have approved residential development plans and can be expected to be built upon in the next few years (Parking Facilities #11, 12 16, and 23). [Facility #12 is misidentified and its location should be described as 25 Polk Street (at Fell - NW corner).] Of the 3157 parking spaces in Table C-5 alleged to available to the public as off street parking, 779 will be develop as part of the Market and Octavia Neighborhood Plan and other approved plans in the next several years and thus no longer available to the public. Thus, the future off street parking space supply should be 2378 although this number is optimistic since no doubt a number of the remaining off-street parking lots will be developed in the next twenty years. Many of these parking facilities are public parking lots and have in recent years accommodated the needs of visitors and patrons of the government agencies and the arts and educational organization for short term parking in the area.

The draft EIR does not make clear the purpose of this information. Is it supposed to relate the need for short term parking by visitors to the area or relate to the need for parking spaces by new residents of living in the project parcels?

A-24

A-25

A-26

18 Page 4-209 Plan Parking Demand. First paragraph, second sentence contains a statement "the parking demand was determined by the anticipated increase in residential use in the Project Area." This statement baldly says that the preparers of the EIR paid no notice to the numerous visitors and patrons of the government agencies and the arts and educational organization which are located in or are adjacent to the Project Area and their need for short term parking. The demand today by these visitors and patrons is significant and will growth over the years as more arts and educational uses come to the area. Thus, this statement makes the EIR incomplete and inaccurate.

A-27

19 Page 4-230 Parking Impacts - Program Level. The first paragraph, first sentence reads "For the purpose of this analysis, the program level parking impacts associated with the Plan were assessed by comparing the potential new off street parking supply... with the anticipated parking demand." Here the draft EIR reiterates that its parking assessment pays no notice to the numerous visitors and patrons of the government agencies and the arts and educational organization which are located in or are adjacent to the Project Area and their need for short term parking.

A-28

20. Page 4-231. The estimated parking space shortfalls stated in paragraphs one and two are entirely related to the new residential development projected in the Plan and do not take into account the needs of visitors for short term parking.

A-29

21. Pages 4-232 & 3. In the second paragraph, there is reference to Better Neighborhoods 2002 Civic Center Parking Analysis Recommendations, a report prepared for the Planning Department in July 2001. This report analyzes the parking demand and supply in the greater Civic Center area as of July, 2001 and assumes that demand level will remain frozen as of that date into the future. The report does recognize the opening of the Asian Art Museum on Larkin Street in 2003 with its projected 6000 visitors a week, the new Federal Office Building at Seven and Mission Streets with its 1700 employees and many visitors in 2006 nor the San Francisco Conservatory of Music at 50 Oak Street with its 1000 students and faculty in 2006 Museum or any smaller developments in the area which were currently planned. Neither does it anticipate the development in the future of such new projects as the School District's School for the Arts at 135 Van Ness. Likewise it does not take into account the wholesale development of the off-street parking lots in the greater area. The Environmental Impact Report certified for the Mid-Market Redevelopment Project in 2004 found a parking deficit of some 2000 spaces in the greater Civic Center area bounded by McAllister, Fourth, Bryant and Eleventh Streets. The projects proposed in this Plan and by developers of individual parcels will remove an additional 1500 or more off-street parking spaces currently available to the public. The Planning Department's report is thus incomplete and inaccurate and should not be cited in this draft EIR. A new Civic Center parking assessment study is needed to determine the current and future need for short terming visitor parking in the greater Civic Center area.

A-30

With regard to the first recommendation at the bottom of Page 4-232 since July, 2001 the Department of Parking and Traffic reports that it has increased parking rates at the two garages

A-31

twice in April, 2003 and April 2005 and endeavors to keep these rates at the market with periodic adjustments.

A-3

22. Page 4-233. In the last sentence at the bottom of the page there is reference to a proposal to expand the Performing Arts Garage to provide additional short term parking spaces for the area. In light of the obvious shortage of short term parking spaces, this proposal should be treated in this draft EIR at the program level as a desirable project for the area.

A-32

23. Page 4-234. In the first full paragraph, the report states that the potential new residential developments in the Project Area would eliminate off street parking spaces estimated to be 160 spaces. The 11 parking facilities listed above in item 17 which are all slated for development by this Plan total 477 space. In addition, there are former Freeway parcels current serving as private parking lots for City vehicles, the staff and employees of the San Francisco Opera and other organizations and businesses which are not part of 477 spaces. Thus, the total number of off-street parking lots lost to development must be considerable more than 160 by a factor of several times. This number needs to be corrected and made accurate.

A-33

I made a number of the points contained in this letter in my November 18, 2003 letter on the scoping of the EIR. It is very frustrated to find that they were ignored.

A-34

In summary, the draft EIR needs to be rewritten to incorporate Civic Center with its governmental agencies and arts and educational institution into the discussion with equal dignity to the residential aspects. The draft EIR and the Market and Octavia Plan need to address the City's arts policies and the needs of the arts organization in the Civic Center area. The parking discussion does not adequate analyze the current and future supply of spaces for short term visitor parking and makes no attempt to project current or future demand. Thus the draft EIR is incomplete and inaccurate in that respect. Lastly, the draft EIR should not try ignore the intense effect that visitors to Civic Center have on surrounding area in terms of the commercial activities on streets such as Hayes and Franklin.

Very truly yours, we will a

James W. Haas Chairman

## Letter A - Jim Haas, Civic Pride

#### A-1

There are 3.5 blocks of the Civic Center Historic District (see Figure 4-18, page 4-148 of the DEIR) and 4 blocks of the Civic Center Plan area that overlap with the Market and Octavia Project Area. The Civic Center area, as noted by the commentor, is the main center of government and arts and cultural institutions within the City. Employees and visitors to the Civic Center area are a major client base for the retail stores and restaurants that are located in the nearby Hayes Valley Neighborhood commercial district.

The stated purpose of the Market and Octavia Neighborhood Plan is "to repair and enhance the neighborhood urban fabric" around the new Octavia Boulevard Project, to encourage diverse and affordable housing, to provide for convenient neighborhood services, and to create choices for movement through and within the area. The intent of the Plan is not to diminish the importance of the Civic Center area for the City. The Plan proposes to enhance the commercial vitality of the area and to introduce new housing opportunities. The cultural and art institutions would co-exist with the revitalized Hayes Valley neighborhood. Because visitors to the Civic Center and patrons of the cultural institutions presently use parking facilities in the Project Area, the redevelopment of surface parking lots to housing and the policies proposing to limit the expansion of off-street parking facilities would have an impact on parking availability for residents and visitors in the Project Area.

The Project Area's proximity to and interaction with the Civic Center is acknowledged in the Plan and in the DEIR and supplemental text has been added to the EIR in this Comments and Responses document. The implementation of parking policies to make more efficient use of existing parking to serve Civic Center patrons is discussed on pages 3-29 of the Plan.

The Plan does not propose major changes to the four blocks of the Project Area that are within the Civic Center area. Three and one-quarter blocks (two blocks bounded by Grove Street, Franklin Street, Fell Street, and Van Ness Avenue; one block bounded by Grove Street, Polk Street, Hayes Street, and Larkin Street; and the southwest corner of the block at Polk and Grove Streets) are currently zoned and will remain zoned for P or Public uses. The remaining three-quarters of the block bounded by Grove Street, Van Ness Avenue, Hayes Street, and Polk Street is currently zoned Downtown General Commercial (C-3-G) and is proposed to be rezoned to Downtown Residential

(DTR). This rezoning would potentially allow higher residential density and the minimum residential parking requirements would be eliminated. The Plan proposes height changes on only one of the blocks in the Civic Center area; the height on three-quarters of the block bounded by Grove Street, Franklin Street, Hayes Street, and Van Ness Avenue would be reduced from the existing 130-foot limit to an 80-foot limit.

The text of the DEIR is revised as noted below to further clarify the relationship of the Project Area and the Civic Center area.

The text in Chapter 1, page 1-2 of the DEIR, second paragraph, second sentence is revised to read as follows:

"The Project Area lies to the west of the City's downtown financial district and is bordered on the northeast by the City's Civic Center area, a portion of which is included in the Project Area."

The text in Chapter 1, page 1-2 of the DEIR, third paragraph, first sentence is revised to read as follows:

"The Plan would govern future developments and public improvements in portions of the Hayes Valley, Duboce Triangle, South of Market West (SoMa West), Mid-Market, <u>Civic Center</u>, and Upper Mission neighborhoods in San Francisco."

#### A-2

The Plan recommends that parking subsidies for staff, including the performing arts venues, school district, and International school staff, be phased out in accordance with state law and equivalent cash subsidies be provided to staff who do not drive to work (see page 123 of the Plan).

California Health and Safety Code Section 43845 states:

43845 (a) In any air basin designated as a non-attainment area pursuant to Section 39608, each employer of 50 persons or more who provides a parking subsidy to employees, shall offer a parking cash-out program...

(d) Subdivision (a) does not apply to any employer who, on or before January 1, 1993, has leased employee parking, until the expiration of that lease or unless the lease permits the employer to reduce, without penalty, the number of parking spaces subject to the lease.

The San Francisco Bay Area Air Basin has been designated as a non-attainment area for the federal ozone standards and for the state ozone and particulate matter (PM<sub>10</sub> and PM<sub>25</sub>) standards (see page 4-250 of the DEIR for discussion of air quality standards and attainment status). The intent of the legislation is to give employees the opportunity to choose alternative commute options rather than limiting subsidies to employee parking. The legislation is intended to apply only to employers who can reduce, without penalty, the number of paid parking spaces they maintain for the use of their employees and instead provide their employees a cash-out option that can be used for other commute alternatives.

The Plan can not override nor provide an exemption from state legislation. The Plan is merely reinforcing a current state legislative provision that limits the use of employee parking subsidies for large employers as outlined above.

The following text is added in Chapter 4, page 4-198 of the DEIR, at the end of the Parking section:

"Although state law requires employers providing parking subsidies within air quality non-attainment areas to offer parking cash-out programs, the current collective bargaining agreement with unionized workers at the Performing Arts Organization mandates the provision of 300 parking spaces for use by employees of the Opera, 224 spaces for Ballet employees, and 102 spaces for Symphony employees. The Performing Arts employees have reserved parking in two lots on Fulton Street between Franklin and Gough Streets (Numbers 32 and 33 on Figure 4-22 Revised, page 3-32), one lot at the corner of Franklin and McAllister Streets (Number 34), and one lot on Hayes Street (Number 36). Lot 36 is a Central Freeway Parcel (Parcel J) and the Plan outlines specific development guidelines for these parcels. Lots 32, 33, and 34, which would be subject to the general development guidelines of the Plan, could transition from parking to residential or commercial uses with or without the implementation of the Plan (see Table C-5, Appendix 9-C for the development status as of September 2005)."

#### A-3

The adequacy of short-term parking has been identified as an ongoing controversy based on comments to the DEIR.

Text in Chapter 1, page 1-8, of the DEIR is revised to add the following language as a fourth bullet under Areas of Known Controversy:

"Providing adequate short-term parking for visitors in the Civic Center area."

#### A-4

The text in Chapter 3, page 3-3 of the DEIR, first full paragraph, second sentence is revised to read as follows:

"The Plan would govern future developments and public improvements in portions of the Hayes Valley, Duboce Triangle, South of Market West (SoMa West), Mid-Market, <u>Civic Center</u>, and Upper Mission neighborhoods in San Francisco."

#### A-5

The text in Chapter 3, page 3-4 of the DEIR, second paragraph, second sentence is revised to read as follows:

"The Project Area lies to the west of the e<u>C</u>ity's downtown financial district and is bordered on the northeast by the Civic Center area, <u>a portion of which is included in the Project Area."</u>

#### A-6

The language in the DEIR is correct. The San Francisco Conservatory of Music is presently located at 1201 Ortega Street in the Sunset District. The new facilities for the Conservatory are currently under construction in the Project Area at 50 Oak Street. The Conservatory will begin moving into its new home in summer of 2006 and is projected to complete the move by fall 2006.

#### A-7

See response to Comment A-2 above, regarding the provision of subsidized employee parking.

#### A-8

Comment noted regarding market rate parking for public garages. Planning Code Section 158 already has a requirement for parking rate structures favorable to short-term parking in the C-3 District for all major new parking garages. The proposal in the Plan would extend the requirement beyond the C-3 District in the Project Area. Parking changes noted on page 3-27 of the DEIR were evaluated at the Program Level and therefore may need additional research, discussion and analysis to implement the parking policies related to pricing City-owned parking facilities.

#### A-9

The parking policies in the Plan recommend several strategies to improve the safety and accessibility of city-owned parking structures, including the Civic Center garage. Some of the strategies include: improving personal security for evening parkers at Civic Center garage; eliminating discount rates at Civic Center garage; implementing real-time parking availability information in area parking garages; introducing evening valet services at the Civic Center garage; and providing a parking shuttle between the Civic Center garage and the Performing Arts venues. These strategies are proposed in the Plan, but would not be directly implemented by the Planning Department as part of the Plan. Some of the proposed strategies are already in use, others would be need to be undertaken by the San Francisco Parking Authority, the city agency with jurisdiction over publicly owned parking facilities.

The San Francisco Parking Authority, as part of an independent effort from the Market and Octavia Neighborhood Plan, is developing an action plan to address the loss of parking as a result of the future development in the Civic Center area and identify what it means for Civic Center cultural and performing arts institutions. The parking information (supply and demand) collected in September 2005 by the Authority as part of this effort has been incorporated on page 4-197 of the DEIR (see Response to Comment C-1). Some of the measures under consideration by the Parking Authority in the study are consistent with the policy recommendations of the Plan, such as making the Civic Center garage more attractive to performing art patrons, among other things by providing shuttle service between the garage and providing real-time availability of parking spaces.

Preliminary results from the Parking Authority consultants preparing the study indicate that shuttle service between the Civic Center garage and the Performing Arts venues may not be feasible due to the short distances between the two. This is consistent with the statement by the commentor, "The major arts organization feel that a shuttle service to the Civic Center garage would not be attractive to their patrons." The Parking Authority is also looking at other options such as improving security, visibility, lighting, and police presence at the Civic Center garage; shifting Performing Arts employee parking to the Civic Center garage, investigating the opening of 200 parking spaces in the Civic Auditorium (Brooks Hall), introducing car stacking in the Performing Arts garage, and looking at the potential expansion of the Performing Arts garage. These alternative parking options, would provide patrons with new parking choices while more effectively utilizing available parking in the area. The recommendations will be completed this summer and presented to the Parking Authority to determine a course of action.

#### A-10

The Arts Element was not addressed in the Plans and Policies Chapter of the DEIR. While there is no specific language in the Arts Element pertaining to the Civic Center area, there are many general policies that could be applicable to development with the Project Area. New language has been developed and is added to the DEIR as noted below. The *Market and Octavia Neighborhood Plan* has specific policies that call for the enhancement of the cultural and educational institutions in the Project Area. The Plan, does not, however, propose any specific policies related to the creation of an arts district, as an extension of the Civic Center, within the Project Area.

Text in Chapter 4, page 4-18 of the DEIR, is revised to add the following language as a new subsection immediately preceding the Downtown Area Plan subsection:

## "Arts Element

The Arts Element of the General Plan is intended to strengthen the arts in San Francisco, as an expression of culture, creativity and beauty, and to provide guiding principles for the City in its dealings with the arts community. The arts are recognized as a major economic force in the region and the adoption of

Market and Octavia Neighborhood Plan Comments & Responses

<sup>&</sup>lt;sup>1</sup> Ron Foster, Walker Parking, telephone conversation with Wilbur Smith Associates, May 17, 2006, provided background information regarding the Parking Authority's Expansion Feasibility Study for the Performing Arts Garage.

formal policies to enhance the arts, legitimizes their economic role and is intended to insure the future health and vitality of the arts in San Francisco. The Arts Element contains the following objectives and policies relevant to the Plan.

Objective I-2: Increase the contribution of the arts to the economy of San Francisco.

Policy I-2.1: Encourage and promote opportunities for the arts and artists to contribute to the economic development of San Francisco.

Policy I-2.2: Continue to support and increase the promotion of the arts and arts activities throughout the City for the benefit of visitors, tourists, and residents.

Objective III-1: Enhance the contribution of artists to the creative life and vitality of San Francisco.

Policy III-1.5: Include the participation of artists in City capital improvements and public works projects which do not fall under current Percent for Art programs.

Objective III-2: Strengthen the contribution of arts organizations to the creative life and vitality of San Francisco.

Policy III-2.2: Assist in the improvement of arts organizations' facilities and access in order to enhance the quality and quantity of arts offerings.

Policy III-2.3: Recognize that arts organizations are representative of the City's diversity, creativity and vitality.

Objective VI-1: Support the continued development and preservation of artists' and arts organizations' spaces.

Policy VI-1.3: Increase the use of City owned neighborhood facilities for the arts.

Policy VI-1.4: Preserve existing performing spaces in San Francisco.

Policy VI-1.8: Include arts spaces in new public construction when appropriate.

Policy VI-1.9: Create opportunities for private developers to include arts spaces in private developments city-wide.

One of the basic frameworks of the Plan is to "enhance the cluster of cultural uses in the Civic Center (see the figure on page 15 of the Plan)." The Plan proposes to encourage the neighborhood-oriented businesses that currently thrive in the area around Hayes and Gough Streets and to support these uses through the introduction of new residential uses. Cultural, arts, and institutional issues would be allowed in all of the proposed zoning districts under the Plan. The DTR district would permit such uses up to the fourth floor of a building; the NCT zone would permit such uses on the first two floors and as a conditional use on upper floors; there would be no change of uses in the named NCT districts; and cultural, arts, and institutional uses would be a conditional use in the RTO district.

As part of the Street and Open Space Element, the Plan calls for the inclusion of public art projects and programs in the design of streets and public spaces, consistent with the Arts Element."

#### A-11

There are four, not twelve, blocks of the Civic Center Plan area that also fall within the boundaries of the Market and Octavia Neighborhood Plan Project Area. The overlapping blocks are bounded by Grove Street on the north, Franklin Street on the west, Fell and Hayes Street on the south, and Van Ness Avenue and Larkin St on the east. See Response to Comment A-1 for a more detailed discussion of the overlap of these area boundaries. The Civic Center Plan was not addressed in the DEIR. There are several Civic Center policies that would be applicable to development with the Project Area. New language has been developed and is added to the DEIR as noted below. The Market and Octavia Neighborhood Plan has specific policies that call for the enhancement of the arts and cultural institutions in the Project Area. The Plan, does not, however, propose any specific policies related to the creation of an arts district, as an extension of the Civic Center, within the Project Area.

In light of the comments received on the DEIR, the Planning Department proposes to add

language to the first bullet point of Policy 5.2.5 on page 118 of the Plan to clarify the intent of the policy regarding the construction of new parking facilities in the Project Area. The new language would read as follows:

While new parking structures are strongly discouraged, new or expanded structures may be allowed under certain conditions if parking management strategies are not practical or feasible. Before building new or expanding existing structures, ensure that trip reduction and transportation demand management strategies have been attempted, alternative modes are encouraged, existing parking facilities are being utilized to the maximum extent and that new facility revenue would cover the cost of the facility in accordance with Proposition E. If these conditions are met, parking demand remains unsatisfied, and the political will to expand parking remains strong; new or expanded facilities could be allowed with a Conditional Use Permit in discrete places where the new facilities would be less disruptive to the surrounding neighborhood. An expansion to the existing Performing Arts garage, as currently being explored by the San Francisco Parking Authority, may be an example of a "less disruptive" expansion of parking capacity, if the other conditions are met.

Text in Chapter 4, page 4-18 of the DEIR, is revised to add the following language as a new subsection immediately preceding the Downtown Area Plan subsection and following the proposed text addition related to the Arts Element noted in Response A-10 above:

#### "Civic Center Plan

The purpose of the Civic Center Plan is to guide development in the Civic Center area, rather than to identify specific locations for specific uses. There are four broad activity categories of public uses that are to be considered in the Civic Center area; three of which are located within the Project Area: administrative, entertainment/cultural, and parking.

Objective 1: Maintain and reinforce the Civic Center as the symbolic and ceremonial focus of community government and culture.

Policy 1.1: Emphasize key public buildings, particularly City Hall, through visually prominent siting.

Policy 1.4: Provide a sense of identity and cohesiveness through unifying street and Plaza design treatments.

Objective 2: Develop the Civic Center as a cohesive area for the administrative functions of city, state and federal government, and as a focal point for cultural, ceremonial, and community activities.

Policy 2.2: Locate civic cultural facilities in the Civic Center.

Policy 2.3: Encourage governmental activities of each level of government to locate within a "sphere of influence" within the Civic Center to avoid inefficient dispersal of these activities throughout the area.

Policy 2.4: Encourage administrative-oriented governmental functions (executive, legislative, and judicial) to locate in new consolidated facilities rather than being dispersed throughout the adjacent area in leased or rented quarters.

Objective 3: Provide convenient access to and circulation within the Civic Center, and support facilities and services.

Policy 3.1: Locate buildings employing large numbers of employees and/or attracting large numbers of visitors in convenient pedestrian proximity to public transit and off-street parking facilities.

Policy 3.2: Locate parking facilities beyond the western periphery of the Civic Center core, with direct vehicular access to major thoroughfares.

Policy 3.3: Provide and price parking for short-term visitor use, and discourage long-term parking. Encourage transit use as the primary means of access to the Civic Center.

<u>Policy 3.4: Encourage privately-operated support and personal service establishments</u> to locate within the Civic Center area.

Objective 4: Protect and enhance the housing resources in the Civic Center Area.

Policy 4.1: Conserve and upgrade existing low and moderate income housing stock.

Policy 4.2: Encourage new infill housing at a compatible density.

As noted above, the Plan calls for "enhancing the cluster of cultural uses in the Civic Center," a policy that is consistent with Objectives 1 and 2 and the guiding policies of the Civic Center Plan. These uses could be expanded in the Civic Center Area on properties within the Project Area that are zoned for public use and up to the fourth floor on parcels with DTR zoning. Both the Civic Center Plan and the Market and Octavia Neighborhood Plan also recommend the preservation and enhancement of public street space, open space areas, and housing resources. A combination of public uses and housing could be developed on the parcels that are located within the four blocks where the two plan areas overlap.

The Civic Center Plan, like the Market and Octavia Neighborhood Plan calls for an emphasis on access to public transit for employees and provision of short-term parking for visitors to the Civic Center Plan area. The Civic Center Plan further calls for locating parking facilities that serve the Civic Center core beyond its western periphery in the area that has direct vehicular access to major thoroughfares. This western periphery of the Civic Center area is in the Market and Octavia Neighborhood Plan Project Area. The Plan calls for more effective management of parking in the Project Area and those adjacent parking facilities that serve the cultural institutions in the Civic Center, through parking rates adjustments and use of other tools, to better utilize existing parking capacity and to increase the sense of security at public garages. The Draft Market and Octavia Neighborhood Plan strongly discourages the construction of new parking structures in the Project Area and recommends that access via transit be emphasized instead. However, the expansion of existing or the construction of new parking facilities may be allowed through a Conditional Use Permit if parking demand is not satisfied after trip reduction and transportation demand management strategies have been attempted, alternative modes encouraged, and use of existing parking facilities is being maximized. Parking revenue from the new facility would need to cover its cost in accordance with Proposition E."

#### A-12

Comment regarding the inclusion of the Civic Center neighborhood noted. Reference to the Civic Center area has been added to other sections of the EIR as noted in Response to Comments A-1 and A-5.

#### A-13

The San Francisco Bar Association was erroneously noted as being located in the Project Area.

The text in Chapter 4, page 4-35 of the DEIR, last paragraph, third sentence is revised and additional text is added to read as follows:

Land uses along Franklin Street include non-profit and public agencies such as the San Francisco Bar Association, the San Francisco Ballet Association, the State Department of Employment Development, and offices of the San Francisco Unified School District. The New Conservatory Theater has two performance spaces located at 25 Van Ness Avenue. The National Center for International Schools, including the French and Chinese American International Schools, is located at 150 Oak Street between Franklin and Gough Streets and the San Francisco Girls Chorus and School is located at 44 Page Street between Franklin and Gough Streets. The Progress Foundation, which provides treatment for mentally disabled individuals is located at 368 Fell Street at Octavia Street....

#### A-14

Auto-oriented uses are typically defined as those that rely on autos for their primary access and may provide services that are directly related to auto access, for example, fast food restaurants or financial institutions with drive-through windows; gas stations or vehicle service shops; or bulk stores that require autos to transport large purchases. Small take-out restaurants or other retail shops as envisioned in this district are generally not categorized as auto-oriented uses. The Commerce and Industry Element of the *General Plan*, however, identifies full-service restaurants as potentially high traffic generators or auto-oriented type of uses. The clientele for the restaurants and shops in the Project Area are a mix of local patrons, residents of San Francisco, and visitors coming to shop, attend a cultural or other event, or use governmental services in the area. Under the current definition of auto-oriented uses from the Commerce and Industry Element, full-service

restaurants might be considered to be an incompatible use for the Project Area under the Plan policies.

The Planning Department has evaluated the definition of auto-oriented uses, however, based on the concerns expressed about the potential of the proposed Plan policies to limit the introduction or expansion of retail uses that serve both neighborhood residents and visitors to the governmental, arts, and institutional uses in the neighborhood. The staff proposes to amend the definition of auto-oriented uses in the Commerce and Industry element to ensure that a full mix of uses serving both the residents and institutions in the area are more compatible with the General Plan.

The transit and land use conditions which exist in the Project Area already discourage the use of autos as the primary means of access and are consistent with the general intent of the Commerce and Industry Element. The dense transit network that serves the Project Area and the mix of uses, which encourages shared parking, allow development of retail and restaurant uses without the need for large independent parking facilities. These types of neighborhood-scale uses are encouraged in the proposed Transit-Oriented Neighborhood Commercial District and are not inconsistent with services that are provided to visitors in the Project Area who arrive by auto and transit.

#### A-15

Relocation of the San Francisco School of the Arts to this site or other sites in the City has been discussed in the past, but the San Francisco Unified School District has no definitive plans at this point to relocate the School of the Arts, which is currently located in the Twin Peaks neighborhood, to the Civic Center area.<sup>2</sup>

#### A-16

The commentor is correct in noting that the San Francisco Unified School District offices have been relocated from 135 Van Ness Avenue to 555 Franklin Street. The former headquarters at 135 Van Ness Avenue are envisioned as the future home of The School for the Arts, but as noted in Response to Comment A-15, there are no immediate plans to relocate the school.

The text in Chapter 4, page 4-83 of the DEIR, first full paragraph, first sentence is revised to read as

Market and Octavia Neighborhood Plan Comments & Responses

<sup>&</sup>lt;sup>2</sup> San Francisco Unified School District, phone conversation with Maria Chin, January 19, 2006.

follows:

"West of Van Ness Avenue, large-scale public and cultural buildings extend beyond their formal grouping around Civic Center Plaza, and include: the ornate, Spanish Revival central administrative offices of the San Francisco Unified School District (135 Van Ness Avenue) building at 135 Van Ness Avenue (former central administrative offices of the San Francisco Unified School District); Davies Symphony Hall/Zellerbach Hall (201 Van Ness Avenue); the classical War Memorial Opera Building and Veterans' Hall (301 Van Ness Avenue), separated by a manicured garden on visual axis with City Hall; and, the California State Office Building (505 Van Ness Avenue)."

#### A-17

Comment regarding visitor serving retail businesses in the Project Area is noted.

The text in Chapter 4, page 4-83 of the DEIR, third paragraph, second sentence is revised to read as follows:

"Hs-Visual characteristics are defined by rows of small ground-level retail frontages with colorful window displays; restaurants, some with outdoor seating; markets; and small, neighborhood-serving and specialty retail businesses, some with housing above (see Figure 4-9: Viewpoint 8)."

#### A-18

Comment regarding the Civic Center historical context is noted. See Response to Comment A-11 for text additions to the EIR relating to the Civic Center Plan.

The commentor also recommends adding more detailed discussion about events that took place on properties within the Civic Center and predominately outside the Project Area. The suggested additions are for events that took place prior to the establishment of the present development pattern and would not enhance the evaluation of potential effects of the proposed project on historic resources. Historical information does exist about the development of the Civic Center. One such source is the "San Francisco Civic Center, National Register of Historic Places, Inventory –

Nomination Form" prepared by Michael Corbett, Architectural Historian, in December 1974.3

#### A-19

"The San Francisco Civic Center is regarded by many scholars as the finest and most complete manifestation of the City Beautiful Movement in the United States" (San Francisco Civic Center, National Register of Historic Places, Inventory – Nomination Form, Statement of Significance, Continuation Sheet 3). A more complete treatment of the City Beautiful Movement and the Civic Center area, is contained in "San Francisco Civic Center, National Register of Historic Places, Inventory – Nomination Form" (Michael Corbett, December 1974, Statement of Significance, Continuation Sheets 3-5).<sup>4</sup>

#### A-20

The commentor recommends adding more detailed discussion about the history of the Civic Center which is predominately outside the Project Area. Since most of this information is contained in several readily available publications, including those cited by the commentator and Corbett's National Register of Historic Places Nomination, additional information is not included in the EIR.

#### A-21

See Response to Comment A-20 regarding additional historic detail about the Civic Center Area.

#### A-22

See Response to Comment A-20 regarding additional historic detail about the Civic Center Area.

#### A-23

See Response to Comment A-20 regarding additional historic detail about the Civic Center Area.

#### A-24

Corrections to previously prepared documentation concerning the High School of Commerce are noted.

\_\_\_

<sup>&</sup>lt;sup>3</sup> The Civic Center is listed on the National Register of Historic Places as number 78000757. It was listed on October 10, 1978. This document is on file with the Planning Department, 1660 Mission Street, in Case Number 2003.0347E and is available to the public by appointment.

<sup>&</sup>lt;sup>4</sup> Ibid.

The text in Chapter 4, page 4-163, footnote 62 of the DEIR is revised to read as follows:

Conflicting construction dates, addresses and architects are given for this building. Article 10 identifies the construction date as 1926 and designed by architect John Reid, Jr., neither of which appears accurate. The SF Historic Resource Inventory identifies the year built as 1910, designed by architect Newton J. Tharp, and located at 170 Fell Street. Since the building was moved in 1913 for the construction of the Civic Auditorium, the year built date of 1910 seems more likely The building at 135 Van Ness Avenue was designed by John Reid, Jr. and constructed on the site in 1926. It originally served as Commerce High School, which was relocated from its former site at 170 Fell Street."

#### A-25

The reference for the figure denoting the location of off-street parking facilities was incorrectly stated in the DEIR as Figure 4-21. It should be Figure 4-22 as noted by the commentor.

The text in Chapter 4, page 4-197 of the DEIR, second paragraph, first sentence is revised to read as follows:

"The existing on-street and off-street parking conditions were examined within the Project Area (see Figure 4-212, page 4-18799, for Project Area boundaries).

### A-26

Subsequent to the publication of the DEIR, additional off-street and on-street parking information that was collected by the San Francisco Parking Authority in the first half of September 2005 was obtained and incorporated in this EIR. In response to this new information and to information provided by the commentor, additional information was also provided by the San Francisco Planning Department regarding those lots that may be developed as part of the *Market Octavia Neighborhood Plan* or other private projects. The attached transportation appendix presents detailed tables and parking survey information.

Table C-5 in Chapter 5, page 9.C.6, Appendix 9-C, listing the location and characteristics of the parking facilities is deleted and replaced with the following text:

<del>Table C-5</del> <del>Existing Year Publicly-Available Off-Street Parking Supply (1)</del>					
#	Name/Location	Spaces Supplied			
1	750 Golden Gate (at Gough - SE corner)	50			
2	659 Franklin (at Golden Gate - SW corner)	<del>85</del>			
3	400 Grove (at Gough - NW corner)	33			
4	360 Grove (Performing Arts Garage)	<del>519</del>			
5	401-Grove (at Gough - SW corner)	67			
6	101 Polk (at Hayes - NW corner)	60			
7	475 Hayes (at Octavia - SE corner)	84			
8	309 Hayes (at Franklin – SW corner)	35			
9	101 Hayes (at Polk - SW corner)	53			
<del>10</del>	399 Fell (at Octavia - SE corner)	<del>29</del>			
11	101 Fell (at Van Ness - SW corner)	48			
12	25 Polk (at Polk SW corner)	66			
13	1355 Fell (at Larkin - SW corner)	<del>200<sup>(2)</sup></del>			
14	298 Oak (at Octavia - SW corner)	27			
15	110 Franklin (at Oak - NE corner)	43			
<del>16</del>	50 Ninth Street (at Mission - NW corner)	160 <sup>(3)</sup>			
<del>17</del>	301 Oak (at Octavia - SW corner)	11			
18	299 Oak (at Octavia - SE corner)	<del>28</del>			
19	98 Franklin (at Oak - SE corner)	78			
<del>20</del>	15 Oak (at Van Ness)	29			
21	1 Franklin (at Page - NW corner)	40			
<del>22</del>	170 Octavia (between Rose and Page)	<del>36</del>			
23	70 Gough (at Page - SE corner)	32			
<del>2</del> 4	1525 Market (between-12th Street and Brady)	68			
25	98 Haight (at Octavia - NE-corner)	<del>27</del>			
<del>26</del>	Brady - East Side (between Market and Mission)	<del>105</del>			
<del>27</del>	1500 Mission (at South Van Ness - NE corner)	160 <sup>(4)</sup>			
28	1537 Mission (at South Van Ness - SE corner)	44 <sup>(5)</sup>			
<del>29</del>	1660 Mission (at McCoppin)	<del>59</del>			
30	281 Noe Street (at Market, Market/Noe Center Garage)	38			
31	Civic Center Garage (at McAllister/Larkin/Polk)	843			

Source: Wilbur Smith Associates - September 2004

(1) Based on data collected in September 2004. Availability of some facilities have changed due to ongoing construction of Octavia Boulevard.

(2) Total of 200 spaces, 15 spaces reserved for employees.

(3) Total of 160 spaces, 29 reserved spaces.

(4) Total of 160 spaces, 2 spaces reserved for employees.
(5) Total of 44 spaces, 16 spaces reserved.

<u>Table C-5, Revised</u> Year 2005 Off-Street Parking Supply in the Market Octavia Project Area								
No.	Name/Location	<u>Type</u>	Notes	Status	Spaces(*)			
<u>1</u>	750 Golden Gate	<u>Public</u>		Fwy parcel to be dev.	<u>50</u>			
2	659 Franklin	<u>Public</u>		Fwy parcel to be dev.	<u>85</u>			
3	400 Grove	<u>Public</u>		Fwy parcel to be dev.	<u>33</u>			
4	360 Grove	<u>Public</u>	Performing Arts garage	Up to 630 w/ valet	<u>600</u>			
<u>5</u>	401 Grove	Reserved	City employees only	Fwy parcel to be dev.	<u>67</u>			
<u>6</u>	<u> 101 Polk</u>	<u>Public</u>			<u>60</u>			
7	475 Hayes	Reserved	City employees only	Fwy parcel to be dev.	<u>84</u>			
<u>8</u>	<u>309 Hayes</u>	<u>Public</u>		Site to be developed	<u>35</u>			
9	101 Hayes	<u>Public</u>			<u>53</u>			
<u>10</u>	399 Fell	<u>Public</u>	Residential develop.	Eliminated by 12/05	<u>29</u>			
<u>11</u>	101 Fell	<u>Public</u>		Project in review	<u>48</u>			
<u>12</u>	<u>25 Polk</u>	<u>Public</u>		Site to be developed	<u>66</u>			
<u>13</u>	1355 Market	Reserved	S.F. Mart Bldg.		<u>200</u>			
<u>14</u>	298 Oak	<u>Public</u>		Eliminated by 12/05	<u>28</u>			
<u>15</u>	110 Franklin	<u>Public</u>			<u>43</u>			
<u>16</u>	50 Ninth Street	<u>Public</u>		Site to be developed	<u>160</u>			
<u>17</u>	<u>301 Oak</u>	Reserved	City employees only	Fwy parcel to be dev.	<u>11</u>			
<u>18</u>	<u>299 Oak</u>	<u>Public</u>		Eliminated by 12/05	<u>28</u>			
<u>19</u>	98 Franklin	<u>Public</u>			<u>78</u>			
<u>20</u>	<u> 15 Oak</u>	Reserved	Monthly and resid. only		<u>29</u>			
<u>21</u>	1 Franklin	Reserved	Monthly and resid. only		<u>40</u>			

	<u>Table C-5, Revised</u> <u>Year 2005 Off-Street Parking Supply in the Market Octavia Project Area</u>							
<u>22</u>	170 Octavia	Public Public	g supply in the Market	Eliminated by 12/05	36			
<u>23</u>	70 Gough	<u>Public</u>	Fenced/closed	Eliminated by 12/05	<u>32</u>			
<u>24</u>	1525 Market	Reserved	<u>Union lot</u>	Site to be developed	<u>68</u>			
<u>25</u>	98 Haight	<u>Public</u>	Fenced/closed	Eliminated by 12/05	<u>27</u>			
<u>26</u>	Brady (East side of Market to Mission	Reserved	City employees only		<u>105</u>			
<u>27</u>	1500 Mission	Reserved	Goodwill store		<u>40</u>			
<u>28</u>	1537 Mission	Reserved	Monthly and resid. only	Site to be developed	<u>20</u>			
<u>29</u>	1660 Mission	<u>Public</u>			<u>59</u>			
<u>30</u>	281 Noe Street	<u>Public</u>	Market/Noe Center		<u>38</u>			
<u>31</u>	355 McAllister	<u>Public</u>	Civic Center garage	970 to 1,010 w/ valet	<u>843</u>			
<u>32</u>	490 Fulton	<u>Reserved</u>	Opera/Ballet/ Symphony Employees	Site to be developed	<u>90</u>			
<u>33</u>	495 Fulton	Reserved	Opera/Ballet/ Symphony Employees	Site to be developed	<u>63</u>			
<u>34</u>	700 McAllister	Reserved	SFUSD/Opera/Ballet/ Symphony Employees		<u>70</u>			
<u>35</u>	398 Franklin	Reserved	<u>Davies Hall</u>	<u>Project in review</u>	<u>52</u>			
<u>36</u>	450 Hayes	Reserved	Opera/Ballet/ Symphony Employees	Fwy parcel to be dev.	<u>36</u>			
<u>37</u>	601 Van Ness	<u>Public</u>	<u>Opera Plaza</u>		<u>100</u>			
<u>38</u>	325 Grove	Reserved	Grove Symphony Lot	<u>Project in review</u>	<u>12</u>			
<u>39</u>	51 Hayes	<u>Public</u>	Fox Plz., closed at 8 PM	Up to 500 w/valet	<u>411</u>			
<u>40</u>	<u>302 Oak</u>	Reserved	FAIS, closed at 8 PM		<u>56</u>			
Total as of September 2005								
Total as of December 2005								

Source: Wilbur Smith Associates - January 2006, Supplemental Data Collected in September 2005

Notes:

(\*) Marked spaces
Two parking lots totaling approximately 120 spaces opened in February 2006 under the Octavia Boulevard offramp north of Mission Street, but were not included in the updated survey.

Based on the information presented in Table C-5, the last paragraph in Chapter 4, page 4-197 of the DEIR is revised to read as follows:

"As of December 2005, within Within the Project Area, there are 3431 off-street public parking facilities providing a total of approximately 3,8003,160-spaces (See Appendix 9-C, Table C-5, page 9.C-6 for a list of the existing off-street parking facilities within the Project Area at the end of 2005). Approximately 1,040 spaces are reserved for designated employees or monthly parkers, while 2,760 spaces are available to the general public for hourly or daily parking. Although the Civic Center garage is outside of the Project Area, (see "31" on Figure 4-22) it is included in the analysis due to its size and proximity to the Project Area. Weekday, midday, and evening parking occupancy counts were not collected for this study; however, a qualitative assessment of parking conditions was conducted through field observations. Overall, during the week the on street and off-street facilities in the Project Area were generally near capacity midday, whereas during the weekday evening, spaces were generally available in the off-street facilities and near capacity on street. About ten public parking lots (340 spaces) have been eliminated within the Market Octavia Neighborhood Plan Project Area since 2002, most of them along the east side of Octavia Boulevard. However, two surface parking lots opened under the Octavia Boulevard ramp north of Mission Street in February 2006 with a combined capacity of approximately 120 parking spaces. With the addition of these two parking lots, the total number of parking spaces is 3,920. Occupancy counts conducted in March 2006 indicated that the lots are approximately one-third full during a typical weekday midday.

Several weekday, midday and evening parking occupancy counts have been conducted in the vicinity of the Project Area.<sup>5</sup> The results of the counts are summarized in Table 4-16a.

\_

<sup>&</sup>lt;sup>5</sup> Better Neighborhoods, 2002; S.F. Parking Authority, 2005; Wilbur Smith Associates, 2005

Table 4-16a  Existing (September 2005) Off-Street Parking Supply and Occupancy								
By Time of Day on a Typical Weekday  Type Spaces(1) 10 AM 4 PM 6 PM								
- Reserved	1,043	<u>858</u>	82%	<u>831</u>	80%	<u>499</u>	48%	
<u>- Public</u>	<u>2,762</u>	2,720	98%	2,297	83%	943	34%	
Total spaces	<u>3,805</u>	3,578	94%	3,128	82%	1,442	<u>38%</u>	
(1) Marked spaces								
Note: The boundaries for these counts were slightly different than the boundaries of the DEIR								
Project Area.  Source: Wilbur Smith Associates – January 2006								

Off-street facilities in the Project Area are almost at capacity (94 percent) by 10 AM, decreasing to approximately 82 percent of capacity by 4 PM. After 6 PM on a typical weekday (no evening performance), the parking facilities in the Project Area are below 40 percent of their maximum capacity. Similarly additional information has been gathered for evening parking occupancy with and without evening performances, which is summarized in the Table 4-16b.

Table 4-16b  Existing (2005) Off-Street Parking Supply and Occupancy									
	Weekdays at 8 PM								
<u>Type</u>	Type Spaces(1) No Event One Event Three Events								
- Reserved	<u>987</u>	<u>299</u>	<u>30%</u>	<u>693</u>	<u>70%</u>	<u>747</u>	<u>76%</u>		
<u>- Public</u>	<u>2,351</u>	<u>574</u>	<u>24%</u>	<u>1,487</u>	<u>63%</u>	<u>1,763</u>	<u>75%</u>		
Total spaces	<u>3,338</u>	<u>873</u>	<u>26%</u>	<u>2,180</u>	<u>65%</u>	<u>2,510</u>	<u>75%</u>		
(1) Marked spaces; does not include those facilities that are closed by 8 PM									
Note: The boundaries for these counts were slightly different than the boundaries of the DEIR									
Project Area.									
Source: Wilbur Smith Associates – January 2006									

Evening parking occupancy on a performance night in the Project Area is about two and a half times higher than on a non-performance night (65 percent vs. 26 percent). The parking demand increases to 75 percent on those nights when three events

# (Symphony, Opera, and Herbst Theater) occur at the same time.6"

Figure 4-22, Existing Year Off-Street Parking on page 4-199 of the DEIR is amended as shown on the following page (Figure 4-22 Revised) to identify the additional parking facilities identified in the 2005 parking survey.

The purpose of this information is to assess the current typical parking conditions at different periods of the day, 10 AM and 4 PM, when short-term visitors would be the primary users of these facilities, as well as later in the day, 6 and 8 PM, when residents would take advantage of the parking spaces. In addition, a comparison is made for evening (8 PM) conditions, with and without evening performances, when patrons would compete with residents for parking in the Project Area.

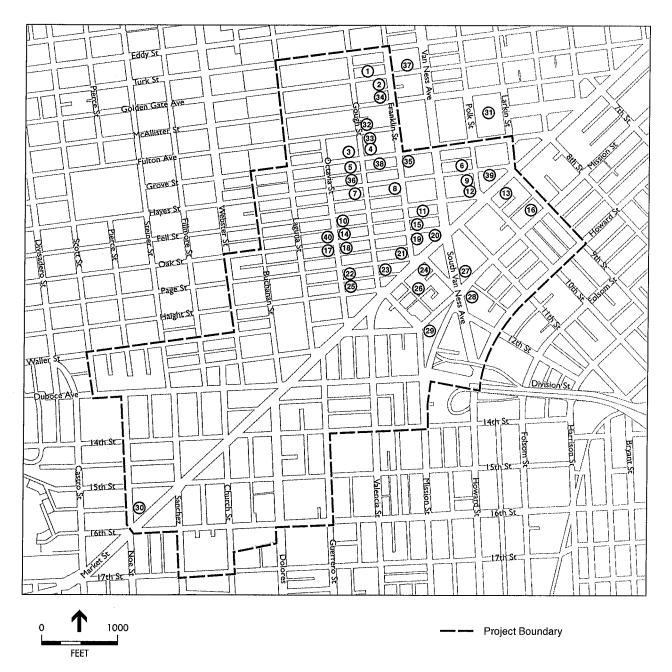
#### A-27

The <u>new</u> parking demand for the Plan is based on the anticipated increase in residential use. In addition, the parking evaluation takes into consideration existing residents, visitors and patrons to the current uses and institutions in the Project Area. The Plan does not include any recommendations that would encourage or discourage or otherwise change the present regulations regarding the siting of civic, institutional, or performing arts uses in the Project Area.

The Plan's project description accounts for future residential development based on changes in zoning and does not specifically call for changes in zoning to encourage new commercial uses. Although new commercial uses may be developed in the future, and the Plan does encourage the development of additional neighborhood-serving uses, they would not be due to the implementation of the Plan. Therefore, the estimation of the project's parking demand based on the number of new residential units would accurately reflect the parking demand associated with the new land uses that would directly result from the Plan (see third paragraph on page 4-210 of the DEIR). Other new projects that may come to the Project Area that have not been evaluated as part of the Plan would have to reassess future parking conditions.

The text in Chapter 4, page 4-209, of the DEIR, first paragraph, second sentence, is revised to read as follows:

<sup>&</sup>lt;sup>6</sup> In 2005 there were 24 occasions out of a total of 286 event days (8.4 percent) when three performances took place simultaneously on a weekday evening (Expansion Feasibility Study Progress, Presentation to the San Francisco Parking Authority, Walker Parking, November 30, 2005).



SOURCE: Wilbur Smith Associates

Figure 4-22 Revised Existing Year Off-Street Public Parking

"As such, the parking demand was determined by the anticipated increase in residential uses in the Project Area, and based on the number and size of the units. As such, this study determined the increase in parking demand for future residential uses in the Project Area by estimating the number and size of residential units based on the parking demand methodology in the SF Guidelines."

# A-28

The DEIR evaluates and addresses parking demand and shortfalls associated with the land use changes, primarily an increase in residential development, being proposed by the *Market Octavia Neighborhood Plan*. Future parking changes that are expected to take place regardless of the Plan implementation would be evaluated separately by those projects in accordance with the provisions of CEQA. The San Francisco Parking Authority is conducting a study independent of the *Market Octavia Neighborhood Plan* DEIR to develop an action plan to address parking need for the Civic Center Area and the performing arts institutions.

### A-29

See Response to Comment A-28 relating to the parking needs of visitors to the Civic Center Area.

# A-30

Parking surveys conducted in September 2005 by the San Francisco Parking Authority include the recently opened Asian Arts Museum and found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent.

The proposed relocation of the School for the Arts to 135 Van Ness Avenue (currently on hold), the expansion of International Schools at 150 Oak Street, the City Law Library at 525 Golden Gate Avenue, the San Francisco Girls Chorus at 44 Page Street, the use of the Bill Graham Auditorium, and future development on Market Street and the South of Market Area are not part of the Market Octavia Neighborhood Plan DEIR since they will take place regardless of the Plan implementation. Nonetheless, a study being conducted by the San Francisco Parking Authority to develop an action

<sup>&</sup>lt;sup>7</sup> SF Guidelines, Appendix G - Residential Parking Demand: 1.1 spaces for studio/1-bedroom units and 1.5 spaces for 2+bedroom units

plan to address the loss of parking in the Civic Center Area and address what it means for the performing arts institutions will incorporate these future changes in land uses.

### A-31

Comment regarding market rates for public parking facilities noted.

#### A-32

The expansion of the Performing Arts garage will be subject to Proposition E (2000) which requires that any new parking facility be financially self-sufficient. Subsequent to the publication of the DEIR, the San Francisco Parking Authority collected additional off-street and on-street parking information in early September 2005. Based on discussions and correspondence with the Parking Authority staff and consultants, aside from the evening uses, the preliminary parking information found that although current parking demand at the Performing Arts garage would not necessarily warrant expansion of the garage, that an expansion of the garage would address the loss of a substantial amount of off-street parking expected to occur in the Project Area as a result of redevelopment. These parking surveys also found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied. Based on this information, the San Francisco Parking Authority has indicated that building a new parking garage or adding floors to the existing Performing Arts garage is being considered and could replace about 35 percent of the parking spaces that are expected to be eliminated in the Project Area.

#### A-33

Subsequent to the publication of the DEIR, additional off-street and on-street parking information collected by the San Francisco Parking Authority in September 2005 was obtained and incorporated in this EIR. Additional information was also provided by the San Francisco Planning Department regarding those lots that may be developed as part of the Market Octavia Plan or other private projects. (See Response to Comment A-26). It is estimated that approximately 980 spaces will be eliminated as part of the Plan or other private development projects within the Project Area.

<sup>&</sup>lt;sup>8</sup> Friday Sept. 9, 2005, Wednesday Sept. 14, 2005 and Friday Sept. 16, 2005.

<sup>&</sup>lt;sup>9</sup> Information based on discussions with the San Francisco Parking Authority and consultants in January 2006. Ronald Szeto, Deputy Director Parking Authority (415) 554-9830 and correspondence from Ronald Szeto, Parking Authority to Dean Macris, Planning Director dated June 1, 2006 regarding the expansion of the Performing Arts Garage.

<sup>10</sup> Ibid.

The text in Chapter 4, page 4-234 of the DEIR, first sentence of the first full paragraph, is revised to read as follows:

"The potential new residential developments within the Project Area would eliminate existing off-street parking lots, particularly those located along the former Central Freeway parcels (estimated to be about 160 spaces) that will take place as part of the Plan or other private projects would eliminate approximately 980 spaces from existing parking lots."

### A-34

Text amendments to the DEIR have been proposed, as appropriate, in response to the comments received on the DEIR. New text is added to specifically respond to the Arts Elements and the Civic Center Plan comments; the text amendments will be incorporated as noted in the FEIR. The DEIR for the Market and Octavia Neighborhood Plan, analyzes only the impact of those policies or proposed projects that are presented in the Plan and would affect the Project Area; it does not assess in detail the full development potential of the Civic Center Area, which is primarily outside the Project Area. Such an assessment would be beyond the scope of a program level EIR focused on the impacts of proposed changes to the Market and Octavia Neighborhood Project Area. If parking shortfalls occur in the Civic Center area in the future as a result of redevelopment independent of the Market and Octavia Neighborhood Plan, either inside or outside of the Project Area, then those impacts must be addressed as part of a detailed environmental analysis of the specific proposed development or as part of a program level assessment of the Civic Center Plan in the future.

The EIR does have a responsibility, however, to address the cumulative impacts that would occur in the future in the Project Area and to address impacts that may occur outside of the Project Area that are directly related to the Plan. These impacts are addressed in each technical section of the DEIR and text is amended as appropriate in response to comments where specific information was lacking. Specifically related to transportation, the existing conditions on Hayes and Franklin Streets account for through traffic as well as traffic generated from within and immediately adjacent to the Project Area. The cumulative traffic analysis accounts for future traffic volumes on these streets assuming projected growth in San Francisco and the region.



Pecerial august 07/05

July 31, 2005

Paul Maltzer, Environmental Review Officer Major Environmental Analysis Division San Francisco Planning Department 30 Van Ness Avenue, Fourth Floor San Francisco, CA 94102

Re: Market and Octavia Neighborhood Plan Draft
Environmental Impact Report, Case No. 2003.0347E Addendum

Dear Mr. Maltzer:

I write to add information to my July 25, 2005 letter on the Market and Octavia Neighborhood Plan draft EIR regarding another arts organization resident in the project area not mentioned in the draft EIR - the New Conservatory Theater located in the lower level at 25 Van Ness Avenue. This long standing theater company operates in repertory in two performance spaces, one with 57 seats and the other with 127 seats. Thus, my comments should be amended as follows:

11. Page 4-35. Institutional and Cultural. The second paragraph, third sentence reference to the San Francisco Bar Association should be dropped as its office were never located on Franklin Street. The State Bar of California used to be located 555 Franklin Street but they sold the building to the San Francisco Unified School District several years ago and moved to 180 Howard St. The paragraph should include these <u>four</u> sentences: <u>"The New Conservatory Theater with two performance spaces is located in the lower level at 25 Van Ness Avenue."</u> "The National Center for International Schools consisting of the French American International School and the Chinese American International School is located on both sides of Oak Street between Franklin and Gough Streets." "The San Francisco Girls Chorus and School is located Page Street between Franklin and Gough Streets" "The Progress Foundation which provides alternative community treatment options to seriously mentally disabled individuals is located on Fell at Octavia Streets".

I thus would appreciate this letter being attached to and incorporated in my previous letter.

Tenselle Klass

James W. Haas

Chairman -

B-1

# Letter B – Jim Haas, Civic Pride

# **B-1**

The commentor is correct in noting that the New Conservatory Theater is located in the lower level of 25 Van Ness Avenue. See Response to Comment A-13 for proposed revisions to the DEIR text to note this fact.



City & County of S. Plan Dept. of City Plan

JUL 28"

July 27, 2005

OFFICE OF REVIEW

James A. Reuben

Andrew J. Junius

Juel Yedowitz

"Sheryl S. Reuhan

Kevin H. Rose

Jared J. Eigerman

David Silverman

Jay F. Drake

Charles J. Higley

Tulja I. Catalano

Alien Alie

John E. Molnerney III

uf counse

"Also somitted in New York

# BY FACSIMILE & U.S. MAIL

Paul Maltzer, Environmental Review Officer San Francisco Planning Department Major Environmental Analysis 30 Van Ness, 4<sup>th</sup> Floor San Francisco, CA 94102

> : Market and Octavia Neighborhood Plan, Case No. 2003.0347E Comments on Draft Environmental Impact Report Our File No.: 5555.01

Dear Mr. Maltzer:

On behalf of the San Francisco Symphony, San Francisco Opera, and San Francisco Ballet (collectively the "Performing Arts Organizations") with the support of the Asian Art Museum, the San Francisco Conservatory of Music, San Francisco Performances, City Arts and Lectures and the San Francisco Performing Arts Library and Museum, we are writing to you to comment on the Draft EIR for the Market and Octavia Neighborhood Plan, dated June 25, 2005.

Several vitally important issues have been left out of the Draft EIR. These issues were also brought to the attention of the Department in our scoping letter dated February 23, 2004.

As a result of the demolition of the Central Freeway and the proposed construction of Octavia Boulevard and new housing construction, 19 existing surface parking lots are being eliminated in the Hayes Valley/Civic Center area, resulting in the loss of approximately 1,350 parking spaces. The Performing Arts Organizations have relied on these parking spaces for patrons of the arts for decades.

While the Draft EIR notes that a shortfall in parking will occur with the demolition of surface parking lots, it does not provide a thorough review of the number of parking spaces that will be lost from development of the Central Freeway parcels, the impacts of the loss of these parking spaces on the City's cultural and performing arts organization, and a description of measures that will be necessary to adequately address the pervasive loss of parking spaces. (Draft EIR, 4-53) Such information needs to be included in the Draft EIR in order for

appropriate mitigation measures to be proposed and implemented.

We note that an Environmental Impact Report for the proposed mid-Market Redevelopment project area was published on September 28, 2002 and recently certified. Its transportation section analyzed the area bounded by Van Ness Avenue, McAllister Street, Fourth Street, Bryant Street and Eleventh Street. The EIR found a parking space deficit in this area of approximately 2,000 spaces. Therefore, the combined loss of parking spaces in the Mid-Market and Hayes Valley areas would be approximately 3,350 parking spaces.

While the Performing Arts Organizations and their partners are supportive of the Market and Octavia Neighborhood Plan and the significant additional housing and density that is programmed to be built over the next years, the City should not ignore the impact of the loss of thousands parking spaces that are relied upon by the patrons of the City's cultural and performing arts organizations.

In order to help preserve the cultural life of the City, we request that the Draft EIR be revised to more adequately analyze the impacts of the proposed Plan on the City's cultural and performing arts organizations, with particular emphasis on the loss of parking. We further request that the Market and Octavia Neighborhood Plan Draft EIR incorporate an additional mitigation measure to address these impacts, namely, a requirement that the City replace the 1,350 lost parking spaces.

# A. BACKGROUND

Because the Performing Arts Organizations together create a regional cultural center and draw patrons from all over the greater Bay Area, availability of parking for the organizations' patrons and unionized employees is critical. The Performing Arts Organizations internal parking surveys conducted in 2003 found that, during peak periods, parking within a two-block radius of the Opera House and City Hall was 99% occupied. Additionally, approximately 70 cars were found to be illegally parked on the street.

The loss of parking will be exacerbated by several projects currently or shortly underway in the area. The San Francisco Conservatory of Music is constructing its new home at 50 Oak Street. Three recital halls are to be included in that building. The School for the Arts project at 135 Van Ness Avenue will bring 1,000 students and staff to the area. That project includes the rehabilitation of Nourse Auditorium at the corner of Hayes and Franklin Streets. There are also additional expansion projects planned for the National Center International Schools at 150 Oak Street, and a proposed new City law library at 525 Golden Gate Avenue. The San Francisco Girl Chorus recently purchased 44 Page Street, for use by its 300 students.

C-1

C-2

Approximately 1,350 parking spaces in surface parking lots have been lost or will soon be lost in the immediate vicinity of the Opera House and the Symphony Hall. The closure of these parking lots is a direct result of the March 2003 closure of the Fell Street off-ramp and demolition of the Central Freeway, and the development of the Octavia Boulevard Project. Ownership of the lots is currently being transferred from CalTrans to the City of San Francisco. San Francisco will construct the Octavia Boulevard Project, and the "Hayes Green", with plans calling for much needed housing on all of the former parking lots, in order to address the City's continuing shortage of housing.

The Octavia Boulevard Project and housing construction will be of great benefit to the Civic Center/Hayes Valley neighborhood and the City. However, the resultant loss of parking, at a time when existing peak parking facilities are frequently 99 percent occupied, will be devastating to the Performing Arts Organizations, unless the lost parking is at least partially replaced. Environmental analysis of lost parking and related transportation issues should not be restricted to peak hours but should extend to all times of activity in the area, including evenings.

# B. USE OF PUBLIC TRANSIT WILL NOT REPLACE LOST PARKING

A series of ride sharing and transit support programs are supported by the various Performing Arts Organizations. All of the institutions encourage patrons and staff to use public transportation whenever possible. Added security personnel are placed between the Symphony Hall and the Civic Center BART station before and after evening performances. A major charter bus service is facilitated by the Symphony for its matinee performances. Extensive information on public transit access to the Civic Center is also available on the websites for the Symphony and the Opera. The Ballet, Opera and the Symphony contribute to the high ratio of ride sharing and transit use by administering the Commuter Check Program for its employees and offering only limited staff parking. The Ballet is launching a new promotion with BART, in conjunction with holiday performances of the Nutcracker and the Fall Repertory Season.

Though all organizations support San Francisco's Transit First policy, it is not always feasible for elderly patrons, patrons coming from the South or North Bay, musicians traveling with instruments, or performers or stagehands working split shifts and very late hours to use public transit on a regular basis. The Draft EIR does not discuss the necessity of access to parking for such special-need individuals, or the impact of the elimination of such parking.

# 1. TRANSIT FIRST POLICY

The Performing Arts Organizations are already increasing communication about

 $C_{-2}$ 

public transportation with their patrons. However, San Francisco is a regional arts center—it draws audiences from the entire Bay Area. Many of these areas—particularly the South Bay and the North Bay—are not adequately served by public transportation to the Civic Center. In addition, the performances end quite late and patrons, some of them elderly, do not feel comfortable taking BART or Muni after 11 p.m. The musicians, who live throughout the region, work odd hours—sometimes coming in for a morning rehearsal and then back again for an evening performance that doesn't end until 10:00 or 11:00 p.m. They are traveling with valuable and heavy instruments and public transit is not a viable option.

The Draft EIR states that when less parking is available, patrons will know that they will have trouble finding a parking space, and thus will not drive to the venue. (Draft EIR, 4-53) This argument does not address individuals to whom viable public transportation is not available or not appropriate (for example, the elderly, the disabled, and musicians carrying large instruments). Further the Draft EIR does not provide any studies to assess how many parking spots will be available as a result of this mitigation measure. Thus, the Draft EIR does not sufficiently address the parking impact for individuals who cannot reasonably be expected to utilize public transit.

The Draft EIR also suggests that one of the recommended strategies for resolving the parking shortfall should be for the Performing Arts Organizations to provide the patrons and employees with more information about public transit opinions. As stated above, the Performing Arts Organizations are already doing so. Again, providing patrons and employees for whom public transit is not viable option with such information will not alleviate their parking needs.

# 2. PERCENTAGE OF PATRONS THAT USE PUBLIC TRANSPORTATION

Clearly a high percentage of patrons and employees already either carpool or utilize public transportation. Considering there is parking competition with local residents and employees of various establishments, the ratio of parking spaces to patrons and employees when many venues are operating concurrently is less than 1 to 3: 3,200 spaces versus a demand of over 10,000 spaces.

The following data demonstrates that high percentages of the audiences for each of the performing arts come from the North and South Bay, which are not well served by public transportation.

San Francisco Symphony: 33.5% of San Francisco Symphony audiences come from the city; 10.8% from the East Bay; 23.7% from the North Bay; 24% from the South Bay and 7.9% from other regions of California, other States, or other countries.

C-6

C\_7

C-8

San Francisco Opera: 29% of San Francisco Opera audiences come from the city, 21% from the East Bay, 19% from the South Bay, 6% from Marin County, and 5% from other regions of California, other States, or other countries.

San Francisco Ballet: 43% of SF Ballet audiences come from the city; 26% from the East Bay; 20% from the Peninsula; and 11 % from Marin County.

The Performing Arts Organizations already have programs to encourage ride sharing and transit use, and will continue to promote and facilitate the utilization of public transportation. However, there are also some very real constraints in the late evening for a regionally based attendance. Public transit is not an available option for many. Bus shuttles from the outlying parking lots to the Symphony Hall/Opera House can be provided but the fact is that experience shows very low usage, particularly late at night. Compared with SBC Park, which everybody views as a transit success, the results for the Performing Arts in the Civic Center are just as good, if not better. When all four venues are in use (Symphony Hall/Opera House/Herbst Theater/Orpheum) there is a demand for approximately 10,000 spaces with only a few thousand parking spaces available, and competition for those.

The Draft EIR does not include any of these relevant numbers, nor does it take them into account in determining the mitigation strategies for the parking shortfall. (Draft EIR, 4-232) The Draft EIR should be revised to reflect the data provided in this subsection. Again, the "Transit First" Policy cannot apply to these special-need individuals. Appropriate mitigation measures, including replacement parking for the 1,350 lost parking spaces, must be required.

## C. NEED FOR REPLACEMENT OF THE LOST PARKING

# 1. SPECIFIC NEEDS OF THE PERFORMING ARTS ORGANIZATIONS

The transportation needs of the various Performing Arts Organizations and performance halls are uniquely different from either daytime employment transportation needs or neighborhood residents' needs. For example, the War Memorial Opera House and Davies Symphony Hall alone are used by 6,000 patrons and hundreds of employees when performances coincide. The addition of performances concurrently at the Orpheum Theater (2,203 seats) and the Herbst Theater (916 seats) creates a demand for transit, ride sharing and parking for approximately 10,000 people.

Our review of the 2002-2003 performance year (primarily September 2002 through July 2003) indicated that, including only the Symphony, Opera and Ballet, there were 70

C-9

evenings and 16 matinees with two performances occurring at the same time, for a total of 86 common dates. There were an additional 17 evenings and 38 afternoons when a performance was scheduled at one venue and a full dress rehearsal was scheduled at another venue. There were 141 dates when there was activity at two performance halls at the same time.

Therefore, it is critical that sufficient transit service and sufficient parking exist for those dates when both venues are in use. Further, parking is not only needed for those patrons who cannot easily get home throughout the region at midnight, but also for employees and performers. A series of union contracts covering musicians, stage hands, and the many others necessary to mount a world-class performance require off-street parking within a specific distance of the performance, for good reason. Safety at that time of night is paramount, particularly for musicians with valuable instruments. Current Collective Bargaining Agreements mandate 242 employee spaces for the Opera, 148 spaces for the Ballet, and 102 spaces for the Symphony.

# 2. CURRENT PARKING DEMAND VS. SUPPLY

In order to properly ascertain peak parking demand during simultaneous performances, a parking survey was conducted for the Performing Arts Organizations by Jon Twichell Associates beginning Friday, January 17, 2003, during a series of four consecutive evenings with double performances of the San Francisco Opera and Symphony. The survey indicated that the parking supply within a two-block radius of the Opera House and Symphony Hall totaled 3,261 spaces; of which 1,826 were off street and 1,435 spaces were on street. Parking was 99 percent occupied. On street parking occupancy was over 100 percent occupied, with 1,505 vehicles, 70 of them parked illegally, while off street parking occupancy totaled 1,714. The Civic Center Garage on that evening was 92.5 percent occupied.

Clearly, current parking supply barely meets parking demand. In addition, the San Francisco Parking Authority has indicated that the results of this particular evening survey are moderate; on some evenings the Performing Arts Garage is full with 50 additional vehicles valet parked, while the Civic Center Garage is at 105 percent of capacity.

On the evenings of October 8, 2003 and October 10, 2003, for example, the Opera and Symphony had dual performances. According to the operator of the Civic Center garage, Ampco System Parking, on both occasions the Civic Center Garage was 94% occupied. Even less parking is now available due to the opening of the Asian Art Museum.

It is clear that parking in the vicinity of the Opera House and Symphony Hall is frequently filled to maximum capacity at present. The removal of hundreds of existing offstreet parking spaces within the survey area will result in severe economic jeopardy to the C-10

C-11

region's cultural organizations. This is especially true as ground has recently been broken for another cultural institution in the Civic Center area, the long-awaited move of the San Francisco Conservatory of Music.

C-12

Removal of existing parking also does not take into account increased parking demand over the coming years. At a minimum, environmental reports in San Francisco are required to assume an increase of one percent per year. Therefore, over the next decade, it is reasonable to assume an increase in traffic and parking demand of at least 10 percent. This increased demand could not be met with the existing parking supply.

C-13

In addition, San Francisco and the Bay Area remain mired in economic doldrums. The best single economic indicator, sales tax revenue collections, are down 15 percent from three years ago. It is reasonable to assume that economic activity will recover over the next several years, and that overall spending, attendance at cultural events, transportation and parking demand will also recover. A 15 percent increase in parking demand, without an increase in available parking spaces, will again cause severe economic damage to the many performing arts organizations and venues in the Civic Center Area.

C-14

The parking study described above also indicates a high percentage of patrons and employees either carpooling or utilizing public transit. Considering that there is parking competition with local residents and employees of evening establishments, the ratio of parking spaces to patrons and employees when all four venues are operating is less than 1 to 3-3,200 spaces versus a demand for approximately 10,000 spaces.

C-1:

The Draft EIR suggests that off-street parking garages to the south and east of the Performing Arts Organizations venues are currently under-utilized and typically less than half occupied on performance nights. (Draft EIR, 4-200) The Draft EIR does not provide a citation to any data or study to substantiate this claim and such claim is in contradiction with the parking study by Jon Twichell Associates. We request that the Draft EIR be revised to reflect the data provided above from the Jon Twichell Associate's study.

C-16

# 3. INCREASED FUTURE DEMAND AND DECREASED FUTURE SUPPLY

Parking at the critical joint performance peak time is currently at capacity. However, there are a series of added parking demands, and subtractions from current supply, which will occur in the near future.

C-17

The Asian Art Museum draws hundreds of patrons on Thursday evenings, in addition to numerous special events, with approximately 50 percent of the patrons arriving by car. Assuming an occupancy of two per car, this is an increased demand of at least 75 parking spaces. The Museum is also holding two evening events per week. Each event

generates approximately 400 patrons with a 90 percent auto usage. Again assuming an occupancy of two per vehicle this is an added evening parking demand of 360 spaces.

The Orpheum Theater typically attracts 2,125 patrons to each show, twice per day, six days per week. Future performances can be expected to attract a similar number of patrons.

The School for the Arts project at 135 Van Ness Avenue will bring 1,000 students and staff to the area. That project includes the rehabilitation of Nourse Auditorium at the corner of Hayes and Franklin Streets. There are additional expansion projects planned for the National Center International Schools at 150 Oak Street and a proposed new City law library at 525 Golden Gate Avenue.

In addition, the San Francisco Conservatory of Music is constructing its new home at 50 Oak Street (opening in the fall of 2006). Three recital halls will be included in the new building. Two other large venues, Herbst Theater and the Green Room, are contained in the War Memorial Building, which will be seismically upgraded within the next several years. The San Francisco Girls Chorus recently purchased 44 Page Street, for use by its 300 students.

Taken together, there will be a substantial increase in parking demand in the Civic Center area in the near future, at the same time that the surface lots in the immediate vicinity are being closed for the Octavia Boulevard Project uses. This includes the recent loss of 175 off street parking spaces as the City of San Francisco closed three surface parking lots in the immediate vicinity of the Opera House and Symphony Hall.

Approximately 500 parking spaces under the control of CalTrans have already been closed where the Octavia Boulevard construction is now beginning. Those 500 spaces stretch five City blocks from Market Street up to Hayes Street, and there will inevitably be a ripple effect as displaced parkers compete for spaces even closer to the Civic Center. The additional 175 Civic Center spaces recently closed to the public are currently being used by the City of San Francisco to park City vehicles.

Another loss devastating to the Performing Arts community will be the approximately 350 public off street parking spaces located in a series of surface parking lots in the vicinity of the Civic Center, as well as the loss of 150 off street parking spaces currently leased to the San Francisco Opera and the San Francisco Ballet, which are located north of the Performing Arts Garage. At present, these 150 spaces partially meet the parking requirements included in union agreements with employees of the Performing Arts Organizations.

Ownership of these surface parking lots is currently being transferred from

C-17

C-18

C - 19

CalTrans to the City of San Francisco, and the Market and Octavia Neighborhood Plan proposes housing on all of the lots. The resultant loss of parking, at a time when existing peak parking facilities are 99 percent occupied, would be devastating to San Francisco's Performing Arts Organizations.

C-19

The Draft EIR does not adequately address the unique situation of the Civic Center, nor account for the massive expansion in parking demand that will soon result from the numerous projects described above. Adding to this deficiency, the Draft EIR uses a study from 2001 for the basis of the recommended strategies to mitigate the parking shortfall. (Draft EIR, 4-232) We request that the Draft EIR be revised to reflect the data provided above and to reflect the changes in the Civic Center over the last four years.

C-20

# 4. <u>NECESSITY FOR PARKING FOR UNIONIZED WORKERS IN</u> THE STAFF/ORCHESTRA/CREW

The current Collective Bargaining Agreements with unionized workers at the Performing Arts Organizations mandate 300 spaces for the Opera, 224 spaces for the Ballet, and 102 spaces for the Symphony. Safety at night is of paramount importance, particularly for musicians transporting valuable instruments.

The Opera provides 221 spaces plus an additional 79 valet parking spaces (total 300) near the Opera House for its union members: principal artists, chorus, dancers, wig and makeup crews, stagehands, electricians, wardrobe, musicians, box office and ushers. The workers are members of the following unions: American Guild of Musical Artists ("AGMA"), International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts ("IATSE)" #706, IATSE #16, IATSE #784, American Federation of Musicians and Theatrical Employees Union ("AFM") #6 and Theatrical Employees Union ("TEU") #B-18. They park in two lots on Fulton Street between Franklin and Gough and one lot on the corner of McAllister and Franklin Streets. The Fulton Street lots are designated to be sold and developed for housing. The McAllister Street lot is rented from a private individual. Non-union employees (administrative staff, music staff, costume shop employees, training program artists and production staff) also use all three parking lots.

C-21

The Ballet provides 149 spaces plus an additional 75 valet parking spaces (total 224) near the Opera House for its union members: dancers, wig & makeup crews, stagehands, electricians, wardrobe, musicians, box office and ushers. The workers are members of the following unions: AGMA, IATSE #706, IATSE #784, and AFM #6. They park in two lots on Fulton Street between Franklin and Gough Streets. The Fulton Street lots are designated to be sold and developed for housing. Non-union employees (administrative staff) also use both parking lots.

C-21

Mr. Paul Maltzer, Environmental Review Officer San Francisco Planning Department July 27, 2005 Page 10

The Symphony provides 102 parking spaces for the orchestra members and ushers as part of collective bargaining agreements with two unions: AFM Local 6 and Local B-12. In order to maintain its volunteer chorus, which draws singers from the greater Bay Area region, the Symphony provides parking for approximately 60 choristers. Limited staff parking is provided, at a cost to staff, but only during the day and in the lot already rented to house the orchestra.

Parking is required by these collective bargaining agreements because of the nature of employment, range of hours worked (very late evenings and split shifts are required on a regular basis), and requirement to travel with valuable musical instruments or props.

The Draft EIR does not take into account the contractual obligations of the Performing Arts Organizations to provide the parking described above. We request that the Draft EIR be revised to reflect the data provided in this subsection.

# 5. VALET PARKING

Valet parking is already implemented at the Performing Arts Garage during double performances. This allows the Garage to accommodate approximately 50 additional vehicles. The number of vehicles that could be parked with valets at Civic Center (approximately 100) is far below the demand the Performing Arts Organizations are facing from the closure of the surface lots in the vicinity.

# 6. SUMMARY OF NEED FOR REPLACEMENT PARKING

- The Draft EIR does not adequately discuss the demolition of the central freeway, development of the Octavia Boulevard Project, and resultant closure of hundreds of off-street parking spaces, and the City's plans to remove additional hundreds of off-street parking spaces near Civic Center in order to build housing, and how such actions will severely disrupt both patron parking and contractually required union employee parking for the Performing Arts Organizations.
- The Draft EIR does not include a recommendation that the 1350 lost offstreet parking spaces in the immediate Civic Center area be at least partially replaced.
- The Draft EIR does not adequately discuss that available parking for peak
  period joint performances is fully occupied, while transit and carpool
  usage is continually promoted and encouraged, nor that use of public

C-23

C-24

transit will not replace lost parking. Public transit is not an available option for many members of the performing arts audience, nor for the musicians, dancers and other artists performing for the Symphony, Opera, and Ballet, nor for the more than 600 unionized workers that support them (chorus, dancers, wig and makeup crews, stagehands, electricians, wardrobe, musicians, box office, ushers).

C-25

• The Draft EIR does not adequately discuss how the opening of the Asian Art Museum has significantly increased parking demand in the Civic Center area and now the new Conservatory of Music; the School for the Arts at 135 Van Ness Avenue; rehabilitation of Nourse Auditorium at the corner of Hayes and Franklin Streets; the expanded National Center International Schools at 150 Oak Street; and the proposed new City law library at 525 Golden Gate Avenue will further increase demand.

C-26

# C. CONCLUSION

The Performing Arts Groups serve not only the City of San Francisco, but are indeed world-class cultural attractions that serve the entire Bay Area region, drawing thousands of visitors to San Francisco each week. The City should assure that these cultural institutions will continue to be viable and serve the public, despite the loss of surface parking in the immediate vicinity. Therefore, the Draft EIR should more adequately examine the impacts on the Performing Arts Organizations and other educational and cultural facilities in the Civic Center area of the loss of thousands of parking spaces, as a result of the development proposed by the Market and Octavia Neighborhood Plan. The Draft EIR should include an additional mitigation measure that will ensure the replacement of the lost parking, as a condition of proceeding with the Plan.

C-27

The Civic Center/Hayes Valley neighborhood, and, in particular, the immediate vicinity of the Symphony Hall and Opera House, are facing a severe parking crisis in the near future. Several additional projects, including the Asian Art Museum and the new home for the San Francisco Conservatory of Music on Oak Street, will add to the parking demand. All of these cultural institutions draw visitors from the entire region, and will require provision of adequate parking facilities in order to survive. More than half of the audience for the major art and cultural institutions come from outside the City. Many of these supporters of the arts do not have access to transit that will conveniently transport them to the Symphony Hall and the Opera House.

Thank you for your consideration,

Yours truly,

REUBEN & JUNIUS, LIZP

David Silverman

DS/Ih

cc:

Karen Ames Bonnie Jones James Reuben

# Letter C - David Silverman, Reuben & Junius, LLP on behalf of the San Francisco Symphony Orchestra, San Francisco Opera, and San Francisco Ballet

## C-1

See Response to Comment A-26 regarding additional off-street and on-street parking information which was incorporated on pages 4-197, 4-199, and Table C-5, page 9.C.6, Appendix 9-C of the DEIR (based on parking information collected by the San Francisco Parking Authority in September 2005). Note that additional information regarding lots that may be developed as part of the *Market Octavia Neighborhood Plan* or other private projects is also included as part of Table C-5 (see Response to Comment A-33).

The following text has been added to Chapter 4, page 4-230 of the DEIR, Parking Impacts, ahead of the Program Level section:

# "Future Parking Demand Conditions

About 340 off-street parking spaces have been eliminated within the Project Area since 2002 (almost all of them due to the removal of the Central Freeway and the construction of Octavia Boulevard). In addition, based on information provided by the San Francisco Planning Department and the San Francisco Parking Authority (See Table C-5 in Appendix 9-C) it is estimated that approximately 980 spaces would be eliminated as part of the Plan or other private development projects within the Project Area (260 spaces reserved for Performing Arts employees, 160 spaces reserved for City employees, 90 private spaces and 480 public spaces). Thus, the overall parking space reduction between 2002 and the Plan's completion date is approximately 1,320 spaces. Table 4-23a summarizes existing and future parking conditions within the Project Area at different times on a typical weekday.

<sup>&</sup>lt;sup>11</sup> Expansion Feasibility Study Progress, Presentation to the San Francisco Parking Authority, Walker Parking, November 30, 2005.

Table 4-23a  Existing and Future Off-Street Parking Supply and Occupancy By Time of Day on a Typical Weekday									
Scenario Spaces <sup>(1)</sup> 10 AM 4 PM 6 PM									
Existing (2005)	Existing (2005) 3,805 94% 82% 38%								
Future	<u>2,825</u>	<u>127%</u>	<u>111%</u>	<u>51%</u>					
Parking shortfall (approx. spaces) 750 300 n.a.									
(1) Marked spaces									
Note: The boundaries for these counts were slightly different than the boundaries of the DEIR									
Project Area.									
Source: Wilbur Smith Associates – January 2006									

As shown in the table, there would be an off-street parking shortfall of about 750 spaces within the study area by 10 AM, once some of the existing spaces are eliminated as part of the Plan or other private development projects. The shortfall would be reduced to about 300 spaces by 4 PM. By 6 PM the future supply would be able to accommodate the expected demand. The number of spaces shown in Table 23a refers to marked spaces and additional spaces could be made available by implementing valet parking during the day. It is estimated that the implementation of valet parking would increase the available parking supply by 280 spaces during the day.

Table 4-23b provides information about existing and future parking occupancy for evening weekday nights with and without evening performances.

Table 4-23b  Existing and Future Off-Street Parking Supply and Occupancy  Weekdays at 8 PM									
Scenario Spaces(1) No Event One Event Three Events									
Existing (2005)	Existing (2005) 3,338 26% 65% 75%								
Future	<u>2,358</u>	<u>37%</u>	<u>92%</u>	<u>106%</u>					
Parking shortfall (approx. spaces) n.a. n.a. 150									
(1) Marked spaces; does not include those facilities that are closed by 8 PM.									
Note: The boundaries for these counts were slightly different than the boundaries of the DEIR									
Project Area.									
Source: Wilbur Smith Associates – January 2006									

There would not be an evening parking shortfall within the study area on those nights with only one performance. On those nights when three performances take place simultaneously (Symphony, Opera, and Herbst Theater), the parking demand would be six percent above the capacity of the facilities (150 spaces). On the other hand, approximately 200 additional spaces could be made available in the evening with the implementation of valet parking within the study area, which would eliminate the expected shortfall."

In Chapter 4, page 4-231 of the DEIR, the following sentence is added at the end of the first full paragraph:

"The estimated parking shortfalls shown in Table 4-25 for each development condition do not include the shortfall of approximately 750 spaces (refer to Table 4-23a) that would occur independent of the Plan."

The following text is added to Chapter 4, page 4-232 of the DEIR, after the first sentence of the second full paragraph:

"On those nights when three performances take place simultaneously (Symphony, Opera, and Herbst Theater) there would be an additional parking shortfall of 150 spaces, due to reduction of parking spaces caused by the Plan or other private

# development projects.12,

### **C-2**

New parking surveys were conducted in September 2005 by the San Francisco Parking Authority to develop an action plan to address the loss of surface parking lot as a result of the *Market and Octavia Neighborhood Plan* and identify what it means for Civic Center cultural and performing arts institutions. The surveys found that although the Performing Arts garage was full on those nights when three events (Symphony, Opera, Herbst Theater) were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent.<sup>13</sup>

The parking demand survey conducted for the Performing Arts Organization in January 2003 has been found to differ substantially (about 150 additional vehicles or 22 percent of the total occupancy) from the automated count data collected by the Parking Authority at the Civic Center Parking garage on the same date, suggesting that the accuracy of the survey does not represent typical occupancy in the Civic Center area.<sup>14</sup>

# **C-3**

See Response to Comment A-15 for status of The School for the Arts.

A modest increase (about 200 spaces) of parking demand during the day due to the other remaining projects listed can be accommodated within the existing supply. In addition, the area is well served by local and regional transit services (BART, Golden Gate Transit, Muni) operating on the Van Ness Avenue and Market Street transit corridors (See DEIR page 4-185 to 4-196).

#### **C-4**

See Response to Comment C-1 regarding existing and future off-street parking supply and occupancy, as well as the validity of the parking demand survey conducted for the Performing Arts

<sup>&</sup>lt;sup>12</sup> In 2005 there were 24 occasions out of a total of 286 event days (8.4 percent) when three performances took place simultaneously on a weekday evening (Expansion Feasibility Study Progress, Presentation to the San Francisco Parking Authority, Walker Parking, November 30, 2005).

 <sup>&</sup>lt;sup>13</sup> Ibid.
 <sup>14</sup> Transportation issues in the Civic Center area, Memorandum to the Civic Center Cultural and Performing Arts
 Organizations, by Marshall Foster, Planner, San Francisco Planning Department, April 30th 2003

Organization in January 2003. Approximately 340 off-street parking spaces have been eliminated since 2002 and 980 additional spaces would be eliminated within the Project Area due to planned development. The future loss of parking would create a parking deficit of up to 750 spaces (see Table 4-23a in Response to Comment C-1), which could be partially offset by the implementation of valet parking (280 additional spaces would reduce the parking deficit to 470 spaces). Similarly, a parking deficit would not be expected late in the evening, even when several performances take place simultaneously, as long as valet parking is implemented at the major garages.

Environmental documents prepared in San Francisco typically evaluate parking conditions during the peak demand period, normally 1 to 3 PM. In some instances, depending on the characteristics of the proposed project and existing land uses, parking conditions are also evaluated during the evening (7 to 9 PM) to identify potential parking deficits for local residents or visitors. San Francisco does not consider parking supply as part of the permanent physical environment. Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.

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

Avenue major transit corridors which provide bus and rail transit service, as well as a dense bus transit network throughout the neighborhoods; the mix of residential and commercial uses encouraging walk trips, and the access to bicycle facilities provide a range of alternatives to travel by auto should parking supply be limited. Additional transit service, such as the Bus Rapid Transit being planned along Van Ness Avenue would further enhance transit service in the future.

The transportation analyses conducted in San Francisco account for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable nearby. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area. Hence, any secondary environmental impacts, which may result from a shortfall in parking in the vicinity of the proposed project would be minor, and the traffic assignments used in the transportation analyses, as well as in the associated air quality, noise and pedestrian safety analyses, reasonably addresses potential secondary effects.

The analysis conducted for the Plan did not identify any significant parking impacts associated with the implementation of the proposed *Market and Octavia Neighborhood Plan*, therefore no mitigation measures were identified. An independent study examining the feasibility of expansion of the Performing Arts garage undertaken by the Parking Authority in response to parking concerns raised by the Performing Arts institutions has identified the following strategies to more effectively manage the existing parking supply and/or to expand the parking supply in the Civic Center area:

- Institute a shuttle service between the performance venues and the Civic Center garage (this
  concept was determined to have limited feasibility because of the short distance that the
  shuttle would travel);
- Enhance the security, visibility, lighting, and police presence at the Civic Center garage;
- Shift the Performing Arts employee parking to the Civic Center garage;
- Investigate the possibility of reopening the 200 space Civic Auditorium (Brooks Hall) parking (it is currently being used for library storage);

- Investigate the feasibility of stacked parking at the Performing Arts garage; and
- Investigate the potential expansion of the Performing Arts garage through the addition of 350 parking spaces.15

The study is expected to be completed in fall of 2006. No specific recommendations have yet been adopted by the Parking Authority.

### **C-5**

Comment noted. The parking facilities within the Project Area are required to comply with the necessary ADA regulations requiring the provision of handicapped parking spaces.

## **C-6**

Comment regarding mode of travel for patrons and performers at the Performing Arts Organizations noted.

# **C-7**

See Response to Comment C-1 regarding updated existing and future parking conditions.

Based on the most recent data collected by the San Francisco Parking Authority, a parking deficit would not be expected in the future late in the evening, even when several performances take place simultaneously, as long as valet parking is implemented at the major garages,.

### **C-8**

Comment that a high percentage of Performing Arts patrons already use transit is noted.

# C-9

Comment that transit usage for each Performing Arts venue varies by location is noted. See Response to Comment C-1 and C-7 in regard to existing and future off-street parking supply and occupancy, as well as the validity of the parking demand survey conducted for the Performing Arts Organization in January 2003. See Response to Comment C-4 in regard to the need of mitigation measures related to parking deficits.

<sup>15</sup> Ron Foster, Walker Parking, telephone conversation with Wilbur Smith Associates on May 17, 2006 and correspondence from Ron Szeto, Parking Authority to Dean Macris, Planning Director dated June 1, 2006.

### C-10

Comment regarding scheduling at Performance Arts venues is noted. In 2005 there were 24 occasions out of a total of 286 event days (8.4 percent of the time) when three performances took place simultaneously on a weekday evening. In addition two performances took place simultaneously on a weekday evening on 62 occasions (2.2 percent)<sup>16</sup>

# C-11

Comment noted; union contracts will be negotiated over time with the Performing Arts Organizations. See Response to Comment A-2 for additional information on state regulations governing employee subsidized parking. See Responses to Comments C-1 and C-7 in regard to existing and future off-street parking supply and occupancy.

# C-12

The parking survey undertaken by the Performing Arts Organizations was conducted in January 17, 2003. The survey data was reviewed by the Planning Department and the San Francisco Parking Authority staff to sort out some discrepancies with the same date data provided by the Civic Center garage and the Performing Arts garage operators. The parking demand survey conducted for the Performing Arts Organization in January 2003 has been found to differ substantially (about 150 additional vehicles or 22 percent of the total occupancy) from the automated count data collected by the Parking Authority at the Civic Center Parking garage on the same date, suggesting that the accuracy of the survey does not represent typical occupancy in the Civic Center area.<sup>17</sup> See Response to Comment C-2 regarding the comparison of parking survey findings.

New parking surveys conducted in September 2005 by the San Francisco Parking Authority found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent.

### C-13

See Responses to Comments C-1 and C-4 regarding updated existing and future parking conditions.

<sup>&</sup>lt;sup>16</sup> Expansion Feasibility Study Progress, Presentation to the San Francisco Parking Authority, Walker Parking, November 30, 2005.

<sup>&</sup>lt;sup>17</sup> Transportation issues in the Civic Center area, Memorandum to the Civic Center Cultural and Performing Arts Organizations, by Marshall Foster, Planner, San Francisco Planning Department, April 30th 2003.

The travel demand model developed by the San Francisco Transportation Authority for the nine-county Bay Area has been used to determine future cumulative transportation conditions in the Project Area, rather than applying a one percent annual growth rate to existing traffic. Increases in vehicular traffic traveling through an area do not affect parking demand, unless the vehicles are destined to or originate at that particular area. The transportation analysis conducted for the Plan accounts for the effects of cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable nearby. Moreover, the secondary effects of drivers searching for parking is typically offset by a reduction in vehicle trips due to others who are aware of constrained parking conditions in a given area.

### C-14

Parking demand for the Plan has been estimated based on the current and expected uses within the Project Area.

#### C-15

Comment regarding parking demand at the Performing Arts venues noted.

# C-16

See Response to Comment C-12 regarding the parking survey conducted by the Performing Arts Organizations in January 2003.

#### C-17

See Responses to Comments A-26 and C-1 regarding updated existing and future parking conditions.

Parking surveys conducted in September 2005 by the San Francisco Parking Authority include the recently opened Asian Arts Museum and found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent. Based on those surveys, no evidence has been found to support the commentor's statement that half of the patrons at the Asian Art Museum arrive by car.

The proposed relocation of the School for the Arts to 135 Van Ness Avenue (currently on hold), the

expansion of International Schools at 150 Oak Street, the City Law Library at 525 Golden Gate Avenue, the San Francisco Girls Chorus at 44 Page Street, the use of the Bill Graham Auditorium, and future development on Market Street and the South of Market Area are not part of the *Market Octavia Neighborhood Plan* DEIR since they will take place regardless of the Plan implementation. Nonetheless, a study being conducted by the San Francisco Parking Authority to develop an action plan to address the loss of parking in the Civic Center area and address what it means for the cultural and performing arts institutions will incorporate these future changes in land uses.

#### **C-18**

See Response to Comment C-1 regarding updated existing and future parking conditions.

Approximately 340 off-street parking spaces have been eliminated since 2002.

### C-19

See Response to Comment C-1 regarding updated existing and future parking conditions.

It is estimated that approximately 980 spaces would be eliminated as part of the Plan or other private development projects within the Project Area (260 spaces reserved for Performing Arts employees, 160 spaces reserved for City employees, 90 private spaces and 480 public spaces). Parking surveys conducted in September 2005 by the San Francisco Parking Authority found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent.

# C-20

The DEIR has been revised to incorporate the most recent parking survey data and to identify major changes in parking demand and supply in the Project Area over the last four years.

# C-21

Comment regarding union parking noted. See Response to Comment A-2 for information on state regulations governing employee subsidized parking, union contracts governing parking for the Performing Arts employees, and text proposed regarding the potential loss of this parking as a result of the proposed Plan. See Response to Comment C-1 for changes in future parking supply and demand and a description of the parking spaces to be eliminated.

Table C-5 in Appendix 9-C, listing the location and characteristics of the parking facilities within the study area, has been updated and reflects this information (see Response to Comment A-26).

### C-22

Parking supply and demand data gathered for this study and by the San Francisco Parking Authority differs from the information presented by the commentor. Valet parking is currently available at the Performing Arts garage on event nights, which increases its capacity to about 630 spaces (30 additional). Similarly, valet parking is sometimes implemented at the Civic Center garage (normally in the weekday midday), which can potentially increase its capacity up to 1,010 spaces (160 additional). Furthermore, recent parking surveys conducted in September 2005 by the San Francisco Parking Authority found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied.

## C-23

See Response to Comment C-1 regarding updated existing and future parking conditions and parking demand due to the demolition of the Central Freeway and the construction of Octavia Boulevard.

#### **C-24**

Comment regarding replacement of off-street parking is noted. The DEIR does not recommend the replacement of the approximately 980 spaces that would be eliminated as part of the Plan or other private development projects within the Project Area.

### C-25

See Response to Comment C-1, which discusses the parking conditions when multiple performing arts events take place at the same time.

Parking surveys conducted in September 2005 by the San Francisco Parking Authority found that although the Performing Arts garage was full on those nights when three events were taking place concurrently in the Civic Center area, the Civic Center parking garage was only 48 percent occupied and on-street parking occupancy was 90 percent.

# C-26

See Response to Comment C-17, which discusses updated parking surveys that include the Asian Arts Museum.

### C-27

See Response to Comment C-1 regarding updated existing and future parking conditions and C-17, which discusses the impact of future institutional changes in the Civic Center that would occur, independent of the Plan.

# **C-28**

See Response to Comment C-17, which discusses updated parking surveys that include the Asian Arts Museum and the impact of future institutional changes in the Civic Center that would occur, independent of the Plan.

# VAN NESS NEIGHBORS: A Civic Improvement Organization

July 29, 2005

City & County of S.F. Dept. of City Planing

Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103 AUG 0 9 2005

OFFICE OF ENVIRONMENTAL REVIEW

Dear Mr. Maltzer:

The following is our testimony re: the Market/Octavia Neighborhood Plan Draft EIR which we were unable to deliver in person at yesterday's crowded Planning Commission meeting.

We would appreciate your providing copies to Planning Commissioners.

Sincerely

Charles Marsteller Co-Coordinator

835 Turk Street #608 San Francisco, CA 94102

415/567.1739

Molly Hopp Co-Coordinator

601 Van Ness Avenue #75 San Francisco, CA 94102

415/673.6733

# VAN NESS NEIGHBORS: A Civic Improvement Organization

Van Ness Neighbors: Testimony for Octavia/Market EIR Hearing, 07,28.05, PAGE 1 of 2

# INTRODUCTION

INTRODUCTION	
The City is promoting historic change in land use policy without directly saying so.	٦ .
It is promoting densification of housing along transit corridors without 1:1 parking.	D-1
This could invite a voter backlash such as PROP M, or lawsuits.	٦
This is because you have failed to fully inform and get approval from the people of San Francisco.	D-2
Remember, the citizens of San Francisco are your employers.	
The Better Neighborhoods EIR calls for the construction of 6,000 units of housing in the Octavia & Market area while it declares that no parking is necessary.	] <sup>D-3</sup>
The EIR also distinctively establishes minimum as well as maximum height limits of 400 feet at Van Ness & Market, and it requires conditional use authorizations for parking which is just the reverse of present policy.	]D-4
The City is proposing increased density that is <u>only</u> made possible by the waiver of parking for new residential construction.	] <sup>D-5</sup>
Thus many of the elements of the Market & Octavia Plan are precedent setting.	٦
Yet approval is being sought in August, the month when many are away on vacation.	D-6
The City is heading for a collision with its Citzensa collision as big as Props K, L & M.	
You are ahead of public awareness and understanding of these tradeoffs and that you run the risk of promoting a counterattack at the ballot or in the courts.	]
QUESTIONS	
The following questions need to be addressed by the Planning Commission prior to the adoption of this EIR in order to meet your legal requirements under the law.	D-7
1. Is it wise to pack the City with new residents densely congregated in highrise construction given our acute seismic risk?	_
2. What about a specific Seismic Public Safety Element to the General Plan? What about EIRs for buildings over say, 100 feet?	D-8

# VAN NESS NEIGHBORS: A Civic Improvement Organization

Van Ness Neighbors: Testimony for Octavia/Market EIR Hearing, 07.28.05, PAGE 2 of 2

# QUESTIONS, continued

3. Didn't your public hearing last March indicate that most buyers want and need parking?	D-9
4. Don't the studies on projects built without parking indicate that the residents simply rent parking in adjoining lots and garages?	D-10
5. Where is the assessment of fees for the substantial public benefit conferred on developers for parking waived—fees required to build transit improvements?	] <sup>D-11</sup>
6. Shouldn't 50% of the cost-savings provided to project sponsors for waived parking be captured to build such things as the Bus Rapid Transit system which is presently unfunded?	]D-12
7. Shouldn't there be a requirement that ADEQUATE PUBLIC FACILITIES such as Bus Rapid Transit precede or be concurrent with transit corridor densification?	] <sup>D-13</sup>
8. Won't thousands of new residents to San Francisco without parking demand the City construct garages as street parking becomes increasingly difficult?	D-14
9. Won't this shift the burden of providing parking from developers to the taxpayer?	D-15
Conclusion	
In the past when you have been too far ahead of the public—the Fontana, the Federal Building, downtown development, work space lofts—the result is a ballot initiative.	]
We do not think the public is aware of or accepts the concept of the waiver of parking for housing on transit corridors.	D 16
This question must be put to the people directly and forthrightly in order to maintain their trust.	D-16
Finally, companion legislation supporting mitigations for densification must be incorporated as part of your EIR in order to demonstrate that your proposal is <u>balanced</u> .	

## Letter D - Charles Marsteller and Molly Hopp, Co-Coordinators Van Ness Neighbors

#### D-1

The Market and Octavia Neighborhood Plan and the DEIR both specifically state the purpose of the proposed Plan and identify the implementation measures proposed to achieve the objectives of the Plan. The physical environmental impacts of the Plan are also described in the DEIR. Both city documents have been explicit in describing the changes proposed as part of the Plan. References are noted below.

The framework for the Plan is discussed starting on page 13 of the Plan and seven specific proposals of the Plan are enumerated on page 14 of the Plan. The proposals include a specific statement to "replace minimum parking requirements with parking maximum, allowing the flexibility to build more housing, more affordably..."

The new land use or zoning districts proposed by the Plan are discussed in detail beginning on page 21 of the Plan. The application of these new zoning districts to blocks within the Project Area is noted on the map on page 23 and the development requirements, including those proposed for reduction in minimum parking requirements, for each district are summarized in the table on page 24 of the Plan.

The first page of the DEIR Summary, page 1-1 states:

"The proposed Plan is a means for implementing an innovative set of land use controls, urban design guidelines, and public space and transportation system improvements to create a dense, vibrant and transit-oriented neighborhood. The controls encourage new housing and enhance the urban environment in a variety of ways. The Plan will function as a model for reweaving the urban fabric of other neighborhoods that are interested in amplifying the benefits of a vibrant transit-oriented settlement pattern for such neighborhoods."

The parking requirements proposed in the Plan are specifically stated on pages 1-5 to 1-6, 3-11, Table 3-1 on 3-15, 3-18, Table 3-4 on 3-19, 3-20, 4-49 to 4-50, and 4-230 of the DEIR.

#### **D-2**

Approval by the voters of San Francisco is not a requirement for adopting changes to the San Francisco General Plan. Changes to the General Plan are adopted by the Planning Commission and the Board of Supervisors after completion of an environmental review process. Adequate opportunity for input must be invited through a public review process. The public process for the Plan and EIR are summarized below.

The development of the *Market and Octavia Neighborhood Plan* involved an extensive citizen's outreach effort by the Planning Department that began in 2000 and continued through 2005. There were six general Market and Octavia workshops, two walking tours, one bus tour, and three meetings specifically focused on the Central Freeway parcels that were held between 2000 and 2003. These meetings and events had anywhere from 25 to 200 people participating.

A variety of noticing techniques were used to inform the public of the meetings and events. Notices were sent out to property owners and residents in the Project Area and to persons previously attending meetings; meetings were advertised in newsletters; notices were posted in businesses in the Project Area; invitations were extended to established neighborhood and community organizations; information was published in local newspapers and advertised on public access television; door to door visits were made by Planning Department representatives in some portions of the Project Area and notice of meetings was provided on the project website.

In 2002 after a Draft Plan was released, the Planning Department hosted two open houses to provide people with information on the Plan and a public hearing for review of the Plan was held at the Planning Commission. A public scoping meeting for the DEIR, noticed with fliers and postings in the Project Area, was held on November 18, 2003 and a public hearing for comment on the DEIR was held at the Planning Commission on July 28, 2005. In 2005, the Planning Department held two additional public workshops to update the public on the status of the Plan and to discuss the specifics of the zoning proposals.

Other outreach efforts by the Planning Department during the five year period included presentation by City staff at neighborhood meetings upon request; publication of community updates; and publication of articles regarding the Plan in local newspapers.

The Comments and Responses document will be reviewed by the Planning Commission before the

FEIR is certified. In order to adopt the Plan, the Planning Commission must certify the FEIR and adopt CEQA findings and a mitigation program; adopt a "Statement of Overriding Considerations;" complete a Master Plan Referral and adopt amendments to the General Plan as necessary; and make a finding of consistency of the Market and Octavia Neighborhood Plan with the General Plan and the 101.1 Priority Policies of the Planning Code. Following approval of the Plan by the Planning Commission, the Board of Supervisors must adopt CEQA findings and a mitigation program, adopt necessary amendments to the General Plan, and make Planning Code Section 101.1 Priority Policy findings before adopting the Plan. Subsequent to Plan adoption, changes to the Planning Code and Zoning Maps may be implemented. At each of these decision points, there will be an opportunity for public comment on the action that is being considered.

#### D-3

The Plan states that the Market and Octavia neighborhood's share of growth over the next 20 years is expected to be 4,500 to 5,300 housing units, consuming about 40 to 50 percent of the Project Area's physical capacity for development under the new land use controls proposed in the Plan. The Plan also proposes the elimination of minimum parking requirements for residential uses and introduces the concept of maximum parking limits. The intent of the Plan is to promote transit-oriented development that takes advantage of the dense transit network and transit and pedestrian accessibility of the neighborhood to address mobility demands.

The DEIR does not call for the construction of 6,000 units of housing or state that parking is not necessary to serve new development. The DEIR analyzes the physical impacts resulting from land use, parking, and other policy changes proposed in the Plan. Citywide forecasts of future housing conducted by the Planning Department for the Land Use Allocation (LUA 2002) were used as the basis for housing forecasts in the DEIR. LUA 2002 projected a potential for 4,440 new housing units in the Project Area by 2025 as a result of the implementation of the Plan. The DEIR parking analysis shows that there would be a shortfall of parking spaces in the Project Area in the future depending on the level of automobile ownership and the amount of parking that is provided as development occurs over the next twenty years.

#### **D-4**

As stated in Response to Comment D-3, the DEIR does not advocate for or establish land use controls or parking policy; it analyzes the impacts of the recommendations that are included in the

Plan. The Plan recommends specific height limits in the Project Area, including height minimums in all height districts up to 120 feet to ensure that some minimum of residential and other development will occur above the ground floor. It also recommends a maximum height limit of 400 feet in the vicinity of the Market Street and Van Ness Avenue intersection, to allow more intensive development at this public transit hub. The Plan also proposes to establish maximum parking requirements within the commercial and residential districts in the Project Area and that a conditional use permit would be required to provide parking at the maximum level.

#### **D-5**

The Plan emphasizes transit-oriented development in the Project Area and specifically advocates that future development be accommodated by the neighborhood's high level of transit accessibility. The waiver of parking is intended to allow the development of more affordable housing by decoupling the cost of parking from the cost of providing new housing and to free up ground floor space for retail uses and community services. The reduction in parking requirements would also reduce congestion in the neighborhood by encouraging alternative forms of transportation to the private automobile and taking advantage of the public transit service available.

### **D-6**

See Response to Comment D-2 for a detailed discussion of the Plan approval process.

Approval of the Plan was not being requested in August 2005. A public hearing on the DEIR was held at the Planning Commission on July 28, 2005 and the public comment period on the DEIR (which was extended two weeks) ended on August 23, 2005. As noted in Response to Comment D-2, a substantial public outreach effort was undertaken as part of the Plan development process. Additional opportunities for public input will be available before the Planning Commission and Board of Supervisors are requested to adopt the Plan.

## D-7

The issue of seismic safety was addressed in Section 4-11 of the DEIR. The potential impacts of the increased density and taller buildings in the Project Area were assessed and no significant impacts were identified. Although the San Francisco Bay Area is expected to experience very strong to violent ground shaking during large earthquakes occurring on any of the major active faults, a comprehensive set of regulations have been put in place to manage the potential risk to people and

property during such as event. With adherence to the San Francisco Building Code and the Department of Building Inspection requirements for site-specific geotechnical reporting and incorporation of appropriate engineering and design features into new development to reduce potential structural damage, the impacts of the Plan are determined to be less than significant.

#### **D-8**

The Community Safety Element of the *General Plan*, which was most recently amended in 1997, addresses Seismic Safety in the City. Environmental review is required for all projects except those that have statutory or categorical exemptions through CEQA. Although there is some discretion of the Lead Agency in determining whether or not an EIR is required for a project, all projects that have the potential for significant impacts on the environment would require an EIR. Other factors besides the height of a building would be taken into account when determining the necessity for an EIR.

### D-9

Neither the Planning Department nor the Planning Commission held a public hearing in March 2005, however, the subject of parking has been raised at public meetings held on the Plan. As outlined in the Plan, the objective of reducing the parking requirements for land uses in the Project Area was to encourage infill development that is available to different income levels and is transit and pedestrian-oriented similar to the existing urban character of the area (see Plan objectives summarized on Page 3-1 of the DEIR). <sup>18</sup>

#### D-10

Transportation studies and research performed on residential projects with no dedicated parking, provide some background on how travel habits are affected by parking availability.

One critique of projects built without parking asserts that residents will park in nearby lots and garages, thereby contributing to the overall parking demand in the area. However, based on the experience of San Francisco transportation planners and according to the SF Guidelines, "the absence of a ready supply of parking spaces, combined with available alternatives to auto travel induces many drivers to seek to shift to other modes of travel or change their overall travel habits." Other studies

<sup>&</sup>lt;sup>18</sup> Billovits, John, San Francisco Planning Department. March 21, 2006 electronic correspondence regarding parking issues raised at public meetings.

on parking utilization cite that residents will use a parking space if it is supplied with the unit, but if a fee is charged they will reduce their vehicle ownership<sup>19</sup>. The unbundling of parking costs can also be a tool to have more efficient parking demand. Other research findings indicate that when provided with a fixed stock of parking supply, motorists will economize on parking by changing their travel behavior<sup>20</sup>.

A further critique about projects built without parking involves the sales rate of units without parking. Research conducted on general home sales in certain San Francisco neighborhoods in 1996 showed that the number of households that could qualify for loans on a single family home was 24 percent greater for those units without parking than for those with parking and 20 percent greater for condominiums without parking.<sup>21</sup> In the same study, condominium units without parking sold an average of 41 days faster than those with parking included. Overall, the absence of parking in residential units has been shown to have a direct affect on motorist travel habits and behavior.

### **D-11**

There is no specific proposal included in the Plan to impose an "in-lieu" fee on developers for the reduction in parking that would be allowed through the proposed new code provisions. As the intent of the Plan is to increase the amount of housing, including affordable units; the benefit to the City of reducing the parking requirements and therefore the cost of production of housing units, would be to increase the amount of housing units in the Project Area.

The Plan proposes as a long-term objective to establish an impact fee for new residential and commercial parking spaces (exempting car share spaces) that are provided or to establish a residential fee program in the Project Area. These fees would be used for funding transportation alternative improvements. These long-term strategies were not evaluated in this DEIR and any future specific proposals would require independent environmental review prior to adoption by the City.

#### D-12

See Response to Comment D-11 regarding fee assessment associated with waiver of parking

\_

<sup>19</sup> Litman, Todd, Parking Requirement Impacts on Housing Affordability. Victoria Transport Policy Institute (2004).

<sup>&</sup>lt;sup>20</sup> Shoup, Donald, The Trouble with Minimum Parking Requirements, Transportation Research Part A. Vol. 33 (1999).

<sup>&</sup>lt;sup>21</sup> Jia, Wenyu and Wachs, Martin, Parking and Affordable Housing, Access Number 13, Fall 1998-

## requirements.

In 2003, the City of San Francisco expanded the Transit Impact Development Fee (TIDF) program to include additional non-residential uses and the TIDF was applied to the entire city. The requirements of this citywide program would apply to the Project Area for non-residential projects. Because the TIDF is not imposed on residential uses, the predominantly residential development resulting from the proposed Plan in the Project Area would not be expected to generate additional fees in support of transit improvements. Although the long-range objective of imposing a residential and commercial parking impact fee as recommended in the Plan could potentially generate additional revenues, this proposal was not evaluated in the DEIR and would require independent environmental review prior to adoption by the City.

#### D-13

As a Transit First City, San Francisco has made a commitment to investing in transit infrastructure as a means of accommodating future growth. With the adoption of the expanded Transit Impact Development Fee program and the adoption of a new ½ cents transportation sales tax measure in 2003 (a continuation of the 1989 sales tax measure), the City continues to take steps to fund improvements in the transit infrastructure.

The Van Ness Avenue Bus Rapid Transit (BRT) was not included as a project in the citywide transportation model when the work on the DEIR was initiated due to lack of funding. Since that time, BRT improvements on Van Ness Avenue have been prioritized for early funding through the San Francisco Transportation Authority's (SFTA) 2005 Strategic Plan.

The SFTA is currently conducting a draft conceptual design study, in coordination with Muni and the San Francisco Department of Parking and Traffic, for BRT on Van Ness Avenue. The study will evaluate traffic, transit, pedestrian, bicycle and parking conditions on Van Ness Avenue, with and without BRT. Although the design of the BRT system is still under the conceptual planning and design stage, in general the project would take one travel lane in each direction on Van Ness Avenue

and dedicate it to transit service only.<sup>22</sup> Van Ness Avenue is a designated State facility (U.S. 101) and is under Caltrans' jurisdiction. According to the Transportation Authority, the decision to build BRT has not been made and the project is currently in the first phase to evaluate proposed conceptual designs. This project would need to have an environmental review and preliminary engineering studies completed (scheduled to begin in 2006) before it could be approved by the Transportation Authority Board. Currently the project has not secured funding for its implementation and would likely need funding from local, regional, and federal sources for construction. The SFTA and Muni project that the first phase of construction would begin in Fiscal Year 2008/2009, which is within the time frame of anticipated growth in the Project Area.

#### **D-14**

See Response to Comment D-10, which cites research on the relationship between parking supply and parking demand.

Studies have indicated that people adjust their travel behavior patterns if parking is restricted, alternative modes of travel are available, and services are provided in close proximity to work and residential locations.<sup>23</sup> As the demand for parking is not a static condition and as people adjust their behavior, the demand for parking is projected to adjust itself downward as well. Presently the automobile ownership rate is lower in the Project Area than in other parts of the city and the character of the neighborhood is likely to be maintained with future development if parking provision is restricted. Given high availability and accessibility of other modes, and other time-saving alternatives, motorists would be likely to choose carpooling, walking, cycling, or using public transit as alternatives to travel by private auto.

If the rate of automobile ownership for future development is however higher than the current rates, the unmet demand for off-street parking would compound the parking problems in the neighborhood and result in increased competition for limited on-street parking or increase the pressure for providing additional public off-street spaces. To provide decision-makers with the

Market and Octavia Neighborhood Plan Comments & Responses

<sup>&</sup>lt;sup>22</sup> Details of the proposed designs are present on the San Francisco Transportation Authority's website at www.sfcta.org/vanness.

<sup>&</sup>lt;sup>23</sup> Litman, Todd, Parking Requirement Impacts on Housing Affordability, Victoria Transport Policy Institute (2004). Shoup, Donald, The Trouble with Minimum Parking Requirements, Transportation Research Part A. Vol. 33 (1999). Jia, Wenyu and Wachs, Martin, Parking and Affordable Housing, Access Number 13, Fall 1998.

tools for understanding the impacts associated with the Plan's proposed parking policies, the DEIR analyzed parking under different automobile ownership levels and different supply scenarios. (see pages 4-230 through 4-238 of the DEIR).

#### D-15

Comment regarding the shifting of cost from the private to the public sector if there is substantial unmet parking demand is noted.

New parking facilities in the city may be provided by the private sector or the public sector at a cost to the general public. If off-street private parking is limited, then the burden for meeting unmet parking demand could fall to the public sector. The provision of public parking facilities provides the advantage of allowing shared use of parking so that the parking spaces are used in the most efficient manner and the use of private land is maximized for housing or other uses. This approach, however, shifts the cost of the provision of parking from the private to the public sector.

The Plan would generally discourage the construction of new off-street parking facilities in the Project Area, in keeping with the objective of establishing a transit-oriented neighborhood. New parking construction could be allowed under certain circumstances, however, through a Conditional Use Permit if demand management strategies were put in place and parking demand was still not satisfied. See Response to Comment A-11 for a more detailed discussion of a proposed change to the Plan that describes the conditions under which new parking would be considered.

#### **D-16**

As noted in Response to Comment D-2, many opportunities have been and will continue to be provided for the public to comment on the proposed *Market and Octavia Neighborhood Plan* and its policies. Approval by the voters of San Francisco is not required for an amendment to the San Francisco *General Plan*. Commentor's opinion that putting the policies to a vote of San Francisco registered voters is the appropriate course of action is noted.

As required under CEQA, mitigation measures must be identified for any impacts that are identified as significant in an EIR and the agency approving the project (the Plan in this case) must first adopt a mitigation program, a Statement of Overriding Considerations if appropriate, and CEQA findings.

This DEIR does not directly find "densification" to be a significant impact of the Plan implementation, but it offers mitigation measures as appropriate for those impacts identified as significant. If measures mitigating potentially significant impacts are rejected by the approving agency or no feasible mitigation measures have been identified for significant impacts, then a Statement of Overriding Considerations must be adopted in association with the approval of the Plan. The Statement of Overriding Considerations must outline why the approving agency is willing to accept the significant adverse effects resulting from implementation of the Plan.

See also Responses to Comments D-14 and D-15 regarding the impacts of unmet parking demand.



Pamela S. Duffy Direct: (415) 772-5721 Email: psd@cpdb.com One Ferry Building . Suite 200 San Francisco, California 94111-4213 main: 415.391,4800 fax: 415.989,1663 web: www.coblentdaw.com

City & County of S.F. Dept. of City Planing

July 29, 2005

NUG 0 3 7785

OFFICE OF ENVIRONMENTAL REVIEW

11635-001

Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 95103

RE:

Market and Octavia Neighborhood Plan/Draft Environmental Impact Report (2003.0347E)

.-----

Dear Mr. Maltzer:

I write to confirm my comment made at the City Planning Commission's July 28, 2005 hearing on the Market and Octavia Neighborhood Plan Draft Environmental Impact Report (DEIR).

My comment is directed at figure 4-4 ("Proposed Generalized Height Districts") at page 4-52 of the DEIR. It would appear with respect to the blocks between Van Ness and Polk and Grove and Fell that the height district legend is incorrect. The height immediately south of the area designated 65-85 feet is designated as 96-120 feet on figure 4-4. However, the Market and Octavia Neighborhood Plan Draft for Public Review, December 2002 ("Plan") at page 30 indicates the height for this area is "120 podium/160 tower" and "120-200."

As I noted at the hearing, the graphic in the Plan is difficult to discern but, taken in context with the text of the Plan, our conclusion about the Plan's proposed height limit seems correct. If so, the DEIR should be corrected in this particular.

Thank you for your courtesy.

PSD/ple

cc: Rana Ahmadi

E-1

11635.001.0023.a

## Letter E - Pamela Duffy, Coblentz, Patch, Duffy & Bass LLP

#### E-1

Figure 4-4 on page 4-52 of the DEIR accurately reflected the height limits for this parcel (see Response to Comment O-1 for changes subsequently incorporated into the Plan) and it is consistent with the proposed Height Districts depicted on page 30 of the *Draft Market and Octavia Neighborhood Plan*, December 2002. The minor variation in color on the height map in the Plan appears to have caused some confusion. The following information should clarify the specific height recommendations on the blocks in question: the block bounded by Grove Street, Van Ness Avenue, Lech Walesa Street, and Polk Street has a proposed height limit of 70 feet; the block bounded by Lech Walesa Street, Van Ness Avenue, Hayes Street, and Polk Street has a proposed height limit of 96 feet on the western third of the block and 120 on the eastern two-thirds of the block; the block bounded by Hayes Street, Van Ness Avenue, Fell Street, and Polk Street has a proposed height limit of 120 feet on the northern half of the block and 200 feet on the southern half of the block.

Gity & County of S F Dept. of City Flant

July 30, 2005

AUG-10-9 (6

Mr Paul Maltzen Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, GA 94103

Re: Planning Dept Case No. 2003.0847E, Market and Octavia Neighborhood Plan and DEIR

Dear Mic Maltzer,

l am a resident and small business owner in the Market and Octavia Neighborhood, and lam writing to comment on the Drafts invitormental Impact Report for our neighborhood.

Planned zoning changes and other streetscape, transit and development initiatives would make significant improvements to the quality of life for neighborhood residents, visitors and business owners.

This neighborhood is currently appealing because of its intimate scale, its access to transit, and the ability to conduct most daily activities by walking and biking.

On my small alley, we are just beginning to organize to participate in the "living streets improvements" that would make Clinton Park a Green Alley The alley is a key pedestrian link, with the Safeway on one side and the Sir Francis of Assisi Senior Housing center on Guerrero and Climton Park.

Please addept my sincere endorsement of the Market and Octavia.

Neighborhood Plan and its DEIR. My neighbors and I wouldlike the City to approve and implement the Plan as promptly as possible.

Sincerely

Jared Braiterman, PhD:

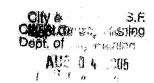
F-1

# Letter F - Jared Braiterman

# F-1

Comments indicating support for the Plan and the DEIR are noted.







OFFICE OF ENVIRONMENTAL REVIEW ENVIRONMENTAL REVIEW

#### MEMORANDUM

To:

Paul Maltzer, Major Environmental Assessment

Through:

Peter Straus, Mgr. of Service Planning) AP A

From:

James D. Lowé, Transit Planner

Subject:

Market & Octavia Neighborhood Plan; 2003.0347E

Date:

2 August '05

The San Francisco Municipal Railway Service Planning staff have the following comments regarding the proposed Market & Octavia Neighborhood Plan.

I see nothing in the plan that refers to the Bus Rapid Transit (BRT) proposed for Van Ness Avenue as adopted by the citizens of San Francisco as part of Prop. K. The BRT project currently is still in the design stage. One option would have BRT operating in exclusive lanes in the center median and would include boarding islands spaced along the corridor. Another option would have buses running along the curbs. The report should discuss the possibility of BRT on Van Ness Avenue and perhaps speculate on its impact on area LOS.

In regards to the grassy median proposed on Otis, it is difficult to discern from this document how this change will impact bus service in this area (esp. the Line 14 and 49 trolleycoaches). It appears from Figure 4-19, Page 4-180 that Otis is being converted to a two-way street. It would be helpful if a concept map, or at least a more thorough explanation detailing the proposal were included.

Muni is planning to replace the overhead power system for the 21-Hayes trolleycoach line in 2007 along Hayes and Grove streets; the changes in street configuration proposed for Hayes Street will have a direct impact on this project. I have asked John Katz, Project Planner to contact you directly on this matter.

In closing, I recently e-mailed you regarding DCP adopting MTA standards for transit capacity; we appreciate your review of this matter.

Cc: B. Lieberman, Director of Planning J. Katz, 21-Hayes Project Planner JDL, SP Chron

1 South Van Ness Avenue, 3rd Floor, San Francisco, CA 94103 Tel 415/701-4375 Fax 415/702-4372 www.sfmuni.com

G-1

G-2

G-3

## Letter G - James Lowe, San Francisco Municipal Railway

#### G-1

See Response to Comment D-13 regarding the status of the Bus Rapid Transit (BRT) project on Van Ness Avenue.

The BRT on Van Ness Avenue was not assumed to be in place by the year 2025. At the time of the DEIR, the BRT conceptual design was under consideration and there was no formal decision on the alignment for BRT along Van Ness including the number of travel lanes to be removed as part of the BRT project.

The impacts of a project (in this case the Plan) are analyzed against the future network to assess the cumulative impacts. Generally only those projects that are planned for construction, have a full-funding plan, and are specifically identified in the Regional Transportation Plan are included in a future transportation network for EIR analysis purposes (the Regional Transportation Plan includes a BRT program, however, it does not specify the program by individual segments such as the Van Ness Avenue BRT project). This methodological approach attempts to minimize speculation about potential impacts by approaching the analysis in a consistent and rational manner.

This project would need to have an environmental review and preliminary engineering studies completed before it could be approved by the Transportation Authority Board. Currently the project has not secured funding for its implementation and would likely need funding from local, regional, and federal sources for construction.

## G-2

A concept map for the Otis Street project is included in the *Market and Octavia Neighborhood Plan* on page 165.

Otis Street would not be converted to two-way operations; however, as part of the Plan local and regional traffic would be separated. As such, there would no negative affects to operations of the Muni Lines 14 and 49.

_	
_	
	. 4
• 1	T=. 3

Comment noted. Coordination would be necessary between Muni, Planning Department, and DPT to determine the future configuration of Hayes and Grove Streets.

Aug-05-2005 08:48am

From-GPE4453537

4155586409

T-239 P.001/001 F-541



# ANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414 TEL. (415) 558-6345 • FAX. (415) 558-6409

August 3, 2005

Mr. Paul Maltzer **Environmental Review Officer** San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103

Dear Mr. Maltzer:

On August 3, 2005, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the Market and Octavia Neighborhood Planed July 25, 2005. After discussion, the Board arrived at the following comments:

- The Board felt that a clear understanding of the area's historic resources has not been accomplished in the DEIR. Section 4.6 Historical Resources relies on information that is out of date to provide information about the historical context, architecture, and significance of historical resources in the Project Area. More current data, in the form of an updated historic resources survey of the area, would provide a better understanding of the historical resources or potential historic resources associated with the implementation of the Market and Octavia Neighborhood Plan.
- Nowhere in the DEIR is there a discussion of how the proposed increase and decrease of the area's height district or proposed zoning changes could impact historic resources. Increased zoning or height limits could result in higher density development on some lots in the area. Conflicts between the proposed zoning and height limit changes and potential historic resources should be analyzed in the EIR. The completion of a map indicating where the height changes are proposed and their relationship to historic resources is suggested.

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

Sincerely,

M. Bridget Maley, President

Tark (

Landmarks Preservation Advisory Board

H-2

H-1

N:\LPAB\Comment Letter on Market and Octavia DEIR.doc

## Letter H - M. Bridget Maley, President, Landmarks Advisory Board

#### H-1

Several historic resource surveys have been undertaken in the Project Area in past years. The surveys, which are summarized on pages 4-158 through 4-161 of the DEIR, include the following:

- Junior League of San Francisco Architectural Survey, 1968
- San Francisco Department of City Planning Architectural Survey, 1976
- San Francisco Architectural Heritage Survey, 1979
- Unreinforced Masonry Building Survey, 1990
- Hayes Valley Survey, 1995-96
- Central Freeway Survey, 1997
- Inner Mission North Cultural Resource Survey, 2002 (Draft)
- Freeway Parcel Reconnaissance Survey, 2004

While the earliest surveys go back to the 1960's and 1970's, more recent surveys have been completed in the 1990's and 2000's within the Project Area. There are also three established Historic Districts in the Project Area with well documented historic resources.

A historic resources evaluation that was not included in the DEIR was also conducted for the Mid-Market Redevelopment Plan EIR (Planning Department File No. 2002.0805E). A text amendment as noted below is proposed to introduce this information which was previously omitted.

While, the existing historic resource information is considered adequate for the general assessment of program level impacts on historic resources in the Project Area, the Planning Department, with input from stakeholders such as neighborhood associations, the Historic Preservation Fund Committee, and the Landmarks Preservation Advisory Board has, subsequent to publication of the DEIR, identified the Project Area as an area of prime importance for historic resource survey work for fiscal year 2005/2006 under the expanded Citywide Historic Resources Survey program. A Request for Proposals (RFP) to complete a survey of the area was issued in late March 2006. This survey is expected to result in more complete documentation of historic resources within the Project Area, including Primary, Building Structure Object, and District record forms, as well as one or more historic context statements. The Planning Department intends to accommodate the results of

this survey in the Plan's policies, and to amend the Plan if necessary per the findings of the completed survey.

The Plan has policies calling for the protection of historic resources within the Project Area. The policies call for the preservation of landmarks and other buildings of historic value as invaluable assets to the neighborhood (Policy 1.1.9, page 28 of the Plan). To accomplish this, the Plan supports Planning Code requirements to preserve historic significant buildings and the establishment and protection of historic landmarks and districts in the Project Area. Housing policies call for the preservation and enhancement of existing sound housing stock, many of which are historic structures. New development would be bound by urban design guidelines that are intended to ensure that new development enhances the area's physical environment, especially when the character of the area is anchored by buildings of historic significance. These guidelines recommend small-scale, articulated, three-dimensional street facades, with buildings generally built out to the property line; that taller buildings have a distinct base, middle, and top; that buildings on sloping sites retain their relationship to the street as they step up to accommodate the topographic changes; and the use of high quality building materials and special design features at intersections and near important public spaces. At the ground floor, the proposed design guidelines recommend that surface parking and garage access be minimized and that retail, restaurant, and residential units be directly accessible from the street whenever possible. The development patterns recommended in these design guidelines take the positive aspects of the historic development pattern of the neighborhood, and apply them to new development in an attempt to respect and complement the existing historic structures.

While the DEIR covers the Plan at a program level, text amendments are proposed to the DEIR to incorporate additional survey information previously omitted and to clarify the need for additional evaluation of historic impacts on individual projects.

The following text is added to Chapter 4, page 4-161, before the first paragraph, to incorporate previously omitted survey data:

## "Mid-Market Redevelopment Plan EIR Historic Survey, 2002

A historic resources evaluation was conducted for the Mid-Market Redevelopment Plan EIR.<sup>24</sup> The evaluation of historic resources included a review of four other previously conducted surveys, existing historic districts, such as the San Francisco Civic Center, as well as new field work and research. The Mid-Market Redevelopment Plan EIR identified one historic resource that is located within the boundaries of the Market and Octavia Neighborhood Plan: the Western Merchandise Mart at Tenth and Market Streets. The Western Merchandise Mart is a Category 1 property in Article 11 of the Planning Code."

The text in Chapter 4, page 4-170 of the DEIR, last sentence of the first paragraph, is revised to read as follows:

"Site specific impacts would need to be evaluated for individual projects before they are approved. When individual projects are proposed for development each will be evaluated for its impact on historic resources per the requirements of CEQA and the procedures for evaluation of historic architectural resources, including: 1) whether the project itself would have a direct impact on historic resources and 2) whether the project would impact the historic context of a particular resource and/or would have an incidental impact on nearby resources."

## H-2

The existing general height districts in the Project Area are depicted in Figure 4-3, Revised Existing Generalized Height Districts (see page 5-25 of this Comments and Responses document for the amended version of Figure 4-3 of the DEIR on page 4-40) and the proposed general height districts are shown in Figure 4-4, Revised Proposed Generalized Height Districts (see Response to Comment O-1). A general comparison of the differences between the existing and proposed heights can be made between these two figures. Much of the Project Area, including Hayes Valley, Duboce Triangle, and Upper Mission, and a portion of the SoMa West area, would experience either no change or a reduction in heights if the Plan recommendations were put in place. In keeping with the

\_

<sup>&</sup>lt;sup>24</sup> Planning Department File No. 2002.0805E

Plan recommendations, the intent in these areas is to preserve the existing small scale and historic neighborhood character.

Modest height increases of five feet are recommended for the frontages along Franklin, Gough, Octavia, and Valencia Streets. These increases would generally be allowed as a five-foot height bonus for retail uses to encourage higher ground floor ceilings. Five-foot height increases (increasing heights from 80 feet to 85 feet) are also recommended on Market Street frontages between Gough and Church Streets. These five-foot increases would not be expected to result in substantial new development pressure on these parcels.

Along Upper Market Street, from just west of Church Street to Noe Street, height limits would be increased by 15 feet, from the existing 50-foot height limit to 65 feet. The major height increases would be concentrated along Franklin Street, south of Fell Street and along South Van Ness Avenue and its intersection with Mission Street. This area is recommended for a concentration of residential towers, extending up to 400 feet on some parcels.

The recommended increases in height and density at specific locations, as outlined above, would likely put increased development pressures on those parcels which have been targeted for increased density. As stated under Response to Comment H-1, new development on these parcels would be independently evaluated for its direct impact on historic resources and the impact on the historic context of resources.

MORRISON

FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALLEORNIA 94105-2482
TELEPHONE:415,268,7000
FACSIMILE:415,268,7522

WWW.MOFO.COM

City & County of S.F. Dept. of City Planing

AUG 1 0 2005

ENVIRONMENTAL REVIEW

OFFICE OF

Writer's Direct Contact 415/268-6862 SBirkey@mofo.com

MORRISON & FORESTER LLP

NEW YORK, SAN FRANCISCO, LOS ANGELES, PALO ALTO,

SAN DIEGO, WASHINGTON, D.C.

DENVER, NORTHERN VIRGINIA, ORANGE COUNTY, SACRAMENTO,

WALNUT CREEK, CENTURY CITY

TORYO, LONDON, BEHING, SHANGHAI, HONG KONG, SINGAPORE, BRUSSELS

August 8, 2005

By Telefacsimile and Mail

Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103

Re:

Comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E and State Clearinghouse No. 2004012118

Dear Mr. Maltzer:

We represent Agesong, Inc. ("Agesong"), the owner and developer of a proposed mixed use, assisted living, residential and retail project at 580 Hayes Street, between Octavia and Laguna Streets ("Project"). The Project would include three ground floor retail spaces of approximately 1,000 square feet each; 66 units of residential care on floors 2, 3, and 4; and 17 assisted living units on floor 5. The Project site is located in the proposed Market and Octavia Neighborhood Plan ("Plan") Area. Because the Plan may affect the proposed Project's design, Agesong submits the following comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan ("DEIR").

The DEIR states that proposed neight reclassifications in the Market and Octavia Neighborhood would "adjust heights along various commercial streets to increase or decrease height by five to ten feet to heights of 45 to 55 feet to encourage taller ground-floor ceiling heights," (DEIR at p. 4-51) Although Figure 4-4 in the DEIR indicates that the Project location is in a proposed height district of "45-55 Feet", the draft Market and Octavia Neighborhood Plan more specifically indicates a proposed height district of 45 feet for the Project's location. (Plan at p. 30)

We believe the block (or at least the corner lot) containing the Project should be included within a 55-foot height district, rather than 45 feet. Currently, the Plan proposes a 55-foot height limit for the corner lots at Octavia and Hayes, on the other end of the Project's block. (Plan at p. 30) Other corner lots in this portion of the neighborhood are also proposed for 55-foot height limits. (Plan at p. 30) A 55-foot height limit for the entire block (or at least the

I-1

## MORRISON

FOERSTER

Paul Maltzer August 8, 2005 Page Two

corner lot east of Laguna Street) is consistent with these proposed heights. In addition, a 55-foot height limit furthers the Plan's goal of "encourag[ing] taller ground-floor ceiling heights," as specified in the DEIR. Accordingly, we request the Market and Octavia Neighborhood Plan EIR evaluate a project alternative that includes a 55-foot height limit for the northeast corner of Hayes and Laguna Streets.

Agesong appreciates the opportunity to comment on the DEIR. Please feel free to call if you have any questions or concerns.

Sincerely,

Scott B. Birkey

cc: Ali Kia Shabahangi

I-1

## Letter I – Scott B. Birkey, Morrison Foerster LLP

#### I-1

The Plan proposes a 50- to 55-foot height limit along the Octavia Boulevard frontage from Hayes Street south to Haight Street and also along Franklin Street from Hayes Street south to Haight Street, where heights increase. Along Hayes Street, from Buchanan to Franklin Streets, the Plan proposes a 40- to 45-foot height limit, except at the corners at Octavia Boulevard and Franklin Street intersection, where the higher heights of the north/south streets are recommended. Laguna Street, between Grove and Fell Streets is also proposed for a height limit of 40 to 45 feet.

The Planning Department has reviewed the request and recommended that the Plan increase the height of a portion of the parcel at the corner of Hayes and Laguna Streets from 45 to 55 feet as requested by the commentor. The northwest corner of the parcel on Ivy Street would, however, remain with a 30-foot height limit, consistent with the height and development patterns that are recommended for this neighborhood. This would allow the proposed development to move forward, but would preserve the lower heights on the alley.

The local views, both east-west along Hayes and Ivy Streets and north-south along Laguna Street would not be substantially altered by this change, and neither would the local shadowing caused by a taller building at this location. The changes in heights would not have any additional adverse impact on historic resources beyond those that are discussed in the DEIR. The analysis of these newly proposed height changes concluded that there would be no new significant impacts and would therefore not change conclusions presented in the DEIR.

See also Responses to Comments P-2 and AA-24, for proposed amendments to the EIR text to reflect the proposed height changes.



Attorneys At Law

Russ Building / 235 Montgomery Street San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480 www.fbm.com

August 8, 2005

NEIL H. SEKHRI nsekhri@fbm.com D 415.954.4478

City & County of S.F. Dept. of City Planing

AUG 0 8 2005

OFFICE OF ENVIRONMENTAL REVIEW

Mr. Paul Maltzer Director San Francisco Planning Department Major Environmental Analysis Unit 30 Van Ness Ave, San Francisco, CA 94102

Re:

Draft EIR for the Market & Octavia Neighborhood Plan Planning Department Case No. 2003.0347E

Dear Mr. Maltzer:

This letter is in response to the June 25, 2005 public notice and invitation for public comment on the draft EIR for the Market & Octavia Neighborhood Plan (the "Plan"). Our firm represents the owners of the real property located at 1650 Mission Street (APN 3512-008), as shown on the map attached to this letter (the "Property"). We write to share with you an alternative designation for the Property that we believe would further the goals of the Plan. Redevelopment of the Property was apparently not considered in the Plan and therefore not considered in the draft EIR, despite several aspects of the property which are inconsistent with Plan goals. We write to inform you of the near-term potential for redevelopment of the Property consistent with the Plan goals, and to respectfully recommend that the EIR include further analysis of a modification to the Plan, as described below.

The Property is by far the largest parcel on the entire block, consisting of approximately one acre of land, with approximately 300 feet of street frontage along both Mission and Otis Streets. As such, the use and the design of the building on the Property has a major affect on the character of the neighborhood. Unfortunately, the use of the Property as an office building, and the relatively inactive street frontage on Mission Street and the very inactive street frontage on Otis Street, do not further the Plan's goals of creating a new vibrant neighborhood in Soma West.

The Property currently contains a 5-story building with mechanical penthouse, approximately 85 feet in height. There is no basement. The street level is dedicated to parking, a small café, and 11,000 SF of office space. The upper four levels are office space. The building was originally a three-level automobile dealership and repair facility completed in 1961, consisting of two floors and open parking on the third level. In approximately 1984, two

J-1



Mr. Paul Maltzer August 8, 2005 Page 2

additional floors were added, ramps were removed, elevators and mechanical equipment was added, and the building was converted to an office building.

With respect to the building's current use, it has not functioned well as an office building due to a number of physical factors: the extremely deep floor plates, the intrusive arrangement of numerous structural columns and seismic bracing (both concrete shear walls and "K-braces" interrupt the office bays), glass-line limited to only two frontages rather than all sides of the office space, and an inefficient U-shape configuration of the office space. Also, the location has proven unsuitable for office use, being removed from both Market Street and the Civic Center office nodes. Unsurprisingly, the building has not been successful, and was foreclosed on from the original developer. It has operated with a vacancy rate of approximately 40% for the past three years despite relatively low asking rents. Continued vacancy rates in combination with a use that is limited to weekday business hours, will not further the Plan's goals of creating a vibrant mixed-use neighborhood in Soma West (Plan Objective 7.1).

With respect to building design, the building has an approximately 300 foot long frontage in the middle of the block on both Mission and Otis Streets. However, other than the unremarkable frontage of the café on Mission Street, the building does not contribute to the pedestrian experience or the life of the street. As remarked in the Plan, Otis Street is particularly dark and unpleasant for pedestrians, in largest part because of this building's "backside."

Encouraged by the Plan's objectives for the area, the owners of the Property have studied the conversion of the existing building to residential use. However, again, because of the deep floor plates and awkwardly placed structural supports and infrastructure, another conversion of the existing building would not fully achieve the high quality residential design and active street experience called for by the Plan. As a result, the owners of the Property believe that the best use of the Property consistent with the objectives of the Plan could be the replacement of the existing building with tall slender residential towers above a mixed-use podium level designed in keeping with the Plan objectives, and otherwise in conformance with the current land use designation and design principles for the Property set forth in the Plan.

Because the Property contains a contemporary-appearing existing building (though in fact it is over 40 years old), the Plan understandably did not consider the redevelopment of the Property. Consistent with existing conditions, the Plan proposes an 85 foot Height District for the Property and the rest of the built portion of the block.

The owners agree with the proposed rezoning to a higher height district at the corner lot adjacent to the east toward Van Ness, and believe that the rezoning of the Property for the same height district will similarly further the objectives of the Plan. Such height is consistent with the scale of the street, the existing and proposed building stock, and the encouragement of new residential growth for the area.

J-1

J-1

Mr. Paul Maltzer August 8, 2005 Page 3

Recognizing that only a redevelopment of the Property can further the Plan's objectives, we propose, as an alternative to the proposed Plan, that the Property be included within the 120' poduim/250' tower height district, but remain within the bulk and land use district designations set forth in the Plan. This will permit the potential development of a greater number of housing units at the site, allow development that will greatly contribute towards the Plan's objectives of creating a vibrant new mixed-use neighborhood in Soma West and contribute toward the transit policies set forth in the Plan. Of course we recognize that any ultimate development of the Property will be subject to the City's review and approval process, including compliance with urban design guidelines adopted in furtherance of the Plan. However, by studying the proposed 120'/250' height district in the EIR, the owners and the City will retain the flexibility to agree on a project design that best meets the objectives of the Plan.

The taller structure we propose may have additional environmental impacts with respect to street-level winds, visual effects, and shadows. However, mitigation measures such as those suggested in the Draft EIR related to the design elements of the tower can minimize the impact of winds and shadows could prove to be insignificant after performing a shadow study.

In conclusion, the Plan, and the accompanying EIR, present a laudable concept for the development of the Soma West neighborhood but they do not consider the development potential for the Property beyond the existing building. The alternative proposed herein seeks an increased Height District—to 120' podium/250' tower—for the Property so that the Plan's objectives for the Soma West area may be better achieved.

Thank you for considering these facts and our proposed alternative. Should additional information be required, please do not hesitate to contact me. We respectfully request that the City consider this information and the proposed new height alternative in the EIR.

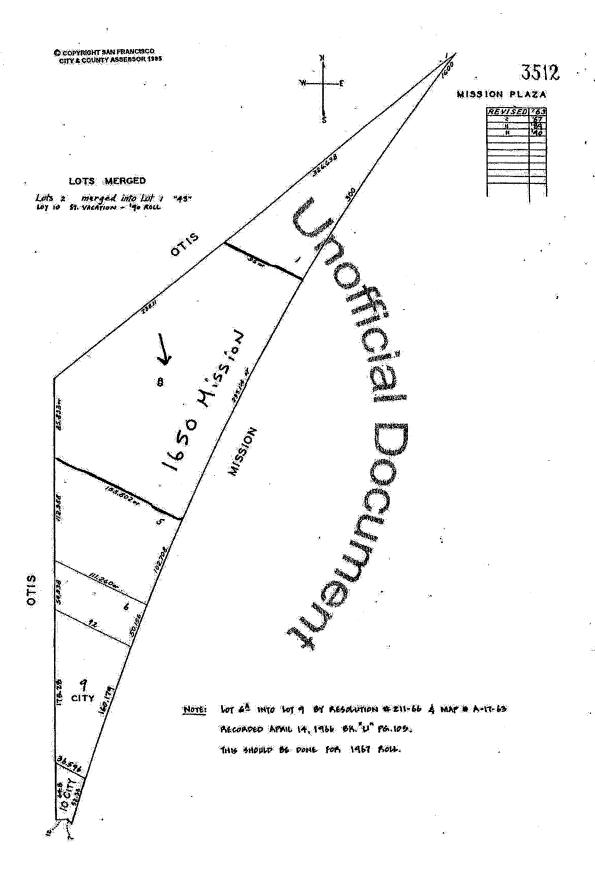
Sincerely,

Neil H. Sekhri

cc:

Amit Ghosh, PhD. AnMarie Rodgers

19776\819610.1



# Letter J - Neil H. Sekhri, Farella Braun + Martel LLP

## **J-1**

Comment regarding the requested height change is noted. The Planning Department has reviewed all of the requested changes for height designations and made a determination that this requested change would not be incorporated into the Plan because it is not consistent with the height and development patterns recommended for this area. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

City & County of S.F. Dept. of City Planing

AUG 0 9 2005

OFFICE OF ENVIRONMENTAL REVIEW

1250 pm.



Homeowners Association

August 8, 2005

Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103

## Mr. Maltzer:

We, the members of the 400 Oak Street Homeowners Association, support the goals of the Market and Octavia Neighborhood Plan. We encourage improvement of the residential quality of our neighborhood in terms of quality housing, improved pedestrian environment and traffic calming measures. We find that the Plan and the Environmental Impact Report's assessment supports many positive improvements for our neighborhood.

## These include:

- 1) Revision and lowering of the zoning height restrictions for the "Central-Freeway Parcels."
- 2) The proposal to re-instate Hickory Alley from Laguna to Octavia.
- 3) Pedestrian improvements and traffic mitigation improvements along busy thoroughfares including the intersection of Oak and Laguna.
- A desire to increase public open space, such as park space in our underserved neighborhood.
- 5) Desire for the employment of high quality building materials and detailing for development on the "Central-Freeway Parcels."

## However, we also present the following concerns:

1) The proposed height restrictions for parcels O and P, do not take into consideration the 40' (maximum) height of the existing historic buildings along Laguna Street between Oak and Fell and along Fell and Oak from Laguna to Octavia. Many of these buildings including our home, 400 Oak, pre-date the 1906 earthquake, are high-quality Victorian-era structures. As the EIR notes some of the buildings facing the freeway parcel are landmarked. We are surprised that the plan

K-1

K-2

considers the same building height of 50 feet appropriate along Laguna Street, a two-lane road, as along Octavia Boulevard, a six-lane multi-way boulevard. The development of the portions of parcels O and P not facing the boulevard, facing Oak Street, Fell Street, and Laguna, should be no taller than four stories, or 40 feet, instead of the current proposed 50. In other words, other than the furthest eastern edges of parcels O and P, the remaining area should be no taller than 40 feet.

K-2

2) It is extremely important that the development pattern of parcels O and P be done in a way similar to the character of development on facing sides of the street. Along Oak and Fell, as noted in the EIR, parcels are generally 25 feet wide, measured along Oak Street. Height limits must also follow this parcelization, and as there is a severe contour to the land, the high limits must be determined parcel by parcel, in line with the fine-grained nature of development on the facing historic structures. These parcels, which are roughly two acres in size, must not be developed in one mass project, disregarding the grain of the land. The parcels must be subdivided and developed in a manner consistent with the neighborhood in order to truly achieve the plan's promoted purpose of "knitting" the neighborhood back together.

K-3

3) Mandatory inclusion of street amenities such as street trees, stoops, small landscaping in front of the new development and along the existing streets to encourage the pedestrian life and soften the harsh traffic conditions.

IZ .

4) The Hayes Valley Neighborhood bares the concentrated brunt of the city's traffic as it is funneled into the Oak-Fell and Franklin-Gough one-way streets. These streets have narrowed sidewalks, due to their partial removal for additional vehicular lanes and extremely difficult conditions for pedestrians and the residents who live on or near them particularly in terms of noise and air quality. As the EIR reports, noise levels at Fell and Laguna have some of the highest noise readings in the area, 70-75. Currently, cars exceeding speeds of 40 miles an hour rush past mere inches from pedestrians due to the miniature sidewalk zones and lack of a street parking buffer. By eliminating the morning rush hour two-away zone along the north side of Oak Street, the street life, particularly during those dangerous hours would be improved.

K-5

5) The EIR discusses the possible creation of a protected left hand turns from Laguna to Market and Guerrero to Market to allow for increased capacity on Laguna. At the same time, Laguna Street has also developed a growing pedestrian life, with the presence of several neighborhood cafes, new stores, restaurants and community buildings. By providing additional amenities to vehicles using Laguna, one is encouraging additional traffic on what is essentially a neighborhood street. Additional traffic should not be encouraged onto Laguna.

K-6

6) San Francisco's overall lack of public space, but particularly lack of public open space might be served through the utilization of part of parcel O and P to provide a new park for the city. We do not suggest

K-7

that the entire parcel be used in this way, but merely point out that there are not many opportunities in the life of a city to create new parks, and this time currently presents itself. Additionally, as the property is current zoned for a public use, it would be inline with the current regulations.

K-7

In sum, while the 400 Oak Homeowners Association supports the plan and the majority of findings of the Market and Octavia Neighborhood Plan, we believe that many of the concerns and alterations we propose are actually more consistent with the goals of the plan and would further the betterment of our neighborhood.

K-8

Sincerely,

Eric Edenfield, President of the 400 Oak Street Homeowners Association

on behalf of The 400 Oak Homeowners Association Members:

Eric Edenfield
David Green
Karen Mauney-Brodek
Jennifer Prior
Zachary Stewart
Wing Wong
Kevin Young

# Letter K – Eric Edenfield, 400 Oak Street Homeowners Association

#### K-1

Comment regarding the positive aspects of the Plan noted.

#### K-2

The existing height limit on the Central Freeway parcels O and P, located on the block bounded by Fell Street, Laguna Street, Oak Street and Octavia Street is 80 feet. The 80-foot height limit also extends to the block to the west and the block to the south of the subject block. The Plan proposes to reduce the height limits of the block on which Parcels O and P are located to 50 feet on the northern and southern block perimeters along Fell and Oak Streets, 55 feet along the Octavia Boulevard frontage, 40 feet along the north side of Hickory Street and extending out to Laguna Street north and south of the alley, and 30 feet along the south side of Hickory Street. The height limits on the block to the west and the block to the south are recommended to be 40 feet, except for the southern side of the alleys which would be limited to 30-foot-high development and the Octavia Boulevard frontage where 55-foot height limits would be allowed if ground-floor retail is proposed. The Plan therefore is recommending a more restrictive height limit than currently exists on these blocks. The recommended height along the new Octavia Boulevard is higher at 55-feet, than the 40and 50-foot height limits proposed along Laguna Street. The higher 50-foot height limits proposed along Fell and Oak Streets are intended to allow a moderately higher intensity of residential units on this large block that has been made available as a result of the demolition of the freeway. As discussed on page 4-171 of the DEIR, while the infill development has the potential for affecting the historical resources in the area, the design guidelines are intended to govern new development in a way that preserves the existing historic character of the area. The development of the Central Freeway parcels was determined to result in a less than significant impact on historic resources.

# K-3

The design guidelines for Parcels O and P recommend fine-grained development with vertical façade articulation that is consistent with the surrounding neighborhood as suggested by the commentor. Ideally the blocks would be subdivided into narrow lots or developed with this pattern, allowing individual homes to be built and avoiding a single monolithic development that would not be well integrated with the existing neighborhood. Ground-floor residential entries to individual

units are recommended on all street frontages. The Plan further recommends that Hickory Alley be re-established as an at-grade public right-of-way through this block continuing the development pattern of the blocks to the west and east of the block on which Parcels O and P are located. The design guidelines governing Parcels O and P are listed on page 152 of the Plan.

## K-4

The design guidelines for Parcels O and P encourage an overall development scheme that buffers the residential uses from traffic flows on Oak and Fell Streets and ground-floor residential entries to individual units on all street frontages. Streets trees are recommended at a minimum of 20-feet on center along all building frontages and according to the planting plan in the Octavia Boulevard design. Hickory Alley, which is recommended to be re-established as a through right-of-way on the block, is identified as an opportunity for "living street" improvements; a place where people and cars share the street space and amenities such as plazas, seating, play areas, and plantings are incorporated into the public right-of-way. As noted in Response to Comment K-3, the intent of the design guidelines for Parcels O and P is to promote a pattern of fine-grained development that is consistent with the historic development pattern of the neighborhood.

### K-5

The commentor is recommending that the morning peak hour tow-away zone along the north side of Oak Street, be eliminated to improve the street life during these hours. This proposal was not part of the Plan analyzed in the DEIR. Although the DEIR did not expressly analyze morning peak hour conditions, it is estimated that elimination of the peak period tow-away would significantly impact intersection operations during this time period. As such, a detailed analysis of existing and future intersection operating conditions would need to be conducted before determining whether this proposal could be implemented. The Planning Department has reviewed all of the requested changes for to the Plan and has made a determination that this requested change would not be incorporated into the Plan because of the potential transportation impacts that could result from its implementation.

## K-6

As stated on page 5-15 of the DEIR, to improve traffic operations at the intersection of Market/Laguna/Hermann/Guerrero (under 2025 future conditions), the left-turning movement for

Case No. 2003.0347E

northbound Guerrero Street onto Market Street and the left-turning movement for southwest-bound Market Street onto Guerrero Street would need a protected left-turn phase. As the existing configuration at this intersection is a dedicated left-turn pocket at both these approaches, this mitigation would include installation of a new left-turn signal and coordinated signal timing changes.

The commentor describes concerns with the "creation of a protected left hand turns from Laguna to Market and Guerrero to Market to allow for increased capacity on Laguna." This proposed mitigation measure would not increase capacity on Laguna Street, but instead limit the amount of green time given to traffic traveling northbound and southbound on Laguna Street. The mitigation measure would allow more dedicated green time for those vehicles traveling northbound on Guerrero onto Market Street and southwest-bound on Market Street onto Guerrero and therefore would not encourage traffic onto Laguna Street.

## K-7

Comment recommending the creation of additional open space on Parcels O and P is noted. The Planning Department has reviewed all of the requested changes to the Plan and made a determination that this proposal to reserve portions of Parcels O and P for open space would not be incorporated into the Plan because open space is already being created at Hayes Green and this is a key parcel for residential infill. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

# **K-8**

Comment summarizing the issues addressed the proposed changes to the Plan as outlined above is noted.

To: Paul Maltzer,
Major Environmental Assessment (MEA)
30 Van Ness Ave. 4th Floor (Off-Site)
Reception-30 Van Ness Ave. 4th Floor-558-599

Comments on Draft Market-Octavia Better Neighborhoods San Francisco, Jason Henderson, Board Member, Hayes Valley Neighborhood Association. August 8<sup>th</sup> 2005

These comments roughly follow the chronological order of the Draft EIR released in June 2005

# Timing & delay of draft EIR:

The Market-Octavia Better Neighborhoods Plan is one of the most important and innovative plans ever produced by the San Francisco Planning Department. Overall it is a great plan, and the staff involved with the production of the plan should be commended for their work. The community outreach was a model for both planning in San Francisco and neighborhood planning processes nationwide. Yet the M & O plan was released in December of 2002. The draft EIR was released in June of 2005. The release of the draft EIR 2 1/2 years after the release of the Market and Octavia Plan is disheartening. The EIR process should have taken 6 months and no more than a year. That the release of an EIR took more than two years undermines public trust in the process. The public and planning staff worked very hard on this document, and deserve more respect than what has been shown by the serious delay of this EIR.

# "Areas of Known Controversy"

The language on page 1-8 regarding "areas of known controversy" is unconstructive and should be deleted from the EIR. Two key components of the M & O Plan, returning Hayes St. to two-way, and establishing parking caps, are fundamental to the plan, and yet are considered "controversies". This suggests a lack of faith in the solid research, analysis, and public input that originally went into the plan. It was in the public planning process where these controversies where vetted and consensus was built. By including this negative language, the authors seem to dismiss the great effort that went into consensus building from 2000 to 2002.

Without returning Hayes to two-way and establishing parking caps, the plan is ineffective in meeting the stated goals to allow everyday needs to be met within a short walk, to provide a system of streets safe for walking, bicycling, and transit use, to create a neighborhood where owning a car is a choice not a necessity, and to make streets into truly public spaces. The logic of doing nothing to Hayes St (thus keeping one-way) in order to maintain LOS for cars is equivalent to not opening the new 101 ramp and Octavia Boulevard because the intersection of Octavia and Market and Octavia and Oak are predicted to fall to LOS E – with or without the M & O plan (see maps of LOS 4-23 & 4-24).

L-

L-2

L-3

Moreover, how are "areas of known controversy" defined? The person who authored this section offers no criteria or explanation. If one person out of thousands raises an objection, is this then an "area of known controversy?" This invites any minor naysayer who was not involved in the original planning process to have free-reign to critique and stifle the plan.

K-4

# Visual Character

The existing conditions on Hayes Street at the intersections of Gough and at Franklin are misrepresented. The sidewalk scene displayed in Fig 4-9 (p. 4-84) fails to show that at the intersections there are large signs prohibiting pedestrian crossings. These signs should dominate the existing conditions image, for it is a more accurate reflection of the visual blight at these intersections. Furthermore, on page 4-97 the EIR correctly considers surface parking lots and deteriorating buildings as unappealing, while ignoring the unappealing visual blight of multi-lane one-way streets such as Gough, Franklin, and portions of Hayes East of Gough. Why are these visual blights not addressed? These are not only aesthetically unappealing, they undermine the goals of creating a safer, more appealing pedestrian realm. Additionally, the EIR should show images of how these streets would look if made two-way, as they were originally intended.

K-5

K-6

K-7

# **Open Space & Parks**

The EIR correctly points out that South of Market lacks parks and that it is a priority area for the general plan. Since there are few opportunity sites for parks, why have "living streets" not been considered here? The concept of living streets is a component of the M & O plan and there is no reason that they not be considered as a mitigation for the lack of parks in SoMa.

K-8

The Hayes Valley Neighborhood Association welcomes the increase in housing, population, and density in the area. However, this should not come at the expense of already overburdened parks. The EIR fails to consider the substantial increase in population in the neighborhood and the negative impact that will have on existing parks (approx 7, 620 new people stated on page 4-66). The small parks in the area are already under great pressure. For example, Koshland Park is used intensively by children, basketball players, dog owners, and so on. The intensity is so great it is difficult for the grass to grow. Consideration of a park on a portion of the UC Extension site should be in the EIR (It should be noted that the EIR does consider the UC site for 500 housing units on p. 4-61. It should also consider a park on at least part of the site as part of the alternatives analysis.)

K-9

Open Space improvements suggested on page 4-110 are a good start. The intersection of Dolores @ Market would surely benefit from a landscaped plaza, as would the intersection of Buchanan @ Market. Removing the parking at the base of Buchanan where the historic streetcar repair shop is located would be a perfect place for much needed trees and public greenspace. This should be in the EIR.

K-10

Church @ Market is also addressed briefly on page 4-110. The provision of landscaping and pedestrian amenities should be coupled with traffic calming and transit vehicle priority at this heavily pedestrian, and transit intensive node. The idea of creating a pedestrian-transit oriented space on Church is mentioned in Appendix B, table b-2 (long term improvements not analyzed). This should be analyzed and considered in the EIR as a program element, as should creating transit-only spaces on Duboce @ Church.

D-11

# **LOS Impacts & Mitigation measures**

Collectively, the analysis of intersections, using the pseudo-scientific approach of automobile LOS, seems to dictate that much of the plan is unachievable. This is the most disappointing aspect of this EIR, and serves as a reminder of the deeply flawed analytical approach that continues to be used in local planning for transportation in San Francisco. One would think that because the EIR took 2 ½ years to release, a more innovative, creative, and holistic analysis of transportation would have been considered and included in this EIR. Alas, this was not the case. It is difficult to discern what the last 2 ½ years were spent on.

D-12

That PM peak period LOS for automobiles (mostly through traffic) could determine how streets are configured for the remaining 22 hours a day, and weekends, runs counter to the spirit of the M & O plan. As a reminder, the M & O plan has as its primary goals to allow everyday needs to be met within a short walk, to provide a system of streets safe for walking, bicycling, and transit use, where owning a car is a choice not a necessity, and to make streets into truly public spaces. These goals are spelled out on page 3-1 of the draft EIR. These goals were developed with many hundreds of participants and expert staff and involved developing consensus about the neighborhood's future. The plan, and the planners and citizens who produced it in 2002, deserve better than the paltry mitigation measures that basically nullify many of the goals of the plan. More detailed comments on specific transportation issues are below.

D-13

# Hayes/ Gough, Hayes/ Franklin, Hayes/ Van Ness intersections (Table 1-1, pp 1-29 – 1-33 & p. 5-14, 5-15:

It is imperative that Hayes street be returned to two-way as spelled out in the M & O plan, and that all three of these intersections have pedestrian crosswalks on all four sides. "Acceptable levels" of congestion will not be realized at Van Ness, and probably not at the other two intersections, regardless of whether Hayes is one-way or returning to two-way. This segment of Hayes should be considered an opportunity to make the situation better for pedestrians and bicyclists at the expense of no one (because congestion worsens regardless of the plan, as concluded on page 7-6). See below for recommendations for improving the Hayes 22 Bus.

D-14

## Laguna/ Market/ Herman / Guerrero intersection:

The EIR uses a standard of auto-only LOS to suggest that signals for left turns be adjusted to move cars more efficiently. This is without considering the holistic impacts

D-15

4

this would have on pedestrian and bicycle movements through this important junction between the Lower Haight and the North Mission/ SoMa. This stretch of Market Street is a key approach to the 'wiggle," a bike route of city-wide importance mentioned as a critical bike route on page 4-202, 4-203 of the EIR. Any changes to this segment should enhance bicycling on both Market and from/to Laguna onto Market. Additionally, the EIR predicts a reduction of car traffic on the streets parallel to Octavia Boulevard (p. 4-207). This makes Laguna a prime candidate for traffic calming and makes the intersection of Laguna-Market-Herman attractive for landscaping, intersection choke downs, and a pedestrian plaza. This should have been analyzed as a project element in the EIR.

L-15

# Market/ Church/ 14th St. intersection

(See comments in open space section above). At this intersection, there should not be an increase in green time for cars, as suggested in the EIR mitigation section (5-16). This intersection is already horrible for pedestrians, bicyclists, transit, and motorists – all users. To be consistent with the plan, it should be calmed further against motorized traffic, and the Fillmore 22 & J-Church St Muni LRT should get signal priority.

L-16

## **Transit**

# Hayes 22 Bus

The EIR predicts a decline in service on Hayes 21 bus route due to increased traffic congestion when Hayes is converted to two-way between Van Ness & Gough (p. 4-229). The proposed mitigations are to either retain Hayes as a one-way street or to re-route the bus. Both of these mitigations are unacceptable and lack innovation, creativity, or consistency with the spirit of the M & O plan and San Francisco's Transit First Policy. The latter, re-routing, would no doubt ad time to the routing anyway.

L-17

A better solution, consistent with the goals of the M & O Plan and San Francisco's transit first policy, is create a short multi-directional bus-only lane on Hayes Street and to deploy signal priority & queue jumping for the buses. The idea of a contra-flow lane is mentioned in Appendix B, table 2, p 9B-18 on the segment of Hayes between Polk and Van Ness. This idea should be extended to at least Gough, but rather than a contra-flow, implement a multi-direction bus lane. A good example of this technique can be found in Zurich, Switzerland, on Langstrasse. (I would be pleased to provide more detail.) This segment of Hayes St. is wide enough to allow one multi-directional bus lane, two-regular travel lanes, and on-street parking. The movement of buses in two-directions, sharing the single bus lane, can be coordinated through information technology and signal priority for transit.

# Transit priority streets -restricting curb cuts

On p 4-229 restricting new curb-cuts is said to create illegal parking problems. The lack of curb cuts does not cause illegal parking. Rather, individual selfish behavior and inconsiderate motorists cause illegal parking. This is a matter of enforcement. This problem should either be defined properly in the EIR or deleted. Moreover, one could just

L-18

as easily argue that removing on-street parking spaces in order to provide a driveway cut causes a decrease in on-street parking, and thus illegal parking.

L-18

# **Parking Demand**

Parking demand is predicated on assumptions of more than 1 car per bedroom. A second calculation of parking demand was calculated using the existing household ownership rate of 60%, which is average for the area. The result is a demand range of 3,050 - 5,640 parking spaces (p 4-210). This means that either way there is a parking deficit predicted.

L-19

Further consideration should be given to decoupling the provision of parking to household rent, creating parking benefits districts, and increased use of carshare rather than car ownership. All of these ideas are listed in the Appendix B, table 2, but none of them are seriously analyzed in the transportation analysis of the EIR. 2 ½ years should have been plenty of time to do this more sophisticated and thorough analysis.

# Scope of EIR

Appendix B, table 2, lists numerous excellent proposals in the M & O plan that were not analyzed in the EIR. Many of these proposals would have a considerable positive impact on the identified significant environmental impacts outlined in the EIR. For example Bus Rapid Transit on Van Ness, and all-day express buses from the Sunset and Richmond could have beneficial impacts on congestion on the 12 intersections identified as problematic. Improving transit on Haight, including signal priority, 2-way transit lanes and expanding proof-of-payment would also benefit. It is especially troublesome that so little was analyzed after 2 ½ years of the drafting of the M & O plan.

L-20

Lastly, it should be emphasized that without the M & O plan, congestion would continue to increase (mentioned on p 7-6), but to the benefit of no one. It therefore stands to reason that the M & O Plan should be implemented because while congestion increases, the conditions for pedestrians, bicyclists, transit users, and in the end, motorists who reduce their driving, will improve.

L-21

Jason Henderson
Board, Hayes Valley Neighborhood Association
300 Buchanan Street, # 503
San Francisco, CA
94102
jhenders@sbcglobal.net
415-255-8136

# Letter L – Jason Henderson, Hayes Valley Neighborhood Association

## L-1

It is common for complex EIRs to take from 9 to 18 months for preparation. The planning and public outreach effort for this project was initiated in early 2000 and the *Draft Market and Octavia Neighborhood Plan* was released in December 2002 taking nearly three years to complete. Modifications to the Plan continued into 2004. The public scoping meeting for the EIR was held in November 2003 and the preparation of the DEIR did not get underway in earnest until spring of 2004. The DEIR was released in June 2005, taking just over one year to prepare. The environmental process was delayed after the adoption of the Plan due to refinements required in the citywide transportation modeling, the subsequent post-processing effort required to translate the model results for use in meaningful transportation impact analysis, and the expansion of the overall analysis to included project level environmental clearance for the Central Freeway parcels and certain public street and open space improvements recommended in the Plan. As during the planning process, the Planning Department worked diligently to provide the public with a quality product, in this case a comprehensive and defensible environmental document that would support the ultimate adoption of the Plan.

### L-2

Per CEQA Guidelines 15123 (b)(2), an EIR Summary shall identify "Areas of controversy known to the Lead Agency including issues raised by agencies and the public." This section is not intended to diminish the effort that went into development of the Plan, but rather to identify for decision-makers and the general public, issues that may still be controversial within the community. The Plan represents the general consensus reached through the community outreach process to guide future development in the Market and Octavia Neighborhood, however that does not mean that there was complete agreement on the draft plan. As evidenced by the numerous comments received on the DEIR regarding the proposed height of buildings and traffic and parking impacts, particularly the impacts on short-term parking in the Civic Center, these are still outstanding issues that should appropriately be included in this section of the EIR.

As noted in the Response to Comment A-3, this section of the EIR has been amended to include additional language regarding areas of controversy.

## L-3

Comment regarding the effectiveness of the Plan without the two-way operation of Hayes Street is noted. Hayes Street conversion to a two-way roadway (one eastbound lane and three westbound lanes between Van Ness Avenue and Franklin Street, and one eastbound lane and two westbound lanes between Franklin and Octavia Streets) was assumed as part of the Market Octavia Neighborhood Plan. The intent of this proposed reconfiguration was to enhance local circulation and the pedestrian and transit environment in the neighborhood. The analysis of the two-way operation on Hayes Street, however, indicated that not only would traffic operations be affected, but also that transit operations and pedestrian and bicycle safety would be adversely impacted with the implementation of two-way operations on Hayes Street. Retaining one-way operations on Hayes Street would therefore mitigate potentially significant transit, pedestrian, and bicycle impacts in addition to mitigating traffic impacts as noted by the commentor.

With two-way Hayes Street operation, the study intersections of Hayes Street/Gough Street and Hayes Street/Franklin Street would be significantly affected; degrading from LOS C and LOS D, respectively, to LOS F due to high traffic volumes (over 1,000 vehicles) traveling westbound along Hayes Street that could not be accommodated with the reduced capacity. The increased congestion at Hayes Street intersections would significantly impact transit operations, adversely affecting the efficiency and attractiveness of transit service. Travel times on the 21-Hayes line would be increased with the conversion resulting in delay increases of 341 seconds on the westbound approach of the Hayes Street/Gough Street intersection and 132 seconds on the westbound approach of the Hayes Street/Franklin Street intersection. With the increase in delays, it would take the bus at least two cycles to cross each intersection and schedule adherence and travel time reliability for the transit stop at the northwest corner of the Hayes Street/Franklin Street intersection would be significantly impacted. The configuration at the transit stop at the Hayes Street/Franklin Street intersection (a bus pullout at the parking lane) would be too cumbersome for the bus to pull in and out quickly, especially in heavy traffic, potentially increasing the transit travel time through this segment of the line.

To address these identified transit and traffic impacts, the DEIR presented mitigation measures that would retain the through lane capacity and green time in the westbound direction at Hayes Street/Gough Street and Hayes Street/Franklin Street intersections rather than converting it to an

eastbound lane to allow more capacity and green time to the westbound approach.

In response to public comments in support of the Hayes Street two-way operation received on the DEIR, mitigations 5.7.G2 and 5.7.H were further reviewed and alignment changes along the corridor were analyzed to assess the feasibility of implementing various transportation improvements (e.g. coordinating traffic flows along Hayes Street with signal timing changes and rerouting transit) in conjunction with the conversion of Hayes Street to two-way operations. The alignment changes focused on optimizing the overall transportation network, while minimizing physical impacts to the infrastructure and delays and disruptions to transit service.

Initially, the team considered various turn restrictions along a two-way Hayes Street. These restrictions did not improve transit operations or alleviate the congestion, as they relocated bottlenecks. For example, restricting westbound left turns at the Hayes Street/Gough Street intersection would shift the congestion westward, as under that scenario motorists would perform the left turns at the Hayes Street/Octavia Street and Hayes Street/Laguna Street intersections. These two intersections were outside the Project Area, and thus were not analyzed for their quantitative operational impacts. Extending the two-way Hayes Street operation to Polk Street, with the heavy westbound Hayes Street traffic rerouted via Polk Street and Fell Street were also considered. This approach compounded congestion at the five-legged intersection of Polk Street/Fell Street/Market Street/10<sup>th</sup> Street intersection and would have adversely affected the existing bike lane on Polk Street. Two-way operation on Fell Street at this complex intersection could trigger impacts far beyond the current Project Area; including intersections, proposed circulation changes were focused away from Market Street as much as possible.

To further evaluate the feasibility of two-way traffic operations on Hayes Street, a four step process was conducted. The first step included reviewing modifications to the roadway configuration at each intersection along Hayes and Fell Streets including Hayes Street/Gough Street, Hayes Street/Franklin Street, Hayes Street/Van Ness Avenue, Fell Street/Gough Street, Fell Street/Franklin Street and Fell Street/Van Ness Avenue to determine the feasibility of Hayes Street as a two-way operation (the attached transportation appendix presents detailed figures of the two roadway configurations, the diversion of traffic volumes, and the level of service analysis for each of

the scenarios). The feasibility of individual intersection approaches, street widths and right-of-way designs for travel and parking lanes were reviewed and compared under two roadway configurations: 1) existing and 2) future two-way Hayes Street. The second step involved reviewing travel patterns along Hayes and Fell Street under Existing Conditions, 2025 Future Conditions with the Plan and 2025 Future Conditions without the Plan for the two roadway configurations. The third step included investigating approaches to reduce traffic volumes along Hayes Street, primarily by diverting vehicles onto westbound Fell Street (west of Van Ness Avenue). These approaches were analyzed for levels of service, safety, and right-of-way feasibility. Following the diversion analysis, the last step applied additional geometric changes to the roadway network in order to improve the level of service at other impacted intersections (e.g. intersection of Hayes Street/Van Ness Avenue). See Section 7.0, Technical Appendix for a summary (Table 1) of the intersection impacts associated with the various street configurations and traffic diversions evaluated and the detailed background documentation of the analysis.

Overall, this analysis determined that transit and traffic level of service may be improved along Hayes Street with the signal timing changes; however, the re-routing of traffic may result in other pedestrian, bicycle, and transit safety impacts that were potentially significant as traffic would divert to adjacent streets (e.g. Van Ness Avenue and Fell, Franklin and Gough Streets). Preliminary discussions with the Municipal Transportation Agency (MTA) regarding the feasibility of Hayes Street as a two-way operation, confirmed that additional impact analysis would need to be conducted to determine potential secondary impacts of this mitigation measure on transit, pedestrians, and bicyclists. Some of the potential impact issues may include:

- Pedestrian safety concerns at intersection crossings of Hayes Street/Van Ness Avenue and Fell Street/Van Ness Avenue given the re-routing of westbound traffic to southbound Van Ness Avenue. With a high concentration of westbound vehicles re-routed along Van Ness Avenue, pedestrians traveling east-west (across Van Ness Avenue) would be given limited green time creating potential safety concerns for elderly, disabled or other pedestrians with slower walking speeds.
- Higher traffic volumes along Fell Street associated with pedestrian and bicycle safety issues.
   The existing roadway configuration along Fell Street is constrained, which encourages lower vehicle speeds with less incentive for vehicles to use the street. If high concentrations of

westbound vehicles are re-routed onto Fell Street (between Gough Street and Van Ness Avenue), potential pedestrian and bicycle safety issues may occur since this area is not accustomed to high vehicle travel.

- Restricted turning radii at the intersection of Fell Street/Van Ness Avenue for the southbound to westbound movement.
- Impacts during weekday AM peak hour conditions for traffic and transit traveling eastbound on Fell Street between Gough and Franklin Streets
- Conflicts with MTA's BRT Plan along Van Ness Avenue. The San Francisco Transportation Authority's latest conceptual designs of BRT along Van Ness Avenue, although too speculative for cumulative environmental analysis, proposes to take one travel lane in each direction on Van Ness Avenue and dedicate it to transit service only. If this BRT project were to be implemented, there may be potential operational issues associated with re-routing the westbound vehicles onto Fell Street via Van Ness Avenue.

Although two-way operation along Hayes Street may be improved through new signal timing, reconfiguration of streets, and the re-routing of traffic, the DEIR concludes that potentially significant impacts to transit, pedestrians, and bicyclists may occur and may not be consistent with the overall objectives of the Plan. Therefore, implementation of Mitigation Measure 5.7.G2 would require additional environmental review outside the scope of this DEIR and the potential for a significant and unavoidable impact would still exist at the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue if two-way operations of Hayes Street were implemented.

#### L-4

The section "Areas of Known Controversy" was developed based on input from the Planning Department and comments received during the public scoping process held in late 2003 and early 2004. The areas of known controversy were recurring issues that were raised during this process. See also Response to Comment L-2 regarding Areas of Known Controversy.

### L-5

The primary intent of the pictures taken along Hayes Street and Franklin Streets was to provide a visual image of the character of the streets and the relationship between the streets and the adjacent

buildings. As noted by the commentor, there are numerous signs at the intersection of Hayes Street with Franklin and Gough Streets; but not more than a typical commercial intersection in the Project Area and there are no prohibitions on pedestrian crossings at these intersections. The intersection of Franklin Street and Oak Street, however, has a higher concentration of signs due to the heavy signing associated with the movement of traffic through the neighborhood to Van Ness Avenue and the prohibition of pedestrian crossings. The photos were not intended to focus on the signs that direct traffic and pedestrian flows at these intersections, but rather to show the scale of the buildings and street patterns.

#### L-6

While streets cannot be characterized as unappealing and visually blighting solely because they are operating with multiple lanes in one-direction, segments of Gough Street, Franklin Street, and Hayes Street may be unappealing to some because the heavy traffic flows on these streets dominate the street and negatively impact the pedestrian environment and comfort level on the street. Streetscape improvements proposed as part of the Plan are intended to enhance these streets and other public rights-of-way in the Project Area.

The text in Chapter 4, page 4-97 of the DEIR, third paragraph, first sentence is revised to read as follows:

"The proposed Plan could result in the removal of visual elements with neutral or low aesthetic value, including surface parking lots and, in some cases, underutilized and deteriorated buildings, as well as landscape and other streetscape improvements to public streets and open spaces, thereby potentially enhancing the visual quality of the Project Area."

### L-7

If Hayes Street, east of Gough Street, is returned to two-way operation, the look of the street would not change, but, the traffic would flow in both directions rather than one. The traffic operations would be similar to other streets operating as two-way streets in the Project Area. The physical character of Hayes Street would not change merely by redirecting the traffic on the street. The Plan does, however, recommend street tree planting along Hayes Street as a first priority for the Project

Area. The addition of trees would enhance the pedestrian environment. A conceptual design of how Hayes Street would look with the improved landscape treatment is shown on page 86 of the Plan.

Franklin and Gough Streets, north of Market Street, are not proposed to be converted from one-way to two-way operation as part of the Plan. Gough Street, between Market and Otis Streets, would remain a two-way street, but would be converted from two lanes each direction to three southbound lanes and one northbound lane with a tree-lined median. The conceptual plan for this redesign is shown on the figure on page 165 of the Plan. Planting of street trees is recommended as part of the Plan along all three streets as a second priority.

#### L-8

"Living streets" have been considered and recommended for implementation in the South of Market area. Figure 3-4 on page 3-25 of the DEIR shows all of the alleys in the Project Area that are suitable for living street improvements, including treatment on 13 blocks south of Market Street.

## L-9

The existing parks setting is described on page 4-317 of the DEIR. As noted on page 4-318 of the DEIR, the build-out of the Project Area under the proposed Plan would result in higher population densities and demand for and use of existing parks and open space by neighborhood residents would increase. To mitigate those impacts, the Plan proposes the creation of new parks and open space amenities in the Project Area. In the Hayes Valley neighborhood, the Hayes Green was created in the median of Octavia Boulevard between Fell and Hayes Streets, as part of the Octavia Boulevard Project. Other open space improvements proposed for Hayes Valley include street tree planting (see figure on page 71 of the Plan) and living street improvements on alleys (see figure on page 75 of the Plan). With the implementation of these measures, the Plan would result in a less than significant impact on parks and recreation facilities.

The Plan does not make recommendations for land use changes on the UC Extension site. It is recommended for continuation as a P or Public zone, which is the designation for publicly owned land used for park or other public purposes. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The

proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The impacts of the proposed project are taken into account as part of the cumulative analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal is not conducted for the UC site, as the proposal is not part of this Plan.

#### L-10

As proposed in the Plan, the transformation of the extra right-of-way at the Duboce Avenue Muni platform between Church and Market Streets to a streetcar museum, including new tree planting and corner bulbouts, is analyzed in the DEIR at a program level. The treatment at the west end of the block at Duboce Avenue and Church Street is shown on page 95 of the Plan. This proposal would create additional public use areas in the Project Area by reclaiming excess right-of-way around the Muni portal. The proposal does not include the removal of parking at the foot of Buchanan Street.

Streetscape improvements at the corner of Market and Dolores Streets are proposed as long-term improvements in the Project Area. These would require additional environmental review, per CEQA, when a specific proposal for improvement is developed.

#### L-11

The redesign of Church Street, north of Market Street, as a pedestrian-oriented transit boulevard with enhanced street car platforms; the creation of a transit-only lane on the first block of Duboce Avenue, just west of Church Street; the creation of transit signal preemptions the length of Church Street in the Project Area; and the creation of transit-only lanes along the four-lane segment of Church Street between Duboce Avenue and 16th Street are all long-term improvements proposed in the Plan. As stated on page 1-2 of the DEIR, improvements that are proposed in the Plan but not intended for near-term implementation as result of funding limitations or lack of detailed plans are not analyzed in this DEIR. These long-term improvements would be subject to additional environmental review when specific plans have been developed for each proposal.

#### L-12

In accordance with the City of San Francisco's Transportation Impact Analysis Guidelines for Environmental Review (SF Guidelines) and the significance criteria currently used by the Planning

Department, the DEIR's traffic analysis is based on a level of service evaluation for the 32 study intersections. At the time of the DEIR's scoping of the transportation section, intersection level of service was the City's methodology to evaluate the project's contribution for significant impacts to traffic operations.

Developing a new methodology to evaluate significance criteria in the City of San Francisco would require a change in City policy. This policy change would require a consensus among policy makers and is not a requirement under CEQA's determination of significant environmental impacts.

See Response to Comment L-1 regarding the timeliness of environmental review.

#### L-13

Traffic impact analyses in San Francisco typically evaluate PM peak period conditions, when there are a higher number of vehicles on the roadways and the transportation network is most constrained. Evaluating AM, midday and/or weekend project conditions when traffic demands on City streets are generally not as great would not be expected to identify any new potentially significant impacts that were not already identified with the higher volume PM peak-hour analysis in the DEIR.

As stated under CEQA the DEIR is an informational document intended to identify all potentially significant impacts of a project on the physical environment. If a significant and unavoidable impact is accepted in approving a project, the approving body must adopt a written Statement of Overriding Considerations which finds that specific economic, social or other considerations make the DEIR's mitigation measures or project alternative(s) infeasible. As such, although the goals and objectives of the Plan are to "Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movements," (page 3-2 of the DEIR) the City would need to adopt a written statement of overriding consideration to approve the Plan as proposed.

## L-14

Given the constrained capacity along Hayes Street, implementing the Plan with Hayes Street as a two-way operation would result in significant and unavoidable impacts at the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue. The commentor notes that "acceptable levels" of congestion will not be realized at Van Ness Avenue and probably not at the other two intersections, regardless of whether Hayes Street is one-way or returning to two-way. This statement is partially correct. The intersection of Hayes Street/Van Ness Avenue would operate at unsatisfactory conditions with and without the Plan under 2025 Conditions (see page 9.C-9, Appendix 9-C, Table C-9). The following text amendments are recommended to clarify this point.

The text in Chapter 1, page 1-32 of the DEIR, second paragraph of Proposed Mitigation Measure 5.7.G.1 is revised to read as follows:

"As such, this mitigation measure would lessen delay and congestion at the intersection of Hayes Street/Van Ness Avenue in order to maintain acceptable intersection levels of service operations, the Plan could note be implemented on Hayes Street."

The text in Chapter 5, page 5-17 of the DEIR, third paragraph, last sentence is revised to read as follows:

"As such, this mitigation measure would lessen delay and congestion at the intersection of Hayes Street/Van Ness Avenue in order to maintain acceptable intersection levels of service operations, the Plan could note be implemented on Hayes Street."

However, the intersections of Hayes Street/Gough Street and Hayes Street/Franklin Street would operate unsatisfactorily with the two-way Hayes Street configuration and would be mitigated to acceptable levels of service (see page 5-14 and 5-15) if the existing street configuration is maintained.

In order to assess whether the two-way Hayes operation would create a better situation for pedestrians and bicyclists, as stated in Response to Comment L-3, mitigation measures 5.7.G2 and 5.7.H have been further reviewed. Two-way operation along Hayes Street may be improved through new signal timing, re-configuration of streets, and the re-routing of traffic; potential impacts to pedestrians, bicyclists and transit may occur. Therefore, implementation of Mitigation Measure 5.7.G2 would require additional environmental review outside the scope of this DEIR and the

potential for a significant and unavoidable impact would still exist at the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue.

### L-15

As stated in Response to Comment K-6, with the project the intersection of Laguna Street/Market Street/Hermann Street/Guerrero Street would worsen from LOS D to E due to the left-turning movement for northbound Guerrero Street onto Market Street and the left-turning movement for southwest-bound Market Street onto Guerrero Street. As such, improvement measures would include installation of a new left-turn signal and coordinated signal timing changes.

The commentor describes concerns about the impacts of this mitigation measure on pedestrian and bicycle movements. Acceptable pedestrian crossing times would be maintained at all intersection approaches with Mitigation Measure 5.7.C. Since the signal improvement would give additional green time to the northbound approach, there would be more time given for pedestrians and bicycles to cross Market Street to and from Laguna Street. In addition, this mitigation measure would also improve safety for pedestrians and bicyclist traveling along Market Street. By allowing a dedicated southwest left-turn movement, pedestrians and bicycles crossing Laguna Street along Market Street would have a signal phase with no conflicting vehicle movements. Also, pedestrians and bicycles crossing Guerrero Street along Market Street would have a dedicated signal phase with no conflicting vehicle movements. As such, this mitigation measure would enhance and improve safety for both bicyclists and pedestrians along Market and Laguna Streets.

With the street enhancements and new freeway connection along Octavia Boulevard, some parallel north/south roadways would experience negative growth rates compared to the existing conditions analyzed in the DEIR. However, along Laguna Street there are additional vehicle trips associated with the UC Extension site which were assigned to 2025 background conditions. The Plan does not make recommendations for streetscape and traffic calming improvements along Laguna Street or at the corner of Market Street/Laguna Street/Hermann Street for long-term improvements in the Project Area. These would require independent environmental review when a specific proposal for improvement is developed. As stated on page 1-3 of the DEIR "Design guidelines are proposed for new private development to activate street frontages and for public improvements to create safe streets that are at a comfortable scale for pedestrian use."

## L-16

The commentor states that the mitigation measure recommended for the intersection of Market Street/Church Street/Fourteenth Street should not allow an increase in green time for vehicles and should give signal priority to transit, pedestrians and bicyclists. The changes to the signal timing proposed as a mitigation measure would have minor improvements to all motorized and non-motorized approaches along Market Street (including increased pedestrian green times crossing Fourteenth and Church Streets) while retaining transit signal priority. Since both motorized and non-motorized movements are limited in the amount of green time available at the five legged approach to this intersection, any improvements to impacted movements would benefit all transportation modes.

### L-17

Comment regarding opposition to eliminating two-way operation of Hayes Street from the Plan is noted. See Response to Comment L-14 regarding the implementation of two-way operation of Hayes Street.

The Plan does not include changes to Muni service or the implementation of new bus improvements (i.e. a contra-flow multi-directional bus lane). As stated on page 9.B-18 of the Appendix of the DEIR, the improvement "Reduce Hayes Street to one lane in each direction west of Franklin with a bus contra-flow lane between Van Ness and Polk" is not proposed for approval or for implementation at this time and is therefore not analyzed in this EIR. This Long-Term Plan Element would require independent environmental review when a specific proposal for the improvement is developed.

## L-18

According to the significance criteria used by the Planning Department, "the project would have a significant effect on the environment if it would result in a loading demand during the peak hour of loading activities that could not be accommodated within the proposed on-site loading supply or within on-street loading zones, and if it would create potentially hazardous traffic conditions." As stated on page 4-229 in the DEIR, disallowing curb-cuts on transit preferential streets may result in an increase in double parking given the restricted access to off-street loading facilities for new residential developments. Although enforcement may help reduce the occurrence of illegal double-

parking, there is no way to dictate the travel behavior of all motorists. As observed in dense residential neighborhoods throughout the City, the DEIR identifies potential loading impacts as a result of restricted access to side streets or back alleyways.

### L-19

Comment regarding assumptions for parking demand analysis is noted. Based on the parking demand rates stated in the SF Guidelines, new residential projects have an evening parking demand rate of 1.1 vehicles per unit for one bedroom or studios, 1.5 vehicles per unit for two or more bedrooms, 0.45 vehicles per unit for affordable one bedroom or studios, and 0.92 vehicles per unit for affordable two or more bedrooms. The analysis prepared for the reduced parking demand is presented as a comparison to the standard citywide value, if the reduced vehicle ownership currently experienced within the Project Area is also experienced for new residents.

As stated in the DEIR, the long-term parking projects listed on page 9.B-15, Appendix B, Table B-2, are analyzed at a Program Level. Implementation of these projects may require additional environmental review beyond that analysis undertaken for the Plan. However, as described on page 1-5 to 1-6 of the DEIR, new parking policies evaluated at a Program Level recommended minimum parking requirements and replacing them with caps on the amount of parking permitted in new development. As a result, these requirements would provide flexibility at a project level to build less than one to one parking for the residential developments in the Project Area.

### L-20

As stated in Responses to Comments D-13 and G-1, at the time of the DEIR, there was no formal decision on the alignment for BRT along Van Ness Avenue. The San Francisco Transportation Authority is currently in the first phase to evaluate proposed conceptual designs of a BRT program along Van Ness Avenue. At the conceptual design stage, the project proposes to take one travel lane in each direction on Van Ness Avenue and dedicate it to transit service only<sup>25</sup>. The project has not secured full funding for its implementation and would still need to complete an environmental review and preliminary engineering studies to be approved by the Transportation Authority Board.

Market and Octavia Neighborhood Plan Comments & Responses

<sup>&</sup>lt;sup>25</sup> Details of the proposed designs are present on the San Francisco Transportation Authority's website at www.sfcta.org/vanness.

It is identified as a long-term transportation improvement (see pages 9.B-18 and 9.B-19 of the DEIR) and is not analyzed in this DEIR.

Generally only those projects that are planned for construction, funded, and specifically identified in the Regional Transportation Plan are included in a future transportation network for EIR analysis purposes (the Regional Transportation Plan includes a BRT program, however it does not specify the program by individual segments such as the Van Ness Avenue BRT project). The impacts of a project (in this case the Plan) are then analyzed against the future network to assess the cumulative impacts. This methodological approach attempts to minimize speculation about potential impacts by approaching the analysis in a consistent and rational manner.

# L-21

By 2025, it is anticipated that conditions in the Project Area would generally worsen, even without implementation of the Plan. With the Plan, conditions at some location for some travel would experience additional congestion. However, as noted by the commentor, additional transit, pedestrian, and bicycle improvements are included as part of the Plan. These are the types of overriding considerations that could be found to allow for implementation of the Plan, even though potentially significant and unavoidable impacts have been identified.

## The HAYES VALLEY Neighborhood Association | HVNA

PO BOX 423978 // San Francisco, California 94142-3978 // 415 263 3996 8 August 2005 www.hayesvalleysf.org

Paul Maltzer, Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103

## RE: MARKET/OCTAVIA EIR - COMMENTS ON EVALUATION OF TRANSPORTATION PROPOSALS

Dear Mr. Maltzer,

The Better Neighborhoods Market/Octavia Plan represents the fulfillment of the vision we had for this neighborhood many years ago when this community was still divided by a double-deck, elevated freeway and so infested with crime that residents were afraid to walk our streets.

Our neighborhood worked for years, persevering through three consecutive initiative campaigns, to finally win support to demolish the Central Freeway north of Market Street and replace it with the Octavia Boulevard and nearly 1000 units of housing. The Octavia Boulevard is nearing completion and is scheduled to open on September 9.

Because of the opportunities to build housing on the vacant freeway parcels, we were given the opportunity to be the first neighborhood to participate in the Better Neighborhoods planning program. Over a two year period our residents attended the Planning Department's community planning meetings to create a plan for our neighborhood that would include building high-density housing and create a pedestrian-oriented environment where residents can shop for all their needs within walking distance of their homes; where owning a car is a choice, not a necessity. If this plan is implemented we will have created a neighborhood with an environment that is the exact opposite from where we started – from a neighborhood isolated by crime and separated by an overhead freeway, to an intimate, livable, walkable neighborhood designed to promote a sense of community.

Because we believe the transportation improvements proposed by the Market/Octavia Plan are essential to the success of the Plan, we were very disappointed to see the transportation portion of the Draft EIR overstate the negative impacts of the Plan's proposed improvements and understate the positive impacts by focusing the analysis almost exclusively on level of service for autos at intersections without considering the positive effects the Plan's proposed improvements would have on neighborhood livability.

We respectfully request that you give serious consideration to our comments on the transportation portion of the Draft EIR which we have attached to this letter, and ask that you reevaluate your negative comments while also including the positive benefits possible by the implementation of the Market/Octavia Plan's recommendations.

Yours truly,

Paul Olsen, President

HVNA

Patricia Walkup, Co-Chair

**HVNA Transportation & Planning Committee** 

Encl: HVNA's Comments on Transportation portion of Market/Octavia Draft EIR

# Hayes Valley Neighborhood Association's Comments on Analysis of Transportation Improvements in the Market/Octavia Draft EIR

## 1. Trip Generation Assumptions

The most serious issue with the Draft EIR is that is fails to account for the impact of parking provision on trip generation. HVNA believes that many of the identified impacts of the Plan on intersection level of service may be an artifact of inflated trip generation rates, and may not occur in practice.

Specifically, the Draft EIR recognizes in many places that development that occurs with less parking will generate fewer vehicle trips. This is partly due to price signals that will encourage households to own fewer vehicles, but also due to self-selection: households that prefer to travel by transit, bicycle or on foot will be attracted to the cost savings of housing with less (or no) parking. For example, the Draft EIR states:

The Plan recognizes that parking availability influences mode choices and therefore proposes to limit the amount of required on-site parking and discourage new parking facilities. (p. 1-5)

The proposed policies in the Plan would encourage new development to build on the Project Area's pedestrian, bicycle, and transit accessibility and discourage driving. Some of the changes outlined above would be accomplished through the new zoning districts and their related regulations [i.e., parking maximums]. (p. 3-26)

The Plan proposes to limit the amount of required on-site parking and discourage new parking facilities, recognizing that they generate traffic, consume space that could be devoted to housing, increase housing costs, and have an overall negative effect on the neighborhood. (p. 3-27)

Policies included in the Plan which encourage and facilitate the use of public transit, pedestrianoriented development, and reduced parking would help improve air quality in light of the increased development. (p. 4-3)

HVNA is therefore surprised that these conclusions are not carried forward to the traffic modeling, as is stated on p. 4-237. The final EIR should adjust trip generation rates to account for the reduced supply of parking under the plan, or consider a range of scenarios (as is done for the parking analysis) reflecting different decisions by developers (e.g. build no parking, build to the maximum allowed as-of-right, or build to the maximum allowed by conditional use).

### 2. Parking Demand

The Draft EIR methodology serves to substantially overestimate parking demand in the Project Area, for two key reasons:

- There is no analysis of the impact of several Plan policies on reducing parking demand, such as
  unbundling of parking costs, parking maximums, and City CarShare. This analysis needs to be
  incorporated into the demand calculations.
- Parking demand is considered to be independent of supply (e.g., p. 4-231). This represents a
  serious methodological inconsistency with the traffic analysis in the SF Guidelines. The traffic
  analysis assumes that reduced parking will not lead to an increase in search traffic, as motorists
  will change their travel habits (e.g. walk or take transit, or park in alternative locations) in
  response to the reduced supply. Logically, this means that parking demand is also reduced, and
  this effect needs to be incorporated in the Draft EIR. (The effect is noted on p. 4-210, but is not
  reflected in the analysis in Table 4-25.)

Indeed, the Draft EIR (p. 210) recognizes that parking demand in the Plan area is likely to be lower than that calculated using the SF Guidelines. The Draft EIR therefore considers two scenarios, one using the

M-2

M-3

M-4

standard SF Guidelines and one using a reduced parking demand assumption. Given that the Draft EIR accepts that parking demand will be lower than that calculated in the first scenario, and that the second (reduced parking demand) scenario will be more realistic, the first scenario (using the SF Guidelines) should be eliminated.

M-5

It is also unclear as to the purpose served by the "Existing Planning Code Required Supply" section. The plan would abolish the 1:1 parking requirements; therefore this analysis is not relevant (there would be no such zoning requirement) and should be deleted. (If 1:1 parking is intended to be viewed as a form of mitigation for 'parking shortfalls', then other mitigations should be explored instead, such as the Plan's proposal for market pricing for on-street parking.)

M-6

## 3. Converting Hayes Street to Two-Way

HVNA is extremely concerned that the recommended mitigation for intersection level of service impacts on Hayes Street would delete one of the key recommendations of the Plan: namely, to convert Hayes Street to two-way.

The Draft EIR has the following flaws:

• It recommends the mitigation (retain Hayes Street as one-way) based solely on the "need" to avoid a few extra seconds of delay for motor vehicles. Nowhere does the Draft EIR analyze, or even mention, the benefits to pedestrian comfort and safety and commercial vitality of the proposed change to two-way, even though these are discussed in the Plan. It mentions (p. 4-229) that the measure is designed to enhance local vehicle circulation, but ignores the other benefits. Any recommended mitigation needs to balance the advantages and disadvantages to different types of road users, rather than being solely focused on speeding up motor vehicle traffic.

M-8

 In some places (e.g. p. 5-18), the Draft EIR suggests an alternative mitigation (a wider study of traffic routing in Hayes Valley), but this alternative is inexplicably lost in other places where mitigations are recommended.

M-9

M-7

 The level of service impacts are predicted based on inflated trip generation rates (see comment above).

M-10

• The Draft EIR recommends rerouting the 21-Hayes line to avoid the increased delay (p. 5-18), without analyzing the additional delay that would be caused through this deviation and introduction of new turning movements. In line with the Plan (and the City's General Plan and Transit First policies), the Draft EIR should recommend alternative mitigation measures that would not relegate transit to other streets, e.g. "queue jump" lanes, signal prioritization, or other measures to reduce transit delay.

N/ 1

More generally, HVNA is unclear whether the Plan recommendations to simplify traffic patterns in Hayes Valley and eliminate the "jog" (page 132 of the Plan) are fully analyzed in the Draft EIR. The Draft EIR may be analyzing only a small portion of the overall traffic recommendations. The EIR should consider traffic in its wider context, rather than at specific intersections, and include the broader analysis noted on p. 5-18:

This study would determine the best way to re-route vehicles from Van Ness Avenue and Franklin, Hayes, and Fell Streets and the effects of re-routing to all streets in the immediate

If this analysis is not possible within the constraints of the EIR, this study should be identified as the preferred mitigation. This would also have the advantage of allowing data on revised traffic patterns following Octavia Boulevard completion to be incorporated.

M-11

# 4. Scope of EIR

vicinity.

HVNA is concerned that numerous, low-cost, easy-to-implement transportation improvements are not analyzed in this EIR. This can only create further delays in implementing them, and require further

environmental review. One of the most important purposes, we understand, of including these projects in the Plan is so that they can benefit from unified environmental review.

Some of the projects that should be analyzed at the project level in this EIR (listed in Appendix B) include:

- · Eliminate right turn lane from freeway touchdown onto Market
- Reduce Hayes Street west of Franklin to one lane in each direction with bus contraflow
- · Haight Street bus contraflow lane
- Transit pre-emption/signal priority
- · Transit-only lanes on Market and Mission streets
- Ban auto left turns and replace stop signs at Church/Duboce
- Transit-only lane on Duboce west of Church
- Market Street bicycle lane
- Bike-only phase at Market/11<sup>th</sup>
- · Widened sidewalk on Hayes St
- Converting 12<sup>th</sup> Street to two-way

Similarly, the elimination of the right turn lane from the Central Freeway ramp touchdown at Market Street (p. 3-31) is not a "long-term improvement". It should be evaluated at the project level in this EIR.

# 5. Areas of Controversy

Given the wide-ranging nature of the Plan, it seems strange that the elimination of minimum parking requirements and the establishment of parking caps is singled out as the ONLY controversial issue (p. 1-8). This statement serves no purpose in the EIR and this third bullet on p. 1-8 should be eliminated.

#### 6. Citywide Parking Policy

It is unclear why the Draft EIR (p. 3-27) states that some of the proposed parking policies require changes to citywide policy. Examples include: requiring separate tenant leases for parking, pricing parking in city-owned parking facilities to encourage short-term use; discouraging new parking facilities in the Project Area; reserving adequate public parking for the disabled; maintaining sufficient short-term public parking spaces; discouraging commuter parking; revising the Residential Parking Permit program (provided the RPP zone boundaries were revised); providing residential parking along the curb; accommodating car sharing at feasible locations; eliminating code requirements for independently accessible parking spaces; and restricting new driveway curb cuts.

All of these can be implemented EITHER in the Project Area alone OR on a citywide basis, and their impact should be evaluated in the EIR.

#### 7. Pedestrian and Bicycle Improvements

The Draft EIR states (p. 4-16): "There are no policies or improvements proposed in the Plan that would specifically address minimizing the street-crossing distance by pedestrians, eliminating bicyclist hazards on streets, or accommodating bicycles in the traffic control facilities as called for in the Transportation Element."

This statement is incorrect. The Draft EIR draws attention to numerous policies or improvements that would implement these Transportation Element goals, such as widening sidewalks, a bicycle-only phase at Market and 11<sup>th</sup> streets, corner bulbouts, bicycle lanes, and a bicycle boulevard on Page Street. There are many more examples that could be added to this list.

#### 8. Impact of Parking on Housing Development

HVNA disagrees with the statement on p. 6-25: "However, in some cases, maximum-parking caps could create a disincentive to developers to construct housing by lowering the sale value of housing units." We

M-12

M-13

M-14

M-15

M-16

understand that the economic analysis conducted for the Plan specifically addressed this issue, and parking maximums were found not to be a constraint on residential development given the strength of the market. M-17 Indeed, the Planning Department states that parking adds 20% to the cost of each housing unit. This statement should be deleted. 9. Living Streets There is no reason why loading is incompatible with residential uses and "living street" improvements, as M-18 stated in numerous places in Chapter 4. Living streets are designed to accommodate vehicles, but prioritize pedestrians. 10. Curb Cuts The impact of disallowing curb cuts on transit preferential streets is only analyzed for potential negative impacts, which are not substantiated (P. 4-229). There is no reason why curb cut restrictions should lead to an increase in double parking; loading zones could be provided; parking could take place on-street as at present; or (as the Draft EIR states) access could be provided via an alley or side street. The Draft EIR ignores the positive benefits of this measure on transit speeds, i.e. reducing conflicts with transit vehicles. 11. Civic Center Parking The Draft EIR states (p. 4-233): "None of the programs recommended by the Civic Center Parking Analysis would increase the supply of parking spaces within the study area and the overall shortfall would be the same." M-20This is incorrect. As mentioned in this section, the programs include measures to reduce the shortfall by increasing the supply of parking spaces (e.g. through valet programs), and reducing demand (e.g. through parking charges, and through directing motorists to underutilized garages just outside the Plan area).

# Letter M - Paul Olsen/Patricia Walkup, Hayes Valley Neighborhood Association

#### M-1

The commentor is concerned that the DEIR overstates the negative impacts and understates the positive impacts of the Plan's improvements due to the focus on the level of service for autos. As stated in Response to Comment L-13, the DEIR is an informational document to identify all potentially significant effects of a project on the physical environments and determine the significance of the impact. When a significant impact is identified and mitigation measures are not endorsed, the approving agency must adopt a written statement of overriding considerations which finds that specific economic, social or other considerations make the DEIR's mitigation measures or project alternative(s) infeasible. As such, although the goals and objectives of the Plan are to "Improve the operation and convenience of all transportation modes required for a vibrant transit-oriented place, with a focus on transit, bicycle, and pedestrian movements," (page 3-2 of the DEIR) the City would need to adopt a written statement of overriding consideration to approve the Plan as proposed.

## M-2

The commentor believes the DEIR trip generation analysis should be adjusted to account for the reduced supply of parking under the Plan or a range of trip generation scenarios be considered. As stated on page 4-205 of the DEIR, travel demand was developed based on an activity-based model (SFCTA's Travel Demand Forecast Model). The travel model incorporates the different attributes for each transportation analysis zone (TAZ) in the study area including population and employment growth, origin/destination, and mode of travel for each trip. The model also incorporates activity based information such as: tradeoffs for auto ownership based on the employment location of the primary worker in the household; auto ownership in a transit-rich environment; trip chaining and time of day of travel; multi-modal trip making; and the supply, cost and availability of parking in each TAZ. The DEIR also presented reduced parking demand as a comparison to the standard citywide value, if the current vehicle ownership rates within the Project Area are adopted by new residents with the Plan. Both the travel model and the reduced parking demand take into account the characteristics of the area's residential travel demand and vehicle ownership in its analysis.

Household vehicle trip generation is related to, but not completely based on, parking demand (or

vice versa). Similarly, trip generation and parking demand rates use factors such as type and intensity of land use, vehicle use (mode of travel) and average persons per vehicle. However, the Model's trip generation also considers population and employment growth, origin/destination of the trip, as well as but not limited to, the activity based information mentioned above. Parking demand is based on the number of spaces available, the duration and turnover of a space, as well as the sharing of parking among different users (e.g. a space used for office could also serve restaurant users). Since these factors are specific to either the trip generation or the parking demand, travel demand cannot be based on a parking supply, but it can incorporate factors of parking demand. As such, travel demand generated by the model accounts for the attributes of the current residential travel demand and vehicle ownership and therefore reflects the reduced parking supply/vehicle ownership policy recommended by the Plan.

### M-3

Parking policy changes such as the unbundling of parking from housing costs, parking maximums and requirements for City CarShare are proposed as part of the Plan and analyzed at a program level in the DEIR (see page 4-230 of the DEIR). An estimate of the amount of parking allowed under the three parking policy maximums (No Minimum, Allowed and Conditional Use) was included in the program level analysis to show the range of parking supply that would be allowed. The actual amount of parking provided would be determined at an individual project level in the future. Additional environmental review may be required for those projects that were not analyzed in the DEIR or do not comply with the policies analyzed at a program level as part of this DEIR.

#### M-4

The commentor states "Parking demand is considered independent of parking supply (e.g., p. 4-231). This would represent a serious methodological inconsistency with the traffic analysis in the SF Guidelines." The parking demand methodology described in the SF Guidelines is independent of parking supply since parking demand is based on the number and type of residential units rather than the number of parking spaces (see Appendix G – Parking Analysis Methodology, Page G-2 of the SF Guidelines). The traffic analysis methodology described in the SF Guidelines is a calculation based on trip generation rates, trip distribution, mode split and auto occupancy. As stated in Response to Comment M-2, the methodologies of parking demand and travel demand are related, but not completely based on the same factors. In addition, although consistent with the SF

Guidelines, trip generation for the Plan was based on the SFCTA model and not on the SF Guidelines.

As noted on page 4-204 of the DEIR, the description of the significance criteria used by the Planning Department for the determination of project-related parking impacts states, "In the experience of San Francisco transportation planners, however, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits." Although, this information does not result in a change in the methodology of parking demand as stated in the *SF Guidelines*, the limit of readily available parking spaces may induce drivers to seek alternative parking facilities or shift to other modes of travel.

The reduced parking demand presented on page 4-210 of the DEIR is estimated as a comparison to the parking demand based on the *SF Guidelines* and is presented in Table 4-19 of the DEIR. Tables 4-25 and 4-26 on pages 4-232 and 4-233 of the DEIR present the estimated parking shortfall based on the *SF Guidelines* since it is the standard methodology used by the Planning Department. Note that the reduced parking demand presented in Table 4-27 on page 4-235 of the DEIR is intended for informational and comparative purposes and not as a replacement of the standard methodology used by the Planning Department.

### M-5

The DEIR presents parking demand based on the SF Guidelines since it is the standard methodology used by the Planning Department and provides a conservative approach for the environmental analysis. The analysis prepared for the reduced parking demand is also presented to provide a theoretical future parking demand if the current lower vehicle ownership rates would continue in the Project Area. The reduced parking demand is intended for informational and comparative purposes and not as a replacement of the standard methodology used by the Planning Department.

#### M-6

CEQA Guidelines 15126.2 (a) indicate that the environmental impacts of a proposed project be determined by comparing the changes in the physical environment resulting from the implementation of the project to the existing conditions. As the *Planning Code* currently requires 1:1

parking for residential uses, the existing code requirements are used as the baseline against which to analyze the proposed Plan. This approach provides decision-makers with an understanding of the impacts of the proposed changes to the parking code.

### M-7

The commentor's concern is that the mitigation measures were based solely on the need to improve delay for vehicles and does not mention the benefits to pedestrian comfort and safety and commercial vitality of the Plan. Mitigation Measures 5.7A, 5.7.B and 5.7.G1 and 5.7.H recommends maintaining the current one-way traffic operations on Hayes Street to improve levels of service for both traffic and transit operations. Without these mitigations, the Plan would result in a significant and unavoidable traffic and transit impacts. As stated in Response to Comment M-1, the DEIR is an informational document to identify all potentially significant effects of a project on the physical environment and determine the significance of the impact.

As stated in Response to Comment L-3, additional analysis has been performed at the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue to determine the feasibility of implementing improvement at individual intersections in association with converting Hayes Street from a one-way to a two-way operation (per mitigations 5.7.G2 and 5.7.H). Although level of service for traffic and transit may be improved along Hayes Street with the individual intersection improvements, the additional re-routing of traffic patterns may cause secondary effects and create other pedestrian and safety impacts as traffic would be diverted to adjacent streets (e.g. Van Ness Avenue, Fell, Franklin and Gough Streets). Therefore the implementation of these improvements would require additional environmental review outside the scope of this DEIR. The potential for significant and unavoidable impacts would still exist at the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue.

### M-8

See Responses to Comments L-3 and M-7 regarding alternative mitigation strategies for the two-way operation of Hayes Street.

### M-9

Travel demand generated by the model accounts for the attributes of the current residential travel demand and vehicle ownership and therefore reflects the reduced parking supply/vehicle ownership policy (see Response to Comment M-2). The significant and unavoidable impacts identified for the intersections of Hayes Street/Gough Street, Hayes Street/Franklin Street and Hayes Street/Van Ness Avenue are appropriate.

#### M-10

The commentor addresses concerns with potential transit delay caused by re-routing the 21-Hayes line given the introduction of new turning movements and recommends alternative mitigation measures, such as queue jump lanes, signal prioritization, or other measures to reduce transit delay, to retain the bus route along Hayes Street. See also Response to Comment L-17 for a discussion of a contra-flow transit lane on Hayes Street as a mitigation measure to facilitate transit flows.

A transit contra-flow lane and other mitigation measures, as described by the commentor would be difficult to implement given the restrictive lane capacity and right-of-way configuration along Hayes Street (e.g. there is deficient distance and width between Franklin and Gough Streets to implement a queue jump or signal prioritization lane). As such, the feasibility of these or other improvement measures have not been fully assessed and the potential for a significant and unavoidable impact on Hayes Street would still exist.

## M-11

As stated in Responses to Comments L-3 and M-7, a more detailed analysis was performed on individual signal improvements in association with the re-routing of vehicles to Van Ness Avenue and Fell, Franklin and Gough Streets. This additional analysis updated traffic counts collected subsequent to the opening of the Octavia Boulevard freeway ramp connection in fall 2005. Although level of service for traffic and transit may be improved along Hayes Street, the re-routing of traffic may cause secondary effects and create other pedestrian and safety impacts as traffic would be diverted to these adjacent streets. Therefore, implementation of Mitigation Measure 5.7.G2 would require additional environmental review outside the scope of this DEIR and the potential for significant and unavoidable impacts would still exist at the intersections of Hayes/Gough, Hayes/Franklin and Hayes/Van Ness.

#### M-12

The commentor cites concerns that low-cost, easy-to-implement transportation improvements were not analyzed in the DEIR. The transportation improvements recommended in the Plan went through a thorough categorization process of evaluating and qualifying near-term and long-term projects. The evaluation also included discussion and review from multiple City agencies, consultants, local stakeholders, and public policy makers. Environmental review for the long-term projects listed in the comment would require specific environmental analysis and review as well as financial feasibility analysis from the appropriate City agency (e.g. MTA, DPT, and Planning prior to implementation).

# M-13

The future elimination of the right turn lane from the Central Freeway ramp touchdown at Market Street and the permanent removal of the Central Freeway south of Market Street are potential long-term improvements, since the Central Freeway and its corresponding on- and off-ramps are under Caltrans jurisdiction and would required federal participation and funding. The removal of the right turn lane from the Central Freeway ramp at its current configuration would direct vehicles to other adjacent eastbound streets such as Oak, Page and Grove Streets in order to access Market Street. This re-routing would need to undergo further environmental analysis as required by state and federal law and may include environmental impacts arising from the constrained street widths and the heavy pedestrian and bicycle activity at the adjacent eastbound streets.

### M-14

All of the items listed under the "Areas of Known Controversy" are areas of potential controversy as the title implies. To provide a consistent approach to the presentation of these issues, the following text change is recommended. See also Response to Comment A-3 for text additions to Areas of Known Controversy.

The text in Chapter 1, page 1-8 of the DEIR, third bullet at the bottom of the page is revised to read as follows:

"The elimination of minimum residential parking, requirements and the

establishment of parking caps in the Project Area remains a controversial issue could increase the competition for limited parking in the neighborhood."

#### M-15

Some parking policies are identified as requiring a citywide parking policy change for implementation because they are most likely to be applied at a citywide level rather than solely within the Project Area. The commentor is correct in noting, however, that these parking policies could be applied just within the Project Area. Therefore, the impacts of these policies on the Project Area were analyzed at a program level in the DEIR. Applying these parking policies citywide would require additional environmental review for those areas outside the Project Area.

#### M-16

The commentor is correct in noting the inconsistencies of this statement. There are numerous proposals for enhancing the pedestrian and bicycle environment in the Plan. Curb extensions proposed as part of streetscape improvements, including those on Hayes Street, Hermann Street, Fell Street, Market Street, and Van Ness Avenue and "living street" improvements proposed on alleys throughout the Project Area would minimize the street crossing distances for pedestrians. Bicycle improvements such as lighting and access improvements on Duboce Avenue bikeway, construction of a bicycle path at the Central freeway touchdown ramp linking the Octavia Boulevard and Valencia Street bike lanes, installation of Howard Street bike lanes, establishing a bike lane on Market Street between 8<sup>th</sup> and Octavia Boulevard, a bike only signal phase at Market and Eleventh Streets intersection, provision of a queue jump or colored bicycle lane at South Van Ness Avenue and Division Street, and the treatment of Page Street as a bicycle boulevard are proposed in the Plan. These improvements would improve bicycle safety through physical or traffic control improvements.

Some of these projects are analyzed at a program or project level in the DEIR. Others are identified as long-range transportation improvements that would require additional environmental review when specific plans are developed for the project. See Appendix 9-B, Table B-2, page 9.5-15 of the DEIR for the status of the environmental review of these proposed improvements. Text amendments are recommended in the EIR to correct the misstatement.

The text in Chapter 4, page 4-16 of the DEIR, third paragraph is deleted and the text in Chapter 4, page 4-16, second paragraph is revised to read as follows:

"In addition, there are many long-term transportation projects improvements identified in the Draft Market and Octavia Neighborhood Plan that would address policies outlined in the Transportation Element of the General Plan, which include improving traffic and transit flows through signalization, widening sidewalks, long-term transit investments on Van Ness Avenue, or providing for bicycle parking at major transit terminals, to a greater degree than can be accomplished through the program and project level improvements that are evaluated in this EIR. Policies to more effectively manage parking, code revisions to reduce parking requirements, and projects that include: widening sidewalks to provide more pedestrian space and minimize street crossing distances for pedestrians; creating "living streets" on alleys in the Project Area; eliminating bicyclist hazards on streets by providing exclusive lanes for bicyclists; and providing for bicycle parking as part of major developments are analyzed in this DEIR at a program or project level. Long-term transportation improvements, such as improving traffic and transit flows through signalization, restriping, and contra-flow transit lanes; dedicated transit lanes on streets such as Van Ness and South Van Ness Avenues and Market Street; redirecting traffic flows off transit streets; establishing parking impact fees; use of traffic control measures to improve the flow of bicycles on streets; preferential treatment for bicycles on Market and Page Streets; providing for bicycle parking at transit stations; and specific pedestrian improvements are not analyzed in this DEIR. These proposed long-term improvements, identified in Appendix 9-B, Table B-2, page 9.B-15, would further the consistency of the Market and Octavia Neighborhood Plan with the General Plan, but would be subject to independent environmental review."

There are no policies or improvements proposed in the Plan that would specifically address minimizing the street-crossing distance by pedestrians, climinating bicyclist hazards on streets, or accommodating bicycles in the traffic control facilities as called for in the Transportation Element.

#### M-17

The statement quoted by the commentor actually appears on page 4-53 of the DEIR. The statement in the DEIR that the sales cost of housing units without parking is less than those with parking is accurate. Whether the net return to the developer is less, is an issue of debate.

Studies that have been reviewed and used by the Planning Department in the development of parking policy recommendations for the Plan indicate that the addition of a parking space could increase the development costs of a typical urban affordable residential unit from about 13 percent to 24 percent. Residential units in San Francisco without parking spaces, on average, cost home-buyers about 11 percent less than units with parking spaces. The empirical data from the studies conducted suggests units built without parking are absorbed into the market as well as units without parking and that developers are likely to make higher profits per unit on dwellings that don't provide parking versus units that do provide parking. Such conclusions, however, continue to be debated by developers, lenders, realtors, planners, and elected officials.

### M-18

The commentor is correct in their characterization of "livable streets." The use of residential alleys for residential-related loading requirements would be a compatible use for the alleys designated as livable streets. The policies related to development of specific Central Freeway parcels, for example Parcels I and J, which call for loading related to these commercially zoned properties on Ivy Street could be seen as incompatible with the primary residential nature of the alleys by some residents. This intermittent use of the alleys by commercial vehicles is not, however, identified as a significant impact associated with the implementation of the Plan.

#### M-19

See Response to Comment L-18 for a discussion of the impacts of disallowing curb-cuts for offstreet loading on transit preferential streets.

<sup>&</sup>lt;sup>26</sup> Litman, Todd, *Parking Requirement Impacts on Housing Affordability*, Victoria Transport Policy Institute, June 9, 2004.

<sup>&</sup>lt;sup>27</sup> Kipp, Luke H., The Real Costs of San Francisco's Off-Street Residential Parking Requirements: An analysis of parking's impact on housing finance ability and affordability, Masters Thesis for the Transportation for a Livable City Institute, May 2004.

<sup>&</sup>lt;sup>28</sup> Jia, Wenyu and Wachs, Martin, Parking and Affordable Housing, Access, Number 13, Fall 1998.

<sup>&</sup>lt;sup>29</sup> Kipp, Luke H. The Real Costs of San Francisco's Off-Street Residential Parking Requirements: An analysis of parking's impact on housing finance ability and affordability, Masters Thesis for the Transportation for a Livable City Institute, May 2004.

Additional on-street loading zones may help alleviate double parking; however, currently there is a limited supply of on-street public parking. Conversion of on-street spaces from parking to loading would need to be coordinated and approved by the Department of Parking and Traffic.

## M-20

The commentor correctly states that the Civic Center Parking Analysis conducted for the development of the Plan includes measures to reduce the parking shortfall by increasing the supply of parking spaces. Text is revised to clarify that although the construction of new parking spaces is not proposed under the Civic Center Parking Analysis; parking demand management strategies have been recommended in the Plan to increase the number of vehicles able to park in a lot, thereby maximizing capacity.

The text in Chapter 4, page 4-233 of the DEIR, the first sentence of the last paragraph is revised to read as follows:

"None of the programs recommended by the Civic Center Parking Analysis would <u>include</u> construction of new parking supply increase the supply of parking spaces within the study area and the overall shortfall would be the same."

## MORRISON FO

FOERSTER

425 MARKET STREET
SAN FRANCISCO
CALIFORNIA 94105-2482
TELEPHONE:415.268.7000

FACSIMILE: 415.268.7522

www.moro.com

MORRISON & FOERSTER LLP

NEW YORK, SAN FRANCISCO, LOS ANGELES, PALO ALTO, SAN DIEGO, WASHINGTON, D.C.

DENVER, NORTHERN VIRGINIA, ORANGE COUNTY, SACRAMENTO, WALNUT CREEK, CENTURY CITY

TOKYO, LONDON, BEIJING, SHANGHAI, HONG RONG, SINGAPORE, BRUSSELS

August 8, 2005

Writer's Direct Contact 415/268-6171 SVettel@mofo.com

By Telefacsimile and Mail

City & County of S.F. Dept. of City Planing

Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103 AUG Ú 8 2005

OFFICE OF ENVIRONMENTAL REVIEW

Re:

Comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E and State Clearinghouse No. 2004012118

Dear Mr. Maltzer:

I am writing on behalf of AF Evans Development, Inc. and Mercy Housing California ("Evans/Mercy"). Evans/Mercy, along with the Regents of the University of California ("UC"), are project sponsors of the proposed Laguna Hill Project ("Project"). The Project is intended to redevelop the UC Extension Laguna Street Campus at 55 Laguna Street (all of Blocks 857 and 870), and create an overall development that will accommodate approximately 450 units of housing, a continued presence of the existing UC dental clinic, retail and community uses. The Project site is located in the proposed Market and Octavia Neighborhood Plan Area ("Plan"). Evans/Mercy submits the following comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan ("DEIR").

The 55 Laguna Street property currently has height limits of 40 feet along Haight and Buchanan Streets and 80 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. In December 2004, the Planning Department released its "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus." The Policy Guide (at page 19, copy attached) recommends height limits of 30-45 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. However, Figure 4-4 in the DEIR indicates that the entire Project location is in a proposed height district of "30-40 Feet", and the draft Market and Octavia Neighborhood Plan more specifically indicates a proposed height district of 40 feet for the Project's location. (Plan at p. 30). This significantly lower height limit is also inconsistent with statements elsewhere in the DEIR that recognizes the cumulative

N-1

## MORRISON

FOERSTER

Paul Maltzer August 8, 2005 Page Two

development in the Plan area may include Evans/Mercy's proposed redevelopment of the Project site.

We believe the two connected blocks containing the Project should not be significantly downzoned as part of the Market and Octavia Neighborhood Plan, particularly while their redevelopment consistent with the Policy Guide is being considered. Rather, current Planning Department policy, as reflected in the Policy Guide, should be carried forward in the DEIR. Accordingly, we request the Market and Octavia Neighborhood Plan EIR evaluate a project alternative that includes height limits at the Project site of up to 50 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets.

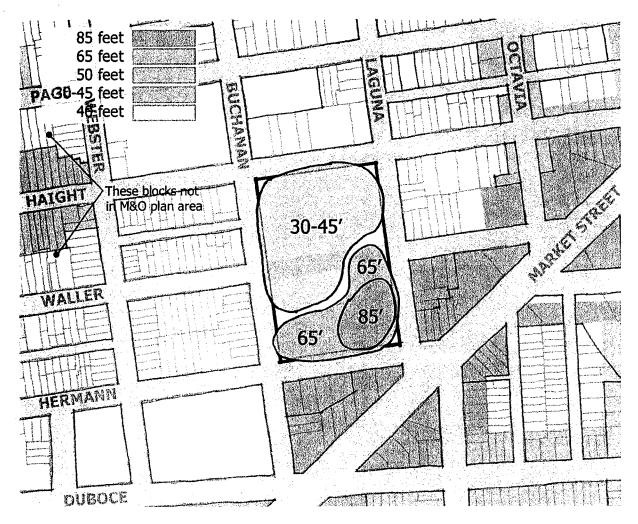
Evans/Mercy appreciates the opportunity to comment on the Market and Octavia Neighborhood Plan DEIR. Please feel free to call if you have any questions or concerns.

Sincerely,

Steven L. Vettel

cc: Sarah Zahn Ramie Dare N-1

## ILLUSTRATIVE URBAN FORM CONCEPT

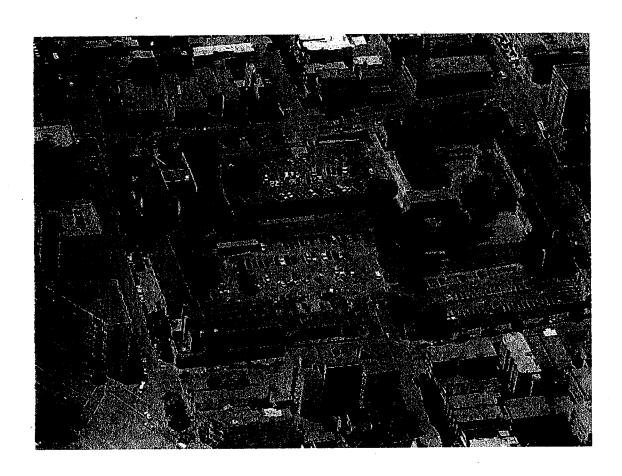


### Illustrative Urban Form Concept:

Allowable heights should tier off height districts developed for the Draft Market & Octavia Plan. Again, because of the peculiarities of this site such as large lot size, prevalence of significant historic structures and significant topography more flexibility in allowable heights may be appropriate for this site. The generalized urban form concept above represents one possible mix and orientation of heights in the context of the larger neighborhood. Taller buildings are grouped toward the perimeter of the site, toward Market Street, along Buchanan and Laguna Streets. For example, the adaptive reuse of Richardson Hall or a new structure at the southeast corner of the site could have ground floor retail with residential uses above, requiring greater height than the more strictly residential areas on other parts of the site. Boundaries of these height districts and the allowable heights themselves may shift depending on the extent of ongoing institutional uses (such as the UC Dental Clinic), community facilities, and publicly accessible open spaces at the site.

Please note: some height districts proposed in the Draft Market & Octavia plan (specifically 30/40 foot districts on some mid-block alleys) are not shown in the diagram above for clarity.

# A POLICY GUIDE TO CONSIDERING REUSE OF THE UNIVERSITY OF CALIFORNIA BERKELEY EXTENSION LAGUNA STREET CAMPUS





San Francisco Planning Department Better Neighborhoods Program December 2004

## Letter N - Steven L. Vettel, Morrison Foerster LLP

#### N-1

Comment regarding the requested height changes is noted. The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. The Policy Guide recommended lower heights on the parcels, to integrate them with surrounding historic structures and the topography of the site, than are currently being proposed under this independent proposal.

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.

## FARELLA BRAUN+ MARTEL LLP

Attorneys At Law

Russ Building / 235 Montgomery Street San Francisco / CA 94104

T 415.954.4400 / F 415.954.4480 www.fbm.com

ANDREW W. INGERSOLL aingersoll@fbm.com D 415.954.4432

August 8, 2005

Via Messenger

City & County of S.F. Dept. of City Planing

AU6 0 8 2005

Mr. Paul Maltzer Director San Francisco Planning Department Major Environmental Analysis Unit 30 Van Ness Avenue San Francisco, CA 94102

OFFICE OF ENVIRONMENTAL REVIEW

Re:

Draft EIR for the Market & Octavia Neighborhood Plan Planning Department Case No. 2003.0347E

Dear Mr. Maltzer:

This letter is in response to the public notice and invitation for public comment on the draft EIR for the Market & Octavia Neighborhood Plan (the "Plan"), dated June 25, 2005. Our firm represents the owners of the real property located at Van Ness and Market (the "Property"). We appreciate the opportunity to share with you facts recently discovered by the owners and therefore not considered in the draft EIR that potentially affect the goals of the Plan. Certain physical constraints affecting the Property will make the Plan's vision of higher density and heights at the Property practically impossible. We write to bring these facts to your attention and to respectfully propose an alternative to further the Plan's goals. We respectfully recommend that the EIR include further analysis of a modification to the Plan, as described below.

The Plan proposes a 120/400 Height District at the four corners of the Market Street and Van Ness Avenue intersection, which includes the Property. The Plan does not propose this higher height limit elsewhere in the Plan area. The owners agree with the proposed rezoning to a higher height district in this location, due to the proximity of the Muni Metro and BART station, the scale of the street, and the existing building stock. However, as the attached easement map shows (Attachment A), the BART tunnel runs immediately below the northern portion of the property. In fact, the Right of Way associated with the BART tunnel underlies much of the area of the Property proposed for the 400' height district. This ROW prohibits the use of piles for construction in that portion of the Property, thereby severely restricting multi-story development on the portion of the site where the Plan envisions a 400' tower.

O-1



Mr. Paul Maltzer August 8, 2005 Page 2

This physical constraint will adversely affect the Plan's ability to achieve its goals for housing density and to meet several principal objectives and policies in the San Francisco General Plan and the Downtown Area Plan. Housing Element, Objectives 1 and 11, and Transportation Element, Objectives 2 and 11 of the General Plan are adversely affected since the ability to provide high density housing adjacent to a transit hub is greatly restricted. Similarly, the physical limitation will hinder the City from achieving Objectives 7, 8 and 11 of the Downtown Area Plan.

Recognizing these impacts on core objectives that the Plan seeks to promote, we propose, as an alternative to the proposed Plan, that the southern portion of the Property (as indicated on Attachment A), which the Plan proposes be part of a 120/320' height district, be part of a new 500' height district, with relaxed bulk limits responsive to the triangular shape of the Property. This will permit the potential development of a greater number of housing units at the site, thereby permitting the Plan to largely achieve its housing and transit objectives.

The taller structure we propose may have additional environmental impacts with respect to street-level winds, visual effects, and shadows. However, mitigation measures such as those suggested in the Draft EIR related to the design elements of the tower can minimize the impact of winds and shadows. Impacts from shadows could also prove to be insignificant after performing a shadow study. In addition, we believe there will be no additional adverse impacts on other nearby open spaces such as the Civic Center, due to the existing towers to the north of the property, but this too could be confirmed in a response to the comment.

In conclusion, the Plan, and the accompanying EIR, present a laudable concept for the development of the Market/Van Ness intersection that is, unfortunately, infeasible due to the existing BART right-of-way. The alternative proposed herein reflects this limitation and seeks an increased Height District – to 500' – for the southern portion of the Property, with relaxed bulk limits, so that objectives in the housing and transportation elements may still be achieved.

Thank you for considering these facts and our proposed alternative. Should additional information be required, please do not hesitate to contact me. We respectfully request that the City consider this information and possible new height alternatives in the EIR.

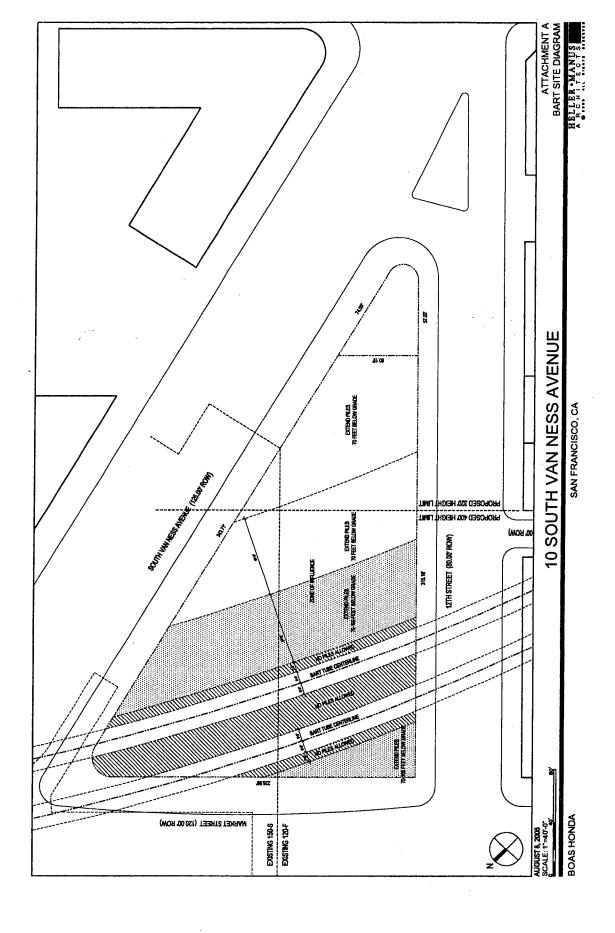
Sincerely.

Andrew W. Ingersoll

cc: Amit Ghosh, PhD.

O-1

O-2



## Letter O - Andrew W. Ingersoll, Farella Braun + Martel LLP

#### O-1

The Planning Department has reviewed the request for revisions to the height limits where the BART tunnel runs under the property, just south of Market Street. Recognizing the physical limitations posed by the easement for the BART tunnels, the proposed Plan has been modified to limit building height above that easement to 120 feet, and to extend the 400-foot height limit area southward over the area previously demarcated as 320-foot height. The very southern tip of the block would retain the 250-foot height limit recommended in the Plan.

These height modifications would result in changes in the visual effects, changes to the shadow that would be cast by the development on the site and changes to the wind conditions in the vicinity of the site. None of these changes would be significant. The most noticeable changes would be to the local views of the Market Street and Van Ness Avenue intersection and to the long range views of the site, primarily from along Market Street to the west, as shown from Viewpoint 1 in Figure 4-6, page 4-78 of the DEIR. The effect of moving the 400-foot tower back from the Market Street frontage is shown in revised Figure 4-14, Viewpoint S1 included in Response to Comment AA-22. Although the 120-foot-high street wall along Market Street would be retained, the effective setback for the tower would be substantially increased.

With respect to the potential for shadowing of existing and planned parks and open spaces, the revised height limit would result in the potential for a future building that would have a lesser potential to shadow United Nations Plaza or the sidewalks in the Civic Center area. Under the original Plan, no new shadows were projected for the Civic Center Plaza, but shadows were identified as possibly occurring in United Nations Plaza in late winter afternoons; this potential would be reduced under the modified Plan. The site is close enough to Brady Park and Octavia Plaza that while some additional shadow may be cast by the 400-foot height limits being shifted to the south, no substantial changes in shading of those open spaces would result.

The revised Plan would be anticipated to result in fewer adverse pedestrian wind conditions along Market Street than would the prior Plan, because the 120-foot building would be expected to have lesser effects on the sidewalks than would the 400-foot tower. Effects on 12th Street and South

Van Ness Avenue sidewalks and to nearby intersections would be similar to those under the prior Plan, although the wind impacts would shift slightly to the south as the permitted height of the building is shifted to the south.

Text and graphic changes are proposed to the DEIR to reflect the change in height on the subject block.

Figure 4-4, page 4-52 of the DEIR is revised to show the height changes proposed on the block bounded by Market Street, South Van Ness Avenue, and Twelfth Street. See Figure 4-4, Revised on the following page.

The following text is added in Chapter 4, page 4-98 of the DEIR following the third paragraph, third sentence, to reflect this change in height limits:

"The height limit for the parcel directly south of Market Street over the BART tunnel would remain at 120 feet."

The following text in Chapter 4, page 4-128 of the DEIR, second paragraph, first sentence, is revised as follows to reflect this change in height limits:

"In the summer, future 250- and 320400-foot-tall towers east of the block bounded by Market, Twelfth, Otis and Gough Streets would cast shadow on the square beginning at the first Proposition K minute (6:48 AM), although from about 10:00 AM to about 3:00 PM the square would not be shaded."

#### O-2

The commenter is correct in his understanding of the nature of these effects and the way to address them in the project review process.

The general nature of the Plan does not permit the detailed analysis and precise determination of all the visual, shadow and wind effects that could occur because these effects depend substantively on the details of the designs of buildings proposed and the details of the buildings that surround them. Thus,

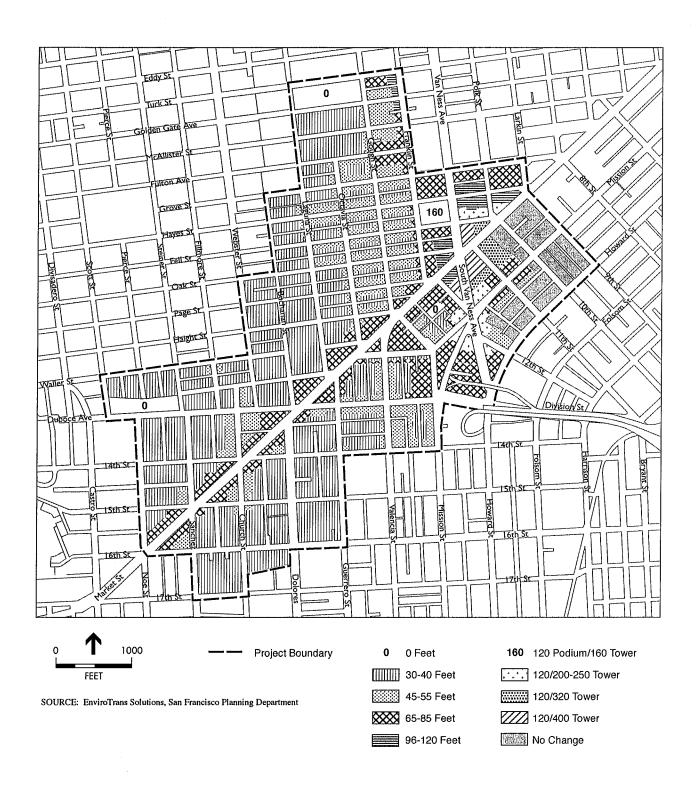


Figure 4-4 Revised Proposed Generalized Height Districts

it would be necessary to consider each of these aspects when evaluating a specific building proposal the Project Area. It is expected that visual effects, new shadow and wind conditions resulting from a proposed building would be studied and any significant adverse effects could be mitigated by design modifications, such as upper level setbacks, volume reductions and tower orientation, to the proposed development.

## ROBERT MEYERS ASSOCIATES

City Planning and Development Consultants
120 Montgomery Street, Suite 2290 San Francisco, CA 94104
TEL 415-788-2777 • FAX 415-788-5768

August 8, 2005 VIA COURIER City & County of S.F. Dept. of City Planing

Paul Maltzer, Environmental Review Officer The Planning Department 1660 Mission Street, Suite 500 San Francisco, CA 94103

AUG 0 8 2005

OFFICE OF ENVIRONMENTAL REVIEW

RE: Comments on DEIR for Market & Octavia Neighborhood Plan, Case Number 2003.0347E

Dear Paul:

On behalf of Pearl Investment Company, the ownership for 350 Gough and 381 Hayes Street properties, I wish to submit comments on the subject DEIR. We reviewed the DEIR, the Draft Plan, and participated at the workshops. We want to compliment staff and consultants for producing excellent reports and for their outreach to the community. We support the Plan's emphasis on increasing housing development and increasing transit use by removing residential density limits and reducing parking requirements. However, our comments seek consistency on the issue of height limits along Hayes Street in the graphics and text of the DEIR, and in the graphics presented at the last workshop.

In our prior comments to you on the EIR scoping on November 19, 2003, we asked staff to evaluate increasing slightly the proposed height limits from the existing 50-feet to 55-feet along Hayes, a major east-west street between Franklin and Octavia. This small increase allows the kind of 55-foot tall, five-story development envisioned by the Department (see their enclosed cross-section diagram) with four-stories of residential occupancy above ground floor commercial/retail space. Residential units could have higher ceilings to allow in more light and air than the typical 8-foot ceilings and ground floor commercial/retail spaces could also have more attractive taller spaces to enhance the pedestrian experience.

While we were pleased to see this change to 55-feet in the graphics at the workshops, we see some inconsistency in the graphics and text in the DEIR. Following are the consistency issues in the DEIR:

• Line 5 of the 1<sup>st</sup> main paragraph on page 4-46 states that: "Heights along...Gough Street corridors would be slightly higher at **55 feet** than existing 50 foot height limits,..." (This is consistent with the workshops.)

P-1

August 8, 2005 Page 2

The second line of the top paragraph on page 4-47 states that: "Height limits would drop from about 50 and 80 feet to between 40 to 50 feet in Hayes Valley."
 (This is inconsistent with the 55 feet shown at the workshops.)

P-2

 The third line of first paragraph on page 4-51 regarding proposed heights notes that: "The proposed reclassifications would also adjust heights along various commercial streets to increase or decrease heights by five to ten feet to heights of 45 to 55 feet to encourage taller ground-floor ceiling heights." (Consistent as long as Hayes and Gough have up to 55 feet.)

P-3

The Map "Proposed Generalized Height Districts", Figure 4-4, shows the heights
on both sides of Hayes between Franklin and Octavia as 45-55 feet. (My
recollection of the graphics shown at the last workshop was a height of 55 feet,
not 45 feet, at least for the Franklin to Gough block, if not for both blocks.)

P-4

While staff proposes 40-foot height limits for the east-west alleys such as Linden, we would like to see the possibility for special exceptions for 45-feet to allow for taller ground floor retail/commercial spaces. This would allow 15-foot ground floor spaces and three 10-foot residential floors. This is especially important for those through properties including 381 Hayes that face on Hayes with retail/commercial and run continuously through to Linden, as opposed to other properties that have separate lots that only face on Hayes or Linden. Exception to 45-feet for through lots will facilitate continuity of use on upper floors and especially on the commercial/retail ground floors.

P-5

We also would like to see the potential for height exceptions for buildings on the north side of alleys such as 381 Hayes, where taller buildings have already been built on the south side of the alley. In these cases, such as on Linden Alley just east of Gough, where a 50-foot tall building containing a Walgreen's has recently been built, residential development on the north side of the alley should also be able to rise to the same height in order to get light and air into units that would otherwise be blocked by the existing construction opposite on the south side of the alley.

P-6

Please include these items for further evaluation in the DEIR so that they can become part of the Final EIR and be included in the Draft Plan and Code changes. Thank you for your consideration.

Sincerely yours,

Robert Meyers, AIA

Enc.

Cc: Rana Ahmadi

Jay Begun, property ownership

4.2 Land Use and Zoning

and Fell Street, which contains 28 floors (about 400 feet tall) and the Fox Plaza building with 29 floors at Market and Fell Streets.

## Octavia Boulevard, Gough Street, and Franklin Street Corridors

The major land use change would be the introduction of transit-oriented, higher density, mixed-use development. The emphasis would be moderate-scale residential uses, with active, ground-floor retail, and limited commercial space designed to be compatible with existing uses. The highest density residential uses would be focused along major transit streets and near transit stations. Heights along the Octavia Boulevard and Gough Street corridors would be slightly higher at 55 feet than existing 50 foot height limits, but would be lower (30-40 feet) at mid-block alleys and other east/west streets. Heights would generally be the same along Franklin Street with pockets of minor changes. Heights would decrease from the existing 130 feet to 120 feet on the west side of the Golden Gate Avenue and Franklin Street intersection.

## Market Street Corridor - West of Franklin Street

Market Street, between Van Ness Avenue and Church Street, would be developed into high density, transit-oriented mixed-use development. This segment of Market Street provides a transition from the downtown to the Hayes Valley and Upper Market neighborhoods. It provides a linear transit corridor that could accommodate higher density mixed-use development with ground-floor retail, with commercial and residential uses above. Auto-oriented uses such as gas stations would no longer be permitted. Over time, this section of Market Street would be developed into moderate scale, mixed-use residential buildings ranging up to eight stories high. Heights would generally be 65 and 85 feet along Market Street, west of Franklin Street as compared to existing 50 to 160 foot limits.

### Neighborhood Commercial Districts

The Project Area contains three designated neighborhood commercial districts (NCDs): Hayes-Gough and portions of the Upper Market and Valencia Street NCDs. Within the existing commercial districts, neighborhood commercial uses would be similar to existing uses; however, residential development would be intensified. The major land use change would be increased density of residential uses above the ground floor. Over time, land uses in these commercial districts would experience higher density residential development, which would support and increase demand for neighborhood-serving retail space. Along Hayes Street between Franklin and Laguna Streets, neighborhood-serving retail uses with almost continuous retail frontage would replace the

4.2 Land Use and Zoning

existing mixture of retail and residential frontages that are currently broken by the Central Freeway vacant parcels. Height limits would drop from about 50 and 80 feet to between 40 to 50 feet in Hayes Valley. The portion of the Upper Market NCD contained within the Project Area would drop current height limits of between 65 to 80 feet to a 50-foot height limit. The Valencia NCD would continue with a 50-foot height limit along Valencia Street, but would lower height limits to 30 and 40 feet at mid-block alleys.

## SoMa West

Land use in SoMa West would change noticeably. With implementation of the proposed Plan and city infrastructure improvements, SoMa West would be transformed into a high-density mixed use neighborhood. Parking lots and existing large-scale blocks with vacant parcels would transition to ground-floor retail and commercial uses with residential on the upper floors. Some of these parcels would become high-rise residential towers. The centerpiece of SoMa West would be new public open space (Brady Park) at the center of the block bounded by Market, Twelfth, Otis and Gough Streets, which would replace mostly existing surface lots. The adjoining alley streets surrounding the block would be transformed from existing vacant lots and small-scale commercial uses to moderate-scale residential uses. Heights in the SoMa West neighborhood would generally stay the same or drop from existing 105 to 200 feet to proposed 30 to 85 feet except along South Van Ness Avenue where heights would increase to 85 to 250 feet from the existing 80 to 130 foot height limits.

## Neighborhoods West of Octavia Boulevard and Valencia Street

Existing established residential neighborhoods west of Octavia Street and Valencia Street would remain mostly unchanged except for parcels where infill development could occur. Most of the buildings in these areas have: 1) small lot widths (25 to 35 feet), 2) range from two to five stories, and 3) are structures with three or more units. Infill development of these small-sized lots would maximize residential potential, as governed by existing zoning requirements for lot coverage, open space, and residential design guidelines. Heights would generally stay the same as they are at 40 feet for most of this area.

## Parking

Because of the proposed mix of neighborhood retail, services, and high-density residential uses close to transit, new on- and off-street parking would be discouraged, limited or prohibited throughout the Project Area. Generally, about one-fourth to three-quarters of the number of parking spaces that are currently required for residential uses would be the maximum allowed for new housing in

## Proposed Height Reclassifications

Proposed height reclassifications would generally allow taller buildings at Van Ness Avenue and Market Street and south of the Civic Center Area; up to 400 feet at the highest points in comparison to the existing 320-foot height limit. The proposed reclassifications would also adjust heights along various commercial streets to increase or decrease heights by five to ten feet to heights of 45 to 55 feet to encourage taller ground-floor ceiling heights. Heights would also be reduced along alleys in residential areas, from 40 and 50 feet to 30 and 40 feet, to preserve sunlight access and maintain a small-scale character along these relatively narrow streets. Height and bulk district revisions now require narrow towers at the Van Ness Avenue/Market Street intersection and in the SoMa West area, and establish urban design guidelines to allow varying building widths and massing according to the different scale and character of structures throughout the Project Area. Proposed generalized height reclassifications are shown in Figure 4-4. Specific changes to height limits are discussed by neighborhood under Land Use Changes above.

## Land Use Impacts

Implementation of the Plan would change the existing land use character of the Project Area into a transit oriented, high-density mixed-use neighborhood. The Plan is intended to alter existing land use character by maximizing housing, encouraging more dense residential development and more active, ground-level retail, eliminating uses that are incompatible with residential uses (e.g. autorelated and other types of commercial), and creating new public street and open space improvements. The Plan would also affect land use by increasing opportunities for alternative modes of travel, reducing the amount of auto traffic and demand for parking. As such, changes in land use character would be expected to occur.

Almost all of the Central Freeway parcels would be located in the NCT District or Hayes-Gough NCT, and would be subject to the same zoning effects outlined on page 4-50 for the neighborhood commercial districts. The exceptions are Parcels O and P, which would be zoned Hayes-Gough NCT along Octavia Boulevard, and RTO along Fell, Laguna and Oak Streets. The effects of the new RTO zoning district are discussed on page 4-50.

Throughout most of the Project Area, increases in residential density would result in buildings at a scale and height similar to existing uses. Residential towers in the area surrounding the Market Street and Van Ness Avenue intersection, and in SoMa West would be 90 feet to 280 feet taller, and in the Upper Market Area 5 to 90 feet taller than existing uses. Increased heights in the Market Street/Van Ness Avenue area would be similar to heights in the downtown area to the east. In

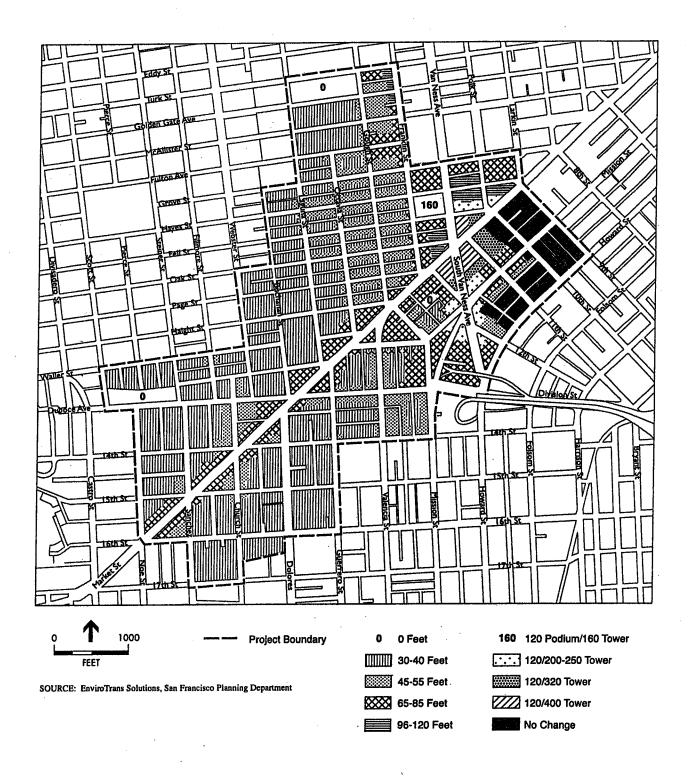
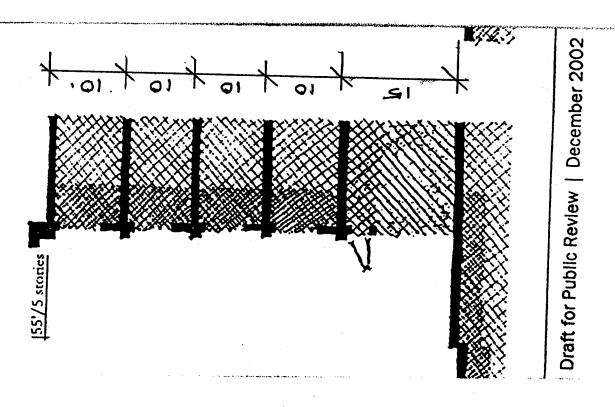


Figure 4-4 Proposed Generalized Height Districts



## Letter P – Robert Meyers, AIA, Robert Meyers Associates

#### P-1

The Planning Department made changes in height recommendations subsequent to publication of the *Draft Market and Octavia Neighborhood Plan* by adding a 5-foot retail bonus for certain parcels recommended for 40- and 50-foot height limits. The heights of buildings on these lots could increase up to 45 and 55 feet, respectively, to allow for the creation of ground-floor retail space with high ceilings. This provision affects properties along Hayes Street between Octavia Boulevard and Franklin Street and segments of the following streets: Golden Gate Avenue, McAllister Street, Grove Street, Fell Street, Oak Street, Page Street, Haight Street, 14th Street, Laguna Street, Octavia Boulevard, Gough Street, Franklin Street, Fillmore Street, Church Street, Sanchez Street, and Valencia Street. These changes were reflected in Figure 4-4, Revised in Response to Comment O-1.

The specific height recommendations for Hayes Street are 45 feet between Octavia Boulevard and Gough Street, except at the Octavia Boulevard/Hayes Street intersection where parcels are recommended for 55-foot height limits. The recommended height limits along the Hayes Street frontage between Gough and Franklin Streets are 50 feet with a 5-foot retail bonus to encourage ground-floor retail with high ceilings, except at the southwest corner of the intersection with Franklin Street where the recommended height limit is 65 feet.

The statement on page 4-46 of the DEIR is correct. The parcels fronting Octavia Boulevard between Fulton and Hayes Streets and between Fell and Haight Streets would be zoned for either 55 feet or 50 feet with a 5-foot retail height bonus under the most recent proposal.

#### P-2

The paragraph at the top of page 4-47 contains typographic errors as noted by the commentor. The height range in Hayes Valley is from 40 to 55 feet. In addition, the following corrections to this paragraph are noted. The Plan proposes to change the existing 50- to 80-foot height limits in the Upper Market NCD to 65- to 85-foot height limits. In the NC-3 district along Valencia Street, the heights would be increased from 50 feet to 55 feet (50 feet with a 5-foot retail bonus), but would be reduced to 30 to 40 feet on mid-block alleys.

The text in Chapter 4, page 4-47 of the DEIR, first paragraph, starting at the first complete sentence is revised to read as follows:

"Height limits would drop from about 50 and 80 feet to between 40 to 50 and 55 feet in Hayes Valley. The portion of the Upper Market NCD contained within the Project Area would drop current height limits of between 65 to 80 feet to a 50-foot height limit. The Valencia NCD would continue with a 50-foot height limit along Valencia Street, but would lower height limits to 30 and 40 feet at mid-block alleys. The height limits in the portion of the Upper Market NCD contained within the Project Area would increase from the existing 50- to 80-foot heights to 65- to 85-foot heights. Heights in the NC-3 district along Valencia Street would be increased from 50 to 55 feet (50 feet with a 5-foot retail bonus), but would be reduced to 30 to 40 feet on mid-block alleys."

#### P-3

The statement on page 4-51 of the DEIR regarding the recommended height changes along various commercial streets is correct.

#### **P-4**

As summarized in Response to Comment P-1 above, the recommended heights for parcels fronting on Hayes Street between Franklin and Octavia Boulevard range from 45 to 55 feet. The height designations in Figure 4-4 on page 4-52 of the DEIR (see Response to Comment O-1 for specific height revisions incorporated subsequent to publication of the DEIR) were grouped together to maintain legibility on the black-and-white graphic. There were too many different height limits to provide a different pattern for each individual height district.

#### P-5

The corner properties, like 381 Hayes Street, that extend from the main street through to the alley are recommended for higher height limits. The Plan recommends a 50-foot height limit for 381 Hayes Street as requested by the commentor. Properties interior to the block would continue to have lower height limits adjacent to the alleys as recommended in the Plan. These height changes would have no substantive visual, shadowing or wind effects.

Case No. 2003.0347E

The text in Chapter 3, page 3-16 of the DEIR, third paragraph, first sentence is amended to read as follows:

"The proposed Plan would adjust heights along various commercial streets, increasing or decreasing heights by 5 to 10 feet to achieve a 45- to 5055-foot limit,..."

## P-6

See Response to Comment P-5 regarding height changes on alleys. Height exceptions for buildings on the north side of alleys such as where taller buildings have already been built on the south side of the alley would result in small changes to the street wall height, but would have no substantive visual, shadowing or wind effects.

#### San Francisco Redevelopment Agency

770 Golden Gate Avenue San Francisco, CA 94102

> 415.749.2400 TTY 415.749.2500



GAVIN NEWSOM, Mayor

Richard F, Peterson, Jr., President London Breed, Vice President Frances Covington Leroy King Ranton E. Romero Darshan Singh Benny Y, Yee

Marcia Rosen, Executive Director

118-41805-151

August 9, 2005

Mr. Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Ste. 500 San Francisco, CA 94103 Via Facsimile, (415) 558-5991, and U.S. Mail City & County of S.F. Dept. of City Planing

AUG 1 2 2005

OFFICE OF ENVIRONMENTAL REVIEW

Dear Paul:

We appreciate your assistance in facilitating revisions to the *Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan* regarding the Redevelopment Agency's intent to bring the *Western Addition A-2 Redevelopment Plan* ("A-2 Plan") into general conformance with the *Market-Octavia Plan* through an A-2 Plan amendment. This change would affect Central Freeway Parcels B, D, E, F, and G.

We understand that there may be costs associated with this change. Please let me know as soon as possible if additional funds are required. The Agency obviously cannot agree to cover such costs without first approving a cost estimate.

I am available to work with your office and your consultants so that these changes can be made as efficiently as possible. You can reach me via email, <a href="kate.hartley@sfgov.org">kate.hartley@sfgov.org</a>, or by phone, (415) 749-2567.

Thanks you once again for your assistance. I look forward to working with your office on this issue.

Kate Hartley

Development Specialist

cc: Marcia Rosen Dean Macris

#### San Francisco Redevelopment Agency

770 Golden Gate Avenue San Francisco, CA 94102

> 415.749.2400 TTY 415.749.2500



GAVIN NEWSOM: Mayor

Richard H. Peterson; Jr., President London Breed, Vice President Francee Covington Leroy King Ramon E. Romero Darshan Singh Benny Y. Yee

Marcia Rosen, Executive Director

118-41705-151

August 9, 2005

Mr. Paul Maltzer Environmental Review Officer San Francisco Planning Department 1660 Mission Street, Ste. 500 San Francisco, CA 94103 Via Facsimile, (415) 558-5991 and U.S. Mail City & County of S.F. Dept. of City Planing

AUG 12 2005

OFFICE OF ENVIRONMENTAL REVIEW

## Dear Paul:

We have reviewed the Market and Octavia Neighborhood Plan Draft Environmental Impact Report, dated June 25, 2005 ("Draft EIR"). As you know, the Agency recently received Planning Commission and Board of Supervisors' approval of the Seventh Amendment to the Redevelopment Plan for the Western Addition Redevelopment Project Area A-2 ("A-2 Plan"). One of the purposes of this amendment was to bring the land use controls for Central Freeway Parcels A and C into general conformance with the Market-Octavia Plan. Similarly, the Agency intends to amend the A-2 Plan to bring the balance of the Central Freeway Parcels that are in the A-2 Project Area – B, D, E, F and G – into general conformance with the land use controls proposed by Market-Octavia. These changes would affect building height, parking requirements, and density limits.

What will be the eighth amendment to the A-2 Plan will require, among other things, documentation and evidence regarding the environmental impact of the proposed changes. We request that the Draft EIR be revised to incorporate the effect of the proposed Market-Octavia Plan changes for Parcels B, D, E, F and G using the A-2 Plan controls—rather than the Department of City Planning's *Planning Code*—as the existing conditions for those sites. This revision will, at the "project level," more accurately reflect the impact of the Market-Octavia Plan's adoption and implementation for all the Central Freeway parcels.

In addition to the requested revision regarding our proposed A-2 Plan amendment for Parcels B, D, E, F and G, we have identified other, less substantive issues and statements in the EIR for which we have proposed changes. These are listed in the attachment.

Please call me with any questions or concerns regarding this request, (415) 749-2400. You can also call Kate Hartley, (415) 749-2567, regarding the attached revisions or for

Q-1

more specific information regarding the Central Freeway parcels within the A-2 Project Area.

Thank you for your assistance with this matter. I look forward to hearing from your regarding the next steps for this work,

Sincerely yours,

Marcia Rosen

**Executive Director** 

Attach.

cc: John Billovitz, SF DCP

AnMarie Rogers, SF DCP

Joanne Sakai, SFRA Mike Grisso, SFRA

Lisa Zayas-Chien, SFRA

Olson Lee, SFRA

Q-1

## August 9, 2005

SFRA-suggested changes to the *Market and Octavia Neighborhood Plan Draft Environmental Impact Report*, June 25, 2005. Please note that additional changes may be required regarding references to A-2 Plan Controls for Parcels B, D, E, F, and G.

1) Page 3-37: Report on passage of Seventh Amendment to A-2 Plan, which brought land use controls for Central Freeway Parcels A and C largely into conformance with Market-Octavia: heights regularized at 96'/130' (but note that approved development for Parcel A limits height to 85' and approval of actual building height limit for Parcel C at 85' is pending); parking reduced to 1:5; and density doubled to 1 Agency Room per 50 s.f. of lot area.	Q-2
Revise regarding proposed plan amendment for B, D, E, F, and G.	]
2) Page 4-25: See above reference.	Q-3
3) Page 4-41: Paragraph under subheading "Central Freeway Parcels": Parcels A-G are in A-2, and are all in the A-2 "CI" district, which allows for 1 "Agency Room" per 100 s.f. of lot area. Their height-bulk limits are, including 7 <sup>th</sup> A-2 Amendment, A: 96-E'/130-E'; B: 50-X'/130-E'; C: 96-E'130-E'; D: 50-X'/130-E'; E: 50-X'/96-E'; F: 50-X'/96-E'; G: 96-E'. Parcel H is outside of A-2, and thus Planning Code controls would apply.	] Q-4
4) Page 4-55: 1 <sup>st</sup> full paragraph: Note that the pending development for Parcel A received approval from the Planning Commission regarding Proposition K requirements. Total building height will not exceed 85°. Also note 7 <sup>th</sup> A-2 Amendment change here and in 3 <sup>rd</sup> full paragraph.	] Q-5
5) Page 4-56: 1st full paragraph: Note existing height for Parcel E is 50/96.	Q-6
6) Page 4-56: 2 <sup>nd</sup> full paragraph: Note existing height for Parcel F is 50/96; for Parcel G is 96.	] <sup>Q-7</sup>
7) Page 4-69: 1 <sup>st</sup> full paragraph, 6 <sup>th</sup> line: The Redevelopment Agency owns 7 of the Central Freeway sites, A, C, G, K, O, Q, and U, and will facilitate the development of 400-450 affordable housing on these sites. (I.e., Parcels D, E, and F will be developed as market-rate housing. The State of California owns Parcel B, and its development program is TBD.)	] Q-8
8) Page 4-72-73: last paragraph-1 <sup>st</sup> paragraph: see comment for Page 4-69, above.	Q-9
9) Page 4-128-129, last paragraph-1 <sup>st</sup> paragraph: The shadow study referenced was for the 7 <sup>th</sup> Amendment to the A-2 Plan. The Planning Commission approved the proposed	7 <sub>Q-10</sub>

	building for Parcel A, at a height of 85', as in compliance with Parcel K. The 7 <sup>th</sup> Amendment regularized the height of Parcels A and C, changing them from 50'/130' to 96'/130'.	Q-10
,	10) Page 4-156: 2 <sup>nd</sup> full paragraph: the 7 <sup>th</sup> Amendment to the A-2 Plan includes archeological data for Parcels A and C mitigation measures related to archeological resources for each.	]Q-11
	11) Page 4-209, 3 <sup>rd</sup> paragraph, 2 <sup>nd</sup> sentence: the 15% inclusionary requirement for the market-rate parcels is a City and Planning policy, not Redevelopment policy, although the Redevelopment Agency supports the 15% figure. To SFRA knowledge, the 15% value is now a requirement, not subject to further reductions. Regarding sentence #3 in that paragraph, the Redevelopment Agency-owned parcels – A, C, G, K, O, Q, and U – will all be 100% affordable developments.	Q-12
	12) Page 4-210, 1 <sup>st</sup> paragraph: Of the approximately 800-900 new units to be built on the 22 Central Freeway parcels, we know that approximately 400-450 will be affordable units developed by the Redevelopment Agency. Of these, only 45 (approximately) will be ownership units. All others will be rental. Please check calculations.	]Q-13

## Letter Q - Kate Hartley/Marcia Rosen, San Francisco Redevelopment Agency

## Q-1

Comment correcting the status of the proposed eighth amendment to the Western Addition A-2 Redevelopment Plan is noted. The DEIR contains erroneous information regarding the plans to amend the Western Addition A-2 Redevelopment Plan to bring the balance of the Central Freeway parcels, B, D, E, F, and G into general conformance with the proposed Plan based on a staff miscommunication. The text revisions below and in the additional responses to Letter Q address the concerns raised by the Redevelopment Agency and correct the information presented in the DEIR to accurately reflect the plans for amending the Western Addition A-2 Redevelopment Plan.

The following text is added in Chapter 3, page 3-7 of the DEIR, as the last two sentences of the first paragraph:

"The use districts within the portion of the Western Addition A-2 Redevelopment Plan (A-2 Plan) area that overlaps with the Project Area include Residential, Medium Density (RM), Residential and Neighborhood Commercial (RN), Commercial, General Intermediate Density (CI), Institutional (I), and Public (P). A-2 Plan height controls within the Project Area include 50-X (X limits plan dimensions for heights of less than 65 feet on lateral slopes), 96-X, and 130-E (E limits plan dimensions above 65 feet)."

The text in Chapter 3, page 3-9 of the DEIR, first bullet is revised to read as follows:

"Elements Analyzed at a Program Level in this EIR – Plan elements analyzed at a program level in this EIR include land use and parking controls that involve recommended changes to the *Planning Code*, and *Zoning Map*, and *Western Addition A-2*<u>Redevelopment Plan</u>, urban design guidelines, and modest public improvements;"

The following text is added in Chapter 3, page 3-13 of the DEIR, following the fifth paragraph:

"On Parcels B, D, E, F, and G, an A-2 Plan amendment enacted by the

Redevelopment Agency would incorporate the goals of the NCT district design guidelines: increased housing density, modified height limits, and relaxed parking standards. The heights and the parking standards proposed by the Redevelopment Agency for these parcels would be consistent with the controls proposed by the Planning Department for the Plan. On all other parcels in the Western Addition A-2 Redevelopment Plan area that overlap with the Project Area, the existing A-2 Plan designations would remain in effect until 2009 when the A-2 Plan expires."

The text in Chapter 3, page 3-19 of the DEIR, Table 3-4, is revised to read as follows:

Table 3-4, Revised:					
	Proposed Zoning for Central Freeway Parcels				
Parcel <sup>1</sup>	Land Use District	Height District	Parking <sup>2, 4</sup>	Recommended Use	
A, A-13	NCT	Height District 85 feet	Not required; Maximum of 0.5	Maximize housing	
			spaces/unit permitted, up to 0.75 spaces/unit conditional		
В	NCT	50 feet with a 5-foot retail bonus on the southern half of parcel	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing	
C3	NCT	120 feet along Franklin and Golden Gate; 50 feet (with a 5-foot retail bonus) on the	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing	
		western <u>portion of the</u> <u>parcel <del>frontage</del></u>			
D	NCT	50 feet (with a 5-foot retail bonus) to 85 feet	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing	
E, E-st	NCT	50 feet with a 5-foot retail bonus on the northern half of parcel	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	E: Maximize housing; E-st: Reestablish public ROW connecting Ash Alley	
F, G	NCT	F: 65 feet; G: 65 feet, 50 feet (with a 5-foot retail bonus) on triangular portion at south edge of parcel	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing	
Н	NCT	4 <u>05</u> -to 50 feet (with a 5-foot retail bonus)	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75	Maximize housing	

Table 3-4, Revised: Proposed Zoning for Central Freeway Parcels						
I	Hayes- Gough NCT	50 feet along Gough; 405 feet (with a 5-foot retail bonus) along Grove; and 40 feet along Ivy	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing		
J	Hayes- Gough NCT	45 feet/4 stories along Hayes; 30 <del>/40</del> feet along Ivy	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing above active ground-floor uses on Hayes		
K	Hayes- Gough NCT	55 feet/5 stories on Octavia; 45 feet/4 stories on Hayes; 40 feet on Linden	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing above active ground-floor uses on Hayes and Octavia		
L	Hayes- Gough NCT	55 feet/5 stories along Octavia <del>; 30/40 feet</del> along Linden	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing above active groundfloor uses		
M, N, R, S	Hayes- Gough NCT	50 feet <u>(with a 5-foot</u> <u>retail bonus)</u>	Parking up to a maximum of 0.5 spaces/unit conditional	Housing if it can be accommodated or additions to existing buildings		
O, P	Hayes- Gough NCT along Octavia and RTO elsewhere	50 feet along Fell and Oak-and Laguna; 55 feet along Octavia,; 40 feet interior of Parcel O and 30/40 feet interior of Parcel P both extending out to Laguna Street	Not required; In NCT maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional; in RTO maximum of 0.75 spaces/unit permitted, up to 1.0 spaces/unit conditional	Maximize housing with active uses along Octavia Boulevard		
Q	Hayes- Gough NCT	50 feet <u>(with a 5-foot</u> retail bonus)	Not required; Maximum of 0.5 spaces/unit permitted, up to 0.75 spaces/unit conditional	Maximize housing above active groundfloor uses		
T, U, V	NCT	50 feet (with a 5-foot retail bonus on Parcels T and U); 85 feet on southern half of Parcel V	Parking up to a maximum of 0.5 spaces/unit conditional	Maximize housing above active groundfloor uses		

Source: San Francisco Planning Department, The Market and Octavia Neighborhood Plan, Draft for Public Review, December 2002

On Parcels A-G, the proposed new land use district of NCT would not take effect until expiration of the Western Addition A-2 Redevelopment Plan in 2009.

The proposed 8th Amendment to the A-2 Plan amendment would establish the same parking requirements on Parcels B, D, E, F, and G as proposed in the Plan, but a variance rather than a conditional use permit would be

required to alter from the proposed parking regulations.

- The 7th Amendment to the Western Addition A-2 Redevelopment Plan implemented in April 2005 for Parcels A and C was generally consistent with the goals of the Market and Octavia Neighborhood Plan. The height controls enacted on these parcels are 96-E/130-E, on the western and eastern portions of the parcels respectively, which exceeds the proposed Plan height limits of 85 feet on Parcel A and a mix of 50 to 120 feet on Parcel C. The specific development proposals for Parcels A and C, however, were consistent with the recommended Plan height designations. The parking requirement for Parcels A and C established in the 7th Amendment were 1 space for 5 units.
- Dwelling units in the NCT and RTO Districts with at least two bedrooms and at least 1,000 square feet of occupied floor area would allow up to one parking space for each unit through a conditional use permit.

The following text is added in Chapter 3, page 3-22 of the DEIR, following the first paragraph:

"On Parcels B, D, E, F, and G, which fall under the Western Addition A-2 Redevelopment Plan requirements, the Redevelopment Agency proposes to enact an 8th Amendment to the A-2 Plan that would incorporate the goals of the NCT district design guidelines: increased housing density, modified height limits, and relaxed parking standards. The heights and the parking standards proposed by the Redevelopment Agency for these parcels would be consistent with the controls proposed by the Planning Department for the Market and Octavia Neighborhood Plan. On all other parcels in the Western Addition A-2 Redevelopment Plan area that overlap with the Project Area, the existing A-2 Plan designations would remain in effect until 2009 when the A-2 Plan expires. On these other parcels, heights currently range from 50 feet, primarily west of Gough Street, to 96 and 130 feet on some of the parcels east of Gough Street."

The text in Chapter 3, page 3-34 of the DEIR, third paragraph, fourth sentence is revised to read as follows:

"It will also provide project level environmental review for the Central Freeway parcels; the 8<sup>th</sup> Amendment to the Western Addition A-2 Redevelopment Plan regarding building height, density, and parking controls for Central Freeway parcels B, D, E, F, and G; and specific public street and open space improvements as previously noted."

The following text is added in Chapter 3, page 3-34 of the DEIR, as the fifth bullet at the bottom of the page:

"Western Addition A-2 Redevelopment Plan amendments."

The following text is added in Chapter 3, page 3-36 of the DEIR, at the end of the first paragraph:

"As a separate action, the Redevelopment Agency would pursue an 8th Amendment to the Western Addition A-2 Redevelopment Plan to implement the housing density, modified heights, and parking goals of the Market and Octavia Neighborhood Plan on Parcels B, D, E, F, and G. Final adoption of this A-2 Plan amendment would require approval by the San Francisco Redevelopment Commission, the Planning Commission, and the Board of Supervisors. After the expiration of the A-2 Plan in 2009, the provisions of the Market and Octavia Neighborhood Plan would govern development on parcels that currently overlap with the Plan Project Area."

The following text is added in Chapter 3, page 3-36 of the DEIR, as the final bullet under the Planning Commission listing:

"Approves changes to the Western Addition A-2 Redevelopment Plan as recommended by the Redevelopment Commission."

The following text is added in Chapter 3, page 3-36 of the DEIR, as the final bullet under the Board of Supervisors listing:

"Approves changes to the Western Addition A-2 Redevelopment Plan as recommended by the Redevelopment Commission."

The following text is added in Chapter 3, page 3-37 of the DEIR, before the Department of Public Works listing:

## "San Francisco Redevelopment Commission

Approves changes to the Western Addition A-2 Redevelopment Plan."

The following text is added in Chapter 4, page 4-39 of the DEIR, after the third paragraph:

"In addition to the 17 zoning districts described above, the Project Area between

Turk and Fulton, Franklin, and Laguna overlaps with the Western Addition A-2 Redevelopment Plan area. Land use controls within the A-2 Plan area include Residential, Medium Density (RM), Residential and Neighborhood Commercial (RN), Institutional (I), Commercial, General Intermediate Density (CI), and Public (P). RM districts allow one Agency Room per 200 square feel of lot area. CI districts allow one Agency Room per 100 square feet of lot area. RN districts east of Laguna Street allow one Agency Room per 100 square feet of lot area. Parcels A and C, subsequent to the A-2 Plan 7<sup>th</sup> Amendment, may be developed with a density of one Agency Room per 50 square feet of lot area."

The following text is added in Chapter 4, page 4-41 of the DEIR, after the second paragraph:

"In the Western Addition A-2 Redevelopment Plan area the height and bulk districts range from 50-X to 130-E. The X bulk district limits plan dimensions at heights of less than 65 feet on lateral slopes and the E bulk district limits plan dimensions above 65 feet."

The following text in Chapter 4, page 4-54 of the DEIR, second paragraph, third sentence, is revised to read as follows:

"The Redevelopment Agency and the Mayor's Office estimates that 800 to 900 new housing units could be developed on the Central Freeway parcels, of which 50 percent would be affordable."

The following text is added in Chapter 4, page 4-54 of the DEIR, at the end of the fifth paragraph:

"Neither would the Redevelopment agency's proposed amendment, which would align the Western Addition A-2 Redevelopment Plan's parking, density, and height limits with the Plan, in pursuit of the goals of the Plan, have an adverse impact on the environment."

The text in Chapter 4, page 4-135 of the DEIR, third paragraph, fourth and fifth sentences, is deleted and replaced with the following text:

"...Parcel A, at the southeast corner of Turk and Gough Streets intersection has a proposed height limit of 85 feet (an increase of 20 feet); Parcel C, at the northwest corner of the Golden Gate and Franklin Streets intersection has a proposed height limit of 120 feet (an increase of 60 feet), and Parcel V near the northeast corner of the Market Street and Octavia Boulevard intersection has a proposed height limit of 85 feet (a reduction of 20 feet). Development on these parcels may require further analysis under CEQA before a determination of wind impacts on these parcels may require further analysis under CEQA before a determination of wind impacts could be made. The wind-related effects of Parcels A and C were considered in wind studies conducted for the 7th Amendment to the A-2 Plan. The environmental review for the amendment found that the combination of the maximum heights for Parcels A and C; the variation in height and street wall planes; and the variation in height of the facades would result in no adverse changes in ground-level winds.<sup>30</sup> Parcel V, near the northeast corner of the Market Street and Octavia Boulevard intersection, has a proposed height of 85 feet (a reduction of 20 feet) and may be subject to further wind analysis under CEQA..."

**Q-2** 

The text in Chapter 3, page 3-37 of the DEIR, last paragraph, is revised to read as follows:

"The Western Addition A-2 Redevelopment Plan will expire in 2009. No amendments to the Redevelopment Plan are proposed at this time in conjunction with the adoption of the Market and Octavia Neighborhood Plan. The provisions of the Redevelopment Plan will take precedence over the provisions of the Market and Octavia Neighborhood Plan until 2009 when the Redevelopment Plan expires. In 2005, the San Francisco Board of Supervisors approved a 7<sup>th</sup> Amendment to the A-2 Plan, which brought the land use controls for Central Freeway Parcels A and C into general conformance with the Market and Octavia Neighborhood Plan. As part of the 7<sup>th</sup> Amendment, the height limits for these two parcels were modified to 96 feet on the western portion

<sup>&</sup>lt;sup>30</sup> The wind study for the 7th Amendment to the Western Addition A-2 Redevelopment Plan is on file and available for public review by appointment at the Planning Department, 1660 Mission Street, Case File No. 2002.0211E, and at the San Francisco Redevelopment Agency, 770 Golden Gate Avenue, 3rd Floor.

of the parcels and 130 feet on the eastern portion of the parcels, which is higher than the Plan-recommended heights of 85 feet for Parcel A and range of heights from 50 to 120 feet for Parcel C. The approved development height for Parcel A and the pending development height limit for Parcel C, however, are 85 feet, which is consistent with the recommendations of the Plan for these parcels.

The Redevelopment Agency plans to implement an 8<sup>th</sup> Amendment to the A-2 Plan to bring the land use controls for Central Freeway parcels B, D, E, F, and G into general conformance with the Market and Octavia Neighborhood Plan as well. The 8<sup>th</sup> Amendment to the A-2 Plan is the only amendment the Redevelopment Agency anticipates with respect to the Project Area prior to the expiration of the A-2 Plan in 2009, so any parcels that are not Central Freeway parcels, but that lie within both the Western Addition A-2 Redevelopment Plan and the Market and Octavia Neighborhood Plan boundaries would be subject to the existing A-2 Plan controls rather than the proposed Plan controls until January 2009. At that time, the provisions of the Market and Octavia Neighborhood Plan will govern development in the former Western Addition A-2 Redevelopment Plan expires area. This EIR analyzes the impacts of the proposed 8<sup>th</sup> Amendment to the A-2 Plan, as well as, the application of the Market and Octavia Neighborhood Plan to the Western Addition A-2 Redevelopment Plan area once that transition occurs."

## Q-3

The text in Chapter 4, page 4-25 of the DEIR, first paragraph, starting at the fourth sentence, is revised to read as follows:

"The Redevelopment Plan focuses primarily on housing, and provides for the development of 5,490 new housing units and the rehabilitation of over 3,965 housing units. Approximately 5,270 of the new units have been constructed and the housing rehabilitation program is complete. The Redevelopment Plan also provides for revitalization of the Japantown (Nihonmachi) and Fillmore commercial districts and the provision of new community recreational and cultural facilities which are ongoing. The Redevelopment Plan was amended in 1994 to allow construction of higher density senior housing on northernmost Central Freeway parcels (Parcels A

and C) in the Project Area, create more consistent height districts after demolition of the Central Freeway, and provide for other changes to the Redevelopment Plan. The emphasis of the original Western Addition A-2 Redevelopment Plan was the development of new housing for low- and moderate-income households, and the A-2 Plan set forth as its goal the construction of approximately 5,500 new units and 4,000 rehabilitated units. The goal of the Agency's final Western Addition A-2 Implementation Plan (2004-2009) calls for a total housing production target of 10,267 units. Since the original adoption of the A-2 Plan in 1964, the Redevelopment Agency has amended the Western Addition A-2 Plan seven times, with the 7th Amendment's adoption finalized in April 2005. One of the 7th Amendment's purposes was to modify the density and parking controls for Central Freeway parcels A and C, pursuant to the goals of the Market and Octavia Neighborhood Plan. The 7th Amendment also regularized the height districts for Parcels A and C, which had formerly been bisected by the Central Freeway."

The text in Chapter 4, page 4-25 of the DEIR, second paragraph, starting with third sentence, is revised to read as follows:

"...The Redevelopment Agency has determined that they will not amend the Western Addition A-2 Redevelopment Plan to be consistent with the Market Octavia Neighborhood Plan in the interim. If there is a proposal for development in the Western Addition A-2 Plan area before 2009, the proposal would be subject to the policies and regulations established by the Western Addition A-2 Redevelopment Plan and environmental review would be required as determined necessary under provisions of the Redevelopment Plan. pursue an 8<sup>th</sup> Amendment to the A-2 Plan to implement the housing density, modified heights, and parking goals of the Plan for the Central Freeway parcels B, D, E, F, and G, which lie within both the Western Addition A-2 Redevelopment Plan area and the Project Area. These are the Central Freeway parcels that were not included in the 7<sup>th</sup> Amendment for Parcels A and C.

The text in Chapter 4, page 4-25 of the DEIR, third paragraph, is deleted and replaced with the following:

"The density and parking standards in the Western Addition A-2 Redevelopment Plan are more restrictive than those proposed in the Market Octavia Neighborhood Plan. Project Area parcels within the Western-Addition A-2 Redevelopment Plan area are zoned either RM, Residential Medium Density, or CI, Commercial, General, Intermediate Density. These zones permit residential development of one unit per 200 square feet and 100 square feet of lot area respectively. Parking of one space per residential unit-would be required in these zones, with an allowable reduction in parking to one space per two residential units, for units designed for elderly or disabled occupants. In contrast, the Plan would eliminate residential density controls and minimum parking requirements.

For Parcels B, D, E, F, and G, the new parking controls proposed in the 8th Amendment would be as follows: parking is not required, but up to 0.5 spaces per unit would be allowed. The parking spaces provided could increase to 0.75 spaces per unit through a variance request. No commercial parking would be required.

The Western Addition A-2 Neighborhood Plan uses the term "Agency Rooms" as a unit of measurement.<sup>31</sup> Parcels B, D, E, F, and G are within a CI district, which limits density to one Agency Room per 100 square feet of lot area. For all five parcels, the Agency is proposing to achieve the goals of the Market and Octavia Neighborhood Plan by eliminating the CI density restrictions through an 8th Amendment to A-2 Plan.

The 7th Amendment to the A-2 Plan modified the heights for Parcels A and C by applying an existing 96-foot height limit designation to the western portions of those parcels that were previously capped at 50 feet, providing a new height limit split of 96/130 feet. For Parcel B, the Redevelopment Agency proposes to modify the height control to 50-X. For Parcel D, the proposed height would be 50-X to 85-E. For Parcel E, the existing 50-X height limit would be extended to the entire site.

<sup>31</sup> All residential densities in the A-2 Plan are expressed in terms of Agency Rooms, rather than units. The A-2 Plan defines an Agency Room as including a living room, dining room, kitchen, family room, study, den, library, bedroom or similar major room, but not including bathrooms, closets, hallways, or similar rooms. By practice, a studio is considered two Agency Rooms, while a one-bedroom apartment is considered three Agency Rooms.

Parcels F and G would require a new height designation, in keeping with the *Market and Octavia Neighborhood Plan* and acknowledging both their special locations, which frame City Hall, and their ability to support ground floor retail. The proposed heights for these sites would be 65 feet."

# **Q-4**

The text in Chapter 4, page 4-41 of the DEIR, fourth paragraph, fifth sentence, is revised to read as follows:

"Parcels A to-through G are subject to the Western Addition A-2 Redevelopment Plan, which allows for a range of density between one Agency Room per 50 square feet of lot area (Parcels A and C) to one Agency Room per 100 square feet of lot area (Parcels B, D, E, F, and G). Parcel H is are located within the Neighborhood Commercial District (NC-3), which allows ground-floor retail uses and residential units above the first floor at a density of one bedroom per 210 square feet of lot area."

The text in Chapter 4, page 4-41 of the DEIR, fourth paragraph, last sentence, is revised to read as follows:

"Parcels A, B and D are designated with a split 50-X and 130-E height and bulk district (E restricts bulk above 40 feet); Parcel C with a 130-E; Parcels E and G with a 65-A (bulk restrictions above 40 feet); Parcel F split with a 50-X and 65-A; Parcels A and C are designated with a 96-E/130-E height and bulk district (E restricts the bulk over 65 feet); Parcels B and D with a split 50-X and 130-E height and bulk limit (X restricts the bulk under 65 feet on parcels with lateral slopes); Parcels E and F with a split 50-X/96-X height and bulk limit; and Parcel G with a 96-X height limit within the A-2 Plan area. Outside of the A-2 Plan area, Parcels H to N and R to U are designated with a 50-X height and bulk limit; Parcels O, P, and Q with an 80-B height and bulk limit (bulk restrictions above 50 feet); and Parcel V with an 80-A height and bulk limit."

# **Q-5**

The text in Chapter 4, page 4-55 of the DEIR, starting at the second sentence of the second

paragraph and continuing through the first paragraph of page 4-56 is deleted and is replaced with the following text:

"...Parcel A would be designated as NCT with an 85-foot height limit compared to the existing split 50-foot/130-foot limit. Development of this parcel would be subject to Section 295 of the Planning Code (Proposition K), which limits new shadows east on open spaces owned by the Recreation and Park Department. The amount of development that can be accommodated on this site would be constrained by building height and shadow effects on adjacent public parks. Development of this parcel would introduce new housing and ground-floor retail, and provide a transition from commercial development to the east to the mostly residential uses west of Gough Street. Anticipated development on this parcel would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the project vicinity.

Parcel B would be developed into housing with ground-floor retail-similar to existing surrounding uses. Parcel B would be designated as NCT with a 50-foot height limit compared to the existing split 50-foot/130-foot height limit. Located on Golden Gate Avenue, Parcel B development would incorporate housing with ground-floor active retail and pedestrian oriented uses. Parking and loading access would be from Elm Street; no curb cuts would be permitted along Golden Gate Avenue. Due to the narrow width of the alley, loading activities could conflict with residential uses; however, anticipated development on this parcel would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the vicinity.

Parcel C is on the southwest corner of the Franklin Street and Golden Gate Avenue intersection, across from the State Building and diagonally across from Opera Plaza mixed-use complex. Parcel C would be designated as NCT with a 120-foot height limit compared to the existing 130-foot height limit. The Plan calls for maximizing housing on this parcel with active ground-floor neighborhood-serving retail. Proposed development would not affect the existing land use character of the surrounding area and would not divide or disrupt established patterns of

Case No. 2003.0347E

development as it would be similar in character to existing uses in the vicinity.

Parcel D is on the north side of McAllister Street west of Franklin Street. It is irregularly shaped, and is surrounded by other irregularly shaped lots, which are currently leased for parking. Parcel D would be designated as NCT and would be developed as housing with the potential for ground-floor retail with a 50-85 foot height limit compared to the existing 130-foot height limit. Optimal development potential for this parcel as proposed by the Plan would require that Parcel D and surrounding lots be subdivided into parcel sizes and shapes more favorable for development. Development of this parcel would need to be compatible with the John Swett Elementary School and playground which abut Parcel D to the west. Development of this parcel would require further land assembly actions to normalize lot sizes and shapes before development could be realistically achieved. Based on development guidelines, anticipated development on this parcel would be compatible with the adjacent school and commercial uses, and would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the vicinity.

Parcel A was the subject of the 7<sup>th</sup> Amendment to the A-2 Plan, which designated its height limit at 96-E/130-E, reduced its allowable parking to one space per five housing units, and increased its density to one Agency Room per 50 square feet of lot area. A development program for Parcel A, designed pursuant to the A-2 Plan 7<sup>th</sup> Amendment, was approved by the Planning Commission as confirming to the requirements of Proposition K (Section 295 of the Planning Code). Total building height for the development will be restricted to 85 feet. This development will introduce new housing and ground-floor retail, providing a transition from commercial development on the east to the mostly residential uses west of Gough Street. The same land use controls applicable to Parcel A, through the 7<sup>th</sup> Amendment to the A-2 Plan, also apply to Parcel C. For Parcel C, however, there are no potentially adverse shadow impacts as the site is not located in close proximity to any recreational areas. Following the expiration of the A-2 Plan in 2009, Parcels A and C would be designated as NCT; with an 85-foot height limit on Parcel A and a 150-foot height limit on Parcel C. Development on these parcels would not disrupt

or divide an established community or have a substantial adverse impact on the existing character of the project vicinity.

The Redevelopment Agency plans to adopt an 8<sup>th</sup> Amendment to the A-2 Plan that would modify height, density, and parking controls for the remaining Central Freeway parcels (Parcels B, D, E, F, and G) within the Western Addition A-2 Redevelopment Plan area in order to implement the goals of the Market and Octavia Neighborhood Plan. Parcel B's height designation would become 50-X. Parcel D's height limit would be set at 50-X/85-E. Parcel E would be designated with a 50-X height limit. Parcels F and G would have height limits of 65-X. Parking on all of the parcels would be modified so that up to one space per 0.5 units would be allowed; with one space per 0.75 spaces allowed through a variance. No density restrictions would apply. Instead, unit count would be determined by allowable building form.

Parcel B, located on Golden Gate Avenue, would incorporate housing with active ground-floor retail and pedestrian-oriented uses. Development of this parcel would be compatible with the John Swett Elementary School and playground, which are directly across Golden Gate Avenue from Parcel B. Parking and loading access would be from Elm Street; no curb cuts would be permitted along Golden Gate Avenue. Due to the narrow width of the alley, loading activities could conflict with residential uses. Following the expiration of the A-2 Plan in 2009, Parcel B would be designated as NCT with a 50-foot height limit. Anticipated development on this parcel would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the vicinity.

Parcel D is on the north side of McAllister Street west of Franklin Street. It has been assembled with the adjacent parcel to the south, and the whole site is leased for parking. Development of this parcel would be compatible with the John Swett Elementary School and playground, which abut Parcel D to the west. Based on development guidelines, anticipated development on this parcel would be compatible with the adjacent school and commercial uses, and would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the vicinity. Following the expiration of the A-2 Plan in 2009, Parcel D would be

designated as NCT and could be developed as housing with the potential for ground-floor retail with a 50- to 85-foot height limit.

# Q-6

The text in Chapter 4, page 4-56 of the DEIR, second paragraph, is revised to read as follows:

"Parcels E and E-st are located midblock on McAllister Street between Gough and Franklin Streets; Parcel E-st is a portion of the Ash Street right-of-way which has been abandoned. Parcel E would be designated as NCT. Surrounding land uses are a mixture of apartment buildings, including Ash Park on McAllister Street, small-scale commercial buildings, and several larger structures fronting Franklin Street including the American Bar Association. Currently the height limit on the site is 50 feet on the west and 96 feet on the east. The 8<sup>th</sup> Amendment to the A-2 Plan would extend the 50-foot height limit to govern the whole site. Following the expiration of the A-2 Plan in 2009, Parcel E would be designated as NCT. Building height limits would decrease from 65 to remain at 50 feet...."

# **Q-7**

The text in Chapter 4, page 4-56 and 4-57 of the DEIR, third paragraph, is revised to read as follows:

"Parcels F and G are located at the northeast and southeast corners of the intersection of Fulton and Gough Streets. Surrounding land uses are a mix of small-scaled residential uses and commercial uses, and larger scale buildings such as the Performing Arts garage on Grove Street. Because of their relationship to and dramatic views of City Hall to the west, the Plan recommends that these sites be developed with a coordinated architectural approach. Both of these sites are zoned NCT. Parcel F has an existing split 50-foot/65-foot height limit and Parcel G has an existing 65-foot height limit. The Plan calls for keeping the NCT designation and keeping these sites to a 65-foot height limit, except for a triangular portion at the south edge of the Parcel G with a 50-foot height limit. Development of these parcels would establish residential uses that would provide a transition to residential uses to the west. Like the other Central Freeway parcels within the A-2 Plan area,

both of these sites are zoned CI, with a 50/96-foot height limit for Parcel F and a 96-foot height limit for Parcel G. In recognition of the site's proximity to City Hall, the Redevelopment Agency's pending A-2 Plan 8<sup>th</sup> Amendment would change the height limits to 65 feet as called for in the *Market and Octavia Neighborhood Plan*. Proposed building heights would be about 15 feet taller (one to two stories) than the existing height limits, which would not affect the existing pattern of building heights and scale in the area. Following the expiration of the A-2 Plan in 2009, Parcel B would be designated as NCT and the 65-foot height limit would remain. Anticipated development would not disrupt or divide an established community or have a substantial adverse impact on the existing character of the vicinity."

# **Q-8**

The text in Chapter 4, page 4-69 of the DEIR, second paragraph, fifth sentence is revised to read as follows:

"...The San Francisco Redevelopment Agency (SFRARedevelopment Agency) would develop approximately half (50 percent) or 400 to 450 of the total units; as affordable housing, including 200 units of senior housing, on Parcels A to G located in the Western Addition A-2 Redevelopment Plan Area, and Parcel K at the southeast corner of Hayes and Gough Streets on the seven Central Freeway parcels, A, C, G, K, O, Q, and U, that it owns. These sites are interspersed in the alignment of the former freeway, so that the affordable housing developments would be integrated with the market-rate developments...."

# Q-9

The text in Chapter 4, page 4-72 of the DEIR, last paragraph, second sentence, is revised to read as follows:

"...Half of the affordable housing, including 200 units of senior housing would be provided by the Redevelopment Agency on Parcels A-to-G located in the Western Addition A-2 Redevelopment Plan Area, and Parcel K at the southeast corner of Hayes and Gough Streets, C, G, K, O, Q, and U. The interspersing of these affordable housing sites along the former Central Freeway corridor would result in an integration of affordable with market-rate housing..."

# Q-10

The text in Chapter 4, page 4-128 of the DEIR, last two paragraphs continuing on page 4-129, is revised to read as follows:

"Development of the Central Freeway parcels A and C would potentially not result in increased significant shadow impacts on Hayward Playground and Jefferson Square. Development of Central Freeway parcels L, K, M, and O would result in shadows on the proposed Hayes Green. The general shadow impacts of development on Parcels A and C on Hayward Playground are summarized under program level impacts, Hayward Playground, page 4-119, while the results of development specific shadow studies are summarized below. Development of Central Freeway parcels L, K, M, and O would result in shadows on the proposed Hayes Green.

A shadow study was conducted as part of a project-specific environmental review for Parcels A and C to evaluate the year-round Proposition K impact on Hayward Playground as well as Jefferson Square, located just north of the Project Area. This analysis was prepared for the San Francisco Redevelopment Agency for the Western Addition A-2 Redevelopment Plan Amendments Project, Case No. 2002.0211E. That project proposed to increase heights on Parcel A to 96 feet and analyzed building heights on Parcel C at 130 feet, which is slightly taller than the height limits proposed by the Market Octavia Plan. As such, the impacts for that project are slightly greater than would result under the Plan. This analysis found that potential future development under Plan conditions on Parcels A and C would increase shading on the two parks by about 0.6 percent, for a total shadow coverage of 3.4 percent. That is, the project impact would leave the two parks in sunlight for more than 96 percent of the year-round Proposition K hours. -Shadow studies for Parcels A and C were completed for the 7th Amendment to the Western Addition A-2 Redevelopment Plan. The 7th Amendment brought the development standards for Parcels A and C into

Case No. 2003.0347E

The shadow study for the 7th Amendment to the Western Addition A-2 Redevelopment Plan is on file and available for public review at the Planning Department, 1660 Mission Street, Case File No. 2002.0211E, and at the San Francisco Redevelopment Agency, 770 Golden Gate Avenue, 3rd Floor.

33 Ibid.

consistency with the Market and Octavia Neighborhood Plan, modifying the heights on these parcels from 50/130 feet to 96/130 feet. The shadow studies concluded that the proposed developments on Parcels A and C would have no significant or adverse shadow impact on Hayward Playground and Washington Square."

# Q-11

The following text in Chapter 4, page 4-155 of the DEIR, is added to the last paragraph, following the first sentence:

"...Archaeological resource data for Parcels A and C is available as part of the environmental record for the 7th Amendment to the A-2 Plan.<sup>34</sup> Mitigation measures were identified for all of the potentially significant impacts associated with the proposed development program for these sites..."

The text in Chapter 4, page 4-156 of the DEIR, second paragraph is revised to read as follows:

"The potential impacts on the remaining 1513 parcels: A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V are discussed below."

The text in Chapter 4, page 4-156 of the DEIR, fourth paragraph, last sentence, is revised to read as follows:

"...Thus, for Parcels A, C, H, K, L, M, N, O, P, Q, R, S, T, U, and V, land use regulations proposed in the Plan could potentially result in potentially significant impacts to archaeological resources."

# Q-12

Subsequent to the DEIR, additional information was obtained from the Comment noted. Redevelopment Agency regarding the estimated affordable unit count for the 22 Central Freeway Parcels. Based on this new information, the total affordable unit count for the Central Freeway Parcels developed by Redevelopment would be approximately 450 units with parcels K and U to be

The historical resources study for the 7th Amendment to the Western Addition A-2 Redevelopment Plan is on file and available for public review by appointment at the Planning Department, 1660 Mission Street, Case File No. 2002.0211E, and at the San Francisco Redevelopment Agency, 770 Golden Gate Avenue, 3rd Floor.

developed as ownership housing (total of approximately 45 units) and all other parcels to be developed as affordable rental housing (a total of approximately 405 units). In addition, the remaining "market-rate" parcels would have a 15 percent inclusionary obligation as proposed by the City for all Central Freeway parcels. As a result, the Central Freeway Parcels would have approximately 50 to 60 percent as affordable housing units.

Depending on the size of a specific housing project, other development within the Project Area may not be required to provide any affordable units or would provide 10 to 12 percent affordable units (as required in other parts of the City). Due to the uncertainty of how the remaining development would proceed with the Plan, it was conservatively estimated that about 10 percent of the units beyond those developed on the Central Freeway parcels would be affordable.

The text in Chapter 4, page 4-209 of the DEIR, third paragraph, second and third sentences is revised to read as follows:

"...The <u>City Redevelopment Agency</u> has proposed that all of the Central Freeway parcels sold to market rate developers include at least 15 percent affordable units. The Central Freeway parcels developed by the Redevelopment Agency, <u>Parcels A, C, G, K, O, Q, and U, would likely include an equal or higher percentage of are proposed as 100 percent affordable units. Other development within the Project Area may not provide any affordable units (due to their size) or would provide between 10 and 12 approximately 15 percent affordable units (as required in other parts of the city). Due to the uncertainty of how the development would proceed with the Plan, it was conservatively estimated that about 10 percent of the units would be affordable units."</u>

# Q-13

Comment regarding the 15 percent affordability is noted. Based on the new information provided by the Redevelopment Agency (see Response to Comment Q-12), an alternative parking demand was calculated for the Project Area, assuming approximately 290 affordable owner occupied units and 580 units affordable rental units. Since the percentage of affordable owner and rental units has not been specified for all other new units within the Project Area, it was estimated that around 50 percent of the units would be owner-occupied and around 50 percent would be rental units.

Based on the Redevelopment Agency's affordable unit information, the Plan's estimated increase in parking demand would be approximately 4,330 spaces during the weekday midday period 5,420 spaces during the weekday evening period. Tables A and B below present the alternative parking demand by Parking District as well as a comparison of 2025 Project Area Parking Supply and Demand for the Weekday Midday and Weekday Evening conditions.

Table A  2025 Project Area Parking Supply and Demand - Weekday Midday Conditions								
District	Demand <sup>(1)</sup>	No Minimum Supply	Parking Maximum Shortfall/ Supply Surplus (Permitted)		Parking Shortfall/ Surplus	Maximum Supply (Conditional Use)	Parking Shortfall/ Surplus	
Α	1,110	0	-1,110	540	-570	850	-260	
В	600	0	-600	320	-280	470	-130	
С	650	0	-650	370	-280	520	-130	
D	760	0	<i>-760</i>	190	-570	370	-390	
E	820	0	-820	400	-420	590	-230	
F	390	0	-390	260	-130	360	-30	
Total	4,330	0	-4,330	2,080	-2,250	3,160	-1,170	

Source: SF Guidelines, Wilbur Smith Associates - January 2006

Notes:

<sup>(1)</sup> Based on SF Guidelines parking demand methodology for weekday midday conditions.

Table B 2025 Project Area Parking Supply and Demand - Weekday Evening Conditions									
District	Demand(1)	Demand(1) Minimum Shortfall/		Maximum Supply (Permitted)	Parking Shortfall/ Surplus	Maximum Supply (Conditional Use)	Parking Shortfall/ Surplus		
A	1,390	0	-1,390	540	-850	850	-540		
В	750	0	<i>-750</i>	320	-430	470	-280		
С	.810	0	-810	370	-440	520	-290		
D	950	0	-950	190	<i>-760</i>	370	-580		
E	1030	0	-1030	400	-630	590	-440		
F	480	0	-480	260	-220	360	-120		
Total	5,410	0	-5,410	2,080	-3,330	3,160	-2,250		

Source: SF Guidelines, Wilbur Smith Associates - January 2006

Notes:

<sup>(1)</sup> Based on SF Guidelines parking demand methodology for weekday evening conditions.

# Christopher Pederson 201 Laguna St. # 9 San Francisco, CA 94102

August 9, 2005

Paul Maltzer
San Francisco Planning Department
1660 Mission Street, Suite 500
San Francisco, CA 94103

Re:

Case No. 2003.0347E - Market & Octavia Neighborhood Plan

Comments on Draft Environmental Impact Report

Dear Mr. Maltzer:

Thank you for this opportunity to submit comments on the draft environmental impact report (EIR) for the Market & Octavia Neighborhood Plan (Plan).

The Plan starts from the fundamental premise that encouraging genuinely transit- and pedestrian-oriented development in an area of the City that is very well served by transit and close to major employment, commercial, and entertainment centers is environmentally preferable to current trends of automobile-oriented development on the periphery of the Bay Area. The City Charter and multiple policies of the City's General Plan share this premise, as do regional planning agencies such as the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC). See, e.g., ABAG, Smart Growth Strategy: Regional Livability Footprint Project (2002); MTC; Resolution No. 3434 Transit-Oriented Development Policy for Regional Transit Expansion Projects (2005).

The EIR should describe and analyze the expected environmental benefits of the Plan and evaluate whether proposed mitigation measures and alternatives would lessen or eliminate any of the Plan's environmental benefits. Unless the EIR includes this analysis, the City will not be in a position to determine whether the mitigation measures or alternatives would worsen or improve the overall effect of the Plan on the environment. Absent this analysis, the City may unwittingly adopt mitigation measures or alternatives that might lessen one kind of purely local effect but worsen local conditions in other respects or exacerbate more diffuse, but also more significant, environmental problems.

In addition, the EIR should be modified in the following respects:

# Plans and Policies

Section 4.1 of the EIR should quote the City Charter's Transit-First policy and the policies of the Environmental Protection Element of the General Plan that relate to energy conservation, transportation, and land use. (Quoted in the attachment to this

R-1

letter.) The EIR should evaluate the conformity of the Plan with these policies and should evaluate whether proposed mitigation measures and alternatives are as consistent with these policies as is the Plan itself.

R-2

Where a mitigation measure or alternative is inconsistent with these or other relevant City Charter or General Plan policies, that inconsistency should be evaluated and other mitigating measures or alternatives that are more consistent with General Plan policies considered. In particular, the alternatives evaluated in the EIR that would reduce residential densities should be evaluated for conformity with General Plan policies that call for concentration of development in areas of the City that are well-served by public transit. The mitigation measure to delete proposed changes to Hayes Street should be evaluated for conformity with General Plan policies that call for the encouragement of pedestrian activity and that discourage the devotion of public right-of-way solely to one mode of transport.

R-3

R-4

R-5

The EIR should also evaluate relevant policies of the Civic Center Area Plan. (See attachment to this letter.) The Market & Octavia Plan is generally consistent with the Civic Center Area Plan. For example, Policy 3.3 establishes that transit should be the primary means of access to the Civic Center, that parking should be priced to serve short-term visitors, and that long-term parking should be discouraged. The text elaborating upon the policy explains, "Long-term parking, particularly by employees, is a wasteful use of limited space and should be discouraged." To the extent that employers in the area have been providing employee parking, they have been acting contrary to long-standing City policy. The Market & Octavia Plan is also consistent with Civic Center Area Plan Policy 4.2, which encourages infill housing.

R-6

The EIR's statement that the Western Addition A-2 Redevlopment Plan will not be amended to incorporate Market & Octavia Plan is inconsistent with the Market & Octavia Plan (see pg. 179). If the Redevelopment Agency has decided to reverse course and disregard the Market & Octavia Plan, the EIR should explain how this will affect development of the Central Freeway parcels. The EIR should also evaluate how much development is likely to occur in the A-2 Plan area that would not be subject to the Market & Octavia Plan if the Redevelopment Agency decides not to incorporate the Plan.

# Traffic Analysis

The EIR's traffic analysis and recommended mitigation measures are flawed because the EIR improperly assumes that a change in the "level of service" (LOS) of intersections to LOS E or F is a significant adverse effect on the environment. LOS, however, is simply a measure of automobile delays at intersections. Similar to parking supply, automobile delay can have a variety of effects on transportation patterns that in turn may affect the physical environment in a beneficial or harmful manner. If increased delay encourages use of alternative modes of transportation, as is the case with traffic congestion in the Financial District and many of the streets and highways leading to the Financial District, then the delay may result in the reduction of energy consumption, air pollution, and greenhouse gas emissions. If increased delay simply causes more vehicle idling with no

R-7

changes in transportation behavior, then it may result in just the opposite. Or vehicle delays at some intersections may simply cause some drivers to take different routes, which may alleviate traffic delays but have negligible net effects on the environment. These are the issues that should be analyzed in the EIR and, if found to be significant, mitigated. If mitigation is necessary, it should focus on alleviating the impacts to the physical environment (energy consumption, air pollution, greenhouse gas emissions, etc.) rather than on the vehicle delay itself.

R-8

Even if LOS is treated as an attribute of the physical environment that must be protected, the draft EIR considers an inappropriately limited range of mitigation measures: either abandoning the Plan's proposal to make Hayes Street a better environment for pedestrian and small-scale retail activities or experimenting with a limited set of traffic diversions. The draft EIR fails to give any consideration to whether strategies for reducing automobile traffic, including the many transit improvements identified in the Plan but not analyzed in the draft EIR, would help alleviate the predicted congestion. The EIR also fails to evaluate the adverse environmental effects of not implementing the proposed traffic changes on Hayes Street, including continued harm to pedestrian travel and the pedestrian and retail environment.

| | R-9

When referring to level of service at intersections, the EIR repeatedly refers to "acceptable" levels of service. This use of terminology is inappropriate. A wide range of factors go into the policy decision about what LOS is appropriate at a given intersection. At some intersections, the rapid movement of large numbers of vehicles may be paramount whereas at others slow movement of vehicles is imperative in order to avoid adverse effects to pedestrian, retail, residential, recreational, or educational environments. The draft EIR fails to acknowledge the competing policy choices by repeatedly making the blanket statement the LOS E and F are always unacceptable regardless of the activities and uses occurring near the intersections.

R-10

Finally, the EIR should at least acknowledge the fundamental absurdity of predicting vehicle delays to the tenth of a second 20 years into the future. A wide range of factors, including many that are totally unforeseeable today, will affect traffic congestion two decades hence. The EIR should identify the misleading precision of these traffic predictions so that policy makers may take that into account when deciding whether to make changes to the Plan.

#### **Transit**

By limiting project level review to a very limited number of near-term projects and by excluding the vast majority of transit improvements that are identified in the Plan, the draft EIR does not evaluate the extent to which those transit improvements may reduce automobile trips, vehicle miles traveled, energy consumption, greenhouse gas emissions, and the traffic problems identified in the EIR. The EIR's projections about future conditions are therefore worst case scenarios that assume that many fundamental components of the Plan will not be carried out.

Rather than simply assuming that transit-related improvements will not be carried out, the EIR should include mitigation measures to ensure that the transit improvements identified in the Plan (or equivalent transit improvements) are actually implemented. In particular, where the EIR identifies adverse environmental effects associated with traffic and automobile use, it should identify transit, pedestrian, and bicycle improvements as a strategy for minimizing those effects. To the extent funding for such projects is uncertain or inadequate, the EIR should evaluate requiring development fees to pay for transit, pedestrian, and bicycle improvements.

R-12

In addition, the following revisions should be made to the EIR's discussion of transit:

Pg 4-188: Should add 19-Polk and the 90 Owl to list of bus routes that serve the area or the immediate vicinity. Should also point out the abundance of owl bus service in the area, including routes 5, 14, 22, 90, L, and N.

R-13

Pg 4-190: Caltrain now operates 48 weekday trains in each direction (96 trains total). 11 of those trains in each direction are "baby bullets" (22 baby bullets total).

R-14

## **Parking**

The draft EIR correctly notes that changes in parking supply are not in and of themselves impacts to the physical environment. See San Franciscans Upholding the Downtown Plan v. City and County of San Francisco, 102 Cal.App.4<sup>th</sup> 656, 697-98 (2002). Whether parking becomes more expensive or difficult to find for people who work in the Civic Center area, for example, is an economic and social effect that CEQA does not require to be minimized or mitigated. Parking supply, however, can have a significant effect on transportation patterns, for example, by encouraging or discouraging automobile use. To the extent any elements of the Plan are changed to protect existing parking supply or to encourage or require the creation of new parking facilities, the effects of those changes should be analyzed in terms of trip generation; vehicle miles traveled; adverse effects on pedestrians, bicyclists, and transit service; adverse effects on community character; air pollution; greenhouse gas emissions; and energy consumption.

R-15

At pages 4-209 – 211: In estimating parking demand, the EIR gives much more prominence (e.g., displaying in tables versus relegating to text) to estimates that assume parking demand will match citywide averages rather than to estimates that are based on the most recent census data for the area. Given that car ownership in the area is demonstrably significantly lower than citywide averages, the EIR should assume that parking demand will continue current trends for the area and characterize projections based on citywide parking demand as a worst-case scenario. The text should not refer to projections based on current parking demand in the area as "theoretical" without also pinning even stronger disclaimers to projections that are based on citywide assumptions. The text should also note that long-term transit improvements proposed in the Plan that are likely to reduce parking demand are assumed not to occur for purposes of the EIR.

The parking analysis also significantly underestimates the portion of new housing that is likely to be affordable housing. The Central Freeway parcels developed by the Redevelopment Agency will be entirely affordable housing. In addition, at least 15% of the units on the privately developed Central Freeway parcels will be required to be affordable. Assuming that a total of 800-900 units will be constructed on the Central Freeway parcels, then the Central Freeway parcels alone will have 460 to 518 affordable units. That exceeds the 440 affordable units that the EIR assumes will be constructed in the entire plan area. If 10% of the remaining projected residential development is affordable housing (3500 to 3600 units out of the predicted total of 4400 new units in the Plan area), then an additional 350-360 affordable units will be created. The EIR should be revised to predict that from 810 to 878 affordable units will be built in the area and the parking projections revised accordingly.

R-17

At pages 4-233 – 4-234, the EIR should note that Hastings College of Law is proposing to construct a 430-475 space parking garage at the corner of Golden Gate Avenue and Larkin Street. Hastings' Institutional Master Plan expressly refers to ancipated development of the Central Freeway parcels as one of the reasons for constructing the parking garage. The City has also approved a parking garage at 1160 Mission Street, next door to the new federal building and one block away from the Orpheum Theater. More than 300 spaces in that project will be available to the public.

R-18

# Alternatives & Mitigation

Draft EIR asserts in numerous places that if residential growth allowed under the Plan doesn't occur in M&O area, it will occur elsewhere in the City. The EIR, however, doesn't disclose the basis for this assumption. In light of San Francisco's chronic inability to produce as much housing as required by the Housing Element, it is at least as likely that a significant portion of the residential growth would instead occur in other parts of the Bay Area. The EIR should therefore evaluate environmental impacts (including energy and water consumption, air pollution, and greenhouse gas emissions) that are likely to occur if development that would occur in the Market & Octavia area under the Plan instead occurs in other areas that have lower density, are less well-served by transit, are further from major employment centers, and have a more extreme climate.

R-19

The alternatives analysis should also point out that CEQA prohibits reductions in residential density as a method for mitigating environmental impacts unless no other mitigation is feasible. See Pub. Res. Code § 21159.26, CEQA Guidelines § 15041(c).

R-20

Please mail me a copy of the final EIR. Thank you.

Sincerely,

Christopher Pederson

# City Charter § 16.102. Transit-First Policy.

The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

- 1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
- 2. Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.
- 3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
- 4. Transit priority improvements, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.
- 5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
- 6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.
- 7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
- 8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.
- 9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
- 10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway.

# General Plan, Environmental Protection Element

[From introduction to energy policies]: Increasing the efficiency of energy use is predicated on matching needs with resources. Moreover, the local setting is an important aspect of this process and should be taken into consideration when developing a citywide energy policy. In tackling its energy problems, San Francisco has two natural assets: mild climate and compact urban form. The city's temperate climate effectively eliminates the need for mechanical air conditioning, with the exception of commercial buildings that are sometimes overheated by interior lighting. San Francisco's density reduces the energy

requirements for transportation and increases the economic feasibility of co-generation, district heating and integrated energy systems.

# Objective 15: Increase the energy efficiency of transportation and encourage land use patterns and methods of transportation which use less energy.

Transportation activities consume more than a fifth of San Francisco's total energy. Personal auto use accounts for more than half of total transportation energy use locally, and more than half of this total is for work commuting. The most obvious way to reduce this level of fuel consumption is to reduce personal auto use for both work and non work travel. Where people still must rely on autos, it is necessary to make more efficient use of them, by increasing both passenger loads and fuel economy.

Providing efficient transportation services in metropolitan areas is a complex problem. The best way to reduce transportation energy use is to increase the overall efficiency of transportation systems. Policies should be developed which take advantage of densities and location to reduce the need to travel and increase access to transit. Significant energy savings could result from construction of mixed use development projects that integrate employment with residential and shopping uses.

The benefits of reduced transportation energy use are clear. It will save money for both San Francisco's residents and business community while conserving critical fuel resources. This will, in turn, reduce the city's vulnerability to oil supply interruptions, with the added environmental benefit of lessening pollution and congestion.

# Policy 15.1: Increase the use of transportation alternatives to the car.

Transit remains one of the more energy efficient methods of accommodating personal transportation needs, particularly the daily commute to and from work. The City of San Francisco is fortunate to have an extensive transit system that is used and supported by local residents. As such, its continuance and expansion should be encouraged.

The system, however, is not without its problems. Local revenue sources are declining in proportion to the rising costs of maintaining existing service levels. The growth of commercial office development downtown, while increasing the local tax base, also imposes pressure to expand the existing service network in order to avoid both increased congestion and a reduction in transit service levels. A financing partnership should be established to maintain and enhance the city's energy efficient transportation network. Financing mechanisms should be pursued to allocate the costs associated with increased transit service demand. In addition, a variety of transportation alternatives, including the provision of bicycle, jitney, and pedestrian facilities, should be carried out through both public and private transportation energy management programs.

# Policy 15.3: Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.

An energy efficient transportation system is highly dependent on local land use policies. San Francisco's high density, compact form lends itself to the use of various transportation alternatives in order to satisfy the daily needs of local residents. Recent developments, however, could seriously alter this balance. New housing has not kept pace with the growth in local employment, imposing pressure on existing housing and encouraging housing growth outside the city. Commercial neighborhood districts are under intense development pressure, forcing certain neighborhood services to move outside the area. These trends increase distances, and thus energy requirements, for personal travel.

The city should implement programs that reinforce San Francisco's present urban design pattern. Housing conditions placed on new commercial office development projects should emphasize the provision of housing at or near employment centers. Neighborhood commercial policies should promote the continued presence of diverse local service establishments. These policies would enhance the city's existing urban character, while keeping personal transportation energy requirements to a minimum.

# Policy 15.5: Encourage consideration of energy use issues when making transportation investment decisions.

The development of new transportation facilities can either increase total energy demand or encourage greater energy conservation. The funding of highway and transit projects is complex and involves the agreement of many government agencies. San Francisco should work with other local governments and regional agencies to ensure that future transportation plan development is consistent with its transportation and energy policies, both of which emphasize energy conservation.

# Policy 15.6: Promote alternative work arrangements which will contribute to more efficient transportation use.

Currently, the work trip is the largest single component of personal transportation needs, responsible for peak service loads and overcrowding of the existing transportation system. Energy savings could be achieved through more efficient utilization of the existing transit system. Alternate work arrangements, such as flex-time or staggered work hours, have the potential for increasing the efficiency of the existing transportation system while reducing the need for system expansion.

# Civic Center Area Plan

# Policy 3.3: Provide and price parking for short-term visitor use, and discourage long-term parking. Encourage transit use as the primary means of access to the Civic Center.

The nature of the Civic Center as a major employment center for government administration precludes the possibility or desirability for the provision of off-street parking for all those who might want to drive to work. Long-term parking, particularly by

employees, is a wasteful use of limited space and should be discouraged. Parking should be priced and controlled to provide for and encourage short-term parking by visitors to the Civic Center.

Public transit should be scheduled to provide high volume access to the Civic Center in both day and nighttime hours.

# Policy 4.2: Encourage new infill housing at a compatible density.

Expanding the supply of housing in the Civic Center Area will complement and enhance the existing housing in the area by providing a broader residential presence.

Increasing the supply of housing in the Civic Center Area will allow more residents to benefit from the Civic Center Area's convenient accessibility to major culture, employment and shopping centers.

# Letter R – Christopher Pederson

#### R-1

The commentor is correct that the San Francisco City Charter and *General Plan*, as well as the Association of Bay Area Governments, and Metropolitan Transportation Commission all support new and in-fill development in areas well served by transit and close to major employment, commercial and entertainment centers.

Because an EIR must identify ways to mitigate or avoid significant effects that a project may have on the environment (Public Resources Code Section 21002), an EIR inherently describes and analyzes expected beneficial environmental effects. The California Environmental Quality Act, as amended October 2005, does not require that EIRs address environmental benefits of a proposed project. CEQA Guidelines require discussion of mitigation measures (Section 15126.4) and project alternatives (Section 15126.6) that would minimize adverse or significant environmental impacts, thereby resulting in beneficial effects relative to the proposed project that would not otherwise occur.

CEQA Guidelines Section 15149 (b) states:

"The EIR serves as a public disclosure document explaining the effects of the proposed project on the environment, alternatives to the project and ways to minimize adverse effects and to increase beneficial effects."

In an EIR, the purpose of mitigation measures and alternatives are to minimize or avoid significant environmental effects. As such, mitigation measures and alternatives are expected to result in more environmental benefits of the Proposed Project than would occur otherwise. Proposed mitigation measures and alternatives would not lessen beneficial effects of the Plan, but would further ensure that beneficial effects of the Plan are carried out by minimizing or avoiding the significant or adverse environmental impacts of the Plan.

The mitigation measures and alternatives identified in the EIR would not worsen environmental benefits of the proposed Plan, either individually, or collectively.

#### **R-2**

The DEIR refers to the Transit First Policy and its incorporation into the City Charter in 1998 on page 4-16. Pertinent objectives and policies of the Environmental Protection Element are included on pages 4-5 and 4-6 of the DEIR. In response to this comment, the following text is added to the EIR as an elaboration on these policies.

The text in Chapter 4, page 4-5 of the DEIR second paragraph is revised as follows:

"The Environmental Protection Element of the General Plan addresses the impact of urbanization including the use of oil and gas resources, hazardous waste management, and transportation noise, and energy use on the natural environment. The following noise and energy consumption -related objectives and policies of the Environmental Protection Element are relevant to the Project Area and the redevelopment of the Central Freeway parcels and the proposed public street improvements. The Plan's fundamental goal of developing the Project Area into a mixed—use, dense urban neighborhood that encourages complementary, pedestrian-scale uses would increase transportation efficiency and encourage land use patterns that use less energy."

The following text is added in Chapter 4, page 4-6 of the DEIR immediately before the first paragraph:

"Objective 15: Increase the energy efficiency of transportation and encourage land use patterns and methods of transportation which use less energy.

- Policy 15.1: Increase the use of transportation alternatives to the car.
- Policy 15.3: Encourage an urban design pattern that will minimize travel requirements among working, shopping, recreation, school and childcare areas.
- Policy 15.5: Encourage consideration of energy use issues when making transportation investment decisions.

Policy 15.6: Promote alternative work arrangements which will contribute to more efficient transportation rules."

The text in Chapter 4, page 4-6 of the DEIR first paragraph is revised as follows:

"The Market Octavia Neighborhood Plan promotes infill development in an established neighborhood that has benefited from the removal of an elevated regional freeway and has a high level of transit accessibility. By returning regional traffic to a surface level and promoting pedestrian, bicycle, and public transit as a means of traveling within the neighborhood, the Plan is generally consistent with the noise policies of the Environmental Protection Element relating to noise and energy efficient transportation alternatives. The Plan does not have specific policies relating to the location of sensitive land uses away from traffic generated noise, however, the noise levels in the Project Area are comparable to those experienced in other highly urbanized areas. New construction would be required to meet existing standards for noise attenuation. The primary objectives of the Plan are focused on development of a transit-oriented neighborhood that is consistent with the policies of the Environmental Protection Element that advocate land use and transportation investments that promote energy efficiency and the use of transportation alternatives."

The following text is added in Chapter 4, page 4-16 of the DEIR following the fourth paragraph:

# "SEC. 16.102. TRANSIT-FIRST POLICY.

The following principles shall constitute the City and County's transit-first policy and shall be incorporated into the General Plan of the City and County. All officers, boards, commissions, and departments shall implement these principles in conducting the City and County's affairs:

- 1. To ensure quality of life and economic health in San Francisco, the primary objective of the transportation system must be the safe and efficient movement of people and goods.
- 2. Public transit, including taxis and vanpools, is an economically and

environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.

- 3. Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.
- 4. <u>Transit priority improvements</u>, such as designated transit lanes and streets and improved signalization, shall be made to expedite the movement of public transit vehicles (including taxis and vanpools) and to improve pedestrian safety.
- 5. Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.
- 6. Bicycling shall be promoted by encouraging safe streets for riding, convenient access to transit, bicycle lanes, and secure bicycle parking.
- 7. Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.
- 8. New transportation investment should be allocated to meet the demand for public transit generated by new public and private commercial and residential developments.
- 9. The ability of the City and County to reduce traffic congestion depends on the adequacy of regional public transportation. The City and County shall promote the use of regional mass transit and the continued development of an integrated, reliable, regional public transportation system.
- 10. The City and County shall encourage innovative solutions to meet public transportation needs wherever possible and where the provision of such service will not adversely affect the service provided by the Municipal Railway. (Added November 1999)."

The provisions of the Plan are consistent with the Transit-First Policy in that they advocate for the creation of a transit-oriented Market and Octavia neighborhood through land use controls, parking regulation, traffic management, and giving preference to pedestrians, transit, and bicycle travel in the Project Area.

See Response to Comment R-3 for discussion of mitigation measures.

## **R-3**

In general, the mitigation measures that were identified in the DEIR are in keeping with the objectives of the *Market and Octavia Neighborhood Plan*. The mitigation measure that calls for the retention of one-way operation on Hayes Street would be inconsistent with the two-way operation of Hayes Street as proposed in the Plan. The objectives of the Plan, however, are to promote transit-oriented development and increased use of transit service in the Project Area. If an improvement proposed in the Plan would result in degradation to transit service in the Project Area, then the proposed improvement may not be in keeping with the overall objectives of the Plan.

The Reduced Height/Reduced Density Alternative would result in a five percent reduction or 215 fewer residential units in the Project Area than the proposed Plan. This minor reduction in housing units within the Project Area would not be inconsistent with the General Plan policies calling for densification in areas of the City well served by transit. This alternative would still result in an increase in density above the density allowed by the current zoning in the Project Area as advocated in policies of the General Plan and the provisions of the Market and Octavia Neighborhood Plan.

## **R-4**

The conversion of Hayes Street from one-way to two-way operations as proposed in the Plan would result in a degradation to level of service at the intersections of Gough and Franklin Streets in the future. This change was intended to improve local traffic circulation in the neighborhood. Hayes Street, however, is also designated as a citywide bicycle route (#30) and is the route of the 21 Hayes Street trolley bus. The change and disruption to traffic flows resulting from the two-way operation of Hayes Street would also disrupt the transit operations on the street. While there may be a net benefit to pedestrian and bicycle operations under this proposed modification, in addition to negative impacts on traffic, there would also be a negative impact to transit resulting from the

Case No. 2003.0347E

increased operating delay and decreased reliability as stated on page 4-229 of the DEIR. Negative impacts to transit system operations would not be in keeping with the overall objectives of the Plan. As no other viable mitigation measures are identified for this intersection and negative transit impacts would result from two-way operations, the DEIR identifies retention of one-way operation on Hayes Street as a mitigation measure.

Subsequent to publication of the DEIR, additional analysis was conducted on possible additional mitigation measures that would permit the two-way operation of Hayes Street as recommended by the Plan. As discussed in Response to Comments L-3 and M-7, the mitigations would result in other impacts to pedestrians, bicyclists, and transit and therefore would require further analysis.

## R-5

See Response to Comment A-11 regarding references to the Civic Center Area Plan. Additional text is proposed for the EIR to reflect the relevant Civic Center Area Plan policies and discuss how the recommendations of the *Market and Octavia Neighborhood Plan* pertaining to transit, parking, and infill housing relate to those policies. While the Plan calls for a limitation on new parking facilities in the Project Area, the Civic Center Plan actually calls for the provision of parking to serve uses within the Civic Center in the area to the west of Civic Center. This parking area is located within the Plan Project Area. As such the two policies may be in conflict with each other and could require changes to the Civic Center Plan to bring it into conformity with the proposed *Market and Octavia Neighborhood Plan*.

City policy is intended to provide direction to elected officials and commissioners as they make decisions about future investments in the city. As such, decision-makers cannot affect conditions that might exist in conflict with existing policy unless an action is brought before them that affords an opportunity for correcting past inconsistencies.

## **R-6**

Comment regarding the amendment of the Western Addition A-2 Redevelopment Plan is noted. The DEIR contains erroneous information regarding the plans to amend the Western Addition A-2 Redevelopment Plan to bring the balance of the Central Freeway parcels B, D, E, F, and G in the A-2 Plan area into general conformance with the proposed Plan. See the text revisions proposed in the

Case No. 2003.0347E

responses to Comment Letter Q that correct the information presented in the DEIR to accurately reflect the plans for amending the Western Addition A-2 Redevelopment Plan.

The Western Addition A-2 Redevelopment Plan will expire in 2009. The 7<sup>th</sup> Amendment to A-2 Plan in 2005 brought the development guidelines for Central Freeway Parcels A and C into consistency with the Plan and the proposed 8<sup>th</sup> Amendment to the A-2 Plan would bring Central Freeway parcels B, D, E, F, and G into consistency with the development guidelines of the Market and Octavia Neighborhood Plan. Other parcels in the Project Area that fall under the jurisdiction of the A-2 Plan and the Redevelopment Agency are not expected to be redeveloped before 2009 when the provisions of the A-2 Plan will expire. Therefore, with the text corrections as noted above, the EIR has fully analyzed the development conditions projected for those parcels located within both the A-2 Plan area and the Market and Octavia Neighborhood Plan Project Area.

#### **R-7**

See Response to Comment L-12 regarding the use of level of service methodology for environmental impact assessment.

The intersection level of service has historically been used by the San Francisco Planning Department as one of many measures that are used to assess the environmental impacts of proposed development and is consistent with the *SF Guidelines*. The use of this measure would be flawed if it was the only measure used to assess a Plan's impacts. The EIR has, however, looked at all relevant environmental impacts associated with the implementation of the Plan.

The analysis undertaken for the EIR uses a common set of assumptions to assess the impact on the physical environment within the Project Area. The modal shifts that would occur as a result of changes to the transportation system recommended by the Plan are factored into the travel demand model. Projected growth in the residential population of the Project Area would increase the travel demand and therefore result in increases in transit travel, as well as, increases in traffic congestion. Though the consumption of energy would likely be greater and air pollution and congestion would increase if all new trips were made using private autos, it is still anticipated that even with the greater emphasis on transit travel proposed by the Plan, there would still be potentially significant traffic impacts associated with the growth in residential population.

The commentor also appears to be taking issue with the fact that emerging methodological approaches for assessing transportation impacts have not been incorporated into this analysis. The transportation industry as a whole, and particularly those professionals operating in urban environments where conditions are crowded and trade-offs in use of the public rights-of-way are often required, are beginning to explore new ways to assess transportation impacts and benefits. Looking at the flow of people through a corridor rather than vehicles is a technique that has already been incorporated into travel demand methodology. Other approaches such as assessing overall satisfaction of transit riders, pedestrian experience, and capturing the positive benefits of reduced parking impacts are being considered in San Francisco and other urban locations, but have not yet been fully vetted by professionals to the point where using them as analytical tools for assessing environmental impacts has been accepted.

It is because of the trade-offs that can occur when making development decisions, however, that the provisions for making findings of overriding consideration were incorporated into the CEQA process. The Planning Commission still has the ability to make such findings in consideration of the projected housing and transit benefits expected to result from the adoption of the proposed Plan.

Note that other adverse effects of mitigation measures (e.g. air pollution, pedestrian and bicycle safety) are also included in the environmental analysis. Subsequent to the DEIR, additional analyses were performed to evaluate the potential impacts of re-routing traffic (see Responses to Comments L-3, L-14 and M-7).

#### **R-8**

The DEIR identifies and evaluates all reasonable mitigation measures. Additional transit improvements proposed in the Plan, as a whole, could well alleviate some of the traffic impacts identified in the DEIR. These transit improvements, however, are long-range strategies that have not been funded, are not seen as feasible in the near future, and therefore were not analyzed as part of the Plan. Mitigation measures identified in the Plan must be implementable or they can not rationally be considered viable mitigation measures for identified significant impacts.

Not implementing the proposed two-way circulation plan on Hayes Street could lessen the positive

Case No. 2003.0347E

pedestrian experience desired in the Plan and limit local circulation on the street, but would not be expected to result in significant pedestrian or retail impacts on Hayes Street. Pedestrian travel and successful retail experiences exist on other one-way streets, such as Jefferson or Jackson Streets, in the City and have thrived on Hayes Street even with the one-way street operation. As noted in Response to Comment L-7, the proposed street tree planting on Hayes Street would still result in improvements to the pedestrian environment along the street even without the two-way street operation.

As stated in Response to Comment M-7, mitigation measures are not based solely on the need to improve delay for vehicles. The Plan's Hayes Street two-way operation would also result in significant transit impacts, "...changes to the configuration of Hayes Street, designed to enhance local vehicle circulation would decrease the attractiveness and efficiency of transit, since it is likely that this change would result in increases in travel times on the 21-Hayes line, and substantially affect transit operations, which would result in a significant impact." The DEIR is an informational document to identify all potentially significant effects of a project on the physical environments and determine the significance of the impact. Although other mitigation measures may potentially improve traffic impacts (e.g. transit improvements identified in the Plan), the potential for other transit, pedestrian and bicycle safety impacts may occur. As such, additional impact analysis would need to be conducted to determine potential secondary impacts of any other mitigation measure.

The DEIR is also required to evaluate the adverse environmental effects of not implementing the proposed Plan (see Chapter 7.0 Alternatives to the Proposed Project). Under the No Project Alternative, there would be fewer intersections operating at unacceptable levels of service in 2025 than under the proposed Plan therefore reducing the significant traffic impacts. The No Project Alternative would also retain the existing residential parking requirements resulting in less of a shortfall than projected under the proposed Plan. Therefore the number of transit trips under the No Project Alternative would be less than under the proposed Plan and would result in no significant impacts (see page 7-6 of the DEIR). Note that future 2025 pedestrian conditions are described in Chapter 4, page 4-239 of the DEIR, "Overall, it is projected that conditions for pedestrian would not change substantially due to overall growth or Plan-related growth in the Project Area between Existing Year and 2025 without Plan scenarios."

# **R-9**

See Responses to Comments L-18, R-7, and R-8 regarding the use of level of service methodology for environmental impact assessment and feasible mitigation measures.

The DEIR is using the standard terminology and methodology accepted and used by the Planning Department for the evaluation of transportation impacts. The DEIR is an informational document to identify all potentially significant effects of a project on the physical environments and determine the significance of the impact. Level of service refers to the evaluation of significant traffic impacts at the study intersections. The term "acceptable levels of service" is in accordance with the City of San Francisco's SF Guidelines and the significance criteria currently used by the Planning Department. Independently, potential pedestrian, bicycle, transit and other physical environmental impacts are evaluated which are related to but not solely dependent on the level of service of traffic. Other factors such as sidewalk widths, street lighting and frequency of transit service are used to evaluate potential adverse effects of the physical environment. As such, decision-makers are presented with a range of environmental impact information in order to make policy decisions.

#### R-10

See Response to Comment R-9 regarding the methodological approach used for transportation analysis in the DEIR.

The projected intersection delays are presented as background information only as part of the Transportation Technical Appendix. The projected delays are generated from standard traffic models and are intended to provide a general indication of the relative changes in traffic congestion levels. The projection of tenths of seconds of delay can be relevant in assessing the changes against the significance thresholds used in assessing traffic impacts.

#### R-11

See Response to Comment R-8 regarding the elements of the Plan and mitigation measures analyzed. Because funding for implementation has not been identified for many of the transportation improvements identified in the Plan, they are not included as part of the analysis. The analysis is a worst case scenario that could be improved if funding and implementation of many of the transit strategies were to be implemented in the future. If there was substantially more transit

capacity throughout the city, the ownership of private autos and the resultant travel would likely decrease. At this time the implementation of these transportation improvements is not reasonably foreseeable and therefore assuming them as part of the analysis would be misleading as to the potential impacts of the Plan. Given that the DEIR is an informational document to identify all potentially significant effects of the Plan, a conservative and reasonable evaluation is appropriate.

#### R-12

The proposed mitigation measures identified in the DEIR are physical improvements intended to reduce the significant impacts. Although transit demand or market based management programs can improve future impacts, the proposed transit improvements identified in the Plan and analyzed in the DEIR are management strategies and cannot be specifically quantified in the same manner that physical improvements can, therefore a potentially significant environmental impact may still exist. Transit, pedestrian or bicycle improvements are noted in the Plan as travel demand management strategies to help reduce vehicle ownership, however, they do not present any measurable physical mitigation. Development fees for transit, pedestrian or bicycle improvements are currently not part of the Plan and would need to be proposed and approved by policy decision-makers.

# R-13

The commentor is correct in noting that Muni does provide late night and overnight transit service in and around the Project Area. Since the transportation evaluation contained in the DEIR is focused on weekday PM peak hour conditions, Owl service was not documented.

The following text is added in Chapter 4, page 4-188 of the DEIR, at the end of the fourth paragraph:

"In addition, Muni provides late night (owl) service within the Project Area, including the 5-Fulton, 14-Mission, 22-Filmore, 90-Owl, L-Taraval, and N-Judah."

# R-14

Comment noted regarding the current level of Caltrain service.

The text in Chapter 4, page 4-190 of the DEIR, second paragraph under the heading Caltrain, the last sentence is revised to read as follows:

"In June of 2004, the service was inaugurated with five express routes per day in each direction. As of December 2005, the service offers 11 express weekday routes per day in each direction (a total of 22 trains per day)."

## R-15

Comment regarding the CEQA requirements for analysis of parking impacts is noted. The Plan does not propose to protect existing parking supply or to encourage or require the creation of new parking facilities.

## **R-16**

As stated in Response to Comment M-5, the DEIR presents the estimated increase in parking demand based on the SF Guidelines since it is the standard methodology used by the Planning Department. The analysis prepared for the reduced parking demand is presented as a comparison to the standard citywide requirement, should the current vehicle ownership within the Project Area be maintained by new residents with the implementation of the Plan. Since the reduced parking demand is somewhat speculative (based on average vehicle ownership rate differences), it is a less conservative theoretical demand to support the goals of the Plan and not to be used for impact analysis. The reduced parking demand is intended for informational purposes and not as a replacement of the standard methodology used by the Planning Department.

## R-17

See Response to Comment Q-13 regarding the provision of affordable housing units. Additional information regarding the amount and location of affordable housing units on the Central Freeway parcels has been provided, and analysis has been revised accordingly.

## R-18

These proposed new parking facilities at Hastings College and 1160 Mission Street would be located outside of the parking Project Area; as such, they would not substantially affect parking conditions in the Project Area, or result in a substantial change to the results of the parking analysis. To the

extent that these new parking facilities would increase the parking availability in the vicinity, they may modify the parking shortfall in the Project Area.

## R-19

The population growth assumptions used in the DEIR are based on the San Francisco Planning Department's citywide growth allocation - Land Use Allocation (LUA) 2002. LUA 2002 assumes that San Francisco would capture a certain amount of regional growth between 2002 and 2025 and the location of the growth within the City would be dependent on city initiatives to promote development as well private investment.<sup>35</sup> The projected citywide population increase would not change among alternatives as it would remain consistent with regional growth allocations.

The purpose of this DEIR is to evaluate the potential impacts of the Plan and alternatives to the Plan within the Project Area, which is the primary area of impact. It is not within the purview of this EIR to evaluate the impacts of regional development occurring in outlying areas of the Bay Area.

## R-20

The Public Resources Code, Section 21159.26 states, "With respect to a project that includes housing development, a public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines that there is another feasible specific mitigation measure or project alternative that would provide a comparable level of mitigation." This CEQA provision is intended to unnecessarily avoid a reduction in the number of housing units if other mitigation measures can reasonably be implemented for the project or other project alternatives are available.

The potentially significant impacts associated with the implementation of the Plan are those related to shadows and transportation. The shadow impacts are associated with the height and bulk of development near parks and can be addressed by controlling the design of buildings in proximity to these parks. The transportation impacts, however, could not be addressed by such development controls. Transportation impacts are associated with the amount of new travel demand during the

Market and Octavia Neighborhood Plan Comments & Responses

<sup>&</sup>lt;sup>35</sup> The LUA makes adjustments to ABAG's Projections 2002 to arrive at the projected population and employment growth for 2025.

peak hours and how the demand in divided among modes. While the traffic impacts could potentially be reduced by creating a more substantial shift to transit use through major transit investments, as previously noted, the lack of identified funding for additional major transit capacity improvements in the Project Area and the City as a whole do not make this a viable short-term mitigation measure or alternative to the Plan. Reducing peak hour travel demand is the other option for reducing transportation impacts. Reducing the density of housing units in the Project Area would lessen the severity of the peak hour impacts associated with the project and therefore was identified as a viable alternative. Other alternatives such as increasing open space or introducing alternative land uses would only further reduce the amount of housing units that could be produced by the Plan and would thus not meet the project sponsor's objectives and therefore are not considered feasible.