

● **CHAPTER VIII**

RINCON HILL PLAN DRAFT EIR—COMMENTS AND RESPONSES

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A. INTRODUCTION

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

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on November 29, 2004.

Section C contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from September 25 through December 10, 2004.¹ Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR; where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

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

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

Many comments made both in writing and at the public hearing were directed towards the content of the draft Rincon Hill Plan. No responses are provided to these comments, as they do not concern the adequacy or accuracy of the EIR.

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

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

¹ Although the DEIR public comment period was intended to run from September 25 through November 10, 2004, the close of the comment period was subsequently extended to December 10, 2004.

B. LIST OF PERSONS COMMENTING

Written Comments

State Agencies

Timothy C. Sable, District Branch Chief, California Department of Transportation, letter, November 8, 2004

Adrian Praetzellis, Ph.D., Professor of Anthropology, Sonoma State University, email, December 12, 2004

Regional Agencies

Jack P. Broadbent, Executive Officer, Bay Area Air Quality Management District, letter, November 5, 2004

Alan R. Zahradnik, Planning Director, Golden Gate Bridge Highway & Transportation District, letter, November 5, 2004

City Agencies

Tim Kelley, President, Landmarks Preservation Advisory Board, letter, November 23, 2004

Rajiv Bhatia, MD, MPH, Director, Occupational & Environmental Health, Department of Public Health, letter, November 2004

James D. Lowé, Transit Planner, Municipal Railway, letter, October 29, 2004

Jerry Robbins, Department of Parking and Traffic, letter, November 9, 2004

Maria Ayerdi, Executive Director, Transbay Joint Powers Authority, letter, December 10, 2004

Companies, Organizations, and Individuals

Rincon Hill Plan Area Developers and their Representatives

W. Stephen Wilson, Tobin & Tobin (representing Archdiocese of San Francisco; 399 Fremont Street project), letter, December 8, 2004

Theodore Brown, Theodore Brown & Partners (375 Fremont Street project), Undated comments and diagrams [Note: Diagrams are in color do not reproduce well in black & white; original color versions are available for review at the Planning Department by appointment.]

Debra Stein, President, GCA Strategies (representing Brownbrew LLC; 375 Fremont Street project), letters, November 3, November 30, and December 7, 2004

Robert Meyers, Robert Meyers Associates (representing Theodore Brown; 375 Fremont Street project), letter, November 29, 2004

Richard H. Kaufman, President, City-Core Investors LLC (333 Fremont Street project), letter,
November 29, 2004

Ezra Mersey, Managing Partner, Jackson Pacific Ventures (45 Lansing Street project), letter,
December 10, 2004

Steven L. Vettel, Morrison & Foerster LLP (representing Rincon Ventures LLC; 425 First Street project),
letter, October 29, 2004

Andrew J. Junius, Reuben & Junius LLP (representing Tishman Speyer Properties; approved 300 Spear
Street and 201 Folsom Street projects), letter November 10, 2004

Lucian Robert Blazej, Strategic Solutions, letter, December 8, 2004

Organizations

Bernadette Borja Sy, Executive Director, Bayanihan Community Center, letter December 10, 2004

Calvin Welch, Council of Community Housing Organizations, written comments presented at
November 29, 2004, Planning Commission hearing

Kate White, Executive Director, Housing Action Coalition, letter, December 3, 2004

Reed H. Bement, President, Andrew Brooks, Vice President, Alexandria Chun, Secretary, Rincon Hill
Residents Association, letter, December 9, 2004

Dee Dee Workman, Executive Director, San Francisco Beautiful, letter, December 8, 2004

Barbara Blong, Senior Housing Action Coalition Director, Senior Action Network, letter, December 7,
2004

April Veneracion, M.C.P., Organizational Director, South of Market Community Action Network, letter,
December 8, 2004

Others

Margaret Gunn, letter, December 1, 2004

Sue C. Hestor, Attorney at Law, letter, November 19, 2004

Barbara Jue, email, December 10, 2004

Patrick M. Malone, letter, December 9, 2004

Speakers at the Public Hearing, November 29, 2004

Ken Werner, Trinity Plaza Tenants Association

James Collins

Richard Marquez, Mission Agenda

Ellis McDonald, Mission Agenda

W. Stephen Wilson, Tobin & Tobin

Lucian Robert Blazej, Strategic Solutions

Maurice Healey, Director of Communications, Archdiocese of San Francisco

Robert Meyers, Robert Meyers Associates

Alison Poole, Theodore Brown & Partners

Aaron Poser, Theodore Brown & Partners

Debra Stein, President, GCA Strategies

Collin Lazo

Eleanor Killebrew

Theodore Brown, Theodore Brown & Partners

Calvin Welch, Council of Community Housing Organizations

Chris Durazo, South of Market Community Action Network

April Veneracion, Organizational Director, South of Market Community Action Network

Rajiv Bhatia, San Francisco Department of Public Health

Julia Demarlo, Senior Action Network & Senior Action Housing Committee

Charles Stewart, South of Market Community Action Network

Angelica Cabande, South of Market Community Action Network

Ron Calson

Marilyn Merrill

Robert McCarthy, McCarthy and Schwartz

Planning Commissioners Shelley Bradford-Bell, Sue Lee, Dwight Alexander, Michael Antonini, Kevin Hughes, Bill Lee, and Christina Olague

C. SUMMARY OF COMMENTS AND RESPONSES

PLAN REVISIONS

At the regularly scheduled meeting of the Planning Commission on January 27, 2005, Planning Department staff made an informational presentation concerning the draft Rincon Hill Plan. The presentation generally summarized the Draft Plan as it exists, based upon the “Rincon Hill Plan—Draft for Public Discussion” published by the Planning Department in November 2003 and revised through “Proposed Plan Refinements” in March 2004 and a “Supplement to the Draft Rincon Hill Plan” dated September 2004, with two important exceptions. First, staff proposed a further revision to the inclusionary housing requirement under the Draft Plan, such that, pending further discussion of specific boundaries, the below-market-rate housing that must be built as a part of any new residential project in Rincon Hill would, if not constructed on site, be required to be built within the South of Market neighborhood.

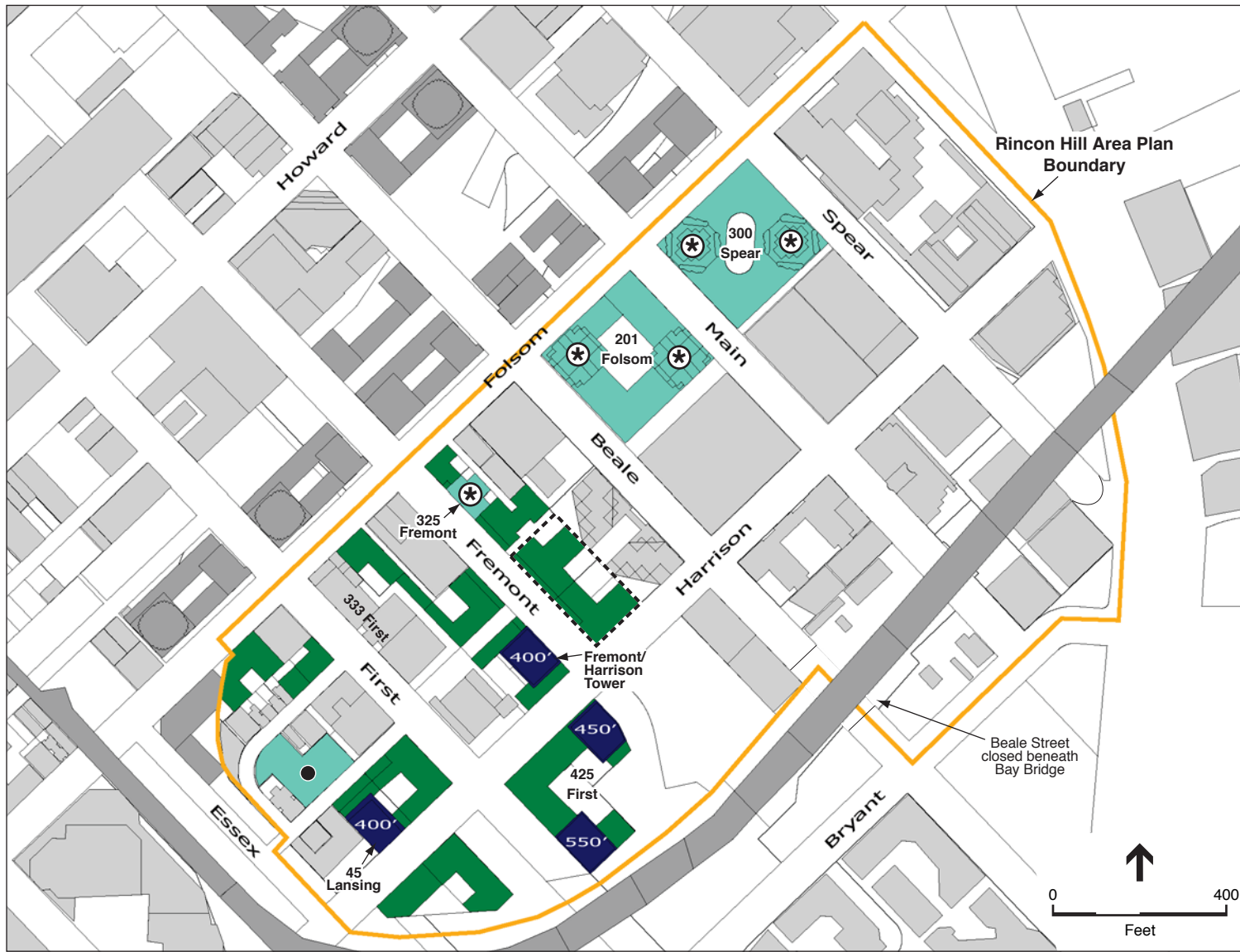
The second important revision concerns the proposed residential towers at 375 Fremont Street (Case No. 2002.0449) and 399 Fremont Street (Case No. 2003.0169). During the January 27 presentation, staff recommended that these two projects, which have been under review by the Department since 2002 and 2003, respectively, be allowed to proceed under one of two approaches: either 1) that the two projects be “grandfathered” under the Draft Plan (i.e., the projects would continue to be processed under the existing Rincon Hill Area Plan and existing Rincon Hill Special Use District zoning regulations (which would allow the project sponsors to seek exceptions to the minimum 150-foot tower spacing, rezoning, maximum floorplate controls, and other exceptions from the Planning Commission); or 2) that the sponsors of the two proposed projects jointly develop a proposal for a single tower on the two sites combined into one. Under this second approach, staff indicated its intent was that the proposed single tower at the 375-399 Fremont site would be sized such that the project would contain an equivalent number of residential units to that which has been proposed for two separate projects combined.

If a single tower is built at 375-399 Fremont Street, it would be constructed on a single joined parcel at approximately the location indicated in DEIR Figure 8, p. 23 of the DEIR, which illustrates the 82.5-foot Option. Although potentially taller than the 300-foot building assumed in the 82.5-foot Option (the height would be limited to no more than 400 feet), a single tower at 375-399 Fremont would not have any impacts that would be substantially greater than those described in the DEIR for the 82.5-foot Tower Separation Option, in that the overall number of units and density of structures would be similar. The taller single tower at 375-399 Fremont would result in incrementally greater shadow and visual impacts; however, visual impacts would be within the envelope described in the EIR by the combined photosimulations of the 82.5-foot/Extended Pipeline Option, with the exception that the taller single tower accommodation would have fewer towers than depicted in those simulations, although one tower would be as much as one-third taller than shown in the simulations (in the 82.5-foot/Extended Pipeline Option simulations this taller tower would be essentially the same height as the 400-foot-tall Fremont/

Harrison Tower shown in those same simulations). Shadow from the taller single tower would reach farther across the ground than would that from the two separate, shorter towers, but in the context of shading from all of the planned towers on Rincon Hill, the difference would be minimal. These and other issues would be subject to project-specific CEQA review should the taller single tower project be formally proposed by the two project sponsors jointly. Figure R-1 shows the Revised Preferred Rincon Hill Plan Option, with the 375-399 Fremont Street sites as the “location where one additional residential tower up to 400 feet in height may be permitted.”

Alternatively, under the first approach, the ongoing environmental review process for the two separate towers would continue. If the two separate towers were “grandfathered” and constructed, to heights of 250 feet each, this scenario likewise would not have any impacts that would be substantially greater than those described in the DEIR for the 82.5-foot Tower Separation Option. This scenario would trade a tower shown in the 82.5-foot Tower Separation Option at the *northwest* corner of Fremont and Harrison for a tower at the *northeast* corner of the same intersection. That is, the analyses in the DEIR could easily address both the 375 and 399 Fremont Street projects simply by “shifting” the “Fremont-Harrison Tower” across Fremont Street to the east side of the street. Although this change would not necessarily result in a minimum tower separation of 82.5 feet between all points of each tower, the physical impacts of such a scenario would differ very little from the analyses in the DEIR, and therefore the DEIR can be said to have adequately analyzed this scenario. Visual impacts, for example, would not change at all from many vantage points (where some towers partially block views of others) and, even where visible, the change would not substantially alter the overall view. Likewise, shadow and wind effects would change only minimally. Effects related to the intensity of development (notably, traffic and air quality) would not change perceptibly, because the number of units would be essentially the same. And site-specific impacts (hazardous materials and archaeology) would be mitigated through implementation of the same measures as included in the DEIR. Therefore, eliminating the “Fremont-Harrison Tower” (a tower which is not proposed by any applicant) and including *both* 375 and 399 Fremont Street would have no new impacts than those described in the DEIR.

In summary, either of the two concepts put forth by Planning Department staff as part of the “two-pronged” approach to solving the 375 and 399 Fremont Streets question would be covered by the analysis in the DEIR for the 82.5-foot Option. (As noted above, Planning staff has put forth the first “prong” as a Revised Preferred Option, as shown in Figure R-1. It does not matter that this option is not labeled in the DEIR as the “Preferred Option”; the DEIR used that term to designate the Plan option put forth by Planning staff; as always, the final decision regarding project approval rests with the Planning Commission and the Board of Supervisors in deciding on the Planning Code and General Plan amendments desired to implement the project.)



400' Residential Tower in Plan
Green Podium-level (85') Residential in Plan

***** Approved Residential Tower
● Approved 85-Foot Residential

Dashed Box Location where one additional Residential Tower up to 400 feet in height may be permitted

NOTE: Tower locations shown assume ability to achieve minimum lot size of 1.75 times tower floorplate.

SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure R-1
 Revised Preferred Option
 (115-Foot Tower Separation)

Therefore, the EIR as written analyzes the potential ramifications of the discussions that transpired at the January 27 hearing and, notably, Planning staff's proposal regarding the two projects at 375 Fremont Street and 399 Fremont Street—and the stated request from Planning Commissioners for consideration of this “two-pronged” solution.

The following text is added to the end of DEIR p. 17 to acknowledge the revised Preferred Option:

Subsequent to publication of the DEIR, Planning Department staff recommended that the Preferred Option be revised to allow one additional tower up to 400 feet in height on the site of two currently proposed smaller towers, 375 Fremont Street and 399 Fremont Street. The potential ramifications of this revision are discussed in Chapter VIII, Comments and Responses, beginning on p. C&R-5.

GENERAL COMMENTS

COMMENT

The setting for analyzing most of the environmental impacts is too narrowly defined. The Rincon Hill area has a social, political, historical and geographic connection to the broader South of Market neighborhood that needs to be included in the analysis of the settings for each of the environmental impacts. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

The DEIR does not address the traffic and public infrastructure impact of the proposed high density development on the western portion of the South of Market neighborhood. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

We find the Draft, Rincon plan DEIR in need of amendment as it is both incomplete and fails to address the full range of environmental impacts of the proposed project, being the Rincon Hill development plan. The incompleteness stems from the fact that the DEIR draws too narrow a focus in its setting, ignoring the significant impact that the project will have on its immediate neighbor to the west and south of South of Market by failing to take a look at the needs of the South of Market community, both in terms of traffic and transit, employment opportunities and housing opportunities, especially for families and seniors. (*Calvin Welch, Council of Community Housing Organizations*)

RESPONSE

The area of traffic analysis for the DEIR focused on the Plan area and streets to the north (i.e., towards Downtown) as that is where the most intensive impacts are anticipated. While some traffic originating within the Plan area would travel to other locations in San Francisco—including to, and through the western portion of the South of Market neighborhood—it is anticipated that Plan area traffic would be substantially dispersed by the time it reaches the western SOMA, some five to six blocks or more from the Plan area. Thus, effects of this traffic on more distant locations would be substantially less than on closer-in intersections and, in many

cases, would be virtually indistinguishable from background volumes. Regarding socioeconomic impacts, please see the separate discussion under the topic “Population and Employment,” p. C&R-46 of this document.

PROJECT DESCRIPTION

COMMENT

A number of commenters, including planning commissioners and members of the public, made comments in regard to the Draft Plan’s proposal to “eliminate the discretion” of the Planning Commission in its approval of tower within the Plan area, and specifically with regard to the Commission’s discretion, exercised since the Rincon Hill Area Plan was initially adopted in 1985, to permit the distance between tower (tower separation) to be less than the existing Area Plan’s required 150 feet. At the November 29, 2004, public hearing on the DEIR, each of the seven planning commissioners explicitly stated that they opposed the elimination of Commission discretion in the consideration of individual projects. Several members of the public also urged the Commission not to approve a plan for Rincon Hill that would eliminate such discretion, both in writing and at the public hearing. (*Planning Commissioners Alexander, Antonini, Bell, Hughes, S. Lee, W. Lee, and Olague; Lucian Robert Blazej, Strategic Solutions; Debra H. Stein, President, GCA Strategies; Richard H. Kaufman, President, City-Core Development, Inc; W. Stephen Wilson, Tobin & Tobin; Aaron Poser; Robert McCarthy, McCarthy and Schwartz*)

[W]hen I was going through the EIR on Pages 135 on, one thing I felt was lacking here was to look at the future because my sense of it is that we should have the alternative for maximum number of housing units because we all talk about transit village. We all talk about revitalizing downtown and have people walk and, to me, I think we should look at higher density since given ABAG projections, we're going to have more people living here and more jobs here, why should they live in Contra Costa County? (*Planning Commissioner Bill Lee*)

The number of towers per block, we should analyze the maximum number that could be conceivable and I think the second part relates to these various things that we are analyzing is the fact that Commissioners should have discretion over individual projects and should not be hamstrung by an EIR to not allow projects that may come before them because conditions change and we certainly want this to be broad enough that we could accept projects; we could accept ones that meet the present code; we could accept ones that may be any future EIR that is just arrived upon. (*Planning Commissioner Michael Antonini*)

I think it was what, you know, it's a guideline and I like to see these documents more as guidelines rather than restrictive in nature and I think that's my ultimate goal in this is that, you know, obviously, this is on the environmental impact but, eventually, we will come back beyond that for the project description as our, you know, final document and, you know, I would like to see it as a guideline and something that we are looking at rather than having something that ties us necessarily into specific things that could be brought back in the future and said, well, Commissioners, that's not what you approved because there is a

very complicated and changing situation and I think we always need the flexibility to be able to adopt a changing economic conditions and to utilize our resources in the best possible way and to produce projects that meet housing needs but also produce the kind of revenue that the City could badly use in terms of tax dollars which were certainly quite deficient in and we haven't had a lot of projects recently that have been built and many are being held up in the pipeline and I think it's time to move ahead with those. *(Planning Commissioner Michael Antonini)*

I'm going to start with my comment addressing the plan options that were considered and withdrawn that are on Page 34. I think that they need to be considered, not withdrawn. These are all pipeline projects. If any of these projects were to go forward, then this plan is already inadequate. We need to address – we need to address all of the pipeline projects. I know that we have the extent of the pipeline projects. I know that we have the extended pipeline projects on Page 38 and 39 that have four applications that have not been put in yet and I think anything that has an application in the department needs to be addressed in the plan or this plan in my view is woefully inadequate. I am a little disappointed in it. I think it's based on a very ideological approach to Rincon Hill rather than a realistic view of what's happening. I agree completely with Commissioner Bill Lee. If we don't address this in the reality, we are not going to build the transit villages that we need to build, you know, the bike lanes that we need, the bus routes we need. When we put something together like this, not only does the school district utilize this information but so does Muni on how they're going to develop transit corridors in the City. We're not being realistic. I think the scope as stated by Calvin Welch is far too narrow and we should – I'd like to know why we took such a narrow perspective. I think that by eliminating some of the projects that exists, we are exacerbating our housing problem this in the City. It eliminates the opportunity for us to increase the affordable housing and I think as a Commission it would be irresponsible for us to allow that to happen. *(Planning Commissioner Shelley Bradford Bell)*

The DEIR is also inadequate because it fails to analyze an alternative that optimizes housing production. *(Lucian Robert Blazej, Strategic Solutions; W. Stephen Wilson, Tobin & Tobin)*

RESPONSE

As noted on p. 2 of the DEIR, Planning Department staff put forward a Draft Plan that would “eliminate the current practice under which exceptions to the existing zoning have been granted, pursuant to Planning Code Section 271, thereby increasing the absolute distance between towers, compared to what has been previously approved.” On the apparently reasonable assumption that the Planning Commission may not adopt a new Rincon Hill Plan that eliminates Commission discretion in consideration of subsequent projects, it is necessary to examine how such a change in the EIR Project Description would affect the analyses in the DEIR. In short, the DEIR's analysis of various options for the Rincon Hill Plan remains adequate, for the following reasons.

The Draft EIR analyzes a range of options. The three options analyzed at length in the DEIR would include an elimination of the existing discretionary authority of the Planning Commission

to grant exceptions to the separation of towers requirements in Rincon Hill. However, the three options analyzed at length can still be seen to represent a wide variation in potential outcomes. The three options would allow between three and seven new towers, and between about 1,650 and 2,850 new residential units, within the Plan area, bringing the total number of towers (including existing and approved projects) to between 10 and 14, and the total number of units in the Plan area to between about 4,800 and 6,000. Depending on the option, the number of new units in high-rise towers could make up a very small percentage (fewer than 15 percent of new units in the 150-foot Option) to well more than half of all new units (55 percent in the Preferred and 82.5-foot Options), as shown in Table R-1.

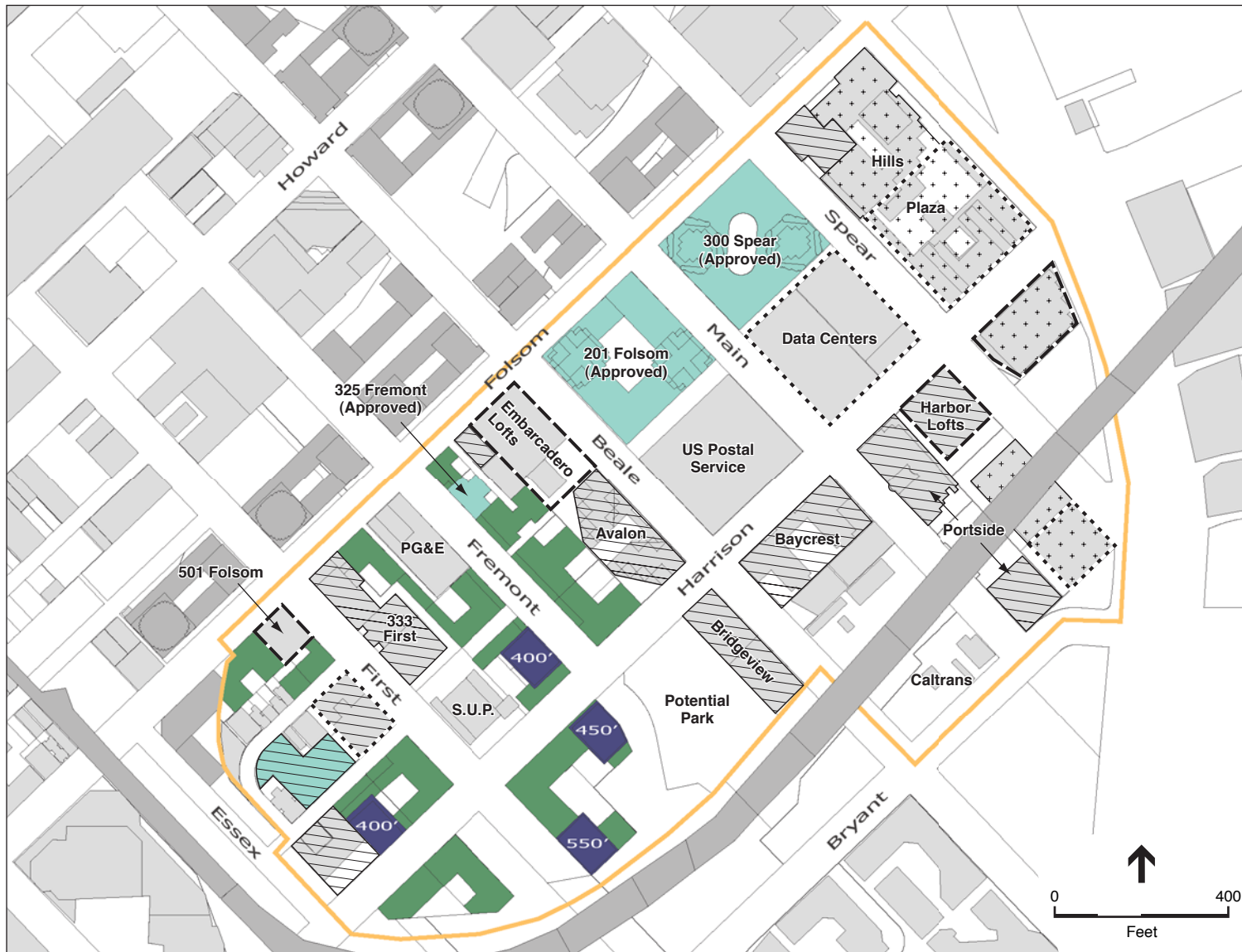
TABLE R-1
TOWER AND PODIUM UNITS UNDER EACH PLAN OPTION

Option	New Towers	Tower	New Units Podium	Total	Ex.+Apr. Units	Total Units
Preferred (115-ft. Separation)	4	1,205	995	2,200	3,160	5,360
82.5-foot Tower Separation	7	1,755	1,090	2,845	3,160	6,005
150-foot Tower Separation	3	210	1,420	1,630	3,160	4,790

SOURCE: San Francisco Planning Department, 2004; Census 2000.

While the three options analyzed in the DEIR were described as “eliminating” Planning Commission discretion as to the required tower separation, for purposes of an analysis of physical impacts, it is less important *how* new projects are approved as *where* and *at what scale (how large)* they are approved. Therefore, from a CEQA perspective, whether the Planning Commission retains all or none of its current discretion as to tower separation is not important; rather, the relevant question is whether the DEIR’s analysis covers a likely range of potential outcomes for future development on Rincon Hill. Because, within the entire Plan area, there are relatively few building sites where new development could reasonably be expected to occur, the number of potential building sites—whether they ultimately be occupied by towers or by lower-height structures—is limited. Because of this, the number of potential towers that could be built is consistent with the range of potential development analyzed in the DEIR. Figure R-2 shows that most of the Plan area is already developed with new residential towers, with older buildings that have been renovated in the relatively recent past, or, in the case of the Guy-Lansing enclave, with smaller buildings that are, for the most part, assumed under the Draft Plan to be retained.

As can be seen in Figure R-2, the potential development sites described in the DEIR’s discussion of Visual Quality impacts (p. 84) “would be concentrated in the area fronting on Folsom Street, Fremont Street between Folsom and Harrison Streets, and on Harrison Street, between Fremont



Potential Development Sites:

- 400' Residential Tower in Plan
- Podium-level (85') Residential in Plan

- Post-1985 Residential
- Post-1985 Office/Retail

- Renovated Designated Historic Structures
- Other Renovated Structures

S.U.P. Sailors Union of the Pacific

SOURCE: San Francisco Planning Department; Environmental Science Associates

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure R-2
Potential Development Sites

and Essex Streets.” Because the development on Folsom Street would entail primarily construction of two already-entitled projects at 300 Spear Street and 201 Folsom Street, most of the yet-to-be-approved development would be limited to three blocks near the top of Rincon Hill: both sides of Fremont Street between Folsom and Harrison Streets, and both sides of Harrison Street between Fremont and Essex Streets. As is clear from Figure R-2, virtually the entire rest of the Plan area consists of sites either recently developed or renovated, occupied by uses anticipated to remain (e.g., the U.S. Postal Service site), beneath the Bay Bridge or nearly so, or on small lots within the Guy-Lansing enclave. Therefore, regardless of the amount of discretion the Planning Commission retains as to the separation between towers, the number of potential tower sites is limited, and regardless of whether those sites are occupied by three, four, or as many as seven yet-to-be approved towers, the EIR has analyzed the physical effects thereof.

The DEIR also analyzed, in the Alternatives discussion (Chapter VI), an even more intense development concept, under the discussion of the No Project Alternative. Under this alternative, termed the “Extended Pipeline Alternative,” the existing tower separation controls for Rincon Hill would be maintained, including the Planning Commission’s existing discretionary authority, but the greater height limits proposed as part of the project would be adopted. As explained in the DEIR (pp. 234-236), the No Project Alternative could potentially result in impacts that would fall within the range between the Existing Controls (150-foot) Tower Separation Option and the Extended Pipeline Option. The latter of these would clearly result from the most liberal granting of exceptions (i.e., the greatest exercise of Planning Commission discretion), and is described further below.

The Extended Pipeline Option, illustrated on DEIR p. 40, would include a total of 17 towers: 10 new towers² and the five already approved, in addition to the two just completed at 333 First Street. Among these 10 new towers are six towers for which applications are on file at the Planning Department (425 First Street [One Rincon Hill—two towers], Case No. 2003.0029; 375 Fremont Street, Case No. 2002.0449; 399 Fremont Street, Case No. 2003.0169; 340–350 Fremont Street, Case No. 2004.0552; and 45 Lansing Street, Case No. 2004.0481), as well as four towers on “soft sites” where no development is currently proposed (northwest corner of Fremont and Harrison Streets; northwest corner of First and Harrison Streets [the site of an existing Union 76 gas station]; south side of Harrison Street between First and Essex Streets; and south side of Folsom Street just west of First Street).

Because the Extended Pipeline Option was presented in the Project Description as one of the options considered and withdrawn, this option is analyzed in Chapter VI, Alternatives. In general, the analysis found that effects of the Extended Pipeline Option as No Project Alternative would be similar to the impacts described in the DEIR. In fact, as further noted on DEIR p. 235,

² The DEIR erroneously indicated a total of 15 towers, including eight new, in that its total number of towers did not include the two recently completed at 333 First Street.

“Physical effects of the Extended Pipeline Option are presented in Section III.B, Visual Quality, and Section III.F, Shadow, where effects of the Extended Pipeline Option are presented alongside those of the 82.5-foot Tower Separation Option.” (As noted in the DEIR, both the visual simulations (Figures 26—50) and shadow diagrams (Figures 52—60) portray the impacts of the 82.5-foot Tower Separation Option and those of the Extended Pipeline Option together.) In terms of wind impacts, the DEIR stated that test results for the scenarios studied were very similar, and that “test scenarios with more towers generally performed better than scenarios with fewer towers, in terms of exceedances of the 36-mph hazard criterion.’ This would be anticipated to hold true for the Extended Pipeline Option as well; that is, little change in ground-level winds would be anticipated. Furthermore, as with other alternatives, project-specific wind testing would ensure that no significant impacts would occur.” Therefore, for impacts regarding building massing and location (wind, shadow, and visual quality), the Extended Pipeline Option, as No Project Alternative, was adequately analyzed such that it could be adopted, if desired by the decision-makers.

For impacts related to the intensity of development, the DEIR found that the Extended Pipeline Option would result in a population about 600 greater than analyzed in detail in the EIR, stating:

Total population within the Plan area would increase to approximately 8,800, compared to a maximum of about 8,200 under the three Plan options analyzed in the EIR, with an increase over existing population of about 7,300 under this option, compared to a maximum of about 6,700 under the three Plan options analyzed in the EIR. Of the 7,300 increase, about 4,500 would be due to development that could be newly approved, compared to about 3,900 under the three Plan options analyzed in the EIR. The relatively small difference (9 percent of the growth in population compared to existing conditions) would incrementally increase p.m. peak-hour trip generation and vehicle delay at some intersections, but would be unlikely to result in any new or substantially more severe impacts compared to those analyzed in the EIR. Likewise, Plan-generated air quality impacts would increase only marginally, and the difference would not result in new significant effects.

Thus, the Extended Pipeline Option can reasonably be described as an alternative that would maximize housing production, although other considerations, such as the quality of housing, would play a role in such decisions.

It should be noted that, as stated in footnote 61 on DEIR p. 127, the transportation analysis in the DEIR was based on an earlier version of the Rincon Hill Plan that assumed 4,600 new residential units, 340,000 additional square feet of office space and 300,000 additional square feet of retail space. By contrast, the current version of the Rincon Hill Plan, as analyzed in the DEIR, could result in an increase of between 3,650 and 4,865 units. However, because the current version of the Plan would include only limited commercial space (up to about 65,000 sq. ft. of retail space,

half of which would be devoted to a grocery store at the recently approved 300 Spear Street project, and up to about 35,000 sq. ft. of office space), the prior transportation analysis was considered conservative, because daily and p.m. peak-hour trip generation would be less under any of the Plan options than under the earlier assumptions. Even the Extended Pipeline Option, with the addition of some 5,300 units (about 430 more than the maximum analyzed in the DEIR), would result in fewer daily and p.m. peak-hour vehicle trips than the analysis based on the earlier version of the Rincon Hill Plan because of the substantially reduced office and retail space. Thus, with regard to traffic impacts (and resulting air quality impacts), the Extended Pipeline Option, as the No Project Alternative, was adequately analyzed such that it could be adopted, if desired by the decision-makers.

Finally, with regard to site-specific conditions such as hazardous materials and archaeology, the DEIR (p. 236) found that impacts under the Extended Pipeline Option “could be marginally more substantial under the Extended Pipeline Option because more towers likely would translate into more excavation. However, the same mitigation measures as are applicable to the Plan options would reduce these effects to a less-than-significant level.” Therefore, with regard to these impacts, the Extended Pipeline Option, as the No Project Alternative, was adequately analyzed such that it could be adopted, if desired by the decision-makers.

The DEIR does not identify separately an option that would retain existing controls (including existing height limits) *and* permit exceptions to tower separation provisions. However, it is clear that the impacts of such a scenario would be between those of the Existing Controls (150-foot Tower Separation) Option, which would maintain existing height and zoning, and those of the Extended Pipeline Option, which would allow continued flexibility as to tower separation but would also permit taller towers than are allowed at present.

In summary, the Extended Pipeline Option, described on DEIR p. 38 as “intended to illustrate the maximum potential development that could occur should the Preferred heights ... be adopted but limitations on tower separation not be enforced,” was adequately analyzed in the DEIR, in Chapter VI, Alternatives, with appropriate reference to other chapters of the DEIR.

In recognition of the fact that the draft Rincon Hill Plan would result in increased residential density, compared to existing conditions, but would not necessarily change “permitted” density (given that neither the existing Rincon Hill Residential Special Use District has, nor would the proposed Rincon Hill Downtown Residential Mixed-Use District have, explicit density limits; instead, residential density is and would be set by height and bulk limits), the following revisions are made to the DEIR (deleted language indicated in ~~strike through~~):

The Draft Plan would increase ~~permitted~~ residential densities in an area in which residential land use is quickly expanding. (DEIR p. S-9)

The Rincon Hill DTR District would increase ~~permitted~~ residential densities in an area in which residential land use is quickly expanding. (DEIR p. 60)

COMMENT

[W]ith regards to projects in the pipeline, my comments would be I'm wondering—I believe they are included on Page 16 and into 17 and I'm just wondering how we arrived at which projects were in and which projects were out and certainly the staff can respond at a later date and, historically, how have projects in the pipeline been treated? (*Planning Commissioner Kevin Hughes*)

RESPONSE

Planning Department staff developed the options analyzed in the DEIR, including which “pipeline” (under review) projects were included in each option, based upon the bulk controls proposed for each option, notably the proposed tower separation.

COMMENT

The DEIR incorrectly excludes potential residential development at Street. (*Richard H. Kaufman, President, City-Core Development, Inc.*)

RESPONSE

In reality, all Plan options considered assume the currently proposed project at 333 Fremont Street, which would be 85 feet tall. The confusion arises because the DEIR only specifically referenced proposed residential towers (over 85 feet in height) included in each Plan option. To remedy this, the last full paragraph on DEIR p. 16 is revised as follows (new language double underlined):

Each option further assumes mid-rise residential construction up to 85 feet in height, the same height allowed for tower podiums, on sites where towers would not be permitted as a result of the separation of towers requirement; one such project would be at 333 Fremont Street (Case No. 2002.1263), where environmental review is under way for an approximately 90-unit project.

COMMENT

Pages S-10, para. 2 and 62, para. 4: Although the City advocates that the State-owned parcel to the east of the Fremont Street off-ramp should be turned into a future park, this lot is not now and may never be an excess parcel. Further, the developer of the Bridgeview building has the right of first refusal should the lot ever become an excess parcel. (*Timothy C. Sable, Caltrans*)

RESPONSE

The following text is added to the bulleted list of approvals required (DEIR p. S-8 and p. 34):

- Determination that the proposed park site adjacent to the Fremont Street off-ramp is a surplus parcel. *Caltrans*

COMMENT

The DEIR implies that the draft Rincon Hill Plan would result in more new housing than would development pursuant to the existing Rincon Hill Area Plan, when the reverse is true. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

CEQA requires that an EIR analyze effects of a project compared to existing conditions. This includes the case in which a plan or plan revision constitutes the CEQA “project.” Thus, the DEIR’s analysis of growth under the draft Rincon Hill Plan properly compares existing conditions to anticipated conditions under the Draft Plan and describes effects of the projected increase in residential units.

Regarding the outcome if the existing Rincon Hill Area Plan and Special Use Districts were to remain in effect, DEIR Chapter VI, Alternatives, explains (on p. 234):

CEQA Guidelines Section 15126.6(e)(3)(A) states that, generally, where a project being analyzed is the revision of an existing land use or regulatory plan—such as the Rincon Hill Area Plan and Planning Code Section 249.1 and the Zoning Maps that implement the area plan—the No Project Alternative should be considered to be continuation of the existing plan, policy or operation into the future. “Typically this is a situation where other projects initiated under the existing plan will continue while the new plan is developed. Thus, the projected impacts of the proposed plan or alternative plans would be compared to the impacts that would occur under the existing plan.” Consistent with this guidance, the No Project Alternative considered in this EIR is the maintenance of the existing Rincon Hill Area Plan and the existing zoning and height and bulk controls.

In describing effects of a continuation of existing planning rules for Rincon Hill, the DEIR states, also on p. 234, that the DEIR analyzes the Existing Controls (150-foot) Tower Separation Option that “include elements of the No Project Alternative as defined by the continuation of existing planning controls,” and that this option “could be considered to be the No Project Alternative, assuming that approvals were granted in accordance with the intent of the controls as written, without exceptions.” The DEIR continues, however, on p. 235, by stating that “it is also possible that the No Project Alternative could trend more towards the Extended Pipeline Option, which is described under Plan Options Considered and Withdrawn.” This option is discussed further in the response to the comments that follow.

COMMENT

The DEIR promotes and extols the virtues of the staff recommended “Preferred Option” to the point where analysis is skewed and manipulated to make the “Preferred Option” seem superior to other alternatives. The DEIR is filled with “subjective- nonobjective” and unsubstantiated statements and conclusions that are inappropriate to an EIR. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

Most of the examples cited by the commenter are direct quotes taken from the Draft Rincon Hill Plan; therefore, these comments address the plan and not the adequacy of the EIR. However, to correct a subjective statement in the DEIR, the last sentence in the first paragraph on DEIR p. 16 is revised as follows (new language is double underlined; deleted language is indicated with ~~strikethrough~~ text):

According to the Draft Plan, The Preferred Option “balances the quality of the public realm and cityscape with an ~~substantial~~ increase in housing production,” in line with established General Plan policy for the area.

COMMENT

Figure 4 on p. 10 of the DEIR shows the property at 375 Fremont Street bisected in the middle of the east-west direction by the height restriction line. This illustration represents an incorrect placement of the height restriction line. The correct placement of this boundary is to the north of the 375 Fremont property. This line, when correctly represented, would restrict 375 Fremont and 399 Fremont to a 250-foot height limit under the September 25, 2004 Rincon Hill Plan Draft EIR. It should also be pointed out that in the March 20, 2003 draft of the EIR the height restrictions for both 375 Fremont and 399 Fremont were included in the 350-foot height restriction.

The existing and proposed height limit maps are inaccurate and/or misleading. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

The commenter is correct with regard to DEIR Figure 4; that is, Figure 4 misplaces the existing height limit boundary, as described by the commenter. This figure will be revised in the Final EIR; the revised Figure 4 is included in Section D of this document, Staff-Initiated Text Changes.

Regarding the proposed height limits in Figure 5, it is true that buildings could not be built to the maximum height limit on every site because of the requirement for separation of towers, just as this is true under the existing Rincon Hill Area Plan. The proposed tower separation requirements, like the existing tower separation requirements, would become part of the Planning Code if they are adopted. East of Beale Street and south of Folsom Street, as well as east of Spear Street and north of Folsom Street, height limits are generally proposed at 85 feet under the

Preferred options; the current height limit in these locations is 84 feet, meaning that “The Preferred Plan Option would retain existing height limits in most of the eastern Plan area, close to the waterfront,” as stated on DEIR p. 9.

COMMENT

The Rincon Hill Plan inaccurately reflects the parcel map for Block 3747. The DEIR improperly shows the existence of lot 9 and 10, which no longer exist. The EIR should indicate Lot 19 on Block 3747 and revise all of the analysis and visual aids (diagrams, maps, etcetera in the DEIR) to accurately reflect the 333 Fremont project on Lot 19. (*Richard H. Kaufman, President, City-Core Development, Inc.*)

RESPONSE

The maps accurately reflect Lot 19; no change is necessary. Lot 19 is shown in EIR Figures 2, 3, 4, and 5: the lot is on the east side of Fremont Street, fourth lot north of Harrison and fifth lot south of Folsom; it wraps around the end of Zeno Place, an alley that extends southward from Folsom between Fremont and Beale.

COMMENT

The number of towers under various Plan options is inconsistent. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

With specific regard to the “five towers [that] would be developed on Fremont Street between Folsom Street and the south side of Harrison Street” under the 82.5-foot Option (DEIR p. S-4 and p. 19), these would include 340-350 Fremont Street; 375 or 399 Fremont Street; the Fremont-Harrison Tower, the northeastern tower of the One Rincon Hill (425 First Street) project, and the already approved 325 Fremont Street project.

COMMENT

Relative to charts and tables, we need to know how many new housing units are in tower structures and how many housing units are in the podium structures. Table S-1 on page S-30 groups all new housing types under each alternative. I would like the DEIR to identify and list all potential new housing developments by development parcel and by project type, tower with number of floors and number of units, and podium projects identifying number of floors and number of units. (*Planning Commissioner Michael Antonini*)

The DEIR is inaccurate because it fails to disclose on a site-by-site basis the number of new housing units that can be built under each alternative. (*Lucian Robert Blazej, Strategic Solutions*)

The DEIR should list each specific development site, the development assumptions and project housing development for each site under each option. (*Richard H. Kaufman, President, City-Core Development, Inc.*)

The DEIR should list each specific development site, the development assumptions and project housing development for each site under each option. (*W. Stephen Wilson, Tobin & Tobin*)

The DEIR should list each specific development site, the development assumptions and project housing development for each site under each option. (*Debra Stein, President, GCA Strategies*)

The DEIR inflates housing production under the 115-Option and underreports the number of housing units that can be created under the 82.5-Option by using different tower configurations for its calculations. For example, the DEIR assumes that 45 Lansing could accommodate 320 units under the “Preferred Option,” but only 275 units under the 82.5-Option. The same tower configurations should be used for all options unless equivalency is clearly not feasible. (*Debra Stein, President, GCA Strategies; W. Stephen Wilson, Tobin & Tobin*)

Page 18, first bullet: The second sentence should read: “The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.” The proposed 425 First Street project would have approximately 720 units, not 830 units.

Page 19, first bullet: The second sentence should read: “The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.” The proposed 425 First Street project would have approximately 720 units, not 770 units.

Page 21, first bullet: The Existing Controls option would result in a project at the southeast corner of First and Harrison Streets of about 391 units, not 280 units. **Page 36, first bullet:** The text should read: 425 First Street (Case No. 2003.0029) – One 350-foot and one 300-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with about 506 units.”

Page 37, first bullet: The text should read :425 First Street (Case No. 2003.0039) – two 300-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with 461 units.”

Page 38, first bullet: The second sentence should read: “The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.” The proposed 425 First Street project would have approximately 720 units, not 770 units.

Page 172, second paragraph, last sentence: The tallest tower to be constructed would be 550 feet tall, not 500 feet. **Page 236, last paragraph:** The first sentence should read: “The retention of the Union Oil Company office building and Clock Tower would result in that site (part of the proposed 425 First Street project site) being unavailable for residential construction.”

A single residential tower, rather than two towers proposed by the applicant for that project and assumed in the Preferred Option and the 82.5-foot Tower Separation Option, would be constructed at the location of the existing surface parking lot adjacent to the Union Oil Company building (the other part of the proposed 425 First Street project site).” (*Steven L. Vettel, Morrison & Foerster LLP*)

The maps that depict the boundary of the proposed Rincon Hill Downtown Residential Mixed Use District incorrectly include within the district boundary the Residential Commercial (RC) Subdistrict adopted in February 2004. (*Andrew Junius, Reuben & Junius*)

On pages 16 and 17, the discussion of “a grocery store in the recently approved project at 201 Folsom Street” is incorrect; the grocery store should be referenced in connection with the next-door project at 300 Spear Street. (*Andrew Junius, Reuben & Junius*)

RESPONSE

Tables indicating the assumptions used for each site are provided in Appendix 1 of this Comments and Responses document, immediately following Section D, Staff-Initiated Text Changes.

Regarding the fact that the DEIR relied on different development assumptions, by Plan option, for the same site, as noted in the footnotes that accompany the descriptions of the Plan options in DEIR Chapter II, Project Description, “modified” versions of many of the projects on file with the Planning Department have been assumed in certain of the Plan options. According to Planning Department staff, the reason for this is that the staff’s assumptions would, in some cases, allow for larger floor plates. For the Pipeline/Proposed Projects (as of the November 2003 Draft Plan) Option, described on EIR p. 34 as having been considered and withdrawn, projects were considered as then proposed, while for other options, floor plates were assumed as could be built to the maximum permissible dimensions, resulting in different unit counts in some cases. As stated in footnote 19 on DEIR p. 18, in regard to the 425 First Street (One Rincon Hill) project, “This is a modified version of the project currently on file with the Department, which would include about 60 fewer units, because the controls would allow more bulk than has been proposed to date.”

Concerning the 425 First Street project, the revisions concerning the location of one of the two towers (the location of a surface parking lot) will be made in the Final EIR, as will the addition of “office building and” before “Clock Tower.” These changes are presented in Section D of this document, Staff-Initiated Text Changes. The number of units and building heights (except for the correction on p. 172) will not be revised for the reasons described above.

Regarding the Residential Commercial (RC) Subdistrict adopted in February 2004, this district would remain under the proposed project, albeit in slightly revised form. It would become a stand-alone Special Use District (overlaid as it is now over the base RC-4 zoning), called the

“Folsom and Main Residential/ Commercial Special Use District.” However, the southwestern quadrant of the block bounded by Folsom, Spear, Harrison, and Main Streets would be removed from this Special Use District and will become part of the Rincon Hill DTR district. The proposed height limit for this southwest quadrant is 250 feet (see revised Figure 5, Proposed Height and Bulk Districts, in Section D, Staff-Initiated Text Changes).

Regarding the location of the planned grocery store, the third-to-last sentence on DEIR p. S-3 is revised as follows (new language is double underlined; deleted language is indicated with ~~strikethrough~~ text):

Up to about 65,000 square feet of retail space is anticipated, almost half of which would be in a grocery store in the recently approved project at 300 Spear ~~201 Folsom~~ Street.

Also, the last sentence on DEIR p. 16, continuing to p. 17, is revised as follows (new language is double underlined; deleted language is indicated with ~~strikethrough~~ text):

Almost half of this space is anticipated to be devoted to a grocery store in the recently approved project at 300 Spear ~~201 Folsom~~ Street.

COMMENT

The only reference in the DEIR that identifies the location of the proposed park is in the shadow study. Please clarify the location of the proposed major open space in the sections of the DEIR that discuss open space and overall land-use. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

The Draft Plan includes open space a series of public realm improvements that are described in the DEIR Chapter II, Project Description, beginning on p. 29. Under the heading “Parks and Open Space” on p. 30, the fourth bullet states, “Open space funds collected as part of an assessment district, Mello Roos district, or other means would be directed to purchasing and improving as public open space the parcel adjacent to the Fremont Street off-ramp at Harrison Street, and the implementation of the sidewalk treatments along Plan area streets.” In Section III.A, Land Use, Plans and Policies, the DEIR states (p. 62):

New residential uses in the Plan area would increase the demand for open space and recreation uses, which are deficient within Rincon Hill. The plan seeks to address this lack of open space by planning for a future park on a parcel currently owned by Caltrans, located to the east of the Fremont Street off-ramp from the Bay Bridge. In addition, the plan proposes a number of improvements to the public realm under the title of “living streets,” which includes sidewalk widenings with pocket parks, tree plantings, and street furniture. Implementation of the plan’s “living streets” would provide approximately 30,000 square feet of new

active open space, changing the area's character from one primarily defined by its historic industrial development pattern to an active, predominately high-density mixed-use neighborhood.

COMMENT

To ascertain whether housing project taller than 250 feet in height and as tall as 550 feet, as proposed in the Preferred Option are more expensive to build than buildings that are less than 250 feet height, I request that a comparative economic impacts and market analysis be done on the construction cost of very tall buildings, and on the likely market and sales prices for those luxury units. Also, we need an analysis of cost impacts associated with restrictive inflexible bulk controls as applied to buildings under 250 feet in height. (*Planning Commissioner Michael Antonini*)

RESPONSE

The Planning Department will respond to this comment as part of the staff report on the proposed Rincon Hill Plan and rezoning, inasmuch as the comment does not address the adequacy or accuracy of the EIR.

LAND USE, PLANS, AND POLICIES

COMMENT

The conversion of commercial and industrial sites to residential use could cause conflicts between residential uses and nearby existing industrial uses. (*Jack Broadbent, Bay Area Air Quality Management District*)

RESPONSE

Although much of the Plan area currently has an underlying zoning designation of M-1 (Heavy Industry) and is within the Residential and Commercial/Industrial Subdistrict of the existing Rincon Hill Special Use District, the only traditional industrial use in the Plan area is the blacksmithing operation in the landmark Klockars Blacksmith Shop on Folsom Street near First Street, which is a relatively small facility. Other existing commercial activity in the Plan area includes automobile repair and a service station. Therefore, no substantial conflicts between residential and industrial uses would be anticipated.

COMMENT

Page S-7: The potential conflict between the legislated 15-foot setback on the north side of Folsom Street and the Folsom Street off-ramp (currently under construction) must be studied in further detail when development commences on the Rincon Hill Plan. (*Timothy C. Sable, Caltrans*)

RESPONSE

As stated on p. S-7 (and on p. 31 in the Project Description), the setback on the north side of Folsom Street is included in the Transbay Redevelopment Plan (approved by the San Francisco Redevelopment Agency Commission in early 2005 and pending before the San Francisco Board of Supervisors) and is outside the Rincon Hill Plan area. The planned setback would apply to building construction to create a wider sidewalk more conducive to pedestrian activity. While the 15-foot setback on the north side of Folsom Street is mandated by the Redevelopment Plan and related documents, no final design for Folsom Street has been created. The Redevelopment Agency will continue to work with Caltrans regarding any potential conflicts between the Redevelopment Plan and the new off-ramp at Folsom and Fremont Streets.

COMMENT

The discussion of inclusionary units on page 143 is insufficient. Please discuss and list how projects currently being developed and under review are meeting their inclusionary obligation. (*Sue C. Hestor, Attorney at Law*)

RESPONSE

Since the adoption of the City's Inclusionary Affordable Housing Program in 2002, no projects built in Rincon Hill have included the mandated affordable units on-site.

As noted in the Introduction, Planning Department staff, in an informational presentation to the Planning Commission on January 27, 2004, indicated that staff now supports revising the Draft Plan such that the required affordable housing units for projects in Rincon Hill, if built off-site, be mandated for construction within the South of Market neighborhood.

COMMENT

The plans for the Bank of America Tower conflict with the following Objectives in the General Plan and Rincon Hill Area Plan:

General Plan - Residence Element, Objective 2, Policy 2; Urban Design Element, Objective 3, Policy 6

Rincon Hill Area Plan – Land Use, Objective 3, Policies, Residential; Housing, Objective 4; Urban Design, Objective 8, Objective 10, Objective 11.

(*Reed H. Bement, President, Andrew Brooks, Vice President and Alexandria Chun, Secretary, Rincon Hill Residents Association*)

RESPONSE

It is not unreasonable to assume that not all projects will be consistent with every policy in the General Plan. As stated on DEIR p. 57, “The General Plan contains many policies that may address different goals. In addition to consideration of inconsistencies that affect environmental issues, other potential inconsistencies with the General Plan are considered by the Planning Commission independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in this environmental document would be considered in that context, and would not alter the physical environmental effects of the proposed project, which are analyzed in this EIR.”

In considering whether to adopt the draft Rincon Hill Plan, including any modifications to the Draft Plan put forth thus far, and in considering whether to adopt specific development projects subsequently proposed, the Planning Commission and Board of Supervisors would have to determine whether, on balance, the projects would be consistent with the General Plan.

COMMENT

The approved plans for 300 Spear and 201 Folsom Projects are inconsistent with the development proposed by the Rincon Hill Area Plan, specifically with respect to tower heights and tower separations. (*Reed H. Bement, President, Andrew Brooks, Vice President and Alexandria Chun, Secretary, Rincon Hill Residents Association*)

RESPONSE

As stated on DEIR p. 6, the Draft Plan analyzed in the DEIR includes retention of the adopted Residential Commercial (RC) Subdistrict that was approved in February 2004 in connection with approval of mixed-use projects at 201 Folsom Street and 300 Spear Street. That is, the Draft Plan proposes no changes to zoning controls at the sites where these already approved project would be located, and the Draft Plan includes the established height and tower separation controls already approved in connection with the two projects in question. Therefore, these projects are consistent with the Draft Plan.

COMMENT

I ask that the DEIR be revised to include a section that analyses all projects on Rincon Hill that were approved since 1986, with focus on the exceptions that were granted to each project with respect to height, tower separation, building bulk, parking, open space and other planning considerations as described in the individual project authorizations. Also, I believe it is unfair to change the rules after approvals are granted and there should be a “grandfathering” provision for projects that already filed applications. (*Planning Commissioner Michael Antonini*)

RESPONSE

The Planning Department will respond to this comment as part of the staff report on the proposed Rincon Hill Plan and rezoning, inasmuch as the comment does not address the adequacy or accuracy of the EIR.

COMMENT

I did hear one of the member of the public mention that there was no reference to Proposition M, Section 101.1 of the plan, Pages 47, I believe. So, I would like to see some adherence to that or some analysis around each of the eight points. (*Planning Commissioner Christina Olague*)

The DEIR fails to do a comparative analysis of relative compliance of each alternative with the General Plan Priority Policies (Code Section 101.1). (*Lucian Robert Blazej, Strategic Solutions; W. Stephen Wilson, Tobin & Tobin*)

RESPONSE

The following text is added to p. 34 of the DEIR following the bulleted text:

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which, among other things, established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing; discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, and before taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project, legislation, or action is consistent with the Priority Policies. The motion by the Planning Commission and the resolution by the Board of Supervisors approving or disapproving the proposed rezoning and General Plan amendments will contain the analysis determining whether the project is in conformance with the Priority Policies.

VISUAL QUALITY**COMMENT**

[Regarding] the photo simulations on Pages 94 and 95. I'm not sure that I quite understand why in one photo simulation the 82.5 where we've got ten towers and then on the preferred, we only have eight I believe. (*Planning Commissioner Michael Antonini*)

RESPONSE

As stated in footnote 55 on DEIR p. 91, in the visual simulations the 82.5-foot Option is jointly illustrated with the Extended Pipeline Option. The additional towers only included in the Extended Pipeline Option but not in the 82.5-foot Option are labeled as such in the simulations.

COMMENT

The building of two tall projects near First and Harrison would compromise public's view of the Bay Bridge and the bay near it. (*Patrick M. Malone*)

RESPONSE

The fact that the various plan options would result in some view obstruction is both described and illustrated in DEIR Section III.B, Aesthetics, Visual Quality, and Urban Design.

COMMENT

Page 79, Viewpoint 6A: This viewpoint is on Fremont Street looking south, not on First Street. (*Steven L. Vettel, Morrison & Foerster LLP*)

RESPONSE

The noted correction is included in Section D, Staff-Initiated Text Changes, and will be made in the Final EIR. It is noted that this results in no change in identified physical impacts.

COMMENT

Visual simulations should depict anticipated views from Twin Peaks. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

The visual simulations from the Randall Museum (DEIR Figures 41—45) provide generally the same horizontal angle (although from a lower elevation) as would views from Twin Peaks. As stated in footnote 56 on DEIR p. 118, "This viewpoint was selected rather than Twin Peaks because the view angle is similar but the closer-in vantage point provides for more evidence of change."

COMMENT

The need for design review of new projects is not mentioned in the DEIR. Meaningful design review will ensure that new projects meet standards set forth in the Rincon Hill Plan and contribute to creation of a beautiful and thriving community. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

The Draft EIR did not identify significant effects related to visual quality and thus did not identify mitigation measures for this topic. For information, it is noted that, to the extent that standards contained in the Draft Plan are incorporated into the Planning Code as part of the new Downtown Residential Mixed-Use District, such standards would have to be complied with in the same manner as all zoning controls; the Planning Commission, with the advice of Planning Department staff, would assure implementation. It is also noted that Planning Department staff engages project sponsors in a design review process for most major projects in San Francisco.

TRANSPORTATION, CIRCULATION AND PARKING**Traffic****COMMENT**

Page 5, Figure 1, and all other maps in the EIR: The maps incorrectly show Spear Street connecting to The Embarcadero. Spear Street is a cul-de-sac south of Harrison Street that does not connect to The Embarcadero. Also, all the maps show Beale Street connecting Folsom and Bryant Streets. As pointed out on page 127, Beale Street has been closed underneath the Bay Bridge for more than three years. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

The maps in Figure 1 (Project Location) and in Figures 7, 8, and 9 (Plan options) have been revised to incorporate the comments and are included in Section D of this document, Staff-Initiated Text Changes. The revised maps will be included in the Final EIR. It is noted that this results in no change in physical impacts, as both the text and the analysis assumed the closure of Beale Street and the existing configuration of Spear Street.

COMMENT

Page 122, footnote 58: The footnote reads: “As a result, Beale Street is currently a two-way street south of Fremont.” Beale and Fremont Streets are parallel. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

Footnote 58 on DEIR p. 122 is revised as follows to correct an editorial error (new language double underlined; deleted language indicated in ~~strikethrough~~):

Beale Street passes under, rather than intersects, Harrison Street. After September 2001, Beale Street was closed beneath the Bay Bridge as a security measure. As a result, Beale Street is currently a two-way street south of Folsom ~~Fremont~~.

COMMENT

Page 123, second paragraph: The Essex Street on-ramp to the Bay Bridge is not included in the discussion of study area freeway ramps. The carpool restrictions on Bryant Street and on the Sterling Street on-ramp to the Bay Bridge are also not described. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

The Essex Street on-ramp is in footnote 59, DEIR p. 123, while the Sterling Street on-ramp is described in the same paragraph as access to the Bay Bridge “from Bryant Street east of Second Street.”

To clarify the existence of carpool restrictions, the last sentence of the first full paragraph on DEIR p. 123 is revised as follows:

Additional Bay Bridge access is provided from Bryant Street east of Second Street, just south of the Plan area; this Sterling Street on-ramp is limited to carpools in the p.m. peak period, as is westbound Bryant Street approaching the ramp.

COMMENT

Page 127, 4th paragraph: The report does not address the problem of queuing of traffic destined for the Bay Bridge. Existing queues on First Street typically extend to Market Street on congested evenings, impacting transit service and traffic congestion on cross streets. DPT currently provides traffic control officers at these intersections at considerable expense to the city several evenings per week. How will the proposed narrowing of Main, Beale and Spear Streets impact the length and frequency of these queues on southbound First Street-Battery Street and The Embarcadero? (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

Traffic destined for the Bay Bridge does queue to Market Street—and beyond, onto Bush and Battery Streets—on congested evenings, as noted by the commenter. However, observation indicates that, at present, such queues occur on fewer than half of weekdays. Based on the traffic analysis reported in DEIR Table 5, p. 128, such queues would become considerably more common with implementation of the Draft Plan and with development in the Transbay Redevelopment Plan area to the north of the Plan area, in that 2020+Project³ conditions at the First/Market Streets intersection is projected at Level of Service F, indicating that poor operations

³ Includes the proposed street changes on Main, Beale, and Spear Streets.

at that location would be commonplace. Likewise, conditions at Embarcadero/Folsom would be at LOS E, indicating that operations on the Embarcadero would deteriorate, as well.

COMMENT

We have several major concerns with [the DEIR and the Transportation Study] regarding their failure to address the significant impacts of the Rincon Hill Plan's proposal to convert Main, Beale and Spear Streets to two-way streets and to narrow them to one eleven-foot travel lane in each direction in order to provide 32' foot-wide sidewalks. Significant impacts of narrowing these streets include:

- Severely increasing delays for vanpools and carpools accessing the Bay Bridge

We have repeatedly made these comments to Planning Department staff both orally and in writing, and are very concerned that these impacts and issues are not addressed in the draft EIR or the Transportation Study. The proposals to narrow Main, Beale and Spear Streets and convert them to two-way operation should not proceed until these issues have been resolved. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

Page 127, 3rd paragraph: The report does not mention that Beale Street served as the primary vanpool and carpool access between downtown San Francisco and the Bay Bridge prior to September 2001. Without this access, vanpools and carpools must use eastbound Folsom Street, southbound Main Street and westbound Bryant Street to reach the carpool lane to the Bay Bridge. Vanpools and carpools are thus mixed into the queues of general traffic approaching the Bay Bridge on Folsom and Main Streets during the PM peak period. Converting Folsom Street to two-way between Beale and Main Streets and reducing Main Street to just one southbound lane, as proposed in the Rincon Hill Plan, will significantly impact the travel time for vanpools and carpools traveling to the East Bay. By making vanpooling and carpooling less attractive, the proposed street narrowing conflicts with Policy 2.5 of the Transportation Element of the General Plan: "Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile parking facilities." Additionally, the Transit First policy states: "Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile." (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

The street changes proposed in the Draft Plan are part of a proposal to encourage pedestrian and bicycle travel and minimize dependence on the automobile, particularly for residents of Rincon Hill. As stated on DEIR p. 127, traffic on Plan area streets approaching the Bay Bridge typically encounters heavy congestion during the p.m. peak hour; the comment points out the inherent conflict between traffic calming strategies for local streets and the fact that some Plan area streets serve as regional commuter routes. As with many plans, the draft Rincon Hill Plan contains goals

and objectives that address different issues. For example, preservation of sunlight on sidewalks may, in some instances, conflict with provision of housing at certain density levels. The Planning Commission and Board of Supervisors, in their consideration of the Draft Plan and the accompanying General Plan revisions and zoning changes, would have to determine the appropriate policies to effectively address sometimes conflicting priorities.

To acknowledge the carpool gathering point and potential effects on carpools, the following text is added to the DEIR:

There is a pick-up point for “casual carpool” riders heading to the East Bay via the Bay Bridge, on the east side of Beale Street between Howard and Folsom Streets. Since the 2001 closure of Beale Street, however, carpool (casual or otherwise) and vanpool drivers no longer have direct access from Beale Street to westbound Bryant Street and the carpool on-ramp at Sterling Street; instead, they must detour via Folsom and Main Streets. *(added to the end of the first full paragraph on DEIR p. 123)*

Among the effects of deteriorated traffic flow would be to impede carpools and vanpools traveling to the Bay Bridge from the City’s designated gathering point for casual carpools on Beale Street between Howard and Folsom Streets. *(added to the end of the first partial paragraph on DEIR p. 129)*

COMMENT

Page S-6, last paragraph, second sentence: Narrowing the eastbound lane of Harrison Street east of Fremont Street would make it very difficult for large trucks taking the Harrison Street exit from the Bay Bridge to make a right turn onto eastbound Harrison Street. *(Jerry Robbins, San Francisco Department of Parking and Traffic)*

The turning radii needs of trucks and buses are not addressed. Would trucks be able to make the right turns to and from the narrowed Spear, Main or Beale streets? *(Jerry Robbins, San Francisco Department of Parking and Traffic)*

RESPONSE

Regarding Harrison Street, the Plan’s proposed “reconfiguring [of] the eastbound turn from the Fremont Street off-ramp and narrowing [of] the eastbound lane (DEIR p. 31) could impede movements of trucks turning right from the Bay Bridge off-ramp onto eastbound Harrison Street (at Fremont Street). Additionally, the Plan has been revised to incorporate a proposed peak-hour bus lane on westbound Harrison Street between the Embarcadero and First Street. Creation of this transit lane would require institution of a tow-away zone on westbound Harrison Street in the p.m. peak period and widening the existing westbound parking lane to provide sufficient width for Muni buses. This, in turn, would require realignment of all lanes on Harrison Street, which could result in either alterations to the Plan’s proposed treatment of the south side of Harrison Street, especially at Harrison and Fremont Streets, location of the Bay Bridge off-ramp at

Fremont Street, or future changes to the off-ramp design (which would require Caltrans approval), or some combination of changes to both. This Harrison Street off-ramp is scheduled to be demolished and rebuilt, beginning in late 2004; should reopen in 2008.⁴

Regarding Spear, Main and Beale streets, the draft Plan has been revised to include turning pockets at the intersections of Main/Folsom, Main/Harrison, Main/Bryant, Beale/Folsom, and Spear/Harrison Streets. These right-turn pockets (northbound Beale at Folsom, northbound Main at Folsom, southbound Main at Harrison, northbound Main at Harrison, southbound Main at Bryant, and southbound Spear at Harrison) should facilitate truck turning movements at these intersections. The Plan has also been revised to include an additional peak-hour southbound lane on Main Street from Folsom to Harrison that will provide additional traffic capacity, including for trucks.

The design of these Plan improvements, and all other changes to roadways in the Plan area, would proceed through the normal City approvals process for traffic and transportation projects, and this EIR is not intended to complete the city review of these proposals. However, no further CEQA review would be required for changes in sidewalk widths, conversion of one-way streets to two-way operation, and related changes, unless the proposals were to differ substantially from what is described in this EIR.

Regarding discussions to date, the Planning Department has consulted the Municipal Transportation Authority (Muni, Department of Parking and Traffic [DPT]), the Fire Department, the Department of Public Works, and other relevant city agencies, and will continue to solicit review and comment on the proposed street changes, which also will go before ISCOTT (the City's Interagency Staff Committee on Traffic and Transportation) for recommendation. Following ISCOTT review, the proposal would proceed to the Board of Supervisors for approval of all curb changes, traffic changes, and any other on-street changes that require Board approval.

COMMENT

The EIR understates the impacts of increased traffic on pedestrian street life and its effects on the proposed open space on Harrison Street one block from Bay Bridge entrance. The EIR fails to consider whether an alternative of reduced development would lessen the traffic conditions. (*Reed H. Bement, President, Andrew Brooks, Vice President and Alexandria Chun, Secretary, Rincon Hill Residents Association*)

The scope and analysis of the Transportation, Circulation and Parking Study is insufficient. The report ignores the intersections that are already grade F. The conclusion that traffic conditions will improve when 'new nonexistent infrastructure appears' or when people change their lifestyle or is not a suitable analysis or conclusion for an EIR. (*Patrick M. Malone*)

⁴ Bart Ney, Caltrans spokesman, telephone conversation, April 8, 2005.

While traffic patterns and proposed street changes are mentioned, the lack of a complete section on the study of traffic is missing. Traffic in and around the approaches to the Bay Bridge needs more study.

(Margaret Gunn)

Placement of the towers at the hilltop near the Bay Bridge entrances poses serious problems on traffic congestion, pollution from said traffic and health/safety hazards. All of the intersections within the plan area would worsen with the increase of car-driving residents. Other intersections that feed into the Bay Bridge would degrade, including intersections at Harrison/Fremont, Embarcadero/Bryant, Main/Folsom, Beale/Folsom, Spear/Folsom, Market/First. No mitigation is cited for this in the DEIR. *(Barbara L. Jue)*

RESPONSE

As noted in two responses previously, there may be a conflict between traffic calming strategies for local streets and the use of Plan area streets for regional commuter routes. However, as stated on DEIR pp. 30–31, the Draft Plan emphasizes the creation of “Folsom Boulevard,” in tandem with the Transbay Redevelopment Plan and “living streets” on Main, Beale, and Spear Streets, while acknowledging that First, Harrison, and Fremont Streets will continue to serve as major feeder routes to and from the Bay Bridge. In particular, as also noted on DEIR pp. 30–31, the Draft Plan proposes additional barriers between local and commuter traffic on First and Harrison Streets to minimize the potential conflict between these traffic streams.

Regarding alternatives that could improve traffic conditions compared to those analyzed in the DEIR, as shown in DEIR Table 3, DEIR p. 26, the number of units that would be added under the three options analyzed in the DEIR would vary by a relatively small number: the 82.5-Foot Option would result in about 15 more new units (and 12 percent more units overall in the Plan area) than would the Preferred Option, while the 150-Foot Option would result in 14 percent fewer new units (and 11 percent fewer overall units). These relatively minor differences would not likely be great enough to alter the intersection levels of service (LOS) shown in DEIR Table 5, DEIR p. 128. Furthermore, as stated on DEIR p. 128, “intersection operations on certain streets are dictated largely by the operations of downstream intersections and the I-80/U.S. 101 on-ramps”; at the three intersections with projected unacceptable LOS where this is especially true—First/Market, Fremont/Harrison, and Embarcadero/Folsom, LOS is likely to degrade to an unacceptable condition under any reasonable development alternative, and only an alternative that results in almost no development in the Plan area would avoid these impacts.⁵ (Three other intersections with unacceptable LOS under 2020+Project conditions—Beale/ Folsom, Main/Folsom, and Spear/Folsom—could be mitigated, but, as explained on DEIR p. 129, the

⁵ Based on the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR*, Table 5.19-5, the First/Market intersection would operate at an unacceptable LOS E (significant impact) with implementation of the Transbay project but without Rincon Hill development, while the Fremont/Harrison and Embarcadero/Folsom intersections would be within one second of delay of resulting in a significant effect. Thus, a single new residential tower in Rincon Hill could presumably result in a significant impact at those two intersections, when combined with Transbay area traffic.

identified mitigation at the first two of these intersections “would necessitate maintaining four eastbound lanes on Folsom Street the intersection approaches [and thus] would preclude the Draft Plan’s proposed extension of the existing westbound lane on Folsom Street from Main Street westward to Fremont Street.”

The No Project Alternative—that is, a continuation of the existing controls under the adopted Rincon Hill Area Plan—would not likely result in a halt in Rincon Hill development, particularly given the several projects currently seeking approval or undergoing environmental review. As stated in Chapter VI of the DEIR, Alternatives, on p. 235, “it is not unreasonable to assume that the No Project Alternative could take on at least some characteristics of the Extended Pipeline Option.” Thus, given that a number of the Plan area streets are regional travel routes to and from the Bay Bridge, it is not possible—short of halting development in the Plan area—to devise an alternative that would substantially improve traffic conditions, compared to those forecast with implementation of the Draft Plan. However, as noted above, the 150-foot Option would result in the smallest increment of new Plan-generated traffic.

The EIR does not “ignore” intersections already operating at LOS F. As stated on DEIR p. 128, “Conditions at the six study intersections that would operate at LOS F under 2020 Baseline conditions would worsen, but with relatively minor changes to the volume-to-capacity ratios that would not trigger a significant impact.” The six intersections include three at LOS F under existing conditions. All three—First/Folsom, Essex/Harrison, and First/Harrison—operate with poor levels of service because of regional commute traffic, as they feed directly onto Bay Bridge on-ramps. No Plan improvements could affect this situation.

It is not clear what the commenter means by the appearance of “new nonexistent infrastructure,” although this may be a reference to potential future Muni expansion in the Plan area, which the Plan (cited on DEIR pp. 31-32) notes is a potential in the future, but not funded; the reference to people “chang[ing] their lifestyle” may be in regard to the potential for increased transit use. At any rate, the DEIR describes anticipated future traffic impacts and identifies mitigation measures, where feasible (which, in some instances, could preclude implementation of some of the Draft Plan’s street changes, such as the extension of Folsom Street as a two-way street west to Fremont Street). Accordingly, the DEIR states, on p. 129, that the impact at the intersections of Beale/Folsom and Main/Folsom “would be significant and unavoidable if four eastbound lanes were not maintained on Folsom Street.”

Concerning the comment that the EIR is missing “a complete section on the study of traffic,” the commenter is directed to Section III.C of the DEIR, where traffic impacts are fully analyzed. As noted earlier in this response, the DEIR is clear in its conclusion that regional Bay Bridge-bound traffic is the major cause of congestion in the Plan area. This condition is also discussed on DEIR pp. 128-129.

Contrary to the commenter's assertion, the EIR does identify mitigation measures for three intersections—Beale/Folsom, Main/Folsom, and Spear/Folsom. No mitigation is identified for the First/Market, Fremont/Harrison, and Embarcadero/Folsom intersections (Embarcadero/Bryant would operate at LOS without the project, and therefore the project impact would not be significant), as none was deemed feasible. As stated in the DEIR (p. 128) and repeated above, "intersection operations on certain streets are dictated largely by the operations of downstream intersections and the I-80/U.S. 101 on-ramps" As stated in footnote 5, p. 32, these three intersections would be at or near LOS E with traffic from the Transbay Redevelopment Area and no additional Rincon Hill Plan area traffic, and "a single new residential tower in Rincon Hill could presumably result in a significant impact at those two intersections, when combined with Transbay area traffic."

Regarding air pollution, please see the response below (p. C&R-58) where it is discussed that the DEIR determined no significant effect would result from local pollutant concentrations due to traffic. Concerning pedestrian safety, it is true that high volumes of vehicular traffic can pose a risk to pedestrians. It is noted, however, that one of the goals of the Draft Plan, noted on DEIR p. 3, is to "create an attractive and human-scaled streetscape of the highest quality along Folsom Boulevard, and make extensive pedestrian improvements to other neighborhood streets such that they become suitable residential environments and integral components of the civic open space system." To the extent that the Rincon Hill Plan improves the pedestrian realm, pedestrian safety could be expected to improve.

COMMENT

We are concerned about public safety and the ability of emergency vehicles to be able to navigate through increased traffic due to the addition of more housing which will bring more cars, especially at the First and Harrison intersection. (*Margaret Gunn*)

RESPONSE

The DEIR describes an anticipated worsening of congestion at the First/Harrison intersection, among others. At the same time, as noted above, the DEIR describes the Draft Plan's proposals to more clearly separate local and commuter traffic on First and Harrison Streets, by the installation of medians and stanchions, to minimize the potential conflict between these traffic streams, which should also help facilitate emergency vehicle access. Nevertheless, some additional delays are possible, although even with existing lane configurations, alternative approaches are possible on various streets. Observation indicates that, even when an intersection such as First/Harrison is "gridlocked" (i.e., stopped traffic on one street blocks flow on the other street), there is sufficient maneuvering space such that an emergency vehicle can get through with only minimal delay. Because there are multiple streets that emergency vehicles could use, and

because additional delay would likely be insubstantial, the effect is considered to be less than significant.

Transit

COMMENT

The implementation of the “Living Streets” roadway configuration discussed on Page 31 of the EIR calls for the establishment of two-way traffic operations on Main/Beale/Spear between Folsom and Bryant. The roadway scheme should be studied to determine impacts on the over-all street grid in this area. We are especially concerned that the proposed increase in population and decrease in street widths may significantly delay transit to the point where operation may not be feasible. Have any considerations been given to the installation of transit lanes or other measures in vital corridors? (*James D. Lowe, Transit Planner, San Francisco Municipal Railway*)

Page 223, first bullet: The EIR should acknowledge that all six of the intersections negatively impacted by the conversion of Spear, Main and Beale Streets to two-way operation have transit service. Therefore, the congested conditions would also negatively affect transit travel times. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

DEIR references the San Francisco General Plan (page 122) describing Mission, Main, and Beale as “Transit-Oriented Streets” and Folsom, Fremont, and Howard as “Major Arterials.” GGT operates on all these streets. DEIR acknowledges (page 131) that “increased congestion on streets within the Plan area...could adversely affect the ability of transit operators – particularly Muni – to keep schedules.” Are GGT services less susceptible to increased congestion on streets within the Plan area than other public transit providers? DEIR (page 122) also acknowledges additional traffic from the proposed Rincon Hill Plan and proposed changes in street configuration would result in significant impact at several intersections in the study area. For the reasons previously indicated, District is concerned with any degradation in schedule reliability for GGT transit service that is a direct result of a degraded traffic level-of-service (i.e., LOS “E” to “F”). Such degradation will negatively impact GGT bus service as an attractive transportation alternative to and from San Francisco. District encourages the City and County of San Francisco to develop circulation strategies at the intersections of First and Market, Beale and Folsom, and Main and Folsom that will minimize delay to public transit services that operate across these intersections. (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

The Golden Gate Bridge District appreciates efforts to reconfigure streets in the Rincon Hill area from vehicular thoroughfares to streets that are more accessible and accommodating to pedestrians. However, the DEIR (page 31) does not acknowledge that Folsom Street is the primary route used by all GGT bus services in San Francisco. Efficient circulation by Golden Gate Transit (GGT) buses on Folsom, particularly during the weekday evening peak periods, is critical to providing schedule reliability, thereby offering an attractive and efficient transportation alternative to and from San Francisco. The District is

currently working with Department of Parking and Traffic (DPT) staff to identify a bus stop in the vicinity of Folsom and Second Streets that efficiently serves its existing passenger base in Rincon Hill while maintaining schedule reliability throughout its entire bus network. Any reconfiguration of Folsom Street proposed by the Rincon Hill Plan and the DEIR should acknowledge the presence and consider the needs of GGT customers in the Rincon Hill area. (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

RESPONSE

As noted by a number of commenters, the DEIR (p. 131) states that traffic congestion would adversely affect transit schedules. (The explicit mention to Muni is not to suggest that other operators would not be affected, but merely in reference to Muni's numerous lines.)

The following text is added to the second full paragraph on DEIR p. 131, following the first sentence:

In particular, Muni's 12-Folsom line passes through all four intersections on Folsom Street that would be adversely affected by the project, while several Golden Gate Transit lines pass through Beale/Folsom, Main/Folsom, and Spear/Folsom, as well as First/Market, which is also used by numerous Muni lines. Finally, Muni's 10 line operates through the sixth affected intersection, Fremont/Harrison. (The 80-X and 82-X express buses from the Caltrain depot also pass through Spear/Folsom, in the morning commute period, while the 82-X also operates southbound on Beale to Folsom and eastbound on Folsom to the Embarcadero in the afternoon commute period, passing through all four intersections on Folsom Street that would be adversely affected by the project.)

While the Draft Plan proposes a number of changes to roadways in the Plan area, none of the proposals have yet reached the design stage. Prior to implementation of changes in lane widths, number and direction of lanes, creation of bicycle and pedestrian amenities, and other roadway changes proposed in the Draft Plan, such proposals would need to undergo detailed engineering design. All of the streetscape and traffic proposals in the Rincon Hill Plan would proceed through the regular City approvals process for traffic and transportation projects, and the EIR is not intended to complete the city review of these proposals. However, no further CEQA review would be required for changes in sidewalk widths, conversion of one-way streets to two-way operation, and related changes, unless the proposals were to differ substantially from what is described in this EIR.

In a separate, and somewhat parallel process, the Planning Department has been engaging the Municipal Transportation Authority (Muni, Department of Parking and Traffic [DPT]), the Fire Department, the Department of Public Works, and other relevant city agencies to review and comment on the streetscape proposal. Planning staff have received extensive comments and feedback from all of these agencies and has made modifications to the proposal as a result. The

proposal will next go to ISCOTT (Interagency Staff Committee on Traffic and Transportation) for recommendation. Following ISCOTT review, the proposal would proceed to the Board of Supervisors for approval of all curb changes, traffic changes, and any other on-street changes that require Board approval. The proposals would also be forwarded to regional transit operators for review. In addition to the operators, it is anticipated that DPT would be concerned the viability with transit operations vis-à-vis the ability of buses to negotiate congested streets.

Please also see the comments under “Loading,” p. C&R-43, concerning potential effects on transit of changes in loading requirements.

COMMENT

The EIR suggests that extending the 1-California and 41-Union to Folsom may improve linkages from Rincon Hill to the downtown. However, as noted in the EIR on Page 32, no funding has been identified to implement these changes or to augment the 10-Townsend or 12-Folsom as suggested. (*James D. Lowe, Transit Planner, San Francisco Municipal Railway*)

The DEIR states (page 32) “Additional long-term transit improvements (i.e., extension of existing San Francisco Municipal Railway [MUNI] services to Rincon Hill) could be implemented following completion of an areawide study of the entire South of Market area.” Will Golden Gate Transit services be considered as part of this areawide study? Will the District be consulted as part of this effort? (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

RESPONSE

The DEIR analysis does not assume such future increases (other than funded projects such as the under-construction Third Street light rail line) in Muni transit service because of the lack of funding. Additional Muni service into the Rincon Hill area would enhance local transit circulation, but would require additional funding.

Any future study of transit service in the Plan area would presumably include all relevant local and regional carriers, including Muni, Golden Gate Transit, AC Transit and SamTrans.

COMMENT

DEIR (page 123) does not adequately describe Golden Gate Transit (GGT) in the Rincon Hill area. The DEIR does state “Regional transit service is provided in the proximity (emphasis added) to the (Rincon Hill) Plan area.” GGT “24/7” bus service on Folsom Street is not mentioned. GGT bus services on Fremont, Main, Howard, Beale, and Mission are not mentioned. DEIR should accurately describe existing transit services in the Rincon Hill area. (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

RESPONSE

The following text is added to the end of the paragraph under the heading “Transit” on DEIR p. 123:

Golden Gate Transit buses also operate on Folsom Street, as well as Fremont, Beale, Main, and Howard Streets.

COMMENT

The DEIR summary states (page S-15) in the Rincon Hill Plan area “transit lines generally have available capacity during the weekday p.m. peak hour” and “the project would not result in a significant transit impact.” However, the section of the DEIR pertaining to “Transportation, Circulation and Parking” states (page 130) “the project would generate up to approximately 530 net new p.m. peak-hour transit trips...dispersed over nearby Muni lines and regional transit lines.” How much of this dispersion is allocated to Golden Gate Transit (GGT) bus services on Folsom Street? Are the existing GGT bus services and bus stops adequate to meet this projected increase? DEIR states transit capacity is projected to increase by about “4 percent to the North Bay” at the regional screenline at the Golden Gate Bridge by 2020. How was this projected capacity increase determined? District currently has no plans to expand transit service to the North Bay from San Francisco. If project and city planners foresee a need for greater transit capacity to Marin and Sonoma counties, this should be communicated to the District. DEIR states “projected ridership is expected to approach capacity for the individual operators.” Is GGT expected to approach capacity and if so, by how much? What are the projected ridership forecasts at the Golden Gate Bridge regional screenline? (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

RESPONSE

Because the Rincon Hill Plan would result almost exclusively in residential development, with only a small commercial component, the effect on regional transit carriers would be minimal. In particular with respect to Golden Gate Transit, whose ridership is primarily inbound to San Francisco in the morning and outbound in the afternoon, the effect would be negligible, as few Rincon Hill residents would be expected to work in Marin or Sonoma counties. The 4 percent increase in North Bay ridership noted on DEIR p. 130 is a reference to cumulative conditions, to which the Rincon Hill Plan would not contribute considerably, for the reason noted. These cumulative conditions were obtained from the San Francisco Planning Department’s *2002 Guidelines for Environmental Review*, and any changes in future transit service were based on discussions with individual transit operators staff.

COMMENT

DEIR (page 45) describes the proposed Transbay Redevelopment Plan and proposed new Transbay Terminal. Nevertheless, DEIR does not mention the proposed storage facility for GGT buses on the block

bound by Stillman, 3rd, Perry, and 4th Streets. DEIR should acknowledge this significant feature of this regional transit project. (*Alan R. Zahradnik, Golden Gate Bridge Highway & Transportation District*)

RESPONSE

The following text is added as a footnote to the second paragraph under the heading “Proposed Transbay Redevelopment Area: on DEIR p. 45:

In addition to a new Transbay Terminal, off-site midday bus storage would serve Golden Gate Transit and AC Transit beneath the Bay Bridge approach to the west and east, respectively, of Third Street.

COMMENT

The Transbay Joint Powers Authority (TJPA) plans to construct a below-grade tunnel for the Caltrain tracks in the public right-of-way of Main Street. The TJPA requests that Rincon Hill Plan and associated amendments to the Planning Code include provisions for coordination of design and construction of future improvements along Main Street with the Transbay Projects. This would include utilities, streets, sidewalks and landscaping as well as adjacent development projects, especially as high-rise buildings and underground structures. (*Maria Ayerdi, Executive Director, Transbay Joint Powers Authority*)

RESPONSE

The Planning Department is partner with the Redevelopment Agency on the Transbay project and is in close coordination on street design and infrastructure improvements, including the Caltrain and Terminal project. The Caltrain project would only occupy right-of-way below ground and not conflict with any building developments in Rincon Hill. The Rincon Hill changes to Main Street consist of surface streetscape enhancements only, and should not interfere with any below-grade Caltrain project. Should the new streetscape enhancements need to be removed and rebuilt as part of the Caltrain extension, this would not appear to be an issue. Nevertheless, the Planning Department will ensure coordination and review with the TJPA on streetscape improvements to Main Street. However, it would not be appropriate to include coordination with the TJPA on the design and redesign of Main Street within the Planning Code.

Parking

COMMENT

Page 131, 4th paragraph, Parking: Have any post-occupancy studies of vehicle ownership patterns in recently constructed high-rise residential buildings in the study area been conducted? What does the 2000 census show about the average number of vehicles per household in this area? Do most of the residents of these buildings work in downtown San Francisco, or do many of them commute outside the area? The EIR does not address the project’s impacts on on-street parking, which is already an issue

among area residents. Should available curb space be reserved for short-term parking, despite requests from residents for a Residential Permit Parking area that would not have nearly enough parking spaces to satisfy the projected residential parking demand? (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

The EIR authors are not aware of any such studies. However, 2000 Census data reveal vehicle ownership in Rincon Hill as being slightly above the citywide average—1.2 vehicles per household versus 1.1 citywide. It is possible that these numbers are a result of the fact that most housing in Rincon Hill is relatively new and was built with on-site parking, generally at a ratio of one space per unit. (In the older, smaller-scale Guy-Lansing enclave, auto ownership is 1.0 vehicles per unit, slightly less than citywide.)

Despite owning cars, slightly fewer Rincon Hill residents drive to work (38.5 percent drive alone) than do citywide residents (42.5 percent drive alone).

As stated on p. 123 of the DEIR, “On-street parking in the Plan area is available, although during the weekday midday period, the parking supply is generally completely occupied; during the evening, the occupancy is substantially lower due to the few night-time uses in the area.” Because on-street parking availability is limited, the parking analysis in the EIR focuses on off-street spaces, and particularly the comparison of project supply to project demand.

COMMENT

[W]e have to analyze parking up to 1.5 places per unit. That may not be advisable. It may not be what we want but we should analyze the environmental impact of that. (*Planning Commissioner Michael Antonini*)

I think ... looking at parking and looking and looking at maybe going ... to one and-a-half spaces, it's probably an important thing to look, at not saying we would do it but I think it should be studied as part of the EIR. (*Planning Commissioner Dwight Alexander*)

RESPONSE

Based on the analysis on DEIR p. 132, provision of 1.5 parking spaces per unit (for 3,300 spaces under the Preferred Option and 4,265 spaces under the 82.5-foot Option) would exceed the nighttime demand figures of 2,900 to 3,700 for those options, respectively. In conjunction with already approved development, provision of 1.5 spaces per unit in new projects would result in a slight shortfall in nighttime supply of up to about 300 spaces.

COMMENT

I'd like the staff to review again that based on ABAG, about ten percent of the Bay Area residents are sixty-five now but by year 2030, twenty-five percent of the population will be sixty-five and older. So that will impact the number of cars you'd want to have in these high rises which you can lower because what we also know about 2030, we will double the number of people who are eighty-five and older and I doubt many would be driving cars and, also, when you're at that age, the quality life having people around you is very important. So, I think it's part of your calculus in determining the number of housing units. We could get a lot of – we have a lot of single people here. I expect we will have more single people, and you'll actually have more density, less square footage and housing units there and that should be taken into consideration. (*Planning Commissioner Bill Lee*)

RESPONSE

As noted in the DEIR, the Draft Plan proposes requiring less parking than is currently required for residential units in most parts of San Francisco other than the Downtown; in fact, no minimum amount of parking is required. The DEIR's analysis of parking supply and demand, therefore, is presented as a range, based on provision of between zero and one space per unit as projects are developed. Vehicle ownership has been increasing steadily in recent years, although the commissioner's point concerning this specific location may be a valid one. There is no way to accurately predict, however, whether parking demand may decline in the future; another possibility is that, as residents of the new Rincon Hill projects age, they will be move to other housing, to be replaced in Rincon Hill by residents of a comparable demographic.

COMMENT

The acceptable ratio of parking to living space should be less than 1:1. Recommend 0.5:1 for all new developments going forward. (*Barbara L. Jue*)

RESPONSE

As stated on page 131 of the DEIR,

In conjunction with the proposed rezoning of the Plan area, the following parking requirements would be implemented: for residential units, no minimum required parking, and a maximum of one parking space per unit, of which only half could be independently accessible; As a result, no parking would be required, and the maximum that could be provided would range from about 1,630 spaces to about 2,845 spaces for residential units. (emphasis added)

Assuming parking were provided at a ratio of one space per dwelling unit, the result would be a residential parking shortfall of between about 150 and 200 spaces during the weekday midday period and between about 1,100 and 1,500 spaces during the weekday evening period. On the other hand, if no parking

were provided for the new residential units (and one space per unit provided for approved projects), the residential shortfall would be between about 700 and 1,700 weekdays and between about 1,450 to 2,700 at night.

COMMENT

Please clarify the meaning of the word “site” on page 28 of the DEIR which states “All parking would be required to be located below street grade. For sloping **sites** with a grade change of greater than 10 feet, no less than 60 percent of the parking would have to be below grade.” (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

This language was taken directly from the Draft Plan. According to Planning Department staff, this language is intended to refer to specific development sites where the slope means that a part of the site that is below grade at higher elevation is above grade at lower elevation. Requiring that all parking be below grade on such a site could require more excavation than might be practical.

Loading

COMMENT

Page S-16, 4th paragraph: The proposal to eliminate off-street freight loading requirements violates Policy 40.1 of the Transportation Element of the General Plan, which states: “Provide off-street facilities for freight loading and service vehicles on the site of new buildings sufficient to meet the demands generated by the intended uses.” (*Jerry Robbins, San Francisco Department of Parking and Traffic; James D. Lowe, Transit Planner, San Francisco Municipal Railway*)

Page 132, bottom paragraph, loading: Has any analysis of loading demand been conducted that supports the proposal to abandon off-street freight loading requirements? While the text acknowledges that this would increase double-parking, it does not evaluate the combined impacts of increased double-parking and converting Spear, Main and Beale Street to one lane in each direction. With one lane of traffic in each direction, a single double-parked truck would stop traffic in that direction. Multiple double-parked trucks could stop traffic in both directions. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

Curbside loading combined with conversion of existing one-way streets to two-way operation with narrow (11-foot) lanes could adversely affect Muni’s ability to provide efficient on-time service, particularly if loading zones are established on Main and Beale Streets, where transit service may operated in the future. The need to keep these streets functionally available for transit service has been

discussed repeatedly with the Planning Department. Congestion could become even worse if double-parking becomes prevalent. *James D. Lowe, Transit Planner, San Francisco Municipal Railway*

RESPONSE

The Draft Plan proposes to retire off-street loading requirements as part of an effort to minimize curb cuts and avoid garage/loading frontages dominating the ground floor of buildings. However, as noted on p. 132 of the DEIR, “To the extent that loading demand is not accommodated on-site, double-parking, illegal use of sidewalks and other public space is likely to occur with associated disruptions and impacts to traffic and transit operations as well as to bicyclists and pedestrians.” To clarify additional possible impacts, the following additional text is added immediately after the above sentence:

Lack of off-street loading bays or docks could also preclude easy access to trash and recycling from the street, potentially leading to trash and recycling containers being left on the sidewalk for some period of time, as occurs in some higher-density neighborhoods.

Project-specific analysis of loading demand would continue to be undertaken as specific projects are subsequently proposed; except for buildings of fewer than 100 residential units, the Draft Plan would not prohibit off-street loading, should it be found desirable or necessary. Also, as noted above, the Planning Commission and Board of Supervisors, in their consideration of the Draft Plan and the accompanying General Plan revisions and zoning changes, would have to determine the appropriate policies to effectively address sometimes conflicting priorities.

No specific analysis of loading demand has been performed for the Rincon Hill Plan area.

COMMENT

We would encourage the Rincon Hill Plan to adopt on-site loading standards similar to those incorporated into the Transbay Development Controls and Design Guidelines. *James D. Lowe, Transit Planner, San Francisco Municipal Railway*

RESPONSE

The comment is noted, and will be taken into account by the Planning Commission and Board of Supervisors in their consideration of the Draft Plan and the accompanying General Plan revisions and zoning changes. The suggested loading controls (which are included with the commenter’s letter in Attachment 1) would require off-street loading for all uses above a certain size, but at a rate that is somewhat less than that currently required by the Planning Code in the C-3 (Downtown) use districts. Under the Transbay controls, most residential towers proposed in Rincon Hill would require one off-street loading space.

Pedestrians/Bicycles

We have several major concerns with [the DEIR and the Transportation Study] regarding their failure to address the significant impacts of the Rincon Hill Plan's proposal to convert Main, Beale and Spear Streets to two-way streets and to narrow them to one eleven-foot travel lane in each direction in order to provide 32' foot-wide sidewalks. Significant impacts of narrowing these streets include:

- Narrowing the roadway to a point where bicycles and motor vehicles will not be able to comfortably share the road.

We have repeatedly made these comments to Planning Department staff both orally and in writing, and are very concerned that these impacts and issues are not addressed in the draft EIR or the Transportation Study. The proposals to narrow Main, Beale and Spear Streets and convert them to two-way operation should not proceed until these issues have been resolved. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

Page 133, last paragraph: The EIR does not address the impact of single eleven-foot wide traffic lanes on Spear, Main and Beale Street on bicycle circulation and safety. Bicycles cannot comfortably share eleven-foot wide lanes with motorized traffic. Bicyclists riding too close to parked vehicles run the risk of being "doored" when car doors are opened across the path of oncoming bicycles. While traffic on these streets may be slow moving during the congested PM peak period, traffic is likely to travel at or above the speed limit at other times, making it difficult for bicycles to share an 11-foot wide lane with motorized traffic. DPT insists that these streets have sufficient width to accommodate bicycles safely. (*Jerry Robbins, San Francisco Department of Parking and Traffic*)

RESPONSE

The Draft Plan anticipates that bicycle traffic and auto traffic would share the lanes on "living streets," and that bicyclists would help to "calm" traffic. It may be that lanes on these streets would have to be either *narrower* (perhaps 10 feet so cars are not tempted to pass bicycles) or wider (14 feet so cars and bicycles can safely share a lane, with passing included).

The San Francisco Bicycle Advisory Committee ("BAC," the citizens' advisory committee appointed by the Board of Supervisors) voted to support and endorse the Rincon Hill streetscape and traffic proposal at its January 19, 2005 meeting. The BAC unanimously endorsed the plan as is, with the "further request that special effort be made to incorporate a bike boulevard along the Beale Street corridor, anticipating re-opened bike/pedestrian access under the Bay Bridge."⁶ The Pedestrian Safety Advisory Committee ("PSAC," also citizens' advisory committee appointed by the Board) voted at its January 24, 2005 meeting to "endorse the Rincon Hill streetscape plan

⁶ As noted on DEIR p. 127, the analysis in the EIR assumes that the current closure of Beale Street remains in effect, as it results in less traffic capacity and is, therefore, conservative. Were Beale Street to be reopened, however, and if the Plan-proposed sidewalk widening had occurred, there would not be sufficient right-of-way on Beale Street for a separate bicycle lane or a wide shared auto-bicycle lane, meaning that there could potentially be auto-bicycle conflicts.

with the recommendation of the addition of an on-demand signalized pedestrian crossing at the alley and First Street, and the opportunity to review proposals for Harrison Street which are not complete. PSAC also recommends reducing residential parking maximums for Rincon Hill, and the entire downtown area, as much as possible because this will reduce traffic and improve pedestrian safety.”

As with other street changes proposed in the Draft Plan, such proposals would need to undergo detailed engineering design. As noted above (p. C&R-37), the street changes would be required to go through the City’s normal approval process, including review by the Department of Parking and Traffic, the Interagency Staff Committee on Traffic and Transportation, and the Board of Supervisors. However, no further CEQA review would be required for changes in sidewalk widths, conversion of one-way streets to two-way operation, and related changes, unless the proposals were to differ substantially from what is described in this EIR.

COMMENT

Page 133, Pedestrian and Bicycle Conditions: No mention is made of the City’s attempt to install a future bicycle path from the western span of the Bay Bridge to Rincon Hill. While not programmed or funded, this project should be mentioned in the EIR. (*Timothy C. Sable, Caltrans*)

RESPONSE

As noted by the commenter, the potential for bicycle/pedestrian pathway(s) to be added to the west span of the Bay Bridge is not funded. The pathways, which could also serve as maintenance routes for Caltrans bridge workers, were determined feasible in a 2001 study prepared for Caltrans and the Metropolitan Transportation Commission.⁷ Should the project move forward, it would be consistent with the draft Rincon Hill Plan’s proposed pedestrian improvements and proposals to improve non-automobile circulation.

POPULATION AND HOUSING

COMMENT

Meeting San Francisco housing needs by increasing the density and concentration of residential uses near San Francisco’s downtown business district is both socially and environmentally beneficial. However, the analysis in the DEIR suggests the proposed housing may not meet the needs either of current San Francisco working households or of future working households expected due to employment growth. The plan thus may be inconsistent with State, Regional, and local long range environmental planning goals which aim to limit transportation, air quality, and greenhouse gas impacts by reducing automobile use. The plan may also potentially disproportionately increase transportation burdens on moderate-

⁷ “San Francisco Oakland Bay Bridge West Span Bicycle/Pedestrian/Maintenance Pathway Feasibility Study—Project Fact Sheet,” May 2, 2001. Available on the internet at: <http://www.dot.ca.gov/dist4/sfobbike.pdf>. Accessed January 31, 2005.

income and low-income households whose members work in San Francisco. Additional analysis should be undertaken to evaluate: 1) the plan's impacts on jobs-housing balance (including quantity, size, and affordability of dwelling units and public infrastructure needs; 2) whether the Rincon Hill Plan will be consistent with two key assumptions used in regional planning—that low income households will have low automobile ownership and use and that the majority of San Francisco employees will reside in San Francisco; 3) housing needs generate by employment in the Plan area; 4) how housing production in Rincon Hill will meet the Regional Housing Needs Determination; 5) long-term impacts on vehicle-miles traveled; 6) the transportation needs of employees, by income; 7) revised analysis of public school demand based on “metropolitan area demographics and the 2000 US Census”; 8) the feasibility of reduced transportation demand by “unbundling” parking costs from residential units costs and by establishing maximum parking densities as a level less than citywide vehicle ownership rates; 9) the feasibility of planning actions to reduce housing costs; and 10) the feasibility of requiring inclusionary units to be built in the Plan area or nearby. (*Rajiv Bhatia, Director, Occupational & Environmental Health, San Francisco Department of Public Health*)

Jobs, housing linkage is not addressed adequately or properly mitigated. I think it was Chris Durazo that put it the best. Her comments were to me just focused in on that perfectly. We are not looking at jobs and housing linkage properly in this document and we haven't addressed them adequately and mitigated the issue of jobs and housing in the area. I think that, you know, it would be my druthers if we tossed this whole document out and start over again with a more realistic project description but perhaps in the comments to come back to us something could be stated that makes this a viable document.... (*Planning Commissioner Shelley Bradford Bell*)

The DEIR does not specify the method for determining how the proposed development will house the majority of current San Francisco residents. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

Will the housing provided under the Rincon Hill Plan meet the need for PRIMARY residences for San Franciscans? Does San Francisco need more high-end housing? (*Sue C. Hestor, Attorney at Law*)

So, it's our position that the Draft EIR is inaccurate and doesn't effectively address the long range impacts of maximum density on the socioeconomic well-being of the South of Market residents, workers and businesses as described by Calvin Welch over here. The Draft EIR is also incomplete in scope by not including the underserved portions on the South of Market neighborhood which carry the burden of infrastructure ... such as increased traffic and the escalating jobs and housing and balance. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

The Draft EIR, it states that almost all these jobs with the exception of the last one, the top executive if there's two of them will not be able to afford what I feel was not even an accurate amount for the condominiums that are being proposed ... in the pipeline, I guess. So, this is a really huge concern. I just feel as if the job housing linkage has already been brought in but there's no mitigation around this issue

and those impacts, of course, will be put on to the rest of the City departments to absorb. Right here, there is also – this also came from their – this is from HUD income limits and it shows that the hundred percent AMI is 79,800, and this is something that will not be even. You know, even the affordable units that they are promised off site will not even address this need. So, you are talking about bridging this gap that's not even in the radar of this super high density proposal and this is something that if you can include both of these documents in your research, that would be really – I think it would be more responsive. I think, also, the housing element that was approved talks about the impact the South of Market has taken on in terms of producing the most housing generation, yet, having like this increase – this massive increase in market rates. I just did a search right now and the going rates at this waterfront area, not even at the waterfront, that is proposed are like a million and-a-half per condo and, you know, these are things that -- these are the environmental impacts that this should be researching on, how to mitigate. *(Chris Durazo, South of Market Community Action Network, public hearing comments)*

I would ask you, Commissioners, to reconsider what you're thinking about for the SOMA neighborhood, including the Rincon area in that your plan provides for no low income housing, affordable housing for the people of this City. Basically, your plan calls for housing for those making \$100,000.00 or more a year, and that's unacceptable to the people of SOMA. *(Ken Werner, Trinity Plaza Tenants Association, public hearing comments)*

Rincon Hill is now again returning to its roots of exclusivity, of class and racial segregation; building small middle dollar seascapes in the sky but for whom will these towers toll?. The project doesn't remove, of course, affordable housing from the market but it does push up low levels of affordability off-site but what I think truthfully is out of site. Don't reward the past but fight for the City's affordable future. *(Richard Marquez, Mission Agenda, public hearing comments)*

But forcing us out of what meager housing accommodations we do have is no way to go about it. ... This glaring disparity has got to stop with this fantasy dream founded by the rich at the expense of the poor. *(Ellis McDonald, Mission Agenda, public hearing comments)*

We are a banned community and is in desperate need of affordable housing for seniors. The staff is excited about community redevelopment in the South of Market area but we are concerned about the pricing and motivation of these units that are going to going to be going out to Rincon Hill. Most of the Rincon Hill plan designates these units as second homes or homes for empty nesters. San Francisco has a desperate need for housing for average San Franciscans, particularly, seniors. The City needs housing that local residents can actually hope to own in the City centers and not in obscure and undesignated off-site areas. As it stands, the Rincon Hill plan does not address the needs of the community. SAHC would like to see a revision in the Rincon Hill plan to include more on-site affordable housing for San Franciscans who need it: Families with children, local workers and seniors. *(Julia Demarilo, Senior Action Network & Senior Action Housing Committee, public hearing comments)*

[P]eople that live in SOMA have to work in SOMA and most of the South of Market residents could not make -- could only make forty thousand dollars or under a year and the EIR is explaining that you have to have over a hundred thousand dollars just to have a studio. ... The EIR did not solve this problem ... in the South of Market. For what I see, this project is just wiping the residents out; wiping the residents out of the South of Market and placing people who are not familiar with San Francisco, an existing community of the South of Market. (*Charles Stewart, SOMA resident, South of Market Community Action Network volunteer, public hearing comments*)

I do community organizing mainly with tenants in SOMA. I talk with -- everyday I talk with the tenants and they would share their stories of how they love living here in South of Market and they don't want to move since everything they need is around here and their community is here but they don't like it when new building are built that isn't affordable or is so high that it blocks the sunlight into their windows. They're community sensitive. What I mean about community sensitive is when original tenants are moved or displaced. I walk the 7th Street everyday and most of the new housing built here are empty. They're empty because they're not affordable to the people that live here. They're not affordable to the people that work here. So, how will Rincon Hill plan help the housing crisis here in South of Market or in San Francisco? How can the Rincon Hill plan ensure existing tenants will not be displaced? How can this plan also serve the needs of the existing tenants? It is by rewriting the EIR for this plan. We need an EIR which will mitigate the negative impacts the zoning changes will cause to SOMA and I ask that the Commission will rewrite the EIR and it will be redone in a way that respects the existing community needs here in South of Market. (*Angelica Cabande, South of Market Community Action Network volunteer, public hearing comments*)

The population section does not address the potential for displacement of current residents and businesses due to the increased cost of housing at Rincon Hill. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

RESPONSE

A number of comments deal with the anticipated cost of the housing units that would be constructed in Rincon Hill and the relative affordability of those units. There is no question that housing costs in San Francisco are among the highest in the United States; indeed, the DEIR acknowledges that approximately 12 percent of San Francisco households can afford to purchase housing in San Francisco, that listing prices for basic market-rate units in the Rincon Hill area have averaged around \$625,000 (11 percent above the citywide median), and that only one of the 15 job classifications reported by the state Employment Development Department to be the fastest growing categories of employment in San Francisco in the next several years ("general

managers and top executives”) offers a wage or salary sufficient for two persons earning that amount to afford a one-bedroom unit.⁸

The Department of Public Health (DPH), in its comments, refers to a number of publications by state and regional agencies that seek to enhance the state’s policy framework for encouraging “jobs-housing balance,” or the construction of more housing in communities that are job-rich, along with bringing more jobs to so-called bedroom communities. As noted in a report cited by DPH, “A geographic balance between housing and jobs in a region confers many benefits, including reduced driving and congestion, fewer air emissions, lower costs to businesses and commuters, lower public expenditures on facilities and services, greater family stability, and higher quality of life.”⁹ Likewise, a 1997 report from the state Air Resources Board found that land use planning strategies that reduce vehicle travel—such as enhancing central business districts, clustering activity centers, promoting infill and mixed-use development, interconnected streets, traffic calming, so-called “traditional” neighborhoods, and transit-oriented development could lead to reduced pollutant emissions as well as lower public infrastructure costs and provide other economic and social benefits.¹⁰

The state’s General Plan Guidelines have the following to say regarding jobs-housing balance:

One issue that cuts across several elements of the general plan is jobs/housing balance. Jobs/housing balance compares the available housing and available jobs within a community, a city or other geographically defined subregion. Relying on the automobile as our primary means of transportation has encouraged patterns of development and employment that are often inefficient. Suburbanites routinely commute 25 miles or more from their homes to their places of employment. Public transit is impractical for most people because jobs are dispersed throughout employment regions and housing density is too low. With residential and commercial land uses often separated by long distances, people must make multiple car trips to perform routine errands, such as grocery shopping, going to the bank, eating out, going to the dentist, etc.

Jobs/housing balance is based on the premise that commuting, the overall number of vehicle trips, and the resultant vehicle miles traveled can be reduced when sufficient jobs are available locally to balance the employment demands of the community and when commercial services are convenient to residential areas. Planning for a jobs/housing balance requires in-depth analyses of employment

⁸ A review of the San Francisco Association of Realtors on-line (<http://www.sfarmls.com/scripts/mgrqispi.dll>) multiple listing service on February 3, 2005, revealed 26 condominiums for sale in the 94105 zip code, which includes Rincon Hill, at prices ranging from \$350,000 (for a one-bedroom, fifth-floor unit of less than 500 sq. ft.) to more than \$1.5 million dollars (for a two-bedroom, two-bath, upper-story unit more than three times as large). Based on the income criteria reported in the DEIR, a prospective homebuyer would need an income of about \$95,000 to reasonably afford the least expensive unit available in Rincon Hill.

⁹ Association of Southern California Governments, “The New Economy and Jobs/Housing Balance in Southern California,” April 2001; p. 7. Available on the internet at: <http://www.scag.ca.gov/Housing/balance.html>. Accessed February 3, 2005.

¹⁰ California Air Resources Board, “The Land Use-Air Quality Linkage: How Land Use and Transportation Affect Air Quality,” 1997 Edition. Available on the internet at: <http://www.arb.ca.gov/ch/programs/link97.pdf>. Accessed February 3, 2005.

potential (existing and projected), housing demand (by income level and housing type), new housing production, and the relationship between employment opportunities and housing availability. Other factors, such as housing costs and transportation systems, must also be evaluated.

Improving the jobs/housing balance requires carefully planning for the location, intensity, and nature of jobs and housing in order to encourage a reduction in vehicle trips and miles traveled and a corresponding increase in the use of mass transit and alternative transportation methods, such as bicycles, carpools, and walking. Strategies include locating higher-density housing near employment centers, promoting infill development, promoting transit-oriented development, actively recruiting businesses that will utilize the local workforce, developing a robust telecommunications infrastructure, developing workforce skills consistent with evolving local economies, and providing affordable housing opportunities within the community. Jobs-housing provisions most directly affect the land use, circulation, and housing elements.

The question of a jobs/housing balance on the scale of a community should not be confused with the design of mixed-use, walkable neighborhoods. Planning for a jobs/housing balance alone could easily result in a city composed of single-use residential subdivisions on one side of town and single-use business parks and shopping centers on the other side of town. At the scale of the region, this might be preferable to a jobs/housing imbalance, but at the scale of the community and of the neighborhood it does not improve livability or reduce dependence on the automobile. While it is not likely that most employees of a local business will also live in the neighborhood, it is important that the planning of the neighborhood not preclude that possibility for those who would choose it.¹¹

The above and other documents are directed at attempts to resolve a real, and growing, concern in California with increasing numbers of commuters traveling increasing distances to work on a daily basis. Of course, it bears remembering that San Francisco is unlike most of California in its commuting patterns. Unlike Californians in general, the majority of San Franciscans do not drive to work alone. About 45 percent of City residents take transit, walk, or use other means such as bicycling, while another 10 percent carpool. (Statewide, more than 70 percent drive alone and only 10 percent use transit or other non-car means of travel.) In Rincon Hill, by contrast, about 40 percent of residents walk to work, an extremely high percentage that is clearly a result of the neighborhood's proximity to the downtown employment center, while 11 percent take transit (a third of the citywide percentage) and fewer than 40 percent drive. However, a slightly larger percentage of Rincon Hill residents (29 percent) work outside San Francisco than is the case citywide (23 percent), which likely reflects the neighborhood's proximity to the freeway and the high proportion of new, market-rate units with one parking space per unit.¹²

Based upon the behavior of existing Rincon Hill residents, it is reasonable to project that future neighborhood residents will, in traveling to work, drive less and walk more than not only other

¹¹ Governor's Office of Planning and Research, *State of California General Plan Guidelines*, pp. 21-22. Available on the internet at: http://www.opr.ca.gov/planning/PDFs/General_Plan_Guidelines_2003.pdf. Accessed February 3, 2005.

¹² Data from 2000 Census Summary File 3 for Tract 179.01, Block Groups 1 and 4: Tables P27 and P30.

San Franciscans, but will drive less and walk more than residents of most other neighborhoods in California. Therefore, by virtue of its nature as infill housing, and assuming neighborhood amenities such as a grocery store and other shops begin to appear as the residential density of the area increases in conjunction with housing anticipated under the Transbay Redevelopment Plan, it is virtually inconceivable, in terms of relative impact on transportation and air quality, that Rincon Hill could not be substantially less detrimental to the environment than nearly any other urban development scheme.

In terms of the related, but clearly separate question of affordability of Rincon Hill units, there is little question that the greatest shortfall in housing production in San Francisco is in units affordable to persons and families earning substantially below the areawide median income. The General Plan Housing Element shows that, during the 10-year period ending in 1998, the City fell well short of its state-mandated housing production goals, producing just 1,417 units per year, or 41 percent of the goal of 3,456 annual units. The discrepancy was substantially greater for units affordable to very-low- and low-income residents: in both cases, only 27 percent of the targeted number of units was produced.¹³

Clearly, even if the equivalent of 17 percent of new Rincon Hill units are affordable to very-low- and low-income residents, this production, in itself, will not meet the City's future need for affordable housing. However, to the extent that more affordable units are constructed, as a consequence of market-rate development in Rincon Hill, than would occur otherwise, the project clearly would provide for some progress in meeting the City's demand for affordable housing. This is particularly important in the context of current budgetary conditions in San Francisco, as well as in Sacramento and Washington, D.C., which do not appear to be conducive to direct governmental production or subsidy of affordable housing units. As a corollary, to the extent that affordable housing production can be even modestly increased secondary to the development of Plan area market-rate construction, the transportation and related air quality impacts that would otherwise ensue from workers' travel to and from more distant affordable housing would be alleviated. In this context, it is useful to recall the goals of the draft Rincon Hill Plan. As set forth on DEIR p. 3, these goals are:

- Encourage the development of a dynamic new mixed-use residential neighborhood in the Rincon Hill area.
- Encourage new housing production that meets a variety of housing needs, especially workforce housing, capitalizes upon Rincon Hill's premiere downtown location and rich transit service, and creates a residential environment with strong access to light, air, open space and neighborhood amenities.
- Develop a cohesive urban form for Rincon Hill that fits into the larger form of the downtown, the natural landform, and the waterfront and the Bay.

¹³ General Plan Housing Element, adopted May 13, 2004; Table I-65, p. 120.

- Create a variety of new open spaces to meet the needs of a new residential population.
- In accordance with Objectives 2 and 7 of the Transit-First Policy,¹⁴ carefully manage parking supply and pricing to encourage travel by foot, public transportation, and by bicycle.
- In accordance with Objectives 3 and 5 of the Transit-First Policy,¹⁵ create an attractive and human-scaled streetscape of the highest quality along Folsom Boulevard, and make extensive pedestrian improvements to other neighborhood streets such that they become suitable residential environments and integral components of the civic open space system.
- Ensure adequate sunlight and the least amount of wind and shadow on public streets and open spaces.
- Preserve and enhance public views to the Bay, and to the downtown.
- Preserve and enhance the character and scale of finely-grained residential areas within the Rincon Hill area.
- Ensure that new development creates an engaging physical transition between private development and the public realm, with special attention to the pedestrian ground-level experience.

Thus, while not minimizing the need for increased production of affordable housing in San Francisco, it must be recalled that the Draft Plan is not intended as a plan to build affordable housing; rather, it is a proposal for rezoning to permit private developers to build greater number market-rate units while simultaneously increasing the number of affordable units through an increase in the percentage of inclusionary units, compared to elsewhere in the City (12 percent of on-site units must be affordable to households with annual income at or below the area median, or the equivalent of 17 percent affordable units be constructed off-site, compare to 10 percent and 15 percent citywide when no Conditional Use authorization is required), as well as an additional requirement for development of a separate increment of units affordable to households with up to 120 percent of area median income. As the DEIR (p. 144) concludes, “Although the housing market virtually ensures that there would be a mismatch between housing prices in the Plan area and the purchasing ability of many San Francisco residents, *the proposed Rincon Hill Plan includes affordability components that are more rigorous than the existing citywide provisions in*

¹⁴ The City’s Transit-First Policy is contained in Section 16.102 of the City Charter. Principle 2 of the Transit-First Policy states, “Public transit, including taxis and vanpools, is an economically and environmentally sound alternative to transportation by individual automobiles. Within San Francisco, travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile.” Principle 7 states, “Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation.”

¹⁵ Principle 3 of the Transit-First Policy states, “Decisions regarding the use of limited public street and sidewalk space shall encourage the use of public rights of way by pedestrians, bicyclists, and public transit, and shall strive to reduce traffic and improve public health and safety.” Principle 5 states, “Pedestrian areas shall be enhanced wherever possible to improve the safety and comfort of pedestrians and to encourage travel by foot.”

an effort to make new housing in the Plan area as affordable as deemed reasonably feasible.”
(emphasis added)

Concerning the housing needs of future employees in the Plan area, as stated on DEIR p. 16, the Draft Plan foresees very little commercial development—approximately 65,000 square feet of retail space. Using the Planning Department’s standard factor of 350 square feet per employee, this equates to fewer than 200 employees. Some of these workers would already be San Francisco residents or residents of nearby communities; given retail pay scales, it is unlikely that a substantial number of new employees would be attracted to the City or the region by these jobs. Therefore, it is reasonable to conclude that the demand for new housing units by Plan area employees would be negligible.

Regarding parking, it is noted that the Draft Plan proposes no minimum parking requirement, and that the Planning Commission’s recent policy has been to require that the cost of parking be separated from the cost of a residential unit.

Concerning the location of inclusionary units, as noted under the heading “Plan Revisions” on p. C&R-5, Planning Department staff proposed during a presentation at the January 27, 2005, Planning Commission meeting that the inclusionary housing requirement in the Plan area be revised such that below-market-rate housing that must be built as a part of any new residential project in Rincon Hill be required to be built within the South of Market neighborhood (if not constructed on a Rincon Hill project site).

Regarding displacement, implementation of the Draft Rincon Hill Plan would not be anticipated to result in any loss of existing housing units. As stated on DEIR p. 141, “No existing housing units would be directly displaced by development pursuant to the Rincon Hill Plan. Furthermore, sites anticipated to be developed are occupied by non-residential uses.” Several commenters have expressed concern that development pursuant to the Plan could somehow trigger displacement outside of Rincon Hill. However, given that the plan that would result in a substantial increase in housing, compared to existing conditions, it appears unlikely that the Draft Plan could increase pressure on housing units or prices elsewhere.

Concerning the larger South of Market neighborhood, as noted above, the project would not result in loss of any housing units there. Furthermore, with Planning staff’s recent recommendation that inclusionary units under the Draft Plan be built in the South of Market, the neighborhood could see a meaningful increase in affordable housing.

COMMENT

High-rise condominiums are likely to generate very few students, as these units are not family-friendly; townhouse units are much more likely to house families. (*Sue C. Hestor, Attorney at Law*)

RESPONSE

The DEIR (pp. 138-139) provides estimates of student generation, ranging from 50 to 90 new students under the Plan options considered in the EIR. Note that the text on p. 138 incorrectly cited the figures for the numbers of households with children; accordingly, the third paragraph on p. 138 is revised as follows (new language double underlined; deleted language in ~~strickthrough~~):

Based on the existing number of residents under the age of 18 in Census Tract 179.01, which includes the Plan area, the estimated number of new school-age children in the Plan area would range from about 45 50 students under the Existing Controls Option to about 75 90 students under the 82.5-foot Option.

The same change is made to p. S-17, in Chapter II, Summary.

(For the Extended Pipeline Alternative, the number of new students would be about 105.)

The number of students projected in the EIR is based on 2000 Census data for Rincon Hill, with a student generation rate of 0.03 students per household, which is about half the 0.06 students (K – 8 plus 9 – 12) per high-rise condominium unit cited by the commenter. As noted in the DEIR, the more established South Beach neighborhood to the south has twice as many households with children as does Rincon Hill. Regardless, the conclusion of the DEIR, that student generation would be relatively minimal and would not adversely affect the San Francisco Unified School District, remains valid, given the district's steady decline in enrollment.¹⁶ Note that this does not address the policy question of whether development of units that are not expected to house many families with children is beneficial; that is a question outside the purview of CEQA.

COMMENT

The DEIR does not provide sufficient analysis of the impact of removing the in-district inclusionary affordable housing requirement outlined in the original Rincon Hill Plan proposal. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

I'm asking you to reconsider this proposal because the Rincon Hill does not give us on-site housing and is unfair to the residents of SOMA. As to the changes, the demographic changes in the neighborhood, it's changing the landscape of the neighborhood for our low income residents and pushing us farther out. We would request that on-site housing we'd be – instead of the off-site because with off-site, that housing can be built anywhere in the City and the residents of SOMA would not qualify for that housing because it is not in the community. It's outside of the community. (*James Collins, SOMA resident, public hearing comments*)

¹⁶ Superintendent Arlene Ackerman recently stated that the district may be forced to close some schools due to decreasing enrollment. (Bonnie Eslinger, "City schools face closure," San Francisco Examiner, January 27, 2005; p. 5)

Of particular concern is the recent supplement to the Rincon Hill plan which directs the off-site housing to not be included in the district. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

Finally, and perhaps most significantly, the Draft Environmental Impact Report analyzing as it does the September supplemental to the Rincon plan fails to adequately point out how the September supplements to the Rincon plan functions as a governmental constraint on additional affordable housing being built in San Francisco, ensuring that the project will bear its reasonable share of both the San Francisco affordable housing need and the regional affordable housing need. The specific reason for this is supplemental, the September supplemental's insistence that the off-site affordable housing not be built within the project area which is a policy for the first time in my memory that this Department is contemplating applying to an area prohibiting additional affordable housing. (*Calvin Welch, Council of Community Housing Organizations*)

RESPONSE

As noted under the heading "Plan Revisions" on p. C&R-5, Planning Department staff proposed during a presentation at the January 27, 2005, Planning Commission meeting that the inclusionary housing requirement in the Plan area be revised such that below-market-rate housing that must be built as a part of any new residential project in Rincon Hill be required to be built within the South of Market neighborhood (if not constructed on a Rincon Hill project site).

Regarding the comments that the Draft Plan would prohibit inclusionary housing units from being built within Rincon Hill, this comment is incorrect. The Planning Department's September 2004 "Supplement to the Draft Rincon Hill Plan" recommended elimination of the original proposal in the November 2003 version of the Draft Plan that would have required the inclusionary housing units to be constructed within the Plan area. However, no recommendation was made to prohibit such units from Rincon Hill.

COMMENT

I don't see anything about schools, groceries. I mean, what vision do we have for this neighborhood? And who can afford them? (*Planning Commissioner Christina Olague*)

I think the document should really talk about the kind of community that we want to see built in Rincon Hill that will address housing needs and the need for folks who live in the City. (*Planning Commissioner Sue Lee*)

The DEIR does not specify how this plan will address the need for family housing and family-friendly neighborhood amenities. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

RESPONSE

The DEIR describes the Draft Plan's proposals for improvements to the public realm, including a planned open space at Fremont and Harrison Street, widened sidewalks, and mid-block open spaces, beginning on p. 29. Regarding groceries and other retail needs, the DEIR, on p. 16, notes that a grocery store is planned as part of one of the two large residential projects approved on Folsom Street in early 2004. The DEIR also states (p. 31) that Folsom Street is planned to be "[I]ined with neighborhood-serving retail, restaurants, and services, [and] is intended to be the commercial heart of the Transbay and Rincon Hill neighborhoods, and the civic and transportation spine linking the neighborhood to the rest of the South of Market and the waterfront." Much of the retail is anticipated to be provided on the north side of Folsom Street, in an area that will be subject to the Transbay Redevelopment Plan. The draft Plan proposes that 40 percent of new units have two or more bedrooms, as stated on DEIR p. 25, which would result in housing that could accommodate families. Concerning schools, the DEIR (p. 138) states that the Plan could lead to a limited number of school-age children (75 or fewer), that enrollment in the San Francisco Unified School District has been decreasing steadily over the past ten years, and that mitigation for school impacts is considered to be accomplished by school development fees collected pursuant to SB 50. Therefore, no significant impact is identified. The Draft Plan does not propose new schools in the Plan area.

COMMENT

The DEIR does not analyze the housing projected for Rincon Hill relative to the needs and policies of the city's adopted Housing Element. (*April Veneracion, M.C.P., Organization Director, South of Market Community Action Network*)

Most importantly, the definition, the narrow definition of the setting of the plan tends to ignore the impact of dismissing the recently approved draft housing element to the master plan of San Francisco, specifically, in reference to the affordable housing needs of seniors and families in the surrounding South of Market neighborhood. (*Calvin Welch, Council of Community Housing Organizations*)

RESPONSE

Housing element policies are included in the DEIR's discussion of General Plan policies, as footnotes on p. 54. At the time the DEIR was published, the state Department of Housing and Community Development had not yet certified the Housing Element, which was approved by the Planning Commission in May 2004. State certification occurred in November 2004, and the Housing Element at that time officially replaced the prior Residence Element; the policy language remains unchanged from that presented in the DEIR.

COMMENT

The report does not support the claim that the new plan will increase housing supply. No studies have been done to determine if the new buildings will actually provide much-needed housing supply or if they will serve as second and third homes for the wealthy. (*Patrick M. Malone*)

RESPONSE

As noted in the DEIR (p. 135), some existing Rincon Hill residential units are second homes. It is not possible to know in advance of project approval who future buyers will be.

AIR QUALITY**COMMENT**

Rincon Hill's proximity to the Bay Bridge approach, a source of air pollution from motor vehicles, was not adequately addressed in the Air Quality section of the DEIR. In particular, the EIR should address the potential exposure of residential units to criteria air pollutants and toxic air contaminants (such as diesel particulate matter from diesel vehicles on the Bay Bridge). (*Jack Broadbent, Bay Area Air Quality Management District*)

RESPONSE

As stated in the Draft EIR, federal air quality standards have been established for six criteria air pollutants¹⁷—ozone, carbon monoxide, particulate matter (both less than 10 microns in diameter, known as PM-10, and less than 2.5 microns in diameter, known as PM-2.5), lead, nitrogen dioxide, and sulfur dioxide.¹⁸ California has its own, often stricter, standards for these pollutants. Of the criteria pollutants, ozone is considered a regional air pollutant, in that it is not emitted directly into the atmosphere, but is produced through photochemical reactions involving reactive organic gases and nitrogen oxides; these two compounds, which are emitted by motor vehicles and other sources, are known as ozone precursors. Because sunlight is necessary for substantial ozone production, ozone concentrations tend to be higher in the late spring, summer, and fall. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections.

Because ozone is a regional pollutant that is formed under specified conditions, in general, the highest ozone concentrations in the Bay Area tend to occur in East Bay and South Bay valleys. Therefore, it is not anticipated that project traffic, including traffic on the Bay Bridge, would result in adverse localized impacts with regard to ozone.

¹⁷ These pollutants are called "criteria air pollutants" as they are more pervasive in the environment and standards have been established for each of them to meet specific health and/or environmental criteria.

¹⁸ The standards for nitrogen dioxide, sulfur dioxide, and lead are being met in the Bay Area, and the latest pollutant trends suggest that these standards will not be exceeded in the foreseeable future.

Carbon monoxide, in contrast to ozone, is a non-reactive pollutant that is a product of incomplete combustion; elevated concentrations tend to develop locally in areas of heavy vehicle traffic, particularly during winter periods of stable atmospheric conditions. When inhaled at high concentrations, carbon monoxide combines with hemoglobin in the blood and reduces the oxygen-carrying capacity of the blood. This results in reduced oxygen reaching the brain, heart, and other body tissues. This condition is especially critical for people with cardiovascular diseases, chronic lung disease or anemia.

Because of its tendency towards higher localized concentrations, or “hot spots,” carbon monoxide concentrations were modeled and the results presented in Table 11 of the DEIR, p. 158. The modeling was conducted at intersections with the greatest traffic volumes. In particular, as noted on DEIR p. 157, development in the Plan area “would not only add more vehicles on the road but the increased congestion would cause existing non-project traffic to travel at slower, more polluting speeds.” Nevertheless, the DEIR found (p. 157) that:

Worst-case carbon monoxide concentrations at these intersections would be well below the state and federal ambient air quality standards. Background carbon monoxide levels are projected to be significantly lower in 2020 due to improvements in the automobile fleet, attrition of older, high-polluting vehicles, and improved fuel mixtures. Despite the addition of project and cumulative traffic, carbon monoxide concentrations at the intersections would decrease from existing (2002) to existing plus project conditions (2020).

The concentrations presented in Table 11 are given, as is customary, for receptors 25 feet from the edge of the roadway (as stated in Note *a* to that table); this distance represents where someone might be in the nearest building (although indoor air typically has lower concentrations of traffic pollutants). Based on the BAAQMD methodology used in the computations, concentrations would be about 25 percent lower at 50 feet from the roadway edge.

Although traffic volumes on the Bay Bridge would be greater than those at individual intersections, the greater distance between the bridge and most of the Plan area, along with the elevation of the roadway, would increase the dispersion of carbon monoxide levels and decrease the potential for bridge traffic to result in higher concentrations that could affect human receptors. Receptors closest to the Bay Bridge, such as the proposed project at 425 First Street, would experience greater concentrations of carbon monoxide from bridge traffic, but lesser concentrations from other, more distant streets, and even at 25 feet from the Bay Bridge, carbon monoxide concentrations currently are, and would continue to be, below applicable state and federal thresholds.¹⁹ With the anticipated effect of ongoing state and federal vehicle emissions

¹⁹ Based on BAAQMD CO analysis methodology and peak-hour two-way bridge volume of 18,000 vehicles, from Caltrans: “Annual Average Daily Traffic (AADT) for all vehicles on California State Hwys.,” 2003. Viewed April 6, 2005, on the internet at: <http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2003all.htm>.

reductions programs, which are expected to result in a continuing decline in carbon monoxide emissions, it is not anticipated that local concentrations of carbon monoxide from Bay Bridge traffic would adversely affect nearby residential receptors or other sensitive receptors such as park users.

Some sources of particulate matter, such as demolition and construction activities, are more local in nature, while others, such as vehicular traffic, have a more regional effect. Both PM-10 and PM-2.5 consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively. (A micron is one-millionth of a meter, or less than one-25,000th of an inch. For comparison, human hair is 50 or more microns in diameter.) PM-10 and PM-2.5 represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Very small particles of certain substances (e.g., sulfates and nitrates) can cause lung damage directly, or can contain adsorbed gases (e.g., chlorides or ammonium) that may be injurious to health.

The U.S. EPA has conducted an extensive evaluation of the cancer and non-cancer health effects of diesel exhaust and issued final rules on January 18, 2001, to tighten emission standards for diesel heavy-duty truck engines. The new EPA standards, to be fully implemented in 2007, will require both cleaner-running heavy-duty diesel engines in trucks and buses and production of low-sulfur diesel fuel that will be compatible with the new engines. The new regulations will reduce not only particulate emissions from heavy-duty vehicles but also emissions of nitrogen oxides, carbon monoxide, and the ozone precursors nitrogen dioxide and reactive organic gases. EPA estimates that each new truck and bus built according to the new standards will be 90 percent cleaner than current models.²⁰

In 1998, California Air Resources Board (ARB) identified diesel particulate matter as a toxic air contaminant based on research indicating that long-term exposure to diesel particulate can increase the risk of a person developing cancer. ARB estimates that 70 percent of the known statewide cancer risk from toxic air contaminants (also known as “air toxics”) in outdoor air is attributable to diesel particulate.²¹

Because the vast majority of diesel exhaust particles are very small by weight (approximately 94 percent of their combined mass consists of particles less than 2.5 micrometers in diameter), both the particles and their coating of air toxics can be inhaled into the lungs. Diesel particulate cannot be directly monitored by measuring ambient air quality. However, estimates of cancer risk resulting from diesel particulate exposure can be based on concentration estimates made

²⁰ U.S. EPA, Office of Transportation and Air Quality, “Heavy-Duty Engine and Vehicle Standards and Highway Diesel Fuel Sulfur Control Requirements,” Regulatory Announcement EPA420-F-00-057, December 2000. Viewed on the internet at: <http://www.epa.gov/otaq/regs/hd2007/fm/f00057.pdf>, January 28, 2004.

²¹ CARB, The California Almanac of Emissions and Air Quality, 2005 Edition, p. 221. Available on the internet at: <http://www.arb.ca.gov/aqd/almanac/almanac05/almanac2005all.pdf>. Viewed January 25, 2005.

using indirect methods (e.g., derivation from ambient measurements of a surrogate compound). ARB estimates that, in the San Francisco Bay Area, the lifetime cancer risk due to exposure to air toxics (i.e., the number of additional cases of cancer above the number of cases resulting from other causes) was approximately 630 per million people in 2003; of this total, 480 in one million cases were attributable to diesel particulate.²² For comparison, the cancer risk from diesel particulate is estimated at 720 in one million in the South Coast Air Basin,²³ which covers much of the Los Angeles area, while statewide, ARB places the diesel particulate risk at 540 in one million.²⁴ The health risk due to diesel particulate declined substantially (40 percent statewide; 36 percent in the Bay Area) between 1990 and 2000, and ARB projects further declines in the future due to cleaner vehicles and low-sulfur diesel fuel. With implementation of ARB's Diesel Risk Reduction Plan,²⁵ the board estimates the cancer risk from diesel particulate will drop statewide by approximately 85 percent from 2000 to 2020.

Regarding potential exposure of Plan area residents to diesel particulate emanating from heavy-duty trucks and buses on the Bay Bridge, ARB's Proposed *Air Quality and Land Use Handbook*²⁶ notes that community monitoring of pollutants by ARB shows that localized elevated air pollutant levels "were usually associated with local ground-level sources of toxic pollutants," most commonly associated with "busy streets and freeways." According to ARB, "The impact these ground-level sources had on local air quality decreased rapidly with distance from the source. Pollutant levels usually returned to urban background levels within a few hundred meters of the source."²⁷ Furthermore, "California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet."²⁸ With the exception of the proposed project at 425 First Street (One Rincon Hill) and a potential project, not currently proposed, on the south side of Harrison Street near First Street, the Draft Plan does not anticipate new residential development closer than about 450 feet from the Bay Bridge. Therefore, for the most part, development under the Draft Plan would not be close enough to the bridge to result in substantially elevated pollutant levels.

²² CARB, *The California Almanac of Emissions and Air Quality*, 2005 Edition (see footnote 21), p. 237. The diesel particulate risk is estimated as of 200; for other air toxics, the risk is estimated as of 2003. These risk estimates are for exposure to ambient air, based on annual average concentrations of air toxics and weighted by population, over an estimated 70-year lifetime. The risk is likely to differ from location to location within the Bay Area.

²³ CARB, *The California Almanac of Emissions and Air Quality*, 2005 Edition (see footnote 21), p. 228.

²⁴ These calculated average cancer risk values from ambient air exposure in the Bay Area can be compared against the lifetime probability of being diagnosed with cancer in the United States, from all causes, which is greater 40 percent, or greater than 400,000 in one million (National Cancer Institute, "Surveillance, Epidemiology, and End Results (SEER) Cancer Statistics Review, 1975-2001, Table I-15: Lifetime Risk (Percent) of Being Diagnosed with Cancer by Site, Race and Sex, 12 SEER Areas, 1999-2001." Available on the internet at: http://seer.cancer.gov/csr/1975_2001/results_single/sect_01_table.15.pdf. Accessed April 20, 2004.

²⁵ ARB, *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles*, October 2002; available on the internet at: <http://www.arb.ca.gov/diesel/documents/trpFinal.pdf>. Accessed January 20, 2005.

²⁶ ARB, *Proposed Air Quality and Land Use Handbook: A Community Health Perspective* (March 2005), available on the internet at: <http://www.arb.ca.gov/ch/aqhandbook.htm>. Accessed January 20, 2005.

²⁷ ARB, *Proposed Air Quality and Land Use Handbook* (see footnote 26), Appendix C, p. C-3.

²⁸ ARB, *Proposed Air Quality and Land Use Handbook* (see footnote 26), p. 6.

(Furthermore, as discussed above, the potential for adverse effects from exposure to carbon monoxide (at any location) is low because of declining emissions of this pollutant.)

Based on studies that show health risk from traffic generated pollutants evident within 1,000 feet of major roadways (particularly for downwind receptors), and that exposure to traffic-generated pollutants is “greatly reduced at approximately 300 feet,” ARB’s Proposed *Air Quality and Land Use Handbook* recommends that local agencies “avoid siting new sensitive land uses²⁹ within 500 feet of a freeway [or] urban roads with more than 100,000 vehicles/day....”³⁰ However, the *Handbook* acknowledges that “Land use agencies have to balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.”³¹

To evaluate the potential for adverse health consequences from exposure to diesel particulate, screening-level modeling was performed for the proposed residential development in the Plan area closest to the Bay Bridge. The daily two-way traffic volume on the Bay Bridge is approximately 284,000 vehicles, although the heavy-duty truck volume, as a percentage of total volume, is relatively low, at approximately 2.5 percent, or some 7,100 trucks.³² The modeling estimated that the incremental lifetime cancer risk from diesel particulate matter emissions from trucks on the roadway, at a location 20 meters (65 feet; approximately the location of the nearest tower of the One Rincon Hill project) from the centerline of the roadway, with typical atmospheric stability, would be approximately 27 in one million, calculated at 2006 emissions rates (the earliest potential year of project construction).³³ However, this number overstates the actual lifetime (70-year) risk, which will continue to decline because of the anticipated decline in diesel particulate health risk due to new regulations and those that will take effect over the next several years. The same calculation based on 2020 emissions rates reveals a lifetime incremental cancer risk of approximately 9 in one million. Thus, the 27 in one million lifetime cancer risk will never come about, because it is a theoretical construct based on 70 years’ exposure to current diesel particulate concentrations, which, as noted, cannot occur with ever-declining concentrations. Furthermore, the above results represent a hypothetical individual exposed to ambient air at an outdoor location over the 70-year period, which inherently overstates the potential effect, given that indoor air quality (while it may have its own pollutants deriving from

²⁹ The *Handbook* describes “sensitive land uses” as including residences, schools, day care centers, playgrounds, and medical facilities, as these uses are locations where “sensitive individuals” [“those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality)”] are most likely to spend time. ARB, Proposed *Air Quality and Land Use Handbook* (see footnote 26), p. 2.

³⁰ ARB, Proposed *Air Quality and Land Use Handbook* (see footnote 26), Table 1-1, p. 4.

³¹ ARB, Proposed *Air Quality and Land Use Handbook* (see footnote 26), footnote to Table 1-1, p. 4.

³² Caltrans, 2003 Annual Average Daily Truck Traffic on the California State Highway System, November 2004.

³³ Modeling undertaken with U.S. EPA model SCREEN3. Diesel particulate emissions were calculated, using EMFAC2002. Existing truck counts were assumed for all three scenarios. These emissions were used in the EPA model SCREEN3 to calculate worst-case downwind DPM concentrations. The maximum one hour concentrations reported by the model were converted to annual average concentrations by applying the ARB default factor of 0.1 to the one hour concentrations. Modeling scenario assumes “D” Stability conditions with winds of 2 meters per second (4.5 mph).

building materials) typically has lower levels of particulates due to the filtration effects of heating and ventilation systems.³⁴ In addition, if a person were exposed to the same pollutants concentration for a shorter duration, the probability of contracting cancer would be reduced accordingly. Additionally, the screening model is inherently conservative in that it does not take into account site-specific topography or wind conditions. The fact that Rincon Hill, like much of San Francisco, is relatively windy—and especially that prevailing winds tend to be from the west and northwest and thus serve to drive pollutants from the Bay Bridge away from the closest residential developments along Harrison Street and towards the Bay—means that the modeling results are likely higher than the actual risk. Finally, pollutants emitted from a source elevated as high as the Bay Bridge would be subject to additional dispersion (both below and above the bridge) that would not affect ground-level emissions, which would further reduce pollutant concentrations in proximity to the bridge.³⁵ It should also be noted that it is not possible to know what the background level of diesel particulate matter would be. As noted, ARB estimates the background diesel risk for the entire Bay Area to be 480 in a million. The Rincon Hill area is generally upwind of most of the sources that contribute to background. Therefore one would expect background levels to be less than the reported Bay Area average.

Based on the above, residential development within the Plan area would not be likely to result in a significant adverse health impact to Plan area residents, and therefore no significant effect would result.

COMMENT

The DEIR should assess the impact that existing environmental conditions (air, noise, soil) of the proposed major open space will have on potential users. The existing environmental quality of a parcel of land should impact how that land is developed in the future, this issue should be discussed. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

The preceding response is applicable to other land uses, such as the proposed open space at Fremont and Harrison Streets, in regard to potential exposure of park users to adverse air quality. It is noted that park users would be subject to much shorter periods of exposure to outdoor ambient air at the park than would residential occupants at any particular building.

³⁴ ARB, in its *Risk Reduction Plan* (see footnote 25), indoor cancer risk from diesel particulate as being about one-third less than the risk from outdoor ambient air (*Risk Reduction Plan*, p. 15). Therefore indoor concentration would be much less than calculated outdoor concentrations.

³⁵ Michael Nikolaou, Jesse L. Buffington, Angel Herrera, Jr., and Hwang Inkeuk, *Traffic Air Pollution Effects of Elevated, Depressed, and At-Grade Level Freeways in Texas*, Texas Transportation Institute (Texas A & M University), Research Report 1327-4, May 1997. Available on the internet at: <http://www.chee.uh.edu/faculty/nikolaou/TTIFinalReport.pdf>. Reviewed January 25, 2005.

Regarding potential site contamination, the DEIR describes, on pp. 182-183 and in Mitigation Measures H.1 and H.2, p. 237, the types of analyses and, if warranted, soil and groundwater sampling and remediation, that would be required prior to any site development. Development of public open space on the Fremont-Harrison Streets parcel would also be subject to these measures, which would ensure that any potential effects due to site contamination are reduced to a level of less than significance.

Please see also the response to comments from the San Francisco Department of Public Health; the response begins on p. C&R-50.

COMMENT

The cumulative effects of long-term construction have not been properly analyzed by the DEIR. (*Patrick M. Malone*)

RESPONSE

As stated on DEIR p. 134, construction could result in street and sidewalk closures, changes in bus stops, and traffic disruption due construction trucks. While these effects would be temporary for any particular project, persons living near projects simultaneous construction at multiple sites could experience disruptions lasting for two or three years. Although not considered significant, these effects can be substantially reduced through coordination, which is set forth under the City's ongoing review of construction projects as Improvement Measure C.2 on DEIR p. 224. Similarly, air quality (DEIR p. 153) and noise (DEIR Appendix A, p. 23) impacts from construction could be longer-lasting for persons with such exposure. It is noted, however, that construction impacts are variable, occur generally only during daytime hours, and, even over the course of several days, are not constant. Based on the guidance of the agency with expertise in the field, the Bay Area Air Quality Management District, construction effects related to air quality are generally considered to be mitigated with enforcement of the measures identified in Mitigation Measure E.1 on DEIR pp. 224-225. A mitigation measure for construction noise is identified on DEIR p. 222.

COMMENT

Pollution from increased traffic will increase significantly which, over time, will jeopardize health of the residents surrounding these traffic-clogged intersections. Muni transit lines won't be expanded to the area until 2020 – most immediate mass transit alternatives need to be developed and implemented. (*Barbara L. Jue*)

RESPONSE

As noted on DEIR pp. 157-158, localized pollution, in the form of carbon monoxide emissions, is projected to decline over time, even with increased traffic volumes, due to continuing reductions

in vehicle emissions. (Please see also the response above to comments from the Bay Area Air Quality Management District, beginning on p. C&R-58.)

SHADOW

COMMENT

The DEIR does not address the detrimental socio-economic and environmental effects of the Rincon Hill Plan on the surrounding neighborhoods, particularly the Guy-Lansing neighborhood. The proposed 400-foot building on the Guy-Lansing loop and the building proposed on the site of the Bank of America Clock Tower will detrimentally effect light, traffic, wind and population density. The 400-foot building limits access to light and air of the buildings around it. (*Patrick M. Malone*)

The buildings will shadow open spaces that are used at de facto parkland, such as the strip where Guy and Lansing join. (*Patrick M. Malone*)

Proposed towers at the hilltop will cast shadows over the proposed parks and open spaces. (*Barbara L. Jue*)

RESPONSE

The shadow analyses performed for the DEIR in Section III.F (pp. 160-174 and in Figures 52-60) identify the effect of shading at a “program level” of detail, sufficient for review of a planning document. These analyses include the effects of the 400-foot building proposed at 45 Lansing Street, as well as those of other proposed and potential buildings in the Plan area. It is noted that additional project-level shadow and wind analyses would be performed for each proposed high-rise building within the Rincon Hill Plan area.

As stated on DEIR p. 173, “when shadows from anticipated new towers [are] long enough to reach the “living streets,” shadows from existing buildings that are shorter but also closer to Main, Beale, and Spear Streets would already be encroaching upon those three streets (see, for example, Figures 54 and 57).” This means that the shadows from the new towers will eclipse the already-existing shadows cast by buildings closer to these open spaces. Although taller buildings, such as the proposed towers, cast longer shadows that may stretch several blocks, shorter buildings which are closer to the open spaces would cast shadows on the spaces during all parts of the year and most times of the day regardless of the proposed towers. Furthermore, the DEIR states in Chapter II, Project Description, and on p. 173 that:

the Plan proposes that new towers be required to preserve a specified “sun access plane” from the top of podiums to the opposite side of the street along the south side of Folsom Street and the west side of north-south streets for no less than 58 percent of each block face to ensure maximum potential sunlight on sidewalks within the context of a high-density development plan. Additionally, podiums

would be required to have 15-foot setbacks at the 65-foot level, further enhancing potential sunlight.

COMMENT

The DEIR asserts that living street amenities will be installed on the east (sunny) side of the street on Beale and Spear Streets. However, it designates west (shady) side on Main Street for living street amenities. The DEIR uses the term “generally” when talking about installing living street amenities on Main Street, which allows for the possibility that they would be installed on the east side. This would contradict the DEIR objective that calls for ensuring “adequate sunlight and the least amount of wind and shadow on public streets and open spaces.” The EIR should require that all living street amenities be installed on the east (sunny) side of the street. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

“Ensure adequate sunlight and the least amount of wind and shadow on public streets and open spaces” is one of the goals of the Rincon Hill Plan (page 15; cited on DEIR p. 3) and not an objective of the DEIR itself. As with many planning documents, the draft Rincon Hill Plan contains goals and objectives that address different issues. For example, preservation of sunlight on sidewalks may, in some instances, conflict with provision of housing at certain density levels. The Planning Commission and Board of Supervisors, in their consideration of the Draft Plan and the accompanying General Plan revisions and zoning changes, would have to determine the appropriate policy language to effectively address sometimes conflicting priorities.

WIND

COMMENT

The wind studies did not have enough test locations, do not logically pick the test areas and do not fully consider the effects of new construction. For example, no wind study was done for Lansing Street, which will resemble a canyon due to the proposed 400-foot building and 40-50 Lansing building. (*Patrick M. Malone*)

RESPONSE

As stated in the DEIR on p. 179:

During the individual project-specific environmental review process that would precede the approval of any project proposed for the Rincon Hill Plan area, potential wind effects of those specific projects would be considered and, if necessary, wind tunnel testing would be performed in accordance with City

Planning Code Section 148 and/or Section 249.1, as it is amended (or replaced) as part of the Rincon Hill DTR District implementation.

For purposes of analyzing cumulative, plan-level impacts of the Rincon Hill Plan as a whole, the number and locations of wind test points presented in the DEIR is adequate to characterize the overall impacts of the proposed Plan on pedestrian wind conditions within the Rincon Hill Plan area. Furthermore, it is noted that the wind analysis included a test point at the corner of Lansing and First Streets, as indicated in the wind study technical memorandum in DEIR Appendix B.

HISTORICAL RESOURCES

COMMENT

Information contained in the Historical Resources section is outdated and inadequate. Much of the information is twenty years old and has not been updated or supplemented for the Rincon Hill Plan DEIR. *(Tim Kelley, President, Landmarks Preservation Advisory Board)*

The building at 347 Fremont Street should not be considered a historical resource under CEQA. *(Richard H. Kaufman, President, City-Core Development)*

The building at 375 Fremont Street should not be considered a historical resource under CEQA. *(Debra Stein, President, GCA Strategies, on behalf of Brownbrew LLC; Theodore Brown and Partners Inc.)*

RESPONSE

While no areawide survey of historical resources was performed for the entire Plan area during preparation of the Draft EIR, a preliminary areawide survey was conducted in 1997 as part of work on an early version of the Transbay Redevelopment Plan EIR.³⁶ This preliminary research, by Carey & Co. Inc., identified a potential National Register-eligible district encompassing nearly 30 buildings on Rincon Hill, between Beale and Essex Streets, pending further research. However, no such district has been proposed or formally delineated. Furthermore, a recent Historic Resources Evaluation, concerning a building at 355-375 Fremont Street, found that the context in which that building is located has changed enough in the last 30 years that no historic district exists.³⁷ This finding was concurred in by a Planning Department Preservation Technical Specialist³⁸ and by a qualified historical architect who conducted a reconnaissance-level

³⁶ The Transbay Redevelopment Plan analysis ultimately covered a smaller area, excluding Rincon Hill, and was folded into the *Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project EIS/EIR*, the Final EIR for which was published in 2004. The preliminary historic survey for the earlier Transbay analysis, prepared by Carey & Co. Inc., was never published. Also consulted in preparation of this response was an areawide archaeological study prepared by David Chavez & Associates, also in 1997 for the prior Transbay area analysis.

³⁷ McGrew and Associates, Historic Resources Evaluation, 375 Fremont Street (Block 3747 / Lot 6), Case No. 2002.0449E; Revised October 2003.

³⁸ Mat Snyder, Preservation Technical Specialist, memorandum regarding 375 Fremont Street (Block 3747 / Lot 6), Case No. 2002.0449E, to Ben Helber, Major Environmental Analysis, December 19, 2003.

(“windshield”) survey of the Plan area in January 2005 in connection with preparation of these responses to comments.

The 1997 survey done by Carey & Co. identified only one building in the area in question that appeared individually eligible for the National Register, the Klockars Blacksmith Shop (City Landmark No. 149, 449 Folsom Street), which the DEIR identified as a historical resource under CEQA. Carey also identified as appearing eligible for the National Register the Hathaway Warehouse at 400 Spear Street, also identified in the DEIR as a CEQA historical resource.

In addition to the Carey research, a number of site-specific historical evaluations have been completed in recent years for buildings in the Rincon Hill Plan area. Together, the area survey and site-specific reports provide information that has been relied upon here to supplement the material in the DEIR. (See also the Improvement Measure added to the EIR, on p. C&R-75.) It should also be noted that there are relatively few buildings that could reasonably be expected to be affected by development in the Plan area, given that many older structures have been renovated and that many anticipated development sites do not contain buildings.

As stated on DEIR p. 203, seven of the eight buildings identified in the existing Rincon Hill Area Plan, “the proposed Rincon Hill Plan would retain seven as Significant Buildings, based on architectural and historical attributes.” One, the former Union Oil Company building at First and Harrison Streets, is proposed for demolition as part of a project included in the Preferred Plan Alternative (the One Rincon Hill project), and the DEIR identifies the loss of this building as a significant impact, as the project-specific historical evaluation found that the former Union Oil Company building appears eligible for the California Register of Historical Resources (a finding with which the Planning Department preservation technical specialist concurred), and it is therefore considered a historical resource under CEQA. The Draft EIR also identified significant impacts due to anticipated loss of two other CEQA historical resources, at 347 Fremont Street and 375 Fremont Street, and the DEIR identified a potential significant cumulative impact owing to possible future development pressures on the blacksmithing operation at the Klockars Blacksmith Shop, one of the seven Significant Buildings that would remain so designated under the proposed Plan. The DEIR found that, because the Plan anticipates rehabilitation and reuse of the Sailors Union of the Pacific Building at 450 Harrison Street, and because the remaining five Significant Buildings have been renovated are therefore are not expected to be adversely affected by development pursuant to the Draft Plan, no significant effects would be anticipated with regard to these buildings.

Regarding 347 Fremont Street (the Edwin W. Tucker & Co. Building), the DEIR states that this building has been determined eligible for listing on the National Register of Historic Places, which automatically places the building on the California Register of Historical Resources and results in the building being designated a historical resource for CEQA purposes. Although the sponsor of a project proposed at 333 Fremont Street, which would demolish 347 Fremont,

requested, based on a more recent evaluation, prepared in 2003, that the building be removed from the California Register, the State Historical Resources Commission on August 7, 2003, denied this request, and the building thus remains a historical resource under CEQA.³⁹

Concerning the building at 375 Fremont Street, a recent (2004), more detailed Historic Resources Evaluation (HRE) for 375 Fremont Street similarly determined that this building “has very limited individual merit and its demolition would have minimal impact on the area.” The HRE found, as stated on DEIR p. 197, that “the building was deemed not to be eligible for listing on the California Register.” However, Planning Department staff did not concur with this finding. As also stated on DEIR p. 197:

the Planning Department technical preservation specialist who reviewed the HRE disagreed with the conclusion that the 375 Fremont Street building is not of sufficient artistic value, and lacks sufficient integrity, to warrant listing under the California Register’s “Architecture” criterion, noting that “there are characteristics about this warehouse that separates it from other warehouses of its age, and therefore could be considered a resource due to artistic merit. Specifically, the façade organization and ornament is more vertical in orientation, more intricate and fine-grained, and more unique than most other warehouses” and that “enough of the building, including all other parts of the façade, and the industrial sash window have been retained, allowing the building’s integrity to be maintained.” *[footnote deleted]* Therefore, for purposes of this EIR, the building at 375 Fremont Street is considered a historical resource under CEQA.

In general, technical reports such as Historic Resource Evaluations and Transportation Studies are reviewed by Planning Department staff and the findings of these studies incorporated into an EIR only following concurrence by Department staff with the findings of the technical report, including, if necessary, revisions to the report and/or DEIR text to reflect the judgment of staff. As noted, in the case of the building at 375 Fremont Street, Department staff did not concur in the findings of the technical report and drew their own conclusions. As is always the case with an EIR, staff’s judgment is subject to the concurrence or rejection by the Planning Commission and, on appeal, the Board of Supervisors, in that CEQA requires that an EIR “reflect[] the independent judgment of the lead agency” (Public Resources Code Sec. 21082.1(c)(3)).

It is also noted that, of the surveys and reports mentioned by a commenter in arguing against the 375 Fremont Street building being considered historic, all except the report note immediately above were less detailed area-wide surveys and two, the 1991 Rincon Point Redevelopment Plan and the 1996 Caltrain EIR, did not include the 375 Fremont Street site.

³⁹ The 347 Fremont building is listed as eligible for the National Register under Criterion C for being a rare example of post-1906 wood-frame construction in the South of Market area, recalling the form of the pre-earthquake district.

Regarding other structures not specifically discussed in the DEIR, it is noted that large portions of the Plan area are unlikely to be subject to new development, either because new or renovated buildings occupy the sites and/or no substantial increase in permitted height is proposed. For example, new or renovated residential buildings occupy most of the south side of Harrison Street between Beale and Spear Streets; the west side of Beale Street between Folsom Street and the Bay Bridge; and the east side of Main Street between Harrison and Bryant Streets. No changes due to the Draft Plan are anticipated on the block occupied by Hills Plaza or the southern half of the two blocks to the west, which are occupied by computer data centers and a U.S. Postal Service facility, respectively. South across Harrison Street from Hills Plaza is the historic Joseph Magnin Warehouse, renovated as an office building and in an area proposed for an 85-foot height limit. The northern half of the block bounded by First, Folsom, Fremont, and Harrison Streets is largely occupied by two new residential towers and a PG&E substation. Within the Guy Place-Lansing Street enclave, new or renovated residential developments exist at 81 Lansing Street, 18 Lansing Street, and 346 First Street, and a new residential building is under construction at 40-50 Lansing Street. A number of older small-scale residential buildings existing on the north side of Guy Place but, as noted on DEIR p. 141, the preferred Rincon Hill Plan option would impose a height limit of 65 feet in this location, with a podium setback at a height of 45-feet, which “would reduce the potential for replacement of existing small-scale residential units on Guy Place, because the permitted height and development density for new construction would not be great enough to provide an incentive to most developers to remove the existing buildings.”

Some development sites in the Plan area are occupied by parking lots, such as along Folsom Street between Beale and Spear Streets, where two residential projects were approved in 2004. The sites occupied by existing buildings that anticipated to be redeveloped are primarily along Fremont Street between Folsom and Harrison Streets (virtually the entire east side and the southern half of the west side) and, potentially, the south side of Harrison Street between First and Essex Streets, as well as an individual site at 45 Lansing Street, where a tower is currently proposed, and a small number of other specific sites.

As noted in the DEIR, the preferred Plan option would include a residential tower at 45 Lansing Street, the only site abutting the Guy-Lansing enclave where new development is anticipated. This project would result in demolition of an existing single-story Commercial building, originally in light industrial use and now occupied by offices. A review of this building by a preservation architect determined that the building does not appear to qualify as a historic resource for CEQA purposes. (This building will be evaluated by the Planning Department as part of the CEQA review of the proposed 45 Lansing Street project.)

As noted above, the DEIR identified two buildings on the east side of Fremont Street (numbers 347 and 375) as historical resources whose demolition would constitute a significant effect.

Other buildings that would be demolished under the Preferred Option include 329-333 Fremont Street (joined to 347 Fremont), and several other buildings on both sides of Fremont Street. The 329-333 Fremont building was constructed in 1930 as a print shop. A two-story, Gothic Revival/Art Deco structure, it was physically joined to 347 Fremont in the 1970s. Together, the buildings have most recently been used for offices. Unlike its neighbor at 347, the reinforced-concrete structure at 329-333 Fremont has not been identified as being eligible for state or national historic registers and the building is, therefore, not considered a historical resource under CEQA.⁴⁰

Also on the east side, 385 and 399 Fremont Street are anticipated demolished for new construction of podium-level structures (or, potentially, a tower). These two structures are owned by the Catholic Archdiocese of San Francisco. The former is a vacant garage-style building and the latter, until recently home to the Apostleship of the Sea (a Catholic ministry to sailors; the Bay Area location is now in Oakland) currently serves as a homeless shelter. The Apostleship of the Sea building, the cornerstone of which is dated 1950, could be a historical resource under CEQA because of its connection with San Francisco's maritime and marine labor history. Furthermore, the Catholic Church has occupied that spot for much of the last 120 years: the site was the location of St. Brendan's Church (now on Twin Peaks) from 1883 until 1928. Also on the east side of Fremont Street are two small commercial buildings (each two stories plus a partially below-grade floor) at 321-23 and 325 Fremont, both of which would be demolished for a previously approved project. Neither of these last two buildings is listed on state or local registers or has been identified as a historical resource under CEQA.⁴¹

On the west side of Fremont Street, at 340 Fremont and 350 Fremont, are two labor union halls that would be demolished for a tower included in the Preferred Option. The former is the local headquarters of the Marine Engineers Beneficial Association (MEBA), while the latter houses the National Union of Marine Cooks and Stewards and the Seafarers International Union. The building at 350 Fremont Street was built in 1956, according to a plaque on its facade and a historical photo in the San Francisco Public Library collection. Based on appearance, the MEBA building at 340 Fremont dates from the same era. Pending further research, both of these buildings could be historical resources under CEQA, given their link to San Francisco labor history, and maritime labor history in particular. As noted in the DEIR, the monumental Sailors Union of the Pacific building on the same city block (northeast corner of First and Harrison Streets), was constructed several years earlier, in 1950. Also dating from the same era is the Marine Firemen's Union building on Second Street, whose cornerstone carries the date June 1, 1957. (See additional discussion of labor history, and specifically the 1934 waterfront strike, in

⁴⁰ San Francisco Planning Department, *333 Fremont Street Draft Environmental Impact Report*, Case No. 2002.1263E, October 30, 2004.

⁴¹ The buildings at 321-323 and 325 Fremont Street were approved for demolition as part of a project analyzed in a Mitigated Negative Declaration (*325 Fremont Street*; Case No. 1999.0414E).

the response below.) Farther south, 390 Fremont Street is a two-story concrete industrial building in the Moderne style that is now in office use. No specific project is currently proposed for this site, although all Plan options anticipate redevelopment of this site at some point.

Other buildings that could be demolished include two on the south side of Harrison Street west of First Street (511 Harrison and 525 Harrison), as well as 515 Folsom Street and two small commercial buildings at 326 and 330 First Street at Guy Place. The building at 511 Harrison is a three-story concrete industrial building with Moderne detailing currently in use as an automobile garage. The 525 Harrison building is a tile-clad single-story structure that serves as a night club; it lacks the early to mid-20th century architectural character of several other buildings in the area. The structure at 515 Folsom is a three-story concrete warehouse-style structure that has been converted largely to offices. It was constructed around 1915 for the Galloway Lithography Company.⁴² The building at 326 First Street is a two-story structure, while 330 First is a single-story structure; both are built of concrete. No specific project is currently proposed for any of these sites, although all Plan options anticipate redevelopment of these sites at some point.

Prior to demolition of any of the buildings for which no detailed site-specific historic evaluation has been prepared, a site-specific historic resources review by a Planning Department Preservation Technical Specialist would be undertaken to determine whether such buildings are, or could be, historical resources under CEQA; buildings for which status cannot be immediately determined would be subject to additional research. If a building is determined to be a historical resource under CEQA, its loss would be considered a significant unavoidable impact. As concluded on p. 205 of the DEIR, “the proposed Rincon Hill Plan would not directly result in the removal and loss of any historic architectural resources, but would, if adopted as proposed, encourage and facilitate the loss of the Union Oil Company Building, along with buildings at 347 Fremont Street and 375 Fremont Street; the loss of these buildings would be an indirect significant effect of the proposed plan. The proposed Plan might contribute to the loss of other historic architectural resources....” Regarding these other resources, as the DEIR states on p. 204, “further research and analysis may be required prior to specific development proposals affecting other potential historical resources not yet identified. In the case of some resources, that additional analysis would need to focus on whether resources are indeed “historical resources” under CEQA and what qualities / features contribute to their historical significance.”

COMMENT

It says that Union Oil building is not listed as an historical landmark. Planning Department disagreed with that and so, in this day evaluated 425 First Street as a historical resource. If it's not listed is a historical resource, why do we address it as one? (*Planning Commissioner Shelley Bradford Bell*)

⁴² David Chavez & Associates, June 1997, *Archaeological Resources Investigations for the Transbay Redevelopment Project*, p. 162.

RESPONSE

Although it is true that the Union Oil Company Building “is not listed on either the National Register of Historic Places or the California Register of Historical Resources, and does not have a National Register or California Register Status Code. It is not a San Francisco Landmark nor is it a contributor to a local historic district under Article 10 of the San Francisco Planning Code,” because the building is proposed for demolition under a current proposal in file with the Planning Department, a full Historic Resources Evaluation was prepared for the building to evaluate its current status as a historical resource under CEQA, as required by the Planning Department’s written guidance, “CEQA Review Procedures for Historic Resources.” As stated on p. 197 of the DEIR, that evaluation “determined that Union Oil Company Building does appear to be eligible for listing in the California Register under Criterion 3 (Architecture),^[footnote deleted] in that the building is a rare and well-preserved example of a transitional Streamline Moderne/International Style,” and “the building is, therefore, considered an historical resource under CEQA Guidelines Section 15064.5(a)(3).”⁴³ This approach is consistent with standard Planning Department practice whereby a building that cannot be readily dismissed as a historical resource must be subject to a current evaluation. It is also noted, as stated on DEIR p. 192, that the Union Oil Company Building is one of eight General Plan-referenced buildings identified as “Significant Buildings based on their architectural and historical attributes.”

COMMENT

The Historical Resources section does not discuss historical context of the Rincon Hill Plan vicinity, such as the 1934 Waterfront and General Strikes that took place in the area. It is likely that historical archeological resources related to the strikes may be found during site preparation and excavations. (*Tim Kelley, President, Landmarks Preservation Advisory Board*)

RESPONSE

Rincon Hill played a not insignificant role in the “Great Strike” of 1934 on San Francisco Waterfront. With longshoremen having walked off the job nearly two months earlier in protest of harsh working conditions, maritime employers tried to force open the Port on July 3 by using their own trucking company to move cargo. Violence ensued as strikers and police battled. Two days later came the day that would go down in local history as “Bloody Thursday.”

The decisive battle took place at Pier 38 on the morning of 5 July 1934, after a break for observance of the July Fourth holiday. Four thousand strikers formed a picket line around freight trains loaded with scab cargo. Police threw tear gas bombs into the crowd of strikers, who fled up nearby Rincon Hill. Picketers held the police at bay by pelting them with bricks and bottles, but were forced to retreat by a massive attack of tear gas bombs that set the hill

⁴³ Because the EIR for the proposed One Rincon Hill project had not been published by the time the DEIR for the Draft Plan was issued in September 2004, this Historic Resources Evaluation had not yet become public.

on fire. [¶] Workers on the nearby San Francisco-Oakland Bay Bridge (then under construction) quit work for the day to avoid being hit by stray bullets.⁴⁴

After workers regrouped in front of their International Longshoremen’s Association (ILA) union hall on Steuart Street near Mission, “police barricaded both ends of Steuart Street and advanced toward the picketers near the corner of Steuart and Mission streets, guns drawn. Hundreds of strikers were gathered there, and some may have been throwing rocks at the police. Without warning, the police suddenly opened fire on the crowd, killing two people and injuring many others.”⁴⁵ This prompted Governor Frank Merriam to call out the National Guard, which ended the street fighting but prompted ILA strike leader Harry Bridges to decry the intervention by the state and the city on behalf of ship owners.

Following the funeral parade for the two killed strikers on July 9, Bridges appealed for support from teamsters; soon, more than 100 other unions in San Francisco joined in a general strike that lasted four days and involved more than 100,000 workers in San Francisco, Oakland, and elsewhere in Alameda County.⁴⁶ Shortly after the general strike ended on July 19, longshoremen returned to work, ending the maritime strike after 83 days when both sides agreed to an arbitration panel appointed by President Franklin Roosevelt. In October, the National Longshoremen’s Board announced its decision, providing “sweeping victory for the union, which won all its major demands: the first coast-wide contract in history, a hiring hall jointly operated but mainly union-controlled, with rotary dispatching and no discrimination, a six hour day, a thirty-hour week, a wage increase, and union-management grievance machinery.”⁴⁷

The 1934 strike presaged a rise in union strength in San Francisco and on the west coast that would ensure for years. “Workers in a range of other industries — seafarers in California, fishermen in Alaska, and loggers in the Northwest — had significant union victories after the 1934 strike.”⁴⁸ As noted in the preceding response, the four union halls on Rincon Hill all were built in the years following the 1934 strike and another waterfront strike in 1946.

To the extent that artifacts from activity surrounding the 1934 strike are discovered during site-specific archaeological investigations and/or excavation, those artifacts—likely to be somewhat ephemeral, given the fluid nature of events of that era—would be evaluated in accordance with the procedures identified in Mitigation Measure I.1 of the EIR.

⁴⁴ Corbett, Michael R., with Marjorie Dobkin and William Kostura, “National Register of Historic Places Nomination Form, Port of San Francisco Embarcadero Historic District.” Prepared for the Port of San Francisco, September 30, 2002; revised in redline format, April 2004; p. 82.

⁴⁵ Corbett *et. al.*, p. 82.

⁴⁶ Corbett *et. al.*, p. 86.

⁴⁷ Corbett *et. al.*, p. 90.

⁴⁸ Corbett *et. al.*, p. 93.

To ensure that the presence of such potential artifacts is recorded in the EIR, the following paragraph is added on DEIR p. 190, immediately preceding the heading “Historical Architecture”:

More recent historic-period resources that could exist in the Plan area include artifacts related to the waterfront strike of 1934, in which strikers and police fought pitched battles along the Embarcadero and, on July 5, 1934—“Bloody Thursday”—striking longshoremen and their supporters were forced by a police tear gas attack to retreat up the slopes of Rincon Hill. Such artifacts—tear gas canisters and shell casings, for example—would be the result of relatively ephemeral events but, nonetheless, could be buried on Rincon Hill.

In addition to the information contained in the DEIR and these responses, an improvement measure is proposed by Planning Department staff that would entail a City-managed survey/evaluation of the Rincon Hill Plan area for cultural/historical resources and to coordinate and consolidate the existing information. Accordingly, the following is added to DEIR p. 232, at the end of the Mitigation Measures chapter:

IMPROVEMENT MEASURE

The Planning Department will undertake an evaluation of the Rincon Hill Plan area for cultural/historical resources. The City-managed survey/evaluation would be funded by contributions from developers of projects within the Plan area. The study would consist of 1) research (beginning with what has been developed to date for the area) on the patterns of history and significance of the area in various contexts (i.e., early San Francisco settlement, labor, Filipino and other ethnic communities, etc.), resulting in a comprehensive context statement for the Plan area, including map locations; 2) architectural evaluation of the area’s built environment in relation to the context statement, resulting in individual property evaluations and identification of any clusters, sub-areas, or themes to which the property belongs; and 3) determination of enough resources with sufficient integrity remain to support formation of a historic district.

This measure would run in parallel with decision-making on the Plan and projects in the Plan area. This improvement measure would not reduce impacts of the Plan to a less-than-significant level.

COMMENT

Mitigation should include publicly accessible interpretive displays, historic walking tours, and other more project specific responses. *(Tim Kelley, President, Landmarks Preservation Advisory Board)*

The Rincon Hill Plan states that eight historic buildings are to be adaptively reused or preserved. Why then does the DEIR say that the plan might contribute to the loss of the Klockars Blacksmith Shop or other historic buildings in Rincon Hill. Please clarify. If any historic buildings in Rincon Hill are lost

(excluding the Union Oil Building) additional mitigation, beyond the Historic American Building Survey, must be required. (*Dee Dee Workman, Executive Director, San Francisco Beautiful*)

RESPONSE

The mitigation measures identified in the DEIR speak to the potential loss of buildings identified as historical resources under CEQA. In each case, the mitigation measure calls for, “at a minimum,” a written description and history, photographs, and detailed drawings documenting the building(s) to be demolished. These mitigation measures represent the standard approach to partial mitigation for loss of individual historical resources. In addition, the resulting information if the Improvement Measure (p. C&R-75) is implemented would be included. Depending on the resources identified as subsequent site-specific projects are proposed and if the improvement measure is implemented, it may be determined that appropriate mitigation could also include some form of documentation and acknowledgment of area-wide associations. For example, plaques might be installed at the site(s) of buildings to be demolished and/or at the location(s) of previously lost buildings to mark historical events or persons associated with Rincon Hill. One specific possibility that could be explored as part of the proposed improvements to the public realm would be the installation of appropriately designed and researched interpretative plaques and/or signage within the proposed park at Fremont and Harrison Streets that could provide information on Rincon Hill’s role in the development of San Francisco, including, among other things, early residential development atop the hill, industrial development around the south shore of Yerba Buena Cove and Rincon Point, and events linked to the 1934 waterfront strike.

Regarding the Klockars Blacksmith Shop, the DEIR identifies a potential impact, in the interest of being conservative, in that should the blacksmithing operation prove unfeasible to continue in the future, this “could ultimately lead to the loss of this resource.” Of course, it is also possible that, even should the smithy no longer operate, the building could be adaptively reused, which might result in no adverse effect.

COMMENT

The EIR should include an examination of the effects on remaining historical resources, such as impact of larger new buildings near the Sailors Union of the Pacific buildings. (*Tim Kelley, President, Landmarks Preservation Advisory Board*)

RESPONSE

Section III.B, Visual Quality, of the DEIR contains an extensive discussion on the potential for development pursuant to the Draft Plan to affect visual quality and views and to result in changes in urban form. As stated on DEIR p. 84:

The existing scale of the Plan area could change, as the Plan's proposed height limits could encourage the construction of tall, sculpted structures that could replace smaller-scale buildings. Mid- and high-rise construction within the district would be concentrated in the area fronting on Folsom Street, Fremont Street between Folsom and Harrison Streets, and on Harrison Street, between Fremont and Essex Streets.

Page 85 of the DEIR states, "With respect to towers, height limits would be increased under the Preferred Option and 82.5-foot Tower Separation Option around the First/Harrison Streets intersection, where heights of as much as 550 feet would be permitted." And p. 89 states, "The greatest change in views would occur on Fremont Street looking south from Folsom Street: views of up to five towers, including the approved building at 325 Fremont Street, would be available from this location (82.5-foot Option). Similarly, views to the south along First Street from Folsom Street also would include up to five towers (with some variation as to setback from the street), including the two recently completed towers of 333 First Street (82.5-foot Option)."

Therefore, as noted by the commenter, the Sailors Union of the Pacific (SUP) building at First and Harrison Streets could be the most affected of the remaining historic buildings by changes in surroundings. However, the SUP building would not be dramatically encroached upon by new development proposed under the Plan—particularly the Preferred Option—because of the SUP building's site plan, which includes a wide setback from Harrison Street in front of the main entrance, because of its location, at a corner near the top of Rincon Hill (which would continue to afford views down Harrison Street to the Bay and down First Street toward downtown), and because the projects proposed nearest to the SUP building would include meaningful distance between proposed towers and the SUP building (the One Rincon Hill project, across Harrison Street, would have one tower to the south on First Street and one tower to the east on Harrison Street, while the 45 Lansing Street project would construct a tower that would be separated from the SUP building by an existing service station).

The Gimbel Brothers Candy Factory building at First and Folsom Streets would be at the edge of the areas of most substantial change, but construction of the two towers at 333 First Street has already occurred across the street from this building, and other potential development in the proximity would be mid-rise. Other historic buildings that would remain under the Draft Plan are to the east of new development anticipated under the Draft Plan.

COMMENT

The Filipino community has had a presence in the Rincon Hill/South Park area since the 1900s. The early Filipino settlement of the area should be studied and mitigation measures added to preserve that history.
(Bernadette Borja Sy, Executive Director, Bayanihan Community Center)

RESPONSE

In the 1920s and 1930s, Filipino immigrants who settled in San Francisco were mostly single men who formed a bachelor community called Manilatown, around Kearny and Jackson Streets. These men lived in several low-cost residential hotels such as the International Hotel, the Palm Hotel the Temple Hotel, the San Joaquin, the Stanford, and the Columbia Hotel, many of which were demolished as a result of development and expansion of downtown in the 1950s and 1960s. Following the controversial demolition of the International Hotel, many Filipinos moved to the South of Market neighborhood. “As a result of the removal of Manilatown, self-determined Pilipino activists worked hard to organize themselves to not only resist urban renewal in South of Market, but to take a big step toward Pilipino community empowerment.”⁴⁹ Like immigrant communities before them, Filipinos have contributed to, as well as having taken advantage of, the existing fabric of the area. Numerous small Filipino-American family-owned stores are scattered throughout the area, catering to the day-to-day needs of the local population. Filipinos worship at St. Patrick’s Church, a San Francisco landmark in South of Market. Their children go to Bessie Carmichael Elementary School. They play in the South of Market Recreational Center, picnic in the Yerba Buena Gardens and live on streets bearing names of Filipino national heroes.⁵⁰

COMMENT

Although the project does not appear to directly affect any eligible parts of the San Francisco-Oakland Bay Bridge, the EIR should acknowledge that the Bay Bridge and its west approach ramps, which have been listed on the National Register of Historic Places, are partially within the project area. (*Timothy C. Sable, Caltrans*)

The San Francisco-Oakland Bay Bridge is one of the City’s most prominent visual features and is unquestionably an architectural historic resource of immense local, regional and national importance. The existing Rincon Hill Plan specifically addressed the importance of maintaining views of the Bridge by calling for buildings to “clearly maintain and where possible reinforce, the physical integrity of the Bridge’s main span as seen from a distance.”⁵¹ Current zoning recognizes the Bridge’s outstanding character by reducing height limits on adjacent properties to provide a visual corridor.⁵² In contrast, the proposed plan would increase height limits adjacent to the Bridge to allow development up to 550-feet in height.⁵³ Such a dramatic change clearly calls for an extensive analysis of impacts on the Bridge, yet the DEIR fails to provide one. (*Debra H. Stein, President, GCA Strategies*)

⁴⁹ Adapted from “A Short History of Pilipinos in South of Market,” on the website of the Bayanihan Community Center. Accessed April 6, 2005 at: <http://www.bayanihancc.org/project4.html>.

⁵⁰ San Francisco Planning Department, *Profiles of Community Planning Areas: San Francisco’s Eastern Neighborhoods*. January 200. Available on the internet at: http://www.sfgov.org/site/planning_index.asp?id=25367.

⁵¹ San Francisco General Plan, Rincon Area Plan II.3.10.

⁵² Id. at II.3.11. Maximum heights adjacent to the Bridge are 84-feet.

⁵³ DEIR 11.

The DEIR fails to analyze impacts and potential risks to the historic and architecturally significant Bay Bridge, including seismic and terrorist risks. (*Lucian Robert Blazej, Strategic Solutions*)

RESPONSE

Section III.B, Visual Quality, of the DEIR contains an extensive discussion on the potential for development pursuant to the Draft Plan to affect visual quality and views and to result in changes in urban form, including effects on views of and from the Bay Bridge. For instance, the DEIR states, “The Plan also could lead to the removal of visually important buildings, notably the Bank of America (former Union Oil Co.) Clock Tower at First and Harrison Streets, visible to those crossing the Bay Bridge into San Francisco” (p. 84); “From the Bay Bridge, these buildings would increase the existing scale of development and bring the backdrop of tall buildings once located north of Mission Street further south, closer to the Bridge” (p. 117); “depending on the specific location on the Bridge, towers that could be developed under either the Preferred or 82.5-foot Separation Options could obstruct views of Twin Peaks in the distance” (p. 117); and “all options, including foreseeable development under existing controls, could partially block views of the Bay Bridge towers” from the roof of the Police Officers’ Association building (p. 118). Also, DEIR Figures 26–30 depict simulated westward views from the upper deck of the Bay Bridge.

In terms of effects on the Bay Bridge as a historical resource, while views of and from the Bridge would be obscured from some locations, the bridge would not be adversely affected in regard to its significance as to engineering achievement, its role in the transportation history of the Bay Area, or its relevance to the history of Bay Area politics, all of which are cited in the summary statement of significance included in the Historic American Engineering Record report prepared for the Bay Bridge in 1999.⁵⁴

Concerning seismic risks, as stated in the Initial Study (DEIR Appendix A, p. 26), the City ensures the minimum feasible seismic risk through the Department of Building Inspection (DBI)’s permit review process and through DBI’s ability to require preparation of site-specific geotechnical studies. Risk of terrorist attack, while it cannot be discounted, would appear to be beyond the scope of CEQA.

To note the historic status of the Bay Bridge, the following is added the end of the first partial paragraph on DEIR p. 192:

In addition, the San Francisco-Oakland Bay Bridge and its west approach ramps, which extend through (over) and adjacent to the Plan area, are listed on the National Register.

⁵⁴ Historic American Engineering Record, National Park Service, Western Region; HAER No. CA-32, May 1, 1999. Available on the internet at: http://memory.loc.gov/cgi-bin/query/D?hh:234:./temp/~ammem_dMwG:: Accessed January 29, 2005.

COMMENT

Although the 82.5-Option would allow the construction of only 8 towers, the visual analysis presented in the DEIR for this option shows 10 towers, and then relies on that inflated visual analysis to justify a conclusion that the 82.5-Option would have adverse visual impacts.⁵⁵ (*Debra H. Stein, President, GCA Strategies*)

RESPONSE

The comment makes reference to pages in the DEIR's Project Description; the DEIR's analysis of urban design and visual quality did not identify adverse impacts due to the 82.5-foot Option.

Archaeology**COMMENT**

The EIR correctly notes that the archaeological studies that exist for the Plan area vary greatly in scope, depth, and sophistication. It is of concern that a correct application of these studies be conducted in any future archeological assessments of projects carried out under the Plan. It should be understood that any recommendations or assessments of potential resources made in prior archaeological studies were specific to the tightly defined locations and extent of project impacts evaluated in those studies. (*Adrian Praetzellis, Sonoma State University, Department of Anthropology*)

RESPONSE

The EIR recognizes and addresses the concern expressed in the comment that previous archeological studies in the Plan area should not be misinterpreted as sufficient and definitive guides for the assessment of potential archaeological effects or of appropriate archaeological action with respect to future projects carried out under the Plan. The EIR notes that although some form of archaeological study has been made for a fifth of the Plan area, that "these studies vary greatly in their inclusion, adequacy, and specificity of discussion of the potential presence, identity, and significance of archaeological resources" (p. 227-228). The concern of the comment that the potential for impacts to archeological resources of future projects within the Plan area, even on sites that may have been previously subject to archeological study, be addressed in the EIR is addressed in detail in the EIR under the provisions and requirements of Archaeological Mitigation Zone (AMZ-1). AMZ-1 requires that in the case of "any soils-disturbing project" proposed for properties within the Plan area "for which a final archeological research design and treatment plan (ARD/TP) is on file" that "an addendum to the respective ARD/TP" be prepared to evaluate the effects of the new project "with respect to the site- and project-specific information absent in the ARD/TP" (p. 228). The language of AMZ-1 is clear and careful in stipulating that

⁵⁵ DEIR 18-20. Due to the erroneous assumption noted under no. 3 of this section, the DEIR asserts that only seven towers could be built under the 82.5-Option.

the issues of “previous soils-disturbing activities,” archaeological resource “identification,” “integrity,” “significance,” and “impact” of the new project must be addressed in the addendum, independent of discussions of these topics in the relevant ARD/TP from which the addendum, otherwise, tiers (p.229-230).

COMMENT

The Plan needs to make it a little clearer why parcels were assigned to Archaeological Mitigation Zone 3. After reading the discussion on p.189-190, [reader] was uncertain why particular blocks and half-blocks fell into this category. Suggests adding a statement that would state that each of the areas was assessed and individually determined to have been disturbed to the point that there is little or no possibility that potentially important resources survive there. (*Adrian Praetzellis, Sonoma State University, Department of Anthropology*)

RESPONSE

As is suggested in the Comment, each of the properties assigned to Archaeological Mitigation Zone 3 (AMZ-3) was individually evaluated and determined to have a low potential for the presence of significant archeological resources due to prior disturbance such as grading, excavation, and/or construction of subgrade parking (AMZ-3 properties shown in Blocks 3744, 3745, and 3769), prior archeological data recovery (AMZ-3 properties in Block 3744), or having specific site/site formation characteristics such as properties situated outside the historic shoreline and underlain by deep deposits of late 19th century fill, not believed itself to contain primary archeological deposits that would be legally-significant⁵⁶ (AMZ-3 properties in Blocks 3867, 3768). The information sources upon which these determinations were based were a combination of archaeological and geotechnical reports and field observations. The EIR notes that although properties assigned to AMZ-3 are determined to “have a low potential” to contain significant archaeological resources, that in the event that an archeological resource is “accidentally discovered”, that the resource will be appropriately evaluated and any potential adverse effect to the resource will be reduced to a less than significant level.

ALTERNATIVES

COMMENT

One alternative that is not considered but should be is the enforcement of the existing Rincon Hill Area Plan without the granting of exceptions as now regularly occurs. (*Reed H. Bement, President, Andrew Brooks, Vice President and Alexandria Chun, Secretary, Rincon Hill Residents Association*)

⁵⁶ A “legally-significant” archaeological resource is an archaeological resource that is on or potentially eligible for listing on the National Register of Historic Places/California Register of Historical Resources and, thus, under CEQA, a “historical resource.”

RESPONSE

One of the options analyzed in the DEIR is precisely what the commenters suggest: the Existing Controls (150-Foot Minimum Tower Separation) Option “is based on tower spacing that matches existing controls of 150 feet (which also corresponds to approximately the diagonal dimension of towers), and assumes that the existing controls would be enforced and that the Planning Code would be modified to prohibit the granting of exceptions to permit more closely spaced towers, as is currently permitted by Code Section 271” (DEIR p. 20).

COMMENT

The description of the “No Project Alternative” is incorrect in assuming that the Planning Commission will never exercise its discretionary authority to grant future exception to the 150-foot tower separation requirement. The existing pattern of development shows that the Commission has routinely approved towers providing 82.5-feet of separation or less. (*Debra Stein, President, GCA Strategies*)

RESPONSE

As stated in Chapter VI, Alternatives, of the DEIR, on p. 234, the No Project Alternative could be defined by the continuation of existing planning controls as written, without exceptions. However, as stated on DEIR p. 235, “it is also possible that the No Project Alternative could trend more towards the Extended Pipeline Option. Please see the response concerning Planning Commission discretionary authority, beginning on p. C&R-10.

COMMENTS ADDRESSING INITIAL STUDY**COMMENT**

The Plan does not address the ability of the Fire and Police Departments to respond to fires and other emergencies on the top floors of the proposed buildings. The discussion should address existing and approved high-rises in not only the Rincon Hill area but also adjacent areas, such as Transbay Terminal project. (*Reed H. Bement, President, Andrew Brooks, Vice President and Alexandria Chun, Secretary, Rincon Hill Residents Association*)

RESPONSE

The buildings anticipated to be developed pursuant to the Draft Plan would not appear to present any special challenges vis-à-vis emergency response: the proposed towers are similar in size to many buildings already existing in San Francisco. As stated in the Initial Study (DEIR Appendix A, p. 31), “San Francisco ensures fire safety primarily through provisions of the Building Code and the Fire Code. Existing and new buildings are required to meet standards contained in these codes. Individual development projects would conform to these standards, which (depending on the building type) may also include development of an emergency

procedure manual and an exit drill plan. In this way, potential fire hazards (including those associated with hydrant water pressure and emergency access) would be mitigated during the permit review process. Thus effects upon emergency response would not be significant, and this topic will not be analyzed further in the EIR.”

The final building plans for any new residential project greater than two units are reviewed by the San Francisco Fire Department (as well as the Department of Building Inspection), in order to ensure conformance with these provisions.

COMMENTS ON THE DRAFT RINCON HILL PLAN

The following are some of the issues raised in regard to the draft Rincon Hill Plan itself, or in support of or opposition to various Plan options, rather than the DEIR. Accordingly, no responses are provided here. However, these and other comments on the Draft Plan will be considered by the Planning Commission and the Board of Supervisors in their consideration of the Draft Plan and the accompanying General Plan revisions and zoning changes.

PLANNING COMMISSIONER COMMENTS

- Who is going to live in this housing and what type of housing and the jobs are going to be there and the community?
- The Preferred Option and other DEIR Alternatives confer very considerable “public benefits” to a few property owners; what is the economic value of these benefits?

OTHER COMMENTS

- The housing that will be developed will be expensive and not attractive to families because of the high-rise configuration.
- The Rincon Hill Plan should include sharing of public amenities like parks and community services with the neighboring Transbay area.
- Projects for which applications were submitted prior to publication of the Draft Plan (such as 333 Fremont, 375 Fremont, and 399 Fremont) should be “grandfathered” under existing controls.
- The delay in processing both environmental review and consideration of planning approval for the 375 and 399 Fremont projects is unfair and constitutes an effective moratorium on development.
- The taller proposed towers included in the Preferred Plan Option are more speculative, both in terms of financial feasibility and potential schedule for approval, than are the relatively shorter buildings proposed on the 375 and 399 Fremont sites.

- The Bay Area Air Quality Management District supports implementation through Plan adoption and future conditions of approval of the mitigation measures for operational air quality [Mitigation Measures E.2].
- San Francisco Beautiful supports the Preferred Option recommendation that there be at least 115 feet distance between any tower in the Plan area.
- The Landmarks Preservation Advisory Board expresses its highest preference for the No Project Alternative, and a preference for the Preservation Alternative over the Preferred Option.
- Residential units in taller buildings would be more expensive than residential units in shorter buildings
- The Preferred Option unfairly confers great financial gain upon a small number of landholders while penalizing others, including some of those who have long been seeking entitlements.

D. STAFF-INITIATED TEXT CHANGES

The following changes to the text of the Draft EIR are made in response to comments on the DEIR or are included to clarify the DEIR text. In each change, new language is double underlined, while deleted text is shown in ~~strike through~~, except where the text is indicated as entirely new, in which case no underlining is used for easier reading.

On page S-2, the first sentence of the third paragraph is revised as follows to describe proposed changes to the existing Residential/Commercial Subdistrict along Folsom Street between Beale and Spear Streets:

The Rincon Hill Plan (the “proposed project” or the “project”) would create a new zoning district called the Rincon Hill Downtown Residential Mixed Use (DTR) District and eliminate the existing Rincon Hill Special Use District (SUD), the existing Residential and Commercial/Industrial Subdistricts, and the underlying zoning designations, except that a Residential Commercial (RC) Subdistrict adopted in February 2004 would be retained, slightly reduced in size, and renamed the “Folsom and Main Residential/ Commercial Special Use District.”

On page S-3, the third-to-last sentence is revised as follows as to the location of a planned grocery store:

Up to about 65,000 square feet of retail space is anticipated, almost half of which would be in a grocery store in the recently approved project at 300 Spear ~~201 Folsom~~ Street.

On page S-8, the fifth bulleted paragraph is revised as follows to more clearly identify the approvals process for street changes:

- Street and sidewalk improvements, including changing some one-way streets to two-way flow, restriping as needed, and widened sidewalks. Departments of Parking and Traffic and Public Works Approval; consultation with Fire Department, Muni, and other city agencies; review by city’s Interagency Staff Committee on Traffic and Transportation (ISCOTT); Board of Supervisors Approval (of curb changes, traffic changes, and certain other on-street changes)

On page S-8, the following text is added to the bulleted list of approvals required:

- Determination that the proposed park site adjacent to the Fremont Street off-ramp is a surplus parcel. *Caltrans*

On page S-9, the second full sentence of the first partial paragraph is revised as follows to clarify that, while the draft Rincon Hill Plan would result in increased residential density, compared to existing conditions, the draft Plan would not necessarily change “permitted” density:

The Draft Plan would increase ~~permitted~~ residential densities in an area in which residential land use is quickly expanding.

On page S-17, the first sentence of the second paragraph is revised as follows to correct a citation for the numbers of households with children:

Based on the existing number of residents under the age of 18 in Census Tract 179.01, which includes the Plan area, the estimated number of new school-age children in the Plan area would range from about ~~45~~ 50 students under the Existing Controls Option to about ~~75~~ 90 students under the 82.5-foot Option.

On page S-44, the third sentence under “Preservation Alternative” is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project and how preservation of some uses would affect the Preservation Alternative:

Retention of the Union Oil Clock office building and Tower would result in that site (site of ~~site part~~ the proposed 425 First Street project site) being unavailable for residential construction. ~~able to accommodate a~~ A single residential tower, rather than the two towers proposed by the applicant for that project and assumed in the Preferred Option and the 82.5-foot Tower Separation Options, would be constructed at the location of the existing surface parking lot adjacent to the Union Oil Company building (the other part of the proposed 425 First Street project site).

On page 5, Figure 1 has been revised to indicate the closure of Beale Street beneath the Bay Bridge, and to indicate that Spear Street does not intersect the Embarcadero, but instead ends in a cul-de-dac (the revised figure is at the end of this section).

On page 6, footnote 10 is revised as follows to describe proposed changes to the existing Residential/Commercial Subdistrict along Folsom Street between Beale and Spear Streets:

This RC Subdistrict was adopted in February 2004 in connection with approval of mixed-use projects at 201 Folsom Street and 300 Spear Street. Under the project, it would be retained, slightly reduced in size, and renamed the “Folsom and Main Residential/ Commercial Special Use District.”

On page 8, Figure 3 is revised to show a change in the proposed boundary of the Rincon Hill DTR district (the revised figure is at the end of this section).

On page 10, Figure 4 is revised to correct the location of a height and bulk district boundary that is shown incorrectly in the DEIR as bisecting the 375 Fremont Street property (the revised figure is at the end of this section).

On page 11, Figure 5, Proposed and Bulk Districts, is revised with the following changes (the revised figure is at the end of this section):

- revision of the proposed boundary of the Rincon Hill DTR district;
- increase in height from 250 to 400 feet on parcels 3747/006, 3747/001E, and 3747/002;
- increase in height from 200 to 250 feet on parcels 3747/012, 3747/013, and 3747/014;
- reduction in height from 300-W to 250-R on parcel 3745/008; and
- preservation of the existing height limit of 105-R on parcel 3745/009.

On page 16, the last sentence in the first paragraph is revised as follows to clarify that a statement is taken from the draft Rincon Hill Plan:

According to the Draft Plan, The Preferred Option “balances the quality of the public realm and cityscape with an substantial increase in housing production,” in line with established General Plan policy for the area.

On page 16, the last full paragraph is revised as follows to clarify that all Plan options considered assume the currently proposed project at 333 Fremont Street, which would be 85 feet tall. (The confusion arises because the DEIR only specifically referenced proposed residential towers—over 85 feet in height— included in each Plan option.(new language double underlined):

Each option further assumes mid-rise residential construction up to 85 feet in height, the same height allowed for tower podiums, on sites where towers would not be permitted as a result of the separation of towers requirement; one such project would be at 333 Fremont Street (Case No. 2002.1263), where environmental review is under way for an approximately 90-unit project.

On page 16, the last sentence (continuing to p. 17) is revised as follows to correct the location of a planned grocery store:

Almost half of this space is anticipated to be devoted to a grocery store in the recently approved project at 300 Spear ~~201 Folsom~~ Street.

On page 17, a new paragraph is added following the last paragraph to refer to the first approach in the “two-pronged” solution regarding the two projects at 375 and 399 Fremont Street, as follows:

Subsequent to publication of the DEIR, Planning Department staff recommended that the Preferred Option be revised to allow one additional tower up to 400 feet in height on the site of two currently proposed smaller towers, 375 Fremont Street and 399 Fremont Street. The potential ramifications of this revision are discussed in Chapter VIII, Comments and Responses, beginning on p. C&R-5.

On page 18, the second sentence of the first bullet is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project:

The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.

On page 18, the third bullet is revised as follows to clarify that the proposed 340-350 Fremont Street project is included in the Preferred Option (footnote 21 is deleted from the text):

340-350 Fremont Street (Case No. 2004.0552)—approximately A 400-foot-tall residential tower over podium on the west side of Fremont Street just north of Harrison Street (~~a location similar to, but slightly south of, a project proposed at 340-350 Fremont Street, described below under the 82.5-foot Tower Separation Option, to provide for greater tower separation~~); about 340 units.

On page 19, the second sentence of the first bullet is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project:

The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.

On pages 22-24, Figures 7, 8, and 9 have been revised to indicate the closure of Beale Street beneath the Bay Bridge, and to indicate that Spear Street does not intersect the Embarcadero, but instead ends in a cul-de-dac (the revised figures are at the end of this section).

On page 31, the following text is added at the end of the bulleted paragraph concerning Harrison Street:

A peak-hour bus lane would be created on westbound Harrison Street between the Embarcadero and First Street by instituting a p.m. peak-hour tow-away zone and widening the existing westbound parking lane.

On page 31, the following text is added at the end of the bulleted paragraph concerning Main, Beale, and Spear Streets:

Right-turn pockets would be provided at the intersections of Main/Folsom, Main/Harrison, Main/Bryant, Beale/Folsom, and Spear/Harrison Streets (northbound Beale at Folsom, northbound Main at Folsom, southbound Main at Harrison, northbound Main at Harrison, southbound Main at Bryant, and southbound Spear at Harrison), and an additional peak-hour southbound (tow-away) lane would be provided on Main Street from Folsom to Harrison.

On page 34, the fifth bulleted paragraph is revised as follows to more clearly identify the approvals process for street changes:

- Street and sidewalk improvements, including changing some one-way streets to two-way flow, restriping as needed, and widened sidewalks. Departments of Parking and Traffic and Public Works Approval; consultation with Fire Department, Muni, and other city agencies; review by city's Interagency Staff Committee on Traffic and Transportation (ISCOTT); Board of Supervisors Approval (of curb changes, traffic changes, and certain other on-street changes)

On page 34, the following text is added to the bulleted list of approvals required:

- Determination that the proposed park site adjacent to the Fremont Street off-ramp is a surplus parcel. *Caltrans*

On page 34, following the bulleted list of approvals required, the following text is added to include discussion of the Proposition M Priority Policies P included in Planning Code Section 101.1:

In November 1986, the voters of San Francisco approved Proposition M, the Accountable Planning Initiative, which, among other things, established eight Priority Policies. These policies are: preservation and enhancement of neighborhood-serving retail uses; protection of neighborhood character; preservation and enhancement of affordable housing;

discouragement of commuter automobiles; protection of industrial and service land uses from commercial office development and enhancement of resident employment and business ownership; earthquake preparedness; landmark and historic building preservation; and protection of open space. Prior to issuing a permit for any project which requires an Initial Study under the California Environmental Quality Act (CEQA), or adopting any zoning ordinance or development agreement, and before taking any action that requires a finding of consistency with the General Plan, the City is required to find that the proposed project, legislation, or action is consistent with the Priority Policies. The motion by the Planning Commission and the resolution by the Board of Supervisors approving or disapproving the proposed rezoning and General Plan amendments will contain the analysis determining whether the project is in conformance with the Priority Policies.

On page 36, the first bullet is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project:

425 First Street (Case No. 2003.0029)—two 350-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with about 750 units;

On page 37, the first bullet is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project:

425 First Street (Case No. 2003.0029)—two 300-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with 575 units;

On page 38, the second sentence of the first bullet is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project:

The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower.

On page 45, the following text is added as a footnote to the second paragraph under the heading “Proposed Transbay Redevelopment Area to clarify the location of the proposed storage facility for Golden Gate Transit buses:

In addition to a new Transbay Terminal, off-site midday bus storage would serve Golden Gate Transit and AC Transit beneath the Bay Bridge approach to the west and east, respectively, of Third Street.

On page 60, the first sentence of the second paragraph is revised as follows to clarify that, while the draft Rincon Hill Plan would result in increased residential density, compared to existing conditions, the draft Plan would not necessarily change “permitted” density (given that neither the existing Rincon Hill Residential Special Use District has, nor would the proposed Rincon Hill Downtown Residential Mixed-

Use District have, explicit density limits; instead, residential density is and would be set by height and bulk limits):

The Rincon Hill DTR District would increase ~~permitted~~ residential densities in an area in which residential land use is quickly expanding.

On page 79, the caption on View 6A is revised to indicate that this viewpoint is on Fremont Street looking south, not on First Street.

On page 122, Footnote 58 is revised as follows to correct an editorial error:

Beale Street passes under, rather than intersects, Harrison Street. After September 2001, Beale Street was closed beneath the Bay Bridge as a security measure. As a result, Beale Street is currently a two-way street south of Folsom ~~Fremont~~.

On p. 123, the last sentence of the first full paragraph on DEIR is revised as follows to clarify the existence of carpool restrictions:

Additional Bay Bridge access is provided from Bryant Street east of Second Street, just south of the Plan area; this Sterling Street on-ramp is limited to carpools in the p.m. peak period, as is westbound Bryant Street approaching the ramp.

On page 123, the following text is added to the end of the paragraph under the heading “Transit” to include the location of Golden Gate Transit bus operations:

Golden Gate Transit buses also operate on Folsom Street, as well as Fremont, Beale, Main, and Howard Streets.

On page 123, the following text is added to the end of the first full paragraph to acknowledge the carpool gathering point and potential effects on carpools:

There is a pick-up point for “casual carpool” riders heading to the East Bay via the Bay Bridge, on the east side of Beale Street between Howard and Folsom Streets. Since the 2001 closure of Beale Street, however, carpool (casual or otherwise) and vanpool drivers no longer have direct access from Beale Street to westbound Bryant Street and the carpool on-ramp at Sterling Street; instead, they must detour via Folsom and Main Streets.

On page 129, the following text is added to the end of the first partial paragraph to acknowledge the carpool gathering point and potential effects on carpools:

Among the effects of deteriorated traffic flow would be to impede carpools and vanpools traveling to the Bay Bridge from the City’s designated gathering point for casual carpools on Beale Street between Howard and Folsom Streets.

On page 131, the following text is added to the second full paragraph to note the potential effects of traffic congestion on transit service.

In particular, Muni’s 12-Folsom line passes through all four intersections on Folsom Street that would be adversely affected by the project, while several Golden Gate Transit lines pass through Beale/Folsom, Main/Folsom, and Spear/Folsom, as well as First/Market, which is also used by numerous Muni lines. Finally, Muni’s 10 line operates through the sixth affected intersection, Fremont/Harrison. (The 80-X and 82-X express buses from the Caltrain depot also pass through Spear/Folsom, in the morning commute period, while the 82-X also operates southbound on Beale to Folsom and eastbound on Folsom to the Embarcadero in the afternoon commute period, passing through all four intersections on Folsom Street that would be adversely affected by the project.)

On p. 132, the following additional text is added to the end of the “Loading” section to clarify additional possible impacts:

Lack of off-street loading bays or docks could also preclude easy access to trash and recycling from the street, potentially leading to trash and recycling containers being left on the sidewalk for some period of time, as occurs in some higher-density neighborhoods.

On page 138, the third paragraph is revised as follows to correct a citation for the numbers of households with children:

Based on the existing number of residents under the age of 18 in Census Tract 179.01, which includes the Plan area, the estimated number of new school-age children in the Plan area would range from about ~~45~~ 50 students under the Existing Controls Option to about ~~75~~ 90 students under the 82.5-foot Option.

On page 172, the last (parenthetical) sentence in the middle paragraph is revised as follows to correct an error in the description of the taller of the two proposed towers at 425 First Street (the error in description does not affect the analysis):

(Shadow from the tallest building to be constructed in the Plan area, the ~~500~~ 550-foot tower at 425 First Street, would reach Rincon Park a few minutes earlier on the same date.)

On page 190, the following paragraph is added immediately preceding the heading “Historical Architecture” to ensure that the presence of such potential artifacts is recorded in the EIR:

More recent historic-period resources that could exist in the Plan area include artifacts related to the waterfront strike of 1934, in which strikers and police fought pitched battles along the Embarcadero and, on July 5, 1934—“Bloody Thursday”—striking longshoremen and their supporters were forced by a police tear gas attack to retreat up the slopes of Rincon Hill. Such artifacts—tear gas canisters and shell casings, for example—would be the result of relatively ephemeral events but, nonetheless, could be buried on Rincon Hill.

On page 192, the following text is added the end of the first partial paragraph to note the historic status of the Bay Bridge:

In addition, the San Francisco-Oakland Bay Bridge and its west approach ramps, which extend through (over) and adjacent to the Plan area, are listed on the National Register.

On page 232, the following Improvement Measure for Historic Resources is added at the end of the Mitigation Measures chapter to propose a City-managed survey/evaluation of the Rincon Hill Plan area for cultural/historical resources and to coordinate and consolidate the existing information:

IMPROVEMENT MEASURE

The Planning Department will undertake an evaluation of the Rincon Hill Plan area for cultural/historical resources. The City-managed survey/evaluation would be funded by contributions from developers of projects within the Plan area. The study would consist of 1) research (beginning with what has been developed to date for the area) on the patterns of history and significance of the area in various contexts (i.e., early San Francisco settlement, labor, Filipino and other ethnic communities, etc.), resulting in a comprehensive context statement for the Plan area, including map locations; 2) architectural evaluation of the area's built environment in relation to the context statement, resulting in individual property evaluations and identification of any clusters, sub-areas, or themes to which the property belongs; and 3) determination of enough resources with sufficient integrity remain to support formation of a historic district.

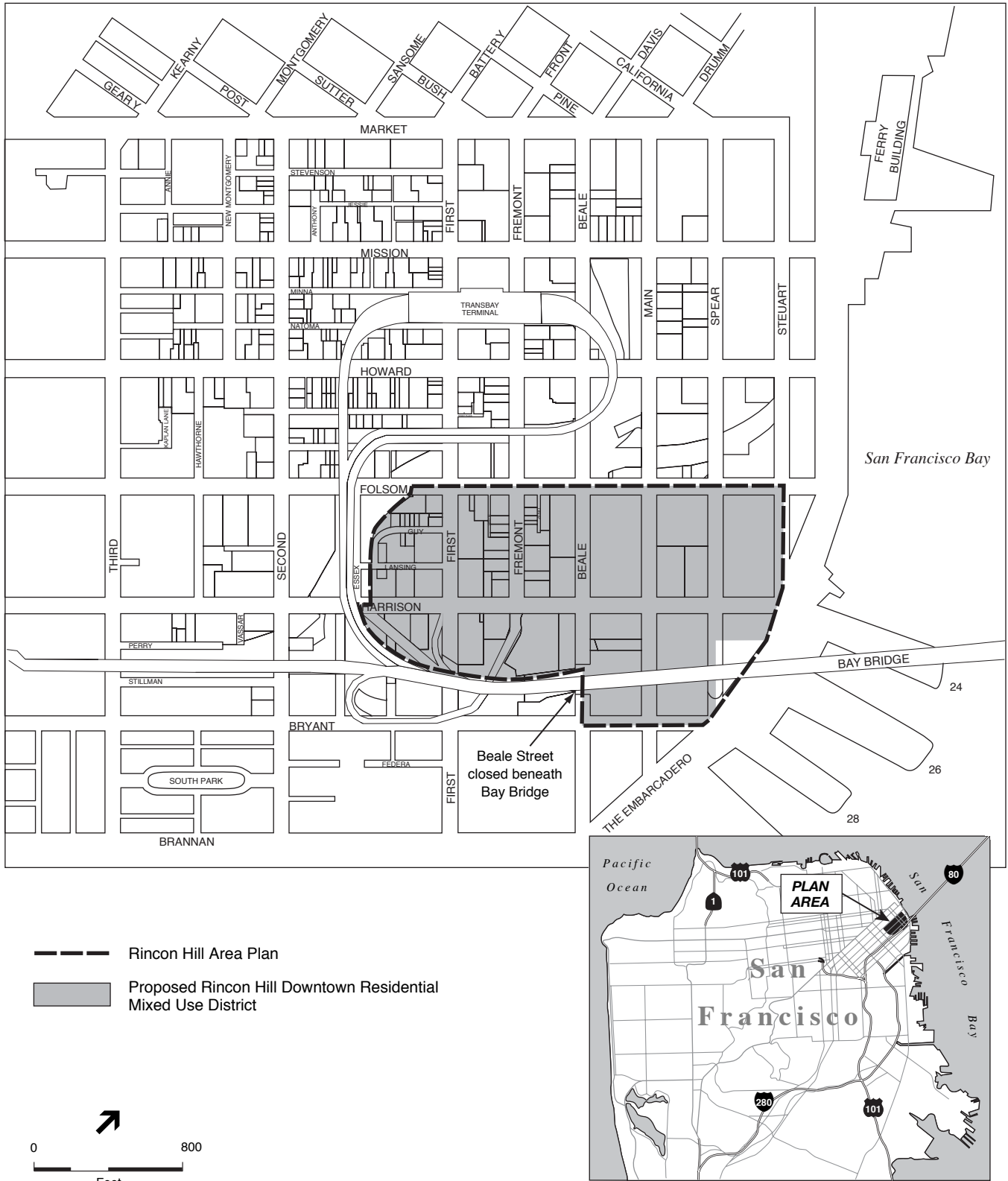
This measure would run in parallel with decision-making on the Plan and projects in the Plan area. This improvement measure would not reduce impacts of the Plan to a less-than-significant level.

On page 236, the first sentence of the last paragraph is revised as follows to clarify the existing uses on the site of the proposed One Rincon Hill (425 First Street) project and how preservation of some uses would affect the Preservation Alternative:

The retention of the Union Oil office building and Clock Tower would result in that site (site part of the proposed 425 First Street project site) being unavailable for residential construction. ~~able to accommodate a~~ A single residential tower, rather than the two towers proposed by the applicant for that project and assumed in the Preferred Option and the 82.5-foot Tower Separation Options, would be constructed at the location of the existing surface parking lot adjacent to the Union Oil Company building (the other part of the proposed 425 First Street project site).

In Chapter IX, EIR Authors and Consultants, we neglected to credit, for preparation of the visual simulations, Cheryl Parker, Principal, Urban Explorer, 222 Columbus Avenue, Suite 403, San Francisco, California, 94133.

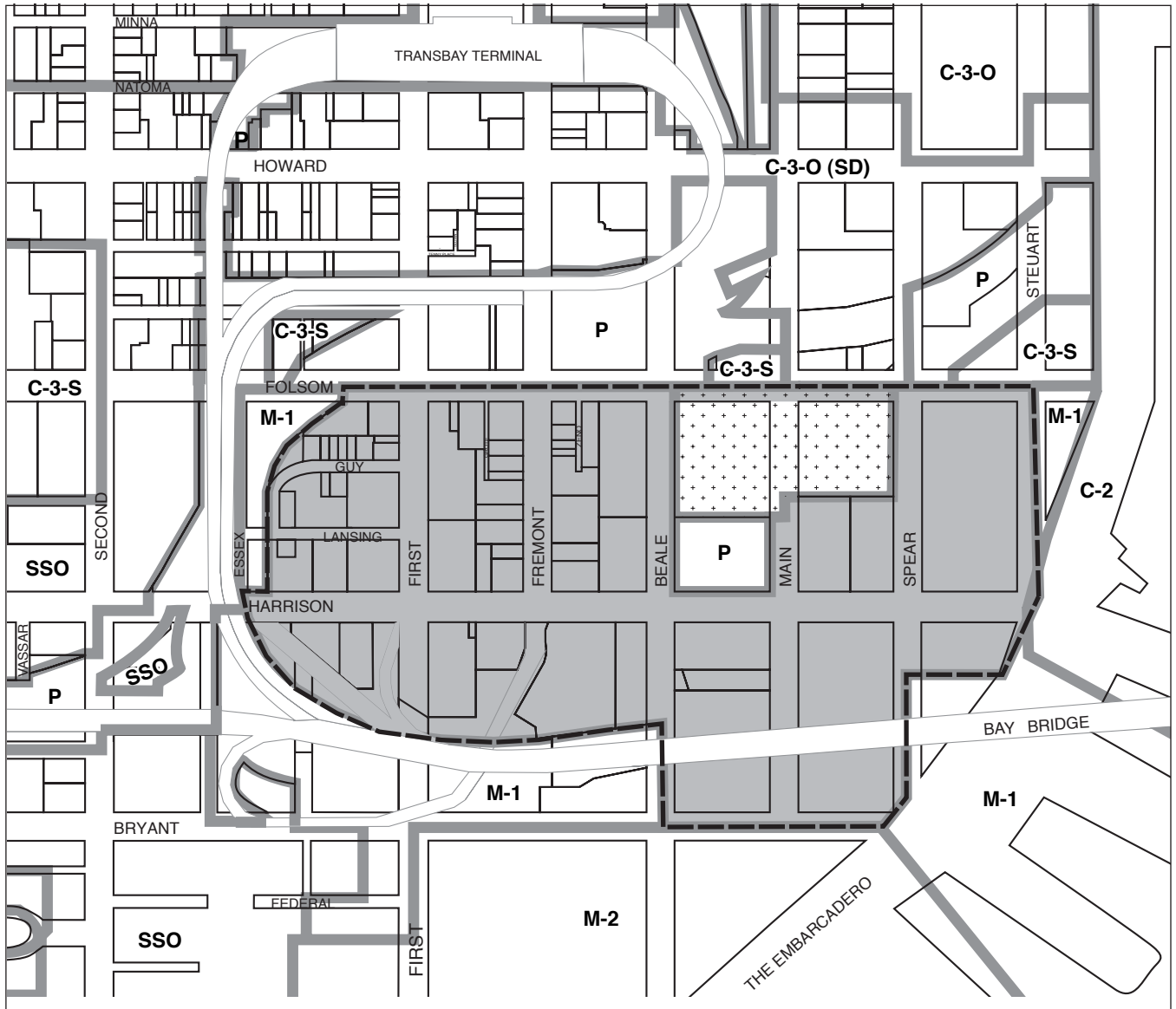
REVISED DEIR FIGURES



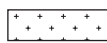


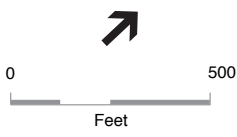
SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 1 (Revised)
Project Location



-  Zoning Boundary
-  Proposed Rincon Hill Downtown Residential Mixed Use District
-  Rincon Hill Residential/Commercial Special Use Subdistrict (to become "Folsom and Main Residential/Commercial Special Use District")
- RC-4** Residential-Commercial Combined District, High Density
- M-1, M-2** Industrial Districts
- C-3-O, C-3-S** Downtown Commercial Districts (adjacent)
- SSO** South of Market Use District (adjacent)
- P** Public Use District

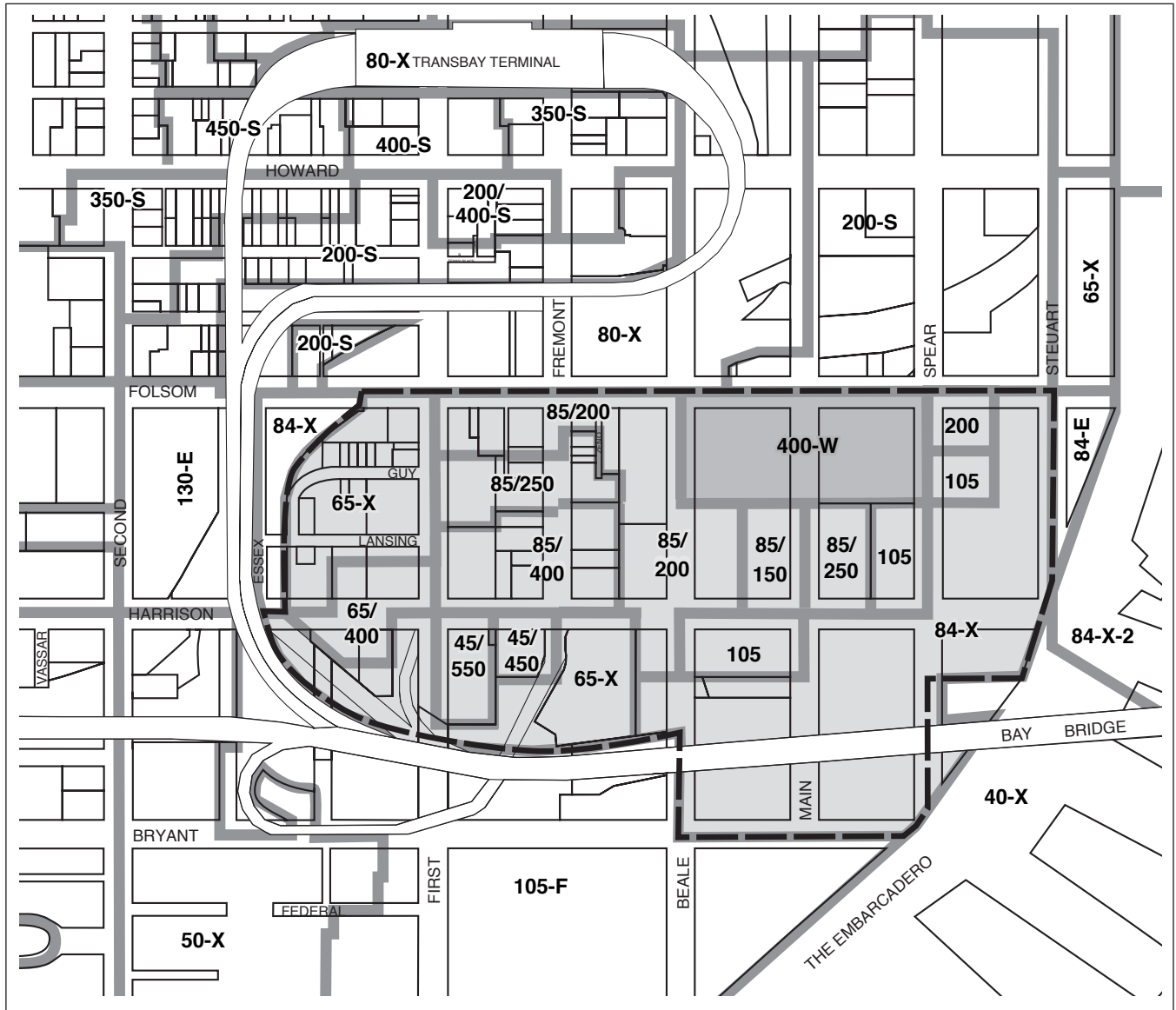


NOTE: Three areas would not be subject to the new zoning:
 the RC-4 Subdistrict adopted February 12, 2004;
 the U.S. Postal Service property zoned "P";
 and a parcel owned by the Port of San Francisco at
 Spear and the Embarcadero.

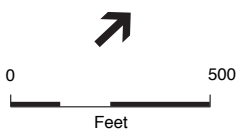
SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 3 (Revised)
 Proposed Planning Code Use Districts

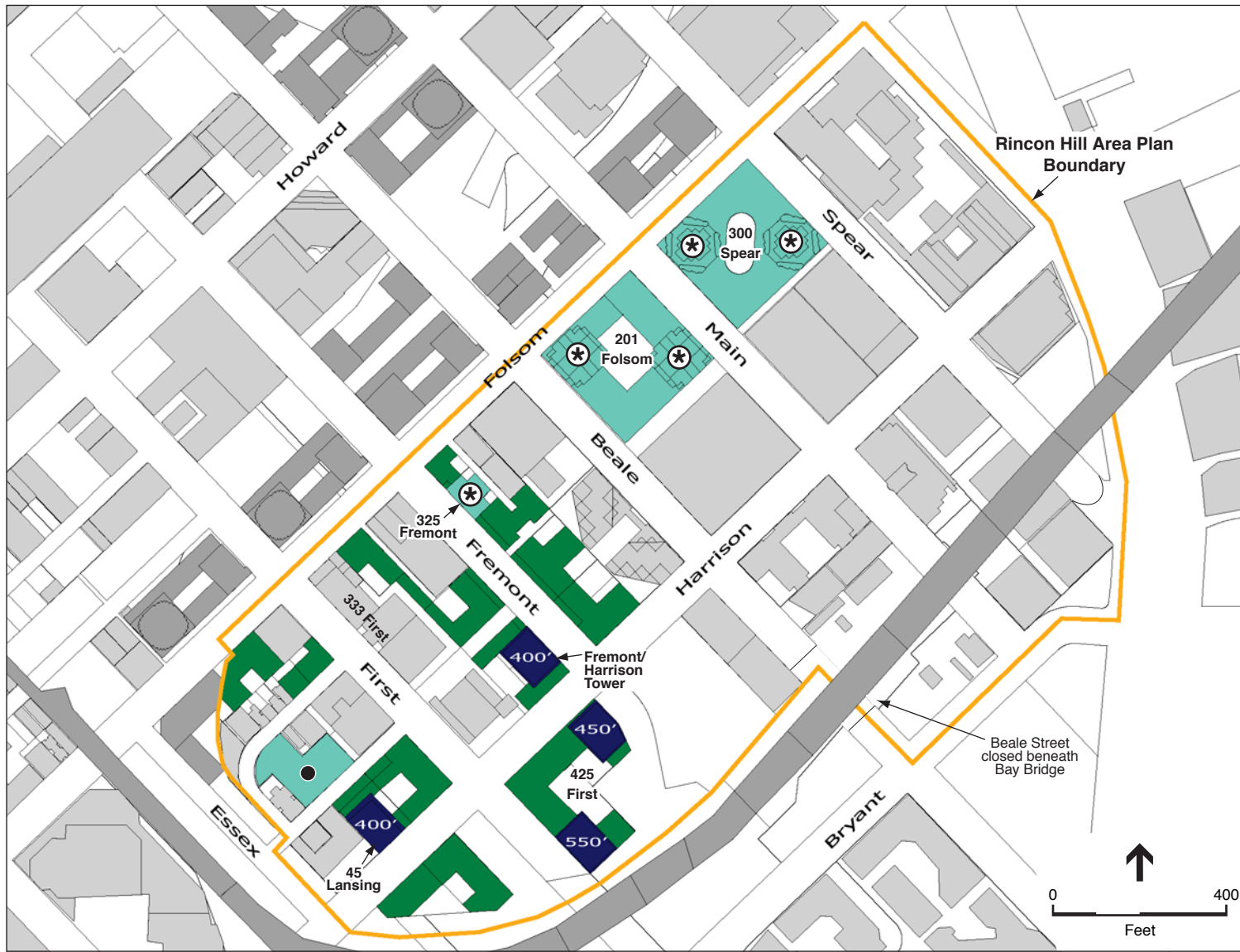


- Proposed Rincon Hill Downtown Residential Mixed Use District
 - Height and Bulk District Boundary
 - Rincon Hill Residential Commercial Subdistrict (Approved)
(to become "Folsom and Main Residential/Commercial Special Use District")
 - Rincon Hill Downtown Residential Mixed Use District (Proposed)
 - 00** Height limits in feet
 - Maximum Podium Height
 - Maximum Tower Height
 - 65/400**
- Plan Area Bulk District is R except where noted



SOURCE: San Francisco Planning Department Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 5 (Revised)
Proposed Height Districts



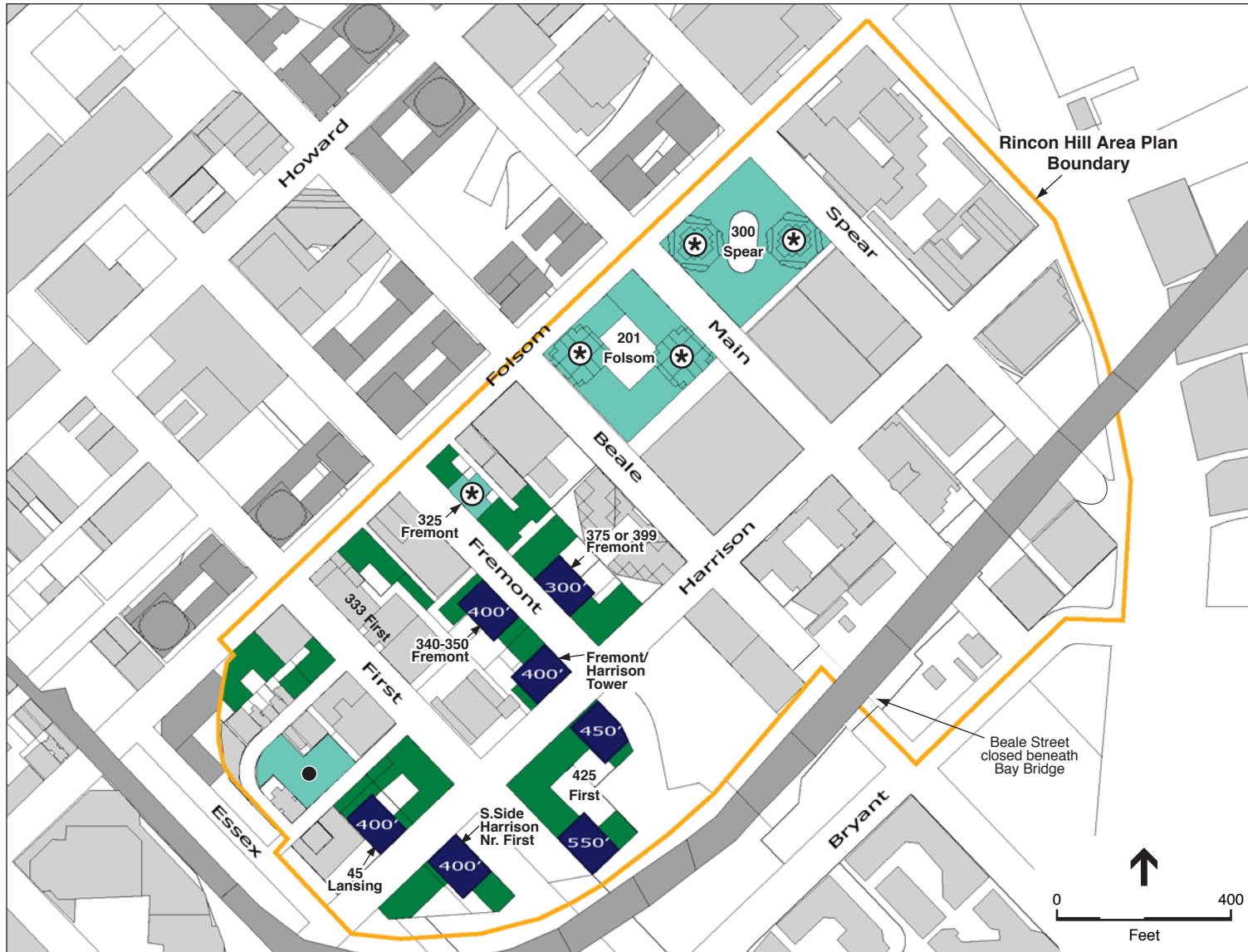
400' Residential Tower in Plan
 ■ Podium-level (85') Residential in Plan
 * Approved Residential Tower
 ● Approved 85-Foot Residential

NOTE: Tower locations shown assume ability to achieve minimum lot size of 1.75 times tower floorplate.

SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 7 (Revised)
 Preferred Option
 (115-Foot Tower Separation)



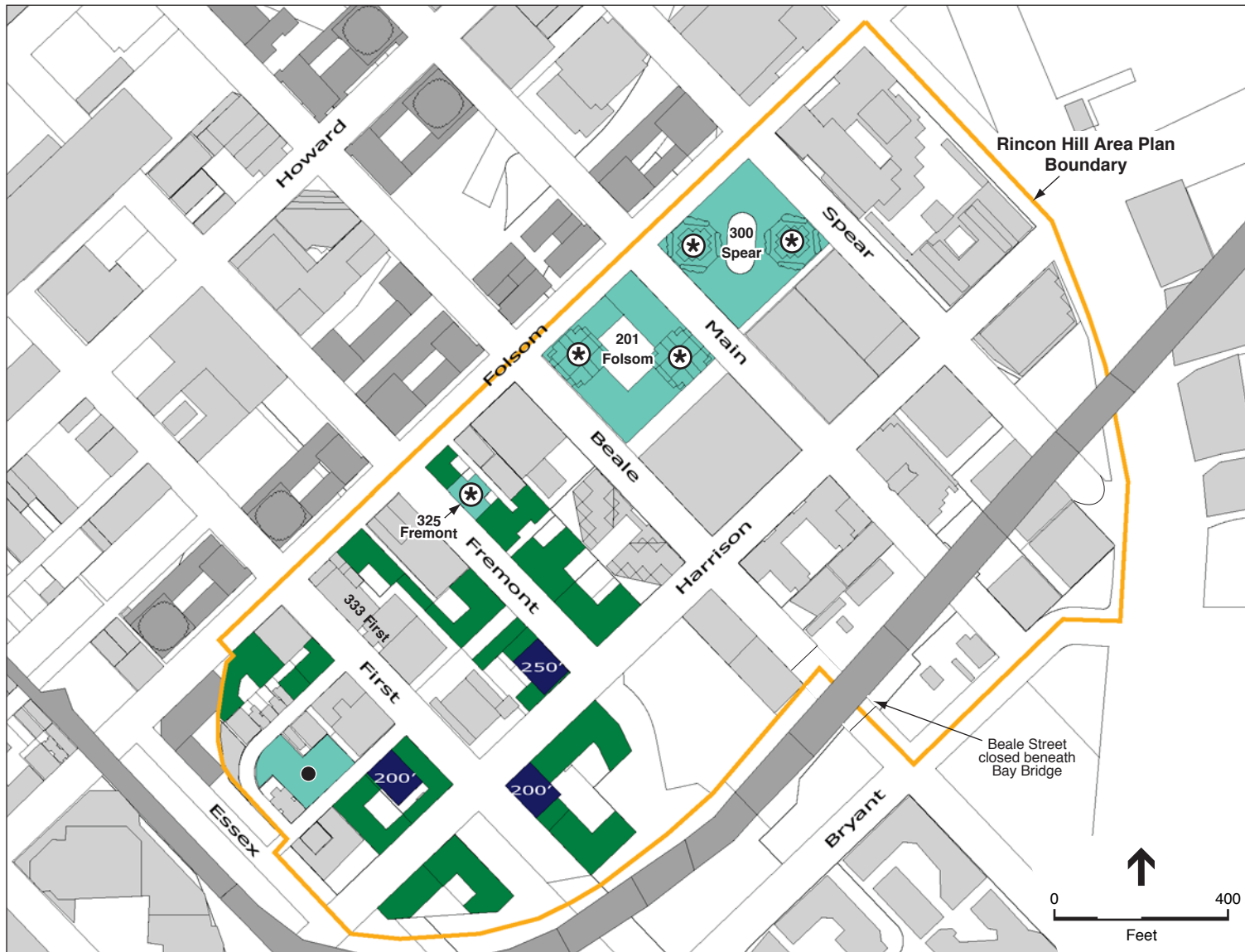
400' Residential Tower in Plan
 ■ Podium-level (85') Residential in Plan
 * Approved Residential Tower
 ● Approved 85-Foot Residential

NOTE: Tower locations shown assume ability to achieve minimum lot size of 1.75 times tower floorplate.

SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 8 (Revised)
82.5-Foot Tower Separation Option



400' Residential Tower in Plan
 ■ Podium-level (85') Residential in Plan
 ⊛ Approved Residential Tower
 ● Approved 85-Foot Residential

NOTE: Tower locations shown assume ability to achieve minimum lot size of 1.75 times tower floorplate.

SOURCE: San Francisco Planning Department

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 9 (Revised)
Existing Controls
(150-Foot Tower Separation) Option



Viewpoint 6A - Fremont Street looking south toward Harrison Street



Viewpoint 6B - First Street looking south from Folsom Street

SOURCE: Environmental Science Associates

Case No. 2000.1081E: Rincon Hill Plan EIR (203516) ■

Figure 23 (Revised)
Representative View Corridors

APPENDIX 1 TO COMMENTS AND RESPONSES: **TABULATED DESCRIPTION OF PLAN OPTIONS**

115' Tower Spacing (RH Plan Preferred Option)

Opportunity Sites/ Approved Projects		Pod SF/Floor	Pod Floors	Podium Units	Tower SF/Floor	Tower Floors	Tower Units	Total Units
Name	<i>Block</i>	<i>Lot</i>						
300 Spear (appr)	3745	1						820
201 Folsom (appr)	3746	1						725
399 Fremont	3747	1,2	13430	8	86	0	0	86
375 Fremont		6	13480	8	86	0	0	86
325 Fremont (appr)		12,13,14						51
SE Fol/Fre corner		15	3870	8	25	0	0	25
333 Fremont		19	10740	8	69	0	0	69
Seafarer's Union and M	3748	6,7,8	16920	8	108	0	0	108
			2270	4	7	0	0	7
390 Fremont		9,10,12	13280	8	85	10000	32	256
PGE pkg lot		29	8040	8	51	0	0	51
425 First	3765	1,9,15	43375	4	139	9400	92	692
511 Harrison	3764	55	14815	6	71	0	0	71
525 Harrison		63	8500	6	41	0	0	41
Guy/Lansing	3749	2,3,5	6870	6	33	0	0	33
40-50 Lansing (appr)		11						80
515 Folsom		53	11405	6	55	0	0	55
Union 76 Station		58	15365	6	74	0	0	74
45 Lansing		59	13760	6	66			66
	3749/58 and/or 59, or 3764/55 and/or 63					10000	32	256
	Total (including approved projects)							3876
	Total (excluding approved projects)				996		1204	2200

82.5' Tower Spacing/Full Heights

Opportunity Sites/ Approved Projects	Pod SF/Floor	Pod Floors	Podium Units	Tower SF/Floor	Tower Floors	Tower Units	Total Units		
<i>Name</i>	<i>Block</i>	<i>Lot</i>							
300 Spear (appr)	3745	1					820		
201 Folsom (appr)	3746	1					725		
399 Fremont	3747	1,2	13973	10	112	0	0	112	
375 Fremont		6	14580	10	117	8500	20	136	253
325 Fremont (appr)		12,13,14						51	
SE Fol/Fre corner		15	3870	8	25	0	0	0	25
333 Fremont		19	10740	10	86	0	0	0	86
Seafarer's Union and MEU	3748	6,7,8	14266	8	91	10000	32	256	347
			2269	3	5	0	0	0	5
390 Fremont		9,10,12	13536	8	87	9000	32	230	317
PGE pkg lot		29	8040	8	51	0	0	0	51
425 First	3765	1,9,15	24080	4	77	9400	92	692	769
511 Harrison	3764	55	14925	8	96	0	0	0	96
525 Harrison		63	8500	8	54	0	0	0	54
		3764/55 and/or 63				9000	32	230	230
Guy/Lansing	3749	2,3,5	6870	8	44	0	0	0	44
40-50 Lansing (appr)		11							80
515 Folsom		53	12390	8	79	0	0	0	79
Union 76 Station		58	15365	8	98	0	0	0	98
45 Lansing	3749	59	13760	6	66	8250	32	211	277
Total (including approved projects)									4520
Total (excluding approved projects)					1089			1756	2844

150' Tower Spacing (Enforce Existing Controls)

Opportunity Sites/ Approved Projects		Pod SF/floor	Pod floors	podium units	Tower SF/floor	Tower floors	tower units	Total Units
Name	Block	Lot						
300 Spear (appr)	3745	1						820
201 Folsom (appr)	3746	1						725
399 Fremont	3747	1,2	13430	10	107	0	0	107
375 Fremont		6	13480	10	108	0	0	108
325 Fremont (appr)		12,13,14						51
SE Fol/Fre corner		15	3870	10	31	0	0	31
333 Fremont		19	10740	10	86	0	0	86
Seafarer's Union and MEU	3748	6,7,8	16920	10	135	0	0	135
			2270		0		0	0
390 Fremont		9,10,12	12550	10	100	7500	15	90
PGE pkg lot		29	8040	10	64	0	0	64
425 First	3765	1,9,15	27600	10	221	7500	10	60
			13600	8	87	0	0	87
511 Harrison	3764	55	14815	8	95	0	0	95
525 Harrison		63	8500	8	54	0	0	54
Guy/Lansing	3749	2,3,5	6870	8	44	0	0	44
40-50 Lansing (appr)		11						80
515 Folsom		53	12390	8	79	7500	0	79
Union 76 Station		58	16830	10	135	7500	10	60
45 Lansing		59	11250	8	72	0	0	72
		Total (including approved projects)						3305
		Total (excluding approved projects)			1419		210	1629

Just Pipeline (Approx. 40' Tower Spacing)

Opportunity Sites/ Approved Projects			Pod SF/Floor	Pod Floors	Podium Units	Tower SF/Floor	Tower Floors	Tower Units	Total Units
Name	Block	Lot							
300 Spear (appr)	3745	1							820
201 Folsom (appr)	3746	1							725
399 Fremont	3747	1,2	14246	10	114	9500	25	190	304
375 Fremont		6	14580	10	117	8600	20	138	254
325 Fremont (appr)		12,13,14							51
333 Fremont		19	10740	10	86	0	0	0	86
Seafarer's Union and MEU	3748	6,7,8	14460	8	93	9000	32	230	323
			2269	3	5	0	0	0	5
425 First	3765	1,9,15	24080	4	77	9400	92	692	769
40-50 Lansing (appr)		11							80
45 Lansing	3749	59	13760	6	66	8250	32	211	277
Total (including approved projects)									3695
Total (excluding approved projects)					558			1461	2019

82.5' Tower Spacing (March 2003 Heights)

Opportunity Sites/ Approved Projects		Pod SF/Floor	Pod Floors	Podium Units	Tower SF/Floor	Tower Floors	Tower Units	Total Units	
Name	Block	Lot							
300 Spear (appr)	3745	1						820	
201 Folsom (appr)	3746	1						725	
399 Fremont	3747	1,2	14246	8	91	9000	27	194	286
375 Fremont		6	13480	8	86	0	0	0	86
325 Fremont (appr)		12,13,14							51
SE Fol/Fre corner		15	3870	8	25	0	0	0	25
333 Fremont		19	10740	8	69	0	0	0	69
Seafarer's Union and MEU	3748	6,7,8	14460	8	93	9000	27	194	287
			2269	4	7	0	0	0	7
390 Fremont		9,10,12	13930	8	89	9000	27	194	284
PGE pkg lot		29	8040	8	51	0	0	0	51
425 First Street	3765	1,9,15	43375	8	278	8500	44	299	577
511 Harrison	3764	55	14925	8	96	0	0	0	96
525 Harrison		63	8500	8	54	0	0	0	54
		3764/55 and/or 63				8500	22	150	150
Guy/Lansing	3749	2,3,5	6870	8	44	0	0	0	44
40-50 Lansing (appr)		11							80
515 Folsom		53	11405	8	73	7500	7	42	115
Union 76 Station		58	15365	8	98	0	0	0	98
45 Lansing		59	13760	8	88				88
		3749/58 and/or 59				10000	32	256	256
Total (including approved projects)									4248
Total (excluding approved projects)					1242			1330	2572

Extended Pipeline (Approx. 40' Tower Spacing)

Opportunity Sites/ Approved Projects	Pod SF/Floor	Pod Floors	Podium Units	Tower SF/Floor	Tower Floors	Tower Units	Total Units		
<i>Name</i>	<i>Block</i>	<i>Lot</i>							
300 Spear (appr)	3745	1					820		
201 Folsom (appr)	3746	1					725		
399 Fremont	3747	1,2	14246	10	114	9500	25	190	304
375 Fremont		6	14580	10	117	8600	20	138	254
325 Fremont (appr)		12,13,14							51
SE Fol/Fre corner		15	3870	8	25	0	0	0	25
333 Fremont		19	10740	10	86	0	0	0	86
Seafarer's Union and MEU	3748	6,7,8	14460	8	93	10000	32	256	349
			2269	3	5	0	0	0	5
390 Fremont		9,10,12	13930	8	89	9000	32	230	320
PGE pkg lot		29	8040	8	51	0	0	0	51
425 First	3765	1,9,15	24080	4	77	9400	92	692	769
511 Harrison	3764	55	14925	8	96	0	0	0	96
525 Harrison		63	8500	8	54	0	0	0	54
		3764/55 and/or 63				9000	32	230	230
Guy/Lansing	3749	2,3,5	6870	8	44	0	0	0	44
40-50 Lansing (appr)		11							80
515 Folsom		53	12390	8	79	7500	5	30	109
Union 76 Station		58	15365	8	98	8250	32	211	310
45 Lansing	3749	59	13760	6	66	8250	32	211	277
Total (including approved projects)									4959
Total (excluding approved projects)					1095			2189	3283