

- **CHAPTER 7**

Comments and Responses

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Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Comments and Responses on Draft EIR

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A. Introduction

Purpose of the Comments and Responses Document

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project (State Clearinghouse No. 2009082031), and responses to those comments. Also included in this document are text changes initiated by Planning Department staff as well as text changes in response to comments on the Draft EIR.

Environmental Review Process

On June 20, 2012, the San Francisco Planning Department published the Draft EIR on the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project for public review and comment. The public review and comment period on the document extended from June 20 through August 6, 2012. During the 48-day public review period, the San Francisco Planning Department received written comments sent through the mail or by hand-delivery, fax, or email (see Attachment 1). Oral comments were received at the public hearing on the Draft EIR, held before the Planning Commission on July 26, 2012. A court reporter was present at the public hearing, transcribed the oral comments verbatim, and prepared a written transcript (see Attachment 2).

This Comments and Responses document has been distributed to the San Francisco Planning Commission, State Clearinghouse, and agencies and individuals who commented on the Draft EIR. This document, which responds to comments received on the Draft EIR and includes associated revisions to the Draft EIR, in combination with the Draft EIR, constitutes the Final EIR for the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project. The Final EIR must be certified by the Planning Commission prior to consideration of the Proposed Project for approval.

Document Organization

Following Section A, 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 July 26, 2012.

Section C contains transcriptions of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from June 20 through August 6, 2012 (minor typos and punctuation and grammatical errors have been corrected in some comments). Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. However, if no comments addressed a particular topic, that topic does not appear in this document. The name of the commenter is indicated following each comment summary. In the text of the comments, an ellipsis (...) standing alone as a separate paragraph indicates that one or more paragraphs in a comment are not included in the quoted text, either because those portion(s) of the comment appear under another topic or because they do not address substantive issues with respect to the Draft EIR.

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

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

The comment letters received and the transcript of the public hearing are reproduced in Attachments 1 and 2, respectively. Attachment 3 includes emails clarifying that one of the speakers at the public hearing did not have the authority and did not intend to speak on behalf of the Entertainment Commission.

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.

B. List of Persons Commenting

The Planning Commission held a public hearing about the Draft EIR on July 26, 2012, and individuals and Planning Commissioners made oral comments at that hearing. A list of persons who spoke at the public hearing is presented below, in the order of the speakers. During the public comment period from June 20, 2012 to August 6, 2012, the City also received written comments on the Draft EIR from public agencies, commissions, organizations, and individuals. A list of persons who submitted written comments is presented below.

Persons Commenting at the Public Hearing, July 26, 2012

Dawn Holiday
Andrew Naravage
Laura Hahn
Terrance Allen
Dennis Juarez
Mark Rennie, Esq.
Holly Verrett
Glendon Anna Conda Hyde¹
Nathaniel Blum
Jiayi Uao
John Elberling
Skot Kuiper
Jim Meko
Planning Commissioner Michael J. Antonini
Planning Commissioner Cindy Wu
Planning Commissioner Hisashi “Bill” Sugaya

Written Comments

Public Agencies and Commissions

Charles Edwin Chase, San Francisco Historic Preservation Commission (HPC), Letter, July 26, 2012
Erik Alm, AICP, Caltrans, Letter, August 6, 2012

Others

Ben Bleiman, Tonic Nightlife Group, Email, July 24, 2012
Janet Clyde, Letter, August 1, 2012
Vlad Cood, Pure Entertainment, LLC, Email, July 25, 2012

¹ As evidenced by a letter provided in Attachment 3, Glendon Anna Conda Hyde was speaking on his own behalf and not on the behalf of the Entertainment Commission.

James Degner, Email, June 27, 2012

John Elberling, Tenants and Owners Development Corporation (TODCO), Letter, July 27, 2012

Laura Hahn, California Music And Culture Association (CMAC), Letter, August 6, 2012

Chris Hastings, Email, July 19, 2012

Skot Kuiper, WSOMA Task Force Arts Representative, Letter, August 6, 2012

Alice Light, TODCO, Email, July 20, 2012

Hisashi "Bill" Sugaya, Email, August 6, 2012

Jamie Whitaker, Letter, July 31, 2012

"Very Concern resident around SOMA," Email, June 27, 2012

C. Comments and Responses

This chapter presents verbatim text of the substantive comments received on the Draft Environmental Impact Report (Draft EIR), as well as responses to those comments. The comments and responses are organized by topic and are generally presented in the same order the topics appeared in the Draft EIR; general comments on the Draft EIR or the Proposed Project are grouped together at the beginning of this chapter. Comments on mitigation measures are addressed in the relevant sections of this Comments and Responses document. The order of the comments and responses is shown below, with the topical codes indicated in square brackets:

General Comments [GC]	Transportation and Circulation [TR]
Merit of Proposed Project [PP]	Noise [NO]
Project Description [PD]	Air Quality [AQ]
Land Use [LU]	Wind and Shadow [WS]
Population and Housing [PH]	Alternatives [AL]
Cultural and Paleontological Resources [CP]	Cumulative Impacts [CU]

Within each topical area, similar comments are grouped together and numbered sequentially. For example, Transportation and Circulation comments [TR] are numbered [TR-1], [TR-2], [TR-3], etc. beneath a heading that introduces the comment subject, followed by a list of the comments included. After each comment, the agency, organization, or individual that submitted the comment is identified.

Attachment 1 presents the comment letters in their entirety; brackets in the comment letter margins show each individual comment, and a corresponding topical code indicates where the reader can locate the responses to those comments. Attachment 2 presents the public hearing transcripts. Attachment 3 includes emails clarifying that one of the speakers at the public hearing did not have the authority and did not intend to speak on behalf of the Entertainment Commission.

Following each comment or group of comments, a comprehensive response is provided to address issues raised in the comment(s) and to clarify or augment information in the Draft EIR as appropriate. The responses may also include revisions or additions to the Draft EIR. Portions of the Draft EIR that have been revised are shown as indented text. In cases where a comment addresses more than one topic, the response may provide a cross-reference to other responses. Response numbers correspond to the comment numbers; for example, the response to Comment TR-1 is referred to as Response TR-1.

General Comments

The comments and corresponding responses in this section cover general subjects not directly related to a specific section of the Draft EIR, although in some cases they address a number of interrelated topics discussed in various sections of the Draft EIR.

Comment GC-1: City revenues generated from land use intensification in the South of Market (SoMa) area should be reinvested back into SoMa services and infrastructure.

“It is striking to me how far behind most of the City and County of San Francisco’s agencies operate, as if time stands still in 1982 with bus lines that do not reflect the population shifts in South of Market - especially eastern SoMa. Even the Planning Department itself, last I checked, has a Recreation and Open Space Element document that seems to be using census data for blocks in Rincon Hill from 10 years ago - citing populations of kids as less than a dozen on blocks like those occupied by The Infinity at Folsom and Main Street where in fact 80-some children live. While every body wants to drum up more revenue using South of Market, I highly recommend that folks start finding some sensibilities about investing some of the revenues created by the intensification of land uses in South of Market back into South of Market to improve livability rather than continuing the historic ponzi scheme of increasing intensities in SoMa, but leaving the infrastructure and services at a dreadful level - especially open space where Recreation and Parks openly refuses to add any parks in SoMa to their portfolio while collecting millions from the 2.5% of 1% property taxes collected in SoMa – it’s outrageous. It is a matter of social justice, humanity, and equity that we don’t continue the past path of harming South of Market residents’ health, freedoms, and livability in the name of increasing city revenues with little to no investment of those revenues in services and infrastructure clearly meant to serve the residents who spend the majority of their lives in SoMa rather than the workers who only spend a fraction of their lives in SoMa.

“Thank you for the opportunity to comment on the Western SoMa EIR – let’s treat all of SoMa as one in considering the environmental impacts.” (Jamie Whitaker, Letter, July 31, 2012)

“Most of the concerns I did see printed within this all seem to maybe emanate from HAC or another group. I was concerned I didn't see any of the concerns that were expressed today written within the EIR before, mostly around the entertainment communities and the businesses that those represent. Most of the concerns that were represented around increasing the residential capacity in many cases go against what the Western SOMA Community Plan stated as its original goals, for example, mitigate to the fullest extent possible, neighborhood impacts resulting from new development, stabilize the neighborhood against speculative land proposals and developments, and maintain and encourage the existing community and cultural diversity. So, you know, hopefully those are going to be the principles that our plan finally rests on, rather than the demand for the highest density possible within those areas.

“I’ll submit something in writing to the Commission that will outline these in more detail. And I appreciate your time today. Thank you very much for hearing this.” (Skot Kuiper, Public Hearing Transcript, July 26, 2012)

Response GC-1

These comments are noted and will be taken into account by the Planning Commission, Board of Supervisors, and other decision-makers in their consideration of project approval. However, these comments are not on the physical environmental impacts of the Proposed Project, nor on the accuracy or adequacy of the Draft EIR. Thus, no further response is required.

Comment GC-2: Request for more information concerning residential uses of the 350 Eighth Street project.

“5. Is environmental impact report for this development ready to be distributed? If so, can I get a copy.”
 (“Very Concern resident around SOMA,” Email, June 27, 2012)

Response GC-2

The Draft EIR for the Proposed Project was distributed on June 20, 2012, in accordance with all legal requirements pursuant to California Environmental Quality Act (CEQA) and Chapter 31 of the San Francisco Administrative Code. The Planning Department requires that a Notice of Availability (NOA) of a Draft EIR be distributed to individuals, organizations, agencies, and adjacent property residents and property owners, as identified by Planning Department’s environmental coordinator for the project. In addition, the Draft EIR was posted to the Planning Department webpage, at <http://tinyurl.com/sfceqadocs> on June 20, 2012, where it is still available for download. Subsequent to this request, an electronic copy of the Draft EIR was provided to the commenter.

Comment GC-3: Request for more information concerning environmental process for future applications within the Project Area.

“This is an area, community plan, the EIR for the Area Community Plan. So what is the environmental process when, then, projects within the plan area come in the future.” (Planning Commissioner Cindy Wu, Public Hearing Transcript, July 26, 2012)

Response GC-3

Section 15183 of the State CEQA Guidelines states that projects that are consistent with the development density established by a community plan for which an Environmental Impact Report was certified shall not require additional environmental review, except as necessary to determine the presence of project-specific significant effects not identified in the programmatic, plan area EIR. As future applications for individual projects within the Draft Plan Area come up, the Planning Department would review them for consistency with the *Western SoMa Community Plan* (Draft Plan) and for the potential for those individual projects to result in significant impacts not identified in this EIR (assuming that this EIR is certified and the Plan is adopted). If the Planning Department determines that both conditions are met, such projects would be eligible for a Community Plan Exemption. If they do not meet these requirements, they would be subject to additional environmental review, such as a preparation of a Mitigated Negative Declaration or an Environmental Impact Report. This is the same process that the Department has used in the recent area plans and is described on Draft EIR p. 2-6.

Comments on the Merit of the Proposed Project

Comment PR-1: Comment in support of the Proposed Project.

“Please know that I have attended neighborhood meetings and fully support this [350 Eighth Street] project. I believe it will bring needed services to the area, such as grocery, restaurant, art, and many small businesses; providing needed housing for our community.

“Please vote to support this project. It is a great opportunity to improve this neighborhood in my lifetime.” (James Degner, Email, June 27, 2012)

Response PR-1

Comment in support of the Proposed Project is noted. Comments expressing support of or opposition to the project do not pertain to the adequacy of the Draft EIR, but may be taken into account by the Planning Commission, the Board of Supervisors, and other decision-makers in their consideration of project approval. No further response is required.

Comment PR-2: Comment in support of including transportation, public safety, and other sections in the Draft Plan and other plans.

“I congratulate Jim Meko and his neighbors and business owners who fought to take control of their neighborhood planning process, and I also congratulate the Planning Department for allowing these Citizen Planners to smartly include transportation, public safety, and other sections that no other rushed area plan has included up until now - and I suggest that ALL area plans should include these sections as a part of the plan going forward.” (Jamie Whitaker, Letter, July 31, 2012)

Response PR-2

This comment in support of including transportation, public safety, and other (unspecified) sections in the Draft Plan and all other area plans is noted. No further response is required.

Project Description

Comment PD-1: Limitations should be placed on how much of a street frontage a singular project can occupy.

“The HPC agreed there should be limitations on how much a singular project can occupy a street frontage (no more than ½ of a city block).” (Charles Edwin Chase, HPC, Letter, July 26, 2012)

Response PD-1

This comment is directed at the proposed 350 Eighth Street project, and potentially at land use controls in the Draft Plan with respect to large sites; it does not address the adequacy or accuracy of the Draft EIR. (The comment is related to other comments that address the proposed 350 Eighth Street project's impacts on the surrounding historical resources, as discussed below under response to Comment CP-1.) The commenter's request that limitations be placed on how much a singular project can occupy a street frontage (no more than one half of a city block) are noted and will be considered by the decisions-makers in their consideration of approval of the 350 Eighth Street project.

It is noted, however, that the Planning Code does not impose such a limitation on project size anywhere in San Francisco. Additionally, 350 Eighth Street project is not made up of one large building, but rather seven separate structures that would break up the street wall, and would include set-backs and façade articulations. Moreover, there are no other readily developable sites in the Draft Plan Area that are as large as the 350 Eighth Street project site, meaning that the potential for another project as large as the proposed 350 Eighth Street project is limited. The size and character of the project vicinity has been addressed in the land use section (Section 4.A) of the Draft EIR.

Comment PD-2: Request for more information concerning height of the 350 Eighth Street project.

"1. How tall in [*sic*] the building with 444 units in the entire lot? (...) Is there any building height limit around the area?" ("Very Concern resident around SOMA," Email, June 27, 2012)

Response PD-2

Proposed building heights of the 350 Eighth Street project are discussed on Draft EIR p. 2-25, where it is stated that the proposed buildings would range from four to six stories, or 53 to 65 feet tall.

Existing and proposed height limits on the 350 Eighth Street project site and surrounding parcels are illustrated in Draft EIR Figure 2-4, p. 2-16. As shown, the 350 Eighth Street project site is currently within a 40-foot height district and, assuming adoption of the Draft Plan, would be within the 55- to 65-foot height district. Parcels surrounding the 350 Eighth Street project site are currently zoned between 40 and 50 feet. With implementation of the *Western SoMa Community Plan*, they would be rezoned to between 40 to 65 feet, with one nearby parcel (at the northeast corner of Eighth and Folsom Streets) zoned to a 65-B/75-B zoning district, which could accommodate a building of up to 75 feet tall through a Conditional Use authorization, provided that it includes benefit(s) to the public, such as on-site public amenities. As concluded in the Draft EIR on p. 4.B-18, the proposed height increases throughout the Draft Plan Area, including in the vicinity of the 350 Eighth Street

project site, would be generally considered modest and would not be expected to result in any significant adverse physical impacts to the environment.

Comment PD-3: Request for more information concerning residential uses of the 350 Eighth Street project.

“3. What is purpose of the the 444 dwelling units? What is the ratio of resident vs. commercial use?”
 (“Very Concern resident around SOMA,” Email, June 27, 2012)

Response PD-3

Project characteristics associated with the 350 Eighth Street project are discussed on Draft EIR pp. 2-23 through 2-31 and summarized in Table 2-1 on p. 2-24. As stated, the 350 Eighth Street project would include 444 dwelling units, which would be made up of 40 studios, 223 1-bedroom units (including 1-bedroom loft and 1-bedroom live/work units) and 181 2-bedroom units (including 2-bedroom flex-space units and 2-bedroom townhomes). The comment inquiring the purpose of such units appears to relate to the Project Description and not to the accuracy or adequacy of the Draft EIR. As stated on Draft EIR p. 2-4, one of the project sponsor’s objectives for 350 Eighth Street project is to “create an apartment community that respects the neighborhood and context in which it is being built.”

In total, the residential uses would take up approximately 351,700 square feet. In comparison (and to answer the second question posed regarding the ratio of resident vs. commercial uses), commercial uses would take up approximately 33,644 square feet, or slightly less than 10 percent of the floor area that would be dedicated to residential uses.

Comment PD-4: Request for more information concerning open space associated with the 350 Eighth Street project.

“4. Will the development create the community park in the area?” (“Very Concern resident around SOMA,” Email, June 27, 2012)

Response PD-4

As stated on Draft EIR p. 2-24, the 350 Eighth Street project would include a small pocket park at the intersection of Eighth and Ringold Streets. This park would be approximately 5,400 square feet in size and would be open to the general public.

Land Use

Comment LU-1: The Draft EIR fails to analyze project impacts related to incompatibility between existing entertainment uses and the proposed residential districts.

"I am concerned that the proposed Western SoMa Community Plan would have a negative impact on the historic nightlife and entertainment venues in the area. The neighborhood has already lost a number of historically significant establishments, and the addition of residential condos along 11th Street and Folsom street will make it harder for these establishments to operate successfully. Please support the preservation of entertainment venues and bars in the district as you review the plan." (Chris Hastings, Email, July 19, 2012)

"I'm very concerned that the proposed Western SoMa Community Plan would have a negative impact on the nightlife and entertainment venues in the area. My business and the businesses of my associates. I understand that the "PLAN" is a 'community' plan to take residential growth into consideration and some interest was addressed to maintaining the status quo.... but we as the businesses that were the trailblazing pioneers of SOMA are also an integral part of this community and not outsiders like the way this plan is written. If it was not for the initial entertainment surge into SOMA, residential desire to be close to the entertainment would have never followed, and that "COOL" trend was the underlying basis upon which soma was developed. Now our businesses are being dismissed as sideshows and not considered a part of the community we developed and established." (Vlad Cood, Pure Entertainment, LLC, Email, July 25, 2012)

"Finally the effect on the entertainment community is inadequate and we would appreciate more time spent on the effect on Folsom and 11th St." (Skot Kuiper, WSOMA Task Force Arts Representative, letter, August 6, 2012)

"I am writing to strongly urge you to make planning for entertainment a strong component of the Western Soma Plan. The EIR was inadequate by its almost complete silence on this issue. As a 20 year resident of the Inner Mission neighborhood and a 30 year business operator in North Beach I understand very well the benefits and conflicts of entertainment in mixed use commercial and residential neighborhoods.

"I strongly urge you to consider the benefits of including a diversity of entertainment uses in the growing Western SOMA. It is equally critical to protect existing entertainment uses, particularly the businesses along the 11st Street Corridor. 11th Street is a destination citywide, regionally and internationally. The employment and cultural benefits cannot be overstated.

"You now have a unique opportunity to require business and residential design and zoning rules that can mitigate conflict between existing uses. These can include soundproofing, window requirements, buffer floors, buffer blocks, and lighting requirements.

"An active streetscape is a safe streetscape and provides employment opportunity to our residents as well as social benefits. I have walked in the SOMA and the barren sidewalks are not inviting, nor do they feel safe even at 11 in the morning or 3 in the afternoon - much less at midnight.

"The Inner Mission and Central City will be expanding significantly over the next several years. Entertainment is a vital component of a healthy city and we must ensure the industry has room to grow and thrive." (Janet Clyde, Letter, August 1, 2012)

"Yes. My name is Dennis Juarez and I work at Slim's on 11th Street. I'm also a member of the task force that helped develop the Western SOMA Plan. And I'd like to speak to one aspect of that plan as it impacts 11th Street, being that I work on 11th Street.

"And I joined the task force -- as I joined the task force, we were in a little bit of a conflict with some residential neighbors on 11th Street and I brought up that maybe perhaps we should not allow more residential building on 11th Street; however, the way it is currently zoned, that wouldn't be possible.

"So in short, I just think that if you took a liberal Democrat from San Francisco, they can share a space with a Republican -- religious Republican from Texas, but why would you want to do that? Because I think you know, going in, you're going to have problems and if we can avoid that on 11th Street, I think we should. And now would be the time." (Dennis Juarez, Public Hearing Transcript, July 26, 2012)

"Mr. President, Commissioners, my name is Mark Rennie. I'm an attorney in San Francisco. I specialize in entertainment venues and perhaps 50 percent of every large entertainment venue in San Francisco that have been built in the last five years, I've had something to do with.

"And I'm very concerned about this plan in certain aspects. It's a good plan overall, but the 11th Street mixing of new commercial condos and Slim's, and Mist, and Paradise Lounge, and DNA Lounge, will destroy within five years all of those venues.

"Now, half of my practice -- and people ask me what I do -- I mediate with neighbors, I go to hearings, we go to lawsuit, it's all about neighbors coming in and complaining about existent venues. And I was involved with the Slim's situation and I can tell you that, back in June, or before they let that place be built as a live/work, which was supposed to be a legal live/work, and it's just a live now, they signed a Notice of Special Restrictions. It's on the deed that basically tells them that they're moving into a 24-hour a day commercial zone with nightclubs and moving next door to a blacksmith shop with a pneumatic hammer that runs 24 hours. They signed that deed and everybody else is aware of that deed. That same building has complained against DNA at least 300 times, against my client Slim's at least 200 times, and it has cost the client over \$100,000 because of that." (Mark Rennie, Esq., Public Hearing Transcript, July 26, 2012)

"Hello, Commissioners. I appreciate the opportunity to address you today. My name is Skot Kuiper. I have been a member of the Western SOMA Citizens Planning Task Force representing the Arts. And most of my concerns about the EIR are mostly with components that are not present within it, rather than objections to what are there. You've already heard quite a bit in concerns to current solutions regarding entertainment, the displacement and the compatibility of housing and existing usages for that. That's an area that I'm hoping can be readdressed and studied more in the final version of this, and most of the concerns are along 11th Street, there's also a number along Folsom Street." (Skot Kuiper, Public Hearing Transcript, July 26, 2012)

“Well, just as a summary, what I've heard and the issues presented today where it seems as though the public who spoke today felt there are things that need to be addressed in the Comments and Responses, just to summarize, is of course impacts between entertainment and housing issues and if they're properly and completely analyzed” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

“Hello, Commissioners. My name is Glendon Anna Conda Hyde and I'm here representing the Entertainment Commission today.² When we -- we set up a special group to look at the EIR and the impacts on entertainment and the neighborhood, and we have three complaints that we would sort of like to bring before you that were not addressed in the EIR. I'm not going to reiterate 11th Street, which you have heard, but we do support many of the ideas and we will submit that to you in writing.

(...)

“And then also, as far as where entertainment will be permitted, we believe that in this, in the area that the neighborhood will allow entertainment, the EIR did not address areas that there are no places that are actually able to house entertainment at this time, and very very few -- I believe there were two or three spaces that would actually be available for entertainment in the future, and the estimated cost is several million to open one of these spaces. So if we are truly trying to preserve entertainment and the culture of this neighborhood, we find those three points in the EIR to not agree.” (Glendon Anna Conda Hyde, Public Hearing Transcript, July 26, 2012)

“My concern with the Draft EIR is that it does not take the existing businesses, especially those on 11th Street, into account and does not discuss the economic impact that new housing in Western SOMA will have on those businesses.

“At Slim's, we have nearly 50 full and part-time employees and there are many other nightlife small businesses that operate on this block of 11th Street. There are literally hundreds of jobs that depend on nightlife in the area. These jobs include artists performing, security staff, bar and wait staff, kitchen staff, janitor, sound lighting engineers, and so on. They all derive wages from the nightclubs and the activity on 11th Street.

(...)

“These businesses are a large part of the tourist draw in this neighborhood and their economic impact on the city ought to be given a fair account in the Draft EIR.” (Andrew Naravage, Public Hearing Transcript, July 26, 2012)

“Anecdotal evidence suggests that placing housing next to nightclubs creates conflict. I can confirm that Slim's had a conflict with a single neighbor and it caused our business hundreds of thousands of dollars. Allowing housing on 11th Street will create conflict and will burden businesses with costs that can be avoided by smarter planning.” (Andrew Naravage, Public Hearing Transcript, July 26, 2012)

² As clarified in Attachment 3, this speaker did not have the authority and did not intend to speak on behalf of the Entertainment Commission.

Response LU-1

A large volume of comments received on the Draft EIR is related to existing and potential future conflicts between existing nighttime entertainment uses (including venues with extended hours) and future nearby residential (or other noise-sensitive) uses. Because these concerns touch on more than one CEQA checklist topic, they are addressed within several responses of this document. The guide below is intended to orient the reader as to which aspects of the “conflict” are addressed within which topic and response:

- This response, LU-1, addresses the issues of land use incompatibilities between the existing and proposed uses and discusses zoning changes that would guide the establishment of entertainment and residential uses in the Draft Plan Area in the future (and compares uses that would be permitted within those districts to existing zoning districts and existing uses).
- Response CP-1 addresses the distinction between “cultural resources” and “historical resources” as they are perceived by some commenters versus how they are defined by CEQA. This response also describes the intent of the Draft Plan with regard to entertainment “preservation” and retention of entertainment uses.
- Response NO-1 addresses potential noise-related conflicts between housing and nighttime entertainment uses.
- Response NO-2 addresses comments that request that buffer zones be created around existing noise-generating uses to protect them from noise complaints from future residential uses.

Land use changes that could result in incompatibility between the proposed and existing land uses are considered in the Land Use section (Section 4.A) of the Draft EIR, while secondary physical impacts that may result from any identified incompatibilities are discussed in applicable technical sections, including Section 4.F, Noise and Vibration, Section 4.A, Aesthetics, and Section 4.E, Transportation and Circulation. Therefore, as noted above, responses to comments that address ways that potential land use incompatibilities are manifested are also discussed in these other sections of this document.

It is noted that some commenters describe entertainment venues as “historical resources” or “cultural resources.” While the Planning Department acknowledges the important role that many of these venues have played in the community for many years, they are not considered “cultural resources” for the purposes of CEQA. A more detailed discussion regarding what constitutes a “cultural resource” under CEQA is provided in Response CP-1 on p. C&R-26, below.

Regarding these comments in the context of CEQA land use analysis, it should first be noted, as commenters have stated, that nighttime entertainment uses already exist throughout the Draft Plan Area. While some entertainment uses exist throughout the Draft Plan Area, a large number of venues is concentrated north of Harrison Street and west of Seventh Street, particularly along Folsom and 11th Streets, as noted in some of the comments. In terms of zoning, current zoning in all Draft Plan Area zoning districts allows all existing nighttime entertainment establishments

that are legal nonconforming uses to operate in perpetuity. The existing entertainment uses are located largely within the SLR zoning district, where nighttime entertainment uses are currently not permitted (but existing entertainment uses could continue to operate provided that they are not expanded). In addition, residential uses also exist throughout the Draft Plan Area, some in close proximity to the existing nighttime entertainment uses. As some commenters have described, there are existing conflicts between existing nighttime entertainment uses and existing residential uses. The EIR has been amended to acknowledge these conflicts. Since these conflicts do not represent a significant impact under CEQA, recirculation of the document is not required. This is because the conflicts that exist between these uses at present are an existing condition that is not typically subject to analysis in the Draft EIR since the Draft Plan does not represent a change in permitted land uses brought about by the Proposed Project.

The Draft Plan proposes a mix of land uses that can be distinguished by their location either north or south of Harrison Street. With respect to land use controls north of Harrison Street, the Draft Plan does not propose to fundamentally alter the land use controls associated with residential uses in this area. As shown in Figure 2-2 (Existing and Proposed Western SoMa Community Plan Area Use Districts) on Draft EIR p. 2-9, and discussed on Draft EIR p. 3-15, the vast majority of the Draft Plan Area north of Harrison Street is designated as Service/Light Industrial/Residential (SLR), with small clusters of Residential Enclave District (RED) and one block of Light Industrial (M-1) located between Howard and Folsom Streets and 12th and 13th Streets. Based on these existing zoning designations, housing is currently permitted as a principal use in the majority of the Draft Plan Area north of Harrison Street (specifically within the SLR and RED districts). The Draft Plan proposes a combination of RED, RED MX, W SoMa RCD, W SoMa MUG and Folsom NC-T districts throughout this area, although most of the area north of Harrison Street would be within the W SoMa MUG district, including the 11th Street corridor. The W SoMa MUG district would permit residential uses and support a flexible mix of smaller neighborhood-serving, commercial, institutional, and industrial/“Production, Distribution, and Repair” uses, such as bars, restaurants, retail, business services, and light manufacturing, although nighttime entertainment, adult entertainment, movie theaters, hotels, and offices in other than City Landmark buildings would not be permitted, and uses that propose to be open after 2:00 a.m. would require Conditional Use authorization. Most of these districts (including RED, RED MX, W SoMa RCD, W SoMa MUG and Folsom NC-T) would continue to allow residential uses as principally permitted uses including the 11th Street corridor. Thus, while the Draft Plan may incentivize construction of residential uses over time within the Draft Plan area, this would not be a major change in land use designations, as residential uses are currently permitted under existing conditions.

In terms of areas south of Harrison Street, the following text on Draft EIR p. 4.A-6 has been slightly revised to more accurately reflect the existing land use pattern south of Harrison Street:

[s]outh of Harrison Street, new residential uses only would be allowed within newly designated REDs along Dore Street south of Harrison Street, along Freelon Street west of

Fourth Street, and in new RED MX Districts both north and south of Brannan Street between Sixth and Seventh Streets. In each case, these newly-created districts would be comprised largely of parcels that contain existing residential uses. The existing land use pattern south of Harrison Street, which includes PDR, light industrial and some features a concentration of tech-oriented office uses, as well as local- and region-serving retail and other commercial uses, would be largely retained under the Draft Plan.

In terms of proposed changes specifically along the 11th Street and Folsom Street corridors, which currently contain many entertainment venues as well as residential uses (the combination of which has resulted in noise complaints from residents), the Draft Plan, as proposed, would rezone 11th Street to a combination of W SoMa MUG and W SoMa SALI districts and would rezone Folsom Street to a combination of W SoMa MUG, W SoMa RCD, and Folsom NC-T districts (see Figure 2-2 on Draft EIR p. 2-9). The block of 11th Street, between Folsom and Harrison Streets, which includes a high concentration of entertainment uses, would be rezoned to W SoMa MUG (it is currently within an SLR zoning district), which would continue to allow residential and neighborhood-serving, commercial, institutional, industrial, and other similar uses, but would not permit new nighttime entertainment uses, although restaurants, bars and arts-related uses, which in general produce less noise-related disturbances, would be permitted. New nighttime entertainment uses would also be prohibited in the nearby Folsom NC-T district and RCD district (on Ninth and Tenth Streets). Conversely, the proposed SALI district (located south of Harrison Street) would permit nighttime entertainment uses (outside of designated residential enclaves and buffers surrounding them) and would permit uses with extended hours with a CU authorization. Residential uses would be generally permitted within W SoMa MUG, W SoMa RCD, and Folsom NC-T districts, either as principal uses or with a CU authorization, but would not be permitted in SALI districts. Thus, by permitting nighttime entertainment uses but not permitting any residential uses in the SALI district, the Draft Plan would seek to reduce the potential for land use incompatibilities by segregating new noise-generating uses and residential uses to the extent feasible.

On Draft EIR p. 4.A-7, the following text has been added after the second paragraph to respond to commenters' concerns and provide additional information concerning existing and potential future land use conflicts between entertainment venues and residential uses. With regard to CEQA, these conflicts would not result in a significant impact and recirculation is not required.

As discussed in Section 4.F, Noise and Vibration, the Draft Plan Area contains existing entertainment venues (some with extended hours) along Folsom, 11th and other larger streets throughout the area and contains existing residential uses proximate to some of those venues. The presence of noise-generating uses near noise-sensitive uses at times leads to land use conflicts. Secondary (physical) impacts that may result from the proposed land use changes are covered in greater detail in other sections of the Draft EIR (including Section 4.B, Aesthetics, Section 4.E, Transportation and Circulation and Section 4.F, Noise and Vibration). However, it is noted that the Draft Plan seeks to minimize the potential for such inconsistencies by channeling various land uses to specific areas. For example, the Draft Plan

would encourage residential uses north of Harrison Street and would generally limit residential uses south of Harrison Street. In addition, 200-foot buffers would be placed around RED and RED MX districts south of Harrison Street where no nighttime entertainment or 24-hour kennels would be permitted. Therefore, some land use inconsistencies, in terms of noise, would likely continue and have the potential to increase under the Draft Plan, as proposed. However, the Draft Plan intends to reduce them by directing new nighttime entertainment uses south of Harrison Street (to the SALI district).

Therefore, under the Draft Plan, areas south of Harrison Street, much of which would be zoned as a SALI district, would preclude many uses, such as residential, that could be the source of incompatibilities with nighttime entertainment uses, and would also impose size limits on retail uses.

The objective of the EIR is to analyze changes that would result from the implementation of the Proposed Project as compared to existing conditions. Based on the proposed zoning districts, from the perspective of land use compatibility, the Draft Plan would largely maintain the existing mix of uses, although some uses would be encouraged within specific zoning districts with the purpose of reducing land use incompatibilities. Comments that recommend different land use designations or a different mix of land uses than proposed by the Draft Plan address the Proposed Project itself, and do not address the adequacy or accuracy of the Draft EIR. However, this Comments and Responses document addresses the comments recommending removal of residential uses on 11th Street below, for informational purposes.

It is also noted that it is possible that decision-makers, during the course of the consideration of Draft Plan adoption, may propose revisions to the Draft Plan to change zoning controls in some fashion along the 11th Street corridor in a way that would impose further restrictions on new residential uses or prohibit them altogether. To the extent that such revisions could occur, it would further reduce the potential for future conflicts between entertainment and residential uses. If such changes were implemented, they would reduce the growth potential within the Draft Plan Area as compared to what was assumed in the Draft EIR and would not be expected to exacerbate any of the environmental impacts that are related to growth projections. Thus, such changes would not trigger any new environmental impacts and would, in general, result in reduced environmental impacts as compared to what was identified in the Draft EIR.

In response to comments stating that establishment of new entertainment uses would be cost prohibitive or that development of other uses would drive existing arts and entertainment uses out, while that could potentially occur, such an occurrence would be a socioeconomic impact, which is beyond the scope of CEQA. As stated in CEQA Guidelines Section 15131(a), “[e]conomic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the

physical changes.” In general, analysis of the potential adverse physical impacts resulting from economic activities has been concerned with the question of whether an economic change would lead to physical deterioration in a community. Most often, this analysis has been required by California courts to be undertaken in connection with whether the opening of a “big box” retail store would lead to the closure of other, existing retail stores, the locations of which might not be suitable for new retail tenants. The result can be vacant buildings leading to disrepair of the facilities and other blighting conditions. This blight, precipitated by economic conditions, would be the physical change that would be a significant, adverse impact under CEQA. In contrast, one business displacing another due to repeated noise complaints (and then replaced with another presumably less noisy business), while potentially an adverse consequence for the displaced business person, would not result in the physical blight noted above, and would not, therefore, result in a significant impact under CEQA.

It is possible that some change to the neighborhood character could occur as a result of the Draft Plan continuing to permit residential development north of Harrison Street and thereby resulting in pressure and possible closures of entertainment establishments. However, inasmuch as the Draft Plan would continue to permit residential development in the proposed W SoMa MUG district (including along 11th Street) that is currently permitted in the existing SLR district, it is not expected that such a change would occur on a scale large enough to result in a “substantial impact on the existing character” of the neighborhood, since entertainment uses are one use type of several that exist in the Draft Plan Area and existing entertainment uses would continue to be allowed to operate. While this document acknowledges the land use conflicts reported by commenters and the potential for increased land use conflicts on 11th Street under the Draft Plan, such conflicts do not rise to the level of significance that would require recirculation of the Draft EIR.

Comment LU-2: The 350 Eighth Street project is too large.

“The HPC agreed the proposed 350 Eighth Street Project is inappropriate. The project, taking up the entire full block, is too large and will have an impact on the existing diverse and urban environment.” (Charles Edwin Chase, HPC, Letter, July 26, 2012)

Response LU-2

The Planning Department appreciates the opinion of the Historic Preservation Commission (HPC) regarding the merits of the 350 Eighth Street project design. Comments expressing opposition to or support of the project do not pertain to the adequacy of the Draft EIR, but may be taken into account by the Planning Commission, the Board of Supervisors, and other decision-makers in their consideration of project approval.

With regard to the size of the proposed 350 Eighth Street project, the commenter is inaccurate in stating that it would take up the entire block. In fact, the 350 Eighth Street project site does not

extend the full length of the block along three of its four sides (Eighth, Harrison, and Ringold Streets). Moreover, the 350 Eighth Street project would include several different uses, including residential, commercial, and arts-related uses, as well as a pocket park. Therefore, the project site, which is currently used as a surface parking lot (one type of land use), would be divided into several uses, increasing its use “diversity” as compared to existing conditions.

To the extent that the 350 Eighth Street project would result in impacts on the surrounding urban environment, these are discussed throughout the various sections of Chapter 4 of the Draft EIR. Potential for general land use inconsistencies is discussed in the Land Use chapter. On p. 4.A-9, it is stated that the proposed 350 Eighth Street project would not have a substantial impact on the existing character of the vicinity since it would be separated into several buildings and articulated along the primary facades. Furthermore, the 350 Eighth Street project, while introducing taller and more massive buildings than current exist in the vicinity, would also introduce active uses where none currently exist. Lastly, the mix of uses that would be introduced as part of the 350 Eighth Street project would integrate it in to the surrounding neighborhood and generate pedestrian interest.

Based on the above, the Draft EIR determined that this project would not result in significant land use impacts. To the extent that this project would result in other physical environmental impacts to “the existing diverse and urban environment,” as stated by the commenter, these are discussed in Sections 4.B, Aesthetics, 4.D. Cultural and Paleontological Resources, 4.E. Transportation and Circulation, and other sections of Chapter 4.

Population and Housing

Comment PH-1: The demographic/Census analysis included in the Draft EIR is outdated.

“1. Community Demographics

“The demographic information for the district is both unacceptably out of date and topically insufficient.

“The DEIR presents and discusses only 2008 estimated demographic data, instead of the now available 2010 U.S. Census data. All information and discussion in the EIR needs to be updated with the 2010 Census data, alongside matching 2000 data, so that the changes in demographics over the last 10 years are accurately described.

“In addition, the DEIR needs to estimate the potential long term change in population that would result following the adoption of the West SOMA Plan after a long enough period to average out short term trends – e.g. 20 years. This is vital information for many planning purposes, including community facilities/services, etc.

“And the discussion of Neighborhood demographics needs to also present the important demographic Census data breakdowns for both 2000 and 2010 for ethnicity, age, household size, number of housing units occupied/vacant, etc. All this data is readily available today. The EIR can and must refine this Census information to match the actual Plan area boundaries as closely as possible.

“(Attached is a quick summary of this 2000/2010 information for the two/three large Census tracts that include most of the West SOMA Plan area prepared by TODCO to provide some idea of the changes. But it also includes much of the Yerba Buena and Sixth Street Neighborhoods.)” [This information is provided in Attachment 1, Comment Letters]

“Unfortunately, the most important data of all – household incomes [*sic*] distribution – is not yet available for the 2010 Census. This is the information that will enable the community and policy makers to evaluate the crucial impact of gentrification on West SOMA. But the available 2000 Census household income information should be included now, so that the 2010 data can be incorporated by reference later this year for comparison when it becomes available before the final EIR certification by the Board of Supervisors.

“What could be more important policy information than what our Neighborhood population is, and how it is changing??” (John Elberling, TODCO, Letter, July 27, 2012)

“Good afternoon, Commissioners. I'm John Elberling, President of the TODCO Group at 230 4th Street, San Francisco.

“The reason, of course, for EIRs is to give decision makers and the public information that's really important to making your decisions. And I want to address two aspects of this DEIR that don't do enough.

“The demographic discussion in the EIR is incredibly superficial. All it presents is some very cursory information from 2008 estimates. In fact, the 2000 and 2010 Census data is readily available and could easily have been and needs to be incorporated in the EIR. Attached to this letter are two pages, we did a really quick -- quick and dirty table just based on the larger census tracts that include the West SOMA area, plus some adjacent areas. Your staff needs to refine that to match the boundaries as best as possible.

“Our quick and dirty summary shows the population has increased by 50 percent in the last 10 years in the general area. The EIR needs to project also what kind of increase in population we should expect in the coming 10 years, at least in 20 years, if the rezoning is adopted; we expect more. The demographic data is important.

“The one thing not available today from the Census is the household income data, which is really crucial since that is how we would measure gentrification impacts upon our neighborhood, which is certainly one of the fundamental issues of this whole process. But that data should be available by the end of the year, before the EIR is finally certified by the Board of Supervisors, and it should be incorporated by reference, and then added when it becomes available, at least for the Board of Supervisors' action early next year.” (John Elberling, TODCO, Public Hearing Transcript, July 26, 2012)

“just to summarize,...And then finally, demographic analysis, whether it is as fresh as it could be and if it took into account the 2010 Census.” (Planning Commissioner Michael J. Antonini, Public Hearing Transcript, July 26, 2012)

“Thank you. For today, I have two comments, one is following on this TODCO letter and I am also very interested in the community demographics section of the EIR. If the Census numbers are not available, possibly there is information in the American Community Survey, at least to give us some sense of change over time in demographics.” (Planning Commissioner Cindy Wu, Public Hearing Transcript, July 26, 2012)

Response PH-1

The Planning Department appreciates the commenters’ request for more up-to-date demographic data in the Draft EIR. For the reasons explained below, however, the data in the Draft EIR is sufficient for the purposes of CEQA.

As stated in CEQA Guidelines, Section 15125(a), “[a]n EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.”³

The Draft EIR properly used 2008 (rather than 2010) as a baseline for its analysis of population, employment and housing impacts within the Draft Plan Area, since this is consistent with use of 2008 as a baseline for the entire Draft EIR. Consistent with all growth forecasting in plan area EIRs in San Francisco, projections of population and employment growth on which the analyses in the Draft EIR are based were prepared by the Planning Department. Specifically, projections associated with the Proposed Project (that is, future population, housing and employment anticipated under the Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project) were generated by Planning Department staff, using a citywide model that takes into account anticipated trends and large-scale developments.

For its discussion of population and housing characteristics (see Draft EIR p. 4.C-5), the Draft EIR relied on the 2000 Census, since information at this level of detail from the 2010 Census was not yet available during the preparation of the Draft EIR. Some of this information has become available since the publication of the Draft EIR and is provided below, by Census tract.

³ The NOP for the Draft EIR was published in August of 2009, and the EIR analysis relied on the then-latest (2008) demographic statistics that were compiled by the Planning Department.

However, the Planning Department forecasts for population and employment growth in the Plan Area and on the Adjacent Parcels are developed, for use in the City's transportation model, at a Traffic Analysis Zone (TAZ)-level of detail, which is standard methodology used for San Francisco area plans, and these growth forecasts do not always correspond precisely to Census tracts.

Similar to the data provided by the commenter in Attachment 1, Table C&R-1, below, provides a comparison between 2000 and 2010 Census demographics for an area that approximates the Project Area and is based on Census tracts 176.01, 178 and 180 for year 2000 and 176.01, 178.01, 178.02, and 180 for year 2010 (Census tract 178 is split into 178.01 and 178.02). In combination, these Census tracts contain the majority of the Project Area, but also contain other areas around the Project Area. This data relied on Census 2010 data and not the American Community Survey, since 2010 Census data is now available.

**TABLE C&R-1
SELECTED DEMOGRAPHIC DATA FOR PROJECT AREA CENSUS TRACTS**

	2000 Demographic Profile Data				2010 Demographic Profile Data					Change (2000- 2010)	% Increase
	Census Tracts as of 2000			Total	Census Tracts as of 2010				Total		
	176.01	178	180		176.01	178.01	178.02	180			
Total Housing Units	2,556	3,231	530	6,317	5,296	2,479	2,425	1,595	11,795	5,478	86.72
Total Households	2,437	3,115	494	6,046	4,321	2,198	2,214	1,499	10,232	4,186	69.24
Total Household Population	4,640	5,285	914	10,839	7,379	3,199	4,102	2,448	17,128	6,289	58.02
Median Household Income	\$23,899	\$14,727	\$61,458	-	\$23,099	\$18,388	\$89,091	\$111,375	-	-	-
Pers./Household	1.90	1.70	1.85	1.79	1.71	1.46	1.85	1.63	1.67		

SOURCE: 2000 HH Pop, HH, Hsg. Units - 2000 SF1; Median Income - 2000 SF4

While this data provides a general overview of recent trends, it is included for informational purposes only and does not relate directly to the growth forecasts upon which the analyses in the EIR relied, for several reasons. First, as noted, the data in Table C&R-1 are reflective of changes that have already occurred, whereas the EIR analysis evaluates effects of future growth (see EIR Table 4-1, p. 404). Second, as stated above, the geographical area encompassed by the data in Table C&R-1 does not correspond precisely to the Draft Plan Area analyzed in the EIR, because the Draft Plan Area does not correspond to census tract boundaries. Third, the data in Table C&R-1 correspond to the years 2000 and 2010, while the EIR analyses relied on a baseline of 2008 and on projected future growth to the year 2030: as noted above, in footnote 3, the EIR's 2008 baseline data incorporated the latest Planning Department TAZ-level information with respect to households, population, and employment in the Draft Plan Area. The forecast increase in Project Area household population of 7,000 and in Project Area employment of 17,655 (see EIR

Table 4-1) remain valid and, while some portion of this growth may have occurred since 2008, that would not change the EIR conclusions, because the analyses in the EIR compare conditions in 2008 to future conditions assumed in the year 2030. Therefore the information presented in Table C&R-1 does not alter the EIR analysis, and does not change the conclusions of the Draft EIR that the Draft Plan would not result in substantial population growth.

It is also noted that the numbers presented in Table C&R-1 differ from those presented by the commenter, because the commenter's data includes *total* population. This is because Draft EIR analysis focuses on *household* population, which is a more accurate representation of potential housing and employment growth due to implementation of the Draft Plan and the Proposed Rezoning of Adjacent Parcels. This is particularly true in the Draft Plan Area, which includes the San Francisco County Jail at 850 Bryant Street. The jail houses approximately 1,800 inmates (as stated in Table 4.C-3 footnote (b) on p. 4.C-13), and is not included in the overall population and housing analysis since this population is considered "group quarters" and not household population. Moreover, jail population may vary independently of the effects of the Draft Plan. This additional data provided by the commenter does not change the analysis or conclusions reached in the Draft EIR.

Finally, as noted above Response LU-1, social and economic impacts are not generally considered in CEQA analysis. Therefore, while demographic data such as median household income may be valuable in the context of other various considerations, it is not relevant to environmental impact analysis.

In response to the comment that the Draft EIR needs to project 20 years into the future after Plan adoption, the Draft EIR assumes a buildout year of 2030, approximately 18 years into the future. (CEQA does not impose a specific requirement for future year analysis; it merely requires that reasonably foreseeable projects be included.) As shown in Table 4-1 on Draft EIR p. 4-4, the demographics (population, housing and employment) are projected to the 2030 buildout year. This buildout assumption is carried out throughout the analysis of individual topics such as Table 4.C-4 on p. 4.C-13 (for example, buildout year 2030 is noted in Table 4.E-1 on p. 4.E-21 in Section 4.E, Transportation and Circulation).

In response to the comment that the Draft EIR should provide some sense of change over time in demographics, the Population and Housing section discusses population and housing growth projections on p. 4.C-12 and compares the 2008 baseline to the Draft Plan build out year of 2030 throughout the Draft EIR, as noted above.

Cultural and Paleontological Resources

Comment CP-1: The Draft EIR fails to adequately analyze entertainment venues, LGBTQ⁴ venues, street fairs and exterior cultural and music events as cultural resources.

"Dear Members of the San Francisco Planning Commission:

"The California Music and Culture Association (CMAC) urges you to amend the Draft EIR to correct inaccurate statements we have identified. We also respectfully highlight the absence of impact analysis on nightlife cultural spaces and outdoor events in the report.

"The underlying plan would implement a new regulatory framework greatly expanding housing and for-profit development while ignoring longstanding historic and cultural resources, namely nightlife venues and outdoor events. This change would have real, lasting, and negative impacts on cultural spaces, including venues and events that support the LGBT Community and multiple ethnic communities, provide support to non-profits, and serve as community re-sources to all of San Francisco." (Laura Hahn, CMAC, Letter, August 6, 2012)

"Draft EIR Falls Short of Analyzing Impacts Plan on Outdoor Fairs and Events:

"Finally, the Draft EIR fails to capture any of the street fairs or exterior cultural and music events in the plan area that are impacted by the plan and whose impacts can be empirically measured. The Draft EIR barely mentions the existence of these significant cultural institutions, which is troubling when you consider one of those events is the third largest street event in California.

"Page 2-17 mentions the Folsom Street Fair in the context of cultural events that are to be recognized and protected yet the mitigations suggested include *"tax incentives, FAR exemptions, urban design and building height exemptions"* which have nothing to do with an outdoor cultural event. The methodology that is being prescribed for mitigations is inaccurate and does not address the impacts that will be felt by these historic and cultural events.

"Again the map found on page 4.F-10 attempts to locate these events within the district but fails to recognize the huge impact that other elements of this plan will have on said events. We have already seen events forced to relocate (How Weird Street Faire) and change their configuration in an effort to ameliorate the impacts that have already been experienced in the plan area. No mention is made about the amplification of impacts that the plan will have on these renowned cultural institutions." (Laura Hahn, CMAC, Letter, August 6, 2012)

"The neighborhood has already lost a number of historically significant establishments, and this plan hardly make previsions [*sic*] to maintain the ones that are left as cultural icons of the community. Steamrolling entertainment to make way for housing is counterintuitive to preserving the historical nature of this community and will have every club owner going to every planning meeting doing their best to torpedo every development coming into this area. Discounting entertainment and its value is an

⁴ Lesbian, gay, bisexual, transgendered, and queer (LGBTQ) and lesbian, gay, bisexual and transgendered (LGBT) resources are used interchangeably in this document.

invitation to years of bureaucratic nightmares. Please support the preservation of entertainment venues and bars in the district as you review the plan – because we built this community and ostracizing us is not fair or appropriate.” (Vlad Cood, Pure Entertainment, LLC, Email, July 25, 2012)

“I am very concerned about the upcoming plan for Western SoMa. In order for San Francisco to be considered one of the premier cities in the United States, we need to support responsible nightlife and entertainment as much as we can. Please support the preservation of entertainment, bars, restaurants and FUN in San Francisco as you review the plan. Let's remember what makes San Francisco's history and allure so amazing, and it isn't condos that only some can afford in a vacuum devoid of nightlife and entertainment.” (Ben Bleiman, Tonic Nightlife Group, Email, July 24, 2012)

“Good afternoon, Commissioners. My name is Laura Hahn. I am the Executive Director of CMAC, the California Music and Culture Association. We're a trade association that's a nonprofit that advocates for the entertainment and nightlife community. And, again, we are also very appreciative of the number of hours that have gone into this plan and this EIR. But we do have some concerns with inaccurate statements that we've found and identified in the EIR, and we're going to be urging you to amend the DEIR.

“The Western SOMA Plan largely ignores historic and cultural resources in the SOMA, namely nightlife venues and concerns about longstanding consequences on these venues, you know, including historically LGBT cultural sites that are just not included in the EIR. You know, the EIR fails to include and inaccurately categorizes a number of venues, especially along the 11th Street corridor. And we strongly believe that if these venues are not included in the Environmental Impact Report, then we can't fully realize the impact that this plan will have on them.” (Laura Hahn, CMAC, Public Hearing Transcript, July 26, 2012)

“Good afternoon, Commissioners. My name is Holly Verrett and I live at 989 Capp Street.

“I'm worried that the Draft EIR minimizes and discounts LGBT spaces in Western SOMA. Many of these spaces are bars and clubs that haven't been accounted for. The community, the Queer Community there, has already lost many bars and clubs in this area and they -- people in these communities look to these places as a safe haven, and I think they're extremely important. And even though the report does not mention them, they still exist and deserve to be counted.” (Holly Verrett, Public Hearing Transcript, July 26, 2012)

“I just have a letter here from Tom Temprano who will address you in writing, he's a small business representative of the SOMA Stabilization Fund Community and Advisory Committee. He would like to express serious concerns that this EIR does not address the economic and cultural impact of the changes proposed in the plan and will have an existing and future small business in a meaningful way. Western SOMA has historically been home of many San Francisco nightlife businesses and a history that the EIR acknowledges, but does little to protect.” (Glendon Anna Conda Hyde, Public Hearing Transcript, July 26, 2012)

“...just to summarize, ...a failure to adequately analyze the cultural and historic role that nightlife played in the area, as well as perhaps LBGT” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

"Of concern with the current EIR and Draft Plan is a lack of recognition of contributions of this essential cultural resource and the continued displacement it is experiencing with our latest construction boom.

"My predecessor representing the arts on the Task Force had to resign after being forced from her space for speculative development and bookending this process our group living and working space is facing the same fate at the end of next month.

"We would appreciate a historical study of the contributions of the arts community within SoMa and its displacement as part of the cultural analysis of the EIR. Where does San Francisco anticipate its art communities will resettle? From my experience we have a new migration wave leaving SF and going to Oakland as most of the tenants of our project have done." (Skot Kuiper, WSOMA Task Force Arts Representative, letter, August 6, 2012)

"I come to you as a musician and a supporter of nightlife in the City. I just wanted to emphasize as a musician how much these clubs mean in terms of a cultural hub for San Francisco. I think that this report, it does a great deal of ignoring of the nightlife venues and this could be detrimental in the future to having a place for musicians to rally in the City." (Nathaniel Blum, Public Hearing Transcript, July 26, 2012)

"I realize the draft of the EIR doesn't take much consideration of the nightlife in the SOMA neighborhood and that nightlife business provides jobs that mean significantly to the community, as well as the nightlife scenes in San Francisco. And I'm concerned that the Western SOMA Community Plan will have a negative impact to the historic entertainment venues in the area, and this area already lost a lot of nightlife venues and I really wish to see the nightlife in this area alive." (Jiayi Uao, Public Hearing Transcript, July 26, 2012)

"Something that would be ideal to see in the EIR, or at least as far as cultural acknowledgement of the shifting nature of our population here, is SOMA has a rich and vibrant history in supporting the Arts. This has come about mostly due to, you know, it's a bit of an ignored area of the City, property has been historically cheaper, and we have our older, already amortized commercial spaces that were adopted by many of these groups to do group housing, presentation space, and performance space." (Skot Kuiper, Public Hearing Transcript, July 26, 2012)

"The South of Market neighborhood has a history of providing a haven for the arts, creative and entertainment communities since the 1960's.

"Arts uses have been chiefly enabled through access to large scale open and flexible floorplan commercial space that through adaptive reuse provided affordable options for group living, performing and creative space.

"The arts uses have been significant contributors to the cultural diversity of San Francisco driving a significant portion of the tourist trade.

"Without affordable incubator locations for these groups we will lose the independent creative spark from our central city. Lack of affordability, a decreasing stock of opportunity sites and stricter code

requirements are creating a genuine crisis for the creative communities.” (Skot Kuiper, WSOMA Task Force Arts Representative, letter, August 6, 2012)

“ I would like to point out my predecessor on the task force, who was displaced shortly after joining myself after nine years in my location, and five years on the task force, had my rent tripled last month, so our organization will be ending also, and this is not a unique situation happening now. We're at the beginning of a second development wave and it is likely we will see the few remaining independent spaces lose their leases after this. Luckily, we still have institutional spaces that surround us like SOMARTS and the Museum District around Yerba Buena, but a lot of our independent community will continue to be displaced and it would be ideal to see if there's a City policy or a City acknowledgement within the cultural dislocation of the EIR that would help to represent this historically. I don't know what the solutions are for that, but at least like represent the changes going on in the neighborhood.” (Skot Kuiper, Public Hearing Transcript, July 26, 2012)

“I am concerned that the proposed Western SoMa Community Plan would have a negative impact on the historic nightlife and entertainment venues in the area. The neighborhood has already lost a number of historically significant establishments, and the addition of residential condos along 11th street and Folsom street will make it harder for these establishments to operate successfully. Please support the preservation of entertainment venues and bars in the district as you review the plan.” (Chris Hastings, Email, July 19, 2012)

Response CP-1

The Planning Department appreciates the efforts of the commenters to express their concerns regarding the impact of the Proposed Project on entertainment venues and events. These comments have been grouped under the topic of Cultural and Paleontological resources because many of them emphasize the important role that these entertainment venues and events, as well as other social heritage resources, have played in the history of Western SoMa. Similar comments are also addressed in Response LU-1, with a focus on potential incompatibility between entertainment venues and proposed residential districts, and Response NO-1, which addresses noise-related conflicts, specifically.

As way of background, the following discussion describes the intent of the Draft Plan with regard to entertainment “preservation” and retention of entertainment uses.

Currently there are no zoning districts within Western SoMa that permit new nighttime entertainment establishments. However, current zoning in all Draft Plan Area zoning districts allows all existing nighttime entertainment establishments that are legal nonconforming uses to operate in perpetuity. Additionally, such nonconforming uses may be granted Conditional Use authorization to expand. The proposed zoning for Western SoMa would not remove the existing protections in the Planning Code that currently exist for nonconforming uses, such as entertainment uses.

Many of the existing entertainment establishments are located near existing residential development, or land that is zoned to allow residential development. The areas north of Harrison Street already permit residential development, and have permitted residential development since the last area rezoning in the 1990 *South of Market Plan*. The majority of this area is zoned SLR, which has a permitted residential density of 1 dwelling unit per 200 square feet of lot area. The proposed rezoning in WSoMa north of Harrison Street from SLR to WSoMa MUG, for example, does not represent an increase in residential development potential due to minimal height increases. Consistent with changes over the past 20 years, however, it can be anticipated that residential growth would continue in this area with implementation of the Draft Plan.

Beyond retaining existing controls to protect legal nonconforming uses, the Draft Plan proposes specific steps to actively encourage and protect entertainment and arts uses in the plan area. These include: 1) permitting new arts activities throughout the Plan Area; 2) permitting new nighttime entertainment uses as-of-right in areas of the SALI district that fall outside a 200-foot buffer zone protecting RED and RED-MX Districts, which would purposefully distance such uses from most existing residential and potential future residential development to reduce potential conflicts; 3) permitting an extra story of height for buildings proposed in the SALI district if they designate at least one floor to the permanent use of arts activities; and 4) permitting Limited Live Performance (LLP) in the W SoMa MUO, SALI, and Folsom Street NCT Districts. Thus, by permitting nighttime entertainment uses but not permitting any residential uses in the SALI district, the Draft Plan would seek to reduce the potential for land use incompatibilities by segregating new noise-generating uses and residential uses to the extent feasible. However, as noted in Response LU-1, the W SoMa MUG district W SoMa MUG would continue to permit (and potentially encourage) residential development directly adjacent to existing nighttime entertainment uses, which has the potential to increase land use conflicts. As stated in Response LU-1, however, such conflicts do not rise to the level of significance under CEQA that would require recirculation of the Draft EIR. (With respect to the effects of this conflict on new sensitive residential receptors, please see the Response NO-1, p. C&R-46, below.)

With respect to cultural resources as defined by CEQA, impacts of the Draft Plan are addressed in Section 4.D, Cultural and Paleontological Resources of the Draft EIR. In terms of historical resources, as stated on page 4.D-39 of the Draft EIR, the Draft Plan would result in significant impacts if it would cause a substantial adverse change in the significance of a historical resource as defined in CEQA *Guidelines* Section 15064.5, including those resources listed in Article 10 or Article 11 of the San Francisco Planning Code, or cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5. Although the commenters describe places of entertainment and events such as the “How Weird Street Fair” as being “cultural” in nature, the term “Cultural Resources” defined under CEQA is the heading that is used to encompass both historic architectural and archeological resources. Both historic architectural and archeological resources are considered “historical resources” if they fit within the following definition:

- (a) For purposes of this section, the term “historical resources” shall include the following:
- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).
 - (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
 - (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
 - (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be and historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

A historical resource designation does not, however, concern itself with land use. While ensuring the continued operation of certain long-standing uses may be a valid concern for members of the community, this is more appropriately addressed in forums other than those related to protection of historical resources.

Based on the above, a building may be identified as a historical resource based on its association with important events or people, including use of the building. However, it is the building itself that is the historical resource, not the historical (or current) use that is so identified, and it is physical changes to the building, not changes in use, that are evaluated under CEQA to determine if a significant effect would occur as a result of a project. Accordingly, the significance criteria identified on Draft EIR p. 4.D-39 ask whether a project would “cause a substantial adverse change in the significance of a historical resource” by demolishing or materially altering, in an adverse manner, “those *physical characteristics*” that convey the resource’s historical significance (emphasis added). Thus, it is clear that a significant impact on historical resources—as is the case for all impact analysis under CEQA—must be based upon an adverse physical change. A change in use of a historical resource does not, in itself, result in a significant impact under CEQA unless there is such an adverse physical change. Accordingly, maintenance of particular land use is, appropriately, not addressed in an Draft EIR’s analysis of historical resources. For a discussion regarding general land use incompatibilities between existing and proposed uses, please see Response LU-1.

To the extent that entertainment venues, lesbian, gay, bisexual, transgendered and queer (LGBTQ) venues, and exterior cultural and music events have resulted in one or more properties being identified as a historical resource for the purposes of CEQA, these resources have been identified by the various surveys conducted in the Plan Area, including the South of Market Historic Resource Survey (adopted by the Historic Preservation Commission in February 2011), the San Francisco Architectural Heritage Surveys, and other surveys. The identification of such venues as CEQA-defined historical resources would require that policies in the Draft Plan and/or mitigation measures identified in the Draft EIR be incorporated into future changes (rehabilitations, renovations, etc.) that involve these venues. It is noted, however, on Draft EIR page 4.D-47, that demolition of any such buildings could nevertheless result in a significant unavoidable impact.

As means of recognizing social heritage resources, as stated on Draft EIR p. 4.D-24, The Western SoMa Citizens Planning Task Force has proposed two areas focused on recognizing, protecting, and memorializing social and cultural resources associated with Filipino and LGBTQ histories in the SoMa area (partially but not entirely within the Draft Plan Area). To better understand these social heritage resources, Filipino and LGBTQ assets would be studied further and a social heritage toolkit would be developed at a later date. For the purposes of CEQA, some of the resources that are considered social heritage resources are not currently considered to be historical resources, since they have not been evaluated according to national, state, or local historic resource guidelines for significance in their associations. The exception to this are buildings associated with social heritage movements that are already identified as potential historical resources per CEQA *Guidelines* Section 15064.5.

Based on the above, the Draft EIR adequately and accurately discussed the historical resources as defined by CEQA in the Plan Area and how the Proposed Project (including the Draft Plan)

would affect them. Because no new evidence is presented by the commenters to the contrary, no new significant impacts are identified and no further response is required.

Comment CP-2: The 350 Eighth Street project will be a threat to existing historic resources.

“The HPC agreed the proposed 350 Eighth Street Project lacks ownership and use diversity, and as such will be a threat or danger to existing historic resources.” (Charles Edwin Chase, HPC, Letter, July 26, 2012)

Response CP-2

As discussed on pp. 4.D-55 to 4.D-56 of the Draft EIR (under Impact CP-8), no historical resources, as defined by CEQA, are present on the 350 Eighth Street project site. However, the 350 Eighth Street property is surrounded by 10 contributing resources and 10 non-contributing resources to the proposed Western SoMa Light Industrial and Residential Historic District. Although the district’s boundaries exclude the 350 Eighth Street project site, the historic district surrounds the property on two-and-a-half sides and, therefore, new construction would indirectly affect the historic district’s integrity of setting in this location by adding buildings that contrast with the scale and massing of those in the historic district. However, the immediate vicinity contains a relatively low concentration of contributing resources (five), and the streets that surround the property (Ringold, Gordon, and Harrison) act as a buffer between the property and these resources. As stated on p. 4.D-56 of the Draft EIR, given the relatively low number of nearby district contributors, and the roadway buffers, the alteration to the district’s integrity of setting would not substantially affect the overall eligibility of the historic district and the district would retain its integrity as defined by CEQA.

In addition, with implementation of the proposed *Design Standards for Western SoMa Special Use District* (Design Standards), which are proposed as a companion piece to the *Western SoMa Community Plan*, the design of the 350 Eighth Street project is subject to review for compatibility with its immediate surroundings, including the Western SoMa Light Industrial and Residential Historic District. Among the design principles included in the Design Standards for Mixed Use General Areas (in which the 350 Eighth Street project site would be located) is one that states that “[b]uildings and building frontages should provide variety along a block, but remain consistent with the overall urban design concept for the area by not mixing radically different materials, construction methods, bulk, massing and articulation.”⁵ This review for compatibility would be conducted by Planning Department staff once the Draft Plan is adopted, and be made available to the Planning Commission for consideration of project approval.

⁵ Western SoMa Citizens Planning Task Force, *Design Standards for Western SoMa Special Use District*, 2011. Available online at http://commissions.sfplanning.org/soma/Final_Design_Standards.pdf. Accessed on August 20, 2012.

For the reasons discussed above, the implementation of the 350 Eighth Street project would not cause a substantial adverse change in the significance of any historical resources, and this impact would be less than significant.

It is unclear as to what the commenter means in asserting that ownership and use of the 350 Eighth Street project is what would cause an impact; no evidence or explanation is provided to substantiate this claim. For this reason, it is not possible to provide any further responses to this comment.

Comment CP-3: Mitigations that include documentation and oral history do not save impacted historic buildings and thus are not really mitigations.

“The HPC agreed the proposed cultural resource mitigations regarding documentation/oral history do not save impacted historic buildings and thus are not really mitigations.” (Charles Edwin Chase, HPC, Letter, July 26, 2012)

“DEIR Falls Short of Analyzing Impacts of Plan on Nightlife:

“The DEIR fails to capture the impact the plan will have on cultural / historic nightlife spaces. The DEIR barely recognizes any impact, with a rare example in section 4D-24, where the DEIR suggests that historic and cultural resources impacted by the new plan could be respected by honoring these spaces with a plaque. With all due respect, destroying nightlife spaces to pave the way for new condominiums while leaving a plaque naming the destroyed cultural re-source is no way to honor and maintain cultural assets in San Francisco. (Laura Hahn, CMAC, Letter, August 6, 2012)

“You know in the few instances where these venues are mentioned, the EIR barely touches on the impact on cultural sites, you know, except for one example where it does suggest that displaced sites could be honored with a plaque. And, with all due respect, the destruction of nightlife and LGBT space to pave the way for condos, while leaving a plaque to name the destroyed space, is really no way to honor and maintain cultural space in San Francisco.” (Laura Hahn, Public Hearing Transcript, July 26, 2012)

Response CP-3

The commenters are referring to mitigation measures M-CP-1a, Documentation of a Historical Resources, M-CP-1b, Oral Histories, and M-CP-1c, Interpretive Program. They are discussed on pp. 4.D-46 and 4.D-47 of the Draft EIR. As stated on page 4.D-45, although these mitigation measures would reduce impacts to the historical resources, they would not be reduced to a less-than-significant level and would remain significant and unavoidable. CEQA *Guidelines* Section 15126.4 discusses the requirement for an EIR to identify mitigation measures that could minimize significant adverse impacts. Moreover, CEQA *Guidelines* Section 15126.4(b)(2) recognizes that “[i]n some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would

occur.” Thus, even if a particular mitigation measure cannot reduce significant impacts to a less-significant-level, if it can reduce such impacts at all, it should nevertheless be applied. Therefore, the Draft Plan properly applied Mitigation Measures M-CP-1a through M-CP-1c as a way of reducing potentially significant impacts related to demolition of individual historic architectural resources or contributing resources to a historic district but also concludes that the impact would remain significant and unavoidable. Thus, Mitigation Measures M-CP-1a through M-CP-1c are, indeed, considered mitigation measures for the purposes of CEQA.

Please also see Response CP-1 for a discussion of how nightlife spaces, in general, are not considered historical resources under CEQA.

Comment CP-4: There should be more incentives for preservation and economic viability of identified historic resources.

“The HPC agreed there should be more incentives for preservation and economic viability of identified historic resources such as the following:

- Nomination and designation of eligible properties for listing in the National Register of Historic Places;
- Flexible zoning provisions to allow for adaptive reuse of historic resources, i.e. office use on the ground floor; and
- Encouragement of more mixture of different land uses, i.e. residential units in industrial buildings.” (Charles Edwin Chase, HPC, Letter, July 26, 2012)

Response CP-4

This is primarily a comment on the Draft Plan and not on the adequacy or accuracy of the Draft EIR. However, for informational purposes, the following response is provided.

With respect to the first bullet point, the nomination and designation of eligible properties for listing in the National Register of Historic Places would not be precluded with the implementation of the Draft Plan and could proceed as under existing conditions. Likewise, with respect to the third bullet point, the Draft Plan would also not preclude inclusion of different land uses within most zoning districts.

With respect to the second bullet, as stated on Draft EIR p. 4.D-45, “some potential effects on historical resources would likely be ameliorated by the application of Planning Code Section 803.9, Commercial Uses in Mixed Use Districts, which, with implementation of the Draft Plan, would be applied to designated City Landmarks and contributors to City Landmark

Districts, in both cases listed in Planning Code Article 10.⁶ The application of Planning Code Section 803.9 is intended to advance historic preservation by allowing historical resources to be converted to uses other than what is permitted by the code or that have historically been the use in those structures, provided that any changes to these buildings are consistent with the Secretary of the Interior's Standards for Rehabilitation. Only the three existing City Landmark buildings, as well as buildings designated as landmarks in the future would be permitted these type of use changes." Based on this, some flexibility would be allowed to adaptively reuse historic resources as uses other than what is permitted by Planning Code.

In terms of economic viability, both existing and proposed zoning districts would allow for a mix of land uses. The Western SOMa Regional Commercial District (located along Ninth and 10th Streets) and the Folsom Neighborhood Commercial Transit District (located along Folsom Street), specifically, would encourage diversity in uses by permitting different uses on different floors. As discussed above, Section 803.9 would also allow for additional flexibility within designated City Landmarks and contributors to City Landmark Districts.

Comment CP-5: There should be more consideration of how to save and preserve social heritage sites.

"The HPC agreed there should be more efforts and exploration of how to save and preserve social heritage sites. In other words, they shouldn't just be honorary." (Charles Edwin Chase, HPC, Letter, July 26, 2012)

Response CP-5

The designation of social heritage resources is being explored in conjunction with the Draft Plan. Furthermore, as noted in Response CP-1, the social heritage sites are not under the purview of CEQA, except in cases where buildings associated with social heritage movements are already identified as potential historical resources, as defined under CEQA *Guidelines* Section 15064.5. The commenter's request that social heritage sites be saved and preserved will be communicated to the decision-makers. No further analysis under CEQA is required. Also see Response CP-1 for further discussion of the distinction between social heritage sites and cultural resources as defined by CEQA.

⁶ (Draft EIR footnote 87 in Section 4.D, Cultural and Paleontological Resources) As part of the Proposed Project, application of Section 803.9 would be more limited in the Western SoMa Plan Area than elsewhere in Eastern Neighborhoods Mixed-Use Districts, where this section currently applies to all historical resources determined eligible for the California Register.

Comment CP-6: Mitigation Measure M-CP-1a should be expanded to cover alterations, modifications, additions and other treatments to historic resources.

“Mitigation Measure M-CP-1a requires HABS documentation/recording for proposed projects ‘that would cause a substantial adverse change in the significance of a historical resource through demolition...’ I suggest that the wording be expanded here because it is quite conceivable that a substantial adverse change in the significance of a historical resource could be the result of proposed alterations, modifications, additions and other treatments to a historic resource, short of actual demolition.” (Planning Commissioner Hisashi Sugaya, Email, August 6, 2012)

Response CP-6

The commenter is correct regarding major alterations’ potential for effect. EIRs typically treat demolition and major alterations together. However, because the *Western SoMa Community Plan* would have a companion Design Standards piece that would apply to renovations, alterations, modifications, and other treatments to historical resources, these two types of impacts are discussed separately in this EIR.

Impacts related to demolition of historical resources are discussed under Impact CP-1 on Draft EIR pp. 4.D-44 through 4.D-46. Mistakenly, renovations are mentioned at the end of this discussion, as part of the introduction to the mitigation measures. However, this is an error, as Impact CP-1 is intended to focus exclusively on demolition. Therefore, the following revision is made to correct this error:

On page 4.D-46, in the second paragraph, text has been revised as follows, to clarify that Impact CP-1 only deals with impacts associated with potential demolition of historical resources (and not alteration). This does not change the analysis or conclusions reached in the Draft EIR.

Mitigation Measures M-CP-1a to M-CP-1c, below, would apply in circumstances when a determination is made by the Environmental Review Officer during the environmental review process that a specific property is a historical resource for the purposes of CEQA and would apply only to those structures that would be demolished ~~or structures whose renovations would not meet the Secretary of the Interior’s Standards.~~

Impacts related to alterations are analyzed under Impact CP-2, on Draft EIR pp. 4.D-47 through 4.D-49. Alterations, modification, additions, and other treatments to historic resources would be mitigated to a less-than-significant level by requiring that such changes are made in accordance with the Design Standards, a companion document to the Draft Plan that is unique to this plan and was not developed for other area plans such as Transit Center District Plan, Eastern Neighborhoods Area Plans, or Rincon Hill Area Plan. As stated on Draft EIR p. 4.D-48, these “Design Standards are based on *the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (Secretary’s Standards). The Secretary’s Standards provide guidance for working with historic properties and have been adopted by the Historic Preservation Commission to evaluate proposed rehabilitative work on

historic properties. Therefore, several mechanisms that would become standard protocol for future projects within the Draft Plan Area would ensure that future alterations, modifications, additions and other treatments to historical resource do not result in significant impacts.

Comment CP-7: HABS-level documentation should be expanded to recognize that there are several levels of documentation; level of documentation should match importance of the resource.

“Second, the mitigation refers only to the preparation of HABS-level photographs and HABS Historical Report. The requirement for HABS documentation should be expanded to recognize that there are several levels of documentation (1, 2, 3, 4?). For example, at the highest level, measured drawings and view camera (4x5) b/w photographs are required. At other levels, simply producing a sketch plan, rather than measured drawings, is an acceptable HABS-way to document a building. Varying from HABS, digital photographs may be sufficient for recordation of certain properties. There are digital photography standards used by the National Register of Historic Places and other archival repositories. There are also several different levels of written narratives.

“The mitigation measure should be expanded to match the level of documentation with the importance of the resource. The process would be the same as for the other mitigation measures (1b and 1c) wherein consultation would take place between a Historic Preservation Technical Specialist and the project sponsor to arrive at the appropriate level of documentation.” (Commissioner Hisashi Sugaya, Email, August 6, 2012)

Response CP-7

As stated under Mitigation Measure M-CP-1a, “[t]he [Historic American Buildings Survey (HABS) Historical Report] report shall be reviewed by the San Francisco Planning Department’s Preservation staff for completeness.” While not explicitly stated, prior to this review, a consultation with Planning Department’s Preservation staff would occur, per standard protocol applied to all San Francisco projects undergoing environmental review with respect to cultural resources. As part of this consultation, the appropriate level of documentation would be determined. The entire process that is described in Mitigation Measure M-CP-1a would be guided by Planning Department’s Preservation staff. Because selecting the appropriate level of HABS documentation is site- and resource-specific, this level of detail was not provided as part of this mitigation measure. However, in response to comment provided, Mitigation Measure M-CP-1a, on Draft EIR p. 4.D-46 has been revised as follows. This does not change the analysis or conclusions reached in the Draft EIR.

M-CP-1a: Documentation of a Historical Resource. To document the buildings more effectively, sponsors of individual projects that would cause a substantial adverse change in the significance of a historical resource through demolition shall prepare Historic American Buildings Survey (HABS)-level

photographs and an accompanying HABS Historical Report, which shall be maintained onsite, as well as in the appropriate repositories, including but not limited to, the San Francisco Planning Department, San Francisco Architectural Heritage, the San Francisco Public Library, and the Northwest Information Center. The contents of the report shall include an architectural description, historical context, and statement of significance, per HABS Historical Report Standards. HABS documentation shall provide the appropriate level of visual documentation and written narrative based on the importance of the resource (types of visual documentation typically range from producing a sketch plan to developing measured drawings and view camera (4x5) black and white photographs). The appropriate level of HABS documentation and written narrative shall be determined in consultation with Planning Department's Preservation staff.

The report shall be reviewed by the San Francisco Planning Department's Preservation staff for completeness. In addition, copies of the photographs and report shall be made available to the following repositories, at minimum: Northwest Information Center at Sonoma State University, San Francisco History Center at the San Francisco Public Library, San Francisco Architectural Heritage, and the San Francisco Planning Department. This mitigation measure would create a collection of preservation materials that would be available to the public and inform future research. In this way, documentation of the affected properties and presentation of the findings to the community could reduce the impact on historical resources. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less-than-significant level.

Comment CP-8: Inquiry regarding additional historical resources surveys conducted in the Project Area vicinity.

"Page 4.D-22. Previous Architectural Surveys. Other than the four listed surveys, and without reviewing the Page & Turnbull Historical Resources Technical Report, I believe there are a number of surveys that have been conducted in the plan area mainly for CEQA. These are not listed and include those conducted by Anne Bloomfield, Carey & Co., Inc., Architectural Resources Group and Page & Turnbull. These may have been included in the Page & Turnbull technical report. If not, shouldn't they be identified as well?" (Commissioner Hisashi Sugaya, Email, August 6, 2012)

Response CP-8

The following materials are referenced in the Page & Turnbull *Historic Resource Technical Report*:

Bloomfield, Anne. DPR523D form for Lafayette-Natoma Residential District, 5 June 1997.

Bloomfield, Anne. DPR523D form for New Montgomery and Mission Historic District, 2008.

Architectural Resources Group, DPR523A and B forms for 111-117 8th Street, January 2000.

Page & Turnbull's report also referenced other surveys, such as DPR523A and B forms for 112 7th Street (Billat, Loma of Earthtouch LLC) and DPR523A and B forms for 111-117 8th Street (Architectural Resources Group).

In addition, Page & Turnbull conducted the SOMA Historic Resources Survey (2010) for the Planning Department. As an outcome, Page & Turnbull developed the Western SOMA Light Industrial and Residential Historic District and the Bluxome and Townsend Historic District. On the whole, the Cultural Resources section of the Draft EIR is comprehensive and was based on an extensive library of information, including multiple surveys, DPR523A and B forms, Section 106 reports, and HRERs.⁷ The analysis is, therefore, considered adequate for the purposes of CEQA.

The following text has been added on Draft EIR p. 4.D-1, as a third paragraph, to provide additional information regarding secondary sources used by Page & Turnbull:

Page & Turnbull based its preparation of the *Western SoMa Community Plan Draft EIR Historical Resources Technical Report* on an extensive library of information, including DPR523D forms for Lafayette-Natoma Residential District and New Montgomery and Mission Historic District, prepared by Anne Bloomfield, and DPR523A and B forms for 111-117 8th Street, prepared by Architectural Resources Group. In addition, the Page & Turnbull report also referenced other surveys, such as DPR523A and B forms for 112 7th Street (Billat, Loma of Earthtouch LLC) and DPR523A and B forms for 111-117 8th Street (Architectural Resources Group).

Transportation and Circulation

Comment TR-1: The EIR should discuss impacts related to intensification of the surrounding neighborhoods.

"The environmental impacts of increased land use intensities and corresponding transportation demand in the South of Market District should be considered in the Western SoMa Community Plan as including the connected streets' impacts of increased land use intensities in the Rincon Hill Area Plan where I call home, the Transbay Redevelopment Area, the Transit Center District Plan, the Eastern Neighborhoods Program, the Central Corridor Project, and also the environmental impacts from large projects such as Treasure Island and the California Pacific Medical Center (CPMC) which will likely increase traffic, air pollution, pedestrian dangers, and delays for transit across South of Market due to additional traffic on the Bay Bridge which funnels exiting vehicles into SoMa. Most important, the Transit Effectiveness Project's parameters need to be considered for the whole of South of Market and not just Western SoMa." (Jamie Whitaker, Letter, July 31, 2012)

⁷ Page & Turnbull relied upon these sources in developing the *Historic Resource Technical Report*.

Response TR-1

The Draft EIR considers cumulative transportation and circulation impacts of the Proposed Project in conjunction with other relevant projects and plans (see impact statements C-TR-1a through C-TR-4, Draft EIR pp. 4.E-42 through 4.E-46). The cumulative projects are those that have been recently constructed, are currently under construction, or are reasonably foreseeable. As stated on Draft EIR p. 4.E-15, the geographic context for the analysis of cumulative (Year 2030) transportation impacts is the local roadway network within the Project Area vicinity, and transit operations within San Francisco. Further, the cumulative analysis is based on 2030 conditions as projected by the San Francisco County Transportation Authority activity-based model that predicts future travel patterns for the City. Using future year transportation and land-use inputs, the model forecasts future travel demand. The model takes into consideration the projects noted by the commenter, with the exception of the Transit Effectiveness Project (TEP), which does not have any growth associated with its implementation.⁸

As concluded in the Draft EIR (in Section 4.E. Transportation and Circulation), the Draft Plan would cause LOS at the intersection of Fifth/Bryant/I-80 Eastbound on-ramp, Eighth/Harrison/I-80 Westbound ramp, and Sixth/Brannan/I-280 ramp to deteriorate during the p.m. peak hours (resulting in a significant and unavoidable impact at those intersections), although impacts at all other 17 intersections studied would be less than significant. The Draft Plan would also not cause exceedance of the capacity utilization standards for Muni lines or regional transit providers nor exacerbate safety conflict between pedestrian and vehicles.

The Draft Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street project impacts related to bicycle and pedestrian circulation, loading supply and demand, emergency vehicle access, and construction would be localized and site-specific, and would not contribute to impacts from other development and infrastructure projects in San Francisco. Future year 2030 cumulative impacts are analyzed for traffic and transit operations. Thus, the Draft EIR follows standard Planning Department protocol in identifying the cumulative scenario and analyzing cumulative impacts. Consistent with the comment, the cumulative scenario does assume some intensification of the surrounding areas over time, and this intensification was properly assumed in the analysis of cumulative impacts. Please see Response AQ-6 for a response concerning cumulative air quality impacts.

⁸ TEP is a program to improve reliability and provide quicker trips for Muni customers and focuses primarily on bus route realignments.

Comment TR-2: The proposed 11-Downtown MUNI line should be rerouted.

“The bus line proposed as part of the Transportation Effectiveness Project, the 11-Downtown Connector, does not fulfill its potential nor help mitigate negative externalities of the various SoMa-related plans and projects if it does not route to the foot of Folsom Street at The Embarcadero. According to the Transportation Effectiveness Project as it related to the Western SoMa Community Plan EIR, adding a new 11-Downtown Connector MUNI (SFMTA) bus line that runs along Folsom Street will help meet additional demand caused by increased intensities of land use in SoMa. What does not make any sense is that the plan for this much-needed 11-Downtown Connector bus line turns northwest at 2nd Street instead of continuing east through the Rincon Hill neighborhood where the most dense residential buildings in SoMa are going up and no full-scale grocery markets or other types of neighborhood serving businesses outside of very expensive restaurants exist at this time.

“Here are my Western SoMa/TEP EIR-related comments and questions:

“How does the Transit Effectiveness Project’s plan to only travel northeast along Folsom Street to 2 Street impact Western SoMa when tens of thousands of Rincon Hill and Transbay residents will need to find other means, most likely private or shared cars, to reach the grocery stores within the Western SoMa boundaries or nearby such as Trader Joe’s, Costco, Whole Foods, Foods Co., and Rainbow Grocery?

[...]

“How does it impact pedestrian safety? How does the car congestion affect the public health by delaying ambulances, fire trucks, and police from responding to Western SoMa calls for help? If the 11-Downtown Connector bus ran to The Embarcadero, would it not help mitigate these South of Market District environmental impacts? Do we not have substantive public health reasons, related to air pollution and pedestrian injuries and deaths, to implement a congestion pricing plan to dissuade private car drivers from driving through South of Market on weekdays between 3pm and 7pm by charging a \$6 toll which could then fund the improved transit services within SoMa? While there are many bus lines that have a terminus in South of Market, clearly the bus lines are not set up to serve the residents of South of Market and their needs - rather, they’re set up to shuttle office workers back and forth. If the South of Market District is being mistreated like an ATM machine for the rest of the City, isn’t our health worthy of a bus line the runs the course from Division to The Embarcadero along Folsom Street - would that not provide transportation benefits for everyone if it helps keep some cars off the road and the paths clear for the majority of buses which serve office worker commuters? If MUNI can start a 83X-Mid-Market Express bus for only 360 riders per day, why not start a SoMa-resident serving bus line that will surely be better utilized today?!?” (Jamie Whitaker, Letter, July 31, 2012)

Response TR-2

These comments are on the merits of MUNI’s 11-Downtown Connector route and not on the accuracy or adequacy of the Draft EIR. As proposed by the Transit Effectiveness Project (TEP),⁹ the new 11-Downtown Connector line would run on Polk Street, North Point Street, Powell Street, Columbus Street, Sansome Street, 2nd Street, Folsom Street, and 11th Street and would

⁹ San Francisco Municipal Transportation Agency, Transit Effectiveness Project (TEP), Improvements by Route or Line, http://www.sfmta.com/cms/mtep/documents/rte_011.pdf, accessed on August 18, 2012.

provide SoMa with two connections to Market Street, at Van Ness and Montgomery Stations. However, this is a separate project from the Draft Plan. Effects of the TEP will be analyzed in the environmental document that will be prepared for that project. However, the Draft EIR discusses the proposed route changes that would be implemented under TEP on Draft EIR pp. 4.E-7-4.E-8. As noted in the prior response, the TEP does not assume population growth; thus, no such projections were assumed in the Draft EIR in association with that proposed program. For additional information regarding the TEP, members of the public may wish to visit the City's TEP website at <http://www.sfmta.com/cms/mtep/tepovert.htm> or contact Lulu Feliciano, who can be reached at (415) 701-4453 or lulu.feliciano@sfmta.com. No further response is required. See also Response AQ-6 for a discussion of concerns regarding cumulative air quality impacts.

Comment TR-3: Bryant and Harrison Streets should be designated as truck routes and trucks should be kept off Folsom, Howard, and Mission Streets.

"A secondary subject that impacts all of South of Market, including Rincon Hill, the Eastern Neighborhoods, and Transbay, is the designation of where big rig semi-trucks may drive along our streets. We must break the neck of the habitual treatment of South of Market streets as freeway ramps rather than residential and commercial streets, and we can only do that by designating Bryant Street and Harrison Street as the truck routes and banning the big rigs to the extent allowed along Folsom, Howard, and Mission Streets. Isn't there a great livability benefit to leaving the trucks on the streets nearest the Bay Bridge/I-80 where many of them originate? What is the negative impact of allowing big rigs, say the thousands of dump trucks traveling to and from the Transbay Transit Center District between now and 2015, travel through Folsom Street, Howard Street, Harrison Street, or Bryant Street?" (Jamie Whitaker, Letter, July 31, 2012)

Response TR-3

The commenter requests that Bryant and Harrison Streets be designated as truck routes and that trucks be banned from using Folsom, Howard, and Mission Streets. Truck route designation is already part of the Draft Plan (as discussed in Chapter 3, Project Description, on p. 2-12, under proposed transportation and street network improvements). However, the use of other streets by trucks cannot be banned since access to local access must also be provided.

With respect to the commenter's question, "What is the negative impact of allowing big rigs, say the thousands of dump trucks traveling to and from the Transbay Transit Center District between now and 2015, travel through Folsom Street, Howard Street, Harrison Street, or Bryant Street?" the analysis provided in the Draft EIR (particularly in Sections 4.E, Transportation and Circulation, 4.F, Noise and Vibration, and G. Air Quality) discusses how all of the proposed transportation network improvements, including designation of truck routes, would affect the environment.

The Draft EIR assumes that the proposed truck route designations along specified segments of Ninth, 10th, Harrison and Bryant Streets would double the percentage of truck traffic along those

streets. However, the Draft Plan does not propose that Folsom or Howard Streets be designated as truck routes. Therefore, the Draft EIR is not required to analyze impact associated with this particular option. Furthermore, the *Transit Center District Plan*, which is mentioned by the commenter, is a separate project that was previously analyzed and approved and is not a subject of this Draft EIR.¹⁰

Comment TR-4: Provide additional mitigation measures that will reduce delays at freeway off-ramps.

“Impacts to State Facilities

“The proposed plan will generate traffic impacts to on and off-ramps at Interstate (I-) 80, 280, and US101. The queuing at the off-ramps will cause significant backups which will increase safety concerns and impact mainline operations. Caltrans recommends providing additional mitigation that will reduce any delays at freeway off-ramps. This may include, widening off-ramps to increase storage to reduce the length of backups or reconfiguring signal timing to allow for more off-ramp traffic.” (Erik Alm, AICP, Caltrans, Letter, August 6, 2012)

Response TR-4

To the extent the Draft Plan (and the Proposed Project in general) would result in impacts on on- and off-ramps, these impacts are discussed on Draft EIR pp. 4.E-20 through 4.E-26. Table 4.E-1 on p. 4.E-21 lists the level of service (LOS) that would occur during weekday a.m. and p.m. peak hours under Existing, Existing Plus Draft Plan, Existing Plus Rezoning of Adjacent Parcels, Existing Plus 350 Eighth Street Project and 2030 Cumulative Conditions. As indicated, the Draft Plan would cause LOS at the intersection of Fifth/Bryant/I-80 Eastbound on-ramp, Eighth/Harrison/I-80 Westbound ramp, and Sixth/Brannan/I-280 ramp to deteriorate during the p.m. peak hours. No intersections would be affected during the a.m. peak hours such that those impacts would be considered significant and unavoidable.

As discussed in Draft EIR on p. 4.E-20, concerning the significant impact to the LOS at the intersection at Fifth/Bryant/I-80 Eastbound on-ramp, “[t]o mitigate the poor operating conditions, additional capacity on the I-80 eastbound on-ramp and mainline would be required. However, provision of additional capacity on the newly replaced I-80 eastbound aerial structure likely would be infeasible due to the right-of-way constraints on the structure (reconfiguring mainline travel lanes to provide an additional merge lane from the Fifth Street on-ramp would require reducing the number of lanes upstream of the merge). Without providing additional capacity on the on ramp and mainline, signal timing adjustments at the intersection to provide for additional

¹⁰ The EIR for the *Transit Center District Plan* is available online at <http://www.sfplanning.org/index.aspx?page=1828>. Accessed on September 24, 2012.

eastbound green time would not improve intersection operations. For these reasons, no feasible mitigation measures to reduce impacts to less than significant exist.”

In the case of the intersection at Eighth/Harrison/I-80 Westbound ramp, the poor operating conditions are due to the three-phase signal operations and high traffic volumes on Eighth Street southbound and Harrison Street eastbound. As discussed on p. 4.E-22, “[t]ravel lane capacity at this intersection has been maximized, and providing additional travel lanes to mitigate impacts would require substantial reductions in sidewalk widths, which would be inconsistent with the transit and pedestrian environment encouraged by the City and County of San Francisco.” In this instance, signal timing adjustments are proposed to optimize signal timing and are included as Mitigation Measure M-TR-1c. This would improve traffic conditions, but would not reduce the impact to a less-than-significant level.

With respect to the intersection at Sixth/Brannan/I-280 ramps, poor traffic conditions at this intersection (which operates at LOS E during both a.m. and p.m. peak hours under existing conditions and would continue to do so under the Proposed Project) are due to the three-phase operation of the signal and high traffic volumes destined to and from the I-280 ramps during the peak hours. As stated on p. 4.E-22, “[t]o mitigate the poor operating conditions, additional capacity on the northbound (I-280 off-ramp), eastbound, and westbound approaches would be required. However, provision of additional northbound capacity is constrained by the freeway structure, which would require substantial reconstruction to widen, and eastbound and westbound capacities have been maximized (on-street parking has been removed on the south side of the street to provide for additional westbound turn lanes, and the sidewalk has been narrowed to accommodate the eastbound turn onto the on-ramp). The signal operations have been optimized, and additional minor adjustments would not substantially improve operating conditions. For these reasons, no feasible mitigation measures to reduce the impact to a less-than-significant level were identified, and therefore, the Draft Plan’s impact at the intersection of Sixth/Brannan/I-280 ramps would be significant and unavoidable.”

For the reasons stated above, additional mitigation measures, including widening of off-ramps, as recommended by the commenter, would not be feasible. Furthermore, the widening of off-ramps is unlikely to reduce the length of backups, since vehicles would simply fill up the increased number of lanes without improving the levels of service.

With respect to reconfiguration of signal timing to allow for more off-ramp traffic, this is already considered in the Draft EIR, as mitigation measure M-TR-1c, discussed on Draft EIR p. 4.E-23.

Comment TR-5: Work or traffic control within the State ROW requires encroachment permit and any mitigation within State ROW (e.g., curb ramps and pedestrian facilities) needs to meet ADA standards. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process.

“Encroachment Permit

“Any work or traffic control within the State Right-of-Way (ROW) requires an encroachment permit that is issued by Caltrans. Please be advised that any mitigation project within State ROW, including all curb ramps and pedestrian facilities, will have to meet Americans with Disabilities Act standards. Further, traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the following website link for more information:

“<http://www.dot.ca.gov/hq/traffops/developserv/permits>

“To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop 45E.” (Erik Alm, AICP, Caltrans, Letter, August 6, 2012)

Response TR-5

This comment outlines standard procedures that must be followed when seeking an encroachment permit or implementing mitigation measures within the State ROW that include curb ramps and facilities. The comment is noted and no additional response is required.

Comment TR-6: Draft EIR fails to analyze transportation and circulation impacts related to establishing entertainment uses in SALI districts.

“The Draft EIR makes no mention of the impacts (transportation, public safety, and congestion) that will be created by the location of future entertainment venues to the ‘SALI’ area bounded by Harrison and Bluxome Streets and between Fourth and 13th Streets. This is an area with no entertainment and is far from the Market Street transportation corridor, including, most importantly, BART.” (Laura Hahn, CMAC, Letter, August 6, 2012)

Response TR-6

The City transportation model, upon which that Draft EIR conclusions are based, relies on assumptions with respect to the number of residents and jobs that would be created, by Traffic Analysis Zone, under the land uses proposed by the Draft Plan. To the extent that future entertainment venues would result in unacceptable levels of service, would cause exceedance of the capacity utilization standards for Muni lines, or result in inadequate emergency access in the Western SoMa Service, Arts, Light Industrial (SALI) districts south of Harrison Street, these have been analyzed in Draft EIR Section 4.E, Transportation and Circulation. Although not specifically

mentioned in the transportation analysis, the growth forecasts, which assume such uses, form the basis of the analysis.

In response to the comment that the proposed SALI district is far from the Market Street transportation corridor, including BART, several other transit lines run through the southern portion of the Draft Plan Area, including 8X-Bayshore Express, 10-Townsend, 19-Polk, 27-Bryant, 30-Stockton, 45-Union-Stockton, and 47-Van Ness. A map illustrating these routes can be found on the City's website.¹¹ In addition, Caltrain's San Francisco station is located at Fourth and King Streets. As stated on Draft EIR p. 4.E-26, any anticipated changes in land uses that would result from the Draft Plan would not cause an exceedance of the capacity utilization standards for existing Muni lines or regional transit providers. To the extent that the commenter feels that existing lines are insufficient at providing public transit service to the Draft Plan Area, this would not be considered a change caused by the Draft Plan, but is an existing condition. In addition, nighttime entertainment travel would occur outside of a.m. or p.m. peak hours, during times when MUNI lines are less impacted.

Comment TR-7: Request for more information concerning 350 Eighth Street project parking component.

"2. What kind of parking [*sic*] available for the building. Street Parking around the area is very limited and traffic is very congested. This building will impact the area dramatically with 444 units." ("Very Concern resident around SOMA," Email, June 27, 2012)

Response TR-7

Proposed parking associated with the 350 Eighth Street project is discussed on Draft EIR p. 2-25, where it is stated that the project would provide off-street parking, primarily below grade, and would accommodate approximately 436 vehicles. The locations and means of access for the parking spaces for the proposed uses would be as follows: 414 parking spaces (315 residential, 95 commercial, and 4 for the arts uses), plus 5 spaces for use by publicly available carshare vehicles, would be located within a below-grade parking garage, which would span most of the 350 Eighth Street project site. Access to the parking garage would be via a two-way ramp on Harrison Street; 13 residential parking spaces would be located on the internal roadway within the 350 Eighth Street project site, and 4 residential parking spaces would be provided within individual unit garages that would have access from the internal roadway; 5 residential parking spaces would be provided within individual unit garages with access from Ringold Street.

As stated in Draft EIR Section 4.E, Transportation and Circulation, on p. 4.E-41, the 350 Eighth Street project would generate a long-term residential parking demand for up to about 561 spaces,

¹¹ San Francisco Municipal Transportation Agency, System Maps, http://transit.511.org/static/providers/maps/SF_13201191042.pdf, accessed on August 20, 2012.

and commercial and arts uses short-term and long-term demand for 100 spaces, for a total of 661 spaces. The residential demand would not be accommodated within the proposed facility, resulting in shortfall of approximately 224 spaces. There would also be a midday shortfall of between 113 and 225 spaces. Residents and other users of the site would be required to find parking in other nearby parking garages or along neighborhood streets. While this would likely pose an inconvenience for residents and visitors, as stated on Draft EIR p. 4.E-32, San Francisco does not consider parking supply as part of the permanent physical environment in San Francisco and therefore, does not consider changes in parking conditions to be environmental impacts as defined by CEQA.¹² Commenter's concern regarding limited street parking in the area and traffic congestion is noted and will be conveyed to the decision-makers.

Noise and Vibration

Comment NO-1: The Draft Plan would result in conflicts between housing and nighttime entertainment uses.

Comments provided above, under LU-1 and CP-1, seem to imply that commenters are concerned that future introduction of residential uses in proximity to existing nighttime entertainment venues would create conflicts related to noise. Such conflicts could manifest themselves in noise complaints filed by the residents and could pose a hardship for those venues. The response below addresses these implied concerns. Other potential conflicts related to land use inconsistencies (which are not related to noise) are addressed in Response LU-1, while commenters' view that these nighttime entertainment venues are historic and could eventually be displaced due to noise conflicts are addressed in Response CP-1.

Response NO-1

Noise impacts from existing (and future non-residential) noise-generating facilities are discussed on pp. 4.F-20 through 4.F-22 of the Draft EIR. The Draft EIR discusses the potential for the Draft Plan to, over time, lead to noise-sensitive land uses to be located near noise-generating land uses. However, mitigation measures are provided that would reduce any such impacts to a less-than-significant level. Specifically, future multi-unit residential structures would be required to comply with California Noise Insulation Standards in Title 24 of the California Code of Regulations, while other types of development not subject to Title 24 would be required to comply with specific mitigation measures identified in the Draft EIR. They include Mitigation Measures M-NO-1a (Interior Noise Levels for Residential Uses), M-NO-1b (Siting of Noise-Sensitive Uses), and M-NO-1c (Siting of Noise-Generating Uses). As part of those mitigation measures, project sponsors would either be required to conduct analyses of noise reduction requirements and include those features in project design (in the case of Mitigation Measures

¹² Under California Public Resources Code (CEQA) Section 21060.5, "environment" can be defined as "the physical conditions that exist within the area that will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise and objects of historic or aesthetic significance."

M-NO-1a) or conduct site surveys and noise measurements (prior to project approval) and demonstrate either that Title 24 standards would be met or that the Proposed Project would not adversely affect nearby noise-sensitive uses. As stated in the Draft EIR, Title 24 provisions, in combination with mitigation measures included in the Draft EIR, would reduce, to the extent feasible, noise impacts from locating potentially incompatible land uses adjacent to each other. For additional information, Response LU-1 discusses general land use incompatibilities between the existing and proposed uses. It also discusses zoning changes that would guide the establishment of entertainment and residential uses in the Draft Plan Area in the future and compares uses that would be permitted within those districts to existing zoning districts and existing uses. As discussed on Draft EIR p. 4.F-14, in San Francisco, noise is also regulated through Article 29 of the Police Code (the Noise Ordinance). Sections 2907 and 2908 of Article 29 regulate construction equipment and construction work at night, while Section 2909 provides for limits on stationary-source noise from machinery and equipment (Section 2909 establishes residential property noise limits. Sources of noise include machines, devices, music or entertainment or any combination of same.)

To include additional detail regarding the distribution of existing entertainment uses and to recognize that some conflicts between noise-sensitive and noise-generating uses exist under existing conditions, on Draft EIR p. 4.F-6, the last paragraph has been revised as follows:

Places of entertainment are also existing sources of noise in the Project Area that may contribute to increased nighttime levels in proximity to sensitive receptors. Many of the existing entertainment-related businesses are permitted for extended hours of operation and some conflicts between existing residential uses and nearby entertainment uses occur under existing conditions. Many of these entertainment venues, including those with extended hours, are located along Folsom and 11th Streets. A map locating places of entertainment in the Project Area and vicinity is shown in **Figure 4.F-4** on page 4.F-10.

These revisions do not alter the analysis or conclusions of the Draft EIR.

Comment NO-2: The Draft Plan should include buffer zones around existing entertainment uses along 11th Street and Folsom Street.

“This Draft EIR does not recognize the extraordinary challenges posed by placing housing in night-life areas without those proposed residences having a buffer zone. Considering the substantial effort placed in creating buffer zones around identified housing enclaves, it seems an error to fail to note the impacts that will be felt by housing when it is placed in nightlife centric historic commercial areas. Specifically we know that the proximity of housing to facilities like entertainment, bars and restaurants is an important consideration to the peaceful and quiet enjoyment of those residents. We know that previous attempts to notify new residents through deed restrictions have had no legal standing and provide no protection for existing entertainment, bar and restaurant uses and ultimately favor the new residential use. Eleventh

Street between Harrison and Howard is home to 7 entertainment and 4 eating establishments, and the Draft EIR contains no mention of this historically documentable impact.

“Chapter 90-A of the San Francisco Administrative Code adopted in 2008 established San Francisco’s Music and Culture Sustainability Policy to support nightlife and entertainment venues as “a vital component of the quality of life for all the diverse communities of San Francisco.” The policy adopted by the City states that it is a priority for the City to foster, promote and sustain music and culture assets like nightclubs.” (Laura Hahn, CMAC, Letter, August 6, 2012)

“The SOMA Plan and the EIR very carefully analyze and provide buffer zones for the impacts that potential residential enclaves may feel from the development interests that are being proposed. The businesses and the agglomeration of those businesses within this Western SOMA Plan have no buffer zones; even though they are referred to in the Environmental Impact Report, they do not exist. And it is our belief that a buffer zone around a business is as important to those potential residents as a buffer zone around the residential enclaves since we are mixing them altogether in MUD districts.” (Terrance Allen, Public Hearing Transcript, July 26, 2012)

“They are not compatible uses and we need a buffer zone for entertainment. And I thank you for helping with that.” (Mark Rennie, Esq., Public Hearing Transcript, July 26, 2012)

“They are not compatible uses and we need a buffer zone for entertainment.” (Mark Rennie, Esq., Public Hearing Transcript, July 26, 2012)

“...just to summarize,...whether or not the report analyzes buffer zones around the 11th Street entertainment area or other entertainment areas; I can't say for sure whether it's in there or not, but I will read more carefully to see if it is analyzed.” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

Response NO-2

The commenters request that buffers zones be created around existing noise-generating uses (presumably through changes to the Draft Plan and/or the City’s Planning Code), presumably to protect them from noise complaints from future residential uses that may be developed nearby over time and buffers to protect residents from potentially unacceptable noise levels. This comment, which is primarily on the Draft Plan itself and not on the adequacy or accuracy of the Draft EIR, is noted. As noted in Response NO-1, some conflicts between existing residential (noise-sensitive) and entertainment (noise-generating) uses occur under existing conditions. Any future conflicts that would result from the Draft Plan would be reduced by implementing mitigation measures identified in the Draft EIR. Specifically, Mitigation Measures M-NO-1a (Interior Noise Levels for Residential Uses), M-NO-1b (Siting of Noise-Sensitive Uses) and M-NO-1c (Siting of Noise-Generating Uses) would be applied to new development as appropriate. Furthermore, one of the basic objectives of the Draft Plan is to separate uses that are considered incompatible. Residential uses and entertainment uses generally would be channeled to different zoning districts in order to reduce the potential for such conflicts.

While noise complaints that could result from noise-generating uses being located in proximity to sensitive uses could pose a challenge to the operations of those businesses (as they do under existing conditions, based on public comments on the Draft EIR), financial implications that result from such complaints are not covered by CEQA, which deals specifically with noise impacts related to the exposure of sensitive receptors to new sources of noise as well as issues related land use incompatibility. Also see Response LU-1 for additional discussion of potential future land use incompatibilities between the existing and proposed uses and Response CP-1 for a discussion regarding the distinction between “cultural resources” and “historical resources” as they are perceived by some commenters versus how they are defined by CEQA. Response CP-1 also describes the intent of the Draft Plan with regard to entertainment “preservation” and retention of entertainment uses.

Comment NO-3: The Draft EIR includes an inaccurate map of entertainment venues.

“DEIR Factual Errors:

“The DEIR fails to accurately represent the area the plan intends to represent. Specifically the DEIR refers to a map of the area (page 4.F-10; Figure 4.F-4) that is purported to include all of the area’s ‘Arts and Entertainment Establishments.’ We have found by referencing the City Tax Collector records there are some 19 errors within the plan area and three on the boundaries, clearly within the area of impact.

“Appendix A lists the summary of the errors highlighted by type of error and Appendix B shows the update of the Figure 4.F-10 map drawn with corrected information put in place.” [Appendix A referenced in this comment is included in the Attachment 1, Comment Letters, of this Comments and Responses document.] (Laura Hahn, CMAC, Letter, August 6, 2012)

“The page that I am referring to in the EIR is Section 4(f), page 10. The inaccuracy of the map of 11th Street -- well, on 11th Street between Folsom and Harrison, the lack of the POE, Place of Entertainment licenses businesses, it’s missing an entire block of designated POEs.” (Dawn Holiday, Public Hearing Transcript, July 26, 2012)

“Commissioners, Director, my name is Terrance Allen. I live at 985 Folsom Street in San Francisco 94107. I have two documents that will assist in my presentation if the Wizard of Oz can put them on the screen.

“The first document -- the first document is a listing of the missing and inaccurately defined entertainment venues throughout the plan and in the bordering neighborhoods, and I also have a map, both of which will be submitted formally; the map corrects the inaccuracies.

“This list, those items in yellow, is where there is no listing; the items in green are where the listing is inaccurate or missing. And when I say ‘inaccurate,’ for example, the impact of a place of entertainment with an extended hours permit is significantly different than the impact of a billiard parlor. Many of the businesses that are listed as billiard parlors are actually places of entertainment with extended hours

premises license, or they don't exist at all on the map. And so, to adequately address those impacts when you don't have that information accurately represented is difficult, at best.

"My second is an actual revision to the map which is labeled as Figure F -- 4F -- and it more accurately defines those businesses with their actual use, and I will submit copies to the Secretary and we will be submitting them with our formal report." (Terrance Allen, Public Hearing Transcript, July 26, 2012)

"...just to summarize...adequacy of the listing of the entertainment venues, is it complete or not complete" (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

Response NO-3

The commenters refer to Figure 4.F-4, p. 4.F-10, titled Arts and Entertainment Establishments, included in Section 4.F of the Draft EIR. The commenters provide updated graphics that illustrate some of the errors that were included in the Draft EIR. ESA conducted a survey along Folsom and 11th Street on November 8, 2012 to confirm that revisions suggested by the commenter are accurate, and Draft EIR Figure 4.F-4 has been revised to reflect the correct information, as shown in Section D of this document. Some of the venues included in the table provided by the commenter are no longer operating and this, too, has been reflected in the revised Figure 4.F-4. This revision, however, does not change the analysis provided, nor the conclusions reached in the Draft EIR, because many other entertainment uses in the Draft Plan Area were identified accurately and the analysis is general in nature and does not focus on any particular entertainment establishment, specifically.

Comment NO-4: Limited Live Performance Ordinance should apply to Western SoMa Community Plan Area.

"The restricted adoption of the new Limited Live Performance should also be reconsidered to be district wide." (Skot Kuiper, WSOMA Task Force Arts Representative, letter, August 6, 2012)

"And the other one is the accessory entertainment as addressed in the EIR. This was produced before there was limited live performance introduced to San Francisco through Supervisor Mirkarimi's Office at that time, and it takes a citywide ordinance and then restricts it even further, even though the entire City has adopted this, the limited live performance. And even when another neighborhood close to West SOMA tried to stop limited live performance, which only goes until 10:00, it is not amplified, and it has certain restrictions on it that make it compatible with the neighborhood, they were not allowed to remove themselves. And yet this Western SOMA Plan in the EIR goes against accepting the limited live performance that is extended throughout the entire City." (Glendon Anna Conda Hyde, Public Hearing Transcript, July 26, 2012)

"We've also heard a little bit about the selected implementation of the limited live performance and we'd like to see that this gets more into the plan, so I won't touch on this too much. And the balance to go with

the rest of the City, allowing as a citywide whereas it is restricted in most areas of SOMA, that it should otherwise be allowed in.” (Skot Kuiper, Public Hearing Transcript, July 26, 2012)

“just to summarize...And then limited live performance issue, which the distinction from unlimited live performance was pointed out.” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

Response NO-4

The comments are in relation to the Limited Live Performance Ordinance that was signed into law in September of 2011 by Mayor Ed Lee. The Limited Live Performance Ordinance authorizes the creation of a new entertainment permit, the Limited Live Performance (LLP) permit. The purpose of the LLP permit is to permit live performances in establishments whose primary use is not entertainment (e.g., a restaurant with a piano player, or a café that hosts live poetry or music).

A LLP permit may be the appropriate permit for a venue if it meets all of the following conditions: (1) the primary use of the establishment is not entertainment; (2) performances will end by 10:00 p.m.; (3) live performances do not include disc jockeys; and (4) the area of the space occupied by performers is less than 200 square feet. If a proposed use does not meet those conditions, a fixed Place of Entertainment permit or a One-Time Event permit may be the appropriate permit for that venue, subject to zoning law.¹³

These comments are on the Draft Plan and not on the adequacy or accuracy of the Draft EIR. However, for informational purposes, the reason that the LLP Ordinance does not apply to the Draft Plan Area is because the Draft Plan was being developed concurrently with the drafting and passage of the LLP Ordinance. Because some of the provisions included in the Draft Plan mirror those included in the LLP Ordinance (i.e., the Draft Plan calls for similar flexibility in allowing limited live performance in the Draft Plan Area), the LLP Ordinance explicitly excluded the Draft Plan Area.

This commenter’s request that LLP Ordinance should apply to Western SoMa is noted. Because this comment is not related to the accuracy or adequacy of the Draft EIR, no further response is necessary.

Comment NO-5: Concerns regarding construction-phase noise impacts.

“6 The noise and dust during the construction period will impact around the area, E.g limit the time to open the window for good quality and walking about the neighborhood.” (“Very Concern resident around SOMA,” Email, June 27, 2012)

¹³ New Limited Live Performance Permit, <http://www.sfgov2.org/index.aspx?page=2854>, accessed on August 15, 2012.

Response NO-5

This comment is regarding the 350 Eighth Street project. Construction-phase noise impacts associated with the 350 Eighth Street project are discussed on pp. 4.F-30 through 4.F-31. As discussed on p. 4.F-30, the Draft EIR determined that construction activities in the Draft Plan Area and on Adjacent Parcels have the potential to expose persons to temporary increases in noise levels substantially in excess of ambient levels and determined such impacts to be potentially significant. However, the implementation of Mitigation Measures M-NO-2a (General Construction Noise Control Measures) and M-NO-2b (Noise Control Measures During Pile Driving) would reduce those impacts to less than significant levels. The comment lacks additional detail and cannot be responded to more specifically. However, the Draft EIR provides additional discussion regarding this impact under Impact NO-6, on pp. 4.F-30 through 4.F-31. In addition, construction impacts are temporary and do not constitute physical changes to the environment, which is the how impacts are defined pursuant to CEQA. See also Response AQ-3 for discussion of concerns regarding construction-phase dust impacts.

Air Quality

Comment AQ-1: Air quality analysis too complex; areas proposed for SALI zoning have bad air quality and should not permit housing.

"2. Air Quality Significant Impacts and Mandatory Mitigation

"The Draft EIR's analysis of Air Quality is very complex. The bottom line is that overall significant impacts from traffic pollution throughout the Plan Area are confirmed due to projected increased health risks, and mandatory Mitigation is required. The Mitigation is that all residential development must be assessed individually via a certain model and those that exceed certain limits per the model must include filtered air HVAC systems for all living units.

"The problems with using this aggregated model the way the Draft EIR does are:

- It only partly takes into account climate data – specifically, prevailing wind directions – that certainly maximize downwind projects' exposure to these impacts but also lessen upwind projects' exposure.
- It does not take the I80 Freeway into account as a particularly acute point source of pollution with very localized impacts (although it does with regard to the Caltrain Station).
- It does not take into account the timing of particularly acute generation of pollutants – i.e., the afternoon rush hour – when exposure to severely unhealthy air can occur.

“As to climate data, the 2004 certified EIR for the 1634-1690 Pine Street Mixed-Use Project states:

U.S. Weather Bureau and Bay Area Air Quality Management District data show that the northwesterly winds (from the northwest) and the westerly winds (from the west) reflect the persistence of sea breezes and are the most frequent wind directions in San Francisco. Wind speed and direction are most variable in the winter, when strong southerly winds occur frequently during an approaching winter storm. The strongest peak winds occur during winter, when the highest recorded speeds have been 47 miles per hour (mph). Predictions of wind speed are based upon historic wind records from the U.S. Weather Bureau weather station atop the old Federal Building at 50 United Nations Plaza during the years 1945- 1950. Of the 16 primary wind directions measured at the weather station, four directions occur most frequently and account for most of the strongest winds: northwest, west- northwest, west, and westsouthwest. Calm conditions occur about two percent of the time. Average wind speeds are highest during summer and lowest during winter. Typically, the highest average wind speeds occur during the midafternoon hours, and the lowest occur during early morning hours.

“The WSP DEIR needs to include this information as well, and discuss the particular air quality circumstances that result for the Plan Area south/east of the I80 Freeway, noting in particular the elevated health hazard during the PM peak period resulting from the inevitable daily stop and go traffic on the Freeway. The DEIR’s modeling approach alone simply cannot capture this everyday real-world acute and focused air quality impact reality. And without this additional real-world information, the DEIR may actually overstate air quality impacts in the Plan Area north/west of the I-80 Freeway. Taking this more detailed description of local real-world air quality circumstances into account, an additional Mitigation Measure should be required: Residential development of any kind (and all other “sensitive receptors”) should not be allowed by the Plan’s zoning regulations in the Plan Area south/east of the I80 Freeway. As a matter of public health, it is just the wrong place to build housing or increase the residential population at all. In fact, that no-housing zoning is what the WSP now proposes for its proposed SALI District that includes this entire area. But it is not what the most recent DCP Central Corridor concepts for part of the same SALI area currently propose.”(John Elberling, TODCO, Letter, July 27, 2012)

“The second thing that is -- it is good to see the Health Department approach the air quality adopted in this plan in the EIR, but the discussion is so technical, it is impenetrable. You could not learn from that discussion in the draft that the prevailing winds in San Francisco come from the west and the northwest. You would not learn specifically how great a contribution the I-80 Freeway in the South of Market contributes to air quality impacts; although it's mentioned, it's not really detailed. And you would not see in plain language, as it should, that of course the impacts downwind from the freeway are severe. The modeling is general, it is not particularly locational, you would have to read it yourself and see if you can understand it; but the bottom line is the area of South of Market where we propose -- and I was on the task force as commercial only, the SALI, has certainly among the worst air in San Francisco because of these factors, and very possibly the very worst air quality in San Francisco. It is not a good place for housing. Housing should be ruled out not just because of the commercial strategy, but for public health issues, as well, as a mitigation measure. And our plan does propose that.” (John Elberling, TODCO, Public Hearing Transcript, July 26, 2012)

“just to summarize,....air quality impacts” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

Response AQ-1

The Planning Department acknowledges that the Draft EIR's air quality section is very technical. Because air quality modeling is complex, the discussion of the impacts is likewise complex and uses terminology and describes methodology that may not be familiar or easily comprehensible to the lay reader. The impact statements provided in the Draft EIR attempt to distill those discussions into simplified statements that respond to the EIR's significance criteria and seek to convey the basic meaning of the discussions that are expanded upon following the impact statements. Additional details regarding the air quality analysis can be found in the Health Risk Analysis (available for review at the San Francisco Planning Department at 1650 Mission Street, Fourth Floor, San Francisco) and on Draft EIR pp. 4.G-18 through 4.G-26 (which discuss the significance criteria applied to the impact discussion as well as the approach to analysis). Because the Draft EIR applied the proper (and latest) methodology to analyzing air quality impacts, it is adequate and accurate in that respect.

Ambient air quality conditions are discussed on Draft EIR pp. 4.G-1 through 4.G-11, with Draft Plan impacts analyzed on pp. 4.G-27 through pp. 4.G-53. As stated under Roadway-Related Health Effects (pp. 4.G-8 through 4.G-9), according to traffic-related studies, an additional non-cancer health risk attributable to roadway proximity was seen within 1,000 feet of the roadway and was strongest within 300 feet. The closest freeway to the Project Area is the elevated I-80 freeway, which runs through the Project Area, between Harrison and Bryant Streets, from Fourth to Eighth Streets. Surface streets in the Project Area also carry high volumes of traffic that can generate substantial levels of pollutants, including PM_{2.5} (particulate matter less than 2.5 micrometers in diameter). Modeling conducted by the Department of Public Health reveals relatively high levels of PM_{2.5} along major roadways in the City, including I-80 and the major streets (i.e., excluding mid-block alleys) in the Project Area.

The comment suggests that the Draft EIR's modeling of health impacts from exposure to air pollution is inadequate because it does not account for "everyday real-world acute and [geographically] focused" impacts from the elevated Interstate 80 (I-80) freeway, does not acknowledge greater pollutant concentrations downwind of the freeway, and does not consider greater pollutant concentrations generated during peak hours of traffic.

First, it is important to distinguish between criteria air pollutants and toxic air contaminants (TACs). As stated on p. 4.G-1 of the Draft EIR, criteria pollutants are so called because state and federal health-based ambient air quality standards have been established for these common pollutants. These are the pollutants—ozone, carbon monoxide, nitrogen dioxide, particulate matter, and sulfur dioxide—for which calculation of emissions have long been presented in CEQA analyses. However, as shown in Table 4.G-1 on Draft EIR p. 4.G-2, with the exception of particulate matter, no exceedances of health-based criteria have been recorded over the last five years at the San Francisco monitoring station, near the northern base of Potrero Hill. Moreover, as shown in Table 4.G-2, p. 4.G-12, the Bay Area as a whole meets most federal and state ambient air pollution standards, again with the exception of those for particulate matter, and also with the

exception of standards for ozone. Ozone is a regional pollutant—it is not directly emitted by vehicles or other sources, but rather is a secondary air pollutant produced in the atmosphere through a series of photochemical reactions involving the “ozone precursors” ROG (reactive organic gases) and NO_x (nitrogen oxides). Therefore, health effects from ozone are not relevant in the immediate vicinity of a source of pollutants, such as the I-80 freeway. Instead, impacts of a development project with respect to ozone are evaluated by computing the volume of ROG and NO_x emitted, since those ozone precursors have the potential to add to regional ozone levels.

Unlike most criteria pollutants, PM_{2.5} has can have localized impacts in addition to its effect on regional air quality. Health effects of PM_{2.5}, discussed on Draft EIR pp. 4.G-8 – 4.G-9, include increased prevalence of asthma and respiratory infections, and decreased lung function in children, as well as increased risk of cardiovascular symptoms, including heart attack, in adults. Because of this, in recent years, much attention has focused on PM_{2.5} emissions, along with exposure to certain TACs, which can lead to a wide variety of health problems, including birth defects, neurological damage, cancer, and even death. Some TACs are generated by industrial and laboratory sources but, as stated on Draft EIR pp. 4.G-6 – 4.G-7, the primary source of TACs in the Plan Area is motor vehicles, including diesel trucks, which emit diesel particulate matter (DPM). DPM was identified as a TAC by the California Air Resources Board in 1998, contains hundreds of different gaseous and particulate components, many of which are toxic. (DPM represents a varying fraction of PM_{2.5}, depending on location and percentage of trucks in the traffic stream.)

Consistent with guidance from the Bay Area Air Quality Management District (BAAQMD), the Draft EIR analyzes community health risk impacts of the Draft Plan by evaluating whether the Plan would expose sensitive receptors (primarily, residents) to “substantial pollutant concentrations.” As noted on Draft EIR p. 4.G-38, the Project Area contains a “relatively large number of permitted and non-permitted stationary sources and the high percentage of streets with traffic volumes that could generate relatively high concentrations of PM_{2.5}, DPM, and other TACs throughout the Project Area and vicinity.” Accordingly, the Draft EIR identifies Mitigation Measure M-AQ-3, which would require development projects in the Project Area to undergo a site-specific evaluation and to incorporate the maximum feasible mitigation for impacts resulting from PM_{2.5} or TAC levels in excess of applicable standards. This level of analysis was determined appropriate for a programmatic plan-level analysis because health impacts from PM_{2.5} and other TACs are very localized near sources. Similar to a detailed project-level analysis conducted for the 350 Eighth Street project, which considered vehicles, permitted sources and non-permitted sources, subsequent projects proposing sensitive land uses would likewise be required to consider the health impacts of sources surrounding the project site.

With respect to PM_{2.5}, it is also noted, as stated on Draft EIR p. 4.G-16, that the City has adopted its own health-based standard for infill residential projects, in Article 38 of the San Francisco Health Code, which requires, for projects of 10 or more dwelling units in areas where PM_{2.5} concentrations exceed a specified “action level,” that a ventilation system be installed, with filtration if necessary based on the modeled concentration, to remove 80 percent of outdoor PM_{2.5}

concentrations indoors. In this way, the City provides for many new residential units to have access to indoor air quality that is substantially more healthful than outdoor ambient air quality.

The analysis of potential health effects of PM_{2.5} and of TACs, as required by Mitigation Measure M-AQ-3, would be based on specific receptors' proximity to the source(s) of emissions, since effects vary substantially with respect to concentration exposure. Because effects, such as lifetime cancer risk and decreased lung function, result from chronic, long-term exposure, it is necessary to undertake computer modeling to project the effects of such long-term exposure. Typically, such modeling requires as inputs information with respect to both emissions and meteorological conditions. The former is represented by the volume of traffic, the percentage of trucks, and the emissions rates of various vehicles; the latter requires the use of long-term monitoring data—generally, one or more full years of data from one of the network of monitoring stations maintained by the BAAQMD. Because there is a limited number of these monitoring stations throughout the Bay Area, the standard practice is to use meteorological data (wind speed, frequency, and direction are among the key parameters) from the nearest applicable station. (For more detail on the use of this data, please see the response to Comment AQ-2, below.) Thus, “real-world” conditions are considered in this modeling, through the use of actual monitored meteorological data from locations as nearby as possible.

The reason that the Draft EIR presents the results of a specific model run of the cancer risk from Caltrain emissions and does not present comparable data for I-80 traffic-generated emissions is that health risks from roadway traffic emissions are readily calculable based on roadway volumes and the percentage of truck traffic. In contrast, Caltrain, as stated on Draft EIR pp. 4.G-65 – 4.G-7, is one of the major non-roadway unpermitted source of emissions in the vicinity of the Draft Plan Area, and one for which emissions must be modeled separately from auto and truck traffic, given the different operating characteristics of locomotives.

The site-specific health-risk evaluation required by Mitigation Measure M-AQ-3, which was required to include the effects of Caltrain, was undertaken in the Draft EIR for the proposed 350 Eighth Street (see Impact AQ-15, Draft EIR p. 4.G-61). This analysis accounted for the project site's location on the northern (upwind) side of the I-80 freeway, and was based on local meteorology. As reported in Table 4.G-7 on p. 4.G-63, the impact was determined to be less than significant. In response to the comment that the plan level analysis does not provide a good indication of the effects of traffic-related pollution south of I-80, as indicated in Table 4.G-7 (on Draft EIR p. 4.G-63), roadway-related cancer risk contributed to approximately 50 percent of the total cancer risk at the 350 Eighth Street project site.

As for peak-hour pollutant levels, the modeling relies upon 24-hour traffic volumes, because long-term (average) exposure to PM_{2.5} and TAC concentrations is what is modeled, as noted above. This is because the risk calculations are based upon long-term (chronic) exposure, both for cancer risk from diesel particulate matter and for non-cancer health risks from PM_{2.5}. Using peak-hour data would report results that would be unrealistically high and the methodology

employed is consistent with BAAQMD recommended methods for screening and modeling local risks and hazards.

In response to the commenter's assertion that no residential uses should be allowed south of Harrison Street, it is noted that the current SLI district that makes up the majority of the Draft Plan Area (and Project Area) south of Harrison Street does not presently allow residential uses other than affordable housing (other residential uses that exist in this district are considered legal, non-conforming uses). The Draft Plan, which would rezone SLI districts into Western SoMa SALI, would maintain the existing housing restrictions in the SALI district and extend them such that no residential uses of any kind, including affordable housing, would be permitted. SALI zoning would allow for new housing only within the three proposed RED and RED MX districts that would be created south of Harrison Street where housing already exists. Housing in these districts would be a permitted use rather than allowed to continue under a legal, non-conforming status. Any residential uses that would be proposed in the Draft Plan Area in the future would be required to undergo air quality screening to ensure that air quality impacts are analyzed and mitigated to the extent feasible.

Comment AQ-2: The air quality discussion should include more wind data.

"-Can you expand a bit on the way meteorological data is used in the model? I am specifically wondering if the model takes into account the direction of the prevailing wind. If so, sites to the southeast of the freeway would likely have worse air quality and need more mitigation, given that the prevailing wind comes from the northwest in San Francisco (and this is true to the real-world conditions). OR, does the model take into account just velocity, not direction of wind, thus essentially assuming that a site is always downwind?

"-How localized is the data that looks at on-street conditions? Would the model find a different air quality for a first-floor space on Folsom and a 4th floor space on one of the alleys? How is this achieved?" (Alice Light, TODCO, Email, July 20, 2012)

Response AQ-2

Meteorological data typically does include wind direction, and the questioner is correct that downwind locations from a freeway, for example, generally have greater pollutant concentrations than upwind locations. Whether the modeling takes these directional data into account depends on the model that is used and how it is used. The simplest models do not necessarily employ directional data. However, the modeling done for the Draft EIR did take wind direction into account, both in the AERMOD model used to evaluate Caltrain emissions and construction emissions and the CAL3QHCR model used to estimate roadway emissions.

Wind direction is relevant to the analysis of localized air quality impacts, and is taken into account in the Draft EIR under "Community Risk and Hazard Impact," Impact AQ-3, p. 4.G-36.

Because, as the Draft EIR notes, the existing Caltrain station at Fourth and Townsend Streets is a major “non-permitted” source of toxic air contaminants (TACs), computer modeling of emissions from Caltrain locomotives was conducted. This analysis, included in the health risk assessment prepared for the Draft EIR and cited in Draft EIR footnote 64, p. 4.G-37, incorporated location-specific meteorological conditions (including wind speed and direction) from the BAAQMD Mission Bay station, the closest such monitoring station to the Draft Plan Area. In addition to Caltrain emissions, the Draft EIR also presents the results of modeling of changes in local concentrations of TACs that would result from the re-distribution of truck traffic due to the Draft Plan’s proposed designation of truck routes. Here, too, location-specific meteorology is accounted for; the Draft EIR states, on p. 4.G-52, that the greatest effect would occur “on the east (downwind) side of Ninth Street and the south (downwind) side of Harrison Street.”

As stated under Impact AQ-3, Caltrain emissions and emissions from Plan Area roadways and permitted sources of TACs, such as diesel backup generators, would result in a significant impact on new sensitive receptors (e.g., residents) in the Plan Area. Accordingly, the Draft EIR identifies Mitigation Measure M-AQ-3, which would require site-specific analysis of potential TAC exposure prior to approval of new sensitive receptors in the Plan Area. This mitigation measure would ensure that location-specific factors, including meteorology, were taken into account with respect to future Plan Area residents and other sensitive receptors. Such an analysis was undertaken for the project-specific analysis of the proposed 350 Eighth Street project, and the results are presented under Impact AQ-15, Draft EIR p. 4.G-61, including Table 4.G-7, p. 4.G-63. As with the analyses described above, the analysis under Impact AQ-15, taken from the Draft EIR’s health risk assessment likewise considers location-specific meteorology, including wind speed and direction.

Comment AQ-3: Concerns regarding construction-phase dust impacts.

“Also the air quality will be impacted due to no. of cars in the area.

(...)

“6 The noise and dust during the construction period will impact around the area, E.g limit the time to open the window for good quality and walking about the neighborhood. ” (“Very Concern resident around SOMA,” Email, June 27, 2012)

Response AQ-3

This comment is regarding the 350 Eighth Street project. Construction-phase air quality impacts associated with the 350 Eighth Street project are discussed on pp. 4.G-53 through 4.G-55. As concluded, emissions from the construction of 350 Eighth Street project would not exceed the applicable significance thresholds for criteria pollutants, and the requirement for the 350 Eighth Street project to comply with regulations and procedures set forth by the San Francisco Building

Code and San Francisco Health Code (including the requirement to prepare a Dust Control Plan), would ensure that construction-related air pollution impacts would be less than significant. The comment lacks detail and cannot be responded to more specifically. However, Draft EIR provides additional detail regarding this impact in the discussion under Impact AQ-10, on pp. 4.G-53 through 4.G-55.

Similarly, the Draft EIR discusses air quality impacts associated with operations of the 350 Eighth Street project on pp. 4.G-58 through 4.G-64. This analysis concludes that the proposed 350 Eighth Street project would not result in any significant unavoidable air quality impacts related to project-generated traffic. No further detail is provided in the comment concerning air quality impacts; thus, no further response can be provided.

Comment AQ-4: Request to obtain copy of the Health Risk Analysis.

"1. Would it be possible to get a copy of the Environ International Project and Plan-Level Health Risk Analysis: Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 8th Street Project, San Francisco, California, Case File No. 2008.0877E? I'd like to take a look at the methods used for this analysis." (Alice Light, TODCO, Email, July 20, 2012)

Response AQ-4

Draft EIR background studies are available for public review at the Planning Department, 1650 Mission Street, Fourth Floor, San Francisco. A copy of the Health Risk Assessment was supplied to commenter shortly after this comment was received by the Planning Department.

Comment AQ-5: Mitigation Measure M-AQ-3 is not specific enough.

"2. Mitigation measure M-A-Q-3 states that 'the Planning Department shall require analysis of potential site-specific health risks for all projects that would include sensitive receptors.'

- * Just to confirm: I understand that this analysis is required for all sites within the Western SoMa Draft Plan Area, if the project site will have sensitive receptors.
- * Can you explain the 'analysis of potential site-specific health risks' that is referred to?
- * Is the analysis the CAL3QHCR Line Source Dispersion Model? I'm curious to know more about the meteorological data and how localized this data is. I would also like to know how traffic volume is measured – is it measured as an average over time or a peak, worst-case scenario?
- * Does the analysis involve physically measuring the air quality at the site to verify what is found in the model? If so, could you explain this to me or direct me to the methodology (i.e. number of

receptors; number of data points; inputs measured; length of study; iterations)?” (Alice Light, TODCO, Email, July 20, 2012)

Response AQ-5

The "analysis of potential site-specific health risks" that will be required pursuant to Mitigation Measure M-AQ-3 is deliberately not specified as to methodology or specific air quality model because (a) protocols can change over time, and (b) more importantly, the Draft EIR was published when the Department, in collaboration with the Bay Area Air Quality Management District (BAAQMD) and the Department of Public Health, is currently in the process of undergoing a comprehensive citywide air pollution modeling and health risk assessment to identify locations, citywide, with poor air quality. This assessment is being conducted to garner a better understanding of air pollution and resulting health effects throughout the City and to assist in determining appropriate strategies to reduce the negative health effects of air pollution. Mitigation Measure M-AQ-3 recognizes and builds upon those efforts, by allowing individual development projects within the Plan Area to rely on the citywide modeling analysis, once finalized, to determine the circumstances that require implementation of mitigation strategies identified in the Draft EIR. Individual projects located within air pollution "Hot Spots" as determined by the citywide modeling (based on exposure to PM_{2.5} concentrations and predicted excess cancer risk) would be required to install air filtration and ventilation systems meeting the performance standards of an 80 percent reduction of outdoor particulates indoors. The citywide modeling that is being conducted through the City's partnership with BAAQMD relies upon the EPA-recommended AERMOD model. (AERMOD is more robust than CAL3QHCR, and also allows for stationary sources like diesel generators and auto body shops, not just line sources, such as traffic, to be included in the modeling.)

Additionally, most residential projects are still subject to Article 38 of the Health Code, which could independently require filtration of indoor air based on modeled PM_{2.5} concentrations from traffic.

Protocols and recommended methods for air quality modeling rely upon 24-hour traffic volumes, not peak-hour volumes, because what is being modeled is long-term (average) exposures. This is because the risk calculations are based upon long-term (chronic) exposure, both for cancer risk from diesel particulate matter and for non-cancer health risks from PM_{2.5}. Using peak-hour data would report results that would be excessively high and are not standard practices nor recommended for health risk assessments.¹⁴ As discussed in Section 8 of the *Project and Plan-Level Health Risk Analysis: Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 8th Street Project*, Uncertainties, of the project-specific Health Risk Assessment for 350 Eighth Street (pp. 35

¹⁴ BAAQMD, *Recommended Methods for Screening and Modeling Local Risks and Hazards*. May 2011. Available online at <http://www.baaqmd.gov/~media/Files/Planning%20and%20Research/CEQA/BAAQMD%20Modeling%20ApproApp.as> hx, accessed on October 23, 2012.

through 36), conservative assumptions used in risk assessment are intended to assure that risk assessments do not underestimate actual risk.¹⁵

No measurement of existing air quality is generally involved, because that would require taking measurements over a period of one year or more, which is generally not practical. Accordingly, computer modeling is used that relies upon meteorological data collected for a period of one year, and often longer. For Western SoMa, the meteorological data was from the BAAQMD's Mission Bay station, which is about three-quarters of a mile east-southeast of the 350 Eighth Street site, and is the closest meteorological station to the Plan Area.

Although there is no measurement of actual concentrations of chemicals or particulates in the air, such measurements are done by BAAQMD and the state Air Resources Board at various sites, including BAAQMD's monitoring station on Arkansas Street at the base of Potrero Hill.

Comment AQ-6: Concerns regarding cumulative air quality impacts.

"The environmental impacts of increased land use intensities and corresponding transportation demand in the South of Market District should be considered in the Western SoMa Community Plan as including the connected streets' impacts of increased land use intensities in the Rincon Hill Area Plan where I call home, the Transbay Redevelopment Area, the Transit Center District Plan, the Eastern Neighborhoods Program, the Central Corridor Project, and also the environmental impacts from large projects such as Treasure Island and the California Pacific Medical Center (CPMC) which will likely increase traffic, air pollution, pedestrian dangers, and delays for transit across South of Market due to additional traffic on the Bay Bridge which funnels exiting vehicles into SoMa. Most important, the Transit Effectiveness Project's parameters need to be considered for the whole of South of Market and not just Western SoMa.

"How do the additional private car trips from Rincon Hill's/Transbay's tens of thousands of anticipated residents affect the air pollution in Western SoMa? (Jamie Whitaker, Letter, July 31, 2012)" (Jamie Whitaker, Letter, July 31, 2012)

Response AQ-6

The travel demand associated with the implementation of the Rincon Hill Plan and the Transbay project are analyzed under the cumulative scenario in the Draft EIR and cumulative projects listed above are taken into account in the growth forecasts on which the air quality and other analyses in the DEIR is based. Specifically, the cumulative air quality impacts associated with the Draft Plan are addressed on Draft EIR pp. 4.G-64-4.G-66. As concluded on these pages, the Proposed Project would contribute considerably to significant and unavoidable cumulative impacts for both criteria air pollutants and toxic air contaminants. While the incorporation of

¹⁵ Environ International, *Project and Plan-Level Health Risk Analysis: Western SoMa Community Plan, Rezoning of Adjacent Parcels and 350 8th Street Project, San Francisco, California*. May 2012. This report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2008.0877E.

Mitigation Measure M-AQ-2 (Transportation Demand Management Strategies for Future Development), M-AQ-3 (Reduction in Exposure to Toxic Air Contaminants for New Sensitive Receptors), M-AQ-4 (Siting of Uses that Emit PM_{2.5} or DPM and Other TACs), M-AQ-6 (Construction Emissions Minimization Plan for Criteria Air Pollutants), and M-AQ-7 (Construction Emissions Minimization Plan for Health Risks and Hazards) would reduce those impacts, they would remain significant and unavoidable.

Wind and Shadow

WS-1: Request for more information concerning shadow effects of the 350 Eighth Street project.

"If the building is a high rise, it will block sunlight and to create shadow my resident [sic]." ("Very Concern resident around SOMA," Email, June 27, 2012)

Response WS-1

This comment concerns the 350 Eighth Street project. Proposed building heights of the 350 Eighth Street project are discussed on Draft EIR p. 2-25, where it is stated that the proposed buildings would range from four to six stories, or 53 to 65 feet tall. As such, they would not be expected to block sunlight or create substantial shadows. Shadow impacts associated with the proposed 350 Eighth Street project are discussed on pg. 4.I-15. As stated, new buildings would result in new shading on the 350 Eighth Street project site (including mid-block open space) as well as on surrounding properties. The areas that would be shaded by the 350 Eighth Street project would vary over the course of the year. During the winter months, shadows would be cast toward the residential, commercial, and vacant lots across Ringold Street as well as Ringold Street sidewalks during the morning hours, and toward the parcels across Eighth Street as well as Eighth Street sidewalks during the afternoon and evening hours. During the summer months, shadows would be cast south, onto the Harrison Street sidewalks and parcels on the south side of Harrison Street. However, no public recreational facilities or public areas other than sidewalks would be shaded by the 350 Eighth Street project. Furthermore, because the new shadows would move across the affected areas and would not shade any given area for longer than about an hour, the 350 Eighth Street project would not be expected to create new shadow in a manner that would substantially affect outdoor recreational facilities or other public areas. For this reason, this impact was determined to be less than significant.

Cumulative Impacts

Comment CU-1: The Draft Plan will be compromised by the Central Corridor Plan.

“A compromise reached within the WSOMA plan for the establishment of the SALI district is also in jeopardy as the Central Corridor Plan currently in process will undo much of the area allocated for SALI to become high rise office structures. The plan area will be dramatically altered if the City’s push for the Central Corridor is approved and its effects should be included in the EIR study.” (Skot Kuiper, WSOMA Task Force Arts Representative, letter, August 6, 2012)

Response CU-1

The *Central Corridor Plan* is discussed on page 4-7 of the Draft EIR, under Approach to Cumulative Impact Analysis. As stated on page 4-7, the *Central Corridor Plan’s* goal is to integrate transportation and land uses by implementing changes to the allowed land uses and building heights. The plan also includes a strategy for improving the pedestrian experience in this area. These changes will be based on a synthesis of community input, past and current land use efforts, and analysis of long-range regional, citywide, and neighborhood needs.

The *Central Corridor Plan* area overlaps with the Western SoMa Community Plan Area on all of the Western SoMa Community Plan Area parcels east of Sixth Street (the majority of which are bounded by Sixth Street, Harrison Street, Fourth Street, and Townsend Street, with some outlying parcels north of Harrison Street and east of Fifth Street).

While an application for the *Central Corridor Plan* has been filed (Case No. 2011.1356E), the environmental review process for it is just beginning. The Draft EIR analysis for the Proposed Project is based on the project description provided by the project sponsors at the time of the preparation of the Draft EIR, as marked by the publication of the Notice of Preparation in August 2009. The Draft EIR for the Proposed Project included the *Central Corridor Plan* as part of its cumulative scenario based on the growth assumptions that were available at that time. No growth forecasts specific to the proposed *Central Corridor Plan* were available; however, cumulative assumptions that were included in the Draft EIR analysis did include a number of large projects in the Central Corridor area, such as Moscone Center expansion, the “5M project,” the proposed project at 706 Mission Street, and four other projects that, together, would result in approximately 2,600 residential units and 7,800 jobs. The Proposed Project cumulative growth forecasts also account for other growth in the Central Corridor area on smaller sites that, combined with the major projects noted above, would generate growth that is within the range of current growth forecasts for the *Central Corridor Plan* area. Thus, the Proposed Project analysis accounts for reasonable growth in the Central Corridor area.

The *Central Corridor Plan* environmental review began in fall 2012 and will take the *Western SoMa Community Plan* into consideration. Thus, to the extent that various parcels within the Draft Plan Area will be rezoned (either to permit different uses or taller buildings than proposed by the Draft Plan or to accommodate more growth than assumed in the Draft EIR), these impacts will be

studied as part of the *Central Corridor Plan* environmental document. In addition, the land use designations of parcels in these Area Plans are part of the project description of each plan and are not related to the adequacy of the CEQA analysis.

Alternatives

Comment AL-1: The Draft EIR should study an additional alternative that would classify the Plan area west of 10th Street and south of Folsom Street as non-residential SALI zoning instead of West SOMA MUG.

“Lastly, there is significant community support to modify the proposed Plan to prohibit housing development near the nighttime entertainment concentration on 11th Street south of Folsom Street. To enable decision makers to fully consider this topic without technical CEQA limitation, a variant of the Plan (or ‘alternative’) needs to be evaluated that would classify the Plan area west of 10th Street and south of Folsom Street as non-residential ‘SALI’ zoning instead of ‘West SOMA MUG’ as now proposed.” (John Elberling, TODCO, Letter, July 27, 2012)

“I know that John Elberling's letter will be responded to, I'd just like to have staff pay particular attention to the very last paragraph.” (Commissioner Sugaya, Public Hearing Transcript, July 26, 2012)

Response AL-1

The comment stating that there is community support to prohibit housing development near nighttime entertainment uses along 11th and Folsom Streets is noted. This is a comment on the Draft Plan and not on the accuracy or adequacy of the Draft EIR.

The Draft EIR includes alternatives consistent with CEQA *Guidelines* Section 15126.6, which directs that alternatives attain most of the key project's basic objectives, that they avoid or substantially lessen impacts, and that they be feasible. Since the types of conflicts discussed in the comment (primarily between entertainment uses and residences) were not identified in the Draft EIR as significant impacts, no alternatives were developed to specifically reduce such impacts. Moreover, neither the Proposed Project, nor any of the three alternatives studied in the Draft EIR (No Project Alternative, Reduced Growth Alternative, and Greater Growth Alternative) identify potential land use conflicts or noise impacts related specifically to the proposed rezoning (they are, however, discussed as one of the existing issues in the Draft Plan Area). However, in response to the comments, a discussion is included in Response LU-1 of potential revision to the Draft Plan's proposed land use controls to restrict or prohibit new housing in the 11th Street corridor. As explained in that response, restricting or prohibiting housing on 11th Street would further reduce the potential for future conflicts between entertainment and residential uses, and would not be expected to exacerbate any of the environmental impacts that are related to growth projections. Therefore, decision-makers could approve such an alternative scenario for 11th Street based on the analyses in this EIR, as no new significant impacts would occur with such a revision.

Comment AL-2: There should be truck routes designated south of Harrison Street.

“Thank you, Commissioners. Jim Meko again. I am Chair of the Western SOMA Task Force, but I'm speaking today as an individual. I'd like to address some of the transportation analysis in the EIR.

“Transportation planners, we experienced a considerable amount of pushback from the transportation planners and the consultants over the course of developing this EIR. They tend to have this mentality of living in a bubble where the area that is being studied is a blank slate and they get to move housing and streets and transportation elements around; whereas the Western SOMA Plan is based upon what's already there on the ground. Just to give you an idea, residential is primarily north of Harrison Street, the service and light industrial businesses south of Harrison Street.

“We recommended the designation of the streets such as Howard and Folsom in the midst of the residential area as community serving streets, and those south of Harrison as regional serving streets. There was pushback on the designation of truck routes south of Harrison. They say it does not require mitigation as recommended in the plan, but truck routes are not included in the existing controls and would not be recommended in the higher growth alternative.

“No matter which alternative you ultimately adopt, please move the traffic away from our homes and our families and our recreational facilities by supporting the designation of truck routes as recommended in the Western SOMA Plan.” (Jim Meko, Public Hearing Transcript, July 26, 2012)

“just to summarize,...transportation impacts with the thoughts being that we had to make sure that one of the alternatives involved funneling traffic into areas that were away from residential enclaves as much as possible, and then doing analysis on that. And, again, that might be in there, but I'm not exactly sure, there are certain subtleties in the comments, but I really appreciate the comments, I think they're good ones, and I think we'll see the answers in Comments and Responses and I, too, will study this at greater length before the next hearing.” (Commissioner Michael Antonini, Public Hearing Transcript, July 26, 2012)

Response AL-2

This is a comment on the Draft Plan, alternatives, and project approval, and not on the adequacy or accuracy of the Draft EIR. As stated in the Project Description on p. 2-12 of the Draft EIR, Harrison Street and Bryant Street (south of Harrison Street), between Fourth and 13th Streets, would be designated as truck routes under the Draft Plan, extending the entire length of the Draft Plan Area from east to west. The truck route designations were not included in the Reduced Growth and Greater Growth alternatives in order to minimize impacts resulting from traffic noise as compared to the Proposed Project. Per CEQA Guidelines Section 15126.6, an EIR “shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” Accordingly, the alternatives were developed to meet this goal. Thus, the Draft EIR properly followed CEQA in defining and analyzing the alternatives. The commenter’s request that truck routes be included in the Draft Plan as adopted will be conveyed to the decision-makers.

D. Revisions to the Draft EIR

The following changes to the text of the Draft EIR are made in response to comments on the Draft EIR or are included to clarify the Draft EIR text. In each change, new language is double underlined, while deleted text is shown in ~~strike through~~; where text is added without any deletion, double-underlining is not used for ease of reading.

Summary

On page S-52, in Table S-2, the mitigation for Impact NO-7 has been revised as follows to correct an editorial error. (The same revision is made on page 4.F-31 in Section 4.F, Noise and Vibration.)

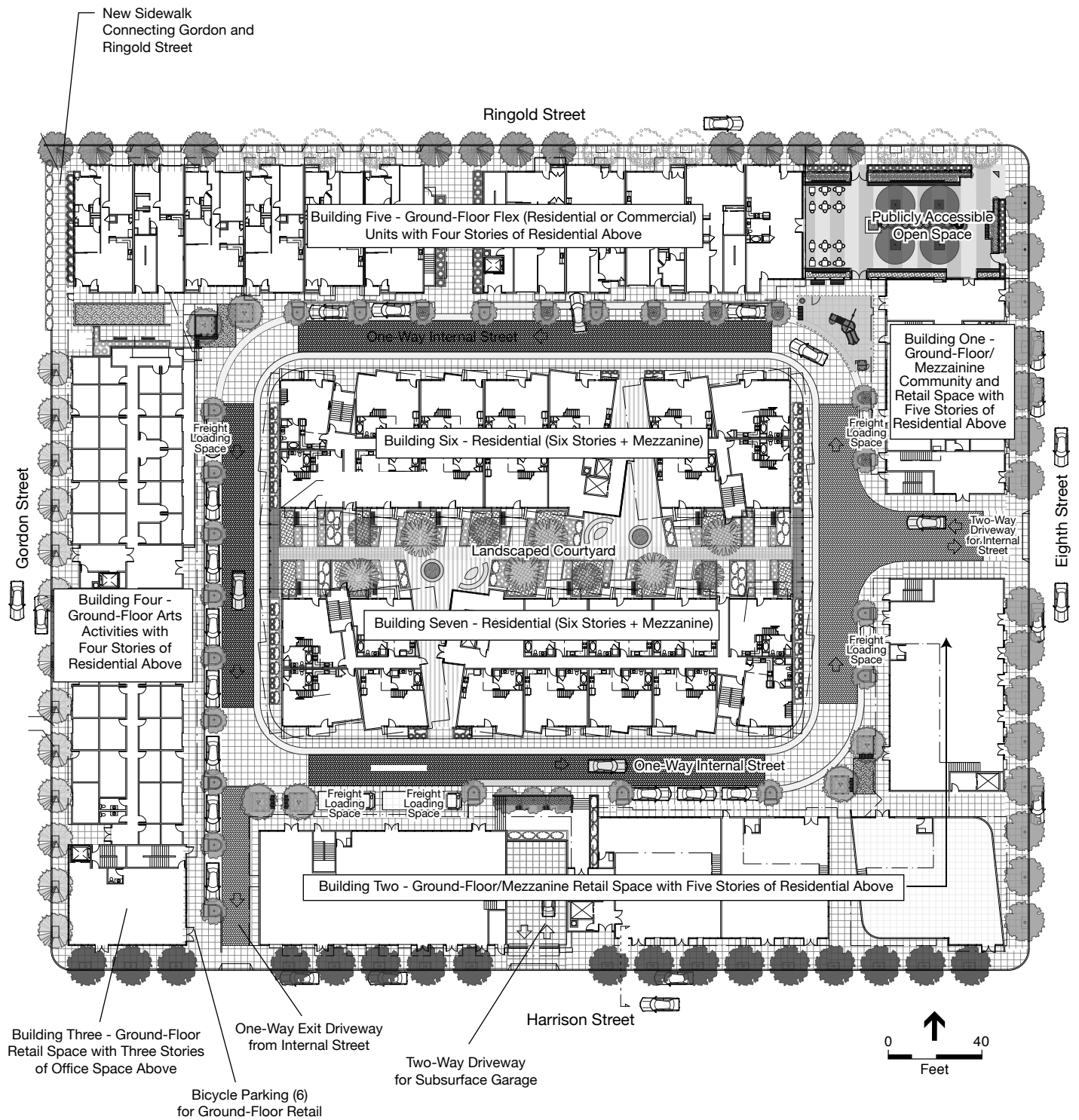
Mitigation: Implement Mitigation Measures M-NO-2a, General Construction Noise Control Measures, discussed on page 4.F-24, and Mitigation Measure M-NO-2b, Noise Control Measures During Pile Driving, discussed on page 4.F-25 ~~Mitigation Measure M-NO-1b, Siting of Noise Sensitive Uses~~, discussed on page 4.F-72.

Chapter 2, Project Description

Since the publication of the Draft EIR, the 350 Eighth Street project plans have been further refined to include additional details, such as landscaping and various residential amenities, such as a pedestrian paseo that has been created connecting Ringold Alley to the internal loop drive. This paseo divides Building 5 into two separate structures. A revised site plan is provided in Figure 2-6, on the following page, which shows these changes.

On Draft EIR p. 2-10, the following text has been revised to clarify the description of proposed land use controls for the W SoMa MUG district.

Western SoMa Mixed-Use General (W SoMa MUG) – This district would surround the RED and RED Mixed clusters north of Harrison Street and would replace the SLR use districts in much of this area. Similar to the MUG districts established through the Eastern Neighborhoods planning process, it would permit residential uses and support a flexible mix of smaller neighborhood-serving, commercial, institutional, and industrial/PDR uses, such as bars, restaurants, ~~entertainment~~, retail, business services, and light manufacturing. Unlike the W SoMa MUO, the W SoMa MUG would not permit nighttime entertainment uses or uses such as movie theaters, hotels, offices (except in City Landmark buildings) or, without CU authorization, uses requiring extended hours. However, this district would allow ground-floor financial and medical services under CU authorization for facilities greater than 50,000 gross square feet, and as principal uses when primarily open to the general public on a retail basis, subject to use size limits. All types of residential uses would be permitted, some requiring CU authorization. Large-scale commercial uses, loft-style live/work spaces, and research and development (R&D) facilities would not be permitted within this district.



SOURCE: Kava Massih Architects, July 16, 2012

2008.0877E and 2007.1035E: Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project

Figure 2-6 (revised)
350 Eighth Street Project - Site Plan

Chapter 4, Section A, Land Use

On Draft EIR p. 4.A-6, the following text has been revised to more accurately reflect the existing land use pattern south of Harrison Street:

South of Harrison Street, new residential uses only would be allowed within newly designated REDs along Dore Street south of Harrison Street, along Freelon Street west of Fourth Street, and in new RED MX Districts both north and south of Brannan Street between Sixth and Seventh Streets. In each case, these newly-created districts would be comprised largely of parcels that contain existing residential uses. The existing land use pattern south of Harrison Street, which includes PDR, light industrial and some ~~features a concentration of~~ tech-oriented office uses, as well as local- and region-serving retail and other commercial uses, would be largely retained under the Draft Plan.

On Draft EIR p. 4.A-7, the following text has been added after the second paragraph to provide additional information concerning existing and potential future land use conflicts between entertainment venues and residential uses.

As discussed in Section 4.F, Noise and Vibration, the Draft Plan Area contains existing entertainment venues (some with extended hours) along Folsom, 11th and other larger streets throughout the area and contains existing residential uses proximate to some of those venues. The presence of noise-generating uses near noise-sensitive uses at times leads to land use conflicts. Secondary (physical) impacts that may result from the proposed land use changes are covered in greater detail in other sections of the Draft EIR (including Section 4.B, Aesthetics, Section 4.E, Transportation and Circulation and Section 4.F, Noise and Vibration). However, it is noted that the Draft Plan seeks to minimize the potential for such inconsistencies by channeling various land uses to specific areas. For example, the Draft Plan would encourage residential uses north of Harrison Street and would generally limit residential uses south of Harrison Street. In addition, 200-foot buffers would be placed around RED and RED MX districts south of Harrison Street where no nighttime entertainment or 24-hour kennels would be permitted. Therefore, some land use inconsistencies, in terms of noise, would likely continue and have the potential to increase under the Draft Plan, as proposed. However, the Draft Plan intends to reduce them by directing new nighttime entertainment uses south of Harrison Street (to the SALI district).

Chapter 4, Section D, Cultural and Paleontological Resources

On page 4.D-1, in the second paragraph, the SoMa Historic Resource Survey has been added as one of the primary sources of information.

Primary sources of information for the context and setting discussion include the following:

- (1) *SoMa Historic Context Statement, SoMa San Francisco*, prepared by Page & Turnbull¹;
- (2) *Preservation, A Strategic Analysis Memo*, prepared by the Western SoMa Citizens Planning Task Force²;
- (3) the *Market and Octavia Neighborhood Plan EIR*, prepared by the San Francisco Planning Department³;
- (4) the *Western SoMa Community Plan Draft EIR Historic Resource Technical Report*, prepared by Page & Turnbull⁴;
- (5) the *Archeological Technical Memorandum for the San Francisco General Plan Housing Element EIR*, prepared by William Self Associates and Randall Dean⁵; ~~and~~

(6) the *Final Draft Archaeological Research Design and Testing Plan for the 350 Eighth Street Project*, prepared by William Self Associates,⁶ and (7) the *SoMa Historic Resource Survey*, prepared by the San Francisco Planning Department.^{6B}

The following footnote referencing the added text on page 4.D-1, in the second paragraph, is added as footnote 6B.

^{6B} San Francisco Planning Department, *SoMa Historic Resource Survey*. Available online at: <http://sfplanning.org/index.aspx?page=2530>. Accessed August 20, 2012.

On page 4.D-1, the following text has been added as a third paragraph, to provide additional information regarding secondary sources used by Page & Turnbull:

Page & Turnbull based its preparation of the *Western SoMa Community Plan Draft EIR Historical Resources Technical Report* on an extensive library of information, including DPR523D forms for Lafayette-Natoma Residential District and New Montgomery and Mission Historic District, prepared by Anne Bloomfield, and DRP523A and B forms for 111-117 8th Street, prepared by Architectural Resources Group. In addition, the Page & Turnbull report also referenced other surveys, such as DPR523A and B forms for 112 7th Street (Billat, Loma of Earthtouch LLC) and DPR523A and B forms for 111-117 8th Street (Architectural Resources Group).

On page 4.D-46, in the second paragraph, text has been revised as follows, to clarify that this impact statement only deals with impacts associated with potential demolition of historical resources (and not alteration).

Mitigation Measures M-CP-1a to M-CP-1c, below, would apply in circumstances when a determination is made by the Environmental Review Officer during the environmental review process that a specific property is a historical resource for the purposes of CEQA and would apply only to those structures that would be demolished ~~or structures whose renovations would not meet the Secretary of the Interior's Standards.~~

On page 4.D-46, Mitigation Measure M-CP-1a has been revised as follows to provide additional detail regarding the different levels of HABS documentation.

M-CP-1a: Documentation of a Historical Resource. To document the buildings more effectively, sponsors of individual projects that would cause a substantial adverse change in the significance of a historical resource through demolition shall prepare Historic American Buildings Survey (HABS)-level photographs and an accompanying HABS Historical Report, which shall be maintained onsite, as well as in the appropriate repositories, including but not limited to, the San Francisco Planning Department, San Francisco Architectural Heritage, the San Francisco Public Library, and the Northwest Information Center. The contents of the report shall include an architectural description, historical context, and statement of significance, per HABS Historical Report Standards. HABS documentation shall provide the appropriate level of visual documentation and written narrative based

on the importance of the resource (types of visual documentation typically range from producing a sketch plan to developing measured drawings and view camera (4x5) black and white photographs). The appropriate level of HABS documentation and written narrative shall be determined in consultation with Planning Department's Preservation staff.

The report shall be reviewed by the San Francisco Planning Department's Preservation staff for completeness. In addition, copies of the photographs and report shall be made available to the following repositories, at minimum: San Francisco History Center at the San Francisco Public Library, San Francisco Architectural Heritage, and the San Francisco Planning Department. This mitigation measure would create a collection of preservation materials that would be available to the public and inform future research. In this way, documentation of the affected properties and presentation of the findings to the community could reduce the impact on historical resources. Although implementation of this mitigation measure may reduce impacts on historical resources, it would not lessen the effects to a less-than-significant level.

Chapter 4, Section F, Noise and Vibration

To include additional detail regarding the distribution of existing entertainment uses and to recognize that some conflicts between noise-sensitive and noise-generating uses exist under existing conditions, on p. 4.F-6, the last paragraph has been revised as follows:

Places of entertainment are also existing sources of noise in the Project Area that may contribute to increased nighttime levels in proximity to sensitive receptors. Many of the existing entertainment-related businesses are permitted for extended hours of operation and some conflicts between existing residential uses and nearby entertainment uses occur under existing conditions. Many of these entertainment venues, including those with extended hours, are located along Folsom and 11th Streets. A map locating places of entertainment in the Project Area and vicinity is shown in **Figure 4.F-4** on page 4.F-10.

On page 4.F-10, Figure 4.F-4, Arts and Entertainment Establishments, has been updated. A revised figure is provided on page C&R-71.

On page 4.F-19 through 4.F-22, Mitigation Measures M-NO-1a, M-NO-1b, and M-NO-1c have been revised as follows to indicate that the timing of their implementation would be prior to completion of environmental review.

Mitigation Measures

M-NO-1a: Interior Noise Levels for Residential Uses. For new development including noise-sensitive uses located along streets with noise levels above 60 dBA (Ldn), where such development is not already subject to the California Noise Insulation Standards in Title 24 of the California Code of Regulations, the project sponsor of future individual developments within the Project Area shall conduct a detailed analysis of noise reduction

— 2008.0877E and 2007.1035E: Western SoMa Community Plan,
Rezoning of Adjacent Parcels, and 350 Eighth Street Project
Figure 4.F-4 (revised)
Arts and Entertainment Establishments

requirements prior to completion of environmental review. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise insulation features identified and recommended by the analysis shall be included in the design, as specified in the *San Francisco General Plan Land Use Compatibility Guidelines* for Community Noise to reduce potential interior noise levels to the maximum extent feasible. Additional noise attenuation features may need to be incorporated into the building design where noise levels exceed 70 dBA (Ldn) to ensure that acceptable interior noise levels can be achieved.

M-NO-1b: Siting of Noise-Sensitive Uses. To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new residential development and development that includes other noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like), the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels in the vicinity. The analysis shall be conducted prior to completion of the environmental review process. Should the Planning Department conclude that such concerns be present, the San Francisco Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.

M-NO-1c: Siting of Noise-Generating Uses. To reduce potential conflicts between existing sensitive receptors and new noise-generating uses, for new development including commercial, industrial, or other uses that would be expected to generate noise levels in excess of ambient noise, either short-term, at nighttime, or as 24-hour average, in the proposed project site vicinity, the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like) within two blocks 900 feet of, and that have a direct line-of-sight to, the project site, and at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours), prior to the first project approval action. The analysis shall be conducted prior to completion of the

environmental review process. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed use would comply with the use compatibility requirements in the *San Francisco General Plan* and Police Code Section 2909, that the proposed use would not adversely affect nearby noise-sensitive uses, and that there are no particular circumstances about the project site that appear to warrant heightened concern about noise levels that would be generated by the proposed use. Should the Planning Department conclude that such concerns be present, the San Francisco Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, and may require implementation of site-specific noise reduction features or strategies.

On page 4.F-31, the mitigation for Impact NO-7 has been revised as follows to correct an editorial error. (The same revision is made in Table S-2 in the Summary chapter.)

Mitigation: Implement Mitigation Measures M-NO-2a, General Construction Noise Control Measures, discussed on page 4.F-24, and Mitigation Measure M-NO-2b, Noise Control Measures During Pile Driving, discussed on page 4.F-25 ~~Mitigation Measure M-NO-1b, Siting of Noise Sensitive Uses, discussed on page 4.F-72.~~

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