

- **CHAPTER VIII**
  - Comments and Responses
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## A. Introduction

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

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

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

Section D contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from June 30 through September 14, 2007.<sup>1</sup> Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR; where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

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

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

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

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

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



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

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

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

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

## B. List of Persons Commenting

### Written Comments

#### *Public Agencies*

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

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

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

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

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

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

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

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

#### *Others*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Persons Commenting at the Public Hearing, August 9, 2007**

Marilyn Amini

Jazzie Collins

Chris Durazo

Joseph Ferrucci, Luce, Forward, Hamilton & Scripps LLC

Robert Meyers

Salazar Sanchez

Mary Beth Thomas, Neighborhood Parks Council

Planning Commissioner Michael Antonini

## C. Preferred Project

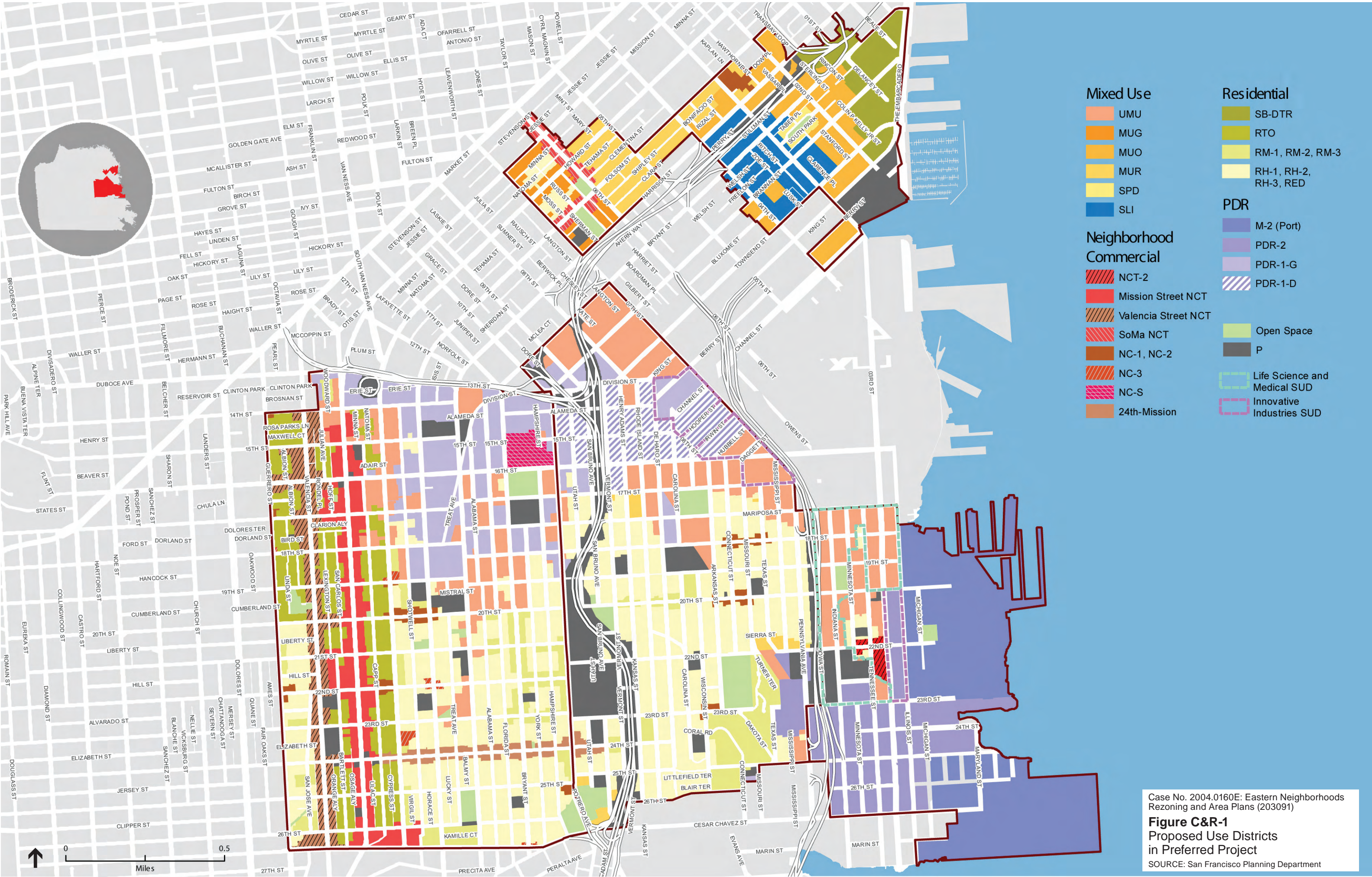
Following publication of the Draft EIR, the Planning Department released for citizen review in December 2007 a revised set of draft area plans for each of the four Eastern Neighborhoods and a new draft Zoning Map and draft summary of land use controls for each proposed use district. Continued refinements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

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

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

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



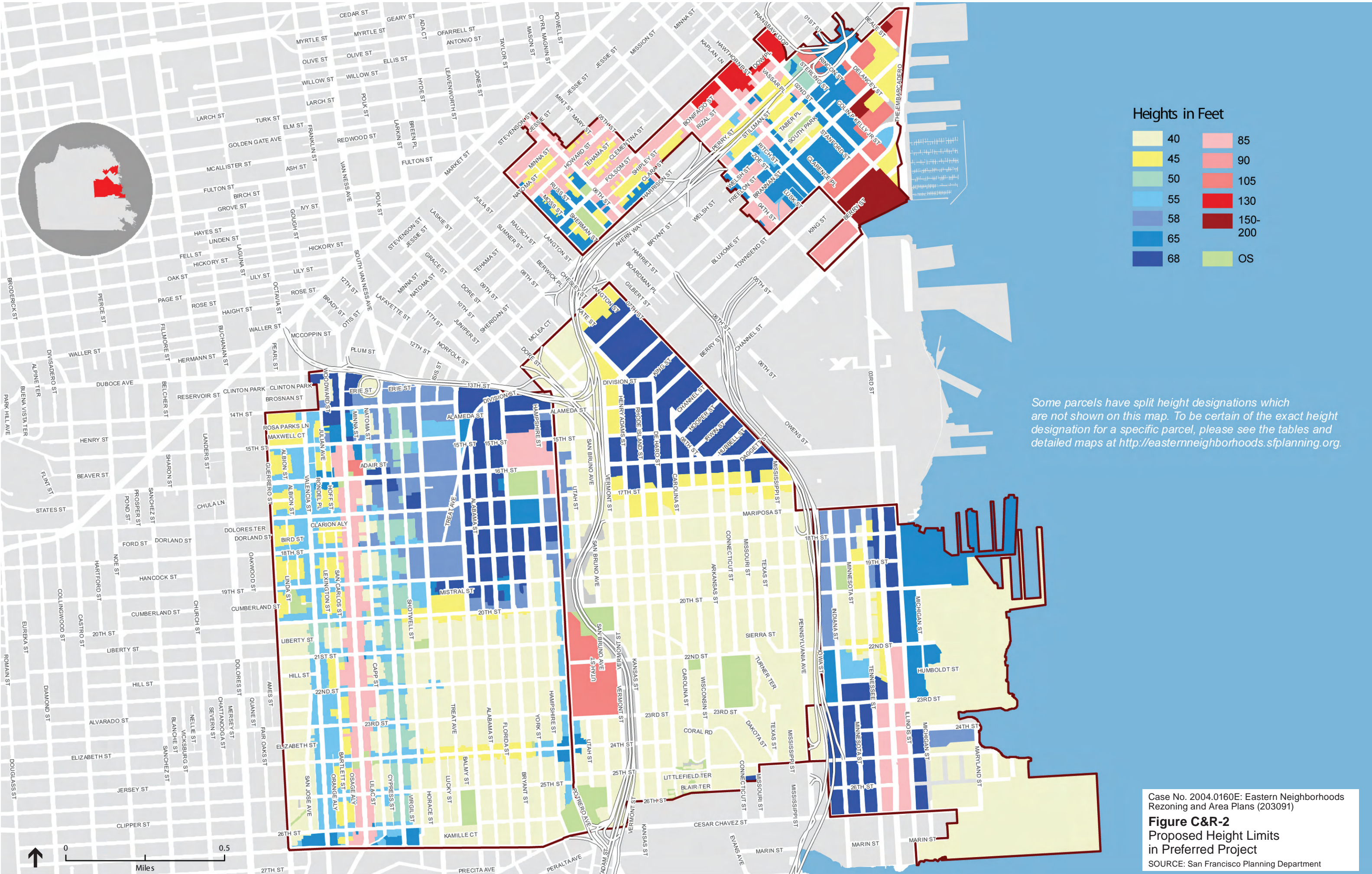


Case No. 2004.0160E: Eastern Neighborhoods  
Rezoning and Area Plans (203091)

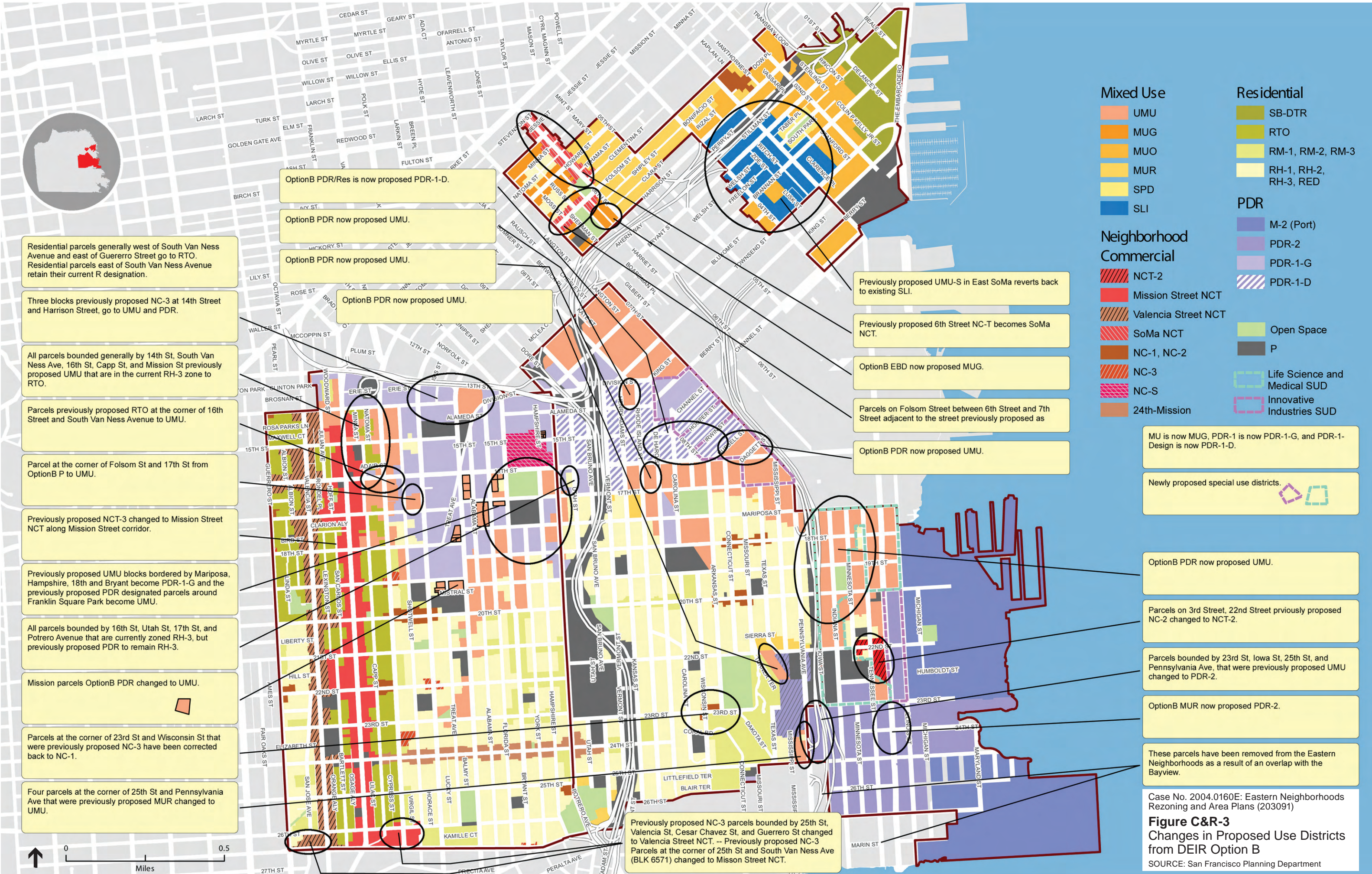
**Figure C&R-1**  
Proposed Use Districts  
in Preferred Project

SOURCE: San Francisco Planning Department









Residential parcels generally west of South Van Ness Avenue and east of Guerrero Street go to RTO. Residential parcels east of South Van Ness Avenue retain their current R designation.

Three blocks previously proposed NC-3 at 14th Street and Harrison Street, go to UMU and PDR.

All parcels bounded generally by 14th St, South Van Ness Ave, 16th St, Capp St, and Mission St previously proposed UMU that are in the current RH-3 zone to RTO.

Parcels previously proposed RTO at the corner of 16th Street and South Van Ness Avenue to UMU.

Parcel at the corner of Folsom St and 17th St from OptionB P to UMU.

Previously proposed NCT-3 changed to Mission Street NCT along Mission Street corridor.

Previously proposed UMU blocks bordered by Mariposa, Hampshire, 18th and Bryant become PDR-1-G and the previously proposed PDR designated parcels around Franklin Square Park become UMU.

All parcels bounded by 16th St, Utah St, 17th St, and Potrero Avenue that are currently zoned RH-3, but previously proposed PDR to remain RH-3.

Mission parcels OptionB PDR changed to UMU.

Parcels at the corner of 23rd St and Wisconsin St that were previously proposed NC-3 have been corrected back to NC-1.

Four parcels at the corner of 25th St and Pennsylvania Ave that were previously proposed MUR changed to UMU.

OptionB PDR/Res is now proposed PDR-1-D.

OptionB PDR now proposed UMU.

OptionB PDR now proposed UMU.

OptionB PDR now proposed UMU.

Previously proposed UMU-S in East SoMa reverts back to existing SLI.

Previously proposed 6th Street NC-T becomes SoMa NCT.

OptionB EBD now proposed MUG.

Parcels on Folsom Street between 6th Street and 7th Street adjacent to the street previously proposed as

OptionB PDR now proposed UMU.

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

Newly proposed special use districts.

OptionB PDR now proposed UMU.

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

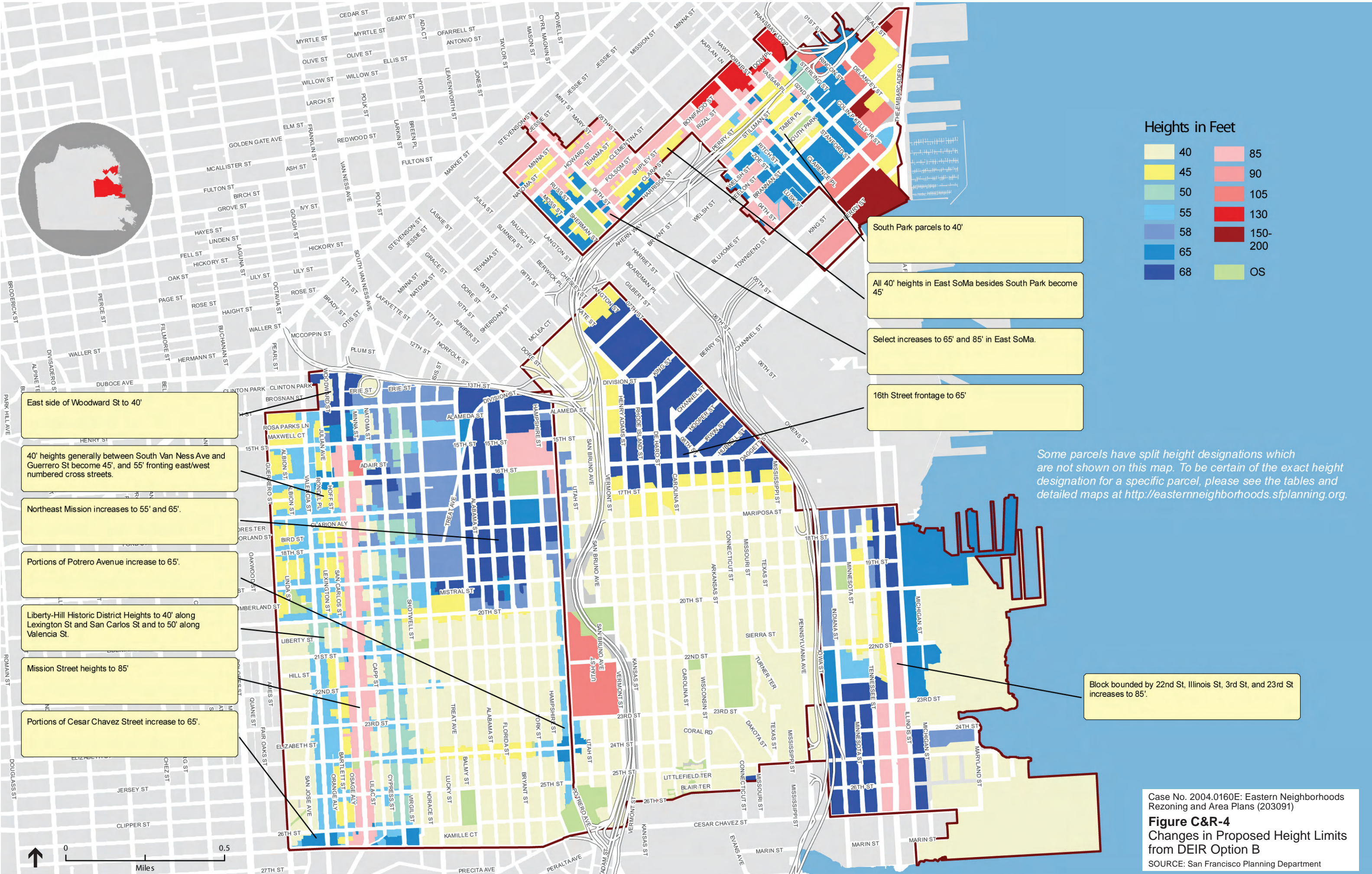
Parcels bounded by 23rd St, Iowa St, 25th St, and Pennsylvania Ave, that were previously proposed UMU changed to PDR-2.

OptionB MUR now proposed PDR-2.

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

Case No. 2004.0160E: Eastern Neighborhoods Rezoning and Area Plans (203091)  
**Figure C&R-3**  
Changes in Proposed Use Districts from DEIR Option B  
SOURCE: San Francisco Planning Department





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

**Figure C&R-4**

Changes in Proposed Height Limits from DEIR Option B

SOURCE: San Francisco Planning Department



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

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

## Changes by Neighborhood

### East SoMa

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

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

### Mission

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

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

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

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

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

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

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

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

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

## **Showplace Square/Potrero Hill**

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

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

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

## Central Waterfront

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

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

## Changes in Draft Area Plan Objectives and Policies

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

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

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

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

## Effect of the Revisions in the Preferred Project

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

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

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

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

Note: Totals may not add due to rounding.

SOURCE: San Francisco Planning Department, April 2008

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

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

## Comparison to Impacts Identified in the DEIR

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

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

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

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

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

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

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

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

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



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

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

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

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

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

### ***Visual Quality and Urban Design***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### ***Transportation***

East SoMa, Mission, and Showplace would have between 200 and 700 fewer new units than under Option C, while Central Waterfront would have 1,200 more than under Option C. However, Central Waterfront would have more than 1,600 fewer units than under Option A (which assumed 2,000 units at the power plant site). As described above, the increased housing potential under the Preferred Project, compared to EIR Option B, would be approximately 2,400 residential units, for a total of about 9,785 new units by 2025, compared to approximately 7,385 new units under Option B, and the number of new units would be similar to that forecast for EIR Option C (about 9,860 new units). Therefore, it can be concluded that areawide traffic and other transportation effects would be no greater than reported for Option C in the DEIR, except that effects would be no worse than under Option A in the Central Waterfront, because growth projections for that neighborhood were highest under Option A, as stated on DEIR p. 31.<sup>3</sup>

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

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

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

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

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

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

SOURCE: San Francisco Planning Department, April 2008

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

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

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

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

### **Shadow**

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

the project area. However, because the proposed height increases under the Preferred Project, compared to what was analyzed in the DEIR, would apply to only areas previously proposed for height limits of 40 feet or more, it can be fairly assumed that application of Section 295 would preclude any shading of parks subject to Section 295<sup>4</sup> (i.e., Recreation and Park Department properties) such that impacts from the Preferred Project are likely to be similar to those described in the DEIR, which found that potential shadow impacts from future proposed development—including from buildings not subject to Section 295—would be significant and unavoidable, because the feasibility of complete mitigation for potential new shadow impacts could not be determined absent analysis of subsequent specific project designs.

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

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

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

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



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

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

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

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

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

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

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

### ***Historic Architectural Resources<sup>5</sup>***

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

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

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

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

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

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

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

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

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

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

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

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

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

### ***Other Impacts***

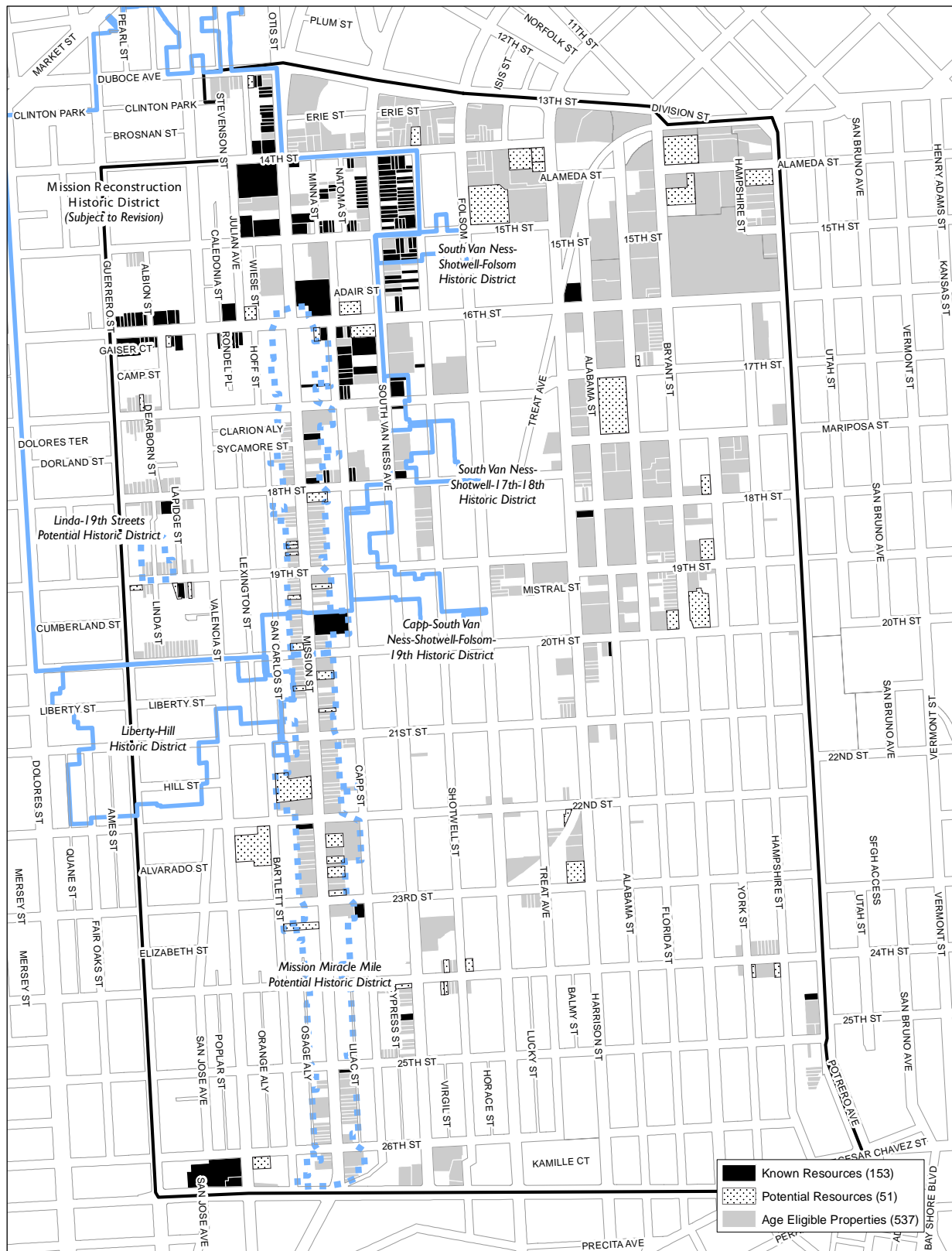
For most environmental issues analyzed in the DEIR, the changes between the EIR options and the Preferred Project would not result in substantially greater impacts than were identified in the DEIR, because the changes would affect a relatively small percentage of the project area and, while the changes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

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



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

SOURCE: San Francisco Planning Department



SOURCE: San Francisco Planning Department

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

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



SOURCE: San Francisco Planning Department

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

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





SOURCE: San Francisco Planning Department

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

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



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

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

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

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

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

## **Conclusion**

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

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

## Implementation of the Proposed Rezoning and Area Plans

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

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

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

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

<sup>6</sup> The complete Implementation Document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department’s Eastern Neighborhoods website at: [http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern\\_Neighborhoods/VOL3\\_Implementation.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL3_Implementation.pdf).

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

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

## D. Summary of Comments and Responses

### General Comments

#### ***Comment [G1]***

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

#### ***Response***

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

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

**Comment [G2]**

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

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

**Response**

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

**Comment [G3]**

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

**Response**

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

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

The Planning Department has published a “nexus study” as part of the Implementation Program for the Eastern Neighborhoods Rezoning and Area plans that covers five topical areas: transportation, open space, libraries, child care and facilities for a broad area of “community services” (which includes human services—job training, etc. and health care). The complete Implementation Document, including the nexus study, is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, and may also be viewed on the Planning Department's Eastern Neighborhoods website at: [http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern\\_Neighborhoods/VOL\\_3\\_Implementation.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOL_3_Implementation.pdf).

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

### **Comment [G4]**

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

### **Response**

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

**Comment [G5]**

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

**Response**

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

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

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

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

### ***Comment [G6]***

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

### ***Response***

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

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

### ***Comment [G7]***

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



**Response**

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

[http://www.sfgov.org/site/planning\\_index.asp?id=25364#reports](http://www.sfgov.org/site/planning_index.asp?id=25364#reports).

**Comment [G8]**

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

**Response**

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

**Project Description****Comment [PD1]**

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

**Response**

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

**Comment [PD2]**

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

**Response**

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

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

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

**Comment [PD3]**

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

**Response**

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

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

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

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

There is no requirement in CEQA to separately analyze alternatives to specific project components; rather, the EIR's treatment of alternatives is intended to identify alternatives to the project (or its location) that "would avoid or substantially lessen any of the significant effects of the project." CEQA Guidelines Sec. 15126.6(a) notes, "An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation." Moreover, as explained above, the commenter-recommended alternative would not avoid or substantially reduce any of the significant unavoidable effects of the project, and would instead be likely to result in some more severe impacts.

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

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

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

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

#### **Comment [PD4]**

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

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

#### **Response**

Each of the three rezoning options proposes varying degrees of “clustering” for PDR uses by designating specific portions of land currently zoned for industrial use as EBD (Employment and Business Development) use districts (now referred to as PDR districts), where PDR uses would be permitted. For example, as can be seen in EIR Figure 3, p. 14, and described in the text on p. 17, Option A would generally preserve the existing light industrial zoning in the Northeast Mission, designating most of this area EBD (PDR), while Option B would retain light industrial zoning only in the core of the so-called Northeast Mission Industrial Zone (NEMIZ), which would be designated EBD (PDR). (Option C would not include any EBD (PDR) zoning in the NEMIZ.) Likewise, Options A and B would include a cluster of EBD (PDR) zoning in Showplace Square (Option C would not designate any of Showplace Square EBD [PDR]), while all three options would include a relatively large cluster of EBD (PDR) zoning, intended for PDR uses, in the Central Waterfront, including heavy industrial use districts covering much of the Port land along the bay shoreline and nearby parcels. Option A would also include small clusters of EBD (PDR) zoning in East SoMa. As described in this Comments and Responses document in the discussion of the Preferred Project, p. C&R-5, the Preferred Project as currently proposed by the Planning Department would include a clustering of PDR zoning<sup>7</sup> very similar to that of Option B as analyzed in the DEIR: the Preferred Project proposes three “clusters” of PDR zoning, in the core of the NEMIZ, in part of Showplace Square (part of which would also include a “Design” overlay), and in the southern portion of the Central Waterfront (part of which would also include a “Life Sciences” overlay). The Central Waterfront would also include heavy industrial zoning on Port lands, as was the case with Option B.

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

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

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

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

### **Comment [PD5]**

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

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

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

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

### **Response**

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

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

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

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

### **Comment [PD6]**

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

### **Response**

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

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



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

### **Comment [PD7]**

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

### **Response**

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

## **Land Use**

### **Existing Land Uses and Height Limits**

#### **Comment [L1]**

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

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

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

### **Response**

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

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

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

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

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

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

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

*Mixed-Residential:* Residential units above commercial uses

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

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

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

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

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

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

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

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

*Visitor:* Hotels, motels or other visitor lodging facilities

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Comment [L2]**

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

### **Response**

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

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



## Projections of Demand for PDR Space

### **Comment [L3]**

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

### **Response**

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

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

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

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

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

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

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

#### **Comment [L4]**

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

#### **Response**

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

#### **Comment [L5]**

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

#### **Response**

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

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

## Other Land Use Comments

### **Comment [L6]**

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

### **Response**

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

### **Comment [L7]**

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

### **Response**

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

**Comment [L8]**

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

**Response**

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

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

**Comment [L9]**

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

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

### ***Response***

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

### ***Comment [L10]***

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

### ***Response***

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

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

## **Plans and Policies**

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

### ***Comment [P1]***

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

### ***Response***

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

<sup>15</sup> This document is available for review at the Planning Department offices, 1650 Mission Street, Suite 400, as well as on the Planning Department’s Eastern Neighborhoods website at: [http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern\\_Neighborhoods/VOLUME\\_1\\_Exec\\_Summary.pdf](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/Eastern_Neighborhoods/VOLUME_1_Exec_Summary.pdf). Exhibit I-2 begins on page 8 of the Eastern Neighborhoods Initiation Package.

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

### **Comment [P2]**

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

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

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

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

### **Response**

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



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

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

### **Comment [P3]**

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

### **Response**

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

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

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

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

### **Comment [P4]**

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

### **Response**

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

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

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

## Visual Quality and Urban Design

### Views of San Francisco Bay

#### ***Comment [V1]***

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

#### ***Response***

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

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

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

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

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

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

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

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

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

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

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

## Population, Housing, Business Activity, and Employment

### Project Effects on Affordable Housing

#### ***Comment [H1]***

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

#### ***Response***

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

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

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

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

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

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

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

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

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

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

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

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

### **Comment [H2]**

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

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

### **Response**

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



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

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

### ***Comment [H3]***

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

### ***Response***

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

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

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

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

#### **Comment [H4]**

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

#### **Response**

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

### **PDR Employment Among Eastern Neighborhoods Residents**

#### **Comment [H5]**

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

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

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

### ***Response***

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

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

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

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

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

## Residential Nexus Analysis

### ***Comment [H6]***

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

### ***Response***

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

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

<sup>21</sup> *Ibid*, p. 1.

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

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

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

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

<sup>22</sup> Ibid, p. 2.

<sup>23</sup> Ibid, p. 8.

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

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

## Effect on Housing Production of Inclusionary Requirements

### ***Comment [H7]***

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

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

### ***Response***

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

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