3333 CALIFORNIA STREET MIXED-USE PROJECT

RESPONSES TO COMMENTS ON DRAFT EIR VOLUME 2 (ATTACHMENTS A-E, PART 1)

CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT: CASE NO. 2015-014028ENV
STATE CLEARINGHOUSE NO. 2017092053

DRAFT EIR PUBLICATION DATE: NOVEMBER 7, 2018
DRAFT EIR PUBLIC HEARING DATE: DECEMBER 13, 2018
DRAFT EIR PUBLIC COMMENT PERIOD: NOVEMBER 8, 2018 - JANUARY 8, 2019
FINAL EIR CERTIFICATION HEARING: SEPTEMBER 5, 2019
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# TABLE OF CONTENTS

3333 California Street Mixed-Use Project  
Responses to Comments on Draft EIR

## VOLUME 2

### Part 1

- **Attachment A** Draft EIR Public Hearing Transcript
- **Attachment B** Draft EIR Comment Letters and E-mails  
  Agencies  
  Organizations  
  Individuals (I-Ahani – I-Devincenzi4, Exhibit J)

### Part 2

- **Attachment B** Draft EIR Comment Letters and E-mails (Continued)  
  Individuals (I-Devincenzi4, Exhibit K – I-Zlatunich2)

### Part 3

- **Attachment C** Comment Letters and E-mails Received After Close of Public Comment Period
- **Attachment D** San Francisco Public Works Independent Peer Review of 3333 California – Proposed Alternative, August 15, 2019
- **Attachment E** SFPUC Revised Water Supply Assessment, June 11, 2019
ATTACHMENT A

Draft EIR Public Hearing Transcript
SAN FRANCISCO PLANNING COMMISSION
CITY AND COUNTY OF SAN FRANCISCO

RE: 3333 CALIFORNIA STREET
THURSDAY, DECEMBER 13, 2018
COMMISSION CHAMBERS - Room 400
CITY HALL, 1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CALIFORNIA

TRANSCRIPT OF PROCEEDINGS

CLARK REPORTING & VIDEO CONFERENCING
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Commissioner Rich Hillis, President
Commissioner Myrna Melgar, Vice President
Commissioner Rodney Fong
Commissioner Milicent Johnson
Commissioner Joel Koppel
Commissioner Kathrin Moore
Commissioner Dennis Richards

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Jonas Ionin, Commission Secretary
SECRETARY IONIN: Very good, Commissioners.

That will place us on Item 11 for Case No. 2015-014028ENV, 3333 California Street. This is a Draft Environmental Impact Report.

MS. GIBSON: President Hillis, Commissioners, Lisa Gibson, Environmental Review Officer. I'd like to introduce to you the planner who's going to be presenting on this item. This is Kei Zushi. He's a senior planner in our Environmental Planning Division.

Kei has over 10 years of land use and environmental planning experience, having worked as a city planner in Oregon, Washington, and California. Notably, Kei worked as an environmental planner at the planning department for two years back in 2012 through '14, and after that he went off to law school at UC Hastings.

During law school, Kei interned at the city attorney's office with our land use team, and he worked on CEQA litigation, and he also clerked for administrative law judges at the California Public Utilities Commission.

And, most recently, Kei worked as a law clerk at the Thomas Law Group. He worked on some challenging CEQA cases, including the Golden State
Warriors Arena in San Francisco -- you might have heard of that project -- the Newhall Ranch project in Santa Clarita Valley, and also the City Place project in Santa Clara.

Luckily, for us, CEQA and land use planning continue to be Kei's main career focus. We're very fortunate to have him working for us again at the planning department where he rejoined us in September. Thank you very much, Kei.

MR. ZUSHI: Thank you, Lisa. I have slides to show.

PRESIDENT HILLIS: Okay. There you go.

MR. ZUSHI: Good afternoon, President Hillis and members of the commission, Kei Zushi. As Lisa mentioned, planning staff and environmental review coordinator for the 3333 California Street mixed-use project. The purpose of the hearing today is to receive comments on the Draft Environmental Impact Report, or EIR, for the 3333 California Street mixed-use project.

Joining me today are my colleagues, Debra Dwyer, principal environmental planner, Justin Greving, senior preservation planner, and Nick Foster, senior current planner. Leigh Lutenski of the Mayor's Office of Senior Economic and Workforce Development is also here, and Dan Safier, Prado Group and SKS Partners and other
members of the project sponsor team are present.

The commission secretary is providing you with a handout of my presentation and letter from the historic preservation. Copies of these are available for members of the public on the table to my left.

I would like to note that we have a stenographer present to create a transcript of today's proceedings, so I would encourage all speakers to speak slowly and clearly in order to assist the process.

So the 10 -- sorry about that. So the 10.25 acre site is located on the south side of California Street between Laurel Street and Presidio Avenue, and is currently occupied by the University of California San Francisco Laurel Heights Campus.

In order to facilitate the receipt of comments and inform the Commission and members of the public, Leigh Lutenski of the Mayor's Office of Economic Workforce Development and the project sponsor will provide a brief overview of the project.

MS. LUTENSKI: Hello, Commissioners, my name is Leigh Lutenski, with the Office of Economic and Workforce Development. I have a few brief remarks today. The proposed project would create 558 or 744 units of housing under the base project and variant, respectively, in addition to child care and new public
open space and neighborhood retail, all while adaptively reusing portions of the existing building.

OEWD is working with the project sponsor to negotiate a development agreement for this project which would include commitments to specified community benefits. The DA will be limited to a set of benefits that are contextual with the neighborhood and in scale with the project, particularly focusing on open space and affordable housing.

Mayor Breed has named housing, and particularly affordable housing, a top priority of her administration. The Mayor has continued the work of late Mayor Lee, and has initiated new policies aimed at more quickly entitling projects and increasing the pace at which housing is built. This project would be an important contribution to these initiatives, as well as the effort to create new housing in all parts of the city.

I thank you for your attention to this project.

MR. SAFIER: Can I use this over here?

SECRETARY IONIN: Sure.

PRESIDENT HILLIS: Yeah, either one.

MR. SAFIER: Okay. Happy holidays, President Hillis, Commissioners, Director Rahaim and staff. I'm Dan Safier, project sponsor with --
PRESIDENT HILLIS: Just pull that up closer to you.

MR. SAFIER: How's that?

PRESIDENT HILLIS: That's good.

MR. SAFIER: Okay. We've been working on this project for close to four years, and today we have a brief overview of the project as context for the Draft EIR. We anticipate returning in the Spring of this year to provide additional project detail, including specific plans for the architecture and design.

This is the site today.

PRESIDENT HILLIS: Can we go to the computer, please? There you go.

MR. SAFIER: There we go. The 10-plus acre site is bounded by California Street to the north, Presidio to the east, Euclid to the south, and Laurel to the west. Our project began with a question: How do you evolve a 10.3 acre suburban park-centric office campus into a place for people that is connected with the neighborhoods around it?

The site has a significant grade change of almost 65 feet from one end of the site to the next, so about six-and-a-half stories from the corner of California and Presidio to the high point at Euclid and Laurel.
The proposed project includes 558 residential units, approximately 50,000 square feet of office space, 54,000 square feet of small scale retail on California Street, and on-site child care. This plan is consistent with the existing RM-1 zoning, which the planning code defines as residential mixed district at low density. And in the upper right corner, you'll see the Walnut Building which contains office in the base project.

Planning also requested, as was mentioned, that we develop a variant at the PUD density. This allows the site to go up to the RM-2 zoning minus one unit for residential mixed district at moderate density, which equates to 744 residential units.

To achieve this density, the Walnut Building has two additional stories, which is the same height as the Jewish Community Center across the street, and the 50,000 square feet of office space is eliminated and replaced with 186 residential units. Apart from the Walnut Building change, the rest of the site is the same as the base project.

In order to create design diversity across this large site, our project team includes three building design architects and two landscape architects. The team was selected for their award-winning track records, design-forward thinking, community orientation, and
commitment to quality architecture and planning. With over five acres of usable open space, our team prioritized design of the pedestrian experience and open space with the idea of creating buildings within a park.

Over the past four years, we've also had over 140 meetings with the community, including large community meetings, neighborhood associations and individual neighbor meetings, and we're continuing that outreach today.

At a high level, here are some of the key design elements of the project. The city and the project sponsor team established a goal to weave this site back into the city's urban fabric through the creation of north/south and east/west pedestrian connectors. As you can see, the existing site is not pedestrian or public friendly. The main access is through these driveway entrances, which are gated and walled.

The current site is physically disconnected from the surrounding neighborhood context both through the brick walls on the perimeter and the topography which steeply berms up along Masonic Avenue. With the walls, berms and surface parking lots, the site does not currently invite pedestrians through the site. You can see that the existing condition is also somewhat like an island, isolated and walled off from the
existing neighborhoods.

The project design reconnects the site to the existing neighborhood grid through the north/south and east/west connector, effectively turning the site into four well-scaled blocks. We are also retaining and adaptively reusing the main portion of the existing building while also cutting a 40-foot wide pedestrian connection through the existing building, aligned with the Walnut Street to the north to create a north/south access.

Our Draft EIR acknowledges the presence of a historic resource, and our plan includes converting the retained building from its grandfathered office use to residential.

Our plan also increases the pedestrian access points around the perimeter of the site. They make the project more porous, encouraging walkability and accessibility. The proposed project and north/south and east/west connectors will be designed to be ADA accessible, which is an important feature, given the steep grade change of the site.

This is a view of the Mayfair walk connector looking east, the overlook, which is actually where there's an existing portion of the building right now that hangs over this area that would be removed, but...
this would provide the public with scenic views of the
city and then ADA access and stairs to Presidio Avenue
below.

To help reconnect, activate, and integrate the
site into the existing neighborhood fabric, we're
proposing small scale ground floor retail along
California Street, connecting with the Laurel Village
shopping center to the west and extending to the Fire
Credit Building and Ellas restaurant to the east. You
can see on this image the pink shaded element includes
Laurel Village shopping center, and then the small scale
retail proposed on our project.

We believe that providing mixed use will make
for a more convenient and whole neighborhood, promote
walkability, eyes on the street, and safety.
Importantly, it will provide us with the opportunity to
curate uses that are currently missing from the
neighborhood for existing and future residents.

Our approach has always been to complement
Laurel Village shopping center. We've met with the
Laurel Village and Sacramento Street merchants many
times, and will continue to work with the community and
the merchants to identify future retailers to complement
and not compete with the existing retail.

The proposed project is also proposing over
five acres of generous open space, over half of which will be publicly accessible space. The project aims to create a wide variety of landscaped open spaces that are inspired by the California landscapes.

The existing open space is primarily asphalt, designed for cars, and includes over 3.2 acres of surface parking. This is in addition to the lawn at Euclid and Laurel, and the space on Presidio. By contrast, our project proposes to put all the parking underground, freeing up the ground plane for the network of usable and welcoming open spaces.

Additionally, the project is on a transit corridor and is actually between two of the main transit corridors in the city, the Geary line and the California line, and it's extremely well served by Muni with a number of buses adjacent to the site.

The primary project open spaces include Cypress Square, which is accessed off a grand staircase and ADA access on California Street. It will be a beautiful south-facing plaza centered around the mature cypress trees. We'll also be enhancing Euclid Green at the corner of Laurel and Euclid, and retaining the view corridor to downtown.

We're proposing to increase the number of street trees around the site to 613 percent of the
current count, and the number of on-site trees will be
146 percent of their current count, all to improve the
urban canopy.

As part of the landscape plan, we worked with our
arborist and landscape architect to identify key trees
to be preserved and celebrated. Some of our open spaces,
including Cypress Square, Oak Meadow, and Pine Street
steps are designed around these trees and enhanced with
additional trees.

The proposed project and the variant also
include on-site child care of approximately 14,600 square
feet with capacity for about 175 children. We
understand that this is a major priority for the city,
and we believe that this amenity will encourage young
families to join and stay in the neighborhood. To
complement this family-friendly approach, approximately
60 percent of the total residences proposed are
two, three, and four-bedroom units.

Finally, this project has been designed with
the city's important housing policies and objectives in
mind. It will bring new homes to San Francisco's west
side and District 2, where very little new housing has
been built over the past 40 years.

It will provide affordable housing units that
will help preserve the diversity of our city and the
equity of our neighborhoods. It will also provide millions of dollars in new annual tax revenue due to conversion from a public tax exempt use to residential mixed use, in addition to contributing substantial community benefit fees toward open space, jobs, housing, schools, transportation, and child care.

In short, this project is a significant housing and mixed use opportunity for District 2 and for the future of our city.

Thank you very much. And our team will also be available to answer any questions you might have, and also Gregg Miller is here from Coblentz.

PRESIDENT HILLIS: All right. Thank you.

MR. ZUSHI: Thank you. Again, the purpose of today's hearing is to take public comments on the draft EIR on the accuracy, adequacy and completeness of the Draft EIR for this project pursuant to the California Environmental Quality Act, or CEQA, and San Francisco's local procedures for implementing CEQA. This is not a hearing to consider approval or disapproval of the project. That hearing will follow the Final EIR certification.

In addition, there will be future opportunities to comment on the merits of the proposed project or project variant.
I'd like to make a few comments to further facilitate the receipt of comments today. I'll briefly summarize the significant impacts of the project.

PRESIDENT HILLIS: Yeah, can we go to the computer, please? There you go.

MR. ZUSHI: The Draft EIR finds that the project or project variant, even with mitigation, would result in significant and unavoidable impacts with respect to historic resources for the 3333 California Street property, transit capacity on the 43 Masonic route, and construction noise.

The Draft EIR also finds that other significant impacts to transportation, construction vibration and operational noise, archaeological resources, human remains, and tribal cultural resources, biological resources, and paleontological resources can be mitigated to a less than significant level.

The Draft EIR analyzes six alternatives to the project to address significant and unavoidable impacts. In addition to the no project alternative required by CEQA, the EIR includes two full preservation alternatives, two partial preservation alternatives, and a code conforming alternative. The details regarding the alternatives are provided in Chapter 6 of the EIR. I will also note that the preservation alternatives were
informed by input from the architectural review
committee of the Historic Preservation Commission.

With respect to the significant and unavoidable
impacts of the proposed project or project's variant, the
full preservation alternatives would result in less
than significant impacts on historical architectural
resources and reduce but not avoid the transit
capacity and construction noise impacts. The partial
preservation alternatives would reduce the significant
impacts on historic architectural resources, but not to
a less than significant level and would still have
significant impacts to transit capacity and construction
noise.

A code conforming alternative would result in
significant and unavoidable historic resource and
construction noise impacts similar to those of the
project and project variant, and it would also result in a
significant transit capacity impact, but it would be
reduced compared to the project or project variant.

A public hearing before the Historic
Preservation Commission was held on December 5th, 2018
in order for the commissioners to provide comments to
the planning commission and the department on the Draft
EIR. Subsequent to the hearing, the HPC issued a
comment letter on the Draft EIR which the commission
secretary has provided to you.

HPC found that the analysis of historic resources in the Draft EIR was adequate and accurate and agreed that the Draft EIR analyzed a reasonable and appropriate range of preservation alternatives. The HPC also suggested refinements to some of the preservation alternatives and expressed interest in understanding more about the neighborhood alternative that was discussed by the public at the hearing.

As I mentioned, there's a stenographer present to create a transcript of today's proceedings, so I would encourage all speakers to speak slowly and clearly.

While we would appreciate if members of the public would state their name for the record, members of the public are not required to provide personal identifying information when they communicate with the commission or the department. In this case, the information from the hearing today will be made available to the public on the website as part of the proposed project's record of proceedings.

Staff is not here to answer comments today.

Again, the purpose of the hearing is to receive comments on the information and analysis in the Draft EIR. There will be future opportunity to comment on the project
itself. The comments made will be transcribed and then responded to in writing in the Responses To Comments document, or RTC. The RTC will respond to all verbal and written comments received and make revisions to the Draft EIR, as appropriate.

Before I conclude, I would like to remind members of the public that the Draft EIR was published on November 7th, 2018. The public comment period for this project began on November 8th, 2018 and closes at 5:00 p.m. December 24th, 2018. Comments on the draft EIR must be submitted orally at today's hearing or in writing to the project email shown here or planning department by 5:00 p.m. on December 24th for them to be responded to in the Final EIR.

There have been several requests to extend the public comment period to January 8th, 2019. The environmental review officer has opined that an extension is not warranted in this case. After hearing comments from the members of the public, we'll receive comments on the Draft EIR by the planning commission.

This ends my presentation. City staff and members of the project sponsor team are available to answer any questions you may have. Unless the commission members have questions, I would respectfully request that the public hearing be opened. Thank you.
PRESIDENT HILLIS: Okay. Great. Thank you very much. So we'll open this up for public comment. Again, I want to reiterate this is comments on the draft EIR and its adequacy. We'll have the project before us, I imagine, sometime next year. We won't answer necessarily the comments made today. We may make some of our own on the EIR, but it's a tool to help us analyze the project in view in the future.

So I'll call names. Roger Miles, Eileen Boken, Adam McDonough, Judy Doane, Bill Cutler, Ms. Desby, Richard Frisbie. So if I've called your name, you can speak in any order. Line up on the screen side of the room.

Go ahead if you want to start, sir. Sir, go ahead. Go ahead. You can speak in any order. If I've called your name, you are welcome to come up and speak and tell us about the EIR. No?

All right, next speaker, if you want to come up. There's no order, necessarily. So if your name's been called, line up on the screen side of the room and you can approach in any order. Now's the time.

Welcome.

MR. MILES: Good afternoon. My name is Roger Miles. And, firstly, I would like to urge you to increase a 15-day extension to the DEIR. It seems the holidays
might be better used for friends and family than dealing with this.

I live in the neighborhood, have for a long time, right across the street. And I understand why it's considered historic, and it would be a shame to destroy it. It was designed a bit like a college campus, even though it was a business. And it was designed so that the people in the building could enjoy the dramatic outside that was created by some wonderful planners, and it just melds in and doesn't stand out and wave at you and say, "I don't belong here," even though it was commercial establishment.

The developer's proposal would destroy this. The existing buildings and grounds fit so well in the neighborhood now, it just nestles right in. And we don't need anymore commercial. It would just provide a lot of extra traffic, parking issues, and also wouldn't necessarily be very good for extra competition for the existing small stores up and down Sacramento and right adjacent. The Laurel Village Association sort of agrees with that.

So I would urge you to look -- support the neighborhood full preservation measure. That will leave everything basically as it is. It currently provides access all over the place, unlike what they're
telling you; there is no north/south access. But there isn't hardly any place you can't walk up and enjoy the campus. And even though they have separations, it's always been open to the public and family. And dogs, pets, everybody uses it all the time, and has for years, and it's always been welcomed. And if they get away with this mess, you'll have no more housing in comparison to what you can get with the existing premises.

And, therefore, that's what I urge you do to. It will give you 100 percent of the characteristics, and the historic site would remain the same. It provides up to 744 units of housing. It doesn't provide any commercial. It builds them in three years instead of seven to fifteen --

SECRETARY IONIN: Thank you, sir. Your time is up.

MR. MILES: Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

SECRETARY IONIN: And I will remind members of the public that we are accepting comment on the adequacy and accuracy of the Environmental Impact Report, not the project itself.

MR. MCDONOUGH: Hello, members of the -- sorry, commissioners.
PRESIDENT HILLIS: Overhead, please. Go ahead.

MR. MCDONOUGH: Thank you. My name is Adam I-McDonough1. I'm a resident of Laurel Heights. First thing I want to ask is that you strongly consider the granting of the 15-day extension, the due date. It's a very lengthy and complex document. It came out right before the holidays. We're being asked to respond by Christmas Eve. A few more weeks won't kill the project.

Secondly, I just wanted to show you some pictures. You've seen some of these already. Not much really needs to be said about them. These pictures and the listing on the California Register of Historical Resources, after the unanimous support of the State Historic Resources Commission at their May hearing, speak for themselves. San Francisco Historic Preservation Commissioner further reinforced these comments at their recent December 5th hearing.

Again, not much needs to be said. The commissioners in Palo Alto spoke more eloquently and with considerably more authority than I can about the master status of the three principals associated with 3333 California Street. The developer proposes the virtual total destruction of this historically listed site.

The black areas indicate the extent to which 50
percent of the historic main building will be demolished. The red indicates the bulldozing and total destruction of more than 80 percent of the historically listed landscaping. It is unimaginable that anyone responsible for San Francisco's future could countenance such a mindless destruction of such an iconic and important part of San Francisco's past.

So what will be the future of 3333? Will we preserve it or destroy it? A great deal of this decision lies in your hands. I will not restate the first five items in red.

Please take note that the community alternative builds the same number of housing units as the developers propose, but we do so in three years, not in seven to 15 years, as proposed by the developer. It took less than five years to build the Salesforce Tower, after all.

Clearly, the developers and planning don't appreciate the fact that San Francisco has a housing crisis and needs housing now, not in 2030 or beyond. Housing activists, NIMBYs and others should pay careful attention to this glaring discrepancy.

Finally, anyone concerned about eliminating climate change should pay special attention to the greenhouse gases that will be released by the two
solutions. The developer's plan generates three times
dthat of the community alternative. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker,

please.

MS. BOKEN: I'll be using the overhead.

PRESIDENT HILLIS: Okay.

MS. BOKEN: I'm Eileen Boken, San Francisco
Coalition for Neighborhoods, here on my own behalf. I
strongly urge the commission to grant a 15-day extension
to the due date for comments for this DEIR. It is a
lengthy and complex document.

On the overhead is a coalition resolution
urging the historic designation of the site. I am here
in support of Laurel Heights Improvement Association, as
they have a proven track record of working with project
sponsors to achieve successful outcomes such as the CPMC
California Street site and the Lucky Penny site.

That being said, it is my understanding that
this project sponsor has been challenging. It is my
understanding that, because of ongoing challenges, that
the neighborhood decided to develop the community
alternative. Besides maintaining the historical and
architectural integrity of this site, the community
option alternative achieves the following: Meets the
city's housing goals, does not contain retail component
which would compete with existing neighborhood serving
businesses, maintains a portion of the office space
which is consistent with the original purpose of the
buildings.

I would urge the department and the
commission to seriously consider the community
alternative.

PRESIDENT HILLIS: All right. Thank you. Next
speaker, please.

MR. CUTLER: Good afternoon. My name is Bill
Cutler. My wife and I have lived in Laurel Heights on
California Street, one block from the site of the
proposed real estate development, for over 45 years.

Over the decades, we've seen many big changes to our
neighborhood, some positive and some negative. But this
proposal which violates the zoning laws and the
character of the district is, by far, the most
disturbing to date.

Everyone recognizes the need for affordable
housing in San Francisco, and we support construction of
housing on this site. But the current proposal which
Prado wants seven to 15 years to complete includes
unnecessary retail space, creates major traffic
problems, and includes a plan to mar the beauty of
Laurel Hill by destroying the majority of 185 old growth
trees that we cannot afford to lose in an era of toxic air and climate change.

The high density of the proposed project will increase traffic flow and congestion, increase noise and pollution and contribute to the loss of parking in a neighborhood where it's already almost impossible to find adequate street parking, even for those of us who have G stickers as residents.

Fortunately, there's a much better way to address the need for a development at Laurel Hill that both meets the housing demands and still protects the historic building as well as the beautiful landscaping that surrounds it. It's called the neighborhood full preservation alternative. It provides the same number of residential housing units as the Prado project, 558 with a 744 variant, protects the majority of the 185 mature trees, and does not include major retail that would only negatively compete with Laurel Village shopping center which borders the site and already has two supermarkets, Starbucks and Pete's Coffee, Ace Hardware, three restaurants, three banks, several boutiques, a Gap store, and a variety of other shops -- not to mention Sacramento Street, where there are many others.

We don't need new retail in Laurel Heights. We
need affordable housing, built without changing the existing zoning laws, without 10-story buildings, and using the available space primarily for housing which allows for some units big enough for middle class families. The neighborhood alternative does all that and can be built in about three years, not seven-and-a-half to 15.

Please consider supporting our plan, and please grant a 15-day extension of the due date for comments on the Draft EIR. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MR. FRISBIE: Can I have the overhead, please? Hi. I'm Richard Frisbie. I live in the neighborhood. December 24th, what does this mean to you? It should mean Christmas Eve. But, no, it doesn't. As it was pointed out very, very boldly, 5:00 p.m. December 24th is the due date of the DEIR, no exceptions.

I brought a book I'm going to leave. You can give it to Toys for Tots. Was this an accident? Did no one in planning actually notice this date? It begs the question as to why management, why didn't the director of planning, who I noticed has left, do something? Why didn't he step in and say, "No, this isn't right; this isn't proper; this isn't what we do to
the citizens of San Francisco who pay our salaries."

It gives a new meaning to the word "public servant." Anyone who stands by silently, that is just an unconscionable act for Christmas Eve. I'm personally offended. And I think I speak for everyone in the room? Raise your hand. I hope I speak for each of you, actually.

So, what's so special about Christmas Eve?
It's many things to many people, all the way from deeply spiritual to totally secular, across a wide spectrum of society. The week leading up to Christmas, however, you celebrate it, is a time for peace, for family, for reflection. It's a time when family and friends travel across California, across the country, across the globe to be with loved ones. It's a time for grandmothers to teach granddaughters how to bake Christmas cookies and prepare a meal for Santa and his reindeer. It's a time for grandfathers to teach grandsons how to hang up outside Christmas lights without getting electrocuted.

It's not a time when the community should be forced by some arbitrary day, totally arbitrary day, to give up their involvement in this special season.

On December 24th, 1968 -- this year is the 50th anniversary of that date -- James Lovell, Bill Anders, and Frank Borman circled the moon, the first humans ever to
adventure to another planetary body. And they
shared these photos and a message of joy, peace, and
humanity with all the people of Planet Earth. This is
what Christmas Eve is all about. So my question is,
where do you stand? We request an extension.

PRESIDENT HILLIS: All right. Thank you. Next
speaker, please.

MS. DOANE: Good afternoon. My name is Judy
Doane. I have lived near the 3333 California Project
site since early in the 1970s. I strongly urge the
planning commission to grant a 15-day extension of the
due date for comments on this Draft EIR because it is a
long, complex document.

I support building more housing in our
neighborhood, and specifically at the 3333 California
Street site, but it needs to be the right development
plan. After examining available plans, including the
plan proposed by the developer, Prado, and an
alternative the neighbors themselves have produced, I am
supporting the neighborhood full preservation
alternative for the following reasons: One, we do not
need more retail in this area. We have plenty of shops
serving the neighborhood now. Adding more will make
3333 California not just a residence, but also a retail
destination, guaranteeing an unacceptable amount of
extra traffic and exacerbating an already stressed on-street parking problem.

In addition, increasing the traffic will make it more hazardous for a large number of seniors using walkers, as well as endanger mothers with baby carriages trying to cross these already very busy intersections.

Two, the neighborhood full preservation alternative will retain the same number of units, 558 or the variant of 744, as the Prado plan.

Three, a neighborhood plan will also keep the unique features of the original historically significant building and landscaping. That means some of the old growth trees on the lot can be retained, protecting the important ecological aspects of this space for our beautiful, green city.

Four, the three to five years of construction of the neighborhood plan will be much more tolerable than Prado's proposed seven to 15 years.

Please consider the neighborhood full preservation plan. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. DESBY: Hi. My name is Krisanthy Desby. I live in Presidio Heights, two and-a-half, three blocks from the proposed project. First of all, I do request
that the planning commission grants a 15-day extension for comments on the DEIR. I personally come from a very large extended family. I don't have time to read it. An extra two weeks would really be helpful.

I also support the community full preservation residential alternative for 3333. I feel that the Prado Group proposal is akin to building a mini city three blocks from my house. There will be many, many years, no matter which way you slice it, at least seven, possibly ten, maybe with extensions more, of noise pollution, traffic, congestion, all the things that we deal with downtown. And then it's going to be permanent. It will just turn our neighborhood into another Civic Center.

The project is completely out of scale for the surrounding neighborhoods. There are four neighborhoods immediately surrounding, and I feel that it's a mini city that's just going to be plunked down in the middle of us.

I -- among other things, removing the trees, almost 200 trees, and saying that they're going to plant more, those trees that are there now have been there for decades, and it will take many decades for new trees to grow. And we don't know if they'll grow. Who's studied what trees fit there? What if they tear up the
sidewalk? And when will they be placed there? After the project is finished? During? Who knows? So we're going to be losing that resource which helps clear the air.

Anyway, I ask that you reject the Prado proposal and accept the community full preservation residential alternative in its place. Thank you very much.

PRESIDENT HILLIS: All right. Thank you. Next speaker, please.

MR. GOLDBRENNER: Hi. My name is David Goldbrenner. I live about six blocks from the site. My family and I find ourselves at this intersection all the time. I have a young daughter. We use the JCC regularly.

I found out about this relatively recently. I don't know much about real estate development, but my gut instincts is that this is going to be an incredibly huge imposition on the neighborhood, the idea of seven to 15 years of construction at this intersection that we rely on constantly to get where we're going. We rely on the 1 Bus on the 43 Bus, driving past there, and the thoughts of construction, dumpsters, and board walls and backhoes backing up, and trucks beeping for seven to 15 years is just really kind of soul-crushing.
And so from what I've heard, I would really support the proposed neighborhood alternative, which apparently provides the same housing, but with a much shorter period and with much less impact on the neighborhood both during the construction and afterwards.

I'd also like to request, respectfully, the 15-day extension. It seems like a reasonable thing to do, given that this came out just before the Thanksgiving and the Christmas and Hanukkah holidays. So I'd like to ask for that extension, as well. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MR. McMICHAEL: Hi, folks. My name is Adam McMichael. I'm here out of work today as a concerned citizen of San Francisco to urge you to support the proposed project at 3333 California Street. This project's a critical step forward in addressing San Francisco's housing crisis by providing much needed housing for families in a transit-friendly neighborhood.

As a long-time resident of this neighborhood, I've seen neighbors and friends move out of the city due to the housing shortage and housing affordability challenges. The combined effects of job creation and slow housing production have created difficult
situations for families like mine.

The west side of San Francisco needs more housing. The residents in this area have benefited from the city's job creation, property values have soared, but these same residents have skated by and deepened the housing crisis by maintaining current local zoning. This is much change for the long-term sustainability of the city for families like mine.

This underused parcel is an awesome opportunity to build more housing in the city, and this project is exactly what the city needs. The proposed project creates a family-friendly community in a city that has seen rapid flight of young families like mine.

San Francisco is an innovative city that values inclusion, diversity and community, and in this moment of crisis, we hope that you will support this project and ensure the residents of San Francisco have access to more housing.

In addition to this letter that my wife and I wrote, I would just like to say that if I had to make a few changes to the project, I would triple the size of it, in coordination with a lot of the buildings that surround the area, and do as much as we can to add more housing to the city in general. Thank you for your time.
PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. CLARK: Hi. Laura Clark, MB Action. I think mixed use is good. We're talking about adding a lot of housing that this neighborhood desperately needs. The area is way too expensive, and we need to add as many units as possible. It's great that the city is exploring a higher option for even more housing.

Could we reduce some of the retail? Sure. The reason why projects end up with retail and office is because the fees that we put on housing and the delay and the risk means that they need to mitigate that by adding in jobs. And so if you want to see better balanced projects that have a better jobs-to-housing ratio, you need to think creatively about how our policies are creating this output. We can see less retail and less office, if we make these projects easier to build, if we do modular, if we bring down costs. Those are all things that this body can pursue.

Additionally, I would like to say that I celebrate New Years more than I celebrate Christmas. And so, therefore, I would strongly oppose the delay tactics that interfere with my right to celebrate New Years, because I think that it's very important. New Years is actually something everyone celebrates,
not just Christians, and so it's much broader.

We just had hearings all through the Hanukkah holiday, and I actually didn't see anybody demanding any delays based on the celebration, a much longer event, of Hanukkah. I didn't see anybody demanding delays. I think that these delay tactics are silly. These people have a lot of time on their hands. We see that they are spending hours at these hearings, reading the EIRs, and we can, in fact, move quickly. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please. And I'll call a couple more names. Zarin Randeria, Perviz Randeria, Kathy Devincenzi, Holly Galbrecht, Joe Scaroni, Rose Hillson, Susan McConkey.

MR. YUEN: Good afternoon. My name is Alex Yuen. Personally, I'm a nearby resident who grew up not far from this site, and I've passed the site countless times in my life. Professionally, I'm an architect and urban designer. In this role I've always wondered what was going on in this existing building and how this site's position within the city has never been fully taken advantage of, due to its silent nature.

I believe that the proposed plan on the site serves two main purposes: Primarily it provides housing for a city in desperate need for it, but that is clear.
Secondly, I believe that the proposal creates the opportunity for an urban node that attracts users from adjacent neighborhoods and has the ability to draw residents from one neighborhood to another in a way that it currently does not.

All cities need housing, but healthy, usable open space like the team is suggesting separate the best cities from the rest. If anything, I encourage the development team to maximize the potential of this site as an urban amenity in an environmentally beneficial manner that includes preserving existing trees and offsetting impacts of parking.

In conclusion, I would like to echo other speakers' requests to extend the window for public comment. However, I also believe that the Draft EIR sufficiently studies the potential environmental impacts to the neighborhood while providing housing for a city sorely lacking it, while also providing an urban amenity that would be of use for the adjacent neighborhoods and the city at large. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. RYAN: Good afternoon. I had the pleasure of being here last year for the Lucky Penny, and that project went through. And I think it went through, in a
way, because of neighborhood consensus. I'm a neighbor. I've lived in the area for over 30 years. I was born in the city. And we're looking forward to the 95 units that Lucky Penny is building. We're also looking forward to the housing that this project brings.

What we request, though, is an extension for this Draft EIR. To put it out Thanksgiving and then ask for something by the end of the year, it's a busy time for a lot of people. So two weeks, we're respectfully hoping, is reasonable.

My name is Colleen Ryan, and I appreciate this opportunity to be heard. I hope that you'll hear our concerns and that they'll resonate with you, with this commission.

We support the housing, as I've said. We welcome the change. We're concerned, though, the amount of retail, the developer making the profits. And also I know, having been here last year, that I think there are people at this event to speak who are being paid, who are not part of the neighborhood, and whose only skin in the game is to create certain -- I don't even know the word.

As mentioned today during Agenda Item 9, one of the goals of the city staff was to keep what makes a neighborhood special. And,
frankly, our neighborhood is special. We feel that this site is very iconic. I walk my dog there. My kids have played on the lawn. My mom runs around there and loves the views, and just walking around and greeting her neighbors. So we really hope that that sense of community and neighborhood specialness can be kept.

We appreciate your time and look forward to hopefully the community preservation idea going through since it keeps the housing, drops the retail, and lessens the impacts of seven to 15 years of construction. Thank you for your time.

PRESIDENT HILLIS: Thank you. Next speaker, please.

SECRETARY IONIN: I would like to take this opportunity to remind members of the public that this is the Draft Environmental Impact Report and we are here to review the -- accept comments on the adequacy and accuracy of that document, not the project itself.

MS. RANDERIA: I am Perviz Randeria and I also want to strongly urge that you, as a commission, to grant the 15-day extension for the Draft Environmental Report because it is quite complex and it's a lengthy document.

I also fully support the community full preservation residential alternative for 3333 California Street.
because it takes into consideration the need for housing more than anything related to retail space, and also that it preserves the historic significance and characteristics of the neighborhood. Thank you.

   PRESIDENT HILLIS: Thank you. Next speaker, please.

   SPEAKER: Hello. Thank you for giving us the opportunity to talk to you. I also live in the neighborhood, like a lot of the people here, and I support increasing housing in San Francisco very much.

   The only thing that I do not want is more retail, because we have a lot of it on Sacramento, Masonic, Geary. People can just walk to that. Right now as I was coming to city hall there was already congestion on Euclid with ten cars trying to get through to Laurel and Euclid intersection. And this was at noon. Can you imagine what it's going to be like when you increase retail and more apartments there?

   I strongly urge the planning commission to grant us a 15-day extension due to the complexity of the document, and hopefully we will grant that. Thank you very much.

   PRESIDENT HILLIS: Thank you. Next speaker, please.

   SPEAKER: Thank you, commissioners. Good
afternoon. I really appreciate your time and listening
to us on 3333 California Street. I have four points
I'll make in just quick succession here.

I am a 40-year resident of Laurel Heights, very
near the project. I also want to strongly encourage the
commission to grant a 15-day extension for this DEIR
review. It is a lengthy and complex document, and
ending it right in the middle of the holidays is
difficult for everyone.

Number two, I fully support the community full
preservation residential alternative for this site,
unlike the speaker three or four before me who is
constantly here at these hearings, suggesting that we're
all NIMBYs; that is just not the case.

Like one of my neighbors, I was involved in the
Lucky Penny project a year ago, and it was really due to
that developer listening to the neighbors that we got
that through. And 95 units are now going up. I'm happy
to report, as I walked by the site just a day or so ago,
that construction has begun a year later for that.

And what disturbs me, and it was said again by
the developer earlier this afternoon, that they've had
some 140 meetings from some kind of count they keep with
the neighborhood. That has just not been our experience,
for many people.
In fact, it's just the opposite. I don't believe the developers have engaged with the neighborhood in a meaningful way to come to agreement and not delay this housing we so desperately need.

We are in support of the same amount of 550 -- 552, is it -- 558 units or the 744 alternatives. We want that to happen. And it can happen in the three years instead of perhaps a lengthy delay of seven to 10 years to get this done. So I appreciate your time and consideration.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. JOHNSON: Hi, my name is Chris Johnson. And I'd first like to say I support what my neighbor just said entirely. And I won't take the time to repeat what he just said, but I would like to ask for the commission to grant an extension for the comments on the DEIR. I'm a homeowner, along with my husband, in Jordan Park, and it is a humongous project with lots of legs and things to study and I would appreciate additional time. Thank you.

PRESIDENT HILLIS: Thank you.

MS. THOMSON: Hi, and thank you. I'm Joanna Thomson. I'm also a resident of the neighborhood that will be, hopefully, positively impacted by the addition
of housing. My family and I live within blocks, and I've lived in the neighborhood for almost 20 years.

I would really appreciate an extension. Having book-ended the time period between Thanksgiving and the Christmas holiday, it is a very complicated, complex document, and we have tried to read it and need more time to make comments. We hope that you will grant that. Not withstanding anybody's personal preference about holidays, it's a busy time of year, and it would be great to have more time.

I also want to echo what a couple of other speakers have indicated, which is that, as a proud homeowner in this neighborhood, we are desperate for more housing, for all different income housing. We would love for friends and people from across the city to join us in this neighborhood; we just would like to see it done in a way that benefits the neighborhood.

We listened closely today to the Mission, outer Mission and Excelsior conversations about how important it is to be able to maintain some character that draws and keeps people there. And at the moment, we are concerned about the small business owners that will absolutely get pushed out.

After a multi-decade career in sales marketing and business development, myself, I
want to applaud the Prado Group for their excellent presentation, but I don't think that augmenting what the small business owners are doing is actually an accurate depiction.

We do hope that you will give us a couple of more weeks, and we really look forward to coming to closure and bringing more housing in. Thank you.

PRESIDENT HILLIS: Thank you, Ms. Thompson. Next speaker, please.

MS. DEVINCENZI: Please.

PRESIDENT HILLIS: Overhead, please. All right. There it is.

MS. DEVINCENZI: President Hillis and commissioners, I'm Kathy Devincenzi, President of the Laurel Heights Improvement Association. This commission, as the decision-maker that's responsible for preparing and certifying the EIR, is authorized to grant a 60-day comment period to January 7th, but the department has only given a 45-day period. And you don't need special circumstances for a 60-day. 45 is the minimum required because this had to go to the state clearinghouse as an area-wide significance project with over 500 housing units. So they only gave us the minimum.

And it's not fair to the public to release a
Draft EIR on a 10-acre project with a seven to 15-year construction period during this time of the year, especially in view of the community opposition to the developer's concept. Over 800 residents have signed a petition against his concept but supporting the housing component.

So we've worked successfully with the Lucky Penny and the CPMC, and we had a role there. But despite all the meetings with this developer, when we asked him in the supervisor's office what the project was before he went public with it, he said, "This is not a negotiation." And the community is supposed to have a role in planning when there is a major rezoning asked for.

Now, the EIR admits that the project would have a significant impact on the historical resource by destroying most of the landscaping, half of the building, and cutting a hole in it. It would also have a significant construction noise impact that's unmitigable and significant traffic impact which they say they'd mitigate by cutting the retail parking. We think that is bogus.

I attended all of the public meetings, and UC and the developer concealed the historic significance of the site from the public. Our association nominated...
it as soon as we learned, and it's now listed on the California Register. Last week the San Francisco Historic Commission expressed strong support for the resource, and also wanted to know more about our alternative.

The Fireman's Fund corporate headquarters and landscaping and building are an integrated composition that was designed to complement each other and promote the seamless integration between indoor and outdoor spaces. No employee was to be more than 40 feet from a window.

Our community preservation alternative is better because it would have the same number of housing units and it would preserve the landscaping, the 115-foot cypress tree that's a holdover from the cemetery. And we ask that it be evaluated in the same degree of detail as the other alternatives in the EIR. Alternative C, their preservation alternative, has 26 less housing units and it's unreasonably configured to have less.

So we hope for the extension. And I have a handout.

PRESIDENT HILLIS: All right. Thank you very much. Next speaker, please.

MS. GALBRECHT: My name is Holly Galbrecht. I
live one block from 3333 California, on Presidio Avenue. I would like to request a 15-day extension. And I fully support the community full preservation alternative, and I support everything the last speaker, that Kathy said.

Thank you.


MS. HILLSON: Hi. I'm just waiting for a reset.


MS. HILLSON: Good afternoon, commissioners. In regards to the adequacy, completeness and accuracy of the DEIR, getting back to the subject of the matter -- however, I do have to throw this line in: I urge that the 12-24 DEIR deadline be extended 15 days.

I would like the overhead, please. As you can see from -- thank you so much to the planning department for providing this picture. It is the site of the existing property. Over four decades ago, the Chronicle described the site as having "pleasant green lawns and plantings that enhance the handsome low lines of the simple building designed by Edward B. Paige," unquote.

The DEIR does not mention that the cultural
resource of remnant large mature trees from Laurel Hill Cemetery that were incorporated into the Fireman's Fund building site as historic character-defining features are work horses in mitigating greenhouse gas emissions. Planting small trees over a span of 15 years, as if that would provide equivalent or reduced greenhouse gases from thousands of vehicle miles traveled associated with the new retail uses to negatively impact everyone's health is very concerning.

As you can see from this diagram, you'll see Masonic Avenue here and Pine Street from downtown. Three lanes one way will be heading pretty quickly up that hill towards Euclid Avenue. There's already a lot of vehicles that go through there, and I don't think this has been adequately studied along what I just said.

Historically, the site was designed to have commercial on California only. I have some records from Chronicle. The Jordan Park Improvement Association Board opposes the retail on the Euclid side. I would submit this less than 150-word summary according to Sunshine 67.16 for the minutes. Thank you so much.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. ROBERSON: Hello. I'm Kelly Roberson and I strongly urge the commission to grant a 15-day extension...
of the due date for comments on the DEIR. It's a lengthy document, and we need some time to process it.

I specifically wanted to speak to the point of construction duration. Fifteen years, seven years, seems crazy to me. So I did a few things. I just looked up a few other buildings that had similar unit counts.

This is the NEMA Building. It's at 10th and Market. It has 754 units. Construction started in November 2011 and completed in March 2014. So that's less than three years.

The two towers at Rincon near the Embarcadero were 709 units, started in July 2012, finished August 2014. Less than three years.

The Paramount Building, Mission and 3rd, 495 units, started in 2002 -- sorry, started in 2000, completed in 2002. That's less than three years. All of these projects, soup to nuts, done. Obviously, we have very competent construction companies in San Francisco; I'm sure they can manage it.

Okay. So, in addition, most people in our neighborhood would very much like to maintain the height limits in the existing zoning. There's a 40-foot height limit, and in the neighborhood full preservation alternative, these height limits would be maintained. That avoids significant shadowing at sunrise and sunset.
on the east and the west sides of the site because the existing residences, apartments, neighborhoods, houses, will be affected by shadowing at the extreme ends and beginning of the day.

The Victorian character of our neighborhood should be maintained. And we prize it small scale residential qualities, but, you know, we can embrace new housing too. I think we can all work together.

If the proposed retail component is added, we're subjected to many additional car trips resulting in additional traffic congestion on already narrow streets. This is kind of problematic. And our neighborhood already has one large residential -- or one retail shopping center at Geary and Masonic. And the Target store, I think, really has our big-box needs, retail needs, covered.

So thank you for your time. I appreciate it. I hope you have a good afternoon.

PRESIDENT HILLIS: All right. Thank you, Ms. Roberson. Next speaker, please.

MS. THOMAS: Good afternoon. My name is M.J. Thomas. I have lived in San Francisco all my life, except for ten years. I have lived within half a mile to a mile and-a-half the entire time during that period. Right now it's closer to less than half a mile.
I strongly urge the planning commission to grant a 15-day extension for the DEIR. I am in favor of retaining zoning as residential only. That was the intention originally by the gentleman who developed Laurel Heights as well as Antivista Heights. He was going to develop this area; unfortunately, he died before that happened.

I am not in favor of seven to 15 years of ongoing construction, 50,000 square feet of commercial space, 50,000 square feet of retail, and carving under much of the hill for a three to four-story garage with exits onto Presidio and California, which is already a 3-ring circus, or out towards -- on Laurel, which is opposite one of two exits of the Laurel Village parking lot.

I am against chopping the building in half. And this building is part of the California historic site. And I am -- the plan was to raise the sections, the other two sections, by two or three stories, so I do not concur with that.

The present plans are ludicrous and, to my mind, will be San Francisco's great urban real estate tragedy of the 21st century. Please consider the same alternative plan.

Also, to point out, we're going to have a lot
of action in that particular neighborhood because two
blocks away in 2019 Children's Hospital will be torn
down and there will be 307 units developed there. So
that's something to consider, that we are not without
new housing. Thank you.

PRESIDENT HILLIS: Thank you, Ms. Thomas. Next
speaker, please.

MS. DOLAN: Hello. My name is Sonya Dolan, and
I strongly urge the planning commission to grant a
15-day extension to the due date for the comments on
this DEIR.

In addition, I'd like to say that the community
full preservation alternative will protect the retail in
Laurel Village and on Sacramento Street where I live.
More retail is unneeded, unwanted, and will compete
directly with the small businesses already in place.

The addition of a large retail area will add an
immense amount of traffic and congestion. Both
California and Pine and Masonic Streets are used to get
across the city. The proposed project would put a huge
snarl into these thoroughfares. That's not to mention
noise, light, and air pollution it will add to the very
lengthy construction period and after.

If you have not visited the area, it is truly a
neighborhood in the traditional sense, and the proposed
construction would destroy that aspect. My husband and I have lived across from the proposed site -- we can see it from our window -- for eight years, and we fully support the community full preservation residential alternative for 3333 California. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. KWOK: Good afternoon, my name is Tina Kwok. I live in Laurel Heights, and I strongly urge the planning commission to please grant the 15-day extension for the due date of the comments of the DEIR. It is a lengthy, complex document and we're in full force into the holidays. Thank you.

I support additional housing and the Laurel Heights community alternative plan for the development of 3333 California Street, a 10-acre site. It projects a three-year plan build-out rather than the seven to 15 year planned construction time. One can imagine the noise, traffic, congestion, dirt, pollution in the air and on the ground that this would make the neighborhood go through.

Millions of tons of dirt to be excavated. The construction takes almost half of a generation, assuming the 15-year build-out proposal. If you have a toddler in your household, similar to the gentleman earlier here...
who was supporting the site, this toddler will be in college by the end of this project.

And San Francisco needs housing right now, not to wait for 15 years. San Francisco has a need for housing now. Please consider that. I'm sure that people don't want to wait that long.

The construction period also brings congestion and chaos to the major commute route which is California Street, Pine Street, Bush, Euclid, to and from the Richmond area, not just for the Laurel Heights, Jordan Park, Presidio Heights area.

The segment of Euclid Avenue on this site that is planned for retail is hilly and windy, and, you know, I'm sure you've driven past it. People with dogs have walked past it. And in my personal opinion, it's not conducive to a leisurely casual, strolling shopping afternoon.

I support the preservation of this site for significant historical architectural reasons as well as preservation of the 180-plus rare species of trees.

My husband and I call the houses on this 500 block of Laurel Street across from the site "The mid-century ladies," fondly, just as others fondly refer to "The painted ladies" on Alamo -- across from Alamo Park.
I urge the commission to, again, please consider the time extension. Thank you very much.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. GLICK: Good afternoon, Commissioners. My name is Linda Glick. I'm a resident --

PRESIDENT HILLIS: Just pull the mic over to you so we can hear.

MS. GLICK: I'm a resident of San Francisco for 49 years and a resident of Laurel Heights for the past 15 years. Before I begin, I, too, urge you to consider a 15-day extension of the due date for comments of this DEIR due to its length and complexity.

Today I'd like to explain the history of the restrictions placed on the site by the planning commission and the community use of green space as a park. The same developer who built Laurel Heights residential tract in Antivista, was going to build a residential tract on this site, but he died. The school district acquired the property for a possible site for Laurel High School, but decided to locate that elsewhere and sell the site. The district could get 50 percent more money from the sale of it if it could rezone it from first residential to commercial.

The district went through its first attempt at
rezoning due to community opposition, as can be seen here. Finally, a deal was struck with the community that resulted in restrictions stated in Resolution 4109 that include 100-foot landscape setbacks along Laurel and Euclid Streets and a ban on retail uses of this site.

Under Planning Code Section 174, such stipulations as to character of improvements become provisions of the planning code and can only be changed by the board of supervisors. The EIR identifies the concrete pergola atop a terrace planting feature facing Laurel Street as a character-defining resource -- defining feature of the resource. The EIR explains that it's characteristic of mid-century modern design. The use of patios, pergolas, and interior courtyards created a welcoming transition area where the inside and outside merged.

Through the years, the community has used the green landscape spaces for recreational purposes, and a lawyer has stated that the public has acquired permanent recreational rights on the green spaces.

There's a lot of talk about preserving neighborhood character. Laurel Hill has always been a place where neighbors gather, children learn sports from their parents, and a community is formed. These community bonds will not be formed along meandering concrete
I and the entire community strongly support our full preservation alternative that protects these cherished historic features of this important and iconic site. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. SEGLUND: Hi. My name is Debra Seglund. I'm a -- I live about one block from the new proposed site. And I, like everyone else, would strongly urge the planning commission to grant a 15-day extension of the due date for comments on the Draft EIR. It is a lengthy and complex document.

My concern environmentally has been regarding traffic. I would like to ask that retail and the office sections of the plan be eliminated. The traffic estimates by our neighborhood group has said that there will be 12 to 15,000 visits in our neighborhood to use those services a day. And, to me, 12 to 15,000 sounds enormous.

And living already in that area, we already have a lot of traffic problems and parking problems, and I just can't envision more retail and office use. So -- and in regard to retail, we have the Laurel Village. We have so much. There's not a service that we don't have.
There's not a restaurant or anything of that type that we need. It's all in our neighborhood. So I can't -- I think we'll have open areas. Already Mayor Breed is trying to help in our city people finding ways to use brick and mortar places because they're not being utilized, so would we add more square footage to that problem?

So, anyway, I do support our neighborhood alternative plan, and I hope you will consider removing the retail and office areas. Thank you.


MS. HARVEY: Good afternoon. My name is Ann Harvey. My senior citizen husband and I have lived in San Francisco since 1976 both as renters and homeowners. Our two sons were born here, raised here, grade school, primary school, high school, on to college and grad school. They're both young professionals. They both want to live in the city and have their homes here. We've had -- our home's multi-generational too, was taking care of my parents, and we also take in students.

We were very excited to hear that this property was going to be developed. I know intimately I don't
live right near there; I live down the way in Cow Hollow right now. But we've lived in the Western addition; we've lived on Lake Street. I'm totally familiar with this area, and I think there's real opportunity here where we can plan something nice and wonderful for the city.

What I'm seeing proposed is, frankly, awful.

One son's a physician, one's an economist. They want to raise their families here. They want -- they're upset about prices in the city and they want a place where they can raise their family. We always thought about moving out of the city for a while, but we stayed here. We raised our family here. They went to nursery school. They could walk home, and they were safe.

And when I'm seeing what's being proposed here, I'm sick. And I listened to what Mr. Safier said about not being walkable. I walk that area all the time. I'm 70 years old and I walk up that hill and down the hill. I walk home.

What was I going to say? I support the extension to, if you want, written comments. It's worth the time to be able to digest the draft -- Draft EIR, whatever it is. Anyways, people talk about architecture. Well, this is not just buildings, it's landscape, one ball of what's together.

And I thought -- I don't know who designed this
thing, but they should -- I was here when the preservation
commission was considering this project and what about
the history and the landscape, and I thought Mr. Pearlman
really listened closely to what was going on. And they
need real help and designs, what really works. And take
into consideration some of this stuff about walkability.
Maybe they should consult with him. Thank you very
much.

PRESIDENT HILLIS: All right, thank you, Ms.
Harvey. Next speaker, please. And I've called all the
names I have with cards, so if others would like to
speak, please line up on the screen side of the room.
Welcome.

MS. MOULLER: Hi. I'm Arielle Mouller. I live
On Euclid, and I'm really much in support of more housing
as much and fast as possible. So I'm here in support of
the Prado Project.

That said, I had never heard of the community
project before. I don't know if it's in the
documentation, and I'm sorry if I missed it in the EIR.

If that's the fastest way to build, sure, I
would be very much in support of the community program.
I don't know if they have secured a developer yet, and
I know it's really hard to secure one without retail
attached to the project, but if that's the case, that
might be a faster way. Otherwise, if that's not possible, the fastest way may be to accept retail on site.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MR. CATALANO: Could we possibly get that activated?

PRESIDENT HILLIS: Yeah, it will come up. Go ahead. Just start speaking.

MR. CATALANO: Hi. My name is Joe Catalano. I live at 3320 California Street, directly across the street from the project's proposed retail. My wife and I represent a group of 40 homeowners and residents who live on that block between Laurel and Walnut, on California Street.

The Draft EIR fails completely to recognize the impact of this project on our group. The developer has been attentive to our interests. We have met with him on several occasions. They have listened to us. Now is the time for the developer, the commission, the department, and the city to recognize the specific and unaddressed impacts that this project, in its current form, will have on our neighborhood.

We are 40 residents. In addition, there are 11 other neighborhood occupants whose garages enter by
backing into California Street between Laurel and Walnut. Right now, that's a hazardous proposition with the construction proposed, with the development proposed. It will become basically untenable. The Draft EIR does not address this. It obviously, then, can't mitigate something it hasn't addressed.

The proposed intrusion of a lane for construction purposes on California between Laurel and Walnut will constitute a taking of available parking currently, which would last for years. The proposed imposition of a commercial loading zone on the street side of California Street, rather than putting construction staging and construction loading and commercial loading within the confines of the project is unacceptable, an intrusion, and taking of existing property interests.

The Draft EIR does not address, nor does it adequately mitigate because it doesn't address, the effect of taking the streetscape away and taking the view you see in the overhead and putting it behind the project's walls. The requested zoning between California and Laurel to 45 feet instead of the currently permitted 40 feet is an unacceptable denial of light and air and will create shading on the residents who share our perspective.
So I want to join those who have asked to get an additional 15 days, not just for the reasons stated, but also to continue the dialogue that has existed with supervisor Stefani and with the developers.

PRESIDENT HILLIS: Thank you very much. Next speaker, please.

MR. MUNNICH: I'm just using your handout. Thank you.

My name is Ed Munnich. I don't live in the neighborhood. I live in the Richmond at 568 Balboa. And we very much wanted to live in this neighborhood. My wife was working at Mt. Zion Hospital -- or Mt. Zion campus of UCSF at the time. I work at USF. We don't own a car. We walk and use transit. And this was an area, as many of the neighbors have pointed out, where there were a lot of -- all the stores we needed were within walking distance. There was transit available. And what was really frustrating was that, even with a physician and a professor's salary, we weren't able to afford to live in that area.

What I understand of the EIR, I think it's a very thorough process. There's been much public comment on the EIR, and I would just like to say we really need this housing. We live in the Richmond because we couldn't afford this area. And I hear the neighbors
talking about how much they love their community. But, honestly, when I look at this picture, this campus doesn't look anything like the community around it. When I walk by there, there's a street grid everywhere around it except here.

This was a mid-century architectural development in the same way that -- the mid-century they were planning to put freeways through Golden Gate Park. Thankfully, our city didn't take that direction.

And I really hope that you consider the overall effects on the city. And I would just assure the neighbors from the neighborhood -- you're probably pissed off at me for saying what I'm saying; I don't live in your neighborhood. But when it's time to build in the Richmond, especially on the Geary, Balboa and Fulton corridors, I'll be here speaking for those projects as well.

And I understand the environmental impacts of the noise, and we're all going to have to do that, because I'm committed to the people of San Francisco. I'm committed to the people who made this city what it is, the creative people, the people who are being displaced from their housing. And the environmental impact that this is not having -- it's not displacing anyone. There's no housing being lost to build this.
There's no rent controlled or affordable housing being taken out to build this, unlike many projects around the city.

So I would just urge you, please, to move forward on this. If you do give extra time for comment, I'd like to hear specific concerns with the EIR. I haven't heard that many today, except that we're all going to have to deal with some construction noise if we want the city to be the vibrant city that it is. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MS. MASSENBERG: Good afternoon, commissioners and staff. I'm Maryann Massenberg. And I have lived a hundred feet from the proposed site for -- since 1972. We've lived in one of the small houses that was on the outskirts of the city cemetery when this was the cemetery site. And the row of houses on Laurel were actually built for low-income cemetery workers, just to give you a little historical perspective.

I'm going to address the EIR in a moment, but I also want to remind us that we absolutely need more housing; we're in support of more housing. But we need and need to stress affordable housing. We don't need more housing for rich people. So we very much are looking forward to hearing from the development group.
about affordable housing.

Turning now to the EIR, I share the concerns about the construction noise, the air pollution and the duration of the construction of the currently proposed project. I have concerns, too, about the open space, but mostly I want to address parking and the parking deficit and traffic congestion we already have in the neighborhood.

Having lived in the neighborhood for 46 years, we've seen increasing congestion, even those of us with residential parking permits. Many of these homes were built before any parking requirements were made by the city, so many of them don't have garages or garages large enough, so most of us are looking for parking all the time on the street. And it requires — over all these years, it requires many trips around many blocks. And often times we end up parking, even at night, three or four blocks away and then walking home from there.

If you go through the neighborhood, you see many people and homeowners and renters illegally parking across the sidewalk, for which we often are ticketed, and that's simply because we can't find parking. So we already have a significant parking problem.

And the EIR has a section which talks about a study in New York and New Jersey that proposes the
premise that if you have fewer parking spaces and fewer
garages, than people will have fewer cars and drive
less. In the development of the neighborhood, the
neighborhood has been built out over the last several
years. There used to be lots of vacant lots.

There's been significant additional buildings
on California Street across from the proposed site.
That did not, in my experience, reduce the number of cars;
it's only increased the congestion.

So I would ask you to consider, in the EIR, looking
more closely at the number of parking spaces proposed. If
there are that many housing units, we need more parking.
I don't think it really bears out that there have been
fewer cars, because we have fewer garages. And, you know,
with all due respect, we choose to live in San Francisco,
not in New York City. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please.

MR. SMITH: Good afternoon, commissioners.

Cory Smith, on behalf of the San Francisco Housing
Action Coalition. We have not formally reviewed this
project yet, so we do not have a position. I do look
forward to diving into the details when we have that
opportunity ahead of the next hearing.

So speaking more generally, there are a couple
of alternatives there. We will encourage to you, we will encourage the project team as well, to maximize the amount of housing on this. We're talking about 744 total new homes for San Francisco families, for San Francisco young folks, people like me. And I think that's a really exciting opportunity.

This is kind of nestled between Sacramento and California, but we're also a couple blocks away from Geary Boulevard. For people like me who are going to continuously advocate for a Muni expansion, either below ground -- I'm a big fan of the 15 feet above ground. It's a much easier and less expensive way to do light rail service across San Francisco. I realize we're not there yet, and it's really tough for a lot of people to kind of envision what that would look like.

I plan on riding that subway, that Muni line at some point in my life right now on Geary Boulevard. And this will literally be about a block and-a-half away, and folks will be able to get downtown, and it's all kind of part of the longer vision of everything that we're going for.

A comment, I guess, on retail use. I live down on Masonic towards the other end, towards the Haight Ashbury, so I'm actually at this corner all the time. For those of us that drive up north on Masonic and then
you're right down Bush, that is the quickest way to get downtown.

Everything happening around the area is really, really cool. The Lucky Penny has been mentioned a number of times. So this is -- yeah it's going to be a new neighborhood. It's going to be a new community. And for all of the shops and businesses along that area, there's also going to be customers. So all the small business owners are really going to benefit from the increased amount of traffic, foot traffic that's going to be coming up and down in the area and, again, spending money at these small businesses.

From the EIR itself and the environmental impact, it can't be stated enough that the number one threat to our planet right now is global warming, from a 30,000 foot big picture perspective. And if we don't build these 744 homes here, they are going to be built out in Modesto and Merced and Fresno, and those people are going to be commuting into the San Francisco Bay Area because this is a fantastic place to be, and that will end up putting more CO2 into the air. It will slowly, slowly, slowly continue to kill our planet, and that's what we're all trying to avoid.

We love the fact that all the neighbors are advocating for the streamline construction process. I
hope that that can also apply to the permitting and approval process. So I echo all of them, and make this go faster. Let's build this faster. I think that's commendable, because everybody does understand that we do need more homes for people to live in.

And, of course, to close, in reference to the Draft EIR itself, I ask you to look at it through the lens of the quality of the EIR and not the project itself, which we will have a hearing on in the future. Thank you.

PRESIDENT HILLIS: Thank you. Next speaker, please. And if there is anybody else that would like to speak, now is your time. Please line up on the screen side of the room.

MS. VARRONE: Yeah, hi. My name is Joan Varrone and I live directly across the street from the project at 3320 California Street, between Laurel and Walnut. And we are actually a residential neighborhood. I think no one has really acknowledged that, particularly when I read the Draft EIR and I look at what is being proposed.

We are 40 different residential units. We have over 100 people living directly across the street, including probably 30 children or more, and elderly. And if you are elderly, you will die before this project is finished. You "may" die. Sorry. Not you "will" die.
The proposed time frame of seven to 15 years, not only will have a negative impact on our neighborhood, the neighborhood with the 100 residents. Let's not forget about those people that are directly across the street. But everyone here has mentioned how unconscionable it is that this neighborhood will be held hostage to a seven to 15-year construction period when, in fact, many people have recognized here -- because I've been here during the whole time -- that this does not have to take that long, and that the residential alternative which we support could be done in far fewer years. In fact, people have talked about three years.

When we -- We've had many discussions with the developers, and we really appreciate that they have had those discussions. However, in those discussions when we asked how long will the development take, we were told two to three years, many times. So when I looked at the draft EIR, I almost dropped my teeth. Seven to 15 years, that is so unconscionable.

The other two things that are unique to our concerns that were not addressed in the EIR is the fact that the developers are proposing a commercial loading zone directly across the street from where these hundred people live and, all along, again, in discussions with the developer, they asserted that all commercial loading
I would be underground. Again, when we read the draft EIR, we were shocked to find that. And that loading zone would be there after the project is over. So this is not a temporary thing.

There was a mitigation suggested in the EIR which we think is not viable. They suggested, because of the traffic impact of commercial loading, that the loading happen before 7:00 a.m. and after 7:00 p.m. Well, if you're one of the hundred people that live across the street, that makes absolutely no sense. And I think what was ignored were the hundred-plus people across the street when you're considering a commercial loading zone.

PRESIDENT HILLIS: Thank you very much. Thank you. Next speaker, please.

MS. ALSCHEULER: Hi. Good afternoon. My name is Donna Alschueler and I also live in the neighborhood. I just missed this entire hearing up 'til now. I am very, very concerned that when the building is taken down, when the UC is cleared -- I'm extremely concerned about asbestos contamination. I do not know how that is going to be handled, but I just wanted to let you know. Thank you.

PRESIDENT HILLIS: All right. Thank you. Any additional public comment on this item? No? Okay.
Seeing none, we'll close public comment.

I just wanted to ask a clarifying question. On the 15 days, do we -- I mean, I would support extending this 15 days, but I don't think we have the authority to do it; I think only -- only you do. But we can encourage you to do it. Is that right, Ms. Gibson?

MS. GIBSON: President Hillis, I can answer that question. In fact, you do have the authority. The Chapter 31 of the Administrative Code allows for extension of the Draft EIR comment review period by either the environmental review officer or by the commission. And, you know, we've asked that that be by a vote for clarity.

And, if I may, I'd like to note that I did respond to a prior request for extension of this comment period for this Draft EIR, and I can explain the basis for my decision that, in fact, it wouldn't be warranted here. That's, again, my --

PRESIDENT HILLIS: Right. I agree. It doesn't seem like the most complex EIR. We've certainly seen projects that are a lot more complex in a lot more truncated time period. I think the holidays caused some concern. This project is going to take a while to get through the process. I don't think 15 days is going to -- is going to be a factor. So I would
support the extension, but I get your rationale and agree with it.

And then there was discussion of the community alternative. I think it was flashed quickly by Ms. Devincenzi, but I haven't seen anything. Do we have this alternative?

MS. GIBSON: According to staff who have been reviewing the comments that have come in, we don't recall receiving that yet. Of course, the comment period hasn't yet closed, so we hope that we will receive some more information about that.

PRESIDENT HILLIS: Okay. And, Ms. Devincenzi, do you have that? Do you want to submit that to us at this point? I mean, it would be great. It seems like a lot of people have seen it and have commented on it. It would be great to have it.

MS. DEVINCENZI: So we have a draft of it and we're going to submit it. We had asked that this be postponed to put our alternatives --

PRESIDENT HILLIS: I get it.

MS. DEVINCENZI: -- EIR and it wasn't done.

PRESIDENT HILLIS: Right. But if you have it --

MS. DEVINCENZI: -- submit it as comments.

PRESIDENT HILLIS: Okay. But it would be good to get it. It seems like a lot of people have seen it
and we haven't, staff hasn't, the developer hasn't --

MS. DEVINCENZI: I just put it out last night and I have to do a little more checking and there are legends that go with it.

PRESIDENT HILLIS: Okay.

MS. DEVINCENZI: We just have the drawing. There are legends how many housing units and things, so it's not finished yet. But we will get in there and --

PRESIDENT HILLIS: But there's a lot of support for it, so it seems like people are supporting it, but if nobody's seen it, I don't know how they're quite supporting it. But I get you.

MS. DEVINCENZI: We just got the drawings last night, sir. We're working as fast as we can.

PRESIDENT HILLIS: Okay. Thank you very much. So we'll open it up to comments on the DEIR.

Commissioner Moore.

COMMISSIONER MOORE: The document as constructed is accurate and well set up. It follows pretty much of what the department has done. I think it is thorough, except where it comes to process. And I will repeat what I have said in different circumstances. I think projects of this size have been recommended to be introduced to the public and to the commission in public hearings with soft presentations and introductions of
the project which, in this particular case, again, has not occurred.

I'd like to remind the commission and the public how smoothly 1 Oak, the Goodwill site, India Basin, Shipyard 2, Schlage Lock, Lucky Penny and CPMC ultimately were in these huge EIRs because they were properly introduced to this commission and to the public who were interested in a manner that let public dialogue, commissioners' feedback of questions shape alternatives in a manner that they are not as clashing sitting here as today's comments indicate.

While many of the comments are not necessarily in response to the customary questions that DEIR hearings require, it was quite obvious that the community has comments and concerns that should have been flushed out in meetings where the commission themselves would have participated in hearing them.

So, that said, thank you, President Hillis. I would definitely ask for a 15-day and support a 15-day extension, because it is only through today's presentation by the developer that more clarity was brought to what's intended than what the document, even after very careful and painful reading, allowed me to gather.

And I'm a pretty good reader and quite versed
in reading EIRs, and I'm quite versed in reading
drawings, many of which were missing in this document.
There were more elevations and sections than a proper
description about the project and its planning diagrams
and urban design intentions.

Moving on -- sounds like a negative comment --
I'd like to speak about process and encourage people in
the future with large projects to bring these projects as
they develop, because this is the most futile ground to
get what you ultimately need to go through the EIR and
the environmental process, which is complicated. This
department knows how to do that, except they can not fully
respond to the community's feelings that you so very much
brought to the table today.

Onward. I made a couple of notes here. When I
hear the concerns about the length of suggested
construction, project implementation, I would agree 17
years or whatever the accurate time frame is -- I heard a
different number, but all of them are excessively long.

The first thing I would ask is what is actually the
phasing of this project? I think it's one of the most
important projects -- most important questions, because
the cumulative impact over extended periods of time in
construction is more accentuated when it occurs over this
length of time, and a healthy phasing diagram would
clearly allow people to understand what the actual impacts 
are, relative to their own location near the project.

By the same token, I would be interested in 
seeing the EIR address cumulative impact on construction 
phasing and construction realization in the corridor, 
with the public mentioning that the large Children's 
Hospital's complex is being taken down in 2019. 
The demolition of that site and construction of a very 
large project on that particular site definitely has 
interactive cumulative effects together with what's 
intended here on the 3333 California Street site.

I would be interested in a further examination 
how below-grade parking which, from an environmental 
visual point of view, is desirable, increases 
proportionately the cost of construction. And I would 
like to see that mirrored against the expressed need 
that was affordability on this site.

The site already has particular issues which 
makes construction more complicated because it has 
significant topography which adds to construction costs. 
Adding completely below-grade parking will further 
accentuate that. I'd like the issue of affordability 
进一步 examined.

I support President Hillis' comment on 
a community preservation alternative. I would like that
to be visually added to the alternatives. I would like -- if at all possible, like to see that further evaluated. The seamless factor of the alternatives, as they're proposed, is a little bit disturbing to me because it is only about adding and subtracting pieces. There are not really any new ideas in the alternatives here, and this particular alternative may indeed add a completely different view on how the site is used and how the site lays itself out as a change in land use yet reflects adjoining community concerns -- for example, the location of retail, continued presence of office on the site, where retail is, et cetera, et cetera.

I believe that single-sided retail on, for example, the Euclid Street side -- on the Euclid Avenue side, is very questionable. The site itself is more or less a freeway. I'm sorry to use that word, but that's just what it is. And single-sided retail on very busy commercial corridors have a very small survival factor.

I see Commissioner Fong nod. And I like to use that empirical experience of where retail is strategically placed. That goes all around the site with a decline in retail corridors. Putting that much retail on all street frontages in this block is a question to me that I think creates a risk, a front end risk of retail of not succeeding.
So there should be a backup strategy, where we really want to support retail. Do we like to support retail intensification in Laurel shopping center, which is in front of this commission frequently? And do we expect more successful retail to be in the Sacramento and Presidio Avenue corridor? I'm just raising it as questions. I've spent quite a bit of time there. But the way at this moment the site is bordered in areas where it doesn't work, I would like the EIR to take a closer look at the realities of how we look at retail.

I spoke about cumulative construction effects for Children's Hospital. I spoke about support for the 15-day extension, adding the community preservation alternative, looking more closely at affordability relative to below-grade parking and affordability not being properly yet or clearly addressed in the document that's in front of us, and generally about process. But that is not as much a specific DEIR comment, but is an invitation for you to invite that as we move into the future and hear other EIRs. Thank you.

PRESIDENT HILLIS: All right. Commissioner Melgar.

COMMISSIONER MELGAR: Thank you. So to start off, I would also support the extension of the review
But I am wondering if that gives you enough time, 15 days, to incorporate perhaps another alternative which we haven't even seen. So I'm actually interested in that alternative. I mean, I remember you guys worked pretty fast when we had another alternative for that Christian Scientist, you know, Church project. So I -- I haven't heard anyone in the comments talk about the existing building's architectural aesthetics, but I actually really like that building. I've always really liked that building.

My dad was an engineer and he, you know, was partial to modern and house architecture, and it just reminds me of something that my dad would have worked on. So, I like the way the -- you know, it builds into the hill and the topography. And so I would be really interested to see what a preservation alternative looks like, if it actually works.

And just from an environmental point of view, reusing something is always more environmentally conscious than knocking it down and building it new. So I'd be interested in seeing that.

So does 15 days give you enough time to do that with people's holidays and stuff?

VOICE: Probably not.

MS. GIBSON: The extension of the public
comment period for the Draft EIR allows more time for
the public to comment. Following the close of that review
period, then the planning department will prepare a
Responses To Comments document, and the schedule for
that will depend, in part, on the nature and complexity
of the comments that we receive.

COMMISSIONER MELGAR: Okay.

MS. GIBSON: So we'll take whatever time we
need to adequately respond to the comments that the
public provides.

COMMISSIONER MELGAR: Awesome. Thank you.

There are some things about the proposed project that I
do like, you know. I know that we're commenting now on
the accuracy of the EIR and the adequacy. I do think
it's adequate and it's thorough.

For what it's worth, you know, you brought up a
point that I really hadn't thought about, Commissioner
Moore, which is where the retail is and, you know,
in terms of the traffic going in, too. So I will think
about that more.

I actually like having the retail. I
particularly like the child care component. I think
there is a very large shortage of child care in this
neighborhood. I spend a lot of time there because I
spend a lot of time at a JCC, and, you know, I can tell
you, those slots are very, very sought after.

So I think it's a good addition to the neighborhood. I would like to see some more flexibility about what type of retail goes in there. But I'm looking forward to having comments and having an extra period for those comments that come in.

PRESIDENT HILLIS: Commissioner Koppel.

COMMISSIONER KOPPEL: Yeah, thank you. We don't often see housing projects on or near the west side; we don't see a lot of housing projects in District 2. So it's just good that we're actually spreading out the housing, not just on the eastern side of the town.

I definitely think this is an opportunity site. I visited the site recently. Ten and a quarter acres is a pretty large chunk that we don't see very often. I've frequented the neighborhood often and I've always looked at this site as a dead zone. You just don't go in there. I mean, anywhere that's that large that's surrounded by a brick wall, I mean, halfway around the perimeter, I'm just -- I'm not a big fan of right there. That says to me, "Stay out; you're not welcome."

The site to me is cold, uninviting, inactive, it has no retail, and it's way too car-oriented.

This definitely has "opportunity site" written all over
it. I want to see as much done with this as possible. I do think the EIR, the Draft EIR, is fully adequate and accurate, and as far as I'm concerned, I want to make the most out of this site as possible. Thank you.

PRESIDENT HILLIS: Commissioner Richards.

COMMISSIONER RICHARDS: So I guess on the process, scoping document goes out, shows what the project sponsor's programming needs or programming desires are for the site, it has the layout and the map proposed. That's what we have here. And then the community should take a look at that and internalize that and say, "Here's our alternative plan," and maybe you would, at the time you did all this work, put that as, say a G or an H, or you change one of these alternatives. That's what the scoping process and scoping document is.

That all being said, it's a complex project, and I do support, as with Commissioner Moore and Commissioner Melgar, if there is a real viable alternative, I'd like to see it evaluated against the other alternatives.

The other thing is I think there is an inadequate alternative to the full preservation alternative. So I'd love to see, regardless of what it looks like, the project sponsor's programming needs in the full preservation alternative model. So would we
have to go eight stories? How do we get all this stuff squeezed into that site with the full preservation alternative? We always say a full preservation, we have office, then residential.

But what if we combined the two, B and C? What would that look like? Because we've got all these other alternatives that are different heights -- there's a lot of different variables, and it's hard to actually kind of compare them because you don't get the full programming one or the other; you get a partial, partial programming of that.

That all being said, since the landscape is an integral part of the I guess the historic nature of the site, as soon as you start putting anything on the landscaping, you've already degraded or defaced it, so there is no real full preservation alternative. I think the real full preservation alternative is no project alternative, right, because we just leave it like it is. So I'm struggling with that.

I do support the 15-day extension. I do -- I do understand from a circulation point of view where the department was going with reimagining the street grid as it is. We've had several projects that have come before us that actually we kind of put the street grid back, the power plant, Pier 70, there's projects in Selma,
and several in the Mission where you have that mid-block alleyway that actually connects the street grid. And I think that's a very desirable thing, but it does actually have a negative effect on the building.

You know, one of the other things for me is where else do we have these kind of office parks out there? So I used to work at HP on Deer Creek Road in Palo Alto --

PRESIDENT HILLIS: Walnut Creek.

COMMISSIONER RICHARDS: Walnut Creek, Palo Alto. So I'm kind of going -- I have to start weighing off. We do overriding considerations. What is -- are we destroying the last of its kind or are we actually really helping the city out and trying to keep some sense of what it used to be? I wouldn't call this facadism; it's a different kind of partial preservation or what this project has. But those are really my comments, mostly process-oriented.

PRESIDENT HILLIS: All right, thanks. Just on the -- I mean, one, on the EIR, I hope folks know the EIR is a tool for us and you to help evaluate this project. I think this EIR is one of the better ones we've seen. Any issue anybody brought up here is addressed in an alternative of the EIR. From no preservation to historic preservation, to partial historic preservation,
it really gives us the flexibility to do almost anything as a result of this. And it analyzes the impacts, and it's meant as a tool to tell us and you what these impacts are going to be. So I wouldn't get too hung up on the EIR. I know Ms. Devincenzi's an expert on it and she can guide you, but the EIR works. I mean, the EIR is complete.

I would say there's two areas, you know, I don't think we've quite looked at or analyzed. One is the level of kind of historic importance that this building is. You know, when we declare something historic, any building now becomes the painted ladies or the most important building downtown.

And although I agree with Commissioner Melgar, I think this building is interesting. It's a D-plus as far as historic goes. I mean, it is not -- it's kind of a -- I'm sorry to tell you. Go take a look at it. Go take a look at it.

Hey, you know, what, I didn't comment when you all spoke, Mr. Frisbie. I didn't comment when you spoke, right?

MR. FRISBIE: That's true.

PRESIDENT HILLIS: Yeah. I didn't comment when you spoke.
So it's actually a historic example of bad planning. It's like the Sears building on Geary and Masonic. It's like some of the redevelopment projects in the Safeway down the street on Geary. It's actually -- it's actually an example of bad planning in the suburbanization of San Francisco that happened in the 50s and 60s. It's not something I would necessarily salute or celebrate as an example of a great urban development. It's exactly the opposite.

The person who spoke about this being like the freeways, it is like that. It's part of our history we should almost forget. And we need housing. So it would be good to analyze kind of how this fits on that spectrum of historic.

I, for one, do not think it's an enormously significant historic resource. I think it's interesting, like the cemetery was that was there, but I'm not saying we should bring back that cemetery. If somebody came in today with a project that proposed this on Laurel Heights, it wouldn't get through the front door of the planning department. So, I encourage us to look at this.

There's also a no higher density alternative, and I actually think this site could take more density than what's being proposed. I get, judging by the response
today from neighbors, people aren't going to be too excited about higher density, but I think we're remiss, actually, in not looking at this site in a state density alternative. As the developer said, this site slopes down significantly and could take a state density bonus or more density. I think we're remiss not to look at a higher density alternative.

Just a couple of notes. So those are my comments on the project itself -- I mean on the EIR. On the project itself, I didn't encourage people to look at retail. This is not meant to mimic what's at Laurel Village, which tends to be more chain in bigger, fuller retail.

It's actually you've got this big disconnect from Laurel Village to California and Presidio where there is additional retail and it's spotty. I think this retail would be great and help connect that corridor to the higher transportation corridors of California and Presidios that are there. So I think I'm not quite getting the disconnect on the retail, but I heard it. I would encourage people to look at it.

Time frame wise, I'm sure the developer and the community are aligned. Nobody wants to sit around and wait for this project to happen. They invest a lot. The community wants it to happen. I think that the time
frame laid out in the EIR is kind of the longest level if we see, you know, a recession hit or something like that, but people want to see this happen.

And I'd say give concrete comments. I didn't hear many of them today on the project itself. We see tons of projects here much bigger than this. This is not an enormously dense project. I'd just say keep an open mind as you look at this project.

We desperately need this housing. As Commissioner Koppel said, there's almost no better site in the city for housing than this site. I get that this project in these areas around it, they act kind of as some open space to the neighborhood, but it's really limited to that Laurel and Euclid corner, which they are proposing open space. You walk around this site in the other areas, it's dominated by parking and private open space. It's not a welcome area. This project will knit this together.

I get there's nervousness about what this will do and the impacts, and it seems like a major construction project, but trust me, it's not. And we've seen this happen around the city. Not much here. I know the folks who live here haven't experienced it because we don't see it happen around this corridor too much, but it's a fairly modest project that meets the zoning.
It doesn't try to go too far. So give productive comments to that, because I think this is a great site for housing. Commissioner Richards.

COMMISSIONER RICHARDS: I just have one point of clarification. I support the PUD minus one density. I do not support the state density bonus one because we don't get anything for it. So the PUD one, you get your affordable units on all the units, which I think is a better community benefit. So I'm sure the developer would consider that.

PRESIDENT HILLIS: Okay, so you -- you want -- is everybody supportive of an extra 15 days on this? Okay. Is there any objection to it?

SECRETARY IONIN: Take a vote?

PRESIDENT HILLIS: Do you want a motion for it?

SECRETARY IONIN: It's cleaner if you make a motion.

PRESIDENT HILLIS: All right.

COMMISSIONER MELGAR: I'd like to make a motion that we extend the period for comments for this EIR by 15 more days.

COMMISSIONER RICHARDS: Second.

SECRETARY IONIN: Thank you, commissioners. If there's nothing further, there's a motion that has been seconded to extend the Draft EIR comment period by 15
days.

On that motion, Commissioner Fong?

MR. FONG: Aye.

SECRETARY IONIN: Commissioner Johnson. I'm sorry. Commissioner Koppel.

COMMISSIONER KOPPEL: No.

SECRETARY IONIN: Commissioner Moore.

COMMISSIONER MOORE: Aye.

SECRETARY IONIN: Commissioner Richards.

COMMISSIONER RICHARDS: Aye.

SECRETARY IONIN: Commissioner Melgar.

COMMISSIONER MELGAR: Aye.

SECRETARY IONIN: President Hillis.

PRESIDENT HILLIS: Aye.

SECRETARY IONIN: So moved, commissioners. That motion passes 5 to 1 with Commissioner Koppel voting against.

PRESIDENT HILLIS: All right. Commissioner Moore, do you have additional comments?

COMMISSIONER MOORE: Would you please give the date and the hour, including stating that the address remains the same?

SECRETARY IONIN: What does 15 days put us on? January 7th at 5:00 p.m.?

PRESIDENT HILLIS: Ms. Gibson?
MS. GIBSON: That would be January 8th.

PRESIDENT HILLIS: All right, January 8th, 5:00 p.m. You can submit them, written comments by then.

All right. Thank you very much.

(End of item.)
ATTACHMENT B

Draft EIR Comment Letters and E-mails
Agencies
December 11, 2018

Ms. Lisa Gibson
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson,

On December 5, 2018, the Historic Preservation Commission (HPC) held a public hearing in order for the commissioners to provide comments to the San Francisco Planning Department on the Draft Environmental Impact Report (DEIR) for the proposed 3333 California Street Project (2015-014028ENV). As noted at the hearing, public comment provided at the December 6, 2018 hearing, will not be responded to in the Responses to Comments document. After discussion, the HPC arrived at the comments below:

- The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource.
- The HPC expressed the importance of the historic resource as an integrated landscape and building.
- The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts.
- The HPC expressed interest in understanding more about a “neighborhood alternative” that was discussed by the public during public comment at the hearing.
- The HPC also supported combining some elements of the different alternatives in order to increase the amount of housing in the Full Preservation Alternative C. Commissioner Hyland specifically requested that Alternative C incorporate some elements from alternatives B and D such as increased building heights along California Street (up to 65 feet), the conversion of some areas of office or retail to residential use, and the incorporation of duplexes along Laurel Street.
The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

Andrew Wolfram, President
Historic Preservation Commission
November 29, 2018

Kei Zushi
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Also sent via e-mail: CPC.3333CaliforniaEIR@sfgov.org

Re: SCH# 2017092053, 3333 California Street Mixed-Use Project, City of San Francisco; San Francisco County, California

Dear Mr. Zuschi:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; the Environmental Setting and Impacts; and Appendix B (Initial Study) prepared by Environmental Science Associates for the San Francisco Planning Department. We have the following concerns:

1. While Tribal Cultural Resources are listed as a subsection under Cultural Resources, the subsection does not adequately address the questions of significance stipulated in the California Natural Resources Agency (2016) “Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,” [link to document] A separate section addressing these questions, and consultation outreach and responses, is preferred.

2. There is no documentation in the Initial Study or the DEIR of government-to-government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3714 if you have any questions.

Sincerely,

Gayle Totton, B.S., M.A., Ph.D
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse
ADDITIONAL INFORMATION:
The California Environmental Quality Act (CEQA), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for “tribal cultural resources,” that now includes “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: http://nahc.ca.gov/resources/forms/. Additional information regarding AB 52 can be found online at http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.pdf, entitled “Tribal Consultation Under AB 52: Requirements and Best Practices”.

Pertinent Statutory Information:

Under AB 52:
AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).” The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

a. Alternatives to the project.

b. Recommended mitigation measures.

c. Significant effects.

1. The following topics are discretionary topics of consultation:

a. Type of environmental review necessary.

b. Significance of the tribal cultural resources.

c. Significance of the project’s impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.

1 Pub. Resources Code § 21000 et seq.
2 Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)
3 Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
4 Government Code 65352.3
5 Pub. Resources Code § 21074
6 Pub. Resources Code § 21084.2
7 Pub. Resources Code § 21084.3 (a)
8 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.
9 Pub. Resources Code § 21080.3.1, subds. (d) and (e)
10 Pub. Resources Code § 21080.3.1 (b)
11 Pub. Resources Code § 21080.3.2 (a)
12 Pub. Resources Code § 21080.3.2 (a)
American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. 13

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- Whether the proposed project has a significant impact on an identified tribal cultural resource.
- Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. 14

Consultation with a tribe shall be considered concluded when either of the following occurs:

- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. 15

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. 16

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). 17

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. 18

This process should be documented in the Tribal Cultural Resources section of your environmental document.

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of “preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county’s jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption of a new plan proposal. Local governments should consult the Governor’s Office of Planning and Research’s “Tribal Consultation Guidelines,” which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a “Tribal Consultation List.” If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe. 19
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research, 20 the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city’s or county’s jurisdiction. 21
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

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13 Pub. Resources Code § 21082.3 (c)(1)
14 Pub. Resources Code § 21082.3 (b)
15 Pub. Resources Code § 21080.3.2 (b)
16 Pub. Resources Code § 21082.3 (a)
17 Pub. Resources Code § 21082.3 (e)
18 Pub. Resources Code § 21082.3 (d)
19 (Gov. Code § 65352.3 (a)(2)).
20 pursuant to Gov. Code section 65040.2,
21 (Gov. Code § 65352.3 (b)).
Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.22

NAHC Recommendations for Cultural Resources Assessments:

• Contact the NAHC for:
  o A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project’s APE.
  o A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    ▪ The request form can be found at http://nahc.ca.gov/resources/forms/.
  
• Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
  o If part or the entire APE has been previously surveyed for cultural resources.
  o If any known cultural resources have been already been recorded on or adjacent to the APE.
  o If the probability is low, moderate, or high that cultural resources are located in the APE.
  o If a survey is required to determine whether previously unrecorded cultural resources are present.

• If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  o The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  o The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:

• Avoidance and preservation of the resources in place, including, but not limited to:
  ▪ Planning and construction to avoid the resources and protect the cultural and natural context.
  ▪ Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  o Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    ▪ Protecting the cultural character and integrity of the resource.
    ▪ Protecting the traditional use of the resource.
    ▪ Protecting the confidentiality of the resource.
  o Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  o Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.23
  o Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.24

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

• Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.25 In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposal of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  o Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposal of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subsds. (d) and (e)) address the processes to be

22 (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).
23 (Civ. Code § 815.3 (c)).
25 per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).
followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.
December 26, 2018

Kei Zushi
City and County of San Francisco
1650 Mission St, 4th Floor
San Francisco, CA 94103

Subject: 3333 California Street Mixed-Use Project
SCH#: 2017092053

Dear Kei Zushi:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 24, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency
Overall, the proposed project would include 558 dwelling units within 824,691 gsf of residential floor area; 49,999 gsf of office floor area; 54,117 gsf of retail floor area; a 14,690 gsf child care center, and 236,000 sf of open areas. Parking would be provided in four below-grade parking garages and six individual, two-car, parking garages serving 12 of the 14 units in the Laurel Duplexes. New public pedestrian walkways are proposed through the site in a north-south direction between California Street and the intersection of Masonic and Euclid avenues approx along the line of Walnut St and in an east-west direction between Mayfair Dr and Presidio Ave. A variant that would replace the office space in the Walnut Building with 186 additional residential units, for a total of 744 dwelling units and no office space on the project site, is also being considered. The Walnut Building would be taller under this variant (from 45 ft under the proposed project to 67 ft).
November 29, 2018

Kei Zushi  
San Francisco Planning Department  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103

Also sent via e-mail: CPC.3333CaliforniaEIR@sfgov.org

Re: SCH# 2017092053, 3333 California Street Mixed-Use Project, City of San Francisco; San Francisco County, California

Dear Mr. Zushi:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report (DEIR) prepared for the project referenced above. The review included the Executive Summary; the Introduction and Project Description; the Environmental Setting and Impacts; and Appendix B (Initial Study) prepared by Environmental Science Associates for the San Francisco Planning Department. We have the following concerns:

1. While Tribal Cultural Resources are listed as a subsection under Cultural Resources, the subsection does not adequately address the questions of significance stipulated in the California Natural Resources Agency (2016) “Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form,” http://resources.ca.gov/cega/docs/ab52/Clean-final-AB-52-App-G-text-Submitted.pdf A separate section addressing these questions, and consultation outreach and responses, is preferred.

2. There is no documentation in the Initial Study or the DEIR of government-to-government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC’s recommendations for conducting cultural resources assessments is also attached.

Please contact me at gayle.totton@nahc.ca.gov or call (916) 373-3714 if you have any questions.

Sincerely,

Gayle Totton  
B.S., M.A., Ph.D  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse
ADDITIONAL INFORMATION:
The California Environmental Quality Act (CEQA)\(^1\), specifically Public Resources Code section 21064.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.\(^2\) If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.\(^3\) In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).\(^4\) AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for “tribal cultural resources”\(^5\), that now includes “a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”\(^6\) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.\(^7\) Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966\(^8\) may also apply.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: [http://nahc.ca.gov/resources/forms/](http://nahc.ca.gov/resources/forms/). Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_GalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_GalEPAPDF.pdf), entitled “Tribal Consultation Under AB 52: Requirements and Best Practices”.

Pertinent Statutory Information:

Under AB 52:

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice. A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project\(^9\) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. For purposes of AB 52, “consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)\(^10\).

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- Alternatives to the project.
- Recommended mitigation measures.
- Significant effects.\(^11\)

1. The following topics are discretionary topics of consultation:

- Type of environmental review necessary.
- Significance of the tribal cultural resources.
- Significance of the project’s impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.\(^12\)

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native

\(^1\) Pub. Resources Code § 21000 et seq.
\(^2\) Pub. Resources Code § 21064.1; Cal. Code Regs., tit.14, § 15064 5 (b); CEQA Guidelines Section 15064.5 (b)
\(^3\) Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)
\(^4\) Government Code 65352.3
\(^5\) Pub. Resources Code § 21074
\(^6\) Pub. Resources Code § 21084.2
\(^7\) Pub. Resources Code § 21084.3 (a)
\(^8\) 15 U.S.C. 300101, 30 C.F.R. § 800 et seq.
\(^9\) Pub. Resources Code § 21080.3.1, subds. (d) and (e)
\(^10\) Pub. Resources Code § 21080 3.1 (b)
\(^11\) Pub. Resources Code § 21080.3.2 (a)
\(^12\) Pub. Resources Code § 21080.3.2 (a)
American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.\(^\text{13}\)

If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

a. Whether the proposed project has a significant impact on an identified tribal cultural resource.

b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.\(^\text{14}\)

Consultation with a tribe shall be considered concluded when either of the following occurs:

a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or

b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.\(^\text{15}\)

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.\(^\text{16}\)

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b).\(^\text{17}\)

An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.

b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.

c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.\(^\text{18}\)

*This process should be documented in the Tribal Cultural Resources section of your environmental document.*

Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5097.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to local governments and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://wwwopr.ca.gov/docs/091409UGAdvisedGuidelines922.pdf](https://wwwopr.ca.gov/docs/091409UGAdvisedGuidelines922.pdf)
- Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.\(^\text{19}\)
- There is no Statutory Time Limit on Tribal Consultation under the law.
- Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research,\(^\text{20}\) the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.\(^\text{21}\)
- Conclusion Tribal Consultation: Consultation should be concluded at the point in which:
  o The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or

\(^{12}\) [Pub. Resources Code § 21082.3 (c)(1)]
\(^{14}\) [Pub. Resources Code § 21082.3 (b)
\(^{16}\) [Pub. Resources Code § 21080.3.2 (b)
\(^{16}\) [Pub. Resources Code § 21082.3 (a)
\(^{17}\) [Pub. Resources Code § 21082.3 (e)]
\(^{18}\) [Pub. Resources Code § 21082.3 (d)]
\(^{19}\) [Gov. Code § 65352.3 (a)(2)].
\(^{20}\) pursuant to Gov. Code section 65040.2.
\(^{21}\) [Gov. Code § 65352.3 (b)].
Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.\(^\text{22}\)

**NAHC Recommendations for Cultural Resources Assessments:**

- **Contact the NAHC for:**
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project’s APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.  
    - The request form can be found at [http://nahc.ca.gov/resources/forms/](http://nahc.ca.gov/resources/forms/).
- **Contact the appropriate regional California Historical Research Information System (CHRIS) Center** ([http://cph.ca.gov/?page_id=1003](http://cph.ca.gov/?page_id=1003)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.\(^\text{23}\)
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.\(^\text{24}\)

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.\(^\text{25}\) In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be

\(^{22}\) (Tribal Consultation Guidelines, Governor’s Office of Planning and Research (2005) at p. 18).

\(^{23}\) (Civ. Code § 815.3 (c)).

\(^{24}\) (Pub. Resources Code § 5097.991).

\(^{25}\) per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).
followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.
Organizations
California Street Homeowners Group  
c/o  
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Dec. 11, 2018  

Kei Zushi  
EIR Coordinator  
San Francisco Planning Department  
1650 Mission Street  
Suite 400  
San Francisco CA 4103  
Cpc.3333CaliforniaEIR@sfgov.org  

Re: Case No. 2015-014028ENV  

Dear Mr. Zushi;  

Please accept these comments from the California Street Homeowners Group to the Draft EIR for the 3333 California Street project proposed by Laurel Village Partners. We speak for the interests of our neighborhood, which is the block of California Street between Laurel and Walnut.  

Background  

For context, it is important to note that our constituency lives directly across the street from the Project’s proposed retail uses. Our street has no retail or commercial use. It is entirely residential except for the UCSF facility. Our neighborhood houses 40 families with more than 100 residents, including many children (30-40) and many elderly residents.  

California Street, between Laurel and Walnut, is 4 lanes plus parallel parking lanes, or two lanes with opposing bus stops (at Laurel). Along with the garages of our 40 families, the garages for an additional 11 families open to this block of California Street, and require (sometimes blind) backing onto the already congested street for exit.
While we agree with some of the comments provided by others, the most severe, proximate and prolonged adverse environmental impact from this Project falls uniquely and disproportionately on our neighborhood, and the EIR fails to address or provide adequate mitigation for them.

This gives rise to our comments. We trust you will give them your most careful consideration with our unique situation in mind.

DURATION OF CONSTRUCTION

Based on the construction plan reported in the Draft EIR, our neighborhood will bear an overwhelmingly disproportionate burden from the construction of this Project. We are concerned by the potential duration of the construction and the planned location of construction staging.

As described in the EIR, construction will continue for between seven (7) and fifteen (15) years. The elderly residents of our neighborhood could look forward to facing construction across their street for the remainder of their life expectancies.

For years, during this construction, the Developer seeks closure of an eastbound/parking lane of the street for its benefit. The loss of parking is a taking from our community. It means that there will a drastic reduction in available parking places for families, caregivers, etc., which will radically affect our chosen neighborhood.

Further, the readily foreseeable traffic snarls will deprive us of access to, and quiet enjoyment of our residences. This plan (and the staging plan described below) will diminish our ability to enjoy our homes and could adversely impact any residential sale process for an unnecessarily long time.

The Developer appears to be acting in its own self-interest. It seeks to prolong entitlements for use or sale to other developers; to time the market; and, to change product mix over time if more profit would result. It is attempting this by seeking permission for this extraordinarily prolonged construction period. If permitted, the Developer’s construction timetable will unjustly prolong the disproportionate environmental impact that the families in our neighborhood will endure.

As the immediate “neighbors” of this Project, this unfairly imposes the construction noise, dirt, disruption, personal risk and displacement on us for as many extra years. In fact, on numerous occasions, the Developer indicated they could build the complete project in three (3) years.

The most obvious way to mitigate this impact would be to require the Developer to complete construction within three years of commencement.
CONSTRUCTION STAGING

The Developer plans to stage three of the four phases of the entire Project directly across the street from our neighborhood, near the already challenged corner of California and Laurel. This is an unfair and incredible burden on our neighborhood.

This current plan would mean that even when direct construction is not happening in front of our homes, we would still uniquely bear the brunt of the construction noise by being exposed to the sound of construction trucks and machinery (back up beeping), and the non-residential aspect of having a truck parking lot at your front door for years.

This staging plan is the least impactful to the developer, but the most intrusive to us. The most obvious way to mitigate this impact would be to require the Develop to move its construction staging throughout the project during the construction and have no one adjacent neighborhood to the 10.5 acre site unduly carry the burden. This is only reasonable and fair.

RETAIL

Our neighborhood will be the only neighborhood (existing or new) facing the Project’s proposed retail. In addition to patrons, retail will add traffic to our already congested street, and add turbulence from passenger pick up and drop off. While the Draft EIR acknowledges this, it assesses the impact through a much wider lens than ours; and it does not address the unique and specific localized impact we will experience.

So, even though the Draft EIR acknowledges additional traffic; and the loading and unloading of passengers and freight, it does not recognize the added unspecified activity retail will create across the street from us. Nor does it assess the environmental impact of changing our streetscape from a walkway in front of open space to a 45-foot high wall the Developer seeks to build through a zoning change. The Developer’s plan has an unmitigated and severe environmental impact on our neighborhood. Our residential neighborhood zoning should not be changed to permit retail.

CALIFORNIA STREET COMMERCIAL LOADING ZONE

There is no more enduring or objectionable environmental impact from this Project than the creation of a commercial loading zone outside our doors.

The City (or the Developer) has proposed a 100-foot commercial loading zone instead of passenger loading or car parking on most of the parking lane on the eastbound side of our block.
In every meeting with the Developer over the past several years, the Developer asserted that the Project would require that all commercial loading would be underground, and advised that subterranean facilities for these purposes would be part of their Project. That assurance from the Developer relieved our concerns about the potential for commercial loading in front of our homes, so we were frankly shocked when the proposed Project description provided for commercial loading directly across the street from us.

There was originally no need to find measures to mitigate the significant and adverse environmental impact of commercial loading in front of our homes. The Developer has already proposed that all commercial loading would be underground. If the City has some rationale for a commercial loading zone on California Street, it should at least mitigate its impact by creating it across from the existing commercial uses between Walnut and Presidio, away from existing residences and the already problematic intersection of Laurel and California.

**INCREASED TRAFFIC HAZARDS**

Garages for more than 50 residences exit in reverse onto this block of California Street. Currently this is challenging and sometimes hazardous. When it is manageable, it is because the Walnut Street traffic coming on to California St when the California light is red is very light. Increased traffic coming from both directions on Walnut may make it impossible at times for the California Street neighbors to exit our buildings.

The Project’s inevitable additional congestion from long term construction; followed by retail traffic, perhaps with commercial loading, will significantly and adversely impact this already difficult circumstance.

The Draft EIR is fundamentally deficient in its failure to address this unique and significant environmental impact on our neighborhood, and of course, it necessarily fails to identify or require any mitigation of it by the Developer or the City’s traffic authorities.

**LOSS OF OPEN SPACE AND OBSTRUCTION OF HORIZON**

Our neighborhood will also lose the existing open space in front of our homes and the entire view of the horizon that many in our neighborhood enjoy. The Developer takes this open space from us and sequesters it inside the Project’s walls.

The open space we now enjoy is framed by 100 year old cypress trees, and our horizon extends more than a mile away. (See view below taken from 3320 California St.)

As the State Legislature noted in enacting the California Environmental Quality Act, it is the Policy of the state to: “...take all action necessary to provide the people of this state with clean...
air and water, enjoyment of aesthetic, natural, scenic, and historic environmental qualities, and freedom from excessive noise...” CEQA Section 21001.

Each of the above environmental impacts directly across from our front doors violates state policy, and any one of them would compel us to challenge the Draft EIR. Together, they threaten a significant loss of the peaceful enjoyment of our homes.

We have not included all our concerns, and we reserve the right to supplement our comments and responses.

We look forward to working with you and the Developer to eliminate, or significantly mitigate these impacts.

Thank you,

California Street Homeowners

Joseph J. Catalano and Joan M. Varrone

View of Project Site from 3320 California St.

CC: Catherine Stefani
    Dan Safier
    Dan Kingsley
    California Street Homeowners Group
January 8, 2019

San Francisco Planning Department
Attn: Zushi, EIR Coordinator
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Comments on Draft EIR (“DEIR) for 3333 California Street Project (“Project”); Case No. 2015-014028ENV

Dear Sirs:

The Jewish Community Center of San Francisco (JCCSF), located at 3200 California Street, has been working closely with the developer of 3333 California (Developer) and the City on the Project. Our comments below, in response to the DEIR, supplement those set forth in our attached 10/20/17 letter responding to the Project NOP and 6/8/18 letter responding to the Project Initial Study.

1. **Traffic/Pedestrian Safety Concerns.** Pages 4.C, 68-71. As previously noted in our other letters, we have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. We do not believe that the DEIR has fully described the existing traffic patterns around the JCCSF and, therefore, has not adequately analyzed the potential negative impact of the 7-15 years of Project construction traffic in the vicinity of our building on traffic and pedestrian safety in the vicinity of the JCCSF building. In particular, the DEIR’s description of the existing traffic patterns around the JCCSF should acknowledge the existing traffic issues and (resulting impact on pedestrian safety) in the vicinity of the JCCSF caused by afternoon westbound traffic (much higher than morning westbound traffic) intermingling with: (a) cars picking up and dropping JCCSF users in the JCCSF California Street white zone; (b) cars entering the JCCSF garage snaking back in a waiting
pattern along California; (c) cars leaving the JCCSF garage weaving into westbound traffic on California Street; and (d) cars leaving the preschool drive-through weaving into westbound traffic on California Street. All these factors are also affected by the slowdown in westbound traffic that occurs due to the dramatic decrease in visibility experienced by late afternoon westbound drivers as the sun hits their windshields causing glare. Additionally, the DEIR needs to account for the morning traffic patterns as preschool cars drop off children at the Walnut Street entrance with the line of waiting cars snaking back onto California Street in front of the JCCSF garage. We already have implemented many measures ourselves to address these issues including: (i) assignment of additional staff during peak times to manage loading zone backups; (ii) increased signage for parents re loading/ unloading; (iii) provision of a white zone on Walnut (east-side close to California) to allow the line of cars waiting to go through the drive-through to have a place to queue without blocking traffic; (iv) during camp season (which is a peak period of usage), staggering programs to shift pick up and drop off and adding cones to direct traffic; and (v) working with MTA to move the bus stop on Presidio back 20 feet from the California/Presidio intersection to improve visibility of pedestrians for other southbound vehicles. Nonetheless, we are very concerned that current situation could be made much worse by 7-15 years of construction traffic. As a result, while acknowledging that we are not traffic experts, we would request that the DEIR analyze potential mitigations such as: limiting construction traffic entering into the Walnut Street entrance to the Project site; installing longer lights for pedestrian crossings at California/Walnut and/or California/Presidio; constructing sidewalk bulb outs in the vicinity of the JCCSF; installing flashing pedestrian crossing signals, etc.; directing blue book regulations to be applied in a manner that limits the exacerbation of these problems. Even if the City believes that the construction traffic will not cause significant impacts pursuant to the DEIR standards of significance, we believe that it is in everyone’s best interests to implement every advance preventative action possible to enhance the safety of the thousands of young children and older adults who use this community center on a daily basis.

2. **Sensitive Receptor.** Page 4.D.12. We appreciate the fact that the DEIR identifies the JCCSF site as a sensitive receptor (in fact,
the JCCSF is identified as the closest sensitive receptor to the Project site). As a result of this designation, we believe it imperative that the City, through DEIR mitigations and application of blue book regulations, implement all feasible measures to decrease construction noise and dust on our users. In light of the potentially negative effect on our preschool and other programs of the 7-15 year construction period (e.g. page 4.D. 40 indicates a maximum increase of 9dBA over existing 67dBA for 82 months), we would hope that the City would design a mitigation measure that creates a collaborative process enabling the City, Developer and JCCSF to monitor the impact of the construction noise, dust and traffic on the JCCSF with the City retaining the ability to impose enhanced mitigation measures throughout the construction period, if warranted, depending on the actual on-the-ground experience of the JCCSF, as a sensitive receptor.

3. **Construction Vibration.** Pages 4.D.54-56. The DEIR concludes that the JCCSF is located too far from the Project construction site to experience construction vibration impacts to the JCCSF structure. We acknowledge that the San Francisco Fire Credit Union building is closer and is more at risk from vibrations from construction activities; however, we continue to be extremely worried about this issue especially given the presence of the underground garage and pool at the JCCSF. As a result, we request that the City amend the last sentence of the fourth bullet of Mitigation M-NO-2 to add the JCCSF to the list of entities which is alerted when vibration levels exceed the allowable threshold at the San Francisco Fire Credit Union building. In other words, if the San Francisco Fire Credit Union is the canary in the coal mine, then the JCCSF will want to know when something happens to the canary. Additionally, if damage is observed at the JCCSF, then similarly to the San Francisco Credit Union Building, we believe that excavation should cease and vibration control measures should be implemented. Thus, we would request that the phrase in the fifth bullet of Mitigation M-No-2 be amended to add the bolded language: i.e. “if damage to the SF Fire Credit Union building or the JCCSF building is observed...”

4. **Dewatering/Subsidence.** Page 2.99. When the JCCSF building was constructed, it was necessary to pump a significant amount of water to draw down the water table to perform construction. We assume
that the Project will face similar water tables issues. In fact, Page 2.99 indicates that groundwater or perched water could be encountered; however, the DEIR does not include any mitigation measures in the event of dewatering. We believe that the DEIR needs to include appropriate mitigation measures addressing potential subsidence in the event of dewatering.

We look forward to continuing to work collaboratively with the City and the Project developer, and remain excited about the increased housing density and the activation of the streetscape created by the Project. Thank you for taking these items into consideration.

Regards,

Craig Salgado
JCCSF Chief Operating Officer

Cc:
Marci Glazer, JCCSF CEO
Bob Fields, JCCSF Board Chair
Dan Safier, Prado
June 8, 2018

San Francisco Planning
Department, Attn: Julie Moore
1650 Mission Street, Suite 400
San Francisco, CA 94103

RE: Response to Initial Study ("IS") for 3333 California Street Project ("Project")

Dear Ms. Moore:

The Jewish Community Center of San Francisco (JCCSF), located at 3200 California Street, has been working closely with the developer of 3333 California and the City on this project. Our comments below, in response to the project Initial Study (IS), supplement those set forth in our attached 10/20/17 letter responding to the Project NOP. We believe that the EIR should contain specific construction mitigations designed to consider the following construction-related concerns, which we have developed in conjunction with Cahill Contractors, the contractor which built the JCCSF building:

1. **Construction Traffic, Staging and Safety** – We have 4500 daily users ranging from newborns in strollers to school children to frail older adults. Our only access point for pedestrians and cars is from California Street (except for preschool pick-up and drop-off which enters off Walnut Street but exits onto California Street.) Many of our users and employees routinely cross the California/Presidio and California/Walnut intersections to enter or exit our building. As a result, we are concerned about disruption to our facility caused by construction traffic on California Street and by California Street southside parking lane closures (IS pg.77) during the construction period. We request that the EIR study these considerations in an effort to minimize these impacts.

2. **Construction Dust and Hazardous Materials** – We are concerned about safety to our users and employees from exposure to dust and potentially hazardous materials during the construction process, especially given that many of them are sensitive receptors – e.g. young children and older adults (pgs. 144-145, Impacts AQ-2 and AQ-3). It is important that Best Management Practices are employed to minimize these potential hazards (especially given that winds pick up in the afternoon with fog).
3. **Construction Vibration and Noise** – The IS notes (pg. 142, Impact NO-3) that vibration is a potential issue for the SF Fire Credit Union. We are similarly concerned by construction related activity and request that the EIR consider potential impact to the JCCSF building – including our underground pool, parking and overall structure. Additionally, in light of the fact that we have approximately 170 preschoolers who use our outdoor play yard every day from 8:00 am – 3:00pm, we would like to make sure that the Impact NO-2 analysis considers construction noise impacts on these sensitive receptors.

4. **Dewatering/Subsidence** - When we built the JCCSF, we pumped a significant amount of water to draw down the water table to perform construction. Please study this issue to confirm if this issue will apply to this project and if so please study the impact on the JCCSF including potential settlement.

Additionally, please note that we continue to strongly support the inclusion of 60 on-site public parking spaces on the Project site given that the Project is causing not only the loss of current public parking on the site but also the loss of significant neighborhood street parking (i.e. conversion of 15 on-street parking spaces to loading zones and the loss of 36 on street parking spaces.)

We look forward to continuing to work collaboratively with the City and the Project developer, and remain excited about the increased housing density and the activation of the streetscape created by the Project. Thank you for taking these additional items into consideration.

Regards,

Craig Salgado  
JCCSF Chief Operating Officer

Cc:

Marci Glazer, JCCSF CEO  
Susan Lowenberg, JCCSF Board Chair  
Dan Safer, Prado
October 20, 2017

San Francisco Planning Department, Attn: Julie Moore
1650 Mission Street, Suite 400
San Francisco, CA  94103
Case # 2015-014028ENV

RE:  Response to Notice of Preparation ("NOP") for 3333 California Street Project ("Project")

Dear Ms. Moore,

I am writing on behalf of the Jewish Community Center of San Francisco (JCCSF) located at 3200 California Street in response to the Project NOP. As you consider the EIR scope, we request that you address the environmental issues described below that are of concern to the JCCSF. We have met on multiple occasions with Project representatives and found them to be very forthcoming in their desire to work with the JCCSF to address our concerns and find mitigation solutions. We are submitting these comments so that the Project can be the best it can be and because there are certain unique aspects of the JCCSF of which we want the city to be aware. We look forward to continued productive discussions with the city and the developer.

The JCCSF is a 501c3 organization which has been in existence for almost 140 years, providing social, cultural and physical programs that are open and welcoming to all, including, by way of example, after school programs, holiday programs, youth sports, arts enrichment and older adults exercise and music programs. Our rebuilt facility reopened in 2004 and serves approximately 4500 users every day who range in age from newborns in strollers to frail older adults. As a result, our primary concerns relate to safety – e.g., traffic, air quality, construction and noise – and our continued ability to use our outdoor areas (roof and courtyards) for programming. Your scope likely already includes these general issues, so this letter explains the specifics as they pertain to the JCCSF.

A. Traffic/Safety: The TIS should evaluate:

1. Impacts of Project traffic on: the white zone in front of 3200 California; the Muni bus stops on Presidio and California Streets; traffic flow on California Street; and the ability of JCCSF users to safely cross California Street, as detailed in the attached 6/3/16 letter to you. All the issues in that letter continue to be relevant, except that we are pleased to note that the developer has eliminated the midblock entrance on California Street directly across from the JCCSF. We request that the TIS address the other issues in the attached letter.

2. Conflicts between the Walnut Street entrance to the Project (location of its passenger loading and retail parking entrances) and the JCCSF Walnut Street drive-through for preschool pick-up/drop-off and the Jackson Muni line, detailed in the attached letter.
3. Project traffic impacts on the JCCSF accounting for the fact that many of the core JCCSF users are families with small children who require safety restraints in their cars, and consequently require extra timing loading and unloading children from cars in the JCCSF loading zone and in the preschool pick-up and drop-off zone. It is the JCCSF’s observation that families with young children have been slow to adapt to ride share or public transit.

4. Impacts on California Street and Walnut Street traffic from the Project’s proposed: commercial loading spaces; residential move-in and move-out use of on street parking spaces; two bus stops on California; Walnut street bulb-out.

5. JCCSF desire for continued availability of publicly available spaces at the Project, especially given the Project’s elimination of 33 on-street parking spaces

6. Our traffic consultant, Fehr and Peers, raised the following specific traffic-related concerns:
   a. Passenger Loading - The TIS should evaluate passenger loading needs on California Street to minimize potential effects on JCCSF passenger loading and Muni service. The site plan includes mixed use office, retail, and childcare facilities along California Street east of Walnut Street. These uses are likely to generate demand for passenger loading and commercial loading activities. However, the NOP states that the Project will include three passenger loading zones (Masonic Avenue, Euclid Avenue, and Laurel Street) and two commercial zones (both near the Laurel/California intersection) but does not include (or mention) any spaces on California Street near the JCCSF. The TIS should quantify passenger loading (including Transportation Network Companies) and commercial loading demand, and identify an appropriate amount of curb space on California Street to ensure minimization of spillover that could affect JCCSF operations.
   b. Traffic Circulation and Pedestrian Safety
      i. California Street: The TIS should evaluate sidewalk capacity on both sides of California Street with respect to Project-related pedestrian trips, particularly at bus shelter pinch points.
      ii. California/Walnut Intersection: The TIS should evaluate left turn restrictions as a means of mitigating the pedestrian safety effects of unprotected left turns across California Street by Project-related traffic.
      iii. California/Presidio Avenue intersection: The TIS should assess the removal of the right-turn (slip) lane on California Street as a means of mitigating the pedestrian safety effects of free right turns by Project-related traffic.
   c. Transit - The TIS should consider the need for bus bulbs to handle Project-related transit ridership.
   d. Cumulative - The TIS should consider the cumulative effects of the Project in relation to other nearby projects that are currently in the planning stages.

B. Shadow, Wind and Noise – The EIR should examine Project shadow, wind and noise impacts on outdoor program use of the JCCSF roof and courtyard spaces.
We understand that a project of this scale and magnitude has a longer than typical construction period and, therefore, we anticipate that you will be examining the impacts of the seven-year construction period on such issues as air quality, toxic waste removal, ingress and egress, staging, traffic and noise.

Among other aspects we are excited about the increased housing density and the activation of the streetscape this project creates. We look forward to continuing to work collaboratively with the city and the developer. Thank you for taking these items into consideration in the EIR.

Regards,

Craig Salgado
JCCSF Chief Operating Officer

cc:
Marci Glazer, JCCSF CEO
Susan Lowenberg, JCCSF Board Chair
Dan Safier, Prado
June 3, 2016

Sarah Jones, Director of Environmental Planning
Daniel A. Sider, AICP, Senior Advisor for Special Projects,
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-6378

Dear Ms. Jones and Mr. Sider,

I am writing on behalf of the Jewish Community Center of San Francisco (JCCSF) located at 3200 California Street with respect to the proposed Prado/SKS 3333 California Street and TMG CPMC projects. We understand that the former has submitted its PPA and EEA applications but that the latter has not yet done so. As you review those applications and consider the scope of their traffic/circulation studies, we thought it important to share our perspective on some of the safety-related traffic/circulation issues in the neighborhood, so that you have that background in mind as you consider the appropriate analysis for these two proposed projects. We have met on multiple occasions with the developers of both projects and find them to be very forthcoming in their desire to work with the JCCSF to address our concerns and find mitigation solutions for the issues identified below. We look forward to productive discussions with both developers to find solutions to these issues.

The JCCSF is a 501c3 organization which has been in existence in San Francisco for almost 140 years, providing social, cultural and physical programs that are open and welcoming to everyone. Our rebuilt facility located at 3200 California Street opened in January 2004 and serves users of all ages ranging from newborns in strollers to the frail elderly. Because we serve so many children and older adults, we are very focused on safety concerns around traffic/circulation. In the 12 years since it has opened, the JCCSF has observed an increasing number of traffic/circulation problems in the vicinity of 3200 California, primarily attributable to conflicts with MUNI and increasing amounts of westbound and eastbound traffic on California. Given that the surrounding neighborhood is currently in the beginning phases of a number of significant development projects which would likely increase traffic in the neighborhood, the JCCSF would like to make sure that the following background conditions and safety issues are taken into account in the city’s analysis of the proposed projects and in the development of mitigations to address the issues.

We understand that the City Planning Department has recently shifted from a focus on intersection analysis to vehicle miles traveled from potential projects, but that, in conjunction with the SFMTA, it will still consider the projects’ impacts to the adjacent transportation
network, including existing safety and circulation issues (identified in 1-3 below). We look forward to coordinating with the Department, the SFMTA and the developers to create a safer neighborhood for all users.

1. **The white zone in front of 3200 California.**
   This zone extends the full length of the building on California. This space is used as a drop off/pick up point for participants, including parents, transportation services and school buses dropping off and picking up children. It is also the holding zone where cars wait to enter the garage when it is full. Unfortunately, the increase in westward flow traffic along California since the JCCSF opened 12 years ago contributes to a bottlenecking of vehicles entering/leaving our garage/white zone/drive through areas, particularly in the afternoons and evenings, creating congestion and safety concerns. We hope that the city’s traffic analysis for the proposed new projects addresses mitigations for any increase in this bottlenecking linked to any potential increase in westbound traffic from the proposed projects. We are particularly concerned about the impact of cars headed westbound on California that may queue as they wait to turn south onto Walnut into the primary entrance to the 3333 project. We look forward to conversations with the developers and SFMTA about potential management, parking and intersection design solutions to mitigate this concern that could be implemented by some combination of the developers, the JCCSF and SFMTA.

2. **Walnut Street Drive-Through Conflict with the Jackson MUNI line**
   The JCCSF has a parent drive-through area that enters the JCCSF property on Walnut Street and exits onto California Street (just west of the JCCSF garage entrance). This drive-through is used by parents to drop off their preschoolers in the morning and pick them up in the afternoon. At peak times (i.e., weekday mornings and late afternoons) the line of cars waiting to enter this area will back up and wrap around onto California Street, blocking the drive-through exit. Space is at a premium at this Walnut/California intersection, given that MUNI’s Jackson line heads west on California and then turns north onto Walnut (the buses have little room to manoeuvre around the cars, as they run on overhead electric lines, and the lines of cars and buses then interfere with each other). Recently, we contacted SFMTA to start to find solutions to this problem. We would like to make sure that the traffic studies for the proposed projects take this concern into account and closely examine the space premium issues at the Walnut/California intersection in order to devise appropriate mitigations in light of the likely increase in traffic at this intersection from cars entering and exiting the 3333 project on Walnut Street.

3. **MUNI bus stops on Presidio Street and California Street.**
   MUNI buses staging on Presidio directly adjacent to the east side of the JCCSF block the views of cars heading south on Presidio and turning west on California. Importantly, pedestrians in the California/Presidio intersection crosswalks can be obscured by the waiting MUNI buses. We are already in conversation with SFMTA about the impact of this conflict on the safety of pedestrians in these crosswalks (particularly older adults who walk more slowly and young children who can be hard to see). We want to make sure that the potential increase in California Street traffic (whether east- or westbound) does not further exacerbate the safety
issues at this intersection. We are hopeful that your analysis might look at different intersection design configurations at California/Presidio that would reduce these safety impacts.

4. **UCSF Parking**
We understand that the developers of the 3333 project are proposing around 60 public spaces as part of their facility. We are very supportive of the proposal for additional public parking, given that a number of JCCSF employees and users have been using the UCSF lot for many years during peak parking periods at the JCCSF.

5. **Midblock passageway**
We understand that the initial conceptual design for the 3333 project shows a north/south midblock passageway with a California Street entrance to this passageway across from the JCCSF entrance on California. We are very concerned that this location will encourage jaywalking across the middle of California. We think it advisable that the developers of the 3333 project use design measures to discourage that kind of unsafe behavior and would ask that consideration be given to moving the location of that opening so that it does not encourage jaywalking.

Thank you for your consideration of these issues in the analysis for the proposed projects. We would be very happy to meet with you at your convenience to discuss these concerns in more detail.

Regards,

Craig Salgado
Chief Operating Officer
JCCSF

Cc: Dan Safier, President and CEO, Prado Group
Matt Field, Chief Investment Officer, TMG Partners
Susan Diamond, JCCSF Land Use Counsel
Marci Glazer, CEO, JCCSF
Dear President Hillis and Commissioners:

Re: 3333 California Street, Draft Environmental Impact Report
SF Planning Department Case No: 2015-014028ENV
Hearing Date: December 13, 2018

INTRODUCTION AND REQUEST FOR EXTENSION OF COMMENT PERIOD

The Draft EIR states that the proposed project would have **SIGNIFICANT AND UNAVOIDABLE IMPACTS ON HISTORICAL RESOURCES AND NOISE FROM CONSTRUCTION.**

The Draft EIR states that the “proposed project or project variant would cause substantial additional Vehicles Miles Traveled and/or substantially induce automobile travel” but claims that reducing the retail parking would mitigate the impact to less than significant. DEIR pp. 4.C.68 and 80. We will submit comments on these and other matters.

We request a 15-day extension of the 45-day comment period on the Draft EIR from December 24, 2018 to January 8, 2018 since the project construction would last for 7-15 years and there is substantial community opposition to the developer’s concept. We presented to the Supervisor of District 2 approximately 800 signatures of residents opposing the developer’s concept and requested rezonings.

There are two new Full Preservation Alternatives which are feasible.

This Commission should support the Community Full Preservation Alternative because such an alternative is feasible and would avoid substantial adverse changes in character-defining
features of the historically significant resource. This Alternative would include the same number of housing units as the proposed project (558 units) and the project variant (744 units). This Commission should request that the Draft EIR (DEIR) be revised to substitute the Community Full Preservation Alternative for DEIR Alternative C, because Alternative C would have 24 less housing units than the proposed project and substantial new retail uses, which are not permitted under the current site zoning. Retail was banned when the site was rezoned from First Residential to limited commercial in order to prevent adverse effects on the Laurel Village Shopping Center and Sacrament Street merchants.

Public Resources Code section 21002 confirms that it is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. The DEIR admits that the developer’s proposed concept “would cause a substantial adverse change in the significance of a historical resource.” DEIR p. B.41.

1. COMMUNITY FULL PRESERVATION ALTERNATIVE

The Community Full Preservation Alternative would have the same number of housing units as the project (558 units) or project variant (744 units) and would build new residential buildings where the parking lots are located along California Street. Also, a residential Mayfair building would be built on a small portion of the landscaping. Other than that, the historically significant landscaping including the beautiful Terrace designed by the renowned landscape architects Eckbo, Royston & Williams and the majority of the 185 mature trees would be retained and would continue to absorb greenhouse gases. Under this Alternative, the existing 1,183 asf café and 11,500 gsf childcare center would remain in the main building. Approximately 10,000 gsf of office uses in the existing main building could be retained, at the developer’s option.

The site would not be rezoned for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building. By using all the newly constructed buildings for housing, some units large enough to be attractive to middle-income families would be provided along with other affordable
Retail uses were banned as a commercial use on the site by Planning Commission Resolution 4109, which still applies, when the site zoning was changed from First Residential to commercial with limitations, in order to prevent adverse effects on the adjacent retail uses in Laurel Village Shopping Center and along the Sacramento Street neighborhood commercial area. See Attachment G, Resolution 4109. This resolution was recorded in the chain of title as a Stipulation as to Character of Improvements and can only be changed by the Board of Supervisors.

The Community Alternative would retain all of the existing office building’s character-defining features and the bulk of the character-defining features of the site and landscape. Also, this Alternative would be built in approximately 3 years, as opposed to the 15 years which the developer is requesting in the development agreement so that if “conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.” Attachment A, October 12, 2017 email from Dan Safier. An architect is drawing up a graphic of the Community Alternative, which we will submit as comment on the Draft EIR.

2. ALTERNATIVE C: FULL PRESERVATION RESIDENTIAL ALTERNATIVE

There is also a new alternative in the Draft EIR (DEIR) which was not presented to the Architectural Review Committee of the San Francisco Historic Preservation Commission on March 21, 2018.

DEIR Alternative C: Full Preservation Residential Alternative would have 534 residential units plus 44,306 gsf of retail uses. DEIR p. 6.13. Please note that some of the proposed retail uses under this Alternative can be converted to residential uses to add 24 more residential units in order to match the 558 residential units in the proposed project. The DEIR unreasonably configured this alternative to have 24 less residential units than the project, in order to provide a false pretext for its rejection.

Alternative C would not divide the existing office building with a 40-foot-wide pathway, demolish the south wing of the building or destroy the Eckbo Terrace and majority of the
historically-significant landscaping. (See Attachment B hereto - Alternative C Site Plan from DEIR p. 6.67) This alternative would also have 14,650 gsf of daycare uses. Ibid.

According to the DEIR, Alternative C would retain most of the existing office building’s character-defining features and many of the character-defining features of the site and landscape. DEIR p. 6.78. It is unclear what the DEIR means by stating that “the glass curtain wall system would be replaced with a system compatible with the historic resource,” as the DEIR only states that the replacement would be “a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins.” DEIR pp. 6.77-6.78. Illustrations do not appear to have been provided. It is also unclear what the DEIR means by stating that the proposed one-story vertical addition (12-feet tall) “would appear visually subordinate to the historic portion of the building” and that “the new rooftop addition would distinguish it from the original building yet be compatible with Midcentury Modern design principles.” DEIR pp. 6.77-6.79. Illustrations do not appear to have been provided. The Final EIR should explain exactly what is meant by these two items so that their impact on the character-defining features of the resource can be determined.

3. THERE IS AN EXISTING PATHWAY THROUGH THE BUILDING TO MASONIC.

Opening at the front of the main building, there is a pathway through the building that opens into the Eckbo Terrace and continues to Masonic. See Attachment C, photos of pathway.

4. PHOTOGRAPHS OF THE SITE ARE PROVIDED IN ATTACHMENT D.

Photographs of the property that were provided to the State Historic Resources Commission are attached hereto because the DEIR does not appear to contain photographs of the character-defining features, other than the aerial view on the cover. See Attachment D.

5. THE DEVELOPERS AND USCF CONCEALED THE HISTORIC SIGNIFICANCE OF THE PROPERTY.
During the meetings UCSF held with community members prior to granting the developer a 99-year lease for the property in 2015, UCSF concealed the historic significance of the property from the community members. The developers also concealed the historic significance of the site from community members during the time they met with community members to discuss their development concepts. The City of San Francisco disclosed the historic significance of the site in the Notice of Preparation of Environmental Impact Report and Notice of Public Scoping Meeting dated September 20, 2017. However, UCSF knew at least six years earlier that the site was a historically significant resource eligible for listing in the National Register and California Register, as shown in the *UCSF HISTORIC RESOURCES SURVEY* prepared on February 8, 2011 by Carey & Co, Inc. See Attachment E, excerpts from Carey & Co, Inc., *UCSF HISTORIC RESOURCES SURVEY*.

6. The Public Has Acquired Rights of Recreational Use on Open Space on the Property.

As explained in the letter from attorney Fitzgerald, the public has acquired recreational rights to the open space on the property as a result of the public’s use of the used open space on the property as a park. See Attachment F.

CONCLUSION

The Commission should support the Community Full Preservation Alternative which would construct the new residential uses in approximately three years, rather than 7-15 years, under the developer’s proposal. This Commission should also request that the Community Full Preservation Alternative be substituted for Alternative C in the DEIR. In the alternative, this Commission should propose that Alternative C be modified so that no portion of the exterior of the existing office building be removed or expanded and that 24 additional residential units be constructed in the space allocated for 44,306 gsf of retail uses in Alternative C so that the total number of residential uses in Alternative C would match the 558 units in the proposed project.
and 744 units in the project variant. Under this Alternative, as well as the Community Full
Preservation Alternative, the existing passageway which extends from the north of the building,
through the building, into the Eckbo Terrace, and onto an open-air pathway that directly connects
to Masonic Avenue can be used as a pathway open to the public. No division of the main
building would be needed to produce a pathway. There is also an existing open-air passageway
from the north gate through the property that connects with Laurel Street.

The confirmation of listing on the California Register of Historical Resources is attached.
See Attachment H.

Respectfully submitted,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn Devincenzi, President

Telephone: (415) 221-4700

E-mail: LaurelHeights2016@gmail.com

ATTACHMENTS A-H
Dear John, Kathy, Catherine, M.J., and Dick:

First of all John, thank you for the meeting last week at your home. As we agreed in the meeting, we are responding to your recent questions regarding the project. We have re-arranged your questions slightly to group them according to subject. If we haven’t answered any of your questions, please let us know. We very much appreciate your willingness to promptly write back to us with your five outstanding issues on the project that are currently preventing us from obtaining LHIA support for the project. We appreciate your doing this so we can set a follow up meeting to find a mutually workable solution.

LHIA Questions:

Q: You also stated that Prado wants to have a development agreement to lock in entitlements for longer periods of time than would normally be allowed?

A: Yes, we are looking to enter into a development agreement (DA) with the City for a term of approximately 15 years. For large projects with multiple buildings like 3333 California Street, the City generally requires a DA. The DA vests the entitlements, protecting the entitlements from changes in the law in exchange for certain community benefits. This would include the community benefit of certainty of the entitlements during that period. If we did not build the project during the term of the DA, then the DA would expire and we would lose the protections of the DA.

Q: What portion of the project would be built first?

A: At this time, we have assumed that the Masonic and Euclid buildings would be built first. In general, we anticipate construction beginning with a staging and site preparation phase, which will include some demolition, then excavation for underground parking, followed by construction of the buildings. With the exception of work on the sidewalks, addition of landscaping, paving, and connecting to the City's various systems and utilities, our general contractor, Webcor Builders, is anticipating that construction will occur within the site. We will be preparing a detailed construction management plan, and the EIR will include mitigation measures around construction emissions, air quality, etc. with which we will have to comply.

Q: What would you expect to be built in each successive phase of the project?

A: At this time, we anticipate the following in each phase—Phase 1: Masonic and Euclid buildings; Phase 2: Center Buildings A and B; Phase 3: Plaza A, Plaza B and Walnut buildings; and Phase 4: Mayfair Building and Laurel Duplexes.

Q: What do you anticipate the total period of time will be during each phase of construction?

A: Our current planning assumes that each phase would overlap, e.g., Phase 2 begins approximately 20 months after Phase 1. Specifically, we think Phase 1 could take 30 months, Phase 2 could take 24 months, Phase 3 could take 36 months, and Phase 4 could take 20 months. Assuming an overlap of phases, from start to finish it could take approximately six to seven years to complete all phases of the construction. This construction phasing and related
Q: What is the period of time that you anticipate that construction will occur?

A: We anticipate that construction will occur in the spring of 2020.

Q: What is the reason for constructing the project in phases?

A: By allowing for potential phased construction, we would have the ability to complete and occupy portions of the project as each phase is completed. If conditions do not exist to build out the entire project, we can phase construction in order to align with market conditions and financing availability.

Q: How many extensions do you anticipate requesting for the entitlements?

A: None. Any extension of the DA's term would be a material amendment that would require Board of Supervisor's approval.

Q: During those extended periods, would it be possible for Prado to request changes in the project as related specifically to increased height, increased bulk, increased numbers of residential units, increased amounts of retail or office space? What about the possibility of design changes or other changes? Could Prado apply to change any part of the construction to provide the opportunity to have high rise construction?

A: Once the EIR is certified and the project is approved, any material changes to the project would be subject to new environmental review, would require Planning Commission and Board of Supervisor approvals and also an amendment to the DA. Any increase in height over what is entitled in our project would require a revision to the Planning Code and Zoning Maps that would entail Planning Commission and Board of Supervisors approval.

Q: There are genuine concerns about reducing open spaces and reduced on-site parking places.

A: Open space will be part of the entitlements and will likely be considered by the City as one of the public benefits supporting the DA -- for that reason alone, reducing the amount of it would be very difficult if not impossible. The open space requirements will be carefully described in the project's approvals and will also be recorded against the property. So, as with any material changes to the approved project, any material change to the open space would be very difficult and would involve a public process and City approval. As to parking spaces, as you know, the City would like to see the number of spaces reduced. We plan to continue advocating for the proposed number of project parking spaces in our application.

Q: During the phased construction could Prado transfer shares in the project to provide for new or additional investors?

A: We have no plan to transfer any shares in the project and construction lenders generally prohibit any changes of ownership by the project developer during construction and stabilization of a project. PSKS, along with our equity partners and lenders, intend to provide all of the capital necessary to construct, own and operate the project. We plan to...
retain day-to-day control of the project during development, construction, stabilization and ongoing operations. We design and build our projects to hold for the long-term owner.

We look forward to reconnecting and thank you again for making the time to meet with us.

Sincerely, Dan

Dan Safier | President & CEO
Prado Group, Inc.
150 Post Street, Suite 320
San Francisco, CA 94108
dsaifer@pradogroup.com
T: 415.395.0880 | D: 415.857.9306

From: John Rothmann [mailto:johnrothmann2@yahoo.com]
Sent: Monday, September 25, 2017 8:20 PM
To: Dan Safier <dsaifer@pradogroup.com>; Dan Kingsley <dkingsley@sksre.com>
Cc: Kathy Devincenzi <krdevincenzi@gmail.com>; Catherine Carr <catherine.a.carr@gmail.com>; M.J. Thomas <mjinsf@comcast.net>; Richard Frisbie <frfbeagle@gmail.com>
Subject: Specific questions about the proposed project

Dear Dan and Dan,

[Quoted text hidden]

John Rothmann <johnrothmann2@yahoo.com>
To: Kathy Devincenzi <krdevincenzi@gmail.com>

----- Forwarded Message -----
From: Dan Safier <dsaifer@pradogroup.com>
To: John Rothmann <johnrothmann2@yahoo.com>; Dan Kingsley <dkingsley@sksre.com>
Cc: Kathy Devincenzi <krdevincenzi@gmail.com>; Catherine Carr <catherine.a.carr@gmail.com>; M.J. Thomas <mjinsf@comcast.net>; Richard Frisbie <frfbeagle@gmail.com>
[Quoted text hidden]
EXHIBIT B
EXHIBIT C
The next slides show the horizontality of the composition as the building steps down the hillside. As the nomination explains, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape.
These photos of the windows show the modern aluminum materials and the long repetitions of similar window units and the modernist design of the vertical and horizontal dividers in the windows evoking modern art forms. Also, the exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces. P. 21. This reflection can be seen on these slides.

In 1984, the glass of the windows was tinted, the aluminum frames of the units of the windows were painted brown and the bottom panels of ceramic coated glass were changed from blue to brown. As the nomination explains, this change did not alter the essential features of the building or its “design as a glass box open to its immediate landscape and to distant views.”
Next, we see the exquisite outdoor Terrace— which was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was "protected from the prevailing west wind" and on a portion of the site that had been graded to provide "a good view of a large part of San Francisco." Here a biomorphic-shaped lawn was framed by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building.
Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees “to relax in the sun during lunch or coffee breaks.” P. 21
Here we see the views of the Transamerica Pyramid and other notable buildings from the Terrace.
In these photos we see the brick aligned with the window frames of the building.
It created a boundary wall along some sides of the property and was transformed into low retaining walls that defined a series of planting beds along the some sides of the property.
EXHIBIT E
UCSF HISTORIC RESOURCES SURVEY

San Francisco, California
February 8, 2011

Prepared for
University of California, San Francisco

Prepared by
The materials Rockrise used for the student housing, their scale, their immediate access to the outdoors – particularly the sliding glass door and wide balconies – and their siting and landscaping, which landscape architect Lawrence Halprin designed, all conform to the principles of the Second Bay Region Tradition. In terms of integrity Aldea 10 retains a high degree of integrity of location, design, setting, workmanship, feeling and association. Some materials have been replaced, such as wood railings or siding, but these alterations are visually compatible. Therefore, Aldea 10 appears to be eligible for listing NRHP/CRHR under Criterion C/3 as an intact example of Second Bay Region Tradition.

**745 Parnassus Avenue/Faculty Alumni House**

Built in 1915, this two-story building occupies a heavily wooded lot at the southeast corner of 5th Avenue and Judah Street. The L-shaped building faces northwest and wraps around a small enclosed courtyard covered with brick pavers. Textured stucco clads the structure. The primary window type is wood sash, casement. The clay tile-clad, cross-gable roof features exposed rafter tails. The main entrance, which faces the courtyard at the northwest corner of the building, consists of a round projection with a conical roof clad with clay tiles; its door is framed by a deep shaped opening. Three wood, glazed double doors are located at the first story on other side of the main entrance. At the second story, each façade contains four sets of paired casement windows with shutters featuring prominent rivets. The second floor of the west-facing façade overhangs the first and is supported by machicolations. Each gable end features a paired double door at the second story that opens to a small balcony supported by decorative brackets.

The Faculty Alumni House is not known to be associated with persons of significance and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2. It does, however, appear to be eligible for the NRHP/CRHR under Criteria A/1 and C/3, for its association with significant developments in the history of UCSF and as an excellent example of Spanish Eclectic architecture with high artistic value. Built for dental students in 1915, the building marks the first attempt to address student needs outside of the classroom. Recreational facilities also coordinated by the dental students followed within a few years. Thus the building expresses early attempts to foster student life at UCSF, rendering it eligible under Criterion A/1. With its stucco cladding, clay tile roof, heavy brackets, rounded entrance and carved archway, the Faculty Alumni House also stands as a fine example of Spanish Eclectic architecture, which was entering its peak of popularity in 1915. The building has not been moved or undergone significant alterations and stands in a residential neighborhood that has changed little since 1915. It thus retains its integrity of location, setting, design, materials, workmanship, feeling, and association.

**3333 California Street/Laurel Heights Building**

Built in 1957, this four-story building has an irregular plan and occupies the approximate center of an irregular-shaped city block. The intervening spaces are filled with extensive landscaping or parking lots. The concrete slab floors extend beyond the wall surface to form projecting cornices at each floor, and between these projections, an aluminum-sash window wall with dark, slightly mirrored glass forms the exterior walls. Brick veneer covers the walls in certain locations, and the roof is flat. The main entry opens on the north side of the building and features a covered entry with the roof supported on large square brick piers, a small ground-level fountain, and sliding aluminum doors.

The Laurel Heights building appears to be eligible for listing in the NRHP/CRHR under Criteria A/1 and C/3. It stands as the most prominent postwar commercial development in the Laurel Heights neighborhood and dramatically transformed the former cemetery site, rendering it eligible for the NRHP/CRHR under Criterion A/1. No persons of significance are known to be associated with the building; thus it does not appear to be eligible under Criterion B/2. While Edward B. Page was not the most prominent architect in San Francisco during the postwar period, his resume does accord him master...
architect status. More importantly, this main building at the Laurel Heights campus is an excellent example of mid-century Modernism and the International Style. Its horizontality makes it a particularly good regional example of the architectural style. For these reasons the building appears to be eligible for the NRHP/CRHR under Criterion C/3.

The Firemen’s Fund Insurance Company Building at Laurel Heights retains excellent integrity. It has not been moved and its surroundings have not undergone many alterations. Thus the building retains its integrity in all seven categories – location, setting, design, materials, workmanship, feeling, and association.

513 Parnassus Avenue/Medical Sciences Building
Built in 1954, this L-shaped building rises 17 stories on a steel structural frame and forms the east boundary and part of the north boundary of the Parnassus Heights campus’ Saunders Courtyard. The north elevation faces Parnassus Avenue and features ten structural bays. Masonry panels clad the first and tenth bays. In the remaining bays, masonry spandrels with horizontal ribbing separate horizontal bands of aluminum windows. Four exhaust shafts enclosed in masonry panels project from the wall surface and rise from the second story to above the roof line. The ground floor features floor-to-ceiling aluminum windows separated by dark masonry panels at the structural columns. Monumental stairs rise approximately four feet above the sidewalk level to the main entry, where three columns support a flat entry roof. On the south and west elevations facing Saunders Courtyard, masonry panels cover the wall surfaces and separate horizontal bands of aluminum windows. Projecting metal brackets used to support exposed mechanical pipes and ducts attach to the wall surface in line with the structural columns.

The Medical Sciences Building was constructed at a time when UCSF was undergoing its most significant metamorphosis since the Affiliated Colleges were founded in the 1890s. Enrollment skyrocketed during the postwar years and the institution received unprecedented levels of government funding for research and curriculum development. New buildings were added rapidly to meet the demand and reflect the growing prestige. Within this context, MSB appears eligible for listing in the NRHP/CRHR under Criterion A/1, for its association with events or historic themes of significance in UCSF’s history. It also stands as a good example of mid-century hospital architecture and the shift from Palladian Style campuses to International Style, highrise buildings. Blanchard and Maher, while not the most prominent architects in the San Francisco Bay Area, also rise to the level of master architects and this building stands as one of the firm’s most prominent buildings in San Francisco. Thus, MSB appears to be eligible for the NRHP/CRHR under Criterion C/3. The building is not known to be associated with persons significant to history and therefore does not appear to be eligible for the NRHP/CRHR under Criterion B/2.

MSB has undergone some alterations but appears to retain a good degree of integrity to convey its historical significance. It has not been moved and continues to stand between Moffit Hospital and the Clinical Sciences building, down the road from LPPI, and among hospital and medical school facilities. Thus it retains its integrity of location, setting, association, and feeling. The building has undergone some alterations, most notably a new exit to Saunders Court and a glass shaft containing a stairwell and vents on the west elevation. As these alterations occur on secondary elevations and are not notable on the primary, Parnassus Avenue façade, they do not significantly detract from the building’s overall design, materials, and workmanship. Thus the building retains a good degree of integrity in these areas.

707 Parnassus Avenue/School of Dentistry
Built in 1979, this L-shaped building rises four stories and steps back to form terraces. The lot contains a parking lot to the south and a partially wooded green space at the north. This reinforced concrete
EXHIBIT F
Margaret Fitzgerald
30 Wood Street, San Francisco, CA 94118

Date: February 28, 2016

Ms. Mary Woods
Planner - North West Quadrant
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103-2414

RE: 3333 California St. Development

Dear Ms. Woods:

I am writing regarding the development of the 3333 California Street development, currently the UCSF Laurel Heights Campus (the “Site”). It is my understanding that the San Francisco Planning Department is working with the developer of the Site regarding the initial project plans for the proposed development. The owner of the fee interest and the developer of the Site are limited in their joint ability to develop the Site because the owner of the Site does not have free and clear title; rather the general public holds a permanent recreational interest in all of the open space at the Site. Therefore, any development plans at the Site may not impinge upon this open space.

The general public holds a permanent right of recreational use on all of the open space at 3333 California and such rights were obtained by implied dedication. Dedication is a common law principle that enables a private landowner to donate his land for public use. Implied dedication is also a common law principle and is established when the public uses private land for a long period of time, which period of time is five (5) years in California. In 1972, the California legislature enacted Civil Code Section 1009 to modify the common law doctrine of implied dedication and to limit the ability of the public to secure permanent adverse rights in private property. Here, however, the existing open space at the Site was well established and well used as a park by the general public long before the completion of the construction of the full footprint of the improvements at the Site in 1966. Therefore, the general public has permanent recreational rights to the open space at the Site; the rights were obtained by implied dedication prior to the enactment of Cal. Civil Code Sec. 1009 in 1972.

Even if the general public had not secured permanent rights to recreational use through implied dedication prior to 1972, the public and countless individuals have acquired a prescriptive easement over the recreational open space. The recreational use has been continuous, uninterrupted for decades, open and notorious and hostile (in this context, hostile means without permission). Every day, individuals and their dogs use the green space along Laurel, Euclid and along the back of the Site at Presidio. Individuals ignore the brick wall along Laurel and regularly use the green space behind the wall as a park for people and for their dogs. The use of the Site has not been permissive. For example, the owner of the Site has not posted permission to pass signs in accordance with Cal. Civil Code Sec. 1008. If such signs ever were posted, they have not been reposted at least once per year. Although it is counterintuitive, an owner typically posts such signs to protect against the public securing adverse rights. One might assume the owner of the Site has not posted such signs, as the owner is aware of the pre-existing and permanent recreational rights the general public has secured to the open space. Because the
public’s rights to the open space were secured decades ago through implied dedication, it is not necessary for the general public to rely upon its prescriptive easement rights outlined in this paragraph; rather it is another means to the same end.

It is important that the Planning Department understand these legal issues as any project plan (or any future project description in an Environmental Impact Report ("EIR") for the Site) cannot include development of the open land over which the public has a secured permanent rights of recreational use. It would not be a concession by the owner/developer to leave the open space undeveloped and allow public recreational use as the general public holds permanent recreational rights to this space. It is important to note that even the open space behind the walls that has been used as park space is also included in this dedication to the public. According to well-established case law, a wall or fence is not effective in preventing the development of adverse property rights if individuals go around the wall, as is the case here.

In sum, the open space at the Site cannot be developed as the public secured such rights through implied dedication prior to 1972 (or, alternatively, by prescriptive easement). In reviewing the development plans for the Site, the City cannot decide to allow development of any of the open space as the recreational rights to the space are held by the public at large. Any project description in the future EIR for the Site that contemplates development of any of the open space would be an inadequate project description and would eviscerate any lower impact alternative presented in the EIR. One only need to look to the seminal land use case decided by the California Supreme Court regarding this very Site to see that an EIR will not be upheld if the project alternatives are legally inadequate. It would be misleading to the public to suggest that a lesser impact alternative is one that allows the public to use the space to which it already has permanent recreational use rights.

In sum, please be advised of the public’s permanent recreational rights to all of the existing open space at the Site and please ensure that a copy of this letter is placed in the project file.

Sincerely,

Meg Fitzgerald

Margaret N. Fitzgerald

With copies to:
Mark Farrell, Supervisor
Dan Safir, Prado Group
Kathy DiVicenzi, Laurel Heights Improvement Association
Robert Charles Friesc, Esq.

1 Laurel Heights Improvement Association of San Francisco, Inc. v. The Regents of the University of California, 47 Cal. 3d 376 (1988).
CITY PLANNING COMMISSION

RESOLUTION NO. 4109

RESOLVED, That Proposal No. Z-52.62.2, an application to change the Use District Classification of the hereinafter described parcel of land from a First Residential District to a Commercial District, be, and the same is hereby APPROVED; subject to the stipulations submitted by the applicant and set forth herein:

Commencing at a point on the S/L of California Street distant thereon 167 feet west of the W/L of Presidio Avenue (proposed), thence westerly on said line 707.375 feet to a curve to the left having a radius of 15 feet, thence 23,862 feet measured on the arc of the curve to the left to the E/L of Laurel Street, thence southerly on the E/L of Laurel Street 127.327 feet to the curve to the left having a radius of 60 feet, thence 77.113 feet measured on the arc of the curve to the left to a curve to the right having a radius of 120 feet, thence 149.153 feet measured on the arc of the curve to the right to a curve to the right having a radius of 4033 feet, thence 358.710 feet measured on the arc of the curve to the right to a curve to the left having a radius of 20 feet, thence 35.135 feet measured on the arc of the curve to the left to the northwesterly line of Euclid Avenue, thence N 73° 12' 2 on the northwest line of Euclid Avenue 512.934 feet to a curve to the left having a radius of 66 feet, thence 42.316 feet, measured on the arc of the curve to the left to the northwest line of Masonic Avenue (proposed extension), thence N 35° 54'; E, 380.066 feet to the arc of a curve to the left having a radius of 425 feet, thence 254.176 feet measured on the arc of the curve to the left, thence N 52° 36'; 29.74; W, 282.860 feet to the point of commencement. Being the major portion of Lot 1A, Block 1032, containing 10.2717 acres, more or less.

RESOLVED, FURTHER, That this change shall be and at all times remain contingent upon observance by the owner or owners and by his or their successors in interest of the conditions contained in the following stipulations as to the use of the land affected:

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.

2. The aggregate gross floor area of all such buildings, calculated exclusive of cellar, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.
5. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.

4. No such building, other than a minor accessory building having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty three hundred (3500) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed
building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of any such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

I hereby certify that the foregoing resolution was adopted by the City Planning Commission at its special meeting on November 13, 1952, and I further certify that the stipulations set forth in the said resolution were submitted in a written statement placed on file.

Joseph Michola, Jr.
Secretary

Ayes: Commissioners Kilduff, Towle, Devine, Williams
Nees: None
Absent: Commissioners Brooks, Lopez, Prince
Passed: November 13, 1952
The San Francisco Unified School District, being the owner of the above property described, and the applicant in Proposal No. 2-57.62.2 for reclassification thereof from a Second Residential District to a Commercial District, and for hearing before the City Planning Commission of the City and County of San Francisco on October 23, 1952, hereby agrees that the said property shall be developed only as set forth in the following stipulations, which if accepted by the said City Planning Commission shall be observed by the applicant and its successors in interest for as long as the property remains in the same classification presently sought.

The owner further agrees that no improvements shall be constructed on said property in violation of the conditions hereinafter set forth, and recognizes that the reclassification of the property to a Commercial District is by the Commission's action made contingent, and will remain contingent unless further reclassified, upon adherence to these stipulations.

**Stipulations**

1. The character of the improvement for commercial purposes of the subject property, or any portion thereof, shall be limited to a building or buildings designed as professional, institutional or office buildings, including service buildings which are normally accessory thereto.

2. The aggregate gross floor area of all such buildings, calculated exclusive of cellars, of basement areas used only for storage or services incidental to the operation and maintenance of a building, and of indoor or other covered automobile parking space, shall not exceed the total area of the property allotted to such use.

3. For each five hundred square feet of gross floor area in such buildings, calculated as in stipulation 2, above, there shall be reserved and kept available on the property or the portion thereof allotted to such use, one off-street automobile parking space, or equivalent open space suitable for the ultimate provision of such parking space as needed for the accommodation of users of the premises.

4. No such building, other than a minor accessory building, having a floor area of not more than 400 square feet, shall occupy any portion of the property which is within 100 feet of the line of the Euclid Avenue boundary thereof, or which is within 100 feet of the easterly line of Laurel Street and south of the northerly line of Mayfair Drive extended.
5. If the subject property, or any portion thereof, is developed as a site for residential buildings, such buildings shall be limited as follows:

a. No residential building other than a one-family dwelling or a two-family dwelling shall occupy any portion of the property which is within 100 feet of the Euclid Avenue boundary line thereof, or which is within 100 feet of the eastern line of Laurel Street and south of the northerly line of Mayfair Drive extended.

b. No dwelling within the said described portion of the subject area shall occupy a parcel of land having an area of less than thirty-three hundred (1300) square feet, nor shall any such dwelling cover more than fifty percent (50%) of the area of such parcel or be less than twelve (12) feet from any other such dwelling, or be set back less than ten (10) feet from any presently existing or future public street, or have a height in excess of forty (40) feet, measured and regulated as set forth in pertinent section of the Building Code of the City and County of San Francisco.

c. No residential building in other portions of the subject property shall have a ground coverage in excess of fifty percent (50%) of the area allotted to such building.

6. Development of the subject property, or of any separate portion thereof, for commercial use as stipulated herein, shall include provisions for appropriate and reasonable landscaping of the required open spaces, and prior to the issuance of a permit for any building or buildings there shall be submitted to the City Planning Commission, for approval as to conformity with these stipulations, a site plan showing the character and location of the proposed building or buildings, and related parking spaces and landscaped areas upon the property, or upon such separate portion thereof as is allotted to such building or buildings. It shall be understood that approval of such plan shall not preclude subsequent approval by the Commission of a revised or alternative plan which conforms to these stipulations.

Subscribed and sworn to before me this 13th day of November, 1952.

COUNTY CLERK IN AND FOR THE CITY AND COUNTY OF SAN FRANCISCO, STATE OF CALIFORNIA.

By: [Signature]
[Position]
August 31, 2018

John Rothman, President
Kathryn Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco
22 Iris Avenue
San Francisco, California 94118

RE: Fireman’s Fund Insurance Company, Determination of Eligibility
National Register of Historic Places

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman’s Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Enclosure
August 31, 2018

Previous Weekly Lists are available here: http://www.nps.gov/history/nr/nrlist.htm

Please visit our homepage: http://www.nps.gov/nr/

Check out what's Pending: https://www.nps.gov/nr/pending/pending.htm

Prefix Codes:

SG - Single nomination
MC - Multiple cover sheet
MP – Multiple nomination (a nomination under a multiple cover sheet)
FP - Federal DOE Project
FD - Federal DOE property under the Federal DOE project
NL - NHL
BC - Boundary change (increase, decrease, or both)
MV - Move request
AD - Additional documentation
OT - All other requests (appeal, removal, delisting, direct submission)
RS – Resubmission

WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH 8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,
Fireman's Fund Insurance Company Home Office,
3333 California St.,
San Francisco, RS100002709,
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018
Re: December 13, 2018 Planning Commission Meeting
   Item 11: 3333 California Street, Case Number 2015-014028ENV

Dear President Hillis and Commissioners,

Attached are photographs of historically significant characteristics of the site and comments that were presented to the State Historical Resources Commission on May 17, 2018. As a result of the State Commission's approval of our nomination, the site was listed on the California Register of Historical Resources.

Thank you for your consideration of this matter.

Laurel Heights Improvement Association of SF, Inc.
By: Kathy Devincenzi, President
(415) 221-4700
Good afternoon Commissioners. I am Kathy Devincenzi, Vice-President of the Laurel Heights Improvement Association which is a neighborhood association adjacent to the 3333 California Street property. We were fortunate to have had our nomination prepared by such highly qualified historians as Michael Corbett and Denise Bradley. Michael Corbett is widely recognized as one of San Francisco’s acclaimed architectural historians. He was the author of the Uptown Tenderloin Historic District nomination with 477 contributing properties, which was accepted by the keeper of the National Register. Michael was the author of Port City: The History and Transformation of the Port of San Francisco, 1848-2010 (2011) published by San Francisco Architectural Heritage. Michael was also the principal author of the Port’s Embarcadero Historic District nomination report. He is also the author of Splendid Survivors: San Francisco’s Downtown Architectural Heritage (1979), the survey that formed the basis of the Downtown Plan and remains a standard reference on architecture in the city.

Denise Bradley has over 25 years of experience in providing research, documentation and evaluations of historical significance and served as Senior Landscape Historian for URS Corporation (formerly Dames & Moore) for 10 years before founding her own firm. She has received recent awards for documenting landscapes or studies of cultural resources as to Marin General Hospital, Mission Dolores, Fort Scott, Vallejo’s Home and Alcatraz Island. In the past two years, she has evaluated cultural landscapes in the Delta Heritage Feasibility Study, Shellmound Boulevard, Mare Island, Mount Sutro Open Space Reserve, Sunnyvale Civic Center Historic District, and Vallejo, among others.
The Fireman’s Fund Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth century modernist design principles.
As an example of the International Style and the idea that form follows function, the building itself expresses the use of new technologies and materials, designing without ornament, an economy of means, a focus on function, an orientation to the landscape, and a process of design that resulted in a characteristic expression in glass and concrete. Key characteristics of a post-World War II suburban corporate headquarters are expressed the design’s centrally-sited ...building’s low-rise perpendicular wings which frame outdoor spaces designed to function with the building. The landscape was designed to promote the integration between architecture and landscape and uses forms and materials that are characteristic of modernist designs from the mid-twentieth century. The composition is a masterpiece of modern architecture.
The April 1956 edition of *Architect and Engineer*, cited in the nomination, reported that the “horizontal, country-type structure will be unique among the typically vertical office buildings in San Francisco to conform to the lines of the surrounding area, which is predominantly residential.” The structure will overlook San Francisco and “has been designed to relate to its park-like setting.” P. 12 Highlighting the planning for the comfort and convenience of the company’s staff “is a new concept of office lighting, area illumination, which will furnish maximum light quality for optimum working condition,” and “most employees will be no more than 40 feet from an outside window.” P. 12.”
Business Week ran an article on the company to coincide with the completion of its new headquarters in a “contemporary building of glass and steel on the fringe of the Laurel Heights residential district.” P. 95
In September 1957, Architect and Engineer ran a long cover story of the building beginning with the company’s goal “that the new structure would be the finest and most efficient possible for the conduct of the firm’s business and the welfare of its staff” and reporting construction innovations such as special support columns whose dimensions were far smaller than conventional columns, and a layout in which most employees would be within 40 feet of an outside window and a truly superb job of landscaping.
In 1959, the prominent French journal, *Architecture d'aujourd'hui*, reported on the architecture and landscape design of the property in a special issue on office buildings around the world. Fireman's Fund was the only American building featured among 43 buildings in 16 countries on 3 continents.
The master landscape architect Garrett Eckbo included a description, site plan and nine photographs of Fireman’s Fund to illustrate the “Building and Site” chapter of his book *Urban Landscape Design*
The next slides show the horizontality of the composition as the building steps down the hillside. As the nomination explains, the horizontality of the architecture both in its long, low wings, and in the specific design features of the wings—the division of floors by continuous thin edges of concrete and the walls of the floors consisting of long repetitions of similar window units—helped to balance the massing of the Office Building with the surrounding landscape.
These photos of the windows show the modern aluminum materials and the long repetitions of similar window units and the modernist design of the vertical and horizontal dividers in the windows evoking modern art forms. Also, the exterior glass walls provided views into the landscape of the outdoor spaces and at certain times of day reflected landscape features (trees, lawn, walls, patterned pavement, etc.), adding yet another level of integration between interior and exterior spaces. P. 21. This reflection can be seen on these slides.

In 1984, the glass of the windows was tinted, the aluminum frames of the units of the windows were painted brown and the bottom panels of ceramic coated glass were changed from blue to brown. As the nomination explains, this change did not alter the essential features of the building or its “design as a glass box open to its immediate landscape and to distant views.”
Next, we see the exquisite outdoor Terrace— which was set on the east side of the building, framed by the Office and Cafeteria Wings, where it was “protected from the prevailing west wind” and on a portion of the site that had been graded to provide “a good view of a large part of San Francisco.” Here a biomorphic-shaped lawn was framed by a patio, whose exposed aggregate pavement was divided by rows of brick that aligned with the window frames of the building.
Benches attached to the niches of the zig-zag of the seat wall, which enclosed the eastern side of the Terrace, provided places for employees "to relax in the sun during lunch or coffee breaks." P. 21
Here we see the views of the Transamerica Pyramid and other notable buildings from the Terrace.
In these photos we see the brick aligned with the window frames of the building.
This composite shows all the features just discussed.
Next, we see beautiful geometric detailing in the brick work.
The next 4 slides show the brick wall, which took several different forms and provided a continuous and unifying element around the edges of the site.
It created a boundary wall along some sides of the property and was transformed into low retaining walls that defined a series of planting beds along the some sides of the property.
The brick in the various sections of this wall and in the pavement patterns of the Terrace and Entrance Court was the same as that used in the Office Building and Service Building and helped to integrate the architecture and landscape. P. 21
A good view of the wall stepping down along California Street.
The ziz zag pattern used in the brick wall was employed as edging surrounding the base of an original tree remaining from the Laurel Hill cemetery, paying a sort of homage to its historic status as a representative of that significant garden cemetery, which was the resting place of the builders of the west and 11 United States Senators and the inventor of the cable car.
Here is a composite of the brickwork and walls.
Brick and glass were also integrated into the 1984 entrance gateway. As the nomination explains, the ground level of this structure is clad in the same brick that is used elsewhere on the site and the use of glass on its second level is compatible with the glass windows that dominate the exterior surface of the original building in the Fireman’s Fund era. Also, at present, the gateway is partially hidden by trees, lessening its impact.
The additions to the office wing used the same aluminum frame and glass window walls as the original building and enclosed the new auditorium in brick. As with all the additions, the character of the original building remained intact.
Here we see the Redwood trees planted along the east side of the Office Wing on Presidio Avenue
These two slides show that the exterior landscaping is visible from the interior of the building.
Looking out from café to landscaped terrace.
Masters
In addition to displaying distinctive characteristics of modernism, the property is also significant as the work of three masters, the architect Edward B. Page, the landscape architectural firm of Eckbo, Royston & Williams and its successor and the engineering firm of Gould & Degenkolb and its successor.
Not only was this property developed by 3 masters, Degenbold and Eckbo were giants in their respective fields.
Carey & Company’s 2011 UCSF Historic Resources Survey states that the Edward B. Page’s “resume does accord him master architect status. This survey was commissioned by UCSF when it was owner of the property.
The work on the Fireman’s Fund Building that represented a phase in his career and made Edward page locally recognized as a master satisfies the National Register criteria.
His design for the 1954 Mason B. Wells house in Belvedere won an Award of Merit from the Northern California Chapter of the American Institute of Architects...
Three Masters Cont’d

Following the success of the first phase of the Home Office in 1957, Page designed **branch offices in Fresno, Riverside, San Jose, and Los Angeles and he oversaw the architectural work for** branches New York, New Orleans, and Atlanta, where he advised primarily on matters related to the way the insurance business works.” (Nomination p. 43, emphasis added)

Under Criterion c, a property may be significant if it represents a work of a master.

As the National Register Bulletin explains, the “work of a master” refers to the technical or aesthetic achievements of an architect or craftsman.” P. 17, As further explained in the Bulletin, a “master” includes “**a known craftsman of consummate skill**, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality” as well as “a figure of generally recognized greatness in a field.” P. 20.

“The property must express a particular phase in the development of the master’s career, an aspect of his or her work, or a particular idea or theme in his or her craft.” (See Attachment 2 hereto, U.S. Department of the Interior, *National Register Bulletin, How to Apply the National Register Criteria for Evaluation* (1995) p. 20, emphasis added.) The criteria do not require that an architect be “prolific” or have had significant influence on the architectural community.
Three Masters Cont’d

The nomination explains that:
On the Fireman’s Fund project, Page coordinated the contributions of all. He was described as ‘the master’ by Loring Wylie, an engineer in the Degenkolb office who had a major role working on the additions of the 1960s. Wylie remembered Page’s deep involvement with and lead in solving issues with expansion joints as representative of his high level of competence and control. On another technical matter, he designed an innovative system of dispersed lighting for Fireman’s Fund in an effort to provide better working conditions. (Nomination, p. 43)

The nomination documents other projects of Mr. Page.
“In 1947, Page opened his own office in San Francisco, Many of his early projects were in association with others, including the Glen Crags Housing Project with Wilbur D. Peugh in 1951 and two schools with Cantin & Cantin in 1952
Following the success of the first phase of the Home Office in 1957, Page designed three subsequent additions in 1963-1967, and branch offices in Fresno, Riverside, San Jose, and Los Angeles. He also consulted on the designs of branches outside of California including those in New York, New Orleans, and Atlanta,

“As to earlier projects when working in the office of Bakewell &Weihe,
“...Page was allowed to work there on his own projects and in 1937-1938 was a draftsman for the Golden Gate International Exposition (G.G.I.E.). Later in life he remembered his design for the Island Club (demolished) at the G.G.I.E. with particular pride....

After receiving his architectural license in 1938, Page worked for himself and for others on small projects from 1939 to 1942. On one of these projects, for Lewis Hobart, another prominent Beaux-Arts architect, he worked on drawings for the floor of Grace Cathedral. From 1942-1947, he worked as the Chief of Architecture and Engineering for San Francisco architect Wilbur D. Peugh supervising wartime projects for U.S. Naval Operations.”
(Nomination, p. 42)
Three Masters Cont’d

The nomination also documents the mastery of the landscape architect. It discusses a history that accompanied an award presented to EDAW by the American Society of Landscape Architects that noted that ERW “established a compelling portfolio of modernist landscapes” and the partnership became “one of the leading firms in the country, highly regarded for its advanced planning, innovative vocabulary, and the quality of execution.” The nomination also discussed that in 1950, ERW was awarded the Gold Medal in Landscape Architecture by the New York Architectural League. (Nomination p. 46) The nomination also explained that ERW was regularly written about in popular magazines, completed gardens in four states and was a pioneer in expanding the practice of landscape architecture into the scale of neighborhood and community design. (Nomination p. 47) Park and playground projects gained the attention of the national media, and the firm worked on numerous new housing projects and public outdoor spaces including the Venetian Room Roof Garden at the Fairmont Hotel, the entrance court to the Palace of the Legion of Honor and St. Mary’s Park. (Nomination p. 47-48).

The nomination also documents the mastery of the Gould & Degenkolb engineering firm. The Fireman’s Fund building was the first major project of the firm after Degenkolb became a partner and was a successful debut for the partnership, with its innovative structural design that provided open floors with minimal columns and exterior walls of glass. P. 46 The firm designed many of San Francisco’s major structures of the 1940s – 1960s including Park Merced, the Bank of California towne, parking garages at St. Mary’s Square and Civic Center, expansion of the San Francisco airport, and many branches of the Bank of America and Pacific Telephone. P. 45.
CRITERION A: COMMUNITY PLANNING AND DEVELOPMENT

In the post WW II years there was an accelerated general movement of population and growth out of the central cities and into the suburbs. While there were many reasons for this movement, a primary factor was the growing use of the automobile.

San Francisco was no exception. Park Merced and Stonestown in 1952; San Francisco State College in 1954; and Fireman’s Fund in 1957 are examples of this movement with Fireman’s Fund being the leading example of an emerging corporate trend.

One of the strongest traditional patterns at the time was the location of large office buildings downtown.

Between 1946 and 1967, twenty-one large office buildings were built in San Francisco. Nineteen of these were medium or high rise buildings were built downtown.

The Fireman’s Fund new Headquarters was one of the two exceptions to this pattern in both location and design.

It was a low-rise building built in a predominantly residential area.

Apples’ new corporate headquarters in Santa Clara shows that the vision pioneered by Fireman’s Fund is alive and well 60 years later.

The Fireman’s Fund Insurance Company Home Office is eligible for the National Register under Criterion A as one of the principal embodiments of the post World War II decentralization and suburbanization of San Francisco. Fireman’s Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.
CRITERION A: COMMERCE
Two conditions of San Francisco’s early history and growth, maritime commerce and frequent destructive fires, quickly gave rise to an insurance industry which would play an important role in the local economy and would lead to San Francisco becoming the center for the insurance industry on the west coast. These destructive fires were the result of the rapid growth of the city and the haphazard construction of its buildings. In the 1850s alone, fires destroyed large parts of the city on at least six occasions. At the time fire insurance was provided by distant companies at exorbitant rates, if available at all. More than thirty local insurance companies formed in San Francisco in the 1850s and 1860s. Fireman’s Fund was formed in 1863 and was the only local insurance company left in business by 1895. Fireman’s Fund succeeded where other local companies failed for a number of reasons:
1. It quickly established branch agencies throughout the United States and abroad;
2. It paid all its claims in a number of high profile situations which gave it a reputation for honesty and reliability;
3. It was a leading innovator within the industry.

Fireman’s Fund was the only company to pay 100% of its claims in the Chicago fire of 1871. By the time of the 1906 earthquake Fireman’s Fund was the most trusted and leading locally based insurance company in San Francisco, a position that it has never relinquished. In the 1906 earthquake and fire its building and all its records were destroyed. Based on “word of mouth” it again paid 100% its claims by again assessing its shareholders.
As noted above, its pre-eminent position was also due to innovation and early adoption of new ideas:
1. In the nineteenth century it was a pioneer in insurance for agricultural products.
2. At the beginning of the twentieth century it was a pioneer in automobile insurance and one of the very first to sell it nationwide.
3. Likewise it led in new fields such as life insurance and health and accident insurance.

In the 1920s, Fireman’s Fund grew substantially and was known as “‘the Tiffany’ of the insurance world.”
Fireman’s Fund was to insurance what Bank of America was to banking. Both were home grown businesses which built reputations of excellence on respect for their employees, policyholders and shareholders.

The growth of the postwar years produced a great need to consolidate in one location so the company selected Laurel Heights in 1953. Fireman’s Fund was unique, moving to the suburbs to provide their employees a better working environment closer to their homes.

The Fireman’s Fund Insurance Company Building is eligible for the National Register under Criterion A for its association with the growth and development of the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the post World War II boom in San Francisco’s insurance industry when many companies built new office buildings. At that time, Fireman’s Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location.
Historic Preservation

Developers Plan:
- Demolish Executive & Cafeteria Wings
- Cut 30 ft gap though main building
- Add 3 floors to remaining truncated sections
- Demolish the Terrace, Children's Childcare Playground; Redwood Trees
- Bulldoze All Landscaping

Number of New Housing Units: 558-744
Schedule to complete critically needed units: 15 years

Neighborhood Plan:
- Retain entire Historic Building completely
- Re-purpose Historic Building
- Retain the Terrace, Children's Childcare Playground; Redwood Trees
- Preserve Landscaping

Number of New Housing Units: 558-744
Schedule to complete critically needed units: 3 years

This is NOT a Housing Issue but an Historic Preservation Issue.
EIR responses to comments). But see *Burrtec Waste Indus., Inc. v City of Colton* (2002) 97 CA4th 1133, 1140, 119 CR2d 410 (court refused to apply presumption in negative declaration case when record contained no evidence that required notice was posted, but contained evidence that prior notices had been posted). If a claim of improper notice is later raised, and there is some evidence supporting that claim, evidence of compliance with the notice requirements may be critical in establishing compliance.

§9.20  B. Review Period

The required time periods for public review of draft EIRs are set forth in CEQA and the CEQA guidelines. See Pub Res C §21091(a); 14 Cal Code Regs §§15087, 15105, 15205. Generally, a draft EIR must be circulated for public review for 30 to 60 days, but the public review period for EIRs submitted to the State Clearinghouse must be at least 45 days (unless a shorter period, not less than 30 days, is approved by the State Clearinghouse). 14 Cal Code Regs §15105(a). Under the CEQA Guidelines, the review period should not be longer than 60 days, except in unusual circumstances, and the review period should run from the date of the public review notice (see §9.17). 14 Cal Code Regs §§15087(e), 15105(a). Occasionally, an agency will decide to establish a review period longer than 60 days. Neither the Guidelines nor CEQA case law have defined an “unusual situation” that may justify a longer public review period.

Agencies may adopt time periods for review as part of their CEQA implementing procedures, consistent with the requirements of CEQA, the CEQA Guidelines, and State Clearinghouse review periods (see §§9.21–9.23). Agencies must notify the public and reviewing agencies of the time period for receipt of comments on draft EIRs. 14 Cal Code Regs §15203(a). CEQA and the Guidelines set forth different rules for projects for which only local review is required (see §9.21) and for projects that are submitted for Clearinghouse review (see §§9.22–9.23).

As comment on the Draft EIR (DEIR), the Laurel Heights Improvement Association hereby submits for evaluation the Community Full Preservation Alternative and Variant (Community Alternative, unless otherwise indicated) along with the evaluation of that Alternative’s compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties: Rehabilitation (SOIS) by Nancy Goldenberg, Principal architect and architectural historian with TreanorHL. Ms. Goldenberg was formerly Principal architect at Carey & Company, Inc.

Ms. Goldenberg’s SOIS evaluation is attached hereto as Exhibit 1, and the Community Full Preservation Alternative/Variant is attached thereto as Appendix A.

The Laurel Heights Improvement Association specifically requests that the Environmental Impact Report evaluate the Community Full Preservation Alternative/Variant with the same degree of specificity as the DEIR used to evaluate the alternatives discussed in the DEIR.

At the December 13, 2018 hearing on the Draft EIR, members of the San Francisco Planning Commission stated that the Community Alternative should be evaluated during the environmental review process with the same degree of specificity that the DEIR used to evaluate the alternatives discussed in the DEIR. In addition, members of the San Francisco Historic Preservation Commission expressed interest in understanding more about the community alternative that was discussed by the public in the hearing held before that Commission on December 5, 2018. (See Ex. 2, December 11, 2018 Letter from Andrew Wolfram, President of Historic Preservation Commission to Environmental Review Officer; video of hearing on SFGOV-TV and transcript of hearing reported by court reporter. It is important that a full evaluation of the Community Alternative be performed because DEIR Alternative C: Full
Preservation - Residential Alternative would have 24 fewer residential units than the proposed Project and 210 fewer units than the proposed Project Variant. DEIR p. 6.75. Based on this discrepancy and other characteristics of the alternatives described in the DEIR, the Draft EIR failed to present a reasonable range of alternatives for evaluation in the DEIR.

The Community Full Preservation Alternative would meet the basic objectives of the project described at DEIR p. 2.12, as follows:

- Redevelop a large site into a new high quality walkable mixed-use community with a mix of uses on site including 558 new residences (744 in the Community Alternative Variant), an existing 1,183 asf café, an existing 11,500 gsf childcare center, 5,000 gsf of existing nonconforming office uses and substantial open space, while building these new residential units adjacent to the Laurel Village Shopping Center, one block from Trader Joe’s grocery store and one block from the Sacramento Street neighborhood commercial uses.

- Create a mixed-use project that encourages walkability and convenience by opening the existing north/south throughway on the first floor of the main building to the public and maintaining other existing pathways that pass through the landscaping, building substantial new housing units adjacent to the existing Laurel Village Shopping Center, and providing on-site childcare and on-site office use.

- Address the City’s housing goals by building the same number of new residential dwelling units on site as the proposed project (and proposed project variant), including on-site affordable units, in an economically feasible project consistent with the City’s General Plan Housing Element and ABAG’s Regional Housing Needs Allocation for the City and County of San Francisco.

- Open and connect the site to the surrounding community by opening the existing north/south throughway on the first floor of the main building to the public, designating the Eckbo Terrace as privately-owned, publicly accessible open space, maintaining other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public.

- Create complimentary designs and uses that are compatible with the surrounding neighborhoods by conforming with the scale of surrounding development and maintaining the active, natural landscaped, neighborhood-friendly spaces along the west, south and eastern perimeter of the site.

- Provide a high quality and varied architectural and landscape design that is compatible with its diverse surrounding context, and utilizes the site’s topography.
and other unique characteristics.

- Provide substantial open space for project residents and community members by maintaining the existing welcoming, natural green space and walkable environment that will encourage continued use of the landscaped areas and community interaction.

- Incorporate open space in an amount equal to or greater than that required under the current zoning, in multiple, varied types designed to maximize pedestrian accessibility and ease of use.

- Include sufficient off-street parking for residential and office uses below grade and childcare center uses above grade to meet the project’s needs.

- Work to retain and maintain the integration of the office building into the development to promote sustainability and eco-friendly infill redevelopment.

The Community Alternative would meet most of the basic project objectives and would be superior to the proposed project/variant because it would maintain the historically significant characteristics of the site by preserving the existing main building and integrated landscaping in its present, neighborhood-friendly, natural form.

The Community Alternative would redevelop a large site with the same amount of new residential units as the proposed project but with a lesser number of commercial uses, retaining the existing café, childcare center and 5,000 square feet of office use on site. The Community Alternative would construct the same number of new housing units as the proposed project/variant in a location that is rich with easily accessible retail uses at the adjacent Laurel Village Shopping Center and is located one block from a Trader Joe’s grocery store and Sacramento Street neighborhood commercial uses. Also, a Target variety store is located approximately one-two blocks from the site. Given the location of the project site directly adjacent to the Laurel Village Shopping Center but not near the downtown, the lesser amount of on-site retail and office space that the Community Alternative would provide would not materially impair achievement of Objective 1.

The Community Alternative would meet Objectives 2, 4, 7 and 8 by enhancing the public open space by designating the Eckbo Terrace as privately-owned, publicly accessible open space, opening the existing north/south passageway to the public, maintaining the other existing pathways that pass through the landscaping, and maintaining the extensive existing natural landscaping that provides a welcoming atmosphere for the public. Due to the maintenance of the natural landscape, the welcoming atmosphere would be greater under the Community Alternative and the public accessibility would be similar under the Community Alternative with passageways open to walkers from the north, south and west of the site. On balance, the Community
Alternative would satisfy the Objectives 2, 4, 7 and 8 to substantially the same degree as the proposed project.

The Community Alternative would increase the City’s housing supply to the same degree as the proposed project/variant but would better meet the Objective of including on-site affordable units, in an economically feasible project consistent with the City’s General Plan Housing Element and ABAG’s Regional Housing Needs Allocation for the City and County of San Francisco. The Community Alternative specifically includes 56 family-size units (average size 1,821 square feet) for middle-income families in the new California Street Front buildings and additional on-site affordable housing as determined by the Board of Supervisors. In contrast, the proposed project does not state the amount or type of affordable housing that it would have on-site or commit to build the amount of affordable units on-site that are currently required by the Planning Code. The ambiguity in the project description maintains other options, such as paying a fee in lieu of building a portion of the affordable housing on-site or requesting an adjustment under Planning Code provisions applicable to development agreements. Further, the proposed project does not indicate that it would build affordable housing for middle-income families on site, so the Community Alternative would better meet Objective 3 by providing housing for middle-income families, which is the income level for which the City’s housing production is the most deficient under ABAG allocations. Thus, the Community Alternative would better meet Objective 3 than the proposed project.

The Community Alternative would better meet Objectives 5 and 6 than the proposed project, because the design of the Community Alternative would conform with neighborhood scale and complement its character by building new structures that conform with the scale and character of surrounding buildings and would maintain the landscaped setbacks on the west, south and east of the site, which better integrate the site with the surrounding residential community. In contrast, the proposed project/variant would add two to three additional floors to the existing main building that would not be compatible with the predominant 40-foot height limit in the surrounding neighborhoods, would build 40-foot tall structures along the east side of Laurel Street (with rooftop decks) that would not be compatible with the scale of the residences on the western side of Laurel Street, and would remove portions of the landscaped buffer that now exists between the site and those residences by building new residential buildings on portions of that landscaping.

The Community Alternative would meet Objective 9 to the substantially same degree as the proposed project, because it would provide almost one on-site parking space for each residential unit, but the spaces provided would have direct access, so would be more accessible than the mechanically accessible spaces proposed for the project/variant. The Community Alternative would provide above-ground parking spaces for the on-site childcare use.

The Community Alternative would meet Objective 10 to a far greater degree than the proposed project because the Community Alternative would preserve the existing main building and the majority of its integrated landscaping, including maintaining large Monterey Cypress trees that
remain from the Laurel Hill Cemetery (California Registered Historical Landmark number 760). (Ex. 3, Memo from Denise Bradley concerning Location of Trees that were part of the Laurel Hill Cemetery) Thus, the Community Alternative would be a superior example of sustainability and eco-friendly development. In contrast, the proposed project would destroy character-defining features of the main building by dividing it in two, demolishing its wings, destroying its integrated landscaping by building on top of it and conducting substantial excavation including by removing large portions of the slope of Laurel Hill.

CONCLUSION

The Community Alternative meets all the basic objectives of the proposed project and is feasible. It would entail far less excavation for underground garages and be completed in approximately three years, as opposed to the seven to fifteen years which the developers request to construct the proposed project. Moreover, the Community Alternative is far superior as to compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties: Rehabilitation. The project objectives do not even mention compliance with those standards as to rehabilitation of a historically significant resource, which is a telling omission and proof that the statement of project objectives in the DEIR is unduly narrow. DEIR p. 2.12.

Very truly yours,

Laurel Heights Improvement Association of SF, Inc.

By: Kathryn R. Devincenzi, President
Email: LaurelHeights2016@gmail.com

Attachments: Exhibits 1-3
INTRODUCTION
This report evaluates three proposed designs for 3333 California Street: the Proposed Project (and Project Variant), Preservation Alternative C from the Draft EIR, and a Community Preservation Alternative put forth by the Laurel Heights Improvement Association of SF, Inc. The 10.2-acre property, in the Laurel Heights neighborhood, consists of two buildings and a landscape designed to function as a single entity, dating from 1957. The buildings were designed by Edward B. Page, while the site was the work of Eckbo, Royston and Williams. The complex was created for the Home Office of the Fireman’s Fund Insurance Company, the original tenant. The property is listed in the California Register of Historical Resources and has been determined eligible for the National Register of Historic Places.

METHODOLOGY
Nancy Goldenberg, Principal architect and architectural historian with TreanorHL reviewed the Draft EIR, which includes both the proposed design and several preservation alternatives, including full preservation alternative C. Ms. Goldenberg also spoke to Kathy Devincenzi and Richard Frisbee from the Laurel Heights Association regarding their preferred alternative. Ms. Goldenberg is already very familiar with the property, as she has lived in the nearby Anza Vista neighborhood for over 30 years. Each of the three alternatives (proposed project, alternative C, and the Laurel Heights Association’s preferred alternative) will be evaluated according to the Secretary of the Interior’s Standards for the Treatment of Historic Properties: Rehabilitation. As used herein, the term “Proposed Project” will include the Proposed Project Variant, unless otherwise indicated.

SIGNIFICANCE SUMMARY
The following is the significance summary paragraph from the Draft National Register Nomination:

“The Fireman’s Fund Insurance Company Home Office is eligible for the National Register under Criteria A and C at the local level. Under Criterion A, it is significant in the area of Commerce for its association with the San Francisco insurance industry, an important industry in the history of the city from the Gold Rush to the present. In particular, it represents the postwar boom in San Francisco’s insurance industry when many companies built new office buildings. At that time, Fireman’s Fund was one of the largest insurance companies in the United States. It was the only major insurance company headquartered in San Francisco. It was a leader among all insurance companies in San Francisco in its embrace of new ideas, symbolized by its move away from downtown to an outlying location. Under Criterion A, the Fireman’s Fund Home Office is significant in the area of Community Planning and Development as one of the

1 The district significance is summarized from Michael R. Corbett and Denise Bradley, National Register of Historic Places Registration Form – Fireman’s Fund Insurance Company Home Office, April 19, 2018, Section 8.
principal embodiments of the postwar decentralization and suburbanization of San Francisco. Fireman’s Fund was the first major office building to be built outside of downtown in a suburban setting and it was the first whose design was fully adapted to the automobile.

Under Criterion C, the Fireman’s Fund Home Office is significant as the work of three masters, the architect Edward B. Page, the engineering firm of John J. Gould & H.J. Degenkolb/Henry J. Degenkolb & Associates, and the landscape architectural firm of Eckbo, Royston & Williams (ERW)/Eckbo, Austin, Dean, and Williams (EDAW). As a modernist, through his experiences in Paris in 1930, Edward Page had direct links to the birth of modern architecture and to its development in the United States. The Fireman’s Fund Home Office is his best known and most important work. The Fireman’s Fund Home Office – with its innovative structural design that provided open floors with minimal columns and exterior walls of glass – represents the beginning of the reputation of the Gould and Degenkolb engineering firms as among the leading structural engineers in San Francisco in the post-World War II period. ERW/EDAW was recognized as one of the country’s leading landscape architectural firms during the period of significance, and their designs and writings contributed to the popularization of the modernist landscape design vocabulary and to modernism as an approach to creating outdoor spaces that addressed contemporary needs within a broad range of settings. The Fireman’s Fund Home Office represents an example of the firm’s mastery of modern design within a corporate landscape context. Additionally, the Fireman’s Fund Home Office, a single property including both architectural and landscape architectural elements which were designed to complement each other, is significant under Criterion C as an example of a corporate headquarters in San Francisco that reflects mid-twentieth-century modernist design principles. The period of significance is 1957-1967, covering the period from the year when the first phase of the buildings and landscape were completed (1957) to the year the final phase of construction was undertaken (1967) by Fireman’s Fund. The Fireman’s Fund company continued on this site as a leading insurance company in San Francisco and nationally until it sold the property in 1983. Although there are numerous alterations, these alterations do not alter the essential character of a property and it retains a high level of integrity."

Figure 1 — Location Map
SUMMARY DESCRIPTION

“The Fireman’s Fund Insurance Company Home Office is a 10.2-acre property in a central, predominantly residential area of San Francisco called Laurel Heights. The property consists of two buildings and a landscape that were designed to function as a single entity. The main building, referred to in the nomination as the Office Building, is a large three-to-seven-story building located in the center of the property. There is also a much smaller, one-story Service Building in the northwest corner of the property. The two buildings were designed to complement each other in character and materials. The Office Building is a glass walled building with an open character. The Service Building is a brick building with a closed character. The Office Building is an International style building which despite its size is built into its sloping hillside site in such a way as to minimize its presence. Its four wings, each built for different functions, range from three floors to seven floors. It is characterized by its horizontality, its bands of windows separated by the thin edges of projecting concrete floors, and brick trim. The wings of the building frame outdoor spaces whose landscape design connects the outdoors with the indoors both functionally and conceptually. The landscape design includes outdoor spaces for use by employees, parking lots, circulation paths, and vegetation. The principal outdoor spaces are the Entrance Court, the Terrace, and small areas around the Auditorium.”

Figure 2 left: View of Property looking northwest, from Masonic. Figure 3, right: View of property looking east, from the corner of Euclid and Laurel.

The following are the character-defining features of the property, as listed in the Draft National Register Nomination. Since the property has been listed in the California Register of Historical Resources by the California Office of Historic Preservation, and that listing was based, in part, on this list of character-defining features, this is the list that should be included in the EIR.

The character defining features of the Office Building are as follows:

- Plan of the building with wings open along the sides to the immediate landscape and to views of the city.
- Horizontality of massing.
- Horizontal lines of projecting edges of concrete floors.
- Horizontal bands of nearly identical window units.
- Uninterrupted glass walls.
- Window units of aluminum and glass.

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2 Michael R. Corbett and Denise Bradley, National Register of Historic Places Registration Form – Fireman’s Fund Insurance Company Home Office, April 19, 2018, Section 7.
- Circular garage ramps.
- Exposed concrete piers over the garage.
- Wrought iron deck railings that match gates in the landscape.
- Brick accents and trim.

Service Building

- Massing of rectangular volumes
- Brick Walls with a minimum of openings

Landscape
Terrace, as the centerpiece of the landscape, designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco); key character-defining features include its biomorphic-shaped lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick); brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria Wing; key character-defining features include a central paved parking lot surrounded on its north, east and west sides by narrow planting beds; exposed aggregate sidewalks along the north, east, and west sides of the parking lot; and a low free-standing brick wall along its north side.

Two outdoor sitting areas — one on the east side of the Auditorium and one on its west side — that connect to entrances into the Auditorium; key character-defining features for the area on the west side of the Auditorium include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete; and metal benches; key character-defining features for the area on the east side of the Auditorium include the pavement (concrete divided into panels by wood inserted into expansion joints).

Brick wall (constructed of red brick set in running bond pattern similar in appearance to brick used in exterior of main building) that takes several forms and which forms a continuous and unifying element around the edges of the site.

Three gated entrances – one for the employees on California Street and the service and the executive/visitor entrances on Laurel Street — that are integrated into the brick perimeter wall.

Internal Circulation System (entrance drive, service drive, East and West Parking lots).

Vegetation features that help to integrate the character of the Fireman’s Fund site with that of the surrounding residential neighborhoods including (1) the large trees in and around the East and West Parking Lots, (2) the lawns on the west, south, and east sides of the property, and (3) the planted banks along Laurel and Masonic Streets.
PROJECT DESCRIPTION

"The Proposed Project would partially demolish the existing office building, divide it into two separate buildings, vertically expand it to include two to three new levels (proposed building heights of 80 and 92 feet) and adapt it for residential use. The two separate buildings would be connected by a covered bridge. Thirteen new buildings ranging in height from 37 to 45 feet would be constructed along the perimeter of the site along California Street, Masonic Avenue, Euclid Avenue, and Laurel Street. The Proposed Project would demolish the existing service building, surface parking lots and circular garage ramp structures. New public pedestrian walkways are proposed through the site in a north-south direction along the line of Walnut Street and in an east-west direction along the line of Mayfair Drive.

A Proposed Project Variant would add three new residential floors (proposed building height of 67 feet) containing 186 additional residential units in the new multi-story building along California Street between Walnut Street and Presidio Avenue."3

Figure 4 — The Proposed Project site plan

3 The project description is largely taken from the Draft Environmental Impact Report, 3333 California Street Mixed-Use Project, November 7, 2018, pp. 5.2 and 2.6.
PRESERVATION ALTERNATIVE C

The Draft Environmental Impact Report lists several project alternatives, some of which have fewer impacts to the historic resource than does the Proposed Project. Full Preservation Alternative C proposes a less intensive development of the site, retaining more of the Main Building and landscape. Under this Alternative, new construction is limited to the northern, and a small area in the western, portion of the site, along California and Laurel Streets. The Main Building would receive a one-level vertical addition, and the glass curtain wall would be replaced with "a compatible design to accommodate the residential use." Along California Street, four new mixed use/multi-family residential buildings would be constructed, with ground floor retail. 534 total residential units would be created.

Figure 5 — Full Preservation Alternative C

COMMUNITY FULL PRESERVATION ALTERNATIVE

The Laurel Heights community has come up with its own preservation alternative. This alternative retains more of the historic resource while providing more residential units than does Preservation Alternative C.
The Community Full Preservation Alternative (Community Alternative) would construct the same number of new housing units as the developer's proposed project (558 units) or project variant (744 units) and would be completed in approximately three years rather than the 7-15 years requested by the developer to complete his proposals. It would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. In addition, the Community Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Alternative would keep the main building in its entirety, only adding light wells to bring light and air into the center. The existing north-south through passage would remain. As in the other proposals, the Service Building would be demolished. A new residential building would be constructed near the intersection of Mayfair Drive and Laurel Street. Two other new buildings would be constructed along California Street, replacing what are now surface parking lots and the former Service Building. These new buildings would match the scale and massing of the residential townhouse buildings across California Street, and would also be designed to be compatible with the Main Building.

For a complete description of this Alternative, please see Appendix A.
SECRETARY OF THE INTERIOR'S STANDARDS ANALYSIS

The following evaluates the Community Preservation Alternative's compliance with the Secretary of the Interior's Standards for Rehabilitation (Standards). Where appropriate, we also compare the compliance of the Community Preservation Alternative with that of the Proposed Project as well as "Preservation Alternative C," as presented in the Environmental Impact Report.

The Standards are listed below. Each of the 10 Standards is shown in italics, with the analysis of how each of the three proposals — the Community Full Preservation Alternative, the Proposed Project, and Preservation Alternative C from the Draft EIR — meets or fails to meet each standard.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

While the historic use of the property was office, with an office building set amongst green space and parking, the conversion of the property to residential could be done while retaining the character-defining features of the building and site. While the proposed Project design does not retain these features, the Community Preservation Alternative does. Therefore, the Community Preservation Alternative design complies with Standard 1.

Since the Proposed Project would destroy most of the character-defining features of the building and site, it does not comply with Standard 1, although given the proposed use, this standard can certainly be met, as is demonstrated by the Community Preservation Alternative. Preservation Alternative C, like the Community Preservation Alternative, does meet Standard 1.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

The Community Preservation Alternative retains most of the character-defining features of the main building and site. Most of the new construction will occur at the parking lot along California Street, which is not considered character-defining. The main building will be retained in its entirety, except for lightwells that will provide interior illumination. The landscaping will also be retained. The Proposed Project removes the wing from the main building and cuts it in two. The Proposed Project also destroys most of the existing landscaping. Therefore, while the Community Preservation Alternate complies with Standard 2, the Proposed Project does not.

Preservation Alternative C is more compliant with Standard 2 than is the Proposed Project but will have more impact on the property than will the Community Preservation Alternative. Preservation Alternative C proposes to add a story to the Main Building and replace the building's glass curtain wall. Without knowing the design of the vertical addition, or what will replace the curtain wall, it is difficult to determine whether these features will be compatible. Also, it should be noted that many residential buildings now feature curtain walls, so it is unclear why the existing curtain wall is incompatible with residential uses.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

The Community Preservation Alternate does not propose adding any conjectural features that would create a false sense of historical development. Therefore, the Community Preservation Alternative complies with Standard 3.

Neither the Proposed Project nor Preservation Alternative C propose changes that would create a false sense of historical development, so these designs would also comply with Standard 3.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

As described in the California Register Nomination, the Main Building was constructed in phases. The first part of the building was completed in 1957. However, its siting, plan and structure were designed such that it could accommodate future expansion. This expansion took place from 1963 to 1967, in three phases, which added wings to the building. The work was designed by the original architect, and constructed by the original contractor for the original client (Fireman’s Fund). The wings are now over 50 years old, and are considered part of the historic resource even if they were not part of the original construction. Since that time, most alterations have occurred on the interior, typical of open-plan office buildings. Under the Community Preservation Alternative, the wings would be retained; under the Proposed Project they would not be. The Community Preservation Alternative therefore meets Standard 4, while the Proposed Project does not. Similar to the Community Preservation Alternative, Alternative C complies with Standard 4.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

The Community Preservation Alternative will retain all distinctive features of the main building and landscape, including the curtain wall and footprint. And, by not raising the height of the building, its horizontality will also be retained. Character defining features of the site will also be retained. (The Service Building, however, will be demolished under this scheme, as it would under the Proposed Project and Preservation Alternative C. While the Service Building is an original feature of the site and contributes to its historic significance, the loss of this building would have only a minor impact on the overall integrity of the property). Therefore, the Community Preservation Alternative complies with Standard 5.

The Proposed Project is demolishing too much of the Main Building and the landscaping to comply with Standard 5. Preservation Alternative C is superior to the Proposed Project but will have a greater impact on the property than will the Community Preservation Alternative. Alternative C proposes to replace the curtain wall and add a vertical addition, which could impact the building’s horizontality, which according to the California Register Nomination is an important character defining feature. Therefore, while better than the Proposed Project, Alternative C does not fully comply with Standard 5.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design,
color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

During the design phase, the property, including building and landscape features, should be carefully surveyed to determine the condition of all character defining features. If any of these features are found to be deteriorated, they should be repaired rather than replaced, and any features that are deteriorated beyond repair should be replaced in kind, or, if substitute materials must be used (if, for example, the same material is no longer available), then the substitute material should match the old in design, color, texture and any other visual qualities. If that is done, then the Community Preservation Alternative will comply with Standard 6.

The Proposed Project, however, since it will remove most of the character defining features of the property, will not comply with this Standard. Alternative C, since it retains more of the historic resource, would not fully comply with Standard 6 because it would replace the glass curtain window wall system “with a residential system that would be compatible with the historic character of the resource; e.g. operable windows with small panes divided by a mullion and muntins.” DEIR p. 6.77. The Community Alternative would retain and repair the existing window system if feasible for residential use, or replace it with a residential system that would be compatible with the historic character of the resource.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

No harsh chemical or physical treatments are contemplated at this time. If they are avoided, then the Community Alternative will meet Standard 7.

Since the Proposed Project is removing so much of the resource, the SOIS Analysis in the Draft Environmental Impact Report simply claims that Standard 7 does not apply. The Community Alternative and Alternative C could comply with Standard 7 provided that harsh chemical or physical treatments are prohibited.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Since the project site was formerly part of a cemetery, it is possible that archaeological resources may be encountered during the construction of any project on this site. Language in the specifications must direct construction personnel to stop work should any archeological features be encountered. A professional archeologist would then be alerted to come and identify, document, and safely remove (if warranted) the feature. If such protocols are put into place prior to the start of construction, the project will comply with Standard 8.

According to the EIR, “Mitigation has been identified to reduce the potential impact to archaeological resources to a less-than-significant level. Thus, the Proposed Project or Project Variant would conform with Standard 8.” If Alternative C and the Community Preservation Alternative follow similar protocols, than they too would comply with Standard 8.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

For the Community Preservation Alternate, the exterior envelope of the Main Building will be kept intact, and new construction is proposed primarily along California Street, where currently non-character-defining parking lots exist. These new structures can be designed such that they are compatible with both the Main Building and the existing buildings along the north side of California Street. This can be accomplished by utilizing brick, glass, and concrete as exterior materials (tying into the materials of the Main Building), while maintaining the rhythm and scale of the townhouses across California Street. The Community Alternative will therefore comply with Standard 9. In addition, the Mayfair Building would be designed to be compatible with the Main Building.

The proposed project, on the other hand, does not comply with this Standard. Portions of the Main building will be removed, and most of the landscape will be destroyed. Therefore, the Proposed Project will not comply with Standard 9.

Preservation Alternative C is more compliant than the Proposed Project. However, the massing of the new buildings along California Street is very different from the buildings across California Street, and from the residential development surrounding the site.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

For the Community Preservation Alternative, new construction would be relegated to the parking lots along California Street and a Mayfair Building. The Main Building would retain its existing form, and the curtain wall would be retained if feasible for residential use or replaced with a system that would be compatible with the historic character of the resource (however, given that the present curtain wall, according to the California Register nomination, has become darker since the sale of the building to UCSF in 1985, the curtain wall could be revised if the original tint can be determined.) The work proposed for the Main Building would almost entirely occur on the interior, with the exception of proposed lightwells. So, if the proposed new development is removed in the future, the property could easily be returned to its historic appearance.

The Proposed Project would make so many changes to the building and landscape that it would not comply with Standard 10. Alternative C does better at compliance than the Proposed Project. However, with the developer’s proposal to replace the curtain wall and add a story to the building, it is difficult to see how the original form and integrity of the property could be returned if the changes were reversed. Therefore, Alternative C would not comply with Standard 10.

Conclusion
The above discussion evaluates the Community Preservation Alternative’s compliance with the Secretary of the Interior’s Standards for the Treatment of Historic Properties: Rehabilitation. It also discusses how and whether the Proposed Project and Alternative C complies with these standards. Here are the results:
Community Preservation Alternative: Complies with all 10 Standards
Proposed Project: Complies with Standards 3 and 8 only.
Alternative C: Complies with Standards 1, 3, 4, 6, 7, and 8. Partially complies with Standards 2, 5 and 9. Does not comply with Standard 10.
The Community Alternative is clearly superior in its compliance with the Standards than are the other two designs evaluated. In addition, it provides more housing units than Alternative C, and the new construction is more compatible with surrounding neighborhood development.

Nancy Goldenberg

January 7, 2019
COMMUNITY FULL PRESERVATION ALTERNATIVE

OVERVIEW

The Community Full Preservation Alternative would construct the same number of new housing units as the developer’s proposed project (558 units) or project variant (744 units) and would be completed in approximately three years rather than the 7-15 years requested by the developer to complete his proposals. The Community Full Preservation Alternative would preserve virtually all of the character-defining features of the main building and its integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. The Community Full Preservation Alternative would excavate only for a single, one-level underground parking garage and for the foundation for the Mayfair Building. In contrast, the developer proposes to excavate for three new underground garages including a three-level one.

The Community Full Preservation Alternative would: (1) convert the interior of the main building to residential uses while retaining the existing 1,183 asf café, 11,500 gsf childcare center, and 5,000 gsf of the existing office space (at the developer’s option, this existing office space could be converted to residential use), (2) construct three new residential buildings along California Street where parking lots are now located and also construct a new residential building near the intersection of Mayfair Drive and Laurel Street, (3) provide at least 56 flat-type units affordable to and sized for middle-income families, with additional on-site affordable housing determined by the Board of Supervisors, (4) excavate for only a single, one-level underground parking garage and the foundation for the Mayfair Building, (5) require all freight loading and unloading to be conducted in the underground freight loading areas accessed from Presidio
Avenue and all passenger loading and unloading to be conducted inside the site in turnarounds or in the underground parking garage, (6) retain the historically significant landscaping designed by the renowned landscape architects of Eckbo, Royston & Williams which is integrated with the window-walled main building, including the Eckbo Terrace and existing landscaped green spaces along Laurel Street, Euclid Avenue and Presidio Avenue, which would be designated as community benefits in the development agreement, (7) preserve the majority of the 195 mature trees on the site which are comprised of 48 different tree species (Initial Study p. 16), and (8) maintain public vistas of the downtown and Golden Gate Bridge and the historically significant main building and integrated landscaping. The Community Full Preservation Variant Alternative would add 110 more units to the Walnut Building, which could be used for senior housing, and additional units within the other buildings which would result in smaller unit sizes, as described herein. The Community Full Preservation Alternative and Variant would use all the new construction for residential use and would not rezone the site for approximately 54,117 gsf of retail uses or a 49,999 gsf new office building, as the developer proposes.

THE COMMUNITY FULL PRESERVATION ALTERNATIVE WOULD PROVIDE THE SAME AMOUNT OF NEW HOUSING UNITS IN APPROXIMATELY THREE YEARS WITHOUT DESTROYING A HISTORICALLY SIGNIFICANT RESOURCE.

The Community Full Preservation Alternative (Alternative) would preserve virtually all of the character-defining features of the main building and integrated landscaping, which are listed in the California Register of Historical Resources pursuant to Section 4851(a)(2) of the California Code of Regulations. (Ex. A, confirmation of listing) The window-walled main building would be converted to primarily residential use. This Alternative would have the same
number of residential units as the developer’s proposed project (558 units) and would be constructed in approximately three years because the existing main building would be converted to residential use at the same time as the new residential buildings are constructed. (See Exhibit B, layout of buildings) The Alternative would entail far less excavation, as it would have only one new level of underground parking garages along California Street and a total of approximately 460 on-site parking spaces. In contrast, the developer proposes to construct four new underground parking garages, including up to three levels of parking, to provide a total of 896 parking spaces for the developer’s proposed project (970 parking spaces for the developer’s proposed variant).

The Community Alternative would retain the existing Eckbo Terrace and green landscaped areas along Laurel Street, Euclid Avenue and Presidio Avenue, except for a small portion to be occupied by the Mayfair Building. The existing Terrace would be designated as Privately-Owned, Publicly-Accessible Open Space in recorded deed restrictions and would be open to the public from 8:00 am to sundown. The existing passageway that runs through the first floor of the existing main building and opens onto the Terrace and thence onto Masonic Avenue would be retained and opened to the public from 8 am to sunset and marked with signage identifying it as a public throughway.

The character-defining features of the existing main building that the Community Alternative would retain include all of the following:

Plan of the building with wings open along the sides to the immediate landscape and to views of the distant city.

Horizontality of massing.
Horizontal lines of projecting edges of concrete floors.

Horizontal bands of nearly identical window units.

Uninterrupted glass walls.

Window units of aluminum and glass.

Brick accents and trim.

Wrought iron deck railings that match gates in the landscape.

The character-defining features of the existing landscape that the Community Alternative would be retain include all of the following:

In the Eckbo Terrace, which was designed to integrate the architecture of the building with the site and with the broader setting (through views of San Francisco), key character-defining features include its biomorphic-shaped (amoeba-shaped) lawn surrounded by a paved terrace and patio (paved with exposed aggregate concrete divided into panels by rows of brick), brick retaining wall and large planting bed around the east and north sides of the paved patio, custom-designed wood benches, and three circular tree beds constructed of modular sections of concrete.

The Concrete Pergola atop terraced planted beds facing Laurel Street, which creates a welcoming, shaded transition area where the inside and outside merged. (Draft EIR pp. 4.B.12 and 21)

In the Entrance Court, providing a connection between the Executive/Visitors Gate on Laurel Street and an entrance to the building on the west side of the Cafeteria wing, key character-defining features include narrow planting beds adjacent to sidewalks; exposed aggregate sidewalks, and a low free-standing brick wall along its north side.
In the two outdoor sitting areas on the east and west sides of the area now used as an auditorium, key character-defining features for the area on the west side include the pavement (exposed aggregate divided into panels by rows of bricks), circular tree bed constructed of modular sections of concrete, and metal benches; key character-defining features for the area on the east side include the pavement (concrete divided into panels by wood inserted into expansion joints).

The Brick Wall (constructed of red brick set in running bond pattern similar in appearance to the brick used in the exterior of the main building) that takes several forms and which forms a continuous and unifying element around the edges of the site, would be retained except for the areas of the wall that surround the Service Building and which run along California Street. The brick from these areas will be retained, if feasible, and reused as trim on the bottom portions of the new California Street Back Buildings.

The Community Alternative would retain the three gated entrances - the entrance on California Street at Walnut Street, the service entrance at Mayfair and Laurel Street, and the executive/visitor entrance on Laurel Street. In this Alternative, much of the internal circulation system will be retained (entrance drive, service drive and executive/visitor entrance). All passenger loading, pick-ups and drop-offs will be internal to the site, and turnarounds will be provided in front of the main building to the east of the entrance on California/Walnut and in front of the executive/visitor entrance on Laurel Street. (See Ex. C, circulation and loading plan)

All freight loading and unloading will be conducted in the underground freight loading areas accessed from Presidio Avenue.
Vegetation features that help to integrate the character of the Fireman’s Fund site with that of the surrounding residential neighborhoods that will be retained include (1) the large Cypress trees in the existing west parking lot area, (2) the lawns on the west, south and east sides of the property, and (3) the planted banks along Laurel and Masonic streets.

The service building and circular garage ramps would not be retained.

In the Community Full Preservation Alternative, the existing 1,183 asf café and 11,500 gsf childcare center would remain in their present locations in the main building. At the developer’s option, the existing 12,500 gsf of storage in the main building could be converted to parking spaces or used for underground off-loading or other functions. Approximately 5,000 square feet of the existing nonconforming office space in the main building would remain, which the developer could continue to use for offices. At the developer’s option, this existing office space could be converted to residential use.

In the Community Alternative, new residential buildings would be constructed along California Street where parking lots are currently located, and a Mayfair building would also be constructed at the same approximate location as the Mayfair building proposed by the developer. The new California Front buildings would be designed for middle-income families, and their average size would be 1,821 square feet. They would be designed to be compatible with both the main building and the existing buildings along the north side of California Street and would maintain the rhythm and scale of the townhouses across California Street. Each California Front building would be 40 feet tall, approximately 28.5 feet wide and 100 feet in length with 25% of that length consisting of a private rear yard. Approximately 14 new buildings containing 56
units for middle-income families would be built in California Front between Laurel Street and Walnut Street.

The new California Street Back buildings would face inward toward the existing main building and be constructed with window walls designed to be compatible with the character-defining features of the windows in the existing main building. They would be sculpted around the large Monterey Cypress trees that remain from the Laurel Hill Cemetery, so the lengths of the buildings would vary from approximately 65 to 50 or 40 feet long, and each building would be approximately 28.5 feet wide. They would have 56 units, with the average unit size ranging from 1,575 to 1,215 to 971 square feet depending on location, and the buildings would be 40 feet tall and be constructed between Laurel Street and Walnut Street. For each residential unit in the California Street Front and Back Buildings, one parking space with direct access would be provided in a new one-level underground garage constructed under these buildings.

In the Community Alternative, approximately 292 residential units would be provided in the existing main building, averaging 798 square feet in size. The developer can configure the size of the units and/or eliminate the office use. Internal Light Courts similar to those described on Developer’s August 17, 2017 plan sheets A6.15 and A6.16 will be located where feasible. For these units, parking with direct access would be provided in the existing underground garage in the main building.

A new 40-foot tall Walnut Building would be built along California Street between Walnut Street and Presidio Avenue. This building would contain approximately 118 residential units with an average square footage of 809 square feet. The developer can configure the size of
the units. For these units, parking with direct access would be provided in a new one-level underground garage to be built under this building.

In the Community Alternative, a new 40-foot tall Mayfair Building would be constructed approximately east of Mayfair Drive at Laurel Street. The Mayfair Building would have 36 residential units with an average size of 1,073 square feet. The Mayfair Building would not contain an underground parking garage. For these units, parking with direct access would be provided in the new underground garages constructed under the California Street Front and Back Buildings. The Mayfair Building would be constructed of window walls designed to be compatible with the character-defining features of the windows in the existing main building. A small portion of a grassy area of the existing landscaping would be occupied by this building.

Other than removing the circular garage ramps, the Community Full Preservation Alternative would not make any of the exterior or interior circulation or site access changes proposed by the developer in August 17, 2017 plan sheets C.202 or L1.01 or in the “PRELIMINARY DESIGN” dated 08/2018. Under the Community Alternative, all Truck Loading or Unloading would occur in the underground garage accessed on Presidio Avenue, and trucks and automobiles will have ingress and egress to these areas for loading, unloading, pick-ups, drop-offs and parking. Truck Loading or Unloading will be permitted from 8 am to 8 pm only. Passenger vehicles and automobiles will also have ingress and egress to the site through the Walnut Gate at Walnut and California Streets and through the Mayfair Gate at Mayfair and Laurel streets. Passenger vehicles and automobiles will also have access to a turnaround for passenger loading and unloading through the Laurel Street gate and through the Walnut gate.
In the Community Full Preservation Alternative Variant (Variant), there would be 228 residential units with an average of 732 square feet in a 7-floor Walnut Building, which would require a height limit change for this area of the property only. Under the Community Variant, there would be 64 new residential units in the California Street Front Buildings with an average of 1,594 square feet, and 64 new residential units in the California Street Back Buildings with an average of 1,332, 1,275 or 850 square feet; these buildings would be 25 feet wide under this Variant, and lengths would vary with location. Under the Community Variant, there would be 48 new residential units in the Mayfair Building, with an average of 805 square feet. All new buildings would be 40 feet tall except the Walnut Building. The developer could configure the size of the residential units. In addition to the existing café, childcare center and 5,000 gsf of office space, in the Community Variant, the main building would be converted to approximately 340 residential units, with an average of 686 square feet.

The Community Alternative/Variant would comply with all applicable laws and regulations, including by making any modifications in the design needed to achieve such compliance or to provide additional space for necessary functions.

In the Community Full Preservation Alternative, the glass curtain wall of the existing main building would be retained and repaired if feasible for residential use, or replaced with a window system that would be designed to be compatible with the character of the historic resource. DEIR pp. 6.66 and 6.77. In the Community Alternative, any replacements of the glass curtain wall would be compatible with the geometric pattern of the windows in the existing main building.
The Community Full Preservation Alternative Variant would have the same characteristics as the Community Alternative, unless otherwise indicated above.
EXHIBIT A
August 31, 2018

John Rothman, President
Kathryn Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco
22 Iris Avenue
San Francisco, California 94118

RE: Fireman's Fund Insurance Company, Determination of Eligibility National Register of Historic Places

Dear Mr. Rothman and Ms. Devincenzi:

I am writing to inform you that on August 29, 2018, Fireman's Fund Insurance Company was determined eligible for the National Register of Historic Places (National Register). As a result of being determined eligible for the National Register, this property has been listed in the California Register of Historical Resources, pursuant to Section 4851(a)(2) of the California Code of Regulations.

There are no restrictions placed upon a private property owner with regard to normal use, maintenance, or sale of a property determined eligible for the National Register. However, a project that may cause substantial adverse changes in the significance of a registered property may require compliance with local ordinances or the California Environmental Quality Act. In addition, registered properties damaged due to a natural disaster may be subject to the provisions of Section 5028 of the Public Resources Code regarding demolition or significant alterations, if imminent threat to life safety does not exist.

If you have any questions or require further information, please contact Jay Correia of the Registration Unit at (916) 445-7008.

Sincerely,

Julianne Polanco
State Historic Preservation Officer

Enclosure
WEEKLY LIST OF ACTIONS TAKEN ON PROPERTIES: 8/16/2018 THROUGH 8/31/2018

KEY: State, County, Property Name, Address/Boundary, City, Vicinity, Reference Number, NHL, Action, Date, Multiple Name

CALIFORNIA, SAN FRANCISCO COUNTY,
Fireman's Fund Insurance Company Home Office,
3333 California St.,
San Francisco, RS100002709,
OWNER OBJECTION DETERMINED ELIGIBLE, 8/29/2018
EXHIBIT B
Site Plan

- Existing Pedestrian Way
- Playground
- Existing Building

Proposed Alternative New Building
Proposed New Building
New Light Court

Aerial View Looking SE

California St Front
California St Back

See O-LHIA4 Comment 5 on p. 3 of Exhibit A (AL-2)
EXHIBIT C
December 11, 2018

Ms. Lisa Gibson
Environmental Review Officer
San Francisco Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson,

On December 5, 2018, the Historic Preservation Commission (HPC) held a public hearing in order for the commissioners to provide comments to the San Francisco Planning Department on the Draft Environmental Impact Report (DEIR) for the proposed 3333 California Street Project (2015-014028ENV). As noted at the hearing, public comment provided at the December 6, 2018 hearing, will not be responded to in the Responses to Comments document. After discussion, the HPC arrived at the comments below:

- The HPC found the analysis of historic resources in DEIR to be adequate and accurate. The HPC concurs with the finding that the proposed project would result in a significant, unavoidable impact to the identified historic resource.
- The HPC expressed the importance of the historic resource as an integrated landscape and building.
- The HPC agreed that the DEIR analyzed a reasonable and appropriate range of preservation alternatives to address historic resource impacts.
- The HPC expressed interest in understanding more about a “neighborhood alternative” that was discussed by the public during public comment at the hearing.
- The HPC also supported combining some elements of the different alternatives in order to increase the amount of housing in the Full Preservation Alternative C. Commissioner Hyland specifically requested that Alternative C incorporate some elements from alternatives B and D such as increased building heights along California Street (up to 65 feet), the conversion of some areas of office or retail to residential use, and the incorporation of duplexes along Laurel Street.
The HPC appreciates the opportunity to participate in review of this environmental document.

Sincerely,

Andrew Wolfram, President
Historic Preservation Commission
Memo

Denise Bradley Cultural Landscapes
520 Frederick Street No. 37
San Francisco, CA 94117
415. 751. 2604 (phone)
sfodab@hotmail.com (email)
www.denisebradley.us

Date: 24 April 2018
To: Kathy Devincenzi, Vice President
Laurel Heights Improvement Association of San Francisco, Inc.
cc: Michael Corbett
Subject: 3333 California Street Property
Location of Trees that were part of the Laurel Hill Cemetery

This memo provides a summary of the reference materials, reviewed as part of the Fireman’s Fund National Register Nomination, that provide information on the location of trees at the 3333 California Street property that appear to have been part of the Laurel Hill Cemetery landscape.

In his book *Urban Landscape Design*, Garrett Eckbo described the design process for the mid-1950s landscape design for the Fireman’s Fund site, which had been prepared by Eckbo, Royston, and Williams (ERW). In this description, he noted how some of the trees from the former cemetery were saved and incorporated into the Fireman’s Fund landscape design.

> Considerable care was taken in the arrangement of the building, parking areas, and levels [i.e., grading] to save all the existing trees. Some of the trees were left on mounds of earth where the ground was depressed, and others were contained in wells where the ground was raised. In all cases, special pruning, feeding, aeration, and watering were done during construction to help the trees make the necessary adjustments.

> The most impressive of the trees saved are the beautiful specimens of Monterey cypress in the parking areas on the California Street side of the building. Here, too, three very large blue gums are retained. In some ways, the most distinctive specimens saved are the large red-flowering eucalyptus near the corner of California street and Presidio, and the magnificent native toyon or Christmas berry in the parking area above Presidio. In addition to these six live oaks and a very large redwood and Monterey pine are saved. (Eckbo 1964:47).

The locations of the cemetery trees that were saved and incorporated into the Fireman’s Fund landscape can best be understood through a review of historical aerial photographs that are attached to this memo.
Figure 1 shows the extent of the vegetation at the former Laurel Hill Cemetery in 1948 before any grading or construction work associated with the Fireman’s Fund Home Office had occurred.

Figure 2 shows the 3333 California Street property in 1955 after grading for the Fireman’s Fund Home Office had begun. The site has been cleared of all traces of the former cemetery except for select trees; these trees are circled on Figure 2.

Figure 3 shows the 3333 California Street property in 1958 after the completion of the initial phase of construction on the Fireman’s Fund Home Office. Former cemetery trees that have been incorporated into the design, as described by Eckbo, are circled on Figure 3.

Figure 4 shows the 3333 California Street property in 1969, after the addition of the parking garage, auditorium, and office wing extension, which occurred between 1965 and 1967. This construction required the removal of some of the cemetery trees, and the ones that remained in 1969 are circled on Figure 4.

Figure 5 shows the current configuration of the 3333 California Street property. The trees which appear to have been part of the Laurel Hill cemetery vegetation are circled on Figure 5; these include:

- two Monterey cypress trees (#24 and #25 on the SBCA Tree Location Map) on a low mound in the East Parking Lot,
- a blue gum eucalyptus (#118 on the SBCA Tree Location Map) in the West Parking Lot, and
- several Monterey cypress (#119, #120, and #121 on the SBCA Tree Location Map) in the West Parking Lot.

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1 SBCA Tree Consulting, Memo to Lisa Congdon (Prado Group Inc.), 3333 California Street, Protected Tree Survey, amended 24 March 2017.
2 Ibid.
3 Ibid.
Figure 1. Former Laurel Hill Cemetery in 1948 before landscape features were removed. Source: Pacific Aerial Surveys.
Figure 2. Aerial view of 3333 California Street property in 1955 after initial construction has begun. Trees from the Laurel Hill Cemetery that were retained are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.
Figure 3. Aerial view of 3333 California Street property in 1958. Trees from the Laurel Hill Cemetery that were incorporated into the landscape design are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.
Figure 4. Aerial view of 3333 California Street in 1969 after the addition of the parking garage, auditorium, and office wing extension. Trees from Laurel Hill Cemetery that remain are circled. Source: Pacific Aerial Surveys, annotated by Denise Bradley.
Figure 5. Aerial view of 3333 California Street property today. Trees from Laurel Hill Cemetery that remain are circled. Source: GoogleEarth, annotated by Denise Bradley.
Via Email and U.S. Mail

December 11, 2018

Kei Zushi, EIR Coordinator
City and County of San Francisco
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
CPC.3333CaliforniaEIR@sfgov.org

Re: Comment on Draft Environmental Impact Report, 3333 California Street Mixed-Use Project (State Clearinghouse # 2017092053)

Dear Mr. Zushi:

I am writing on behalf of Laborers International Union of North America, Local Union No. 261 and its members living in and around the City and County of San Francisco (“LIUNA”) regarding the Draft Environmental Impact Report (“DEIR”) prepared for the Project known as 3333 California Street Mixed-Use Project (SCH2017092053 and Case No. 2015-014028ENV), including all actions related or referring to the proposed demolition and redevelopment of existing buildings and proposed construction of thirteen new buildings containing 558 residential units within 824,691 gross square feet (gsf) of residential floor area, 49,999 gsf of office, 54,117 gsf of retail, and a 14,690-gsf child care center on Block 1032/Lot 003 in the City and County of San Francisco (“Project”).

After reviewing the DEIR, we conclude that the DEIR fails as an informational document and fails to impose all feasible mitigation measures to reduce the Project’s impacts. LIUNA requests that the San Francisco Planning Department address these shortcomings in a revised draft environmental impact report (“RDEIR”) and recirculate the DEIR prior to considering approvals for the Project. We reserve the right to supplement these comments during review of the Final EIR for the Project and at public hearings concerning the Project. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Michael R. Lozeau
Via Email and U.S. Mail

December 12, 2018

Kei Zushi, EIR Coordinator
City and County of San Francisco
San Francisco Planning Department
1650 Mission Street, Suite 400
San Francisco, CA 94103
CPC.3333CaliforniaEIR@sfgov.org

RE: Withdrawal of Draft EIR Comment and CEQA and Land Use Notice Request for the project known as 3333 California Street Mixed-Use Project aka State Clearinghouse # 2017092053

Dear Mr. Zushi:

I am writing on behalf of the Laborers’ International Union of North America, Local Union No. 261 (“LIUNA”). LIUNA hereby withdraws its request, sent on April 6, 2018, that the City of San Francisco (“City”) send mailed or emailed notices related to the project known as 3333 California Street Mixed-Use Project aka State Clearinghouse # 2017092053 (“Project”). Additionally, LIUNA hereby withdraws its DEIR comment, sent on December 11, 2018. If you could please confirm that the notice request and DEIR comment have been withdrawn would be appreciated.

Sincerely,

Hannah Hughes
Legal Assistant
Lozeau | Drury LLP
Individuals
To the planning Commission:

I am deeply concerned of what is occurring in my neighborhood, specifically at 3333 California St. Please read the following:

The developer’s request for 15 years to construct the project is suspect. This looks like a plan to sell a new entitlement on an up-zoned property. Developers all over town are selling new entitlements rather than build housing. Alternatives analyzed in the Draft EIR would be built in 3 to 5 years. The Community Preservation Alternative would be built within three years.

I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site. It provides 558 (or 744 in the Variant) housing units. It builds them in three years.

It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.

It does not create 8,000 retail auto trips per day.

It does not generate approx. 15,000 tons of greenhouse gases.

It preserves both the present childcare center and the existing café.

It matches the surrounding neighborhoods for character, style, scale and bulk.

I strongly oppose the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

The Community Full Preservation Alternative will generate ZERO retail auto trips to 3333 as opposed to the 8,000 retail caused the Developers Destructive Proposal.

The Community Full Preservation Alternative will protect the small, family owned businesses in Laurel Village, Sacramento St. and Presidio Ave. A quick walk around these neighborhoods will clearly show the immense pressure these businesses are experiencing. More retail is unneeded and unwanted. It will destroy our local businesses. The Neighborhoods are well served by businesses at Laurel Village, Sacramento St., Trader Joe’s, City Center, California St. etc. we do not need more, more, more. We do not need the more than 100,000 square feet of Retail, Office, Commercial space that the Developers Destructive Proposal calls for. One of the reasons the Developer destroys this historic site is to create enough space for this unneeded and unwanted Retail/Office/Commercial (ROC) nonsense.

The CPMC development, a Community supported plan by the way, adds 270 housing units and the Developer and neighbors have agreed to have no Retail. Why is 3333 being treated differently by forcing unneeded and unwanted ROC (Retail/Office/Commercial) against the overwhelming opposition of the surrounding residents?

In a recent Petition Drive at Laurel Village over 800 residents signed the Petition opposing the Developers Full Destruction and Massive ROC plan and supporting the Community’s residential Alternative. Three people opposed it the Petition. These signatures were gathered in less than 8 hours. In the Petition Drive the 800 signatures opposed rezoning 3333 and also opposed revoking Resolution 4109, an agreement between the City and the surrounding neighborhoods. “A deal is a deal “was how everyone felt. The Community Full Preservation Alternative will already be more than twice as dense as the surrounding neighborhoods so any rezoning is uncalled for, unneeded and unwanted. These signatures are in the hands of the District 2 Supervisor.

The Developers Destructive Proposal is well named. Based on current estimates, it will generate approx. 15,000 tons of Greenhouse Gases (GHG) and the many associated and far more destructive climate changing gases that accompany the primary CO2. The Community’s Full Preservation Alternative will, by comparison, generate approx. 4,100 tons of GHG. The Community Alternative mitigates the GHG generated by more than 70 percent, providing a dramatic reduction in a time of climate change.

The GHG calculation is our best estimate. Neither Planning nor the Developer will provide the volume of concrete or weight of steel required. The Developer claims to have built many buildings and many complexes, Planning claims to oversee thousands of such projects and yet no one can even make an educated estimate as to the concrete and steel required.

Could there be something they want to conceal from the public? Much like they concealed the Historic nature of 3333 for over 4 years?

We pollute less and protect the environment: The Community Alternative will ALWAYS generate less than one third the GHG generated the Developers Full Destructive Alternative. We destroy less: the historic site.

We build less: 4 new buildings versus the Developers’11 new buildings plus creating two tall towers out of the existing main building. One single level underground parking garage for 450 spaces versus a complex of parking garages, some of three levels, for 896 spaces; We excavate less: 90,000 cubic yards (32,000 dump truck loads); We preserve and protect our local businesses and shops; no added unwanted and unneeded and neighborhood destroying family-owned or small retail or business; We better protect the health and well being of everyone: no 13,000+ auto trips to pollute the air,
generate the noise, put pedestrians at risk, unload trucks on the streets, etc. the Community’s solution will always be three times better than the Developers solution.

The Developers Destructive Proposal not only destroys the Historic Site it destroys our climate. Concrete is a major contributor to GHG, in fact the GHG generated by the manufacture of cement and steel equals the GHG generated by traffic. And, 95% of the cement used in the Bay Area is manufactured in the Bay Area so the GHGs are OUR GHGs. The cement is not made somewhere else in the country it is made here.

We fully support housing:
The Community has supported the Lucky Penny (95 units), CPMC (270 units) and now 3333 (558) units. Over 1,000 units in a half mile radius. So please don’t offend me and misrepresent the Community’s position. We support housing and history; we oppose unneeded, unwanted and unnecessary Retail and mindless destruction of a historic site. AND we provide housing in as much as 12 years sooner than the Developers Full Destruction Plan does. The YIMBYs should be 100% in favor of the Community’s Full Preservation plan and if they’re not then they are being grossly hypocritical.

Recent studies have shown that the City’s method of calculating auto trips, and the resulting chaos and congestion is deeply flawed, to the point of being misleading. At the time the VMT (Vehicle Miles Travelled) methodology was developed, SF CHAMP last updated Nov. 2014, the Transportation Networking Companies (TNCs) -Uber/Lyft/Chariot etc. were still in their infancy and so the VMT methodology fails to account for their incredibly disruptive impact. The TNCs average, conservatively, in excess of 170,000 trips per day in San Francisco. Studies also show that TNCs increase passenger trips by almost 10%. There are about 2,000 taxi medallions in San Francisco so TNCs do not just replace taxis they overwhelm them by orders of magnitude.

Also, implementation of the VMT methodology is not mandated until 2019 but as Planning and The Developers were unable to explain away the 8,000 Retail Auto trips generated by the existing, and still acceptable, Level of Service methodology, they implemented the VMT methodology with “refinements.” Planning calculates the Developers Destructive Proposal using VMT methodology will generate approx. 5,800 total auto trips for 3333 for Retail + Office + Residential which is an entirely bogus number based on questionable assumptions, such as “The SF Guidelines do not provide a specific methodology to assess the number of trips….” Planning has therefore, with no supporting documentation or analyses, applied “appropriate refinements to the standard travel demand…”

Rather amazing that these “refinements” all work in the Developers favor. Nowhere in these “refinements” have TNCs been taken into account!

Oh, by the way, the “refinements” used were created for The Mission Rock Project at Seawall Lot 337 and Pier 48 as well as the Pier 70 Mixed Use District Project!

The DEIR consistently attempts to misrepresent and mislead the public. It is incomplete, incorrect, inaccurate and invalid and NOTHING demonstrates this better than the above.

Under their previous, Level of Service, methodology they would have calculated 8,000 retail trips anyway. I think it safe to say that the numbers presented by Planning are simply “Developer friendly!”. Their VMT methodology with “refinements” will generate fewer trips, especially since there are no criteria for calculating the impact of TNCs, but there is nothing in the legislation that remotely suggests it would generate 35% less trips! This entire section is suspect and Planning must explain this profound discrepancy. As noted above, nowhere are the TNCs incorporated into the calculations.

All of which renders the Traffic Analysis incorrect, incomplete, inaccurate, invalid.

The Planning Department proposes to reduce the number of retail parking spaces as a mitigation measure to reduce the significant traffic impact. This is a false assumption and shows the extent to which the Developer and Planning misunderstand, or simply choose not to understand, the impact that the TNCs have.

Planning’s mitigation measure is a stone age solution to a digital age problem. How will many people respond to a perceived lack of parking? They’ll simply call a TNC and go anyway. Eliminating parking won’t eliminate auto trips it will actually increase auto trips.

A UC Davis study shows that people make MORE trips because of TNCs than if they had to use their own cars or take public transit. People now make trips they would never have made in the past – by any mode of transport. The VMT methodology used by the Planning Department fails to account for the impact of
And, the use of TNCs makes the GHG situation worse.

Let's assume I want to go to 3333 by auto. I could personally drive 2 miles to get to the 3333 Retail/Office/Commercial complex, park, then shop or do business, the drive 2 miles home for a total of 4 miles.

Data shows that many people will now use a TNC rather than drive their own cars. This will be even more pronounced if Parking is reduced! So now the TNC has to come to me, assume 2 miles, and take me the 2 miles to 3333 for a total of 4 miles.

When I go home the same thing happens or an additional 4 miles for a grand total of 8 miles. Twice the GHG generated per trip!

So not only do we have 8,000 retail auto trips, excluding the effect of TNCs (not addressed) to deal with we have many of them generating significant more GHG per trip!

Twice the GHG generated per trip!

Planning needs to do a comprehensive analyses using credible data and a credible methodology so that the public knows the extent of the GHG generated.

We are in a crisis with climate change and the methodology shown in the DEIR fails to address this crisis credibly.

In fact climate change is more of a threat to the future of San Francisco than housing is and it isn’t being addressed accurately in the DEIR.

The Developers Destructive Proposal first demolishes and destroys the Historic Characteristics and nature of 3333. Then it virtually destroys all of Laurel Hill itself, with the exception of a small sliver at the southwest corner, by excavating the entire site to depths ranging from 15 to 40 ft. The only area that isn’t excavated is under a portion of the existing building!

Not sure how they missed that opportunity!

Removal of the demolition debris and the excavated soils will require approx. 32,000 dump truck loads, all of which have to pass though and pollute our neighborhoods.

By contrast, the Community Full Preservation Alternative generates approx. 9,000 dump truck loads, one quarter as many!

After the demolition the Developer has to then deliver all the new materials required to rebuild what they demolished plus 11 new buildings.

How many large truck loads, concrete truck loads, etc. will this require?

The Community Alternative only builds 4 new buildings so like the GHG and the debris/soil removals the Community Full Preservation Alternative requires far fewer, probably about one third, or less, as many delivery loads. A quick look at the turning radii of the trucks, i.e. SU-30 Circulation Exhibit and WB-40 Circulation Exhibit clearly demonstrates that all the deliveries during destruction, demolition, excavation, construction and long term operations pose significant threats to traffic safety, pedestrian safety, congestion and pollution.

In fact, as WB-40 shows large trucks cannot safely navigate 5 of the 6 major intersections surrounding the site. There are no plans to mitigate this profound situation which will essentially exist from the beginning of the project ad infinitum. Planning and the Developers have simply washed their hands of the problem a la Pontius Pilate.

The Community Full Preservation Alternative will preserve most of the mature trees at 3333, some of which date back to the time of the Laurel Hill cemetery whereas the Developers Destructive Proposal will attempt to spare approx. 4.

The Developers Destructive Proposal surrounds 3333 with five major Loading/unloading zones for TNCs and Freight traffic. Initially the Developers promised that all the unloading would be done underground or on-site and now the site is ringed with these zones! These zones not only eliminate approx. 40 parking spaces but they will create additional traffic congestion and pollution. So we have a ring of loading zones in addition to the inevitable double parking that occurs for deliveries and drop-offs.
Dear Mr. Zushi

Our family lives at 3320 California Street, a location directly across the street from the planned project and also the block most heavily impacted by this project. We are members of the California Street Homeowners Group, you received the letter of our concerns on Dec 11, 2018, and representatives from our group spoke at the hearing.

Much has been written so we’ll leave this note short.

The draft EIR is insufficient in identifying the environmental impacts of the Project and the impacts identified are largely unmitigated.

**We strongly support the Residential Alternative plan for 3333.** I can assure you that although you may not get a letter from every single resident on “our” block, the support for the residential plan is unanimous.

This plan addresses many of the neighborhood concerns regarding the developers plan including:
1. Can be completed in 3 years, significantly less burdensome for families and elderly
2. Preserves the character of the neighborhood
3. Does not add unwanted and excess retail, supports small business owners
4. Lessons the harmful impacts on the environment
5. Will create far less traffic and safety hazards
6. Does not line the developers pockets at the expense of a community

**We DO NOT support the developers plan.** The developers plan is clearly profit motivated with a complete lack of concern and respect for the residents of this community.

The residential plan is superior in addressing the city’s housing shortage. That is the purpose of this project, correct?

Thank you,
Jim and Jessica Bassuk
I live with my family at 3318 California St, Unit 2, San Francisco, CA 94118. Please find my comments below opposing the current development plan and supporting the community alternative.

There is no hardship with the site and so in my opinion no reason to change the zoning to allow the increased height limit, retail etc. There is a reason that the zoning was changed and it should be respected.

There are numerous issues with the current plan including:

- The proposed seven to fifteen-year construction period would hold our neighborhood hostage to the traffic, noise, disruption and dirt that it will create and would likely result in a negative impact on any residents that might need to sell their homes during such an egregiously long construction period. Moreover, the Developers have met with our neighborhood group and advised us on several occasions that they could complete all construction within 2 to 4 years from Project commencement. We surmise that the longer time frame being requested is to reduce the economic risk of the Project and increase return to their investors, perhaps creating many extra years of valuable tax “losses”. The Developers need to go back to the drawing board to present a more realistic construction time frame, even if it means altering their proposed design.

- The current proposal has construction staging for three of the four phases and most of this time period directly across from our front doors. We have proposed that the Developer move staging next to each phase in the 10 acre site during construction.

- There is a commercial loading zone being proposed directly across the street from our neighborhood which will create noise and disruption. The Draft EIR’s mitigation is to restrict loading to before 7AM and after 7PM, which is even more disruptive to the quiet enjoyment of our homes. Since the Developers have included provisions for all commercial loading to take place underground, there is no justification for the significant adverse impact street side commercial loading would create.

- The garages for our homes back out onto California Street and there was no mention in the Draft EIR of the hazards that will be created as a result of the Project during construction, and particularly with the added traffic that will be created by its proposed retail.

Thank you
David Bercovich
415-409-9288
davidb@gmail.com
Honorable Kei Zushi,

Much has been written about EIR 3333 California Street project. From where I sit at 3320 Street there have been so little realities for the neighborhood and city as a whole. Massive height increases; lack of true recognition of traffic choked streets; wind tunnel impact on street; darkened corridors; destroyed vistas and treasured flora; major nearly decade long disruption with selfish development; is this what growth means in our City? It is destruction of a community. I recall some elements of The Invisible Man by Ralph Ellison. Use space for gentle residence. Remember the false promises of Candlestick?

Daniel Berkley

Sent from my iPhone
From: Gail Boyer [mailto:gail4195@gmail.com]
Sent: Wednesday, January 02, 2019 12:47 PM
To: Richard Frisbie <frfbeagle@gmail.com>; Zushi, Kei (CPC) <kei.zushi@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>
Subject: Fwd: 3333 Comments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I APPRECIATE YOUR KINDNESS AND UNDERSTANDING THAT THERE ARE ELDERLY, DISABLED, CHRONICALLY ILL, HOMEBOUND PEOPLE WHO CANNOT AFFORD TO RELOCATE IN THE CITY, AND THE GRAND, LENGTHY, AND VARIANCES REQUIRED FOR COMMERCIAL, OFFICE RETAIL COMPLEX, AND SCALE OF THIS PROJECT, AND AIR TOXICITY, WILL BE A TRAGEDY FOR THEIR HEALTH AND WELL BEING. PLEASE HELP US AND THANK YOU FOR YOUR CONSIDERATION IN THIS MATTER.

BEST, GAIL BOYER, 3316 CALIFORNIA STREET. THANKS AGAIN RICHARD FOR ALL YOUR HELP.

Begin forwarded message:

From: Richard Frisbie <frfbeagle@gmail.com>
Subject: 3333 Comments
Date: January 2, 2019 at 11:47:50 AM PST
To: Gail Boyer <gail4195@gmail.com>

Gail, below are two paragraphs you can send.
Send them to: Kei Sushi; Catherine Stefani; and myself:

kei.zushi@sfgov.org, Catherine.Stefani@sfgov.org, frfbeagle@gmail.com

I fully support the Community Full Preservation Residential Alternative for 3333

It preserves the Historic Characteristics of this wonderful historic site.
It provides 558 (or 744 in the Variant) housing units.
It builds them in three years.
It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
It does not create 8,000 retail auto trips per day.
It does not generate approx. 15,000 tons of greenhouse gases.
It preserves both the present childcare center and the existing café.
It matches the surrounding neighborhoods for character, style, scale and bulk.

I strongly oppose the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

Let me know if you have any questions.

Dick Frisbie
Dear Planning Commissioners,

I enthusiastically support the proposed development at 3333 California Street. This development will create more housing in our city, a critical need.

For over fifty years my wife and I have lived just two blocks from California Street and Presidio Avenue. We believe in additional new homes that will allow both city newcomers and longtime residents to find affordable and also market rate housing on the city’s west side. I also like the proposed five acres of open space and the pedestrian walkways through the site,
Our vibrant city needs to address our housing shortage.

I urge you to support this thoughtful development which creates an opportunity for families to stay in San Francisco.

[Signature]

Robert Bransten
To whom it may concern:

I am writing in opposition to the developer’s plan for 3333 California Street. The proposal is objectionable for several reasons:

Architecture is not in line with existing neighborhood character.

Retail stores and offices will bring in too much additional traffic and are unnecessary. Existing local stores are more than sufficient for the needs of the neighborhood.

Parking is currently extremely difficult. The developer originally stated loading zones would be on-site or underground however that plan was scrapped. On-street loading zones would eliminate 40 additional street parking spaces.

15-year construction timeline is excessive and unnecessary and as costs spiral invites the sale of an up-zoned property.

THE NEIGHBORHOOD RESIDENTIAL ALTERNATIVE SATISFIES THE NEED FOR ADDITIONAL HOUSING IN SAN FRANCISCO BUT WITH SIGNIFICANTLY LESS DAMAGE TO THE ENVIRONMENT WHILE MAINTAINING THE CHARACTER OF THE NEIGHBORHOOD.

Sincerely,

Barbara and Jim Brenner

homeowners-1809 Lyon Street, San Francisco
Dear Mr. Zushi;

The Draft EIR fails to recognize the disproportionate adverse impact the addition of 750 residential units on a 10 acre site will have on the site’s immediate neighbors. The Draft EIR only adopts a citywide density metric, and fails to incorporate mitigation for the more local adverse impact. The Draft EIR disregards the immediate adversity such a massive influx of units will have on property owners who chose their homes based on the neighborhood’s characteristics.

The Draft EIR fails to include adequate mitigation for the adverse and persistent impact a potential 15 year construction period will have on the neighbors of the Project.

The Draft EIR does not address the traffic impact of ride share drivers driving around the neighborhood waiting for a fare.

The Draft EIR fails to address the deleterious effect of freight loading on a currently entirely residential street. (California between Laurel and Walnut)

The Draft EIR does not mention, much less adequately address, the loss of horizon the Project will create.

The Draft EIR does not mention, much less include mitigation requirements for the additional hazards the Project’s foreseeable congestion will create for exiting garages on California Street.

The Draft EIR disregards the Project’s strategy of privatizing open space which is currently a community resource.

We would welcome the opportunity for dialogue with municipal government representatives and the Developer to resolve these concerns.

Regards,
Joe Catalano and Joan Varrone
3320 California Street Apt. 3
San Francisco CA

Sent from my iPad
Dear Mr. Zushi and Planning Department Commissioners:

I’ve lived in the Laurel Heights neighborhood for nearly 40 years and would like to make the following comments regarding the 3333 California Street Mixed Use Project:

But before I do, I want to be clear that I am 100% in favor of building the 558 (or 744 variant) housing units as soon as possible. I am not an obstructionist, just a concerned resident who understands the desperate need for more housing at all price levels. Further, I was a part of the neighborhood group that was so successful in working with the developer on the “Lucky Penny” (Geary and Masonic) project and hope that the developers of 3333 Cal would see the benefit of collaborating with the neighborhood on this project too, so that the housing can be built as quickly as possible. Many of my neighbors share the same desires and beliefs.

I fully support the Community Full Preservation Residential Alternative for 3333 because:

- It preserves the Historic Characteristics of this wonderful historic site.
- It provides 558 (or 744 in the Variant) housing units.
- It builds them in three years.
- It does not include the massive unneeded and unwanted Retail/Office/Commercial Complex that the Developer continues to insist upon.
- It does not create 8,000 retail auto trips per day.
- It does not generate approx. 15,000 tons of greenhouse gases.
- It preserves both the present childcare center and the existing café.
- It matches the surrounding neighborhoods for character, style, scale and bulk.

I strongly oppose the Developers Destructive Proposal as it brings excessive, unnecessary, unwanted and destructive noise, pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it poses threats to pedestrian safety; it contributes to climate change.

Thank you,

~Michael Coholan
Subject: Re: Comments on 3333 California Street Mixed Use Project -- 2015-014028ENV

Date: Sunday, January 6, 2019 at 9:34:47 PM Pacific Standard Time

From: Adam Cole <adamcole415@gmail.com>

To: Zushi, Kei (CPC) <kei.zushi@sfgov.org>

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please accept my apologies: I meant to say Dear Mr. Zushi.

On Jan 6, 2019, at 9:32 PM, Adam Cole <adamcole415@gmail.com> wrote:

Dear Mr. Sushi and Commissioners — I live two blocks from 3333 California Street. I OBJECT to the “Proposed Project” and “Variant” (collectively, “developer’s proposal”) and urge the Planning Department to accept and review and the Commission to adopt the Community Residential Alternative.

I have lived in this neighborhood for 23 years and value its character, which has kept its residential charm all that time, but which the developer’s proposal threatens.

I object to the developer’s proposal for two main reasons.

First, the developer is proposing to take up to 15 years to complete it. That’s absurd. The Golden Gate Bridge was completed in four years. Fifteen years of construction is also deeply unfair to us who live here and must suffer the noise. The timeframe also casts doubt on the developer’s bona fides, suggesting that the goal isn’t to develop the property at all but to flip it after approval or otherwise manipulate the City’s approval process. Each of these concerns by itself militates against approval of the developer’s proposal.

Second, the developer’s proposal will result in a massive increase in car traffic in the neighborhood, which we can’t handle. Thousands more car trips a day will congest and destroy the historic residential feel of this area.

The Community Residential Alternative addresses these and other issues and draws the right balance between the need for more housing and preservation of this historic neighborhood.

Thank you for your consideration.

Adam M. Cole
3401 Clay Street, Apt. 405
San Francisco, CA 94118
Cell 415-828-1812
Bill Cutler and Judy Doane  
3101 California Street Apt. 7  
San Francisco, CA 94115  

January 5, 2019  

Re: Case No. 2015-014028ENV  

Dear Planning Commissioners:  

We are a married couple who have lived in Laurel Heights on California Street, one block from the site of the proposed real estate development, for over 45 years. 

Over the decades, we’ve seen many big changes to our neighborhood—some positive, and some negative—but this Prado development proposal, which violates the zoning laws and the character of the district, is by far, the most disturbing to date. 

We recognize the pressing need for more affordable housing in San Francisco, and we support construction of housing on this site, but the current proposal, which Prado wants 7-15 years to complete, includes unnecessary retail space, threatens the quality of life, and mars the beauty of Laurel Hill by altering the Historic Building, obscuring the beautiful views, and destroying the majority of 185 old growth trees that we cannot afford to lose in an era of toxic air and climate change. 

The high density of the proposed project as described in the Draft Environmental Impact Report, will increase traffic flow and congestion, increase noise and pollution, and contribute to the loss of parking, in a neighborhood where it’s already almost impossible to find adequate street parking, even for residents with G-Stickers. It’s important to realize that not only will the construction of the Prado project permanently eliminate 40 currently available non-metered parking spaces to accommodate five loading/unloading zones for TNCs (Uber, Lyft, Chariot) and freight traffic, but it will also take away another 200 non-metered parking spaces, which surround the 10 acre site on
Euclid and Laurel Streets for the entire 15 years of construction. That is parking that residents, as well as businesses in Laurel Village Shopping Center need desperately, and that severe impact on our community is not addressed anywhere in the DEIR. Essentially, Prado’s current DEIR changes what should be a residential development into a full scale retail destination.

In addition to Prado’s proposal, there are three other large real estate projects already approved to be built in this same neighborhood over the next few years:

*A residential building (95 units) at the current site of the former Lucky Penny Restaurant at Geary and Masonic.

*A residential development (270 units), covering two and a half blocks at the current site of CPMC on California Street.

*A new housing development nearby on Sacramento Street.

Along with the Prado project, these will bring thousands of new residents to Laurel Heights in the coming years, so the YIMBY argument that there is no new housing in the Western Addition makes little sense once you take into account how many new buildings will be going up in our neighborhood simultaneously. In fact, in a recent petition drive at Laurel Village, over 800 residents signed the petition opposing the developer’s plan for ROC (retail, office, and commercial) space, and fully supporting a development consisting of new housing only.

Fortunately, there is a much better way to address the need for a development at Laurel Hill that both meets the housing demands and still protects the Historic Building as well as the beautiful landscaping that surrounds it. It’s called the Neighborhood Full Preservation Alternative. It provides the same number of residential housing units as the Prado project, 558 with a 744 variant, protects the majority of the 185 mature trees, and does not include major retail that would only negatively compete with Laurel Village Shopping Center, which borders the site. For perspective, Laurel Village already has two supermarkets, Cal-Mart and Bryan’s, Starbucks and Peet’s coffee, a liquor store, Ace Hardware, several restaurants, including Beautifull! and Rigolo Cafe, 3 banks, Bank of America, Wells Fargo and First Republic, Walgreen’s Pharmacy, multiple doctors, dentists, and psychotherapy offices, Peninsula Beauty, a GAP store, several boutiques and a variety of other businesses. Sacramento Street, which is one block away from the development, has numerous restaurants, including The Magic Flute, Spruce, Sociale, Cafe Luna and Osteria, The Vogue movie theater, 3 dry cleaners, multiple boutiques, antique shops, nail salons, hair salons, an automotive repair shop, several liquor stores, a shoe repair shop, and many other businesses, all within a short walking distance of Laurel Hill. It is also important to remember that the development is directly across California Street from the San Francisco Jewish Community Center, which offers a pool, a fitness center, a spa, a concert hall, a full calendar of performances, lectures, and a host of other amenities.

We don’t need new retail in Laurel Heights. We are inundated with retail right now. We need affordable housing—built without changing existing zoning laws, without 10 story buildings, without
over 100,000 square feet of additional retail, office and commercial space. We should be using the construction primarily for affordable housing, which would allow for some units big enough for middle class families. The Neighborhood Alternative does all that and can be built in about 3 years, not 7-15.

Among the many things that make the Neighborhood Alternative a much better solution than any of the alternatives presented in the DEIR are as follows: it preserves the characteristics of this wonderful historic site, it provides 558 (or 744 in the Variant) housing units, it does not create 8000 retail auto trips per day, it does not generate approximately 15,000 tons of greenhouse gases, it preserves both the present childcare center and the existing cafe, and it matches the surrounding neighborhood for character, style, scale and bulk. In short, it is the ideal solution—providing housing without destroying what makes Laurel Heights a desirable place to live in San Francisco.

Please consider supporting our plan. Thank you.

Very truly yours,

Bill Cutler and Judy Doane
Memorandum

Date: January 8, 2019

To: kei.zushi@sfgov.org, Senior Environmental Planner

Cc: Supervisor Stefani Catherine.Stefani@sfgov.org
    Planning commissioners richhillissf@gmail.com
    President myrna.melgar@sfgov.org

From: Evelyn Davidson, Neighbor (ip_acre@yahoo.com)

Re: Objection to 15-year developer development project (the “Destructive 3333 Project” or D3333P)

Premises: 3333 California Street, San Francisco

I am very concerned about, and object to, the current developers’ development plan.
I understand it is currently scheduled to take fifteen (15) years to complete. Apart from the incredibly drawn out length of such a project, the negative effects (such as dust, noise, diminished parking, danger to children, seniors and others), such a development does not fit within the natural, historic, familial, social and aesthetic contours of our community. Not to mention the environmental risks. Wouldn’t such a project be more appropriate for Geary Blvd or similar streets. Moreover, the developers’ stated uses are unlikely to be needed in the future. The increasing closing of retail and office premises due to online shopping and work-at-home jobs makes such proposed uses doubtful even fanciful, perhaps to be replaced by even less human friendly high-tech data or A.I. centers by the time occupancy is permitted.

I and other community members propose a smaller development (the “Community Full Preservation Alternative” or CFPA) that will still add substantial needed housing but take only three (3) years to complete. The CFPA does not include the massive unneeded, unwanted and probable dead-on-arrival retail/office/commercial complex that the Destructive 3333 developer continues to insist upon. CFPA does not create outmoded 13,000+ retail auto trips per day; it does not generate approximately 15,000 tons of greenhouse gases. The CFPA preserves both the present childcare center and the existing café, a source of deep, positive social capital in our community. It matches the surrounding neighborhoods for character, style, scale and bulk.

I strongly oppose the Destructive 3333 Project as it brings excessive, long-term, unwanted and destructive noise, dust (on top of the recent lung-damaging smoke from the wildfires), other pollution, traffic and congestion to the neighborhoods surrounding 3333; it threatens the quality of life; it diminishes community members socializing; it poses threats to pedestrian safety, especially the more fragile members of our community; it contributes to climate change; it will leave a bad taste in the mouth of those who remain in the community or are forced to leave due to damage cause by the D3333P; and worse. The Community Full Preservation Alternative will however generate ZERO retail auto trips to 3333 as opposed to the 12,000-15,000 retail caused the developers’ Destructive 3333 Project.

Please do not permit the Destructive 3333 Project to go forward.
Gentlepeople,

I live on Masonic and support the 3333 California development. Having attended the 3333 California NIMBY meeting, I believe that their arguments are specious.

They say that they want housing, although less than proposed, and that they do not want commercial because it will threaten the Laurel Shopping Center merchants. They call out the assault made by Trader Joe's and Target and insist that no more competition be allowed. They do not development on busy arterial streets.

I am a retired professor who is only able to live in the city where I worked because a small, affordable (at the time) multi-family unit was available. development of my building was fiercely contested by neighbors.

The developer's plans call for townhouses on the one edge of the site that faces single family detached dwellings.

The argument for preservation of an unworthy office building is a desperate attempt to preserve an enclave for the rich. Why should we declare any neighborhood off-limits for housing that will serve a diverse mix of residents? This neighborhood is well served by transit, is close to stores for modest income shoppers, and has a great library branch.

Linda Day
Hi,

The UCSF laurel heights campus is a nice park setting, but it's not a landmark. Let's use this wonderful, transit-rich spot to add some density to the inner Richmond.

I do not believe the current campus is in any way worth preserving. Let's go dense.

Thanks,

Shanan Delp

San Francisco Voter.
BY EMAIL TO: CPC.3333CaliforniaEIR@sfgov.org

San Francisco Planning Department
Attn: Kei Zushi, EIR Coordinator
1650 Mission Street, Suite 400
San Francisco, CA 94103

Re: Draft EIR for 3333 California Street, San Francisco, CA 94118
Planning Department Case No: 2015-014028ENV
State Clearinghouse No: 2017092053

1. The DEIR Fails to Disclose the Uncertainty as to Whether the SFPUC Has Sufficient Water Supply Available to Serve the Project Site from Existing Entitlements and Resources and Whether SFPUC Would Require New or Expanded Water Supply Resources or Entitlements.

The July 27, 2018 letter from the San Francisco City Attorney to the State Water Resources Control Board (SWRCB) discloses that SFPUC would have to greatly increase water rationing in a sequential-year drought if SWRCB adopted proposed amendments to the Water Quality Control Board Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary that were then under consideration (Plan Amendment). (Ex. A, excerpts of letter from City Attorney to SWRCB, pp. 1-3) The letter states that if the Plan Amendments were adopted, if a sequential-year drought occurs, San Francisco’s diversions from the Tuolumne River - on which the SFPUC relies to meet approximately 85% of demand for drinking water throughout the Bay Area - could be severely reduced. (Ex. A, p. 3) The letter discloses that if the Plan Amendments were implemented, SFPUC could have to increase water supply rationing over the 20% level allowed by the SFPUC’s current drought management plan and indicates that it is uncertain that SFPUC will be able to develop sufficient replacement supplies in approximately four years before the SWRCB’s intended implementation of the Plan Amendment in 2022. (Ex. A, p. 4)

In *Delta plan approved: cities face water cuts*, the San Francisco Chronicle reported that the SWRCB approved this Plan Amendment, which would require cuts to water supplies that could cause households in the Bay Area to curb water use by 20 percent or more. (Ex. B) Please state whether the SWRCB approved the Plan Amendments and explain the potential consequences of those Plan Amendments on SFPUC’ water supply for San Francisco and the possibility of increased water rationing. (Ex. B) While agencies have an opportunity to propose alternative proposals, the passage of this Plan Amendment has created uncertainty as to San Francisco’ water supply which the DEIR for 3333 California Street fails to acknowledge. CEQA
requires an agency to disclose uncertainty about water supply.

The water supply assessment performed for the proposed 3333 California Street project was performed before the Plan Amendment was passed. That water supply assessment was based on the SFPUC’s urban water management plan which was based on estimations of water supplies that pre-dated the plan amendments.

The 3333 California Street Initial Study projects that the proposed project would use an estimated 73,000 gallons of water per day, which would result in a net increase of approximately 53,000 gallons per day. The net increase per year would be 19,345,000 gallons (53,000 x 365). The Initial Study concludes that the increase could be accommodated “by the anticipated water supply for San Francisco.” That anticipated water supply for San Francisco has now changed as a result of the Plan Amendments. Although the DEIR appears to have been released after the Plan Amendment was passed, it failed to disclose the uncertainty about changes in the anticipated SFPUC water supply.

2. The DEIR Fails to Disclose the Uncertainty as to Whether the Proposed Project or Project Variant, in Combination With Past, Present and Reasonably Foreseeable Future Projects Could Result in a Cumulatively Considerable Contribution to Cumulative Impacts on Water Supply Systems.

Since the City Attorney’s letter indicates that the SWRCB expects SFPUC to develop additional supplies of water, the DEIR should have disclosed the uncertainty about the cumulative impact of the proposed project’s contribution to the demand for water supplies together with the water supply demand of other reasonably anticipated projects, in the current context that new projects to develop additional water supplies may be needed.

The DEIR should explain the potential cumulative impacts of developing potential additional water supplies to serve existing SFPUC customers and customers drawing on SFPUC water supplies in current and foreseeable developments in the context of significant water reductions in a sequential-year drought. The DEIR should disclose any uncertainty as to whether sufficient additional water supplies can be developed before 2022 to avoid SFPUC customer rationing above 20% in sequential-drought years and estimate the amount of water that could be used by SFPUC customers in current and reasonably foreseeable development and the amount of water that could be available in sequential-drought years.

Very truly yours,

Kathryn R. Devincenzi
EXHIBIT A
July 27, 2018

Via Electronic and U.S. Mail

Ms. Jeanine Townsend  
Clerk to the Board  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814  
LSJR-SD-Comments@waterboards.ca.gov

RE: San Francisco’s Comments to Plan Amendment and Final SED.

Dear Ms. Townsend,

This office represents the San Francisco Public Utilities Commission (“SFPUC”), operator of the Hetch Hetchy Regional Water System (“RWS”), which provides water to over 2.6 million people throughout the Bay Area. On behalf of the SFPUC and the City and County of San Francisco (“San Francisco”), we respectfully request that the State Water Resources Control Board’s (“Board”) consider our comments to the proposed updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary (“Plan Amendment”) and reconsider its decision to preclude any additional comments on the Final Substitute Environmental Document for the Plan Amendment (“Final SED”).

On July 18, 2018, San Francisco requested that the Board recirculate the Final SED, or, at the very least, expand the scope of permissible comments to include comments on the Final SED, extend the comment deadline by 30 days, and postpone the public hearing (“San Francisco’s Letter”). By letter dated July 19, 2018, the Board denied San Francisco’s request in its entirety, stating that recirculation is not required under the California Environmental Quality Act (“CEQA”) or the CEQA Guidelines because the changes in the Final SED “do not result in any new potentially significant adverse impacts on the environment, any substantial increase in the severity of potentially significant adverse impacts on the environment, or establish any new feasible project alternatives or mitigation measures.”

But San Francisco never asserted that recirculation was required under those bases.

Instead, as noted in San Francisco’s Letter, Title 14, California Code of Regulations, section 15088.5(a)(4) provides that recirculation is also required if “[t]he draft [Environmental

1 Letter from Eileen Sobeck, Executive Director, State Water Resources Control Board, to Dennis Herrera, City Attorney, and Jonathan Knapp, Deputy City Attorney, San Francisco City Attorney’s Office, July 19, 2018, at 2.
State Water Resources Control Board
Page 2
July 27, 2018

Impact Report ("EIR") was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (See also Cal. Code Regs., tit. 23, § 3779(e).) The Board’s analysis in the Final SED of San Francisco’s potential actions in response to implementation of the Plan Amendment is “fundamentally and basically inadequate and conclusory in nature” because, among other reasons, it excludes any consideration of increased water supply rationing. The Board’s July 18, 2018 letter did not respond to this argument at all.

Under protest, and without waiving any legal claims that the Board has violated, among other things, its obligation to recirculate the Final SED under the CEQA Guidelines and California Code of Regulations, Title 23, California Code of Regulations, section 3779(e), San Francisco submits the following comments and urges the Board not to adopt the Plan Amendment or the Final SED.

San Francisco’s Comments on the Plan Amendment

1. The Board Is Not Authorized to Require Implementation of the Water Quality Objectives Through the Adoption of Regulations.

   The Plan Amendment states—we believe for the first time since the Board’s Plan Amendment process began over six years ago—that “the State Water Board may implement the [water quality] objectives by conducting water right proceedings, which may include adopting regulations, conducting adjudicative proceedings, or both, that take into consideration the requirements of the Public Trust Doctrine and the California Constitution, article X, section 2.” The Board states that the addition of the phrase “including adopting regulations” is intended to clarify the “implementation measures within the State Water Board’s authority.” However, the Board has no authority to implement the Plan Amendment through such quasi-legislative means.

   This newly stated implementation authority—i.e., conducting water rights proceedings by rulemaking—appears to be a continuation and expansion of the Board’s recent flawed proposal to adopt a Regulation on Waste and Unreasonable Water Uses to implement conservation measures by rulemaking. As the SFPUC informed the Board in a letter dated December 22, 2017, in the context of the waste and unreasonable use regulations, the Board does not have authority to restrict or limit the exercise of water rights without due process of law. Water rights are real property that can be restricted only after the opportunity for a hearing and the presentation of evidence. To do otherwise would constitute an unlawful confiscation of property without due process of law. The Board’s exercise of authorities under the Public Trust Doctrine and article X section 2 of the California Constitution is adjudicative in nature, and demands fact-finding and balancing of numerous factors and consideration of the water rights of other diverters. This can only be accomplished by conducting comprehensive water right adjudicative proceedings. The Board’s rulemaking authority simply does not extend to restrictions on the otherwise lawful exercise of water rights.

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2 Appendix K at 26 (emphasis added).
3 Master Response 2.1 at 4. See also id. at 12
Further, even if the Board had the authority to implement the Plan Amendment through rulemaking, the Final SED fails to analyze the exercise of such authority as required by CEQA. This new proposed basis of implementation authority was not described in the Draft SED or prior versions of the proposed program of implementation and the public and affected parties have not had an opportunity to comment on the potentially significant environmental impacts of a rulemaking implementation approach. Moreover, the Final SED does not fully describe the proposed action and does not analyze the potential environmental impacts from a rulemaking approach such as might be the case if the Board does not take water rights priorities into account when it allocates responsibilities to water users to meet the flow requirements in the Plan Amendment. By not describing a known potential implementation action in the Final SED, the Final SED inappropriately segments environmental review of the proposed action. As a result, the Final SED fails to identify potentially significant impacts that may result from the proposed action and the potential effects of the action as a whole. The Board must recirculate the proposed program of implementation to more fully describe how the Board might “conduct water right proceedings [by] adopting regulations,” revise the Final SED to analyze the potential environmental impacts associated with that approach, and recirculate the Final SED.

San Francisco’s Comments on the Final SED

1. The Board Failed to Analyze Impacts to the Bay Area from Increased Water Supply Rationing.

In its Responses to Comments, the Board recognizes that if it implements the Plan Amendment and a sequential-year drought occurs, San Francisco’s diversions from the Tuolumne River—on which the SFPUC relies to meet approximately 85% of demand for drinking water throughout the Bay Area—could be severely reduced.5 For example, assuming a reoccurrence of the historical hydrological conditions preceding and including the 1987-92 drought, under a 40% unimpaired flow (“UIF”) objective San Francisco would, on average, be responsible for contributing approximately 116 million gallons per day (“mgd”) per year for each year of the six-year drought period, or more than 43% of the water needed in the Bay Area.6 San Francisco has repeatedly explained to the Board that faced with such severe reductions it would be compelled to increase water supply rationing throughout the RWS service area.7 Yet the

5 See e.g., Board’s Responses to Comments, Master Response 8.5, at 17 (where the Board incorrectly, as explained below, identifies the potential deficit to San Francisco’s water supply as 119,000 acre-feet/year or approximately 106 million gallons per day (“mgd”).

6 See Declaration of Matt Moses in Support of Comments by the City and County of San Francisco to the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan, see Attachment 1 to the Moses Deel., SFPUC Analysis of Proposed Changes to Tuolumne River Flow Criteria, March 14, 2017 (“2017 SFPUC Water Supply Analysis”), at 17, Table 9 (showing that the reduction would be 129,884 acre-feet (“AF”)/year for each of the 6 years; 129,884 AF = 116 mgd.) This analysis assumes an RWS demand of 265 mgd, which is San Francisco’s contract obligation and consistent with projected 2040 RWS demand.

7 The analysis in these Comments assumes a 51.7% flow contribution by San Francisco. As a water supply provider to over 2.6 million people throughout the Bay Area, San Francisco must utilize worst-case scenarios for water supply planning purposes. In presenting the potential water supply, environmental, and socioeconomic effects from certain interpretations of the Raker Act and the Fourth Agreement San Francisco does not waive arguments it may have about how the Raker Act or Fourth
Board’s analysis of San Francisco’s potential actions in response to implementation of the Plan Amendment entirely excludes consideration of any increase in water supply rationing over the 20% level allowed by the SFPUC’s current drought management plan. Instead, the Board has based its entire analysis of San Francisco’s potential actions in response to the Plan Amendment on the unsupported assumption that San Francisco will be able to develop sufficient replacement water supplies in approximately four years, i.e., prior to the Board’s intended implementation of the Plan Amendment in 2022. It is patently unreasonable for the Final SED to omit consideration of even the possibility that San Francisco would need to increase water supply rationing in these circumstances. And as we explained in our July 17, 2018 letter, this critical omission precludes meaningful public review of and comment on the most reasonably foreseeable water supply, environmental, and economic effects of the Plan Amendment on the Bay Area.


Following the 1987-92 drought, the SFPUC implemented the “design drought,” which is a water supply planning methodology that ensures the SFPUC will retain adequate storage to withstand an eight-and-half year drought without imposing more than 20% system-wide rationing. The SFPUC subsequently approved the design drought as part of its adoption of the goals and objectives for the Water System Improvement Program (“WSIP”). The Final SED rejects use of San Francisco’s design drought because it represents hydrological conditions more severe than historically experienced by the RWS. CEQA requires, however, that the Board

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Agreement should or will be interpreted in future proceedings before the Board, the Federal Energy Regulatory Commission, courts of competent jurisdiction, or in any other context.

8 See e.g., Board’s Responses to Comments, Master Response 1.1: General Comments (“Master Response 1.1”), at 47 (where the Board states it intends to implement the Plan Amendment by 2022); see also Master Response 8.5 at 49 (where the Board explains that rationing by the SFPUC throughout the RWS service area in response to the Plan Amendment would not exceed 20%, the maximum level of system-wide rationing that the SFPUC allows in its current drought management plan).

9 See e.g. Board’s Responses to Comments, Master Response 1.1 at 47.

10 See e.g., Comments by the City and County of San Francisco to the Draft Substitute Environmental Document in Support of Potential Changes to the Bay-Delta Plan (“San Francisco’s 2017 Comments”), March 17, 2017, at 18-19, n.26 (explaining that the SFPUC’s design drought is based on the hydrology of the six years of the worst sequential historical drought, 1987-1992, plus the two and a half years of the 1976-1977 drought, for a combined total of an eight-and-a-half year design drought sequence).

11 San Francisco Public Utilities Commission, Resolution No. 08-0200, attached hereto as Exhibit 2 (where the SFPUC approved the performance objective to “[m]et dry-year delivery needs through 2018 while limiting rationing to a maximum 20 percent system-wide reduction in water service during extended droughts,” which incorporates the eight-and-a-half year design drought methodology).

12 Master Response 8.5 at 15, 18.
consider impacts to San Francisco from implementation of the Plan Amendment in accordance with the SFPUC’s existing, adopted policies, such as its design drought.\footnote{13}

San Francisco developed its design drought after having lived through the consequences of basing the SFPUC’s water supply operations “in accordance with rules based only on historical data.”\footnote{14} Prior to the 1987-1992 drought, the SFPUC had based its water supply planning on “the experience of many years of historical operation, including the knowledge of previous drought events such as had occurred in 1976-1977.”\footnote{15} It was therefore inadequately prepared when the 1987-1992 drought broke new records. As explained by the General Manager of the SFPUC during that drought, San Francisco “learned the painful lesson as to the adverse impacts that are caused by not planning for a drought worse than any experienced to date . . . when the hydrology of the Tuolumne River and the City’s operations through 1990 and early 1991 had created a situation where a 45 percent rationing program among City customers was initiated – a level of rationing that was found to be intolerable and not achievable.”\footnote{16} “[G]iven the dire consequences of just being wrong in the forecasting of the length of drought that may hit the City” San Francisco responsibly relies on its water supply planning methodology to ensure it retains adequate water supplies during sequential-year droughts.\footnote{17} CEQA requires that the Board must take into account San Francisco’s design drought when assessing impacts to the Bay Area from implementation of the Plan Amendment.

3. **Although the Board Concedes that the SFPUC’s Hydrological Model is More Precise than the Board’s Model, it Refuses to Use the SFPUC’s Modeling Results.**

The Board concedes that the SFPUC’s Hetch Hetchy and Local System Model (“HHLSM”) model is more precise than the Board’s Water Supply Effects (“WSE”) model for calculating water supply effects to the RWS service area, yet the Board fails to use the HHLSM modeling results in the Final SED.\footnote{18} For example, instead of using the correct HHLSM figure

\begin{footnotesize}
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\item Master Response at 52 (emphasis added) (where Board mischaracterizes San Francisco’s adherence to the approved design drought methodology, the SFPUC’s associated modeling of water rationing that would be required under a 40% UIF objective across the historical hydrology, and San Francisco’s other supporting evidentiary submissions and related comments as a mere “statement of intent” that the Board may disregard at its own discretion: “a statement of intent regarding future extreme water rationing is not sufficient and reliable information on which to base an environmental analysis of related impacts.”)
\item Affidavit of Anson B. Moran ¶ 7, 16 Project No. 2299, January 26, 1994 (referred to below as “Moran Decl.”), attached to San Francisco’s 2017 Comments as Exhibit 7.
\item Moran Decl. ¶ 7.
\item Id. ¶ 8.
\item Id. ¶ 16.
\item Master Response 8.5 at 16 (explaining, [w]hile the HH/LSM is a more detailed model that simulates operation of the RWS service area, the WSE model and water bank balance provide similar water supply effects as the HH/LSM under the SFPUC middle demand level and SED Scenario 2”); id. at 18 (where the Board acknowledges, “[t]he SED uses a simple method to assess potential water supply reductions in the absence of having access to a model that simulates the operation of the entire RWS service area.”).
\end{enumerate}
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EXHIBIT B
Delta plan approved; cities face water cuts

By Kurtis Alexander

Dozens of California communities dependent on the cool, clear water of the High Sierra, from Central Valley farm towns to San Francisco, will see cuts to their water supplies under a plan approved Wednesday by state water regulators.

The reductions, which could force households in the Bay Area to curb water use by 20 percent or more, are the product of a decade-long effort to restore the health of the state’s struggling rivers and fish.

But the move by the state water board to boost flows in the waterways by limiting draws, starting with the San Joaquin River basin, is not as strict as initially proposed. The plan leaves open the door for water agencies to trade other improvements to the rivers, such as enhancing salmon habitat, for smaller water cuts. The water agencies have until March to flesh out alternative proposals.

“We’ve gone out of our way to give multiple opportunities,” said Felicia Marcus, chair of the State Water Resources Control Board, which met in Sacramento for 10 hours Wednesday. But “we’re not just going to walk away.”

At the heart of the water board’s Bay Delta Plan is protecting the Sacramento-San Joaquin River Delta. The West Coast’s largest estuary and the hub of California’s water supplies has seen its waters choked and dirtied amid relentless pumping by cities and farms. The salmon population has collapsed, and the harm has rippled up the food chain to bears, birds and whales.

While San Francisco has long been removed from California’s vicious water wars, having coveted rights to supplies in Yosemite, the city’s primary source has not escaped this battle. The first phase of the Bay Delta Plan calls for limiting pumping on the San Joaquin River and its three major tributaries, which include the
Tuolumne River that feeds San Francisco’s Hetchy Hetchy Reservoir. The water board is in the process of developing similar measures for the Sacramento River basin.

The apparent softening of the Bay Delta Plan on Wednesday comes after fierce opposition from an unlikely alliance between San Francisco and thirsty agricultural districts, with support from the Trump administration. The powerful bloc has argued that the fallout from water cuts would bring undue hardship to residents and businesses.

The water suppliers, joined by the state Natural Resources Agency, introduced their own last-minute proposal that downplayed the need for water cuts on rivers while emphasizing the importance of timing their water draws with fish runs and restoring habitat.

“This (plan) provides us more flexibility, more tools to address the issues that are facing you,” Michael Carlin, deputy general manager of the San Francisco Public Utilities Commission, told the water board. The SFPUC provides water to San Francisco and about two dozen other Bay Area communities.

Gov. Jerry Brown and Gov.-elect Gavin Newsom had been advocating for such a compromise plan to head off a prolonged legal fight. Sen. Dianne Feinstein this month even introduced federal water legislation that, while controversial, included a provision for restoration funding in the event of a deal.

The plan put forth by the water agencies and the state Natural Resources Agency not only included the San Joaquin River basin, the first target of the water board, but the Sacramento River watershed.

It offered up about $1.8 billion for habitat fixes, coming from fees on water agency customers across the state, and state government money. It also conceded to some water reductions, giving up as much as 1 million acre feet of water statewide. That’s nearly three times what Hetch Hetchy holds.

State water board members praised the alternative plan as a good start and said it represented a commitment to working toward the goal of improving the health of the delta. The board instructed its staff to look more closely at the document before the issue returns in March.

Environmental groups and the fishing industry, which have advocated for stronger protections for rivers and wildlife, flatly criticized the plan from the water agencies.

“Many elements of their proposal have already been tried and failed or represent no change from the status quo,” said Jon Rosenfield, lead scientist at the Bay Institute.

As it stands, as much as 80 percent of the flow in the San Joaquin River basin is tapped by cities and farms during peak spring runoff. Environmentalists and fishermen have wanted to limit draws to 50 percent, saying salmon won’t survive without the reduction, while cities and farms have opposed any major cuts.

State water officials split the difference, approving a plan that allows no more than 60 percent of flows to be diverted, on average.

The decision means urban and agricultural water users in the San Joaquin River watershed will generally have to draw 7 to 23 percent less water, depending on the year, according to state estimates.

The SFPUC believes its customers could be forced to reduce water use 40 percent during prolonged dry spells. The city’s water rights are inferior to those of other water agencies on the Tuolumne River.
City officials say they’ll develop other sources of water, such as groundwater reserves and perhaps desalination, to make up for lost water. But that will take time and money. Building out supplies, according to city estimates, could trigger rate hikes of 17 percent over 15 years, on top of already scheduled increases.

The loss of water to agriculture is estimated to result in a 2.5 percent drop in produce output in the San Joaquin River basin, according to the state. The area is a hotbed of almonds, alfalfa and peaches.

Farm groups say during drought years, crop production could fall even more.

The Trump administration has joined the agricultural industry in trying to scale back the Bay Delta Plan. President Trump has accused California of “foolishly” leaving water in the rivers while the U.S. Bureau of Reclamation has threatened to take legal action if its supplies on the Stanislaus River are curtailed, which the plan calls for.

Kurtis Alexander is a San Francisco Chronicle staff writer. Email: kalexander@sfchronicle.com Twitter: @kurtisalexander
1. The DEIR Fails to Adequately Analyze Whether the Proposed Project/Variant Would Cause Substantial Additional VMT and/or Substantially Induce Automobile Travel and/or Have a Cumulative Impact on VMT and/or Substantially Induce Automobile Travel in Combination with Other Reasonably Foreseeable Development and Projects.

The Draft EIR admits that the proposed project or project variant would cause substantial additional Vehicles Miles Traveled (VMT) and/or substantially induce automobile travel. DEIR p. 4.C.74. The DEIR fails to estimate the total amount of VMT that would result from this significant impact on VMT and claims that the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for the non-residential use. Ibid. Similarly, the DEIR admits that the proposed project or project variant’s incremental, cumulative effects on regional VMT would be significant, when viewed in combination with past, present and reasonably foreseeable future projects. DEIR p. 4.C. 102. The DEIR claims that both the project and cumulative impact on VMT would be reduced to a less than significant level by reducing retail parking provided by the proposed project/variant. DEIR pp. 4.C. 80 and 103.

In these comments, the term “project” shall include the proposed project and the proposed project variant, unless otherwise indicated.

The DEIR’s traffic analysis is inadequate because it fails to state the total Vehicle Miles Traveled (VMT), understates the impact by discussing VMT per person in the AM and PM peak periods, fails to analyze VMT likely to result from special aspects of the project configuration and fails to support its conclusions with substantial evidence. In particular, the DEIR’s central claims that the amount of parking included in the proposed project would result in VMT that would be beyond the significance threshold for non-residential use and that merely reducing some of the retail parking spaces would mitigate the impact to a less than significant level, are
unsubstantiated and not supported by substantial evidence.

A. The DEIR Is Inadequate Because It Lacks An Estimate and Discussion of Total Net New Travel Demand (Net New Person Trips) and Understates the Project Impacts by Providing Estimates and Discussion of Net New Person Trips during A.M and P.M. Peak Hours.

The San Francisco Planning Department Transportation Impact Analysis Guidelines for Environmental Review, October 2002 (San Francisco Guidelines), provide that:

Travel demand analysis shall include textual information, supported by tables or figures detailing the project’s trip generation, trip distribution, trip assignment and modal split characteristics.

Net new travel demand generated by the project is to be estimated, based on the difference between existing and proposed land uses. Person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activity for the proposed project...

To “net-out” existing land uses that will be replaced, the existing levels of trip activity should, in most cases, be based on actual observations rather than on estimates based on rates in these Guidelines or other sources.

Each analysis should apply the trip generation rates from the Guidelines individually to the proposed uses, compare the proposed trips to existing levels of trip activity, and show the differences (“net new”) by land use and in aggregate.

The Travel Demand Analysis is to include the following, unless otherwise directed in the work scope (Note that different or additional analysis periods may be defined in the scope of work process):

- **Trip Generation Information**: Project trip generation information (total person trips) by land use for existing and proposed uses. The total unadjusted daily and P.M. peak hour trips by mode can be calculated. The number of daily and peak hour vehicles (autos) generated by the project should also be calculated by using the auto occupancy rates noted in the tables in Appendix E.

- **Work and Non-Work Trip Generation Information**: Since work and non-work trips have different characteristics in terms of distribution and the mode of travel, the number of work and non-work (visitor) trips should be calculated separately. Appendix C provides the methodology to compute the work and non-work
(visitor) trips for a specific land use.

- Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assigned to the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculated for daily and the P.M. Peak Hour.

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. The Planning Department may also request data for other periods to reflect the peak period of trip generation by the land use. (Ex. A, San Francisco Guidelines pp. 9-10)

The DEIR failed to estimate the net new travel demand that would be generated by the project, as required by the San Francisco Guidelines, at pages 9-10. (Ex. A, pp. 9-10) EIR Table 4.C.11 at page 4. C.54 estimated the total new travel demand generated by the project (person-trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C) based on the proposed project land uses. However, the DEIR lacks an estimate of the total existing levels of trip activity at the project site, so that the "net-out" of existing land uses that will be replaced can be determined, as required by the San Francisco Guidelines. The DEIR failed to provide estimates of the total existing levels of vehicle trips that currently occur at the project site and merely provided estimates of existing vehicle-trips in the Weekday AM. Peak Hour and Weekday P.M. Peak Hour. DEIR p. 4.C.60. Instead of the total increase, the DEIR only discusses "the anticipated increase in weekday a.m. and p.m. peak hour vehicle trips resulting from the proposed project and project variant, as compared to existing conditions." DEIR p. 4.C.60. The DEIR reports the total net-new external vehicle-trips "during the weekday a.m. peak hour" and the net-new external vehicle-trips "during the weekday p.m. peak hour" for the proposed project and project variant. DEIR p. 4.C.60. The estimated total increase in vehicle-trips is missing. The absence of this information is misleading to the decision maker and the public because the DEIR lacks estimation of the total increase in vehicle-trips that would be caused by the proposed project/variant.

In addition, the DEIR fails to "show the differences ('net new') by land use and in aggregate," as specified in the San Francisco Guidelines, at p. 9. DEIR Table 4.C.15, at page 4.C.60 lacks information as to net-new vehicle-trips by land use or in the aggregate, and merely presents estimates of net-new external vehicle trips in the "Weekday A.M. Peak Hour" and "Weekday P.M. Peak Hour." The DEIR's focus on peak-hour net-new vehicle trips is more relevant to traffic level of service impacts than to the greenhouse gas emissions that could result from total net-new vehicle trips. However, the lack of the information renders the DEIR
inadequate because it lacks estimates of the net-new trips by each proposed land use, depriving decision makers of important information they would use to mitigate effects by tailoring land use.

In addition, the DEIR fails to provide the “total unadjusted daily and P.M. peak hour trips by mode,” which is generally required by the San Francisco Guidelines at page 9 unless otherwise directed in the work scope. DEIR Table 4.C.14 provides adjusted daily and A.M. and P.M. peak hour person-trip generation by mode; the estimates in that table had been reduced by the internal trip capture rates set forth in DEIR Table 4.C.12 at page 4.C.55. In that table, the total weekday A.M. peak hour person-trip generation was reduced by 409 alleged internal person-trips and the table reported the net external person-trips as 1,917. The adjusted 1,917 trips figure was carried over and reported as total A.M. Peak Hour person-trips per mode on Table 4.C.14 and those 1,917 person-trips were divided into 1,197 auto trips, 295 transit trips, 376 walk trips and 49 other trips (bicycle, motorcycle, transportation network companies, and other modes). Thus, the DEIR failed to provide unadjusted daily and P.M. peak hour trips by mode as specified in the San Francisco Guidelines.

The DEIR provides no explanation of the manner in which the walk trips in Table 4.C.14 were calculated or the manner in which the alleged internal trip rates set forth in Table 4.C.12 were calculated, and the general source reference to Kittleson & Associates 2018 and the San Francisco Guidelines, 2002 provide no reference to an explanation or calculations supporting those Tables. The total of the alleged external walk trips and internal trips indicates that the walk trips are inaccurately estimated or the calculations in the tables are inaccurate. Table 4.C.14 reports 376 A.M. Peak Hour walk trips for the proposed project, which is 19.6 percent of the total A.M. Peak Hour person-trips (376/1,917), and 398 P.M. Peak Hour walk trips for the proposed project, which is 19.07 percent of the P.M. Peak Hour total person-trips (398/2,086). Table 4.C.12 reports 409 internal person-trips of the total 2,326 person-trips for the A.M. Peak Hour, which is 17.6 percent of the total A.M. peak hour internal trips, and 485 internal person-trips of the total 2,571 for the P.M. Peak Hour, which is 18.9 percent of the total P.M. Peak Hour internal trips. Adding the percentages of the alleged internal trips to the alleged walk trips reported on these two tables, 37.2 percent of the A.M. Peak Hour Trips would be performed by walking externally or by internal trips (376 plus 409) and 37.97 percent of the P.M. Peak Hour trips would be performed by walking externally or by internal trips (398 plus 485). Since it takes approximately one minute to walk across the site, it is likely that the internal trips consist of walk-trips rather than bicycle trips. The totals of the alleged walk trips and internal trips in perk periods, indicate that the DEIR overstated one or both of these trip rates, and the DEIR lacks substantial evidence that they were correctly stated.

The text at DEIR page 4.C.58 indicates that Table 4.C.14 reports “Overall” person-trips, and if this is the case, walk trips are being double-counted and the total person trips represented as external trips in Table 4.C.14 are inaccurate and were improperly reduced by alleged internal trips before person-trips were reported in Table 4.C.14. That DEIR text reports that “Overall, on
a daily basis, various types of land use would result in percentages of person-trips. Overall, residential use would generate 14% of walk trips, office use would generate 3%, general retail would generate 36%, restaurant uses would generate 40% and the day care center would account for 3-6% of trips for each model. These percentages add up to approximately 100 percent, so Table 4.C.14 likely reports total walk trips and total person-trips, rather than external trips only (as indicated by the heading “External Person-Trip Generation by Mode”), and it is likely that such table inaccurately double-counted walk trips, because walk-trips had been subtracted from total person-trips on Table 4.C.12 before the person-trip generation figures were carried over to Table 4.C.14.

The text at DEIR 4.C.57 also indicates that walk trips were double counted. The DEIR states there that “Based on Table 4.C.14, about 61 percent of daily person-trips generated by the proposed project would be auto person-trips, 14 percent would be transit trips, 21 percent would be walk trips, and 4 percent of trips would be taken by other modes, including bicycles, motorcycles, and for-hire vehicles.” DEIR p. 4.C.57. These mode shares add up to approximately 100 percent of trips and the 21 percent of walk trips is consistent with the 376 walk trips of the 1,917 total person-trips reported on Table 4.C.14. That DEIR text is not consistent with an additional 17-18 percent of trips being internal trips, as alleged in Table 4.C.12. Since the project site is easily traversed within approximately one minute or less, it is reasonable to assume that internal trips on this site would be walking trips. If there is any evidence contrary to this assumption, please present it.

The DEIR also lacks the actual site traffic counts for the P.M. peak period which the San Francisco Guidelines require:

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. San Francisco Guidelines, 2002, p. 10.

Instead of actual P.M. peak period counts, the DEIR only collected vehicle counts at 13 intersections within the transportation study area, existing site driveways, and nearby sidewalks. DEIR p. 4.C.2.

In addition, the DEIR failed to estimate and state the total daily vehicles miles traveled (VMT) expected from the proposed project and proposed project variant, as required by the City’s scope of work:

KAI will utilize the San Francisco Transportation Information Map to obtain vehicle miles traveled data from the Planning Department data, which includes average daily VMT estimates for use for the region and the project’s traffic analysis zone (TAZ 709)...
Using the data collected in Task 2, KAI will document vehicle traffic within the study area, which includes the following:

Discussion of vehicle miles traveled for the uses proposed by the project for the region and the Project’s traffic analysis zone (TAZ). DEIR Appendix D, pp. 4-5.

The DEIR admits that the proposed project or project variant would cause substantial additional VMT and/or substantially induce automobile travel but fails to estimate the amount of additional VMT that the project/variant would generate or compare that to a significance standard that states an amount of VMT that would be below the significance threshold. The lack of this information makes it impossible for the decision maker to understand the amount of additional VMT which the project/variant would cause that is above the significance standard.

Instead, at page 4.C.8 the DEIR compares regional average daily miles traveled for residential, office and retail uses with alleged average daily vehicle miles traveled in TAZ 709, which includes the project site, and with citywide average vehicle miles traveled per capita. Again, total vehicle miles traveled in TAZ 709 are not provided, depriving the decision maker of important information that would be easy to understand. Also, no explanation of the methodology used to achieve the data stated for TAZ 709 is provided, rendering the source of the data used in the DEIR unsupported by substantial evidence.

The DEIR also lacks substantial evidence to show that the significance standard of average regional VMT for residential, office or retail uses is a reasonable baseline against which potentially significant increases in VMT caused by the project should be measured, especially since the project is located in a central city which is targeted for significant population increase and since the proposed project would exceed the citywide average VMT for office and retail uses. The population of the City is projected to grow significantly as a result of ABAG proposals to concentrate population in central cities. (Ex. B) As a result, ABAG estimates that total VMT in the region will increase as a result of population growth even though VMT per capita will decrease. (Ex. B) Thus, use of a regional average VMT standard as the significance standard for the proposed project, omits VMT expected from population and employment growth in the City and fails to evaluate whether project GHG increases could impact communitywide GHG reduction targets. Also, the regional averages include VMT from many existing developments, but if VMT is to be reduced regionally, it is reasonable to expect new developments to produce much less VMT than the average reduction sought by the region of 15%. Thus, the DEIR lacks substantial evidence to support the adequacy of the significance standard used, especially in view of special aspects of the proposed project, including the five loading zones proposed for the perimeter of the site. Substantial evidence does not support the DEIR’s conclusion as to the degree of effectiveness of reducing the retail parking spaces to the degree proposed in the DEIR.

Table 4.C. 3 at DEIR page 4.C.8 and 50 shows that TAZ 709 (and the project) would exceed the citywide average VMT by 14.7% for office use and 53.7% for retail uses, although the
tables do not compute or substantiate the percentage exceedance to make it easy to understand the information. This data indicates that the proposed retail component of the project/variant could cause substantial additional VMT, because the TAZ 709 VMT from retail uses is in conflict with the goal stated in 2010 of local reduction in “municipal and communitywide GHG reduction targets of 15 percent below then-current levels by 2020.” DEIR p. 4.C.50. The DEIR is inadequate because it fails to analyze this potentially significant impact as resulting from retail uses and claims, without substantiation, that “the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for the non-residential use. The DEIR fails to explain this conclusion and there is no evidence in the DEIR or Appendix D that supports it.

The DEIR is also inadequate because its significance analysis fails to discuss the fact that the VMT from TAZ 709 retail uses exceeds the citywide average by 53.7%. DEIR pp. 4.C.74. It discusses only TAZ 709 and regional average daily VMT per capita. Thus, the DEIR is inadequate because its significance discussion failed to inform the decision makers that VMT from retail uses in TAZ 709 (in which the proposed project is located) exceed the citywide average by 53%. This information would be of importance to the decision maker and the public because it shows that reducing the square footage proposed for retail development in the proposed project would be a significant option to consider to reduce VMT.

2. The DEIR Lacks Substantial Evidence to Support Its Conclusion that Reducing the Project’s Retail Parking Supply Would Mitigate the Project’s Significant Impact on VMT to a Less Than Significant Level.

The DEIR contains no evidence that supports the conclusion that “the amount of parking included in the proposed project or project variant would result in VMT that would be beyond the significance threshold for non-residential use. DEIR p. 4.c.74. In fact, the only source that specifically addresses the issue treats the retail or office square footage as the cause of the net new vehicle travel demand generated by the project. Appendix C of the San Francisco Guidelines 2002, estimates travel demand based on square footage of land use, and states that these metrics are to be used to estimate net new travel demand generated by the project. Appendix C of the San Francisco Guidelines 2002 contains trip generation rates for office, retail and other uses based on square footage of space or number of residential units. (Ex. A) These Guidelines indicate that the parking space alone is not the cause of the VMT generated. It is not reasonable to assume that the parking space alone would generate VMT because there would be no reason to travel to the site and park if there were no new retail or new office uses that are the driver’s intended destination. The parking space is not the driver’s destination. The retail, office, residential or other use would be the driver’s destination. Moreover, nothing in the DEIR substantiates the claim that the retail parking spaces are the cause of VMT, rather than the retail restaurants, retail goods and other retail services.

To the contrary, the DEIR inconsistently admits that numerous factors other than the
amount of parking included in the proposed project or project variant would influence VMT:

Factors affecting travel behavior include the presence of parking, development density, the diversity of land uses, design of the transportation network, access to regional destinations, distance to high-quality transit, development scale, demographics, and transportation demand management. The transportation authority’s SF-CHAMP accounts for a variety of factors to estimate VMT throughout San Francisco, but SF-CHAMP is not sensitive to site-level characteristics such as project-specific TDM measures or the amount of parking provided on a site, which itself is considered a TDM measure. DEIR p. 4.C.74.

Thus, diversity of land uses and development density are factors that affect travel behavior. There is no evidence that would support the DEIR’s inaccurate conclusion that the amount of parking provided in the project alone would result in significant VMT. DEIR p. 4.C.74.

The DEIR also points to the City’s Transportation Demand Management Program (TDM) which seeks to reduce VMT by allowing property owners to select from TDM measures that are under the control of the property owner. The DEIR merely states the “[o]ne of the individual measures in the TDM menu that the City researched was parking supply, as described below.” DEIR p. 4.C.75. The statement that parking is one of the individual TDM measures is vague and does not provide enough relevant information to support the conclusion that the project parking would cause the significant VMT.

Further, the DEIR states that the City’s TDM program provides options that depend on the development of a project’s parking supply compared to the neighborhood parking rate and that the “neighborhood parking rate is the number of existing parking spaces provided per dwelling unit or per 1,000 square feet of non-residential uses for each TAZ within San Francisco.” DEIR p. 4.C.76. At page 33, the Transportation Demand Management Technical Justification states that if a Development Project is parked at or below the neighborhood parking rate, the Development project would receive points for this TDM measure. This discussion does not support the DEIR’s conclusion that a reduction in retail parking spaces at the rate proposed in the DEIR would reduce the significant VMT impact to insignificance. (Ex. C)

The only evidence that addresses the effect of the amount of retail parking showed the opposite. Attachment 1 to the April 4, 2016 Wade Wietgrefe Memorandum shows that there is negligible increase in automobile trips per space if a retail establishment has at least 100 retail parking spaces, so reducing the retail spaces provided in excess of 100 spaces would have negligible effect upon VMT. (Ex. D) Given the proposed 54,117 square feet of retail uses, the proposed project parking rate of 3.66 spaces x 54,117/1000 = 198 retail spaces. Given the proposed mitigation of not exceeding the alleged existing neighborhood parking rate of 1.55 spaces per 1000 gross square feet of retail uses by 38% (or providing 2.14 retail spaces per 1000 gross square footage of retail spaces (38% x 1.55 = .589 plus 1.55 = 2.139), the retained retail
parking spaces would amount to 115.8 retail parking spaces \((2.14 \times 54,117/1000 = 115.756\text{ spaces})\) Thus, the project proposes to reduce retail parking spaces to 115.8 spaces as opposed to the 198 initially proposed retail spaces (the 198 retail parking spaces includes 60 community public parking spaces. DEIR p. 4.C.80. The DEIR counts the 60 commercial public parking spaces as part of the retail spaces that would be provided by the proposed Project/Variant, so the 60 community spaces could be used by retail users of the project. DEIR p. 4.C.77.

The DEIR inaccurately claims that various publications support its conclusions as to the effect of parking spaces on causing VMT.

The DEIR claims that the August 2010 report of California Air Pollution Control Officers Association, *Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures* (CAPCOA report) quantifies project-level land use, transportation, energy use, and other measures of effects on GHG emissions. DEIR p. 4.C.75. The DEIR claims that the CAPCOA report identifies a maximum 12.5 percent reduction in VMT related to parking supply (PDT-1), but does not provide a citation to a page in the report that would support this claim. The discussion PDT-1 in the CAPCOA report actually states at page 207 that the range of effectiveness of limiting parking supply is a 5 to 12.5 percent vehicle miles traveled (VMT) reduction and that measure PDT-1 would accomplish a change in parking requirements and types of supply within the project site in a **multi-faceted strategy** consisting of elimination (or reduction) of minimum parking requirements, creation of maximum parking requirements and provision of shared parking. (Ex. E)

The DEIR and proposed project/variant do not adopt such mitigation measures, and the project’s proposal to provide 896 new parking spaces for various uses (970 for the project variant) is inconsistent with the PDT-1 strategies. DEIR S.49. More importantly, the CAPCOA report states at page 207 that the reduction can be counted only if spillover parking is controlled (via residential permits and on-street market rate parking (See PPT-5 and PPT-7). The CAPCOA report makes it clear at page 209 that:

Trip reduction should only be credited if measures are implemented to control for spillover parking in and around the project, such as residential parking permits, metered parking, or time-limited parking. (Ex. E)

The DEIR does not establish that such measures have been implemented, and there are substantial areas in the vicinity of the project (known based on personal information of Kathryn Devincenzi), where parking is not time-limited such as on Mayfair Drive, southern Euclid Avenue west of Collins Street, western Collins Street south of Euclid Avenue, and Heather Street near the project site. (Ex. F, photographs taken on 1-7-19 showing no time limits for parking on said portions of Euclid and Collins streets) Given the lack of controls for spillover parking in the area, the CAPCOA report does not support the DEIR’s conclusion that reduction of retail parking
spaces on site would result in mitigation of the significant VMT impact to a less than significant level.

In addition, CAPCOA PDT-4 as to requiring residential area parking permits, specifies at page 217 that:

This project will require the purchase of residential parking permits (RPPs) for long-term use of on-street parking in residential areas. Permits reduce the impact of spillover parking in residential areas adjacent to commercial areas, transit stations, or other locations where parking may be limited and/or priced. Refer to Parking Supply Limitations (PPT-1), Unbundle Parking Costs from Property Cost (PPT-2), or market Rate Parking Pricing (PPT-3) strategies for the ranges of effectiveness in these categories. The benefits of Residential Area Parking Permits strategy should be combined with any or all of the above mentioned strategies, as providing RPPs are a key complementary strategy to other parking strategies.

Similarly, residential permit parking is required in each of the two combinations of parking strategies that could reduce VMT at page 61 of the CAPCOA report.

Since the proposed project would not implement the key parking control strategy of requiring residents or employees of the project site to purchase residential parking permits, the CAPCOA report does not support credit for trip reduction based on the proposed project’s mere reduction in retail on-site parking supply, which the DEIR relies upon. The DEIR’s inadequacy is obvious because the project would allow its residents, employees and visitors to park in the surrounding neighborhoods which have some parking spaces that are not time-limited and also to park for free for at least an hour and a half in the adjacent Laurel Village Shopping Center parking lot which has over two hundred fifty-two (252) above-ground parking spaces.

(Conversation between Richard Frisbie and Ron Giampaoli, owner of Cal-Mart, December 18, 2018). The Spot Angels website also reports free parking spaces within walking distance of Laurel Village. (Ex. G)

Further the CAPCOA report at page 40 states that it “does not provide, or in any way alter, guidance on the level of detail required for the review or approval of any project. For the purposes of CEQA documents, the current CEQA guidelines address the information that is needed,” and refers to footnote 2 which states: “See: California Natural Resources Agency: 2007 CEQA Guidelines - Title 14 California Code of Regulations, Sections 15125, 15126.2, 15144, and 15146.”

In addition, as to limiting parking supply, the CAPCOA report provides that factors other than limiting parking supply must be considered and states at page 208:

Though not specifically documented in the literature, the degree of effectiveness of this
measure will vary based on the level of urbanization of the project and surrounding areas, level of existing transit service, level of existing pedestrian and bicycle networks and other factors which would complement the shift away from single-occupant vehicle travel.

As discussed herein, the proposed addition of five loading zones around the site would attract additional vehicle trips but the EIR failed to take into account the VMT that would result from these new trips and failed to provide substantial evidence to support its conclusion that reducing retail parking supply in the manner stated in the DEIR would mitigate project VMT to a less than significant level.

The DEIR is also inadequate in that it relies upon the generalization that recent research indicates that an area with more parking influences higher demand for more automobile use without taking into account the large number of parking spaces proposed for the project. The DEIR relies upon a study by Rachael Weinberger that is cited in footnote 73, but the cited pages are not provided in the DEIR or Appendix D. However, the study deals only with the effects of residential parking spaces at home and does not predict the effect of retail parking spaces. (Ex. H, abstracts of Weinberger study)

The DEIR also relies upon a study of Residential Street Parking and Car Ownership that is also not provided in the DEIR or Appendix D, but cited in footnote 74. Again, the DEIR merely claims that the Zhan study deals the “the number of cars per household” and does not claim that the study says anything about the effect of retail parking supply. DEIR p. 4.C.75. Similarly, the DEIR relies on a study of households in New Jersey cited in footnote 75 that is not contained in the DEIR or Appendix D. Again, the DEIR does not claim that this study considers retail parking supply.

The DEIR also relied on the generalization that a study of nine cities across the United States concluded that “parking provision in cities is a likely cause of increased driving among residents and employees in those places.” DEIR p. 4.C.76. Again, this study is not contained in the DEIR or Appendix D and says nothing about the effectiveness of reducing retail parking supply alone to the degree described in the DEIR, while still providing over 100 retail parking spaces and abundant parking for residential and office uses. The quoted portion of the study said nothing about the effectiveness of reducing the retail parking alone or the degree of increased driving associated with the provision of parking, so is too vague to support the conclusion set forth in the DEIR that reducing the retail parking to the degree proposed in the DEIR would mitigate the VMT impact to insignificance.

The DEIR also refers at page 4.C.76 to Fehr and Peers research that allegedly claims that reductions in off-street vehicular parking for office, residential and retail developments reduce the overall automobile mode share associated with those developments, relative to projects with the same land uses in similar contexts that provide more off-street vehicular parking. The
conclusion which the DEIR draws from this research indicates that it has no relation to retail parking spaces: “In other words, more off-street vehicular parking is linked to more driving, indicating that people without dedicated parking spaces are less likely to drive.” DEIR p. 4.C.76. In the context of the proposed mitigation for the proposed 3333 California Street project, which would reduce retail parking spaces from 198 to 116 (which would include 60 commercial parking spaces for the community), the generalization set forth in the Fehr and Peers research does not constitute substantial evidence that the reduction in retail parking to the degree proposed in the DEIR would reduce the significant VMT impact to insignificance. Again, the Fehr and Peers research cited in footnote 77 is not in the DEIR or Appendix D.

In addition, the DEIR is legally inadequate in failing to present information on the number of retail parking spaces that the mitigation measure M-TR-2 proposes to eliminate, and requires the reader to perform a calculation to arrive at number of retail parking spaces proposed to be eliminated. DEIR p. 4.C.80. This type of obtuse discussion in an EIR is unlawful under CEQA. CEQA requires that information be presented in manner that is understandable to the decision maker and the public, but the transportation analysis in this DEIR is characterized by a hide-the-ball approach, replete with unexplained conclusions and unsubstantiated allegations. Under CEQA, conclusions that require blind trust in the decision maker are inadequate. The calculations of the amount of retail parking proposed to be reduced stated in this comment letter were performed by the author of this comment statement and are not set forth in the DEIR. Demand is made that the DEIR state the number of retail parking spaces that Mitigation Measure M-TR-2 on page 4.C.80 of the DEIR proposes to eliminate to mitigate the significant VMT impact and set forth the manner of calculating the number of retail spaces to be eliminated. After this information is provided in a revised EIR, please circulate it for public comment.

3. **The DEIR Lacks Any Substantiation or Explanation of the Alleged Neighborhood Parking Rate, and Substantial Evidence Does Not Support Its Conclusions as to the Accuracy of the Alleged Rate and TAZ 709 Data.**

Importantly, the alleged neighborhood parking rate is not substantiated or supported by substantial evidence in the DEIR or Appendix D. The DEIR lacks a description of the methodology used to calculate, and times of collecting data related to, the alleged existing neighborhood parking rates for residential, retail or other non-residential uses set forth in Table 4.C.19 of the DEIR on page 4.C.77-79 or the daily existing VMT per capita for Households (Residential), Employment (Office) and Visitors (Retail) in TAZ 709 at page 4.C.50 of the DEIR. Table 4.C.10 at page 4.C.50 of the DEIR cites the San Francisco Planning Department Information Map, accessed May 25, 2018, as the source of the data as to the existing average daily vehicle miles traveled in TAZ Zone 709. However, that map provides only conclusions and the DEIR does not contain a summary of the data used to produce the alleged average daily vehicle miles traveled or explain the methodology used to collect or produce the data or the dates on which the data was collected or estimates made. Due to the lack of sufficient substantiation or description of a reputable methodology, substantial evidence does not support the allegations in
the DEIR that the data in Table 4.C.10 of the DEIR accurately represents the existing average daily vehicle miles traveled.

The data in the DEIR concerning the existing neighborhood parking rate is also unsubstantiated and fails to constitute substantial evidence that such data accurately represents the existing neighborhood parking rates for the uses claimed, including for residential, retail and other (office and daycare). The DEIR is inadequate because it fails to provide substantiation of the methodology for collecting data as to the alleged existing neighborhood parking rates or the times of collection of the data or the estimations made. As the Source of the data contained in Table 4.C.19 of the DEIR, the DEIR cites “Kittleson and Associates, Inc. 2018; San Francisco Planning Department, 2018.” These citations merely identify the alleged source of the conclusions and the date.

Footnote 80 of the DEIR states that Planning department staff reviewed assessor and planning department records and street view/serial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis. No summary or description of such information is provided in the DEIR or Appendix D. Although footnote 80 does not refer to any review related to office or childcare uses, the DEIR cites footnote 80 as support for the claim that the analysis splits non-residential into retail and other non-residential (office and daycare) uses and compares those to the neighborhood parking rate, which accounts for parking associated with retail and other non-residential uses along California Street and Sacramento Street near the project site. DEIR p. 4.D.77. The methodology used in such analysis is not discussed in the DEIR or Appendix D. There is no substantiation for the parking rates for office and childcare uses.

Also, the note to Table 4.C.19 states that the existing parking rate for residential uses reflects data for TAZ 709 and other nearby TAZs (within three-quarters of a mile based on walking distance. The DEIR lacks any explanation of the type of data for TAZ 709 that was used to estimate the existing parking rate for residential use in the area described or substantiate the reliability of the methodology used to arrive at the existing parking rate for residential uses set forth in the DEIR. It is unclear whether the residential parking rate was estimated in some manner based on VMT, surveys of vehicle ownership or some other means and whether the dates on which the base data was collected, if any, was representative of existing conditions in the project area. The DEIR is inadequate because it lacks substantial evidence indicating that the methodology for collecting or analyzing the data was reliable, a sufficient explanation of the nature of the data collected for the identified land uses and the times at which the data was collected, and explanation of why the data gathered was representative of conditions in the project area. Surely, there should be memoranda explaining or analyzing any data collected, but none are discussed or cited in the DEIR or Appendix D. In essence, the TAZ data and the existing neighborhood parking rate data stated in the DEIR are lacking in the factual support needed to constitute substantial evidence under CEQA. Unsupported conclusions do not
San Francisco Planning Department  
January 8, 2019  
Page 14

constitute substantial evidence under CEQA. The DEIR’s alleged TAZ data and alleged existing neighborhood parking rates are unsubstantiated black holes that lack the transparency required to constitute substantial evidence supported by fact under CEQA.

Similarly, the DEIR admits that parking supply is not an input into SF-CHAMP, but claims that “based on recent research, the existing parking supply within a TAZ has a relationship with VMT for that TAZ.” DEIR p. 4.C.76. The “recent research” is not described or substantiated with a citation to a document, and the claim that the existing parking supply within a TAZ is related to the VMT for that TAZ is too general to support the conclusion as to the effectiveness of the proposed mitigation drawn in the DEIR. The degree or nature of the alleged relationship is not explained or substantiated as providing a reasonable basis for calculating the existing neighborhood parking rate or the effectiveness of mitigation provided by reducing retail parking supply.

The DEIR also inadequately relies upon the ambiguous claim that even “though parking is not specifically an input in SF-CHAMP, the amount of existing parking is captured in the estimates of VMT outputs from SF-CHAMP because it is an existing condition on the ground. Therefore, it is likely that a new development that does not propose parking at or below the neighborhood parking rate would not reduce VMT below the existing VMT per capita rate for that TAZ.” DEIR p. 4.C.76. The DEIR cites nothing as substantiation for this vague claim, rendering it suspect and lacking in substantial evidence. The claim that the existing neighborhood parking rate is likely captured in the estimates of VMT outputs from SF-CHAMP is so vague as to be unusable and does not provide a basis for calculating the alleged neighborhood parking rates from VMT attributable to the area or some amount of it. The claim that there is some relationship between VMT and the neighborhood parking rate fails to provide enough relevant information from which a conclusion can reasonably be drawn that a mere relationship provides a basis for calculating the existing neighborhood parking rate from VMT outputs or the effectiveness of reducing retail parking supply as a mitigation measure.

Also, the DEIR does not claim that the Planning Department or Kittleson and Associates estimated or calculated the existing neighborhood parking rates using VMT outputs. The DEIR’s allegations as to the existing neighborhood parking rate and the VMT for TAZ 709 fail to qualify as substantial evidence, as they do not supply enough relevant information and reasonable inferences from this information that a fair argument can be made to support the conclusions made in the DEIR. 14 California Code of Regulations section 15384(a). The DEIR’s claims as to the existing neighborhood parking rate for the project area and the VMT for TAZ 709 are unsupported allegations. Substantial evidence under CEQA does not include unsubstantiated opinion or narrative, evidence that is not credible, argument, or speculation. Public Resources Code sections 21080(e), 21082.2(c); 14 California Code of Regulations sections 15064(f)(5)-(6), 15384.

In calculating the alleged existing parking rate for retail and other nonresidential uses on
“California and Sacramento streets, as provided by the planning department,” the DEIR ignored the existing retail uses on Presidio Avenue, which are adjacent to the project site and included in TAZ 709. Also, the DEIR fails to describe the areas on California and Sacramento streets that were included in the alleged measurement, so fails to demonstrate that they were reasonable estimates of the area from which the neighborhood parking rate should be determined. DEIR p. 4.C. 77. Demand is made that the City provide detailed explanation of the method of calculating the existing neighborhood parking rates used in the DEIR, the method and nature of collecting the data underlying the rates, the dates on which data was collected and the basis for determining that the data accurately reflects the existing neighborhood parking rate for the project area.

Importantly, the January 20, 2016 Governor’s Office of Planning & Research Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA does not recommend basing the evaluation on estimates of neighborhood parking rates. (Ex. I) Rather, OPR recommended that:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e. the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts. (Ex. I, p. III:23.)

Moreover, there is not substantial evidence in the record that the project’s proposed retail would be local-serving. The proposed 198 retail parking spaces indicates that the retail would not be local serving and the plans do not specify the square footage of the retail spaces. August 17, 2017 plan sheet A4.03 shows a very large retail space whose square footage is not specified. (Ex. J, compare sheet A4.03 with sheet A4.02) Thus, there is a fair argument that the project would have a large anchor tenant which would draw non-local-serving retail. Demand is made that the DEIR calculate the estimated total daily VMT that the project would generate, including the total VMT for each land use type. Also, the five proposed loading zones proposed to be installed in streets surrounding the site further support a fair argument that the retail uses would attract non-local customers. (Ex. L)

Agencies do not have unlimited discretion to adopt their own thresholds for significance of impacts, including impacts on VMT. Agencies may adopt their own thresholds or rely upon thresholds recommended by other agencies, “provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence.” CEQA Guidelines section 15064.7(c).

Thresholds of significance are not a safe harbor under CEQA; rather, they are a starting point for analysis:

[T]hresholds cannot be used to determine automatically whether a given effect will or will not be significant. Instead, thresholds of significance can be used only as a measure of whether a certain environmental effect “will normally be determined to be significant"
or “normally will be determined to be less than significant” by the agency....In each instance, notwithstanding compliance with a pertinent threshold of significance, the agency must still consider any fair argument that a certain environmental effect may be significant. (Ex. I, OPR proposed transportation impact analysis guidelines, p. III:17-18, citing Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th 1099, 1108)

Substantial evidence does not support the City’ decision to adopt the thresholds for estimating VMT increase used in the DEIR or the rate of mitigation adopted in the DEIR.

Thus, the EIR must consider the fair argument presented above that reducing the retail parking spaces in the manner described in Mitigation Measure M-TR-2, with reference to a percentage of the existing neighborhood parking rates, will not reduce the Significant VMT impact of the proposed project/variant to a less than significant level.

Also, the DEIR’s claim that the existing neighborhood parking rate for retail uses is 1.55 conflicts with information on retail parking rates applicable to the project area. The Note in Table 4.C.19 at DEIR page 4.c.77 claims that the existing parking rate for retail and other non-residential uses reflects data from California Street and Sacramento streets, as provided by the Planning Department,” but fails to describe a specific document produced by either Kittleson and Associates, Inc. or the San Francisco Planning Department that contains such data. Thus, the record does not contain substantial evidence to support the DEIR’s claim that reducing retail parking to the extent proposed would mitigate the significant impact to insignificance. Similarly, footnote 80 on DEIR p. 4.C.77 claims that Planning Department staff reviewed assessor and planning department records and street view/aerial photos to estimate off-street parking associated with retail uses along California and Sacramento streets near the project site to derive the appropriate neighborhood parking rate for this analysis, but fails to provide such data or a description of a specific document that would support the analysis described. For these reasons, the DEIR lacks substantial evidence to support its conclusion that the existing neighborhood parking rate is 1.55 parking spaces per gsf of retail uses.

Resolution 4109, which applies to the 3333 California Street site, requires 1 automobile parking space for each 500 square feet of gross floor area on the property, which is 2 parking spaces for each 1,000 square feet of commercial building floor area. (Ex. K) Under the NC-S, Neighborhood Commercial Shopping Center zoning applicable to the Laurel Village Shopping Center, Planning Code section 151 requires for retail sales and services, one off-street parking space for each 500 square feet of Occupied Floor Area up to 20,000 where the Occupied Floor Area exceeds 5,000 square feet, plus one for each 250 square feet of Occupied Floor Area in excess of 20,000. Thus, the general standard applicable to Laurel Village is 2 parking spaces for each 1,000 square feet of Occupied Floor Area up to 20,000 square feet. Based on this information, there is a reasonable possibility that the existing neighborhood parking rate in the project area is greater than 1.55 parking spaces per gsf of retail uses, and the DEIR’s claims as to
the existing neighborhood parking rate are inaccurate or unsubstantiated.

The DEIR is also deficient because it used different thresholds for assessing VMT significance (exceeding regional VMT per employee minus 15 percent) and whether mitigation measures would reduce the significant VMT impact to less than significant, which is based on whether the retail parking exceeds the existing neighborhood rate of 1.55 spaces per 1,000 gross square feet. DEIR p. 4.C.80. This comparison of apples and oranges makes the analysis in the DEIR inadequate and confusing to the decision maker and the public. The deficient comparison is also contrary to the OPR proposes transportation impact guidelines, which state at p. III:16 that:

Models and methodologies used to calculate thresholds, estimate project VMT, and estimate VMT reduction due to mitigation should be comparable. (Ex. I, p. III:16)

4. The DEIR is Inadequate Because It Used Inaccurate Models to Forecast Vehicle-Trips and the DEIR’s Traffic Demand Analysis is Inadequate Because It Omits Substantial Traffic that Would be Attracted to Five New Loading Zones Proposed to Be Installed on the Streets Surrounding the Property, Including VMT from Transportation Network Companies Such as Uber and Lyft.

The DEIR estimated the Existing Daily Vehicle Miles Traveled per Capita for the project site, TAZ 709, from data contained in the San Francisco Planning Department Transportation Information Map. (DEIR p. 4.C.8 and Table 4.C.3 Existing Daily Vehicle Miles Traveled per Capita. Table 4.C.3 presented an alleged summary of the daily VMT per capita for the region, City and TAZ 709, in which the project site is located. DEIR p. 4.C.8.

Scope of Work for the 3333 California Street transportation demand analysis confirms that the DEIR used the TAZ zone information to estimate VMT:

**Vehicle Miles Traveled:** KAI will utilize the San Francisco Transportation Information Map to obtain vehicle miles traveled data from the Planning Department data, which includes average daily VMT estimates by us for the region and the project’s traffic analysis zone (TAZ 709). DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 3.

For purposes of the VMT analysis, KAI assumes the baseline (Year 2020) conditions VMT for the region and the Project’s transportation analysis zone for each of the uses proposed by the Project and Variant will be the same as Existing. DEIR Appendix D, Scope of Work-Final dated July 11, 2017, p. 6.

The DEIR explains that the San Francisco Transportation Authority uses a model called SF-CHAMP to estimate VMT by private automobiles and taxis for different land uses within
individual TAZs:

The San Francisco Transportation Authority (transportation authority) uses SF-CHAMP to estimate VMT by private automobiles and taxis for different land use types within individual TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings. SF-CHAMP uses a synthetic population, which is a set of individual actors that represents the Bay Area’s actual population, who make simulated travel decisions for a complete day. The transportation authority uses a tour-based analysis for office and residential uses, which examines the entire chain of trips over the course of a day, not just trips to and from the project. DEIR p. 4.C.7.

As explained herein, the SF-CHAMP model does not include trips made by transportation network companies.

As explained at DEIR p. 4.C.27, the analyses in CEQA documents typically present the existing environmental setting as the baseline conditions against which the project conditions are compared to determine whether an impact is significant. The DEIR used the TAZ data to estimate baseline conditions:

For purposes of the VMT analysis, the baseline conditions VMT for the region and the project’s transportation analysis zone for each of the uses proposed by the project and project variant would be the same as existing. DEIR p. 4.C.30

The DEIR analyzed impacts of the proposed project or project variant by comparing the baseline conditions described in the “Baseline Conditions” discussion (pp. 4.C.27-4.C-31) to conditions under full buildout of the proposed project or project variant. DEIR p. 4.C.46. For the cumulative analysis, future year 2040 cumulative conditions are compared to project buildout conditions for the proposed project and project variant. The year 2040 was selected because it is the latest year that travel demand forecasts are available from the transportation authority’s travel demand forecasting model, SF-CHAMP. DEIR p. 4.C.46.

The 3333 California Street proposed project/variant includes significant changes to the transportation network that would attract substantial numbers of automobiles, delivery vehicles, trucks and other vehicles to five new loading zones proposed to be installed on streets surrounding the perimeter of the site. Plan sheet C2.02 shows four new passenger loading zones proposed to be installed on streets surrounding the perimeter of the property and PRELIMINARY DESIGN 08/2018 shows one new 100-foot commercial loading zone proposed on California Street near the northwestern edge of the property. (Ex. L) The DEIR is inadequate because it omitted VMT that could be generated by automobiles, delivery vehicles, trucks and
other vehicles attracted to these new loading zones, and such omission is substantial in view of the explosive growth of transportation network companies and food and other delivery vehicles documented herein. DEIR p. 6.86 indicates that commercial loading zones would be used for FedEx and Amazon Fresh, which use delivery vans that are typically about 30 feet long.

The SF-CHAMP model, which was used to estimate project travel in the DEIR, did not include the traffic attracted to these loading zones.

The City is aware that the SF-CHAMP model, used to perform estimates of various transportation issues in the DEIR, is out of date and so inaccurate that it is in the process of being revised. The model used to produce the DEIR’s transportation analyses is inadequate and inaccurate because it was based on observed behavior that occurred before the explosion of transportation network companies such as Uber and Lyft, which are causing huge increases in VMT. The DEIR shows that the SF-CHAMP did not take into account the VMT that can be anticipated from transportation network companies attracted to the project/variant site by the five loading zones proposed to be added to the perimeter of the site. The DEIR states at page 4.C.7 that:

The San Francisco Transportation Authority (transportation authority) uses SF-CHAMP to estimate VMT by private automobiles and taxis for different land use types within individual TAZs. Travel behavior in SF-CHAMP is calibrated by transportation authority staff based on observed behavior from the California Household Travel Survey 2010-2012, census data regarding automobile ownership rates and county-to-county worker flows, and observed vehicle counts and transit boardings.

The Traffic study in the DEIR states that to estimate the travel demand for the project, the trip generation, mode split and distribution of trips generated by the Project and Variant will be based on data from the SF Guidelines information for Superdistrict 2 and the current U.S. Census American Community Survey Five-Year (2011-2015) Estimates journey-to-work data. DEIR Appendix D, p. 7.

For estimating the trip-making patterns of the proposed project or project variant, the DEIR developed a methodology using the National Cooperative Highway Research Program Report 684 and the 2010 and 2011 Institute of Transportation Engineers Journal which was similar to the approach used in the analysis of other recently completed EIRs, including the Mission Rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed Use District Project. DEIR 4.C.56; DEIR Appendix D page 22.

The two studies cited in footnote 2 and 3 on page 22 of Appendix D of the DEIR are the Transportation Research Board, National Cooperative Highway Research Program Report 684, 2011, Enhancing Trip Capture Estimation for Mixed-Use Developments and the ITE Journal, 2010 and 2011, Improved Estimation of Internal Trip Capture for Mixed-Use Development and
Alternative Approaches to Estimating Internal Traffic Capture of Mixed-Use Projects. These deal with per capita trip capture rates, not total VMT generated. Also, the DEIR fails to provide an explanation of the methodologies discussed in the referenced publications or of the modified trip generation model specific to the 3333 California Street project that the DEIR claims was developed. Thus, the DEIR does not contain substantial evidence that would support the reliability of the modified methodology used to estimate trip-making patterns of the proposed project/variant. An explanation of the modified model and the cited publications are not contained in the DEIR or Appendix D.

However, Appendix D explains that these studies were only the initial point for the analysis because the NCHRP Report 684 and ITE provided information on unconstrained internal trip capture rates for the proposed projects which “represent the highest possible values, resulting from the most favorable balance of land uses.” DEIR Appendix D. p. 23. Kittleson then adjusted the initial information to estimate internal trip capture rates used in the analysis that “are constrained by the need for the number of trips generated by the producer uses to match the number of trips received by the attractor uses. Using the unconstrained internal trip capture rates as an initial point of analysis, the project- and scenario-specific internal trip capture rates were identified through an iterative balancing process. DEIR Appendix D, p. 23.

That iterative process was not explained in the DEIR or Appendix D, so the ultimate conclusion reached as to internal trip capture rates was evidently based on interpretation by Kittleson rather than on calculations or fact-based analysis, and the absence of such information renders the DEIR’s conclusions as to the internal trip capture rate inadequate under CEQA. Unsupported opinion does not constitute substantial evidence under CEQA.

Also, the internal trip capture rates included in Attachment C, and presented in Tables 6 and 7 at DEIR Appendix D pp. 9, lack rates of the internal trip capture rates for the entire day and contain rates for internal trip capture only in the A.M. and P.M. peak hour periods. DEIR Appendix D, Attachment C, p. 131. Kittleson fails to describe any support for its use of only alleged internal trip capture rates for peak periods.

Significantly, the Table 6 shows that the NCHRP and ITE unconstrained trip capture rate of 20% is the same rate as Kittleson estimated for residential uses in the project variants, which are supposed to be determined on the basis of constrained internal trip capture rates. Kittleson estimated that the internal trip capture rate for residential use in the office project variant would be 20% and the internal trip capture rate for residential use in the multi-family variant would be 19.9%. DEIR Appendix D, p. 9. The DEIR contains no support for the conclusion that constrained residential trip capture rates linked with beginning and ending points should be the same as the unconstrained residential trip capture rates that are not linked with a beginning and ending. OPR does not recommend using different methods to estimate VMT reduction. (Ex. I, p. III:16)
The fact that the residential trip capture rates Kittleson calculated for the project variants are the same as the unconstrained rates “which represent the highest possible values, resulting from the most favorable balance of land uses,” indicates that Kittleson used a most favorable interpretation of data rather than conservative estimates to produce a biased and inaccurate conclusion. Also, since Kittleson used data for peak periods to estimate the internal trip capture rates for the project, it would be reasonable to assume that residents of the project site would drive the most at that time traveling to and from work, rather than make the highest possible number of internal trips during peak periods at the site. Since Kittleson provides no calculations to estimate total trip capture rates, and its estimates of peak period residential trip capture rates are suspect, the DEIR lacks substantial evidence to support its estimation of internal trip capture rates of the project/variant which the DEIR used to estimate daily auto trips.

In Table 9 in Appendix D p. 27, Kittleson also projected mode share by trip purpose using P.M. peak hour mode share rather than 24-hour mode share, as provided by the SF Guidelines 2002 in Appendix C-4. Table 9 fails to compare work with non-work trips that total 100% of trips by the land use type. Instead, Table 9 presents comparisons of percentages of trips that occur by auto, transit, walking or other mode, for unspecified amounts of work and non-work trips so that the percentage of daily work and non-work trips cannot be determined. DEIR Appendix D, p. 27.

Also, the mode shares and average vehicle occupancy rates used in the DEIR were based on the United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. DEIR p. 4.C.57. As documented herein, TNC use became significant in 2016, so was not accurately taken into account in the mode shares, trip generation and distribution of trips used in the DEIR.

The DEIR estimated travel demand based on information in the 2002 SF Guidelines that predated the astronomical increase in TNA and food delivery trips and failed to provide an estimate of total VMT that would be caused by the project. The DEIR does not claim that its traffic demand analysis included any adjustment to add the traffic demand (and VMT) that would be caused by the current usage of vehicles such as TNCs and food or other delivery vehicles that would be attracted to the five proposed new loading zones surrounding the site. Rather, it claims that some person-trips would be reduced by an unexplained methodology dealing with internal trip capture.

The October 1, 2002 Executive Summary of the San Francisco Travel Demand Forecasting Model Development prepared for the San Francisco County Transportation Authority explains that its travel demand model was developed to provide detailed forecasts of travel demand for various planning applications and that its model components were estimates using various data that was in existence before 2002. (Ex. M, SFCTA Executive Summary and November 16, 2018 Wietgrief email stating that SF-CHAMP model is the model the City uses to
estimate VMT by transportation analysis zone.) The SFCTA website indicates that SF-CHAMP was last updated in 2014. (Ex. N, excerpts from SFCTA DataMart) If the SF-CHAMP was updated based on any data that came into existence after 2014, please describe in detail the changes in such data that relate to TNC and food delivery traffic, neighborhood parking rates, and VMT (and related issues including mode share, average vehicle occupancy and trip distribution) and provide supporting documentation. Assuming that the last update to SF-CHAMP was in 2014, the date upon which that model was based pre-dated the explosion of transportation network companies such as Uber and Lyft.

Since the 2002 San Francisco Guidelines were adopted, there has been explosive growth in TNC and food and other delivery vehicle trips.

City documents already acknowledge the substantial evidence exists that shows the transportation network companies are generating substantial VMT in the City. Page 1 of the September 28, 2017 San Francisco Planning Department Transportation Impact Analysis Guidelines - Update states that the Department’s Transportation Impact Analysis Guidelines for assessing project’s transportation impacts under CEQA were last updated in 2002. (Ex. O) The update further explains that:

To assess these impacts, the department estimates how many trips people in newer developments may take, the ways they travel, and their common destinations based on the findings of the Citywide Travel Behavior Survey - Employees and Employers (May, 1993); the Citywide Travel Behavior Survey - Visitor Travel Behavior (August, 1993); revolving five-year estimates from US Census, American Community Survey data; San Francisco County Transportation Authority San Francisco Chained Activity Model, which is based upon, among other sources, observed behavior from California Household Travel Survey (2010-2012), and major San Francisco transportation studies...

Also, since that time, San Francisco has experienced changes in the demographics of the population, the types of new jobs, and the cost of housing, among other variables that affect travel behavior. Some of these changes create greater constraints on our transportation systems, including more competition for curb space. **One of the major changes has been with emerging mobility services and technologies that have changed the way some people travel (using transportation network companies such as Uber and Lyft) and interact with goods (home deliveries). These changes also affect the percentages of how people travel (known as mode splits in the transportation analysis methodology).** For example, we understand anecdotally that people may be shifting from using their own vehicles or transit to instead use transportation network companies such as Uber and Lyft. (Ex. O, p. 2, emphasis added)

At that time, staff was considering substantive updates to the following topics:
Process - scoping our topics from transportation review earlier in the process based upon the characteristics of the project, site, and surroundings (e.g., through a checklist)...

Loading - Refine estimates of passenger and commercial loading demand, attempting to account for rise in for-hire vehicles and e-commerce deliveries.

Vehicle Miles Traveled/Induced Auto Travel - Potential quantification of the relationship between parking supply and induced automobile travel.

Traffic Hazards - Update definitions of types of traffic hazards as well and standards that can be implemented to potentially avoid traffic hazards (which may be incorporated into walking/accessibility and bicycling).

Construction - consideration of the effects of excavation on overall project construction and the resulting duration/intensity of construction phases. (Ex. O, p. 3)

Substantial data collection and analysis is currently underway, primarily at newer development sites and will result in the creation of refined estimates of how many trips people in newer developments take, the ways they travel, and their common destinations and updating of the travel demand methodology used in the guidelines. (Ex. O, p. 4) Importantly, data was being collected and analyzed on estimates of passenger and commercial loading demand. Ibid.

Graphics distributed during the update to the Planning Commission showed that between 1/1/2003 and 1/1/2017 the San Francisco population had increased by 92,000 persons and Bay Area Population by 900,000. (Ex. P, second page)

The October 2018 Draft Report TNCs & Congestion by the San Francisco County Transportation Authority states that:

Congestion in San Francisco worsened between 2010 and 2016...During this period significant changes occurred in San Francisco...San Francisco added 70,000 new residents and over 150,000 new jobs, and these new residents and workers added more trips to the City’s transportation network. Finally, new mobility alternatives emerged, most visibly TNCs.... (Ex. Q, p. 3)

In recent years, the vehicles of transportation network companies (TNCs) such as Uber and Lyft have become ubiquitous in San Francisco and many other major cities...In San Francisco, this agency (the San Francisco County Transportation Authority or SFCTA) estimated approximately 62 million TNC trips in late 2016, comprising about 15% of all intra-San Francisco vehicle trips and 9% of all intra-San Francisco person trips that fall (2). [sic] The rapid growth of TNCs is attributable to the numerous advantages and conveniences that TNCs provide over other modes of transportation, including point-to-point service, ease of reserving rides, shorter wait times, lower fares (relative to taxis),
ease of payment, and real-time communication with drivers. The availability of this new travel alternative provides improved mobility for some San Francisco residents, workers and visitors, who make over one million TNC trips in San Francisco every week, though these TNC trips may conflict with other City goals and policies...(Ex. Q. p. 3)

When compared to employment and population growth and network capacity shifts (such as for a bus or bicycle lane), TNCs accounted for approximately 50% of the change in congestion in San Francisco between 2010 and 2016, as indicated by three congestion measures: vehicle hours of delay, vehicle miles travelled, and average speeds. Employment and population growth- encompassing citywide non-TNC driving activity by residents, local and regional workers, and visitors - are primarily responsible for the remainder of the change in congestion....Daily vehicle hours of delay (VHD) on the roadways studied increased by about 40,000 hours during the study period. We estimate TNCs account for 51% of this increase in delay, and for about 25% of the total delay on San Francisco roadways and about 36% of total delay in the downtown core in 2016, with employment and population growth accounting for most of the balance of the increased [sic] in delay...Daily vehicle miles travelled (VMT) on study roadways increased by over 630,000 miles. We estimate TNCs account for 47% of this increase in VMT, and for about 5% of total VMT on study roadways in 2016...Average speeds on study roadways declined by about 3.1 miles per hour. We estimate TNCs account for 55% of this decline...(Ex. p. 4, emphasis added)

Similarly, during the AM peak, midday, and PM peak periods, TNCs cause about 40% of the increased vehicle miles travelled, while employment and population growth combined are responsible for about 60% of the increased VMT. However, in the evening time period, TNCs are responsible for over 61% of the increased VMT and for about 9% of total VMT....(Ex. Q, p.5)

As the TNCs & Congestion report documents, TNCs comprise a significant share of intra-San Francisco travel:

According to recent studies, between 43% and 61% of TNC trips substitute for transit, walk, or bike travel or would not have been made at all. (Ex. Q, pp. 11-12)

Given the rapid pace of technological change in the transportation sector, other factors may also be contributing to changes in congestion. For example, increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading duration. (Ex. Q. p. 12)

The SFCTA TNCs & Congestion report also states that in 2010 TNC use was negligible and in 2016 it was significant, and that SF-CHAMP version 5.2 does not account for TNCs. (Ex. Q, p. 16)
A 2017 national study of ride-hailing from the University of California, Davis Institute of Transportation Studies, *Disruptive Transportation: The Adoption, Utilization, and Impacts of Ride-Hailing in the United States*, found that 49% to 61% of ride-hailing trips would not have been made at all, or by walking, biking, or transit. (Ex. R, p. 2) After using ride-hailing, the average net change in transit use was a 6% reduction among Americans in major cities, and ride-hailing attracts Americans away from bus services (a 6% reduction) and light rail services (a 3% reduction). (Ex. R, p. 2)

The map at page 6 of the *TNCs & Congestion* report shows that TNCs are responsible for approximately 30-60% of vehicle delay on California Street in the project area. (Ex. R) The graphs on page 7 of that report show that TNCs account for 61% of the increase in vehicle miles travelled in Supervisor District 2, with employment change accounting for 21% and population change accounting for 16%. (Ex. R, pp. 6-7)

San Francisco County Transportation Authority’s *TNCs Today*, Final Report, June 2017 is consistent with its 2018 *TNCs & Congestion* report. (Ex. S, pp. 1-5, 8) *TNCs Today* reports that on a typical weekday, TNCs make over 170,000 vehicle trips within San Francisco, which is 15% of all intra-San Francisco vehicle trips. Ex. S, p. 1) Intra-SF TNC trips generate approximately 570,000 vehicle miles of travel (VMT) on a typical weekday, comprising as much as 20% of intra-SF-only VMT. (Ex. S, p. 2) Recent SFMTA Travel Decisions Survey results indicate that TNCs are growing in significance as a share of overall San Francisco travel, doubling in mode share served between 2014 and 2015. (Ex. S, p. 3) Approximately 290,000 TNC person trips are estimated to occur within San Francisco during a typical weekday, which represents approximately 9% of all weekday person trips within the City. (Ex. S, p. 9) During weekdays, TNCs have a clear pattern of peak usage that coincides with the existing AM and PM peak periods. (Ex. S, p. 10) The third highest rate of TNC pickups and drop-offs in the City occurs in Supervisorial District 2, in which the 3333 California Street site is located. (Ex. S, p. 13) Estimated total VMT produced by TNCs on a typical weekday is approximately 570,000 VMT, and intra-SF TNCs generate as much as 20% of weekday VMT for intra-SF vehicle trips and at least 6.5% of total weekday VMT in San Francisco. (Ex. S, p. 15) Most of the VMT generated by TNCs occurs during the AM and PM peak hours, with significant VMT also occurring during the evening hours, following the PM peak. (Ex. S, p.15-16)

The October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority also states at page 12 that increased use of online shopping and delivery services might exacerbate roadway congestion due to an increase in delivery vehicle trips and loading durations. In addition, the report states that TNC passenger pick up and drop off activity may also result in increased congestion by disturbing the flow in curb lanes or traffic lanes. (Ex. Q, -p. 12)

According to the October 2018 Draft Report *TNCs & Congestion* by the San Francisco County Transportation Authority, during most of the day, approximately 40% to 50% of the
increase in vehicle hours of delay is attributable to TNCs, but in the evening, almost 70% of the increase in vehicle delay is due to TNCs. (Ex. Q, p. 33)

Although the DEIR does not explain the data used to derive the neighborhood parking rates used in Table 4.C.19, SFCTA documents show that the data included only off-street parking spaces, so did not include parking in loading zones or other on-street areas by transportation network companies. The April 6, 2016 Memorandum from Wade Wietgrefe concerning General Non-Residential Off-Street Parking Rate Estimation for San Francisco states at page 2 that the “Transportation Authority estimated a general non-residential off-street parking rate as the number of public and private off-street parking spaces per 1000 square feet of non-residential land use. Summaries of non-residential square footage and off-street parking supply for the TAZ and other nearby TAZs within .75 miles of network-based walking distance were made to derive a parking rate that is representative of the neighborhood and is not artificially truncated at arbitrary TAZ boundaries. Off-street, publicly available parking data were available through SFPark and off-street, private parking estimates were taken from the Transportation Authority’s Parking Supply and Utilization Study. (Ex. T, pp. 1-2) The map following that page entitled Non-Residential Parking Supply Estimated from SF Park Data shows TAZ level estimates of parking supply rates for San Francisco, based on off-street parking supply from SFPark and scaled up by 35 to match citywide totals to match the estimated supply from the PSUS parking estimation model. (Ex. T) The source of the estimates on the map are cited as “2013 Parcel Land Use and Zoning District Methodology, San Francisco Planning Department.” (Ex. T, map following p. 2)

5. The DEIR Is Inadequate Because It Lacks the Analyses Set Forth in the SF Guidelines.

The DEIR does not contain the calculations or substantiation for trip distribution, assignment and modal split information required by the 2002 SF Guidelines, which state that “person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activities for the proposed project.” (Ex. A, p. 9, emphasis added) Those SF Guidelines also state that:

Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assignment of the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculate for daily and the P.M. Peak Hour...

The weekday P.M. Peak Period is generally 4:00 - 6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. (Ex. A, pp. 9-10)
The DEIR lacks information on the calculation of total daily trip generation of the project and the calculation of daily modal assignments and net new person-trips. Instead, the DEIR inadequately presents information on peak hour AM and PM trip generation, thus understating the trip generation of the project and the resulting VMT that produces greenhouse gas emissions. The mode share presented in Table 9 of Appendix D of the DEIR at p. 27 "reflects the weekday PM peak hour mode share." Table 10 also presents only AM and PM peak hour data and lacks daily modal share information, so total mode share cannot be understood. The DEIR is misleading to decision makers and the public.

The 2002 SF Guidelines state that since work and on-work trips have different characteristics in terms of distribution and mode of travel, the number of work and non-work (visitor) trips should be calculated separately; Appendix C provides the methodology to compute the work and non-work (visitor) trips for specific land use. (Ex. A, p. 9-10) The DEIR does not calculate the percentage splits between work and non-work trips for specific land uses in the manner specified in Table C-2 based on the trip generation rates in Table C-1 of the 2002 SF Guidelines. For example - for residential use, Table C-2 states that 33% of daily trips are from work trips and 67% are from non-work trips; for office use 36% of daily trips are from work and 64% from non-work use; for retail 4% of daily trips are from work and 96% from non-work use.

However the DEIR lacks the calculation of the daily or PM peak hour percentage splits of work/non-work trips based on the trip generation rates per 1000 square feet of land use or number of residential units presented in Table C-1. The 2002 SF Guidelines make clear at p. 9 that "Person trip generation rates per unit of square footage for each land use, or other unit shown in Appendix C, are to be used for estimating levels of activity for the proposed project." The DEIR lacks these person trip generation rates per square footage of land use and understates person trips by presenting information on trips during weekday AM and PM peak periods.

Appendix E to the DEIR lacks substantiation or calculation of the total work and non-work trips for each trip purpose and merely sets forth unsubstantiated claims as to the amount of work and non-work trips divided into auto, transit, walk and other travel, rather than by square footage of land use. Table 9 lacks the total amount or percentage of work and non-work trips for residential, office, retail, restaurant, other, and other use, and merely presents unsubstantiated percentages of work and non-work uses in the various categories of auto, transit, walk and other. Table 9's claim that 54.5% of residential trips are made with autos and 54.8% of residential non-work trips are made with autos provides no meaningful information to the decision maker as to the total amount of residential trips that are made or the percentage of residential trips made based on the land use devoted to residential use or the split between work and non-work trips attributable to residential uses. That split is the basis for the mode share split calculation required by Table C of the SF Guidelines. Table 9 of the DEIR fails to provide information needed to calculate VMT for each mode share. VMT is produced by total trips, not only in the AM and PM.
In addition, the figures set forth in the DEIR also conflict with the vehicle trip distribution information provided in the *SF Guidelines*. Table E-4 of the 2002 *SF Guidelines* provides the daily distribution of work trips to SD-2, but the DEIR lacks information on daily distribution and merely provides data on weekday AM and PM peak hour distribution. Ex. A; DEIR p. 4.C.57. Again, the DEIR Table is not substantiated and is supported only by an unexplained reference to Kittleson & Associates 2017 and *SF Guidelines* 2002. The DEIR did not follow the *SF Guidelines* as to calculation of trip distribution.

The external person-trip generation by mode presented in Table 4.C.14 at page 4.C.58 of the DEIR is unsubstantiated and unsupported by substantial evidence. The support cited for this Table is merely Kittleson & Associates 2018 and *SF Guidelines* 2002. No explanation of the method or basis of calculation of the modes is provided, and modes are not provided as to trip purpose or type of trip (whether residential, office, retail or daycare). The allegations in the Table constitute unsupported conclusions and do not amount to substantial evidence.

There is also no calculation or substantiation to support the average vehicle occupancy as to mode share set forth in Table 9 of Appendix D page 12. The source cited for the average vehicle occupancy and PM peak hour mode share are merely general references to Kittleson & Associates 2017, the American Community Survey Five-Year (2011-2015) Estimates, and *SF Guidelines*, 2002. While the American survey may provide information as to residential non-work trips, there is no evidence that it provides information as to work or other trips, such as retail trips.

Also, the mode shares and average vehicle occupancy rates used in the DEIR consist of unsupported conclusions and are not supported by substantial evidence. The mode shares and average vehicle occupancy rates “for residential work trips” were based on the U.S. survey 2011-2015 estimates (DEIR p. 4.C.57), but the DEIR does not provide a supporting reference for the residential non-work trips, office work-trips or non-work trips, retail work trips or non-work trips, restaurant work-trips or non-work trips or daycare work or non-work trips. The DEIR is inadequate for failing to provide an explanation of the manner in which this information was derived. Also, as stated above, in *TNCs & Congestion*, since TNC use became significant in 2016, there is not substantial evidence that the increased mode shares by TNCs were taken into account in arriving at the DEIR’s conclusions, and the DEIR’s transportation analysis is inadequate for failing to take such information into account.

As to Mode Share, the DEIR states at page 4.C.57 that:

Person-trips generated by the proposed project and project variant were distributed to San Francisco’s four Superdistricts and the greater Bay Area and then assigned to travel modes based on mode shares presented in the *SF Guidelines* in order to determine the number of auto, transit, walk and “other” trips. The “other” mode includes trips taken by bicycle, motorcycle, for-hire vehicles such as transportation network companies, taxis,
and other modes. The person-trips shown as “auto” person trips reflect the total number of persons traveling by automobile and some automobiles would transport more than one person or multiple people, each of whom is making one person trip. Vehicle trips are calculated as the number of auto person trips divided by the average vehicle occupancy. Mode shares and average vehicle occupancy rates for residential work trips are based on United States Census Bureau five-year estimates of commute trip travel behavior from the 2011-2015 American Community Survey for Census Tract 154, which includes the project site. External person-trip generation estimates by mode and vehicle types are shown in Table 4.C.14: External Person-Trip Generation by Mode.

Thus, the DEIR used inaccurate estimates of mode share that pre-dated the great increase in TNCs that occurred in 2016.

DEIR Appendix D explains at page 27 that mode share by trip purpose (work or non-work) is presented in Table 9. The internal trips presented in Table 7 would be expected to occur for the most part by walking and bicycling. As a result, the preliminary modal split percentages presented in Table 9 would change. Table 10 provides a comparison of modal splits before and after the calculation of internal trips for the Mixed-Use Office Scenario and Mixed-Use Multi-Family Housing Scenario. The resulting person-trips by mode and external person- and vehicle-trips are shown in Table 11.

The traffic study in Appendix D of the DEIR admits at page 22 that the SF Guidelines do not provide a specific methodology to assess the amount of trips that could remain within a large mixed-use project site and claims that refinements were made to the standard travel demand analysis “to account for the size and land use mix of the project.” However, the DEIR lacks explanation of the nature of the refinements made and substantiation of the accuracy of the methodology used to estimate the internal trip capture rates. Thus, substantial evidence does not support the DEIR’s conclusions as to the internal trip capture rates stated in the DEIR.

As explained herein, the internal trip capture rates used in the DEIR for the proposed project are not supported by the referenced studies or other reports. Similarly, the conclusions as to mode share and average vehicle occupancy rates stated in Appendix D at page 27-29 are also unsupported by explanation or analysis. Again, the source of the conclusions is only Kittleson and an unreferenced page of the 2002 SF Guidelines.

The traffic study in DEIR Appendix D also explains at page 22 that:

To better estimate the trip-making patterns of the proposed project, a modified trip generation model specific to the 3333 California Street project was developed. The methodology was developed using the National Cooperative Highway Research Program Report 684, ITE, and is similar to the approach used in the analysis of the Mission rock Project at Seawall Lot 337 and Pier 48, and the Pier 70 Mixed-Use District Project.

However, the DEIR fails to provide any explanation of the methodologies discussed in the referenced publications, which the DEIR cites as support for its estimates of the internal trip capture rate. The cited publications are not contained in the DEIR or Appendix D.

In addition, the DEIR’s mode share analysis is inaccurate and inadequate because it fails to take into account the current mode share of vehicle trips currently occurring by transportation network companies such as Uber and Lyft and the 3333 California Street project proposal to add five new loading zones around the perimeter of the site which will attract such transportation network companies and other delivery vehicles.

Also, the DEIR fails to estimate the amount of VMT which the proposed non-residential use (54,117 gsf feet of retail and 49,999 gsf of new office use - DEIR p. 2.8) of the project/variant would cause substantially induce. Simply admitting that the project would cause substantial VMT would be caused is inadequate under CEQA because it fails to supply information to decisionmakers and the public as to the degree of the significant impact and nature of the cause(s).

6. The EIR’s Traffic Analysis Fails to Adequately Analyze VMT Generated by Customers of the Proposed New Retail Uses.

The DEIR claims that the following thresholds of significance and screening criteria used to determine if a land use project would result in significant impacts under CEQA are consistent with CEQA section 21099 and the thresholds of significance for other land uses recommended in OPR’s Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA (OPR proposed transportation impact guidelines):

For residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent. This metric is consistent with OPR’s proposed transportation impact guidelines stating that a project would cause substantial additional VMT if it exceeds both the existing city household VMT per capita minus 15 percent and existing regional household VMT per capita minus 15 percent.

For office projects, a project would generate substantial additional VMT if it exceeds the regional VMT per employee minus 15 percent.

For retail projects, the planning department uses a VMT efficiency metric approach for
San Francisco Planning Department  
January 8, 2019  
Page 31

retail projects; a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent.

For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described above. DEIR p. 4.C.49.

For mixed-use projects or retail land use, the threshold of significance used in the DEIR is not consistent with the OPR proposed transportation impact guidelines. Those OPR proposed transportation impact guidelines actually state at page III:16 that:

**Retail Projects.** Lead agencies should usually analyze the effects of a retail project by assessing the change in total VMT, because a [sic] retail projects typically re-route travel from other retail destinations. A retail project might lead to increases or decreases in VMT, depending on previously existing retail travel patterns.

Page III:23 of those OPR Guidelines state that:

Because new retail development typically redistributes shopping trips rather than creating new trips, estimating the total change in VMT (i.e. the difference in total VMT in the area affected with and without the project) is the best way to analyze a retail project’s transportation impacts.

The DEIR failed to analyze adequately the project’s potential change in total VMT because it only analyzed VMT caused by employees of the new retail uses. THE DEIR is inadequate because if failed to analyze VMT caused by customers of the proposed new retail uses. Also, as previously stated, the DEIR is inadequate because it determined whether increased VMT was significant based on a comparison with VMT per capita for various land use, rather than based on a comparison with total VMT. Given the increase in employment and population in the City and the rapid growth in TNCs, substantial evidence does not support the DEIR’s use of significance standards for the proposed project/variant based on VMT per capita.

The 3333 California project site is in Superdistrict 2. (San Francisco Transportation Information Map, accessed December 26, 2018) According to Appendix D of the San Francisco Planning Department Transportation Analysis Impact Guidelines, October 2002, TABLE E-12 VISITOR TRIPS to SD-2 – RETAIL, percentages of automobile trips made to retail locations in SD-2 from residents in the districts described below are made at the rates listed below:

64.3% of visitors from All Origins  
78.4% of visitors from Superdistrict 1  
56.5% of visitors from Superdistrict 2  
60.9% of visitors from Superdistrict 3  
81.2% of visitors from Superdistrict 4
65.8% of visitors from the East Bay
81.2% of visitors from the North Bay
95.1% of visitors from the South Bay and
62.5% of visitors from other locations. (Ex. A, excerpts of said Appendix D)

Page C-1 of Appendix C to the San Francisco Planning Department Transportation Impact Analysis Guidelines state that the “essential data necessary for the calculation of trip generation is contained in Tables C-1 and C-2, and in the trip distribution, mode split, and auto occupancy tables contained in Appendix E.” (Ex. A, attached) Table C-1 of that Appendix shows that Eating/Drinking uses have higher trip rates than General Retail and all other uses except Supermarket, at the following rates of trips per 1,000 gross square feet of space:

<table>
<thead>
<tr>
<th>Use Type</th>
<th>Trip Rate per 1,000 gsf</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Retail</td>
<td>150.0</td>
</tr>
<tr>
<td>Supermarket</td>
<td>297.0</td>
</tr>
<tr>
<td>Eating/Drinking</td>
<td></td>
</tr>
<tr>
<td>Quality Sit-Down</td>
<td>200.0</td>
</tr>
<tr>
<td>Composite Rate</td>
<td>600.0</td>
</tr>
<tr>
<td>Fast Food</td>
<td>1400.0</td>
</tr>
<tr>
<td>Office</td>
<td>18.1</td>
</tr>
<tr>
<td>Residential (all types)</td>
<td></td>
</tr>
<tr>
<td>2+ bedrooms</td>
<td>10.0/unit</td>
</tr>
<tr>
<td>1 Bedroom/studio</td>
<td>7.5/unit</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>5.0/unit (Ex----)</td>
</tr>
</tbody>
</table>

These rates were used by the City in the EIR for the 901-16th Street and 1200-17th Street project in estimating trip generation for project retail; San Francisco rates were also used for estimating trip generation for project residential uses and calculating Daily Person trips in that Draft EIR for that project. (Ex. U, pp. IV.A.31, 32) The retail mode splits and AVO were based on the San Francisco Guidelines Appendix E, and showed that retail work trips accounted for only 4% of the daily auto retail person trips (262/5923) and retail non-work trips accounted for 96% of the daily auto retail person trips (5661/5923). Ibid. That EIR also showed, based on the San Francisco Guidelines Appendix E, that the Average Vehicle occupancy for retail work trips was 1.23 but the Average Vehicle Occupancy for retail non-work trips was 1.90. Ibid. According to Appendix E of the San Francisco Guidelines, 64.3% of all visitor trips to SD-2 were made by automobile, with 1.88 persons per auto. (Ex. A)

Table C-2 of Appendix C of the San Francisco Transportation Impact Analysis Guidelines shows at page C-4 that the percentage splits between work and non-work trips for Retail (including Supermarkets & Eating/Drinking Establishments) is 4% work and 96% non-work for a daily 24-hour period. (Ex. A) Of the 54,117 gross square feet of total retail uses in the proposed 3333 California Street project, 40,004 gsf would be for general retail, 4,287 gsf for sit-down restaurant and 9,826 gsf for composite restaurant. (DEIR pp. S-49) According to
4.C.11 of the DEIR, of the total 19,644 daily person-trip generation estimated for the proposed project, 12,753 person trips generated by the project would be from total retail uses, or 64.9% of the daily person trips. Since 96% of the retail trips would be for non-work trips, 96% of the 12,753 retail non-work person trips, or 12,243 daily person trips would be generated by customer, or non-work retail trips.

Thus, the DEIR is inadequate because it failed to include approximately 12,243 daily person trips that would be generated by retail customers of the project, or non-work retail trips. Omission of this information misleads the decision maker and the public as to the true impacts of the project.

The DEIR failed to analyze whether a likely increase in VMT per retail customer, or non-work trips, could cause substantial additional VMT. DEIR p. 4.C.80. The DEIR only analyzed whether the likely increase in VMT per employee associated with provision of retail parking spaces may increase VMT per employee enough to exceed the threshold of 15 percent below the regional average for retail uses. DEIR p. 4.C.80. Based on the information set forth herein showing that 12,243 daily person trips would be generated by retail customers, the DEIR lacks substantial evidence to show that the significance standard used in the DEIR was a reasonable measure of VMT increase for the proposed project/variant, especially since the standard considered retail work-trips and not retail customer-trips. For these reasons, including the fact that the DEIR failed to analyze 64.9% of the daily person trips from total proposed retail uses, the DEIR also lacks substantial evidence to support its conclusion that reducing the retail parking supply in the manner stated in Mitigation Measure M-TR-2 would reduce the significant impact of the proposed project and variant on VMT to a less than significant level. DEIR 4.C.80.

Vehicle miles traveled (VMT) measures the amount and distance vehicles would travel on the roadway as a result of a project or plan. (Ex. C, TDM Technical Justification, p. 6) That justification confirms that transportation demand management programs are “designed to reduce Vehicle Miles Traveled by residents, tenants, employees, and visitors.” Thus, the DEIR is inadequate for failing to analyze potentially significant increase in visitor travel.

The DEIR also lacks a coherent and complete explanation of which retail uses would use the parking spaces being provided for retail uses. The DEIR contains numerical estimates of “Long-Term” and “Short-Term” proposed parking space supply for Retail, Sit-down and Composite retail uses. DEIR p. 4.C.118. Is the proposed Long-Term supply intended for employees of the retail uses and the proposed Short-Term supply intended for customers of the retail uses? Since it is a reasonable assumption that the proposed Short-Term supply is intended for customers of the retail uses, customers of the retail uses are expected to drive to the site, but the EIR inadequately lacks any estimate of the impact of that driving by retail customers on increased VMT, or the cumulative impact of retail customer driving with driving by customers of the adjacent Laurel Village Shopping Center. With respect to the mitigation measures proposed to reduce retail parking spaces, would those measures reduce long-term or short-term retail
The DEIR’s analysis of the cumulative impact on VMT was also deficient for the reasons stated above.

The EIR also fails to analyze the combined or cumulative effect on VMT caused by the proposal to construct new project retail uses along two blocks of California Street that are immediately adjacent to the existing two-block long retail neighborhood shopping center of Laurel Village. The combination of the two adjacent shopping areas would likely attract more retail customers to the project area due to the potentially increased variety of retail uses and availability of a wider range of retail services including substantial amounts of new restaurant uses (both composite and sit-down) proposed for the project site. Due to the amount of potential added retail options that the proposed project would add to the area (54,117 gsf), the project area including the Laurel Village Shopping Center would likely become a shopping destination which would attract more customer traffic in combination than would occur with either component of the retail uses alone. Due to the increased attraction of retail customers to a retail shopping destination, the DEIR is seriously inadequate for failing to have analyzed the VMT likely caused by retail customers of the proposed project/variant as a project impact, and also as a cumulative impact on the VMT likely generated by the project retail uses in combination with the VMT generated by existing retail uses in the Laurel Village Shopping Center. The proposed addition of a Whole Foods market at the City Center on Geary Boulevard at Masonic, which is two blocks from the project site, together with the VMT caused by visitors to the Target store currently located at that site, and the visitors to the Trader Joe’s market located on Masonic one block away from the project site, should also have been included in a cumulative impact analysis. In sum, based on my experience in shopping at Laurel Village, the proposed project could cause significantly increased VMT in the area of the proposed project because the area would become more of a shopping destination than it is presently. Thus, the EIR is inadequate for failure to estimate VMT from retail customers as an impact of the project and as a cumulative impact with VMT from existing customers of Laurel Village Shopping Center and other nearby commercial uses.

7. Feasible Mitigation Should Be Adopted to Reduce the Project’s Significant Impact on VMT and its Incremental Cumulative Effects on Regional VMT.

The following Mitigation Measure should be adopted as a condition of approval of the proposed project/variant.

MITIGATION MEASURE - NO RESIDENTIAL PARKING PERMITS FOR RESIDENTS OF, OR PERSONS WORKING AT, THE PROJECT.

In order to reduce VMT from project residents or workers parking in the areas surrounding the project site, as a condition of approval, the project sponsor shall be
required to agree to a deed restriction recorded against the property providing that persons living at 3333 California Street and workers employed at 3333 California Street shall not be entitled to apply for a residential parking permit in the residential parking permit area that includes the 3333 California Street site, and the project sponsor shall be required to fund development of a program at the City agency that governs issuance of residential parking permits (currently believed to be MTA) in an amount not to exceed $2 million (two million dollars) to be used to enable that agency to modify and screen applications for residential parking permits and identify persons residing or working at 3333 California Street who would not be eligible to apply for residential parking permits and to implement amendments to application procedures for residential parking permits sufficient to enable the agency to identify persons residing or working at 3333 California Street. This condition shall be incorporated into any approval of the project, including without limitation into any approval rendered by the Board of Supervisors or the Planning Commission.

8. The DEIR Inadequately Analyzes Whether the Proposed Project/Variant Would Cause Major Traffic Hazards.

A. The Project Would Cause Significant Hazards of Collision with Oncoming Vehicles.

Plan sheet C.4.03 shows that trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area when turning right from Euclid Avenue to onto Laurel Street, when travelling right at the curve of Laurel Street where it intersects Mayfair Drive, and when turning right from Laurel Street onto California Street. (Ex. V) At each of these locations, trucks with a 50-foot wheelbase would turn into the oncoming traffic lane/area. (Ex. V) At the curve of Laurel Street where it intersects Mayfair Drive, traffic often backs up onto northbound Laurel Street in peak hours and after school hours due to vehicles stopping on northerly bound Laurel Street while they are waiting to turn left into the Laurel Village Shopping Center. I have also seen vehicles traveling southbound on Laurel Street adjacent to the Laurel Village Shopping Center backup as they approach the entrance to the Laurel Village Shopping Center to the right, due to vehicle back-ups at the entrance to the Shopping Center. According to plan sheet C.403, a truck traveling northbound on the curve of Laurel Street which has a 50-foot wheelbase would turn into the oncoming traffic lane where vehicles southbound on Laurel Street back up, thereby creating a risk of collision. Such trucks turning right at the corner of Laurel Street eastbound onto California Street would also turn into the oncoming westbound traffic lane on California Street as they approach the 100-foot commercial loading zone proposed to be installed next to the bus stop on eastbound California Street. Such truck turns would also cause a collision hazard, because vehicles often back up in the eastbound lanes on California Street at the intersection of Laurel Street in the peak afternoon traffic periods. Plan Sheet C.4.06 shows that buses with a 40-foot wheelbase turning right in these areas would also turn into oncoming traffic lanes and have
the same risk of collision. (Ex. V) The DEIR is inadequate because it failed to analyze adequately this traffic hazard impact and and analyze and adopt mitigation measures that could reduce the significant impact from causing major traffic hazards.

B. The Project Would Cause a Potentially Significant Hazard to Pedestrians.

The DEIR failed to analyze adequately the significant hazard to pedestrians that would result from unloading operations conducted at the proposed 100-foot long commercial loading zone proposed to be installed on California Street adjacent to the project site. Preliminary Design 08/2018 and plan sheets C2.02 and L1.01 show that this 100-foot commercial loading zone would be adjacent to a “PEDESTRIAN ACCESS POINT” and the pedestrian sidewalk on California Street. (Ex. L) Trucks off-loading freight from this loading zone would likely cross the sidewalk to deliver freight to the site, and some such crossings would likely traverse that pedestrian access point. The proposed 100-foot commercial loading zone is adjacent to a major pedestrian access point in the proposed project. The off-loading of freight in this area could cause major hazards to pedestrians using the sidewalk in this area. The DEIR is inadequate because it failed to analyze this potentially significant impact and provide mitigation measures to avoid or substantially reduce this impact.

The following mitigation measure is feasible and would mitigate this hazard to a less than significant level:

MITIGATION MEASURE. All freight loading or unloading will be conducted in the underground garages provided in the proposed project/variant.

C. The Proposed Project/Variant Would Cause a Major Hazard From Vehicle Speed Reductions On Pine Street Approaching the Proposed Bulb-Out on Presidio Avenue at Pine Street Such that There Would be Increased Risk of Rear-End Collisions or Other Hazards.

Sheet C2.02 shows a new proposed bulb-out would be installed adjacent to the right westbound traffic lane on Pine Street at the corner of Presidio Avenue and Pine Street. (Ex. L) Pine Street is a Major Arterial containing three one-way lanes of westbound travel. DEIR 4.C.5. During commute hours, traffic is very heavy on Pine Street westbound, with substantial vehicles traveling from downtown work locations. The proposed bulb-out at this location would cause traffic to slow down at the intersection of Pine Street and Presidio Avenue where visibility is already impaired due to the upward slope. Due to vehicles slowing down near this bulb-out, the proposed project would have increased risk of rear-end crashes or other hazards to vehicles traveling on this major artery and also could cause potential traffic back-ups which would also cause increased risk of collisions. The DEIR is inadequate for failing to analyze this potentially significant impact and mitigation measures that could reduce the impact to insignificance. The DEIR’s claim that the project’s proposed streetscape changes, including bulbouts, would not
increase the risk of rear-end crashes or other hazards is conclusory and not supported by substantial evidence. The following mitigation measure would mitigate this impact to insignificance:

**MITIGATION MEASURE:** Eliminate the proposed bulb-out at the intersection of Pine Street and Presidio Avenue as shown in plan sheet C2.02.

**D. The DEIR Is Inadequate in Failing to Analyze the Potentially Significant Hazards From TNC and Delivery Vehicles Double-Parking Near Proposed Loading Zones.**

The five proposed new loading zones proposed to be installed on streets surrounding the project would attract TNCs and other delivery vehicles. Such vehicles are known to stop in the street when there is not an easily accessible or available turn-in area, such as when a loading zone is occupied. Literature previously discussed herein documents this hazard from TNCs. The DEIR fails to analyze adequately the traffic hazards caused by such vehicles potentially stopping in the street near the proposed project loading zones, including without limitation the increased hazards from the risk of collisions.

**E. The DEIR Fails to Analyze Potentially Significant Traffic Hazards From Vehicles Queueing at Project Site Driveways.**

The DEIR acknowledges that based on a review of existing conditions, the addition of project-generated traffic could result in queues and potential conflicts with existing traffic operations in the vicinity of the proposed Laurel Street driveway between California Street and Mayfair Drive with potential conflicts being between vehicles entering/exiting the Laurel Village Shopping Center surface parking lot and vehicles accessing the proposed project’s below-grade parking garage from the Laurel Street northernmost driveway. DEIR p. 4.C.81. During times of peak demand, queues can spill back across the sidewalk and onto Laurel Street and affect operations of the adjacent, closely spaced intersections at California Street and at Mayfair Drive. *Ibid.* The DEIR included an improvement measure which is not binding for this impact. The DEIR is inadequate in failing to include as a binding mitigation measure the proposed queue abatement measures stated in Improvement Measure I-TR-3 and the following measure, which should be adopted as conditions of approval of the proposed project:

**MITIGATION MEASURE:** If significant queues develop on Laurel Street near the intersections of Mayfair Drive or California Street, entrance to the project garages on Laurel Street will be limited to residential occupants of the buildings along California Street. If such queues are reported to the Planning Director, the Planning Department will propose and support modifications to project approvals that will be sufficient to abate such queues to be approved by the Board of Supervisors, Planning Commission or other applicable authority.
MITIGATION MEASURE: The terms of Improvement Measure I-TR-3: Driveway Queue Abatement at DEIR p. 4.C.82 are incorporated herein by reference as Mitigation Measures required as a condition of approval of the proposed project/variant.

CONCLUSION

For the reasons set forth above, the DEIR is inadequate under CEQA and must be revised and the revision submitted for public comment.

Very truly yours,

Kathryn R. Devincenzi

ATTACHMENTS: Exhibits A - V
TRANSPORTATION IMPACT ANALYSIS GUIDELINES
FOR ENVIRONMENTAL REVIEW

October 2002

The Planning Department
City and County of San Francisco
II. Overview of Process and Procedures

These guidelines update and revise the Guidelines for Environmental Review: Transportation Impacts (July, 1991) and Interim Transportation Impact Analysis Guidelines for Environmental Review (January 2000), and supersede all previously published transportation analysis guidelines. This document reflects the most current data available regarding San Francisco travel characteristics. A major portion of the analysis guidance is based on the findings of the Citywide Travel Behavior Survey - Employees and Employers (May, 1993), the Citywide Travel Behavior Survey - Visitor Travel Behavior (August, 1993), and updates or enhancements to those reports. In addition, the Guidelines employ certain findings and assumptions from major San Francisco study reports, including those for: Mission Bay (Case No. 1996.771E; EIR certified September 17, 1998); Transbay Terminal/Caltrain Extension (Case No. 2000.048E); and Van Ness Avenue (Case No. 1987.586; EIR certified on December 17, 1987). The data in the Citywide Travel Behavior Study (CTBS) was subsequently confirmed by the 1995 Citywide Travel Behavior Study that was sponsored by the San Francisco County Transportation Authority.

It should be noted that these are only guidelines. It must not be assumed that the information provided herein constitutes a complete scope of work for any transportation analysis. The Guidelines provide a broad overview, while individual transportation study scopes of work are required to provide a level of detail tailored to fit the size and complexity of transportation issues associated with particular projects. Moreover, once a scope of work is prepared and approved under the direction of the Planning Department, the specific direction contained within that scope will provide a more precise focus than that which appears in these Guidelines.

For clarification, the following represents an overview of the process involved in the preparation of a transportation impact analysis for environmental review purposes. No estimate or assumption is made or inferred regarding time lines for the various steps.

1) The project sponsor or a designated representative files an Environmental Review (EE) application with the Planning Department following the instructions contained in that application form (available at the Department and on-line). When the application is accepted by the Department, a case number is assigned and a staff person from the Department's Major Environmental Analysis section is designated as the coordinator for environmental review. This individual will likely be different than the staff person handling the Transportation Impact Report. All Department staff assigned to the project will coordinate activities throughout the review process. Filing for environmental review generally (but not always) precedes starting the review of transportation issues.

2) Determination concerning whether a transportation impact report is required is based on the scale, location, and/or potential level of activity of the proposed...
3. Travel Demand Analysis

Travel demand analysis shall include textual information, supported by tables or figures detailing the project's trip generation, trip distribution, trip assignment and modal split characteristics.

Net new travel demand generated by the project is to be estimated, based on the difference between existing and proposed land uses. Person trip generation rates per unit of square footage for each land use, or other unit as shown in Appendix C, are to be used for estimating levels of activity for the proposed project. The rates were developed by an examination of various studies and sources, including the Citywide Travel Behavior Study, the ITE Trip Generation manual and special purpose studies, many of which are specific to San Francisco. No single source or analysis provides, by itself, an adequate means to define trip generation for all the situations encountered in San Francisco. Trip generation rates may sometimes need to be determined by other means, such as surveys of similar land uses, if so specified in the scope of work.

To "net-out" existing land uses that will be replaced, the existing levels of trip activity should, in most cases, be based on actual observations rather than on estimates based on rates in these Guidelines or other sources.

Each analysis should apply the trip generation rates from the Guidelines individually to the proposed uses, compare the proposed trips to existing levels of trip activity, and show the differences ("net new") by land use and in aggregate.

The Travel Demand Analysis is to include the following, unless otherwise directed in the work scope (Note that different or additional analysis periods may be defined in the scope of work process.):

- **Trip Generation Information**: Project trip generation information (total person trips) by land use for existing and proposed uses. The total unadjusted daily and P.M. peak hour trips by mode can be calculated. The number of daily and peak hour vehicles (autos) generated by the project should also be calculated by using the auto occupancy rates noted in the tables in Appendix E.

- **Work and Non-Work Trip Generation Information**: Since work and non-work trips have different characteristics in terms of distribution and the mode of travel, the number of work and non-work (visitor) trips should be calculated separately. Appendix C provides the methodology to compute the work and non-work
Trip Distribution, Assignment and Modal Split Information: Net new person trips distributed to various directions of travel and assigned to the appropriate modes of travel (auto, transit, walk, and other) should be calculated, presented in tables and a graphic diagram (for vehicle and transit trips), and discussed in the text. Modal assignments should also be calculated for daily and the P.M. Peak Hour.

The weekday P.M. Peak Period is generally 4:00-6:00, and traffic counts shall generally be conducted during this period, unless otherwise specified in the scope of work. The peak hour must be determined from the counts (normally recorded in 15 minute intervals) for the entire peak period, and should represent the single hour within the peak period with the highest counts. The Planning Department may also request data for other periods to reflect the peak period of trip generation by the land use.

4. Transportation Impact Analysis

Analysis for all projects is to be conducted for project-specific impacts, and for cumulative impacts.

A. Traffic Impacts

Project-Specific Impacts. The project generated traffic impacts must be calculated for intersections identified in the scope of work using the methodologies explained in Appendix B. LOS levels for the specified intersections must be discussed in the text and presented in a table showing Existing, Existing plus Project and Cumulative intersection levels of service. The traffic attributable to the project is normally assumed to be included in the cumulative forecast, and should not be added to the cumulative totals. The percent contribution of the project should be shown both as a percentage of the total cumulative traffic and as a percentage of the growth in traffic (cumulative less existing) for each intersection.

The specific intersections to be analyzed will be identified in the approved scope of work for the transportation analysis, and based on an initial assessment of areas that could be impacted by the project. When a wide area may be impacted, the intersections selected for analysis may only be those that would experience the greatest change or have the greatest likelihood of degrading to an unacceptable LOS with the addition of the project traffic.

Cumulative (Horizon Year) Impacts. The transportation impact analysis should present and discuss the cumulative traffic impacts. The horizon year (normally 10 to 20 years in the future, depending on the location) should be used for the cumulative analysis year unless otherwise specified in the scope of work. The analysis is to assume a growth factor of one percent per year for "background" traffic, unless an areawide cumulative...
TRIP GENERATION METHODOLOGY

The trip generation approach in these “Guidelines” has been revised to reflect updated information that has become available since the 1991 version of the “Guidelines.” The intent of this revised approach is to make the maximum use of relevant and refined data from the “Citywide Travel Behavior Survey” (CTBS) and other sources (such as the ITE “Trip Generation” reports, the San Francisco Land Use Database and transportation studies), and to better integrate trip generation with other aspects of the analysis process. As more refined data becomes available, it will also be incorporated into the methodology outlined here. Some of the changes may include the use of employee densities in the trip generation process, and the introduction of an adjustment factor to recognize linked and internal trips.

The essential data necessary for the calculation of trip generation is contained in Tables C-1 and C-2, and in the trip distribution, mode split, and auto occupancy tables contained in Appendix E. Multiple sources of information, as are cited in footnotes of Tables C-1 and C-2 and the “Selected Sources” were necessary to develop the rates and factors in the tables since no one source was complete in itself nor provided the linkage between the different collection and analysis methodologies. Some judgement derived from experience with San Francisco development and transportation activities was also applied to the development and refinement of the information. The tables in Appendix E are derived from the data in the CTBS reports.

The land uses in Tables C-1 and C-2 represent the majority of the projects being developed in San Francisco. However, there are a number of uses that might occur on an infrequent basis which are not specifically represented. In those cases, it may be appropriate to use other data sources or studies for trip generation rates which would be specified during the scoping process. Data sources could include field surveys or acceptable published data such as that from the Institute of Transportation Engineers (ITE) and the San Diego Association of Governments (SANDAG). In its Trip Generation publication, the Institute of Transportation Engineers (ITE) provides one of the largest sources of commonly used trip generation data. Most of this data, however, was collected in a suburban environment with low transit usage and land use and travel patterns different than San Francisco. Furthermore, the rates are based on vehicle trips as opposed to person trips, and there is no corresponding auto occupancy data for the sources. In some cases, it may be possible to use the data with an appropriate conversion to person trips. This would require the assumption of an auto occupancy rate and a percentage of non-auto trips. For example, if the auto occupancy rate were 1.3 and the “Other modes” trips were 10%, the conversion would factor would be 1.3/0.90, or 1.44. One hundred ITE vehicle trips would equate to 144 person trips.
NET NEW TRIPS: PROCEDURES FOR ADJUSTMENTS BASED ON EXISTING LAND USES ON THE PROJECT SITE

For project sites that are not vacant or were occupied until recently, adjustments to calculated daily and p.m. peak hour project-generated additional person trips may be made to account for the existing activities on a project site. Whenever feasible, any such adjustment should be based on conducting counts of actual existing commercial trip-making at the project site per specific direction from Planning Department MEA transportation staff. Unless surveys of existing modal splits and distributions are available or conducted, appropriate modal splits and distributions should be applied for the geographic area in which the project site is located in order to estimate net changes for each mode, e.g., vehicles, transit, walking, or other. Net new trips would be derived as follows:

\[
\text{Net new trips} = \text{Calculated additional trips for the project (for daily & pm peak hour)} - \text{Existing observed trips (from actual counts)}
\]

Whenever it would be impractical to conduct actual counts of existing commercial trip-making activity at a project site, e.g., because the business has recently ceased operations, procedures for estimating and netting out existing trips shall be developed only according to specific direction from Planning Department MEA transportation staff. Whenever the level of trip-making associated with previous uses appears to have been low and/or prior uses have been discontinued for a substantial period of time, application of the concept of net new trips would be inappropriate and the analysis should be based on estimates of trip generation for the proposed project without adjustments.

In cases of existing or recently discontinued residential uses proposed to be replaced by any type of new project, Planning Department residential trip rates from Appendix C and appropriate modal split/distribution census tract data based on procedures described in Appendix D should be applied to estimate existing trips. Net new trips should, in turn, be derived by subtracting existing trips from new trips estimated to be generated by the proposed project.

Whenever a project is proposed to replace an existing or recently discontinued parking facility, netting out existing trips linked to the parking facility is generally inappropriate. The inherent character of parking facilities is to accommodate vehicular trips generated by commercial (and sometimes residential) land uses in the vicinity and to concentrate these vehicular trips in immediate proximity to the parking facility’s access points. The basic analytical presumption should be that drivers who have previously parked in a parking facility to be displaced by a proposed project will seek to find other parking nearby and thus these vehicular trips should be treated as remaining at the intersections within the project study area. Therefore, while some reassignments to reflect greater dispersal of vehicles previously using a parking facility on the project site may be appropriate, the reassigned vehicles should be assumed to remain in the project study area. Thus, netting out of vehicles associated with a parking facility on the project site is generally not appropriate. One clear exception to this presumption would apply when the proposed project would replace the underlying land use which primarily accounts for users of the associated parking facility. Appropriate treatment for other exceptional situations should be according to specific direction from Planning Department MEA transportation staff.
### TABLE C-1
TRIP GENERATION RATES & EMPLOYEE DENSITIES
FOR TYPICAL LAND USES

<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>TRIP RATES</th>
<th>PM PEAK HOUR (% DAILY)</th>
<th>EMPLOYEE DENSITY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Office</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General</td>
<td>18.1</td>
<td>8.5%</td>
<td>276</td>
</tr>
<tr>
<td>Government---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative</td>
<td>36.4</td>
<td>16.2%</td>
<td>276</td>
</tr>
<tr>
<td>Government---</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>High Public Use</td>
<td>43.3</td>
<td>14.5%</td>
<td>276</td>
</tr>
<tr>
<td>General Retail</td>
<td>150.0</td>
<td>9.0%</td>
<td>350</td>
</tr>
<tr>
<td>Supermarket</td>
<td>297.0</td>
<td>7.3%</td>
<td>350</td>
</tr>
<tr>
<td><strong>Eating/Drinking</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quality Sit-Down</td>
<td>200.0</td>
<td>13.5%</td>
<td>350</td>
</tr>
<tr>
<td>Composite Rate</td>
<td>600.0</td>
<td>13.5%</td>
<td>350</td>
</tr>
<tr>
<td>Fast Food</td>
<td>1400.0</td>
<td>13.5%</td>
<td>240</td>
</tr>
<tr>
<td><strong>Hotel/Motel</strong></td>
<td>7/room</td>
<td>10.0%</td>
<td>0.9 employees/room (49% daytime work)</td>
</tr>
<tr>
<td><strong>Manufacturing/Industrial</strong></td>
<td>7.9</td>
<td>12.4%</td>
<td>567</td>
</tr>
<tr>
<td><strong>Athletic Clubs</strong></td>
<td>57.0</td>
<td>10.5%</td>
<td>---</td>
</tr>
<tr>
<td><strong>Cineplex Theatres</strong></td>
<td>1.13/seat</td>
<td>23.0%</td>
<td>0.023 employees/seat</td>
</tr>
<tr>
<td><strong>Daycare Centers</strong></td>
<td>67.0</td>
<td>18.0%</td>
<td>---</td>
</tr>
<tr>
<td><strong>Residential (all types)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2+ bedrooms</td>
<td>10.0/unit</td>
<td>17.3%</td>
<td>---</td>
</tr>
<tr>
<td>1 bedroom/studio</td>
<td>7.5/unit</td>
<td>17.3%</td>
<td>---</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>5.0/unit</td>
<td>6.0%</td>
<td>---</td>
</tr>
</tbody>
</table>

Footnotes:

1. Trips per 1,000 gross square feet of space unless otherwise noted.
2. Average gross square feet of space per employee.

Sources:
- San Francisco Citywide Travel Behavior Survey; Mission Bay 1990 FEIR;
- 525 Golden Gate FEIR; 1000 Van Ness FEIR; ITE Trip Generation, 6th Edition
### TABLE C-2
PERCENTAGE SPLITS BETWEEN WORK & NON-WORK TRIPS

<table>
<thead>
<tr>
<th>LAND USE TYPE</th>
<th>DAILY 24-HOUR PERIOD</th>
<th>PM PEAK HOUR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office</td>
<td>36%/64%</td>
<td>83%/17%</td>
</tr>
<tr>
<td>General</td>
<td>20%/80%</td>
<td>83%/17%</td>
</tr>
<tr>
<td>Government</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail (including Supermarkets &amp; Eating/Drinking Establishments)</td>
<td>4%/96%</td>
<td>4%/96%</td>
</tr>
<tr>
<td>Hotel/Motel</td>
<td>12%/88%</td>
<td>60%/40%</td>
</tr>
<tr>
<td>Manufacturing/Industrial</td>
<td>40%/60%</td>
<td>67%/33%</td>
</tr>
<tr>
<td>Residential</td>
<td>33%/67%</td>
<td>50%/50%</td>
</tr>
</tbody>
</table>

Sources: South of Market FEIR; Mission Bay 1990 FEIR

For commercial uses, 100% of all work trips during the PM peak hour and 50% of all non-work trips during the PM peak hour should be treated as outbound.

For residential uses, all PM peak work trips and 33% of all PM peak hour non-work trips should be treated as inbound to the project, resident inbound/outbound trip directions may or may not correspond to peak outbound regional travel direction.
TRIP DISTRIBUTION, MODE SPLIT AND TRIP ASSIGNMENT METHODOLOGY

The steps in the transportation analysis process following trip generation include trip distribution, mode split and trip assignment. Unless a travel demand model is used, the procedure described below should be followed.

Commercial Land Uses

Once it is determined how many person trips are generated by a project, it is necessary to determine the travel mode for the trips, the number of vehicle (auto) trips, the distribution of the trips, and the assignment of the trips to the appropriate transportation network (e.g., street network or transit service). The modal split and distribution can vary by the type of trip (e.g., work or non-work (visitor)), and the land use at the destination (e.g., office, retail, other). To aid in the process, the tables in Appendix E have been prepared using data from the Citywide Travel Behavior Study (CTBS). The data is provided according to the location of the proposed commercial project: the four Superdistricts (SD) in San Francisco, plus the C-3 District within Superdistrict 1. Because the data has been compiled by generalized locations and categories, it may not provide the maximum possible precision for any one project. Overall, however, it provides an adequate representation, and its use will maintain a consistency and comparability between the analyses of different projects.

For the C-3 District, work trips are categorized “Office” and “All Other.” The visitor (non-work) trips for the C-3 District are categorized as “Office,” “Retail” and “All Other.” For the four Superdistricts, there is one category for work trips and two categories for visitor trips: “Retail” and “All Other.” Some other areas of the city (e.g., Van Ness Avenue) also have tables that were derived from studies for those areas.

The number of trips by mode can be derived by applying the “Mode %” figure to the total trips. In order to calculate the number of auto vehicle trips, the number of auto trips needs to be divided by the “Persons Per Auto.” For the C-3 District, the number of auto vehicle trips equals the number of “Drive Alone” trips plus the “Rideshare” trips that have been divided by “Persons Per Auto, Rideshare.”

The tables in Appendix E provide a general distribution of trips (e.g., SD-3, South Bay) which will be useful in directing certain trips to a particular freeway or transit screenline. A graphic representation of these general distributions normally aids in presenting the tabular data. In the next step, judgment must be used to assign the trips to particular links on the street network or to a transit screenline or a feeder bus line to the mainline corridor service. This information needs to be included in the study report, and a graphic presentation is especially important for the street network. Of course, consistency needs to be maintained between the tabular data.
# Table E-4  
**Work Trips to SD-2 -- All**

<table>
<thead>
<tr>
<th></th>
<th>Distribution (%)</th>
<th>Auto</th>
<th>Transit</th>
<th>Walk</th>
<th>Other</th>
<th>Persons Per Auto</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALL ORIGINS</strong></td>
<td>100.0</td>
<td>52.8</td>
<td>31.7</td>
<td>12.6</td>
<td>2.9</td>
<td>1.23</td>
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<tr>
<td><strong>Superdistrict 1</strong></td>
<td>8.4</td>
<td>39.3</td>
<td>40.7</td>
<td>16.7</td>
<td>3.3</td>
<td>1.19</td>
</tr>
<tr>
<td><strong>Superdistrict 2</strong></td>
<td>35.2</td>
<td>41.0</td>
<td>24.4</td>
<td>30.6</td>
<td>4.0</td>
<td>1.14</td>
</tr>
<tr>
<td><strong>Superdistrict 3</strong></td>
<td>15.8</td>
<td>49.9</td>
<td>48.0</td>
<td>0.0</td>
<td>2.1</td>
<td>1.25</td>
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<tr>
<td><strong>Superdistrict 4</strong></td>
<td>15.1</td>
<td>55.9</td>
<td>38.9</td>
<td>3.0</td>
<td>2.2</td>
<td>1.22</td>
</tr>
<tr>
<td><strong>East Bay</strong></td>
<td>7.1</td>
<td>67.4</td>
<td>31.0</td>
<td>0.0</td>
<td>1.6</td>
<td>2.02</td>
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<tr>
<td><strong>North Bay</strong></td>
<td>7.0</td>
<td>81.5</td>
<td>16.1</td>
<td>0.0</td>
<td>2.4</td>
<td>1.53</td>
</tr>
<tr>
<td><strong>South Bay</strong></td>
<td>10.6</td>
<td>69.9</td>
<td>27.5</td>
<td>0.0</td>
<td>2.6</td>
<td>1.21</td>
</tr>
<tr>
<td><strong>Other</strong></td>
<td>0.8</td>
<td>95.7</td>
<td>1.8</td>
<td>0.0</td>
<td>2.5</td>
<td>3.16</td>
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### TABLE E-12
VISITOR TRIPS to SD-2 -- RETAIL

<table>
<thead>
<tr>
<th></th>
<th>All Origins</th>
<th>Home-Based Origins</th>
<th>Work-Based Origins</th>
<th>All Other Origins</th>
<th>Persons Per Auto</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>All Visitors</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Distribution (%)</td>
<td>100</td>
<td>45</td>
<td>19</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>Mode (%)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auto</td>
<td>64.3</td>
<td>62.0</td>
<td>63.3</td>
<td>67.6</td>
<td>1.88</td>
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<td>5.2</td>
<td>8.8</td>
<td>8.1</td>
<td></td>
</tr>
<tr>
<td>Walk</td>
<td>26.2</td>
<td>30.4</td>
<td>25.9</td>
<td>21.0</td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td>2.6</td>
<td>2.4</td>
<td>2.0</td>
<td>3.3</td>
<td></td>
</tr>
<tr>
<td><strong>Superdistrict 1 Residents</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Distribution (%)</td>
<td>12</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Mode (%)</td>
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<td>Other</td>
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<td>0.0</td>
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<tr>
<td><strong>Superdistrict 2 Residents</strong></td>
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<tr>
<td>Distribution (%)</td>
<td>55</td>
<td>29</td>
<td>9</td>
<td>17</td>
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</tr>
<tr>
<td>Mode (%)</td>
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<td></td>
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<tr>
<td>Auto</td>
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<tr>
<td>Distribution (%)</td>
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<tr>
<td>Mode (%)</td>
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<td>Auto</td>
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<td>2</td>
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</tr>
<tr>
<td>Mode (%)</td>
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<tr>
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<td>Home-Based Origins</td>
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<td>-------------</td>
<td>--------------------</td>
<td>--------------------</td>
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<td>------------------</td>
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<td><strong>EAST BAY RESIDENTS</strong></td>
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<tr>
<td>Walk</td>
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<td>0.0</td>
<td>25.0</td>
<td>12.5</td>
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<td>Other</td>
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<td><strong>SOUTH BAY RESIDENTS</strong></td>
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<td>3.47</td>
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<tr>
<td>Distribution (%)</td>
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<tr>
<td>Mode (%)</td>
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### TABLE E-13 (continued)
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Creates more housing and more affordable housing

This is all "good" news for the targets:

- Improves jobs-housing-transit alignment
- Meets the housing target

Brings more people into the region

New residents ride transit, walk and bike more than existing residents.

This is both "good" and "bad" for the targets:

- But they still drive. As a result, total VMT goes up, which increases collisions and particulate emissions from autos and GHG/capita and VMT/capita go down.

Initial Vision Scenario does two things:

Preview

Target Results

This is all "good" news for the targets:

- Reduces housing costs for low-income households
- Meets the housing target

Creating more housing and more affordable housing

Initial Vision Scenario does two things:

Bay Area

""
How was it developed?

Initial Vision Scenarios:

Housing Growth Distribution Criteria:

Locally identified growth in Priority Development Areas or new Growth Opportunity Areas

Additional housing units based upon a jurisdiction's selected Place Type for a PDA or Growth Area

Greater housing density proximate to significant transit investments (Existing Transit or Resolution 3434 Transit Expansions)

Major mixed-use corridors with high potential for transit-served

Minor mixed-use corridors with high potential for transit-served

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San Francisco's Transit-Focused Neighborhoods prepared for ABAG's Focusing Our Vision Priority Development Areas (PDAs) Program

Includes
- Better Neighborhoods Areas
- Area Plans
- BART
- Regional, BART, Caltrain, Ferries

Data Sources: SFMTA, SFCTA Planning Department, Development Agency, Mayor's Office, Port of SF, SFSPGOV

Date: 5/29/2007

Map: SFMTA Long Range Plan Department

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