



ENVIRONMENTAL IMPACT REPORT COMMENTS AND RESPONSES

San Francisco Museum of Modern Art Expansion / Fire Station Relocation and Housing Project

PLANNING DEPARTMENT
CASE NOS. 2009.0291E and 2010.0275E
STATE CLEARINGHOUSE NO. 2010102047
October 27, 2011

Draft EIR Publication Date:	JULY 11, 2011
Draft EIR Public Hearing Date:	AUGUST 11, 2011
Draft EIR Public Comment Period:	JULY 11, 2011 - AUGUST 25, 2011
Final EIR Public Certification Date:	NOVEMBER 10, 2011



**SAN FRANCISCO
PLANNING
DEPARTMENT**

Written comments should be sent to:
Environmental Review Officer | 1650 Mission Street, Suite 400 | San Francisco, CA 94103



SAN FRANCISCO PLANNING DEPARTMENT

DATE: October 27, 2011

TO: Members of the Planning Commission and Interested Parties

FROM: Bill Wycko, Environmental Review Officer

RE: Attached Comments and Responses on the Draft Environmental Impact Report for the SFMOMA Expansion and Fire Station Relocation and Housing Project (Planning Department Case Nos. 2009.029E and 2010.0275E)

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Attached for your review, please find a copy of the Comments and Responses Document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on November 10, 2011.** Please note that the public review period ended on September 25, 2011.

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

Please note that if you receive the Comments and Responses Document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Comments and Responses Document or the environmental review process, please contact Michael Jacinto at (415) 575-9033.

Thank you for your interest in this project.

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- Attachment 1: Draft EIR Comment Letters
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I. INTRODUCTION

PURPOSE OF THE COMMENTS AND RESPONSES DOCUMENT

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed San Francisco Museum of Modern Art (SFMOMA) Expansion and Fire Station Relocation and Housing Project (collectively identified as “projects”) and responses to those comments. Also included in this document are text changes initiated by Planning Department staff as well as text changes in response to comments on the Draft EIR.

ENVIRONMENTAL REVIEW PROCESS

On July 11, 2011 the San Francisco Planning Department published the Draft EIR on the proposed projects and made the document available for public review and comment. The public review and comment period on the document extended from July 11, 2011, through August 25, 2011. During the 45-day public review period, the San Francisco Planning Department received written comments sent through the mail or by hand-delivery, fax, or email (see Attachment 1). Verbal comments were received at the public hearing on the Draft EIR. A court reporter was present at the public hearing, transcribed the verbal comments verbatim, and prepared a written transcript (see Attachment 2). This Comments and Responses Document has been distributed to the San Francisco Planning Commission, State Clearinghouse, and agencies and individuals who commented on the Draft EIR. This document, in combination with the Draft EIR, constitutes the Final EIR for the proposed SFMOMA Expansion and Fire Station Relocation and Housing Project. The Final EIR must be certified by the Planning Commission prior to consideration of the proposed project for approval.

DOCUMENT ORGANIZATION

Following this introduction, Chapter II, List of Commenters, contains a list of all agencies, organizations, and persons who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on August 11, 2011. The original comment letters received on the Draft EIR and the transcript of the public hearing are reproduced in Attachments 1 and 2, respectively.

Chapter III, Comments and Responses, contains substantive comments on the Draft EIR made verbally during the public hearing and received in writing during the public comment period, from July 11, 2011, through August 25, 2011. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. The name of the commenter, the format of the comment (letter, transcript, e-mail, etc.), and the date of the comment are indicated following each comment. Each comment is coded by environmental topic, as indicated below:

General Comments	G
Project Description and Objectives	PD
Land Use	LU
Aesthetics.....	AE
Cultural Resources	CP
Transportation and Circulation	TR
Noise.....	NO
Air Quality.....	AQ
Hydrology and Water Quality.....	HY
Alternatives	AL

Chapter IV, Draft EIR Revisions, 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 Draft EIR, including changes to the Draft EIR text made in response to comments. Chapter IV also contains revised and supplemental Draft EIR figures.

Some of the responses to comments on the Draft EIR provide clarification regarding the Draft EIR. Where applicable, changes have been made to the text of the Draft EIR; added text is shown in underline and deleted text is shown in ~~strike through~~. Some of the comments do not address environmental issues, but rather express either support for or opposition to the projects. Public opinion regarding the merits of the project is not relevant to the adequacy of the EIR, but may be taken into account by decision-makers in their consideration of project approval.

Section 15088.5 of the *California Environmental Quality Act (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 CEQA 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. In addition, a determination that the Draft EIR 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 discussed further, 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.

II. LIST OF COMMENTERS

WRITTEN COMMENTS

Commenters are organized first by group, and then alphabetically by last name of the commenter. Original letters and e-mails are presented in Attachment 1 in the order shown in this table. Comments are coded in conjunction with the abbreviated environmental topical areas listed in Chapter I, Introduction.

Table II-1: Written Commenters

Person and Title	Agency/Organization	Date	Via
State, Regional, and Local Agencies			
Scott Morgan, Director	California State Clearinghouse and Planning Unit	August 25, 2011	Letter
Organizations			
Jesse Herzog, Project Manager	AGI Capital (owners of 260 Fifth Street and 900 Folsom Street)	August 17, 2011	Letter
Foster Weeks, President	ClementinaCares, Inc.	August 29, 2011	Letter
Christine W. Griffith	KSSF Enterprises Ltd. (W Hotel San Francisco)	August 25, 2011	Letter
Robert Bernheim	Coast Counties Property Management, Inc.	August 9, 2011	Letter
Individuals			
Katherine S. Brown		No Date	Letter
Elisabeth H. Warren		No Date	Letter
Noah R. Breyer		August 8, 2011	Letter
Hosein Kouros-Mehr, MD		August 11, 2011	Letter
Walter Lee		August 24, 2011	Letter
Jeff Matt		August 25, 2011	Email
Demian I. Oksenendler		August 23, 2011	Letter
Douglas O'Neill		August 23, 2011	Letter
Anne Marie Kuban		August 24, 2011	Letter

COMMENTERS AT THE PLANNING COMMISSION HEARING (AUGUST 11, 2011)

Commenters are listed in the order they spoke at the Planning Commission Hearing. Comments are coded by topic on the transcript of this hearing, which is provided in Attachment 2.

- Foster Weeks
- Liz Bridges, W Hotel
- Nancy Connell-Henson
- Historic Preservation Commissioner Alan Martinez
- Planning Commissioner Michael Antonini
- Planning Commission Vice President Ron Miguel
- Planning Commissioner Kathrin Moore

III. COMMENTS AND RESPONSES

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

Copies of the written comments sent through the mail or by hand-delivery, fax, or email are included in Attachment 1. Verbal comments received at the public hearing on the Draft EIR were transcribed by a court reporter and are included in Attachment 2.

GENERAL COMMENTS

Comment G-1: General comments stating that the Draft EIR is adequate and/or complete.

"The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 24, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act." (*Scott Morgan, Director, California State Clearinghouse and Planning Unit, Letter, August 25, 2011*)

"Well, I think the EIR looks relatively adequate and complete." (*Vice President Miguel, Public Hearing Transcript, August 11, 2011*)

"I think the draft EIR is quite well prepared. And those are my comments." (*Planning Commissioner Kathrin Moore, Public Hearing Transcript, August 11, 2011*)

Response G-1: These comments state that the Draft EIR is adequate, and that no State agencies submitted comments on the document by the end of the 45-day public review period. The Planning Commission will consider the adequacy, completeness, and thoroughness of the EIR upon certification. No further response is required.

Comment G-2: General comments stating that the Draft EIR is inadequate and/or incomplete.

"We are concerned, however, that the DEIR does not fully apprise the City and the public of the true environmental impacts of this important Project. Without careful design, analysis and mitigation, the Project has the potential to significantly, negatively impact the functioning of this vibrant neighborhood affecting both locals and tourists. We ask that the City take the steps necessary to fully understand the impacts of the MOMA expansion and ensure that significant negative impacts be fully analyzed and mitigated, as required by CEQA.

One of CEQA's primary functions is to ensure that decision makers and the public are provided with a sufficient degree of analysis and information to make intelligent judgments concerning a project's environmental impacts. 14 Cal. Code Regs § 15151; *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 256. To that end, the DEIR must identify and analyze the significant environmental effects of the Project, and identify all feasible measures to avoid or mitigate those impacts.

Where an EIR fails to adequately address the project's environmental impacts, it must be revised, supplemented in order to address its deficiencies, and recirculated so that the public and decision makers have a meaningful opportunity to analyze the new information and comment on it. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 448; Pub. Resources Code § 21092.1; 14 Cal. Code Regs § 15088.5.

Unfortunately, the DEIR fails to meet the standard for a sufficient document under CEQA. While we recognize the importance of the Project, and are supportive of it, it is critical that the DEIR accurately assess and analyze the environmental impacts that will flow from Project. CEQA applies equally to all discretionary projects that the City approves, whether they are important or lowly, beloved or loathed. Pub. Resources Code § 21065. Accordingly, we submit the following comments on the DEIR, and hereby request that the DEIR be revised to address the inadequacies detailed herein, and re-circulated for meaningful public comment.

Thank you for your consideration of our comments on this noteworthy proposed Project. As we have identified above, the environmental review of this Project is not complete. The DEIR should be revised, supplemented and recirculated so that it meets the requirements of CEQA and so that the public and decision makers are fully apprised of the Project's impacts. We look forward to working with both the City and the applicant in order to ensure the ultimate development of a project that results in benefits to the community and is compatible with the neighborhood." (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response G-2: These comments make a general claim that the Draft EIR is inadequate and must be recirculated because it does not meet the CEQA standard for adequacy.

The Draft EIR identifies the potential impacts of the proposed SFMOMA Expansion and Fire Station Relocation and Housing Project. As discussed in the Draft EIR, no impacts associated with the SFMOMA Expansion in the neighborhood immediately surrounding SFMOMA would be significant and unavoidable after implementation of mitigation measures identified in the Draft EIR and in the Initial Study included as Appendix A to the Draft EIR. In addition, neither the SFMOMA Expansion nor the Fire Station Relocation and Housing Project would result in significant impacts to the local or regional transportation system such that the mobility of neighborhood residents and employees would be adversely affected. Please refer to Responses TR-1 through TR-8 on pages 37 through 62 of this document regarding comments raised about the effects of the proposed projects on neighborhood circulation. Refer to Responses NO-1 through NO-3 on pages 63 through 68 of this document regarding comments about the effects of the proposed projects on the noise environment.

CEQA Guidelines Section 15151 contains the standards used to determine whether an EIR is adequate: “An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.” The Draft EIR meets this standard for adequacy.

These comments are addressed in more detail in this chapter of the Comments and Responses Document. No new or more severe impacts have been identified in responding to comments submitted on the Draft EIR beyond those impacts already identified in the Draft EIR.

For similar reasons, recirculation of the Draft EIR is not required. Per *CEQA Guidelines* Section 15088.5, recirculation of a Draft EIR prior to certification is required only when “significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification.” “Significant new information” is defined as:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- (4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

No significant new information as defined in *CEQA Guidelines* Section 15088.5, including new impacts, mitigation measures, or project alternatives, has been added to the Draft EIR after publication of the Notice of Availability. Therefore recirculation of the Draft EIR is not required.

Comment G-3: Comments about construction debris generated by construction of the SFMOMA Expansion.

“Additionally, there is no description in the DEIR of measures that will be taken to prevent construction debris from migrating out of the construction site. The W is concerned that debris may fall on its roof terrace, and could potentially injure guests to the hotel. Mitigation should be incorporated into the project to avoid this potential impact, including protective fencing around the construction site. (Christine W. Griffith, *KSSF Enterprises, Ltd. (W Hotel)*, August 25, 2011, Letter)

Response G-3: The comment notes concerns with construction debris migrating off the construction site, which may fall on the W Hotel roof terrace, and suggests a mitigation measure to install protective fencing around the construction site. Following standard construction practices, the construction site would be surrounded by an 8-foot-tall chain-link fence. In addition, debris netting would be placed around the perimeter of each floor of the building during the construction period, until the building's envelope is enclosed. This netting would trap most construction debris on the site. Small, lighter debris – such as shrink wrap – that can be easily carried by the wind may migrate off-site, but would not cause damage to adjacent properties, including the W Hotel, or pose a safety hazard to hotel guests.

PROJECT DESCRIPTION AND OBJECTIVES

Comment PD-1: Comments regarding the merits of the projects.

“The consensus from those that live nearest to the proposed fire station is that it will be a positive addition to the neighborhood. We are looking forward to SFFD being a good neighbor and bringing the type of civic feel that has improved other neighborhoods. So, it is important to understand that it is a positive development for the city and for the neighborhood. However, just because the city is getting a new fire station for free does not absolve the city and the fire department for taking care to ensure that the station is well integrated into the neighborhood. We know the SFFD wants to be a good neighbor, so by taking extra care to mitigate noise and to more thoroughly manage traffic, I think we will get to that happy place.” (*Noah R. Breyer, August 8, 2011, Letter*)

“On the block bounded by Folsom, Shipley, Fifth and Falmouth we don't have the best experience with governmental concern for the neighborhood. We have suffered since August 1, 2005 from the constant noise and exhaust generated by the tour bus yard occupying the site at 921/ 923 Folsom St. where diesel buses are fueled, idled and repaired 24 hours a day every day. Neighbors' complaints to both DCP and DBI were mostly ignored, although DBI did stop work ongoing without a permit until permits were obtained. (It will be interesting to see how firefighters' erratic sleep schedules will be affected by the diesel idling, back-up beacons, and 3/4" impact wrenches that continue through the night on any given night, let alone the 11:00 fueling of buses by a fueling truck.) The ABC has been loath to enforce its regulations pertaining to the on and off site drinking, selling on credit and selling to the obviously intoxicated at Harvey's Place Liquors at the corner of 5th and Shipley. DCP enforcement of sales of malt liquors exceeding 5.7% by volume in specially regulated districts has seemingly never been enforced let alone the proscription against single service containers of alcohol.

So as a resident and business owner on Shipley St. for nearly 20 years I don't have the utmost confidence that my city government will serve me well in this instance. Although Conditions of Approval on a municipal project are not ordinary, nor is the relocation of a fire station. I think that simple negotiated Conditions of Approval will go a long way towards allaying local residents' concerns about our new neighbors. We have been ignored a long time here on Shipley St. this is an opportunity to change this paradigm.” (*Jeff Matt, August 25, 2011, Email*)

"Let me start by saying that the owners of the W support MOMA's expansion. We recognize the benefits to the city of providing greater access to MOMA's incredible collection. And we recognize the economic benefits of the expansion. As MOMA'S neighbor, we value our relationship with the museum and we want to see the museum thrive." (*Liz Bridges, W Hotel, Public Hearing Transcript, August 11, 2011*)

"In general, we are in favor of the project and the relocation. We welcome the upsides to the presence of the fire station and look forward to a productive and neighborly relationship with them. We do, however, have some lingering concerns that have not been addressed in the EIR despite repeated meetings with SFFD and SFMOMA." (*Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011*)

"I think it's a very good project." (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

"As to the expansion, those of you who know me knew that I fought very heavily for years to keep the Doris and Donald Fisher collection out of The Presidio, in my view point a very wrongly conceived situation. Whereas having been on the board there and Fisher being on the board of MOMA, would have been the logical place for it. Highly resisted by the family and those involved with the collection for a long, long time. So I'm pleased that it's actually landing where it belonged in the first place." (*Vice President Miguel, Public Hearing Transcript, August 11, 2011*)

Response PD-1: These comments generally pertain to the merits of the projects and not the accuracy or adequacy of the environmental review. These comments are noted and will be considered by decision-makers when approval of the proposed projects is considered.

One comment suggests that "extra care to mitigate noise and to more thoroughly manage traffic" is desired. Please refer to Responses TR-1 through TR-8 on pages 37 through 62 of this document regarding the effects of the project on the transportation system and the adequacy of improvement measures identified in the Draft EIR. Please refer to Responses NO-1 through NO-7 on pages 63 through 82 of this document regarding the effects of the project on the noise environment and the adequacy of mitigation measures identified in the Draft EIR.

Comment PD-2: Comments about the project description.

"CEQA requires that an EIR contain an accurate and stable project description that provides enough information to ascertain the project's environmentally significant effects, assess ways of mitigating them, and consider project alternatives." *Sierra Club v. City of Orange* (2008) 163 Cal.App.4th 523. Failure to include a component in the project description leads to a flawed impact analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 27; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818.

The DEIR project description is incomplete. There is no way to discern from the description in the DEIR what the proposed MOMA expansion may actually look like; there is no detail beyond the maximum exterior dimensions. As described, the design of the MOMA expansion is “intended to meet the additional space needs of the museum while responding to the irregular shape of the site and the existing Botta-designed structure.” DEIR, p.23. The design is “in preliminary form.” DEIR, p.23. The DEIR describes approximate potential dimensions for the expanded building, but beyond that, no detail is provided. With the information provided, the City could approve a windowless stucco box (see, e.g., DEIR Figures II-13 to II-13 and Figures IV.B-2 to IV.B-8) or could approve an ornate, richly-textured, classical space, or a glass-curtained airy building. There is no way to know because there is no substantial or detailed description of the design, its specific dimensions, materials, colors, etc., included in the Project Description or figures.

As described further below, these elements will have a significant aesthetic impact. A project description that merely presents blocks of potential development does not serve the purpose intended by CEQA and does little to inform the interested community or the decision makers. The EIR must provide a detailed project description as “[A]n accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. “A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” *Id.* at 198. A detailed project description is especially important where, as here, it is those details that will inform the degree of environmental impact. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213.

The City's own planning documents emphasize the importance that design details have in the cityscape. As the General Plan's Urban Design Element states:

The fitting in of new development is, in a broad sense, a matter of scale. It requires a careful assessment of each building site in terms of the size and texture of its surroundings, and a very conscious effort to achieve balance and compatibility in the design of the new building. Good scale depends upon a height that is consistent with the total pattern of the land and of the skyline, a bulk that is not overwhelming, and an overall appearance that is complementary to the building forms and other elements of the city. (General Plan, Urban Design Element, Major New Development section).

The General Plan further cautions that “the relationships of building forms to one another and to other elements of the city pattern should be moderated so that the effects will be complementary and harmonious.” General Plan, Urban Design Element, Policy 1.3. An incomplete description of the proposed expansion fails to meet these goals because there is no way to discern whether the expansion will be “complementary and harmonious” or whether the City may be approving a massive austere box.

Another ignored impact is from the design of the wall of the expansion adjacent to the W. Because the Project description wholly omits design as an element, there is no way to evaluate the color, materials, texture or other elements that could make up an aesthetically pleasing visual space. Since this wall will be only approximately twenty feet from the existing hotel windows, for many rooms on the

lower floors, it will make up the sole and complete visual experience for visitors looking out from their rooms. The design of this wall needs to be disclosed in order for the City to accurately assess its true aesthetic impact to these visitors.

The DEIR's failure to include a full project description and its failure to accurately characterize visitors from viewing locations within public accommodations means that the public and the decision makers lack the information necessary to make an informed decision about the aesthetic impacts of the MOMA expansion." (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

"In this case, however, the project exists because of MOMA's desire to expand: The purpose of the project is not to increase fire safety but to expand MOMA. Because the relocated fire truck noise is a result of MOMA's expansion, MOMA should be forced to bear the true costs of this and not be able to shift the noise cost without compensating the victims due to a law that protects the producers of the noise." (*Douglas O'Neill, August 23, 2011, Letter*)

Response PD-2: This comment claims that the Project Description, comprising Chapter II of the Draft EIR, is "incomplete" because insufficient detail has been provided of the design of the proposed SFMOMA Expansion, including "specific dimensions, materials, colors, etc." This comment also claims that because design detail is lacking in the Project Description, the potential effects of the project on the visual and aesthetic environment cannot be adequately ascertained.

CEQA does not require an EIR to include the final design of a project, and furthermore, discourages the inclusion of detail that is not necessary to understanding the environmental impacts of the project. Per *CEQA Guidelines* Section 15124, a Project Description "should not supply extensive detail beyond that needed for evaluation and review of the environmental impact."

The Project Description in the Draft EIR is adequate to understand the potential impacts of the SFMOMA Expansion on scenic vistas and visual character/quality (the two functions of the visual environment that are governed by the City's significance criteria) because it identifies the maximum buildout dimensions of the project, conceptual building elevations, building height and scale, and general principles that underlie the design of the project.

The Project Description in the Draft EIR incorporates the amount of detail about the design of the project that was available at the time the Draft EIR was published. As stated on page 23 of the Draft EIR: "The design analyzed in this EIR is currently in preliminary form, sufficient for the purposes of environmental review, and will generally be refined but remain generally consistent with the design discussed here." Additional detail on the design of the project will be submitted to the City prior to consideration of the project by the decision-makers and consideration of the approvals listed on pages 58 and 59 of the Draft EIR.

The spatial dimensions of the project are described on pages 23 and 24 of the Draft EIR, and depicted (as elevations) in Figures II-13 through II-15 (pages 30 through 32). The preliminary design of the project – including its height, massing, and shape – is described on page 41 of the Draft EIR. As

described on that page, the building is anticipated to be “clad in glass fiber reinforced concrete, which is known for its load-bearing properties and resistance to weathering elements.”

In addition, pedestrian access into and out of the building (and the associated promenade between Natoma and Howard Streets), the design for the frontage of the building along Howard Street (“designed to allow for the viewing of larger works of art from the street”), all of which influence the look and feel of the project from the street, are described and graphically portrayed on pages 35 through 41 of the Draft EIR. These design details indicate that the project would not be a “window-less stucco box,” as suggested in the comment.

The preliminary design of the building is also shown – as visual simulations – from various view-points in the vicinity of the SFMOMA Expansion site in Figures IV.B-2 through IV.B-8 on pages 140 through 146 of the Draft EIR. These visual simulations provide the public and decision-makers with an understanding of the project’s potential effects on views in the vicinity of the project site and the potential effects of the project on the visual character of the area, and supplement the description of the project found in Chapter II, Project Description. As described on pages 138 through 160 of the Draft EIR, the SFMOMA Expansion would not result in significant effects to scenic vistas or visual character/quality, regardless of further refinements to the design of the project. Similarly, the project would not degrade the urban design qualities of streets surrounding the site, as identified in the Urban Design Element of the General Plan (and described on page 54 of the Initial Study included as Appendix A of the Draft EIR). The side property line façade of the project facing the eastern side of the W Hotel would not be readily visible to the public, such that the exact color, materials, and texture of that façade would not have a significant bearing on any scenic vistas or the visual character/quality of the vicinity. Please refer to Responses AE-4 and AE-5 on pages 25 through 27 of this document for additional discussion about the effects of the SFMOMA Expansion on the visual and aesthetic environment.

As additional design detail is available, it will be released to the public and be provided to decision-makers for their consideration prior to any design approval decisions, but such detail is not necessary to understand the potential impacts of the SFMOMA Expansion on the visual environment.

In addition, a comment notes that the purpose of the project is not to increase fire safety but to expand SFMOMA, and as such SFMOMA should be forced to bear the true costs including noise impacts to neighbors. Project Objectives for both the SFMOMA Expansion and the Fire Station Relocation are included in the Draft EIR beginning on page 17. The project objectives of SFMOMA relative to the Fire Station Relocation and Housing Project include meeting the SFFD’s criteria for relocation. Those criteria include replacement of the seismically vulnerable existing fire station with a structurally sound fire station meeting life safety standards applicable to an “essential facility” in a location able to conveniently serve Fire Station No. 1’s service area; and enlargement of the station from two vehicle bays to three vehicle bays and location of all essential firefighting and emergency service equipment on the ground floor. The current deficiencies of Fire Station No. 1 are described on page 464 of the Draft EIR. As discussed in Response NO-1 on page 63 of this document, even though emergency vehicle noise is exempt from the City’s Noise Ordinance, the noise impacts associated with emergency

vehicles were evaluated thoroughly, determined to be less than significant, and thus do not require mitigation.

Comment PD-3: Comments requesting clarification of the Housing Project.

“The neighborhood has two major concerns regarding the one third parcel on the Shipley Street side of the project:

- Interim use and maintenance of the space prior to sale and development;
- Ultimate nature of the residences to be built - proposal by SFMOMA and SFFD has been market rate residences.

(These two points require serious input and discussion with the neighborhood.)” (*Noah R. Breyer, August 8, 2011, Letter*)

“The neighborhood has two major concerns regarding the one-third parcel on the Shipley side of the project: a, the interim use and maintenance of the space prior to sale and development; and, b, the ultimate nature of the residence to be built. The proposal by SFMOMA and SFFD has been market-rate residences, but this is still a large unknown and that's an unsettling issue for the neighborhood.” (*Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011*)

Response PD-3: These comments request clarification of the treatment of the Housing Project site prior to construction, and the type of residences that would be built as part of the project. As discussed on pages 56 and 57 of the Draft EIR, the first step in the construction of the SFMOMA Expansion and Fire Station Relocation and Housing Project would be the demolition of the existing commercial building located at 935 Folsom Street. Following demolition, the Fire Station Relocation and Housing Project site (935 Folsom Street) would be surrounded by a temporary construction fence (composed of chain link or another material). While the new Fire Station No. 1 is being constructed, Lot B (the site of the future Housing Project) would be used as a staging and parking area. After construction of the fire station and associated parking lot is complete, Lot B would be graded and planted with a wildflower seed mix. A 4-foot-high chain link fence would be installed between the fire station parking lot and the footprint of the residential building. A 10-foot-high chain link fence with green fabric (similar to that used on tennis courts) would be installed around the three remaining property lines of Lot B. As discussed on page 67 of the Initial Study included as Appendix A to the Draft EIR, it is contemplated that the Housing Project would include up to 10 market-rate residential units and three below-market-rate (BMR) units, as required by the Inclusionary Affordable Housing Program and the SoMa Youth and Family Special Use District, assuming on-site affordable units are constructed to satisfy these requirements. Alternatively, the developer of the Housing Project could pay an Affordable Housing Fee in lieu of constructing on-site BMR units, in which case up to 13 market-rate units could be constructed. It is unlikely the Housing Project would be built as a 100 percent affordable development because a project of only up to 13 units is generally too small to meet the criteria of federal, State or local affordable housing funding agencies.

The Housing Project would be developed after construction of the Fire Station Relocation and SFMOMA Expansion. At the time the Housing Project is proposed (and detailed design information is available), that information would be considered in the context of the impact analysis in the EIR, and any supplemental environmental review would be undertaken as necessary at that time.

LAND USE

Comment LU-1: Comments about land use compatibility.

“The comments regarding the relocation of fire station are well taken and I think should be investigated further. Normally, people reside near fire stations after the fire stations are already in place. Fire stations rarely move their locations. So we are doing the opposite here. We are moving a fire station into an area with residences. And it provides different questions. People might have said originally, I’m not going to buy across the street from the fire station; it’s too noisy. So you’re creating a totally different situation here.” (*Vice President Miguel, Public Hearing Transcript, August 11, 2011*)

“The change in zoning for this SINGLE fire station project is “spot zoning” and is not in accordance with the San Francisco General Plan.

8. This proposed rezoning is inconsistent with the intent of zoning as documented in the General Plan.
9. This proposed zoning locates the fire station in an existing Multi-Use Residential District (MUR) along Folsom Street.
10. The DEIR suggests that the existing building at 935 Folsom should not be reused/rehabilitated because of the significant cost for a seismic retrofit and hazardous materials abatement. See page 125.
 - The existing zoning was reviewed, at taxpayer’s expense, in the past 5 years. Why is “spot zoning” being allowed for this project, when other sites, in adjacent SLI districts along Harrison, Bryant, or 6th Street would be much better suited to this Public District Use (P)?
 - The DEIR conclusions do not identify that existing/proposed housing stock will be less sought after by potential residents due to this project. This area is a burgeoning residential area, which supports the nearby businesses districts of Union Square and the Financial District in a sustainable, neighborhood-friendly manner. New residents will NOT desire to buy or to rent property in an area where sirens are a constant nuisance, and traffic becomes more difficult.
 - ALL buildings in San Francisco have or will require seismic upgrades. Hazardous materials abatement will have to occur regardless if the existing building is retained or the fire station is built. Both these DEIR justifications are NOT valid reasons for a change in use and zoning.” (*Anne Marie Kuban, August 24, 2011, Letter*)

Response LU-1: These comments suggest that the proposed fire station may be incompatible with residential uses in the vicinity of the Fire Station Relocation site. Similarly, the comments suggest that the proposal to rezone the 9,000-square-foot portion of the Fire Station Relocation and Housing

Project site that would contain the relocated Fire Station No. 1 from the MUR (Mixed Use Residential) District to the P (Public) District would constitute “spot zoning,” and would conflict with the intent of zoning as described in the General Plan. These comments also claim that Chapter IV.A (Land Use) of the Draft EIR “suggests that the existing building at 935 Folsom should not be reused/rehabilitated because of the significant cost for a seismic retrofit and hazardous materials abatement.”

As discussed on page 117 of the Draft EIR, fire stations are located throughout residential neighborhoods in San Francisco and the proposed fire station relocation “would not adversely affect the character of the area because of the mixed-use nature of the area (and the need for public services in the neighborhood, including emergency response services).” In other words, fire stations must be located in the neighborhoods they serve to ensure that prompt responses to emergencies occur. Therefore, fire stations and residential uses are not fundamentally incompatible land uses.

However, the Draft EIR discusses environmental effects other than land use compatibility that may occur when a fire station is located within a new mixed use neighborhood. These include noise generated by fire station-related traffic, emergency vehicle sirens, equipment testing, and stationary sources (e.g., internal fire station alarms) (refer to pages 329 through 342 of the Draft EIR), air pollutant emissions generated by fire station vehicles and stationary sources (refer to pages 379 through 382 and pages 390 through 393 of the Draft EIR), and increased traffic (refer to pages 256 through 263 of the Draft EIR). Comments raised about the effects of the fire station on noise and traffic patterns are also addressed in Responses NO-1 and NO-7 on pages 63 and 75 of this document, and TR-1 through TR-3 on pages 37 through 43 of this document. Such effects are disclosed in the Draft EIR and do not indicate that the proposed fire station would introduce an incompatible land use to the neighborhood.

Regarding the comment that “proposed housing stock will be less sought after by potential residents due to this project,” economic or social effects that do not result in secondary physical environmental impacts are not required to be analyzed under CEQA and as such were not evaluated in the Draft EIR.

“Spot zoning” is a practice that designates one parcel of land for a use and/or intensity that is incompatible with and notably different than surrounding zoning and land uses, and/or a community’s General Plan. The issue of spot zoning is one that relates to the merits of the project and not to the adequacy of the environmental review. As discussed above, the relocated Fire Station No. 1 would not be incompatible with the neighborhood, in the context of the existing mixed-use character of the neighborhood and the need for public services to be located in the area where demand for such services is being generated, and pertinent criteria of significance used to evaluate land use compatibility. As set forth in Section 234 of the Planning Code, P zoning is applied to any land owned by a governmental agency and in any form of public use, such as schools, parks, police and fire stations and government offices, and as such most P zoning districts are small and interspersed among other zoning districts. As described on pages 66 to 67 of the Draft EIR, the Fire Station Relocation would be generally consistent with the policies of the Community Facilities Element of the General Plan and related policies in the East SoMa Area Plan (see pages 71 through 74 of the Draft EIR). Therefore, the

proposed rezoning of the northern portion of the Fire Station Relocation and Housing Project site from MUR to P would not be considered spot zoning.

Contrary to the comment, the analysis in Section IV.A, Land Use, of Draft EIR does not suggest that the existing building at 935 Folsom Street should not be rehabilitated, although it identifies the constraints associated with such a rehabilitation, including the need for a substantial seismic retrofit and lead, asbestos, and polychlorinated biphenyl (PCB) remediation (refer to page 125 of the Draft EIR). In fact, rehabilitation of the structure was identified as an alternative to the project. The Adaptive Reuse Alternative is described and evaluated on pages 511 through 524 of the Draft EIR.

Comment LU-2: Comments pertaining to the legal means by which the City may vacate Hunt Street.

“In order for the MOMA expansion to be built, MOMA must be able to exclude the public from those areas in which it seeks to construct its expansion. MOMA cannot, without City action, exclude the public from areas of the Project site that the public has the right to pass through, including City streets. Thus, the City must vacate certain portions of the Project site that are City streets in order for the MOMA expansion to be built. However, as described in the DEIR, although the City has contemplated that it will have to vacate one area (Hunt Street), it failed to contemplate vacating the whole of the public street areas over which the expansion will be built; furthermore, even if the City attempts to vacate all of the existing public streets necessary to construct the Project, the City will violate state law and City policy in its attempt to make the necessary findings.

“The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof ...” *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 549. The MOMA expansion site is proposed to extend over two distinct areas on which citizens have a current right to pass: a portion of Hunt Street and an unnamed public right-of-way between the existing museum and Hunt Street (the “Easement Area”). See Exhibit B. The Easement Area is described in the DEIR as “[a] vehicular and pedestrian access easement encumber[ing] a portion of the Natoma Street parking pad up to a minimum clear height of 14.5 feet above the parking pad grade.” DEIR, p. 10.

As the DEIR explains, the City is planning to vacate the relevant portion of Hunt Street:

[T]he short (115-foot by 30-foot) segment of Hunt Street that is located between the museum and the 670 and 676 Howard Street buildings would be vacated and conveyed by the City to SFMOMA. This segment of Hunt Street is “landlocked” and does not connect to any other public street because the westerly extension of Hunt Street to Third Street was vacated by the City in 1979 and the land conveyed to the developer of the W Hotel. DEIR, p. 113.

But the DEIR never mentions that what the City plans to do about the Easement Area. The Easement Area is a street; it was granted to the City for “public street purposes” and was accepted by the Board of Supervisors through the adoption of Resolution No. 198-92 at its meeting on March 9, 1992.

The only way to rescind the right of the people to use a street is to follow state-mandated procedures to vacate that street. *Id.* at 548 (explaining that because the state has preempted the field of traffic control, the authority to close streets is provided solely by state law); Vehicle Code §21101; Streets and Highways Code §8300 et seq. In short, the City cannot allow MOMA to build on-and therefore block the public's access to-Hunt Street and the Easement Area without first vacating those areas for public street purposes.

State law provides the sole authority for the City to vacate a public street. *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 550; Vehicle Code §21 (“[n]o local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized therein.”). State law governs both the standard by which street closure or vacation may be accomplished (Vehicle Code §21101) and the process for effectuating a vacation (Streets and Highways Code §§8300 et seq.). No street may be vacated unless the legislative body can make a finding that the street is “[n]o longer needed for vehicular traffic.” Vehicle Code §21101(a)(1). “The necessary corollary [to this standard] is a legislative determination that the road may not be closed if needed for vehicular traffic.” *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, 756 (holding that city may not partially close a street to some vehicular traffic, even though it was needed for other traffic).

Case law supports that a City may not vacate a street for the exclusive private use of one party or a small number of citizens. *Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282 (“A street may not be vacated for exclusive private use.”). If the City vacates Hunt Street and the Easement Area, it will be violating this principle because it will be vacating these areas for the exclusive private use of MOMA. This violates state law.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response LU-2: Comment LU-2 does not address physical environmental impacts but is addressed here for information purposes. As described on page 17 of the Draft EIR, and as acknowledged in the comment, as part of the proposed project’s approvals, the City would vacate the landlocked 3,500-square-foot remainder portion of Hunt Street and convey the land (as well as the 676 Howard Street property) to SFMOMA in exchange for a portion of the 935 Folsom Street property and a newly constructed fire station on that site. The comment states that the Draft EIR must also describe a process by which the City would terminate an easement SFMOMA conveyed to the City for public street purposes over the Natoma parking pad and referred to in the comment letter as the Easement Area.

This comment does not concern the accuracy or adequacy of the Draft EIR, and, as such, no response is required. The vacation of Hunt Street and termination of any easement would be considered by the Board of Supervisors as part of the proposed SFMOMA Expansion’s approvals and would necessarily comply with all requirements of State and local law, including Section 787 of the City’s Public Works Code, which sets forth procedures for street and right-of-way vacations.

Comment LU-3: Comments regarding the findings required to vacate Hunt Street.

“The City cannot make the required finding of non-necessity with respect to Hunt Street and the Easement Area. As described in Section D, above, these streets are currently used to provide access to the W Hotel loading docks. They are necessary for the hotel's operations as the ingress and egress from the hotel's loading docks and porte-cochere; further, they are necessary to avoid significant traffic impacts that will occur if the hotel's loading is displaced onto New Montgomery, Howard and Third Streets. See Sections E, F, and G, above.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response LU-3: As described on pages 36 and 276 to 278 of the Draft EIR, a ground floor vehicular passage connecting Natoma Street and the W Hotel porte-cochere would be maintained for the benefit of the W Hotel and the SFMOMA Expansion would be elevated a minimum of 14.5 feet above street level to allow both trucks and valet parkers to drive in both directions between Natoma Street, where the 147-151 Minna garage entrance used by the W Hotel is located, and the W Hotel's porte-cochere, where the hotel's passenger loading and truck loading dock are located. Therefore, these operations would not be displaced onto neighboring streets and the impacts mentioned in the comments would not occur. Figure II-18 on page 29 of the Draft EIR has been revised to show how two-way travel between Natoma Street and the W Hotel's porte-cochere would be accommodated, and truck turning templates have been added to show how trucks would be able to back into the W Hotel's loading dock. In addition, the current long-term parking by Fire Station personnel that currently occurs on Hunt Street and which interferes with truck access to the W Hotel's loading dock would be eliminated upon relocation of Fire Station No. 1, improving access to the loading dock. For these reasons, the hotel's loading would not need to be displaced onto New Montgomery, Howard or Third Streets except during project construction, when the Easement Area would be temporarily unavailable, as described in Response TR-5 on page 57 of this document.

Comment LU-4: Comments suggesting that the vacation of Hunt Street would violate City policy.

“Furthermore, vacating Hunt Street and the Easement Area violates the City's own policies on street vacation. General Plan, Urban Design Element, Policies 2.8-2.10. This issue is identified in the DEIR as it relates to the vacation of Hunt Street, but the full impacts of vacating that street are not explained or supported. DEIR, p. 69. The DEIR states, “the project would require the City to give up an existing street segment and could conflict with Policy 2.8. However, the Hunt Street segment is of little use as a pedestrian alley because it is landlocked ...” This statement wholly ignores that Hunt Street is used for truck loading, unloading and valet operations for the W and MOMA, and for parking and through movements for individual drivers. DEIR, p. 113.

The General Plan policies are clear: the City must “[m]aintain a strong presumption against the giving up of street areas for private ownership or use ...” General Plan, Urban Design Element, Policy 2.8. To that end, the General Plan states that “[n]o release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property; [...]
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint; [...]
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment; [or, ...]
11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.

Vacation of the Hunt Street and Easement Areas will result in the adverse affects that the General Plan seeks to avoid. These impacts are discussed in more detail in Sections E, F, and G of this letter, above.

Finally, the General Plan suggests that “[i]n order to avoid the unnecessary permanent loss of streets as public assets, methods of release short of total vacation should be considered ...” General Plan, Urban Design Element, Policy 2.10. In this case, the City should consider less than a full vacation for at least the Easement Area. As designed and described in the DEIR, the MOMA expansion will be built above the Easement Area, but the building itself will not fully occupy the space. At ground level, the proposed expansion is open, and the Easement Area only extends from the street and sidewalk surface to 14.5 feet above that plane. The easement could be maintained in large part even with the MOMA expansion constructed above it. As an alternative to vacation of this area, the City should consider temporary authorization for MOMA's use during the construction period and maintenance of the Easement Area as a street once construction is complete.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response LU-4: This comment, which is noted, does not pertain to the accuracy or adequacy of the Draft EIR. The decision-makers will consider consistency with the General Plan, including the Urban Design Element, as part of project approvals. These approvals will include the Board of Supervisors’ consideration of whether to vacate Hunt Street.

The comment is mistaken in stating that Hunt Street is used for parking and through movements by individual drivers. As described on page 113 of the Draft EIR: “This segment of Hunt Street is “landlocked” and does not connect to any other public street because the westerly extension of Hunt Street to Third Street was vacated by the City in 1979 and the land conveyed to the developer of the W Hotel. Hunt Street is primarily used by firefighters at Fire Station No. 1 for surface parking and is infrequently used by pedestrians or individual drivers.” Individual drivers cannot access Hunt Street without first traversing either the W Hotel’s private porte-cochere or the Natoma parking pad of the SFMOMA property.

Hunt Street is used for SFFD personnel parking and the Easement Area is used only for museum loading and by the W Hotel for ingress and egress to its loading dock and for valet parking access between the hotel's porte-cochere and the 147-151 Minna Street parking garage. A small number of pedestrians traverse Hunt Street or the Easement Area (approximately 230 pedestrians in a 12-hour

weekday period), primarily those walking between Third Street and the Natoma Street entrance to the 147-151 Minna Street garage (pages 226 to 227 of the Draft EIR). Upon the vacation of Hunt Street and the termination of the public easement, SFMOMA would continue to provide the W Hotel with access across the reconfigured Easement Area for loading and valet parking access, such that the vacation of Hunt Street and termination of the public easement would not interfere with the W Hotel's vehicular circulation requirements.

As explained on page 69 of the Draft EIR, the vacation of Hunt Street does not appear to be inconsistent with Urban Design Policy 2.8. Although the General Plan contains a *presumption* against the vacation of public streets, it does not prohibit such actions provided the criteria set forth in Section 2.9 of the Urban Design Element are satisfied. This issue will be addressed in the context of the General Plan referral on the project.

The criteria set forth in Urban Design Policy 2.9(a) and listed in the comment are not violated in this instance (only criteria identified in the comment are discussed below):

1. As explained above and discussed on pages 271 through 272 and 276 through 277 of the Draft EIR, the vacation would not be detrimental to vehicular circulation because Hunt Street is landlocked and used only for Fire Station personnel parking, the W Hotel would be provided with continued access to its loading dock and valet parking route, and new pedestrian connections would be established as part of the project.
2. The vacation would not interfere with the rights of access for any private property.
4. There are no significant views available from Hunt Street (pages 129 through 132 of the Draft EIR).
9. As discussed on page 113 of the Draft EIR, the pedestrian promenade of the SFMOMA Expansion would provide approximately 3,735 square feet of new publicly accessible open space, in excess of the 3,500 square feet of Hunt Street proposed to be vacated.
11. As discussed on pages 65 through 71 of the Draft EIR, the SFMOMA Expansion advances several policies of the General Plan, including the Arts Element, the Urban Design Element and the Downtown Plan Element.

Urban Design Policy 2.9(b)(3) provides: "Release of a street area may be considered favorably when it would not violate any of the above criteria and when it would be ... [n]ecessary for a significant public or semi-public use, or public assembly use, where the nature of the use and the character of the development proposed present strong justifications for occupying the street area rather than some other site." The City may make such a finding when it considers the vacation of Hunt Street.

Regarding Urban Design Element Policy 2.10, less than full vacation of Hunt Street is not a feasible method short of vacation because the SFMOMA Expansion project would physically occupy the land currently containing Hunt Street. As noted at the beginning of this response, the Easement Area is not needed for public vehicular or pedestrian access and would be used only by SFMOMA and the W Hotel. SFMOMA would continue to provide private unimpeded access for the W Hotel between its

porte-cochere and loading dock and Natoma Street over the Easement Area, such that a public easement is not necessary.

AESTHETICS

Comment AE-1: Comments about lighting at the fire station.

From the architectural renderings and discussion with SFFD and SFMOMA no outside lighting has been planned. This is a public safety issue and needs to be addressed. Your colleagues at the SF Police Department agree that ample outside lighting contributes enormously to public safety.” (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

“From the architectural renderings and discussion with SFFD and SFMOMA no outside lighting has been planned. This is a public safety issue and needs to be addressed. Per SFPD ample outside lighting contributes enormously to public safety.” (*Noah R. Breyer, August 8, 2011, Letter*)

“Given the history of the neighborhood and its sidewalk denizens lighting the exterior of the building would also seem to be a wise decision.” (*Jeff Matt, August 25, 2011, Email*)

“First, Falmouth Ave is currently a source of significant crime, vandalism, and drug use/trafficking in the neighborhood. One primary reason for this is the lack of street lighting on Falmouth Ave. I therefore firmly believe that the construction project should include the addition of streetlights on Falmouth or lights added to the firehouse on the side facing Falmouth. Without proper lighting, the crime will likely continue on Falmouth even with the newly erected firehouse.” (*Hosein Kouros-Mehr, Genentech, August 11, 2011, Letter*)

“There also needs to be more outside lighting in the building itself and on the surrounding lot. Per the SFPD, ample outside lighting is the single most effective contribution to public safety.” (*Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011*)

“And outside lighting, I guess, in the Shipley area which, again, is a great deterrent for crime.” (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

Response AE-1: These comments express concern that new lighting would not be provided as part of the Fire Station Relocation and Housing Project, or that lighting would be provided outside the site, but would be insufficient to ensure neighborhood safety.

Since publication of the Draft EIR, plans for lighting around the proposed fire station have been refined, and a photometric study has been conducted to identify lighting levels in the vicinity of the fire station.¹

¹ *Fire Station No. 1 Relocation Photometric Study*, LMS Architects, August 31, 2011. This document is available at the Planning Department in Case File No. 2009.0291E.

Page 42 of the Draft EIR has been revised to incorporate this descriptive information, which does not alter the analysis or conclusions of the Draft EIR:

The [Fire Station] building would be set back from the property line by 5 feet to accommodate a bioswale along Falmouth Street, consistent with the City's Stormwater Design Guidelines. The bioswale, which would be planted with native plants, would receive all stormwater runoff from the roof of the fire station, filtering it prior to delivery to the City's storm sewer system. Also along Falmouth Street, a broad bay window would project from the mezzanine-level living area, clad in the same light metal screen as the window on the Folsom Street elevation. An 8-foot-high wall and rolling gate at Falmouth Street would screen the parking lot and utilities from pedestrian view and also provide security. The staff parking area would be accessed from Falmouth Street. ~~Downward-pointing exterior lighting would also be installed on the façade at Falmouth Street.~~

Proposed exterior lighting around the proposed fire station would include linear downward-facing lights above the bay doors facing Folsom Street (to accent the bay doors, provide safety lighting, and increase light levels on the adjacent sidewalk) and a series of upward-facing lights behind the landscape plantings along Falmouth Street (to accent the building façade, particularly the approximately 10 feet of façade adjacent to the sidewalk). All lighting would be designed to reduce glare. Based on the photometric study prepared for the project, light levels at the sidewalk adjacent to the Folsom Street frontage of the Fire Station Relocation and Housing Project site would increase from 0.2 to 0.6 foot-candles (fc)² under existing conditions to 0.6 to 24.3 fc with lighting that would be installed as part of the project. Although light levels on the sidewalk adjacent to the Falmouth Street frontage of the fire station would not increase, light distribution would increase and shadows would be reduced due to the removal of parking along the eastern side of Falmouth Street.

In addition, the San Francisco Redevelopment Agency is proposing to upgrade the existing light fixtures on Falmouth Street with light-emitting diode (LED) fixtures. Assuming the light fixtures would be similar to others recently installed along similar streets by the Redevelopment Agency, light levels at the sidewalk adjacent to the Falmouth Street frontage of the site would increase from 0.5 to 1.3 fc under existing conditions to 0.8 to 1.9 fc.

A lighting plan has not yet been prepared for the Housing Project, but would be developed in accordance with street lighting and public safety standards.

Comment AE-2: Comments about public art at Fire Station No. 1.

"We're gravely disappointed that the promises of public art made at the beginning of the project are no longer true. It seems absurd that the public art requirement has been removed in a project sponsored by the SFMOMA." (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

² A foot-candle is a unit measuring the intensity of light falling on a surface.

"All public building projects in San Francisco include a 2-3% of the final construction costs be designated towards public art. However, there has been no museum commitment to public art. Given the involvement of a major arts institution such as SFMOMA, the expectation is that the SFFD fire house #1 will have some public art component. (Noah R. Breyer, August 8, 2011, Letter)

"Our group was also informed at the beginning of the project that this project would include some form of public art, and are now told that this has been eliminated from the project. Per all of the information in the EIR, this distinct area is a part of and evolving art district with galleries, museums, and other space for those who are employed in and love the arts. ClementinaCares is specifically committed to encouraging the evolution of art and culture in the area and are disappointed that there will not be a public art requirement, especially when the project is sponsored by the SFMOMA." (Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter)

"Finally, it's ironic that a project led by SFMOMA, a major arts institution, includes no element of public art. The expectation of the neighborhood is that there would decidedly be elements of public art included in the plan. Art elements were promised to the neighborhood from the onset and have since been discluded from the plan." (Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011)

Response AE-2: These comments express disappointment that the design of Fire Station No. 1 does not include a public art component, and suggest that this lack of public art conflicts with the San Francisco Administrative Code. These comments do not pertain to the accuracy or adequacy of the Draft EIR, and the following response is provided for informational purposes. Section 3.19 of the Administrative Code requires that 2 percent of the gross estimated construction cost of a publicly-funded project involving new construction or the alteration of a building, above-ground structure, new park, or transportation improvement project be used for art enrichment.

Because the proposed Fire Station No. 1 would be constructed entirely with private funds and does not require the appropriation of City funds, Section 3.19 would not apply to the project. If the project were to be constructed with public funds and Section 3.19 were to apply, exterior public art would not be mandated (i.e., the entire 2 percent of gross estimated construction costs could be designated for interior art enrichment). The provision of exterior art (at 1 percent of gross estimated construction costs) is mandated only in the C-3 (Downtown Commercial) Use Districts. Public art is an amenity included in some projects, but it is not necessary to mitigate or avoid an environmental impact. Therefore, no significant impact would occur from the absence of public art.

Comment AE-3: Comments about the design of Fire Station No. 1.

"Safety and beautification requirements for the Falmouth and Shipley Streets include ample lighting, wider sidewalks, no parking on Falmouth, speed control and green space or trees.

We expect a project led by SFMOMA would lend itself to a strong architectural character and be forward thinking." (Noah R. Breyer, August 8, 2011, Letter)

"The current provisions for green-space, landscaping, and lighting around the proposed building is insufficient. This particular area would have very positive benefits by increased lighting and green space. (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

"Finally, any provision for landscaping and greening around/on the proposed building is modest at best. Our area is again, very committed to urban greenscaping and are underwhelmed by the proposed solution. The community deserves and encourages a more thorough effort." (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

Response AE-3: These comments request changes to the design of the proposed Fire Station No. 1 to add additional green space and landscaping. These comments pertain to the merits of the project and not to the accuracy or adequacy of the environmental review, and will be considered by the decision-makers. The following response is provided for informational purposes. As discussed on page 42 of the Draft EIR, the proposed fire station would be set back 5 feet from the property line to accommodate a bioswale along Falmouth Street. As discussed on pages 82 and 83 of the Draft EIR, the Fire Station Relocation would comply with all applicable provisions of the Planning Code related to street trees, street design, and open space. There are no street tree or open space requirements in the P (Public) Use District. Additional landscaping is not necessary to mitigate or avoid an environmental impact.

Please refer to Response AE-1 on page 21 of this document regarding the provision of lighting around the Fire Station Relocation and Housing Project site.

Comment AE-4: Comments on views from the W Hotel.

"As proposed, the design of the MOMA expansion-in particular, its height and lack of setback from the property line-will significantly, negatively impact the views, light and air available to thousands of visitors to the W Hotel each year.

In addition to providing an incomplete description of the MOMA expansion, the DEIR mischaracterizes viewing sites from nearby hotels, including the St. Regis and the W Hotel, as non-public viewing areas with "private views [for] a small number of persons." DEIR, p. 138. This is inaccurate. Nearby hotels are public accommodations serving thousands of visitors to the City each year. The W Hotel alone provides accommodation for approximately 180,000 unique visitors each year. While fewer people may view the Project from nearby hotel rooms than from street level, the number of visitors to the City that will experience the MOMA expansion from the vantage of a nearby hotel room is not insignificant.

Because the DEIR presents an inadequate project description and ignores the public aspects of the visitor serving spaces, the DEIR ignores potential impacts that the specific design may cause to a significant segment of the viewing public. Impacts related to the height of the proposed expansion and the materials, color and design of the expansion wall adjacent to the W Hotel are ignored.

For example, at the W Hotel, views from 112 rooms will be impacted by the MOMA expansion. That constitutes 28% of the total room inventory. These east-facing rooms currently have a view of the cityscape and San Francisco Bay Bridge. If the MOMA expansion is approved as proposed (i.e., a box fulfilling a maximum building envelope, DEIR Figures II-13 to II-15 and Figures IV.B-2 to IV.B-8.) many of these rooms will eventually have a view of a massive wall. We are attaching to this letter visual simulations of the views from rooms on the 5th, 9th, and 15th floors of the hotel with the proposed expansion. (See Exhibit A) As these simulations demonstrate, this dramatic change will substantially and negatively impact the view for thousands of visitors to the City each year.

Lowering the maximum height of the expansion would mitigate this impact to some extent, though it will remain significant and unavoidable if the expansion exceeds the height of the existing fire station.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

“Our next concern is with the aesthetic impacts of the expansion. You can see this. The draft EIR dismisses impacts to the hotel as nonpublic areas. This is despite that each year forty to fifty thousand visitors to the city will use the hotel rooms that directly face the project. At least 112 of the W's rooms will be blocked. We hired a firm that prepares visual simulations for EIRs to create renderings of what the views will look like from the blocked rooms. We were expecting poor results, but even we were surprised by what we got. As you can see, this is the existing view. This is the blocked view, based on what's in the draft EIR. Not even a sliver of sky is visible.” (*Liz Bridges, W Hotel, Public Hearing Transcript, August 11, 2011*)

Response AE-4: These comments suggest that views of the SFMOMA Expansion from private rooms at the W Hotel, St. Regis Hotel, and other hotels in the vicinity of the site should be considered public views for the purpose of the aesthetics analysis in the Draft EIR. Furthermore, these comments suggest that the proposed project would result in significant adverse environmental effects to these views.

Page 129 of the Draft EIR notes that “certain private viewpoints, such as those from the W Hotel and Pacific Telephone Building (134-40 New Montgomery Street) also provide views of the [SFMOMA Expansion] site,” but that the focus of the impact evaluation in the Draft EIR is on publicly-accessible viewpoints, such as those available from City streets, sidewalks, and parks. A proposed project may affect views from private property, but the City does not consider such effects to be significant effects under CEQA. The fact that rooms in the W Hotel (and other local hotels) are accessible to paying visitors does not make them publicly accessible. Visitors stay in these rooms only for one to several days at a time, such that even if the view experience for these visitors is impeded to a certain extent, the impact is temporary. Moreover, private views are not protected in San Francisco, as alterations to such views are common and expected in a dense urban setting. Therefore, while the alteration in views might be undesirable to the hotel management and some guests, changes to views of the site from rooms at the W Hotel and St. Regis Hotel are not considered significant adverse impacts on the environment.

Therefore, further analysis of potential impacts to hotel room views in the EIR is not warranted. Similarly, a finding that such changes to views would be considered a significant environmental

impact would be contrary to the City's environmental review protocols and significance thresholds – that is, whether the proposed project would result in a substantial effect on a scenic vista, substantial degradation of the visual quality of a site and its surroundings, a substantial effect on scenic resources, or a substantial increase in light and glare.

Please refer to Response PD-2 on page 11 of this document regarding comments about the completeness of the project description in regard to the visual characteristics of the SFMOMA Expansion. Lastly, the SFMOMA Expansion would not comprise “a box fulfilling a maximum building envelope.” A comparison of the maximum zoning envelope shown in Figure II-8 and the proposed building envelope shown in figures II-13 to II-15 shows that the proposed building would be 120 feet shorter than permitted and thus would not fill the maximum development envelope.

Comment AE-5: Comments on the effects of the SFMOMA Expansion on visual character during construction.

“The EIR should also, but fails to, consider the temporary aesthetic impacts of construction. While the EIR addresses impacts relating to project construction in other areas (see, e.g., DEIR Impact A0-2, p. 374 [construction-related air quality impacts]), it passes off impacts to aesthetics caused during the lengthy two-year construction period with little more than a couple sentences. The DEIR states in relation to aesthetic impacts that could be caused by construction-related “ground disturbance, the use of heavy machinery, and the installation of safety fencing,” that “such changes to the visual environment are an unavoidable temporary outcome of development projects. However, such conditions would exist only for a limited duration.” DEIR p. 159.

Whether or not an impact is unavoidable or temporary, it must still be analyzed and understood by the community and decision makers. CEQA requires the analysis of all impacts, not just those that may be mitigated or avoided. Pub. Resources Code §211 00. Indeed, CEQA recognizes that unavoidable impacts fall in a special category and require specific attention. CEQA provides special procedures for dealing with unavoidable impacts that remain significant even after mitigation or when mitigation is unfeasible-such impacts must be justified by decision makers with a finding that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.” Pub. Resources Code §21081(b). A heightened awareness and analysis of unavoidable impacts makes sense: the community and decision makers should make an affirmative decision to accept those negative results of the project that cannot be mitigated to less than significant. In order to have the full understanding of impacts that are unavoidable, they cannot be brushed off in the Draft EIR, as here.

Further, though the DEIR minimizes the aesthetic impacts due to construction by stating that “such conditions would exist only for a limited duration,” it still fails to actually analyze the impact. DEIR p. 159. The qualification of the impact as only for a limited duration speaks to the degree and intensity of the impact, but does not describe what the impact is or why duration would make the impacts less than significant. This fails to meet CEQA's requirement that an EIR must identify and describe the Project's significant environmental effects, including direct, indirect and long-term effects. Pub. Resources Code §21100(b)(1); 14 Cal. Code Regs §15126.2(a).

In other impact areas (e.g., air quality, noise, etc.), construction-related duration alone does not make a significant impact less than significant. At a minimum, the EIR must identify the aesthetic impacts related to construction and set forth the reasons that those impacts are less than significant. Pub. Resources Code §21100(c). A bare assertion that an impact will last less than the Project's lifetime does not satisfy the requirements of CEQA. See, e.g., *Chawanakee Unified School District v. County of Madera* (2011) 196 Cal.App.4th 1016 (holding that temporary and indirect impacts from construction activity related to school facilities must be analyzed in an EIR).

Once fully identified and analyzed, aesthetic impacts related to construction should be mitigated. Pub. Resources Code §21081(a). Options to consider may include appropriate fencing of construction areas to minimize views from public vantage points, requiring the proper storage of equipment within fenced areas when equipment is not in use, and other measures that could minimize the visual impact of construction-related activities." (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response AE-5: As noted on pages 161 and 162 of the Draft EIR, the 2-year SFMOMA Expansion construction period would result in changes to the appearance of the project site due to ground disturbance, the use of heavy machinery on the site, and the installation of safety fencing. However, "Because construction-related changes to visual character would be short-lived, they would not be considered significant." Unlike air quality and noise, the City does not maintain thresholds used to determine whether construction projects would result in a significant impact to visual resources. The City has not developed such thresholds because temporary changes to the visual environment – unlike temporary changes to local levels of air pollutants or noise levels – would not result in adverse effects to public health.

Moreover, visual impacts are considered according to the standards specified in the City's Initial Study checklist – that is, whether the proposed project would result in a substantial effect on a scenic vista, substantial degradation of the visual quality of a site and its surroundings, a substantial effect on scenic resources, or a substantial increase in light and glare. The analysis recognizes that visual perceptions are subjective. While temporary construction equipment might be visually unappealing to certain individuals, it would not result in a demonstrable, substantial adverse impact.

Therefore, the City considers short-term aesthetic impacts associated with project construction to be less than significant, and no additional discussion (or mitigation) is warranted. CEQA requires mitigation measures only for adverse physical impacts.

Comment AE-6: Comments on the effects of the SFMOMA Expansion on the permanent visual character of the vicinity.

"As with the aesthetic impacts related to the height of the building, the DEIR is deficient in analyzing whether setbacks or other building limitations may be appropriate to minimize impacts on neighboring properties. These potential mitigations are ignored because no detailed design is included in the Project description, and so the impacts which they would mitigate are also ignored.

As discussed above, the MOMA expansion is described in the DEIR by its maximum potential dimensions, and could be approved by the City to be a massive undefined box. DEIR Figures II-13 to II-15 and Figures IV.B-2 to IV.B-8. But despite that the DEIR describes a massive box of a project, it fails to identify the impacts that such a box would have on neighboring properties. For example, the W sits immediately adjacent to the proposed expansion on its southwest side. If the expansion is built as described in the DEIR a flat wall will rise up only twenty feet from 112 east-facing hotel rooms. See attached Exhibit A, with visual simulations from W Hotel rooms on the 5th, 9th and 15th floors. This wall will certainly block light and air from reaching those 112 hotel rooms, and from reaching the thousands of visitors that stay in those rooms each year.

The DEIR's only mention of building form as it relates to the existing character of the Project's vicinity is the following statement:

Expansion of the existing museum would introduce a taller and more massive building than currently exists to the site, but the building form would be compliant with applicable height limit provisions of the Planning Code, would be similar in scale to many structures in the vicinity of the site, and would not be considered an incompatible building type in terms of overall design. DEIR, Impact LU-3, p. 116.

It is impossible to evaluate the "overall design", its compatibility with structures in the vicinity, and its impacts on neighboring properties without a more detailed description than a maximum building envelope.

The W suggests that this impact be reevaluated once a final Project design is proposed by MOMA. Until then, building massing, setbacks, and other appropriate design modifications cannot be properly assessed. Specifically as it relates to the W's hotel rooms that will abut the MOMA expansion, a setback or stepped-back massing should be considered in order to preserve access to light and air for visitors to the City staying at the hotel." (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

"As the closest and perhaps largest private owner of property adjacent to the purposed expansion project, I have been attempting to receive satisfactory answers, as to the Minna Street architectural treatment and pedestrian walkway.

At the May 26th presentation, the treatment of pedestrians access and design of the Minna Street frontage was just passed over, by the design team Snohetta, as the presentation is "Just a work in design to date" and questions raised by myself and others present were just ignored.

Further request for answers to appropriate parties also went unanswered; finally I spoke to your Facilities Manager for the museum and the properties you lease from us, I was assured that a walkway for pedestrians would be placed in open air space paralleling the existing garage and join the Howard Street pedestrian walkway.

Last week this information was rescinded by the SFMOMA representative, and today I was given two drawings showing no pedestrian walkway and a two story solid wall extending from West to East for the entire first two floors of the Museum, which is a blight to all northern neighbors.

I am writing this as conflicting notice dates are numerous, and my concerns should be discussed, and an open dialog between parties needs to be scheduled.” (*Robert Bernheim, Coast Counties Property Management, Inc., August 9, 2011, Letter*)

“... and in analyzing impacts related to the height, massing, and design of the MOMA expansion.

The other major problem here is, as you can see, that we have no idea what the wall is going to look like. There's no description of it in the EIR. The project description is incomplete. We would like to work with MOMA and the city to ensure that the wall that's facing the W is at the very least aesthetically pleasing.” (*Liz Bridges, W Hotel, Public Hearing Transcript, August 11, 2011*)

I am also concerned about the massive expansion on [Howard] Street. I believe that we need to have a clearer visualization and impact on what that will look like and that we indeed ...” (*Planning Commissioner Kathrin Moore, Public Hearing Transcript, August 11, 2011*)

“A few things to add on from before. Coupling on what Commissioner Moore said, yeah, I think it's a little hard to really envision when -- on EIRs you only show massing; you don't show the design. And, of course, it's sort of seeing only part of the picture. And wherever possible, we certainly would hope, as this moves forward that the massing could be somewhat mitigated by the design, particularly on Howard Street where, at least in visual context, if it can address the context there as far as height is concerned, even if it's taller, perhaps there would be a way that portion of it appear to be not as high as it really is. And I think that would be a good thing to do.” (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

Response AE-6: These related comments pertain to the effects of the SFMOMA Expansion on aesthetics and cover the following sub-topics: 1) the potential need for setbacks or other building mass/height limitations to reduce aesthetic effects to properties surrounding the project site (and the need for more information about the proposed maximum building envelope); 2) effects on views from hotel rooms; and 3) the treatment of the building facades and building massing along Minna and Howard Streets. Each of these sub-topics is addressed in more detail below:

Building Limitations. Comments were raised suggesting that additional setbacks or other building limitations be imposed on SFMOMA to reduce visual impacts on adjacent buildings, including the W Hotel. Visual perception and associated impacts are subjective and open to some interpretation by decision-makers. The mass and scale of the SFMOMA Expansion would not result in significant effects on aesthetics – including the visual character of adjacent buildings – and therefore no mitigation is warranted. The height, massing, and setbacks proposed as part of the project are identified in pages 22 through 32 of the Draft EIR, including Figures II-13 through II-15. As discussed on pages 76 and 79 of the Draft EIR, the SFMOMA Expansion would be substantially lower than the applicable 320- and 500-foot height limits but would require a bulk exception for Floors 8 and 9, which would

have a maximum horizontal dimension of 347 feet and a maximum diagonal dimension of 355 feet, exceeding the limit of 170 feet horizontal and 200 feet diagonal. Such a bulk exception would not result in substantial and/or demonstrably adverse impacts, including impacts to scenic vistas and visual character/quality, as discussed on pages 138 through 160 of the Draft EIR. Figures IV.B-2 through IV.B-8 of the Draft EIR (pages 140 through 146) and Figure IV.B-8b on page 34 of this document are visual simulations of the project in the context of nearby structures, including the W Hotel. Those simulations indicate that the project would not have a substantial adverse effect on a scenic vista or substantially degrade the existing visual character or quality of the site and its surroundings. Visual effects experienced from the interior of buildings, including from private hotel rooms in the W Hotel, are not considered scenic vistas or part of the visual character of the site (see Response AE-4 on page 25 of this document). Therefore, no mitigation – including the imposition of setbacks or other building limitations – is warranted. Issues related to bulk exceptions and setbacks will be addressed in the project approval consideration process; while additional setbacks could be required, they would not be necessary to mitigate an environmental impact.

Hotel Room Views. Please refer to Response AE-4 on page 25 of this document regarding the City's treatment of changes to views from private properties. As discussed in that response, changes to views from private properties, including hotel rooms accessible to paid visitors, are not considered significant by the City. Therefore, no mitigation is warranted.

Building Treatment Along Minna and Howard Streets. These comments request additional information about the building treatments along Minna and Howard Streets and suggest that the SFMOMA Expansion would result in a significant impact to the visual character of Minna Street. As discussed in Response PD-2 on page 11 of this document, the Project Description in the Draft EIR incorporates the amount of detail about the design of the project that was available at the time the Draft EIR was published and is adequate for the purpose of analyzing the environmental effects of the SFMOMA Expansion. As stated on page 23 of the Draft EIR: "The design analyzed in this EIR is currently in preliminary form, sufficient for the purposes of environmental review, and will generally be refined but remain generally consistent with the design discussed here." Details about the visual appearance of the SFMOMA Expansion on Minna and Howard Streets will be provided to the public as the project design is refined. However, the level of detail provided in the Draft EIR is adequate to determine whether the project would result in significant adverse effects to scenic vistas or visual character/quality.

As discussed on pages 138 to 160 of the Draft EIR, significant adverse effects are not anticipated. As shown in Figure IV.B-4 on page 142 of the Draft EIR, the project would not compromise long-range views along Howard Street looking east toward Yerba Buena Island. In addition, as discussed on pages 152 and 153, the conceptual treatment of the Howard Street façade would not result in significant impacts to the visual character of the area because: 1) the structure adjacent to Howard Street would contain a new visible ground-floor gallery and entryway that would add additional activity and interest to Howard Street and 2) a new pedestrian promenade would be built that connects Natoma and Howard Streets, also generating pedestrian activity and visual interest. A significant impact would occur only in the event of a substantial, demonstrable adverse change to the visual character of the site. Replacement of adjacent buildings with a new building seldom has the potential

within an urban context to result in such a demonstrable adverse effect, regardless of design treatment at the street level or on the building façades. Therefore, further refinements to the Howard Street façade would not result in significant impacts to scenic vistas or visual character/quality.

Views along Minna Street are currently constrained due to the narrow width of the street (the right-of-way is 35 feet, including 7-foot sidewalks on either side) and buildings adjacent to the street that extend up to the lot line. The proposed SFMOMA Expansion would continue the existing street-level treatment of construction up to the lot line. Due to the enclosed visual appearance of the street, additional building height adjacent to Minna Street would not result in a significant adverse impact to visual character or scenic vistas.

Comment AE-7: Comments about the effects of the SFMOMA Expansion on views from Yerba Buena Gardens.

“I think generally the building has a good feel. I am a little concerned that the impact of the excessive height are being looked at fairly and squarely with respect to elements closer in or further away. If we choose a view corridor in the Yerba Buena, I would -- I'm on page 139 -- I would like to ask that the views are also moved closer into YBC right behind the Maki Theater so that you really understand that you won't be seeing the Pflueger building anymore. I think Mario Botta created a composition by which the layering of historic and new architecture read very well when you saw the Museum of Modern Art, which in itself is a pretty massive building, composed well with the historic buildings beyond. As we're now behind the Maki Theater, we won't see that any more. So I'm asking just for the sake of what we'll be losing that we take a slighter closer look at all of those important uses. Yerba Buena Gardens is a very, very important downtown open space. It has a lot of commercial, restaurant, historic, cultural offerings. And I think, in order for that to fully work with the addition of this expansion, there has to be a give and take between all of those pieces. It cannot just be the new kid on the block which takes it all. I hope that we are all sensitive to that and that the EIR will disclose that in a more detailed way. (*Planning Commissioner Kathrin Moore, Public Hearing Transcript, August 11, 2011*)

Response AE-7: This comment seeks additional analysis of views from Yerba Buena Gardens in order to better understand the potential impacts of the project on views of the Pflueger-designed Pacific Telephone Building at 134-140 New Montgomery Street, which is currently visible behind SFMOMA.

The viewpoint from which the visual simulation from Yerba Buena Gardens was prepared was selected based on applicable provisions of the San Francisco Redevelopment Agency Disposition and Development Agreement (DDA) that remains in effect, and that was designed in part to protect views of the tower floors of the Pacific Telephone Building behind SFMOMA. As discussed on page 92 of the Draft EIR, the DDA specifies that “The maximum height of any building between the southerly line of Minna Street and the extension of the northerly line of Natoma Street shall not breach a plane defined as though extending from the north-south center line of CB-2 [a point shown on an attached diagram] at street level through a line 80 feet above the easterly line of Third Street. The objective of this requirement is to allow increased development away from the street while maintaining a substantial view of the Telephone Company [Pacific Telephone Building] tower beyond.” The

viewpoint in Yerba Buena Gardens for which a visual simulation was prepared (Viewpoint 2 on Figure IV.B-1) was selected to capture the view plane identified in the DDA. The proposed SFMOMA Expansion would exceed the maximum building height specified in the DDA, but would not breach the view plane designed to protect views of the Pacific Telephone Building tower from Yerba Buena Gardens.

An additional visual simulation has been prepared for the project from a viewpoint located in between the Fumihiko Maki-designed Galleries and Forum Building, and the James Stewart Polshek-designed Novellus Theater in Yerba Buena Gardens, closer to SFMOMA than Viewpoint 2 in Figure IV.B-1 on page 139 of the Draft EIR. Figure IV.B-1 has been amended to show the location of this new viewpoint (Viewpoint 8). Figure IV.B-8b shows the new simulation from Viewpoint 8. As shown in this visual simulation, the view of the Pacific Telephone Building would be partially obstructed by the SFMOMA Expansion. However, this impact to a scenic view would not be considered significant because the upper floors of the Pacific Telephone Building would continue to be visible behind the SFMOMA Expansion from Viewpoint 8 and from points to the west of Viewpoint 8 in Yerba Buena Gardens. Moreover, the project would not violate the view plane provisions in the DDA that were crafted to protect views of the Pacific Telephone Building tower.

CULTURAL RESOURCES

Comment CP-1: Comments about cultural resources.

“[Historic Preservation] Commissioner Martinez questioned the EIR's findings relative to the historic status of the [670] Howard Street building and felt that it retained enough integrity to be considered a historic resource. Staff will respond to this comment in the comments-and-responses document.”

[Note: At the public hearing the address in question was stated as 676 Howard Street, which is the existing Fire Station No. 1. The comment actually refers to 670 Howard Street.] (*Historic Preservation Commissioner Alan Martinez, through staff, Public Hearing Transcript, August 11, 2011*)

“And I also was very happy with the historical evaluation, which was quite good, of the area, which was very rich. It was originally Happy Valley, one of the few habitable areas South of Market long before the earthquake and much of the Greek community had a history there later on.

And then talking about 670 Howard, which apparently is not a historic resource and did have some alterations done in the '80s to add a fourth floor, so that's important to note as far as that was concerned.

And, finally, the fire house at 676. As pointed out, there were 17 fire stations added in the International Style in the '50s, so it's not like this is the only one. There are plenty of them that still exist if you really like that style, plenty of them you can see. So we won't be losing anything as far as a landmark there.” (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

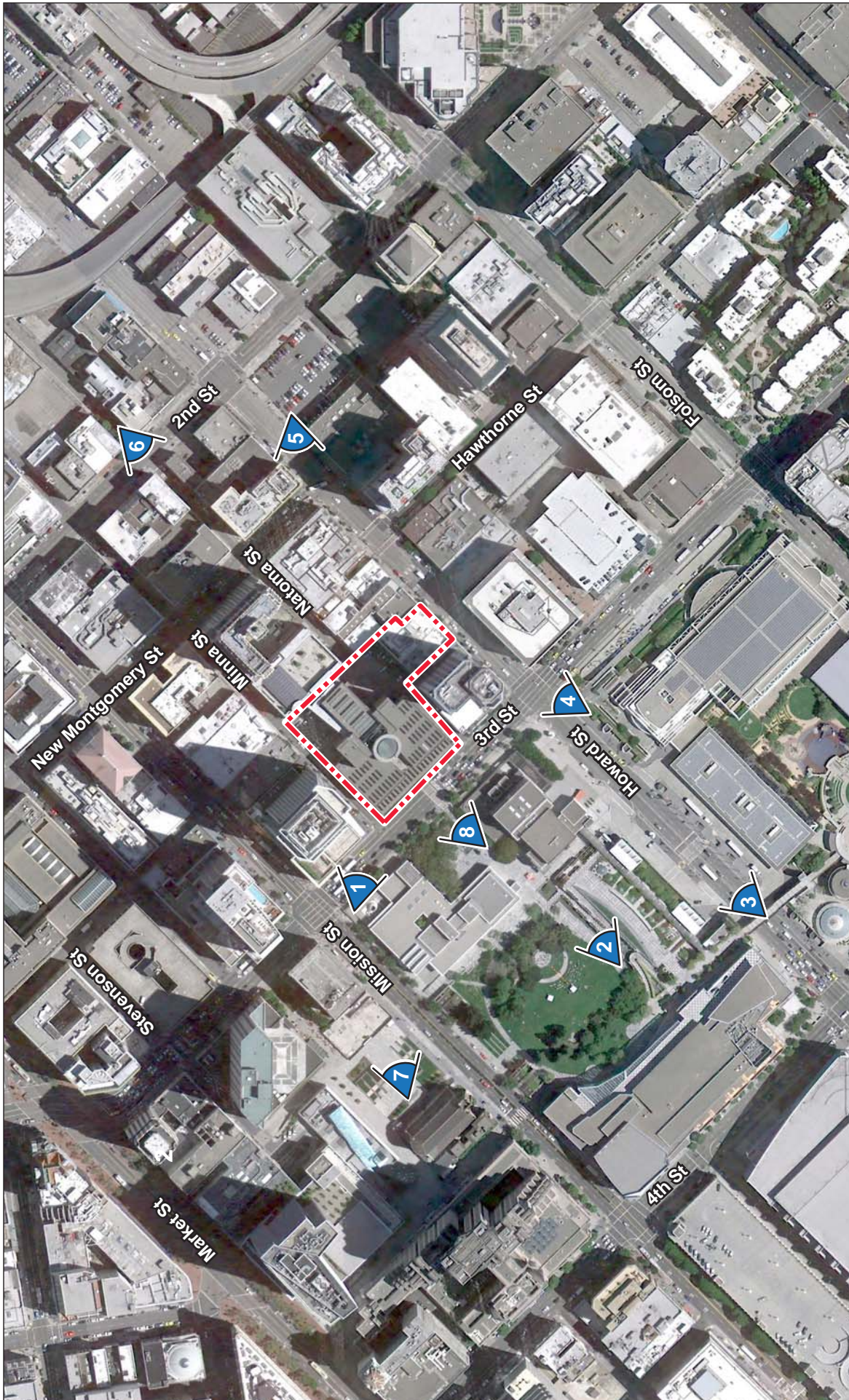
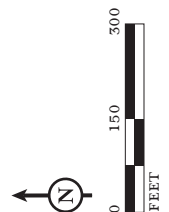


FIGURE IV.B-1
 Revised
 SFMOMA Expansion and Fire Station
 Relocation and Housing Project
 Comments and Responses Document
 SFMOMA Expansion Viewpoint Map

SFMOMA Expansion Project Site
 Viewpoint Locations



SOURCES: GOOGLE EARTH, 2010; LSA ASSOCIATES, INC., 2011.



Existing



Visual Simulation

FIGURE IV.B-8b

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document*

Visual Simulation - SFMOMA Expansion Site

Viewpoint 8 (Yerba Buena Gardens Adjacent to the Novellus Theater)

Response CP-1: The first comment grouped under CP-1 questions the conclusion in the Draft EIR that the building located at 670 Howard Street has lost its architectural integrity such that it is no longer considered a historic resource. The subsequent comments support the finding in the Draft EIR that the buildings located at 670 and 676 Howard Street are not individually considered historic resources.

With regard to the first comment in this group, as described on pages 180 and 181 of the Draft EIR, the 670 Howard Street building was constructed following the 1906 earthquake on a block that originally contained a mixture of uses, including a fire house, a print shop, and a bicycle sundries shop. Although the 4-story, heavy timber-frame, brick-clad industrial building was constructed within a historically significant period in San Francisco (the years following the 1906 earthquake), the integrity of the building has been substantially compromised by alterations made starting in 1973. As described on page 182 of the Draft EIR, these alterations include:

- A recessed aluminum and glass storefront with rolling grilles was installed in place of the original storefront.
- Exterior doors, windows, and hardware were replaced.
- The ground floor façade was completely altered to include scored concrete arches and a recessed outdoor entry vestibule with contemporary fixed glazing and fully-glazed double doors.
- A fourth floor penthouse was added and the stepped brick parapets on the third floor were enlarged and fronted with concrete.

These changes have compromised the integrity of materials, design, and association needed to arrive at a finding that the building is a historical resource. In addition, the integrity of the building's setting has been somewhat compromised due to the construction of modern buildings in the vicinity of 670 Howard Street, including the W Hotel and SFMOMA.

The conclusion that the building is not a historical resource was made independently by Page & Turnbull in a July 24, 2009 Historic Resource Evaluation and by the San Francisco Planning Department in a June 30, 2010 Historic Resource Evaluation Response.³ Commissioner Martinez's belief that the 670 Howard Street building retains sufficient integrity to be considered an historic resource is noted but does not change the analysis or conclusions of the Draft EIR for the reasons stated above.

The remaining comments supporting the conclusions in the Draft EIR regarding the historic status of the 670 and 676 Howard Street buildings are noted.

³ *Historic Resource Evaluation Response: 670 Howard Street aka 15 Hunt Street [&] 676 Howard Street*, San Francisco Planning Department, June 30, 2010. *Historic Resource Study, 15 Hunt Street (670 Howard Street), San Francisco, California*, Page & Turnbull, July 24, 2009. These documents are available at the Planning Department in Case File No. 2010.0275E.

TRANSPORTATION AND CIRCULATION

Comment TR-1: Comments about traffic congestion on Folsom Street due to the Fire Station Relocation.

“One of the biggest concerns as building owners on Folsom between 5th and 6th is that the traffic frequently backs up on Folsom all the way to 8th street – this is not just a commuting issue, but will vary with seasonal, sporting, weather, long term central corridor construction, and bridge traffic impacts. We are stuck in a soggy traffic mess when we are only trying to get into our garages! Despite our requesting a broader traffic assessment, the draft EIR does not look farther than 5th or 6th street. Having watched the traffic that ensues at the current firehouse when trucks depart and return, this will cause significant traffic exacerbations in the area.” (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

“Additionally, we feel that the EIR study did not adequately address the fact that prime time traffic on Folsom during peak rush hours (both going to and from work) back up as far as 7th or 8th Streets on a regular basis.” (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

Standing traffic on Folsom between Essex and 6th street, to gain freeway access is a typical occurrence, especially at evening rush hour, weekends and during AT&T events.” (*Anne Marie Kuban, August 24, 2011, Letter*)

“While it is true that some traffic issues fall outside the purview of the Planning Department, additional concerns brought up previously, should be revisited as it relates to both community health and welfare, as well as for the operational safety of the San Francisco Fire Department. Firstly, I would not be going out on a limb by saying that moving a fire department station in an urban environment is unprecedented. Because of the unprecedented nature of this move, it's important that all aspects of traffic patterns are taken into account, including impacts from local sporting events, seasonal downtown shopping, bay bridge accident incidents, as well as impacts to surface street traffic due to inclement weather. There is a 10 to 20 percent increase in traffic backups due to these conditions that don't seem to have been considered. The truth of the matter is that MTA has not done a very good analysis of these factors and if they had would be more aggressive about management of traffic and pedestrian controls. Routinely, traffic is heavily impacted during regular rush hours, which should be mitigated by the light control and 5th and 6th Streets. However, the impact to extra ordinary traffic patterns mentioned above require additional study.

“The community is concerned about the study of traffic with regards to seasonal, sporting, weather, long term central corridor construction, and bridge traffic impacts as it relates to the above point.” (*Noah R. Breyer, August 8, 2011, Letter*)

“I think that some good points were raised, particularly the concerns about traffic; and certainly I'm supportive of further study on that. And, as we know, Fire Station No. 1 is -- I think was at one time the busiest station in the United States, mostly medical calls which are generally problems with substance abuse and others. So that is something to really look at closely, I guess, as we analyze this

to make sure we are properly evaluating the impact.” (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

Response TR-1: These comments express concerns regarding the effects of the Fire Station Relocation on traffic conditions on Folsom Street, and suggest that conditions associated with increased congestion during local sporting events, seasonal downtown shopping, Bay Bridge incidents, and impacts to surface streets due to inclement weather were not considered. The comments also suggest that the geographic scope of the transportation analysis did not extend far enough to the west of the Fire Station Relocation and Housing Project site.

Traffic impacts associated with relocation of the fire station are described under Impact TR-1 in the Draft EIR (see pages 256 to 263), and were determined to be less than significant. The transportation impact analysis included in the Draft EIR was conducted based on the methodology presented in the *San Francisco Planning Department’s Transportation Impact Analysis Guidelines for Environmental Review (SF Guidelines)*. Traffic volume counts at the study intersection represent typical conditions, and the intersection Level of Service (LOS) analysis reflects conditions during the peak hour of the weekday PM peak period. While traffic volumes in the vicinity of the new fire station may increase during the holiday shopping season and before and after events at AT&T Park, congestion associated with these conditions generally does not extend to the study intersections in the vicinity of the new fire station. Therefore, traffic conditions associated with these special events would not combine with traffic generated by the fire station to result in significant impacts. In addition, the peak hours of congestion generally occur outside of the weekday PM peak hour (e.g., on game days congestion is greatest between 6:00 and 7:00 p.m., since baseball games typically start at 7:15 p.m.), while congestion in the Union Square area is greater in the North of Market area, and generally greater during weekend shopping days. Therefore, the transportation analysis considered typical peak hour conditions rather than conditions associated with special events or other unusual conditions. Weather conditions typically affect traffic in all locations and are not considered an unusual circumstance that would change the impacts of the Fire Station Relocation on traffic conditions.

During the weekday PM peak period, vehicles destined to the Essex Street on-ramps to I-80 east-bound queue on Folsom Street; however, the queue does not extend all the way to Eighth Street, as suggested in the comments. Observations of queues at the Bay Bridge approaches conducted in 2008, are documented in MTA’s *EN TRIPS Existing Conditions* report.⁴ As indicated in the attached Figure 1 (extracted from the report), queues on Folsom Street were observed to extend upstream from Essex Street to Third Street, but not further west.

⁴ EN TRIPS (Eastern Neighborhoods Transportation Implementation Planning Study) Existing Conditions, MTA, June 2010. This document is available for review at the Planning Department in Case File No. 2010.0275E. The EN TRIPS is intended to develop transportation infrastructure improvements for the neighborhoods included in the Eastern Neighborhood Area Plans, adopted by the San Francisco Board of Supervisors in 2009. EN TRIPS is a coordinated multi-agency partnership led by the MTA, and involving the Planning Department and the SFCTA.

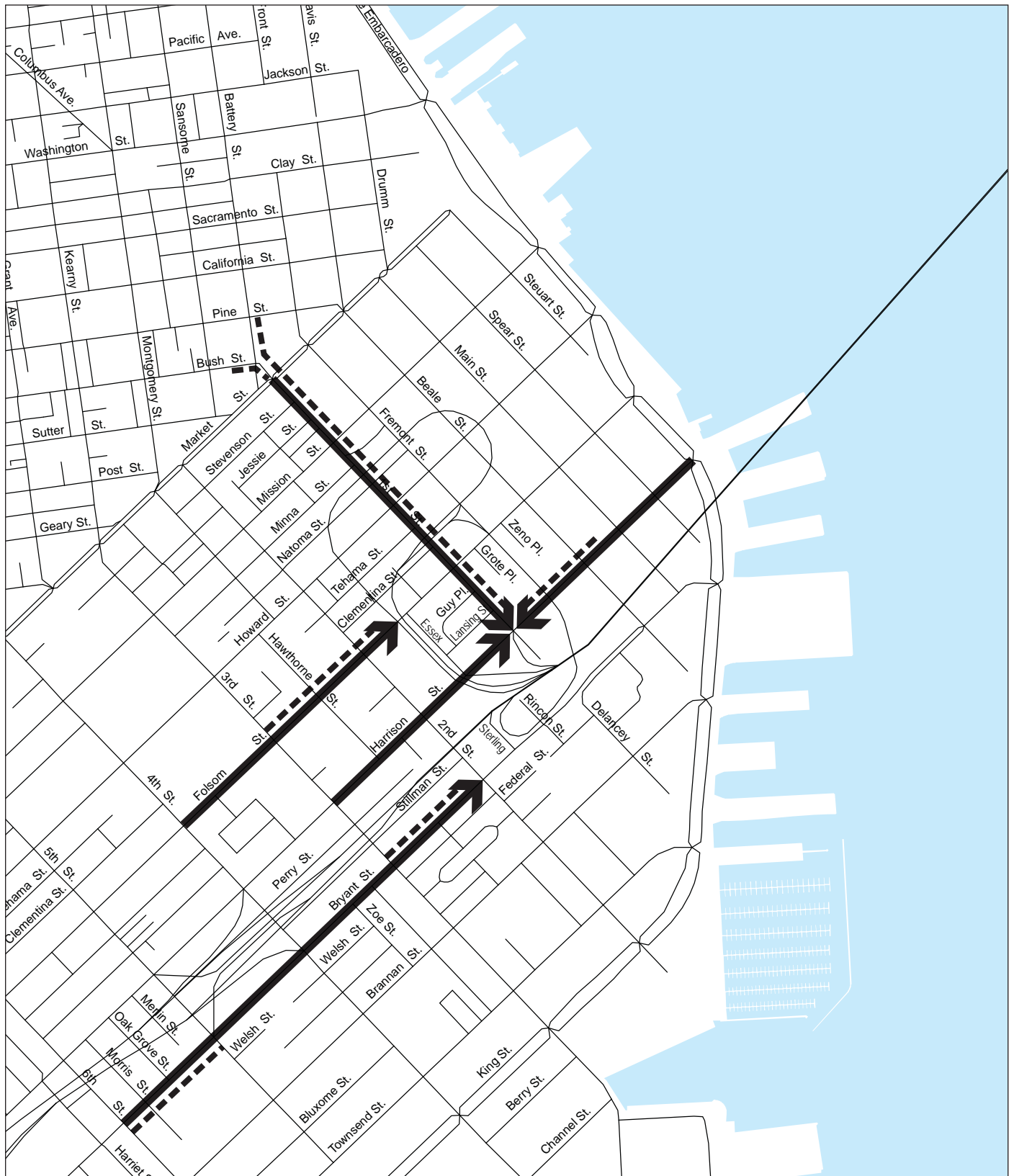


FIGURE 1



NOT TO SCALE

- = PM Peak Hour Queue
- = Observation Study Area
- = Observed PM Peak Hour Queue

Notes: Figure illustrates maximum PM peak hour vehicle queues. Observed May 2008.

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document*

**Bay Bridge Approaches - San Francisco
PM Peak Hour Queue Observation Study Area**

SOURCE: EN TRIPS-EASTERN NEIGHBORHOODS TRANSPORTATION
IMPLEMENTATION PLANNING STUDY EXISTING CONDITIONS, JUNE 2010.

During multiple site visits to the Fire Station Relocation and Housing Project site during the weekday PM peak period, queues associated with vehicles destined to the I-80 eastbound on-ramps were not observed on Folsom Street in the vicinity of the site. Recent field observations conducted on August 29, 2011 between 5:00 and 6:00 p.m. prior to a Giants game at AT&T Park (i.e., Chicago Cubs vs. SF Giants, which had an attendance of about 41,000 spectators – 98.7 percent of stadium capacity), did not indicate PM peak hour queuing that extended past Third Street, or unusual queuing on Folsom Street between Fifth and Sixth Streets. In general, based on the analysis conducted for this Draft EIR and the EN TRIPS Study, intersections on Folsom Street west of Fourth Street operate at LOS C or better during both the AM and PM peak hours. Therefore, the Fire Station Relocation and Housing Project would result in a less-than-significant impact on roadway operations in the vicinity of the site.

Comment TR-2: Comments regarding traffic signal preemption in the vicinity of the Fire Station Relocation.

“Much more aggressive traffic light control is necessary for traffic and pedestrian safety. Current commitments from SFFD only include light control at 5th and Folsom. We believe it is also required at 6th, and 4th, and possibly at 3rd street.

“The Draft EIR references inclusion of timed traffic lights to aid in emergency vehicle flow and to reduce the use of sirens. The Project Sponsor requests information on how this recommended and significant mitigation measure's inclusion in the proposed fire station project will be a required element of the fire station. Project Sponsor recommends including this mitigation measure, and all other recommended mitigation measures, in the project's Notice of Special Restrictions, Conditions of Approval, and all other legally binding instruments as applicable to the project. If the timed traffic light mitigation measure is not included in the project, the Project Sponsor requests information on what the impacts will be without such a mitigation measure.” (*Jesse Herzog, Project Manager, AGI Capital, August 17, 2011, Letter*)

“We think that there will be a need to control traffic flow between 6th and Falmouth Streets because traffic is backed up to 6th Street on this particularly congested days. It will literally be impossible for the fire department to leave Station #1 when the traffic is backed up to 6th Street, even with the 5th Street green/go light as the traffic conditions are such that traffic is backed up from 2nd Street and the Bay Bridge. Our initial suggestion to include a green/go light at 4th and Folsom also seems to have been ignored.

Much more aggressive traffic light control is necessary for traffic and pedestrian safety. Current commitments from SFFD only include light control at 5th and Folsom. We believe it is also required at 6th, and 4th, and possibly at 3rd Street.” (*Noah R. Breyer, August 8, 2011, Letter*)

“Mitigation measures included in the EIR are more oriented toward future uses rather than current people who will be newly impacted by the fire station relocation. Signal overrides are the only mitigation measure included to reduce the impact to existing residents affected by the relocation. If overrides work (which my observation of overrides in action along Howard Street makes me question), they don't eliminate the need for the sirens, only slightly reduces their use. Such signal

overrides would also be needed at 4th & Folsom Streets, which is not at all discussed in your report.”
(Douglas O’Neill, August 23, 2011, Letter)

“The pre-emptive traffic signals at 5th and 6th ONLY will not sufficiently adjust traffic flow for this project.

“Additional pre-emptive traffic signaling along Folsom from 3rd to 7th streets to avoid interrupting access to 1-80 and typical standing traffic patterns in the area. Possibly a dedicated fire lane could be added between 5th and 6th to allow safe access to 5th and 6th streets by fire trucks.” (Anne Marie Kuban, August 24, 2011, Letter)

In addition, the upcoming construction of the Fourth Street corridor impacts have not been taken into account nor addressed by the current EIR. Addressing these traffic-control issues would not only increase public safety but contribute to lessening siren and air-horn noise in our neighborhood.”
(Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011)

“Another error involves the analysis of fire trucks going to 6th Street. This analysis shows the trucks traveling along Folsom Street toward 6th Street. However, Folsom Street is currently one way in the opposite direction. Therefore, this analysis doesn't reflect current conditions, which an EIR should do. Though the report mentions that SFMTA is considering making Folsom Street a two-way street, that is not a forgone conclusion and shouldn't be made part of your study without mention or explanation.” (Douglas O’Neill, August 23, 2011, Letter)

“If most of the response calls for Fire Station No. 1 are in the Tenderloin and the 6th Street corridor, fire trucks driving the wrong direction on the Folsom does not seem safe. See Figure IVE.4, pg 334.”
(Anne Marie Kuban, August 24, 2011, Letter)

“Second, I believe that a crosswalk on Folsom Ave. at the location of the firehouse will be of tremendous value, both for controlling oncoming traffic when firefighters are dispatched from the firehouse to respond to a call as well as for pedestrians attempting to cross Folsom Street.” (Hosein Kouros-Mehr, Genentech, August 11, 2011, Letter)

Response TR-2: These comments raise concerns regarding the need for the Fire Station Relocation to implement signal preemption at additional intersections along Folsom Street.

As indicated on page 286 of the Draft EIR, the new fire station would be equipped with a traffic signal preemption system that would be linked to the nearby intersections of Fifth/Folsom Streets and Sixth/Folsom Streets. A traffic signal preemption system is a traffic-control system to improve emergency response times and traffic safety by temporarily overriding signalized intersections to benefit emergency vehicles. In general, traffic signal preemption provides an emergency vehicle the ability to preempt a traffic signal in order to have the “green” light in the direction of the responding vehicle. The signal would preempt to green for the direction of the emergency vehicle, and would hold red in all other directions. Approximately 2 years ago, MTA received a federal grant to implement signal preemption at 30 intersections in the vicinity of five (of a total of 43) fire stations.

The intersections were selected based on the travel corridors used by emergency vehicles, and locations where congestion levels have the potential to interfere with emergency responses.

As indicated on page 287 of the Draft EIR, signal preemption at the intersections of Folsom/Fifth Streets and Folsom/Sixth Streets would be included as part of the Fire Station Relocation. Signal preemption equipment would include a GPS-enabled activation switch within the fire station and equipment on fire and rescue vehicles and at adjacent traffic signal mast arms. The signal preemption would be activated at the time the station receives an emergency call and the impact to traffic on adjacent streets would be temporary. At the intersection of Sixth/Folsom Streets, the traffic signal for the eastbound approach of Folsom Street to Sixth Street, and Sixth Street northbound and southbound approaches would turn red, and remain so until the trucks exit the “preemption zone,” as defined by MTA. At the intersection of Fifth/Folsom Streets, the northbound and southbound approaches would turn red, and the signal for Folsom Street eastbound would turn green so that vehicles on the block between Fifth Street and Sixth Street would clear the length of the block before the emergency response vehicles leave the station. Fire and rescue vehicles would then have the option to travel either eastbound towards Fifth Street or westbound to Sixth Street.

In response to the comments regarding one-way traffic on Folsom Street, because the signal at the intersection of Sixth/Folsom Streets would hold all traffic and the segment of Folsom Street between Fifth and Sixth Streets would be cleared of all vehicles, emergency vehicles would be able to proceed in the opposing direction of traffic flow. At both Fifth and Sixth Streets, the pedestrian “Flashing Red Hand” for the approaches receiving a red phase would be triggered first, to ensure that any pedestrians within the crosswalk are able to finish crossing prior to the signal change.

As discussed on page 288 of the Draft EIR, should Folsom Street be converted to future two-way operation, such a conversion would not substantially affect emergency access or fire station operations. A median break would be provided at the Fire Station Relocation site on Folsom Street so that fire and rescue vehicles would be able to go eastbound or westbound when leaving the station. The signal preemption at Fifth/Folsom Streets and Sixth/Folsom Streets would be adjusted should two-way operation be instituted on Folsom Street and would continue to operate as intended, in order to provide a clear path for emergency vehicles to exit the fire station.

The use of signal preemption at the intersections of Folsom/Sixth Streets and Folsom/Fifth Streets as part of the new station operations would allow fire and rescue vehicles to exit onto a street that has been cleared of traffic. Signal preemption is not needed at intersections on Folsom Street to the east of Fifth Street because traffic conditions in the area do not demonstrate queuing such that vehicles on Folsom Street would be unable to clear the block between Fifth and Sixth Streets under the proposed scenario. If traffic on Folsom Street does not give way to fire and rescue vehicles with flashing red lights, the vehicles would be able to engage their sirens or air horn; however, this measure is not expected to be required under typical conditions. As part of the SFgo program, MTA is currently investigating the potential for implementing signal priority for transit vehicles and signal preemption for emergency vehicles on a much larger scale throughout San Francisco. Technology selection and design of the system have not been completed, and implementation would require a substantial investment in signal controller replacement/upgrades. It is anticipated that the need for signal pre-

emption at additional intersections in the vicinity of the new fire station would be assessed as part of this effort. Adding signal preemption at additional intersections would not affect queues destined to the Bay Bridge.

Because Folsom Street currently has multiple travel lanes and does not experience substantially congested conditions, a “fire lane” designation is not warranted. There are no travel lanes designated as a “fire lane” in San Francisco.

Concerns regarding construction along the Fourth Street corridor were assumed to refer to the Central Subway project that was initiated in 2010. Construction associated with the Central Subway would not substantially affect operating conditions at the nearby intersections. Utility relocation on Fourth Street has been completed, and tunnel work on Fourth Street would be conducted using Tunnel Boring Machines (and not cut and cover methods, which would affect travel lanes and intersection operations). Disposal of excavated materials would be via the south portal on Fourth Street south of Bryant Street, which would not affect operations along Folsom Street.

Comment TR-3: Comments related to traffic congestion associated with equipment testing at the Fire Station Relocation site.

“The Fire Station's daily preparation/testing activities will cause adverse traffic conditions on Folsom in morning rush hour traffic.” (*Anne Marie Kuban, August 24, 2011, Letter*)

“It is the Project Sponsor's understanding that there is significant automobile use and congestion at the Fifth Street and Folsom Street intersection, at times backing up to the location of the proposed fire station. Additionally, it is the Project Sponsor's understanding that there is significant bicycle use in front of the proposed fire station location. The Project Sponsor requests information on how impacts to the safety of firemen testing equipment on Folsom Street, bicyclists on Folsom Street, and drivers of automobiles on Folsom street, were all analyzed considering the manifest dangers in operating heavy machinery including chainsaws and jaws of life immediately proximate to fast moving cars and bicyclists. (*Jesse Herzog, Project Manager, AGI Capital, August 17, 2011, Letter*)

Response TR-3: The comments raise concerns regarding equipment testing adjacent to the new fire station on Folsom Street.

The impact of the proposed equipment testing adjacent to the new fire station on bicycle and traffic operations is described under Impact TR-2 on pages 263 to 264 of the Draft EIR, and was determined to be less than significant.

As part of the Fire Station Relocation and Housing Project, a fire station apparatus testing plan was developed with the SFFD to minimize the impact of equipment testing on traffic operations and bicyclists on Folsom Street by conducting testing within the curb lanes and not within the vehicular or bicycle travel lanes. “No Parking” red curb zones adjacent to the Fire Station Relocation site on Folsom Street would accommodate ladder truck and rescue vehicle testing at the curb. In order to minimize encroachment into the adjacent bicycle lane, the testing zone for the ladder truck would

extend into the driveway/sidewalk area (for the vehicle outrigger), while leaving a 5-foot wide clear path for pedestrians on the sidewalk. On the north side of Folsom Street, directly across from the new fire station, a red zone about 55 feet in length would be provided to accommodate testing of the pump engine within the curb lane. On Falmouth Street, an alternate testing zone would be provided for pumper engine and rescue vehicles. These test areas are part of the project description, and these measures would be sufficient to avoid substantial impacts on traffic flow, pedestrians, and bicycles.

Comment TR-4: Comments regarding loading operations at the SFMOMA Expansion.

“Because the DEIR fails to include an accurate baseline in regard to traffic movements on and around the site for the MOMA expansion, the DEIR’s analysis of traffic impacts during Project operation is similarly deficient. The DEIR takes a cursory look at some of the potential movement patterns for truck loading and unloading for both MOMA and the W Hotel and through movements associated with the hotel’s valet service. However, this cursory look is unsupported by substantial evidence.

For example, the Project description includes “loading diagrams” for the SFMOMA expansion and for the W Hotel once the expansion is built. DEIR, Figures II-17 and II-18. However, the movements reflected in these diagrams are not supported by any evidence—either in the DEIR or in the Transportation Study prepared by LCW Consulting in conjunction with the DIER [*sic*].

Specifically, and at a minimum, the City should prepare truck turning templates for the various MOMA loading spaces identified in the DEIR along Natoma Street. These templates should identify whether any trucks entering and exiting the desired MOMA loading spaces would require multiple maneuvers, which could result in blockage of Natoma Street for MOMA or W trucks and for valet operations to and from the hotel.

The City should also prepare a truck turning template for the access to the W loading dock to confirm that trucks can make all required moves. Sufficient space must be identified to allow trucks to turn around, to allow multiple truck access at one time, and to allow garbage trucks to maneuver enough to load and unload the trash compactor at the loading dock located at the back of the W. See photos of existing conditions attached as Exhibit C.

The DEIR includes two unsubstantiated diagrams depicting expected loading movements for MOMA and the W after construction of the expansion. DEIR, Figures II-17 and II-18. These diagrams do not include truck turning templates and it is impossible to assess from them whether the truck movements depicted are feasible and sufficient for the purposes of loading and unloading. There is simply not enough detail to make that determination.

From its operational experience, the W takes specific issue with Figure II-18, which ostensibly diagrams loading movements for the W Hotel after construction. This diagram does not reflect feasible or operationally satisfactory accommodations for truck and vehicle movements. For example, the diagram indicates that both truck movements and vehicle movements could proceed through the porte-cochere at the same time (in fact, the diagram shows a truck parked in the porte-cochere and routes for both trucks and valet along side). This is physically impossible. We are attaching photo-

graphs showing the room available in the porte-cochere for vehicular movements with Exhibit C. A truck and a car cannot occupy the same space in the porte-cochere at the same time.

Figure II-18 in the DEIR also shows trucks completing a maneuver by which they swing into Howard Street and then back into the porte-cochere—a move that would block at least two, and likely all, lanes of traffic for several minutes (for each delivery) if it can be accomplished at all. See Exhibit C. Currently, the majority of the hotel's truck deliveries occur between 7 a.m. and 10 a.m., corresponding closely to the peak morning commute traffic. Given these conditions, if loading occurs as described in the DEIR, several lanes of traffic will be held at a standstill for significant portions of the weekday morning peak hours. This would undoubtedly lower nearby intersection operations from LOS E to LOS F, which is considered unacceptable in the DEIR (DEIR, p. 212.), and would certainly be unacceptable to drivers trying to make their way across the City.

The W is willing to work with the City to provide additional information (e.g., regarding the dimensions of trucks making deliveries, more detail on their typical schedule, etc.) so that a rigorous analysis of the traffic impacts associated with the proposed MOMA expansion is fully and accurately disclosed to the community and the City.

As proposed, the MOMA expansion will sever the W's right to access Natoma Street. This will cause traffic nightmares as existing loading and through traffic is relocated to surrounding streets and will disable the W's operations. Traffic impacts both during and after construction are inadequately addressed in the EIR.

The DEIR devotes little space to discussing the relationship between MOMA and the W Hotel and the areas that the two properties currently make common use of. Specifically, the DEIR is deficient in describing how the two properties utilize Natoma Street, the Natoma parking pad area and Hunt Street for loading, unloading and vehicle through traffic.

MOMA is immediately adjacent to the W Hotel on the hotel's northwest side. On the hotel's northeast side lies 676 Howard Street (the existing fire station) and Hunt Street. DEIR Figure II-2. The MOMA expansion will be constructed so that MOMA will “wrap around” the W hotel to take advantage of the fire station location and a vacated Hunt Street. DEIR, Figures II-10 to II-12.

The W's operations rely heavily on the access provided across Natoma Street, Hunt Street and the Natoma parking pad (together, the “Natoma Access Area”). See Exhibit B, attached. The W's porte-cochere is on the northeast side of the hotel closest to 676 Howard Street. The porte-cochere is used for ingress and egress by the W's valet traffic, moving cars off of Howard Street to the entrance of the hotel, through the Natoma Street parking pad to the valet parking garage spaces, and back again. The W's loading dock sits at the back of the porte-cochere, facing Hunt Street. The hotel's loading is currently done by trucks entering the area on Natoma Street, crossing the Natoma parking pad and Hunt Street and reaching the W's loading dock.

Typical loading activities for the W Hotel, utilizing the space described above, include the following:

- Approximately 10-15 daily truck deliveries, plus 2 deliveries daily by FedEx and UPS, and 2-4 additional weekly deliveries. Each delivery truck/vehicle is parked in the loading area or Natoma parking pad area for approximately 15-30 minutes. The peak delivery time is from 7 a.m. to 10 a.m., but deliveries may arrive at anytime throughout the day. Often, up to four trucks may arrive and seek use of the Natoma Access Area at the same time.
- In addition to deliveries for hotel operations noted above, large convention bookings with scheduled in-house meetings and events add another 2-5 deliveries per week for furniture, lighting, audio-visual, etc.
- On average 90-100 guest cars move through the porte-cochere and Natoma Access Area daily, and have continuous in and out needs.
- Garbage is collected daily from the loading dock area, and recycling is compacted and collected weekly. The truck that retrieves recycling from the compactor maneuvers within 10-12 inches of the existing buildings. Any changes to these structures that inhibit this truck's movements will prevent garbage and recycling from being collected.

The DEIR fails to accurately describe the above truck and vehicle movements, thereby minimizing the crucial relationship between the W's ability to use the Natoma Access Area and the ability for the W to continue operating in a reasonably productive fashion. The operations of the hotel are dependent on the ability of visitors to get in and out, on deliveries to be made to supply the hotel and its restaurant, and on the quick and regular removal of garbage and recycling. By failing to accurately describe these movements through the Natoma Access Area, all of which are existing baseline conditions at the Project site, the DEIR fails to paint an accurate picture of the uses it will displace and the direct and indirect impacts the MOMA expansion will have.

For example, the DEIR states that:

Access to the on-site loading facility for the W hotel is also provided via the Natoma parking pad. Because existing passenger car parking within the Hunt Street easement area constrains full use of the on-site loading facility, loading for the W Hotel occurs within the Natoma parking pad, and deliveries are carted to the hotel. Deliveries for the W Hotel also occur at the curb on Third Street in the early morning hours, and are carted to the service entrance on Hunt Street. DEIR p. 231.

This description is inaccurate and misleading (for example, no deliveries occur at the curb on Third Street). The inaccuracies are not surprising though since the City never approached the W Hotel to determine the actual usage of the relevant areas by the hotel. The description in the DEIR further fails to include sufficient detail about truck or vehicle movements attributable to hotel operations. There is no description of the number of trucks or time of day that deliveries are typically made.

Thus, the DEIR contains an inaccurate description of the environmental setting and baseline in its description of the site area for the MOMA expansion, particularly as it relates to the vehicle movements by the W hotel. "The baseline is critical to a meaningful assessment of the environmental

impacts of a project.” *Kostka & Zische, Practice Under the California Environmental Quality Act*, (2d, 2011), §12.16; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 119; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931,955.

Where, as here, an EIR misstates the environmental setting, the EIR must be revised and re-circulated in order to account for an accurate analysis. Failure to do so will require the document be set aside. *Galante Vineyards v. Monterey Peninsula Water Management District* (1988) 60 Cal.App.4th 1109, 1122 (“Due to the inadequate description of the environmental setting for the project, a proper analysis of project impacts was impossible.”). *Id.*” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel)*, August 25, 2011, Letter)

“There is a fine grain of traffic conflict in the block bounded by Third, Mission, New Montgomery, and Howard Street, which is partially because of traffic coming through Minna and impacting of how you cross the Third Street intersection on Market. There is like cumulative impacts in all of these blocks. The W Hotel has created a great solution for parking there [*sic*] cars. I think it's Hunt Alley or something like that. I think all of this needs to be looked at really with a microscope in order for all of these things to work together.” (*Planning Commissioner Kathrin Moore, Public Hearing Transcript*, August 11, 2011)

Response TR-4: As described on pages 36 and 276 to 278 of the Draft EIR, a ground floor vehicle passage area connecting Natoma Street and the W Hotel’s porte-cochere would be maintained for the benefit of the W Hotel. The first floor of the SFMOMA Expansion would be elevated a minimum of 14.5 feet above street level to allow both trucks and valet parkers to drive in both directions between Natoma Street (where the 147-151 Minna garage entrance used by the W Hotel is located) and the W Hotel’s porte-cochere (where the hotel’s passenger loading and truck loading dock are located).

The W Hotel would continue to have access to Natoma Street, and its loading operations would not be displaced onto neighboring streets. Therefore, impacts mentioned in the comments would not occur. The backing of trucks into the porte-cochere from Howard Street is not desirable from the perspective of W Hotel operations, and therefore, it is unlikely that W Hotel loading operations would result in the blocking of traffic on Howard Street. While the comments state that deliveries to the W Hotel are conducted from the loading dock, deliveries in this area do not typically occur because the parked vehicles on Hunt Street block access to the loading dock.

Figures II-17 and II-18 in the Project Description are intended to be illustrative, and do not depict specific turning radii or travel lanes for existing and proposed conditions. Figure II-18 is intended to illustrate the various possible routes for access to the W Hotel loading dock and porte-cochere. Figure II-18 has been revised to reflect the proposed access to the loading dock only from Natoma Street. The revisions do not change the analysis or conclusions in the Draft EIR.

More detailed truck turning templates for existing and proposed project conditions are included in this Comments and Responses Document as Figures 2 through 6. These figures clarify the existing and proposed loading plans and do not change the analysis or conclusions in the Draft EIR.

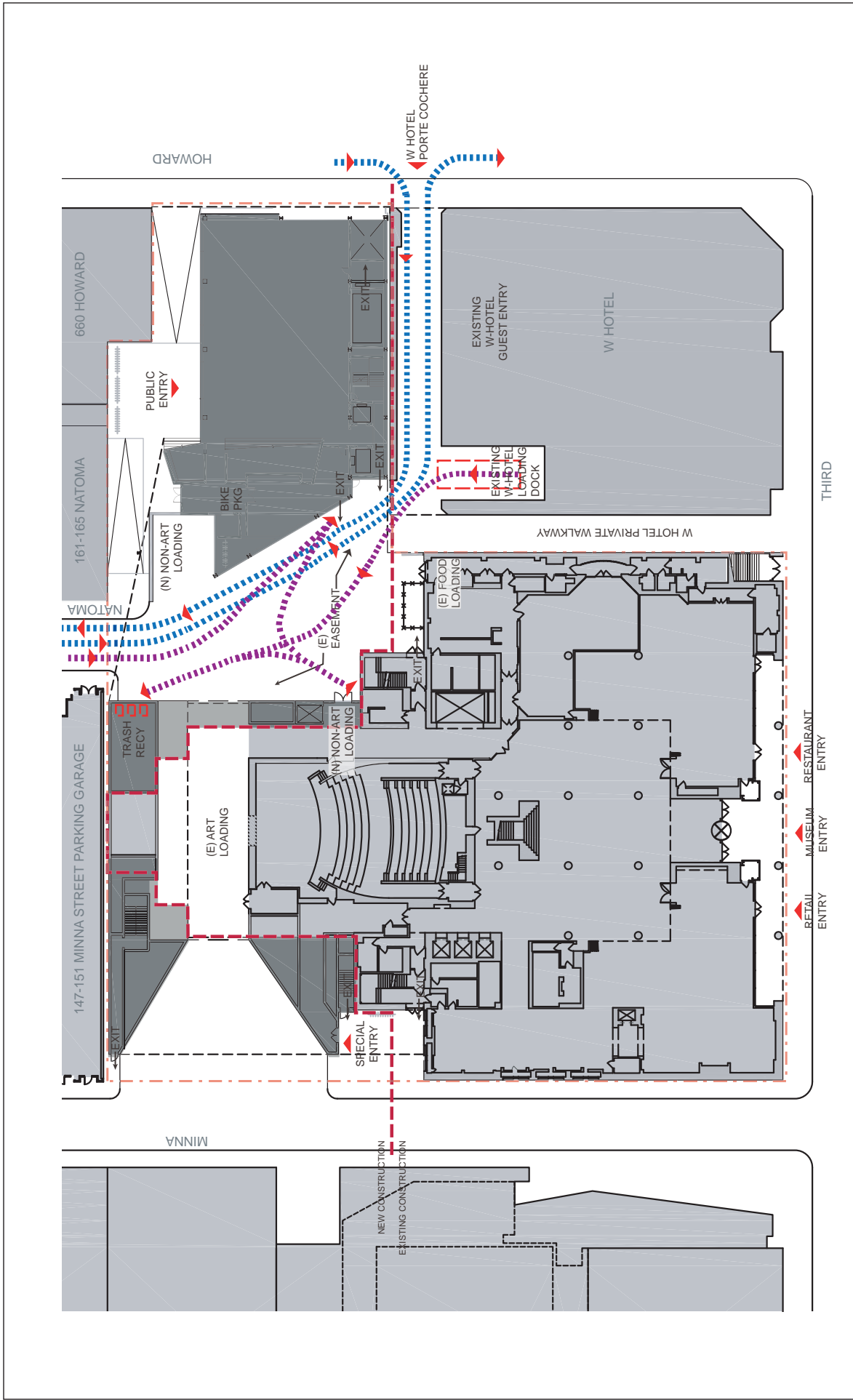
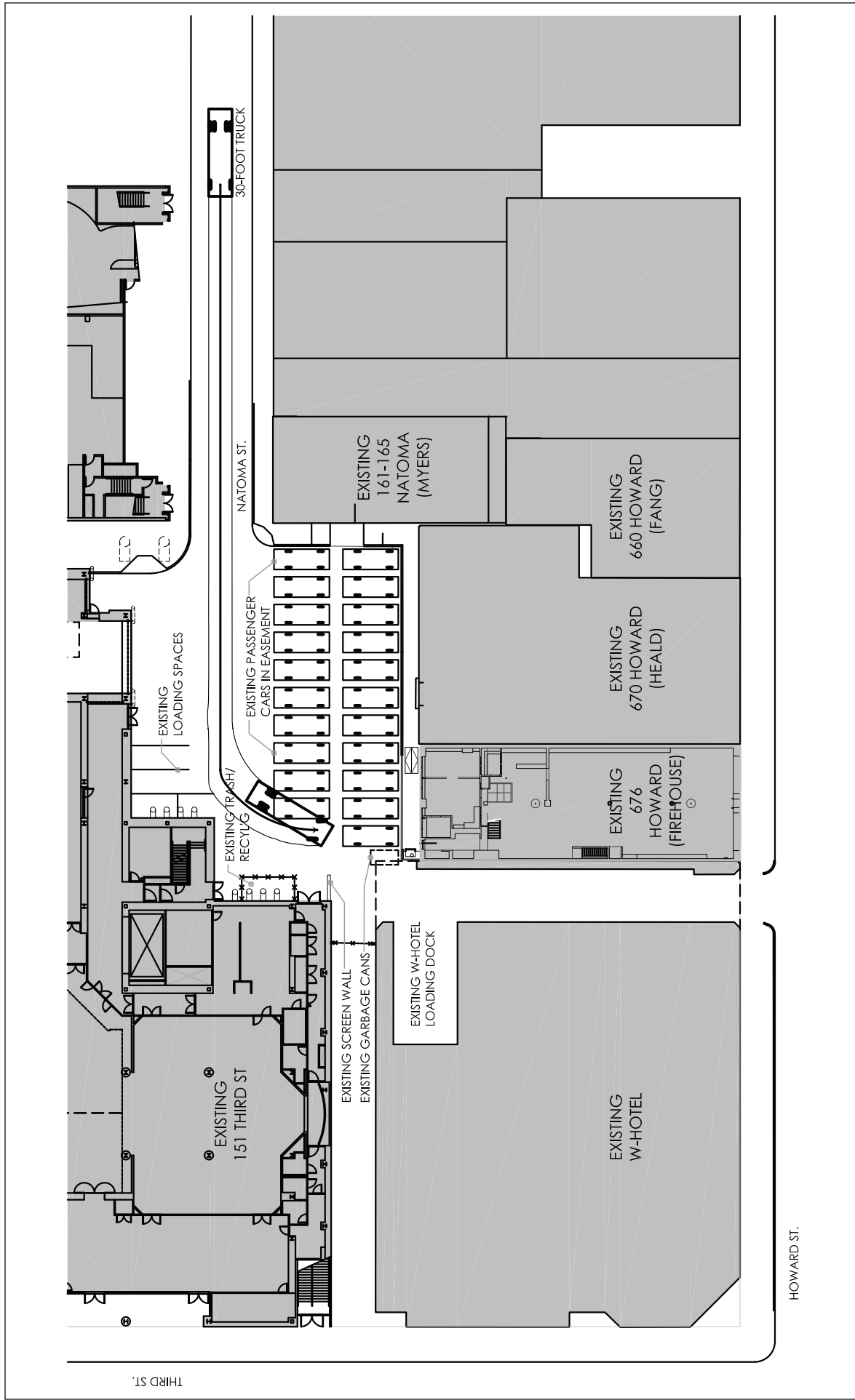


FIGURE II-18
Revised

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
W-Hotel Loading and Valet Diagram

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SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Existing Ground Floor Loading Conditions

SOURCE: SFMOMA, SEPTEMBER 2011.

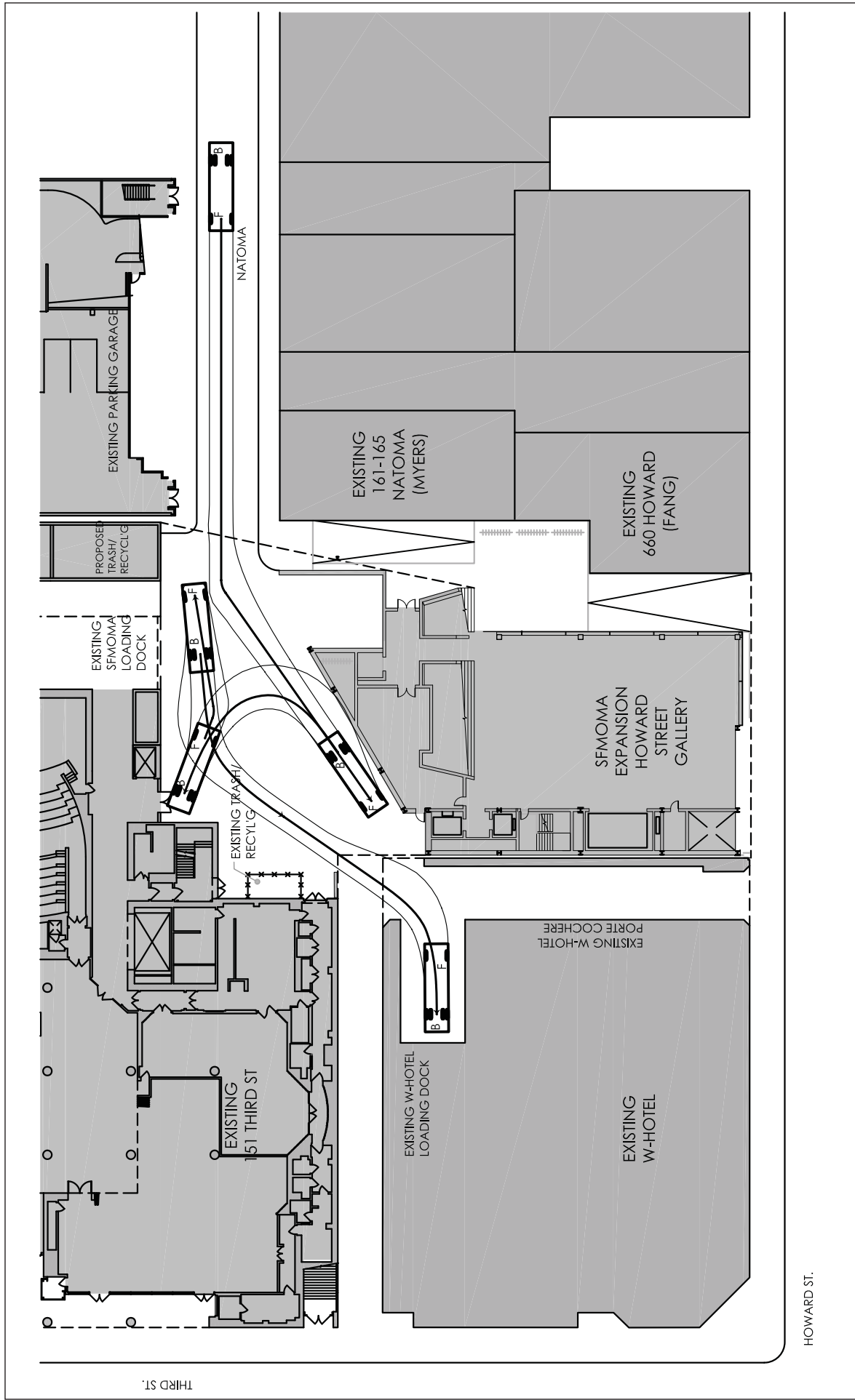
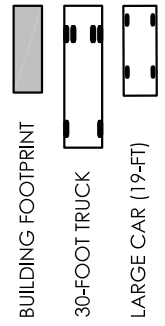


FIGURE 3



NOT TO SCALE

SOURCE: SFMOMA, SEPTEMBER 2011.

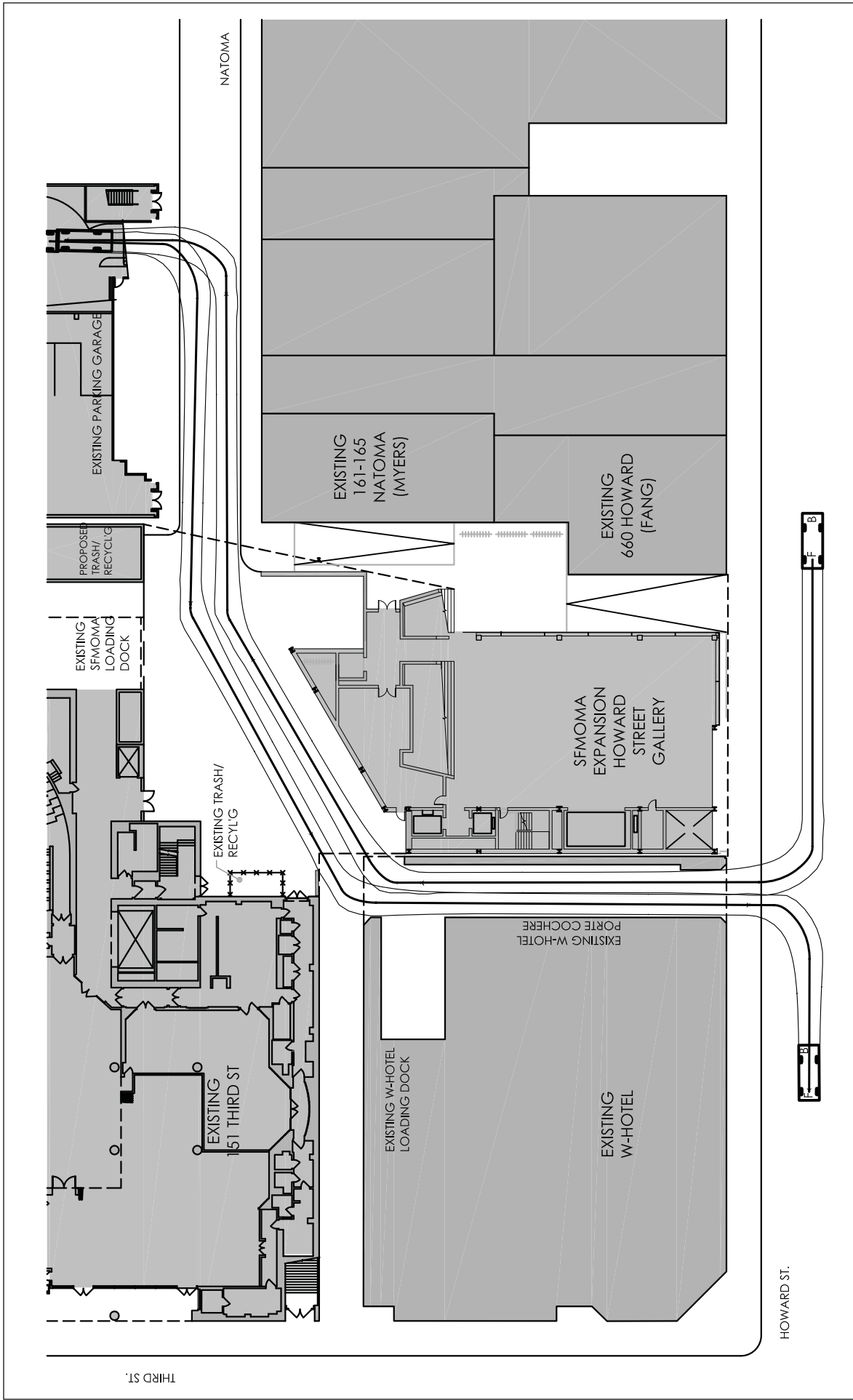


FIGURE 4

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Proposed Valet Route



NOT TO SCALE

SOURCE: SFMOMA, SEPTEMBER 2011.

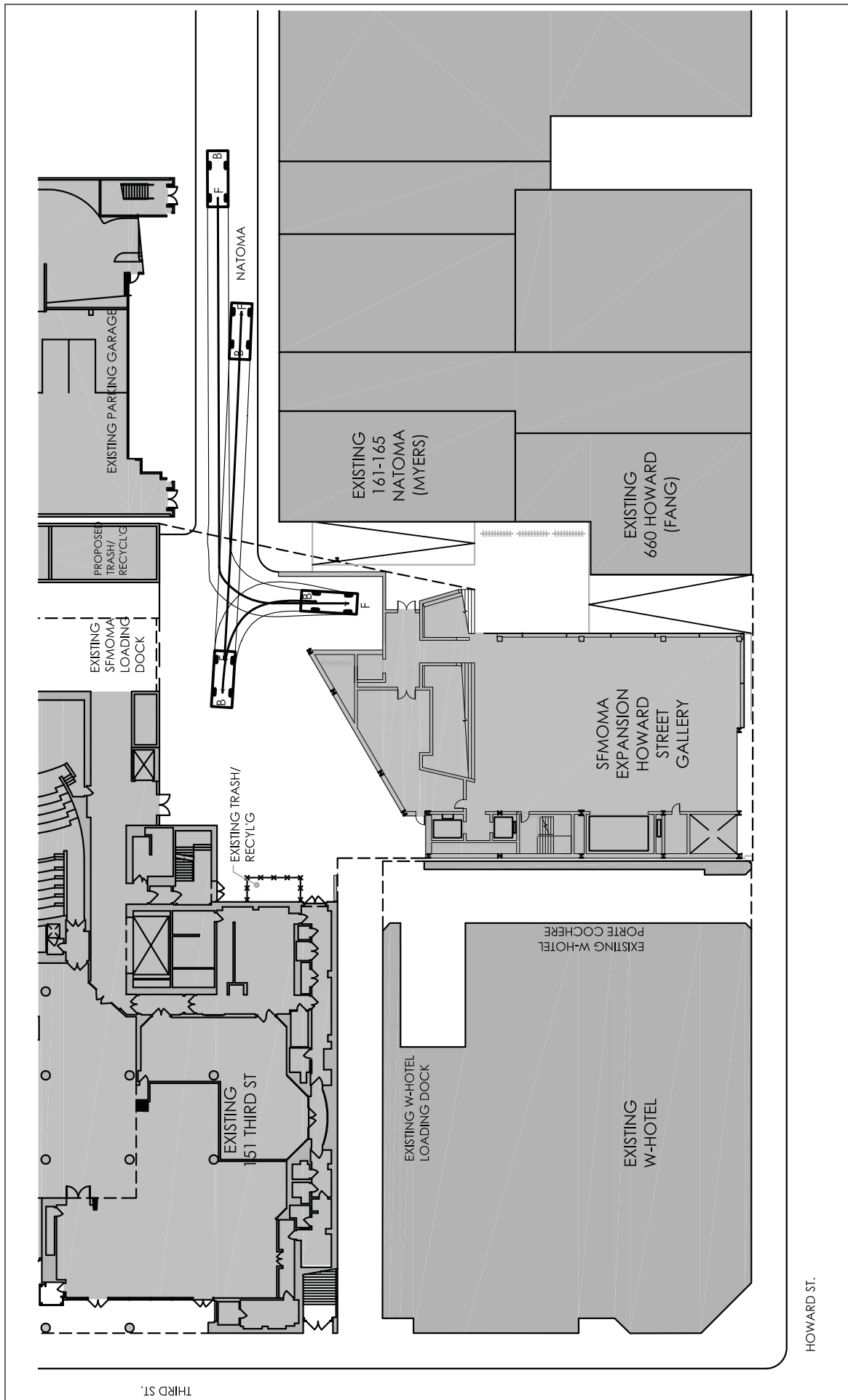


FIGURE 5

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Proposed Vehicle Access, Natoma Street

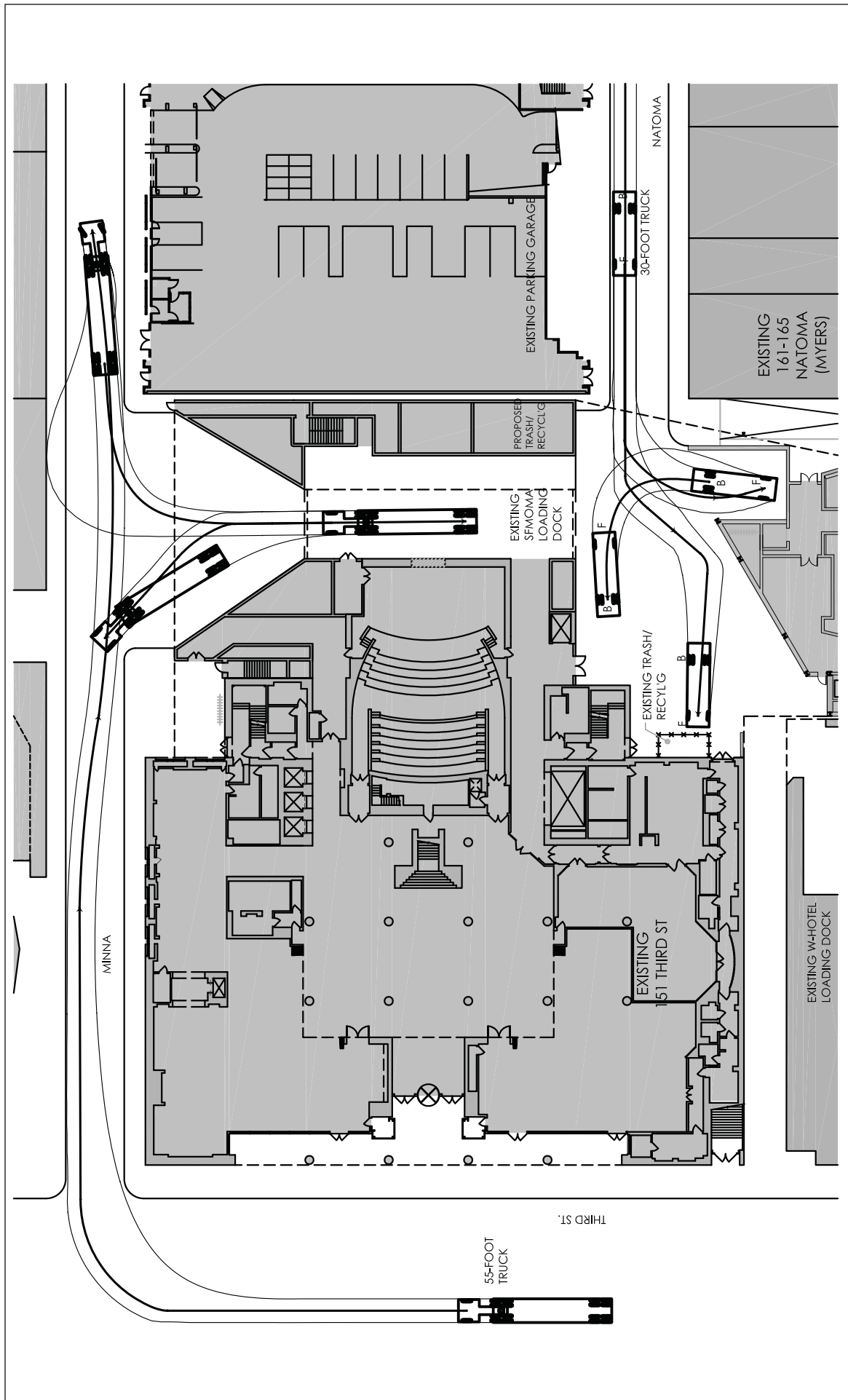


FIGURE 6

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Proposed Loading Maneuvers*



NOT TO SCALE

SOURCE: SFMOMA, SEPTEMBER 2011.

- Figure 2 shows the existing conditions within the Natoma pad and indicates how existing passenger vehicle parking for the SFFD often impedes truck access into the W Hotel loading dock. Since the fire station is staffed 24 hours a day, the existing parking spaces are typically fully occupied.
- Figure 3 shows the proposed ground floor design for the SFMOMA Expansion. The current long-term parking by SFFD personnel that currently occurs on Hunt Street and that interferes with truck access to the W Hotel's loading dock would be eliminated upon relocation of Fire Station No. 1, improving access to the loading dock. This figure also shows the truck turning path for a 30-foot medium size truck. It should be noted that in some instances, when multiple trucks are using the loading area, additional turns may be required to access the W Hotel loading dock.
- Figure 4 shows the proposed valet route that would be used through the proposed SFMOMA Expansion loading area. Access between the W Hotel and the SFMOMA Garage would remain unchanged, and two vehicles would be able to pass each other in the porte-cochere.
- Figure 5 shows a potential turnaround for vehicles accessing Natoma Street.
- Figure 6 shows the anticipated loading maneuvers at the SFMOMA Expansion.

Travel demand associated with the W Hotel and existing SFMOMA operations are reflected in the analysis of existing conditions, and since travel demand would not be substantially affected by the proposed SFMOMA Expansion, baseline conditions are adequately described and analyzed in the Draft EIR. The description of loading at the W Hotel on page 231 of the Draft EIR is accurate; field observations of some W Hotel deliveries occurring from Third Street were confirmed with W Hotel operations personnel.⁵ Since the SFMOMA Expansion would not affect loading operations, detailed quantification of W Hotel loading/unloading would not be necessary. Information provided by the W Hotel regarding typical loading activities is noted.

With the SFMOMA Expansion, the W Hotel's valet operations, garbage removal, and deliveries would continue to occur, although the loading area would need to be appropriately managed (as detailed in Improvement Measure TR-7, below). With the SFMOMA Expansion, the W Hotel would be able to better utilize its on-site loading dock, and would continue to conduct loading/unloading from Third Street. These types of minor changes to the loading plans of private businesses would not rise to the level of a significant physical impact. Therefore, mitigation would not be required.

While the impacts of the SFMOMA Expansion on loading operations would be less-than-significant, an improvement measure has been identified that would require the management of SFMOMA and W Hotel loading operations on Natoma Street.

In response to the comment, the text on page 311 of the Draft EIR is revised as follows:

⁵ August 24, 2011 on-site meeting at the Natoma Street loading area between W Hotel and SFMOMA representatives.

Improvement Measure TR-7 (Loading; applies to SFMOMA Expansion). As an improvement measure to minimize the potential for conflicts within the Natoma loading area and to ensure that deliveries for SFMOMA and W Hotel are adequately accommodated:

- SFMOMA shall provide an on-site loading dock manager to coordinate loading, manage the delivery demand, provide assistance for truck maneuvers into and out of the loading area, and coordinate trash collection activity.
- SFMOMA shall ensure that the W Hotel has 24-hour access across the Natoma loading area.
- The SFMOMA on-site loading dock manager shall coordinate and integrate scheduling of truck deliveries for SFMOMA and the W Hotel.
- The SFMOMA on-site loading dock manager and overnight security staff shall actively manage the loading area 24 hours a day to ensure that trucks park efficiently and do not dwell in loading spaces, or block valet and loading access for the W Hotel.
- The SFMOMA on-site loading dock manager shall, to the extent possible, schedule deliveries destined to the Natoma loading area (e.g., restaurant deliveries) to before 7:00 a.m. to minimize conflicts with other daytime couriers such as Federal Express and United Parcel Service.
- Delivery vehicles longer than 35 feet shall be prohibited from entering the Natoma loading area.

This improvement measure would further reduce the already less-than-significant impacts of the SFMOMA Expansion on loading activities.

Comment TR-5: Comments regarding construction-related impacts associated with the SFMOMA Expansion.

“The DEIR fails to assess the impacts associated with traffic movements during project construction. In fact, the DEIR wholly ignores traffic issues during construction, stating only that “[c]onstruction activities would affect access to the existing off-street loading areas on Minna and Natoma Streets, and therefore the project sponsor would need to make arrangements to accommodate the loading demand associated with the existing SFMOMA and W Hotel operations during construction.” DEIR, p. 290. This is not an analysis, or even an identification of impacts; it is an abdication of the issue.

In addition to effects on operations, the impacts to vehicle loading and unloading will affect traffic on City streets. For two years, during the construction of the MOMA expansion, through traffic for valet movements will be completely blocked off and the Natoma Access Area will be inaccessible for truck loading and unloading. All of this traffic will be pushed onto neighboring streets, which, as identified in the EIR are already congested. For example, the DEIR identifies that the intersections that would be most directly impacted all currently operate at a level of LOS D or E. DEIR, p. 217. During week-day PM and Saturday midday peak hours the intersection at Third/Market is at LOS E, the intersection at Third/Howard is at LOS D, the intersection at New Montgomery/Minna is at LOS E, and the intersection at New Montgomery/Howard is at LOS E. DEIR, p. 217.

Furthermore, the displaced through traffic is not traffic that will simply be moving onto and through the adjacent streets. Instead, because it is loading and unloading traffic, unless there is sufficient appropriate space made to accommodate it, this displaced traffic will be blocking through traffic moving in the area by parking in lanes of traffic. The DEIR fails to analyze whether sufficient appropriate space can be made to accommodate the displaced movements. Rather, the DEIR concludes, without any analysis or evidence that “all valet operations and truck loading activities would likely occur within the hotel white zone on Howard Street.” DEIR, p. 290. It is impossible to assess from this statement whether valet operations plus truck loading, plus the existing loading and unloading that occurs already can be accommodated within the existing white zone. From the hotel's operational experience, it appears unlikely that the existing white zone is sufficient for these additional demands. See photos of existing conditions attached as Exhibit C. Impacts to local circulation for the duration of the two-year construction period are significant and should be fully identified, assessed and mitigated.

Because construction-related traffic impacts are inadequately identified and analyzed, sufficient mitigation also remains unidentified and improperly deferred. The DEIR simply states that “the construction contractor would be requested to develop staging, laydown, and sequencing plans that would include maintenance of access and operations for the W Hotel.” DEIR, p. 290. There is no further discussion as to the degree of access contemplated in this statement (e.g., does it mean as long as the entrance to the porte-cochere is not blocked, there is sufficient access?) or the minimum duration access contemplated (e.g., would 6 months of fully blocking W's operations be acceptable? 1 year? 2 full years?).

Mitigation for this significant impact cannot be deferred in this manner; CEQA prohibits the deferral of mitigation measures. Guideline 15126.4(a)(1)(B) states, “formulation of mitigation measures should not be deferred until some future time.” “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915.

This concept is further explained in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, where the court rejected mitigation measures in the form of a “generalized goal” because “no specific criteria or standard of performance is committed to in the EIR.” *Id.* at 670. There, as here, the EIR “leaves the reader in the dark about what ... steps will be taken, or what specific criteria or performance standard will be met ... the success or failure of mitigation efforts ... may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” *Id.*

This DEIR falls far short of the mark: it has no specific criteria, no plan in place, no commitment to implement any particular course of action, no enforcement mechanism to ensure that mitigation will be provided, and no performance standard. Nor does the DEIR articulate any rationale for deferring mitigation. Such an approach violates CEQA.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel)*, August 25, 2011, Letter)

"First, traffic. A substantial amount of truck-loading, car-parking, and through traffic occurs in the mid-block area between the museum and the existing fire station. There's no discussion in the draft EIR of what happens when that mid-block area is closed off and all of that through traffic is forced onto New Montgomery and Howard and Third Streets. As you know, these streets are vital corridors for traffic moving from the freeways across the city; and they are already very congested, particularly during the commute hours. This impact will result in severe operational issues to the W and it will literally stop traffic at key intersections of the city for a two-year period. This should be fully disclosed in the draft EIR and its mitigation should be identified." (*Liz Bridges, W Hotel, Public Hearing Transcript, August 11, 2011*)

"The draft EIR is deficient in two major areas: In analyzing the impacts associated with traffic, especially during the construction period – a two-year period so it's not insignificant ..." (*Liz Bridges, W Hotel, Public Hearing Transcript, August 11, 2011*)

Response TR-5: These comments raise concerns regarding the effects of construction of the SFMOMA Expansion on the transportation system and the operations of the W Hotel.

Construction-related transportation impacts are described on pages 289 to 293 of the Draft EIR, and were determined to be less than significant. As noted on page 290 of the Draft EIR, loading and valet parking operations associated with the W Hotel that currently utilize the Natoma parking pad would be temporarily eliminated during construction. Although under CEQA, construction-related transportation impacts are temporary and would be less than significant without mitigation, the Planning Commission may decide to impose additional conditions on the proposed project to further reduce the proposed project's already less-than-significant impacts.

The following improvement measures, which address the need to develop a traffic control plan to accommodate the W Hotel Operations as noted by the commenter, are included on pages 309 to 310 of the Draft EIR, and may be imposed on the SFMOMA Expansion as conditions of approval:

- **Traffic Control Plan for Construction** – As an improvement measure to reduce potential conflicts between construction activities and pedestrians, transit and autos at the SFMOMA Expansion site, the contractor shall prepare a traffic control plan for project construction. The Project Sponsor and construction contractor(s) would meet with DPW, MTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to reduce traffic congestion, including temporary transit stop relocations (not anticipated, but if determined necessary) and other measures to reduce potential traffic and transit disruption and pedestrian circulation effects during construction of the Proposed Project. The contractor would be required to comply with the City of San Francisco's Regulations for Working in San Francisco Streets, which establish rules and permit requirements so that construction activities can be done safely and with the least possible interference with pedestrians, bicyclists, transit and vehicular traffic. The traffic control plan would address how passenger loading/unloading, and deliveries and service vehicles would be accommodated at the W Hotel during project construction.

- **Carpool and Transit Access for Construction Workers** – As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor should include methods to encourage carpooling and transit access to the project sites by construction workers in the Construction Management Plan.
- **Construction Truck Traffic** – As an improvement measure to minimize construction traffic impacts on Third Street, Minna Street, and Howard Street, and on pedestrian, transit and traffic operations, the construction contractor could be required to retain San Francisco Police Department traffic control officers during peak construction periods.
- **Project Construction Updates for Adjacent Businesses and Residents** – As an improvement measure to minimize construction impacts on access for nearby institutions and businesses, SFDPW could require the project sponsor to provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. A web site could be created by project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.

The San Francisco Planning Department's significance criteria related to construction activities are presented on page 255 of the Draft EIR. Construction-related transportation impacts generally would not be considered significant due to their temporary and limited duration. Construction activities of a 2-year duration are typical in San Francisco, and are not considered significant impacts on the physical environment. Construction activities affecting sidewalks, parking lanes, and travel lanes are subject to permits issued by DPW and MTA that take into account the construction contractor's plans at the time the contractor applies for the building permit. Construction plans are reviewed by the City agencies at the time the construction contractor applies for the building permit, and not during the CEQA process, in order to ensure that the most up-to-date plans are being permitted. Within San Francisco, construction activities are monitored by the Department of Building Inspection, Department of Public Works, and MTA inspectors. Therefore, for development projects, the City of San Francisco has identified a process for accommodating construction activities while ensuring adequate and safe access for pedestrians, bicyclists, and vehicles. All development projects are subject to these requirements.

As noted above, the construction contractor hired by SFMOMA would be required to meet the City of San Francisco's Regulations for Working in San Francisco Streets (the Blue Book), including those regarding sidewalk and lane closures, and would meet with MTA staff to determine if any special traffic permits would be required. A street space permit would be required from DPW to occupy the parking lane in front of 670 Howard and 676 Howard Streets (between the property limits of the buildings only), and therefore would not affect the W Hotel's porte-cochere or the white passenger loading/taxi zone adjacent to the W Hotel on Howard Street. SFMOMA and its construction contractor are currently meeting with the W Hotel operations team on accommodating the needs of the W Hotel related to loading and valet parking operations. Since the W Hotel has frontage on both Howard and Third Streets, options for accommodating the existing truck, service vehicle, and passenger loading/unloading demand exist.

The special permit process ensures that construction activities would not substantially affect peak period traffic flow, and would stipulate the days and hours during which certain construction activities are permitted.

Two potential temporary routing alternatives are under consideration. Under Alternative 1, the W Hotel's porte-cochere would be used for valet parking (as it is currently); the white passenger loading/taxi zone adjacent to the W Hotel on Howard Street would remain unchanged; and a new truck loading zone would be created on Third Street adjacent to the hotel, with supplies, refuse and recycling, etc. carted to and from the loading dock located within the porte-cochere over Hunt Lane to Third Street (Hunt Lane is the approximately 15-foot-wide pedestrian access area located between the W Hotel and the existing SFMOMA building). Valet parkers would move vehicles from the porte-cochere to the 147-151 Minna Street parking garage via a left turn from the porte-cochere onto Hunt Lane, a right turn onto Third Street, a right turn onto Minna Street, and a right turn into the garage. To move vehicles from the garage to the porte-cochere, valet parkers would exit the garage on either Minna or Natoma Street, make a right turn onto New Montgomery Street, a right turn onto Howard Street and a right turn into the porte-cochere. The tow-away restrictions during rush hour on Howard Street (evening rush hour) and Third Street (morning rush hour) would need to be temporarily eliminated by the City during the construction period.

Under Alternative 2, the W Hotel's porte-cochere would be used for hotel loading; the white passenger loading/taxi zone adjacent to the W Hotel on Howard Street would be used for valet parking and passenger loading operations; and a new taxi zone would be created on Third Street adjacent to the hotel. Valet parkers would move vehicles from the Howard Street zone to the 147-151 Minna Street parking garage via a right turn onto Third Street, a right turn onto Minna Street, and a right turn into the garage. To move vehicles from the garage to the Howard Street passenger loading zone, valet parkers would exit the garage on either Minna or Natoma Street, make a right turn onto New Montgomery Street, and a right turn onto Howard Street. The tow-away restrictions during rush hour on Howard Street (evening rush hour) and Third Street (morning rush hour) would need to be temporarily eliminated by the City during the construction period.

According to the comment, the volume of valet parking vehicles and trucks that would utilize these alternative routes during construction would be relatively small in the context of overall traffic volumes in the area (approximately 90 to 100 valet vehicles per day and approximately 20 trucks per day). This small number of trips would not significantly alter current traffic volumes or intersection operations, and neither routing alternative would change the analysis or conclusions of the Draft EIR in regard to construction-period impacts on the transportation system.

Since Natoma Street terminates at the SFMOMA property line, it is not a through street between New Montgomery and Third Streets. Therefore, construction activities within the vacated Hunt Street and Natoma parking pad would not result in any displacement of through traffic to New Montgomery, Howard, or Third Streets, as suggested in the comments. Only valet parking and loading activities associated with the W Hotel would need to use Howard, Third, Minna and/or New Montgomery Street as alternative routes during construction.

Comment TR-6: Comments about the need for a dedicated traffic signal at Folsom and Falmouth Streets.

"To increase safety (pedestrian and auto) we also recommend the addition of a fixed traffic light at the intersection of Falmouth and Folsom that is only engaged at the discretion of SFFD fire house #1. (note: this would be consistent with other firehouses throughout the city - example Howard and Hawthorne where the current fire house #1 is located)." (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

"There are several suggestions that the community has previously made to the project sponsors that seem to have been ignored. Firstly, we believe a traffic control light- based solely on fire station control should be placed at the intersection of Falmouth and Folsom.

". . . add an additional fixed traffic light at the intersection of Falmouth and Folsom that is only engaged at the discretion of SFFD fire house #1." (*Noah R. Breyer, August 8, 2011, Letter*)

"While we understand that it would be impossible to relocate and initiate a project like this with no effect on the area with regards to traffic, we feel that the proposed signal timing mechanisms at 5th and 6th Streets at Folsom would not be sufficient in and of themselves. The neighbours in the area agree that an additional signal is needed at Folsom at Falmouth in somewhat similar fashion to the signals on Howard (at New Montgomery and Hawthorne) just before the current location of Firehouse #1. This signal would help to control traffic that is heading eastward on Folsom that had passed the signal at 6th Street, giving the fire fighting staff additional control. And, from a planning perspective, this would also help break-up the extremely large block, a current goal of the Yerba Buena CBD with regards to increasing pedestrian safety and improving the overall experience." (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

"Ultimately, it looks like, from our understanding, that there will not be a traffic signal put in at Falmouth and Folsom Streets, which we had thought was potentially on the works to be done. We feel that this is a significant tool that could be used for the fire department and the neighborhood to control traffic during the times when the fire alarms are going off; and so it should be reassessed. (*Foster Weeks, Public Hearing Transcript, August 11, 2011*)

"There needs to be much more aggressive traffic control in the vicinity, including . . . an added light at Falmouth and Folsom operated at the discretion of the fire station as needed when alarms are sounded." (*Anne Marie Kuban, August 24, 2011, Letter*)

Response TR-6: These comments suggest the need for a new traffic signal at the currently unsignalized midblock intersection of Folsom and Falmouth Streets. The placement of a new signal at Falmouth Street is not warranted, either with signal preemption or dedicated to fire station use. As noted in Response TR-2 on page 40 of this document, the purpose of the signal preemption at Fifth and Sixth Streets would be to clear the length of the block between Fifth and Sixth Streets, so that fire and rescue vehicles would then have the option to travel on Folsom Street either eastbound towards Fifth Street, or westbound to Sixth Street. Fire and rescue vehicles traveling westbound on Folsom

Street to Sixth Street would be travelling in the opposite direction of traffic flow (i.e., westbound, not eastbound); however, unlike general traffic, emergency response vehicles are permitted to travel in the opposite direction of traffic flow on one-way streets, and, with signal preemption there would not be any vehicles on this segment of Folsom Street. This access to Sixth Street makes the proposed signal preemption preferable to an additional signal at Falmouth Street, and also renders a Falmouth Street signal unnecessary to stop traffic flow on Folsom Street. Since the SFFD would want to have the option to access Sixth Street, if a new traffic signal with signal preemption at Falmouth Street were to be installed, the signal indication for Folsom Street traffic would need to remain green in order to ensure that all vehicles are cleared from Folsom Street.

The intersection of Folsom/Falmouth Streets is not comparable to the intersections of Howard Street at New Montgomery or at Hawthorne Street, as the purpose of the signals at those locations is to regulate traffic flow on the offset New Montgomery and Hawthorne Streets. The traffic signal at the intersection of Howard/Hawthorne Streets is part of the fire station signal preemption system, and serves to stop traffic so that fire and rescue vehicles can exit the existing fire station. The proposed signal preemption at the intersection of Folsom/Sixth would serve the same purpose.

While a new signal at the intersection of Folsom/Falmouth Streets would not improve operations of the new fire station, and is not warranted by implementation of the new fire station or housing project, as noted by the commenter, a new signal would provide a new signalized pedestrian crossing of Folsom Street at Falmouth Street. Implementation of midblock signals to improve pedestrian conditions is not part of this project, but rather is under the jurisdiction of MTA. MTA is currently in the process of contracting installation of a new midblock signal on Folsom Street at Russ Street (between Sixth and Seventh Streets) and could consider a similar midblock signal at Folsom/Falmouth Streets as a separate process.

Comment TR-7: Comments about the need for a “No Right Turn on Red” sign at the northbound Sixth Street approach to Folsom Street.

“We also believe from a public safety perspective, a no right turn on Red sign be erected at the corner of 6th and Folsom. This will prevent cars from entering Folsom Street as engines possibly run counter to traffic on Folsom Street. It is clear from conversations with the Fire Department that they WILL be moving equipment counter to traffic on 6th Street as is required by calls made in the high concentration area of 6th and Mission/Howard.

“Additional pedestrian traffic and safety should include no right turn on red at 6th and Folsom and Falmouth and Folsom. . .” (*Noah R. Breyer, August 8, 2011, Letter*)

“There needs to be much more aggressive traffic control in the vicinity, including no-right-turn-on-red signs in the immediate adjoining intersections. . .” (*Anne Marie Kuban, August 24, 2011, Letter*)

“And then the other issue was, you know, mitigation of some other impacts by the no-right-turn. Certainly we are studying that.” (*Planning Commissioner Michael Antonini, Public Hearing Transcript, August 11, 2011*)

Response TR-7: These comments raise concerns regarding the need for a “No Right Turn on Red” (NRTOR) sign on the northbound Sixth Street approach to Folsom Street. While a NRTOR sign is not necessary for fire station operations, such a sign would serve, as noted by the commenters, to potentially reduce unexpected conflicts between right-turning vehicles and fire and rescue vehicles. Although the Draft EIR did not identify a significant impact related to Fire Department operations in the context of the project’s proposed signal preemption proposal, a NRTOR sign could be considered by MTA when the project is implemented. The posting of a NRTOR sign at the northbound approach of Sixth Street to Folsom Street would require an engineering analysis conducted by MTA to determine if a sign is warranted, and a public hearing and legislation through the MTA Board.⁶ This would be done as a separate process. The Fire Department could request that MTA consider this suggestion if warranted.

In response to these comments, the text on page 311 of the Draft EIR is revised as follows:

Improvement Measure TR-8 (Signage; applies to Fire Station Relocation). As an improvement measure to reduce unexpected conflicts between right-turning vehicles and fire and rescue vehicles, MTA should consider the desirability and feasibility of instituting a prohibition on right turn on red movements on the northbound Sixth Street approach to Folsom Street as part of its review and implementation of traffic preemption improvements proposed as part of the project.

This improvement measure would further reduce the already less-than-significant impacts of the Fire Station Relocation on roadway hazards.

Comment TR-8: Comments about the need to require post-occupancy meetings with the SFFD.

“At neighborhood meetings we were assured by Fire Department brass that the remote control signal system would preclude most siren use on dispatches. Many of my neighbors are concerned that this system will not be adequate and or fall into disuse. It is my suggestion that a Condition of Approval be attached to this site permit as it leaves the DCP. This condition would be that the SFFD would have an obligation to two post-occupancy meetings to address the performance of the remote control signal operator and quantity and quality of noise emanating from the new facility – whether siren or other noise. These meetings might be held at the six and twelve month points of the crews' occupying the station.” (*Jeff Matt, August 25, 2011, Email*)

Response TR-8: The comment states that at neighborhood meetings, post-occupancy meetings with the neighborhood were agreed to by the SFFD, and that these meetings should be included as a Condition of Approval. The SFFD has agreed to a post-occupancy meeting with the community to address the quantity and quality of noise emanating from the new fire station, including the efficacy

⁶ The Manual of Uniform Traffic Control Devices (MUTCD), the standard for traffic signals, signs, and pavement markings in the United States, identifies six conditions where No Turn on Red should be considered. These conditions would need to be considered as part of the engineering analysis to determine if any apply to the northbound approach of Sixth Street to Folsom Street.

of signal preemption in reducing noise effects (see Response NO-3 on page 67 of this document and Improvement Measure NO-1b).

NOISE

Comment NO-1: Comments about the exemption of emergency vehicle-related noise associated with the Fire Station Relocation from the City's noise regulations.

"The EIR says that noise from emergency vehicle use and operations is exempt from the city's noise ordinance, and therefore the project doesn't expose persons to noise. This seems like a misapplication of the intent of this law. Emergency vehicles have a significant noise impact (as shown in the report's graphs and discussed in the text). The intent of the law is obviously to preserve safety and make sure that noise laws do not unintentionally impact the effectiveness of emergency vehicle operation.

"The EIR needs to correctly state the true environmental costs of the project. It needs to correctly measure all the noise impacts-not just those that apply due to a literal interpretation of a law-so that the true cost of the project can be measured and compensated for. Only then can approval of the project be made fairly." (*Douglas O'Neill, August 23, 2011, Letter*)

"The draft EIR, however, does not address the impact on environmental noise that will be caused by the elevated number of calls that this firehouse handles. Instead, the draft EIR limits itself to two comments: . . . and, 2) Even if the noise is high, this is a firehouse, so it can make as much noise as it wants." (*Demian I. Oksenendler, August 23, 2011, Letter*)

"Because the fire station is exempt from the City's Noise Ordinance, it does not mean that the noise produced from this use is "less than significant impact(s)" as the DEIR states on page 340." (*Anne Marie Kuban, August 24, 2011, Letter*)

Response NO-1: As noted on page 328 of the Draft EIR, noise from emergency vehicle use and operations, including sirens and emergency vehicle testing by the San Francisco Fire Department (SFFD), is exempt from the City's Noise Ordinance and General Plan noise requirements. Article 1, Section 49 of the San Francisco Police Code exempts from the Noise Ordinance "amplifying equipment used in authorized emergency vehicles." Fire Station No. 1 is considered an "essential facility," which is a public facility that is critical to maintaining public health and/or safety.

The San Francisco Police Code does not qualify this exemption for emergency vehicles. The fact that SFMOMA is contributing funding to the fire station relocation, and the fire station is being relocated in part to allow for the expansion of SFMOMA, does not change the exempt status of Fire Station No. 1 emergency vehicles. Therefore, any increase in noise levels associated with SFFD vehicles operating in the vicinity of the Fire Station Relocation and Housing Project site would not exceed applicable legal standards, as set forth in the City's Noise Ordinance.

Compliance with the Noise Ordinance is normally considered adequate to ensure a less-than-significant impact with respect to noise; however, because the proposed fire station operations are exempt from the Noise Ordinance, this presumed compliance cannot be relied upon to ensure that noise impacts are less than significant. Therefore, as described on pages 330 through 340 of the Draft EIR, the Planning Department analyzed the disturbance caused by single-event noises from emergency vehicles and the change in the number of sensitive receptors (primarily residences) that would be exposed to such events with relocation of the fire station. The analysis concluded that the project would not expose persons to emergency vehicle noise in excess of applicable standards, which is the significance criterion used to evaluate potential noise impacts. This analysis is refined in Response NO-7 on page 75 of this document. In addition, the project would incorporate the signal preemption measures described in Response TR-2 on page 40 of this document in order to reduce the need for emergency vehicles to use sirens and air horns when exiting the facility. With regard to equipment testing, as described on page 340 of the Draft EIR, the increase in noise levels during testing was measured as part of the environmental review. The analysis found that there would be a noticeable increase in noise levels during the testing period, but that testing would not result in a substantial permanent increase in ambient noise levels, which is the standard for significance of noise impacts. Therefore, while commenters are correct in noting that the fire station operations would be exempt from the Noise Ordinance, the EIR did not presume that such exemption would categorically render noise impacts less than significant.

Comment NO-2: Comments about the effectiveness of the proposed signal preemption system on reducing siren noise.

“While new technology (assuming it actually works) has the potential to reduce siren noise overall by eliminating it on some calls, it is not a guarantee. The draft EIR does not address whether our fire-fighters will be trained or encouraged to reduce siren use in conjunction with the new technology. If it is intended that the firefighters at the new station rely on their new remote control to change lights and reduce the need for sirens, something ought to be done to ensure that happens and/or prevent unnecessary siren use. That is absent from the draft EIR and is further cause for concern from neighbors.

“Furthermore, the Fire Department's reliance on an expected reduction in siren activations (again, assuming the new technology actually works) leaves unanswered the question of whether the technology can reduce the occurrence of siren noise to levels at or below average. For instance, if an average firehouse gets 10 calls 1 a day and uses sirens every time, neighbors are subjected to sirens 10 times a day. But even if the new technology here cuts the need for sirens at this firehouse in half, neighbors would still be exposed to 13.5 sirens a day - far above average. Neither the draft EIR nor the various press releases and interviews on the subject have provided any data on how effective the new technology is expected to be in reducing the number of sirens used or where that will fall in relation to the average. What good is the new technology if it does not reduce the number of sirens to an acceptable level? Approval should be denied until these important questions are answered and an effective plan put in place to keep the number of siren activations down- especially at night. (*Demian I. Oksenendler, August 23, 2011, Letter*)

"Sirens and air horns should not be used unless traffic is obstructed on Folsom Street. Based on a SFFD's verbal commitment sirens and air horns would not be used unless warranted." (*Noah R. Breyer, August 8, 2011, Letter*)

Response NO-2: Comments were raised expressing concern about the effectiveness of the proposed signal preemption system in reducing siren noise in the vicinity of the Fire Station Relocation and Housing Project site. As part of the project, traffic signals at the intersections of Fifth/Folsom Streets and Sixth/Folsom Streets would be preempted by SFFD emergency vehicles, reducing the need for and the duration of horn and siren use of vehicles exiting the station. In addition, as discussed on page 471 and 472 of the Draft EIR, the relocated fire station would be closer to the intersection of Market and Sixth Streets (an area with high demand for emergency services) than existing Fire Station No. 1. Because emergency vehicle trips to this high-demand location would be reduced, collective exposures to siren and horn noise are also anticipated to diminish.

Traffic signal preemption has already been successfully implemented in the City, and the SFFD indicates it would be effective at reducing the use of sirens and horns in the vicinity of relocated Fire Station No. 1.⁷ As discussed on pages 286 and 287 of the Draft EIR, approximately 2 years ago, the MTA received a federal grant to implement traffic signal preemption at 30 intersections in the vicinity of five fire stations. In the vicinity of Station No. 1, four signals south of Market Street and six signals north of Market Street were equipped with signal preemption.⁸ As described in the Draft EIR, signal preemption is used at the intersections of Third/Howard Streets and Fourth/Howard Streets. However, the intersections "upstream" of the existing Fire Station No. 1 are not preempted, and therefore traffic does not have the opportunity to clear the block as is proposed at the Fire Station Relocation site. In addition, traffic levels near the existing fire station site are substantially higher than those along Folsom Street at the Fire Station Relocation site. The proposed signal preemption strategy on Folsom Street would result in a similar lessening of the need to use sirens and air horns as the signal preemption currently in use near Fire Station No. 1. Nevertheless, it should be noted that traffic signal preemption is not a new, untested technology.

Furthermore, SFFD has established operational protocols to further reduce the use of sirens and horns. Sirens and horns are used only as needed to allow SFFD to respond promptly to emergency calls. If traffic is light and intersections are generally clear, vehicles may use only lights as a warning signal (and not engage sirens and horns). In addition, sirens and horns are not used when returning to the fire station. These protocols, combined with the proposed traffic signal preemption, would reduce siren and horn noise in the vicinity of the Fire Station Relocation and Housing Project site.

In response to these comments, Improvement Measure NO-1 will be added to page 340 of the Draft EIR. This implementation measure may be implemented by the SFFD to further reduce the less-than-significant impact associated with siren and horn noise.

⁷ Personal communication with Thomas Doudiet, Assistant Deputy Chief, San Francisco Fire Department, August 25, 2010. This document is available for review at the Planning Department in Case File No. 2010.0275E.

⁸ In the vicinity of Fire Station No. 1, the intersections of Bush/Kearny, Geary/Grant, Geary/Powell, Geary/Stockton, Kearny/Post, and Kearny/Sutter Streets north of Market Street, and the intersections of Third/Howard, Third/Mission, Fourth/Howard, and Fourth/Mission Streets south of Market Street are equipped with signal preemption.

Improvement Measure NO-1a (Neighborhood Noise, applies to Fire Station). As an improvement measure to reduce emergency vehicle siren and horn noise, SFFD Staff at Station No 1. will be trained in the use of and required to utilize the traffic signal preemption system.

Please refer to Response LU-1 on page 14 of this document regarding the compatibility of the proposed fire station with land uses in the vicinity. As noted in that response, fire stations throughout San Francisco are located in the vicinity of residential uses (see also Figure IV.I-2 on page 457 of the Draft EIR, which shows the location of fire stations throughout the City). The relocated Fire Station No. 1 would not be incompatible with the rest of the neighborhood, in the context of the existing mixed-use character of the neighborhood and the need for public services to be located in the area where demand for such services is being generated.

Comment NO-3: Comments about the potential impacts of noise from equipment testing.

“Additionally, the SFFD informed us that every day significant mechanical equipment is tested from 8-9am (sirens, horns, chain saws, jaws-of-life, etc). Initially, we were told that a special “testing room” would be considered, in order to minimize noise as much as possible. However, we are now told this is not feasible and disagree with the findings.” (*Katherine S. Brown, No Date, Letter*)

The Project Sponsor hereby requests information on how the design of the fire station has utilized all “practicable means” to reduce noise levels, as declared by SEC 2900(c), pertaining to the operation of chain saws, jaws of life, portable generators, and other equipment at Folsom Street, in open air. It is the Project Sponsor's opinion that the proposed fire station, by locating significant noise creating devices in an open air location with zero sound attenuation measures, has implemented no practicable means in reducing significant noise pertaining to this matter. It is the Project Sponsor's opinion that the creation of a testing room with sound attenuating qualities, within the fire station or within the proposed surface parking lot, are practicable and often implemented solutions in construction. The Project Sponsor requests information on if these measures were considered, and if so, what the conclusion was.” (*Jesse Herzog, Project Manager, AGI Capital, August 17, 2011, Letter*)

“Based on OSHA workplace safety rules, an equipment testing room is not compatible with SFFD personnel health and safety; however, the community consensus is that the option has not been fully explored.” (*Noah R. Breyer, August 8, 2011, Letter*)

“We were also informed that the SFFD would be testing ALL mechanical equipment, every day, between the hours of 8-9am. This would include chain saws, jaws-of-life, sirens, horns, etc. In initial meetings, we were told that a special 'testing' room would be considered in which this testing could be done to minimize noise as much as possible. However, we are now told this is not feasible and disagree with the findings.” (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

“Moreover, the draft EIR does not offer any solutions for reducing the other kinds of noise that a firehouse makes. There is frequent testing of equipment (e.g. gas-powered saws, jaws of life, hydraulic pumps, etc.) that goes on at any firehouse and which is not necessarily connected to the number of calls and sirens. This may be standard noise that goes along with having a firehouse, but nothing is

proposed in the draft EIR to limit that kind of noise or to protect neighbors from it.” (*Demian I. Oksenendler, August 23, 2011, Letter*)

“Also, with regards to noise, we were first told by the folks that we met with from MOMA and the fire department that they would potentially be putting in a special room so that they could do the testing of equipment in the mornings, which they will be going seven days a week at eight-thirty. And we are now told that that is not feasible. And we think that there should be another stab at looking at doing that in order to cut down on the noise to the neighbors in the immediate area -- meaning the people that live right across the alley, not speaking about the people obviously blocks away or on the route -- but people that are right next to and adjacent to the new fire department on a daily basis.” (*Foster Weeks, Public Hearing Transcript, August 11, 2011*)

“We continue to request investigation of an equipment-testing room that would lessen the noise elements that are known to occur on a daily basis. Most recently, we asked if a testing area outside the immediate station, perhaps in the parking lot in the back, would be feasible, do the trick, and meet OSHA requirements. And we do not think this has been fully investigated as an option.” (*Nancy Connell-Henson, Public Hearing Transcript, August 11, 2011*)

Response NO-3: Comments were raised suggesting that the on-street equipment testing conducted by the SFFD would result in high noise levels, and that the SFFD should conduct such testing indoors. As described on page 340 of the Draft EIR, equipment testing would include starting and running the fire trucks, chain saws, “jaws of life,” portable generators, and other equipment; checking hoses; and raising ladders, for a period of time each morning between 8:45 and 9:30 a.m. on Folsom and Falmouth Streets. Typically, each power tool and generator is run for no more than 15 to 30 seconds. Therefore, increased noise levels occur intermittently and are not experienced for the entire 45 minutes of testing. Equipment testing does not include the testing of sirens and horns.

As described on page 340 of the Draft EIR, equipment testing (similar to what would occur as part of the project) was staged at 935 Folsom Street and associated noise was measured. Although the equipment testing exceeded ambient noise levels for short periods of time, equipment testing would not result in a substantial permanent increase in ambient noise levels such that a significant impact would occur. Therefore, no mitigation would be required.

In addition, mufflers are used on equipment where possible, and equipment is properly maintained which can reduce noise.

However, in response to comments raised expressing concern about equipment testing, Improvement Measure NO-2 will be added to page 340 of the Draft EIR. This implementation measure may be implemented by the SFFD to further reduce the less-than-significant impact associated with emergency vehicle operation and equipment testing.

Improvement Measure NO-1b (Neighborhood Noise, applies to Fire Station). As an improvement measure to ensure that the operational activities of relocated Fire Station No. 1, including noise from emergency vehicle operation and equipment testing, are reduced to the extent

feasible, six months after the fire station is in operation, a community meeting will be held by the SFFD. At this meeting, the SFFD will describe the operation of the station and the community will have the opportunity to raise any concerns they have experienced and suggest any operational improvements for SFFD to consider.

It is not possible to conduct equipment testing indoors for the following reasons:

- Consistent with SFFD Policy on Station Pollution from Diesel Emissions⁹ Daily Checks or Tools and Equipment: Operation of gasoline and diesel-powered engines, normally started during daily checks, must be conducted outside fire stations.
- Federal Occupational Health and Safety Administration (OSHA) General Safety Precautions require equipment to be operated in compliance with the manufacturer's instructions. The operator's manual for tools used and tested by SFFD, including the K960 Rescue power cutter and the petrol power cutters, requires that the equipment be used outdoors.
- The interior rooms of the proposed fire station would be inadequate in size to allow for equipment testing. Testing equipment in such confined spaces would expose SFFD personnel to safety hazards.

The comment also notes that diesel fuel generator testing produces odors. Diesel generators are common in San Francisco, yet are not frequently reported as a source of odor complaints to the BAAQMD. The proposed generator testing would occur for approximately 30 seconds once a day. Based on this limited operation, generator testing would not be a significant source of odors.

Comment NO-4: Comments about noise levels and health issues.

"On page 340 of the Draft EIR it states:

"SFFD operational activities would also include the testing of equipment, such as starting and running the fire trucks, chain saws, "laws of life," portable generators, and other equipment; checking hoses; and raising ladders, for a period of time each morning between approximately 8:45 and 9:30a.m. on Folsom Street."

San Francisco Noise Control Ordinance 29, SEC 2900(a) states:

"Building on decades of scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems including, but not limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and feelings of helplessness."

⁹ General Order Fire Code 91 A-71, July 26, 1991.

And SEC 2900(c) states:

“In order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise.” (underline added) (*Jesse Herzog, Project Manager, AGI Capital, August 17, 2011, Letter*)

“Another strong concern that the neighborhood has today is the impact to our health and wellness as it related to sirens, horns and equipment testing at the fire station. As mentioned, this is the first time that a fire station has moved in an urban environment and we believe the existing residences, some of which have more modern building codes, other which do not, were not originally built with the presence of a fire station in mind. I bought into the neighborhood seven years ago, understanding that the south of market area was a dynamic live/work area. In fact, I moved here because of the presence of night life and mixed uses. However, I would not have moved here if I had known a fire station was going to be here. Many residents of the area have expressed concern about the noise levels that will be present now that the station has been approved. Personally, I don't believe the building codes have taken into account the increased noise that is going to be created by the fire station. Because the fire station is a matter of public safety, there is no requirement to gauge noise impact to neighbors. Being a light sleeper, I share other resident's concerns that there will be a negative impact to our quality of life. Studies have proven that repeated exposure to sirens, horns, and noise above ambient range can cause stress and impact sleep of those exposed. It is critical that the fire department and the MTA and DPW take extra ordinary steps to ensure that use of sirens and horns be limited to those times that it is absolutely necessary for public safety; and, therefore create conditions whereby the fire department will not have to use sirens and horn to begin with. (*Noah R. Breyer, August 8, 2011, Letter*)

“Given that the new fire station is going into an area in which existing residents and neighbours live in buildings that had not been have not been designed to prevent this level of noise and that they have not 'opted-in' to what will be ongoing emergency calls 24/7, it seems obvious that the stress levels introduced on the occupants could be significant. We feel that the EIR did not go far enough to address the potential health effects from stress on the neighbours in the immediate area who will be subjected to the new station without having additional mitigating effects. Perhaps the SF Health Department can provide an opinion.” (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

“Allowing this noise will negatively affect the heath and welfare of the residential neighborhood.

5. The fire station's daily preparation/testing activities cause considerable equipment and siren noise disturbing the neighborhood on a daily basis.
6. Fire Station No. 1 has the BUSIEST response schedules found in San Francisco. The fifty (50) response calls per day will interrupt the residential neighborhood.

7. Diesel-fueled generator testing is noisy and produces odors." (*Anne Marie Kuban, August 24, 2011, Letter*)

"And then, finally, we thought that there should be a little bit more detail as far as the effects of sirens and noise on the people who live there who are now going to be woken up in the morning or all hours of the day and how does that affect their health. And maybe there should be something done by the health department to look into that." (*Foster Weeks, Public Hearing Transcript, August 11, 2011*)

Response NO-4: The Significance Criteria for noise are listed on page 327. These significance criteria incorporate by reference the City's noise standards, which account for the health-related effects of noise. By evaluating the proposed Fire Station Relocation in regard to the City's established significance criteria, the Draft EIR takes into account the health-related effects of increased noise levels that would result from the project.

Comment NO-5: Comments about noise-related mitigation measures.

"I know firefighters are extremely popular. They give so much of themselves to our communities and fearlessly take risks that most of us would not take. I realize that it can be hard to say "no" to them because of what they do and what they face. It is with regret, therefore, that I must oppose the requested environmental approval for the planned firehouse on 935 Folsom Street at this time. The chief reason for my opposition is that the firehouse as proposed does not adequately mitigate or protect its neighbors from noise." (*Demian I. Oksenendler, August 23, 2011, Letter*)

"As accurately captured in the EIR and noted in the multiple SF Chronicle articles, the proposed firehouse is a relocation of the busiest firehouse in the entire country, with an average of 27 calls a day in 2010. Statements made at the meetings said that at the current location, the SFFD has protocols that ensure 1) sirens are not always on; 2) sirens are delayed until they are farther away from the hotel/residential areas. We have sat at the corner of Howard and 3rd St to watch the inflow/outflow of calls, and without exception the fire trucks exited with sirens for every call. As we are very close by to this building, we're extremely concerned about the noise impact and resultant property value impact to our building. We had requested an assessment of potentially replacing our building's windows and walls to increase sound resistance, but were told that was not possible. We would like you to please re-evaluate this as a reasonable attempt to mitigate noise.

"The draft EIR insufficiently addresses the increased environmental noise that will be caused by the extraordinarily high number of calls that this firehouse handles. We would like to know the plan for reducing siren use (execution, training of firefighters, night-time rules) etc. Sirens and air horns should not be used unless traffic is obstructed on Folsom Street. Based on a SFFD's verbal commitment sirens and air horns would not be used unless warranted, and we have grave concerns that this commitment will be upheld based on the EIR.

In sum, the EIR describes the noise impact of a new fire station, sirens, outside equipment testing, air horns, etc. as "less than significant" – I find this extremely difficult to believe and request that the

SFFD support its new neighbors in making reasonable attempts to mitigate noise.” (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

“With regards to noise, we also understand that this cannot be completely controlled, however all reasonable attempts must be made to mitigate it as much as possible. Examples of this would be to help neighbours and residents in the immediate vicinity with insulation to their buildings in order to significantly reduce noise pollution. This could include window refinishing and/or wall insulation.

With regards to noise, we also understand that this cannot be completely controlled, however all reasonable attempts must be made to mitigate it as much as possible. Examples of this would be to help neighbours and residents in the immediate vicinity with insulation to their buildings in order to significantly reduce noise pollution. This could include window refinishing and/or wall insulation.” (*Foster Weeks, President, ClementinaCares, Inc., August 29, 2011, Letter*)

“I read the draft EIR for the proposed new firehouse last month. The section on noise causes me serious concern. It has been widely publicized that the proposed firehouse is a relocation of the busiest firehouse in the entire country, with an average of 27 calls a day last year. The draft EIR, however, does not address the impact on environmental noise that will be caused by the elevated number of calls that this firehouse handles. Instead, the draft EIR limits itself to two comments: 1) The noise generally won't be that bad; and, 2) Even if the noise is high, this is a firehouse, so it can make as much noise as it wants. No mitigation of noise or protection from noise is proposed other than some vague rumblings in the media about special remote controls that will change nearby traffic lights. This is not an acceptable or fair response to neighborhood noise concerns.

“Additionally, the draft EIR does not contain any sort of plan for what happens if the new fire station causes more noise than anticipated. What happens if the new remote controls don't work as advertised (or at all)? What do we do then? (*Demian I. Oksenendler, August 23, 2011, Letter*)

“There is a lack of mitigation measures outlined for the increased noise level created by this project.” (*Anne Marie Kuban, August 24, 2011, Letter*)

“These noise-producing activities are negative environment impacts for the proposed project, and require substantial mitigation measures to be included in the project scope.

- It is difficult to attenuate siren noise over 100dBa by construction assemblies
- The experience of residents living in the adjacent 855 Folsom building proves this to be true. 855 Folsom was constructed approx. in 2001-2003 complying with the City's Noise Ordinances. Ambient street noise is mitigated by the construction assemblies, (commercial, insulated windows and concrete construction). Sirens and loud equipment on 4th and 5th street are problematic to the residents. So taking this information to the next logical step, the existing buildings (near the fire station) are primarily framed construction; it will be nearly impossible for the sound created by sirens and loud equipment to be mitigated, causing stress to the residents.

- The DEIR suggests that the existing property owners/homeowners/renters should ask “for a grants available through the Redevelopment Agency for facade improvements” (page 337). Simply, THIS IS NOT AN ACCEPTABLE MITIGATION MEASURE for approximately 2000 individual residential units.

Additional and more stringent mitigation measures should be enacted for project noise. Mitigation at the noise source is the best approach; upgrading existing, residential, building construction to mitigate equipment noise, paid for by the project sponsors would be a positive, community-oriented approach, though admittedly not completely effective.” (*Anne Marie Kuban, August 24, 2011, Letter*)

Response NO-5: Comments were submitted that request that the Draft EIR include a mitigation measure that requires the project sponsor to incorporate noise insulation into buildings in the vicinity of the Fire Station Relocation and Housing Project site. As described beginning on page 336 of the Draft EIR, upgrades in sealing around wall openings (such as windows and doors) or any wall assembly upgrades (such as added insulation or double-pane windows) to early 20th century buildings would be expected to increase the noise reduction capability to comparable levels of performance to structures built after the mid 20th century. The Draft EIR notes that there are grants available through the Redevelopment Agency for improvements of this nature, but only along the Sixth Street corridor.

As described on pages 326 through 342 of the Draft EIR, and as discussed above, noise from emergency vehicle operation, including sirens and equipment testing, would be less than significant and may be additionally reduced to the extent feasible through the implementation of improvements measures and standard SFFD protocols. Additional mitigation measures are not required.

Comment NO-6: Comments about quality of life and property value concerns.

“As we are very close by to this building, we’re extremely concerned about the noise impact and resultant property value impact to our building.” (*Katherine S. Brown, No Date, Letter; Elisabeth H. Warren, No Date, Letter*)

“Finally, it is important to note that the neighbors of this new firehouse did not come to it. It came to us. It is not a fair (or neighborly) response to noise concerns tell us “tough luck” and allow the Fire Department to make as much noise as it pleases. To the contrary, the Planning Department should be stringent in requiring noise reduction/mitigation for this new fire station. It should require that noise levels and frequency at the new firehouse be less than average and as close to zero as possible. The Planning Department should protect the existing residents of this neighborhood from what promises to be a very high volume of new noise.” (*Demian I. Oksenendler, August 23, 2011, Letter*)

“In this case, there are victims. Many homeowners and residents selected their residences because of the existing conditions (especially homeowners and residents living on alleys which do not have the same ambient noise as those on busy streets). Changes to those conditions change their homes. Because MOMA chose to expand, many people will have their sleep permanently interrupted. Their only choice might be to move. In fact, many people choose not to live near a fire house because of the

ensuing noise. It's likely to make the affected properties more difficult to sell. Relocating MOMA (and the fire house as a result) will result in the decrease of property values for many." (*Douglas O'Neill, August 23, 2011, Letter*)

Response NO-6: Comments were raised suggesting that the noise generated by the relocated fire station could reduce property values and adversely affect quality of life. Health issues relating to noise are addressed in Response NO-4 on page 70 of this document.

As noted above, fire stations are located throughout other residential areas of the City, with no evidence that their presence diminishes property values. While no evidence is available measuring the effects of a new fire station on an urban neighborhood, it would be expected that the effects would vary, and while a new fire station would bring some increase in noise, the proposed fire station would have the potential to improve the neighborhood in other ways. Some comments suggest that the fire station would benefit the physical fabric of the neighborhood by replacing a currently blighted vacant building with a public safety use, introducing additional activity and "eyes on the street," and adding lighting to the area (see Comment AE-1).

Furthermore, pursuant to *CEQA Guidelines* Section 15131, "Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes." Any change in property values resulting from the proposed fire station would not be expected to have substantial adverse physical impacts (land use character effects such as blight or urban decay).

Comment NO-7: Comments about sensitive receptors.

"On page 335, Table IV.E-4 purports to compare the number of residents exposed to emergency vehicle noise under current conditions and under project conditions. However, the methodology for this analysis appears to be strongly biased and misleading.

1. The table is labeled with "Number of Residents" and "Number of Residential Units". However, the explanatory text states that "hotels units located along these representative response routes are also included in the tallies of residential units". Yet the table mentions only residential units. This is very misleading.
2. The analysis assumes 1.8 persons per Residential Unit, based on the Average Household Size in the 2010 Census. This is reasonable. However, the same 1.8 figure is used for hotel units as well. No evidence is provided that Hotel Units in the project area have an average of 1.8 occupants per night. In fact, there is evidence to the contrary:
 - a. Hotels are not 100% occupied year-round. The average occupancy rate of a hotel room in San Francisco is below 80%. (Source: San Francisco Travel Association, <http://media.sanfrancisco.travel/documents/Occupancy+and+ADR+-+June+2011.pdf>)

- b. Even when occupied, a hotel room does not have 1.8 guests on an average occupied night. The hotels in the project area cater to business travelers visiting Moscone Center and the Financial District, and most business travelers do not share rooms.
3. The analysis assumes the impact on a person in a hotel unit is equivalent to a permanent resident. While visitors to San Francisco have a right to peace and quiet as much as anyone else, the cumulative effect of emergency vehicle noise on a permanent resident, night after night, cannot be regarded as equivalent to the impact on a visitor in a hotel room.

On page 320, the "Sensitive Receptors" section states "There are no schools, hospitals, or convalescent homes in the immediate vicinity of the Fire Station Relocation and Housing Project site." However, there is a senior citizen housing project at 3rd and Folsom which would be impacted by 2 of the 4 Representative Emergency Routes under the project plan, but 0 routes in the current conditions.

On 2 maps (Figures IV.E-1 through IV.E-2) the residential building at 829 Folsom is not marked. There is a gray block between the 821 Folsom and 855 Folsom. This is now a fully built and occupied residential building.

To make the analysis impartial, I recommend that the EIR:

- Break out Residential Units and Hotel Units in separate columns.
- Calculate persons per hotel unit based on average occupancy rates of the hotels in the project area, rather than Census figures which are irrelevant for hotel units.
- Be clear about Sensitive Receptors which are impacted by emergency routes.
- Verify that all recently constructed residential buildings are on the maps and calculations."

(Walter Lee, August 24, 2011, Letter)

"The presented noise analysis is incomplete and inaccurate. For example, my home at 153 Shipley Street (between 4th & 5th Streets) is not included as an affected residence. Clearly, I will hear every fire truck passing through the 5th and Folsom Streets intersection, as well as all the fire trucks passing along Folsom Street heading toward the 4th Street intersection. Other residences on Shipley Street (between 5th and 6th Streets) are included. There is no reason for the failure to include my or similar residences, such as all those in the Salvation Army high rise.

"Using the faulty numbers, the EIR concludes those affected by noise from the trucks will remain similar or be reduced. However, most of those impacted by noise at the existing location are visitors in hotels. Those modern hotels are undoubtedly built to higher standards, such as buildings with air conditioning and mechanical ventilation systems. But more importantly, only transient visitors are affected in hotels. Hotel guests are impacted one night of the year. The new location affects people who live in condominiums and apartments, mostly built to lower standards and without similar ventilation systems, which allow people to keep windows shut. People live in these buildings year round and will be affected by every single emergency trip. This is a very different and more severe impact." *(Douglas O'Neill, August 23, 2011, Letter)*

"I am writing to you my concerns about the upcoming firehouse project on Folsom St. While all in all, I think that the firehouse will likely impact this block positively (Shipley St. due to its geographic location between the SVDP shelter on Bryant St. and 6th St. sees an unusually high, even for this neighborhood, occurrence of "quality of life issues" and the presence of a fire station will hopefully make this a less attractive environs to those who congregate here). I do have concerns about the number of calls this station sees and the noise associated with dispatching emergency equipment. (Although the "passed out drunk" welfare calls on Shipley St. might now be served on foot.)" (*Jeff Matt, August 25, 2011, Email*)

"Please clarify why the number of residents/units drops so considerably from existing condition to project conditions on Fifth/Folsom Streets (i.e. from 3,551 effected residents to 601 residents). If the documentation is accurate, could you please explain why there is such a significant drop in residents in our neighborhood?" (*Anne Marie Kuban, August 24, 2011, Letter*)

Response NO-7: As noted beginning on page 330 of the Draft EIR, the routes shown in Figures IV.E-1 through IV.E-4 are representative of routes taken by the SFFD to specific destinations; on a day-to-day basis, customized routes to destinations are developed at the time the SFFD receives an emergency call. The analysis in the Draft EIR of the number of persons exposed to emergency vehicle noise along representative emergency response routes was undertaken for illustrative purposes only, and was not intended to definitively quantify the numbers of residents exposed to SFFD-related noise under existing and project conditions.

Therefore, only the land uses of lots immediately adjacent to the emergency routes are identified in Figures IV.E-1 through IV.E-4 of the Draft EIR. Other uses not specifically identified on the maps (i.e., the uses of lots not adjacent to the routes) may be exposed to emergency vehicle noise associated with the representative emergency routes, but such noise would be reduced by distance and intervening structures.

The comments suggest that the data presented in Table IV.E-1 inappropriately categorizes hotel units as residential units. In addition, the comment notes that the potential noise impacts on a person in a hotel unit who may be visiting San Francisco for a short period of time is not the same as the potential impact to a long-term resident. The analysis in the Draft EIR tallies standard residential units and hotel units together in recognition that some hotel units in San Francisco may be used longer-term, in effect as residences.

The text of the Draft EIR, Figures IV.E-1 through IV.E-4, and Table IV.E-1 have been revised to better differentiate standard residential units and hotel units along the representative emergency routes. These revisions are minor and do not change the analysis or conclusions of the Draft EIR.

The paragraph on page 335 of the Draft EIR is revised as follows:

A comparison of the number of residents and hotel occupants that would be exposed to high emergency vehicle noise levels along routes to each of the four representative destinations under existing and project conditions is shown in Table IV.E-4. The number of residential units

and hotel rooms along each route was tallied, and then multiplied by 1.8 persons (the average household size in the Census Tracts covering the routes). ~~For the purpose of this analysis, hotels units located along these representative response routes are also included in the tallies of residential units.~~ The total number of residential and transient lodging units was used in order to provide a conservative analysis of the total number of persons who could be exposed to high emergency vehicle noise levels. By including both the residential and transient lodging units in the tallies for the response routes from both points of origin, an equivalent comparison can be made of the number of persons affected by emergency vehicle-related noise under baseline (existing) and project conditions.

Table IV.E-4 on page 335 of the Draft EIR is revised as follows:

Table IV.E-4: Potential Exposure to Emergency Vehicle Noise

<u>Representative Destination</u>	<u>Existing Conditions (Number of Residents/Number of Residential Units)</u>	<u>Existing Conditions (Number of Hotel Visitors/Number of Hotel Units)</u>	<u>Project Conditions (Number of Residents/Number of Residential Units)</u>	<u>Project Conditions (Number of Hotel Visitors/Number of Hotel Units)</u>
<u>Second/Folsom Streets</u>	<u>3,384/1,880</u>	<u>2,106/1,170</u>	<u>4,117/2,287</u>	<u>729/405</u>
<u>Second/Market Streets</u>	<u>1,744/969</u>	<u>3,587/1,993</u>	<u>3,983/2,213</u>	<u>3,100/1,722</u>
<u>Fifth/Folsom Streets</u>	<u>2,513/1,396</u>	<u>2,367/1,315</u>	<u>1,903/1,057</u>	<u>0/0</u>
<u>Sixth/Market Streets</u>	<u>5,661/3,145</u>	<u>2,367/1,315</u>	<u>4,750/2,639</u>	<u>0/0</u>
<u>TOTAL</u>	<u>13,302/7,390</u>	<u>10,427/ 5,793</u>	<u>14,753/8,196</u>	<u>3,829/2,127</u>

Page 336 of the Draft EIR is revised as follows:

As noted previously, noise from emergency vehicle use and operations, including sirens and emergency equipment testing, is exempt from the City's Noise Ordinance. However, the illustrative analysis summarized in Table IV.E-4 suggests that the number of ~~residents~~ residential units and associated residents along the representative routes that ~~would~~ may be affected by high levels of emergency vehicle noise would ~~remain roughly the same or increase slightly~~ be reduced under project conditions (when Fire Station No. 1 relocates to 935 Folsom Street). The number of hotel units and associated visitors that would be affected by high levels of emergency vehicle noise would be reduced. As discussed in Section IV.D, Transportation and Circulation, response times to the representative destinations would generally be reduced, on average, with relocation of the fire station. Therefore, the duration of siren and horn use would also be expected to decrease with relocation of the fire station.

Page 339 of the Draft EIR is revised as follows:

Therefore, based on the above analysis, it is expected the number of ~~residents~~ residential units and associated residents along the representative routes that would be affected by high levels of emergency vehicle noise would ~~remain roughly the same or be reduced~~ increase slightly under project conditions. The number of hotel units and associated visitors that would be affected by high levels of emergency vehicle noise would be reduced. In addition, with anticipated improved response times to representative destinations, the duration of siren and horn use would also be expected to decrease with relocation of the fire station.

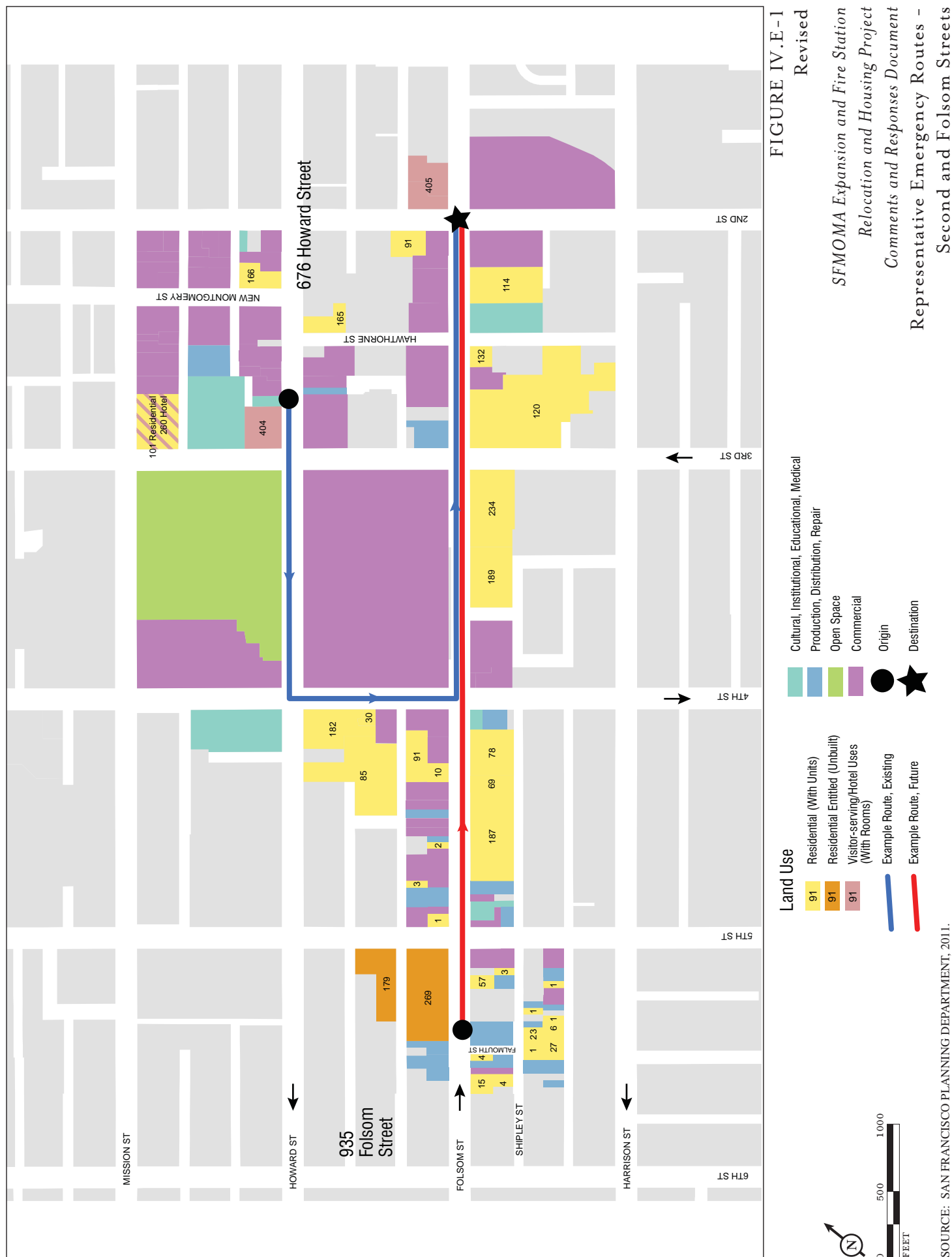




FIGURE IV.E-2
Revised

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Representative Emergency Routes - Second and Market Streets

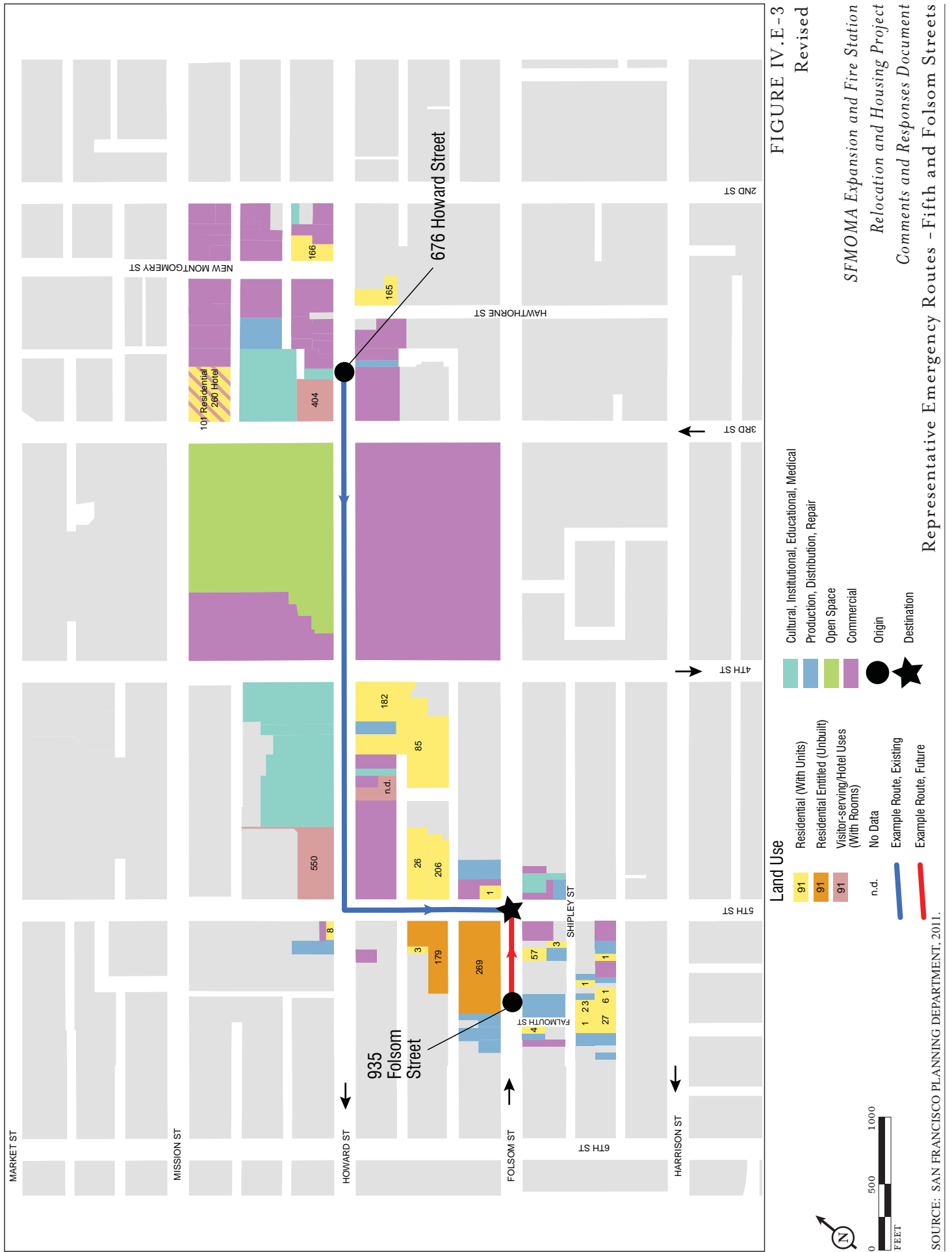




FIGURE IV.E-4
Revised

*SFMOMA Expansion and Fire Station
Relocation and Housing Project*
Comments and Responses Document
Representative Emergency Routes - Sixth and Market Streets

- Land Use**
- 91 Residential (With Units)
 - 91 Residential Entitled (Unbuilt)
 - 91 Visitor-serving/Hotel Uses (With Rooms)
 - n.d. No Data
- Color Legend**
- Cultural, Institutional, Educational, Medical
 - Production, Distribution, Repair
 - Open Space
 - Commercial
 - Origin
 - Destination
- Route Legend**
- Example Route, Existing
 - Example Route, Future

SOURCE: SAN FRANCISCO PLANNING DEPARTMENT, 2011.

The comment also questions the use of the 1.8 persons/household multiplier for hotel units. The comment notes that the average occupancy rate of a hotel in San Francisco is below 80 percent and one person per room is a more appropriate occupancy assumption. However, the hotel uses within the project area range in terms of number of rooms and cost per night. Some hotels may cater to visitors and have a low occupancy rate while others may serve as short-term residences and have a higher occupancy rate. As noted above, this analysis has been undertaken for illustrative purposes only, and 1.8 provides an appropriately conservative estimate of hotel occupancy.

The comment notes that there is a senior citizen housing project at Third and Folsom Streets which would be affected by the proposed project. However, there does not appear to be any senior housing project at that location. The Archstone South Market apartments and the Museum Park condominiums are located at Third and Folsom Streets; the closest senior housing projects to the site are located along Fourth Street between Howard and Clementina Streets and are included in Figures IV.E-1 through IV.E-4.

The text on page 320 is revised as follows:

Residential uses in the general two-block area around the project site are predominantly multi-family flats or higher-density buildings, including the lofts at 249 Shipley Street directly to the south of the project site at the intersection of Shipley and Falmouth Streets. In addition, there is a 2-story building immediately to the west of the site across Falmouth Street, with apartments above an adult business. At 955-65 Folsom Street is a 4-story condominium loft building. Mid-rise lofts at 239-250 Clara Street are on the next block south of the project site. On Folsom Street, one block to the east between Third and Fourth Streets, are the Yerba Buena Lofts and the residential buildings at 821 and 829 Folsom Street. On the northeast side of the open vehicle yard is a 4-story structure (located at 917 Folsom Street) that contains a hotel with a bar on the ground floor. There are no schools, hospitals, or convalescent homes in the immediate vicinity of the Fire Station Relocation and Housing Project site.

The comment notes that Figures IV.E-1 and IV.E-2 are missing the residential building at 829 Folsom Street. The figures have been revised to add this building.

The comment notes that a residence at 153 Shipley Street, mid-block between Fourth and Fifth Streets, is not included as an affected residence in Figures IV.E-1 through IV.E-4. Only buildings immediately contiguous to the analyzed emergency vehicle routes are shown in those figures. Buildings on the south (odd-numbered) side of Shipley Street are not immediately contiguous to the representative emergency vehicle routes.

The comment questions why the number of residents/units (including standard residential units and hotel units) exposed to emergency vehicular noise decreases from existing conditions to project conditions on Fifth and Folsom Streets. As shown in Figure IV.E-3, an emergency vehicle leaving the existing fire station at 676 Howard Street would travel over three blocks to respond to a call at Fifth and Folsom Street, passing residential uses on Howard Street and Fifth Street. An emergency vehicle leaving the proposed fire station at 935 Folsom Street would travel approximately one block.

Comment NO-8: Comments about construction-related noise at the W Hotel.

“As proposed, the MOMA expansion will cause significant negative impacts to the W Hotel and its guests during construction because of noise, dust and debris. No assurances that these impacts will be mitigated have been provided in the DEIR or by MOMA.

Despite having identified that construction-related activity for the MOMA expansion will cause noise impacts and mitigation must be applied, the DEIR fails to include any further analysis of those impacts. The analysis in the Initial Study is insufficient to accurately describe the potential impacts: it fails to describe the types of heavy-equipment that will be used during construction, the hours that the equipment will be in use and fails to quantify the incremental increase in noise resulting from the use of heavy equipment and other construction activities. Initial Study, p. 89-92. The DEIR fails to indicate whether noise monitoring will be conducted on-site during project construction. Mitigation should include assurances that construction noise will not exceed levels required by law.

Furthermore, the Initial Study (and therefore the DEIR), glosses over impacts caused by vibration associated with construction activities. Although the Initial Study recognizes that “[d]emolition and construction activities proposed as part of the SFMOMA Expansion would also generate perceptible groundborne vibration levels when heavy equipment or impact tools (e.g., hoe rams and excavators) are used,” there is no description of the activities that will actually occur on site and the timing of those activities relative to other noisy construction activities. Initial Study, p. 90. Will a vibration monitoring device be installed on-site? Mitigation should include assurances that vibration from construction will not exceed specified appropriate levels.

For example, there is no description of whether the MOMA expansion will require excavation for additional basement space, or whether pile driving will be used during construction, an activity that can be damaging to structures as well as impactful to people because of noise. These types of activities, and when they are likely to occur, must be spelled out in the DEIR in order to provide the community a full view of the noise and vibration that it will be subjected to during the two-year construction period. Furthermore, the W would like assurances that any ground excavating work will be undertaken in a manner that will not adversely impact or damage the W Hotel structure. The W requests that only bore piling be permitted, if this type of activity is required for construction. With any type of excavation or foundation work proposed for the site, mitigation should be incorporated into the project to ensure impacts to surrounding structures are avoided (e.g., installation of settlement markers, retaining walls where appropriate, etc). These details should be fully articulated and addressed in the EIR.

“As identified in the Initial Study and DEIR, construction-related impacts from the MOMA expansion must be mitigated to ensure that they remain less than significant. Initial Study, p. 89-92; DEIR, p. 374-376. While some mitigation has been identified in the Initial Study and DEIR for noise and air quality impacts, once the full impact of construction-related activities are analyzed, we urge the City to consider further mitigation, including placing limits on the days and hours of construction. These limits would further assure that visitors to the W hotel, and residents and visitors to other neighboring properties, are able to have the quiet enjoyment of their accommodations and residences. Addi-

tionally, given the location of the MOMA expansion to a significant number of residences and hotels, we urge the City to disallow extended construction hours for any of the Project construction and to consider imposing further restrictions. SF Police Code §2900 et seq.” (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response NO-8: The effects of project-related construction noise are discussed beginning on page 89 of the Initial Study (included as Appendix A to the Draft EIR). As noted, construction noise is regulated by the San Francisco Noise Ordinance (Article 29 of the Police Code), amended in November 2008, and project construction activities would be required to comply with the provisions of the Noise Ordinance and the construction-period noise mitigation measures identified in the Initial Study. Compliance with the City’s noise regulations and mitigation measures in the Initial Study would ensure that construction of the SFMOMA Expansion would not result in significant noise or vibration effects. Therefore, there is no need for additional analysis of the effects of project construction on noise and vibration levels, or identification of additional mitigation measures.

The Noise Ordinance requires that construction work be conducted in the following manner:

- 1) Noise levels from individual pieces of construction equipment, other than impact tools, must not exceed 80 dBA at a distance of 100 feet from the source;
- 2) The intake and exhaust systems of impact tools (e.g., jackhammers) must be muffled to the satisfaction of the Director of Public Works or the Director of Building Inspection; and
- 3) If noise would exceed the ambient noise level by 5 dBA at the property line of the project site, the construction work must not be conducted between 8:00 p.m. and 7:00 a.m. unless a special permit is authorized by the Department of Public Works (DPW) or the Director of Building Inspection.

Table 3, Construction Phasing, on page 27 of the Initial Study lists the typical equipment used at each stage of project construction. As noted on page 90 of the Initial Study, the noisiest phases of the approximately 2-year construction period would occur between Phase I (Demolition) and Phase 4 (Foundation), comprising a total of approximately 8 months. Maximum instantaneous noise levels (L_{max}) resulting from individual (non-impact) pieces of construction equipment proposed to be used for project construction would not be expected to exceed 80 dBA L_{max} at 100 feet with implementation of manufacturer-recommended muffler systems, as required in Mitigation Measure M-NO-2a. While noise levels from the expected use of impact tools, such as hoe rams, could range up to 84 dBA L_{max} at 100 feet, these types of equipment are specifically exempt from the 80 dBA L_{max} noise limit described above, and are only required to be fitted with muffled intake and exhaust systems that meet the satisfaction of the Director of Public Works or the Director of Building Inspection. Therefore, implementation of Mitigation Measure M-NO-2a would ensure that such construction noise impacts would be reduced to a less-than-significant level.

As noted on page 85 of the Initial Study, noise levels along Third Street adjacent to the project site are above 70.0 dBA L_{dn} . Noise from construction of the SFMOMA Expansion would exceed the ambient noise level by 5 dBA at the property line of the project site, and in accordance with the Noise Ordinance, the construction work must not be conducted between 8:00 p.m. and 7:00 a.m. unless a special

permit is authorized by the Department of Public Works (DPW) or the Director of Building Inspection. In addition, Mitigation Measure N-MO-2a limits ground clearing, excavation, foundation pouring, building erection and exterior finishing activities to between the hours of 7:00 a.m. to 8:00 p.m. Construction is not anticipated to occur on Sundays or major legal holidays, but may occur on an as-needed basis.

The comment notes that vibration from project demolition and construction activities is mentioned on page 90 of the Initial Study, but expresses concerns that there is no description of construction activities and their timing, and there is no assurance the vibration levels will not exceed specified levels. Mitigation Measure M-NO-2a requires the applicant to prepare a vibration impact assessment to determine potential construction-related groundborne vibration impacts for all structures located within 25 feet of construction activities expected to generate more than 90 VdB. The assessment shall include measures as necessary to reduce extreme noise generators. While not specifically listed in the mitigation measure, the assessment could require the installation of a vibration monitoring device. In the urban environment of San Francisco, construction activities routinely take place in close proximity to existing buildings including buildings of varying ages, and Mitigation Measure M-NO-2a would ensure that vibration generated by construction of the SFMOMA Expansion would not damage the W Hotel or other buildings in the area. Therefore, no additional mitigation is warranted.

As described on page 10 of the Initial Study (and page 23 of the Draft EIR), the SFMOMA Expansion would extend the existing 151 Third Street basement area under Hunt Street, the Heald Building site (670 Howard Street), and the Fire Station No. 1 (676 Howard Street) site. Excavation to approximately 19 to 20 feet below surface grade would be required for the construction of the SFMOMA Expansion's mat foundation and basement areas. A pile foundation is not proposed as part of the SFMOMA Expansion; pile driving is not required for project construction.

As noted on page 374 of the Draft EIR, construction activities, in particular soil movement for foundation excavation and site grading, would create the potential for wind-blown dust to create localized particulate matter concentrations near the project sites. Compliance with the San Francisco Construction Dust Ordinance (Ordinance 176-08, effective July 30, 2008) described on pages 366 and 376 of the Draft EIR would reduce potential impacts from construction dust to a less-than-significant level.

AIR QUALITY

Comment AQ-1: Comments about localized air pollutants.

"The MOMA expansion is proposed to be built, in large part, over the existing Natoma Access Area. As proposed, the ground floor will remain accessible for truck and vehicle movements, including loading, unloading and the W Hotel's valet activities. DEIR, Figures II-17 and II-18. Once the expansion is built, this activity will effectively take place indoors, as the expansion will surround what remains of the Natoma Access Area. Nonetheless, the Air Quality section in the DEIR fails to assess the air quality impacts of this change.

Criteria air pollutants, including ozone, carbon monoxide, particulate matter, nitrogen dioxide, and sulfur dioxide, are all byproducts of motor vehicle use. DEIR, p. 353-355. Enclosing motor vehicle use indoors, without appropriate ventilation systems, could pose a significant human health risk for employees and visitors to the museum and the W's loading areas. As such, adequate ventilation systems need to be designed and described in the DEIR so that an adequate evaluation may be completed.

This evaluation should include a Health Risk Assessment to evaluate the toxic air contaminant (TAC) loads associated with moving this significant vehicular traffic indoors. The DEIR identifies that "pollutants emitted primarily from motor vehicles (1,3-butadiene and benzene) account for slightly over one half of the average calculated cancer risk from ambient air in the Bay Area." DEIR, p.357. The risk posed to employees working in the museum and W hotel loading areas may be significant without appropriate mitigation. The DEIR must be revised to incorporate this analysis." (*Christine W. Griffith, KSSF Enterprises, Ltd. (W Hotel), August 25, 2011, Letter*)

Response AQ-1: This comment requests that a health risk assessment be conducted to identify the effects of vehicle emissions in the loading areas that would be used by SFMOMA and the W Hotel. Neither the Bay Area Air Quality Management District (BAAQMD) nor the City requires a health risk assessment to evaluate indoor air pollution associated with loading and parking areas. The San Francisco Building Code requires adequate ventilation in all enclosed areas in which vehicles are used and federal law requires signage to notify the public of the presence of toxic air contaminants. The SFMOMA Expansion would adhere to the Building Code and all applicable federal regulations. Therefore, adequate ventilation would be incorporated into the loading areas that would be used by SFMOMA and the W Hotel as a matter of building design, and no additional analysis or mitigation would be required. In addition, employee safety related to indoor air quality would be monitored by the California Department of Occupational Safety and Health Administration (Cal-OSHA).

ALTERNATIVES

Comment AL-1: General comments about project alternatives.

"I suggest another alternative be added to the DEIR and IMPLEMENTATION OF THIS ALTERNATIVE: proceed with the museum expansion as described; relocate the fire station site to a more appropriately zoned area." (*Anne Marie Kuban, August 24, 2011, Letter*)

In summary, a fire station site should be selected AFTER the analysis of multiple, possible locations is performed. A fire station should not be sited because a specific property has been pre-maturely purchased in an inappropriate zoning district.

The proposed Fire Station No. 1 should be relocated to a site where fire trucks traveling to their main service area DO NOT enter traffic in the wrong direction.

The proposed Fire Station No. 1 should be relocated to a more suitable site (adjacent or within) an SLI district, where noise generating activities are generally more accepted and the amount of residential units are less.

Suggestions include properties along Harrison or Bryant streets between 5th and 8th streets. For instance, Bryant and 6th street, adjacent to the courthouse where current police outreach is performed and McDonald's overflow parking is located. This is a direct traffic path to the main service area of the fire station and less residential units as well.

The existing site should NOT be rezoned. The existing site should be developed according to the current Multi-Use Residential (MUR) zoning." (*Anne Marie Kuban, August 24, 2011, Letter*)

Response AL-1: These comments suggest that alternative sites for the Fire Station Relocation should be evaluated in the EIR to reduce the number of residents exposed to fire truck noise and otherwise avoid other concerns about the fire station relocation.

As a general response, *CEQA Guidelines* Section 15126.6 states: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible."

Prior to selecting the 935 Folsom Street site, the project sponsors worked with SFFD to identify a site that was available for purchase, within the service area of Fire Station No. 1 and consistent with SFFD's needs and criteria for location. Building a new fire station at a different site within the service area of Fire Station No. 1 was determined to be infeasible because SFMOMA was unable to locate and acquire another site within the service area that met San Francisco Fire Department (SFFD) criteria, including the criterion that firefighter living spaces not be exposed to elevated levels of particulate matter associated with the I-80 freeway that runs between Harrison and Bryant Streets (see page 525 of the Draft EIR). Building a new fire station on Harrison or Bryant Streets between Fifth and Eighth Streets was not acceptable to the SFFD because it would expose personnel to elevated levels of particulate matter (the fire station would be located within one block of the freeway, a zone of increased particulate emissions).

As discussed on pages 80 to 81 of the Draft EIR, the MUR District is intended to serve "as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street." Although heavy industrial uses are not permitted in the MUR District, the area is intended to contain a mixture of uses, including retail, business service, and commercial and cultural arts uses. As discussed on page 117 of the Draft EIR, locating the fire station on Folsom Street would not introduce an incompatible land use to the area in the context of the predominance of parking and service-oriented commercial land uses on the street. While residential uses are located to the west and south of the site, they are

also distributed throughout much of the service area of Fire Station No. 1. There are few areas in the neighborhood that are completely devoid of residential uses. Also, fire stations are not incompatible with residential uses and are frequently located in residential districts throughout the City.

In addition, the use of Folsom Street in a westerly direction by SFFD emergency response vehicles would not result in significant effects to the transportation system. The avoidance of less-than-significant land use and transportation and circulation impacts associated with the development of the fire station at 935 Folsom Street through the selection of an off-site alternative is not required under CEQA (as the primary objective of alternatives is to avoid significant environmental effects). However, the comments suggesting that the fire station should not be developed on the site will be considered by decision-makers.

Comment AL-2: Comments about the environmentally superior alternative.

“...as the EIR indicates, look more at the environmentally preferred alternative and clearly explain why that might be a more environmentally preferred alternative.” (*Planning Commissioner Kathrin Moore, Public Hearing Transcript, August 11, 2011*)

Response AL-2: CEQA requires an EIR to identify an environmentally superior alternative that is not the No Project Alternative. As discussed on pages 525 through 526 of the Draft EIR, the Preservation Alternative is considered the environmentally superior alternative to the proposed project because it would retain the existing building used by Fire Station No. 1 (676 Howard Street), while still allowing SFMOMA to expand. Because Fire Station No. 1 would remain a working fire station, there would be no need to build a new fire station off-site, and the existing building located at 935 Folsom Street would not be demolished. The Preservation Alternative would not meet many project objectives, including those related to the spatial dimensions of gallery spaces and the construction of a new fire station meeting essential facility seismic standards. However, the Preservation Alternative was selected as the environmentally superior alternative for the following key reasons:

- Avoidance of demolition of the 935 Folsom Street building, which is considered a historic resource because it is individually eligible for the California Register of Historical Resources.
- Avoidance of less-than-significant cultural resource impacts associated with the demolition of the 670 Howard Street and 676 Howard Street buildings.
- Avoidance of less-than-significant construction-period and operational increases in noise levels around 935 Folsom Street.
- Avoidance of significant construction-period emissions of air pollutants around 935 Folsom Street.

Although operations at existing Fire Station No. 1 would continue to be constrained under the Preservation Alternative (due to the existence of only two vehicle bays – instead of three bays – in the existing fire station and the lack of modern design features), the Preservation Alternative is environmentally superior in the context of impact avoidance.

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IV. DRAFT EIR REVISIONS

The following changes to the text of the Draft EIR are made in response to comments on the Draft EIR or are included to clarify the Draft EIR text. Added text is shown in underline and deleted text is shown in ~~strike-through~~. Revised figures are shown as-is.

RESPONSE TO COMMENTS REVISIONS

AESTHETICS

Page 42 of the Draft EIR has been revised to incorporate this descriptive information about the Fire Station Relocation, which does not alter the analysis or conclusions of the Draft EIR:

The building would be set back from the property line by 5 feet to accommodate a bioswale along Falmouth Street, consistent with the City's Stormwater Design Guidelines. The bioswale, which would be planted with native plants, would receive all stormwater runoff from the roof of the fire station, filtering it prior to delivery to the City's storm sewer system. Also along Falmouth Street, a broad bay window would project from the mezzanine-level living area, clad in the same light metal screen as the window on the Folsom Street elevation. An 8-foot-high wall and rolling gate at Falmouth Street would screen the parking lot and utilities from pedestrian view and also provide security. The staff parking area would be accessed from Falmouth Street. ~~Downward pointing exterior lighting would also be installed on the façade at Falmouth Street.~~

Proposed exterior lighting around the proposed fire station would include linear downward-facing lights above the bay doors facing Folsom Street (to accent the bay doors, provide safety lighting, and increase light levels on the adjacent sidewalk) and a series of upward-facing lights behind the landscape plantings along Falmouth Street (to accent the building façade, particularly the approximately 10 feet of façade adjacent to the sidewalk). All lighting would be designed to reduce glare. Based on the photometric study prepared for the project, light levels at the sidewalk adjacent to the Folsom Street frontage of the Fire Station Relocation and Housing Project site would increase from 0.2 to 0.6 foot-candles (fc)¹ under existing conditions to 0.6 to 24.3 fc with lighting that would be installed as part of the project. Although light levels on the sidewalk adjacent to the Falmouth Street frontage of the fire station would not increase, light distribution would increase and shadows would be reduced due to the removal of parking along the eastern side of Falmouth Street.

¹ A foot-candle is a unit measuring the intensity of light falling on a surface.

In addition, the San Francisco Redevelopment Agency is proposing to upgrade the existing light fixtures on Falmouth Street with light-emitting diode (LED) fixtures. Assuming the light fixtures would be similar to others recently installed along similar streets by the Redevelopment Agency, light levels at the sidewalk adjacent to the Falmouth Street frontage of the site would increase from 0.5 to 1.3 fc under existing conditions to 0.8 to 1.9 fc.

Figure IV.B-1 on page 139 of the Draft EIR is amended to show the location of new Viewpoint 8. Figure IV.B-8b is added to show the new simulation from Viewpoint 8.

TRANSPORTATION

Figure II-18 on page 29 of the Draft EIR is revised to show how two-way travel between Natoma Street and the W Hotel's porte-cochere will be accommodated to remove use of the porte-cochere for loading access. Truck turning templates have been added to show how trucks will be able to back into the W Hotel's loading dock.

The text on page 311 of the Draft EIR is revised as follows:

Improvement Measure TR-7 (Loading; applies to SFMOMA Expansion). As an improvement measure to minimize the potential for conflicts within the Natoma loading area and to ensure that deliveries for SFMOMA and W Hotel are adequately accommodated:

- SFMOMA shall provide an on-site loading dock manager to coordinate loading, manage the delivery demand, provide assistance for truck maneuvers into and out of the loading area, and coordinate trash collection activity.
- SFMOMA shall ensure that the W Hotel has 24-hour access across the Natoma loading area.
- The SFMOMA on-site loading dock manager shall coordinate and integrate scheduling of truck deliveries for SFMOMA and the W Hotel.
- The SFMOMA on-site loading dock manager and overnight security staff shall actively manage the loading area 24 hours a day to ensure that trucks park efficiently and do not dwell in loading spaces, or block valet and loading access for the W Hotel.
- The SFMOMA on-site loading dock manager shall, to the extent possible, schedule deliveries destined to the Natoma loading area (e.g., restaurant deliveries) to before 7:00 a.m. to minimize conflicts with other daytime couriers such as Federal Express and United Parcel Service.
- Delivery vehicles longer than 35 feet shall be prohibited from entering the Natoma loading area.

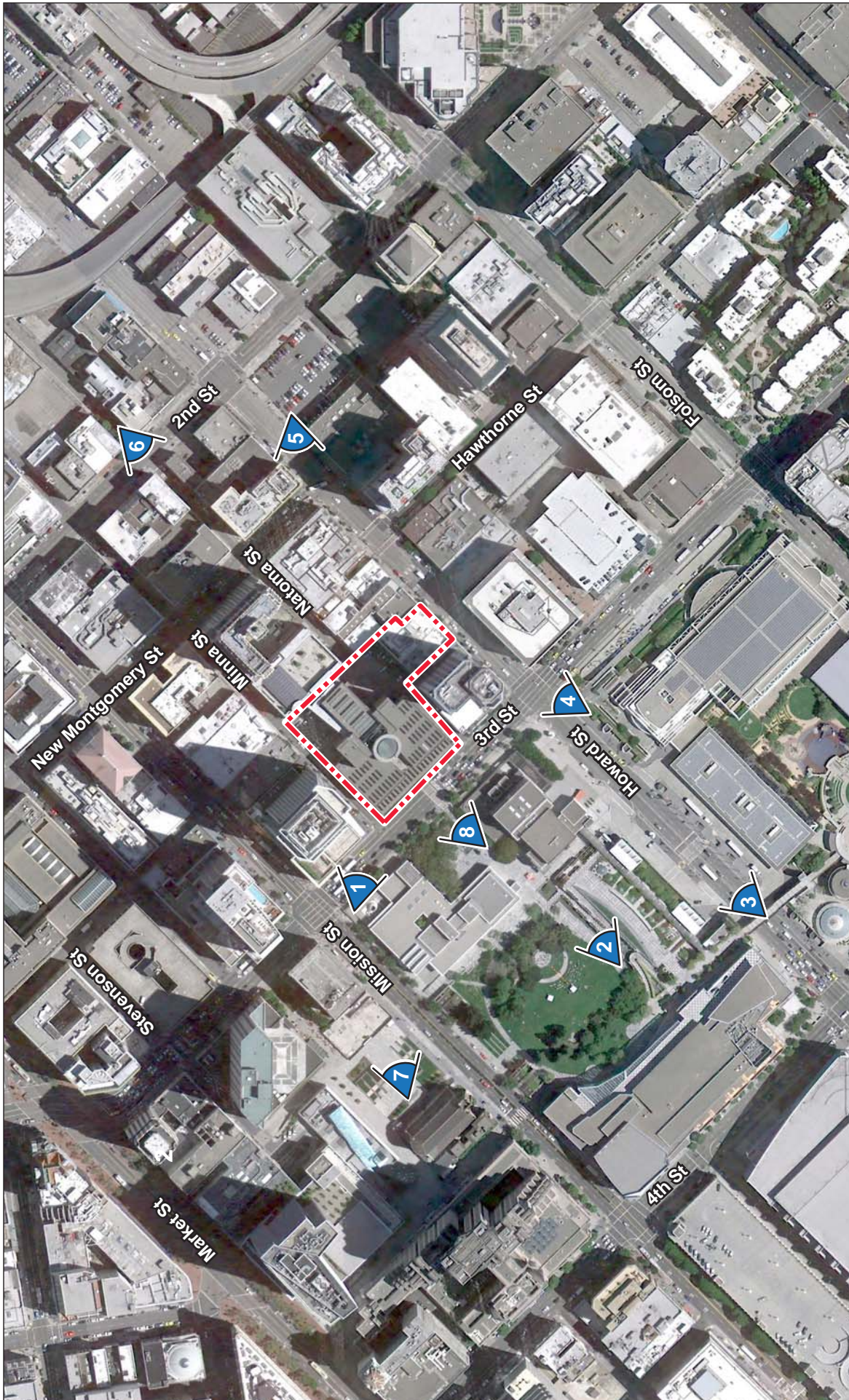
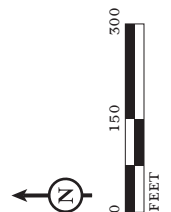


FIGURE IV.B-1
 Revised
 SFMOMA Expansion and Fire Station
 Relocation and Housing Project
 Comments and Responses Document
 SFMOMA Expansion Viewpoint Map

SFMOMA Expansion Project Site
 Viewpoint Locations



SOURCES: GOOGLE EARTH, 2010; LSA ASSOCIATES, INC., 2011.



Existing



Visual Simulation

FIGURE IV.B-8b

*SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document*

Visual Simulation - SFMOMA Expansion Site

Viewpoint 8 (Yerba Buena Gardens Adjacent to the Novellus Theater)

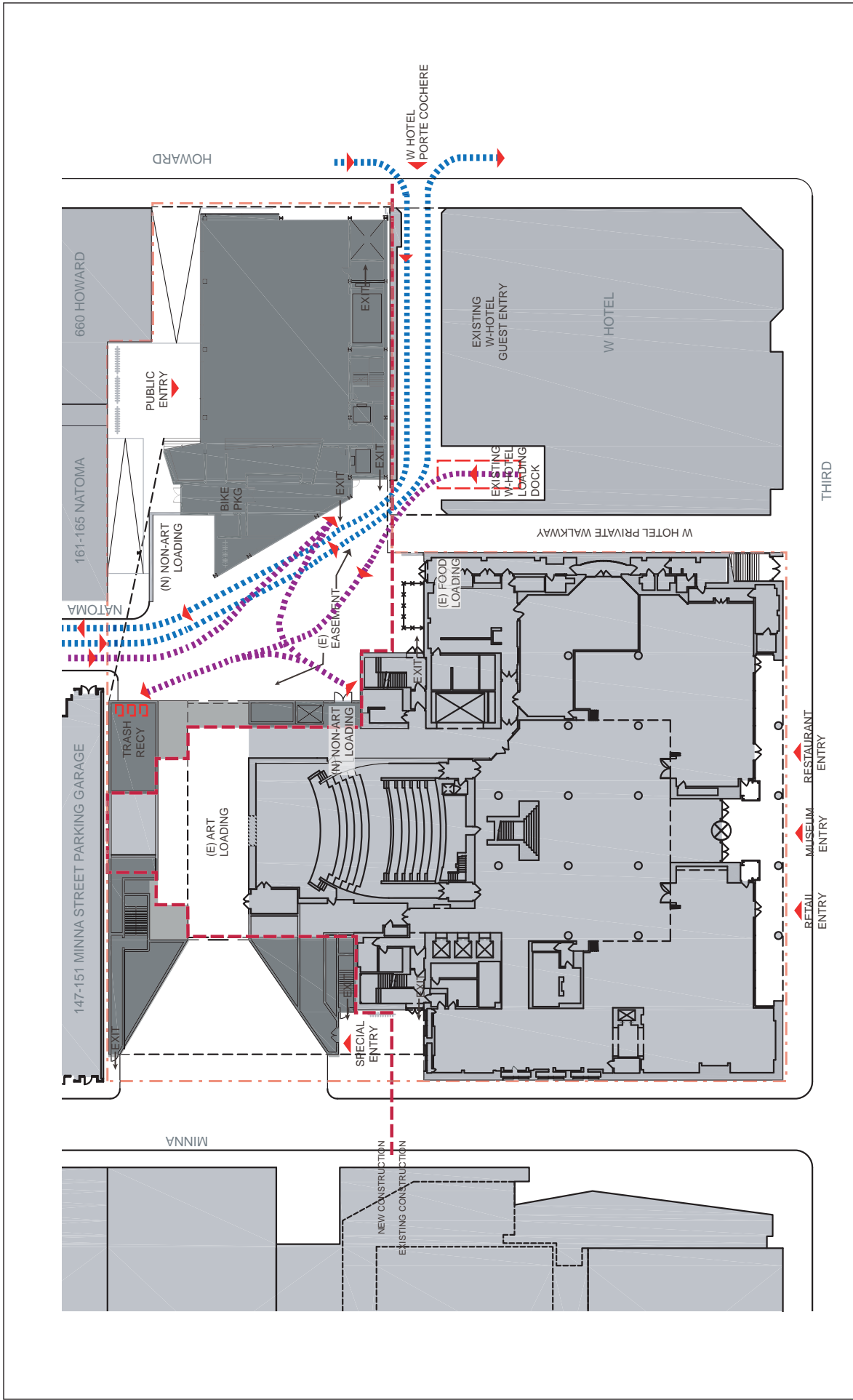


FIGURE II-18
Revised

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
W-Hotel Loading and Valet Diagram



NOT TO SCALE

SOURCE: SFMOMA, SEPTEMBER 2011.

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Improvement Measure TR-8 (Signage; applies to Fire Station Relocation). As an improvement measure to reduce unexpected conflicts between right-turning vehicles and fire and rescue vehicles, MTA should consider the desirability and feasibility of instituting a prohibition on right turn on red movements on the northbound Sixth Street approach to Folsom Street as part of its review and implementation of traffic preemption improvements proposed as part of the project.

NOISE

The text on page 320 of the Draft EIR is revised as follows:

Residential uses in the general two-block area around the project site are predominantly multi-family flats or higher-density buildings, including the lofts at 249 Shipley Street directly to the south of the project site at the intersection of Shipley and Falmouth Streets. In addition, there is a 2-story building immediately to the west of the site across Falmouth Street, with apartments above an adult business. At 955-65 Folsom Street is a 4-story condominium loft building. Mid-rise lofts at 239-250 Clara Street are on the next block south of the project site. On Folsom Street, one block to the east between Third and Fourth Streets, are the Yerba Buena Lofts and the residential buildings at 821 and 829 Folsom Street. On the northeast side of the open vehicle yard is a 4-story structure (located at 917 Folsom Street) that contains a hotel with a bar on the ground floor. There are no schools, hospitals, or convalescent homes in the immediate vicinity of the Fire Station Relocation and Housing Project site.

Figures IV.E-1 through IV.E-4 are revised to better differentiate standard residential units and hotel units along the representative emergency routes. In addition, Figures IV.E-1 through IV.E-4 are revised to more accurately show the location and type of residential and hotel uses.

The paragraph on page 335 of the Draft EIR is revised as follows:

A comparison of the number of residents and hotel occupants that would be exposed to high emergency vehicle noise levels along routes to each of the four representative destinations under existing and project conditions is shown in Table IV.E-4. The number of residential units and hotel rooms along each route was tallied, and then multiplied by 1.8 persons (the average household size in the Census Tracts covering the routes). ~~For the purpose of this analysis, hotels units located along these representative response routes are also included in the tallies of residential units.~~ The total number of residential and transient lodging units was used in order to provide a conservative analysis of the total number of persons who could be exposed to high emergency vehicle noise levels. By including both the residential and transient lodging units in the tallies for the response routes from both points of origin, an equivalent comparison can be made of the number of persons affected by emergency vehicle-related noise under baseline (existing) and project conditions.

Table IV.E-4 on page 335 of the Draft EIR is revised as follows:

Table IV.E-4: Potential Exposure to Emergency Vehicle Noise

<u>Representative Destination</u>	<u>Existing Conditions (Number of Residents/Number of Residential Units)</u>	<u>Existing Conditions (Number of Hotel Visitors/Number of Hotel Units)</u>	<u>Project Conditions (Number of Residents/Number of Residential Units)</u>	<u>Project Conditions (Number of Hotel Visitors/Number of Hotel Units)</u>
<u>Second/Folsom Streets</u>	<u>3,384/1,880</u>	<u>2,106/1,170</u>	<u>4,117/2,287</u>	<u>729/405</u>
<u>Second/Market Streets</u>	<u>1,744/969</u>	<u>3,587/1,993</u>	<u>3,983/2,213</u>	<u>3,100/1,722</u>
<u>Fifth/Folsom Streets</u>	<u>2,513/1,396</u>	<u>2,367/1,315</u>	<u>1,903/1,057</u>	<u>0/0</u>
<u>Sixth/Market Streets</u>	<u>5,661/3,145</u>	<u>2,367/1,315</u>	<u>4,750/2,639</u>	<u>0/0</u>
<u>TOTAL</u>	<u>13,302/7,390</u>	<u>10,427/ 5,793</u>	<u>14,753/8,196</u>	<u>3,829/2,127</u>

Page 336 of the Draft EIR is revised as follows:

As noted previously, noise from emergency vehicle use and operations, including sirens and emergency equipment testing, is exempt from the City's Noise Ordinance. However, the illustrative analysis summarized in Table IV.E-4 suggests that the number of ~~residents~~ residential units and associated residents along the representative routes that ~~would~~ may be affected by high levels of emergency vehicle noise would ~~remain roughly the same or increase slightly be reduced~~ under project conditions (when Fire Station No. 1 relocates to 935 Folsom Street). The number of hotel units and associated visitors that would be affected by high levels of emergency vehicle noise would be reduced. As discussed in Section IV.D, Transportation and Circulation, response times to the representative destinations would generally be reduced, on average, with relocation of the fire station. Therefore, the duration of siren and horn use would also be expected to decrease with relocation of the fire station.

Page 339 of the Draft EIR is revised as follows:

Therefore, based on the above analysis, it is expected the number of ~~residents~~ residential units and associated residents along the representative routes that would be affected by high levels of emergency vehicle noise would ~~remain roughly the same or be reduced~~ increase slightly under project conditions. The number of hotel units and associated visitors that would be affected by high levels of emergency vehicle noise would be reduced. In addition, with anticipated improved response times to representative destinations, the duration of siren and horn use would also be expected to decrease with relocation of the fire station.

Improvement Measure NO-1a will be added to page 340 of the Draft EIR as follows:

Improvement Measure NO-1a (Neighborhood Noise, applies to Fire Station). As an improvement measure to reduce emergency vehicle siren and horn noise, SFFD Staff at Station No 1. will be trained in the use of and required to utilize the traffic signal preemption system.

Improvement Measure NO-1b will be added to page 340 of the Draft EIR. This implementation measure may be implemented by the SFFD to further reduce the less-than-significant impact associated with emergency vehicle operation and equipment testing.

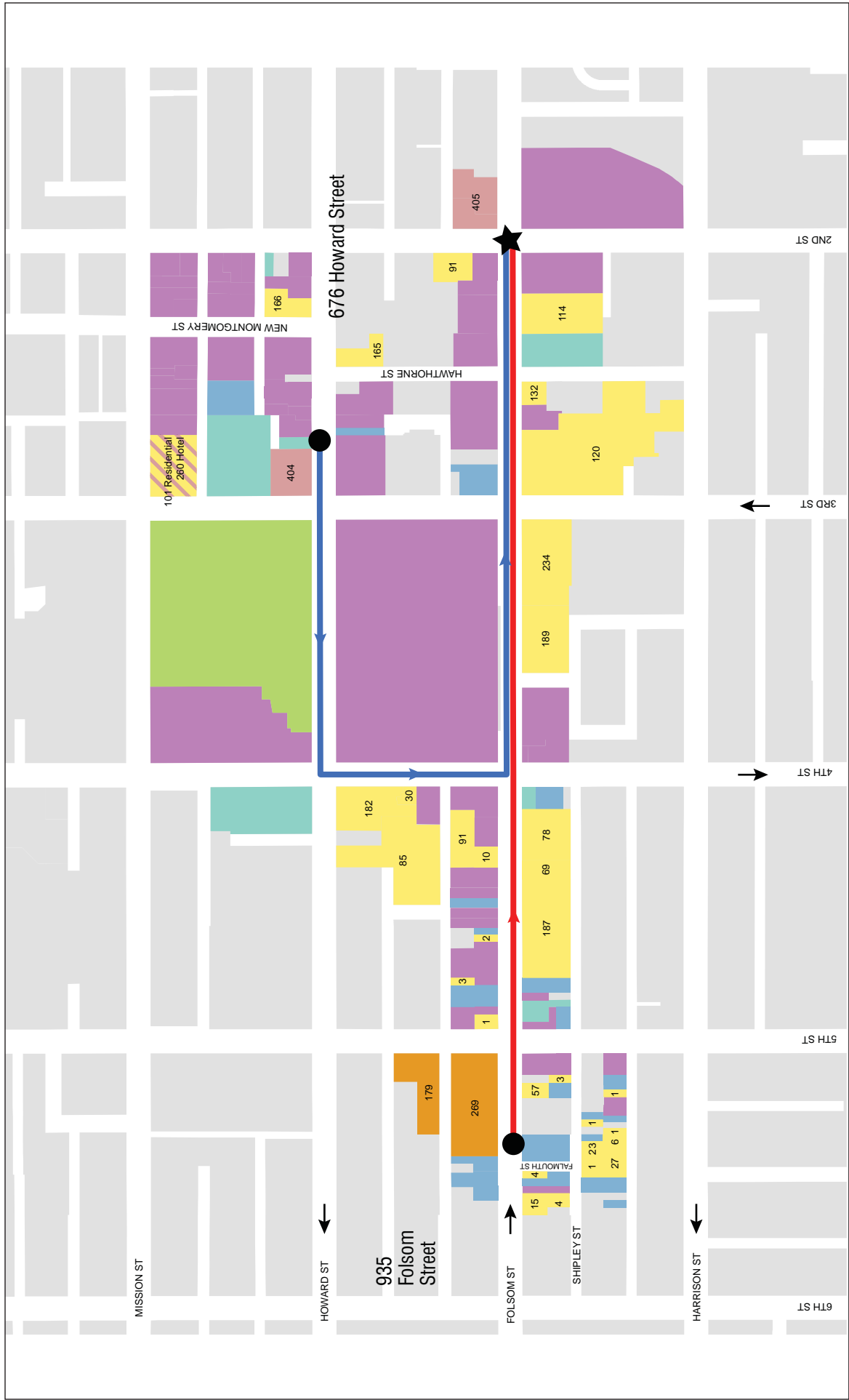


FIGURE IV.E-1
 Revised
*SFMOMA Expansion and Fire Station
 Relocation and Housing Project*
Comments and Responses Document
 Representative Emergency Routes -
 Second and Folsom Streets



FIGURE IV.E-2
Revised

SFMOMA Expansion and Fire Station
Relocation and Housing Project
Comments and Responses Document
Representative Emergency Routes - Second and Market Streets

91

Residential (With Units)

91

Residential Entitled (Unbuilt)

91

Visitor-serving/Hotel Uses (With Rooms)

Example Route, Existing

Example Route, Future

Cultural, Institutional, Educational, Medical

Production, Distribution, Repair

Open Space

Commercial

Origin

Destination

SOURCE: SAN FRANCISCO PLANNING DEPARTMENT, 2011.

98





FIGURE IV.E-4
Revised

*SFMOMA Expansion and Fire Station
Relocation and Housing Project*

Comments and Responses Document

Representative Emergency Routes - Sixth and Market Streets

Improvement Measure NO-1b (Neighborhood Noise, applies to Fire Station). As an improvement measure to ensure that the operational activities of relocated Fire Station No. 1, including noise from emergency vehicle operation and equipment testing, are reduced to the extent feasible, six months after the fire station is in operation, a community meeting will be held by the SFFD. At this meeting, the SFFD will describe the operation of the station and the community will have the opportunity to raise any concerns they have experienced and suggest any operational improvements for SFFD to consider.

STAFF-INITIATED TEXT REVISIONS

The following revisions to the Draft EIR derive from staff-initiated changes intended to correct minor errors or omissions in the Draft EIR.² None of these revisions change the analysis or conclusions of the Draft EIR.

Page 57 of the Draft EIR is revised as follows:

Stormwater Management, Construction, and Phasing

The proposed projects, which would disturb over 5,000 square feet of ground surface and are located in an area of the City served by the San Francisco Public Utilities Commission combined sewer system, would be required to comply with the Stormwater Management Ordinance and Stormwater Design Guidelines. Per the requirements of the Stormwater Design Guidelines, the projects would achieve the performance requirements of Leadership in Energy and Environmental Design (LEED) Sustainable Sites c6.1, "Stormwater Design: Quantity Control." Therefore, the projects would be designed to reduce the stormwater peak runoff flow rate and total runoff volume from existing conditions by 25 percent for the 1- and 2-year 24-hour design storm.

Pages 58 and 59 of the Draft EIR are revised as follows:

SFMOMA Expansion

- Planning Code Section 309 Downtown Project Approval, including a bulk exception (Planning Commission)
- Vacation of Hunt Street and conveyance to SFMOMA (Board of Supervisors)
- Rezoning of 676 Howard Street from P (Public) to C-3-S (Board of Supervisors, with recommendation from Planning Commission)
- Amendment of 151 Third Street Disposition and Development Agreement (DDA) (Redevelopment Agency Commission)

² These staff-initiated text changes include revisions requested by the San Francisco Public Utilities Commission (SFPUC) to address recently-adopted stormwater regulations.

- Lot Merger (Department of Public Works)
- Demolition and Building Permits (Department of Building Inspection)
- Approval of Stormwater Control Plan, per the Stormwater Management Ordinance (Public Utilities Commission)

Fire Station Relocation and Housing Project

- Amendment to General Plan, Map 2 in Community Facilities Element (Fire Facilities Plan)
- Planning Code Section 307(h)/329 Eastern Neighborhoods Project Approval (Zoning Administrator or Planning Commission)
- Rezoning of the fire station portion of the lot from MUR (Mixed Use Residential) to P (Public) (Board of Supervisors with recommendation from Planning Commission)
- Design approval of new public building (Arts Commission)
- Lot Subdivision (Department of Public Works)
- Demolition and Building Permits (Department of Building Inspection)
- Approval of Stormwater Control Plan, per the Stormwater Management Ordinance (Public Utilities Commission)

To add reference to minor upgrades and modernizations planned for five fire stations that are contributors to the potential San Francisco 1952 Firehouse Bond Act Thematic Historic District, page 200 of the Draft EIR is revised as follows:

No past, present, or reasonably foreseeable future projects have been identified that directly involve substantial physical changes to the 12 contributors to the potential District that would remain after demolition of Fire Station No. 1.

On July 11, 2011, the City filed a Notice of Exemption for a subset of projects that would be undertaken as part of the Earthquake Safety and Emergency Response (ESER) bond program.³ The ESER bond program, which was passed by San Francisco voters in June 2010, authorized repairs and improvements to 21 San Francisco fire stations, of which 15 are the subject of the Notice of Exemption. The changes to the 15 fire stations would consist of minor upgrades and modernization of the existing facilities and would not expand existing building footprints. Five of the fire stations that would be modernized are contributors to the potential District:

- 1325 Leavenworth Street (Station #41)
- 2150 California Street (Station #38)
- 655 Presidio Avenue (Station #10)

³ *Certificate of Determination, Exemption from Environmental Review*, San Francisco Planning Department, July 18, 2011. This document is available at the Planning Department in Case File No. 2009.0291E.

- 1000 Ocean Avenue (Station #15)
- 1295 Shafter Street (Station #17)

However, the Historic Resource Evaluation Response prepared for the ESER bond program concluded that the proposed changes to the five fire stations listed above would not have a significant effect on their potential contributory status. The nature of the changes would be minor and would not have a significant material effect on the contributing buildings or their context.

Because no substantial changes to the 12 contributors to the potential District (including the five contributors that would be affected by the ESER bond program) are anticipated, and the 12 contributors would be sufficient to maintain the integrity of the potential District even after demolition of Fire Station No. 1, the demolition of Fire Station No. 1 as part of the SFMOMA Expansion would not contribute to a cumulatively considerable impact to the potential District.

Table IV.G-2 on page 414 of the Draft EIR is revised as follows:

Regulation	Project Compliance	
	<i>SFMOMA Expansion</i>	<i>Fire Station Relocation and Housing Project</i>
San Francisco Green Building Requirements for Stormwater Management (SF Building Code, Chapter 13C) or San Francisco Stormwater Management Ordinance (Public Works Code Article 4.2)	Compliant. The project design would include on-site stormwater management features pursuant to the Stormwater Management Ordinance.	<u>Compliant. The design of the fire station and residential projects would include on-site stormwater management features pursuant to the Stormwater Management Ordinance.</u> Not applicable. The sites for the fire station and residential projects would be less than 5,000 square feet each; therefore, the stormwater management requirements would not apply.

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ATTACHMENT 1

DRAFT EIR COMMENT LETTERS



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

August 25, 2011

RECEIVED

AUG 25 2011

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

Michael Jacinto
City and County of San Francisco
1650 Mission Street, Suite 400
San Francisco, CA 94103

Subject: San Francisco Museum of Modern Art Expansion and Fire Station Relocation and Housing Project
SCH#: 2010102047

Dear Michael Jacinto:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on August 24, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

G-1

**Document Details Report
State Clearinghouse Data Base**

SCH# 2010102047
Project Title San Francisco Museum of Modern Art Expansion and Fire Station Relocation and Housing Project
Lead Agency San Francisco, City and County of

Type EIR Draft EIR
Description The proposed project include an up-to-approximately 235,000 sf expansion of the existing San Francisco Museum of Modern Art (SFMOMA), a private non-profit modern art museum located at 151 Third Street (between Mission and Howard Streets), the demolition of two structures to its south (670 Howard Street and 676 Howard Street) to accommodate the expansion, and the relocation of San Francisco Fire Department Station No. 1 (Fire Station No. 1) from 676 Howard Street to 935 Folsom Street. The existing building at 935 Folsom Street (formerly used for apparel manufacturing and as a commercial laundry) would be demolished and, in addition to construction of a new fire station fronting Folsom Street, the site would be subdivided and a residential building containing up to 13 units would be constructed on the southern portion of the site fronting Shipley Street.

Lead Agency Contact

Name Michael Jacinto
Agency City and County of San Francisco
Phone (415) 575-9033 **Fax**
email michael.jacinto@sfgov.org
Address 1650 Mission Street, Suite 400
City San Francisco **State** CA **Zip** 94103

Project Location

County San Francisco
City San Francisco
Region
Lat / Long 37° 46' 48" N / 122° 24' 0" W
Cross Streets Third Street/Howard Street & Folsom Street/Falmouth Street
Parcel No. Block 3722/Lots 78, 27 & 28; Block 3753/Lot 140
Township **Range** **Section** **Base**

Proximity to:

Highways I-80, I-280, U.S. 101
Airports No
Railways CalTrain, SF Muni, BART
Waterways San Francisco Bay
Schools Multiple
Land Use 151 Third Street: San Francisco Museum of Modern Art/C-3-O (Downtown Office) Use District, 500-I Height/Bulk District/Downtown - Mixed Use
670 Howard Street: Vacant Building/C-3-S (Downtown Support) Use District, 320-I Height/Bulk District/Downtown - Downtown Office
676 Howard Street: San Francisco Fire Station No. 1/P (Public) Use District, 320-I Height/Bulk District/Downtown - Downtown Office
935 Folsom Street: Vacant building/Mixed Use Residential (MUR), 45-X Height/Bulk District (southern portion) and 85-X Height/Bulk District (northern portion)/South of Market - Residential/Retail/Business Services/Light Industrial

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Noise; Public Services; Traffic/Circulation; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; Public

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Utilities Commission

Date Received 07/11/2011 ***Start of Review*** 07/11/2011 ***End of Review*** 08/24/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.



AGICAPITAL 100 Bush Street, 22nd Floor, San Francisco, CA 94104 t.415.775.7005 f.415.775.7002 www.agicapital.com

August 17, 2011

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

RECEIVED

AUG 17 2011

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

Re: SFMOMA Expansion / Fire Station Relocation and Housing Project Case Nos. 2009.0291E and 2010.0275E Draft EIR

Dear Mr. Wycko,

On behalf of the owners of the properties located at 260 5th Street and 900 Folsom street ("Project Sponsor"), an entitled mixed-use project for 181 units of housing and an entitled mixed-use project of 282 units of housing respectively, located directly across Folsom Street from the proposed fire station, we respectfully submit the following questions and comments to the Draft EIR for the fire station.

1. On page 340 of the Draft EIR it states:

"SFFD operational activities would also include the testing of equipment, such as starting and running the fire trucks, chain saws, "jaws of life," portable generators, and other equipment; checking hoses; and raising ladders, for a period of time each morning between approximately 8:45 and 9:30 a.m. on Folsom Street."

San Francisco Noise Control Ordinance 29, SEC 2900(a) states:

"Building on decades of scientific research, the World Health Organization and the U.S. Environmental Protection Agency have determined that persistent exposure to elevated levels of community noise is responsible for public health problems including, but not limited to: compromised speech, persistent annoyance, sleep disturbance, physiological and psychological stress, heart disease, high blood pressure, colitis, ulcers, depression, and feelings of helplessness."

And SEC 2900(c) states:

"In order to protect public health, it is hereby declared to be the policy of San Francisco to prohibit unwanted, excessive, and avoidable noise. It shall be the policy of San Francisco to maintain noise levels in areas with existing healthful and acceptable levels of noise and to reduce noise levels, through all practicable means, in those areas of San Francisco where noise levels are above acceptable levels as defined by the World Health Organization's Guidelines on Community Noise."(underline added)

The Project Sponsor hereby requests information on how the design of the fire station has utilized all "practicable means" to reduce noise levels, as declared by SEC 2900(c), pertaining to

NO-4

NO-3

the operation of chain saws, jaws of life, portable generators, and other equipment at Folsom Street, in open air. It is the Project Sponsor's opinion that the proposed fire station, by locating significant noise creating devices in an open air location with zero sound attenuation measures, has implemented no practicable means in reducing significant noise pertaining to this matter. It is the Project Sponsor's opinion that the creation of a testing room with sound attenuating qualities, within the fire station or within the proposed surface parking lot, are practicable and often implemented solutions in construction. The Project Sponsor requests information on if these measures were considered, and if so, what the conclusion was.

**NO-3
cont.**

2. It is the Project Sponsor's understanding that there is significant automobile use and congestion at the Fifth Street and Folsom Street intersection, at times backing up to the location of the proposed fire station. Additionally, it is the Project Sponsor's understanding that there is significant bicycle use in front of the proposed fire station location. The Project Sponsor requests information on how impacts to the safety of firemen testing equipment on Folsom Street, bicyclists on Folsom Street, and drivers of automobiles on Folsom street, were all analyzed considering the manifest dangers in operating heavy machinery including chainsaws and jaws of life immediately proximate to fast moving cars and bicyclists.

TR-3

3. The Draft EIR references inclusion of timed traffic lights to aid in emergency vehicle flow and to reduce the use of sirens. The Project Sponsor requests information on how this recommended and significant mitigation measure's inclusion in the proposed fire station project will be a required element of the fire station. Project Sponsor recommends including this mitigation measure, and all other recommended mitigation measures, in the project's Notice of Special Restrictions, Conditions of Approval, and all other legally binding instruments as applicable to the project. If the timed traffic light mitigation measure is not included in the project, the Project Sponsor requests information on what the impacts will be without such a mitigation measure.

TR-2

Thank you, in advance, for your time and consideration on these matters. Please do not hesitate to contact us with any questions. We respectfully await a response to all addressed items.

Very truly yours,



Jesse Herzog
Project Manager
AGI Capital

CC: Eric Tao

ClementinaCares



RECEIVED

AUG 23 2011

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

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

8/19/2011

Mr. Wycko –

We are writing to you on behalf of ClementinaCares (a local neighbourhood association on the west side of the Yerba Buena gardens www.clementiacares.com), with regards to the Draft EIR for the SFMOMA / Fire Station Relocation and Housing Project.

After meeting with David Prowler, consultant for the SFMOMA, the SFFD and the lead architect for the project numerous times, we have concerns about the new fire station and housing portion of the project.

These include, but are not limited to traffic, noise, effects on residents from introduction of a new fire house and the lack of perceived public benefits in the form of public art and / or landscaping efforts.

TRAFFIC

While we understand that it would be impossible to relocate and initiate a project like this with no effect on the area with regards to traffic, we feel that the proposed signal timing mechanisms at 5th and 6th Streets at Folsom would not be sufficient in and of themselves. The neighbours in the area agree that an additional signal is needed at Folsom at Falmouth in somewhat similar fashion to the signals on Howard (at New Montgomery and Hawthorne) just before the current location of Firehouse #1. This signal would help to control traffic that is heading eastward on Folsom that had passed the signal at 6th Street, giving the fire fighting staff **additional control**. And, from a planning perspective, this would also help **break-up** the extremely large block, a current goal of the Yerba Buena CBD with regards to increasing pedestrian safety and improving the overall experience.

TR-6

Additionally, we feel that the EIR study did not adequately address the fact that prime time traffic on Folsom during peak rush hours (both going to and from work) back up as far as 7th or 8th Streets on a regular basis.

TR-1

ClementinaCares



NOISE

With regards to noise, we also understand that this cannot be completely controlled, however all **reasonable attempts** must be made to mitigate it as much as possible. Examples of this would be to help neighbours and residents in the immediate vicinity with insulation to their buildings in order to significantly reduce noise pollution. This could include window refinishing and/or wall insulation.

NO-5

We were also informed that the SFFD would be testing **ALL** mechanical equipment, **every day**, between the hours of 8-9am. This would include chain saws, jaws-of-life, sirens, horns, etc. In initial meetings, we were told that a special 'testing' room would be considered in which this testing could be done to minimize noise as much as possible. However, we are now told this is not feasible and disagree with the findings.

NO-3

EFFECTS ON HELTH FROM INCREASED STRESS LEVELS

Given that the new fire station is going into an area in which existing residents and neighbours live in buildings that had not been have not been designed to prevent this level of noise and that they have **not 'opted-in'** to what will be ongoing emergency calls 24/7, it seems obvious that the stress levels introduced on the occupants could be significant. We feel that the EIR did not go far enough to address the potential health effects from stress on the neighbours in the immediate area who will be subjected to the new station without having additional mitigating effects. Perhaps the SF Health Department can provide an opinion.

NO-4

PUBLIC ART / COMMUNITY GARDEN

Our group was also informed at the beginning of the project that this project would include some form of public art, and are now told that this has been eliminated from the project. Per all of the information in the EIR, this distinct area is a part of and **evolving art district** with galleries, museums, and other space for those who are employed in and love the arts. Clementinacares is specifically committed to encouraging the **evolution of art and culture in the area** and are **disappointed** that there will not be a public art requirement, especially when the project is sponsored by the SFMOMA.

AE-2

ClementinaCares



Finally, any provision for landscaping and greening around/ on the proposed building is modest at best. Our area is again, very committed to urban greenscaping and are underwhelmed by the proposed solution. The community deserves and encourages a more thorough effort.

AE-3

Sincerely,

Foster Weeks
President

ClementinaCares, Inc.
415-345-4375
fweeks@gmwest.com
www.clementinacares.com

CC; D. Prowler, C. Olague, R. Miguel, M. Antonini, G. Borden, K. Moore, H. Sugaya, R. Fong

August 25, 2011

VIA HAND DELIVERY AND EMAIL

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

**Re: San Francisco Museum of Modern Art Expansion (Case No. 2010.0275E)
and Fire Station Relocation and Housing Project (Case No. 2009.0291E)
Draft Environmental Impact Report – SCH Number 2010102047**

Dear Mr. Wycko:

On behalf of KSSF Enterprises Ltd., owner of the W Hotel San Francisco (“the W”), we submit the following comments on the above referenced Draft Environmental Impact Report (“DEIR”) pursuant to the California Environmental Quality Act (“CEQA”). According to the DEIR, the proposed projects entail an expansion of the San Francisco Museum of Modern Art (“MOMA”) as well as the relocation of a fire station and construction of housing (together “the Project”). The W is an immediately adjacent neighbor to MOMA, and the MOMA expansion will “wrap around” the hotel; thus, the W is very interested in the details of the Project and its environmental review.

We would like to start by expressing our support for the Project. MOMA is a prominent cultural institution in San Francisco and an important element of the local and tourist experience. The City’s residents and visitors will benefit significantly from greater access to MOMA’s collections. In addition, the Project will advance the area by supporting and growing the local tourist industry. We believe that this Project will ultimately support the neighborhood, and we hope that it will be a vehicle for strengthening the already positive relationship the W and MOMA share.

We are concerned, however, that the DEIR does not fully apprise the City and the public of the true environmental impacts of this important Project. Without careful design, analysis and mitigation, the Project has the potential to significantly, negatively impact the functioning of this vibrant neighborhood affecting both locals and tourists. We ask that the City take the steps necessary to fully understand the impacts of the MOMA expansion and ensure that significant negative impacts be fully analyzed and mitigated, as required by CEQA.

I. Summary of Major Issues of Concern

- As proposed, the design of the MOMA expansion—in particular, its height and lack of setback from the property line—will significantly, negatively impact the views, light and air available to thousands of visitors to the W Hotel each year.
- As proposed, the MOMA expansion will sever the W's right to access Natoma Street. This will cause traffic nightmares as existing loading and through traffic is relocated to surrounding streets and will disable the W's operations. Traffic impacts both during and after construction are inadequately addressed in the EIR.
- As proposed, the MOMA expansion will cause significant negative impacts to the W Hotel and its guests during construction because of noise, dust and debris. No assurances that these impacts will be mitigated have been provided in the DEIR or by MOMA.

AE-4

TR-4

NO-8

II. The DEIR Contains Fundamental Analytical Flaws That Mandate Revision and Recirculation

One of CEQA's primary functions is to ensure that decision makers and the public are provided with a sufficient degree of analysis and information to make intelligent judgments concerning a project's environmental impacts. 14 Cal. Code Regs § 15151; *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 256. To that end, the DEIR must identify and analyze the significant environmental effects of the Project, and identify all feasible measures to avoid or mitigate those impacts.

Where an EIR fails to adequately address the project's environmental impacts, it must be revised, supplemented in order to address its deficiencies, and recirculated so that the public and decision makers have a meaningful opportunity to analyze the new information and comment on it. *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 448; Pub. Resources Code § 21092.1; 14 Cal. Code Regs § 15088.5.

G-2

Unfortunately, the DEIR fails to meet the standard for a sufficient document under CEQA. While we recognize the importance of the Project, and are supportive of it, it is critical that the DEIR accurately assess and analyze the environmental impacts that will flow from Project. CEQA applies equally to all discretionary projects that the City approves, whether they are important or lowly, beloved or loathed. Pub. Resources Code §21065. Accordingly, we submit the following comments on the DEIR, and hereby request that the DEIR be revised to address the inadequacies detailed herein, and re-circulated for meaningful public comment.

A. An Inadequate Project Description Means Aesthetic Impacts Are Ignored

CEQA requires that an EIR contain an accurate and stable project description that provides "enough information to ascertain the project's environmentally significant effects, assess ways of mitigating them, and consider project alternatives." *Sierra Club v. City of Orange*

PD-2

(2008) 163 Cal.App.4th 523. Failure to include a component in the project description leads to a flawed impact analysis. *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645; *Dry Creek Citizens Coalition v. County of Tulare* (1999) 70 Cal.App.4th 20, 27; *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818.

The DEIR project description is incomplete. There is no way to discern from the description in the DEIR what the proposed MOMA expansion may actually look like; there is no detail beyond the maximum exterior dimensions. As described, the design of the MOMA expansion is “intended to meet the additional space needs of the museum while responding to the irregular shape of the site and the existing Botta-designed structure.” DEIR, p.23. The design is “in preliminary form.” DEIR, p.23. The DEIR describes approximate potential dimensions for the expanded building,¹ but beyond that, no detail is provided. With the information provided, the City could approve a windowless stucco box (see, e.g., DEIR Figures II-13 to II-13 and Figures IV.B-2 to IV.B-8) or could approve an ornate, richly-textured, classical space, or a glass-curtained airy building. There is no way to know because there is no substantial or detailed description of the design, its specific dimensions, materials, colors, etc., included in the Project description or figures.

As described further below, these elements will have a significant aesthetic impact. A project description that merely presents blocks of potential development does not serve the purpose intended by CEQA and does little to inform the interested community or the decision makers. The EIR must provide a detailed project description as “[A]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR.” *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 199. “A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.” *Id.* at 198. A detailed project description is especially important where, as here, it is those details that will inform the degree of environmental impact. *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213.

The City’s own planning documents emphasize the importance that design details have in the cityscape. As the General Plan’s Urban Design Element states:

The fitting in of new development is, in a broad sense, a matter of scale. It requires a careful assessment of each building site in terms of the size and texture of its surroundings, and a very conscious effort to achieve balance and compatibility in the design of the new building. Good scale depends upon a height that is consistent with the total pattern of the land and of the skyline, a bulk that is not overwhelming, and an overall appearance that is complementary to the

¹ E.g., “[t]he expanded portion of the museum would extend along a north-south axis from Minna Street to Howard Street (a length of 347 feet), and would rise to a maximum height of approximately 200 feet...” DEIR, p. 23. And, “The total square footage of new construction that could occur within the maximum zoning envelope [] is approximately 340,000 square feet. However, SFMOMA proposes approximately 230,000 square feet of new construction.” DEIR, p.23.

building forms and other elements of the city. (General Plan, Urban Design Element, Major New Development section).

The General Plan further cautions that “the relationships of building forms to one another and to other elements of the city pattern should be moderated so that the effects will be complementary and harmonious.” General Plan, Urban Design Element, Policy 1.3. An incomplete description of the proposed expansion fails to meet these goals because there is no way to discern whether the expansion will be “complementary and harmonious” or whether the City may be approving a massive austere box.

In addition to providing an incomplete description of the MOMA expansion, the DEIR mischaracterizes viewing sites from nearby hotels, including the St. Regis and the W Hotel, as non-public viewing areas with “private views [for] a small number of persons.” DEIR, p. 138. This is inaccurate. Nearby hotels are public accommodations serving thousands of visitors to the City each year. The W Hotel alone provides accommodation for approximately 180,000 unique visitors each year. While fewer people may view the Project from nearby hotel rooms than from street level, the number of visitors to the City that will experience the MOMA expansion from the vantage of a nearby hotel room is not insignificant.

Because the DEIR presents an inadequate project description and ignores the public aspects of the visitor serving spaces, the DEIR ignores potential impacts that the specific design may cause to a significant segment of the viewing public. Impacts related to the height of the proposed expansion and the materials, color and design of the expansion wall adjacent to the W Hotel are ignored.

For example, at the W Hotel, views from 112 rooms will be impacted by the MOMA expansion. That constitutes 28% of the total room inventory. These east-facing rooms currently have a view of the cityscape and San Francisco Bay Bridge. If the MOMA expansion is approved as proposed (i.e., a box fulfilling a maximum building envelope, DEIR Figures II-13 to II-15 and Figures IV.B-2 to IV.B-8.) many of these rooms will eventually have a view of a massive wall. We are attaching to this letter visual simulations of the views from rooms on the 5th, 9th, and 15th floors of the hotel with the proposed expansion. (See Exhibit A) As these simulations demonstrate, this dramatic change will substantially and negatively impact the view for thousands of visitors to the City each year.

Lowering the maximum height of the expansion would mitigate this impact to some extent, though it will remain significant and unavoidable if the expansion exceeds the height of the existing fire station.

Another ignored impact is from the design of the wall of the expansion adjacent to the W. Because the Project description wholly omits design as an element, there is no way to evaluate the color, materials, texture or other elements that could make up an aesthetically pleasing visual space. Since this wall will be only approximately twenty feet from the existing hotel windows, for many rooms on the lower floors, it will make up the sole and complete visual experience for

PD-2
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AE-4

PD-2

visitors looking out from their rooms. The design of this wall needs to be disclosed in order for the City to accurately assess its true aesthetic impact to these visitors.

The DEIR's failure to include a full project description and its failure to accurately characterize visitors from viewing locations within public accommodations means that the public and the decision makers lack the information necessary to make an informed decision about the aesthetic impacts of the MOMA expansion.

B. Construction-Related Aesthetic Impacts Are Not Identified

The EIR should also, but fails to, consider the temporary aesthetic impacts of construction. While the EIR addresses impacts relating to project construction in other areas (*see, e.g.,* DEIR Impact AO-2, p. 374 [construction-related air quality impacts]), it passes off impacts to aesthetics caused during the lengthy two-year construction period with little more than a couple sentences. The DEIR states in relation to aesthetic impacts that could be caused by construction-related "ground disturbance, the use of heavy machinery, and the installation of safety fencing," that "such changes to the visual environment are an unavoidable temporary outcome of development projects. However, such conditions would exist only for a limited duration." DEIR p. 159.

Whether or not an impact is unavoidable or temporary, it must still be analyzed and understood by the community and decision makers. CEQA requires the analysis of *all* impacts, not just those that may be mitigated or avoided. Pub. Resources Code §21100. Indeed, CEQA recognizes that unavoidable impacts fall in a special category and require specific attention. CEQA provides special procedures for dealing with unavoidable impacts that remain significant even after mitigation or when mitigation is unfeasible—such impacts must be justified by decision makers with a finding that "specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." Pub. Resources Code §21081(b). A heightened awareness and analysis of unavoidable impacts makes sense: the community and decision makers should make an affirmative decision to accept those negative results of the project that cannot be mitigated to less than significant. In order to have the full understanding of impacts that are unavoidable, they cannot be brushed off in the Draft EIR, as here.

Further, though the DEIR minimizes the aesthetic impacts due to construction by stating that "such conditions would exist only for a limited duration," it still fails to actually analyze the impact. DEIR p. 159. The qualification of the impact as only for a limited duration speaks to the degree and intensity of the impact, but does not describe what the impact *is* or why duration would make the impacts less than significant. This fails to meet CEQA's requirement that an EIR must identify and describe the Project's significant environmental effects, including direct, indirect and long-term effects. Pub. Resources Code §21100(b)(1); 14 Cal. Code Regs §15126.2(a).

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AE-5

In other impact areas (e.g., air quality, noise, etc.), construction-related duration alone does not make a significant impact less than significant. At a minimum, the EIR must identify the aesthetic impacts related to construction and set forth the reasons that those impacts are less than significant. Pub. Resources Code §21100(c). A bare assertion that an impact will last less than the Project's lifetime does not satisfy the requirements of CEQA. *See, e.g., Chawanakee Unified School District v. County of Madera* (2011) 196 Cal.App.4th 1016 (holding that temporary and indirect impacts from construction activity related to school facilities must be analyzed in an EIR).

Once fully identified and analyzed, aesthetic impacts related to construction should be mitigated. Pub. Resources Code §21081(a). Options to consider may include appropriate fencing of construction areas to minimize views from public vantage points, requiring the proper storage of equipment within fenced areas when equipment is not in use, and other measures that could minimize the visual impact of construction-related activities.

C. The DEIR Fails to Identify Measures That May Minimize Land Use Impacts on Neighboring Properties

As with the aesthetic impacts related to the height of the building, the DEIR is deficient in analyzing whether setbacks or other building limitations may be appropriate to minimize impacts on neighboring properties. These potential mitigations are ignored because no detailed design is included in the Project description, and so the impacts which they would mitigate are also ignored.

As discussed above, the MOMA expansion is described in the DEIR by its maximum potential dimensions, and could be approved by the City to be a massive undefined box. DEIR Figures II-13 to II-15 and Figures IV.B-2 to IV.B-8. But despite that the DEIR describes a massive box of a project, it fails to identify the impacts that such a box would have on neighboring properties. For example, the W sits immediately adjacent to the proposed expansion on its southwest side. If the expansion is built as described in the DEIR a flat wall will rise up only twenty feet from 112 east-facing hotel rooms. See attached Exhibit A, with visual simulations from W Hotel rooms on the 5th, 9th and 15th floors. This wall will certainly block light and air from reaching those 112 hotel rooms, and from reaching the thousands of visitors that stay in those rooms each year.

The DEIR's only mention of building form as it relates to the existing character of the Project's vicinity is the following statement:

Expansion of the existing museum would introduce a taller and more massive building than currently exists to the site, but the building form would be compliant with applicable height limit provisions of the Planning Code, would be similar in scale to many structures in the vicinity of the site, and would not be considered and incompatible building type in terms of overall design. DEIR, Impact LU-3, p. 116.

AE-5

AE-6

It is impossible to evaluate the “overall design”, its compatibility with structures in the vicinity, and its impacts on neighboring properties without a more detailed description than a maximum building envelope.

The W suggests that this impact be reevaluated once a final Project design is proposed by MOMA. Until then, building massing, setbacks, and other appropriate design modifications cannot be properly assessed. Specifically as it relates to the W’s hotel rooms that will abut the MOMA expansion, a setback or stepped-back massing should be considered in order to preserve access to light and air for visitors to the City staying at the hotel.

D. The DEIR Ignores the Relationship Between the MOMA Expansion and the W Hotel’s Vehicle Traffic, and Therefore Fails to Present an Accurate Baseline

The DEIR devotes little space to discussing the relationship between MOMA and the W Hotel and the areas that the two properties currently make common use of. Specifically, the DEIR is deficient in describing how the two properties utilize Natoma Street, the Natoma parking pad area and Hunt Street for loading, unloading and vehicle through traffic.

MOMA is immediately adjacent to the W Hotel on the hotel’s northwest side. On the hotel’s northeast side lies 676 Howard Street (the existing fire station) and Hunt Street. DEIR Figure II-2. The MOMA expansion will be constructed so that MOMA will “wrap around” the W hotel to take advantage of the fire station location and a vacated Hunt Street. DEIR, Figures 11-10 to 11-12.

The W’s operations rely heavily on the access provided across Natoma Street, Hunt Street and the Natoma parking pad (together, the “Natoma Access Area”). See Exhibit B, attached. The W’s porte cochere is on the northeast side of the hotel closest to 676 Howard Street. The porte cochere is used for ingress and egress by the W’s valet traffic, moving cars off of Howard Street to the entrance of the hotel, through the Natoma Street parking pad to the valet parking garage spaces, and back again. The W’s loading dock sits at the back of the porte cochere, facing Hunt Street. The hotel’s loading is currently done by trucks entering the area on Natoma Street, crossing the Natoma parking pad and Hunt Street and reaching the W’s loading dock.

Typical loading activities for the W Hotel, utilizing the space described above, include the following:

- Approximately 10-15 daily truck deliveries, plus 2 deliveries daily by FedEx and UPS, and 2-4 additional weekly deliveries. Each delivery truck/vehicle is parked in the loading area or Natoma parking pad area for approximately 15-30 minutes. The peak delivery time is from 7 a.m. to 10 a.m., but deliveries may arrive at anytime throughout the day. Often, up to four trucks may arrive and seek use of the Natoma Access Area at the same time.

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- In addition to deliveries for hotel operations noted above, large convention bookings with scheduled in-house meetings and events add another 2-5 deliveries per week for furniture, lighting, audio-visual, etc.
- On average 90-100 guest cars move through the porte cochere and Natoma Access Area daily, and have continuous in and out needs.
- Garbage is collected daily from the loading dock area, and recycling is compacted and collected weekly. The truck that retrieves recycling from the compactor maneuvers within 10-12 inches of the existing buildings. Any changes to these structures that inhibit this truck's movements will prevent garbage and recycling from being collected.

The DEIR fails to accurately describe the above truck and vehicle movements, thereby minimizing the crucial relationship between the W's ability to use the Natoma Access Area and the ability for the W to continue operating in a reasonably productive fashion. The operations of the hotel are dependent on the ability of visitors to get in and out, on deliveries to be made to supply the hotel and its restaurant, and on the quick and regular removal of garbage and recycling. By failing to accurately describe these movements through the Natoma Access Area, all of which are existing baseline conditions at the Project site, the DEIR fails to paint an accurate picture of the uses it will displace and the direct and indirect impacts the MOMA expansion will have.

For example, the DEIR states that:

Access to the on-site loading facility for the W hotel is also provided via the Natoma parking pad. Because existing passenger car parking within the Hunt Street easement area constrains full use of the on-site loading facility, loading for the W Hotel occurs within the Natoma parking pad, and deliveries are carted to the hotel. Deliveries for the W Hotel also occur at the curb on Third Street in the early morning hours, and are carted to the service entrance on Hunt Street.
DEIR p. 231.

This description is inaccurate and misleading (for example, no deliveries occur at the curb on Third Street). The inaccuracies are not surprising though since the City never approached the W Hotel to determine the actual usage of the relevant areas by the hotel. The description in the DEIR further fails to include sufficient detail about truck or vehicle movements attributable to hotel operations. There is no description of the number of trucks or time of day that deliveries are typically made.

Thus, the DEIR contains an inaccurate description of the environmental setting and baseline in its description of the site area for the MOMA expansion, particularly as it relates to the vehicle movements by the W hotel. "The baseline is critical to a meaningful assessment of the environmental impacts of a project." Kostka & Zische, *Practice Under the California Environmental Quality Act*, (2d, 2011), §12.16; *Save Our Peninsula Committee v. Monterey*

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County Bd. of Supervisors (2001) 87 Cal.App.4th 99, 119; *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 955.

Where, as here, an EIR misstates the environmental setting, the EIR must be revised and re-circulated in order to account for an accurate analysis. Failure to do so will require the document be set aside. *Galante Vineyards v. Monterey Peninsula Water Management District* (1988) 60 Cal.App.4th 1109, 1122 (“Due to the inadequate description of the environmental setting for the project, a proper analysis of project impacts was impossible.”). *Id.*

E. The DEIR Ignores Traffic Impacts During Construction Arising From Blocking the W Hotel Access to Loading and Valet Areas

The DEIR fails to assess the impacts associated with traffic movements during project construction. In fact, the DEIR wholly ignores traffic issues during construction, stating only that “[c]onstruction activities would affect access to the existing off-street loading areas on Minna and Natoma Streets, and therefore the project sponsor would need to make arrangements to accommodate the loading demand associated with the existing SFMOMA and W Hotel operations during construction.” DEIR, p. 290. This is not an analysis, or even an identification of impacts; it is an abdication of the issue.

In addition to effects on operations, the impacts to vehicle loading and unloading will affect traffic on City streets. For two years, during the construction of the MOMA expansion, through traffic for valet movements will be completely blocked off and the Natoma Access Area will be inaccessible for truck loading and unloading. All of this traffic will be pushed onto neighboring streets, which, as identified in the EIR are already congested. For example, the DEIR identifies that the intersections that would be most directly impacted all currently operate at a level of LOS D or E. DEIR, p. 217. During weekday PM and Saturday midday peak hours the intersection at Third/Market is at LOS E, the intersection at Third/Howard is at LOS D, the intersection at New Montgomery/Minna is at LOS E, and the intersection at New Montgomery/Howard is at LOS E. DEIR, p. 217.

Furthermore, the displaced through traffic is not traffic that will simply be moving onto and through the adjacent streets. Instead, because it is loading and unloading traffic, unless there is sufficient appropriate space made to accommodate it, this displaced traffic will be blocking through traffic moving in the area by parking in lanes of traffic. The DEIR fails to analyze whether sufficient appropriate space can be made to accommodate the displaced movements. Rather, the DEIR concludes, without any analysis or evidence that “all valet operations and truck loading activities would likely occur within the hotel white zone on Howard Street.” DEIR, p. 290. It is impossible to assess from this statement whether valet operations plus truck loading, plus the existing loading and unloading that occurs already can be accommodated within the existing white zone. From the hotel’s operational experience, it appears unlikely that the existing white zone is sufficient for these additional demands. See photos of existing conditions attached as Exhibit C. Impacts to local circulation for the duration of the two-year construction period are significant and should be fully identified, assessed and mitigated.

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F. Mitigation for Construction-Related Traffic Impacts Is Improperly Deferred

Because construction-related traffic impacts are inadequately identified and analyzed, sufficient mitigation also remains unidentified and improperly deferred. The DEIR simply states that “the construction contractor would be requested to develop staging, laydown, and sequencing plans that would include maintenance of access and operations for the W Hotel.” DEIR, p. 290. There is no further discussion as to the degree of access contemplated in this statement (e.g., does it mean as long as the entrance to the porte cochere is not blocked, there is sufficient access?) or the minimum duration access contemplated (e.g., would 6 months of fully blocking W’s operations be acceptable? 1 year? 2 full years?).

Mitigation for this significant impact cannot be deferred in this manner; CEQA prohibits the deferral of mitigation measures. Guideline 15126.4(a)(1)(B) states, “formulation of mitigation measures should not be deferred until some future time.” “Impermissible deferral of mitigation measures occurs when an EIR puts off analysis or orders a report without either setting standards or demonstrating how the impact can be mitigated in the manner described in the EIR.” *City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 915.

This concept is further explained in *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, where the court rejected mitigation measures in the form of a “generalized goal” because “no specific criteria or standard of performance is committed to in the EIR.” *Id.* at 670. There, as here, the EIR “leaves the reader in the dark about what ... steps will be taken, or what specific criteria or performance standard will be met...the success or failure of mitigation efforts...may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” *Id.*

This DEIR falls far short of the mark: it has no specific criteria, no plan in place, no commitment to implement any particular course of action, no enforcement mechanism to ensure that mitigation will be provided, and no performance standard. Nor does the DEIR articulate any rationale for deferring mitigation. Such an approach violates CEQA.

G. The DEIR Fails to Analyze Key Constraints Impacting Traffic During Project Operations

Because the DEIR fails to include an accurate baseline in regard to traffic movements on and around the site for the MOMA expansion, the DEIR’s analysis of traffic impacts during Project operation is similarly deficient. The DEIR takes a cursory look at some of the potential movement patterns for truck loading and unloading for both MOMA and the W Hotel and through movements associated with the hotel’s valet service. However, this cursory look is unsupported by substantial evidence.

For example, the Project description includes “loading diagrams” for the SFMOMA expansion and for the W Hotel once the expansion is built. DEIR, Figures II-17 and II-18.

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However, the movements reflected in these diagrams are not supported by any evidence—either in the DEIR or in the Transportation Study prepared by LCW Consulting in conjunction with the DEIR.

Specifically, and at a minimum, the City should prepare truck turning templates for the various MOMA loading spaces identified in the DEIR along Natoma Street. These templates should identify whether any trucks entering and exiting the desired MOMA loading spaces would require multiple maneuvers, which could result in blockage of Natoma Street for MOMA or W trucks and for valet operations to and from the hotel.

The City should also prepare a truck turning template for the access to the W loading dock to confirm that trucks can make all required moves. Sufficient space must be identified to allow trucks to turn around, to allow multiple truck access at one time, and to allow garbage trucks to maneuver enough to load and unload the trash compactor at the loading dock located at the back of the W. See photos of existing conditions attached as Exhibit C.

The DEIR includes two unsubstantiated diagrams depicting expected loading movements for MOMA and the W after construction of the expansion. DEIR, Figures II-17 and II-18. These diagrams do not include truck turning templates and it is impossible to assess from them whether the truck movements depicted are feasible and sufficient for the purposes of loading and unloading. There is simply not enough detail to make that determination.

From its operational experience, the W takes specific issue with Figure II-18, which ostensibly diagrams loading movements for the W Hotel after construction. This diagram does not reflect feasible or operationally satisfactory accommodations for truck and vehicle movements. For example, the diagram indicates that both truck movements and vehicle movements could proceed through the porte cochere at the same time (in fact, the diagram shows a truck parked in the porte cochere and routes for both trucks and valet along side). This is physically impossible. We are attaching photographs showing the room available in the porte cochere for vehicular movements with Exhibit C. A truck and a car cannot occupy the same space in the porte cochere at the same time.

Figure II-18 in the DEIR also shows trucks completing a maneuver by which they swing into Howard Street and then back into the porte cochere—a move that would block at least two, and likely all, lanes of traffic for several minutes (for each delivery) if it can be accomplished at all. See Exhibit C. Currently, the majority of the hotel's truck deliveries occur between 7 a.m. and 10 a.m., corresponding closely to the peak morning commute traffic. Given these conditions, if loading occurs as described in the DEIR, several lanes of traffic will be held at a standstill for significant portions of the weekday morning peak hours. This would undoubtedly lower nearby intersection operations from LOS E to LOS F, which is considered unacceptable in the DEIR (DEIR, p. 212.), and would certainly be unacceptable to drivers trying to make their way across the City.

The W is willing to work with the City to provide additional information (e.g., regarding the dimensions of trucks making deliveries, more detail on their typical schedule, etc.) so that a rigorous analysis of the traffic impacts associated with the proposed MOMA expansion is fully and accurately disclosed to the community and the City.

H. Potentially Significant Construction Impacts Are Not Fully Assessed in the DEIR; Further Mitigation is Warranted

Despite having identified that construction-related activity for the MOMA expansion will cause noise impacts and mitigation must be applied, the DEIR fails to include any further analysis of those impacts. The analysis in the Initial Study is insufficient to accurately describe the potential impacts: it fails to describe the types of heavy-equipment that will be used during construction, the hours that the equipment will be in use and fails to quantify the incremental increase in noise resulting from the use of heavy equipment and other construction activities. Initial Study, p. 89-92. The DEIR fails to indicate whether noise monitoring will be conducted on-site during project construction. Mitigation should include assurances that construction noise will not exceed levels required by law.

Furthermore, the Initial Study (and therefore the DEIR), glosses over impacts caused by vibration associated with construction activities. Although the Initial Study recognizes that “[d]emolition and construction activities proposed as part of the SFMOMA Expansion would also generate perceptible groundborne vibration levels when heavy equipment or impact tools (e.g., hoe rams and excavators) are used,” there is no description of the activities that will actually occur on site and the timing of those activities relative to other noisy construction activities. Initial Study, p. 90. Will a vibration monitoring device be installed on-site? Mitigation should include assurances that vibration from construction will not exceed specified appropriate levels.

For example, there is no description of whether the MOMA expansion will require excavation for additional basement space, or whether pile driving will be used during construction, an activity that can be damaging to structures as well as impactful to people because of noise. These types of activities, and when they are likely to occur, must be spelled out in the DEIR in order to provide the community a full view of the noise and vibration that it will be subjected to during the two-year construction period. Furthermore, the W would like assurances that any ground excavating work will be undertaken in a manner that will not adversely impact or damage the W Hotel structure. The W requests that only bore piling be permitted, if this type of activity is required for construction. With any type of excavation or foundation work proposed for the site, mitigation should be incorporated into the project to ensure impacts to surrounding structures are avoided (e.g., installation of settlement markers, retaining walls where appropriate, etc). These details should be fully articulated and addressed in the EIR.

Additionally, there is no description in the DEIR of measures that will be taken to prevent construction debris from migrating out of the construction site. The W is concerned that debris

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NO-8

G-3

may fall on its roof terrace, and could potentially injure guests to the hotel. Mitigation should be incorporated into the project to avoid this potential impact, including protective fencing around the construction site.

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As identified in the Initial Study and DEIR, construction-related impacts from the MOMA expansion must be mitigated to ensure that they remain less than significant. Initial Study, p. 89-92; DEIR, p. 374-376. While some mitigation has been identified in the Initial Study and DEIR for noise and air quality impacts, once the full impact of construction-related activities are analyzed, we urge the City to consider further mitigation, including placing limits on the days and hours of construction. These limits would further assure that visitors to the W hotel, and residents and visitors to other neighboring properties, are able to have the quiet enjoyment of their accommodations and residences. Additionally, given the location of the MOMA expansion to a significant number of residences and hotels, we urge the City to disallow extended construction hours for any of the Project construction and to consider imposing further restrictions. SF Police Code §2900 *et seq.*

NO-8

I. The DEIR Fails to Assess Air Quality Impacts Associated with Indoor Vehicle Movements

The MOMA expansion is proposed to be built, in large part, over the existing Natoma Access Area. As proposed, the ground floor will remain accessible for truck and vehicle movements, including loading, unloading and the W Hotel's valet activities. DEIR, Figures II-17 and II-18. Once the expansion is built, this activity will effectively take place indoors, as the expansion will surround what remains of the Natoma Access Area. Nonetheless, the Air Quality section in the DEIR fails to assess the air quality impacts of this change.

Criteria air pollutants, including ozone, carbon monoxide, particulate matter, nitrogen dioxide, and sulfur dioxide, are all byproducts of motor vehicle use. DEIR, p. 353-355. Enclosing motor vehicle use indoors, without appropriate ventilation systems, could pose a significant human health risk for employees and visitors to the museum and the W's loading areas. As such, adequate ventilation systems need to be designed and described in the DEIR so that an adequate evaluation may be completed.

AQ-1

This evaluation should include a Health Risk Assessment to evaluate the toxic air contaminant (TAC) loads associated with moving this significant vehicular traffic indoors. The DEIR identifies that "pollutants emitted primarily from motor vehicles (1,3-butadiene and benzene) account for slightly over one half of the average calculated cancer risk from ambient air in the Bay Area." DEIR, p.357. The risk posed to employees working in the museum and W hotel loading areas may be significant without appropriate mitigation. The DEIR must be revised to incorporate this analysis.

III. The City Cannot Make the Findings Necessary to Vacate Hunt Street and the Natoma Parking Pad

In order for the MOMA expansion to be built, MOMA must be able to exclude the public from those areas in which it seeks to construct its expansion. MOMA cannot, without City action, exclude the public from areas of the Project site that the public has the right to pass through, including City streets. Thus, the City must vacate certain portions of the Project site that are City streets in order for the MOMA expansion to be built. However, as described in the DEIR, although the City has contemplated that it will have to vacate one area (Hunt Street), it failed to contemplate vacating the whole of the public street areas over which the expansion will be built; furthermore, even if the City attempts to vacate all of the existing public streets necessary to construct the Project, the City will violate state law and City policy in its attempt to make the necessary findings.

"The streets of a city belong to the people of the state, and every citizen of the state has a right to the use thereof..." *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 549. The MOMA expansion site is proposed to extend over two distinct areas on which citizens have a current right to pass: a portion of Hunt Street and an unnamed public right-of-way between the existing museum and Hunt Street (the "Easement Area"). See Exhibit B. The Easement Area is described in the DEIR as "[a] vehicular and pedestrian access easement encumber[ing] a portion of the Natoma Street parking pad up to a minimum clear height of 14.5 feet above the parking pad grade." DEIR, p. 10.

As the DEIR explains, the City is planning to vacate the relevant portion of Hunt Street:

[T]he short (115-foot by 30-foot) segment of Hunt Street that is located between the museum and the 670 and 676 Howard Street buildings would be vacated and conveyed by the City to SFMOMA. This segment of Hunt Street is "landlocked" and does not connect to any other public street because the westerly extension of Hunt Street to Third Street was vacated by the City in 1979 and the land conveyed to the developer of the W Hotel. DEIR, p. 113.

But the DEIR never mentions that what the City plans to do about the Easement Area. The Easement Area is a street²; it was granted to the City for "public street purposes" and was accepted by the Board of Supervisors through the adoption of Resolution No. 198-92 at its meeting on March 9, 1992.

The only way to rescind the right of the people to use a street is to follow state-mandated procedures to vacate that street. *Id.* at 548 (explaining that because the state has preempted the field of traffic control, the authority to close streets is provided solely by state law); Vehicle Code §21101; Streets and Highways Code §§8300 *et seq.* In short, the City cannot allow MOMA

² For purposes of State regulation, streets are referred to as "highways". See CA Vehicle Code §360, "'Highway' is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street."

to build on—and therefore block the public’s access to—Hunt Street and the Easement Area without first vacating those areas for public street purposes.³

State law provides the sole authority for the City to vacate a public street. *Rumford v. City of Berkeley* (1982) 31 Cal.3d 545, 550; Vehicle Code §21 (“[n]o local authority shall enact or enforce any ordinance on the matters covered by this code unless expressly authorized therein.”). State law governs both the standard by which street closure or vacation may be accomplished (Vehicle Code §21101) and the process for effectuating a vacation (Streets and Highways Code §§8300 *et seq.*). No street may be vacated unless the legislative body can make a finding that the street is “[n]o longer needed for vehicular traffic.” Vehicle Code §21101(a)(1). “The necessary corollary [to this standard] is a legislative determination that the road may *not* be closed *if needed* for vehicular traffic.” *City of Lafayette v. County of Contra Costa* (1979) 91 Cal.App.3d 749, 756 (holding that city may not partially close a street to some vehicular traffic, even though it was needed for other traffic).

LU-2
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The City cannot make the required finding of non-necessity with respect to Hunt Street and the Easement Area. As described in Section D, above, these streets are currently used to provide access to the W Hotel loading docks. They are necessary for the hotel’s operations as the ingress and egress from the hotel’s loading docks and porte cochere; further, they are necessary to avoid significant traffic impacts that will occur if the hotel’s loading is displaced onto New Montgomery, Howard and Third Streets. See Sections E, F, and G, above.

LU-3

Case law supports that a City may not vacate a street for the exclusive private use of one party or a small number of citizens. *Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282 (“A street may not be vacated for exclusive private use.”). If the City vacates Hunt Street and the Easement Area, it will be violating this principle because it will be vacating these areas for the exclusive private use of MOMA. This violates state law.

LU-2

Furthermore, vacating Hunt Street and the Easement Area violates the City’s own policies on street vacation. General Plan, Urban Design Element, Policies 2.8-2.10. This issue is identified in the DEIR as it relates to the vacation of Hunt Street, but the full impacts of vacating that street are not explained or supported. DEIR, p. 69. The DEIR states, “the project would require the City to give up an existing street segment and could conflict with Policy 2.8. However, the Hunt Street segment is of little use as a pedestrian alley because it is landlocked....” This statement wholly ignores that Hunt Street is used for truck loading, unloading and valet operations for the W and MOMA, and for parking and through movements for individual drivers. DEIR, p. 113.

LU-4

³ The Grant of Easement and Agreement by which MOMA granted the easement area to the City states that “if the portion of either Hunt Street or Natoma Street adjacent to [the museum parcel] is ever vacated or closed to the public by governmental action, these easements shall terminate except for rights, if any of owners of property abutting [the easement area]...” Grant of Easement and Agreement, recorded as Document F090285, at Reel F591, Image 0321, in the records of the City and County of San Francisco on March 25, 1992. To the extent that this provision circumvents the State law requirement that vacation of public streets requires an express finding of non-necessity (Vehicle Code §21101), the provision is void. Civil Code §§1596, 1599, 1667.

The General Plan policies are clear: the City must “[m]aintain a strong presumption against the giving up of street areas for private ownership or use...” General Plan, Urban Design Element, Policy 2.8. To that end, the General Plan states that “[n]o release of a street area shall be recommended which would result in:

1. Detriment to vehicular or pedestrian circulation;
2. Interference with the rights of access to any private property;
[...]
4. Obstruction or diminishing of a significant view, or elimination of a viewpoint;
[...]
9. Reduction of street space in areas of high building intensity, without provision of new open space in the same area of equivalent amount and quality and reasonably accessible for public enjoyment; [or, ...]
11. Adverse effect upon any element of the General Plan or upon an area plan or other plan of the Department of City Planning.

Vacation of the Hunt Street and Easement Areas will result in the adverse affects that the General Plan seeks to avoid. These impacts are discussed in more detail in Sections E, F, and G of this letter, above.

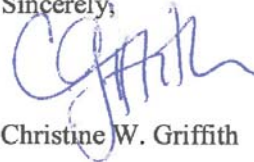
Finally, the General Plan suggests that “[i]n order to avoid the unnecessary permanent loss of streets as public assets, methods of release short of total vacation should be considered...” General Plan, Urban Design Element, Policy 2.10. In this case, the City should consider less than a full vacation for at least the Easement Area. As designed and described in the DEIR, the MOMA expansion will be built above the Easement Area, but the building itself will not fully occupy the space. At ground level, the proposed expansion is open, and the Easement Area only extends from the street and sidewalk surface to 14.5 feet above that plane. The easement could be maintained in large part even with the MOMA expansion constructed above it. As an alternative to vacation of this area, the City should consider temporary authorization for MOMA’s use during the construction period and maintenance of the Easement Area as a street once construction is complete.

LU-4

IV. Conclusion

Thank you for your consideration of our comments on this noteworthy proposed Project. As we have identified above, the environmental review of this Project is not complete. The DEIR should be revised, supplemented and recirculated so that it meets the requirements of CEQA and so that the public and decision makers are fully apprised of the Project's impacts. We look forward to working with both the City and the applicant in order to ensure the ultimate development of a project that results in benefits to the community and is compatible with the neighborhood.

Sincerely,



Christine W. Griffith

cc: Peter Wong, KSSF Enterprises Ltd.
Ivan Lee, KSSF Enterprises Ltd.
Derek Sasano, KSSF Enterprises Ltd.
Michael Pace, W San Francisco

Attachments: Exhibit A: Visual Simulations
Exhibit B: Diagram of Natoma Access Area
Exhibit C: Photographs of Existing Vehicular Conditions

G-2

Exhibit A:

Visual Simulations of Proposed MOMA Expansion



Existing view from Room 503



View of proposed new building (conceptual design) from Room 503

Visual simulation by SQUARE ONE PRODUCTIONS, 2011



Existing view from Room 903

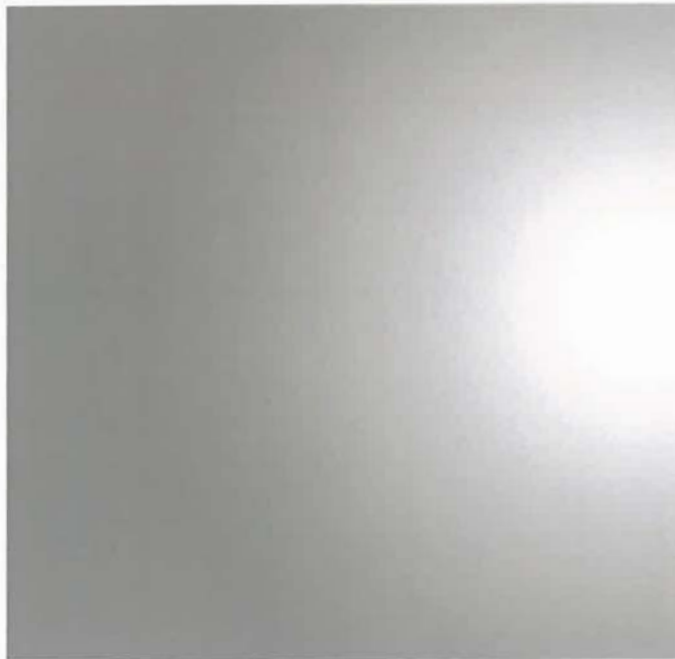


View of proposed new building (conceptual design) from Room 903

Visual simulation by SQUARE ONE PRODUCTIONS, 2011



Existing view from Room 1503



View of proposed new building (conceptual design) from Room 1503

Visual simulation by SQUARE ONE PRODUCTIONS, 2011

Exhibit B:

Diagram of Natoma Access Area



LEGAL DESCRIPTION
ALL THAT REAL PROPERTY SHOWN IN THE CITY AND COUNTY OF SAN FRANCISCO
CITY OF CALIFORNIA, DESCRIBED AS FOLLOWS:
LOT 81, AS SHOWN ON THE "TRACED MAP" RECORDED ON MAY 28, 1967 IN BOOK 4-
CITY MAPS AT PAGE 77 IN THE OFFICE OF THE COUNTY RECORDER OF THE CITY
OF SAN FRANCISCO, STATE OF CALIFORNIA.

[illegible]

BASES OF SURVEY
CITY OF SAN FRANCISCO AGREEMENT MAP NO. 318 ON FILE IN THE OFFICE OF

GENERAL NOTES
1. ALL REAL PROPERTY LINES ARE NOT TO SCALE.
2. ALL PROPERTY LINE ANGLES ARE 90 DEGREES UNLESS NOTED OTHERWISE.
3. DIMENSIONS ARE IN FEET AND DECIMAL FRACTIONS.

FLOOD NOTE
THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS NOT DETERMINED ANY SPECIAL FLOOD
HAZARD AREAS WITHIN THE CITY OF ALBANY. THEREFORE, THE CITY OF ALBANY IS NOT
MAKING ANY SPECIAL FLOOD HAZARD AREAS AVAILABLE TO THE PUBLIC.

ZONING

LEGEND - DOWNTOWN SUFFRAGE DISTRICT

HEDDING & MAIN DISTRICTS LINE = SOUVENIRITY OF THE SOUTHEASTERN LINE
OF MAIN STREET EXTENDED

DODGE = ACQUITTANCE OF THE HONORABLY LINE

THE HOUSE FROM THE HIGHEST ROOF ADJACENT TO THE TOP OF CLIFF AT THE CENTER OF THE LOT ALONG THIRD STREET IS 31.68 FEET PLUS OR MINUS. THERE ARE NO OTHER LINES ORANGE ADJACENT TO THE HIGHEST ROOF.

Disclaimer: NO FURTHER REQUIREMENTS FOR NON-RENEWABLE LICENSES
THAT ARE NOT MAKING ON THE SUBJECT PROPERTY.

ALTA/ACSM LAND TITLE SURVEY
OF A PORTION OF ASSESSOR'S BLOCK NO. 3722

KSSF ENTERPRISES LTD.

SCALE: 1" = 11'	DATE: 5/28/90	MARTIN M. RICH ASSOCIATES LAND SURVEYORS 888 HARRISON STREET, SUITE 200 CHICAGO, ILL. 60611 (312) 467-1100	SHEET NO. 100
SHEET: 1	OF: 1		DWS: JP CML: BP RST: MCL
1-208 1/2 1-274 1/2			

Δ 9/12/09 REVISED SUMMARY
REPRODUCE PER
PROFORMA POLICY

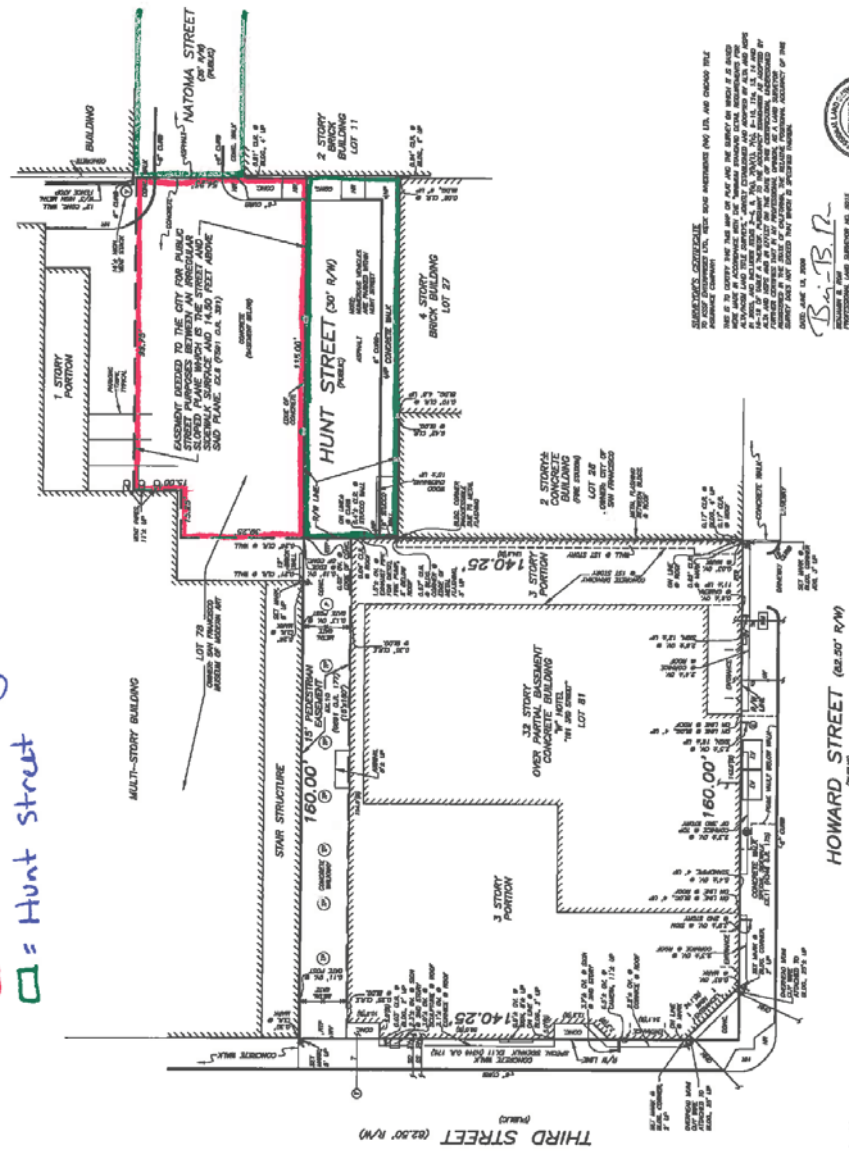


Exhibit C:

Photographs of Existing Vehicular Conditions

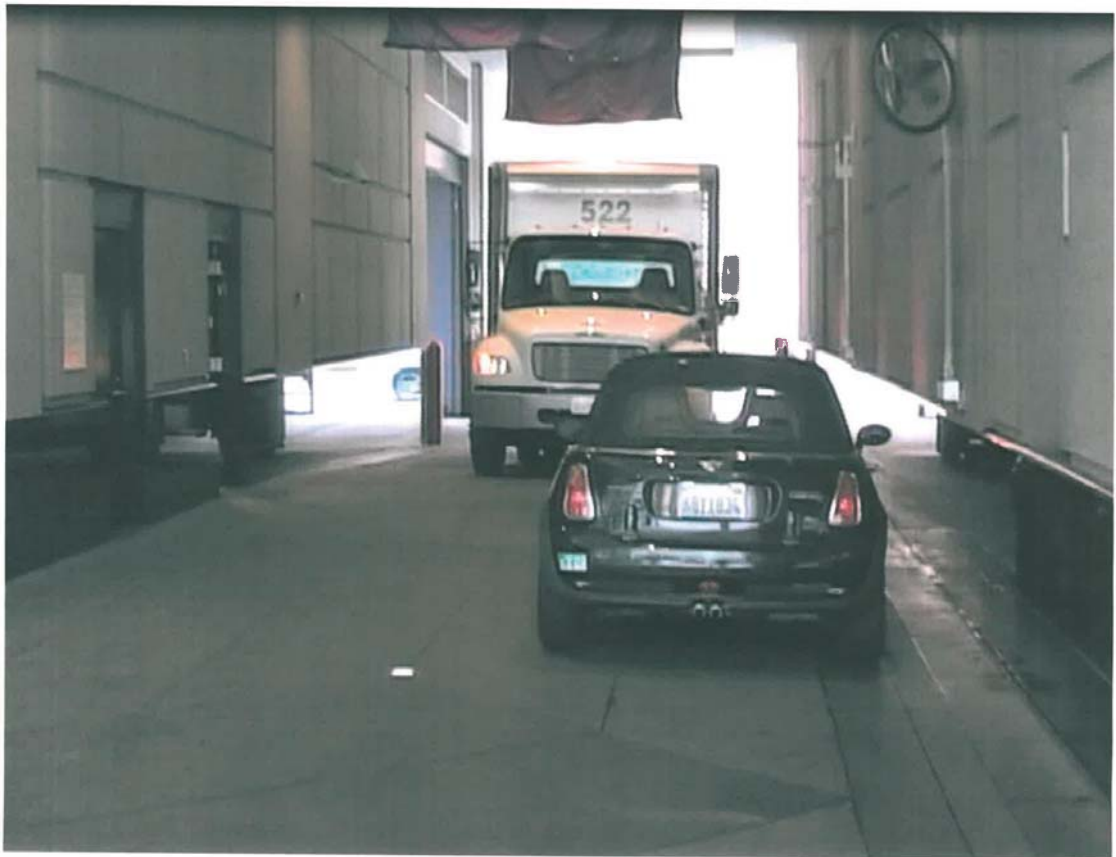














"J. Matt"
<surfbathing@gmail.com>
To
bill.wycko@sfgov.org
08/25/2011 05:05 PM
cc
Subject
folsom fire house project
Please respond to
Jeff Matt & Bruce
Wickstrom
<jeff@builtwellsf.com>

Mr. Wycko,
I am writing to you my concerns about the upcoming firehouse project on Folsom St. While all in all, I think that the firehouse will likely impact this block positively (Shipley St. due to its geographic location between the SVDP shelter on Bryant St. and 6th St. sees an unusually high, even for this neighborhood, occurrence of "quality of life issues" and the presence of a fire station will hopefully make this a less attractive environs to those who congregate here) I do have concerns about the number of calls this station sees and the noise associated with dispatching emergency equipment. (Although the "passed out drunk" welfare calls on Shipley St. might now be served on foot.)

NO-7

At neighborhood meetings we were assured by Fire Department brass that the remote control signal system would preclude most siren use on dispatches.
Many of my neighbors are concerned that this system will not be adequate and or fall into disuse. It is my suggestion that a Condition of Approval be attached to this site permit as it leaves the DCP. This condition would be that the SFFD would have an obligation to two post-occupancy meetings to address the performance of the remote control signal operator and quantity and quality of noise emanating from the new facility- whether siren or other noise. These meetings might be held at the six and twelve month points of the crews' occupying the station. Given the history of the neighborhood and its sidewalk denizens lighting the exterior of the building would also seem to be a wise decision.

TR-8

AE-1

On the block bounded by Folsom, Shipley, Fifth and Falmouth we don't have the best experience with governmental concern for the neighborhood. We have suffered since August 1, 2005 from the constant noise and exhaust generated by the tour bus yard occupying the site at 921/ 923 Folsom St. where diesel buses are fueled, idled and repaired 24 hours a day every day. Neighbors' complaints to both DCP and DBI were mostly ignored, although DBI did stop work ongoing without a permit until permits were obtained. (It will be interesting to see how firefighters' erratic sleep schedules will be affected by the diesel idling, back-up beacons, and 3/4" impact wrenches that continue through the night on any given night, let alone the 11:00 fueling of buses by a fueling truck.) The ABC has been loath to enforce its regulations pertaining to the on and off site drinking, selling on credit and selling to the obviously intoxicated at Harvey's Place Liquors at the corner of 5th and Shipley. DCP enforcement of sales of malt liquors exceeding 5.7% by volume in specially regulated districts has seemingly never been enforced let alone the proscription against single service containers of alcohol.

PD-1

So as a resident and business owner on Shipley St. for nearly 20 years I don't have the utmost confidence that my city government will serve me well in this instance. Although Conditions of Approval on a municipal project are not ordinary, nor is the relocation of a fire station. I think that simple negotiated Conditions of Approval will go a long way towards allaying local residents' concerns about our new neighbors. We have been ignored a long time here on Shipley St. this is an opportunity to change this paradigm.

Thank you for your attention in this matter.
Sincerely,
J. Matt

Builtwell• Cabot
Construction/ Design & Project
Management Services
CA Lic. 877966
tele: 415.512.1910
fax: 415.541.5319
227 Shipley St.
SF, CA 94107

The information contained in this message is privileged and intended only for the recipients named. If the reader is not a representative of the intended recipient, any review, dissemination or copying of this message or the information it contains is prohibited. If you have received this message in error, please immediately notify the sender, and delete the original message and attachments.



1 DNA Way
South San Francisco, CA 94080
MAIN: (650) 225-1000
FAX: (650) 225-3734

August 11, 2011

Hosein Kouros-Mehr, MD, PhD
249 Shipley Street, Apt 5
San Francisco, CA 94107
(415) 269-0496
kouros.mehr@gmail.com

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

Re.: SOMA Firehouse (Folsom Ave) and SFMOMA project

Dear sir or madam,

This letter is in regards to the firehouse that will currently be under construction at the corner of Folsom and Falmouth Ave in San Francisco SOMA district. I have reviewed the draft EIR or this project and overall I am very excited about the project. However, as a resident of 249 Shipley Ave. a few feet away from the construction, I would like to raise two critical issues that I believe will be necessary to ensure a successful project.

First, Falmouth Ave is currently a source of significant crime, vandalism, and drug use/trafficking in the neighborhood. One primary reason for this is the lack of street lighting on Falmouth Ave. I therefore firmly believe that the construction project should include the addition of streetlights on Falmouth or lights added to the firehouse on the side facing Falmouth. Without proper lighting, the crime will likely continue on Falmouth even with the newly erected firehouse.

AE-1

Second, I believe that a crosswalk on Folsom ave at the location of the firehouse will be of tremendous value, both for controlling oncoming traffic when firefighters are dispatched from the firehouse to respond to a call as well as for pedestrians attempting to cross Folsom Street.

TR-2

I believe that these additions will make the SOMA Firehouse an even more exciting addition to the SOMA neighborhood and I look forward to working with you to make these changes happen.

Best,

Hosein Kouros-Mehr, MD, PhD



COAST COUNTIES PROPERTY MANAGEMENT, INC.

RECEIVED

AUG 10 2011

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

August 9, 2011

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

RE: SFMOMA Expansion
Case # 2009.0291E &--2010102047

As the closest and perhaps largest private owner of property adjacent to the purposed expansion project, I have been attempting to receive satisfactory answers, as to the Minna Street architectural treatment and pedestrian walkway.

At the May 26th presentation, the treatment of pedestrians access and design of the Minna Street frontage was just passed over, by the design team Snohetta, as the presentation is "Just a work in design to date" and questions raised by myself and others present were just ignored.

Further request for answers to appropriate parties also went unanswered; finally I spoke to your Facilities Manager for the museum and the properties you lease from us, I was assured that a walkway for pedestrians would be placed in open air space paralleling the existing garage and join the Howard Street pedestrian walkway.

Last week this information was rescinded by the SFMOMA representative, and today I was given two drawings showing no pedestrian walkway and a two story solid wall extending from West to East for the entire first two floors of the Museum, which is a blight to all northern neighbors.

I am writing this as conflicting notice dates are numerous, and my concerns should be discussed, and an open dialog between parties needs to be scheduled.

Sincerely,

Robert Bernheim

cc: G Johnson SFMOMA

AE-6

55 New Montgomery Street, Suite 200
San Francisco, CA 94105
(415) 974-0883 FAX
(415) 974-0880

KATHERINE S. BROWN, P.H.D.

Via U.S. Mail

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

Re.: Case Nos. 2009.0291E and 2010.0275E.
State Clearinghouse No. 2010102047

Dear Mr. Wycko:

I am writing to share my concerns about the new proposed fire station and housing portion and the Draft EIR. I purchased my home on Folsom St. at Falmouth in 2001, and have steadily watched the neighborhood evolve through engaged community activists and diligent work by our community. To this end, our neighborhood has met multiple times with David Prowler, the San Francisco Fire Department, and architects, and we have voiced our concerns about several key areas that are insufficiently captured in the EIR:

1. Noise
2. Traffic
3. Public Art/Community Space

NOISE

As accurately captured in the EIR and noted in the multiple SF Chronicle articles, the proposed firehouse is a relocation of *the busiest firehouse in the entire country*, with an average of 27 calls a day in 2010. Statements made at the meetings said that at the current location, the SFFD has protocols that ensure 1) sirens are not always on; 2) sirens are delayed until they are farther away from the hotel/residential areas. We have sat at the corner of Howard and 3rd St to watch the inflow/outflow of calls, and without exception the fire trucks exited with sirens for every call. As we are very close by to this building, we're extremely concerned about the noise impact and resultant property value impact to our building. We had requested an assessment of potentially replacing our building's windows and walls to increase sound resistance, but were told that was not possible. We would like you to please re-evaluate this as a reasonable attempt to mitigate noise.

NO-5

Additionally, the SFFD informed us that every day significant mechanical equipment is tested from 8-9am (sirens, horns, chain saws, jaws-of-life, etc). Initially, we were told that a special "testing room" would be considered, in order to minimize noise as much as possible. However, we are now told this is not feasible and disagree with the findings.

NO-3

The draft EIR insufficiently addresses the increased environmental noise that will be caused by the extraordinarily high number of calls that this firehouse handles. We would like to know the plan for reducing siren use (execution, training of firefighters, night-time rules) etc. Sirens and air horns should not be used unless traffic is obstructed on Folsom Street. Based on a SFFD's verbal commitment sirens and air horns would not be used unless warranted, and we have grave concerns that this commitment will be upheld based on the EIR.

NO-5

KATHERINE S. BROWN, P.H.D.

In sum, the EIR describes the noise impact of a new fire station, sirens, outside equipment testing, air horns, etc. as “less than significant” – I find this extremely difficult to believe and request that the SFFD support its new neighbors in making reasonable attempts to mitigate noise.

NO-5

TRAFFIC

One of the biggest concerns as building owners on Folsom between 5th and 6th is that the traffic frequently backs up on Folsom all the way to 8th street – this is not just a commuting issue, but will vary with seasonal, sporting, weather, long term central corridor construction, and bridge traffic impacts. We are stuck in a soggy traffic mess when we are only trying to get into our garages! Despite our requesting a broader traffic assessment, the draft EIR does not look farther than 5th or 6th street. Having watched the traffic that ensues at the current firehouse when trucks depart and return, this will cause significant traffic exacerbations in the area.

TR-1

Much more aggressive traffic light control is necessary for traffic and pedestrian safety. Current commitments from SFFD only include light control at 5th and Folsom. We believe it is also required at 6th, and 4th, and possibly at 3rd street. To increase safety (pedestrian and auto) we also recommend the addition of a fixed traffic light at the intersection of Falmouth and Folsom that is only engaged at the discretion of SFFD fire house #1. (note: this would be consistent with other firehouses throughout the city - example Howard and Hawthorne where the current fire house #1 is located)

TR-2

TR-6

PUBLIC ART/COMMUNITY SPACE

We're gravely disappointed that the promises of public art made at the beginning of the project are no longer true. It seems absurd that the public art requirement has been removed in a project sponsored by the SFMOMA.

AE-2

The current provisions for green-space, landscaping, and lighting around the proposed building is insufficient. This particular area would have very positive benefits by increased lighting and green space. From the architectural renderings and discussion with SFFD and SFMOMA no outside lighting has been planned. This is a public safety issue and needs to be addressed. Your colleagues at the SF Police Department agree that ample outside lighting contributes enormously to public safety.

AE-3

AE-1

Many thanks for your time,

QuickTime™ and a
decompressor
are needed to see this picture.

Katherine Brown

ELISABETH H. WARREN MBA, PMP

Bill Wycko
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, Suite #400
San Francisco, CA 94103
Via facsimile: (415) 558-6409 and email: bill.wycko@sfgov.org

RECEIVED

AUG 24 2011

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

Re.: Case Nos. 2009.0291E and 2010.0275E.
State Clearinghouse No. 2010102047

Dear Mr. Wycko:

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2. Traffic
3. Public Art/Community Space

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Additionally, the SFFD informed us that every day significant mechanical equipment is tested from 8-9am (sirens, horns, chain saws, jaws-of-life, etc). Initially, we were told that a special "testing room" would be considered, in order to minimize noise as much as possible. However, we are now told this is not feasible and disagree with the findings.

The draft EIR insufficiently addresses the increased environmental noise that will be caused by the extraordinarily high number of calls that this firehouse handles. We would like to know the plan for reducing siren use (execution, training of firefighters, night-time rules) etc. Sirens and air horns should not be used unless traffic is obstructed on Folsom Street. Based on a SFFD's verbal commitment sirens and air horns would not be used unless warranted, and we have grave concerns that this commitment will be upheld based on the EIR.

NO-5

ELISABETH H. WARREN MBA, PMP

In sum, the EIR describes the noise impact of a new fire station, sirens, outside equipment testing, air horns, etc. as "less than significant" – I find this extremely difficult to believe and request that the SFFD support its new neighbors in making reasonable attempts to mitigate noise.

NO-5

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TR-1

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TR-2

TR-6

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We're gravely disappointed that the promises of public art made at the beginning of the project are no longer true. It seems absurd that the public art requirement has been removed in a project sponsored by the SFMOMA.

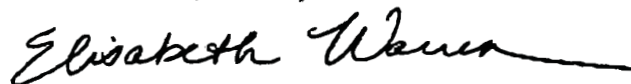
AE-2

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AE-3

AE-1

Many thanks for your time,



Elisabeth Warren

RECEIVED

August 8, 2011

AUG 8 2011

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

San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2479
Attn: Michael Jacinto

Re: Project # 2010.0275E Fire Station Relocation and Housing Project

Dear Mr. Jacinto,

Thank you for giving me the opportunity to respond to the Environmental Impact Report (EIR) for the Fire Station Relocation and Housing Project at 935 Folsom Street. Many of the questions and concerns brought up to the Fire Department, SFMOMA, as well as the planning department per the preliminary EIR seem to have been discounted to the point as it appears community feedback has not been taken into account. Fortunately, I know this not to be the case as several improvements to the project seem to have been included which are gratifying, including but not limited to controlled lights at Folsom and 5th and Folsom and 6th streets, as well as no parking on the Falmouth side of the project.

While it is true that some traffic issues fall outside the purview of the Planning Department, additional concerns brought up previously, should be revisited as it relates to both community health and welfare, as well as for the operational safety of the San Francisco Fire Department. Firstly, I would not be going out on a limb by saying that moving a fire department station in an urban environment is unprecedented. Because of the unprecedented nature of this move, it's important that all aspects of traffic patterns are taken into account, including impacts from local sporting events, seasonal downtown shopping, bay bridge accident incidents, as well as impacts to surface street traffic due to inclement weather. There is a 10 to 20 percent increase in traffic backups due to these conditions that don't seem to have been considered. The truth of the matter is that MTA has not done a very good analysis of these factors and if they had would be more aggressive about management of traffic and pedestrian controls. Routinely, traffic is heavily impacted during regular rush hours, which should be mitigated by the light control and 5th and 6th Streets. However, the impact to extra ordinary traffic patterns mentioned above require additional study. There are several suggestions that the community has previously made to the project sponsors that seem to have been ignored. Firstly, we believe a traffic control light – based solely on fire station control should be placed at the intersection of Falmouth and Folsom. We think that there will be a need to control traffic flow between 6th and Falmouth Streets because traffic is backed up to 6th Street on this particularly congested days. It will literally be impossible for the fire department to leave Station #1 when the traffic is backed up to 6th Street, even with the 5th Street green/go light as the traffic conditions are such that traffic is backed up from 2nd Street and the Bay Bridge. Our initial suggestion to include a green/go light at 4th and Folsom also seems to have been ignored. We also believe from a public safety perspective, a no right turn on Red sign be erected at the corner of 6th and Folsom. This will prevent cars from entering Folsom Street as engines possibly run counter to traffic on Folsom Street. It is clear from conversations with the Fire Department that they WILL be moving equipment counter to traffic on 6th Street as is required by calls made in the high concentration area of 6th and Mission/Howard.

Another strong concern that the neighborhood has today is the impact to our health and wellness as it related to sirens, horns and equipment testing at the fire station. As mentioned, this is the first time that a fire station has moved in an urban environment and we believe the existing residences, some of which have more modern building codes, other which do not, were not originally built with the presence of a fire station in mind. I bought into the neighborhood seven years ago, understanding that the south of market area was a dynamic

TR-1

TR-6

TR-2

TR-7

NO-4

live/work area. In fact, I moved here because of the presence of night life and mixed uses. However, I would not have moved here if I had known a fire station was going to be here. Many residents of the area have expressed concern about the noise levels that will be present now that the station has been approved. Personally, I don't believe the building codes have taken into account the increased noise that is going to be created by the fire station. Because the fire station is a matter of public safety, there is no requirement to gauge noise impact to neighbors. Being a light sleeper, I share other resident's concerns that there will be a negative impact to our quality of life. Studies have proven that repeated exposure to sirens, horns, and noise above ambient range can cause stress and impact sleep of those exposed. It is critical that the fire department and the MTA and DPW take extra ordinary steps to ensure that use of sirens and horns be limited to those times that it is absolutely necessary for public safety; and, therefore create conditions whereby the fire department will not have to use sirens and horn to begin with.

**NO-4
cont.**

Several points that have been made in the past in regards to this project that should be reiterated:

Noise

- Sirens and air horns should not be used unless traffic is obstructed on Folsom Street.. Based on a SFFD's verbal commitment sirens and air horns would not be used unless warranted.
- Based on OSHA workplace safety rules, an equipment testing room is not compatible with SFFD personnel health and safety; however, the community consensus is that the option has not been fully explored.

NO-2

NO-3

Traffic & Safety

- Much more aggressive traffic light control is necessary for traffic and pedestrian safety. Current commitments from SFFD only include light control at 5th and Folsom. We believe it is also required at 6th, and 4th, and possibly at 3rd street.
- The community is concerned about the study of traffic with regards to seasonal, sporting, weather, long term central corridor construction, and bridge traffic impacts as it relates to the above point.
- Additional pedestrian traffic and safety should include no right turn on red at 6th and Folsom and Falmouth and Folsom; add an additional fixed traffic light at the intersection of Falmouth and Folsom that is only engaged at the discretion of SFFD fire house #1.
- From the architectural renderings and discussion with SFFD and SFMOMA no outside lighting has been planned. This is a public safety issue and needs to be addressed. Per SFPD ample outside lighting contributes enormously to public safety.

TR-2

TR-1

TR-7

AE-1

Area Beautification

- All public building projects in San Francisco include a 2- 3% of the final construction costs be designated towards public art. However, there has been no museum commitment to public art. Given the involvement of a major arts institution such as SFMOMA, the expectation is that the SFFD fire house #1 will have some public art component.
- The neighborhood has two major concerns regarding the one third parcel on the Shipley Street side of the project:
 - Interim use and maintenance of the space prior to sale and development;
 - Ultimate nature of the residences to be built - proposal by SFMOMA and SFFD has been market rate residences.
 (These two points require serious input and discussion with the neighborhood.)
- Safety and beautification requirements for the Falmouth and Shipley Streets include ample lighting, wider sidewalks, no parking on Falmouth, speed control and green space or trees.
- We expect a project led by SFMOMA would lend itself to a strong architectural character and be forward thinking.

AE-2

PD-3

AE-3

The consensus from those that live nearest to the proposed fire station is that it will be a positive addition to the neighborhood. We are looking forward to SFFD being a good neighbor and bringing the type of civic feel that has improved other neighborhoods. So, it is important to understand that it is a positive development for the city and for the neighborhood. However, just because the city is getting a new fire station for free does not absolve the city and the fire department for taking care to ensure that the station is well integrated into the neighborhood. We know the SFFD wants to be a good neighbor, so by taking extra care to mitigate noise and to more thoroughly manage traffic, I think we will get to that happy place.

PD-1

Thank you in advance for your kind consideration of these points.

Warm regards,



Noah R Breyer
249 Shipley Street #9
San Francisco, CA 94107

RECEIVED

AUG 24 2011

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

Walter Lee
855 Folsom St Apt 940
San Francisco, CA 94107

August 24, 2011

Bill Wycko
Environmental Review Officer
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: PLANNING DEPARTMENT CASE NOS. 2009.0291E and 2010.0275

Dear Mr. Wycko:

I am writing to comment on the Draft Environment Impact Report on the San Francisco Museum of Modern Art Expansion / Fire Station Relocation and Housing Project, as published on July 11, 2011.

On page 335, Table N.E-4 purports to compare the number of residents exposed to emergency vehicle noise under current conditions and under project conditions. However, the methodology for this analysis appears to be strongly biased and misleading.

1. The table is labelled with "Number of Residents" and "Number of Residential Units". However, the explanatory text states that "hotels units located along these representative response routes are also included in the tallies of residential units". Yet the table mentions only residential units. This is very misleading.
2. The analysis assumes 1.8 persons per Residential Unit, based on the Average Household Size in the 2010 Census. This is reasonable. However, the same 1.8 figure is used for hotel units as well. No evidence is provided that Hotel Units in the project area have an average of 1.8 occupants per night. In fact, there is evidence to the contrary:
 - a. Hotels are not 100% occupied year-round. The average occupancy rate of a hotel room in San Francisco is below 80%. (Source: San Francisco Travel Association, <http://media.sanfrancisco.travel/documents/Occupancy+and+ADR+-+June+2011.pdf>)
 - b. Even when occupied, a hotel room does not have 1.8 guests on an average occupied night. The hotels in the project area cater to business travelers visiting Moscone Center and the Financial District, and most business travelers do not share rooms.

NO-7

3. The analysis assumes the impact on a person in a hotel unit is equivalent to a permanent resident. While visitors to San Francisco have a right to peace and quiet as much as anyone else, the cumulative effect of emergency vehicle noise on a permanent resident, night after night, cannot be regarded as equivalent to the impact on a visitor in a hotel room.

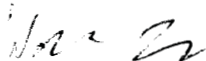
On page 320, the "Sensitive Receptors" section states "There are no schools, hospitals, or convalescent homes in the immediate vicinity of the Fire Station Relocation and Housing Project site." However, there is a senior citizen housing project at 3rd and Folsom which would be impacted by 2 of the 4 Representative Emergency Routes under the project plan, but 0 routes in the current conditions.

On 2 maps (Figures IV.E-1 through IV.E-2) the residential building at 829 Folsom is not marked. There is a gray block between the 821 Folsom and 855 Folsom. This is now a fully built and occupied residential building.

To make the analysis impartial, I recommend that the EIR:

- Break out Residential Units and Hotel Units in separate columns.
- Calculate persons per hotel unit based on average occupancy rates of the hotels in the project area, rather than Census figures which are irrelevant for hotel units.
- Be clear about Sensitive Receptors which are impacted by emergency routes.
- Verify that all recently constructed residential buildings are on the maps and calculations.

Very truly yours,



Walter Lee

**NO-7
cont.**

DEMIÁN I. OKSENENDLER

250 Clara Street, #9 ♦ San Francisco, CA 94107 ♦ (415) 882-0950 ♦ demianio@yahoo.com

August 23, 2011

Via U.S. Mail

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

RECEIVED

AUG 24 2011

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

Re.: Case Nos. 2009.0291E and 2010.0275E.
State Clearinghouse No. 2010102047

Dear Mr. Wycko:

I know firefighters are extremely popular. They give so much of themselves to our communities and fearlessly take risks that most of us would not take. I realize that it can be hard to say “no” to them because of what they do and what they face. It is with regret, therefore, that I must oppose the requested environmental approval for the planned firehouse on 935 Folsom Street at this time. The chief reason for my opposition is that the firehouse as proposed does not adequately mitigate or protect its neighbors from noise.

NO-5

I read the draft EIR for the proposed new firehouse last month. The section on noise causes me serious concern. It has been widely publicized that the proposed firehouse is a relocation of *the busiest firehouse in the entire country*, with an average of 27 calls a day last year. The draft EIR, however, does not address the impact on environmental noise that will be caused by the elevated number of calls that this firehouse handles. Instead, the draft EIR limits itself to two comments: 1) The noise generally won't be that bad; and, 2) Even if the noise is high, this is a firehouse, so it can make as much noise as it wants. No mitigation of noise or protection from noise is proposed other than some vague rumblings in the media about special remote controls that will change nearby traffic lights. This is not an acceptable or fair response to neighborhood noise concerns.

NO-5

While new technology (assuming it actually works) has the potential to reduce siren noise overall by eliminating it on *some* calls, it is not a guarantee. The draft EIR does not address whether our firefighters will be trained or encouraged to reduce siren use in conjunction with the new technology. If it is intended that the firefighters at the new station rely on their new remote control to change lights and reduce the need for sirens, something ought to be done to ensure that happens and/or prevent unnecessary siren use. That is absent from the draft EIR and is further cause for concern from neighbors.

NO-2

Furthermore, the Fire Department's reliance on an expected reduction in siren activations (again, assuming the new technology actually works) leaves unanswered the question of whether the technology can reduce the occurrence of siren noise to levels at or below average. For

instance, if an average firehouse gets 10 calls¹ a day and uses sirens every time, neighbors are subjected to sirens 10 times a day. But even if the new technology here cuts the need for sirens at this firehouse in half, neighbors would still be exposed to 13.5 sirens a day – far above average. Neither the draft EIR nor the various press releases and interviews on the subject have provided any data on how effective the new technology is expected to be in reducing the number of sirens used or where that will fall in relation to the average. What good is the new technology if it does not reduce the number of sirens to an acceptable level? Approval should be denied until these important questions are answered and an effective plan put in place to keep the number of siren activations down – especially at night.

**NO-2
cont.**

Moreover, the draft EIR does not offer any solutions for reducing the *other* kinds of noise that a firehouse makes. There is frequent testing of equipment (*e.g.* gas-powered saws, jaws of life, hydraulic pumps, etc.) that goes on at any firehouse and which is not necessarily connected to the number of calls and sirens. This may be standard noise that goes along with having a firehouse, but nothing is proposed in the draft EIR to limit that kind of noise or to protect neighbors from it.

NO-3

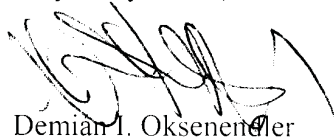
Additionally, the draft EIR does not contain any sort of plan for what happens if the new fire station causes more noise than anticipated. What happens if the new remote controls don't work as advertised (or at all)? What do we do then?

NO-5

Finally, it is important to note that the neighbors of this new firehouse did not come to it. It came to us. It is not a fair (or neighborly) response to noise concerns tell us “tough luck” and allow the Fire Department to make as much noise as it pleases. To the contrary, the Planning Department should be stringent in requiring noise reduction/mitigation for this new fire station. It should require that noise levels and frequency at the new firehouse be *less* than average and as close to zero as possible. The Planning Department should protect the existing residents of this neighborhood from what promises to be a very high volume of new noise.

NO-6

Very Truly Yours,

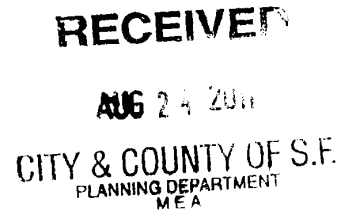


Demian L. Oksenen

¹ Number selected for purposes of example only.

153 Shipley St
San Francisco, CA 94107
August 23, 2011

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



Dear Mr Wycko:

I'm writing regarding the SFMOMA Expansion/Fire Station Relocation project. The EIR inadequately addresses and accounts for the noise impacts of the fire station relocation.

The presented noise analysis is incomplete and inaccurate. For example, my home at 153 Shipley Street (between 4th & 5th Streets) is not included as an affected residence. Clearly, I will hear every fire truck passing through the 5th and Folsom Streets intersection, as well as all the fire trucks passing along Folsom Street heading toward the 4th Street intersection. Other residences on Shipley Street (between 5th and 6th Streets) are included. There is no reason for the failure to include my or similar residences, such as all those in the Salvation Army high rise.

NO-7

Another error involves the analysis of fire trucks going to 6th Street. This analysis shows the trucks traveling along Folsom Street toward 6th Street. However, Folsom Street is currently one-way in the opposite direction. Therefore, this analysis doesn't reflect current conditions, which an EIR should do. Though the report mentions that SFMTA is considering making Folsom Street a two-way street, that is not a forgone conclusion and shouldn't be made part of your study without mention or explanation.

TR-2

Using the faulty numbers, the EIR concludes those affected by noise from the trucks will remain similar or be reduced. However, most of those impacted by noise at the existing location are visitors in hotels. Those modern hotels are undoubtedly built to higher standards, such as buildings with air conditioning and mechanical ventilation systems. But more importantly, only transient visitors are affected in hotels. Hotel guests are impacted one night of the year. The new location affects people who live in condominiums and apartments, mostly built to lower standards and without similar ventilation systems, which allow people to keep windows shut. People live in these buildings year round and will be affected by every single emergency trip. This is a very different and more severe impact.

NO-7

The EIR says that noise from emergency vehicle use and operations is exempt from the city's noise ordinance, and therefore the project doesn't expose persons to noise. This seems like a misapplication of the intent of this law. Emergency vehicles have a significant noise impact (as shown in the report's graphs and discussed in the text). The intent of the law is obviously to preserve safety and make sure that noise laws do not unintentionally impact the effectiveness of emergency vehicle operation. In this case, however, the project exists because of MOMA's desire to expand: The purpose of the project is not to increase fire safety but to expand MOMA. Because the relocated fire truck noise is a result of MOMA's expansion, MOMA should be forced

NO-1

PD-2

to bear the true costs of this and not be able to shift the noise cost without compensating the victims due to a law that protects the producers of the noise.

**PD-2
cont.**

In this case, there are victims. Many homeowners and residents selected their residences because of the existing conditions (especially homeowners and residents living on alleys which do not have the same ambient noise as those on busy streets). Changes to those conditions change their homes. Because MOMA chose to expand, many people will have their sleep permanently interrupted. Their only choice might be to move. In fact, many people choose not to live near a fire house because of the ensuing noise. It's likely to make the affected properties more difficult to sell. Relocating MOMA (and the fire house as a result) will result in the decrease of property values for many.

NO-6

Mitigation measures included in the EIR are more oriented toward future uses rather than current people who will be newly impacted by the fire station relocation. Signal overrides are the only mitigation measure included to reduce the impact to existing residents affected by the relocation. If overrides work (which my observation of overrides in action along Howard Street makes me question), they don't eliminate the need for the sirens, only slightly reduces their use. Such signal overrides would also be needed at 4th & Folsom Streets, which is not at all discussed in your report.

TR-2

The EIR needs to correctly state the true environmental costs of the project. It needs to correctly measure all the noise impacts—not just those that apply due to a literal interpretation of a law—so that the true cost of the project can be measured and compensated for. Only then can approval of the project be made fairly.

NO-1

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas O'Neill", written in a cursive style.

Douglas O'Neill

RECEIVED

Mr. Bill Wycko
Environmental Review Officer
San Francisco Planning Department
650 Mission Street, Suite 400, San Francisco, CA 94103

AUG 24 2011
CITY & COUNTY OF S.F.
PLANNING DEPARTMENT
M E A

RE: San Francisco Museum of Modern Art Expansion /
Fire Station Relocation and Housing Project DRAFT EIR

Dear Mr Wycko,

I would like to make a written comment in response to the San Francisco Museum of Modern Art Expansion / Fire Station Relocation and Housing Project Draft EIR (DEIR). In general, some of the analyses and conclusions of the DEIR concerning the Fire Station Relocation are misleading or seemingly in error. Please see the following concerns.

CONCERNS

The pre-emptive traffic signals at 5th and 6th ONLY will not sufficiently adjust traffic flow for this project.

TR-2

1. The Fire Station's daily preparation / testing activities will cause adverse traffic conditions on Folsom in morning rush hour traffic.
2. Standing traffic on Folsom between Essex and 6th street, to gain freeway access is a typical occurrence, especially at evening rush hour, weekends and during AT&T events.
3. If most of the response calls for Fire Station No. 1 are in the Tenderloin and the 6th Street corridor, fire trucks driving the wrong direction on the Folsom does not seem safe. See Figure IVE.4, pg 334.

TR-3

TR-1

TR-2

Table IV.E-4 Potential Exposure to Emergency Vehicle Noise

Please clarify why the number of residents/units drops so considerably from existing condition to project conditions on Fifth/Folsom Streets (i.e. from 3,551 effected residents to 601 residents). If the documentation is accurate, could you please explain why there is such a significant drop in residents in our neighborhood?

NO-7

There is a lack of mitigation measures outlined for the increased noise level created by this project. Allowing this noise will negatively affect the heath and welfare of the residential neighborhood.

NO-5

5. The fire station's daily preparation / testing activities cause considerable equipment and siren noise disturbing the neighborhood on a daily basis.
6. Fire Station No. 1 has the BUSIEST response schedules found in San Francisco. The fifty (50) response calls per day will interrupt the residential neighborhood.
7. Diesel-fueled generator testing is noisy and produces odors.

NO-4

Because the fire station is exempt from the City's Noise Ordinance, it does not mean that the noise produced from this use is "less than significant impact(s)" as the DEIR states on page 340. These noise-producing activities are negative environment impacts for the proposed project, and require substantial mitigation measures to be included in the project scope.

NO-1

- It is difficult to attenuate siren noise over 100dBa by construction assemblies
- The experience of residents living in the adjacent 855 Folsom building proves this to be true. 855 Folsom was constructed approx. in 2001-2003 complying with the City's Noise Ordinances. Ambient street noise is mitigated by the construction assemblies, (commercial, insulated windows and concrete construction). Sirens and loud equipment on 4th and 5th street are problematic to the residents. So taking this information to the next logical step, the existing buildings (near the fire station) are primarily framed construction; it will be nearly impossible for the sound created by sirens and loud equipment to be mitigated, causing stress to the residents.
- The DEIR suggests that the existing property owners / homeowners / renters should ask "for a grants available through the Redevelopment Agency for facade improvements" (page 337). Simply, THIS IS NOT AN ACCEPTABLE MITIGATION MEASURE for approximately 2000 individual residential units.

NO-5

The change in zoning for this SINGLE fire station project is "spot zoning" and is not in accordance with the San Francisco General Plan.

8. This proposed rezoning is inconsistent with the intent of zoning as documented in the General Plan.
 9. This proposed zoning locates the fire station in an existing Multi-Use Residential District (MUR) along Folsom Street.
 10. The DEIR suggests that the existing building at 935 Folsom should not be reused/rehabilitated because of the significant cost for a seismic retrofit and hazardous materials abatement. See page 125.
- The existing zoning was reviewed, at taxpayer's expense, in the past 5 years. Why is "spot zoning" being allowed for this project, when other sites, in adjacent SLI districts along Harrison, Bryant, or 6th Street would be much better suited to this Public District Use (P)?
 - The DEIR conclusions do not identify that existing / proposed housing stock will be less sought after by potential residents due to this project. This area is a burgeoning residential area, which supports the nearby businesses districts of Union Square and the Financial District in a sustainable, neighborhood-friendly manner. New residents will NOT desire to buy or to rent property in an area where sirens are a constant nuisance, and traffic becomes more difficult.
 - ALL buildings in San Francisco have or will require seismic upgrades. Hazardous materials abatement will have to occur regardless if the existing building is retained or the fire station is built. Both these DEIR justifications are NOT valid reasons for a change in use and zoning.

LU-1

SUMMARY

In summary, a fire station site should be selected AFTER the analysis of multiple, possible locations is performed. A fire station should not be sited because a specific property has been pre-maturely purchased in an inappropriate zoning district.

I suggest another alternative be added to the DEIR and IMPLEMENTATION OF THIS ALTERNATIVE: proceed with the museum expansion as described; relocate the fire station site to a more appropriately zoned area.

The proposed Fire Station No. 1 should be relocated to a site where fire trucks traveling to their main service area DO NOT enter traffic in the wrong direction.

The proposed Fire Station No. 1 should be relocated to a more suitable site (adjacent or within) an SLI district, where noise-generating activities are generally more accepted and the amount of residential units are less.

Suggestions include properties along Harrison or Bryant streets between 5th and 8th streets. For instance, Bryant and 6th street, adjacent to the courthouse where current police outreach is performed and McDonald's overflow parking is located. This is a direct traffic path to the main service area of the fire station and less residential units as well.

The existing site should NOT be rezoned. The existing site should be developed according to the current Multi-Use Residential (MUR) zoning.

AL-1

If the fire station cannot be relocated, the following items should be included in the project scope:

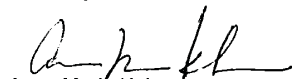
- Additional pre-emptive traffic signaling along Folsom from 3rd to 7th streets to avoid interrupting access to I-80 and typical standing traffic patterns in the area. Possibly a dedicated fire lane could be added between 5th and 6th to allow safe access to 5th and 6th streets by fire trucks.
- Additional and more stringent mitigation measures should be enacted for project noise. Mitigation at the noise source is the best approach; upgrading existing, residential, building construction to mitigate equipment noise, paid for by the project sponsors would be a positive, community-oriented approach, though admittedly not completely effective.

TR-2

NO-5

As a community member I support the museum expansion plan, and only ask for greater attention to be made to the fire station and its relocation efforts.

Sincerely,



Anne Marie Kuban,
855 Folsom #701, San Francisco
(415) 305-0171

ATTACHMENT 2

PUBLIC HEARING TRANSCRIPT

BEFORE THE SAN FRANCISCO PLANNING COMMISSION

REGULAR MEETING

ITEM E.6.2009.0291E & 2010.0275E

SAN FRANCISCO MUSEUM OF MODERN ART
EXPANSION/FIRE STATION RELOCATION AND HOUSING PROJECT

PUBLIC HEARING ON THE
DRAFT ENVIRONMENTAL IMPACT REPORT

1:38 P.M.

August 11, 2011

Commission Chambers - Room 400
City Hall, 1 Dr. Carlton B. Goodlett Place
San Francisco, California

REPORTED BY: FREDDIE REPPOND, STENOGRAPHIC REPORTER

1 A P P E A R A N C E S

2 SAN FRANCISCO PLANNING COMMISSION:

3 President Christina Olague

4 Vice-President Ron Miguel

5 Linda Avery, Commission Secretary

6 COMMISSIONERS:

7 Michael Antonini

8 Ronald Fong

9 Kathrin Moore

10 Hisashi Sugaya

11 FOR THE PLANNING DEPARTMENT:

12 Michael Jacinto

13 FROM THE PUBLIC:

14 Foster Weeks

15 Liz Bridges

16 Nancy Connell-Henson

17 --oOo--

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1 Thursday, August 11, 2011 1:38 P.M.

2 --oOo--

3 P R O C E E D I N G S

4 SECRETARY AVERY: The Planning Commission is
5 back in session.

6 Commissioners, you're now on Item No. 6, Case
7 Nos. 2009.0291E and 2010.0275E, the San Francisco
8 Museum of Modern Art expansion, fire station
9 relocation, and housing project.

10 Before we start, I'll just remind everywhere
11 to turn off your phones and your pagers -- any
12 electronic devices that may sound off during these
13 proceedings.

14 We also want to remind everyone that the
15 front row is generally reserved for staff. So if
16 you're not staff and you're in the front row, we'll ask
17 you to find a seat behind you. Thank you.

18 MICHAEL JACINTO: Good afternoon,
19 Commissioners. Michael Jacinto, Planning Department
20 staff.

21 The purpose of today's hearing is take public
22 comment on the adequacy, accuracy, and completeness of
23 the draft environmental impact report for the San
24 Francisco Museum of Modern Art expansion, Fire Station
25 No. 1 relocation, and housing project. No approval

1 action is requested at this time.

2 The subject properties are located at 151
3 Third Street, 670 and 676 Howard Street, and 935 Folsom
4 Street in the city's downtown and eastern SOMA
5 neighborhoods respectively. As described in the draft
6 DEIR, the project entails the following: demolition of
7 the buildings at 670 and 676 Howard Street;
8 construction of a 200-foot tall, 230,000-square-foot
9 expansion to the existing Museum of Modern Art;
10 demolition of the vacant building at 935 Folsom Street;
11 relocation of Fire Station No. 1 to that site; and
12 construction of a new fire station on the front
13 two-thirds of the lot and 13 units of housing on the
14 southern portion of the lot fronting on Shipley Street
15 at 935 Folsom.

16 Commissioners, the Planning Department
17 prepared an environmental impact report for this
18 project because it would have a significant impact on
19 the environment. The draft EIR found that the 670
20 Howard Street building, which is the existing fire
21 station, and 935 Folsom Street building are both
22 eligible for the California Register of Historic
23 Places. Fire Station No. 1 was determined to
24 contribute to a noncontiguous historic district
25 comprised of mid-century fire stations. The draft EIR

1 found that its demolition would not be significant
2 because the twelve extant stations from the same era
3 would not preclude this district from conveying its
4 historic significance and being listed on the Register.

5 The draft EIR determined that the industrial
6 building at 935 Folsom Street is eligible for listing
7 on the California Register as a potential historic
8 resource for its architecture and its association with
9 events, in this case the rebuilding of the South of
10 Market after the 1906 earthquake and fire. The draft
11 EIR found that demolition of the 935 Folsom Street
12 building would be a significant and unavoidable
13 environmental impact.

14 On August 3rd, 2011, the department held a
15 hearing at the Historic Preservation Commission to
16 discuss this EIR. The Commission elected not to
17 prepare written comments, so I will instead summarize
18 their points for the record.

19 In general, the Commission found this EIR
20 adequate and found that the approach to analysis of
21 project alternatives was correct and sufficient.
22 Commissioner Martinez questioned the EIR's findings
23 relative to the historic status of the 676 Howard
24 Street building and felt that it retained enough
25 integrity to be considered a historic resource. Staff

G-1

CP-1

1 will respond to this comment in the
2 comments-and-responses document.

3 Commissioners, staff published this draft EIR
4 on July 11th, 2011, and it has a 45-day public review
5 period that ends on August 25th, 2011. For those who
6 are interested in commenting on the draft EIR in
7 writing, they may do so by submitting their comments to
8 the Planning Department, Attention: Environmental
9 Review Officer, at 1650 Mission Street, Suite 400, San
10 Francisco, 94103, by 5:00 p.m. on August 25th.

11 For members of the public who are here at the
12 hearing today and would like to speak on this item,
13 please state your name for the record and address
14 comments to the adequacy and completeness of this EIR.
15 All comments will be responded and transcribed and
16 responded to in a comments-and-responses document.
17 When the comments-and-responses document is complete,
18 the department will provide copies to those who have
19 made comments on the draft EIR.

20 Commissioners, this concludes my
21 presentation. Thank you very much.

22 PRESIDENT OLAGUE: Thank you.

23 Open it up for public comment. We have three
24 speaker cards.

25 Foster Weeks, followed by Liz Bridges, and

1 then Connell-Henson.

2 FOSTER WEEKS: Good afternoon. My name is
3 Foster Weeks from Clementina Cares. We are a
4 neighborhood association on the west side of the Yerba
5 Buena from Third Street to Sixth Street, from Howard
6 Street to Shipley.

7 And, basically, in taking a look at the EIR,
8 as best we can, our neighborhood concerns, obviously
9 with the new fire department going in, are really about
10 traffic, noise -- whatever can be done to mitigate
11 those issues, given that the fire department will be
12 there and doing the best we can to do that.

13 Ultimately, it looks like, from our
14 understanding, that there will not be a traffic signal
15 put in at Falmouth and Folsom Streets, which we had
16 thought was potentially on the works to be done. We
17 feel that this is a significant tool that could be used
18 for the fire department and the neighborhood to control
19 traffic during the times when the fire alarms are going
20 off; and so it should be reassessed.

21 Also, with regards to noise, we were first
22 told by the folks that we met with from MOMA and the
23 fire department that they would potentially be putting
24 in a special room so that they could do the testing of
25 equipment in the mornings, which they will be going

TR-2

NO-1

1 seven days a week at eight-thirty. And we are now told
2 that that is not feasible. And we think that there
3 should be another stab at looking at doing that in
4 order to cut down on the noise to the neighbors in the
5 immediate area -- meaning the people that live right
6 across the alley, not speaking about the people
7 obviously blocks away or on the route -- but people
8 that are right next to and adjacent to the new fire
9 department on a daily basis.

10 And then, finally, we thought that there
11 should be a little bit more detail as far as the
12 effects of sirens and noise on the people who live
13 there who are now going to be woken up in the morning
14 or all hours of the day and how does that affect their
15 health. And maybe there should be something done by
16 the health department to look into that.

17 Thank you very much.

18 PRESIDENT OLAGUE: Thank you.

19 LIZ BRIDGES: Good afternoon, Commissioners.
20 My name is Liz Bridges. I'm with the SSL law firm.
21 I'm here on behalf of KSSF Enterprises, Limited, the
22 owners of the W Hotel.

23 Let me start by saying that the owners of the
24 W support MOMA's expansion. We recognize the benefits
25 to the city of providing greater access to MOMA's

NO-1
cont.

PD-1

1 incredible collection. And we recognize the economic
2 benefits of the expansion. As MOMA'S neighbor, we
3 value our relationship with the museum and we want to
4 see the museum thrive. But because MOMA and the W are
5 such close neighbors, guests of the hotel will
6 experience the impacts of the project more than most.
7 And so we are very interested in ensuring that all
8 impacts are identified in the EIR and that they are
9 mitigated to the extent feasible. CEQA requires this
10 and good city planning demands this. We will be
11 submitting written comments, but I'd like to highlight
12 some of our concerns now.

13 The draft EIR is deficient in two major
14 areas: In analyzing the impacts associated with
15 traffic, especially during the construction period -- a
16 two-year period so it's not insignificant -- and in
17 analyzing impacts related to the height, massing, and
18 design of the MOMA expansion.

19 First, traffic. A substantial amount of
20 truck-loading, car-parking, and through traffic occurs
21 in the mid-block area between the museum and the
22 existing fire station. There's no discussion in the
23 draft EIR of what happens when that mid-block area is
24 closed off and all of that through traffic is forced
25 onto New Montgomery and Howard and Third Streets. As

PD-1
cont.

TR-9

AE-5

TR-7

1 you know, these streets are vital corridors for traffic
2 moving from the freeways across the city; and they are
3 already very congested, particularly during the commute
4 hours. This impact will result in severe operational
5 issues to the W and it will literally stop traffic at
6 key intersections of the city for a two-year period.
7 This should be fully disclosed in the draft EIR and its
8 mitigation should be identified.

9 Our next concern is with the aesthetic
10 impacts of the expansion. You can see this. The draft
11 EIR dismisses impacts to the hotel as nonpublic areas.
12 This is despite that each year forty to fifty thousand
13 visitors to the city will use the hotel rooms that
14 directly face the project. At least 112 of the W's
15 rooms will be blocked. We hired a firm that prepares
16 visual simulations for EIRs to create renderings of
17 what the views will look like from the blocked rooms.
18 We were expecting poor results, but even we were
19 surprised by what we got. As you can see, this is the
20 existing view. This is the blocked view, based on
21 what's in the draft EIR. Not even a sliver of sky is
22 visible.

23 The other major problem here is, as you can
24 see, that we have no idea what the wall is going to
25 look like. There's no description of it in the EIR.

TR-7

AE-4

AE-5

1 The project description is incomplete. We would like
2 to work with MOMA and the city to ensure that the wall
3 that's facing the W is at the very least aesthetically
4 pleasing.

5 Again, we support this project. We'd like to
6 see MOMA thrive, but we're concerned about the project
7 moving ahead without a full consideration of its
8 impacts. We ask that you take a closer look at these
9 issues.

10 PRESIDENT OLAGUE: Thank you.

11 NANCY CONNELL-HENSON: Good afternoon. My
12 name is Nancy Connell-Henson. I'm president of the 249
13 Shipley Street HOA. We are directly behind the site of
14 the proposed new fire station, No. 1.

15 In general, we are in favor of the project
16 and the relocation. We welcome the upsides to the
17 presence of the fire station and look forward to a
18 productive and neighborly relationship with them. We
19 do, however, have some lingering concerns that have not
20 been addressed in the EIR despite repeated meetings
21 with SFFD and SFMOMA.

22 We continue to request investigation of an
23 equipment-testing room that would lessen the noise
24 elements that are known to occur on a daily basis.
25 Most recently, we asked if a testing area outside the

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1 immediate station, perhaps in the parking lot in the
2 back, would be feasible, do the trick, and meet OSHA
3 requirements. And we do not think this has been fully
4 investigated as an option.

5 There needs to be much more aggressive
6 traffic control in the vicinity, including
7 no-right-turn-on-red signs in the immediate adjoining
8 intersections and an added light at Falmouth and Folsom
9 operated at the discretion of the fire station as
10 needed when alarms are sounded.

11 In addition, the upcoming construction of the
12 Fourth Street corridor impacts have not been taken into
13 account nor addressed by the current EIR. Addressing
14 these traffic-control issues would not only increase
15 public safety but contribute to lessening siren and
16 air-horn noise in our neighborhood.

17 There also needs to be more outside lighting
18 in the building itself and on the surrounding lot. Per
19 the SFPD, ample outside lighting is the single most
20 effective contribution to public safety.

21 The neighborhood has two major concerns
22 regarding the one-third parcel on the Shipley side of
23 the project: a, the interim use and maintenance of the
24 space prior to sale and development; and, b, the
25 ultimate nature of the residence to be built. The

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1 proposal by SFMOMA and SFFD has been market-rate
2 residences, but this is still a large unknown and
3 that's an unsettling issue for the neighborhood.

4 Finally, it's ironic that a project led by
5 SFMOMA, a major arts institution, includes no element
6 of public art. The expectation of the neighborhood is
7 that there would decidedly be elements of public art
8 included in the plan. Art elements were promised to
9 the neighborhood from the onset and have since been
10 discluded from the plan.

11 Thank you for listening.

12 PRESIDENT OLAGUE: Thank you.

13 Is there any additional public comment?

14 Seeing none, public comment is closed.

15 PRESIDENT OLAGUE: Commissioner Antonini.

16 COMMISSIONER ANTONINI: Thank you for your
17 comments. And I think that some good points were
18 raised, particularly the concerns about traffic; and
19 certainly I'm supportive of further study on that. And,
20 as we know, Fire Station No. 1 is -- I think was at one
21 time the busiest station in the United States, mostly
22 medical calls which are generally problems with
23 substance abuse and others. So that is something to
24 really look at closely, I guess, as we analyze this to
25 make sure we are properly evaluating the impact. But I

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1 think it's a very good project.

2 And then the other issue was, you know,
3 mitigation of some other impacts by the no-right-turn.
4 Certainly we are studying that.

5 And outside lighting, I guess, in the Shipley
6 area which, again, is a great deterrent for crime.

7 So these are all things that I think can be
8 included if they're not presently addressed completely
9 in the EIR that we should look at those and make sure
10 that they're there.

11 PRESIDENT OLAGUE: Commissioner Miguel.

12 VICE-PRESIDENT MIGUEL: Yes.

13 Well, I think the EIR looks relatively
14 adequate and complete. The comments regarding the
15 relocation of fire station are well taken and I think
16 should be investigated further. Normally, people
17 reside near fire stations after the fire stations are
18 already in place. Fire stations rarely move their
19 locations. So we are doing the opposite here. We are
20 moving a fire station into an area with residences.
21 And it provides different questions. People might have
22 said originally, I'm not going to buy across the street
23 from the fire station; it's too noisy. So you're
24 creating a totally different situation here.

25 As to the expansion, those of you who know me

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1 knew that I fought very heavily for years to keep the
2 Doris and Donald Fisher collection out of The Presidio,
3 in my view point a very wrongly conceived situation.
4 Whereas having been on the board there and Fisher being
5 on the board of MOMA, would have been the logical place
6 for it. Highly resisted by the family and those
7 involved with the collection for a long, long time. So
8 I'm pleased that it's actually landing where it
9 belonged in the first place.

10 I may have additional written comments later.

11 PRESIDENT OLAGUE: Commissioner Moore.

12 COMMISSIONER MOORE: There is a fine grain of
13 traffic conflict in the block bounded by Third, Mission,
14 New Montgomery, and Howard Street, which is partially
15 because of traffic coming through Minna and impacting of
16 how you cross the Third Street intersection on Market.
17 There is like cumulative impacts in all of these blocks.
18 The W Hotel has created a great solution for parking
19 there cars. I think it's Hunt Alley or something like
20 that. I think all of this needs to be looked at really
21 with a microscope in order for all of these things to
22 work together.

23 I think generally the building has a good
24 feel. I am a little concerned that the impact of the
25 excessive height are being looked at fairly and

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1 squarely with respect to elements closer in or further
2 away. If we choose a view corridor in the Yerba Buena,
3 I would -- I'm on page 139 -- I would like to ask that
4 the views are also moved closer into YBC right behind
5 the Marquis Theater so that you really understand that
6 you won't be seeing the Pflueger building anymore. I
7 think Mario Botta created a composition by which the
8 layering of historic and new architecture read very
9 well when you saw the Museum of Modern Art, which in
10 itself is a pretty massive building, composed well with
11 the historic buildings beyond. As we're now behind the
12 Marquis Theater, we won't see that any more. So I'm
13 asking just for the sake of what we'll be losing that
14 we take a slighter closer look at all of those
15 important uses. Yerba Buena Gardens is a very, very
16 important downtown open space. It has a lot of
17 commercial, restaurant, historic, cultural offerings.
18 And I think, in order for that to fully work with the
19 addition of this expansion, there has to be a give and
20 take between all of those pieces. It cannot just be
21 the new kid on the block which takes it all. I hope
22 that we are all sensitive to that and that the EIR will
23 disclose that in a more detailed way.

24 I am also concerned about the massive
25 expansion on Mission Street. I believe that we need to

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1 have a clearer visualization and impact on what that
2 will look like and that we indeed, as the EIR
3 indicates, look more at the environmentally preferred
4 alternative and clearly explain why that might be a
5 more environmentally preferred alternative.

6 Otherwise, I think the draft EIR is quite
7 well prepared. And those are my comments.

8 PRESIDENT OLAGUE: Commissioner Antonini.

9 COMMISSIONER ANTONINI: Thank you.

10 A few things to add on from before. Coupling
11 on what Commissioner Moore said, yeah, I think it's a
12 little hard to really envision when -- on EIRs you only
13 show massing; you don't show the design. And, of
14 course, it's sort of seeing only part of the picture.
15 And wherever possible, we certainly would hope, as this
16 moves forward that the massing could be somewhat
17 mitigated by the design, particularly on Howard Street
18 where, at least in visual context, if it can address
19 the context there as far as height is concerned, even
20 if it's taller, perhaps there would be a way that
21 portion of it appear to be not as high as it really is.
22 And I think that would be a good thing to do.

23 And I also was very happy with the historical
24 evaluation, which was quite good, of the area, which
25 was very rich. It was originally Happy Valley, one of

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1 the few habitable areas South of Market long before the
2 earthquake and much of the Greek community had a
3 history there later on.

4 And then talking about 670 Howard, which
5 apparently is not a historic resource and did have some
6 alterations done in the '80s to add a fourth floor, so
7 that's important to note as far as that was concerned.

8 And, finally, the fire house at 676. As
9 pointed out, there were 17 fire stations added in the
10 International Style in the '50s, so it's not like this
11 is the only one. There are plenty of them that still
12 exist if you really like that style, plenty of them you
13 can see. So we won't be losing anything as far as a
14 landmark there.

15 PRESIDENT OLAGUE: Commissioner Moore.

16 COMMISSIONER MOORE: I need to correct myself.
17 Thank you, Commissioner Antonini, for reminding me.

18 When I talked about the height and scale on
19 Mission Street, I meant to say Howard Street. Could
20 please correct that for the record. It's my concern
21 about Howard Street, not Mission Street.

22 SECRETARY AVERY: Commissioners, if there are
23 no more comments, I assume this concludes the public
24 hearing on the draft EIR, the San Francisco Museum of
25 Modern Art expansion and fire station relocation and

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cont.

1 housing project. Thank you. I will note that written
2 comments will be accepted at the Planning Commission
3 department's offices until the close of business on
4 August 25th, 2011. Thank you.

5 [The hearing on the item ended at 1:58

6 p.m.]

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1 STATE OF CALIFORNIA)
2 COUNTY OF SAN FRANCISCO)

3
4 CERTIFICATE OF REPORTER

5
6 I, FREDDIE REPPOND, a duly authorized
7 Shorthand Reporter and licensed Notary Public, do hereby
8 certify that on the date indicated herein that the above
9 proceedings were taken down by me in stenotype and
10 thereafter transcribed into typewriting and that this
11 transcript is a true record of the said proceedings.

12 IN WITNESS WHEREOF I have hereunto set my hand
13 on this 17th day of August, 2011.

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16 FREDDIE REPPOND
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