

## **ATTACHMENT 1: COMMENT LETTERS**

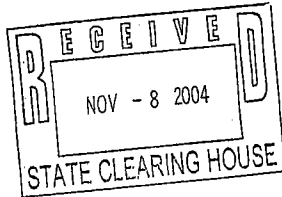


## DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
P. O. BOX 23660  
OAKLAND, CA 94623-0660  
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November 8, 2004

SF080120  
SF-80-5.56  
SCH # 1984061912

Ms. Joan A. Kugler  
San Francisco Planning Department  
1660 Mission Street, Ste. 500  
San Francisco, CA 94103

Dear Ms. Kugler:

**Rincon Hill Plan: Draft Environmental Impact Report (DEIR)**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review for the above-referenced project. We have reviewed the DEIR and offer the following comments:

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

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

Page 133, Pedestrian and Bicycle Conditions: No mention is made of the City and County of San Francisco's attempts to install a future bicycle path off the western span of the San Francisco-Oakland Bay Bridge (SFOBB) onto Rincon Hill. While the project is not programmed nor funded at this time, mention of this project should be made in the DEIR.

Although the project does not appear to directly affect any eligible parts of the SFOBB, the document should acknowledge that the SFOBB and its west approach ramps, which have been listed on the National Register of Historic Places, are partially within the project area.

Any work or traffic control within the State right-of-way (ROW) will require an encroachment permit from the Department. To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation and five (5) sets of plans (in metric units) that clearly indicate State ROW to the following address:

Ms. Kugler  
October 5, 2004  
Page 2

Mr. Sean Nozzari, District Office Chief  
Office of Permits  
California Department of Transportation, District 4  
P. O. Box 23660  
Oakland, CA 94623-0660

Should you have any questions about this letter or require further information, please call Janine Abernathy at (510) 622-5487.

Sincerely,

TIMOTHY C. SABLE  
District Branch Chief  
IGR/CEQA

Clear  
11/8/04  
C





"adrian.praetzellis"  
<adrian.praetzellis@sonoma.edu>

12/12/04 11:53 AM

To: <joan.kugler@sfgov.org>

cc:

Subject: Rincon Hill Plan DEIR

**SONOMA STATE UNIVERSITY**  
**Department of Anthropology**  
**Rohnert Park, CA 94928**

13 December 2004

RE: Rincon Hill Plan DEIR

Dear Ms Kugler,

My comments concern the Rincon Hill DEIR. I am an archaeologist whose San Francisco research is cited in the document. Dividing the Plan area into three mitigation zones is a good way to insure that the appropriate level of research is conducted. The mitigation measures are in keeping with good professional practice and important resources will be preserved if the Plan's requirements are carried out.

However, the correct application the process is critical to its success. The preparers correctly note that the archaeological studies that exist for the Plan area vary greatly in scope, depth, and sophistication. Most were designed to address the specific impacts of particular undertakings, such as seismically retrofitting freeway support columns. These impact zones were tightly defined and the recommendations that emerged from the archaeologists' work concerned only these limited locations. In many cases, archaeological testing (or ground-truthing) was not recommended because the impact area had little potential to disturb a sensitive location. And yet if the impact areas had been only a few feet to one side or the other testing would have been recommended. Many of the potential archaeological resource types are small and highly localized; only highly focused research can determine whether potential resources may be affected by a particular undertaking. Where previous researchers recommended no further work, those in the future must ensure that these recommendations are applicable both to new impacts and to previously unanticipated research orientations.

In summary, I believe the Plan takes a responsible approach to the resources. My only suggestion is to make a little clearer why parcels were assigned to Archaeological Mitigation Zone 3 [AMZ-3] -- after reading the discussion on p. 189-190 I was uncertain why particular blocks and half-blocks fell into this category. Perhaps a flat statement could be inserted to the effect that each of these areas was assessed and individually determined to have been disturbed to the point that there is little or no possibility that potentially important resources survive there.

Thanks again for the opportunity to participate in this important process.

Sincerely,

Adrian Praetzellis

**ADRIAN PRAETZELLIS, Ph.D.**  
Professor of Anthropology  
Director, Anthropological Studies Center  
Sonoma State University  
Rohnert Park, California  
USA 94928

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November 5, 2004

Joan A. Kugler  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Subject: Rincon Hill Plan

Dear Ms. Kugler:

Bay Area Air Quality Management District (District) staff have received the Draft Environmental Impact Report (DEIR) for the Rincon Hill Plan. We understand that the Plan would update zoning and provide a comprehensive planning framework for the Rincon Hill neighborhood, an area located between Downtown San Francisco, the waterfront and the Bay Bridge. We are writing to express our support for the goals of the Rincon Hill Plan and to provide comments on the DEIR.

Motor vehicles constitute the largest source of air pollution in the Bay Area; therefore, the District has a strong interest in encouraging local plans and development projects that reduce reliance on automobiles. We are in favor of appropriate infill development that is of a moderate to high density, has a variety of land uses, is located along transit corridors and encourages alternative modes of transportation. Such projects are generally much less automobile-dependent and thereby generate less air pollution than conventional sprawl development.

The Rincon Hill Plan has many air quality beneficial characteristics. The Plan proposes the addition of much needed new mixed-income housing and commercial space in an underutilized infill district near downtown San Francisco, an employment-rich part of the region. By allowing people to live closer to their jobs, the Plan would reduce the number and distance of work-related vehicle trips. The Plan would allow for up to 3,900 new housing units at a density of 163 units per net acre within walking distance of numerous transit facilities including MUNI, BART and the Transbay Terminal. Future residents will be able to walk and bike to downtown jobs as well as access many transit options and neighborhood services. Finally, the Plan provides for good pedestrian and bicycle-oriented urban design, amenities that will contribute to an overall reduction in automobile usage and improve air quality.

However, we have concerns that the DEIR has not fully addressed all potential air quality impacts of the proposed Plan. While we support providing more housing near jobs and transit, we urge the City to carefully consider the suitability of each site for new residential development given nearby land uses. The DEIR indicates that several parcels in Rincon Hill will be rezoned from commercial and industrial uses to allow for residential uses, which could cause potential land use conflicts with nearby existing industrial uses. In addition, Rincon Hill's close proximity to the Bay Bridge approach, a source of air pollution from motor vehicles, was not adequately addressed in the Air Quality section of the DEIR. The siting of sensitive receptors adjacent to existing sources of air pollution has the potential to lead to adverse air quality impacts.



November 5, 2004

Not only can various industrial, commercial and roadway sources create potential odor, dust and nuisance impacts, they can also expose sensitive receptors to criteria air pollutants and toxic air contaminants (such as diesel particulate matter from diesel vehicles on the Bay Bridge). The Final EIR (FEIR) should include an evaluation of whether the proposed Plan will create or exacerbate land use conflicts that would result in adverse air quality impacts. If significant impacts are identified, the FEIR should include mitigation measures, such as development guidelines that orient buildings away from sources of air pollution or appropriate setback or buffer zones, to mitigate those impacts to a less-than-significant level. Restricting residential development within an appropriate distance of the Bay Bridge can prevent adverse air quality impacts and protect the health of Rincon Hill residents.

If the City determines that the development sites identified in the Rincon Hill Plan are appropriate for new housing and will not create land use conflicts that could harm sensitive receptors, we continue to encourage the City to do as much as possible to minimize other air quality impacts. While the DEIR states that the Plan's operational air quality impacts will be less-than-significant, we encourage your agency to implement all feasible mitigation measures to further reduce those impacts. We support and encourage the implementation of the measures listed on pages 225-226 of the DEIR. These mitigation measures include strategies to reduce automobile use through ridesharing, transit, shuttles, parking measures and bicycle/pedestrian measures. We encourage your agency to require the implementation of such specific measures through the Plan as well as through future conditions of project approval.

If you have any questions regarding these comments, please contact Suzanne Bourguignon, Principal Environmental Planner, at (415) 749-5093.

Sincerely,

*Jack P. Broadbent*  
 Jack P. Broadbent  
 Executive Officer/APCO

JPB:SB

cc: BAAQMD Director Chris Daly  
 BAAQMD Director Jake McGoldrick  
 BAAQMD Director Gavin Newsom  
 Dan Dunnigan, SF Fire Department (Designated Deputy for Gavin Newsom)  
 David Alumbaugh, SF Planning Department  
 Adam Varat, SF Planning Department  
 Rhajiv Bhatia, SF Public Health Department

November 5, 2004

Joan A. Kugler  
 Environmental Coordinator  
 San Francisco Planning Department  
 1660 Mission Street, Suite 500  
 San Francisco, CA 94103



**Re: Draft Environmental Impact Report (DEIR) for the Rincon Hill Plan**

Dear Ms. Kugler:

Golden Gate Bridge, Highway and Transportation District (District) has received the above referenced document and offers the following comments as they pertain to District public transit services in the Rincon Hill area.

#### General Comments

District supports the DEIR's "Preferred Option" which aims to transform non-residential areas into "dynamic mixed-use neighborhoods." District also supports the principles of the San Francisco City Charter "Transit First Policy" which encourages public transit to be "an economically and environmentally sound alternative to transportation by individual automobiles" and "the use of public rights of way by...public transit...to reduce traffic." It is with the spirit of these policies that the following comments are offered pertaining to Golden Gate Transit (GGT) services in San Francisco.

#### GGT Bus Service in Rincon Hill

DEIR (page 123) does not adequately describe GGT in the Rincon Hill area. DEIR does state "Regional transit service is provided in the proximity (emphasis added) to the (Rincon Hill) Plan area." GGT "24/7" bus service on Folsom Street is not mentioned. GGT bus services on Fremont, Main, Howard, Beale, and Mission are not mentioned. DEIR should accurately describe existing transit services in the Rincon Hill area.

#### Folsom Street

District appreciates efforts to reconfigure streets in the Rincon Hill area from vehicular thoroughfares to streets that are more accessible and accommodating to pedestrians. However, the DEIR (page 31) does not acknowledge that Folsom Street is the primary route used by all GGT bus services in San Francisco. Efficient circulation by GGT buses on Folsom, particularly during the weekday evening peak periods, is critical to providing schedule reliability, thereby offering an attractive and efficient transportation alternative to and from San Francisco. District is currently working with Department of Parking and Traffic (DPT) staff to identify a bus stop in the vicinity of Folsom and Second Streets that efficiently serves its existing passenger base in Rincon Hill while maintaining schedule reliability throughout its entire bus network.

Any reconfiguration of Folsom Street proposed by the Rincon Hill Plan and the DEIR should acknowledge the presence and consider the needs of GGT customers in the Rincon Hill area.



#### **Transit Improvements**

DEIR states (page 32) "Additional long-term transit improvements (i.e., extension of existing San Francisco Municipal Railway [MUNI] services to Rincon Hill) could be implemented following completion of an areawide study of the entire South of Market area." Will GGT services be considered as part of this areawide study? Will District be consulted as part of this effort?

#### **Intersection Traffic Operation**

DEIR references the San Francisco General Plan (page 122) describing Mission, Main, and Beale as "Transit-Orientated Streets" and Folsom, Fremont, and Howard as "Major Arterials." GGT operates on all these streets.

DEIR acknowledges (page 131) that "increased congestion on streets within the Plan area...could adversely affect the ability of transit operators – particularly Muni – to keep schedules." Are GGT services less susceptible to increased congestion on streets within the Plan area than other public transit providers?

DEIR (page 122) also acknowledges additional traffic from the proposed Rincon Hill Plan and proposed changes in street configuration would result in significant impact at several intersections in the study area. For the reasons previously indicated, District is concerned with any degradation in schedule reliability for GGT transit service that is a direct result of a degraded traffic level-of-service (i.e., LOS "E" to "F"). Such degradation will negatively impact GGT bus service as an attractive transportation alternative to and from San Francisco. District encourages the City and County of San Francisco to develop circulation strategies at the intersections of First and Market, Beale and Folsom, and Main and Folsom that will minimize delay to public transit services that operate across these intersections.

#### **Golden Gate Transit Capacity**

DEIR summary states (page S-15) in the Rincon Hill Plan area "transit lines generally have available capacity during the weekday p.m. peak hour" and "the project would not result in a significant transit impact."

However, the section of the DEIR pertaining to "Transportation, Circulation and Parking" states (page 130) "the project would generate up to approximately 530 net new p.m. peak-hour transit trips...dispersed over nearby Muni lines and regional transit lines." How much of this dispersion is allocated to GGT bus services on Folsom Street? Are the existing GGT bus services and bus stops adequate to meet this projected increase?

DEIR states transit capacity is projected to increase by about "4 percent to the North Bay" at the regional screenline at the Golden Gate Bridge by 2020. How was this projected capacity increase determined? District currently has no plans to expand transit service to the North Bay from San Francisco. If project and city planners foresee a need for greater transit capacity to Marin and Sonoma counties, this should be communicated to the District.

DEIR states "projected ridership is expected to approach capacity for the individual operators." Is GGT expected to approach capacity and if so, by how much? What are the projected ridership

forecasts at the Golden Gate Bridge regional screenline?

#### **Transbay Redevelopment Area**

DEIR (page 45) describes this proposed project. Nevertheless, DEIR does not mention the proposed storage facility for GGT buses on the block bound by Stillman, 3<sup>rd</sup>, Perry, and 4<sup>th</sup> Streets. DEIR should acknowledge this significant feature of this regional transit project.

District staff appreciates the opportunity to comment on the DEIR for this project. Please call Maurice Palumbo, Principal Planner, at (415) 257-4431 if you have questions.

Very truly yours,



Alan R. Zahradnik  
Planning Director

c: Susan C. Chiaroni, Deputy General Manager, Bus Division  
Maurice Palumbo, Principal Planner  
Jack Fleck, San Francisco Department of Parking and Traffic  
Maria Lombardo, San Francisco County Transportation Authority  
H/P/G/MP/RinconHill.114.doc





## LANDMARKS PRESERVATION ADVISORY BOARD

1660 MISSION STREET, 5TH FLOOR, SAN FRANCISCO, CA 94103-2414  
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November 23, 2004

Mr. Paul Maltzer  
Environmental Review Office  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Dear Mr. Maltzer:

At a public hearing on November 3, 2004 the Landmarks Preservation Advisory Board (Board) considered the Draft Environmental Impact Report (DEIR) titled Rincon Hill Plan, dated September 25, 2004. The Board received public testimony and discussed the adequacy of the DEIR, arriving at the comments listed below.

1. The information contained in the Historical Resources section (p. 186) is outdated and inadequate to present an accurate description of historical resources in the area covered by the Rincon Hill Plan. Testimony indicated that much of the information is twenty years old and has not been updated or supplemented for this report.
2. In addition, the Historical Resources section fails to provide adequate historical context for understanding the discussion of individual resources. In particular, the section does not take into account the important events of the 1934 Waterfront and General Strikes that took place in the Plan area, thus failing to provide important context for interpreting the subsequent construction of several maritime union halls in the area. It is also likely that historical archeological resources related to the 1934 strikes may be encountered during site preparation and project excavations.
3. The proposed partial mitigations for potential loss of Historic Architectural Resources (p. 231) should include publicly accessible interpretive displays, historic walking tours, and other more project specific responses.
4. The discussion of significant environmental effects on historical resources that cannot be avoided if the proposed projects are implemented, (p. 233) should include an examination of the effects on remaining recognized historical resources. For example, the impact of much larger new buildings in close proximity to the Sailors Union of the Pacific building, which was designed to command the crest of Rincon Hill.
5. Finally, the Board expresses its highest preference for the No Project Alternative (p. 236), and a preference for the Preservation Alternative (p. 236) over the Preferred Option.

Mr. Paul Maltzer  
November 23, 2004  
Page Two

The Board appreciates the opportunity to participate in review of this important environmental document. It also wishes to emphasize the general inadequacy of the discussion of Historical Resources, which should be greatly strengthened for a plan with such far reaching importance to the City.

Sincerely,

A handwritten signature in cursive script, reading "Tim Kelley".

Tim Kelley, President  
Landmarks Preservation Advisory Board





City and County of San Francisco  
DEPARTMENT OF PUBLIC HEALTH

Gavin Newsom, Mayor  
Mitchell H. Katz, M.D.,  
Director of Health

OCCUPATIONAL & ENVIRONMENTAL HEALTH

Rajiv Bhatia, MD, MPH,  
Director

November 2004

Paul Maltzer, Environmental Review Officer  
Joan Kugler, Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Dear Ms. Kugler:

Thank you for the opportunity to comment on the **Rincon Hill Area Plan Draft Environmental Impact Assessment**. This comment suggests additional analyses that would assist decision-makers assess the consistency between the Rincon Hill Plan and local and state environmental goals. These suggestions are also consistent with the comments of several Planning Commissioners who requested additional analysis of the jobs-housing linkage.

The Rincon Hill Area Plan proposes over 5500 new units of housing, over 65,000 square feet of retail and office space in close proximity to local and regional transit and the Central Business District along with new open space, and street, sidewalk and lighting improvements. Meeting San Francisco housing needs by increasing the density and concentration of residential uses near San Francisco's downtown business district is both socially and environmentally beneficial. However, the analysis in the DEIR suggests the proposed housing may not meet the needs either of current San Francisco working households or of future working households expected due to employment growth. The plan thus may be inconsistent with State, Regional, and local long range environmental planning goals which aim to limit transportation, air quality, and greenhouse gas impacts by reducing automobile use. The plan may also potentially disproportionately increase transportation burdens on moderate-income and low-income households whose members work in San Francisco. The additional environmental analysis listed below would provide information with which to assess potential long-term environmental consequences of Rincon Hill Plan. A rationale for these analyses is provided as an attachment to this letter.

**Suggested Additional Environmental Analyses**

1. Conduct an analysis of the plan's future impacts on job's housing balance by examining plan consistency with future housing needs with regards to quantity, size, affordability, and public infrastructure needs. The following reports provide both a rationale and sample methods for this analysis:
  - Jobs-Housing Nexus Analysis. Prepared for the City of San Francisco. Keyser-Marston Associates; 1997.
  - *The New Economy and Jobs/Housing Balance in Southern California*. Southern California Association of Governments. 2001.
  - *The Air Quality Land Use Connection*. California Air Resources Board. 1997
  - *California General Plan Guidelines*. Sacramento: Office of Planning and Research; 2003
  - *Jobs-Housing Balance*. APA Planning Advisory Series 516. Chicago: American Planning Association; 2003.

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Phone 252-3800, Fax 252-3875

2. Analyze whether the Rincon Hill Plan will be consistent in two key assumptions used in regional growth, transportation, and air quality planning: (a) Low income households will have low automobile ownership and low automobile use; (b) the majority of San Francisco employees will reside in San Francisco. Environmental impacts due to plan incompatibility with these two assumptions should be analyzed.
3. Analyze the housing needs resulting from employment created by the project under alternative development scenarios. In this analysis, disaggregate housing needs and housing production by income and housing size.
4. Analyze how plan housing production under alternative development scenarios achieves housing needs in the Regional Housing Needs Determination. In this analysis, disaggregate housing needs and housing production by income and housing size.
5. Analyze the long term impacts on regional vehicle miles traveled of alternative development scenarios. This analysis can use outputs from the regional travel model.
6. Analyze how the plan may affect the transportation needs of low-income, moderate-income, and high-income employees.
7. Re-analyze the expected demand for public schools based on metropolitan area demographics and the 2000 US Census. Adequacy of infrastructure can be gauged against either established or proposed service standards, or where service standards do not exist, average levels of services currently provided in established neighborhoods.
8. Analyze the feasibility of reducing area and regional transportation demand through the following transportation demand reduction strategies: (a) unbundling parking from residential uses<sup>1</sup>; (b) establishing maximum parking densities at a level less than citywide average household vehicle ownership rates.
9. Analyze the feasibility of implementing controls, design criteria, or financing strategies to decrease housing costs in the plan area. Planning for high rise development in the Transbay Area may provide relevant information.
10. Analyze the feasibility of requiring Inclusionary Housing Program housing production within the Plan Area or within adjacent areas as a means to reduce transportation impacts.

Thank you for your consideration of these suggestions.

Sincerely,

Rajiv Bhatia

cc: David Alumbaugh, Department of City Planning  
Jack Broadbent, Bay Area Air Quality Management District  
Juliet Ellis, Urban Habitat Program  
Andrew Michael, Bay Area Council  
James Corless, Metropolitan Transportation Commission

<sup>1</sup> Unbundling residential parking reduces vehicle miles traveled approximately 8-15%. Litman, T. Safe Travels: Evaluating mobility management strategies. Victoria: Victoria Transportation Policy Institute; 2004.



## **Rationale for additional environmental analysis**

### ***Jobs-housing imbalance increases vehicle use and its environmental and health costs***

Automobile use causes significant environmental and health problems.

- The annual health costs from air pollution include 50-70 million days with restricted activity, 20,000 to 46,000 cases of chronic respiratory illness, and 40,000 premature deaths.<sup>2</sup>
- Transportation is responsible for 59% of California's greenhouse gas emissions.<sup>3</sup> Carbon emissions from transportation are projected to grow by 47% between the years 1996-2020.
- For people aged 1-40, traffic crashes are the single greatest cause of disability and death. In 2002, San Francisco had over 5000 injuries involving motor vehicles many of which occurred in the Southeastern Neighborhoods. A 10% reduction in vehicle mileage provides a 10-14% reduction in crashes.<sup>4</sup>
- Non-motorized alternatives to automobile transport such as walking and bicycling can prevent stress, obesity, diabetes, and heart disease.<sup>5</sup>

Total vehicle miles of travel (VMT) have doubled in the U.S. since 1970.<sup>6</sup> The MTC expects VMT to grow by 50% in the Bay Area Region from 1998 to 2005 despite significant transportation investments.<sup>7</sup> The San Francisco County Transportation Plan also expects car use to increase despite significant transit investments, in part, due to the increased age and wealth of the population.<sup>8</sup>

The linkage between jobs and housing is a significant predictor of transportation demand. Local, regional, and, state policies, including California Assembly Bill 857,<sup>9</sup> the San Francisco's Air Quality Element and Climate Change Action Plan, the Bay Area Regional Air Quality Plan<sup>10</sup>, and the California General Plan Guidelines,<sup>11</sup> and the 2003 Governor's Environmental Goals and Policy Report<sup>12</sup> aim for improving the jobs-housing balance in order to mitigate adverse environmental effects.

### ***Achieving a jobs-housing balance requires meeting needs for housing for new employment both with regards to number and quality***

To improve the linkage of jobs to housing, new housing must be sufficient in quantity, adequate in size, and affordable to area employees and must have accessible public infrastructure such as schools, libraries, and parks.<sup>13</sup> Mixed income housing and local hiring are two recognized strategies towards a jobs/housing balance.<sup>14</sup> Mixed-income housing production also reduces

the concentration of low-income households in high-poverty areas, preventing environmental and social costs of economic segregation.

According to the Bay Area Alliance for Sustainable Communities, San Francisco has severe unmet needs for housing.<sup>15</sup> In 2000, San Francisco had 634,430 jobs and 329,700 households. About one-half of San Francisco employees currently commute from outside of the city. Employment projections indicate that the working population of San Francisco will grow substantially in the next several decades.

San Francisco faces a particular shortage of housing for low-income residents and moderate income households. Currently, less than one-quarter of San Francisco region homes are affordable to median income families. In San Francisco, only 7.3% of households currently earn enough to afford the median sale price of housing.<sup>16</sup> In addition, the fair market rent for a two-bedroom apartment is \$1,904 which is affordable only to those who make 90% of the average family's median income of \$86,100.<sup>17</sup>

Exacerbating this situation, the gap between the minimum wage and the minimum hourly wage required to afford adequate housing has increased. In 2003, over 35,000 low income renters pay more than 50% of their income in rent. Even individuals earning modest wages, such as public service employees and those in the construction trades cannot afford to live where they work.<sup>18</sup>

According to the State Department of Housing and Community Development, there is a regional need for 230,743 new housing units in the nine Bay Area counties from 1999-2006. Of that amount, at least 58 percent, or 133,164 units, are needed for moderate, low and very low-income households. San Francisco's Regional Housing Needs Determination (RHND) estimates that San Francisco's housing production requirement is 20,372 units during this period. The San Francisco Planning Department has reported that over the past decade production of very-low, low-, and moderate-income housing has fallen significantly short of requirements.<sup>19</sup>

Most of the new jobs projected in the regional economy will be in the service and retail sectors, with incomes insufficient to afford market-value property. A recent California survey confirms that many regional worker households are already moving great distances from workplaces in order to afford homes.<sup>20</sup>

### ***The Rincon Hill Plan and San Francisco Housing Needs***

The housing analysis in the Rincon Hill Plan Draft Environmental Impact Report (DEIR) suggests that most of the approximately 5500 housing units produced through plan implementation will not meet the needs of typical San Francisco employees and residents. For example, the DEIR states that the listing prices for basic market rate units are \$625,000 which requires household incomes of \$157,000 (p 136). Furthermore, the DEIR concludes that

<sup>2</sup> Frumkin, Howard. Urban Sprawl and Public Health. Public Health Reports. 2002; 117: 201-217.

<sup>3</sup> California Air Resources Board, 2003.

<sup>4</sup> Litman T. Op Cit.

<sup>5</sup> Regional Development and Physical Activity: Issues and Strategies for Promoting Health Equity. Policy Link 2002.

<sup>6</sup> EPA 2001

<sup>7</sup> San Francisco Bay Crossings Study. Metropolitan Transportation Commission 2002.

<sup>8</sup> San Francisco Transportation Plan. San Francisco: San Francisco County Transportation Authority; 2004.

<sup>9</sup> California Assembly Bill 857. 2002.

<sup>10</sup> BAAQMD CEQA Guidelines. 1999.

<sup>11</sup> California General Plan Guidelines. Sacramento: Office of Planning and Research; 2003.

<sup>12</sup> Governor's Environmental Goals and Policy Report. Sacramento: Office of Planning and Research, 2003.

<sup>13</sup> California Planning Roundtable 1998

<sup>14</sup> 2003 State of California General Plan Guidelines

<sup>15</sup> State of the Bay Area: A Regional Report, Bay Area Alliance for Sustainable Communities (January 2003).

<sup>16</sup> San Francisco Planning Department. Update of the Housing Element of the General Plan. (Accessed at: [http://www.ci.sf.ca.us/planning/citywide/c1\\_housing\\_element.htm](http://www.ci.sf.ca.us/planning/citywide/c1_housing_element.htm))

<sup>17</sup> National Low Income Housing Coalition Out of Reach 2003: America's Housing Wage Climbs. (Accessed at: <http://www.nlihc.org/oor2003/>)

<sup>18</sup> Governor' Environmental Goals and Policy Report. Office of Planning and Research 2003

<sup>19</sup> San Francisco General Plan Housing Element 2004

<sup>20</sup> Special Survey on Californian's and their Housing. San Francisco: Public Policy Institute of California; 2004



fourteen out of fifteen of the fastest growing categories of employment do not offer salaries sufficient for two income earners to afford a one-bedroom unit (p 136) The DEIR also cites a survey that finds that current residents living in the plan area are predominantly professional couples, "empty nesters," and retirees with many units purchased as second homes (p. 135)

A significant number of new units of housing affordable to moderate income households would be produced as part of the implementation of the Rincon Hill Plan and San Francisco's Residential Inclusionary Affordable Housing Program. This program aims both to increase the supply of affordable housing and support greater economic and ethnic integration. However, the inclusionary housing program allows a project developer to produce affordable housing units outside the project development. The DEIR anticipates developers will exercise their option to build low income housing required by San Francisco's inclusionary housing program in "areas with low housing production costs." This suggests that new housing production affordable to the workforce will occur exist further away from the jobs in downtown.

The Plan also projects 65,000 square feet of retail uses serving the new residential community. While some fraction of new jobs might be filled by unemployed San Francisco residents, new employment in retail and housing related city services may increase demand for workforce housing.

The lack of planning for public school facilities, either in the plan area or in an adjacent creates another potential obstacle to jobs—housing linkage. Parents appreciate having a neighborhood elementary school at a safe walking distance from a residence as commuting to school results in increased demands on parents, the loss of sleep, exposure to vehicle pollution, and lost opportunity for exercise. Schools, including child care centers, also serve as important centers for community. Many families with children may avoid living in a neighborhood without close access to schools.

While plan implementation would generate school impact fees, the plan does not include a site for a future school (either within the area or nearby). The closest elementary school to Rincon Hill is the Besse Carmichael School on Harrison Street. This school is fully enrolled and, in general, the demand for public schools in this district is greater than available supply. Notably, the DEIR estimates future public school needs based not on the metropolitan area demographics but on the demographics of the current residents of Census Tract 179.01. This approach significantly underestimates the potential number of children living in the area. Young professional couples, who are described as a significant population in the area, may have children.

#### **Population and Environmental Impacts**

Given the expected long term growth in employment and population in San Francisco, the following demographic changes appear plausible as a result of the quality of housing production in the Rincon Hill Plan.

1. ***A greater proportion of higher income households employed and residing in San Francisco*** Higher income worker households currently renting will have greater opportunities for home ownership in San Francisco; some higher income worker households residing elsewhere in the region will relocate to San Francisco; and a greater proportion of new higher-income employees moving into the region will reside in San Francisco.

2. ***A greater proportion of higher income non-worker households*** residing in San Francisco High income "empty nesters" and second-home owners will have greater opportunity for home ownership in San Francisco.
3. ***A smaller proportion of moderate-income and low-income households employed and residing in San Francisco*** Moderate-income worker households currently renting will not have sufficient opportunities for home ownership in San Francisco.
4. ***A smaller overall proportion of households employed in San Francisco and residing in San Francisco.*** Few households employed in new jobs will have opportunities to live in San Francisco; and fewer families will children will find acceptable housing opportunities in San Francisco.

The cumulative effect of the above demographic changes can have impacts on transportation. The cumulative and combined environmental impacts of the following potential effects should be analyzed.

1. ***Higher income households remaining in or relocating to San Francisco would reduce transportation demand.*** Higher income households have higher rates of vehicle ownership and automobile use. Retaining higher income households who remain in San Francisco are likely to have lower vehicle use relative to a situation where they reside outside the city.
2. ***Increased proportion of low-income and moderate-income households will live further from jobs increasing vehicle trips and distances.*** People in lower income households take fewer vehicle trips and more transit trips than people in higher income households. This relationship is an established parameter in regional travel demand models. Planning that involves demographic changes that locate or displace lower-income households further from job and transit centers would be likely to increase vehicle ownership, vehicle trip frequency, and vehicle trip distances relative to a scenario where lower-income people can reside closer to job centers.
3. ***Increased proportion of total San Francisco employees residing outside of the City will increase vehicle trips and distances.*** New housing would not meet the needs, with regards to costs, for most new employees expected to be working in San Francisco.





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MEMORANDUM

To: Joan Kugler, Major Environmental Assessment  
Through: Peter Straus, Mgr. of Service Planning  
From: James D. Lowé, Transit Planner *James D. Lowé*  
Subject: Rincon Hill Mixed-Use District Transportation Study; 2001.10811  
Rincon Hill Plan Draft EIR; 2000.1081E  
Date: 29 October '04

The San Francisco Municipal Railway Service Planning staff have the following comments regarding the Rincon Hill Plan draft EIR and Transportation Study.

With the recent amendment and adoption of the Transportation Impact Development Fee (TIDF), much of the new transportation demand generated by the development of this area will be fiscally and formally mitigated. We would still encourage the adoption of any TSM incentives that would ease traffic congestion and transit impacts.

The implementation of the "Living Streets" roadway configuration discussed on Page 31 of the EIR calls for the establishment of two-way traffic operations on Main/Beale/Spear between Folsom and Bryant to improve the pedestrian environment; but, it must also provide for the efficient operation of transit. The roadway scheme should be studied to determine impacts on the over-all street grid in this area. We are especially concerned that the proposed increase in population and decrease in street widths may significantly delay transit to the point where operation may not be feasible. Have any considerations been given to the installation of transit lanes or other measures in vital corridors?

We have often discussed the expansion of service along the Main/Beale/Fremont corridors into the South of Market. The EIR has suggested that extending the 1-California and 41-Union to Folsom may improve linkages from Rincon Hill to the downtown. However, as noted in the EIR on Page 32, no funding has been identified to implement these changes or to augment the 10-Townsend or 12-Folsom as suggested.

Muni staff would need to continue to review specific projects as they are proposed in the area to determine if they have significant impacts on the day-to-day operations of the transit system.

Cc: JDL, SP Chron

11/09/04 TUE 14:15 FAX 415 554 2352

DPT TRAFFIC ENGINEERING

002



Traffic Engineering Division  
City and County of San Francisco

GAVIN NEWSOM, MAYOR  
BOND M. YEE, ACTING EXECUTIVE DIRECTOR

MEMORANDUM

TO: Joan A. Kugler, AICP  
Planning Department  
FROM: Jerry Robbins *JR*  
THROUGH: Jack Lucero Fleck *JLF*  
Acting Deputy Director and City Traffic Engineer  
SUBJECT: Comments on Rincon Hill Plan Draft EIR  
DATE: November 9, 2004

We have reviewed the reports entitled "Rincon Hill Plan Draft Environmental Impact Report" dated September 25, 2004; "Rincon Hill Mixed Use District Transportation Study Final Report" by Wilbur Smith Associates dated December 8, 2003; and the memorandum "Supplemental Transportation Analysis for Rincon Hill Plan DEIS" by Wilbur Smith Associates dated September 20, 2004, and have the following comments.

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

- Severely increasing delays for vanpools and carpools accessing the Bay Bridge; and
- Narrowing the roadway to a point where bicycles and motor vehicles will not be able to comfortably share the road.

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



### Detailed Comments on EIR

Page S-6, last paragraph, second sentence: Narrowing the eastbound lane of Harrison Street east of Fremont Street would make it very difficult for large trucks taking the Harrison Street exit from the Bay Bridge to make a right turn onto eastbound Harrison Street.

Page S-16, 4<sup>th</sup> paragraph: The proposal to eliminate off-street freight loading requirements violates Policy 40.1 of the Transportation Element of the General Plan, which states: "Provide off-street facilities for freight loading and service vehicles on the site of new buildings sufficient to meet the demands generated by the intended uses."

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

Page 122, footnote 58: The footnote reads: "As a result, Beale Street is currently a two-way street south of Fremont." Beale and Fremont Streets are parallel.

Page 123, second paragraph: The Essex Street on-ramp to the Bay Bridge is not included in the discussion of study area freeway ramps. The carpool restrictions on Bryant Street and on the Sterling Street on-ramp to the Bay Bridge are also not described.

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

Page 127, 4<sup>th</sup> paragraph: The report does not address the problem of queuing of traffic destined for the Bay Bridge. Existing queues on First Street typically extend to Market Street on congested evenings, impacting transit service and traffic congestion on cross

streets. DPT currently provides traffic control officers at these intersections at considerable expense to the city several evenings per week. How will the proposed narrowing of Main, Beale and Spear Streets impact the length and frequency of these queues on southbound First Street-Battery Street and The Embarcadero?

Page 131, 4<sup>th</sup> paragraph, Parking: Have any post-occupancy studies of vehicle ownership patterns in recently constructed high-rise residential buildings in the study area been conducted? What does the 2000 census show about the average number of vehicles per household in this area? Do most of the residents of these buildings work in downtown San Francisco, or do many of them commute outside the area? The EIR does not address the project's impacts on on-street parking, which is already an issue among area residents. Should available curb space be reserved for short-term parking, despite requests from residents for a Residential Permit Parking area that would not have nearly enough parking spaces to satisfy the projected residential parking demand?

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

The turning radii needs of trucks and buses are not addressed. Would trucks be able to make the right turns to and from the narrowed Spear, Main or Beale streets?

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

Page 223, first bullet: The EIR should acknowledge that all six of the intersections negatively impacted by the conversion of Spear, Main and Beale Streets to two-way operation have transit service. Therefore, the congested conditions would also negatively impact transit travel times.

### Comments on Supplemental Transportation Analysis

This report does not address the impacts of the proposed narrowing and conversion to two-way operation of Spear, Main and Beale Streets on transit, carpools or vanpools. It does not address turning radii concerns of narrowed streets. It does not address the



impact of diverting traffic destined for the Bay Bridge to First Street or The Embarcadero, or the impact of increasing the length and frequency of queues on those streets.

cc: Dean Macris, Director of Planning  
Amit Ghosh

The logo for the Transbay Joint Powers Authority (TJPA) is a black square with the letters "TJPA" in white, stylized font.**Transbay Joint Powers Authority**

201 Mission Street • Suite 1960 • San Francisco, CA • 94105-1858

Maria Ayerdi, Executive Director

December 10, 2004

Joan Kugler  
Environmental Coordinator  
San Francisco Planning Dept.  
1660 Mission Street, Ste. 500  
San Francisco, CA 94103

RE: Rincon Hill Plan DRAFT EIR Comments

Dear Ms. Kugler:

The Transbay Joint Powers Authority (TJPA) would like to thank you for the opportunity to comment on Rincon Hill Plan Draft Environmental Impact Report.

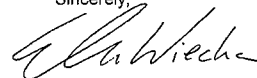
As you are aware, the TJPA has been working diligently to advance the plans and implementation of the new San Francisco Transbay Terminal. The Transbay Terminal/Caltrain Downtown Extension/Redevelopment Project (Transbay Project) Final Environmental Impact Statement/Environmental Impact Report was signed by the Federal Transit Administration on March 12, 2004, and certified by the three co-lead agencies on April 22, 2004. The Transbay Terminal will provide a multi-modal facility designed to serve numerous bus passenger service providers as well as regional commuter rail and California High-Speed Rail.

As part of the Transbay Project, the TJPA plans to construct a below-grade tunnel and associated supporting systems within the public right-of-way on Main Street, from Howard to south of the intersection of Harrison and Main. The tunnel will contain railroad tracks and will be constructed using cut and cover techniques involving deep excavations along Main Street.

Consequently, the TJPA requests that the Rincon Hill Plan and associated amendments to the Planning Code include provisions for coordination of design and construction of future improvements along Main Street with the Transbay Project. Such coordination should extend to improvements within the public right of way including utilities, streets, sidewalks and landscaping as well as adjacent development projects, especially high-rise buildings and underground structures. Such coordination will be essential to insuring compatibility between the Transbay Project and development in this part of the Rincon Hill area.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Maria Ayerdi".

for: Maria Ayerdi  
Executive Director

cc: files





**Transbay Joint Powers Authority**  
201 Mission Street • Suite 1960 • San Francisco, CA • 94105-1858

**Maria Ayardi, Executive Director**

**FAX**

TO: Joan Kugler  
FAX NUMBER: 558-5991 PAGES: \_\_\_\_\_  
FROM: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_  
DATE: \_\_\_\_\_

Please call (415) 597-4620 if you do not receive this transmission clearly  
Return fax is (415) 597-4615



**Transbay Joint Powers Authority**  
201 Mission Street • Suite 1960 • San Francisco, CA • 94105-1858

**Maria Ayerdi, Executive Director**

December 10, 2004

Joan Kugler  
Environmental Coordinator  
San Francisco Planning Dept.  
1660 Mission Street, Ste. 500  
San Francisco, CA 94103

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Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

for: Maria Ayerdi  
Executive Director

**Maria Ayerdi**  
**Executive Director**

cc: files



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Richard Tobin (1852-1887)  
Robert Tobin (1875-1889)  
Cyril R. Tobin (1905-1977)

December 8, 2004

President: Shelley Bradford Bell  
Vice-President: Sue Lee  
Commissioners: Michael J. Antonini; Rev. Dwight S. Alexander;  
Christina Olague; Kevin Hughes; William L. Lee  
San Francisco City Planning Commission  
1660 Mission Street  
San Francisco, CA 94103-2414

By Hand Delivery

Re: Comments on Rincon Hill Draft Environmental Impact Report  
Case No. 2000.1081E

Dear President Bell and Commissioners:

We represent the Archdiocese of San Francisco, owner of 399 Fremont Street, one of the "pipeline projects" on Rincon Hill. At the Public Hearing on the DEIR held November 29, both public comments and comments from the Commissioners were consistent and clear on a number of points:

- The "Preferred Alternative" does not maximize housing production and must be revised to attain that objective. In line with that objective, project alternatives which are impractical or less likely to be built should be de-emphasized;
- Significant limits upon the Commission's historic discretionary authority are unacceptable;
- Tower separations down to 50 ft. should be studied to facilitate housing production and maintain planning flexibility;
- "Pipeline projects" such as 399 Fremont must be allowed to proceed and staff must redress the de facto moratorium which has occurred; and
- The housing types supported by the DEIR should be appropriate in light of the housing/jobs nexus in San Francisco and available economic information of affordability and need (e.g. "workforce" housing).

Background and Specific Request Regarding the 399 Fremont Project

The 399 Fremont project was submitted to the Planning Department on February 20, 2003, (Case No. 2003.0169E) prior to the release of the Rincon Hill Plan, November 2003 - Revised September 2004. Publication of the draft EIR for 399 Fremont Residential Project has been "on hold" since February 2004 pursuant to staff's determination to impose a quasi-moratorium if and until a new Rincon Hill Plan is adopted. As the Planning Commission has now vigorously gone on record as supporting the processing of "pipeline projects", and 399 Fremont has been in the review process for almost two years, we respectfully request that this project be grandfathered from the pending Rincon Hill Plan. We also ask that, in line with your November 29 comments, you instruct staff to immediately expedite the processing of the 399 Fremont project so this much needed housing can be built.

Further Comments on the Rincon Hill DEIR

We respectfully urge that 399 Fremont Street be excluded from the Rincon Hill Plan and be allowed to proceed. However, we offer the following comment on the Draft EIR for the proposed Rincon Hill Plan. For the reasons set forth below, we encourage you to direct staff to make the following changes in the EIR:

1. **Planning Commission Discretion:** As noted, the DEIR must evaluate development potential that assumes the Commission's continued exercise of its traditional discretionary authority in all respects over development proposals, particularly with respect to tower separation and bulk controls.
2. **Development Assumptions:** List each specific development site, the development assumptions and projected housing development for each site under each option. Have at least one EIR Alternative that "Optimizes Housing Production."
3. **Standard Comparative Configurations:** Do not assume different tower configurations under different options unless equivalency is clearly not feasible. If different tower configurations are assumed, and different densities assigned among alternatives, then those differences need to be explained.
4. **"No Project Alternative":** Revise the "No Project Alternative" to evaluate reasonably foreseeable development that respects the Commission's historic discretionary authority particularly with respect to tower separation and bulk controls.
5. **Evaluate the Risks of Supertowers**
  - a. Provide an economic analysis of the proposed controls on the feasibility of projects, market risks, and housing affordability, particularly in light of the jobs/housing nexus and the needs of the SOMA community;



- b. Evaluate the seismic, public safety/security and cultural resource impacts associated with construction of a 550-foot-tall "supertower" adjacent to the Bay Bridge;

6. **150 and 82.5-Options with Tower Separation Exceptions**

- a. Correct the view studies to accurately show the 150 and 82.5-Options (i.e., eliminate the extra towers and additional tower height).
- b. Correct the analysis of the 150 and 82.5-Options to reflect the fact that towers may be built at both 375 Fremont and 399 Fremont;
- c. Remove references to 375 Fremont Street as a historic resource;

- 7. **82.5-Foot Preferred Option:** Treat the 82.5-Option as the Preferred Option in order to fully evaluate the maximum housing production alternative. Include the concept that there could be exceptions to the 82.5 tower separation, with tower separations of 50 feet, similar to Avalon Towers. Include the concept that building bulk exceptions would also be possible, similar to existing Rincon Hill Zoning and past Planning Commission actions.

- 8. **"Existing Controls" Option:** Rename the "Existing Controls Option" (amending existing zoning to eliminate Planning Commission discretion) the "No Discretion Rezoning Option," or drop this alternative from the DEIR.

- 9. **"Existing Controls with 550 Foot Height Overlay Option:** This Option would keep Existing Rincon Hill SUD Zoning Controls, including provisions for tower separation and building bulk exceptions, coupled with a 550 Foot Height District Overlay over all existing Rincon Hill Height District designations. The criterion for exceeding existing heights would be a minimum parcel size of 18,000 square feet, with added building height subject to Conditional Use Authorization by the Planning Commission. This Option would assume 400 foot tall buildings on all development parcels that are 18,000 square feet in area or larger, including up to 550 foot tall towers at locations deemed appropriate by Planning Department staff. In this regard, we point out that Planning staff had initially recommended that sponsors of the 375 and 399 Fremont Street projects combine their sites and develop a single 400-foot tall tower. In our opinion, such a single tower with 450 housing units and 1:1 parking should be analyzed under the "Housing Optimization" alternative. Examination of the 550 Foot Height Overlay Option would provide decision makers with sufficient information to evaluate the impacts of all the various proposals put forward by planning staff, property owners, the community and project developers. Examination of this Option would provide decision makers, the Planning Commission, Board of Supervisors and Mayor optimal flexibility in evaluating and fashioning new zoning controls for Rincon Hill. Examination of this Option would also likely result in and reflect a "Housing Optimization" alternative. Guidelines for defining this alternative would include tower set-backs from property lines of 41.25 feet

and tower spacing in the range of 50 to 82 feet, consistent with already built projects such as Avalon Towers on Beale Street and the Metropolitan towers on First Street.

**A. THE DEIR FAILS TO PROVIDE AN ACCURATE PROJECTION OF HOUSING PRODUCTION UNDER THE VARIOUS OPTIONS**

The DEIR inflates the housing production potential of the 115-Option and underreports the housing production of the 82.5-Option. Using corrected figures, former Planning Director Lu Blazej has calculated the 115-Option would eliminate 36% of all potential new housing on Rincon Hill, not 22% as suggested in the DEIR.<sup>1</sup>

- 1. **Development Assumptions Are Not Clarified:** The DEIR offers conclusions about potential housing development without specifying which development sites are being evaluated and the development assumptions for each site. For example, the DEIR might assume the demolition of every building on every non-supertower site and the replacement of each building with a new 85-foot residential project, but it is difficult to assess this in the absence of clear data. The DEIR must identify on a site-by-site basis the development assumptions for each development parcel under each alternative analyzed.
- 2. **Different Towers Are Compared to Each Other:** The DEIR inflates housing production under the 115-Option and underreports the number of housing units that can be created under the 82.5-Option by using different tower configurations for its calculations. For example, the DEIR assumes that 45 Lansing could accommodate 320 units under the "Preferred Option," but only 275 units under the 82.5-Option. The same tower configurations should be used for all options unless equivalency is clearly not feasible, and such departure from equivalency must be explained.
- 3. **The DEIR Incorrectly Excludes Potential Residential Development at both 375 and 399 Fremont Under the 82.5-Option.** The DEIR assumes that the Planning Commission will forego all discretionary authority under any version of the Rincon Hill Plan, and on that basis incorrectly asserts that tower development at both the 375 Fremont and 399 Fremont sites is not possible under the 82.5-Option, i.e. that only one tower can be built on these sites while maintaining the 82.5-foot separation.<sup>2</sup> This is not correct. As shown in the attached diagram, residential towers are possible on both sites while maintaining an 82.5-foot tower separation.<sup>3</sup> The EIR must evaluate the Commission's continued exercise of its discretionary powers, including evaluating the potential for both residential projects at 375 and 399 Folsom Street.

<sup>1</sup> Mr. Blazej has calculated that while the 82.5-Option could create 3060 new units, the 115-Option could create just 2110 new units (950 fewer units than the 82.5-Option and 1190 fewer housing units than could be built under existing zoning). A copy of Mr. Blazej's "EIR Alternative Comparison" is attached hereto as Appendix A.

<sup>2</sup> DEIR S-4.

<sup>3</sup> Please refer to Appendix B for diagram showing that tower development is possible at both 375 Fremont and 399 Fremont while maintaining 82'-6" of separation between towers.



## B. THE DESCRIPTION OF THE "NO PROJECT ALTERNATIVE" IS INCORRECT.

Under CEQA, an EIR is required to analyze a "No Project Alternative."<sup>4</sup> In describing the No Project Alternative, an EIR must evaluate "what would reasonably be expected to occur in the foreseeable future if the project were not approved."<sup>5</sup>

In order to demonstrate that the "No Project Alternative" could produce an unrealistically low number of housing units compared to staff's "Preferred Option", the DEIR unreasonably and erroneously assumes that the Planning Commission will never exercise its discretionary authority to grant future exceptions to the 150-foot tower separation requirement.<sup>6</sup> However, the existing pattern of development shows that the Commission has routinely approved towers providing 82.5-feet of separation or less.<sup>7</sup> Thus, an 82.5-foot tower separation with exceptions is reasonably foreseeable and strict enforcement of 150-foot tower spacing is not a reasonable assumption for DEIR purposes.

According to Mr. Blazej and the DEIR Table S-1 page S-30), the correct "No Project Alternative" (existing controls with foreseeable exceptions) would produce 3300 units. By comparison, the staff's 115-foot tower separation plan would produce 2110 units – the loss of 1190 units, or the loss of even more units if construction of the four supertowers were not feasible.

## C. THE DEIR FAILS TO ADEQUATELY EVALUATE RISKS ASSOCIATED WITH CONSTRUCTION OF SUPERTOWERS BY THE BAY BRIDGE

The proposed Rincon Hill Plan suggests that the City rely on three "Supertower" sites to provide 65% of the new housing on Rincon Hill, including putting 34% of all future Rincon Hill housing development into two towers, one 450-feet tall and the other 550-feet tall. The DEIR fails to evaluate the physical risks associated with these supertowers, the impact of these supertowers on the historic and architecturally significant Bay Bridge, and fails to assess the likelihood that these towers will ever be built.

### a. The DEIR Fails to Evaluate the Seismic and Public Safety Hazards of Building Supertowers Adjacent to the Bay Bridge.

<sup>4</sup> CEQA Guidelines 15126.6(e)(1).

<sup>5</sup> CEQA Guidelines 15126.6(e)(2).

<sup>6</sup> DEIR S-30; 234.

<sup>7</sup> Please refer to Appendix C for diagrams showing that (a) no existing or approved developments provide 150-foot or 115-foot tower separation; and (b) all existing and approved developments provide for 82.5-foot separation or less.

The DEIR completely fails to evaluate potential seismic risks associated with construction of two skyscrapers, one 550-feet high and one 450-feet high, immediately adjacent to the Bay Bridge. Boilerplate language in the initial study dismisses this issue with the assurance that "potential damage to structures...would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application."<sup>8</sup> The permit review process and compliance with Fire and Building Code provisions was similarly deemed sufficient to eliminate potentially significant impacts on emergency response.<sup>9</sup>

Given the unique structural requirements of the supertowers, the reassurance of future mitigation through compliance with the Building Code provides inadequate data upon which to approve the plan. The risk of catastrophic collapse due to a terrorist attack or earthquake and the potential impacts of such an event on the region's emergency response and transportation system should also be evaluated. *As well, both CalTrans and the Department of Homeland Security should be given an opportunity to comment on risks these towers pose to the Bridge itself.*

The costs associated with extraordinary structural work could have a significant impact on the feasibility of the supertowers and the potential for the projects remaining unbuilt. The cost of needed structural studies and structural reinforcement should be included in an economic impact analysis, including the cost of putting all parking under ground as required by the proposed Rincon Hill Plan, to assess the feasibility of these supertowers and the potential for these projects to remain unbuilt, which would have a material impact on any decision to exclude other, more feasible housing in Rincon Hill.

## 2. The DEIR Does Not Evaluate Potential Impacts to the Bay Bridge as an Architectural and Historic Resource.

The San Francisco-Oakland Bay Bridge, listed on the National Register of Historic Places, is one of the City's most prominent visual features and is unquestionably an architectural historic resource of significant local, regional and national importance. The existing 1985 Rincon Hill Plan specifically addressed the importance of maintaining views of the Bridge by calling for buildings to "clearly maintain and where possible reinforce, the physical integrity of the Bridge's main span as seen from a distance."<sup>10</sup> Current zoning recognizes the Bridge's outstanding character by reducing height limits on adjacent properties to provide a visual corridor.<sup>11</sup> In contrast, the proposed plan would increase height limits adjacent to the Bridge to allow development up to 550-feet in height.<sup>12</sup> Such a

<sup>8</sup> DEIR Appendix A p. 26, *Initial Study*.

<sup>9</sup> Id. at 31.

<sup>10</sup> San Francisco General Plan, Rincon Area Plan II.3.10.

<sup>11</sup> Id. at II.3.11. Maximum heights adjacent to the Bridge are 84-feet.

<sup>12</sup> DEIR 11.



dramatic change clearly calls for an extensive analysis of impacts on the Bridge, yet the DEIR fails to provide one.

#### D. THE DEIR INFLATES THE IMPACTS OF THE 82.5-OPTION.

##### 1. The DEIR Inflates Height Impacts of the 82.5-Option by 20% for the 399 and 375 Fremont parcels.

Although none of the options presently under consideration would allow the construction of a building taller than 250 feet at 375 and 399 Fremont, the DEIR evaluates the impacts of a 300-foot tall building at 375 / 399 Fremont.<sup>13</sup> The DEIR therefore overstates shadow, view, and other visual quality impacts associated with a 375 / 399 Fremont Street tower by 50 feet – 20% more height than would be permitted – and accordingly inflates the benefits of the Preferred Option.

##### 2. The Photo Simulations Insert Additional Towers Into the View Studies for the 82.5-Option.

Although the 82.5-Option would allow the construction of only 8 towers, the visual analysis presented in the DEIR for this option shows 10 towers, and then relies on that inflated visual analysis to justify a conclusion that the 82.5-Option would have adverse visual impacts.<sup>14</sup>

The visual analysis in the DEIR merges the impacts of both the 82.5-Option and the "Extended Pipeline Option," which was previously rejected.<sup>15</sup> In visual simulations, "Extended Pipeline Only" buildings and their shadows blend with adjacent 82.5-Option buildings and impair the public's ability to assess view impacts. The photo simulations should be redrawn to accurately reflect development that would be allowed under the 82.5-Option and to account for the shorter allowable height of the 375 and 399 Fremont buildings under both the existing and the proposed rezoning (250 Zoning Map Height).

##### 3. There is Insufficient Evidence to Support Staff's Opinion Related to Sunlight to Streets and Tower Spacing.

While the Department believes tower spacing and sunlight to streets are inadequate under the 82.5-Option, the DEIR establishes that visual quality impacts and shadow impacts are insignificant.<sup>16</sup> The pattern of existing and approved development on

Rincon Hill further supports the conclusion that the Planning Commission has considered an 82.5-foot tower separation requirement adequate to achieve urban design objectives and sunlight access to streets.<sup>17</sup> This analysis should clearly assume that sites are developed either with towers or are developed with 85-foot tall residential podium structures that are built to the property line. This DEIR should also include an analysis where all development parcels on Rincon Hill are built to a height of 85 feet, so that the shadow contribution of tower buildings on streets and sidewalks, if any, can be identified and evaluated.

#### E. THE PREFERRED OPTION IS NOT ENVIRONMENTALLY BETTER THAN THE 82.5-OPTION

The principal significant difference between the various plans is the amount of housing they will produce, not their effect on the physical environment. While the Options differ in the extent to which they would encourage or discourage new housing, preserve views, and provide light and air, the 115-foot tower separation alternative does call for the demolition of an historic building and does not eliminate any significant impacts, although it does substantially reduce potential housing production. Despite the technical errors in the DEIR, it is nonetheless clear that the Preferred Option is not environmentally better than the 82.5-Option, nor better than staying with existing Rincon Hill SUD Zoning Controls, and produces fewer if any overriding benefits.

##### 1. The Preferred Option Would Not Eliminate Any Significant Impacts.

As shown in the chart below, there are only marginal, insignificant differences between the environmental impacts of each option.<sup>18</sup> Despite minor variations, no option reduces impacts present under another option to a level of insignificance.

Category	115-Option	82.5-Option	150-Option	No Project
New Housing	2110	3175	1986	3300
Land Use, Plans, & Policies	LS	LS	LS	LS
Visual Quality/Views	LS	LS	LS	LS
Transportation	SU	SU	SU	SU
Population	LS	LS	LS	LS
Operational Air Quality	LS	LS	LS	LS
Shadow	LS	LS	LS	LS
Wind	SM	SM	SM	SM
Hazardous Materials	SM	SM	SM	SM

<sup>13</sup> DEIR 23. Please refer to Appendix D for map of preferred heights under both the Preferred Option and the 82.5-Option.

<sup>14</sup> DEIR 18-20. Due to the erroneous assumption noted under no. 3 of this section, the DEIR asserts that only seven towers could be built under the 82.5-Option.

<sup>15</sup> See visual simulations on DEIR 2-116 (view) and 163-171 (shadow).

<sup>16</sup> DEIR S-30-31.

<sup>17</sup> Please refer to Appendix C for diagram showing that existing pattern of development generally provides for an 82.5-foot tower separation.

<sup>18</sup> This chart is a simplified version of the one appearing on S-30 to S-33 of the DEIR and uses those abbreviation (SU-Significant and Unmitigable Impact; SM-Significant Impact that may be mitigated to a less than significant level; LS-Less than Significant Impact). The new housing figures have been adjusted to reflect Mr. Blazej's corrections.



Historic Resources	SU	SU	SU	SU
Growth Inducement	LS	LS	LS	LS

To summarize, the principal significant difference between the various plans is the amount of housing they will produce, not their effect on the physical environment. Every alternative will create significant unmitigable impacts on transportation and historic resources. No alternative will create significant unmitigable impacts in areas critical to achieving the plans objectives: land use plans, visual quality, views, and shadows.

Thus, the Department's Preferred-Option eliminates 36% of potential housing units compared to the 82.5-Option or the "No Project Alternative with Exceptions", but fails to reduce the environmental impacts caused by more housing-rich alternatives to a level of insignificance. In the midst of an unprecedented housing shortage and affordability crisis, insignificant differences in urban design impacts simply do not justify such a dramatic reduction of housing potential. Because the 82.5-Option, with tower separation and building bulk exceptions, will achieve the objectives of the Rincon Hill Plan while making reasonable provision for housing production, the Commission should designate it the Preferred Alternative.

#### F. THE DEIR SHOULD INCLUDE AN ECONOMIC IMPACT ANALYSIS

The Rincon Hill Plan aims to alleviate San Francisco's housing shortage by creating a dynamic mixed-use neighborhood with a full range of services and amenities. However, the DEIR does not include an analysis of how the new controls will affect the feasibility of housing construction and the cost of any housing that is actually built. This point has particular force in relation to creation of needed workforce housing which is appropriate to prevailing occupational categories in the area. Since housing production is one of the principal goals of the plan, the DEIR should consider how key aspects of the plan will contribute to or detract from achieving these goals.

##### 1. The DEIR Fails to Consider the Impact of Height and Bulk Regulations on Housing Construction and Affordability.

Most of Rincon Hill is presently zoned for buildings 250-feet high or less. In order to achieve urban design objectives, the Preferred Option calls for increasing allowable heights up to 550-feet and reducing the allowable bulk of buildings under 250-feet. This proposal is certain to increase housing costs and may hamper development in two ways. First, building over 240-feet triggers a lengthy structural review process at the Department of Building Inspection and a number of expensive changes to the building itself.<sup>19</sup> For a 1000 square-foot unit, increased development costs associated with these changes would be between \$10,000 - \$15,000 dollars.<sup>20</sup> Second, reducing the allowable bulk of buildings under 250-feet

<sup>19</sup> Please refer to Appendix E for memorandum describing structural upgrades required for buildings over 240-feet in height and costs associated therewith.

<sup>20</sup> Id.

means that relatively constant structural and building core costs will be allocated to smaller usable residential floor area; the result is higher housing costs of as much as \$29,000 per unit.<sup>21</sup> Because additional housing production and affordability are the primary goals of the Rincon Hill Plan, a full study of the impact of the proposed zoning changes on housing costs is clearly warranted.

##### 2. The DEIR Should Evaluate the Feasibility of Housing Construction on All Designated Tower Sites.

Under both the Preferred and 82.5-Option, 67% and 82% respectively, of all housing development would be on tower sites. However, there is little or no evaluation of the likelihood that any of these developments would go forward given financing requirements, site constraints, availability of parcels to developers, floor plate efficiency ratios or unforeseen regulatory hurdles. For example, the Preferred Option envisions 37% of the new housing in two massive towers adjacent to the Bay Bridge.<sup>22</sup> Yet there is no guarantee that the site is geologically suitable for a development of this magnitude, that investors would finance it, or whether it would conflict with public safety concerns and the reliability / availability of the region's transportation system in the event of a disaster, either natural or terrorist. Given the plan's reliance on tower development to achieve its goals, the DEIR should evaluate the feasibility of tower development on all key tower development opportunity sites.

##### 3. The DEIR Should Consider How Revised Parking, Open Space, and Exaction Requirements Will Affect Housing Production and Costs.

In addition to the above, a socioeconomic impact analysis should also evaluate the costs and benefits associated with the following aspects of the plan.

- Parking. The Plan calls for (1) no more than 1 parking space to be provided per unit, (2) no more than 50% of all spaces provided to be independently accessible, (3) all parking to be located below grade, and (4) a set-aside for car-sharing or site-based car rental programs.

Depending on soil conditions, retaining walls and other site specifics, this proposal could result in per unit costs as high as \$78,000. Notwithstanding the fact that residences and parking spaces would be sold separately under the plan, most new residents would see the bundled costs of purchasing the desired amenities, i.e. home and parking, increase dramatically. Other proposals, such as screening parking behind residential portions of the building, should be explored as a cost-effective means of reducing the negative aesthetic affects of parking structures.

<sup>21</sup> Based on estimate of reduced floor plate requirements at 375 Fremont Street.

<sup>22</sup> DEIR 18.



In addition to driving costs, these parking requirements may make it more difficult to build. Residential lenders typically require one parking space per unit. The proposed mandate to provide no more than 50% independently accessible spaces may make financing development on Rincon Hill more costly and time-consuming.

- b. Open Space. The proposed open space more than doubles the amount of open space required in comparable high-density residential districts.<sup>23</sup> On a 20,000 square-foot site with 350-units, this would require 26,250 square feet of usable open space, an area 31% larger than the site itself. If public parks and other new amenities are acquired and built using the financing methods outlined in the Plan, new residential developments would additionally pay a \$10 per square foot fee to acquire new open spaces. Thus, the Plan proposes that (1) new developments provide more open space than comparable high-density properties, and (2) new Rincon Hill developments finance public open space and other amenities for both themselves and previously approved projects. Depending on the size of the units, the combined open space requirement and fees could add between \$10,000 and \$20,000 to the price of each residence.
- c. Public Facilities Assessment District. The Plan seeks to impose new fees on residential development to fund extensive street improvements, a new park, community center and library to serve the entire Rincon Hill neighborhood. The Plan estimates total costs of roughly \$10,000 per new unit.<sup>24</sup>

However, the Plan fails to establish the necessity and justification for the cost of all such improvements. Many buildings provide similar amenities such as community rooms, conference rooms for homeowner meetings, and exercise rooms. As well, the Plan inequitably imposes the costs of neighborhood-, city-, and region-serving improvements solely on new developments, which will pay their fair share for improvements by generating more than \$29 million annually in property tax revenue. A new, more equitable funding mechanism should be explored and the necessity for improvements justified.

#### G. THE "EXISTING CONTROLS OPTION" SHOULD BE RENAMED "NO DISCRETION REZONING OPTION"

The entitled "Existing Controls Option" is misleading and should be renamed.<sup>25</sup> Rather than leaving existing controls in place, this option would amend the Planning Code to deprive the Planning Commission of its discretion to grant exceptions from a 150-foot tower separation rule and bulk controls when justified by public policy. This option should therefore be renamed "No

<sup>23</sup> The proposed residential open space requirement is 75 s.f. per dwelling unit. The comparable figure in the RC-4 District is 36 s.f. of private open space per unit with a 33% higher amount for common open space.

<sup>24</sup> Rincon Hill Plan 72.

<sup>25</sup> DEIR 20.

Discretion Rezoning Option" to more clearly inform the public of the nature of this alternative. Renaming this alternative will also eliminate any confusion with the "No Project Alternative."

#### H. CONCLUSION.

As discussed above, the Rincon Hill EIR inadequately and inaccurately describes the "Existing Controls Option," the "No Project Alternative" and the 82.5-Option, and does not allow an accurate assessment of potential housing production or impacts related to urban design, view preservation, shadows and historic resources. Based on the foregoing, we respectfully request that you direct staff to:

1. **Planning Commission Discretion:** The DEIR must evaluate the environmental impact of the Planning Commission's continued exercise of its standard discretionary authority and how exercise of that discretionary authority could result in substantially greater housing development.
2. **Development Assumptions:** List each specific development site, the development assumptions and project housing development for each site under each option, and examine a new option that "Optimizes Housing Development." An approach to achieve this goal is to consider a 550 foot overlay height district for Rincon Hill, keeping existing Rincon Hill SUD zoning and height controls in place as base zoning.
3. **Standard Comparative Configurations:** Do not assume different tower configurations under different options unless equivalency is clearly not feasible and the non-equivalency factors are explained.
4. **"No Project Alternative":** Revise the "No Project Alternative" to evaluate reasonably foreseeable development that respects the Commission's discretionary authority and history (i.e. towers sited 82.5-feet apart or closer and the granting of bulk exceptions).
5. **Evaluate the Risks of Supertowers**
  - a. Provide an economic analysis of the proposed controls on the feasibility of projects, market risks, and housing affordability of very tall structures, structures over 240 feet in height and ranging to 550 feet in height.
  - b. Evaluate the seismic, public safety and cultural resource impacts associated with construction of a 450 and 550-foot-tall skyscraper adjacent to the historic Bay Bridge;



6. **82.5-Option**

- a. Correct the view studies to accurately show the 82.5-Option (i.e., eliminate the extra towers and additional tower height).
- b. Correct the analysis of the 82.5-Option to reflect the fact that two 25-story towers may be built, one at 375 Fremont and one tower at 399 Fremont;
- c. Remove references to 375 Fremont Street as an historic resource;

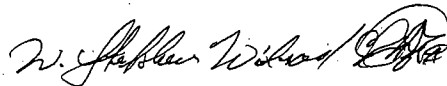
7. **82.5-Foot Preferred Option:** Treat the 82.5-Option as the Preferred Option in order to fully evaluate the maximum housing production alternative, including the Commission's continued discretionary authority over tower separation and bulk controls; and

8. **"Existing Controls" Option:** Rename the "Existing Controls Option" (amending existing zoning to eliminate Planning Commission discretion) the "No Discretion Rezoning Option."

Thank you for your consideration.

Sincerely,

TOBIN & TOBIN



W. Stephen Wilson

Copy: Joan A. Kugler, Environmental Coordinator



# Rincon Hill - Residential Development

Date: 11/17/04

## Summary Comparison of EIR Alternatives

Note: Responsive to pages S-3 to S-5 of Rincon Hill Draft EIR

### Correction of Unit Counts and Adjustment of Development Potential Under Existing Zoning Controls

Building Address/ Assessor's Blk.	Corrected DEIR Preferred Option 115 Sep.		DEIR 82.5-Foot Tower Separation		Corrected Existing Controls With Exceptions	
	No. DU's	Height	No. DU's	Height	No. DU's	Height
AB 3747						
399 Fremont			250	350	220	250
375 Fremont			300	300	210	250
AB 3748						
340-350 Fremont	340	400	350	400	190	250
390 Fremont			320	400	190	250
AB 3749						
1st & Harrison					195	200
45 Lansing	320	400	275	400		84
AB 3764						
Harrison-Essex			230	400		84
AB 3765						
425 First #1	320	450	320	450	391	200
425 First #2	400	550	400	550		64
Preferred Option	1380					
82.5 Foot Separation Option			2445			
Existing Controls - With Exceptions					1396	1396
Podium DU's	730		730 estimate		970	1904 estimate
Total - This Chart	2110		3175		2366	3300
Total Units DEIR	2220		2845		1630 to 3300	

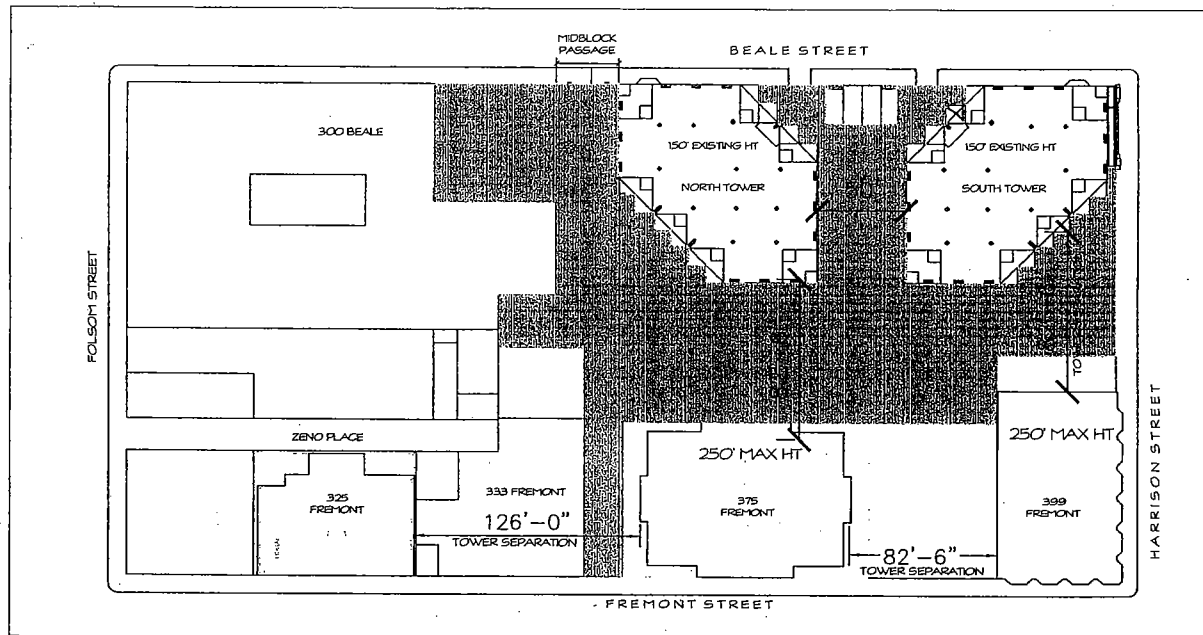
Note: This chart only assumes tower separation exceptions.

An addition of up to 10% more housing units are possible if bulk exceptions are also considered.

Number of Podium Units under each alternative is a rough estimate and should be verified by Planning Department staff.



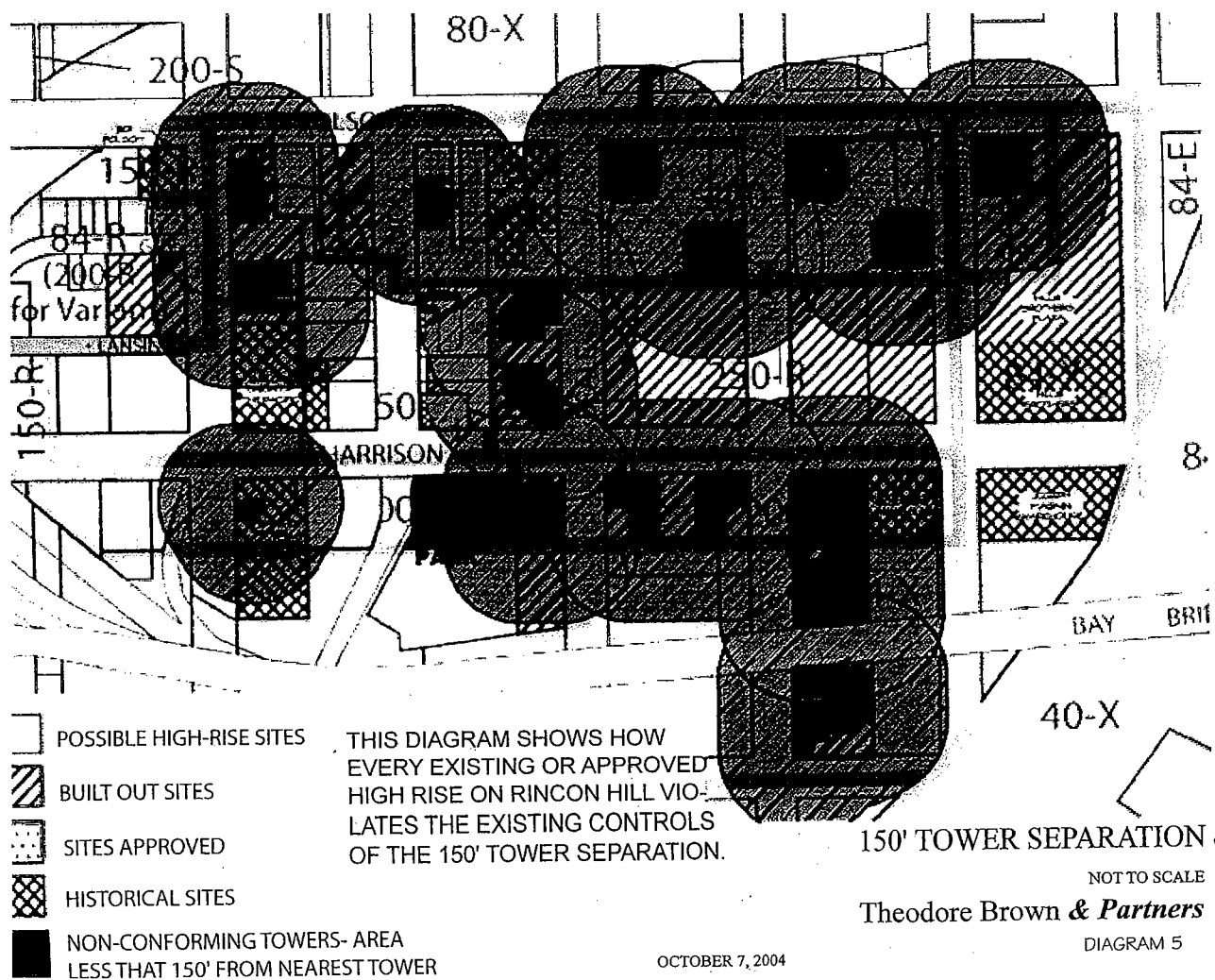
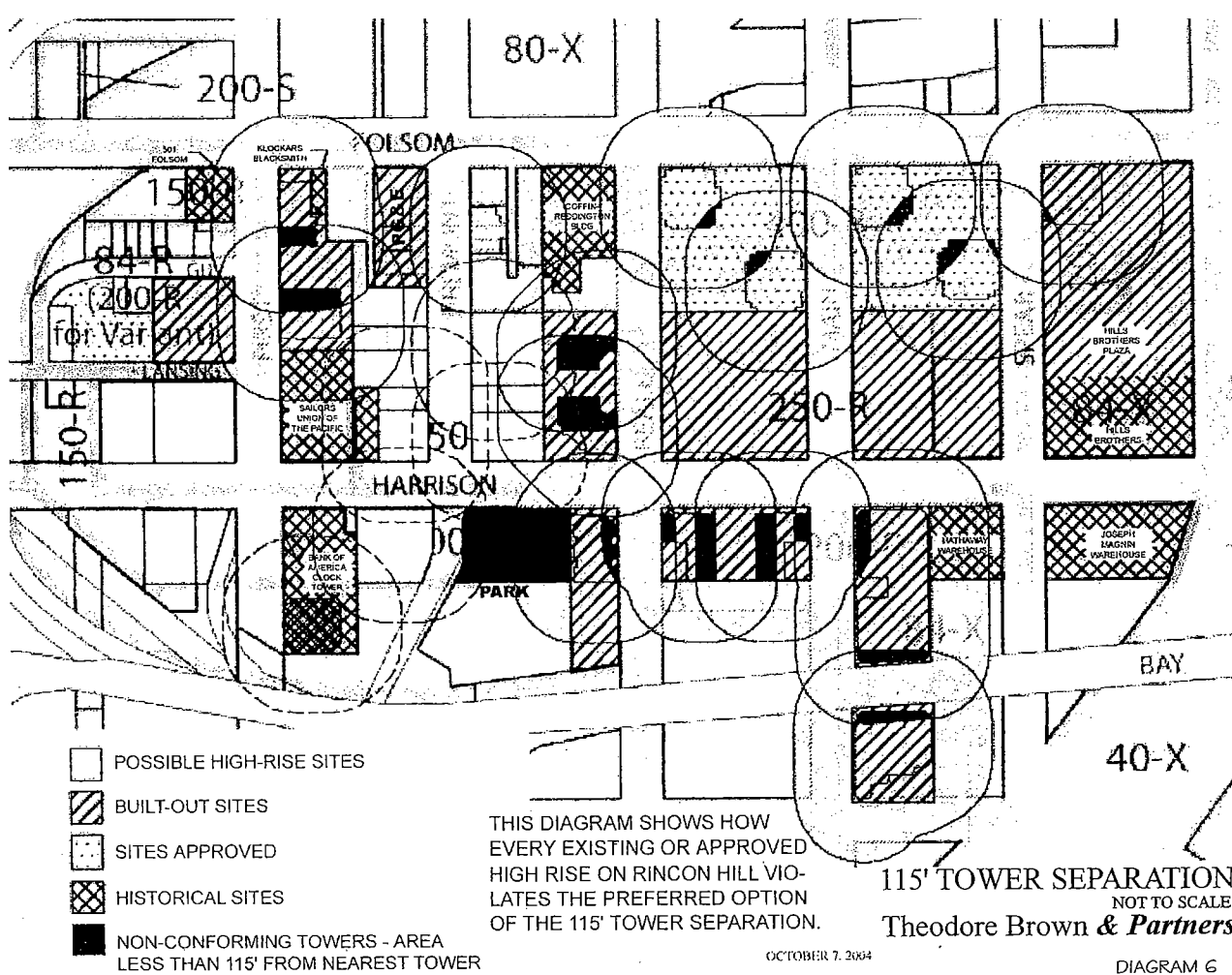
INTERIOR BLOCK OPEN SPACE: 250' PROPOSED HEIGHT LIMIT  
DIAGRAM



\*The Summary Section of the September 25, 2004 Rincon Hill Plan Draft Environmental Impact Report on page S-4 under the 82.5-foot Tower Separation Option notes that it is not possible to build the two proposed towers, 375 Fremont and 399 Fremont, and still retain an 82.5-foot tower separation from the existing Avalon Towers nor from each other. In addition, on page 20 of that report in the third paragraph it states "a single tower is identified on the east side of Fremont Street because two towers would not meet the 82.5-foot separation from another." The drawing above demonstrates that the two proposed towers, 375 Fremont and 399 Fremont, can be built with the required separation set forth by the September 25, 2004 Rincon Hill Draft EIR. The drawing shows that the two towers could be built with the required separation of 82.5' between each other and between their neighboring buildings; the existing Avalon Towers and the approved 325 Fremont proposed tower.

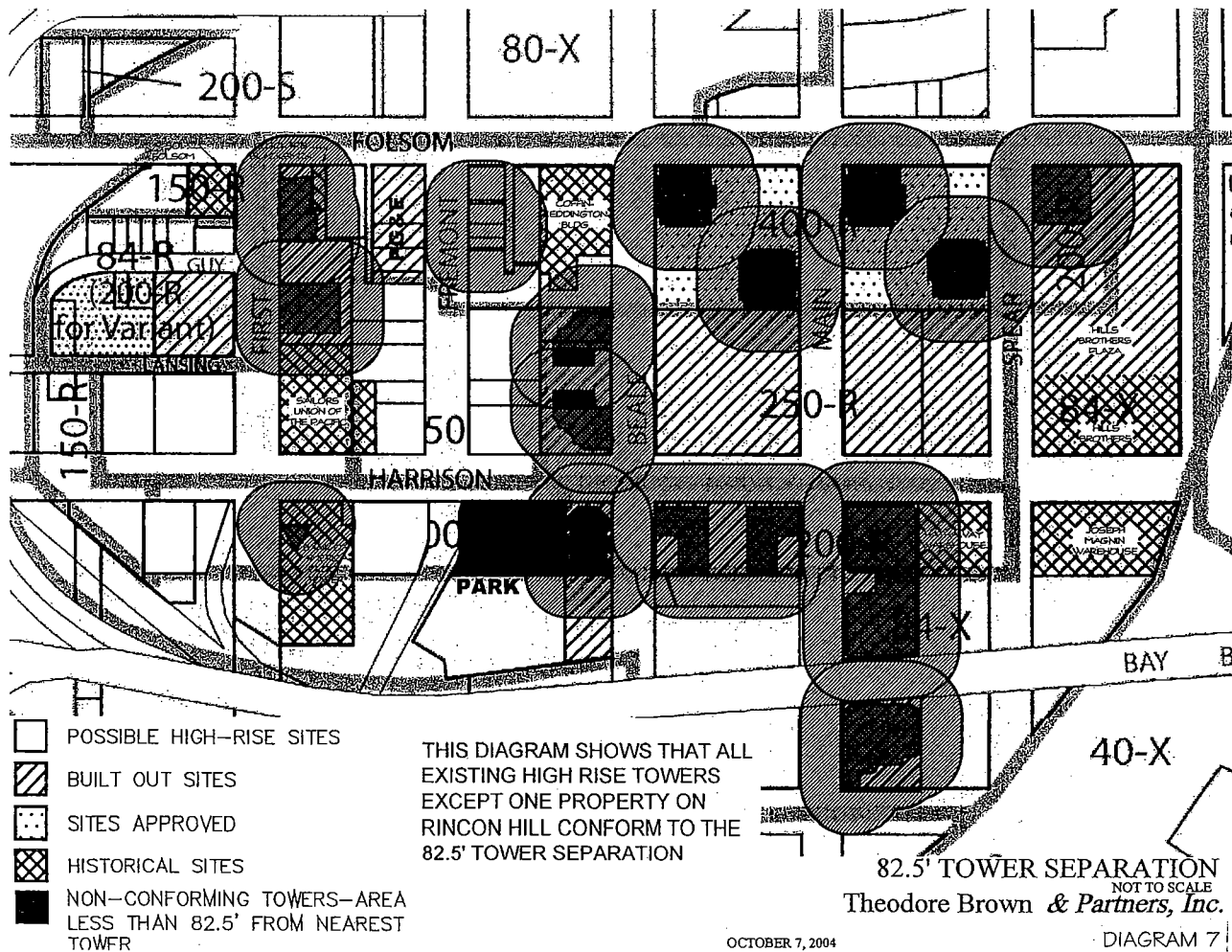
GROUND  
FLOOR  
OPEN  
SPACE







9









**NISHKIAN MENNINGER**

CONSULTING AND STRUCTURAL ENGINEERS SINCE 1919

June 17, 2004

Mr. Theodore Brown  
BROWNBREW LLC  
1620 Montgomery Street, Suite 320  
San Francisco, CA 94111

Re: Structural Costs  
High-rise Buildings

Dear Mr. Brown:

This letter will outline some of the structural implications of increasing the height of a residential building from 240 feet to 480 feet. For the purposes of this discussion the following assumptions are appropriate:

- The structure will be predominantly poured-in-place concrete.
- The typical floor plan for the tower is on the order of 8,500 - 9,500 square feet.
- The core area of the tower would need to increase as the height grows to account for added elevators, increased duct size, etc.

The most cost effective lateral load resist solution for this type of building would be a concrete shear wall system. However current Code 1, 2 limits the height of this type of system to 240 feet. If the structure is taller than 240 feet the lateral system must be concrete special moment resisting frames or concrete special moment resisting frames in combination with concrete shear walls. The disadvantages of the concrete moment frames are higher cost, and the intrusive nature of these large elements on the perimeter of the building. If the structure is in excess of 240 feet it is still possible to design this structure using shear walls only in accordance with Section 1629.9.3 of the 1997 Uniform Building Code. This portion of the code states that: "Alternative lateral force procedures using rational analysis base on well-established principals of mechanics may be used in lieu of those prescribed in these provisions." This method requires an intensive amount of engineering and design by the Structural Engineer of Record to prove their point to a board of peer reviewers. However, if this method is employed and the Engineer of Record is successful, then money and time can be saved at the completion of the project. Offsetting the potential savings are the additional costs for the alternative design from the structural engineer and the cost of the peer review panel and the time associated for the process to take place. The peer review process should take between six to nine months for approval, which can occur concurrently with other aspects of the design and approval process.

1095 Folsom Street, San Francisco, CA 94103

Tel: (415) 541-9477 Fax: (415) 543-5071

Mr. Theodore Brown  
Re: Structural Cost - High-rise Buildings  
June 17, 2004  
Page 2

We have reviewed the design differences between buildings under 240 feet and over 240 feet and offer the following comparisons:

Below 240 feet

- Code compliant (typically no special review required);
- Materials will be "normal" strength concrete;
- Strengths on the order of 6 - 7,000 psi, normal strength deformed reinforcing;
- Shear walls, would consume approximately 3%, and the core would consume approximately 13% of the total footprint.

Above 240 feet

- Design requires approval of peer review panel and special review of building department;
- High strength concrete and reinforcing steel required for most of the concrete columns and shear walls;
- Increased foundation system size and complexity;
- Added elevators, shafts and utility requirements;
- Shear walls would consume approximately 5% and the core would consume approximately 17% of the total footprint;
- The overall structure cost would increase approximately \$10 - \$15 per square foot;
- Other building systems: HVAC, plumbing, electrical, curtain wall and window washing would have an incremental increase in the square foot cost on the order of 15-20%.

We will forward sketches of typical footprints of the idealized floor plan for both the taller and shorter building.

Please contact our office with any comments or questions.

Very truly yours,

NISHKIAN MENNINGER

Levon H. Nishkian  
President

LHM0617.0004 (General)

**NISHKIAN MENNINGER**  
CONSULTING AND STRUCTURAL ENGINEERS SINCE 1919



## **RINCON HILL PLAN DRAFT ENVIRONMENTAL IMPACT REPORT (COMMENTS)**

*Theodore Brown and Partners, Inc.*

This document serves as comments to the September 25, 2004 Rincon Hill Plan Draft Environmental Impact Report; Planning Department Case No. 2000.1081E.

This is not really a Rincon Hill Plan, but rather a Fremont and Harrison Street Plan that includes approximately 1¼ blocks of development only. The rest of Rincon Hill is built out or already approved for projects. This is really spot zoning.

After review of the document it was found that the following information is incorrect:

### **Height Restriction**

Page 10 Figure 4 on page 10 of the Rincon Hill Plan Draft EIR (for a copy see diagram 10) shows the property at 375 Fremont Street bisected in the middle of the east-west direction by the height restriction line. This illustration represents an incorrect placement of the height restriction line. The correct placement of this boundary is to the north of the 375 Fremont property. This line, when correctly represented, would restrict 375 Fremont and 399 Fremont to a 250-foot height limit under the September 25, 2004 Rincon Hill Plan Draft EIR. The correct placement can be found in all the plans on file for the Rincon Hill area, including the San Francisco Planning Code (for a copy see Diagram 8), which show the height restriction line along the north side of the property of 375 Fremont. Another file where this line can be found correctly placed is in the March 20, 2003 Rincon Hill Mixed Use District EIR Draft, Planning Department Case No. 2000.1081E, on the Proposed Height and Bulk Districts in Figure 5 of this report (for a copy see Diagram 9). It should also be pointed out that in the March 20, 2003 draft of the EIR the height restrictions for both 375 Fremont and 399 Fremont were included in the 350-foot height restriction.

### **82.5-Foot Tower Separation Option**

Page S-4 "... 375 Fremont Street, a 300-foot residential tower with some 250 units or 399 Fremont Street, a 350-foot residential tower with about 300 units (although both of these proposals are on file, they could not be built and retain the 82.5 foot separation from the existing Avalon Towers residential building, nor from each other)...." This information from the Draft EIR is not true and the attached plan (see Diagram 1) shows a design that satisfies the 82.5-foot tower separation criteria and allows for two towers, one at 375 Fremont and another at 399 Fremont, to exist on each site.

Page 20 "...; a single tower is identified on the east side of Fremont Street near Harrison Street because two towers would not meet the 82.5-foot separation from one another; ...." The single tower mentioned in this Draft EIR statement is referring

to the approved tower at 325 Fremont Street. The Draft EIR is stating that because of the approval of 325 Fremont Street, two towers could not be built on the east side of Fremont Street and still comply with the 82.5-foot tower separation option. This assumption is false (see Diagram 1). Two towers can be built on the east side of Fremont and maintain an 82.5-foot separation.

Note: Diagram 7 shows that all existing high rise towers, except one property, on Rincon Hill conform to the 82.5-foot tower separation.

### **Off-Street Loading**

Page 29 "There would be no minimum off-street loading requirement for any use." The Rincon Hill streets of Fremont and Harrison are designated in the Transportation Element as major arterials. Given the importance of keeping traffic flowing smoothly through Rincon Hill it is important that loading and unloading take place off the street and not by double parking and blocking a lane of traffic.

### **Loss of Housing**

Page 26 Between the Preferred Option and the 82.5-Foot Option there is a loss of 645 units of housing, including 77 units of low-income housing. This is an area of high-rise high-density housing. How can San Francisco afford to lose this much housing on Rincon Hill?

### **Interior Block Open Space**

Page 15 The Preferred Option of 85-foot height limits for 375 Fremont Street and 399 Fremont Street (refer to Table 3 on page 26 of the Draft EIR) would allow the buildings to cover 100% of the entire site. This plan (see Diagram 2) would destroy a great opportunity to create an interior-block, open-space park between Avalon Towers and these two projects (refer to Diagram 1). The planners have failed to study the interior of the blocks and how their plans would affect the relationship of the buildings to each other from inside the blocks (refer to Diagram 3).

### **First and Harrison**

Page 22 The Rincon Hill Plan Draft EIR calls for a tower at the corner of First Street and Harrison where the existing gas station is located (see Figure 7, Preferred Option, on page 22 of the Draft EIR). What if the neighborhood loses this gas station? Where will the people in this neighborhood get gas? Nowhere in the Draft EIR is this loss covered. Perhaps we need a gas station at this location more than a residential tower.



Note: Diagram 4 shows the only buildable high rise residential sites on Rincon Hill that the Environmental Impact Report rezones. All other properties are built-out or have planning approval.

#### Residential Unit Mix

Page 25 "The Draft Plan promotes housing that could accommodate families, both by requiring that 40 percent of all residential units... be two-bedroom or larger units...." The bedroom configuration should be based upon the real estate market. Also, greater consideration should be given to one-bedroom-plus units or other types of arrangements that would be more useful in promoting varied household accommodations.

#### Historic Resource Evaluation

Page 197 On page 197, Historical Resources Section under Other Evaluations, one planner in the Planning Department has decided to disagree with the Historic Resource Evaluation Report by Patrick McGrew. CEQA has rigorous guidelines for evaluating a historical resource and reviewing a checklist, which Mr. McGrew used in preparing this comprehensive 35-page report.

His summary is as follows:

"Therefore, while 355 Fremont is listed in the 1976 *Citywide Architectural Survey*, and has a San Francisco Heritage rating of "C", thus raising a question as to its status as a historic resource under CEQA, the building itself has very limited individual merit and its demolition would have minimal impact on the area. While the intent of CEQA in regard to historic resources to assure that the impacts of their demolition are evaluated; however, no information has been discovered to indicate that 355 Fremont represents the loss of an historic resource."

After further review of the Rincon Hill Plan Draft EIR it was found that the following requirements would generate very expensive residential construction costs for new construction:

#### 450-Foot and 550-Foot Proposed Height Districts

Page 11 It allows one land owner with an existing height limit of 84 feet to be rezoned to a height of over 500 feet (see figure 5, page 11 of the Draft EIR) and gives the owner almost a monopoly for providing housing on Rincon Hill in two giant towers – no exclusively residential towers of this height have ever been built in San Francisco or the west coast, and only a couple of these residential only towers exist even in New York City. There is no guarantee that these buildings would ever be built and yet they provide for 830 units of the proposed residential in the

Preferred Option. Any structural engineer can tell you that going over the 240-foot height changes the structural systems of a building and adds a cost, for structural only, of \$15 to \$30 per square foot in San Francisco (refer to attached Nishkian Menninger letter dated June 17, 2004). This housing would be very expensive and would probably never even be built to these heights because of the costs. This is an uneconomical plan.

This site is also surrounded by Highway 80, the on and off ramps to Highway 80, and Harrison Street which leads to the site. Traffic, both pedestrian and vehicular, would be a nightmare with 830 units built on this island. If a fire or an emergency situation ever occurred in these towers, Harrison Street would be shut down and a traffic disaster would develop in the streets leading to the Bay Bridge.

#### 82.5-Foot Tower Separation Option

Page S-4 Projects that have been approved are at 300 Spear and 201 Folsom Street, each with two towers – one at 350 feet high and one at 400 feet high. These towers are 82.5 feet apart, and the Draft EIR states they contain more than 1,500 housing units. In checking with the Planning Department the 300 Spear project is presently in redesign and will have 600+ units. It is most likely that the two projects at 300 Spear and 201 Folsom will contain only 1,200 to 1,300 units between the two, not the more than 1,500 residential units as listed on page S-4.

The 325 Fremont Street tower was approved almost 5 years ago with 50 units and has proved to be financially unfeasible to build. The developers have filed plans to increase the number of units to 70, but in all likelihood a project with 70 units in a 200-foot high tower on a small 4,800-square-foot site would be extremely difficult to finance and construct.

#### Fremont/ Harrison Tower

Page 22 Figure 7 on page 22 in the Rincon Hill Plan Draft EIR shows the tower on the corner of Fremont and Harrison at 400 feet high. This building would be difficult, if not impossible to build, because of the site's small width. To accommodate the setback from the property line for windows, the building's width must be reduced, making this tower very expensive to build.

#### Parking

Page S-6 "All parking would be required to be located below street grade...." Currently, lenders for a high rise project require one parking space per unit. The requirement to place parking below grade adds greatly to the cost of the residential unit. Depending on soil conditions and retaining walls, this stipulation could cost each residential unit owner as much as \$75,000 (or \$88 per square foot) in construction costs for one parking space.



"For projects of more than 100 units, between two and five spaces must be made available at no cost to car-sharing or site-based car rental programs." The additional cost of 2 to 5 spaces has to be passed on to the 88% non-low-income unit owners. This requirement could add an estimated cost to each unit of \$2,000 to \$3,000 or approximately \$3.50 per square foot.

#### **Small Floor Plans**

Page 13 The small floor plan requirements, found in Table 1, Proposed Bulk Controls, of the Rincon Hill Plan Draft EIR create floor plans that are less than 80% efficient. This percentage is calculated by dividing the useable square footage into the gross square footage. This inefficiency translates into an additional cost of approximately \$200,000 per tower floor for an additional construction cost that would be an added premium per unit of \$29.00 per square foot.

#### **Usable Open Space**

Page S-6 "Seventy-five square feet of usable open space would be required for every dwelling unit..." This means that on a 20,000 square foot site with 350 units, the developer would have to provide 26,250 square feet of usable open space. This area would be 31% larger than the developer's site, making it very difficult to achieve and very costly.

Page 15 It also states that, "...up to half may be off site publicly accessible space." Does this mean that the developer has to buy more site area somewhere else on Rincon Hill in order to fulfill this requirement? If a developer increases height and density of units, it would cost them in open space. This cost is difficult to calculate, but it would probably be in the range of \$1,000 to \$4,000 per unit or \$1.18 to \$4.71 per square foot per unit.

#### **Public Open Space**

Page 15 The proposed public open space requirement listed in table 2 is "1 square foot per 50 gross square feet." If this requirement were followed, a developer of a 350-unit project at 350,000 gross square feet would have to provide 7,000 square feet of "publicly accessible space." When this number is added to the useable open space scenario discussed in the above paragraph (26,250sf + 7,000sf = 33,250sf), a total of 33,250 square feet would have to be provided. The developer in this case would have to buy another site that is 60% larger than their existing site to accommodate this requirement, adding an estimated cost of \$10,000 to \$20,000 per unit or \$11.76 to \$23.53 per square foot per unit.

#### **Affordable Housing Requirement**

Page S-5 "...at least 12 percent of on-site units are made affordable to households with annual incomes at or below the area median..." The new Rincon Hill Plan Draft EIR requires that a specified additional percentage of residential units be made affordable to households with less than average income, based on economic analysis of the economic value of the land in Rincon Hill. The 12% affordable housing component adds a cost to the 88% other units of approximately \$35 to \$45 per square foot per unit.

#### **Neighborhood Assessment District**

Page S-7 "The Draft Plan proposes that the Sailors-Union of the Pacific building at the northeast corner of First and Harrison Streets be rehabilitated for reuse, in part, as a Community Center." Funds would be provided by a neighborhood assessment district under this requirement. How these funds will be allocated is not clear. Will this be drawn from over the total Rincon Hill area or be from only the newly developed properties at Fremont and Harrison?

Almost all housing projects these days have their own exercise rooms, conference rooms for homeowner or personal use, plus community rooms for the use of residents' activities. This proposed Community Center would duplicate what the new housing would provide, and it would again add another cost to the projects. For each new unit on Rincon Hill it would add an estimated additional cost of \$2,000 to \$5,000 or \$2.36 to \$5.90 per square foot per unit.

We endorse the concept of public improvements in the Rincon Hill district, but we believe that adding all these costs to just a few new units is not the appropriate funding mechanism. The City should promote policies that encourage rather than discourage new housing on Rincon Hill. The cost of the improvements should be paid through bonding mechanisms that spread the cost of the improvements over all taxpayers in San Francisco. The Plan anticipates 4,865 new residential units at an average sales price of \$550,000. This represents an additional \$2,675,750,000 tax base generating \$29 million in additional tax revenue.

Certainly, given the magnitude of this enhancement to the City's tax base, planners can develop a funding mechanism for public improvements that does not impose additional burdens on the sponsors or purchasers of housing on Rincon Hill.

All of the above items increase the price of the market rate housing by approximately \$180.00 per square foot per unit or \$162,000 per unit, and this amount does not include school taxes and other City and Building Department fees.

It seems like the Plan does everything it can to create housing that will be extremely expensive to build, buy and maintain. The Plan emphasizes very tall residential towers with small floor



plates, all parking underground, and other very expensive open space and neighborhood assessment add-ons. Much of this new housing will have to sell in the area of \$1,000 per square foot because of these requirements. Even the 85-foot-tall housing is not inexpensive, because it has to meet all the fire code requirements for a high rise and be concrete constructed. This plan does not meet the goal of encouraging "a variety of housing needs, especially workforce housing" (see page 2, Project Sponsor's Objectives).

The planners have worked very hard to develop a good plan for the intersection area around Fremont, Harrison and 1<sup>st</sup> Streets. They have come up with some interesting and good ideas, but have failed to understand the economies of construction and have failed to respect the current property line boundaries. This is not an eminent domain assemblage of parcels.

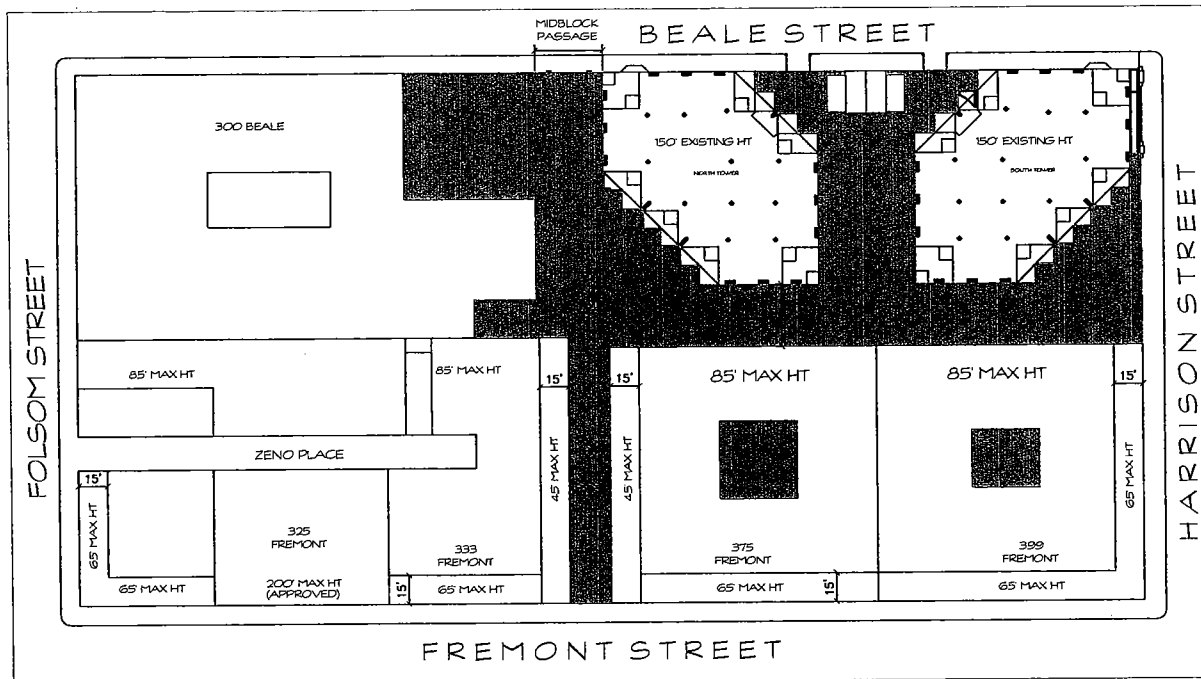
The analysis of the existing buildings, uses, property lines, and traffic needs to be realistic to create an efficient plan that will move the probability of actual housing production forward. The plan should maximize the housing potential in this area and not rely on very expensive abstract urban design ideas. We need to encourage housing – not discourage it.

#### List of Diagrams

- Diagram 1: Interior Block Open Space; showing interior open space park and 82.5-foot tower separation
- Diagram 2: Interior Block Open Space Diagram; showing 100% building coverage of site under the "Preferred Option"
- Diagram 3: 85-foot proposed height limit and 250-foot proposed height limit; showing three dimensional view points for comparing the outcome of open space to the different proposed height limits
- Diagram 4: Possible High Rise Sites; showing the only buildable high rise sites on Rincon Hill
- Diagram 5: 150' Tower Separation; showing how every existing or approved high rise on Rincon Hill violates the existing controls of the 150' tower separation
- Diagram 6: 115' Tower Separation; showing how every existing or approved high rise on Rincon Hill violates the Preferred Option of the 115' tower separation
- Diagram 7: 82.5' Tower Separation; showing that all existing high rise towers on Rincon Hill, except one property, conform to the 82.5' tower separation
- Diagram 8: Height Restriction Line; a copy of the San Francisco Planning Department's height restriction plan showing the height restriction line on the north of the 375 Fremont property
- Diagram 9: Height Restriction Line; a copy of the March 20, 2003 Rincon Hill Mixed Use District EIR Draft, Planning Department Case No. 2000.1081E, on the Proposed Height and Bulk Districts, Figure 4, showing the height restriction line on the north of the 375 Fremont property
- Diagram 10: Height Restriction Line; a copy of Figure 4 Existing Height and Bulk Districts of the September 25, 2004 Rincon Hill Plan Draft EIR, Planning Department Case No 2000.1081E, showing the height restriction line incorrectly placed bisecting 375 Fremont Street in the middle of the east-west direction



INTERIOR BLOCK OPEN SPACE: 85' PROPOSED HEIGHT LIMIT  
DIAGRAM



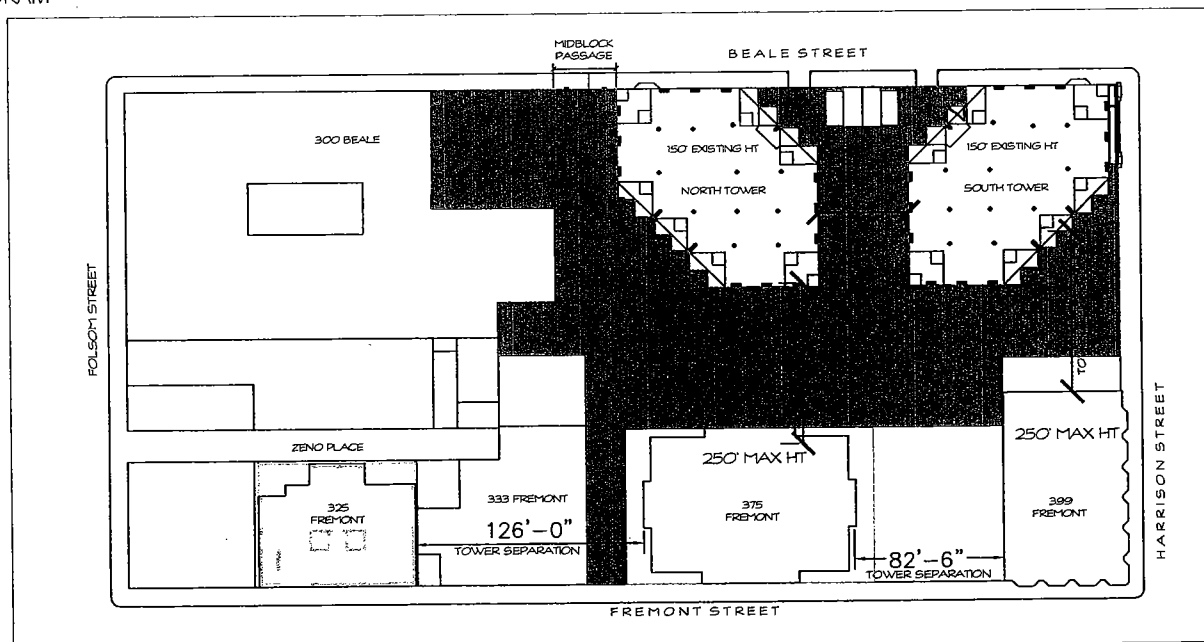
The Proposed Height District Map, Figure 5 on page 11 of the September 25, 2004 Rincon Hill Plan DEIR is inaccurate because it shows a possible tower height of 250-feet for 375 Fremont Street and 440-feet for 399 Fremont.

The drawing above shows the correct proposed maximum heights of only 85-feet based on the height restrictions of the "Preferred Option" noted on pages 84 and 85 in the Visual Quality Section of the DEIR.

Therefore, this drawing should serve as a replacement to Figure 5 for the "Preferred Option".

DIAGRAM 2

INTERIOR BLOCK OPEN SPACE: 250' PROPOSED HEIGHT LIMIT  
DIAGRAM

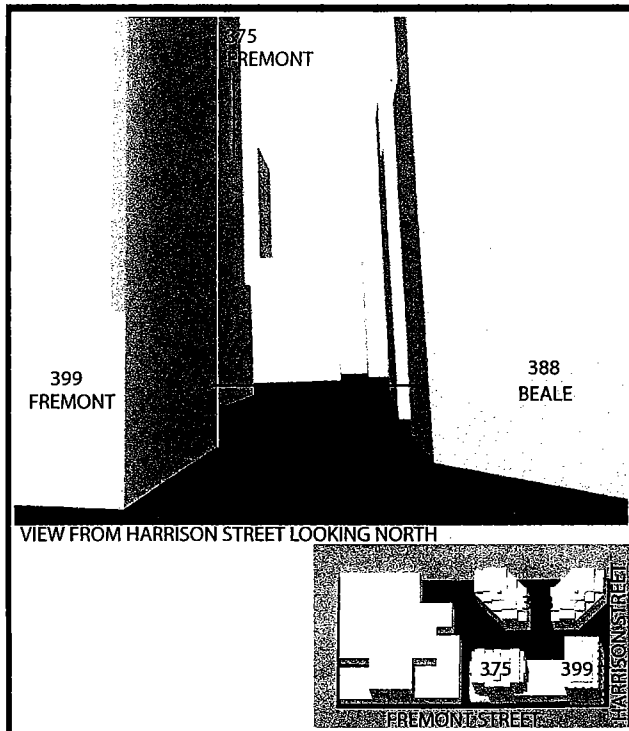
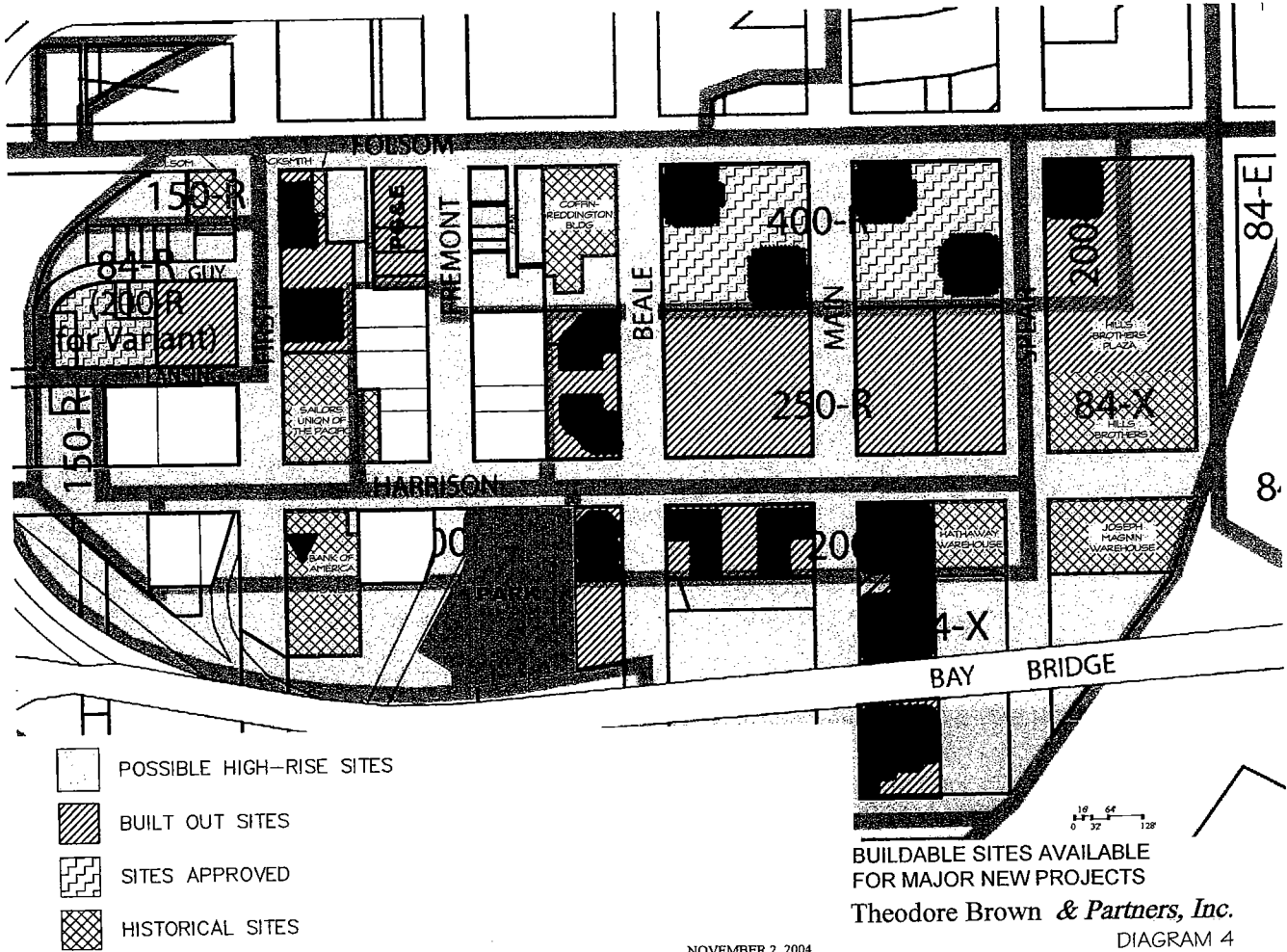


The Summary Section of the September 25, 2004 Rincon Hill Plan Draft Environmental Impact Report on page S-4 under the 82.5-foot Tower Separation Option notes that it is not possible to build the two proposed towers, 375 Fremont and 399 Fremont, and still retain an 82.5-foot tower separation from the existing Avalon Towers nor from each other. In addition, on page 20 of that report in the third paragraph it states "a single tower is identified on the east side of Fremont Street because two towers would not meet the 82.5-foot separation from another." The drawing above demonstrates that the two proposed towers, 375 Fremont and 399 Fremont, can be built with the required separation set forth by the September 25, 2004 Rincon Hill Draft EIR. The drawing shows that the two towers could be built with the required separation of 82.5' between each other and between their neighboring buildings; the existing Avalon Towers and the approved 325 Fremont proposed tower.

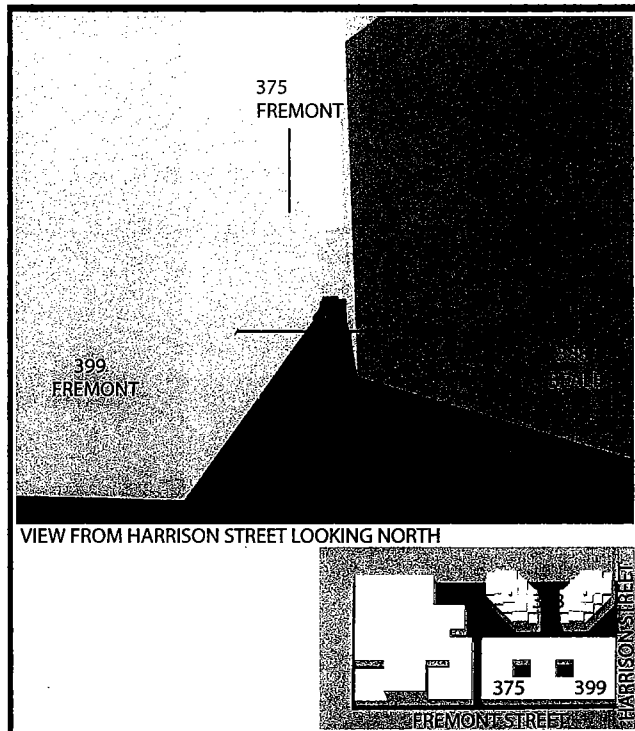
GROUND  
FLOOR  
OPEN  
SPACE

DIAGRAM 1



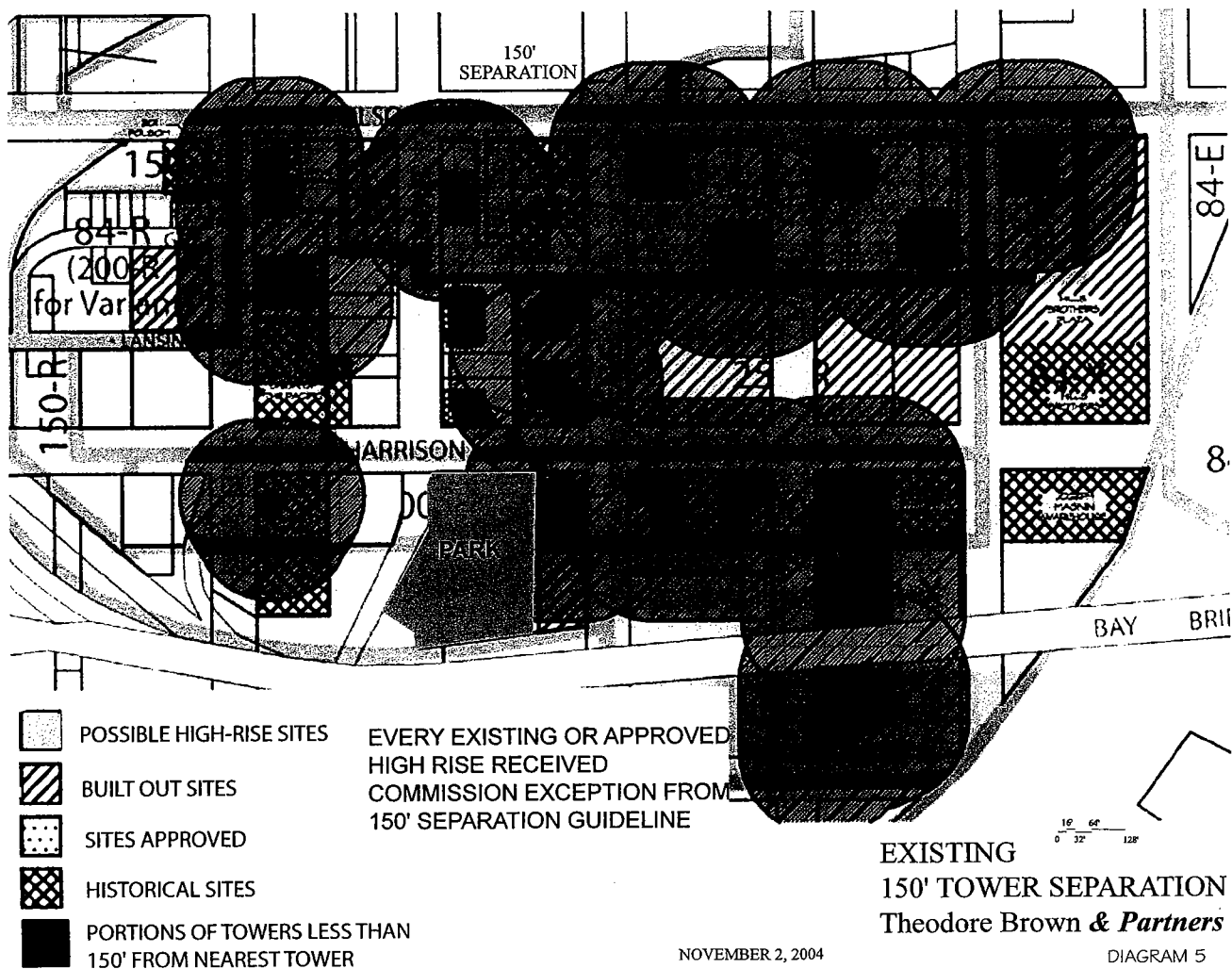
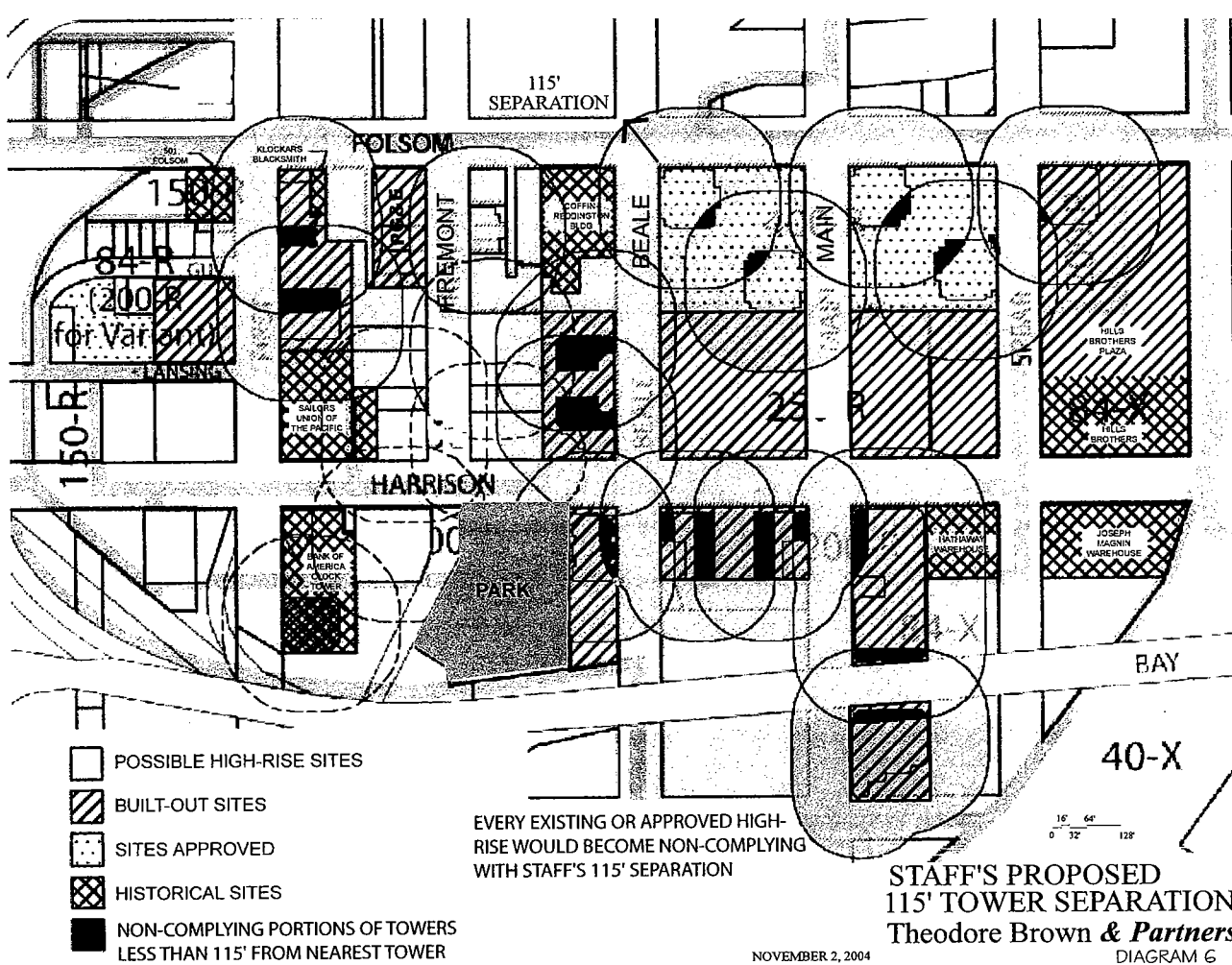


The diagram above shows that two towers built, one at 375 Fremont and one at 399 Fremont, with an 82.5' tower separation would provide a larger amount of ground level usable open space when compared to the proposed "Preferred Option."

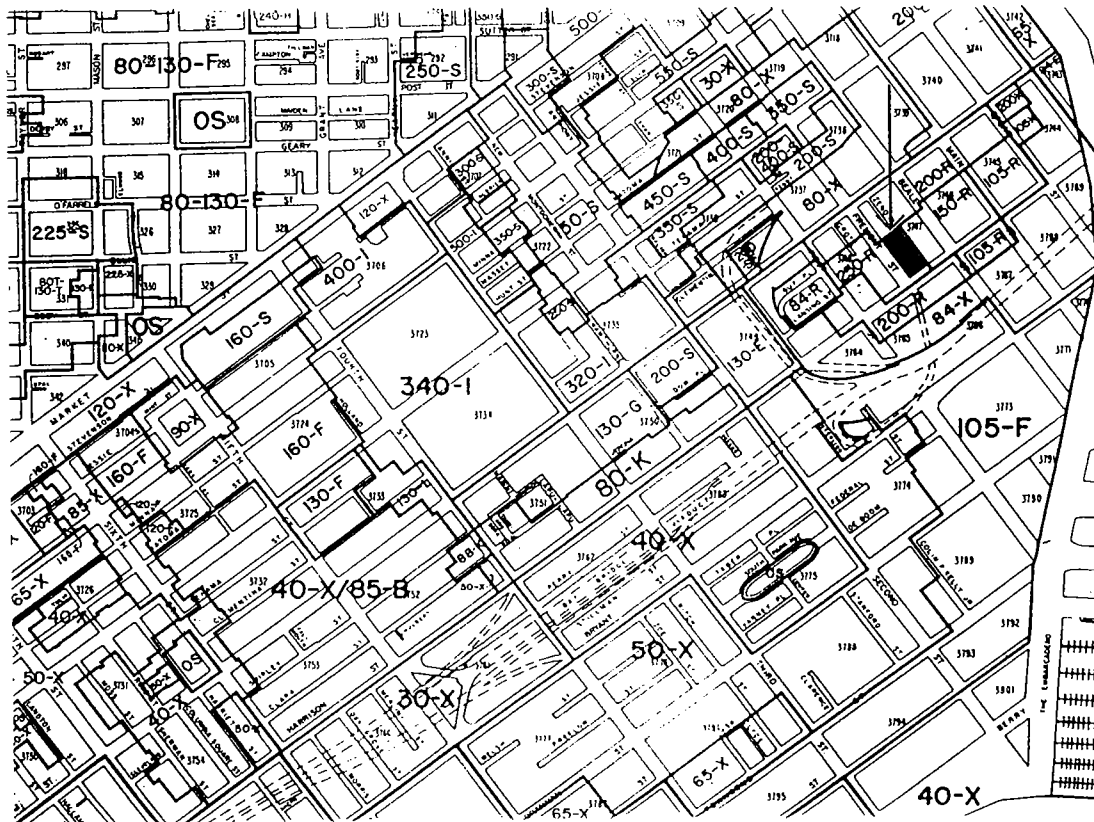


The diagram above shows the proposed maximum heights of only 85' based on the the height restrictions of the "Preferred Option." The amount of ground level usable open space available greatly decreases due to the 100% site coverage.





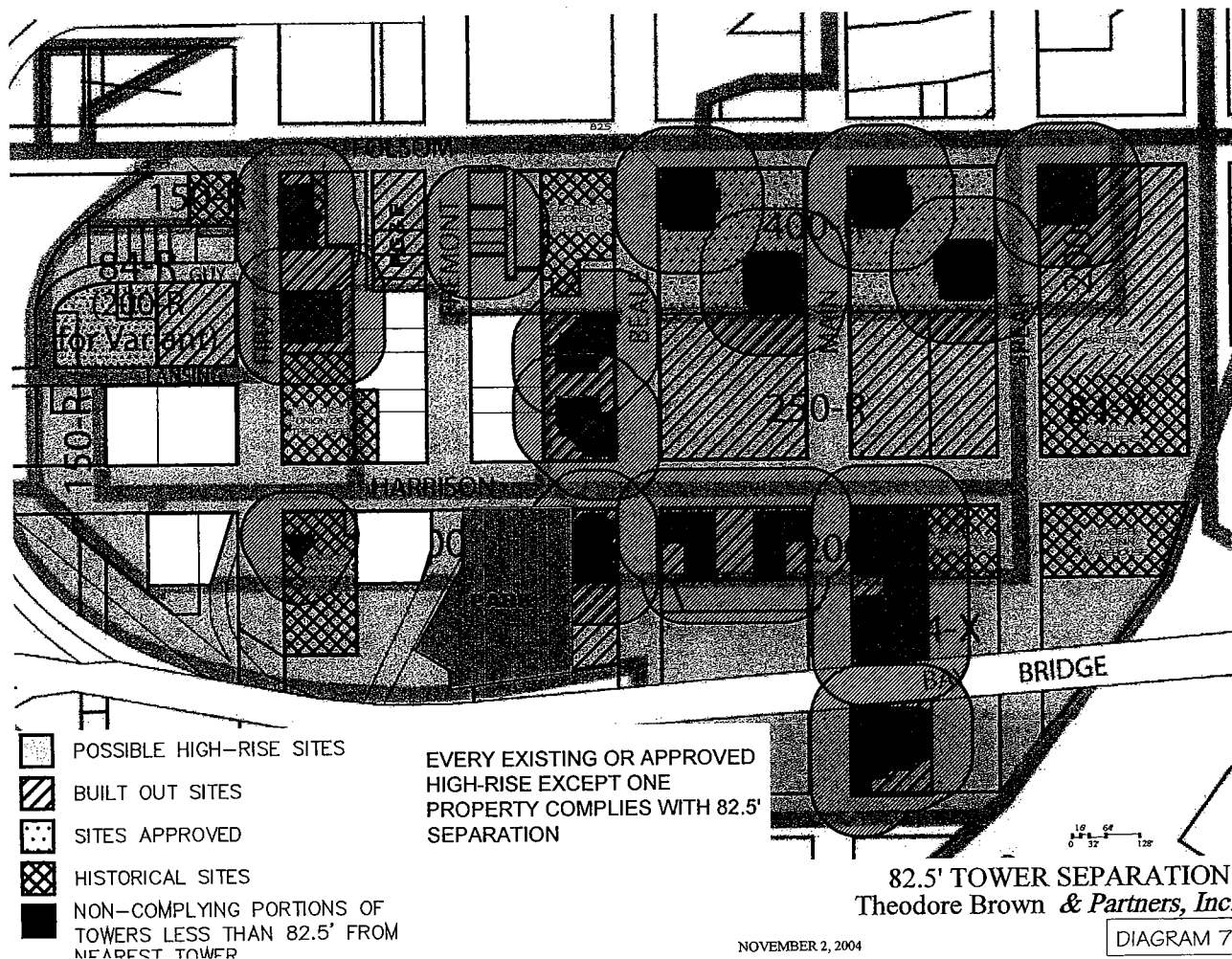




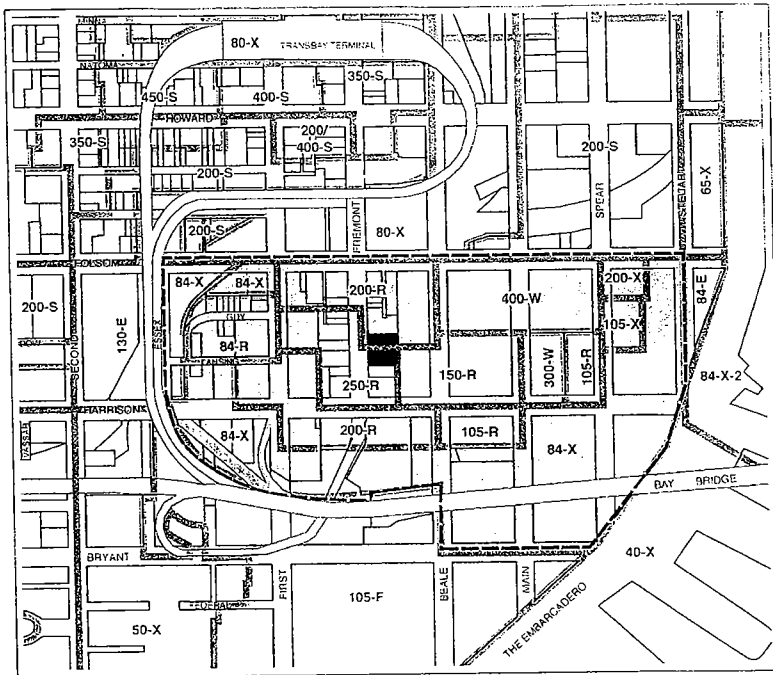
This is a copy of the height restrictions for the Rincon Hill Area showing the properties 375 Fremont and 399 Fremont in red and an arrow showing the correct placement of the height restriction line on the north side of these properties, and not in the middle of these properties like it is shown in Figure 4 on page 10 of the Rincon Hill Plan EIR.

375 AND  
399  
FREMONT

DIAGRAM 8







- Height and Bulk District Boundary
- Proposed Rincon Hill Downtown Residential Mixed Use District
- Numbers are height limits in feet
- Letter symbols refer to bulk limits in City Planning Code sec. 270
- Existing Rincon Hill Special Use District



This is a copy of the September 25, 2004 Rincon Hill Plan Draft Environmental Impact Report, Case No. 2000.1081E, Figure 4 Existing Height and Bulk Districts. This plan shows the property at 375 Fremont Street, shown in red, bisected in the middle of the east-west direction by the height restriction line. This illustration represents an incorrect placement of the height restriction line. Its correct placement should be placed to the north side of the 375 Fremont property.

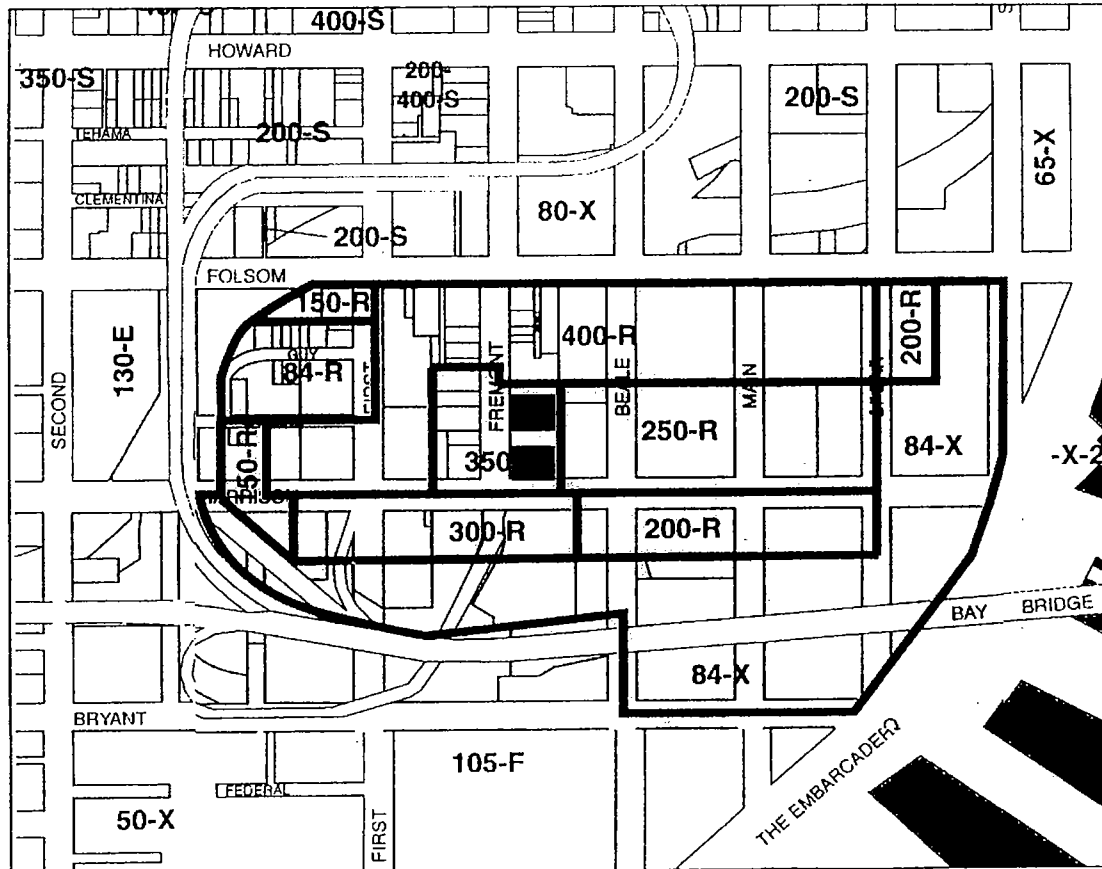
SOURCE: San Francisco Planning Department

Case No. 2000.1081E; Rincon Hill Plan EIR (200316)

**Figure 4**  
Existing Height and Bulk Districts

375 Fremont

DIAGRAM 10



This is a copy of the March 20, 2002 Rincon Hill Mixed Use District EIR Draft, Planning Department Case No. 2000.1081 on the Proposed Height and Bulk Districts Figure 5, showing the height restriction line to the north of the 375 Fremont property as well as a 350-foot height restriction for the properties 375 Fremont and 399 Fremont.

375 AND  
399  
FREMONT

DIAGRAM 9



# GCA

Strategies

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SEVENTEENTH FLOOR  
SAN FRANCISCO, CA 94111

community and government relations

3 November 2004

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Honorable Shelley Bradford-Bell  
President  
San Francisco Planning Commission  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, California 94103

Re: Rincon Hill Draft Environmental Impact Report  
Case No. 2000.1081E

Dear President Bradford-Bell:

This office, along with Robert J. McCarthy, Esq., represents Brownbrew LLC, sponsor of a proposed residential project at 375 Fremont Street in Rincon Hill.

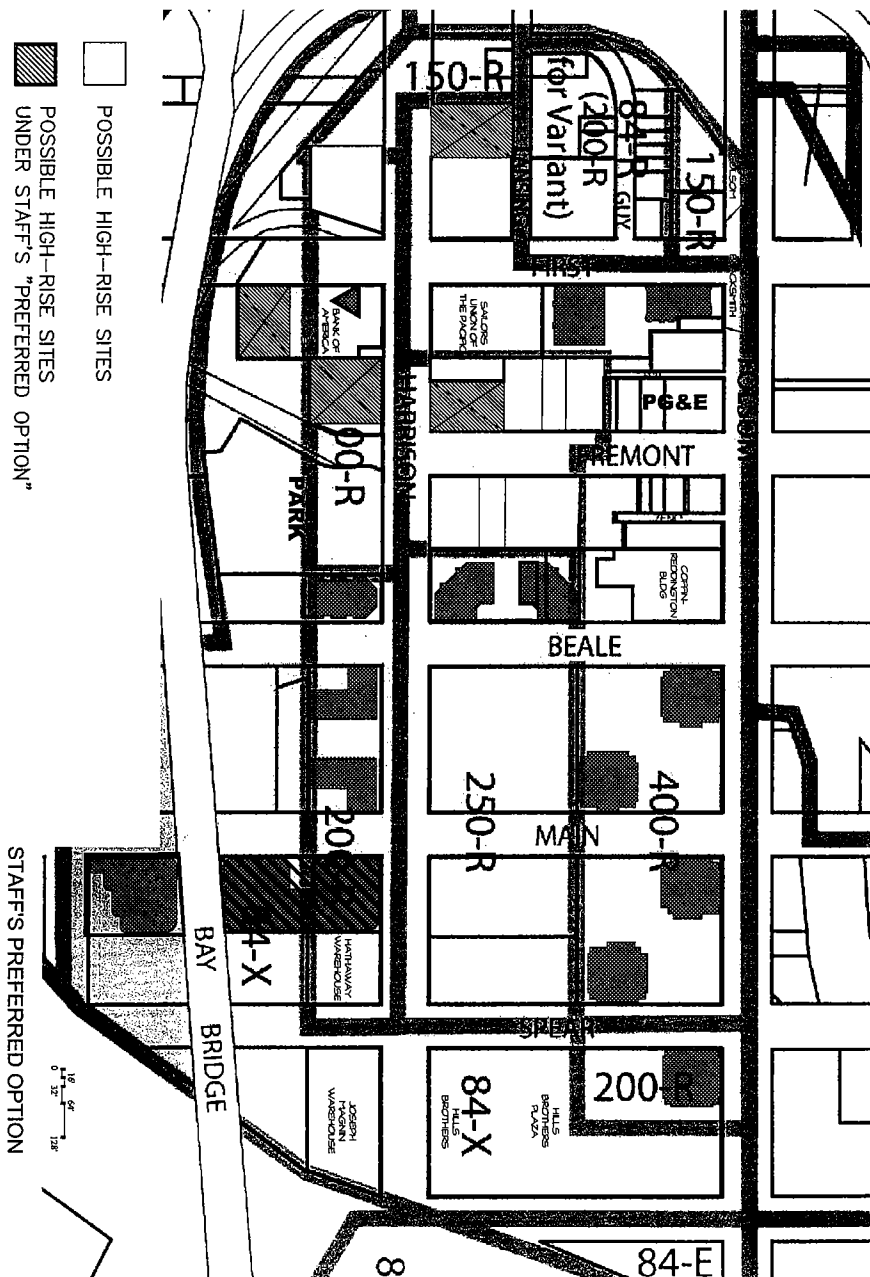
The 375 Fremont project was submitted to the Planning Department in April 2002, prior to the drafting of the Rincon Hill Plan. Publication of the draft EIR for 375 Fremont has been "on hold" since February 2004 pursuant to staff's determination to impose a quasi-moratorium if and until a new Rincon Hill Plan is adopted. As the Planning Commission decided not to impose such a moratorium, and 375 Fremont has been in the review process for more than two years, we respectfully suggest that this project should be grandfathered from the pending Rincon Hill Plan. If the Rincon Hill Plan is ever adopted and if any housing is produced as a result of the plan, then that housing will be in addition to the real housing that is ready to be constructed at 375 Fremont Street.

While we respectfully urge that 375 Fremont Street be excluded from the Rincon Hill Plan, we also offer the following comment on the Draft EIR for the Plan. For the reasons set out fully below, we encourage you to direct staff to make the following changes in the EIR:

1

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NOVEMBER 2, 2004

Theodore Brown & Partners, Inc.



1. **Planning Commission Discretion:** The DEIR must evaluate the Commission's continued exercise of its standard discretionary authority.
2. **Development Assumptions:** List each specific development site, the development assumptions and project housing development for each site under each option.
3. **Standard Comparative Configurations:** Do not assume different tower configurations under different options unless equivalency is clearly not feasible.
4. **"No Project Alternative":** Revise the "No Project Alternative" to evaluate reasonably foreseeable development that respects the Commission's discretionary authority and history (i.e. towers sited 82.5-feet apart).
5. **Evaluate the Risks of Supertowers**
  - a. Provide an economic analysis of the proposed controls on the feasibility of projects, market risks, and housing affordability.
  - b. Evaluate the seismic, public safety and cultural resource impacts associated with construction of a 550-foot-tall skyscraper adjacent to the Bay Bridge;
6. **82.5-Option**
  - a. Correct the view studies to accurately show the 82.5-Option (i.e., eliminate the extra towers and addition tower height).
  - b. Correct the analysis of the 82.5-Option to reflect the fact that towers may be built at both 375 Fremont and 399 Fremont;
  - c. Remove references to 375 Fremont Street as a historic resource; and
7. **82.5-Foot Preferred Option:** Treat the 82.5-Option as the Preferred Option in order to fully evaluate the maximum housing production alternative.

8. **"Existing Controls" Option:** Rename the "Existing Controls Option" (amending existing zoning to eliminate Planning Commission discretion) the "No Discretion Rezoning Option."

#### A. THE DEIR FAILS TO PROVIDE AN ACCURATE PROJECTION OF HOUSING PRODUCTION UNDER THE VARIOUS OPTIONS.

The DEIR inflates the housing production potential of the 115-Option and underreports the housing production of the 82.5-Option. Using corrected figures, Former Planning Director Lu Blazej has calculated the 115-Option would eliminate 30% of all potential housing on Rincon Hill, not 22% as suggested in the DEIR.<sup>1</sup>

1. **Development Assumptions Are Not Clarified:** The DEIR offers conclusions about potential housing development without specifying which development sites are being evaluated and the development assumptions for each site. For example, the DEIR might assume the demolition of every building on every non-supertower site and the replacement of each building with a new 85-foot residential project, but it is difficult to assess this in the absence of clear data.
2. **Different Towers Are Compared to Each Other:** The DEIR inflates housing production under the 115-Option and underreports the number of housing units that can be created under the 82.5-Option by using different tower configurations for its calculations. For example, the DEIR assumes that 45 Lansing could accommodate 320 units under the "Preferred Option," but only 275 units under the 82.5-Option. The same tower configurations should be used for all options unless equivalency is clearly not feasible.
3. **The DEIR Incorrectly Excludes Potential Residential Development at Both 375 and 399 Fremont Under the 82.5-Option.**

The DEIR assumes that the Planning Commission will retain no discretionary authority under any version of the Rincon Hill Plan, and on that basis incorrectly asserts that tower development at both the 375 Fremont and 399 Fremont sites is not possible under the 82.5-Option, i.e. that only one tower can be built on these sites while maintaining the

<sup>1</sup> Mr. Blazej has calculated that while the 82.5-Option could create 3170 new units, the 115-Option could create just 2220 new units (105 fewer units than could be built under existing zoning). A copy of Mr. Blazej's "EIR Alternative Comparison" is attached hereto as Appendix A.



82.5-foot separation.<sup>2</sup> This is not correct. As shown in the attached diagram, residential towers are possible on both sites while maintaining 82.5-foot separation if the Commission determines that the appropriate measurement point is the midpoint of the building or the Commission decides to grant an exception.<sup>3</sup> The EIR must evaluate the Commission's continued exercise of its discretionary powers, including evaluating the potential for both residential projects at 375 and 399 Folsom Street.

#### **B. THE DESCRIPTION OF THE "NO PROJECT ALTERNATIVE" IS INCORRECT.**

Under CEQA, an EIR is required to analyze a "No Project Alternative."<sup>4</sup> In describing the No Project Alternative, an EIR must evaluate "what would reasonably be expected to occur in the foreseeable future if the project were not approved."<sup>5</sup>

In order to determine that the "No Project Alternative" could produce an unrealistically low number of housing units compared to staff's "Preferred Option", the DEIR unreasonably assumes that the Planning Commission will never exercise its discretionary authority to grant future exceptions to the 150-foot tower separation requirement.<sup>6</sup> However, the existing pattern of development shows that the Commission has routinely approved towers providing 82.5-feet of separation or less.<sup>7</sup> Thus, an 82.5-foot tower separation is reasonably foreseeable; strict enforcement of 150-foot tower spacing is not.

According to Mr. Blazej, the correct No Project Alternative (existing controls with foreseeable exceptions) would produce 2255 units. By comparison, the staff's 115-foot tower separation plan would produce 2220 units – the loss of 105 units, or the loss of even more units if construction of the four supertowers is not feasible.

<sup>2</sup> DEIR S-4.

<sup>3</sup> Please refer to Appendix B for diagram showing that tower development is possible at both 375 Fremont and 399 Fremont while maintaining 82'-6" of separation between towers.

<sup>4</sup> CEQA Guidelines 15126.6(e)(1).

<sup>5</sup> CEQA Guidelines 15126.6(e)(2).

<sup>6</sup> DEIR S-30; 234.

<sup>7</sup> Please refer to Appendix C for diagrams showing that (a) no existing or approved developments provide 150-foot or 115-foot tower separation; and (b) all existing and approved developments provide for 82.5-foot separation or less.

#### **C. THE DEIR FAILS TO ADEQUATELY EVALUATE RISKS ASSOCIATED WITH CONSTRUCTION OF SUPERTOWERS BY THE BAY BRIDGE.**

The proposed Rincon Hill Plan suggests that the City place all its housing eggs in four baskets, including putting more than half of all future Rincon housing development into two 450-foot and 550-foot towers. The DEIR fails to evaluate the physical risks associated with these supertowers and fails to assess the likelihood that these towers will ever be built.

##### **1. The DEIR Fails to Evaluate the Seismic or Public Safety Hazards or Building Supertowers Adjacent to the Bay Bridge.**

The DEIR completely fails to evaluate potential seismic risks associated with construction of two skyscrapers, one 550-feet high and one 450-feet high, immediately adjacent to the Bay Bridge. Boilerplate language in the initial study dismisses this issue with the assurance that "potential damage to structures...would be ameliorated through the DBI requirement for a geotechnical report and review of the building permit application."<sup>8</sup> The permit review process and compliance with Fire and Building Code provisions was similarly deemed sufficient to eliminate potentially significant impacts on emergency response.<sup>9</sup>

Given the unique structural requirements of the supertowers, the reassurance of future mitigation through compliance with the building code provides inadequate data upon which to approve the plan. The risk of catastrophic collapse due to a terrorist attack or earthquake and the potential impacts of such an event on the region's emergency response and transportation system should also be evaluated. As well, both CalTrans and the Department of Homeland Security should be given an opportunity to comment on risks these towers pose to the Bridge itself.

The costs associated with extraordinary structural work could have a significant impact on the feasibility of the supertowers and the potential for the projects remaining unbuilt. The cost of needed structural studies and structural reinforcement should be included in an economic impact analysis to assess the feasibility of these supertowers and the potential for these projects to remaining unbuilt, which would have a material

<sup>8</sup> DEIR Appendix A p. 26, *Initial Study*.

<sup>9</sup> *Id.* at 31.



impact on any decision to exclude other, more feasible housing in Rincon Hill.

**2. The DEIR Does Not Evaluate Potential Impacts to the Bay Bridge as an Architectural and Historic Resource.**

The San Francisco-Oakland Bay Bridge is one of the City's most prominent visual features and is unquestionably an architectural historic resource of immense local, regional and national importance. The existing Rincon Hill Plan specifically addressed the importance of maintaining views of the Bridge by calling for buildings to "clearly maintain and where possible reinforce, the physical integrity of the Bridge's main span as seen from a distance."<sup>10</sup> Current zoning recognizes the Bridge's outstanding character by reducing height limits on adjacent properties to provide a visual corridor.<sup>11</sup> In contrast, the proposed plan would increase height limits adjacent to the Bridge to allow development up to 550-feet in height.<sup>12</sup> Such a dramatic change clearly calls for an extensive analysis of impacts on the Bridge, yet the DEIR fails to provide one.

**D. THE DEIR INFLATES THE IMPACTS OF THE 82.5-OPTION.**

**1. The DEIR Inflates Height Impacts of the 82.5-Option by 20% for 375 Fremont.**

Although none of the options presently under consideration would allow the construction of a building taller than 250 feet at 375 Fremont, the DEIR evaluates the impacts of a 300-foot tall building at 375 Fremont.<sup>13</sup> The DEIR therefore overstates shadow, view, and other visual quality impacts associated with a 375 Fremont Street tower by 50 feet – 20% more height than would be permitted – and accordingly inflates the benefits of the Preferred Option.

<sup>10</sup> San Francisco General Plan, Rincon Area Plan II.3.10.

<sup>11</sup> Id. at II.3.11. Maximum heights adjacent to the Bridge are 84-feet.

<sup>12</sup> DEIR 11.

<sup>13</sup> DEIR 23. Please refer to Appendix D for map of preferred heights under both the Preferred Option and the 82.5-Option.

**2. The Photosimulations Inserts Additional Towers into the View Studies for the 82.5-Option.**

Although the 82.5-Option would allow the construction of only 8 towers, the visual analysis presented in the DEIR for this option shows 10 towers, and then relies on that inflated visual analysis to justify a conclusion that the 82.5-Option would have adverse visual impacts.<sup>14</sup>

The visual analysis in the DEIR merges the impacts of both the 82.5-Option and the "Extended Pipeline Option," which was previously rejected.<sup>15</sup> In visual simulations, "Extended Pipeline Only" buildings and their shadows blend with adjacent 82.5-Option buildings and impair the public's ability to assess view impacts. The photosimulations should be redrawn to accurately reflect development that would be allowed under the 82.5-Option and to account for the shorter allowable height of the 375 and 399 Fremont buildings under the proposed rezoning.

**3. There is Insufficient Evidence to Support Staff's Opinion Related to Sunlight to Streets and Tower Spacing.**

While the Department believes tower spacing and sunlight to streets are inadequate under the 82.5-Option, the DEIR establishes that visual quality impacts and shadow impacts are insignificant.<sup>16</sup> The pattern of existing and approved development on Rincon Hill further supports the conclusion that the Planning Commission has considered an 82.5-foot tower separation requirement adequate to achieve urban design objectives and sunlight access to streets.<sup>17</sup>

<sup>14</sup> DEIR 18-20. Due to the erroneous assumption noted under no. 3 of this section, the DEIR asserts that only seven towers could be built under the 82.5-Option.

<sup>15</sup> See visual simulations on DEIR 2-116 (view) and 163-171 (shadow).

<sup>16</sup> DEIR S-30-31.

<sup>17</sup> Please refer to Appendix C for diagram showing that existing pattern of development generally provides for an 82.5-foot tower separation.



4. **The Existing Building at 375 Folsom Street is Incorrectly Described as an Historic Resource.**

- a. **"Preponderance of the Evidence" Standard:** A building may not be considered an historic resource where the preponderance of the evidence in the record demonstrates otherwise, even if an agency itself believes the building is a valued resource.<sup>18</sup> Despite 7 prior determinations that the existing 375 Folsom Street building is not a significant historic resource, the DEIR ignores this preponderance of evidence and asserts that the existing building is an historic resource.
- b. **Overwhelming Evidence that Building is Not an Historic Resource:** The overwhelming preponderance of the evidence demonstrates that the DEIR definition of the existing building at 375 Fremont Street as an historic resource.
- 1) **1976 City Survey:** In 1976, the Planning Department determined that 375 Folsom Street merited an overall rating of "1," with the building ranking at 0 or 1 for all criteria:<sup>19</sup>
- Unique visual features: 0 (0 to 5)
  - Example of a rare or unusual style or design: 0 (0 to 5);
  - Façade proportions: 1 (Scale of -2 of 5);
  - Richness/Excellence of Detailing/Decoration: 1 (-2 to 5);
  - Overall Architectural Quality: 1 (-2 to 5).<sup>20</sup>
- 2) **1985 Heritage Survey:** The conclusion that the building is not individually significant is further supported by San Francisco Heritage's *Extended Downtown Survey of 1985*, which gave the building a "C" rating.<sup>21</sup>
- 3) **1985 Rincon Hill Plan:** 375 Fremont Street was not identified in the 1985 Rincon Hill Plan as one of the eight significant buildings that should be preserved.

<sup>18</sup> CEQA § 21084.1; CEQA Guidelines § 15064.5.

<sup>19</sup> Please refer to Appendix E for 1976 *Architectural Survey Evaluation Form*.

<sup>20</sup> The overall architectural quality rating of 1 indicates that the building is not individually significant though it may have some contextual importance.

<sup>21</sup> This rating again indicates that the building is not individually significant though it may have some contextual importance. 375 Fremont PDEIR 152 – 153. Please refer to Appendix G for excerpts. See also DEIR p. 191 which notes that on an A- to D- scale, buildings rated A and B are deemed "most important and deserving of preservation."

- 4) **1991 Rincon Point Redevelopment Plan:** 375 Fremont Street was not identified as an architecturally or historically significant building.
- 5) **1995 Terminal Separator EIR:** The State Office of Historic Preservation certified the determination of the *Historic Architectural Survey Report for Alternatives to the Replacement of the Embarcadero Freeway and Terminal Separator* that 375 Fremont Street is not a significant building.<sup>22</sup>
- 6) **1996 CalTrain EIR:** The State Office of Historic Preservation certified the determination *CalTrain San Francisco Downtown Extension Project, Historic Property Survey Report* that 375 Fremont Street is not a significant building.<sup>23</sup>
- 7) **2004 Historic Resources Inventory.** A draft HRE (Historic Resources Evaluation) for the 375 Fremont proposal is on file with the Planning Department. It was prepared by an independent expert, who concluded that the "building is not particularly rare or unique and does not qualify for listing on the California Register...the building's qualities are insufficient to qualify it as an historic resource."<sup>24</sup> The HRE compared the building to other industrial buildings of its period and found that its "dominant character-defining features are typical" and that its design is neither "innovative [n]or unusual when compared with other highly-rated surviving buildings."<sup>25</sup>
- c. **Inadequate DEIR Evidence:** The preponderance of the evidence does not support the DEIR's conclusion that 375 Folsom is an historic resource, the demolition of which would constitute a "significant and unavoidable impact."<sup>26</sup> It asserts: "there are characteristics about this warehouse that separate it from other warehouses of its age, and [it] therefore could be considered a resource due to artistic merit. Specifically, the façade organization

<sup>22</sup> Patrick McGrew Architecture, 20 January 1995. Please see certification letter from State Office of Historic Preservation, 14 August 1995, attached hereto as Appendix F.

<sup>23</sup> 375 Fremont PDEIR 154. Please refer to Appendix G for excerpt.

<sup>24</sup> An Historic Resources Inventory was prepared for the 375 Fremont PDEIR by Patrick McGrew, former President of the Landmarks Preservation Advisory Board, licensed architect, published architectural historian and author of *The Landmarks of San Francisco*.

<sup>25</sup> Administrative Draft HRE, October 2003.

<sup>26</sup> DEIR p. 205.



and ornament is more vertical in orientation, more intricate and fine-grained, and more unique than most other warehouses.<sup>27</sup>

- 1) "Artistic Merit": The record rebuts the Planning Department's current description of the building as exceptional for being "vertical" in orientation and "fine-grained." The Planning Department's own *Architectural Survey* gave the building the lowest possible scores for "unique visual features" and "unusual style or design," the very features that staff now asserts are the basis for considering the building a historic resource. Six other qualified historic studies and the State Office of Historic Preservation have concluded that there is nothing unusual or unique about the building's design or visual features.
- 2) "More Unique": The assertion that the building is artistic because it is different or "more unique" than other buildings is completely meaningless in that the DEIR fails to identify those comparative buildings or their intrinsic character.

Under CEQA, the Department's determination is valid unless the evidence indicates that it is more likely than not that the building is not a resource. Here, the overwhelming evidence here convincingly establishes that 375 Fremont is not a historic resource and its demolition should therefore not be considered a significant adverse effect on the environment.

#### E. THE PREFERRED OPTION IS NOT ENVIRONMENTALLY BETTER THAN THE 82.5-OPTION.

The principal significant difference between the various plans is the amount of housing they will produce, not their effect on the physical environment. While the Options differ in the extent to which they would encourage or discourage new housing, preserve views, and provide light and air, the 115-foot tower separation alternative does not eliminate any significant impacts, although it does substantially reduce potential housing production. Despite the technical errors in the DEIR, it is nonetheless clear that the Preferred Option is not environmentally better than the 82.5-Option and produces fewer overriding benefits.

<sup>27</sup> DEIR p. 197 quoting a 19 December 2003 memorandum from Mat Snyder, Preservation Technical Specialist, to Ben Helber of Major Environmental Analysis. Although it is stated that the 375 Folsom building is "more" vertical, fine-grained and "unique" than "most other warehouses," no evidence is provided in support of these assertions.

#### 1. The Preferred Option Would Not Eliminate Any Significant Impacts.

As shown in the chart below, there are only marginal, insignificant differences between the environmental impacts of each option.<sup>28</sup> Despite minor variations, no option reduces impacts present under another option to a level of insignificance.

Category	115-Option	82.5-Option	150-Option	No Project
New Housing	2220	2845	1875	2255
Land Use, Plans, & Policies	LS	LS	LS	LS
Visual Quality/Views	LS	LS	LS	LS
Transportation	SU	SU	SU	SU
Population	LS	LS	LS	LS
Operational Air Quality	LS	LS	LS	LS
Shadow	LS	LS	LS	LS
Wind	SM	SM	SM	SM
Hazardous Materials	SM	SM	SM	SM
Historic Resources	SU	SU	SU	SU
Growth Inducement	LS	LS	LS	LS

To summarize, the principal significant difference between the various plans is the amount of housing they will produce, not their effect on the physical environment. Every alternative will create significant unmitigable impacts on transportation and historic resources. No alternative will create significant unmitigable impacts in areas critical to achieving the plans objectives: land use plans, visual quality, views, and shadows.

Thus, the Department's Preferred-Option eliminates 30% of potential housing units compared to the 82.5-Option, but fails to reduce the environmental impacts caused by more housing-rich alternatives to a level of insignificance. In the midst of an unprecedented housing shortage and affordability crisis, insignificant differences in urban design impacts simply do not justify such a dramatic reduction of housing potential. Because the 82.5-Option will achieve the objectives of the Rincon Hill Plan while making reasonable provision for housing production, the Commission should designate it the Preferred Alternative.

<sup>28</sup> This chart is a simplified version of the one appearing on S-30 to S-33 of the DEIR and uses those abbreviations (SU-Significant and Unmitigable Impact; SM-Significant Impact that may be mitigated to a less than significant level; LS-Less than Significant Impact). The new housing figures have been adjusted to reflect Mr. Blazej's corrections.



## F. THE DEIR SHOULD INCLUDE AN ECONOMIC IMPACT ANALYSIS

The Rincon Hill Plan laudably aims to alleviate San Francisco's housing shortage by creating a dynamic mixed-use neighborhood with a full range of services and amenities. However, the DEIR does not include an analysis of how the new controls will affect the feasibility of housing construction and the cost of any housing that is actually built. Since housing production is one of the principal goals of the plan, the DEIR should consider how key aspects of the plan will contribute or detract from achieving these goals.

### 1. The DEIR Fails to Consider the Impact of Height and Bulk Regulations on Housing Construction and Affordability.

Most of Rincon Hill is presently zoned for buildings 250-feet high or less. In order to achieve urban design objectives, the plan calls for increasing allowable heights up to 550-feet and reducing the allowable bulk of buildings under 250-feet. This proposal is certain to increase housing costs and may hamper development in two ways. First, building over 240-feet triggers a lengthy structural review process at the Department of Building Inspection and a number of expensive changes to the building itself.<sup>29</sup> For a 1000 square-foot unit, costs associated with these changes would be between \$10,000 - \$15,000 dollars.<sup>30</sup> Second, reducing the allowable bulk of buildings under 250-feet means that relatively constant structural costs will be paid by smaller buildings; the result could be higher housing costs of as much as \$29,000 per unit.<sup>31</sup> Because additional housing production and affordability are the primary goals of the Rincon Hill Plan, a full study of the impact of the zoning changes on housing costs is clearly warranted.

### 2. The DEIR Should Evaluate the Feasibility of Housing Construction on All Designated Tower Sites.

Under both the Preferred and 82.5-Option, most new housing development would be on tower sites. However, there is little or no evaluation of the likelihood that any of these developments would go forward given financing requirements, site constraints, availability of parcels to developers, or unforeseen regulatory hurdles. For example, the Plan envisions one-third of the housing under the Preferred Option in

<sup>29</sup> Please refer to Appendix H for memorandum describing structural upgrades required for buildings over 240-feet in height and costs associated therewith.

<sup>30</sup> Id.

<sup>31</sup> Based on estimate of reduced floor plate requirements at 375 Fremont Street.

two massive towers adjacent to the Bay Bridge.<sup>32</sup> Yet there is no guarantee that the site is geologically suitable for a development of this magnitude that a bank would finance it, or whether it would conflict with public safety and the reliability of the region's transportation in the event of a disaster. Given the plan's reliance on tower development to achieve its goals, the DEIR should evaluate the feasibility of tower development on key sites.

### 3. The DEIR Should Consider How Revised Parking, Open Space, and Exaction Requirements Will Affect Housing Production and Costs.

In addition to the above, a socioeconomic impact analysis should also evaluate the costs and benefits associated with the following aspects of the plan.

- a. Parking. The Plan calls for (1) no more than 1 parking space to be provided per unit, (2) no more than 50% of all spaces provided to be independently accessible, (3) all parking to be located below grade, and (4) a set-aside for car-sharing or site-based car rental programs.

Depending on soil conditions, retaining walls and other site specifics, this proposal could result in per unit costs as high as \$78,000. Notwithstanding the fact that residences and parking spaces would be sold separately under the plan, most new residents would see the bundled costs of purchasing the desired amenities, i.e. home and parking, increase dramatically. Other proposals, such as screening parking behind residential portions of the building, should be explored as a cost-effective means of reducing the negative aesthetic affects of parking structures.

In addition to driving costs, these parking requirements may make it more difficult to build. Residential lenders typically require one parking space per unit. The proposed mandate to provide no more than 50% independently accessible spaces may make financing development on Rincon Hill more costly and time-consuming.

- b. Open Space. The proposed open space more than doubles the amount of open space required in comparable high-density residential districts.<sup>33</sup> On a 20,000 square-foot site with 350-units, this would require 26,250 square feet of usable open space, an area 31% larger

<sup>32</sup> DEIR 18.

<sup>33</sup> The proposed residential open space requirement is 75 s.f. per dwelling unit. The comparable figure in the RC-4 District is 36 s.f. of private open space per unit with a 33% higher amount for common open space.



than the site itself. If public parks and other new amenities are acquired and built using the financing methods outlined in the Plan, new residential developments would additionally pay a \$10 per square foot fee to acquire new open spaces. Thus, the Plan proposes that (1) new developments provide more open space than comparable high-density properties, and (2) new Rincon Hill developments finance public open space and other amenities for both themselves and previously approved projects. Depending on the size of the units, the combined open space requirement and fees could add between \$10,000 and \$20,000 to the price of each residence.

- c. Public Facilities Assessment District. The Plan seeks to impose new fees on residential development to fund extensive street improvements, a new park, community center and library to serve the entire Rincon Hill neighborhood. The Plan estimates total costs of roughly \$10,000 per new unit.<sup>34</sup>

However, the Plan fails to establish the necessity and justification for the cost of all such improvements. Many buildings provide similar amenities such as community rooms, conference rooms for homeowner meetings, and exercise rooms. As well, the Plan inequitably imposes the costs of neighborhood-, city-, and region-serving improvements solely on new developments, which will pay their fair share for improvements by generating more than \$29 million in property tax revenue. A new, more equitable funding mechanism should be explored and the necessity for improvements justified.

#### G. THE "EXISTING CONTROLS OPTION" SHOULD BE RENAMED "NO DISCRETION REZONING OPTION"

The entitled "Existing Controls Option" is misleading and should be renamed.<sup>35</sup> Rather than leaving existing controls in place, this option would amend the Planning Code to deprive the Planning Commission of its discretion to grant exceptions from a strict 150-foot tower separation rule when justified by public policy. This option should therefore be renamed "No Discretion Rezoning Option" to more clearly inform the public of the nature of this alternative. Renaming this alternative will also eliminate any confusion with the "No Project Alternative."

<sup>34</sup> Rincon Hill Plan 72.

<sup>35</sup> DEIR 20.

#### H. CONCLUSION.

As discussed above, the Rincon Hill EIR inadequately describes both the "No Project Alternative" and the 82.5-Option, and does not allow an accurate assessment of potential housing production or impacts related to urban design, view preservation and historic resources. Based on the foregoing, we respectfully request that you direct staff to:

1. **Planning Commission Discretion:** The DEIR must evaluate the Commission's continued exercise of its standards discretionary authority.
2. **Development Assumptions:** List each specific development site, the development assumptions and project housing development for each site under each option.
3. **Standard Comparative Configurations:** Do not assume different tower configurations under different options unless equivalency is clearly not feasible.
4. **"No Project Alternative":** Revise the "No Project Alternative" to evaluate reasonably foreseeable development that respects the Commission's discretionary authority and history (i.e. towers sited 82.5-feet apart).
5. **Evaluate the Risks of Supertowers**
  - a. Provide an economic analysis of the proposed controls on the feasibility of projects, market risks, and housing affordability.
  - b. Evaluate the seismic, public safety and cultural resource impacts associated with construction of a 550-foot-tall skyscraper adjacent to the Bay Bridge;
6. **82.5-Option**
  - a. Correct the view studies to accurately show the 82.5-Option (i.e., eliminate the extra towers and addition tower height).
  - b. Correct the analysis of the 82.5-Option to reflect the fact that towers may be built at both 375 Fremont and 399 Fremont;



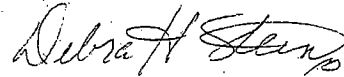
- c. Remove references to 375 Fremont Street as a historic resource;

7. **82.5-Foot Preferred Option:** Treat the 82.5-Option as the Preferred Option in order to fully evaluate the maximum housing production alternative; and

8. **"Existing Controls" Option:** Rename the "Existing Controls Option" (amending existing zoning to eliminate Planning Commission discretion) the "No Discretion Rezoning Option."

Thank you for considering these comments. Please note we may submit a technical addendum to this letter to correct additional minor technical errors in the EIR. If you have any questions, please do not hesitate to contact me at 391-4100.

Sincerely yours,



DEBRA H. STEIN  
President

cc: All Planning Commissioners  
Mr. Dean Macris, Acting Planning Director, Planning Department  
Mr. Lawrence Badiner, Zoning Administrator, Planning Department PI  
Mr. Paul Maltzer, Planning Department/MEA  
Ms. Joan Kugler, Planning Department/MEA  
Mr. Amit Ghosh, Planning Department  
Mr. Matt Snyder, Planning Department  
Mr. Theodore Brown, Theodore Brown and Partners, Inc.  
Mr. Lu Blazej,  
Robert J. McCarthy, Esq.

518ds.moh

**Rincon Hill - Residential Development**

Date: 11/01/04

**EIR Alternative Comparison**

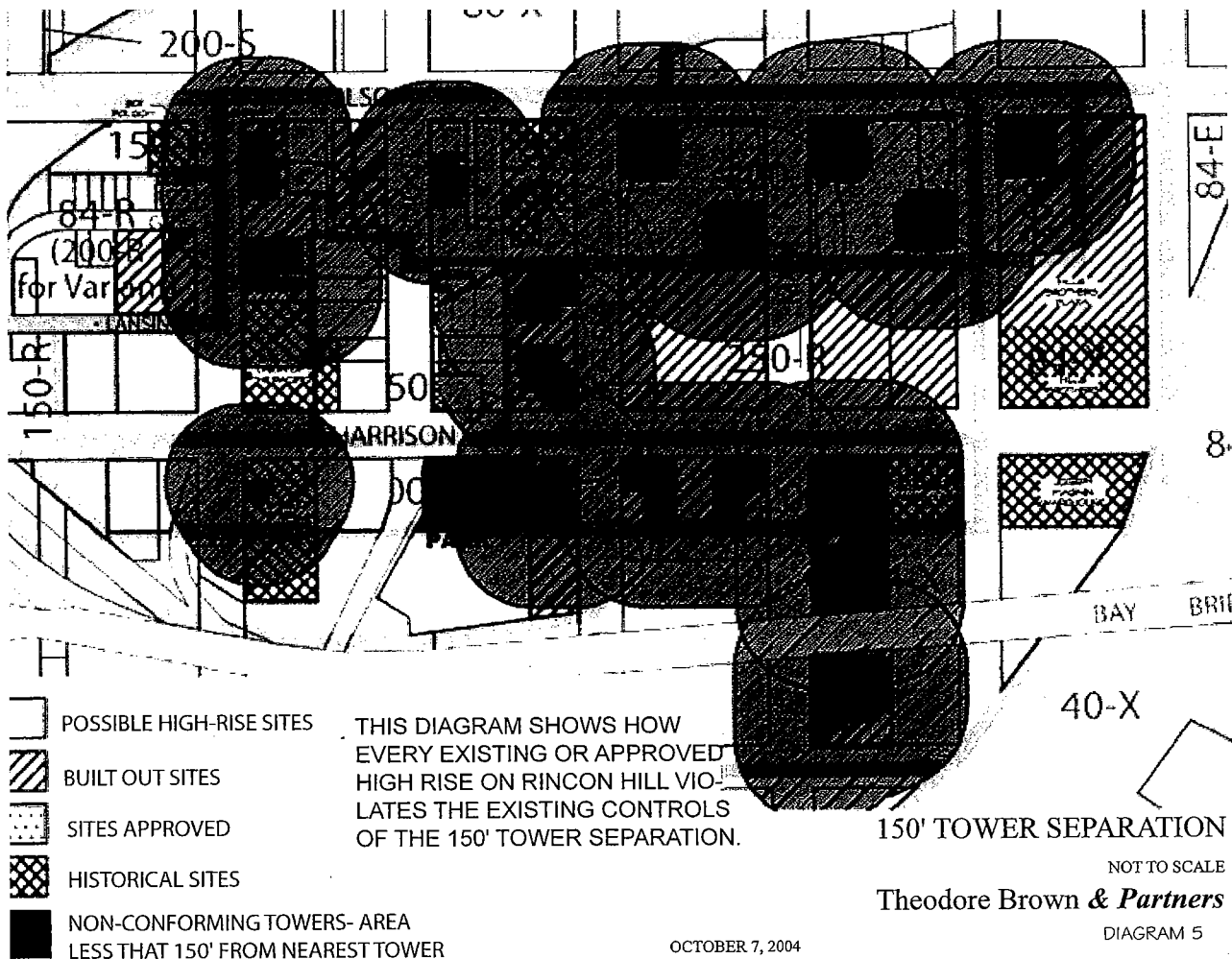
Note: Responsive to pages S-3 to S-5 of Rincon Hill Draft EIR

**Correction of Unit Counts and Adjustment of Development Potential Under Existing Zoning Controls**

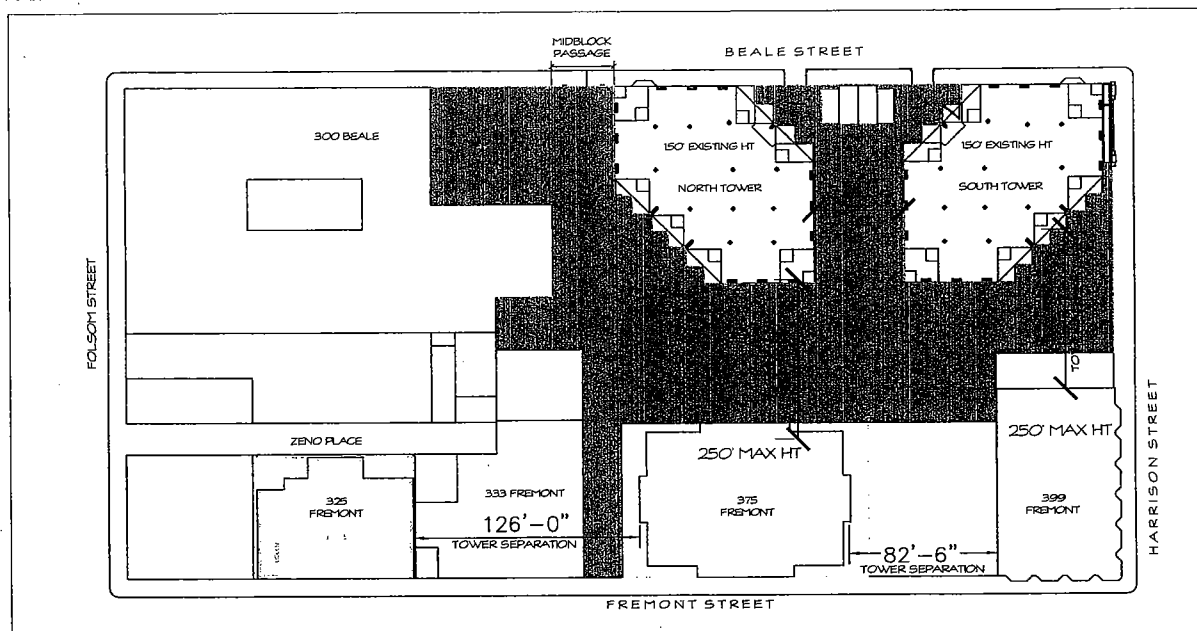
Building Address/ Assessor's Blk.	DEIR Preferred Option 115 Sep.		DEIR 82.5-Foot Tower Separation		Corrected 82.5-Foot Separation		DEIR Existing Controls 150 Sep.		Corrected Existing Controls With Exceptions	
	No. DU's	Height	No. DU's	Height	w/mn:ex	Height	No. DU's	Height	No. DU's	Height
AB 3745										
AB 3746										
AB 3747 300 Beale										
399 Fremont			250	350	300	350			220	250
375 Fremont			to 300 units	300	260	300			210	250
333 Fremont										
325 Fremont										
AB 3748										
340-350 Fremont	340	400	350	400	340	400			190	250
390 Fremont			320	400	320	400	190	250	190	250
AB 3749 1st & Harrison										
45 Lansing	320	400	275	400	320	400	195	200	195	200
AB 3764 Harrison-Essex										
			230	400	230	400				84
AB 3765 425 First #1	380	450	320	450	380	450	280	200	280	200
425 First #2	450	550	450	550	450	550				84
AB 3766										
AB 3769										
Preferred Option	1490									
82.5 Foot Separation Option			2195		2600					
Existing Controls - 150-Foot Separation and with Exceptions							665		1285	
Podium DU's	730		650 estimate		570 estimate		1210 estimate		970 estimate	
Total - This Chart	2220		2845		3170		1875		2255	
Total Units DEIR Table S-1 (page S-30)	2220		2845				1630		1630 to 3300	

Note: This chart only assumes tower separation exceptions.  
An addition of up to 10% more housing units are possible if bulk exceptions are also considered.  
Number of Podium Units under each alternative is a rough estimate and should be verified by Planning Department staff.





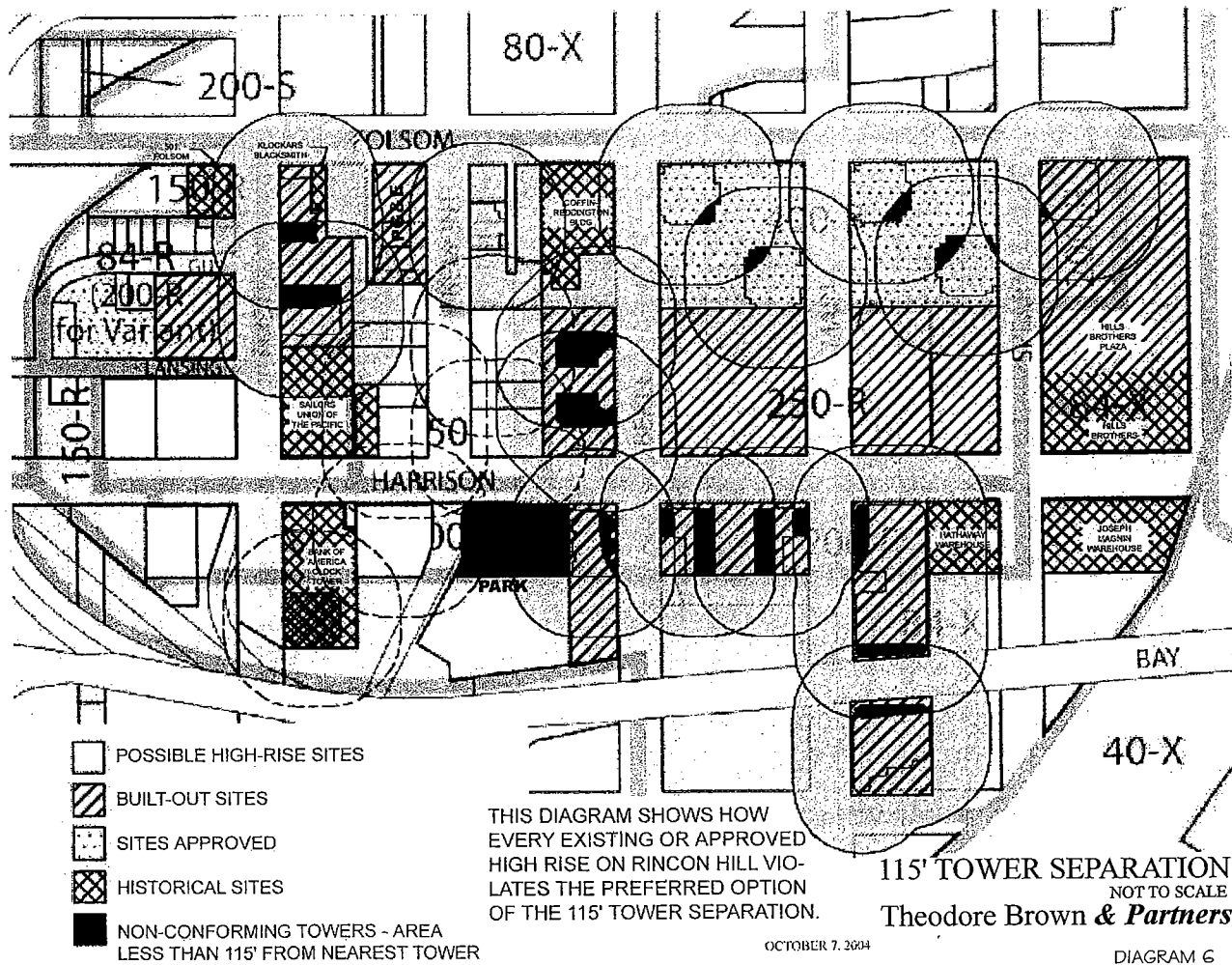
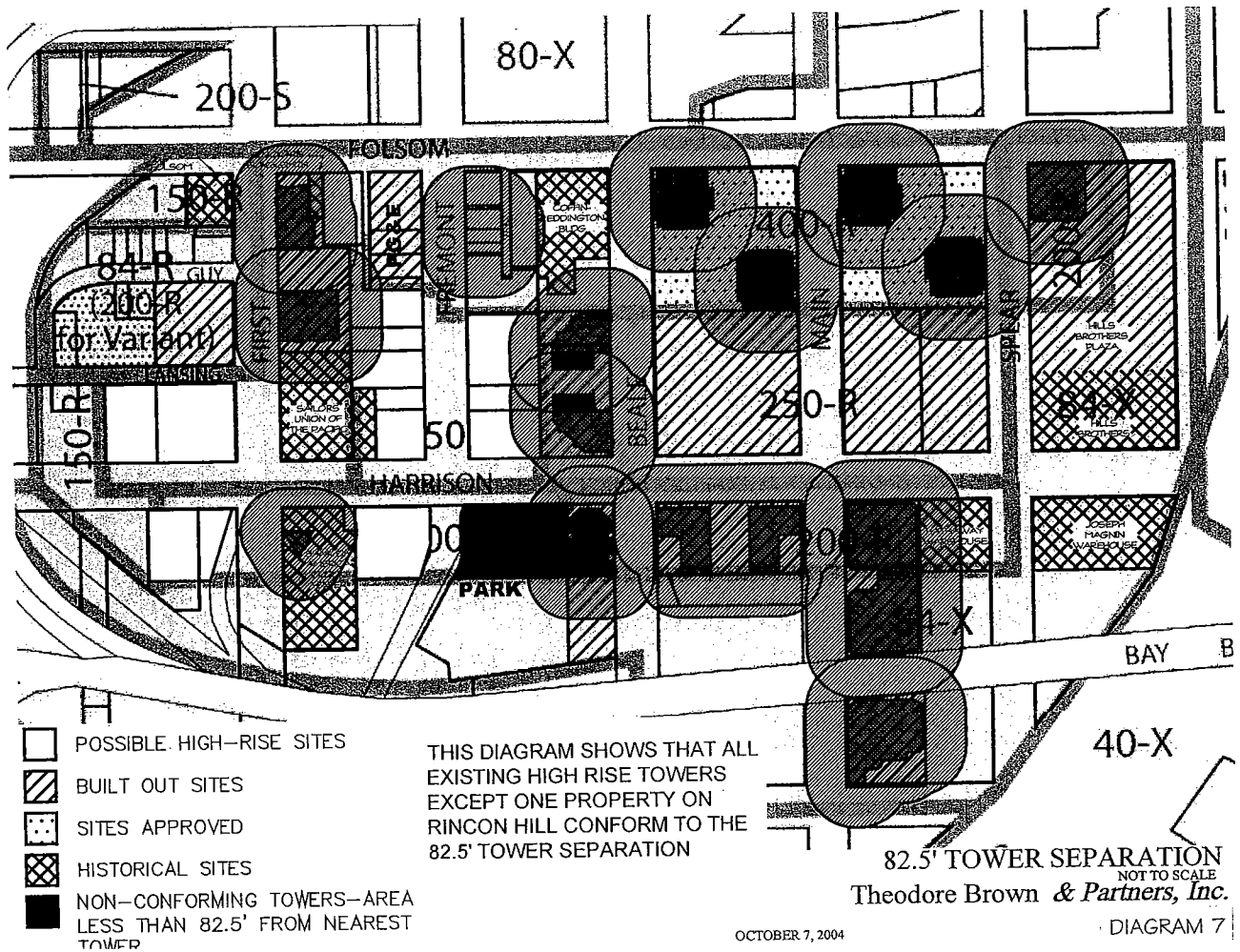
INTERIOR BLOCK OPEN SPACE: 250' PROPOSED HEIGHT LIMIT  
DIAGRAM



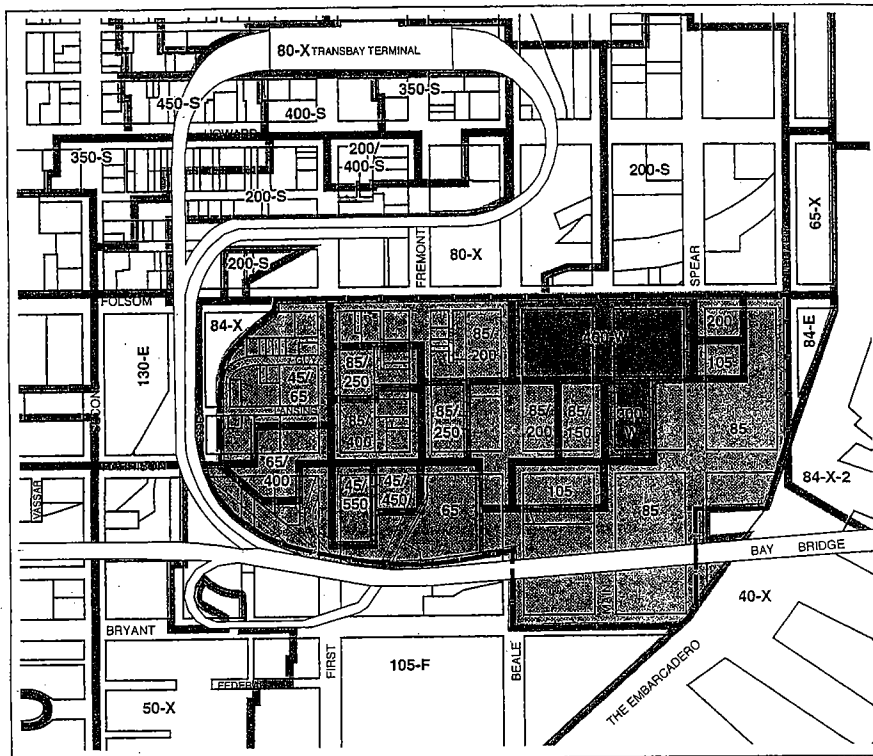
\*The Summary Section of the September 25, 2004 Rincon Hill Plan Draft Environmental Impact Report on page S-4 under the 82.5-foot Tower Separation Option notes that it is not possible to build the two proposed towers, 375 Fremont and 399 Fremont, and still retain an 82.5-foot tower separation from the existing Avalon Towers nor from each other. In addition, on page 20 of that report in the third paragraph it states "a single tower is identified on the east side of Fremont Street because two towers would not meet the 82.5-foot separation from another." The drawing above demonstrates that the two proposed towers, 375 Fremont and 399 Fremont, can be built with the required separation set forth by the September 25, 2004 Rincon Hill Draft EIR. The drawing shows that the two towers could be built with the required separation of 82.5' between each other and between their neighboring buildings; the existing Avalon Towers and the approved 325 Fremont proposed tower.

DIAGRAM 1









SOURCE: San Francisco Planning Department

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

Figure 5  
Proposed Height Districts

street address 777 Tremont block number 7141 lot number 0 summary 1

building type/use/number of floors C.2 landmark number

RELATIONSHIP WITH SURROUNDING BUILDINGS

Relationship of setting to building -2 -1 0 1 2 3 4 5

Importance as contribution to a cluster/streetscape -2 -1 0 1 2 3 4 5

ARCHITECTURAL DESIGN VALUATION

Facade proportions -2 -1 0 1 2 3 4 5

Richness/Excellence of detailing/decoration -2 -1 0 1 2 3 4 5

Unique visual feature of interest 0 1 2 3 4 5

Example of a rare or unusual style or design 0 1 2 3 4 5

Overall architectural quality -2 -1 0 1 2 3 4 5

☐ PROPOSED FOR FURTHER INVESTIGATION

☐ CORNICE, PARAPET, APPENDAGE

Importance of cornice to building design -2 -1 0 1 2 3 4

Cornice contribution to streetscape -2 -1 0 1 2 3 4

FACADE CONDITION

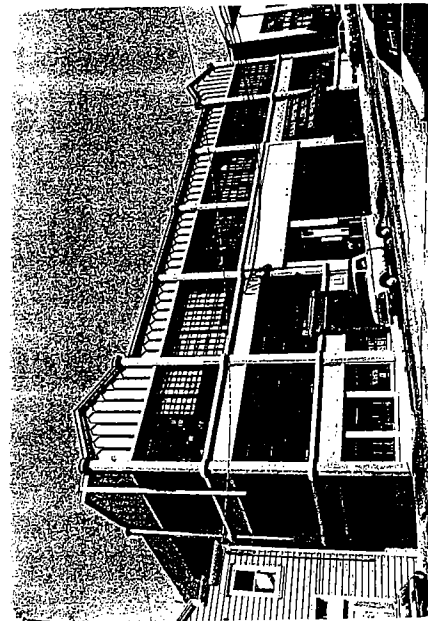
Physical condition -2 -1 0 1 2 3 4

Paint/Material color -2 -1 0 1 2 3 4

☐ REMODELING

Appropriateness of improvements -2 -1 0 1 2 3 4

Engl 8.76 date



Field Notes

Review Notes

Junior League Listing

☐ text ☐ index ☐ file

☐ Northern California Guide

☐ Other Listing



OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATIONP.O. BOX 942880  
SACRAMENTO 94288-0001  
(916) 653-6624  
FAX: (916) 653-6624

PETER WILSON, Governor

(916) 653-6624  
FAX (916) 653-9824

August 14, 1995

FHWA950427A

Fred J. Hempel, Division Administrator  
Federal Highway Administration  
Region Nine, California Division  
980 9th Street, Suite 400  
SACRAMENTO CA 95814-2724Re: Mid-Embarcadero/Terminal Separator Project, San Francisco,  
San Francisco County.

Dear Mr. Hempel:

On August 10, 1995 a meeting was held in San Francisco between representatives of City of San Francisco Planning Department, the San Francisco Landmarks Preservation Advisory Board, California Department of Transportation (Caltrans)-District 4, San Francisco Redevelopment Agency, Patrick McGraw, Historic Architect and Consultant, and the State Office of Historic Preservation (SHPO) to clarify disagreements over determinations of eligibility for nine (9) properties located within the Area of Potential Effect (APE) for the Mid-Embarcadero/Terminal Separator project, San Francisco, San Francisco County.

As stated in our June 29, 1995 letter, the disagreements were prompted by determination eligibility conclusions reached in the Historic Property Survey Report (HPSR) submitted for the project. In accordance with Section 106 of the National Historic Preservation Act, the August 10 meeting participants have determined, with SHPO concurrence, that the following eligibility determinations are valid:

Structures that are individually eligible for inclusion on the National Register of Historic Preservation (NRHP)

- o 20 California Street, Criterion C
- o 64 Clementina Street, Criterion C
- o 443-447 Folsom Street, Criterion A
- o Street Light Standards, Market Street, Criterion A and C

- o 231 First Street, Criterion A
- o 246 First Street, Criterion A and C
- o 347-49 Fremont Street, Criterion C

All of these structures have either strong associations with historic events or are architecturally significant representations of a type or style of construction associated with a historic era.

Two structures that were determined eligible in the HPSR do not meet the age criteria of 50 years or older for inclusion on the NRHP. These structures are:

- o 450 Harrison Street
- o 926 Harrison Street

Although both structures have interesting architectural qualities, they are not of exceptional significance as defined in Criteria Consideration G of National Register Bulletin 15 (National Park Service, 1991). It is suggested that these structures be resubmitted for review for inclusion on the NRHP once they reach 50 years of age.

The meeting participants also agreed that the following structures might become eligible for inclusion on the NRHP pending the submission of further research documentation on past alterations or changes to their original fabric:

- o 17-21 Drumm Street
- o 23-29 Drumm Street
- o 31 Drumm Street
- o 35 Drumm Street
- o 301 Folsom Street

We are also awaiting further information on the Sterling/Harrison/Rincon Streets (Switch Station), for possible inclusion on the NRHP as a contributor to the historic San Francisco Bay Bridge.

Meeting participants also concurred that all other properties evaluated in the HPSR that were not previously evaluated in earlier historic property survey reports are not eligible for inclusion on the NRHP under any of the criteria established by 36 CFR 60.4. None of these structures have strong associations with the historic events or persons, nor are they architecturally significant.

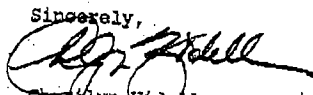
You are also seeking the comments of the SHPO on your determination of the effects the proposed alternatives will have



on historic resources in accordance with 36 CFR 800.5. Our review of the information contained in the HPSR and Evaluation of Effects (EOF) documentation leads us to concur with your determination that none of the project alternatives, as described, will have an effect on historic resources located within or near the project APE. The mitigation measures suggested on Page 66 of the EOF will be adequate to minimize the effects of noise, particulate emissions, and other atmospheric effects generated by the operation of construction equipment on historic buildings. In addition, we are pleased to note that Section 7.2 of the EOF documentation contains a commitment to halt all project activities in the event that significant prehistoric or historic archeological resources are uncovered, or if human remains are unearthed during construction.

Thank you again for seeking our comments on your project. If you have any questions, please contact staff historian Clarence Cassar at (916) 653-8902.

Sincerely,



Cheryl Lynn Widell  
State Historic Preservation Officer

CALIFORNIA DEPARTMENT OF TRANSPORTATION  
ARCHITECTURAL INVENTORY / EVALUATION

Map Reference/Block-Lot: 3747-006

County - Route - Postmile: San Francisco

( ) LISTED

( ) DETERMINED ELIGIBLE

( ) APPEARS ELIGIBLE

( x ) APPEARS INELIGIBLE

IDENTIFICATION

1. Common Name: Kohnke Printing

2. Historic Name: Unknown

3. Street Address: 355 Fremont Street

City: San Francisco 95105

County: San Francisco

4. Parcel No. (Block - Lot) 3747-006 Owner: 1940 Freda Shumate Trust

Address: 1901 Scott Street

City: San Francisco, CA 94105

5. Ownership is: Public: ( ) Private: ( x )

6a Use, Present: Industrial

6b Use, Original: Industrial

DESCRIPTION

7a. Architectural Style: Popular / Commercial Gothic front / undecorated rear

7b. Physical description of the site or structure, including any major alterations from the original condition:

This is a flat roofed two story (plus basement) building (expressed as three full stories on the rear, due to a steeply sloping site) with six regular bays, each filled with factory sash, except for the two center bays at the entrance level which have automobile entrance doors. Each end bay has a triangular parapet and is decorated with eight decorative precast pointed arch forms, as is the remainder of the cornice area along the front elevation. From the rear, this building is undecorated, resulting in a more utilitarian expression. The building has two elaborate entranceways, and appears to be unaltered.



8. Construction Date: 1929

( x ) actual  
( ) estimated

9. Architect:

J. H. Hjul

10. Builder:

Unknown

11. Approximate property size (feet)

Frontage: 137.5

Depth: 137.5

12. Photo Date: 05/94



3747-006

13. Condition: ( ) Excellent (x) Good ( ) Fair ( ) Poor
14. Alterations: None
15. Surroundings: (Check more than one if necessary) ( ) Open Land ( ) Scattered Buildings (x) Built-up  
 ( ) Residential (x) Industrial ( ) Commercial ( ) Other
16. Threats to site: ( ) None Known ( ) Private Development ( ) Zoning  
 ( ) Vandalism (x) Public Works Project Other:
17. Is the structure on its original site? (x) Yes ( ) No ( ) Unknown
18. Related Features: N/A

## SIGNIFICANCE

19. Briefly state historical and/or architectural importance (include dates, events, and persons associated with the site):

Although this building is more than 50 years old, it exhibits only minor importance and appears to be ineligible for National Register listing.

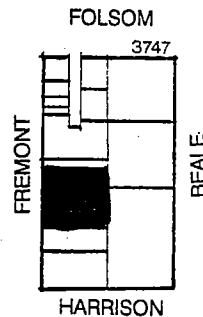
20. Main theme of historic resource: (If more than one is checked, number in order of importance.)

- ( ) Architecture ( ) Arts and Leisure  
 ( ) Economic/Industrial ( ) Exploration/Settlement  
 ( ) Government ( ) Military  
 ( ) Religion ( ) Social/Education

21. Sources: (list books, documents, surveys, personal interviews and their dates.)

Field Survey 05/94; Heritage building records 06/83;  
 Edwards Abstracts 8/31/28.

Date form prepared: 05/94  
 By: Patrick McGrew  
 Organization: Patrick McGrew Associates  
 Address: 41 Sutter Street, Suite 500  
 City: San Francisco, California 94104  
 Telephone (415) 981-3060



## NISHKIAN MENNINGER

CONSULTING AND STRUCTURAL ENGINEERS SINCE 1919

June 17, 2004

Mr. Theodore Brown  
 BROWNBREW LLC  
 1620 Montgomery Street, Suite 320  
 San Francisco, CA 94111

Re: Structural Costs  
 High-rise Buildings

Dear Mr. Brown:

This letter will outline some of the structural implications of increasing the height of a residential building from 240 feet to 480 feet. For the purposes of this discussion the following assumptions are appropriate:

- The structure will be predominantly poured-in-place concrete.
- The typical floor plan for the tower is on the order of 8,500 – 9,500 square feet.
- The core area of the tower would need to increase as the height grows to account for added elevators, increased duct size, etc.

The most cost effective lateral load resist solution for this type of building would be a concrete shear wall system. However current Code 1, 2 limits the height of this type of system to 240 feet. If the structure is taller than 240 feet the lateral system must be concrete special moment resisting frames or concrete special moment resisting frames in combination with concrete shear walls. The disadvantages of the concrete moment frames are higher cost, and the intrusive nature of these large elements on the perimeter of the building. If the structure is in excess of 240 feet it is still possible to design this structure using shear walls only in accordance with Section 1629.9.3 of the 1997 Uniform Building Code. This portion of the code states that: "Alternative lateral force procedures using rational analysis base on well-established principals of mechanics may be used in lieu of those prescribed in these provisions." This method requires an intensive amount of engineering and design by the Structural Engineer of Record to prove their point to a board of peer reviewers. However, if this method is employed and the Engineer of Record is successful, then money and time can be saved at the completion of the project. Offsetting the potential savings are the additional costs for the alternative design from the structural engineer and the cost of the peer review panel and the time associated for the process to take place. The peer review process should take between six to nine months for approval, which can occur concurrently with other aspects of the design and approval process.

1095 Folsom Street, San Francisco, CA 94103

Tel: (415) 541-9477 Fax: (415) 543-5071



Mr. Theodore Brown  
Re: Structural Cost - High-rise Buildings  
June 17, 2004  
Page 2

We have reviewed the design differences between buildings under 240 feet and over 240 feet and offer the following comparisons:

Below 240 feet

- Code compliant (typically no special review required);
- Materials will be "normal" strength-concrete;
- Strengths on the order of 6 - 7,000 psi, normal strength deformed reinforcing;
- Shear walls, would consume approximately 3%, and the core would consume approximately 13% of the total footprint.

Above 240 feet

- Design requires approval of peer review panel and special review of building department;
- High strength concrete and reinforcing steel required for most of the concrete columns and shear walls;
- Increased foundation system size and complexity;
- Added elevators, shafts and utility requirements;
- Shear walls would consume approximately 5% and the core would consume approximately 17% of the total footprint;
- The overall structure cost would increase approximately \$10 - \$15 per square foot;
- Other building systems: HVAC, plumbing, electrical, curtain wall and window washing would have an incremental increase in the square foot cost on the order of 15-20%.

We will forward sketches of typical footprints of the idealized floor plan for both the taller and shorter building.

Please contact our office with any comments or questions.

Very truly yours,

NISHKIAN MENNINGER

Levon H. Nishkian  
President

LEH0617.hnm Genset

**NISHKIAN MENNINGER**  
CONSULTING AND STRUCTURAL ENGINEERS SINCE 1916

**GCA**

Strategies

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SEVENTEENTH FLOOR  
SAN FRANCISCO, CA 94111

community and government relations

November 30, 2004

Mr. Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
30 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, California 94103

Re: Rincon Hill Plan DEIR

Dear Mr. Maltzer:

Attached hereto please find additional comments on the Rincon Hill Plan DEIR pertaining to the alleged historic value of 375 Fremont Street. These comments were prepared in consultation with Mr. Patrick McGrew of McGrew/Architecture, who prepared the Historic Resource Evaluation Report for 375 Fremont Street.

If you have any questions or would like more information on this, please do not hesitate to call me.

Sincerely yours,

*Debra H. Stein*  
DEBRA STEIN

cc: All Planning Commissioners  
Mr. Paul Maltzer, Planning Department  
Mr. Mat Snyder, Planning Department

Enclosure  
518ds.moh

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City Planning and Development Consultants  
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TEL 415-788-2777 • FAX 415-788-5768  
rmmeyersala@sbcglobal.net

November 29, 2004

Ms. Joan Kugler  
Major Environmental Analysis  
The Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Comments to Rincon Hill Plan DEIR

Dear Ms. Kugler:

On behalf of Theodore Brown, owner of 375 Fremont Street, I enclose comments to the DEIR with supporting graphics. As noted in my presentation to the Commission, please expand the analysis of the 82.5' Tower Separation Option with an addendum to the EIR. Then, because it is so important to increase housing production, please have the analysis and addendum circulated so there may be further public comment on them.

Very sincerely yours,

*Robert M. Meyers*

Robert M. Meyers, AIA

Enc.

**ROBERT MEYERS ASSOCIATES**  
City Planning and Development Consultants  
120 Montgomery Street, Suite 2290, San Francisco, CA 94104  
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Comments to City Planning Commission on Draft EIR for Rincon Hill Plan  
November 29, 2004

Madam President and members of the Commission, if the City's goal is to maximize realistic housing production, I will present diagrams that show that staff's Preferred Option is flawed and must be replaced with an Option that allows towers within 82-foot feet of each other.

**Buildable Remaining High-Rise Sites**

- Rincon Hill planning effort took 10 years, a lot of staff time and dollars.
- Sadly, for all that effort, it won't increase increasing housing production enough.
- And its "preferred Option" is flawed and overly restrictive.
- This diagram shows that most sites are either already built out (red), already approved (blue), or encumbered by historic structures (light green).
- While the Plan covers 13 blocks overall, the yellow for the few remaining high-rise housing sites shows it's a plan for just 2 blocks located at Fremont, First & Harrison Streets. There's not much left to develop or plan.

**Staff's Preferred Option**

- Staff's Preferred Option removes sites and leaves only four (noted in orange), [but two of these can be considered speculative and one has historic designation], and all are concentrated near the entrances to the Bridge.



### Staff's Proposed 115-foot Tower Separation

- If staff imposes 115-foot separation, portions of every high-rise already approved or built (shown in red) become non-complying and couldn't be rebuilt in case of fire, earthquake or disaster.

### Existing Zoning 150-foot Tower Separation

- Under current zoning with 150-foot separation, portions of every existing or approved high-rise (in red) did not meet the guideline.
- In each Case the Commission used its conditional power, weighed the guideline against the City's dire need for housing and granted the exception.
- Housing was and still is more important than tower separation.
- Whatever new zoning we get, the commission should maintain its power to grant exceptions to balance design with need for more housing.
- [Avalon Bay was Rincon's first project approved with only 50-feet between towers. This separation works, it's successful and the residents are happy.]

### 82.5-foot Tower Separation

- With 82-foot separation, all existing and approved towers except portions of one (shown in red), comply.
- 82-feet allows towers at both 375 & 399 Fremont for an additional 440-units.
- We ask that 82-foot separation become the Commission's new "Preferred Option".
- Please direct staff to expand the analysis of this alternative with an addendum to the EIR, and continue the hearing so the analysis and addendum can be circulated for public comment.

Thank you for your consideration.  
Robert Meyers, AIA



November 29, 2004

Ms. Joan A. Kugler, AICP  
EIR Coordinator  
San Francisco Planning Department  
Office of Environmental Review  
1660 Mission Street, 5<sup>th</sup> Floor  
San Francisco, California 94103

Re: Rincon Hill Draft Environmental Impact Report  
Case No. 2000.1081E

Dear Ms. Kugler:

This company represents City-Core-Fremont Street Investors, LLC, the sponsor of a proposed residential project at 333 Fremont Street in Rincon Hill.

The 333 Fremont project was submitted to the Planning Department in 2002, prior to the drafting of the Rincon Hill Plan. The draft EIR for 333 Fremont was published in October 2004 because the 333 Fremont Street project complies with the spirit of the proposed Rincon Hill Plan, as well today's existing controls. Both the current Plan and the drafted Rincon Hill EIR delineate certain goals to improve the Rincon Hill neighborhood; 333 Fremont fulfills these goals by:

- 1) Providing much needed housing more quickly than the proposed towers,
- 2) Converting the property from an existing non-conforming use (office) to a conforming use (residential),
- 3) Mitigating the visual blight and underutilization at the site,
- 4) Providing public and private open space,
- 5) Creating short term and long term jobs in San Francisco,
- 6) Keeping the proposed building short; it is only 85' tall in a 200' zone and thus allows neighboring properties to develop.

As 333 Fremont has been in the review process for more than two years, we respectfully request that the 333 Fremont Street project be grandfathered from the pending Rincon Hill Plan. By cooperating with City Planners and working with our designers to adhere to

CITY-CORE DEVELOPMENT, INC.

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1670 Broadmoor Drive Seattle, WA 98112 tel: 206.979.5648 fax: 206.323.7384



the spirit of the Proposed Rincon Hill Plan, we anticipate that the 333 Fremont project and EIR approvals will not be stalled by the delayed Rincon Hill Plan adoption. It would benefit the City and its residents if the project were approved immediately, as the potential housing it can provide will mitigate the current housing crisis and produce revenue for the City's coffers in the form of property taxes., perhaps years before the high-rise towers become available. If the Rincon Hill Plan is adopted and produces housing, then that housing will be in addition to the real housing that is ready to be built at 333 Fremont Street.

We urge that 333 Fremont Street be excluded from the Rincon Hill Plan and offer the following comments on the Draft EIR for the Rincon Hill Plan. For the reasons set out below, we encourage you to direct staff to make the following changes in the EIR:

1. **Planning Commission Discretion:** The DEIR must evaluate the Commission's continued exercise of its standard discretionary authority.
2. **Development Assumptions:** List each specific development site, the development assumptions and project housing development for each site under each option. Evaluate the impact that the pedestrian pathways will have on housing and commercial areas.
3. **"No Project Alternative":** Revise the "No Project Alternative" to evaluate reasonably foreseeable development that respects the Commission's discretionary authority and history.
4. **"Existing Controls" Option:** Rename the "Existing Controls Option" (amending existing zoning to eliminate Planning Commission discretion) the "No Discretion Rezoning Option."
5. **Grandfather Existing Projects:** Acknowledge that several projects including 333 Fremont Street have been under review for years and, as a result, may be grandfathered.
6. **Accurate Analysis:** The Rincon Hill Plan inaccurately reflects the parcel map for Block 3747. The DEIR improperly shows the existence of lots 9 and 10, which no longer exist. Indicate Lot 19 on Block 3747. Revise all of the analysis and visual aids (diagrams, maps, etcetera in the DEIR) to accurately reflect the 333 Fremont project on Lot 19.<sup>1</sup>

<sup>1</sup> San Francisco Recorder's Office, Lot Merge, recorded February 26, 1982.

The DEIR contains errors as follows:

1. **The DEIR Incorrectly Excludes Potential Residential Development at 333 Fremont**

The DEIR assumes that the Planning Commission will retain no discretionary authority under any version of the Rincon Hill Plan. The Commission should preserve the Commission's ability to exercise its standard discretionary authority.

2. **The Existing Building at 347-49 Fremont Street is Incorrectly Described as a Historic Resource.<sup>2</sup>**

a. **"Preponderance of the Evidence" Standard:** A building may not be considered an historic resource where the preponderance of the evidence in the record demonstrates otherwise, even if an agency itself believes the building is a valued resource. 347-49 Fremont Street building was not and is no longer eligible for the California Register or the National Register. The DEIR ignores this preponderance of evidence and asserts that the existing building is still an historic resource.

b. **Overwhelming Evidence that Building is Not an Historic Resource:** The overwhelming preponderance of the evidence demonstrates that the DEIR definition of the existing building at 347-49 Fremont Street as a historic resource is wrong.

i. **1976 City Survey:** In 1976, the Planning Department determined that 347-49 Fremont Street merited an overall rating of "1," with the building ranking at 1 for all "architectural design valuation" criteria:<sup>3</sup>

1. Unique visual features: 1 (0 to 5)
2. Example of a rare or unusual style or design: 1 (0 to 5);
3. Façade proportions: 1 (Scale of -2 of 5);
4. Richness/Excellence of Detailing/Decoration: 1 (-2 to 5);
5. Overall Architectural Quality: 1 (-2 to 5).

ii. **1985 Heritage Survey:** The conclusion that the building is not individually significant is further supported by San Francisco

<sup>2</sup> Information for this section is primarily from The Edwin W. Tucker & Co. Building, 347-349 Fremont Street, San Francisco, California, Historic Resources Study, April 2003, prepared by Page & Turnbull, Historic Architecture consultants. See Exhibit A.

<sup>3</sup> 1976 Citywide Survey: San Francisco City Block 3747, San Francisco Planning Department (unpublished), 1976. See Exhibit B.



Heritage's *Extended Downtown Survey of 1985*, which gave the building a "C" rating.<sup>4</sup>

- iii. *1985 Rincon Hill Area Plan*. In 1985 the San Francisco Planning Department prepared an Environmental Impact Report (1985 EIR) for the Rincon Hill Area Plan, in order to assess potential impacts of the proposed zoning changes to the area. A Cultural and Historic Resources section was prepared as part of the 1985 EIR. Eight individual buildings were identified as being worthy of preservation in the Rincon Hill Plan. The building at 347-49 Fremont, although located within the Rincon Hill Plan area, was not included as being significant resource worthy of preservation.<sup>5</sup>
- iv. *1991 Rincon Point Redevelopment Plan*: 347-49 Fremont Street was not identified as an architecturally or historically significant building.<sup>6</sup>
- v. *2003 Staff Evaluation By State Historic Preservation Office*: The State Historic Preservation Office staff confirmed that 347-49 Fremont Street did not qualify for the California Register in 1995, nor did it qualify in 2003. This evaluation stated "The building has lost substantial integrity since 1995 when it was determined eligible and new information shows decisions about significance [in 1995 by the Federal Highway Administration] were based on factual error."<sup>7</sup>
- vi. *2003 Historic Resource Evaluation Report*. The 347-49 Fremont Street Historic Resources Evaluation Report (HRER) for the 347-49 Fremont Building is on file with the Planning Department. It was prepared by an independent expert who concluded that the "347-49 Fremont is not eligible for individual listing in either the National Register of Historic Places or the California Register of Historical Resources." The HRER went on to say that "While the building has previously been determined to be eligible.... that determination was made eight years ago and based on incorrect and incomplete information. Moreover, changes to the building

have compromised what historic value it may have had<sup>8</sup>. Therefore, the demolition of 347-49 Fremont would not constitute an significant adverse effect on the environment as defined by CEQA."<sup>9</sup>

- vii. *Article 10*: The 347-49 Fremont Street building is not listed in Article 10 of the San Francisco Planning Code as an individual landmark and it is not listed in any designated historic district.
- viii. The HRER compared information gathered as part of the HRER with prior surveys that may not have had the benefit of accurate data and found that its "comprehensive evaluation suggests that it [347-49 Fremont] is not eligible for individual listing in any recognized register of historic resources."<sup>10</sup>
- ix. *2003 City of San Francisco Planning Staff*: City Planning Staff agree with the 2003 Historic Resource Study prepared by Page & Turnbull: 333 Fremont was not eligible for any register at any time.<sup>11</sup>
- c. *Inadequate DEIR Evidence*: The preponderance of the evidence does not address the DEIR's conclusion that 333 Fremont is an historic resource. The HRER provides factual evidence that the 347-49 Fremont Street project is not and was not eligible for any register at any time and is not listed in any recognized district.

Under CEQA, the Department's determination is valid unless the evidence indicates that it is more likely than not that the building is not a resource. The overwhelming evidence convincingly establishes that 347-49 Fremont is not a historic resource and its demolition should therefore not be considered a significant adverse effect on the environment.

### 3. The DEIR Excludes potential residential and retail development in lieu of the proposed mid-block passageways.

The DEIR prescribes mid-block pedestrian pathways but fails to consider the impact of these pathways on the number of housing units that could be built instead, the viability of commercial and retail uses with less sidewalk pedestrian traffic, and wind patterns.

<sup>4</sup> *San Francisco Downtown Inventory Evaluation Sheet*, San Francisco Architectural Heritage, 1985. Available Heritage research available as Exhibit C.

<sup>5</sup> City and County of San Francisco Planning Department, *1985 Rincon Hill Area Plan*, 1985. Available for review by appointment at San Francisco Planning Department, 1660 Mission Street 5<sup>th</sup> Floor.

<sup>6</sup> City and County of San Francisco Planning Department, *1991 Rincon Point Redevelopment Plan*, 1991.

<sup>7</sup> Cynthia Howse, Historian II, State Historic Preservation Office, *Edwin W. Tucker & Co. Building*, San Francisco County, *San Francisco, Staff Evaluation*, August 2003, See Exhibit D.

<sup>8</sup> City and County of San Francisco, Department of Building Inspection, *Permit No. 916214*, July 18, 2000. See Exhibit E.

<sup>9</sup> Page & Turnbull Report, page 31.

<sup>10</sup> *Ibid*, page 23.

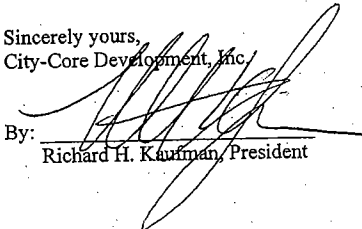
<sup>11</sup> Mat Snyder, San Francisco Planning Department, Preservation Technical Specialist, letter regarding 347-349 Fremont Street (Block 3747/Lot 19), Case No. 2002.1263E, to Dr. Knox Mellon, State Historic Preservation Office, August 6, 2003. See Exhibit F.



EXHIBIT A

Thank you for considering these comments. If you have any questions, please do not hesitate to contact us at 415- 820-5200.

Sincerely yours,  
City-Core Development, Inc.

By:   
Richard H. Kaufman, President

Enclosures Exhibits A-F

THE EDWIN W. TUCKER & CO. BUILDING

347-49 FREMONT STREET  
SAN FRANCISCO, CALIFORNIA

HISTORIC RESOURCE STUDY  
San Francisco, California

Page & Turnbull, Inc.  
April 2, 2003



## B. Current Historic Status

The purpose of this section is to discuss the historic status that 347-49 Fremont may have. This section will define in general terms what types of certification a resource must have in order to be considered a historical resource. The subject building has been assigned ratings in three architectural and historical surveys. In one of these surveys, a 1994 Caltrans/Federal Highway Administration Historic Properties Survey Report (HPSR), the building was assigned a National Register Status Code of "2S2," meaning that it has been formally determined to be eligible for listing in the *National Register of Historic Places*. This determination was based upon incomplete and inaccurate information and the following section (Section C) will analyze 347-49 Fremont with the most up-to-date information, including new historical data and a contemporary evaluation of the building's integrity.

### 1976 Architectural Quality Survey

The Planning Department's Architectural Quality Survey, or 1976 Survey, was what is known in preservation parlance as a reconnaissance or "windshield" survey. The aim of the project was to survey the entire City and County of San Francisco for the purpose of identifying and rating, on a scale of -2 (detrimental) to +5 (extraordinary), all significant buildings and structures. No research was performed and the potential historical significance of a resource was not considered when assigning a rating. Buildings rated 3 or higher represent approximately the top 2% of all of San Francisco's buildings. Summary ratings of 0 or 1 are generally interpreted to mean that the property has some contextual importance. The building at 347-49 Fremont was assigned an overall rating of "1," indicating that it was of contextual significance. The 1976 Survey has come under increasing scrutiny over the past decade due to the fact that it has not been updated in over twenty-five years and that historical significance was not taken into account. In addition, the survey has not been officially recognized as a local register of historic resources. Its flawed methods have prevented it from being adopted by the San Francisco Planning Commission; as such, the 1976 Survey is no longer relied upon by the City or other agencies.

### Splendid Survivors

San Francisco Architectural Heritage (Heritage) is the City's oldest not-for-profit organization dedicated to increasing awareness and preservation of San Francisco's unique architectural heritage. Heritage has completed several intensive surveys throughout the City, the most important of which was the 1978

Downtown Survey. This survey, published in book form as *Splendid Survivors* in 1978, forms the basis of San Francisco's Downtown Plan. Heritage ratings, which range from D (minor or no importance) to A (highest importance) were converted into Categories V through I and incorporated into Article 11 of the San Francisco Planning Code. During the 1980s, the Downtown Survey was expanded to pick up peripheral areas such as the South of Market. Although not included in *Splendid Survivors*, in 1985 Heritage surveyed 347-49 Fremont and gave it a rating of "C." According to ratings methodology developed by Heritage, a rating of C means that a resource may be of contextual importance. The full definition is as follows:

Buildings which are distinguished by their scale, materials, compositional treatment, cornice, and other features. They provide the setting for more important buildings and they add visual richness and character to the downtown area. Many C-group buildings may be eligible for the National Register as part of historic districts.

According to the evaluation sheet prepared for the building, its highest scores were for its age (1913), style (industrial), historical patterns (pre-World War I development) and integrity. This survey has not been formally adopted by the City and County of San Francisco and therefore does not contribute to its formal status or listing on any register.

### Article 10

Article 10 of the San Francisco Planning Code contains a list of all designated San Francisco Landmarks and Historic Districts. The Tucker Building at 347-49 Fremont Street is not listed in Article 10 of the San Francisco Planning Code as an individual landmark and it is not listed in any designated historic district.

### Caltrans Survey

Within the past two decades, several highway project undertakings utilizing federal funds took place within the project vicinity. Lead agencies have included the San Francisco Redevelopment Agency, the Federal Highway Administration, the Department of Energy and the California Department of Highways and Transportation (Caltrans). As part of their responsibilities, these agencies were required to evaluate the effects that their proposed undertakings may have on potentially historic districts and resources. In 1994-95 consultants employed by the Federal Highway Administration and Caltrans prepared a Historic Properties Survey Report (HPSR) for the proposed Mid-Embarcadero Terminal Separator Structure Project. The Area of Potential Effects (APE) included the project site and the evaluator assigned 347-49 Fremont the National Register Status Code (NRSC) of "2S2," meaning that in their opinion, the Building was "determined eligible for separate listing through a consensus determination by a federal agency and the State Historic Preservation



Officer." The report, which was based very closely on the 1983 HPSR prepared by Caltrans for the I-280 Transfer Concept Program, found that 347-49 Fremont was significant under Criterion C (Architecture).

### C. Evaluation

Although 347-49 Fremont Street was determined eligible for individual listing in the *National Register of Historic Places* in 1995, it is not formally listed in any register. In fact, comprehensive evaluation suggests that it is not eligible for individual listing in any recognized register of historic resources. Although the building has been evaluated in at least three surveys, the history and significance of the building has not been explored at the depth required to make a formal determination. Many questions about the building, including those as basic as its date of construction, have not been definitively answered until now. The following section will analyze the significance of 347-49 Fremont and its potential for listing in the *National Register of Historic Places* and the *California Register of Historical Resources* utilizing the most up-to-date historical data and evaluation of existing conditions.

#### National Register of Historic Places

The *National Register of Historic Places* is the nation's most important and comprehensive inventory of known historic resources. The *National Register*, as it will be referred to henceforth, is administered by the National Park Service and includes buildings, structures, sites, objects and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state or local level. Typically, resources over 50 years of age are eligible for listing in the *National Register* if they meet any of the criteria. However, resources under 50 years of age can be determined eligible if it can be demonstrated that they are of "exceptional importance," or if they are contributors to a potential historic district. *National Register* criteria are defined in depth in *National Register Bulletin Number 15: How to Apply the National Register Criteria for Evaluation*. There are four basic criteria under which a structure, site, building, district or object can be considered eligible for listing in the *National Register*. These are:

Criterion A (Event): Buildings that are associated with events that have made a significant contribution to the broad patterns of our history;

Criterion B (Person): Buildings that are associated with the lives of persons significant in our past;

Criterion C (Design/Construction): Buildings that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master; and

Criterion D (Information Potential): Buildings that have yielded, or may be likely to yield, information important in prehistory or history.

A resource can be considered significant to American history, architecture, archaeology, engineering and culture. Once a resource has been identified as being potentially eligible for listing in the *National Register*, its



historic integrity must be evaluated. The *National Register* recognizes seven aspects or qualities that, in various combinations, define integrity. These aspects are: location, design, setting, materials, workmanship, feeling and association. In order to be determined eligible for listing, these aspects must closely relate to the resource's significance and must be intact.

#### Criterion A

The building at 347-49 Fremont Street does not appear to be eligible for individual listing in the *National Register* under Criterion A (Events). According to the 1994 Caltrans Report, the building is significant for the following reasons:

This is a very rare wood frame building, rebuilt in the fire zone, following the events of 1906. Together with the Wilbert Blacksmith Shop, they represent the kinds of structures found here in the pre-fire city. Said to be a replica of an 1897 structure which occupied this site before the 1906 holocaust, it was built sometime between 1906 and 1913, when the first post-fire Sanborn insurance maps became available, it gives the impression of being much older. This building is associated with the events that have made a significant contribution to the broad patterns of our history, and also embodies the distinctive characteristics of both the pre-fire neighborhood and the post fire reconstruction period in a way that few buildings in the area can. It does possess integrity of location, design, setting, materials and workmanship, feeling and association, and consequently appears to qualify for National Register listing under criteria A and C.

This argument, although well reasoned in many ways, does not apply to Criterion A (Events). Although the building's association with the 1906 Earthquake and Fire is mentioned, its precise linkage with the events is not discussed in any meaningful way. First it should be noted that 347-49 Fremont was *not* built as a replica of a pre-1906 building. According to the 1899-1900 Sanborn insurance map, the building that occupied the site before the earthquake was a two-story flat with a bay window and a flat roof. The existing building, while also wood-frame, is a two-story machine shop with a flat façade and a gable roof. Secondly, it must be pointed out here that 347-49 Fremont was not built between 1906 and 1913 as the Caltrans survey erroneously stated. The 1913 Sanborn map confirms that the parcel remained vacant during this period. Rather, building permit records indicate that the building was erected in the second half of 1913. The argument that the building represents a linkage between the pre-fire and post-fire South of Market is wrong and does not stand up to factual research and analysis. Whereas Block 3747 was overwhelmingly residential in character prior to the disaster, it was rebuilt as a predominantly industrial district after 1906.

Finally, it should be noted that in order to be found eligible for listing in the *National Register* under Criterion A, "the property must have an important association with the event or historic trends, and it must retain historic integrity." *National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation,"* states:

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.<sup>14</sup>

It becomes quite clear upon analysis that 347-49 Fremont does not meet the test provided in the *National Register's* own guidelines. Furthermore, researching newspaper archives, city directories and block books does not reveal the presence of any historically significant or influential businesses or manufacturers within the building. The building at 347-49 Fremont does not appear to be eligible for listing under Criterion A.

#### Criterion B

Thorough evaluation of San Francisco city directories, building records and newspaper indexes do not reveal the names of any persons significant in the past that can be associated with the building. Therefore, 347-49 Fremont does not appear to be eligible for listing under Criterion B.

#### Criterion C

The 1994-95 Caltrans HPSR maintains that 347-49 Fremont is eligible for listing under *National Register* Criterion C as an example of a rare wood-frame building in the reconstructed South of Market that recalled the form, construction techniques and overall feeling of pre-fire buildings in the area. Again, documentary evidence seems to point to other conclusions. While it is indeed true that there are today very few wood-frame industrial structures left in the project area dating from the immediate post-quake reconstruction, it is doubtful that the building is necessarily reflective of the district prior to 1906. As mentioned above, an analysis of the 1899-1900 and 1905 Sanborn maps, show that prior to 1906, Block 3747 was characterized by a mixture of building types, although most were two-and-three-story Italianate flats, very different from 347-49 Fremont in every respect aside from building technology.

As a building type, the building at 347-49 Fremont is perhaps better representative of temporary buildings built immediately after the 1906 Earthquake and Fire throughout much of the South of Market area. With land ownership in flux, insurance settlements in doubt and the economy performing at a less-than-desirable level,



many property or business owners either did not rebuild immediately or simply built cheap wood-frame "temporary" structures to house their businesses or pay the mortgage on the land. In most cases these wood-frame buildings built within the fire limits would be demolished and replaced once finances allowed. Based on the fact that the building is an inexpensive wood-frame structure (it cost only \$2,300 to build) and that it resembles other temporary structures long-since demolished, it is probable that 347-49 Fremont was constructed as a "temporary" structure. This would not be particularly surprising as its builder, Edwin Tucker, did not own the property when he built it.

A "temporary" building is not necessarily precluded from being significant. However, this building is not eligible under Criterion C in the context identified in the 1994 Caltrans HPSR. Furthermore, the building is clearly not eligible for individual listing in the *National Register* under Criterion C as "a work of a master," or as a resource that possesses "high artistic value." On the other hand, the building may embody the distinctive characteristics of a "type, period or method of construction" because it is a moderately intact example of a wood-frame machine shop constructed in the first decade after the 1906 Earthquake and Fire in San Francisco. This being said, it is also important to mention that the resource must be demonstrated to be "significant" either at the local, state or national level and that it must be able to illustrate the historic context to which it belongs.

In the case of 347-49 Fremont, the building fails to meet this "significance" threshold. In terms of its type (a machine shop), and period (post-1906 reconstruction) the building is quite typical of what took place in the South of Market following the 1906 Catastrophe. In terms of its method of construction (wood-frame) the building also shares much in common with the temporary wood-frame temporary structures that typically went up in the half-decade after 1906, before economic security and ownership stability allowed for the erection of more permanent masonry buildings on larger consolidated lots. Its character-defining features include its timber frame and rustic channel siding; its regular arrangement of double-hung wood or steel casement windows and entrances; its simple rectangular proportions; its large open interior workspaces with exposed truss ceilings and mezzanines and its full lot coverage. Many such buildings were erected in the South of Market that conformed to this typology between 1906 and 1920, although after 1920 the construction of large reinforced-concrete loft buildings rapidly supplanted the smaller wood-frame machine shops of which 347-49 Fremont is representative. Within several blocks of the building there is a similar building that retains a higher degree of integrity, the Edwin Klockars Blacksmithing Shop on the south side of Folsom, between

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"U.S. Department of the Interior, National Park Service, *National Register Bulletin 15: "How to Apply the National Register*

First and Fremont Streets. As a result, 347-49 Fremont does not appear to be eligible for individual listing under Criterion C.

#### Criterion D

Evaluation of Criterion D (Information Potential) is beyond the scope of this report, having been thoroughly examined in a separate report by Archeo-Tec of Oakland entitled, "Archaeological Research Design and Treatment Plan: 333 Fremont Street Project, City and County of San Francisco." Based on the conclusions in this report, 347-49 Fremont does not appear to be eligible for listing under Criterion D.

#### Integrity

According to *National Register Bulletin #15*, integrity is defined as "the ability of a property to convey its significance." Historic properties either retain integrity or they do not. After a resource is evaluated for significance, it must be demonstrated that it retains the ability to convey its significance. For the purposes of evaluating historical resources, integrity is composed of seven aspects: location, design, setting, materials, workmanship, feeling and association. Although there are exceptions for interior-oriented structures such as theaters or religious buildings, the discussion of integrity in relation to the *National Register* is typically concerned with the exteriors or important interior spaces that are accessible to the general public. In the case of 347-49 Fremont, it retains some integrity of location, but little integrity of setting, workmanship, feeling and association and partial integrity of design and materials. Alterations, particularly on the ground floor level, have removed some of the most important character-defining features, particularly the pair of swinging doors that appear on the building as late as 1994. In addition, a flagpole that appears on the building as late as 1976 is missing. The missing doors and flagpole could be restored with modern construction. This could lead to a more sufficient degree of integrity, though not authentic, to convey its significance. In its current condition, the building does not possess the level of integrity required for listing in the *National Register*.

#### California Register

The *California Register of Historical Resources* is a list of significant architectural and historical resources in California. In essence the criteria used by the *California Register* are the same as those used by the *National Register* although some modifications have been made for resources significant within California. Resources, that are formally listed in the *National Register* are automatically listed in the *California Register*. The *California Register* evaluates a building's eligibility for listing based on the following four criteria or associations:

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*Criteria for Evaluation*, (Washington, D.C.: Rev. 1998), p. 12.



**Criterion 1 (Event):** Buildings that are associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

**Criterion 2 (Person):** Buildings that are associated with the lives of persons important to local, California, or national history;

**Criterion 3 (Architecture):** Buildings that embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;

**Criterion 4 (Information Potential):** Buildings or sites that have yielded or have the potential to yield information important to the prehistory or history of the local area, California or the nation.

The process of determining integrity is similar for the *California Register* as it is for the *National Register*. The same seven variables listed above in the *National Register* section: location, design, setting, materials, workmanship, feeling and association, are used to evaluate a resource's eligibility for listing in the *California Register*. A critical distinction between the two registers however is the degree of integrity that can remain and still be considered eligible for listing. According to *California Office of Historic Preservation Technical Assistance Series* #6, "*California Register and National Register: A Comparison*,"

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the *National Register*, but they may still be eligible for listing in the *California Register*. A resource that has lost its historic character or appearance may still have sufficient integrity for the *California Register* if it maintains the potential to yield significant or historical information or specific data.

In brief, the Edwin W. Tucker & Co. Building does not appear to qualify for individual listing in the *California Register*. The analysis presented above for each of the *National Register* criteria would equally apply to the *California Register*. Although the building does have a level of significance as an example of a post-quake and fire wood-frame industrial machine shop (under Criteria C and 3), its significance is limited to the natural progression and reconstruction of the South of Market area of San Francisco, and not as an individually significant resource.

#### IV. Context and Relationship

The building at 347-49 Fremont Street is not located within a designated historic district significant at either the local, state or national level. However, the Rincon Hill area has been studied as part of several proposed highway projects as described above and more important, as part of an area plan. In the early 1980s the San Francisco Redevelopment Agency, in collaboration with the Planning Department, developed and adopted a land use and urban design concept plan for the Transbay Survey Area and the Rincon Hill area. The ultimate goal is to use a strong, recognizable urban form to foster a pedestrian-oriented place to live and work. In 1998, the Redevelopment Agency removed Rincon Hill from its Transbay Survey Area and assigned the Planning Department the task of examining Rincon Hill's zoning, height and bulk regulations. These changes will facilitate increased opportunities for both residential and commercial uses. The Rincon Hill rezoning effort could create the potential for 4,500 dwelling units and 500,000 square feet of office and other commercial space.

In 1985 the San Francisco Planning Department prepared an Environmental Impact Report (EIR) for the Rincon Hill Area Plan, in order to assess potential impacts of the proposed zoning changes on the area. A Cultural and Historic Resources section was prepared as part of the EIR. Eight individual buildings were identified as being worthy of preservation in the Rincon Hill Plan. The buildings identified were:

Union Oil Company Building (425 First Street)  
Coffin-Reddington Building (301 Folsom)  
Klockars Blacksmith Shop (443-7 Folsom)  
Guy Place Housing  
Hills Brothers Coffee (2-30 Harrison)  
Joseph Magnin Warehouse (29-35 Harrison)  
Sailors Union of the Pacific (450 Harrison)  
Hathaway Warehouses (400 Spear)

The building at 347-49 Fremont, although located within the Rincon Hill Plan area, was not included as being significant resource worthy of preservation. Although the list above is probably not conclusive, its omission of 347-49 Fremont, combined with other surveys in the area suggests that the building is of contextual significance and no more.



#### V. Project Specific Impact

Appendix G of the *CEQA Guidelines* suggests that a project would have a significant effect on cultural resources if the project would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the *CEQA Guidelines*;
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the *CEQA Guidelines*;
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature;
- d) Disturb any human remains including those interred outside of formal ceremonies.

The project sponsor intends to demolish 347-49 Fremont, as well as the adjacent American Engraving Company Building at 333 Fremont Street and replace them with an eight-story residential building. For the purposes of CEQA, a historic resource is defined as a resource listed in, or determined to be eligible for listing in the *California Register of Historical Resources*. In 1995, 347-49 Fremont was formally determined eligible for individual listing in the *National Register of Historic Places*. The building is therefore automatically listed in the *California Register*. However, the author of this report maintains that erroneous and incomplete information led to this determination and that new information indicates that the building is *not* eligible for individual listing under the criteria listed in the 1994-95 Caltrans HSPR. Furthermore, alterations that have taken place since this determination have compromised the integrity of the building. As such, it is the author's opinion that the proposed project would *not* have a significant effect on the environment.

#### IV. Cumulative Impacts

The demolition of 347-49 Fremont would leave a substantial number of similar wood-frame industrial buildings in the South of Market area, and a handful in the Rincon Hill area. An informal survey of the surrounding blocks revealed a wood-frame industrial building that retains a superior degree of integrity, the Edwin Klockars Blacksmithing Shop on Harrison Street, between First and Fremont Streets. This building was listed as a cultural resource in the Rincon Hill Area Plan in 1984.

#### VI. Mitigation

According to Section 15126.4 (b) (2) of the Public Resources Code (CEQA), documentation of a historical resource, by way of historic narrative, photographs and/or architectural drawings (often HABS-Level), as

mitigation for the effects of demolition of the resource will typically not mitigate the effects to a point where clearly no significant effect on the environment would occur. However, because 347-49 Fremont is not formally listed in the *California* or *National Register*, the building's demolition would not require any mitigation. Nevertheless, the building is an interesting example of post-quake industrial architecture and the building's owner has indicated his willingness to record the building with archival photographs and historical documentation in accordance with Historic American Building Survey (HABS) Level II guidelines.

#### VII. Conclusion

This analysis of 347-49 Fremont is based on the best information now available and is believed to be more accurate and comprehensive than any other report or survey. It is the conclusion of this report that the Edwin W. Tucker Building is *not* eligible for individual listing in either the *National Register of Historic Places* or the *California Register of Historical Resources*. While the building has previously been determined to be eligible for the *National Register*, and therefore automatically eligible for the *California Register*, that determination was made eight years ago and based on incorrect and incomplete information. Moreover, changes to the building have compromised what historic value it may have had. Therefore, the demolition of 347-49 Fremont would not constitute a significant adverse effect on the environment as defined by CEQA.



APPENDIX

CHRONOLOGY: EDWIN W. TUCKER & CO. BUILDING

- 1886 1886 Sanborn map shows the parcel now occupied by 347-49 Fremont (then numbered 325 Fremont), contained a three-story frame dwelling with a two-story ell, two one-story lean-to sheds and one single-story freestanding shed. The rest of the block (old block number 392) was mostly occupied by frame dwellings. The only notable exceptions were St. Brendan's Church, located on the northeast corner of Fremont and Harrison; Flora Sharon's Kindergarten, located mid-block on Beale Street; Whittier Fuller & Co. Stables on Beale Street; as well as Pendergast's Foundry and Hall's Boiler Works, both of which were located on the southwest corner of Folsom and Beale Streets.
- 1894 1894 Hicks/Judd Block Book shows parcel presently occupied by 347-49 Fremont Street belonged to W. A. White.
- 1900 1900 Sanborn map indicates parcel upon which 347-49 Fremont now sits was occupied by the same dwelling present in 1886, although the sheds had been removed. Block remains largely unchanged, although industrial usage is beginning to displace residential. Pendergast's Foundry and Hall's Boiler Works are both abandoned, possibly due to the recent economic depression. East side of Fremont Street remains largely residential.
- 1906 On April 18 San Francisco is hit by a catastrophic earthquake. Ruptured gas lines started fires that raged uncontrollably throughout the City. Within a day, the bulk of the South of Market was leveled including the subject block.
- Parcel presently occupied by 347-49 Fremont Street (Lot 9) belongs to Ms. Ella Kehoe (1/2) and Richard Mooney (1/2). Original purchase date is unknown.
- 1913 1913 Sanborn shows very little new construction on Block 3747 and what there was appears to be temporary. The only permanent new building appears to be St. Brendan's Church and an associated rectory. The rest of the block had been consolidated as one parcel under the ownership of the Southern Pacific Railroad.
- Existing wood-frame machine shop (hereafter the Edwin Tucker & Co. Building) is erected by Edwin W. Tucker, for his business E. W. Tucker & Co. According to the original building permit, #50478 (issued June 25, 1913), the building was the first erected on the site since the 1906 earthquake. According to the permit, the cost of construction is \$2,300. The building was to be used by E. W. Tucker & Co., a marine engineering and manufacturing operation, as a machine shop.
- 1929 Ella Kehoe, half-owner of the Edwin Tucker & Co. Building dies, leaving her interest in the property to Robert F. and Clarence J. Kehoe on September 23.



- Robert F. and Clarence J. Kehoe sell Lot 9 and its improvements to Edwin Tucker, president of E. W. Tucker & Co.
- 1930 American Engraving & Color Plate Co. Building erected next door at 333 Fremont Street by Louis Lurie. Art Deco/Gothic Revival concrete manufacturing building designed by prominent San Francisco architects, the O'Brien Brothers and W. D. Peugh.
- 1934 November 21, 1934, ownership of the Edwin Tucker & Co. Building is transferred from E. W. Tucker & Co. to Edwin Tucker's wife, Jennie E. Tucker.
- 1941 December 8, 1941, Jennie E. Tucker sell Edwin Tucker & Co. Building to Bay Cities Separator Co. Bay Cities Separator was operated by Fred W. Payne and C. S. Kinnear and the company manufactured marine batteries.
- 1946 June 6, 1946, title to Edwin Tucker & Co. Building transferred from Bay Cities Separator Co. to company co-owner Fred W. Payne.
- 1956 Fred W. Payne dies and Bay Cities Separator goes out of business. Fred's widow, Anna B. Payne retains ownership of the property.
- 1957-59 Edwin Tucker & Co. Building occupied by Oxy-Dry Sprayer Corporation, a printing house.
- 1960-66 With the exception of a brief period in 1961 and 1964, Edwin Tucker & Co. Building is listed as being vacant in city directories.
- 1961 October 18, 1961, Anna B. Payne sells Edwin H. Tucker & Co. Building to Sven and Dorothy Ostman.
- 1965 Sven and Dorothy Ostman sell the Edwin H. Tucker & Co. Building to Morrison Imports.
- 1967-70 Edwin Tucker & Co. Building occupied by The Light Works, dealer of custom light fixtures.
- 1971-72 Edwin Tucker & Co. Building occupied by Morrison Imports, Inc., dealer of custom light fixtures.
- 1972 Beatrice Foods Corporation purchases Edwin Tucker Building from Morrison Imports, Inc.
- 1973-75 Edwin Tucker & Co. Building listed as vacant in city directories.
- 1976-85 Edwin Tucker & Co. Building leased to several commercial photographers.
- 1982 Lots 9 and 10 merged, creating Lot 19

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings \_\_\_\_\_  
Review Code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 2 Resource name(s) or number (assigned by recorder) 347-49 Fremont Street

P1. Other Identifier: Edwin W. Tucker & Co. Building

P2. Location: ☐ Not for Publication ☒ Unrestricted

\*b. USGS 7.5' Quad: San Francisco North

Date: 1997

\*a. County San Francisco

\*c. Address 347-49 Fremont Street

City San Francisco

Zip 94105

\*e. Other Locational Data: Block: 3747 Lot: 019

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries.) The Edwin W. Tucker & Co. Building is located on a 21'-6" x 137' lot on the east side of Fremont Street, between Folsom and Harrison Streets. The building is a two-story-over-basement, wood frame, former machine shop designed in a vernacular mode with sparse Classical Revival detailing. The building is one story in height with a basement and two mezzanines, one facing the street and the other facing the rear (east) property line. The facade, south, and east walls are partially fenestrated. The mezzanine sections feature flat roofs and the machine shop has a gable roof punctuated by skylights. The gable roof is concealed from view by a stepped parapet gable, which is approximately 25' in height from the sidewalk to the crest of the parapet. Structurally, 347-49 Fremont is a timber-frame building with a concrete foundation, brick footings, rustic channel siding and wood windows and trim. Ornamentation is sparse, consisting for the most part of a stepped cornice and decorative window hoods. Several of the original window frames are broken and the original doors are missing. Otherwise the facade has undergone relatively few alterations. Several sections of the interior have been substantially altered to accommodate a change in use from machine shop to office building and as a result, only some of its character-defining features survive intact. The most significant interior features are the office mezzanine and the overhead traveling crane in the former machine shop. The building appears to be in fair condition.

\*P3b. Resource Attributes: (list attributes and codes) HP 8: Industrial Building

\*P4. Resources Present: ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5a. Photo

P5b. Photo: (view and date)  
March, 7 2003

\*P6. Date Constructed/Age and Sources: ☒ Historic  
1913/ Sanborn Fire Insurance Map:  
1899, 1905, 1913; Building Permit

\*P7. Owner and Address:  
City Core/Fremont St. Investors  
2352 Post Street, Suite 200  
San Francisco, California 94115

\*P8. Recorded by:  
Christopher VerPlanck  
Page & Turnbull, Inc.  
724 Pine Street  
San Francisco, CA 94108

\*P9. Date Recorded:  
April 2, 2003

P10. Survey Type:  
Historic Resource Study

\*P11. Report Citation: (Cite survey report and other sources, or enter "none") Archeo-Tech, *Archaeological Research Design and Treatment Plan, 333 Fremont Street Project, City and County of San Francisco*, February 28, 2003.

\*Attachments: ☐ None ☐ Location Map ☐ Sketch Map ☐ Continuation Sheet ☒ Building, Structure, and Object Record  
☐ Archaeological Record ☐ District Record ☐ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record  
☐ Artifact Record ☐ Photograph Record ☐ Other (list)



**BUILDING, STRUCTURE, AND OBJECT RECORD**

Page 2 of 2

Primary #  
HRI#

\*NRHP Status Code

\*Resource Name or # 347-49 Fremont Street

- B1. Historic name: Edwin W. Tucker & Co. Building  
B2. Common name: 347-49 Fremont Street  
B3. Original Use: Machine Shop B4. Present use: Vacant  
\*B5. Architectural Style: Utilitarian, with Classical Revival Detailing  
\*B6. Construction History: (Construction date, alterations, and date of alterations)  
347-49 Fremont was constructed in 1913 by Edwin W. Tucker for use as a machine shop.

- \*B7. Moved? ☒ No ☐ Yes ☐ Unknown Date: \_\_\_\_\_ Original Location: \_\_\_\_\_  
\*B8. Related Features:

B9a. Architect: E. W. Tucker

b. Builder: day labor

\*B10. Significance: Theme NA

Area NA

Period of Significance NA

Property Type Machine Shop

Applicable Criteria NA

(Discuss Importance in terms of historical or architectural context as defined by theme, period, and geographic scope. Also address Integrity)

347-49 Fremont was constructed in 1913 for \$2,300 by Edwin W. Tucker, owner of Edwin W. Tucker & Co. an engineering and manufacturing company specializing in marine-related equipment. E. W. Tucker & Co. remained in the building until Edwin's widow sold the building in 1941 to Bay Cities Separator Company, a manufacturer of marine batteries owned by Fred and Anna Payne. Anna Payne sold the building to Sven and Dorothy Ostman in 1956 following the death of her husband. Throughout the late 1950s and 1960s, 347-49 was occupied by a series of tenants, including a paint equipment distributor, a Catholic priest, and a dealer of imported lighting fixtures. In 1972, Beatrice Foods Corp., the owner of 333 Fremont next door, purchased 347-49 Fremont and linked the buildings together. Throughout the 1970s and 1980s, the buildings were used for warehousing and later, workspace for graphic designers and photographers. In 2000 the building was purchased by the present owner and converted into office space.

347-49 Fremont does not appear to be individually eligible for listing in the *National Register of Historic Places* because it lacks sufficient architectural or historical significance.

B11. Additional Resource Attributes: (List attributes and codes)

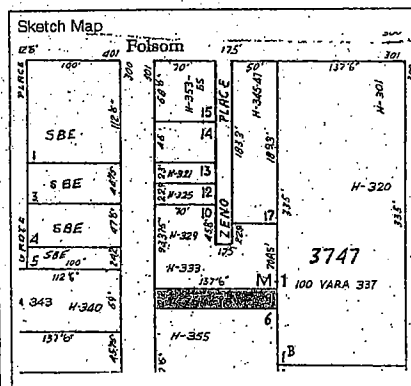
\*B12. References: San Francisco Architectural Heritage Building Files, San Francisco Department of Building Inspection, San Francisco History Room, San Francisco City Directories, Sanborn Fire Insurance Maps: 1899, 1905, 1913, 1948, 1991

B13. Remarks:

\*B14. Evaluator: Christopher VarPlanck

\*Date of Evaluation: April 2, 2003

(This space reserved for official comments.)



*Edwin W. Tucker & Co. Building*  
*Historical Resource Evaluation Report*  
**ADDENDUM**

It has recently been brought to our attention that questions have surfaced concerning the potential eligibility of the Edwin W. Tucker & Co. Building in San Francisco (heretofore referred to as 347-49 Fremont or simply, "the building"). Questions posed by staff of the California State Historic Preservation Office have raised concerns about the building's significance, integrity in 1995 when the initial determination of eligibility was made as well as its existing level of integrity. This addendum is intended to resolve any remaining questions about the building concisely and accurately. While Page & Turnbull contends that the building would be a contributor to a potential historic district, we argue that it does not rise to the level of an individually significant resource and would therefore not be eligible for individual listing in either the *California Register of Historical Resources* or the *National Register of Historic Places*. The following sections will take the form of a question and answer format with each of the questions in bold type and answers following.

**1. Why is 347-49 Fremont not eligible for listing in the National Register?**

The original determination of eligibility made by Patrick McGrew as part of the 1995 Caltrans Section 106 Survey suggested that 347-49 Fremont was eligible for listing under *National Register* Criteria A (Events) and C (Architecture). Page & Turnbull believes that while the building has some level of architectural and historical significance, it does not rise to the level necessary for it to be individually significant.

In regard to Criterion A, the 1995 Caltrans report states that 347-49 Fremont would be eligible for listing due to its association with the immediate post-1906 Earthquake reconstruction of the South of Market Area. Research indicates that this is not so. It should be noted that in order to be found eligible for listing in the *National Register* under Criterion A, "the property must have an important association with the event or historic trends, and it must retain historic integrity." *National Register Bulletin 15 "How to Apply the National Register Criteria for Evaluation,"* states:

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.<sup>1</sup>

It becomes quite clear upon analysis of 347-49 Fremont that it does not meet the test provided in the *National Register's* own guidelines. The building was constructed some seven years after

<sup>1</sup> U.S. Department of the Interior, National Park Service, *National Register Bulletin 15: "How to Apply the National Register Criteria for Evaluation,"* (Washington, D.C.: Rev. 1998), p. 12.



the Earthquake and Fire. It did *not* replace a similar pre-quake building as the Caltrans report contended. Rather it appears to have been erected as a temporary industrial structure that would eventually be replaced once funds and/or consolidation with adjacent lots took place. Furthermore, newspaper archives, city directories and block books do not reveal any linkage with any historically significant or influential businesses or manufacturers. The building at 347-49 Fremont is not eligible for listing under Criterion A.

In regard to Criterion C, while the building at 347-49 Fremont *does not* represent the "work of a master" or "possess high artistic values" it *does* embody the "distinctive characteristics of a type, period and method of construction." Regardless, 347-49 Fremont *does not* appear to be significant enough to justify its eligibility for listing in the *National Register* under Criterion C. The reality is that virtually every building represents the distinctive characteristics of a type, period and method of construction. The question that follows is whether the resource is a "significant" example of a type, period or method of construction. *National Register Bulletin 15* states on pg. 18 that "A structure is eligible as a specimen of its type or period of construction if it is an *important* example (within its context) of building practices of a particular time in history." The question that needs to be asked here is if 347-49 Fremont Street is such an important example of its type period or method of construction.

While *National Register Bulletin 15* does not explicitly define significance, a perusal of the 147 buildings and districts listed in the *National Register* in the City and County of San Francisco reveals that the resources listed are without exception the best examples of particular buildings, structures or objects. Examples of listed resources include the sailing ship *The Balclutha*, Calvary Presbyterian Church, the Bush Street Cottage Row District, the James Flood Mansion, the Ferry Building, Hale Brothers Department Store, Haslett Warehouse, Jessie Street Substation, San Francisco National Guard Armory, the U.S. Ninth Circuit Court of Appeals, Yerba Buena Light House and 136 more of San Francisco's best buildings, structures and objects. The list includes a wide variety of types, styles and eras, ranging from high style mansions to utilitarian warehouses. The unifying theme behind buildings and structures on the list is their general recognition by all parties as being significant resources.

Does the building at 347-49 Fremont belong to this list of significant properties? Research of the building's history and an analysis of its architectural significance indicate that this would not be the case. The *National Register* is the "official Federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and

culture." While 347-49 Fremont is an interesting example of a pre-WWI timber-frame machine shop, it is not significant enough to be listed under Criterion C. It does not particularly stand out from dozens of other similar wood-frame machine shops in the South of Market Area. Generally built on narrow lots on less valuable back streets and alleys, wood-frame machine shops were an inexpensive alternative to more expensive and more permanent concrete structures that became the norm after the 1906 Earthquake. In many cases these less substantial wood-frame machine shops were not given elaborate facades unlike their concrete counterparts and built very cheaply. Most were intended to be replaced as soon as finances allowed or if the lot was consolidated as part of a larger parcel. Nevertheless, many remained due to their continued usefulness and constricted parcel size.

## 2. What historic fabric has been removed from the building at 347-49 Fremont Street?

On the exterior the original pair of hinged doors in the vehicular entryway, the man door and its trim as well as the flagpole have been removed. The vehicular entry was infilled with a contemporary aluminum frame storefront in the late 1990s when the building was converted from industrial to office use. Simultaneously the interior was gutted and remodeled; the front third of the former machine shop was converted office space: new flooring, gypsum board and ceiling materials were installed, as well as new stairs and a new ADA-accessible ramp providing access from 347-49 Fremont to the building next door at 333 Fremont. Furthermore, in the process of linking the two buildings, a large hole was punched into the north wall of 347-49 Fremont.

## 3. Is the building at 347-49 Fremont a rare wood frame machine shop? Are there others with more integrity i.e.; buildings that have their doors, their interior partitons, etc.?

Based on several surveys Page & Turnbull has completed in the South of Market, wood-frame industrial buildings account for approximately ten percent of existing industrial buildings. Within a block of 347-49 Fremont is one of the best examples in the city- the Edwin Klockars Blacksmith Shop at 443-47 Folsom Street (San Francisco City Landmark #149). Attached at the end of this document is a spreadsheet listing twenty other wood-frame machine shops that retain a high level of integrity that are within a half-mile of 347-49 Fremont. This list was compiled during an informal reconnaissance survey of the South of Market. The survey revealed that there were dozens of similar wood-frame machine shops in the area, mostly on smaller back streets or alleys. Some have higher degrees of integrity; some have lower. The survey revealed quantitatively that this is not a rare building type by any means.



4. Does the building at 347-49 Fremont possess integrity in terms of materials and design?  
What changes have taken place between 1995 and today?

Between 1995, when the initial determination of eligibility was made, and the present day, a series of exterior and interior alterations have taken place that compromise 347-49 Fremont Street's integrity to some degree. The exterior was extremely simple to begin with in terms of its materials and design. Originally constructed with a small budget, little attention was lavished on its façade aside from the parapet moldings and plaque in the center of the parapet. Between 1976 and 1995 the flagpole was removed. In the late 1990s the façade was further compromised through the removal of the original man door and vehicular entrance. The interior, which was originally a long open machine shop with two mezzanines, has been altered to some degree. The front portion of the first floor has new interior finishes. The interior was built out as office space, including the sandblasting of ceiling beams, the application of modern flooring and wall materials and the construction of an ADA ramp and stair into the adjoining building. The rear mezzanine has been heavily altered as well. The front mezzanine is the only section of the building's interior to retain integrity of design and materials.

While Page & Turnbull did not perform an extensive condition survey, a cursory inspection of the exterior and interior revealed signs of water infiltration and associated decay of wood elements, including dry rot, in the exterior sheathing, roof decking and interior sills and joists.

5. Was the building at 347-49 Fremont significant at the time of the 1995 Caltrans Survey?

No. Similar to today, in 1995 the building appears to have been eligible as a contributor to a potential historic district but based on the information uncovered by Page & Turnbull in 2003, it would not have been individually eligible for listing in either the *California Register* or the *National Register*.

6. Is there new information?

The determination of eligibility made in 1995 was based conjectural information, much of it incorrect. The building at 347-49 is not a "very rare wood frame building rebuilt in the fire zone following the events of 1906." More important, the building is not a "replica of an 1897 structure which occupied this site before the 1906 holocaust." Nor was it built "between 1906 and 1913" as the Caltrans report contended. Rather, it was constructed after the completion of

the 1913 Sanborn Map. The building is an example of one of scores of inexpensively constructed temporary industrial buildings erected throughout the South of Market in the decade and a half following the 1906 Earthquake and Fire. Scores of comparable buildings still exist in the South of Market, particularly on back streets and alleys such as Natoma, Minna and South Park Streets. Without the alterations that took place in the late 1990s 347-49 Fremont would retain a high level of integrity and would have been a good contextual building in the Rincon Hill area. Even with the alterations, it still provides contextual character to a degree. Whatever significance the building may have, it does not meet the threshold for *National Register* eligibility.



## EXHIBIT B

R. 2

building type/use/number of floors

landmark number

## RELATIONSHIP WITH SURROUNDING BUILDINGS

Relationship of setting to building -2 -1 0 1 2 3 4 5

Importance as contribution to a cluster/streetscape -2 -1 0 1 2 3 4 5

## ARCHITECTURAL DESIGN VALUATION

Facade proportions -2 -1 0 1 2 3 4 5

Richness/Excellence of detailing/decoration -2 -1 0 1 2 3 4 5

Unique visual feature of interest *parapet* 0 1 2 3 4 5

Example of a rare or unusual style or design 0 1 2 3 4 5

Overall architectural quality -2 -1 0 1 2 3 4 5

☐ PROPOSED FOR FURTHER INVESTIGATION☐ CORNICE, PARAPET, APPENDAGE

Importance of cornice to building design -2 -1 0 1 2 3 4 5

Cornice contribution to streetscape -2 -1 0 1 2 3 4 5

## FACADE CONDITION

Physical condition -2 -1 0 1 2 3 4 5

Paint/Material color -2 -1 0 1 2 3 4 5

☐ REMODELING

Appropriateness of improvements -2 -1 0 1 2 3 4 5

*Single P. 76*

date

## Field Notes

*Superb vernacular Bldg.*

## Review Notes

Junior League Listing

☐ text ☐ index ☐ file☐ Northern California Guide☐ Other Listing

photo 304.12

## EVALUATION SHEET

## EXHIBIT C

Address

347-349 Fremont St.

Name

E.W. Tucker and Co. Machine Shop

## A. ARCHITECTURE

1. Style *industrial, Ran/Bar* E VG G FP
2. Construction *wood frame* E VG G FP
3. Age *1913* E VG G FP
4. Architect *E.W. Tucker, Jr., marine engineer* E VG G FP
5. Design *fenestration, parapet* E VG G FP
6. Interior *rem.* E VG G FP

## B. HISTORY

7. Person *Edwin W. Tucker; Co. engineers, machinists, paint contractors* E VG G FP
8. Event E VG G FP
9. Patterns *pre WWI ind* E VG G FP

## C. ENVIRONMENT

10. Continuity *compatible* E VG G FP
11. Setting E VG G FP
12. Landmark *conspicuous for unique design* E VG G FP

## D. INTEGRITY

13. Alterations *interior only* E VG G FP

Reviewed by *RLG* Date *01/24/03* Approved ☒ See Comment Sheet

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Approved \_\_\_\_\_ See Comment Sheet

Reviewed by \_\_\_\_\_ Date \_\_\_\_\_ Approved \_\_\_\_\_ See Comment Sheet

Tentative National Register Eligibility:

Ineligible \_\_\_\_\_ Eligible \_\_\_\_\_ District \_\_\_\_\_

STATUS *std 85*Inventory Group: *C*



☐ S.S. ☒ Outer D-1  
☐ C-3 ☐ Individual  
☐ Other

## The Foundation RESE

Address (file) 347 1/2 Ave

Address (field) 347 1/2 Ave

Block/Lot 347/9 Map page 16

Historic Name(s) \_\_\_\_\_

### BLDG. PERMIT/ CONTRACT NOTICE

BBJ (Permit #) \_\_\_\_\_

☐ A&E ☐ D.P.B. ☐ Ed.Ab. ☐ Other

Vol. \_\_\_\_\_ Date \_\_\_\_\_ Page \_\_\_\_\_

Name \_\_\_\_\_

Builder/Contractor \_\_\_\_\_

Architect/Engineer \_\_\_\_\_

Owner \_\_\_\_\_

Use \_\_\_\_\_

Construction \_\_\_\_\_

Class \_\_\_\_\_

Cost \_\_\_\_\_

Lot size \_\_\_\_\_ Bldg. size \_\_\_\_\_

Height (feet) \_\_\_\_\_ Stories \_\_\_\_\_

Location description \_\_\_\_\_

Architectural description \_\_\_\_\_

### REALDEX (11th ed., 1980)

Address 347 1/2 Ave

Owner Bay Area Foundry Co.

Land use Industrial

Rooms 3 Baths 3 Constr. Frame

Year 1913 Bldg. sq. ft. \_\_\_\_\_

Units: Dwl. \_\_\_\_\_ Bus. \_\_\_\_\_

Stories 2 Zone code M-1

Map page 140 Block/Lot 347/9

### SANBORN MAPS

☐ more info on maps

Year revised \_\_\_\_\_ Vol. \_\_\_\_\_ Page \_\_\_\_\_

Building name \_\_\_\_\_

Address (es) \_\_\_\_\_

Use: D, F, S, AB, Other \_\_\_\_\_

Units: Bus. \_\_\_\_\_ Dwl. \_\_\_\_\_

Stories \_\_\_\_\_ Height \_\_\_\_\_ Elevation \_\_\_\_\_

Date of construction \_\_\_\_\_

Plan ☐ See SKETCH ☐ See PLAN

☐ Skylight(s) \_\_\_\_\_ lighting # of stories \_\_\_\_\_

☐ Well hole(s) \_\_\_\_\_ lighting # of stories \_\_\_\_\_

Construction \_\_\_\_\_

☐ Orange Fireproof

☐ Blue Stone, concrete, or concrete blk.

☐ Gray Iron

☐ Pink Brick

☐ Yellow Frame

Structural details (columns, trusses, walls, ...)

Roof \_\_\_\_\_

☐ Slate/Metal ☐ Composition ☐ Shingle

☐ House on roof

☐ Mansard roof

☐ Parapet: Height \_\_\_\_\_

HVAC \_\_\_\_\_

☐ Steam boiler

☐ Independent electric plant

☐ Elevator

Miscellaneous \_\_\_\_\_

☐ Brick or metal cornice ☐ Frame cornice

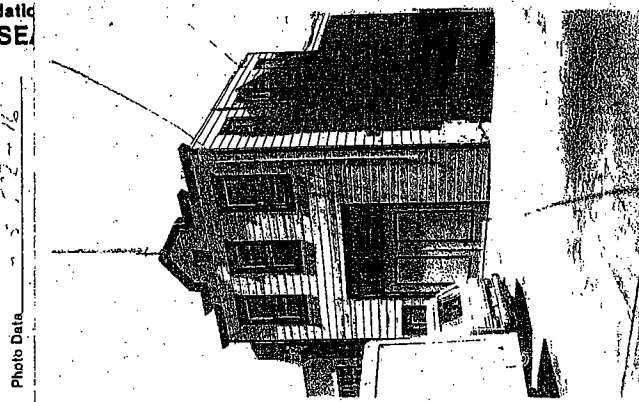
☐ Marquee

☐ Bay windows ☐ Side(s) ☐ Rear

☐ Foundations

AERIAL PHOTOS ☐ See SKETCH

Source \_\_\_\_\_ Date \_\_\_\_\_



### HISTORIC STATUS

☐ Bayfill

Fire limits ☐ 1907 ☐ 1924 ☒ 1939

☒ 1906 Burned district

1921 Zoning district

☐ First ☐ Second residential

☐ Light ☒ Heavy industrial

☐ Commercial ☐ Unrestricted

PUBLIC STATUS

Current zoning: Date 7/80

☐ R-1 ☐ R-2 ☐ R-3 ☐ R-4

☐ C-1 ☐ C-2 ☐ C-3 ☐ C-M

☐ M-1 ☐ M-2 ☐ P

DCP Planning areas

☒ South of Market

☐ Van Ness corridor

☐ Mid Market

☐ Tenderloin

☐ Rincon Hill

☐ Market/Van Ness TDR Area

☐ Mission/Howard TDR Area

☐ NE Waterfront

☐ Showplace Square

☐ \_\_\_\_\_

☐ \_\_\_\_\_

☐ BODC Jurisdiction (100' from shore)

Redevelopment areas

☐ Yerba Buena Center

☐ Golden Gateway Center

☐ Embarcadero Center

☐ Western Addition ☐ A-1 ☐ A-2

☐ Rincon Point

☐ South Beach

Historic Districts

☐ Civic Center (NR)

☐ Jackson Square (City)

☐ North Waterfront (City pending)

☐ South End Warehouse (NR eligible)

☐ Showplace Square (potential)

☐ Chinatown (potential)

☐ Tenderloin (potential)

☐ \_\_\_\_\_

☐ \_\_\_\_\_

Preservation status

☐ City Landmark

☐ National Register

☐ State Historic Resources Inventory

☐ Other

Other Surveys/Ratings

☒ AQS

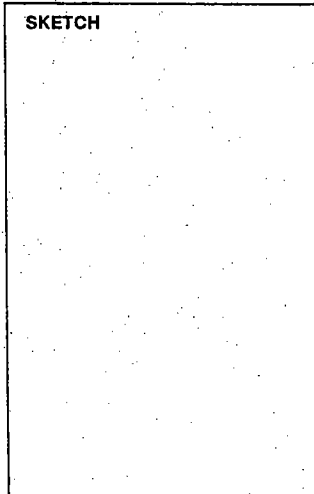
☐ Chinatown

☐ North Beach

☐ Telegraph Hill

☐ Other

### SKETCH



### PLAN

☐ See SKETCH

☐ L-plan ☐ U-plan ☐ H-plan ☐ E-plan

☐ Rectangular ☐ Other

### RESIDENTIAL BUILDING TYPE

☐ Attached ☐ Detached ☐ Subdivided

☐ Single family res. ☐ Workers Cottage

☐ Duplex ☐ Flat and duplex

☐ Bus. with dwl. units

☐ Lodging house

☐ Rooming house

☐ Mid-range hotel

☐ 1st-class hotel

☐ Apartment hotel

☐ Apartment building ☐ Efficiency

☐ Flat ☐ Romeo type

☐ 4-flat ☐ 6-flat ☐ 8-flat

☐ Large flat

F.A.R.

Bldg. sq. ft. \_\_\_\_\_

Site sq. ft. (plt. book) \_\_\_\_\_

S.S. ☒ Outer D-1  
C-3 ☐ Individual  
Other \_\_\_\_\_

## The Foundation for San Francisco's Architectural Heritage FIELD SURVEY FORM — BUILDINGS

Revised August 1982

Address (file) 347 1/2 Ave

Address (field) 347 1/2 Ave

Block/Lot 347/9 Map page 160

Name (field) \_\_\_\_\_

Principal tenant Walker Engineering

Identifier \_\_\_\_\_

Adjacent/Parking ☐ Fwy. above

### NON-RES. BLDG. TYPE (use if different)

☐ Commercial

☐ Industrial

☐ Warehouse

☐ Garage ☐ Incorporated

☐ Service

☐ Parking

☐ Showroom

☐ Office

☐ Bank

☐ Church

☐ Government building

☐ Library

☐ Theater

☐ Club

☒ Firehouse

☐ Utilities building

☐ Power substation

☐ Transportation depot

☐ Other

### RES. BLDG. TYPE (use if different)

☐ Attached ☐ Detached ☐ Subdivided

☐ Single family/Small scale res.

☐ Flat

☐ Apartment

☐ Residential hotel

☐ Hotel

☐ Business with dwl. units

☐ Other

### STORIES

☐ Mezzanine ☐ High basement

### STRUCTURAL TYPE See research O

☐ Reinforced concrete

☐ Iron/Steel frame ☒ Wood/Timber frame

☐ Brick ☐ Stone ☐ Concrete Block

☐ Other

### MASSING

☒ Block ☐ With light courts

☐ Tower ☐ Slab ☐ Setbacks

☐ Other

### COMPOSITION

☐ One-part ☐ 2-part commercial block

☐ 2-part ☐ 3-part vertical block

☐ Articulated end bays

☐ Attic

☐ Structural articulation

☐ Bays

(Circle bay windows; underline fire escapes)

☐ Stacked vertical block

☐ Enframed window wall

☐ Temple front

☐ Vault

☐ Central block with flanking wings

☐ Enframed block

☐ 3-part block

☐ Arcaded block

☐ Rowhouse

☐ Bay windows

### ORNAMENTATION

☐ None ☐ Light ☐ Moderate ☐ Heavy

☐ Greek/Roman ☐ Romanesque

☐ Gothic ☐ Tudor

☒ Renaissance/Baroque

☐ 18th Century English

☐ Art Deco/Modern

☐ Spanish Mission ☐ Craftsman

☐ Chinese ☐ Byzantine ☐ Moorish

☐ Other

Notable Details pointed arch, ironwork

pointed arch, ironwork

### EXTERIOR MATERIALS See research O

☐ Sandstone

☐ Granite

☐ Marble

☐ Brick

☐ Terra cotta

☐ Artificial stone

☐ Cast concrete

☐ Concrete

☐ Concrete block

☐ Stucco

☐ Copper

☐ Bronze

☐ Galvanized iron

☐ Cast iron

☐ Wrought iron

☐ Metal

☒ Wood siding

☐ Shingles

☐ Vitrolite

☐ Glass block

☐ Tile

☐ Terrazzo

☐ Other

### COLORS

Base/Storefronts \_\_\_\_\_

Superstructure \_\_\_\_\_

Trim/Cornice \_\_\_\_\_

### WINDOWS

☐ Double hung

☐ Hinged casement

☐ Fixed sash/Plate glass

☒ Transoms ☐ Prism glass

☐ Stained glass

☐ Chicago windows

☐ Industrial sash

☐ Other

### ROOF

☐ Mission parapet ☐ Tile

☒ Flat ☐ Monitor ☐ Sawtooth

☐ Hip ☐ Gable ☐ Shed

☐ Other

### MAIN ENTRANCE

☐ Commonplace ☐ Remodeled

☐ Porch ☐ Marquee

☐ Columns/Plasters ☐ Pediment ☐ Arch

☐ Vestibule ☐ Stairs ☐ Paving

☐ Lamps/Chandeliers ☐ Urns ☐ Sculpture

☐ Other

### MAIN BUILDING INTERIORS

☐ Inaccessible

☐ Commonplace ☐ Of particular interest

☐ Remodeled: ☐ Minor ☒ Major ☐ Total

☒ Lobby ☐ Elevator ☒ Desk

Size: ☐ Min. ☒ Med./Social ☐ Large/Orn.

Furnishings/Ornament \_\_\_\_\_

☐ Dining room ☐ Other

Photo needs: \_\_\_\_\_

### STOREFRONTS

☐ Remodeled ☐ Partial



EXHIBIT D

**Edwin W. Tucker Co. Building  
San Francisco County, San Francisco  
Request to Remove from the California Register  
Staff Evaluation**

The Tucker Building was determined individually eligible for the National Register under Criterion C on August 14, 1995 under 36 CFR 800, implementing regulations for Section 106 of the National Historic Preservation Act. This action resulted in the automatic listing of the property in the California Register of Historical Resources. The current owner of the Tucker Building, City-Core-Fremont Street Investors, LLC, is requesting the building be removed from the California Register.

California Code of Regulations, Title 14, Chapter 11.5, Section 4856(a) states the Commission may remove an historical resource from the California Register if the historical resource, through demolition, alteration, or loss of integrity has lost its historic qualities or potential to yield information; or new information or analysis shows the historical resource was not eligible at the time of its listing. (According to DPR legal counsel, the criteria the property must meet when evaluating its eligibility for the California Register, pursuant to this request to remove, are the criteria used which caused it to be placed on the California Register in the 1995 - the National Register Criteria for Evaluation.)

The applicant requesting removal has submitted a report and an addendum prepared by Page & Turnbull, Inc. which argues both criteria for removal are satisfied: "the historical resource was not eligible at the time of its listing. Moreover, the building has, through alteration, lost what little historic qualities or potential to yield information it may have once had." The "initial determination was based on incorrect and incomplete information and conflicts with previous evaluations of the building in other surveys."

San Francisco's Planning Department's 1976 Architectural Quality Survey rated the Tucker Building "1," indicating that it was of contextual significance. The City's rating system was -2 (detrimental) to +5 (extraordinary). In 1983 San Francisco Architectural Heritage surveyed the Tucker Building and rated it "C," may be of contextual importance. The building is neither a designated San Francisco Landmark nor part of a local historic district.

In 1994-95 Patrick McGrew Associates, consultants employed by the Federal Highway Administration and Caltrans, prepared a Historic Properties Survey Report for the proposed Mid-Embarcadero Terminal Separator Structure Project. The Area of Potential Effects included the Tucker Building, which was "determined eligible for separate listing through a consensus determination by a federal agency and the State Historic Preservation Officer."

**Edwin W. Tucker Co. Building  
Staff Evaluation  
Page Two**

The Tucker Building was determined eligible for the National Register based on the following statement prepared by Patrick McGrew Associates in 1994:

This is a very rare wood frame building, rebuilt in the fire zone, following the events of 1906. Together with the Wilber Blacksmith Shop, they represent the kinds of structures found here in the pre-fire city. Said to be a replica of an 1897 structure which occupied the site before the 1906 holocaust, it was built sometime between 1906 and 1913, when the first post-fire Sanborn Insurance maps became available, it gives the impression of being much older. This building is associated with the events that have made a significant contribution to the broad patterns of our history, and also embodies the distinctive characteristics of both the pre-fire neighborhood and the post fire reconstruction period in a way that few buildings in the area can. It does possess integrity of location, design setting, materials and workmanship, feeling and association, and consequently appears to qualify for National Register listing under criteria A and C.

Although Patrick McGrew Associates stated the building was significant under Criteria A and C, SHPO's August 14, 1995 concurrence letter stated the Tucker Building was significant under Criterion C, alone. OHP staff historian Clarence Caesar does not recall why Criterion A was deleted. He does remember, however, there was no discussion or disagreement between OHP and Caltrans regarding the eligibility of Tucker Building.

Page & Turnbull's April 2, 2003 report states "[n]ewly discovered historical data presented in [their] report, as well as an up-to-date evaluation of the building's construction history, existing conditions, historic context and integrity, suggests" the building is not eligible for the National Register."

**The historic resource through demolition, alteration, or loss of integrity has lost its historic qualities or potential to yield information:** Changes to the building since its 1995 determination of eligibility include general deterioration and alteration. In 2000 the building was converted from industrial to office use. Changes included replacing the "man door," removing the pair of historic panel doors to create a quasi-open vestibule and recessed aluminum-framed glass storefront. The interior, originally an open machine shop with two mezzanines, was gutted, remodeled, and linked to the building next door. New flooring, gypsum board, and ceiling materials were installed. Ceiling beams were sandblasted. The rear mezzanine was altered. The building is vacant today and the original vehicle entry is boarded up.



**Edwin W. Tucker Co. Building  
Staff Evaluation  
Page Three**

The changes which have taken place since 1995 have affected the historic character of the building and resulted in its loss of sufficient integrity for individual eligibility for the National Register. Perhaps most damaging is the removal of the double doors and the construction of a modern, recessed storefront entry, which completely changes the historic appearance of the building. Additionally, substantial historic fabric has been removed from the interior.

**New information or analysis shows the historical resource was not eligible at the time of its listing:** Page and Turnbull's research establishes the building was constructed sometime in or after 1913 and was not reconstructed from an earlier, pre-earthquake building on the site. It was not, therefore, as suggested in the Patrick McGrew Associates statement, a rare wood frame replica of an 1897 building reflective of the district prior to the earthquake. It was a simple, inexpensive, wood building typical of the many "temporary" buildings put up in the fire zone following the earthquake and consistent with its use as the E.W. Tucker & Co. machine shop.

The information presented in the Patrick McGrew Associates survey form does not provide sufficient historic context to establish significance and National Register eligibility of the Tucker Building. Page & Turnbull have noted errors in the McGrew statement which invalidate the importance of the building for the reasons Patrick McGrew Associates seem to suggest. The conclusion seems to be based on the circumstantial evidence the building was a replica of an 1897 building and therefore "embodies the distinctive characteristics of both the pre-fire neighborhood and the post fire reconstruction period in a way that few buildings in the area can."

Whether the building is significant in some other context as a product of 1913; for example as a small, utilitarian, wood building whose rarity mitigates its loss of integrity is unknown at this time. Page & Turnbull have noted there are twenty other wood machine shops all within a half-mile of the Tucker building and all retaining greater integrity. OHP staff visited the two story, wood Edwin Klockars Blacksmith shop around the corner from the Tucker building and agree the blacksmith shop retains greater integrity than the Tucker building.

Staff asked Charles Chase, Executive Director, San Francisco Heritage, for an opinion regarding the Tucker Building. Chase visited the site and submitted a letter of support for keeping the building on the California Register. Chase wrote: "Today wood frame, utilitarian structures such as this are rapidly disappearing from our urban landscape to make way for larger development....Heritage does

**Edwin W. Tucker Co. Building  
Staff Evaluation  
Page Four**

not believe the architectural and historic value of structures such as [the Tucker building] should be diminished through removal from the California Register."

This request to remove was submitted to the City of San Francisco for comment. The City has not responded as of this time.

Four OHP staff people visited the Tucker building: Steve Mikesell, Tim Brandt (Senior Restoration Architect), Maryln Lortie, and Cynthia Howse. The group consensus is it is a modest building whose historic character is seen only in its scale, three mezzanine windows, and gabled parapet. The ground floor is altered, as is the interior.

Staff believes both criteria for removing a property from the California Register are met. The building has lost substantial integrity since 1995 when it was determined eligible and new information shows decisions about significance were based on factual error. Based on the standards applied in the Registration Unit for documenting and nominating properties to the National Register, staff believes the documentation that is known to be factual does not establish significance and National Register eligibility of the Tucker Building under Criterion C.

Staff recommends removing the Tucker Building from the California Register.

Cynthia Howse  
Historian II  
August 4, 2003



## EXHIBIT E

8000-18 (Rev. 9/93)

CITY OF SAN FRANCISCO CA 94121  
 APPLICANT: GARY BELL AND ASSOCIATES  
 PROJECT: 26TH AV  
 751-6400  
 1600 MISSION STREET, SUITE 500  
 SAN FRANCISCO, CA 94103

THIS PERMIT IS GRANTED TO THE APPLICANT FOR THE CONSTRUCTION OF A BUILDING TO BE USED AS A RESIDENTIAL STRUCTURE. THE BUILDING SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY AND COUNTY OF SAN FRANCISCO BUILDING DEPARTMENT STANDARDS AND SPECIFICATIONS. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY AND COUNTY OF SAN FRANCISCO BUILDING DEPARTMENT. THE PERMIT IS VALID FOR A PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE. IF THE BUILDING IS NOT COMPLETED WITHIN THIS PERIOD, THE PERMIT SHALL BE REVOKED AND THE APPLICANT SHALL BE REQUIRED TO REAPPLY FOR A NEW PERMIT. THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING THE BUILDING IN ACCORDANCE WITH THE CITY AND COUNTY OF SAN FRANCISCO BUILDING DEPARTMENT STANDARDS AND SPECIFICATIONS. THE PERMIT IS VALID FOR A PERIOD OF 180 DAYS FROM THE DATE OF ISSUANCE. IF THE BUILDING IS NOT COMPLETED WITHIN THIS PERIOD, THE PERMIT SHALL BE REVOKED AND THE APPLICANT SHALL BE REQUIRED TO REAPPLY FOR A NEW PERMIT. THE APPLICANT SHALL BE RESPONSIBLE FOR MAINTAINING THE BUILDING IN ACCORDANCE WITH THE CITY AND COUNTY OF SAN FRANCISCO BUILDING DEPARTMENT STANDARDS AND SPECIFICATIONS.

NO.	DESCRIPTION	AMOUNT	TOTAL
1	PERMIT FEE	150.00	150.00
2	SEWER FEE	150.00	300.00
3	WATER FEE	150.00	450.00
4	STREET FEE	150.00	600.00
5	PLUMBING FEE	150.00	750.00
6	ELECTRICAL FEE	150.00	900.00
7	MECHANICAL FEE	150.00	1050.00
8	LANDSCAPE FEE	150.00	1200.00
9	ARCHITECTURAL FEE	150.00	1350.00
10	ENGINEERING FEE	150.00	1500.00
11	INSPECTION FEE	150.00	1650.00
12	RECORDING FEE	150.00	1800.00
13	STAMPING FEE	150.00	1950.00
14	NOTARIAL FEE	150.00	2100.00
15	LEGAL FEE	150.00	2250.00
16	ADDITIONAL INFORMATION	150.00	2400.00
17	RECORDING FEE	150.00	2550.00
18	STAMPING FEE	150.00	2700.00
19	NOTARIAL FEE	150.00	2850.00
20	LEGAL FEE	150.00	3000.00
21	ADDITIONAL INFORMATION	150.00	3150.00
22	RECORDING FEE	150.00	3300.00
23	STAMPING FEE	150.00	3450.00
24	NOTARIAL FEE	150.00	3600.00
25	LEGAL FEE	150.00	3750.00
26	ADDITIONAL INFORMATION	150.00	3900.00
27	RECORDING FEE	150.00	4050.00
28	STAMPING FEE	150.00	4200.00
29	NOTARIAL FEE	150.00	4350.00
30	LEGAL FEE	150.00	4500.00
31	ADDITIONAL INFORMATION	150.00	4650.00
32	RECORDING FEE	150.00	4800.00
33	STAMPING FEE	150.00	4950.00
34	NOTARIAL FEE	150.00	5100.00
35	LEGAL FEE	150.00	5250.00
36	ADDITIONAL INFORMATION	150.00	5400.00
37	RECORDING FEE	150.00	5550.00
38	STAMPING FEE	150.00	5700.00
39	NOTARIAL FEE	150.00	5850.00
40	LEGAL FEE	150.00	6000.00
41	ADDITIONAL INFORMATION	150.00	6150.00
42	RECORDING FEE	150.00	6300.00
43	STAMPING FEE	150.00	6450.00
44	NOTARIAL FEE	150.00	6600.00
45	LEGAL FEE	150.00	6750.00
46	ADDITIONAL INFORMATION	150.00	6900.00
47	RECORDING FEE	150.00	7050.00
48	STAMPING FEE	150.00	7200.00
49	NOTARIAL FEE	150.00	7350.00
50	LEGAL FEE	150.00	7500.00
51	ADDITIONAL INFORMATION	150.00	7650.00
52	RECORDING FEE	150.00	7800.00
53	STAMPING FEE	150.00	7950.00
54	NOTARIAL FEE	150.00	8100.00
55	LEGAL FEE	150.00	8250.00
56	ADDITIONAL INFORMATION	150.00	8400.00
57	RECORDING FEE	150.00	8550.00
58	STAMPING FEE	150.00	8700.00
59	NOTARIAL FEE	150.00	8850.00
60	LEGAL FEE	150.00	9000.00
61	ADDITIONAL INFORMATION	150.00	9150.00
62	RECORDING FEE	150.00	9300.00
63	STAMPING FEE	150.00	9450.00
64	NOTARIAL FEE	150.00	9600.00
65	LEGAL FEE	150.00	9750.00
66	ADDITIONAL INFORMATION	150.00	9900.00
67	RECORDING FEE	150.00	10050.00
68	STAMPING FEE	150.00	10200.00
69	NOTARIAL FEE	150.00	10350.00
70	LEGAL FEE	150.00	10500.00
71	ADDITIONAL INFORMATION	150.00	10650.00
72	RECORDING FEE	150.00	10800.00
73	STAMPING FEE	150.00	10950.00
74	NOTARIAL FEE	150.00	11100.00
75	LEGAL FEE	150.00	11250.00
76	ADDITIONAL INFORMATION	150.00	11400.00
77	RECORDING FEE	150.00	11550.00
78	STAMPING FEE	150.00	11700.00
79	NOTARIAL FEE	150.00	11850.00
80	LEGAL FEE	150.00	12000.00
81	ADDITIONAL INFORMATION	150.00	12150.00
82	RECORDING FEE	150.00	12300.00
83	STAMPING FEE	150.00	12450.00
84	NOTARIAL FEE	150.00	12600.00
85	LEGAL FEE	150.00	12750.00
86	ADDITIONAL INFORMATION	150.00	12900.00
87	RECORDING FEE	150.00	13050.00
88	STAMPING FEE	150.00	13200.00
89	NOTARIAL FEE	150.00	13350.00
90	LEGAL FEE	150.00	13500.00
91	ADDITIONAL INFORMATION	150.00	13650.00
92	RECORDING FEE	150.00	13800.00
93	STAMPING FEE	150.00	13950.00
94	NOTARIAL FEE	150.00	14100.00
95	LEGAL FEE	150.00	14250.00
96	ADDITIONAL INFORMATION	150.00	14400.00
97	RECORDING FEE	150.00	14550.00
98	STAMPING FEE	150.00	14700.00
99	NOTARIAL FEE	150.00	14850.00
100	LEGAL FEE	150.00	15000.00

## EXHIBIT F



# PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

MAIN NUMBER  
(415) 558-6378DIRECTOR'S OFFICE  
PHONE: 558-64114TH FLOOR  
FAX: 558-6426ZONING ADMINISTRATOR  
PHONE: 558-63505TH FLOOR  
FAX: 558-6409PLANNING INFORMATION  
PHONE: 558-6377MAJOR ENVIRONMENTAL  
FAX: 558-5991COMMISSION CALENDAR  
INFO: 558-6422INTERNET WEB SITE  
WWW.SFGOV.ORG/PLAN

August 6, 2003

Dr. Knox Mellon  
 State Historic Preservation Officer  
 Office of Historic Preservation  
 P.O. Box 942896  
 Sacramento, CA 94269-0001

RE: The Edwin Tucker Building  
 333 - 347 Fremont Street  
 (Assessor's Block 3747 / Lot: 19)

Dear Dr. Mellon:

On August 8, 2003, the State Historical Resources Commission will consider the removal of the Edwin W. Tucker & Co. Building, located at 347 Fremont Street, San Francisco, from the California Register of Historic Resources. Page & Turnbull, Inc. prepared a historic evaluation report to evaluate the building's eligibility for the California register, and how it would be considered under the California Environmental Quality Act. The report concluded that although the building had been "determined eligible for separate listing through a consensus determination by a federal agency and the State Historic Preservation Officer," the building was no longer eligible, both because it had lost its integrity since the initial determination and because new information had been brought to light regarding the initial determination of eligibility. This letter is to indicate that the San Francisco Planning Department Preservation staff agrees with this determination.

An initial survey report, prepared by Patrick McGrew, for the Federal Highway Administration in conjunction with a study for an alternative to the replacement of the Embarcadero Freeway and the terminal separator structure (Project FHWA950427-A), concluded that the building was eligible for the National Register: "[the building] embodies the distinctive characteristics of both the pre-fire neighborhood and the post fire reconstruction period in a way that few buildings in the area can." The Page and Turnbull report, which thoroughly examined the built environment history of the surrounding neighborhood, points out that the initial survey report incorrectly identified the structure as a possible link to the immediate area's pre and post-fire built environment. The initial report assumed that the project was a replica of the building that stood at the site before the earthquake; Sanborn maps point out that a residential structure stood at the site, not a machine shop. Sanborn maps show that the area was generally characterized by residential structures, and not by the type of structure represented by the current building at 347 Fremont, and therefore did not represent the type of development in the area before the earthquake.

It should be noted that the determination of eligibility for the National Register was done without public deliberation before your Commission, and was formalized only by a letter from the State Historic Preservation Officer listing the subject building among many others.

NO916214

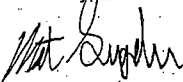


August 6, 2003  
De-listing of the Edwin W. Tucker and Co. Building  
333 - 347 Fremont Street  
Page 2 of 2

The consideration to de-list the Edwin W. Tucker building was not considered before the City's Landmarks Preservation Advisory Board because the timing of your meeting did not enable us to schedule it for Landmarks Board's consideration at one of their regularly scheduled meetings. Therefore, this opinion is reflective of the Department's preservation staff only.

Please contact me if you have any questions or if I can be of any assistance.

Sincerely,



Mat Snyder  
Planner and Preservation Technical Specialist  
Southeast Quadrant Team  
San Francisco Planning Department

cc: Neil Hart, Preservation Coordinator  
Ben Helber, Environmental Review Planner  
Rick Kaufman, City-Core Development  
Tim Kelley, President, Landmarks Preservation Advisory Board  
Bill Lee, Planning Commissioner  
Sara Owsowitz, City Attorney's Office

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DEC-11-2004 05:01 AM

P. 02

JACKSON PACIFIC VENTURES  
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SAN FRANCISCO, CA 94115

415-265-8539 JEMERSEY@AOL.COM

December 10, 2004

Ms. Shelley Bradford Bell, President  
San Francisco Planning Commission

Mr. Larry Badiner  
San Francisco Planning Department

Ms. Joan Kugler  
San Francisco Planning Department

RE: Public Comment to the Rincon Hill Draft EIR

Dear President Bradford Bell, Mr. Badiner and Ms. Kugler:

I write to provide comment to the Rincon Hill Draft Environmental Impact Report ("DEIR"). I am the principal of Jackson Pacific Ventures, and affiliates of my company are developing two sites within the DEIR - 45 Lansing Street and 340-350 Fremont Street. Both of these sites are ones where the Plan intends to create zoning for 400-foot structures. Our projects, as planned, will provide over 600 units of market rate housing -- plus the affordable housing called for by the Plan.

During the DEIR public comments, a few speakers make comments regarding "super-towers", reflecting their erroneous belief that the projects contemplated by the plan posed significant technical and financial obstacles. These comments were mis-informed.

Building a 400-foot structure in San Francisco neither requires the use of new "technology", nor does it require the application of existing technology in unknown ways. It simply requires the use, by an experienced, competent builder, of existing technology, design principles, and construction techniques. The structures the Plan contemplates are well-known building types both in San Francisco and other cities.

In terms of project finance, the proposed 400-foot towers do not pose an unusual challenge, in terms of debt or equity financing, to experienced builders of major projects. The real estate capital markets have a significant interest in this type of project, at locations like Rincon Hill, and similar or larger residential investments in both existing and development projects are being financed today, in San Francisco.

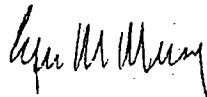


Especially at a time when both planners and the community recognize the advantages of increased density near transit, jobs, education and other urban resources we believe the Rincon Hill Plan is exactly the type of planning that the Department and the Commission should expeditiously advance.

We also acknowledge the concerns of both community members and other project sponsors who are seeking to produce much-needed housing. We urge the Department and the Commission to take into account the comments made at the DEIR hearing -- and then move forward with the timely implementation of the Rincon Hill Plan.

The principals of Jackson Pacific have been responsible for the successful planning, finance, and construction of over \$1 Billion in value of various types of buildings. We are available to you -- along with our expert consultants -- should you require additional information regarding the construction and financing of hi-rise buildings in San Francisco.

Sincerely,



Ezra Mersey  
Managing Partner

Cc: Planning Commissioners; Planning Staff

## MORRISON & FOERSTER LLP

SAN FRANCISCO  
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October 29, 2004

Writer's Direct Contact  
415/268-6171  
SVtettl@mofa.com

Joan A. Kugler, AICP  
Environmental Coordinator  
Planning Department  
1660 Mission Street  
San Francisco, CA 94102

Re: Comments on Rincon Hill Plan Draft EIR (Case No. 2000.1081E)

Dear Ms. Kugler:

The below comments on the Draft Rincon Hill Plan DEIR are submitted on behalf of Rincon Ventures, LLC, the sponsor of the proposed One Rincon Hill project at 425 First Street.

1. Page 18, first bullet: The second sentence should read: "The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower." The proposed 425 First Street project would have approximately 720 units, not 830 units.
2. Page 19, first bullet: The second sentence should read: "The 450-foot tower would be on Harrison Street at the location of an existing surface parking lot and the 550-foot tower would be on First Street at approximately the location of the existing Bank of America (former Union Oil) office building and Clock Tower." The proposed 425 First Street project would have approximately 720 units, not 770 units.
3. Page 21, first bullet: The Existing Controls option would result in a project at the southeast corner of First and Harrison Streets of about 391 units, not 280 units.
4. Page 36, first bullet: The text should read: "425 First Street (Case No. 2003.0029) -- One 350-foot and one 300-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing



## MORRISON &amp; FOERSTER LLP

Joan Kugler  
October 29, 2004  
Page Two

Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with about 506 units."

5. Page 37, first bullet: The sentence should read: "425 First Street (Case No. 2003.0039) -- two 300-foot residential towers over a podium on the south side of Harrison Street east of First Street, on the site of the existing Bank of America (former Union Oil) office building and Clock Tower and an adjacent surface parking lot, with 461 units."
6. Page 38, first bullet: Same comments at No. 2 above.
7. Page 79, Viewpoint 6A: This viewpoint is on Fremont Street looking south, not on First Street.
8. Page 172, second paragraph, last sentence: The tallest tower to be constructed would be 550 feet tall, not 500 feet.
9. Page 236, last paragraph: The first sentence should read: "The retention of the Union Oil Company office building and Clock Tower would result in that site (part of the proposed 425 First Street project site) being unavailable for residential construction. A single residential tower, rather than two towers proposed by the applicant for that project and assumed in the Preferred Option and the 82.5-foot Tower Separation Option, would be constructed at the location of the existing surface parking lot adjacent to the Union Oil Company building (the other part of the proposed 425 First Street project site)."

Thank you for this opportunity to comment.

Very truly yours,

Steven L. Vettel

cc: Michael Kriozere, Rincon Ventures



November 10, 2004

Via Facsimile 415-558-5991 and Hand Delivery

Ms. Joan Kugler, AICP  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

**Re: Rincon Hill Plan  
Draft Environmental Impact Report  
Planning Dept. Case No. 2000.1081E  
Our File No.: 6250.10**

Dear Ms. Kugler:

This office represents Tishman Speyer Properties ("Tishman"). Please accept this letter as Tishman's written comments to the above-referenced Draft EIR. All references to section numbers and page numbers are to the Draft EIR unless otherwise stated.

Under Section II.D (Project Components), the DEIR states that the proposed project will result in the elimination of the existing Rincon Hill Use District (Planning Code Section 249.1) and the underlying zoning designations, "except that a recently adopted residential/commercial (RC) subdistrict would be retained". This new RC Subdistrict includes the 201 Folsom Street and 300 Spear Street projects approved by the City in February 2004.

While this and other statements in the DEIR are accurate statements of the intent of the Planning Department to exclude the new RC Subdistrict (from the rezoning, i.e., retain the RC Subdistrict), figures in the DEIR still show the RC Subdistrict as included within the proposed Rincon Hill Downtown Residential Mixed-Use District. For example, in Figure 3 (page 8), visually describing the proposed new use district, includes a legend and note that clearly shows the location of the RC Subdistrict. However, the boundaries of the proposed Rincon Hill Downtown Residential Mixed-Use District still encompass the RC Subdistrict. Figure 3, and all other figures within the DEIR showing the proposed boundaries of the new zoning, should be revised so that the boundaries do not include the new RC Subdistrict.

\*Also admitted in New York



Reuben &amp; Junius, LLP

Ms. Joan Kugler  
November 10, 2004  
Page 2

At pages 16 and 17, in discussing anticipated retail space within the Rincon Hill Area, the DEIR states that "almost half of this space is anticipated to be devoted to a grocery store in the recently approved project at 201 Folsom Street". This reference is incorrect with respect to 201 Folsom Street. The appropriate reference should be to the project at 300 Spear Street. As part of the approval for that project, the project sponsor agreed to attempt to obtain a grocery store for the project. There is no affirmative requirement that a grocery store be included within that project.

Please let me know if you have any questions or need additional information about any of these comments. Thank you for your assistance.

Very truly yours,

REUBEN & JUNIUS, LLP

  
Andrew J. Junius

cc: Tishman Speyer Properties  
David Alumbaugh

**LUCIAN ROBERT BLAZEJ**

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December 8, 2004

President: Shelley Bradford Bell  
Vice-President: Sue Lee  
Commissioners: Dwight S. Alexander; Michael J. Antonini;  
Kevin Hughes; William L. Lee; Christina Olague  
San Francisco City Planning Commission  
1660 Mission Street  
San Francisco, CA 94103-2414

Re: Rincon Hill Plan Draft EIR-Comments Case No: 2000.1081 E

Honorable Commissioners:

The State Legislature enacted the California Environmental Quality Act (CEQA) in 1970 to ensure that environmental impacts of development projects and planning efforts are carefully considered in order to avoid unanticipated environmental problems. The goal of CEQA is to provide decision-makers, the Planning Commission, Board of Supervisors and Mayor, and the general public with an objective analysis of the immediate and long-range specific and cumulative impacts of a project on its surrounding physical environment. CEQA states that Environmental Impact Reports (EIRs) must be found to be adequate, accurate, complete and objective.

Executive Summary

- A. The DEIR is inadequate because all alternatives analyzed assume the Planning Commission is willing to divest itself of its charter mandated discretionary authority over planning and project review considerations on Rincon Hill. The DEIR is also inadequate because it fails to analyze an alternative that "Optimizes Housing Production."
- B. The DEIR is inaccurate because it fails to properly analyze the number of new housing units that are possible under each alternative. The DEIR fails to disclose on a site-by-site basis the number of new housing units that can be built under each alternative. Numerical analysis in the DEIR is inaccurate, contradictory and confusing.
- C. The DEIR is incomplete in that it fails to provide economic analysis relevant to the construction of "supertowers." While economic impacts are not physical impacts under CEQA, economic impacts could determine whether or not "supertower" projects will in fact be built, or if they are built, who can afford them. Findings whether or not new housing will be "workforce" housing or "lifestyle" housing and related transportation patterns could have physical environmental effects. The DEIR fails to analyze impacts and potential risks to the historic and architecturally significant Bay Bridge. The DEIR also fails to do a comparative analysis of relative compliance of each alternative with the General Plan Priority Policies (Code Section 101.1).
- D. The DEIR is nonobjective in that it promotes and extols the virtues of the staff recommended "Preferred Option" to the point where analysis is skewed and manipulated to make the "Preferred Option" seem superior to other alternatives. The DEIR is filled with "subjective - nonobjective" and unsubstantiated statements and conclusions that are inappropriate to an EIR.



**The Rincon Hill Plan DEIR of 9/25/04 should be given "Administrative Draft" status and a new DEIR should be prepared and be subject to public review and public hearing before the Planning Commission**

The Rincon Hill Plan Draft EIR – September 25, 2004, is an inadequate, inaccurate, incomplete and non-objective document for the reasons outlined in this letter and the detailed attachment, and for the reasons outlined in written submittals on file and oral testimony given at the public hearing on November 29, 2004. The level of inadequacy is such that the Planning Commission should relegate "Administrative Draft" status to this document, require the preparation of a revised Rincon Hill Plan DEIR, and have the revised DEIR be subject to another public review period and another DEIR public hearing.

**A. The Rincon Hill Plan DEIR is an Inadequate Document – It assumes no discretion by the Planning Commission**

The Rincon Hill Plan and the alternatives analyzed are all based on the assumption that the Planning Commission is willing to divest itself of its traditional and City Charter mandated responsibility to exercise discretion in advancing the city's General Plan and Priority Policies. The DEIR should analyze an alternative that "Optimizes Housing Production" and preserves the Planning Commission's authority and discretion over project review, building heights, tower separation, and building bulk, and preserves the Planning Commission's authority over judgments as to the value of private rights and benefits conferred, and judgments as to public requirements and exactions that may be appropriate, those judgments being made on a case by case basis.

**Recommendation**

Require that an alternative be developed and analyzed that "Optimizes Housing Production" while maintaining Planning Commission discretion over project review. An alternative that would satisfy this goal would keep Existing Rincon Hill SUD Zoning Controls, including provisions for tower separation and building bulk exceptions, coupled with a 550 Foot Height District Overlay over all existing Rincon Hill Height District designations. The criterion for exceeding existing heights could be a minimum parcel size of 18,000 square feet, with added building height subject to Conditional Use Authorization by the Planning Commission. This Option would assume 400 foot tall buildings on all development parcels that are 18,000 square feet in area or larger, including up to 550 foot tall towers at locations deemed appropriate by Planning Department staff. Examination of this Option would provide decision makers with sufficient information to evaluate the impacts of all the various proposals put forward by planning staff, property owners, the community and project developers. Examination of this Option would provide decision makers, the Planning Commission, Board of Supervisors and Mayor optimal flexibility in evaluating and fashioning new zoning controls for Rincon Hill. Examination of this Option would also likely result in and reflect a "Housing Optimization" alternative.

**B. The DEIR is inaccurate because it fails to properly analyze the number of new housing units that are possible under each alternative. The DEIR fails to disclose on a site-by-site basis the number of new housing units that can be built under each alternative.**

The Rincon Hill DEIR is confusing and inaccurate in describing the number of new housing units that are possible under each alternative. There are numerous errors, inconsistencies and contradictions throughout the document. These are identified in Attachment "A." For example, the DEIR inflates the housing production potential of the 115-Option and underreports the housing production of the 82.5-Option. The Preferred Option would eliminate 36% of all potential new housing on Rincon Hill, not 22% as suggested in the DEIR.

**Recommendation**

Require that a site-by-site analysis of all development parcels be prepared for each alternative analyzed. The operative development assumptions should be disclosed and if development

assumptions change from one alternative to another, the reason for such a change should be identified and explained.

**C. The DEIR is incomplete in that it fails to provide economic analysis relevant to the construction of "supertowers," fails to analyze impacts on the Bay Bridge, and fails to analyze Priority Policy**

**Compliance**

While economic impacts are not physical impacts under CEQA, economic impacts could determine whether or not "supertower" projects will in fact be built, or if they are built, who can afford them. Findings whether or not new housing will be "workforce" housing or "lifestyle" housing and related transportation patterns could have physical environmental effects, consequently this must be analyzed. The DEIR fails to analyze impacts and potential seismic, terrorist and other risks to the historic and architecturally significant Bay Bridge. The DEIR also fails to do a comparative analysis of relative compliance of each alternative with the General Plan Priority Policies (Code Section 101.1).

**Recommendation**

Require that a site-by-site analysis of all development parcels be prepared for each alternative analyzed. The operative development assumptions should be disclosed and if development assumptions change from one alternative to another, the reason for such a change should be identified and explained. Require an impact analysis of each alternative on the historic Bay Bridge structure, including seismic and terrorist risks associated with building very tall buildings alongside the Bay Bridge structure. Require a comparative analysis of relative compliance of each alternative with the General Plan Priority Policies

**D. The DEIR is nonobjective in that it promotes and extols the virtues of the staff recommended "Preferred Option" and denigrates other alternatives**

The purpose of an Environmental Impact Report is to give decision makers and the public objective and unbiased information, data and analysis relative to the environmental and physical effects of various alternatives. It is inappropriate for an EIR document to express subjective judgments and draw unsubstantiated conclusions. The DEIR is rife with questionable analysis to the point where analysis is skewed and seemingly manipulated to make the "Preferred Option" seem superior to other alternatives. The DEIR is filled with "subjective - nonobjective" and unsubstantiated statements and conclusions that are inappropriate to an EIR.

**Recommendation**

Edit out from the DEIR all "subjective" and/or unsubstantiated statements and conclusions.

Attached is an eight-page document with additional detailed comments. Thank you for your consideration.

Sincerely,

  
Lucian Robert Blazej

Copy: Joan A. Kugler, AICP – Environmental Coordinator



**General Comments on the Adequacy, Accuracy, Completeness and Objectiveness of the Rincon Hill Plan Draft EIR – Case No. 2000.1081 E**  
Prepared and submitted by Lucian R. Blazei December 9, 2004

**Rincon Plan DEIR Specific Comments – by page**

Page S-3/ S-4 Tower count and unit count descriptions for each alternative are inconsistent and must be corrected.

Page S-4 paragraph 2 – use of the word “dynamic” is a subjective and undefined term. Edit out all subjective, biased and undefined terms when describing various alternatives. This is a general comment applicable to the entire document.

Page S-4, third paragraph, last sentence “five towers”, should be “four towers”, 325, 375, 399 and 340 Fremont. 333 Fremont is not a tower.

Page S-4 last paragraph and entire DEIR document. Revise all references to “enforcing” existing controls: Use of the word “enforce” is inappropriate and a biased term. The term “enforce” in the context of the Planning Code generally deals with violations. Granting tower separation exceptions and bulk exceptions are not violations of the Planning Code subject to “enforcement.” Exceptions are legitimate and sanctioned provisions of the Planning Code that are subject to performance criteria and the Planning Commission’s exercise of their discretion. The DEIR should recognize and appropriately characterize “exceptions” within the context of the Planning Code.

Page S-9 line 5 – 6. “The Draft Plan would increase permitted residential densities....” This statement is not true. The Draft Plan reduces the number of potential units by 1,190 units and consequently reduces density. The DEIR needs to be an honest and unbiased document. Tell the truth and edit out all hype.

Page S-30 The summary table “Residential Units (Plan Increment) is inaccurate and inconsistent with other data on potential housing in the DEIR. Do a site-by-site analysis of potential housing under each alternative and include this data in the EIR.

Page 3 Project Sponsor’s Objectives - “Develop a cohesive urban form” makes no mention of compatibility with the Bay Bridge. Failing to consider impacts on the historic and architecturally significant Bay Bridge is a major shortcoming of the DEIR. The impacts on the Bay Bridge must be analyzed.

Page 9. Height and Bulk - “The Preferred Plan Option would retain existing height limits in most of the eastern Plan area...” This is a misleading statement. The fact is that other than the specific towers identified in the plan, the remaining properties are effectively down zoned to a height of 85 feet. The DEIR should be clear on this point.

Note: The EIR should also show a map of the proposed heights from the original 1985 Planning Department proposal that was submitted to the Board of Supervisors.

Page 10. The existing Height and Bulk map is inaccurate. Use official city zoning map.

Page 11. The Proposed Height Map is misleading in that it suggest higher permitted building heights than are actually possible, since implementation of the “Preferred Plan Option” effectively downzones all properties, other than the identified tower sites to 85 feet.

Page 13. “The exceptions have been granted such that buildings built in the district are generally much bulkier and closer together than envisioned under the existing plan.” This is a subjective opinion and inaccurate statement. All the buildings built under the existing zoning have been found by the Planning Commission and Planning Department to conform to both the Rincon Hill Plan and the General Plan. This statement, and all other statements that state the subjective opinion of staff should be stricken from the EIR.

Page 13. “The Department’s analysis has evaluated realistic minimum floor sizes for towers...” This analysis should be included in the appendix. The analysis should also include an economic analysis on the impact on the cost of housing resulting from imposition of minimum floor size bulk controls verses allowing more flexibility so that floor plate efficiencies of 80% to 85% can be achieved.

Page 16. “Fewer towers could result in more visual interest for pedestrians by allowing for individual residential entrances than would otherwise be the case with a single entrance to a large residential tower.” This again is an erroneous and subjective (non-objective) statement on the part of staff to promote the Preferred Plan. The fact is any and all of the alternatives are conducive to whatever pedestrian treatments are desired. Having a residential tower does not preclude having individual “townhouse” type units with individual entrances from the street for lower floor units. This and similar non-objective statements should be stricken.

Page 16. “The Preferred Option balances the quality of the public realm and cityscape with a substantial increase in housing production, in line with established General Plan policy for the area.” This is a subjective and unsupported opinion and should be stricken from the EIR.

Page 19. “Based on community input, Planning Department staff believes this option does not provide...” This is a subjective and unsupported opinion and should be stricken from the EIR.

Page 19. 82.5-Foot Tower Separation Option Description - This description is inadequate and inaccurate and must be corrected. The second bullet point on page 19 asserts that the 375 Fremont Street project and the 399 Fremont Street project are mutually exclusive. This is not true. There are several alternative residential tower configurations that allow for building towers on each parcel and still maintain an 82.5-foot tower separation.



The DEIR should also state that the “March 2003 Draft Rincon Hill Plan” proposed that towers be set back 41 feet 3 inches from property lines in order to achieve 82.5 foot tower separations. The concept of tower separation exceptions in recognition of unique site circumstances should also be covered.

Page 20. (And throughout the DEIR) Under “Existing Controls – 150-Foot Minimum Tower Separation” there is repeated reference to the assumption ... “that the existing (tower separation and bulk) controls would be enforced.” Use of the word “enforced” is both prejudicial and inaccurate, and should be removed from the EIR. The word “enforced” within the Planning Department vernacular refers to instances where there are violations of the Planning Code. Exceptions to specific Planning Code provisions are valid and legitimate, if not a necessary mechanism for allowing flexibility, diversity, variety and opportunity to adjust to the unique circumstances of any given project site. The description of this alternative should be redefined as a “No Planning Commission Discretion” alternative.

Page 20. (And in General) Evaluation of “Existing Controls – 150-Foot Minimum Tower Separation with no tower separation and bulk exceptions” is an inappropriate option for analysis since it is unresponsive to City policy of “Housing Opportunity Optimization” and very little is learned from examining this alternative. This option should be redefined as a “No Project Alternative” and fully analyzed as an alternative that optimizes housing production opportunity under existing height controls, but assuming that there would be both tower separation and building bulk exceptions, consistent with past historic development patterns and past Planning Commission actions. Guidelines for defining this alternative would include tower setbacks from property lines of 41 feet and tower spacing in the range of 50 to 82 feet, consistent with already built projects such as the Avalon Towers on Beal Street and the Metropolitan Towers on First Street.

Page 21. “According to the Planning Department...” While several new residential buildings have been built under the existing controls, these controls have proven difficult to implement and have failed to achieve the key elements of the Rincon Area Plan...” – (and the remaining section). “Proven difficult to implement” What does this phrase mean in this context? Since buildings were built, clearly the plan was implemented. The entire passage is subjective and unsupported staff opinion and should be stricken from the EIR.

Page 22 through 24 – all graphics should show existing underlying height zoning designations. At minimum the EIR should include a chart that shows existing height limits and proposed height limits for tower sites for each EIR Alternative.

Page 23 For DEIR analytical purposes and to optimize housing production, show the 375 and 395 Fremont site with a 400-foot tall residential tower containing 450 units and 450 parking spaces.

Page 25. Under Housing Section provide a chart that identifies existing, approved, proposed and potential housing by site, including the number of units. Potential housing by site and number of units should be identified for each alternative.

Page 25. Second paragraph – end ... “would assess the economic value added...” If economic value added to properties is analyzed, then economic value lost to properties that are effectively down zoned to 85 feet must also be analyzed.

Page 25. If there is going to be a discussion on “economic values” and “price premiums” (last sentence on page) then the DEIR must contain a comprehensive economic analysis for all building types, mid rise up to 85 feet high, towers up to 250 feet high, and super-towers up to 550 feet high. The DEIR must do a construction cost analysis, a market demand analysis by income sector, and a product absorption / supply demand analysis for residential units within the three different building types or conversely do an economic housing affordability analysis by building type and family income.

Page 26. Table 3 reconcile and correct data and provide site-by-site analysis of potential housing construction for each alternative.

Page 27. Sun on public right of way. Do a base analysis showing sunlight remaining if all remaining development parcels are built to a height of 85 feet. With this as base data, determine and identify the location of sunlight that is lost through tower construction under each alternative.

Page 36. Mid page – “Nor is there significant concern with the sculpting of heights for an optimal skyline.” Define what is meant by an optimal skyline and optimal sky exposure. Define the terms in an objective manner or drop this statement.

Page 36. 82.5 Minimum Tower Separation March 2003. The description of this alternative should include the fact that this alternative proposed that towers be set back 41.25 feet from side and rear property lines in order to achieve 82.5 foot separations between buildings.

Page 39. Last sentence. “Under this scenario, an “undesirable cluster of up to six towers would occur...” This is an unsubstantiated, unsupported subjective conclusion. Either outline the criteria used for reaching this conclusion and explain the conclusion, or drop this conclusion.

Page 55. Second line from top – ... “the Draft Plan (options) call for increasing the amount of housing in the Plan area...” This is a meaningless and misleading statement designed to make one think that the Draft Plan and options are encouraging more housing. The fact of the matter is that all options analyzed result in potentially LESS housing on Rincon Hill, by as much as 1,190 fewer units, than if nothing was done and development allowed to proceed under existing zoning and prior Planning Commission approval practices.

Page 57. It is my view as an “expert in the Planning field as defined by CEQA” that the reduction in development potential of over 1,000 housing units is a Significant Environmental Impact because over 1,000 people will have to locate elsewhere in San



Francisco and in the region, consequently contributing to cumulative traffic, air quality degradation and other environmental impacts.

Page 58. San Francisco Planning Code – There is no discussion of how the various alternatives either comply with or fail to comply with the Priority Policies of Planning Code Section 101.1 – prerequisite for any decision by the Planning Commission and Board of Supervisors.

Page 60. 2<sup>nd</sup> paragraph – “The Rincon Hill DTR District would increase permitted densities...” This statement and entire paragraph is false. The Rincon Hill DTR would result in the reduction by at least 1,190 units of potential residential development; consequently residential densities would DECREASE not increase.

Page 61. 2<sup>nd</sup> paragraph - ...”Plan’s implementation to ensure adequate separation between towers...” Given the fact that the Avalon Towers are 50 feet apart and the four 400 foot tall towers at 300 Spear and 201 Folsom are 82 feet apart, please explain in an OBJECTIVE manner and provide criteria to define what “adequate separation between towers” means.

Page 61. Mid page 82.5 foot option - “eight” new towers – not seven.

Page 70. Visual Resources – Identify and discuss the San Francisco Bay Bridge as a visual, historic and architecturally significant visual resource.

Page 85 mid page The entire discussion related to “more slender towers” mischaracterizes what is actually happening in the physical world. The “supertowers” at 400 and 550-foot heights as described in the “Preferred Option” and accompanying bulk result in broader and larger buildings than the shorter buildings at a height of 250 feet. Viewed from nearby streets these buildings would appear, and in fact be broader, bulkier and larger than 250 tall buildings that comply with their respective bulk controls. The DEIR should describe what is happening in the real world and not confuse distant view “aspect ratios” with what is happening visually within the Rincon Hill neighborhood.

Page 85. Mid page paragraph last sentence - ...”and would preserve more public views than continued development under existing controls...” This is an unsubstantiated subjective assertion. Either demonstrate that this is in fact true or strike this assertion.

Page 87 last paragraph – same comment as page 85 regarding bulk, slender towers and aspect ratios, also the misuse of the word “enforce.” This paragraph is a biased and subjective description of “Existing Controls” not based on any objective criteria or standards. All development on Rincon Hill approved and built to date received the scrutiny of Planning Department design review and special projects staff, came before the Planning Commission at a public hearing and were discussed in a public forum, and some projects were brought before the Board of Supervisors. All of these formal review bodies made findings that these built and approved projects were in compliance with and supportive of the objectives and policies of San Francisco’s General Plan, including its

Urban Design Element. The DEIR should state this fact and strike the subjective and unsubstantiated opinions expressed in this paragraph, and similar subjective statements throughout the DEIR.

Page 88. This diagram, Figure 25, should also give quantitative data such as cubic volume or implicit total square footage, using identical standards, and determined how many standard housing units are possible and implicit in this comparison of “Proposed Controls” and “Existing Controls.” The goal of this exercise would be to determine which alternative provides more potential housing, and to what degree.

Page 89. Top “...potentially less graceful form...” this discussion and description is subjective. The DEIR should also include a discussion of the 1985 Rincon Hill Plan including the fact that the 1985 plan recommended a 400 foot height limit for areas now zoned for 250 feet, the Board of Supervisors reducing the height from the Planning Department and Planning Commission recommended height of 400 feet.

Page 89. Discussion of distant views of Rincon Hill should include Twin Peaks, a much visited destination point for viewing the city. Photomontages of Rincon Hill development should also be prepared for view and skyline analysis taken from Twin Peaks.

Page 90. Last paragraph first sentence – Intensification of density – not true. Revise per earlier comment on lower density resulting from fewer potential housing units.

Pages 102 – 106. Trees obscure approximately 20% of the view, which includes key downtown buildings. Select an unobstructed public vantage point on Potrero Hill that shows the full expanse view, including downtown buildings.

Page 144. The concluding paragraph should fully disclose the potential reduction in housing units (approximately 1,190 units) if the Preferred Option is adopted, as opposed to staying with existing Rincon Hill SUD controls.

Page 172. Concluding that significant shadowing during the mid-day of a proposed major new public park is not a significant impact is a precedent setting conclusion that should be re-evaluated by MBEA, the Planning Department and Planning Commission.

Page 192. The correct spelling of Hills Bros. is Bros. not “Brothers.”

Page 196. There is no discussion of the attributes of the historic and architecturally significant “San Francisco Bay Bridge” and the impact of the proposed alternatives on the Bridge. Some discussion may also be warranted regarding a pedestrian and bicycle way on the Bay Bridge and how such links might connect to and integrate with Rincon Hill’s street system.

Page 236. Fully analyze the “Existing Pipeline Option” assuming existing Rincon Hill Controls, with exceptions and a 400 or 550-foot high “Height Overlay” district.



**General Comments on the Adequacy, Accuracy, Completeness and Objectiveness of the Rincon Hill Plan Draft EIR – Case No. 2000.1081 E**

**Plans and Policies**

The Draft EIR fails to make the fundamental and basic analysis of how Plan Alternatives either support or conflict with the Priority Policies of Proposition “M” – Planning Code Section 101.1. Making findings of compliance is a legal prerequisite for the Planning Commission and Board of Supervisors prior to the adoption of any plan or ordinance. This crucial information and analysis is missing. The Draft EIR must provide this information in the “Policy and General Plan Compliance Section” for each alternative analyzed.

**Plan Alternatives and their impacts are not properly analyzed**

Plan Alternatives that are analyzed in the EIR “at an equal level” fail to properly analyze the “Existing Controls” alternative. The EIR erroneously assumes that no tower separation exceptions are or would be permitted if existing controls were maintained. The fact is that all major residential tower projects under existing zoning controls received a combination of both building bulk and/or tower separation exceptions. Avalon Towers, the first 165-foot tall residential tower project on Rincon Hill has a 50-foot tower separation. The four recently approved 350 and 400-foot residential towers at Spear and Main Streets have 82.5-foot tower separations. The recently completed “Metropolitan” project on First Street has an 82-foot tower separation. There is absolutely no basis, other than a staff assertion, that tower separation exceptions would not be granted in the future.

Decision makers and the community need to know what level and type of development is possible under “Existing Controls” if these controls continue to be implemented in a manner consistent with past practice and recent legislative action – the 82.5 foot tower separation code provision was adopted in February of 2004 for 350 and 400-foot tall structures. It is quite reasonable to assume that tower separations for shorter buildings, say buildings less than 250 feet tall, would be allowed that are less than 82 feet. An analysis of existing “pipeline projects” would be a good surrogate for defining development that is possible under existing controls, with exceptions. Decision makers need to know what level of development is possible if existing controls and practice continue.

**Area of Actual Influence of the proposed rezoning area**

The draft EIR and Rincon Hill Planning document greatly overstate the actual area of influence of both the plan and area of proposed rezoning. The EIR should provide an accurate map showing actual properties where future development is likely. This exercise will show that areas smaller than two city blocks are actually affected. The complexity and detail of the proposed plan alternatives are grossly out of proportion with potential future development and land area affected.

**Economic Impact Analysis on Housing Affordability**

The EIR fails to disclose the economic impacts of the various plan options and plan provisions on “Housing Affordability.” Housing affordability is a very important policy

consideration for San Francisco. The EIR should provide an economic analysis of the cost of housing when buildings are less than 250 feet in height, and when buildings exceed 250 feet and continue to a height of 400 to 550 feet as recommended in the Preferred Option. This analysis must be done in conjunction with an analysis of the proposed bulk regulations. The Rincon Plan “Preferred Option” provisions as proposed, result in more costly housing for both high rise and mid rise structures. High-rise structures over 250 feet in height are more costly per unit because more elaborate seismic and structural considerations are required.

The bulk provisions as proposed in the Preferred Option make buildings under 250 feet in height more costly because the reduced plate size requirements makes these shorter buildings less efficient with respect to useable floor area to building core area ratios.

Decision makers and the community need to understand and know what the impact on housing cost is under the proposed plan alternatives, and under existing controls – with exceptions. Existing controls, with tower separation and bulk exceptions, and buildings that are no higher than 250-feet, but permit an average floor plate that achieves optimal efficiency ratios of 85% to 90% would probably accommodate more residential units that are more affordable, than under the Preferred Option. The Draft EIR fails to provide this critical housing cost impact and comparison information. The Planning Commission should require that this information and analysis be provided.

**Analysis of impact on the loss of Production, Distribution and Repair land and space**

The Preferred Option proposes to rezone considerable areas within Rincon Hill that are currently zoned M-1 Manufacturing and contain a number of commercial uses. Consistent with Planning Department concern over the loss of industrial space and Industrial Zoned land, the Draft EIR should quantify existing Production, Distribution and Repair (PDR) space and resources within Rincon Hill, and analyze the cumulative impact of the potential loss of this space, in conjunction with the citywide cumulative impact analysis related to loss of PDR resources.

**Impact on the Bay Bridge as an historic and architectural resource**

The existing Rincon Hill Plan, as an urban design consideration, provides for a reduced height limit of 84 feet along the north side of the Bay Bridge in order to provide “breathing room” and a visual corridor along the Bay Bridge, so the full power and engineering integrity of this historic structure can be honored and enjoyed from surrounding and distant vantage points. The Preferred Option proposes to raise height limits adjacent to the Bay Bridge and encourage the development of 400 and 550-foot tall residential towers directly adjacent to the Bay Bridge. Crowding the Bay Bridge structure could well have a significant adverse impacts on this very prominent public historic structure. The Draft EIR fails to do an architectural and cultural resource impact analysis of the Preferred Option on the Bay Bridge structure and the bridge’s importance within the overall city fabric and urban design setting. The Draft EIR needs to address this issue.



**Rincon Hill Plan**  
**Summary Comparison of Plan Alternatives on Residential Development**

**Impact on Housing Production**

The Preferred Option at 2,220 units provides 1,080 fewer housing units, or 33% less housing than the 3,300 units possible under existing zoning controls.

This loss of almost one year's supply of housing translates into the permanent loss of 130 Inclusionary Affordable Housing Units and loss of 187 Inclusionary Units off site.

**Bonuses Conferred and Development Rights Taken**

The Preferred Option at 1,490 high rise tower units, conveys very considerable bonuses on three select sites, including a collective total increase of 1,182 feet in building height, or 118 additional stories. This translates into a dwelling unit increase of approximately 860 units, a density bonus of 137% over the current development potential for these sites of 630 units.

The Preferred Option effectively downzones at least four tower development sites from an existing 250-foot height zoning to 85 feet – a collective loss of 610 feet of building height, or 61 stories. Under current zoning these sites could provide approximately 845 housing units. Under the Preferred Option the development potential of these sites is reduced to 320 units, a 525-unit loss (62% loss) in development potential.

**Conclusion**

The Preferred Option effectively doubles the number of high-rise floors in the Rincon Hill Area; subtracting 61 floors of high-rise development potential and adding back 118 floors of high-rise development potential.

This substantial shift and realignment of development potential on Rincon Hill has the net effect of reducing housing development potential from 3,300 housing units under current controls to 2,220 units under the Proposed Option.

Since residential towers at a height of 250 feet and lower tend to be less costly to build, and entail less financial risk, such projects would likely cost less and be more affordable – addressing the need for "Workforce Housing." Fewer and much taller buildings, in the 400 foot to 550 foot height range, would be more costly to build, and would likely sell at a premium as luxury – life-style housing, rather than addressing the needs of working San Francisco residents.

**Commissioners, please direct staff to prepare and analyze an alternative that "Optimizes Housing Production" within the parameter of existing Rincon Hill Plan and Zoning Controls.**

**Rincon Hill - Residential Development**

Date: 11/01/04

**EIR Alternative Comparison**

**Housing Density and Height Bonuses and Losses for Various Development Sites**  
**Comparison Between the Preferred Alternative and Existing Zoning Controls - with Exceptions**

Building Address/ Assessor's Blk.	Preferred Option 115 Sep. No. DU's	Exist. Height Limit	Exist. Base DU's	Propo. Height Limit In Ft.	Density DU Benefit	Building Height Increase In Feet	Existing Controls W/Excep. No. DU's	Exist. Height Limit	Proposed Controls No. DU's	Propo. Height Limit In Ft.	Density DU Loss	Building Height Decrease In Feet
AB 3745												
AB 3746												
AB 3747 300 Beale												
399 Fremont							220	250	80	85	140	185
375 Fremont							210	250	80	85	130	185
333 Fremont												
325 Fremont												
AB 3748												
340-350 Fremont	340	250	190	400	150	150						
390 Fremont							220	250	80	85	140	185
AB 3749 1st & Harrison							195	200	80	85	115	115
45 Lansing	320	84	80	400	240	318						
AB 3764 Harrison-Essex												
AB 3765 425 First #1	380	200	280	450	100	250						
425 First #2	450	84	80	550	370	464						
AB 3766												
AB 3769												
<b>Preferred Option</b>	<b>1490 DU's</b>					<b>1,182 Gain</b>						
<b>Existing Controls - Pref. Opt. Sites</b>				<b>630 DU's</b>								
<b>Density / DU Bonus</b>					<b>860 DU's</b>				<b>137 % Bonus</b>			
<b>Existing Controls - Non-Pref. Opt. Sites</b>								<b>845 DU's</b>				
<b>Number of Units Under Preferred Option Controls</b>										<b>320 DU's</b>		
<b>Density / DU Loss</b>											<b>62 % DU Loss</b>	<b>525 DU's</b>



# Rincon Hill - Residential Development

Date: 11/01/04

## EIR Alternative Comparison

Note: Responsive to pages S-3 to S-5 of Rincon Hill Draft EIR

### Correction of Unit Counts and Adjustment of Development Potential Under Existing Zoning Controls

Building Address/ Assessor's Blk.	DEIR Preferred Option 115 Sep.		DEIR 82.5-Foot Tower Separation		Corrected 82.5-Foot Separation		DEIR Existing Controls 150 Sep.		Corrected Existing Controls With Exceptions	
	No. DU's	Height	No. DU's	Height	No. DU's	Height	No. DU's	Height	No. DU's	Height
AB 3745										
AB 3746										
AB 3747 300 Beale										
399 Fremont			250	350	300	350			220	250
375 Fremont			to 300 units	300	280	300			210	250
333 Fremont										
325 Fremont										
AB 3748										
340-350 Fremont	340	400	350	400	340	400			190	250
390 Fremont			320	400	320	400	190	250	180	250
AB 3749 1st & Harrison							195	200	185	200
45 Lansing	320	400	275	400	320	400				64
AB 3764 Harrison-Essex			230	400	230	400				64
AB 3765 425 First #1	380	450	320	450	380	450	280	200	280	200
425 First #2	450	550	450	550	450	550				64
AB 3766										
AB 3769										
Preferred Option	1490									
82.5 Foot Separation Option			2195		2600				1285	
Existing Controls - 150-Foot Separation and with Exceptions							665			
Podium DU's	730		650 estimate		570 estimate		1210 estimate		570 estimate	
Total - This Chart	2220		2845		3170		1875		2255	
Total Units DEIR Table S-1 (page S-30)	2220		2845				1630		1630 to 3300	

Note: This chart only assumes tower separation exceptions.

An addition of up to 10% more housing units are possible if bulk exceptions are also considered.

Number of Podium Units under each alternative is a rough estimate and should be verified by Planning Department staff.



"Lucian Blazej"  
<lrb blazej@pacbell.net>

12/09/04 10:50 AM

To: <sbbpr@pacbell.net>, <suelee@chsa.org>, <c\_olague@yahoo.com>,  
<wordweaver21@aol.com>, <khughes@lbewb.com>

cc: <Linda.Avery@sfgov.org>, <Joan.Kugler@sfgov.org>,  
<lawrence.badiner@sfg.org>, <Dean.Macris@sfgov.org>

Subject: Rincon Hill Plan DEIR Housing Optimization Alternative - Deadline  
12/10

Commissioners,

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

Tomorrow 12/10 is the deadline for submitting written comments on the Rincon Plan DEIR to MEA. I urge that you specifically instruct staff to include and analyze the following "Housing Optimization" Alternative. Including such an alternative will provide the necessary information for the Planning Commission to exercise broad judgment in acting on Rincon Plan modifications, and will preserve the Planning Commission's discretionary authority over projects with respect to tower separation and bulk controls. Thank you for your consideration. If you have any questions, feel free to call me at 695-1111. Thank you again. Lu Blazej

#### Recommendation

Require that an alternative be developed and analyzed that "Optimizes Housing Production" while maintaining Planning Commission discretion over project review. An alternative that would satisfy this goal would keep Existing Rincon Hill SUD Zoning Controls, including provisions for tower separation and building bulk exceptions, coupled with a 550 Foot Height District Overlay over all existing Rincon Hill Height District designations. The criterion for exceeding existing heights could be a minimum parcel size of 18,000 square feet, with added building height subject to Conditional Use Authorization by the Planning Commission. This Option would assume 400 foot tall buildings on all development parcels that are 18,000 square feet in area or larger, including up to 550 foot tall towers at locations deemed appropriate by Planning Department staff. Examination of this Option would provide decision makers with sufficient information to evaluate the impacts of all the various proposals put forward by planning staff, property owners, the community and project developers. Examination of this Option would provide decision makers, the Planning Commission, Board of Supervisors and Mayor optimal flexibility in evaluating and fashioning new zoning controls for Rincon Hill. Examination of this Option would also likely result in and reflect a "Housing Optimization" alternative.





FILIPINO AMERICAN DEVELOPMENT FOUNDATION  
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Email: info@bayanihanc.org  
Website: http://bayanihanc.org

December 10, 2004

Ms. Joan A. Kugler, AICP  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Rincon Hill Draft Environmental Impact Report  
Planning Department Case No. 2000.1081E

Dear Ms. Kugler:

The South of Market and Rincon Hill have always been connected, if for no other reasons than the fact that Rincon Hill forms part of what is popularly known as SoMa. But in a historic sense, the physical and social developments in SoMa have affected what occurs in Rincon Hill and vice versa.

Albert Shumate, in his *Rincon Hill and South Park: San Francisco's Fashionable Neighborhood*, notes that Rincon Hill was an early destination for San Francisco elite. As the physical presence of commerce grew and as the infrastructure serving this commerce expanded, so did the visibility of the working class. The Filipino community has had a strong presence in the Rincon Hill/South Park area and throughout SoMa since the early 1900s. The Gran Oriente and other residences of the Filipino mutual aid societies still exist there today.

The cyclical nature of growth and development in San Francisco positions Rincon Hill once again as the destination for a new generation of residential elite in the South of Market.

We, the Filipino community, hope that you will consider a study of the early Filipino settlement into the area and establish mitigation measures to preserve that history.

Sincerely,

Bernadette Borja Sy  
Executive Director

# COUNCIL OF COMMUNITY HOUSING ORGANIZATIONS

409 CLAYTON STREET, SAN FRANCISCO, CA 94117 • (415) 863-6566 • FAX: (415) 863-2860

## Statement of the Council of Community Housing Organizations Rincon Hill Plan Draft Environmental Impact Report 29 November 2004

### Summary

The Rincon Hill Plan DEIR must be amended as it fails to address, in a complete and accurate manner, the environmental impacts of the failure of the Draft Plan, most notable the September 2004 Supplement, to meet its reasonable share of the projected affordable housing needs as stated in the May, 2004 Housing Element of the Mater Plan, most notable the Housing Element's projected need by income category (Table I-50), either Citywide or in adjacent neighborhoods. The DEIR fails to address how the Draft Plan will function as a "governmental constraint" on the development of housing for lower income San Franciscans and how that failure will be mitigated. The DEIR needs to be amended to include such a discussion and the impacts of such a plan both Citywide and in the South of Market neighborhood.

### The DEIR Is Too Narrow in its Focus as to the "Setting" of the Project

The main "activity" which is to occur in the "project" under review by the DEIR is the development of housing. As was demonstrated in the May, 2004 Housing Element, the development of new housing, especially permanently affordable housing, has a Citywide impact most especially to lower income seniors and families. Most particularly the development of new housing opportunity, especially if that opportunity includes, or as this project does *expressly prohibits*, the development of new affordable housing, has a profound impact on lower income neighborhoods adjacent to the project area. Yet the impacts of this project on the South of Market community is not addressed in this DEIR in any comprehensive manner.

The failure of the DEIR to discuss the impact of the Rincon Hill Draft Plan, namely the September Supplement, on the policies articulated in the May, Housing Element, specifically the affordability targets listed on page 80 (Table I-50) on the South of Market community is a major shortcoming of the DEIR and should be corrected. This is especially true in the Supplemental policy requiring that off site affordable units no longer be provided "within the Rincon Hill area".

Discussion of the specific impacts of the project on the South of Market community, especially on lower income families and seniors needing affordable housing must be added to the DEIR.



The DEIR Fails to Discuss Impacts of Draft Plan as a "Governmental Constraint"

In its August 6<sup>th</sup> letter to the City concerning its review of the Revised Draft Housing Element The California Department of Housing and Community Development raised a question concerning failures on the City's part to "remove governmental constraints" to the development of housing for all income levels by ensuring "its inventory of adequate sites can accommodate its share of the regional housing need throughout the planning period" (DHCD, August 6, 2004, page 3).

This shortcoming has been greatly increased with the failure of this DEIR to even note let alone accurately discuss the projects impact on reducing the potential sites for affordable housing development, made part of the "project" with the addition of the September 2004 Supplement to the Rincon Draft Plan.

Specifically the DEIR needs to be amended discuss:

a. that the adoption of the September 2004 Supplement to the Rincon Hill Draft Plan constitutes a new "government constraint" on the location of new affordable housing in the plan area and therefore creates a need for new sites in other areas of the City and the region, and

b. mitigating measures to be taken to overcome the new "governmental constraint" on new affordable housing development.

Submitted by Calvin Welch, CCHO



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Bank of America  
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Neighborhood Center  
Blackpoint Press  
BRIDGE Housing Corporation  
Castro Area Planning + Action  
Chamber of Commerce  
Chinatown Community  
Development Center  
Citizens Housing Corporation  
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Hayes Valley  
Neighborhood Association  
Jewish Community  
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& Planning  
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Lennar Communities  
Merchants of Upper Market  
and Castro  
Mercy Housing  
Mission Housing Development  
Corporation  
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MR Wolfe & Associates  
Reuben & Junius, LLP  
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San Francisco Bicycle Coalition  
San Francisco Building and  
Construction Trade Council  
San Francisco CityScope  
San Francisco Planning and  
Urban Research (SPUR)  
San Francisco Tomorrow  
San Francisco State University  
Transportation for a Livable City  
Urban Ecology  
Urban Housing Group  
Urban Solutions  
Wells Fargo Bank

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December 3, 2004

President Bradford Bell  
Dear Planning Commissioners,

Please see our comments to the Planning Department staff on the Rincon Hill Plan (enclosed). We are anxious to see the EIR approved, and the Plan moving forward as soon as possible.

Please feel free to contact me if you have any questions about our comments. I can be reached at 865-0553 or my cell phone 359-3170.

Thank you,

Kate White  
Executive Director

DEC 01 2004 17:17 1415555592





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Transportation for a Livable City  
Urban Ecology  
Urban Housing Group  
Urban Solutions  
Wells Fargo Bank

**DATE:** December 3, 2004  
**TO:** Dean Macris, Acting Planning Director  
**CC:** Amit Ghosh, David Alumbaugh, Marshall Foster  
**FROM:** Housing Action Coalition  
**RE:** Rincon Hill Plan Comments

The Housing Action Coalition has read with interest the Rincon Hill Plan and EIR. While we are generally in support of the plan concepts, some concepts are quite general and we need to see specific Planning Code language, as well as the public improvements and affordable housing funding schemes, before we are able to give our unqualified endorsement.

We congratulate the Planning Department for its excellent work on the Rincon Hill Plan, and wish to submit the following comments:

**Housing**

- The Housing Action Coalition supports the goal of transforming Rincon Hill into a high-density mixed-use residential neighborhood adjacent to downtown.
- Earlier versions of the Plan proposals would have allowed more, shorter towers, but later versions achieve approximately the same number of units by increasing the heights at the top of the Hill and increasing the tower separation. This achieves the desirable objective of accentuating the hill form of Rincon Hill, (the Urban Design Plan calls for concentrating height on hills) and separating the skyline image of Rincon Hill from the hill form of the Downtown. To achieve this urban design goal and still attain a significant number of housing units, it is important that the proposed height limit increases be approved, so that a select number of tall slender towers can be built in the Plan area.
- The plan also calls for a 115 foot tower separation. Although a substantially lesser separation may be perfectly appropriate in other areas in the City, for Rincon Hill, given its skyline prominence, a substantial tower separation approximating that dimension is appropriate. However, we do believe that consideration should be given to allowing an additional tower on Fremont near Harrison, even though it may not meet the 115 foot separation. We would welcome the additional number of dwelling units provided.
- We also support the Plan's proposal to not require preservation of the Bank of America (formerly Union Oil Company) building at First and Harrison Streets, thus allowing for the construction of two tall housing towers.
- Projects that are consistent with the Plan should not be required to seek individual conditional use authorization – though there should be some simplified means for design review with public input (The

- We support relaxation of residential density limits.
- We support requiring 12/17% inclusionary units, even when conditional use authorization is not required.
- We are concerned about the blanket requirement of 40% of the units constructed with 2+bedrooms and 10% constructed with 3+bedrooms. Consistent with the Eastern Neighborhoods Interim Controls, we recommend a minimum of 20% of the units be constructed with 2+ bedrooms. This would allow more flexibility in meeting market demand at the time a project is conceived.

**Public Realm**

- We support the proposed urban design guidelines enhancing the pedestrian and view experiences, such as widely spaced slender towers, the lively podium-level facades, and the pedestrian-friendly changes to streets and sidewalks.
- We support the proposed open space improvements.

**Transportation**

- In this transit-rich location, it makes sense, as the Plan proposes, to eliminate parking minimums, and to set a maximum of 1 space per 2 units by right, 1:1 if not independently accessible (such as mechanical, valet).
- However, we do not believe that it is necessary to require conditional use authorization for every project that provides parking above 1 space per 2 units – strict design guidelines should require parking garages to not adversely impact the public realm.
- We support the new requirement of 1 bike parking space per 2 units, in addition to unbundling parking spaces from units, and integrating City CarShare. We agree with the EIR that the proposed pedestrian, bicycle, and transit amenities will boost travel by these alternative modes.

**Financing Public Benefits**

- We agree with the Supplement that FAR controls and a TDR program are not necessary to meet the plan's public benefits and preservation goals, and that instead specific revenues be identified and targeted to the neighborhood benefits program to fund specific public benefits, such as the reuse of the Sailor's Union of the Pacific Building and construction of a new park.
- We support the Planning Department's efforts to identify funding strategies, which could include a developer impact fees and/or a "Mello-Roos" district.



Rincon Hill Residents Association  
75 Folsom Street, #1800  
San Francisco, CA 94105

December 9, 2004

Ms. Joan A. Kugler  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Rincon Hill Plan Draft Environmental Impact Report

Dear Ms. Kugler:

This letter is written on behalf of the Rincon Hill Residents Association, an Association of residents of the Rincon Hill area who are concerned and involved in the planning and development of Rincon Hill.

The Draft EIR for Rincon Hill (hereafter the "Plan") reflects an impressive and substantial effort by the long range planning staff of the Planning Department who are to be highly commended for their work. The staff held a number of public meetings, neighborhood walks as well as inviting public participation in other ways. Members of our Association extensively participated in this public process and we believe it is fair to say that the Plan reflects some of the comments and concerns expressed by our members.

Overall, the Plan is an impressive effort to build a diverse and family oriented community which is pedestrian oriented, a goal which our Association shares. Our Association supports the adoption of an area wide plan as quickly as possible and believes that process should proceed first before the consideration of individual projects so that there can be meaningful overall planning for the area. If the individual pipeline projects referred to in the Plan, or others, are to be considered, it should only be in the context of whether such projects are consistent with the Plan. If individual projects are first approved which are inconsistent with the Plan, the Plan will be meaningless as there will be few remaining properties to which it would apply and its effort to build a viable and highly livable downtown community will have been lost.

Although the Plan is far superior to the EIRs presented to the Commission for specific projects in the area in terms of its presentation and discussion of the negative aspects of the huge amount of development it proposes, in requiring public amenities and benefits from such development, and in the thoroughness of its presentation, the following points need to be considered in reviewing the Plan.

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B of A Tower Site

Although the Plan does set forth the proposed heights for this site (a 55 story tower and a 45 story tower), it does not adequately describe how such heights conflict with what is presently allowed on the site or the likely problems resulting from such a massive building.

Such a massive project conflicts with a number of the existing Objectives in the General Plan and in the existing Rincon Hill Area Plan, including the following; **General Plan, Residence Element**: Objective 2, Policy 2; **Urban Design Element**: Objective 3, Policy 6. **Rincon Hill Area Plan, Land Use**: Objective 3, Policies, Residential; **Housing**: Objective 4; **Urban Design**: Objective 8, Objective 10, Objective 11. The EIR should analyze the B of A Tower Site against each of the above General Plan and Rincon Hill Area Plan Objectives and Policies.

Traffic

Although the Plan contains a traffic study which shows that six additional intersections will deteriorate to Level LOS E and F in the study area, which already has five intersections of seventeen rated unacceptable, it does not adequately portray what the additional deterioration will mean to a neighborhood which is intended to be pedestrian oriented. With gridlock already a common occurrence during rush hours, it is difficult to imagine the extent of the backed-up lanes of traffic attempting to get to the Bay Bridge from increased traffic nor does the Plan adequately reflect what impact this will have on the laudatory effort of the Plan to create an active pedestrian street life. It is hard to imagine people desiring to use outdoor cafe tables on streets clogged with idling vehicles and blocked intersections filled with cars attempting to get to the Bay Bridge.

The Plan also needs to consider the impact of the much heavier traffic it projects on the use of the one major open space area it proposes which is on Harrison Street one block from the Bay Bridge entrance. Many of the intersections which will deteriorate are in the immediate vicinity of the open space and such worsened traffic conditions will undoubtedly affect the use of the open space, particularly by families with small children.

It should also be noted that the Plan does not adequately consider whether an alternative of reduced development would alleviate the adverse traffic conditions which are envisioned. Nor does it consider what agency or agencies are empowered to achieve the mitigations that may be necessary.

Open Space

The primary open space envisioned by the Plan is at Fremont and Harrison. This location does not appear to be particularly desirable because of the difficulty of access across heavily



Ms. Joan A. Kugler  
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trafficked streets and its proximity to the Bay Bridge. Alternative sites which would be more desirable should be included in the Plan.

#### 300 Spear and 201 Folsom Projects

As these two projects have already been approved by the Planning Commission, an approval which John King of the San Francisco Chronicle recently called a "mistake", the Plan ignores them for the most part and fails to properly note the inconsistencies between these projects and the development proposed by the Plan.

The Plan should point out more clearly that these projects are both much taller and bulkier than the Plan would otherwise permit. In addition, although the Plan requires a tower separation of 115 feet, even across streets, these two projects have only 82.5 feet between their four towers. This limited separation, as the Plan (p.S-4) points out, is not "adequate spacing between towers" and "does not preserve adequate sky exposure or sunlight to streets."

These two projects also each have two towers of 350 and 400 feet tall. Under the Plan the proposed height limitations for the surrounding blocks are no more than 200 or 250 feet high even though the blocks are closer to the top of Rincon Hill where higher buildings would be expected. This discrepancy between the Plan and these two projects needs to be more clearly spelled out along with the impacts of allowing these projects on the rest of the Plan area.

In addition, these projects violate the Objectives of the San Francisco General Plan and the Rincon Hill Area Plan which call for lower heights near the water and higher buildings on the tops of hills to accentuate the natural topography of hills while not obstructing views of the water.

These projects conflict with other requirements of the Plan as well, such as the required amount of open space, required setbacks at the 65-foot level, preservation of a "sun access plane", requiring all below street grade parking, and requiring that 40% of all residential units be two-bedroom or larger units. All of the many discrepancies between these projects and the Plan need to be clearly set forth in the Plan and, in addition, the Plan should apply all of its provisions to these blocks should they not be built pursuant to their current approvals.

#### Alternatives

One alternative which is not considered by the Plan, but should be, is the enforcement of the existing Rincon Hill Area Plan without the granting of exceptions as now regularly occurs, as is noted in the Plan. The existing Rincon Hill Area Plan contains many beneficial features and should its provisions actually be enforced, it would create a very desirable residential community. Although there certainly are improvements that can be made in the existing Rincon Hill Area

Ms. Joan A. Kugler  
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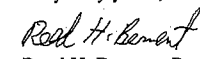
Plan in addition to simply adhering to it, for the purposes of the Plan using it as an alternative to be considered would give the Planning Commission, the Board of Supervisors and the Public a far clearer understanding of the direction in which the City is moving in this important new residential neighborhood.


#### Fire and Safety

The ability of the Fire and Police Departments to respond to fire and other emergencies for all of the proposed buildings is not discussed in the Plan. Such a discussion needs to be placed in the context of all of the existing and approved high-rises in not only the Rincon Hill area but adjacent areas as well, including the Transbay Terminal project. Particularly important is information as to whether there is the capability of promptly responding to such emergencies on the upper floors of such tall buildings as are proposed. In a post 9/11 environment for buildings close to the Bay Bridge of such heights, such concerns must, unfortunately, be addressed.

In conclusion, the Rincon Hill Residents Association again wishes to commend the Planning Commission staff responsible for the Plan. Although we feel there are improvements to be made, we look forward to working with the staff to achieve the goal of a vibrant, urban neighborhood which is welcoming to all people and families and is designed for pedestrian use on attractive and livable streets.

Very truly yours,

  
Reed H. Bement, President

  
Andrew Brooks, Vice President

  
Alexandria Chun, Secretary

cc: San Francisco Planning Commission



*Creating, Enhancing and Protecting  
the Unique Beauty and Livability of San Francisco*

Ms. Joan A. Kugler, AICP  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

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December 8, 2004

Dear Ms. Kugler,

For the past year San Francisco Beautiful (SFB) has taken a great deal of interest in the Planning Department's effort to develop the Rincon Hill Plan. We have reviewed the Draft Environmental Impact (DEIR) report for the Rincon Hill Plan and submit the following comments. We hope you will thoroughly consider them. If incorporated they will further your efforts to improve the quality of life in this emerging neighborhood.

**Open Space:**

- The only reference SFB could find in the DEIR that identifies the location of the proposed park is in the shadow study. Please clarify the location of the proposed major open space in the sections of the DEIR that discuss open space and overall land-use.
- The DEIR does not assess the impact that existing environmental conditions (air, noise, soil) of the proposed major open space (located next to the Bay Bridge on-ramp) will have on potential users. It should. The existing (and on-going) environmental quality of a parcel of land should impact how that land is developed in the future and this issue should be discussed in the EIR.
- The DEIR recognizes the need for Rincon Hill to share neighborhood services with the adjacent Transbay area. The DEIR specifically acknowledges this need when discussing the form and intended feel of Folsom Street, the street that will be the seam (and the neighborhood center) connecting Transbay and Rincon Hill. Unfortunately this concept is absent when discussing public amenities like parks and community services. There is a substantially sized park planned for the Transbay area (within a 1/4 mile of most sites in Rincon Hill) that could serve the large scale recreational needs of both Transbay and Rincon Hill residents. Instead of investing in another large park, the focus for Rincon Hill could be smaller pocket parks that can serve recreational/open space needs that do not require a major investment in space.

- SFB applauds the Rincon Hill Plan's assertion that the living street amenities proposed for Rincon Hill will be installed on the east (sunny) side of the street on Beale and Spear Streets. However, the plan also designates the west (shady) side of Main Street for living street amenities. In addition, the DEIR states that living street amenities will "generally" be placed on the east side of the street. The use of "generally" in the DEIR allows for the possibility that Main Street's living street amenities could be installed on the shady side of the street. This

SFB Comments: Rincon Hill Plan Draft Environmental Impact Report  
December 8, 2004  
Page 2

would contradict objectives stated in the DEIR that call for ensuring "adequate sunlight and the least amount of wind and shadow on public streets and open spaces." While we understand that the original intent for placing these amenities on the west side of Main Street was an attempt to keep the plan symmetrical from a birds-eye perspective, by placing the living street components on the shady side of the street, the living street concept is defeated. The EIR should require that all living street components be implemented on the east (sunny) side of the street.

**Historic Preservation:**

- The DEIR is at odds with the Rincon Hill Plan in regards to historic preservation. The Plan states that eight historic buildings are to be adaptively reused or preserved. Why then does the DEIR say that the plan might contribute to the loss of the Klockars Blacksmith Shop or other historic buildings in Rincon Hill? Please clarify this point. If any of the historic buildings in Rincon Hill are lost (excluding the Union Oil Building), additional mitigation, beyond the Historic American Building Survey (HABS) discussed in the DEIR, must be required.

**Off-Street Parking:**

- On page 28, the DEIR states "All parking would be required to be located below street grade. For sloping sites with a grade change of greater than 10 feet, no less than 60 percent of the parking would have to be below grade." Please clarify the meaning of the word "site" in this statement.

**Tower Spacing:**

- SFB supports the DEIR's "preferred option" recommendation that there be at least 115 ft. distance between any tower in the Plan Area.

**Design Review:**

- The need for design review for new developments in Rincon Hill is not mentioned in the DEIR. Meaningful design review will ensure that new developments in Rincon Hill meet the standards set forth in the Rincon Hill Plan and contributes to creating a beautiful and thriving community.

San Francisco Beautiful will continue to monitor future plans for and development of Rincon Hill. We thank the Planning Department for their continuous efforts to incorporate public comment into the plans.

If you have any questions, please contact Tamar Cooper, San Francisco Beautiful's Program Director at (415) 421-2608.

Sincerely,

*Dee Dee Workman*

Dee Dee Workman  
Executive Director  
San Francisco Beautiful

Cc: David Alumbaugh  
Amit Ghosh  
Marshall Foster

Ms. Friedel Klusmann  
Founder

Dee Dee Workman  
Executive Director

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Kryger

## SENIOR ACTION NETWORK

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Phone 546-1333 \* Fax 546-1344 \* [www.SeniorActionNetwork.org](http://www.SeniorActionNetwork.org)



Planning Commission  
San Francisco Planning Department  
1660 Mission Street, suite 500  
San Francisco, CA 94103-2414

December 7, 2004

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Dear Commissioner:

Senior Action Network, (SAN) and Senior Housing Action Committee, (SHAC) ask you to carefully consider certain important aspects of the Rincon Hill Draft EIR. We represent more than 150 community groups strongly dedicated to the health and welfare of Seniors. These Seniors need affordable, centrally located housing and they are indeed excited about development in the South of Market area. But there are concerns about the pricing of units in the proposed Rincon Hill towers, the lack of on-site open space, and the traffic congestion the influx of some eight thousand more Rincon Hill dwellers will bring to the area.

According to economic data presented in the Draft EIR, the great majority of working and retired San Francisco residents will not be able to afford to live in the Rincon Hill area if the plan is completed as presented. The model of affordability used in the Rincon Hill Draft EIR does not reflect reality. According to the city survey of income presented in the Draft EIR, an annual salary of \$103,000 is required to purchase a studio unit in the proposed Rincon development. Yet the fixed-income of Seniors or that of workers who will serve in the retail and restaurant businesses is far below this annual salary. Local workers, families with children, and fixed-income Seniors cannot afford to live in these proposed developments.

Who then will these towers be housing? The answer is invariably wealthy out-of-towners seeking second homes, empty nesters, and a small percentage of affluent couples without children. These people can afford to live wherever they wish. San Francisco needs housing for its Seniors, families with children and lower-wage workforce which is the backbone of this city's economy, and it needs to place this housing in the heart of the community where people need it most. The Rincon Hill developments as proposed in the Draft EIR do not meet this need.

The concept of off-site affordable housing is often cited in the Draft EIR, without a development timeline or a cohesive plan. San Francisco is far behind in its affordable housing quota, and if the Rincon development is allowed to proceed as proposed, that gap will widen greatly. This redevelopment opportunity must include a

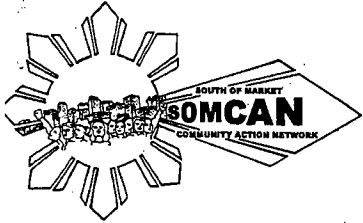
significant percentage of affordable homes within the Rincon Hill district to create a truly mixed-income district and to make progress toward fulfilling San Francisco's affordable housing quota.

Senior Action Network and Senior Housing Action Committee urge the Planning Commission to add more on-site affordable housing to the Rincon Hill Draft EIR. A review addressing the critically important issues of affordability, displacement of current residents, on-site open space, traffic impact and the impact of the Pipeline projects as well as many other gaps in the report, is needed. SAN, SHAC would like to see revision in the Draft EIR to include more affordable housing for the San Franciscans who need it: families with children, local workers, and Seniors.

Sincerely,

Barbara Blong  
SHAC Director  
Housing Organizer





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December 8, 2004

Ms. Joan A. Kugler, AICP  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Rincon Hill Draft Environmental Impact Report  
Planning Department Case No. 2000.1081E

Dear Ms. Kugler:

Thank you for this opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Rincon Hill Plan Area. I am writing on behalf of the South of Market Community Action Network (SOMCAN) and the concerned residents and community organizations in the South of Market neighborhood.

The Rincon Hill Area Plan presents a unique opportunity to change current land uses and to utilize urban design to encourage the development of a healthy downtown neighborhood. The Plan envisions an innovative mixed-used, pedestrian-friendly neighborhood that has the potential to positively impact the physical environment of our city and the region. Due to the high income required to purchase housing in the Rincon Hill Area (p. 136) it is our concern that this opportunity will be squandered for a small segment of the population, further exacerbating and concentrating the deleterious environmental impacts of the lack of affordable housing in San Francisco. Therefore, we hope that the City and the Planning Department use this first foray into the Downtown Neighborhoods Initiative to carefully analyze and mitigate environmental impacts and promote land use policies that are intentional about actively encouraging the social and economic integration of the Rincon Hill neighborhood with the adjoining South of Market community and other existing neighborhoods.

This letter sets forth additional areas for analysis and suggestions for mitigation. It is our intent to highlight areas of deficiency in the current DEIR and to include the following analysis and proposed mitigation in the Final EIR.

After briefly reviewing the Draft EIR, it is our concern that the report is deficient in several respects:

- 1) The setting for analyzing most of the environmental impacts is too narrowly defined. The Rincon Hill area has a social, political, historical and geographic connection to the broader South of Market neighborhood that needs to be included in the analysis of the settings for each of the environmental impacts.
- 2) The population section does not address the potential for displacement of current residents and businesses due to the increased cost of housing at Rincon Hill.
- 3) The report does not provide sufficient analysis of the impact of removing the in-district inclusionary affordable housing requirement outlined in the original Rincon Hill Plan proposal.
- 4) The report does not specify the method for determining how the proposed development will house the majority of current San Francisco residents.
- 5) The report does not specify how this plan will address the need for family housing and family-friendly neighborhood amenities.
- 6) The report does not address the traffic and public infrastructure impact of the proposed high density development on the western portion of the South of Market neighborhood.
- 7) The report does not analyze the housing projected for Rincon Hill relative to the needs and policies of the city's adopted Housing Element.

*Recommendations for Analysis and Mitigation:*

- 1) Include analysis of the cumulative environmental impacts of current and proposed developments in the area by expanding the setting to include the adjacent neighborhood and pipeline projects.
- 2) Include a study to assess the displacement of current residents (involving housing or employment).
- 3) Include a study of the environmental and economic impact of off-site housing using the demographics and income of residents located in the neighborhoods of proposed off-site alternatives.
- 4) Develop a clear plan for how the Rincon Hill plan will address the housing needs production targets outlined in the May 2004 Housing Element.
- 5) Require all affordable housing units be located within the district. Because of the gentrification and displacement potential of this plan, land use policies should encourage a mixed race, mixed income South of Market community.
- 6) Explain how this housing will meet the need of San Franciscans in the fastest growing occupational sectors per EDD job growth projections.
- 7) Require that the range for affordability match those of the fastest growing occupational sectors.
- 8) Expand City's First Source Hiring Agreement to Rincon Hill Plan area and subsequent Downtown Neighborhood Initiative areas.<sup>1</sup>

<sup>1</sup> San Francisco Urban Institute, *First in Line: An Evaluation of San Francisco's First Source Hiring Program Ordinance*. Issued 8/1/04.



- 9) Require developers to pay into a fund to support job training and placement of local residents in the 15 fastest growing occupations.
- 10) Analyze the impact of the proposed housing type on need for additional family housing in San Francisco.
- 11) Propose development options that meet the family housing need of current and future San Franciscans.
- 12) Analyze the impact of lack of open space on children and families.
- 13) Develop detailed mitigation measures to address the increased traffic burden to the current infrastructure in the South of Market.

### Environmental Settings and Impacts is Too Narrowly Defined

The South of Market and Rincon Hill have always been connected, if for no other reasons than the fact that Rincon Hill physically forms part of what is popularly known as SoMa. But in a historic sense, the physical and social developments in SoMa have affected what occurs in Rincon Hill and vice versa.

Albert Shumate, in his *Rincon Hill and South Park: San Francisco's Fashionable Neighborhood*, notes that Rincon Hill was an early destination for San Francisco elite. As Shumate puts it, Rincon Hill was an "abode of the elite" from the 1850s through the 1870s. Prominent bankers, Wall Street investors, industrialists, attorneys and politicians of the time had homes in the exclusive neighborhood. Historian Charles Lockwood traces as far back as mid 1800's the relation between Rincon Hill and the greater SoMa. It was the commercial/industrial development in SoMa at that time that contributed to Rincon Hill's decline in stature as a destination for the City's elite. As the physical presence of commerce grew and as the infrastructure serving this commerce expanded, so did the visibility of the "undesirable" working class and hence began the pressure for the well-to-do to continue to move to areas such as Pacific Heights and Nob Hill.

The fires resulting from the great 1906 Earthquake shot into Rincon Hill from the SoMa, thus burning the exclusive homes of the "fashionable families" and ending the elite residential character of neighborhood. These events paved the way for a new wave of commercial and industrial uses centered on serving and utilizing the waterfront. This also led to the need for settlements for the Asian immigrants arriving to work in these new establishments. As Lockwood puts it, "Much of the SoMa district became, *once again*, a mix of workshops, factories, warehouses, inexpensive flats, flophouses and saloons."

The cyclical nature of growth and development in San Francisco positions Rincon Hill once again as the destination for a new generation of residential elite in the South of Market. The current basic market rate unit in Rincon Hill averages \$625,000 and would require a household income of \$157,000 (p. 136). This means almost 85% of the households in San Francisco would not be able to afford the average home in Rincon Hill.<sup>2</sup> While Mother Nature and sheer market forces dictated the development patterns in San Francisco's SoMa in years past, the Rincon Hill

Plan is an opportunity to analyze the impacts of this high density rezoning and offer policy solutions to create a vibrant mixed-income, mixed race neighborhood along San Francisco's eastern waterfront.

In addition to the historical, social and political link of Rincon Hill to the South of Market, the area has a direct physical link to the proposed areas of the new Downtown Neighborhood Initiative which will have cumulative environmental impacts on surrounding area.

### Recommendations:

- 1) Include analysis of the cumulative environmental impacts of current and proposed developments in the area by expanding the setting to include the adjacent neighborhood and pipeline projects.

### Population and Housing Analysis is Inadequate

The new Rincon Hill Plan has the potential to disrupt the current community and environment if significant impacts are not carefully analyzed and mitigated. As stated in the DEIR, the project would have a significant effect on the environment with respect to population, housing and socioeconomic factors if it would (p.136):

- Displace a large number of people (involving housing or employment);
- Create a substantial demand for additional housing in San Francisco without including provisions to facilitate supply of such housing; or
- Substantially reduce the housing supply.

### Further Analysis Needed to Assess the Proposed Developments Displacement Potential

The analysis leading to the conclusion on p. 141 of the DEIR that the "implementation of the Plan would not be anticipated to result in any loss of existing housing" is inadequate because it does not include an analysis of the potential for displacement of people and employment due to other socio-economic factors.

The rapid influx and proximity of a large number of high income individuals as described in detail on page p.136 and 137 into the Rincon Hill Area is likely to result in the gentrification and gradual displacement of lower-income residents from the surrounding South of Market neighborhood of the type seen in the late 1990s. In a study by Strategic Economics, gentrification is the "process by which poor and working-class residents, usually communities of color, are displaced from neighborhoods by rising costs and other forces *directly related* to an influx of new, wealthier, and often white residents. These forces include both market forces and public policies which may deliberately or inadvertently make a neighborhood more attractive or accessible to a high-income population. Thus, no substantive distinction will be made between gentrification and displacement." (*emphasis added*)<sup>3</sup>

<sup>2</sup> Mayor's Office of Business and Economic Development  
<http://gispubweb.sfgov.org/website/sfprospector/ed.asp?cmd=start&s=764>

<sup>3</sup> Strategic Economics, *Gentrification: Causes, Indicators, and Possible Policy Responses for the San Francisco Bay Area*, Berkeley, CA, September, 1999.



The report also makes no mention of the potential employment displacement lost due to the proposed area plan.

**Recommendation:**

- 2) Include a study to assess the displacement of current residents (involving housing or employment).

**Conformance of Rincon Hill Plan with needs and policies of city's Housing Element**

**TABLE I-66**

*Housing Production Targets, 1999-June 2006 and Actual Production, 1999-2000*

| Income Category                  | ABAG Housing Needs Production Targets | Actual Housing Production 1999-2000 | Annual Production Required to Meet ABAG Targets, 2001-June 2006 | Estimate of Expected Annual Production, <sup>4</sup> 2001-June 2006 | Estimated Annual Shortfall, 2001-June 2006 |
|----------------------------------|---------------------------------------|-------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------|
| Very Low Income (below 50% AMI)  | 5,244                                 | 203                                 | 917                                                             | 201                                                                 | 716                                        |
| Low Income (50% - 79% AMI)       | 2,128                                 | 75                                  | 373                                                             | 138                                                                 | 235                                        |
| Moderate Income (80% - 120% AMI) | 5,639                                 | 94                                  | 1,008                                                           | 51                                                                  | 957                                        |
| Market Rate (over 120% AMI)      | 7,363                                 | 2,515                               | 861                                                             | 901                                                                 | (20)                                       |
| <b>TOTALS</b>                    | <b>20,372</b>                         | <b>2,887</b>                        | <b>3,179</b>                                                    | <b>1,291</b>                                                        | <b>1,888</b>                               |

<sup>4</sup>Assuming previous 10 years' average annual production is sustained

From: Approved Housing Element 2004

This table indicates a need to build over 7,000 units of low and very-low income housing during this 6-year period, overall roughly 36% of the total new housing supply, and when "moderate" income (80%-120% AMI) housing needs are added to this, a total of 64% of the city's new housing need is for persons at various income levels below 120% AMI. Rincon Hill market rate units will probably have price points well above even 120% AMI.

**Recommendation:**

- 3) Develop a clear plan for how the Rincon Hill plan will address the housing needs production targets outlined in the May 2004 Housing Element.

**Impact of Off-site Affordable Housing Requirement**

Because potential of changing the neighborhood character as described above, it is important to adhere to Policy 8.4 of the recently adopted Housing Element which states: "Encourage greater economic integration within housing projects and throughout San Francisco." The original Rincon Hill Plan called for a mixed-income neighborhood which required all affordable housing

to be located in the district. However, in the September 2004 Supplement to the Rincon Hill Plan, the following amendment is proposed:

*3. P. 25. Drop the requirement that off-site inclusionary housing units be provided within the Rincon Hill area.* The Draft Plan proposed requiring that inclusionary housing units (units required to be affordable, per Planning Code Sec. 315), if provided off-site, be provided within the district. Staff recommends that—provided middle-income housing can be provided as described above—this additional requirement to build the inclusionary within the district be dropped and the existing requirement be retained without changes.

If the requirement to provide off-site affordable units within the district is dropped, the Rincon Hill area will be comprised largely of high income individuals thereby facilitating the concentration of low-income residents in other areas of the city. This further polarizes the city's population by class rather than encouraging healthy mixed-income neighborhoods. The social and economic segregation has direct environmental impacts that are well documented in the literature.<sup>4</sup>

**Recommendation:**

- 4) Include a study of the environmental and economic impact of off-site housing using the demographics and income of residents located in the neighborhoods of proposed off-site alternatives.
- 5) Require all affordable housing units be located within the broader South of Market district. Because of the gentrification and displacement potential of this plan, land use policies should encourage a mixed race, mixed income South of Market community.

**Impact of the Jobs and Housing Imbalance that will result by Housing only High Income San Franciscans**

The DEIR has a brief description and analysis of the occupations that pay sufficient wages to meet the housing costs likely at Rincon Hill. Of the 15 fastest growing occupations, only the top paying occupation offers salary sufficient for housing at Rincon Hill.<sup>5</sup> The sector with the highest rate of growth from 1999-2006 is the Cashier, Retail Sales with the annual mean wage of \$20,360. By targeting housing production and development to the highest earning sectors, the City disturbs the Jobs-Housing balance. Further analysis is needed to mitigate the loss of housing opportunity for individuals and families in this income range in addition to developing proactive ways for current residents to expand their employment opportunities and increase their earning potential.

<sup>4</sup> PolicyLink. *The Influence of Community Factors on Health: An Annotated Bibliography*. Oakland: PolicyLink; 2004.

<sup>5</sup> San Francisco Planning Department Study. *Residential Real Estate Trends and Housing Affordability in the Rincon Hill Area* (March 2004)



**TABLE I-12**  
**Fastest Growing Jobs and Current Mean Wages**

| Job Classification                           | Mean Hourly Wage | Mean Annual Wage, 2003 | Job Growth 1999-2006 | Total Jobs 2006 |
|----------------------------------------------|------------------|------------------------|----------------------|-----------------|
| Waiters & Waitresses                         | \$ 7.31          | \$ 15,000.00           | 550                  | 11,070          |
| Food Preparation Work                        | \$ 8.41          | \$ 17,460.00           | 300                  | 7,170           |
| Janitors & Cleaners                          | \$ 9.38          | \$ 19,520.00           | 830                  | 11,030          |
| Guards & Watch Guards                        | \$ 9.82          | \$ 20,610.00           | 670                  | 8,460           |
| Cashiers                                     | \$ 9.63          | \$ 20,030.00           | 1,240                | 10,540          |
| Sales Person, Retail                         | \$ 9.79          | \$ 20,360.00           | 3,020                | 10,940          |
| Cooks                                        | \$ 10.41         | \$ 21,640.00           | 410                  | 5,610           |
| General Office Clerks                        | \$ 11.77         | \$ 24,474.00           | 220                  | 18,560          |
| Receptionists and Information Clerks         | \$ 12.46         | \$ 25,930.00           | 610                  | 8,430           |
| Painters, Construction & Maintenance         | \$ 18.57         | \$ 34,460.00           | 190                  | 1,930           |
| Carpenters                                   | \$ 20.88         | \$ 43,390.00           | 230                  | 3,420           |
| Registered Nurses                            | \$ 21.69         | \$ 45,732.00           | 410                  | 7,370           |
| Electricians                                 | \$ 23.76         | \$ 49,490.00           | 180                  | 2,180           |
| Systems Analysts, Electronic Data Processing | \$ 29.74         | \$ 61,000.00           | 1,640                | 5,760           |
| General Managers & Top Executives            | \$ 40.51         | \$ 75,000.00           | 1,000                | 20,110          |

Source: EDD, Occupational Employment Statistics Survey

From: Approved Housing Element, May 2004

#### Recommendation:

- 6) Explain how this housing will meet the need of San Franciscans in the fastest growing occupational sectors per EDD job growth projections.
- 7) Require that the range for affordability match those of the fastest growing occupational sectors.
- 8) Expand City's First Source Hiring Agreement to Rincon Hill Plan area and subsequent Downtown Neighborhood Initiative areas.<sup>6</sup>
- 9) Require developers to pay into a fund to support job training and placement of local residents in the 15 fastest growing occupations.

#### Need for Family Housing and Family Friendly Amenities

According to the May 2004 Housing Element, San Francisco has not produced a large number of family sized units for a number of decades, thus continuing to the downward trend of families living in San Francisco. In addition to lack of housing units, quality of life issues deter families encouraging them to live in other cities in the surrounding cities. In order to encourage more families to live in San Francisco, we need more three or four bedroom units at prices that are affordable to families (see Table below) in neighborhoods with family-friendly amenities such as parks and schools. The original Rincon Hill plan called for open space in the area. In the September 2004 supplement, the plan calls for greater flexibility for the open space requirement

<sup>6</sup> San Francisco Urban Institute. *First in Line: An Evaluation of San Francisco's First Source Hiring Program Ordinance*. Issued 8/1/04.

with as much as 50% open space off site or as street improvements. The current report should analyze the impact of the proposed types of housing and amenities on need for affordable family housing in San Francisco.

#### Recommendations:

- 10) Analyze the impact of the proposed housing type on need for additional family housing in San Francisco.
- 11) Propose development options that meet the family housing need of current and future San Franciscans.
- 12) Analyze the impact how allowing the open space off-site would affect children and families.

#### Family Incomes by Ethnicity

|                                  | Total Families | Average Family Size | Per Capita Income | Estimated Average Family Income | Median Family Income | Non-Family Income |
|----------------------------------|----------------|---------------------|-------------------|---------------------------------|----------------------|-------------------|
| White                            | 68211          | 2.72                | 48393             | 131629                          | 81801                | 52715             |
| African American                 | 12449          | 3.18                | 19275             | 60909                           | 35643                | 21103             |
| American Indian/Alaska Native    | 514            | 3.39                | 22588             | 76573                           | 35000                | 24022             |
| Asian                            | 51867          | 3.67                | 22357             | 82050                           | 56679                | 30385             |
| Native Hawaiian/Pacific Islander | 544            | 4.47                | 12478             | 65788                           | 31985                | 38333             |
| Other Race                       | 8838           | 4.19                | 15730             | 65909                           | 46883                | 31801             |
| Two or More Races                | 5062           | 3.33                | 22691             | 73563                           | 51571                | 41677             |
| Hispanic or Latino               | 18890          | 3.88                | 18584             | 72106                           | 48809                | 35911             |

<sup>1</sup> People who identify themselves as Hispanic or Latino may also identify themselves as a particular ethnicity.

From: Approved Housing Element 2004

#### Impact of Traffic on Public Safety of South of Market Neighborhood

The Rincon Hill Plan has gone to great lengths to encourage the development of high density residential units with design features that encourages pedestrian travel and public transit within the project area. While the Report concludes that increased traffic along Folsom is a significant and unavoidable environmental impact, the report does not provide adequate analysis of the increase in roadway traffic along Folsom Street towards Western SoMa. The plan clearly states that "Folsom Street is intended to be the commercial heart of the Transbay and the Rincon Hill neighborhoods, and the civic and transportation spine linking the neighborhood to the rest of the South of Market and the waterfront." Currently, students from Bessie Carmichael Elementary School, the only school in the neighborhood, cross Folsom at 7<sup>th</sup> Street to access to the South of Market Recreation Center. Stronger mitigation measures are needed to ensure the safety and protection of students at Bessie Carmichael.

Because of the increase burden of this proposed zoning change as well as "other proposed programs to encourage new housing in San Francisco, such as the remainder of the Downtown Neighborhoods" (p. 144) on adjacent areas, additional analysis is needed on the impact of this proposed zoning as well as the cumulative effects of traffic and infrastructure needs that will result from significant upzoning of San Francisco's downtown neighborhoods.



*Recommendations:*

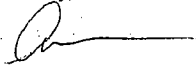
13) Develop detailed mitigation measures to address the increased traffic and burden to the current infrastructure in the South of Market.

**Conclusion**

The vision of the Rincon Hill Plan has the potential to create a mixed income, mixed race neighborhood. We encourage the City to utilize the full spectrum of policies to encourage a healthy and equitable community.

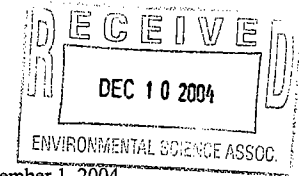
After reviewing this letter, we would like to meet with you to discuss our concerns and to propose further mitigations. I will follow up with you during the week of December 13<sup>th</sup> to arrange a time to meet.

Sincerely,



April Veneracion, M.C.P.  
Organizational Director  
South of Market Community Action Network

Cc: Members of the Planning Commission  
Supervisors Daly, Peskin, Maxwell and Ammiano  
Peggy Jen, Local Initiative Support Corporation  
Calvin Welch, San Francisco Information Clearinghouse



December 1, 2004

Joan Kugler, AICP  
Environmental Coordinator  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Dear Ms. Kugler,

I am writing to you regarding the Environmental Impact Report for the Rincon Hill Plan. I have been a homeowner in BayCrest at 201 Harrison Street since 1995. I have seen a "Non-Neighborhood" become something that this city can be proud of: a waterfront, urban oasis with many assets.

As more buildings have been built and the population of the area has increased, there is a nice feel that you get from the activity in the neighborhood. The city has done a great job with the planning of places like SBC Park and the surrounding Mission Bay projects. As well, the development of the Ferry Building and the waterfront are really what makes this a great place to live.

I would like to compliment your department on a thorough and comprehensive EIR Report. It seems you have heard the residents' concerns when we participated in your Community Planning sessions.

However, being a resident of Rincon Hill for almost 10 years, I am aware that one of our greatest problems is traffic. This, of course, is mostly caused by traffic approaching and coming off the Bay Bridge.

My husband walks to work in the Financial District and I am in Medical Sales and must drive in and out of the area to do my work. While we applaud your emphasis on pedestrian safety, we are especially concerned about the increase in traffic with the addition of several large towers proposed for the intersection of 1<sup>st</sup> and Harrison Sts., a very busy entrance to the Bay Bridge.



Our second concern is Public Safety and the ability of emergency vehicles being able to navigate through increased traffic due to the addition of more housing which will bring more cars, especially at that very congested intersection at rush hour. With many more people living in this area, we feel it is of utmost importance that our Emergency needs are being met. Because there will be more traffic in the area, someone may not get an ambulance or fire truck as fast as they should because traffic is backed up for blocks. I imagine that is not the current standard set for a city that prides itself on excellent emergency services.

I encourage you to stand at the corner of Harrison and 1<sup>st</sup> during rush hour in the afternoon and imagine people trying to get to their buildings through that traffic. San Francisco is in desperate need of housing. I am not sure that condominium costing between \$500,000 to over \$1,000,000 condominium are the answer to this crisis. If there is truly a plan to deal with this certain increase in traffic, I would not oppose this part of the plan

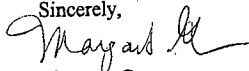
Your report is truly comprehensive, but there is a glaring omission. While traffic patterns and proposed street changes are mentioned, the lack of a complete section on the study of traffic is missing.

I believe traffic in and around the approaches to the Bay Bridge needs more study. Will building several 300 to 500 feet tall towers in and around the intersection of 1<sup>st</sup> and Harrison Streets really serve this neighborhood? Without looking at the major impact on traffic in this very important area, we feel this report is incomplete.

The Rincon Hill Plan is a noble one, which will very much enhance the waterfront of San Francisco. However, I feel that a comprehensive study of traffic and the impact it will have on the quality of life in the neighborhood as well as public safety is necessary.

Thank you for your hard work on the EIR for Rincon Hill Plan. I look forward to making our neighborhood even better.

Sincerely,

  
Margaret Gunn

SUE C. HESTOR

Attorney at Law

870 Market Street, Suite 1128 · San Francisco, CA 94102  
(415) 362-2778 · FAX (415) 362-8048

November 19, 2004

Shelley Bradford Bell  
Planning Department  
1660 Mission Street 5th fl  
San Francisco CA 94102

2000.1081E - Rincon Hill Plan Draft EIR  
Hearing 11/29/04

Dear President Bradford Bell:

I will be out of town and unable to attend the Commission's hearing on the Rincon Hill Plan Draft EIR. Although I will be submitting a full set of written comments before the deadline, I wanted to provide members of the Commission with comments on certain issues as you prepare for the hearing.

The focus of my comments are on the implications - both social and environmental - of the types of housing being contemplated.

Need to analyze the impacts for children on the type of housing

It is important to understand how the type of housing --

townhouses  
mid-rise condos  
high-rise condos

affects whether families will be housed in these units.

If the City is planning to create what will, because of the sales price of the units AND the height of these buildings, become an upper income child-free zone, the Commission, other decision-makers AND the public must have the information to decide whether THAT is good policy for our City which has limited land available to build new housing.

Exhibit A is several pages of a study done for Redwood City to analyze the public school demand for a proposed 1,930 unit project along and near the Bayfront in Redwood City.<sup>1</sup> I acknowledge

<sup>1</sup> Analysis of the Probable Enrollment Impact of the Marina Shores Village Development on the Redwood City and Sequoia Union High School Districts, by Lapkoff & Gobalet Demographic Research, Inc., 2/11/04. I will provide the complete study with my written comments, along with a link to the Redwood City site that posts this report.



that public school enrollment is NOT identical to the total number of school age children in an area. However, this study is illuminating on the paucity of children in high-rise towers.

The relative number of children by housing type in this project -- which has substantial parallels to Rincon Hill. Page 3 of that report shows the relative ratio by type of housing is:

|                  |        |                       |
|------------------|--------|-----------------------|
| High-Rise condos | - 0.04 |                       |
| Mid-Rise condos  | - 0.10 | 2.5 as many children  |
| Townhouse        | - 0.17 | 4.25 as many children |

Note that the number of children for the affordable housing units ("income-restricted units") is dramatically more than for market rate units. 10% of the units will be moderate income units. 5% of the units will be low income units.

The 15% of the units that are affordable generate 66 public school students in Redwood City.

The 85% of the units that are market rate generate 139 public school students.

In other words the 15% of units which are affordable generate 32% of the students.

Why are there so few children in this housing? "The most important characteristic in determining the student yield is the type of housing." (page 3) "High-rise condominiums are the least likely to contain students because the high-rise characteristic is not conducive to children." (page 7)

In Redwood City the high-rise towers were 21 to 23 stories, significantly lower than those allowed in Rincon Hill.

What is the need for housing for families with children in San Francisco? How much of that need would be met by this project? Would a different mix of uses, specifically more townhouses and LESS extremely high towers, result in significantly more family housing and significantly more children?

#### Superabundance of extremely high-end housing

This leads to the second question and attachment. What is the need in San Francisco for housing for persons with an income of over junk" \$500,000 a year? All of my questions assume that the housing unit is the primary residence of the person housed.

Based on the data at DEIR p. 137 (household income of \$157,080 to afford the average basic unit sales price of \$625,000). A

household income of \$500,000 would therefore enable someone to buy a \$2 million unit.

The September 24, 2004 SF Business Times had an article explaining how sales are going for 2 and 3 bedroom condos in the St. Regis tower at 3rd & Mission. In that project 3-bedroom units start at \$2.5 million. The broker marketing those units explained the different segments of the market.

"...the market north of \$2 million is an entirely different beast...high-rise condos tend to attract a different set of buyers than single-family homes. The Four Seasons Residences just a few blocks away from the St. Regis sells 60 percent of its units as second or third homes."

As Rincon Hill goes steadily to more and more higher and higher towers, what HOUSING market is being served. Housing that is the primary residence, or ONLY residence, of the persons housed.

Please analyze how the housing types in Rincon Hill meet the identified and still unmet need for PRIMARY residences in San Francisco. It is incorrect to claim that HOUSING NEEDS are being met if much of what is being built is second, third or fourth homes for persons with vast wealth and resources.

The environmental impacts -- particularly the visual impacts and the loss of potentially available space for more socially useful housing -- should be evaluated in light of the MARKET being served and its needs.

#### Promoting economic and racial segregation

The housing affordability analysis at page 143 has a fairly Pollyannish discussion of inclusionary units for Rincon Hill. It talks as though real low income people will be living in these complexes.

Please discuss and list how projects currently being developed and under review are meeting their inclusionary obligation. I am attaching an August 2, 2004 Zoning Administrator Determination that the inclusionary units for One Rincon Hill can be built in the India Basin Industrial Park Redevelopment Area at 3rd and Cargo. Some of the units for 300 Spear were built on the site of a former parking lot near Candlestick Park. The inclusionary units for 4th & Freelon are being built on a parking lot associated with a former chicken processing facility deep south of Market near 7th & Brannan.



November 19, 2004 - Rincon Hill DEIR - page 4

None of the above "inclusionary" sites approach the quality, or amenities of the location where the market rate housing is being built. They are isolated from neighborhood amenities, of the type we want to add in areas like Rincon Hill. They are racially segregated. They are near areas with environmental problems, e.g. power plants, poor drainage, dead-end streets.

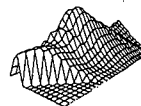
There must be a discussion of how allowing the inclusionary units to be built far away from the "new neighborhood" results in a bottom feeding search for a "third tier" site. The "neighborhood" of the Rincon Hill market rate housing will be vastly different from the "neighborhood" of the affordable housing. This gives a STRONG message to those in the inclusionary units that they are considered to be second class citizens. The CHILDREN in the affordable housing will have fewer opportunities, attend different schools and will continue to be isolated from persons who can afford market rate housing in San Francisco.

Since San Francisco has a limited amount of space to build new housing, exacerbating the disparity between the "haves" and "have-nots" and pushing affordable housing more and more to the margins, is bad land use policy, as well as bad social and human policy.

Respectfully submitted,

Sue C. Hestor

cc: Members of the Planning Commission  
Joan Kugler, MEA  
Dean Macris



LAPKOFF & GOBALET DEMOGRAPHIC RESEARCH, INC.  
www.Demographers.com

2120 6<sup>th</sup> Street #9, Berkeley, CA 94710-2204 • (510) 540-6424 • FAX (510) 540-6425  
22361 Rolling Hills Road, Saratoga, CA 95070-6560 • (408) 725-8164 • FAX (408) 725-1479

*Analysis of the Probable  
Enrollment Impact of the Marina Shores Village Development  
on the Redwood City and Sequoia Union High School Districts*

February 11, 2004

EXH A



Table 1

| Estimated Enrollment Impact from Marina Shores Village                                             |            |                                      |                            |
|----------------------------------------------------------------------------------------------------|------------|--------------------------------------|----------------------------|
| Type of Unit                                                                                       | # of Units | K to 8 Students                      |                            |
|                                                                                                    |            | Student Yield<br>(Students per unit) | # of Students<br>Generated |
| High-rise Condos                                                                                   | 1,016      | 0.04                                 | 41                         |
| Mid-rise Condos                                                                                    | 815        | 0.10                                 | 82                         |
| Townhouse                                                                                          | 99         | 0.17                                 | 17                         |
| Subtotal                                                                                           | 1,930      |                                      | 139                        |
| Additional students from income-restricted units                                                   |            |                                      | 66                         |
| Total K-8 Students from Development                                                                |            |                                      | 205                        |
| Type of Unit                                                                                       | # of Units | 9 to 12 Students                     |                            |
|                                                                                                    |            | Student Yield<br>(Students per unit) | # of Students<br>Generated |
| High-rise Condos                                                                                   | 1,016      | 0.02                                 | 20                         |
| Mid-rise Condos                                                                                    | 815        | 0.06                                 | 49                         |
| Townhouse                                                                                          | 99         | 0.08                                 | 8                          |
| Subtotal                                                                                           | 1,930      |                                      | 77                         |
| Additional students from income-restricted units                                                   |            |                                      | 30                         |
| Total 9-12 Students from Development                                                               |            |                                      | 107                        |
| Note: The number of Students Generated equals the Number of Units multiplied by the Student Yield. |            |                                      |                            |

## II. Forecasting Students from New Housing

The most common way to forecast students from new housing is through the "student yield method," also called the "housing method" by demographers. It is a simple, but usually accurate, method for estimating the number of students who will live in new housing developments. The average number of students expected per unit (the student yield) is multiplied by the number of housing units in the development, giving the number of students to be generated by the project.

$$\text{Number of Students} = \text{Number of Units} * \text{Average Number of Students per Unit}$$

The two necessary assumptions for this procedure concern the number of housing units to be built and the average number of students who will reside in each unit (the student yield). For this second assumption, we measure student yields in existing housing that is comparable to the housing to be built and use those yields in our forecast equation.

### Discussion of Student Yields in General

We have worked with public school district clients for more than 15 years, providing both student yield studies and enrollment forecasts. We have measured student yields in nearly 86,000 housing units in the San Francisco Bay Area. These units include houses, townhouses, condominiums, and apartments.

Student yields vary by housing characteristics. The most important characteristic in determining the student yield is the type of housing. In most school districts, houses, or what planners call "single-family detached units (SFUs)" yield the largest number of students per unit. This is because residents with children desire outdoor play space and need more room indoors than other residents without children.

After SFUs, townhouses typically have the next highest yields. Townhouses are often defined as having one common wall with another unit. Townhouse yields are significantly lower than those of single-family units, but are higher than those of apartments and condominiums. Single-story townhouses with private backyards tend to have yields closer to those of single-family units than to those of stacked (two-or more story) townhouses.

For a variety of reasons, apartments tend to have very few children per unit. There is usually little play space in apartment complexes, and even if there is a park within the complex, there is no private area outside, like a backyard, in which the parent can allow the child to play somewhat independently. Children can be noisy, and it is difficult to have a common wall with neighbors. Also, apartments tend to be smaller than houses, and most residents with children need bigger areas indoors, again so children have a place to play.

Some apartments, however, have large numbers of students per unit. These are either subsidized or have very low rent. Families with low incomes who are unable to rent



houses can better afford lower-cost apartments. There also seems to be a "critical mass" phenomenon with children in apartments: once an apartment complex houses many children, more people with children are likely to become tenants.

Condominiums tend to have the lowest yield. This is because condos, like apartments, have no outside play space and relatively small quarters. Also, like houses, they require high incomes because they are purchased rather than rented. People with resources to buy a condominium have more options open to them than low-income families. In particular, *high-rise* condominiums (or apartments) are the least likely to contain students because the high-rise characteristic is not conducive to children. Sometimes we find high yields in older, low-priced and low-rise condominiums. Perhaps many of these units have become rentals. In any event, we have never found large student yields in high-rise condominiums.

Several other factors besides type of housing can affect student yields. Perhaps the second most important factor, after housing type, is the public school district's reputation. Standardized test scores are readily available and provide a quantitative indicator of district reputation or desirability. Scores influence many parents when they decide where to buy or rent homes. Our analysis of student yields throughout the Bay Area shows that the higher the test scores, the larger the student yields, regardless of the housing type. We believe that parents choose school districts with better test scores, all else equal.

The other important factor is the price of housing. This has little effect on single-family houses. Regardless of whether they are over a million dollars or under \$300,000, all SFUs generate large numbers of students, especially when new or recently resold. However, price is a factor for townhouses, condominiums, and apartments. When these units are especially inexpensive, perhaps because they are old, they are more attractive to families who cannot afford houses. Low-priced townhouses, condominiums, and apartments yield larger numbers of students per unit than high-priced units.

A final consideration is whether units are restricted to households below a certain income level. These units are sold or rented below market prices. The larger the household, the higher the income allowed to qualify to purchase lower-priced units under the restriction. These households are more likely to contain children because households with children tend to be larger, and hence qualify more easily for the income-restricted units. We have found that the more severe the income restriction, the greater the number of students per unit tends to be.

### Student Yields in High-rise Condominiums

The proposed Marina Shores Village (MSV) development includes 1,016 high-rise condominium units, to be developed in towers with 21 or 23 stories. The student yield that should be assumed for these units is at issue.

Comments A. Hill Deir

SF BUSINESS TIMES | SEPTEMBER 24-30, 2004

sanfrancisco

## St. Regis gussies up in SoMa for rich buyers

BY RYAN TATE  
rtate@bizjournals.com

Four years after breaking ground, the developers of the St. Regis hotel and condominium project in San Francisco's south of Market neighborhood have begun selling some of the city's priciest condos.

Now the only question is: Will millionaires be buying?

Going for \$1.7 million to north of \$5 million, the units offer sweeping views of the east and south bay, the financial district and peaks in the north bay, along with access to concierge, butler, maid, chef and spa services from the adjoining luxury hotel. The building's 102 units are almost entirely two- and three-bedroom units, except for three 6,200-square-foot penthouses.

The units won't be complete, and thus legally saleable, until summer 2005, according to Jeff Snyder of Carpenter & Co., which is developing the project in partnership with Starwood Hotels & Resorts. But developers opened a sales office Sept. 12 to give tours to prospective buyers, and plan to accept contracts securing units with a deposit, typically around 10 percent.

"The market is really picking up steam," Snyder said. "There is phenomenal demand."

Still, with three-bedroom units starting at \$2.5 million, closed escrow deals are the only sure sign of success. The residential real estate market is still on fire, with August sales volume at its highest level in at least a decade and a half.

But the market north of \$2 million is an entirely different beast, local brokers say.



**SNYDER: Demand is phenomenal**

and high-rise condos tend to attract a different set of buyers than single-family homes. The Four Seasons Residences just a couple of blocks from the St. Regis sells 60 percent of its units as second or third homes.

Malcolm Kauffman, a broker with McGuire Real Estate and publisher of Pulse of the Market, a newsletter that follows the residential market, is also forecasting a deep market for the units, Kauffman said. 289 San Francisco condominiums have sold for more than \$1 million this year. He estimates the year will close with 415 condo units selling for north of \$1 million, compared with 208 such sales last year and 206 in 2002.

Ryan Tate covers hospitality for the San Francisco Business Times. ■

EXH B





## PLANNING DEPARTMENT

City and County of San Francisco • 1660 Mission Street, Suite 500 • San Francisco, California • 94103-2414

|                               |                                                                    |                                                                       |                                                                                 |                                                                                      |
|-------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| MAIN NUMBER<br>(415) 558-6378 | DIRECTOR'S OFFICE<br>PHONE: 558-6411<br>4TH FLOOR<br>FAX: 558-6426 | ZONING ADMINISTRATOR<br>PHONE: 558-6350<br>5TH FLOOR<br>FAX: 558-6409 | PLANNING INFORMATION<br>PHONE: 558-6377<br>MAJOR ENVIRONMENTAL<br>FAX: 558-5991 | COMMISSION CALENDAR<br>INFO: 558-6422<br>INTERNET WEB SITE<br>WWW.SFGOV.ORG/PLANNING |
|-------------------------------|--------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|

August 2, 2004

Steven L. Vettel  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105

Re: **Off-Site Affordable Housing – Section 315.5(c)**  
**1 Rincon (425 First Street)**  
**Assessor's Block 3765 / Lots 1, 9 and 14**  
**and**  
**3433 Third Street**  
**Assessor's Block/ Lot: 5203/023**

Dear Mr. Vettel:

By letter dated June 21, 2004, you requested a determination regarding the application of certain provisions of the Residential Inclusionary Affordable Housing Program, Planning Code Sections 315.1-315.9 ("Program") to the proposed One Rincon Hill residential projects at 425 First Street. You have asked me to confirm that 3433 Third Street is an appropriate off-site location for satisfying the Program's requirements for the One Rincon Hill project, provided that the 3433 Third units are comparable in exterior appearance and overall quality of construction to the market rate units at One Rincon Hill.

### Background

The One Rincon Hill project is a proposed 720-unit project that conforms to the currently proposed amendments to the Rincon Hill Plan, and for which an EIR is now being processed. The proposed unit mix of One Rincon Hill is proposed to be approximately 15.5% studio/junior one-bedroom units; 39.5% one-bedroom units; 38% two-bedroom units and 7% three-bedroom units, with an average size of approximately 982 square feet per unit. Were inclusionary units constructed on-site, One Rincon Hill would be required to provide 86 on-site units (12% of the total), for a total of 84,845 square feet. Consideration of project approvals for One Rincon Hill are also expected in early 2005 immediately following approval of the amendments to the Rincon Hill Plan.

You state that the 3433 Third Street project is proposed for construction in the India Basin Industrial Park Redevelopment Plan Area at the corner of Third Street and Cargo Way, following proposed amendments to the redevelopment plan now being proposed for the area by the Redevelopment Agency. 3433 Third Street would be a five- or six-story building containing from 104 to 130 dwelling units, approximately 6,100 gross square feet of ground floor community and commercial space, 104 to 130 parking spaces, and approximately 4,000 square feet of publicly accessible open space. The unit mix would be approximately the same as the unit mix for the One Rincon Hill project, with an average size of 700 to 800 square feet. The overall quality of construction of 3433 Third Street would be comparable to One Rincon Hill, and interior features,

Mr. Steve Vettel  
Letter of Determination for 1 Rincon  
August 3, 2004  
Page 2

although different than the interiors at One Rincon Hill, will be of good quality and consistent with current standards for new housing. Consideration of project approvals for the 3433 Third Street project by the Redevelopment Agency are expected in early 2005 as well.

### Section 315.5

Planning Code Section 315.5(c) (Compliance Through Off-Site Housing Development) provides as follows:

(c) Location of off-site housing: The project applicant must insure that off-site units are located in either (i) close proximity to the principal project; or (ii) a high-need area or a project type identified as a high priority in the Residence Element of the General Plan or the consolidated plan published by the Mayor's Office of Housing in the Mayor's Office of Community Development or their successors.

Planning Code Section 315.5(d) provides as follows:

(d) Type of Housing: The type of affordable housing needed in San Francisco is documented in the City's Consolidated Plan and the Residence Element of the General Plan. In general, affordable units constructed under this Section 315.5 shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market-rate units in the principal project. The total square footage of the off-site affordable units constructed under this Section 315.5 shall be no less than the calculation of the total square footage of on-site market-rate units in the principal project multiplied by the relevant on-site percentage requirement for the project specified in Section 315.4 (12 percent for conditional use, planned unit developments or live/work project, and 10 percent for all other housing projects). . . . The interior features in affordable units need not be the same as or equivalent to those in market rate units in the principal project, so long as they are of good quality and are consistent with then-current standards for new housing.

The Residence Element of the General Plan and the Mayor's Office of Housing ("MOH") consolidated plan do not include any references to "high need areas" in San Francisco or "high priority" residential project types. 3433 Third Street is located along the under-construction Third Street light rail line in the India Basin Industrial Park Redevelopment Project Area, for which the Redevelopment Agency is currently processing a plan amendment to permit residential development in this subarea of the redevelopment plan area. The Planning Department's recent Eastern Neighborhood Plan includes various options for increasing residential development in the eastern part of San Francisco. One of the areas analyzed in the Eastern Neighborhood Plan is Bayview/Hunters Point. The 3433 Third Street site is identified in two of the three Bayview/Hunters Point land use options as a proposed mixed-use housing site. It is also clear that there is a significant shortfall in affordable housing production City-wide, and it is the Planning Department's and Planning Commission's policy to encourage production of affordable housing.

### Determination

Based on the foregoing, and the information provided in your June 21, 2004 letter, this confirms that 3433 Third Street is an appropriate location for satisfying the off-site affordable housing requirement for the One Rincon Hill project. This determination also confirms that the type of housing proposed at 3433 Third Street will satisfy Section 315.5(d), provided the 3433 Third

EXH C



Mr. Steve Vettel  
Letter of Determination for 1 Rincon  
August 3, 2004  
Page 3

Street units are comparable in number of bedrooms, exterior appearance and overall quality of construction to the market rate units at the One Rincon Hill project and total square footage of the 3433 Third Street affordable units allocated to One Rincon Hill are no less than the square footage of on-site affordable units for which they are substituted.

Any aggrieved person may appeal this decision to the Board of Appeals within 15 days of the date hereof. For further information, please contact the Board of Appeals in person at 1660 Mission Street, Room 3036, or by telephone, at (415) 575-6880.

Sincerely,

Lawrence B. Badiner  
Zoning Administrator



Barbara Jue  
<bljue@yahoo.com>  
12/10/04 03:03 PM

To: joan.kugler@sfgov.org  
cc: Paula & Cliff Roth <crpapers@aol.com>, Pat Malone  
<patmalone@sbcglobal.net>  
Subject: Rincon Hill EIR response

TO: Planning Department

Summary of Comments<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

1. Residential Density: The plan is to have the tallest buildings stacked at the top of the hill. This arrangement provides a stepped approach allowing taller buildings to maintain views as the terrain goes up. Hence, most of the high-rise structures will be placed directly adjacent to the entries to the <?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarttags" />Bay Bridge

**ISSUE:** Placement of the towers at the hilltop where the 3 entrances to the Bay Bridge are situated poses serious problems on traffic congestion, pollution from said traffic, health/safety hazards for the growing residential population.

2. TRAFFIC: Significant negative impact on traffic patterns in the highly congested intersections is predicted. These intersections already are at LOS E or F. The three worse ones are next to the Bay Bridge entrances - First/Harrison, Essex/Harrison, Second/Brannan. Considering the increased car-driving residents who will be living at the top of the hill as well as the changes in street configuration within the new plan, all of these intersections would worsen. Additionally, other intersections feeding into the Bridge would likewise degrade - Harrison/Fremont, Embarcadero/Bryant, Main/Folsom, Beale/Folsom, Spear/Folsom, Market/First. No mitigation methods are cited for these adverse situations.

It's expected that Muni transit lines would be expanded in this area but not fully until 2020. Residents would walk and bicycle to work and services. To facilitate non-freeway traffic on key streets, the Plan proposes to physically separate these lanes from the Bay Bridge-bound traffic (i.e., one lane on First, and one lane on Harrison restricted for non-Bridge traffic). Other streets will be re-configured to deal with anticipated traffic flow (e.g., four eastbound lanes on Folsom).

**ISSUE:** Pollutants will increase significantly which over the long-term can jeopardize general health of the residents surrounding these traffic-clogged intersections. More immediate mass transit alternatives (than what is currently in the Plan) need to be developed and implemented as these high-rise structures evolve.

4. OPEN SPACE: For every 200 square feet of living space, allow for 1 square foot of open space. For every dwelling unit, 75 square feet of useable open space must be available. Planned park spaces have been situated under the freeway overpasses at Essex/Fremont and at Harrison/Fremont. Park space at Essex is also on the plan with widened sidewalks, landscaped hillside.

**ISSUE:** Greater concentration of pollutants will accumulate because these designated parks around the overpasses are next to the highly congested intersections cited above. They will not conducive for public use and they will not be kid-friendly. Proposed towers at the hilltop would cast shadows over these planned parks during portions of the day.



PATRICK M. MALONE

December 9, 2004

5. PARKING: No minimum off-street parking required for the proposed high-rise residential buildings. All new developments will have underground, on-site parking. Maximum ratio of parking space to living space is still 1:1. Projects with more than 100 units - 2-5 parking spaces must be allotted for car sharing. Every 2 units must also have at least one bicycle space.

ISSUE: Because of #3 and 4 above, the acceptable ratio of parking to living space should be less than 1:1. Recommend 0.5 : 1 for all new developments going forward.

GUY/LANSING ENCLAVE: The Plan specifically recognizes the unique characteristics along this residential alley and is working to preserve the current height and bulk limits on new developments within its confines. However, one of the proposals at 45 Lansing is something of a stealth method to place a high-rise structure on the street behind Lansing (Harrison). The 40-story tower would cast a shadow over the main part of Guy/Lansing. As the intent of the Plan is to place the highest buildings at the very top part of the hill, this structure would be better placed on the other side of Harrison across the street (where the Sound Factory is).

Sincerely,

Barbara L. Jue

81 Lansing Street, #411  
San Francisco, CA 94105

Do you Yahoo!?

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*Via Hand Delivery*

Joah A. Kugler, AICP  
Environmental Coordinator  
1660 Mission Street, Suite 500  
San Francisco, California 94103

Re: Comments on Draft Environmental Impact Report—Rincon Hill Plan  
Planning Dept. Case No. 1000.1081E  
State Clearinghouse No. 1984061912

Dear Ms. Kugler:

I have received the Draft EIR referenced above and offer the following brief comments. Some of my commentary will be particular to the neighborhood in which I live, Guy-Lansing, and some will apply to the plan in general.

Initially, I would like to comment on the alleged community planning policy. As with all plans that I have seen come through the Planning Department (Department) regarding this neighborhood, community planning seems to consist of Department personnel coming to the neighborhood, trying to convince the neighbors that they should support the plan already developed by the Planning Department, developers and special interests. If the neighbors do not agree, they then come back and try to sell the whole unchanged plan again with no changes. When this does not work, the neighbors are just disregarded and the plan goes forward anyway, despite valid concern of environmental degradation by neighbors. Although the neighbors in our neighborhood had a number of meetings with the Department, our concerns were never addressed. This behavior shows a callous disregard to residents of the city and to their valid concerns about development in the neighborhood. Although there is supposed to be a policy of community planning, it amounts to nothing more than lip service.

Moreover, Rincon Hill was specifically excluded from the Eastern Neighborhoods Initiative and railroaded through the process, despite numerous pleas from residents like me.

I know that the Department would prefer that it had a blank slate with no existing residents, buildings or neighborhoods and that it could build some "model city" in the Rincon Hill area, but that blank slate does not exist. The Department has to recognize, as should the EIR, that there are already distinct neighborhoods that have unique character that have grown organically. These have to be considered when developing a plan and



when analyzing the environmental effects on neighborhoods. There has been no such sufficient analysis.

That said, I do not mean to demean those members of the Department that visited with community members, they were overall courteous in the way they conducted themselves. However, it was apparent that the "preferred" plan was a foregone conclusion and that there was no room for concerns or dissent from those who actually already live and work in the neighborhood and who would be most affected from the environmental consequences of the new plan. The overwhelming opinion in the Rincon Hill area and in particular my Guy-Lansing neighborhood is that the new plan, if built, would have disastrous environmental consequences and does very little to improve the neighborhood or, for that matter, increase the housing supply in any tangible and real way. Instead, it is a wholesale gift to development and special interests. They make a lot of money building homes with nice views for incredibly wealthy persons, leaving the rest of the city to suffer the environmental consequences.

Historically, Rincon Hill has been the victim of disastrous planning by the city—decisions and policies that have invited aesthetic blight and adverse environmental impacts on the area. First there was the Second Street Cut, which foreshadowed its decline from the most fashionable neighborhood in the city. Then, there was the Embarcadero Freeway, with its blocking of critical views of the bay and the Bay Bridge. Now, it is the new Rincon Hill Plan, which is environmentally disastrous to the existing neighborhood, imposes significant hardships on residents and forever destroys enjoyment of the area by the public at large.

Because of where I live, I am primarily concerned by the building of 400 feet proposed for the Guy-Lansing loop, a building totally out of proportion for this small, already existing neighborhood. It will have devastating environmental consequences for this comparatively small-scale neighborhood and for the city in general. Secondly, I am concerned about the buildings proposed where the existing Bank of America (formerly Union Oil) clock-tower building. Both will have devastating effects on the Guy-Lansing area because of their effects on light, traffic, wind and population density on this neighborhood. If the city must build buildings of such size, there are more appropriate areas, where similar buildings exist, such as at the Fremont and Harrison intersection (CATS shelter location) and other such areas. Sufficient studies of the loss of light and reflective light in the Guy-Lansing neighborhood have not been conducted. The Guy-Lansing neighborhood relies a great deal on reflective light in the neighborhood because of the unusually thin streets that characterize it. These two buildings would have substantial effects on such light.

Moreover, the decision to stick a building of 400 feet, with full lot coverage, requiring no open space is environmentally significant and unacceptable in and of itself. Even the financial district generally does not have such full coverage of lots. Moreover, it is so disproportionate to the existing neighborhood and existing development it poses an

unacceptable environmental impact. It unacceptably limits access to light and air of the buildings around it.

To say that the plan promotes such tall buildings "to emphasize the natural topography" is specious in itself, in that the original Rincon Hill topography no longer exists, having been destroyed by another disastrous planning decision, the Second Street Cut, in the 1800s. The views from public places, particularly of the Bay Bridge, would be severely affected by such large buildings, so near the Bay Bridge, and would overall have a deleterious effect on the environment.

I have specific concerns regarding the EIR itself, which I outline below:

#### *Claims of Increasing Housing Supply Have Not Been Proven*

The report assumes, without substantiation, that the new plan will increase housing supply, in comparison to the already existing plan, yet does insufficient study to support the supposition. This is important because if the new plan is built out it will have significant environmental impacts that may be avoided by embracing the zoning that is already in place. There have in the past couple of years been high-density high-rise housing buildings that have been built, near and in the area of the plan. However, no demographic study has been done on these buildings to determine if they are actually effectively increasing the housing supply, particularly for target groups. There is much evidence to suggest that many of these high-rise condominium projects result in a great number of second homes for the wealthy and little actual housing supply for those who are truly in need of housing in the city.

In the summary of impacts, it is admitted that "most San Franciscans likely could not afford new homes in the Plan area." Well, where are "most San Franciscans" to find housing then? Further studies are needed to show that development proposed in the plan actually would increase the housing supply for those who need it and would actually have a net positive effect on the housing supply.

#### *The Cumulative Effects of Construction Have Not Been Properly Analyzed*

CEQA requires that the cumulative effects of construction be analyzed. The Proposed EIR simply says that the City considers the effects of construction "temporary." This is insufficient analysis of the effects. While it is easy for those writing an EIR to consider any construction temporary, I will assure you that the residents of this area do not consider ten to twenty years of major construction projects within one block of their houses "temporary." Currently, my building has major construction projects within one hundred feet of it on three sides. And, a substantial part of this construction will continue for years to come. The effect of so much construction over such a long duration has to be analyzed.



***Transportation, Circulation and Parking Study is Insufficient in its Scope and Analysis***

The traffic study is woefully insignificant. Instead of analyzing the effects on intersections with a grade of F already, the report illogically ignores those intersections, as if to say they are bad already and will not get worse. It can and will get worse. The intersections at First and Harrison and Harrison and Essex Streets, for example, and the streets serving are nearly gridlocked as it is. The fact that this is not studied puts the whole study in question in that unsubstantiated assumptions are used. The fact that the two First and Harrison and Essex and Harrison intersection are already a "F" should perhaps indicate that this may not be the best place to put three incredibly huge buildings, which can only serve to exacerbate the situation.

The policy that traffic will improve when the impacts become so severe that people will have to change their lifestyle or when new nonexistent infrastructure appears to ease the problem is not suitable analysis or conclusion for an EIR.

Further, the analysis underestimates the increase in traffic due to removing parking lots and increased demand due to new construction. This necessarily causes more traffic. To just "guess" that this will get better when people change their patterns is insufficient, unscientific and inadequate.

***Effects on Visual Quality Would be Significant***

One of San Francisco's grandest and most recognizable view is of the Bay Bridge and the water under it. Already significantly compromised by recent large building built right by the bridge, the building of the two tall projects near First and Harrison would significantly effect the public's view of the Bay Bridge and the bay near it.

***Destruction of the Bank of America Clock Tower Landmark Building is Shortsighted***

Few buildings are as recognizable in San Francisco as the Union Oil (Bank of America) Clock Tower right near the bridge. It is an excellent example of 20<sup>th</sup> Century Architecture and is probably the most associated building with Rincon Hill, giving it unique character. Destroying this building to replace it with two undistinguished buildings lacking in character is an amazing mistake. The plan will forever destroy a true landmark of the City and replace it instead with two clumsy towers, effectively blocking impressive views of the bridge. It is a trade of the city's history for powerful development interests.

***The Buildings Will Shade Open Public Areas***

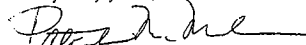
The argument that the development will not affect public areas is disingenuous. The city may have no parks in the area, but there are other areas that residents use as *de facto* parkland, such as the strip where Guy and Lansing join. This area would be severely shadowed by the new development as would other areas.

***Wind Studies are Insufficient***

The wind studies are insufficient in that they did not have enough test locations, do not logically pick the test areas and do not fully consider the effects of new construction. One such place is the location of Lansing Street, where, due to the proposed 400-foot building and 40-50 Lansing being constructed, will resemble a large canyon. No wind study was done at that location and other obvious locations.

I request that my comments be incorporated in the Proposed Environmental Impact Report and that the analysis outlined above be done as well.

Very truly yours,

  
Patrick M. Malone





SERVICE PLANNING • SAN FRANCISCO MUNICIPAL RAILWAY

1145 Market St, Ste 402 • San Francisco, CA 94103 • (415) 934-3999 • Fax: (415) 934-5747



MEMORANDUM

To: Joan Kugler, Major Environmental Assessment

Through: Peter Straus, Mgr. of Service Planning  
From: James D. Lowé, Transit Planner

Subject: Rincon Hill Mixed-Use District Transportation Study; 2001.10811  
Rincon Hill Plan Draft EIR; 2000.1081E

Date: 10 February '05

The San Francisco Municipal Railway Service Planning staff have the following additional comments regarding the Rincon Hill Plan draft EIR and Transportation Study.

Jerry Robbins of the Department of Parking & Traffic has brought to our attention Page S-16, 4<sup>th</sup> paragraph - a proposal to eliminate the off-street freight loading requirement for residential developments and to place such loading at the curb. He noted in his comments that this would violate Policy 40.1 of the Transportation Element of the General Plan. We concur with that assessment.

We also believe that curbside loading combined with conversion to two-way streets (with one 11' wide travel lane in each direction) could seriously impact our ability to provide efficient on-time transit service. Especially, if loading zones are established along Main and Beale streets, where transit may be proposed to operate in the future. The need to keep these streets functionally available for transit service has been discussed repeatedly with Josh Switzky of the Planning Department and with other City staff. The congestion of these streets could be exacerbated even further if double-parked vehicles become prevalent.

We would encourage the Rincon Hill Plan to adopt on-site loading standards similar to those incorporated into the Transbay Development Controls and Design Guidelines. I have attached these for your review.

Muni staff would continue to need to review specific projects as they are proposed in the area to determine if they have significant impacts on the day-to-day operations of transit in the area.

attachment

Cc: Josh Switzky, Downtown Planner  
JDL, SP Chron

TRANSBAY DEVELOPMENT CONTROLS AND DESIGN GUIDELINES

Loading and Tour Buses

Development Controls

1. The number of off-street loading or tour bus spaces required for uses within Transbay are prescribed in the table below. For multi-parcel developments, loading spaces can be aggregated. A lower ratio may be established by the Agency based on a development-specific loading scenario.
2. Individual off-street loading spaces shall have a maximum width of 10 feet and a minimum vertical clearance of 14 feet.
3. Off-street loading areas shall not be accessed from Folsom Boulevard.
4. Each block length facing a street or alley may have a maximum of one curb cut for loading and service.
5. Off-street loading entrances are restricted to a maximum linear width of 12 feet for combined entrance and exit areas.

6. Off-street loading areas shall be enclosed within structures and out of view from pedestrian areas.

7. Individual tour bus spaces shall be no more than 9 feet wide by 45 feet long by 14 feet high. Spaces for tour buses can be provided at adjacent curbs or in the immediate vicinity provided that they do not cause substantial adverse effects on pedestrian circulation, transit operations, or general traffic circulation.

Design Guidelines

1. Where feasible, multiple buildings within the same block should share off-street loading facilities and service areas.
2. Off-street loading entrances and exits should be combined with automobile parking access where possible.
3. Loading and service areas that are separated from vehicular parking access should have doors that are opaque and attractively designed.

TABLE 4 - MINIMUM LOADING SPACES

| Use                     | Minimum Number of Loading Spaces  | Gross Floor Area, sq. ft. |
|-------------------------|-----------------------------------|---------------------------|
| Office                  | 0                                 | 0 to 100,000              |
|                         | 1                                 | 100,001 to 200,000        |
|                         | 2                                 | 200,001 to 500,000        |
|                         | 3                                 | Over 500,000              |
| Residential<br>& Hotels | 0                                 | 0 to 100,000              |
|                         | 1                                 | 100,001 to 500,000        |
|                         | 2                                 | Over 500,000              |
| Retail                  | 0                                 | 0 to 10,000               |
|                         | 1                                 | 10,001 to 60,000          |
|                         | 2                                 | Over 60,000               |
| Use                     | Minimum Number of Tour Bus Spaces | Number of Guest Rooms     |
| Hotel                   | 0                                 | 0 to 200                  |
|                         | 1                                 | 201 to 350                |
|                         | 2                                 | 351 to 500                |



## **ATTACHMENT 2: TRANSCRIPT OF DEIR PUBLIC HEARING**



1 SAN FRANCISCO PLANNING COMMISSION  
2 SPECIAL MEETING - PUBLIC HEARING  
3

4 MONDAY, NOVEMBER 29, 2004 - 2:40 P.M.  
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18 ITEM NO. 12 - RINCON HILL PLAN  
19 DRAFT ENVIRONMENTAL IMPACT REPORT  
20 --000--  
21

22 REPORTED BY: E. BRUIHL, CSR NO. 3077  
23 A REGISTERED PROFESSIONAL REPORTER

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5 A P P E A R A N C E S  
6  
7 PRESIDENT SHELLEY BRADFORD-BELL  
8 VICE PRESIDENT SUE LEE  
9 COMMISSIONERS: DWIGHT S. ALEXANDER; MICHAEL J. ANTONINI;  
10 KEVIN HUGHES; WILLIAM L. LEE; AND  
11 CHRISTINA OLAGUE  
12

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14 COMMISSION SECRETARY: LINDA D. AVERY  
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# P R O C E E D I N G S

MONDAY, NOVEMBER 29, 2004

2:40 P.M.

\* \* \* \*

PRESIDENT BELL:

Commissioners,

you're now at your regular calendar which begins with Item No. 12.

Case No. 1000.1081E, the Rincon Hill Plan.

This is a public hearing on the Draft Environmental Impact Report.

MS. KUGLER:

Good afternoon, President

Bradford-Bell, members of the Commission. I'm Joan Kugler, staff from Environmental Analysis section of the Planning Department.

The item before you is reviewing a comment on the draft EIR on case No. 2000.1081E, the revised Rincon Hill plan.

The creation of a new plan for the Rincon Hill neighborhood is a part of the Planning Department's downtown neighborhood's initiative.

The proposal would replace the present Rincon Hill special use district as set out in Planning Section

Code 249.1 with a new Rincon Hill downtown residential mixed use district.

It would revise the height and bulk control separation, eliminate exceptions and amend the Rincon Hill area plan of the general plan.

The new planning controls are and I quote from the plan,

"Intended to ensure the creation of a high

density residential neighborhood that balances livability and density, preserve sunlight and air, has attractive and livable streets and open spaces, offers a variety of housing types, allows easy access to shops and services and generally enhances the area's role as a vital new part of the city".

Today's action before you is a hearing on the adequacy and the accuracy of the information in this draft EIR for the project.

There will be no decision today to approve or disapprove the project. We are here to receive comments on -- from the public and yourselves regarding the draft EIR as a part of the environmental impact report review process as required by the California Environmental



1 Quality Act, known as "CEQA".

2 The draft EIR and notice of availability were  
3 mailed out on September 24th, 2004. The comment period  
4 for written comments on this draft EIR began on September  
5 25th and will close on December 10th, 2004, at 5:00  
6 o'clock.

7 This is a change from previous notices with  
8 an extension, additional extension to the comment period  
9 as there was a typo on the Rincon Hill website which gave  
10 December 10th instead of November 10th.

11 We have a Court Reporter here today who will  
12 be recording these proceedings and the comments. These  
13 comments will be transcribed and responded to in writing  
14 in the comments and the responses document.

15 That document responds to all comments,  
16 whether received either at this hearing or in writing and  
17 makes the revisions to the draft EIR as appropriate.

18 We would ask that all commentators speak  
19 slowly and clearly and we would also ask that you state  
20 your name and address so a copy of the comments and  
21 responses document can be sent to you.

22 This concludes my presentation on this matter  
23 and, unless the Commissioners have any questions, I would

1 respectfully suggest that the public hearing on this draft  
2 EIR be opened.

3 PRESIDENT BELL: Thank you.

4 What was the date for the written comments  
5 again?

6 MS. KRUGLER: December 10.

7 PRESIDENT BELL: Okay. Thank  
8 you.

9 I do have speaker cards. I will open up the  
10 hearing. My first speaker is Ken Werner and followed by  
11 James Collins and then Richard Marquez.

12 MR. WERNER: Good afternoon,  
13 Commissioners.

14 My name is Ken Werner. I'm from the Trinity  
15 Plaza Tenants Association. That's at 1169 Market Street,  
16 Suite 159, 94103.

17 I would ask you, Commissioners, to reconsider  
18 what you're thinking about for the SOMA neighborhood,  
19 including the Rincon area in that your plan provides for  
20 no low income housing, affordable housing for the people  
21 of this City.

22 Basically, your plan calls for housing for  
23 those making \$100,000.00 or more a year, and that's



1 unacceptable to the people of SOMA.

2 Thank you.

3 PRESIDENT BELL: Thank you.

4 James Collins? After James is Richard  
5 Marquez and then Ellis McDonald.

6 MR. COLLINS: Good afternoon,  
7 Commissioners. James Collin.

8 I'm a resident of Mission and 6th Street is  
9 generally also a resident at 1190 Howard Street, some are  
10 studio apartments and also a former resident of the Plaza  
11 Hotel.

12 I'm asking you to reconsider this proposal  
13 because the Rincon Hill does not give us on-site housing  
14 and is unfair to the residents of SOMA.

15 I live in SOMA and I work in SOMA. As to the  
16 changes, the demographic changes in the neighborhood, it's  
17 changing the landscape of the neighborhood for our low  
18 income residents and pushing us farther out.

19 We would request that on-site housing we'd be  
20 -- instead of the off-site because with off-site, that  
21 housing can be built anywhere in the City and the  
22 residents of SOMA would not qualify for that housing  
23 because it is not in the community. It's outside of the

1 community.

2 It's a funny thing that the Plaza apartments  
3 is on -- kind of right behind this same item and I see the  
4 changes between both, the connection between both.

5 The poor people is really struggling to find  
6 somewhere to live in this City and especially the  
7 residents in SOMA.

8 It's unfair that we have to go elsewhere  
9 outside the community when there is housing that can be  
10 built right inside our own community.

11 Thank you.

12 PRESIDENT BELL: Thank you.

13 MR. MARQUEZ: Well, Commissioners, they  
14 asked for it. They asked for comments.

15 Richard Marquez, 2940 - 16th Street Mission  
16 Agenda.

17 Commissioners, the will of the people isn't  
18 expressed in this Rincon Hill plan but the will of the  
19 wallet seemingly unfolds for market rate developers.

20 Commissioners, Rincon Hill was developed on  
21 the site of a Mexican land grant, Rancho Potrero Vieja,  
22 becoming the first fashionable neighborhood the City's  
23 post 1850 gold rush archives denote.



1 German immigrant, Heinrich Miller, the City's  
2 first slaughter house magnate in the South of Market owned  
3 a huge mansion, actually, on Rincon Hill.

4 He and his partner, Lux, built a huge  
5 ranching empire in the San Joaquin Valley.

6 Actually, both my grandparents worked on the  
7 ranches in the 1920s and my grandfather actually later on  
8 slaved in Miller's unionized slaughter houses in the south  
9 of the slot or SOMA.

10 According to the draft EIR, one hundred and  
11 fifty-five years later, Commissioners, Rincon Hill is now  
12 again returning to its roots of exclusivity, of class and  
13 racial segregation; building small middle dollar seascapes  
14 in the sky but for whom will these towers toll?

15 Industrialists, developers and bankers, the  
16 same strata that brought the worse and the City's sordid  
17 supposed passed out.

18 What other projects will accompany this  
19 symphony of verse and vision. The Transbay Redevelopment  
20 Tower soon to be built, followed by areas in the Civic  
21 Center and Van Ness. That's if the Trinity apartments  
22 doesn't stand in front of the engines of progress.

23 Why is it the department, Commissioners, I

1 ask you to scrutinize -- why is this department  
2 Vancouverizing San Francisco? Why is that?

3 As duly noted in the Department of Public  
4 Health's help and implant assessments, the project doesn't  
5 remove, of course, affordable housing from the market but  
6 it does push up low levers of frugolability off-site but  
7 what I think truthfully is out of site.

8 In Williamsburg, New York City, a waterfront  
9 development in partnership with a community based  
10 development corporation and private developers is  
11 considering constructing one hundred and forty low income  
12 units next to two hundred and ten condos with skyline  
13 views at prices similar to Rincon Hill's.

14 Forty percent low income units, incredible!  
15 Quadruple what San Francisco allows for most developers.

16 Commissioner, don't reward the past but fight  
17 for the City's affordable future.

18 Thank you.

19 PRESIDENT BELL: Ellis McDonald?

20 After Mr. McDonald is Steven Wilson and then Lou Blajais  
21 (phonetics).

22 MR. MC DONALD: Hi.

23 My name is Ellis McDonald. I'm with the



1 Mission Agenda.

2 I'll move this aside. Give me just a second.

3 I'm sorry.

4 SECRETARY: Can you speak into the  
5 microphone?

6 MR. MC DONALD: You might be  
7 sorry.

8 I stay at -- my name is Ellis McDonald with  
9 the Mission Agenda. I stay at a Sword To Plow Shares room  
10 at the Vincent Hotel which is a pretty cool place to be.

11 I see where the evil empire is trying to  
12 build the two towers, giving us a garden of Eden.

13 The problem with this emeralded City is we're  
14 locking out the munchins.

15 Oh, sure! I used to make a hundred thousand  
16 dollars a year as owner of my own trucking company but I  
17 fell victim to hard times, leaving me in the same boat  
18 with many other souls, trying to climb, kick and scratch a  
19 way up out of our impoverished living conditions.

20 But forcing us out of what meager housing  
21 accommodations we do have is no way to go about it.

22 I see these people everyday and I know them  
23 and most make about nine Gs a years. Where people need to

1 earn a month to afford a single bedroom apartment and, if  
2 you were to ask these people if they would trade a year's  
3 pay for a month in the Tower of Babble, they'll say hell  
4 yeah.

5 Let me get a "Hear! Hear!"

6 You bet, okay? This glaring disparity has  
7 got to stop with this fantasy dream founded by the rich at  
8 the expense of the poor.

9 Thank you.

10 PRESIDENT BELL: Thank you.

11 Steven Wilson? Then Lou Blajais (phonetics).

12 MR. WILSON: Commissioners, an EIR needs  
13 to be adequate, accurate and objective with respect to the  
14 information provided.

15 This DEIR fails on five counts. One, the  
16 DEIR limits your range of actions.

17 The EIR is inadequate because the alternative  
18 selected and analyzed to limit the range of actions and  
19 decisions possible by both the Planning Commission and the  
20 Board of Supervisors.

21 If you or the Board of Supervisors decide not  
22 to limit the number of residential towers per block and to  
23 continue to maintain code provisions for exceptions to



1 both tower separation and building bulk, decision-makers  
 2 may well be precluded from taking such actions because the  
 3 EIR failed to analyze the environmental impact of such  
 4 planning policies and code provisions.

5 Second, the DEIR before you limits housing  
 6 production. Commissioners, please instruct staff to  
 7 develop and analyze an alternative that optimizes housing  
 8 production in Rincon Hill.

9 Such an alternative would assume that  
 10 development sites on Rincon Hill would be built to the  
 11 proposed Rincon plan height limits but there would be no  
 12 limitation on the number of towers per block and the  
 13 existing zoning provisions relating to exceptions for  
 14 tower separation and bulk controls would remain in effect  
 15 and applied consistently with past entitlement practices.  
 16 In this way, we'll actually get housing.

17 Three: The DEIR doesn't square with Prop M.  
 18 The EIR is inadequate because the plans and policy  
 19 section, Pages 47 through 58, make no reference to nor is  
 20 there an analysis of the eight priority policies Prop M  
 21 preambled to the general plan and Planning Code Section  
 22 101.1.

23 The EIR, at minimum, should provide some

1 comparative analysis of how the various EIR alternatives  
 2 comply with the eight priority policies.

3 Four: There has been a de facto moratorium  
 4 and we ask to stop it.

5 Commissioners, I represent the Archdiocese of  
 6 San Francisco. We filed an application for a twenty-five  
 7 story two hundred twenty unit residential project at 399  
 8 Fremont Street twenty months ago; twenty months ago.

9 Our project complies with existing Rincon  
 10 Hill zoning and our project generally complies with the  
 11 March 2003 Rincon Hill rezoning staff proposal which, at  
 12 that time, called for an eighty-two foot tower separation.

13 Commissioner, please instruct staff that it  
 14 is your intent that projects that have applications filed  
 15 be grandfathered and that these projects be processed with  
 16 all deliberate speed.

17 In my view, staff has been effectively  
 18 imposing an illegal moratorium on here which is unfair.

19 Five: There is a more sensible way for more  
 20 aggressive growth projects.

21 If there are projects that want to exceed  
 22 existing height limits, then let those project sponsors  
 23 apply for height rezoning, say a four hundred to five



1 hundred foot tower overlay district with specific criteria  
 2 for such super tall buildings and let them bear the  
 3 necessary environmental review plan amendments and  
 4 rezoning costs.

5 We need work force housing as opposed to  
 6 exclusive and very expensive luxury housing.

7 PRESIDENT BELL: Thank you.

8 Lou Blyjais? Just three minutes of public  
 9 comments and anything you don't get a chance to say you  
 10 can submit in writing by the 10th of December.

11 MR. BLYJAIS: Thank you,  
 12 Commissioners. Lou Blyjais.

13 Commissioners, this Draft EIR and the  
 14 information it provides puts you at a threshold position.

15 You want to proceed with an environmental  
 16 process that reduces the number housing units possible on  
 17 Rincon Hill by at least 1200 units?

18 According to the Draft EIR, under existing  
 19 zoning, you can build 3300 units. The proposed  
 20 alternative only provides for 2100 new units. Again, a  
 21 loss of 1200 units.

22 Do you want to relinquish your traditional  
 23 discretionary authority over planning standards such as

1 tower separation and building bulk?

2 This Draft EIR should provide the community  
 3 and decision-makers such as yourselves and the Board of  
 4 Supervisors the information to broadly examine, evaluate  
 5 and debate the merits of various plans and zoning controls  
 6 for Rincon Hill with emphasis on optimizing housing  
 7 production. This Draft EIR does not do this.

8 To achieve a plan for Rincon Hill that  
 9 optimizes housing, both market rate and affordable, by  
 10 losing 1200 units you basically lose one hundred thirty in  
 11 conclusionary units if they're located within Rincon Hill  
 12 and you lose a hundred and ninety off-site units with the  
 13 proposed alternative.

14 So, please direct the Department to define  
 15 and then analyze a project alternative that optimizes  
 16 housing production.

17 Such a housing optimizational alternative  
 18 would at minimum provide for an addition of 4,000 housing  
 19 units, including a plan and zoning provisions that  
 20 maintain Planning Commission discretion over planning  
 21 standards.

22 If taller buildings at the 400 and 500 foot  
 23 height are desired, consistent with the original 1986



1 Rincon plan then, analyze and overlay height district over  
2 the existing zoning.

3           You can do this very simply, Commissioners.  
4 Keep the existing Rincon Hill zoning and, if you want the  
5 opportunity or flexibility to do taller buildings and put  
6 an overlay district of 400 to 500-foot overlay on the  
7 existing zoning and you can achieve that end I think very  
8 simply and economically.

9           Also, the plan does not -- the EIR does not  
10 have an economic analysis. We did one and, basically, the  
11 loss of 1100 units for San Francisco means an initial  
12 annual \$10,000,000.00 loss in revenue.

13           The school district would lose two and-a-half  
14 million dollars and the City and County would lose seven  
15 and-a-half million in initial fees.

16           On an ongoing basis annually, again, the  
17 reduction of 1200 units would mean that forever, San  
18 Francisco will lose about ten million dollars a year.  
19 That's forever.

20           So, again, housing is important for San  
21 Francisco. We need it both in terms of meeting a need and  
22 also for a revenue production for the City, for the  
23 various needs and for affordable housing.

1           Thank you very much, Commissioners.

2           PRESIDENT BELL:                   Thank you.

3           Michael Healey is next, followed by Bob  
4 Meyers and Alison Poole.

5           MR. HEALEY:                   President Bradford-Bell  
6 and Commissioners, I'm Maurice Healey, Director of  
7 Communications, a member of Calvert San Francisco for the  
8 Archdiocese of San Francisco.

9           The Rincon Hill plan, the Draft EIR, I'd like  
10 to speak a little bit about the impact on affordable  
11 housing.

12           The preferred option in the Draft EIR by  
13 staff includes 2,200 units which provides 1,080 fewer  
14 units or 33 percent less housing than the 3,330 units  
15 possible under existing zoning controls.

16           This loss of almost one year's supplied  
17 housing translates into a permanent loss (of) 130 in  
18 conclusionary and affordable housing units. We loss about  
19 187 in conclusionary units off-site.

20           There is bonuses conferred and government  
21 rights taken under the Draft's EIR plan.

22           The preferred option at 1,490 high rise tower  
23 units, conveys very considerable bonuses on three select



1 sites, including collective total increase of about 1182  
2 feet in building height, 118 additional stories.

3 This translates into a dwelling unit increase  
4 for approximately 860 units, a density bonus of 130  
5 percent over the current development potential of these  
6 sites.

7 The propose option in the Draft EIR  
8 effectively down-zones at least four tower development  
9 sites form the existing 250 foot height zoning to  
10 eight-five feet, a collective loss of 610 feet of building  
11 height or sixty-one stories.

12 Under current zoning, these sites could  
13 provide 845 additional units. On a preserved option, the  
14 development potential of these sites is reduced to 320  
15 units, a loss of 62 percent.

16 Preferred option has got to be double the  
17 number of high-rise floors in the Rincon Hill Annex,  
18 subtracting 61 high-rise developmental potential and  
19 adding back the bonused units of 118 floors.

20 The substantial shift of realignment of  
21 developmental potential on Rincon Hill has a net effect of  
22 reducing housing development potential from 3,000 dwelling  
23 units under current control to about 2,200 units on the

1 proposed option.

2 Since residential towers at a height of 250  
3 feet and above, lower attempting less cost to the bill  
4 than a TLS one-inch rise. Such project expecting to cost  
5 less and it would be more affordable, addressing the need  
6 for work force housing.

7 If you were in much taller buildings and in  
8 one of 500-feetrange would be more costly to build and  
9 would likely sell at premium as a luxury lifestyle housing  
10 rather than addressing the needs of the working San  
11 Francisco residents.

12 Commissioners, please direct staff to prepare  
13 and analyze and alternative that optimizes housing  
14 production within the perimeters of the existing Rincon  
15 Hill plan and zoning controls.

16 I'll leave with you some tables for your  
17 purview. Thank you.

18 PRESIDENT BELL: Three minutes,  
19 people. Bob Myers?

20 MR. MYERS: Can we get the overhead,  
21 please?

22 PRESIDENT BELL: You need to  
23 start talking.



1 MR. MYERS: Madam President and members  
2 of the Commission, I'm Bob Myers.

3 Because the City wants to maximize realistic  
4 housing production, I'll show that staff's preferred  
5 option is flawed and should be replaced with the option  
6 that allows towers within eighty-two and-a-half feet of  
7 each other because it will allow more housing.

8 Rincon Hill planning effort took ten years.  
9 A lot of staff time and a lot of dollars but sadly for all  
10 that effort, it doesn't increase housing production enough  
11 and its preferred option is overly restrictive.

12 This diagram shows that most Rincon sites are  
13 either already built out, the red, already approved, the  
14 blue, or encumbered by stark structures, the light green.

15 We'll have a plan covers blocks overall. The  
16 yellow for the few remaining housing sites shows that it  
17 is basically a plan for just the blocks at Fremont, First  
18 and Harrison Streets.

19 There is not much left to develop or plan.  
20 Staff's preferred option removes sites and leaves only  
21 four, noted in orange on this map.

22 Two of these can be considered speculative.  
23 One has an historic designation and all are concentrated

1 near the entrances to the bridge.

2 Staff's preferred a 115-foot tower separation  
3 prohibits any exceptions by the Commission and, as its  
4 preferred option parts of every high-rise already built or  
5 approved shown in red will become noncomplying and  
6 couldn't be rebuilt in case of fire, earthquake or  
7 disaster.

8 Under the current zoning with a 150-foot  
9 separation, parts of every existing or approved high-rise  
10 in red did not meet the guidelines but, in each case, the  
11 Commissioner uses its conditional power, waived the  
12 guideline against the City's need for housing and granted  
13 the expectation.

14 Realistic housing was and still is more  
15 important than tower separation.

16 Whatever new zoning we get, the Commission  
17 should make sure that it maintains its power to grant  
18 exceptions to say balance design with the need for more  
19 housing.

20 And, lastly, the 82-and-a-half foot tower  
21 separation all existing and approved towers except parts  
22 of one comply.

23 82 feet allows towers at both 375 and 399



1 Fremont Street for an additional 450 realistic Rincon  
2 units.

3 We ask that this become the Commission's new  
4 preferred option because it will maximize realistic  
5 housing.

6 Please direct staff to expand the analysis of  
7 this alternative with an the addendum to the EIR and  
8 continue the hearing so the analysis and addendum can be  
9 circulated for public comment.

10 Thank you very much.

11 PRESIDENT BELL: Thank you.  
12 Alison Poole and then Erin Poser.

13 MS. POOLE: Madam President and members  
14 of the Commission, I'm Alison Poole and I'd like to make  
15 some comments on the DEIR.

16 The DEIR does not contain any information as  
17 to whether there's any realistic basis to believe that  
18 residential super towers could actually get financed and  
19 built in San Francisco and whether super tower housing  
20 could ever be affordable to real people.

21 I'd like to show you that possible  
22 feasibility based upon what's actually been built.

23 This is the tallest exclusively residential

1 building in the United States, Trump World Towers,  
2 fifty-five floors and the average sale price for each unit  
3 is \$5,000,000.

4 The Harvard Club. This is the tallest  
5 residential building on the West Coast, located in San  
6 Diego.

7 It contains forty-one floors and the average  
8 sale price for each unit is \$900,000.00. No residential  
9 building west of the Mississippi has ever been built with  
10 more than forty-one floors.

11 The Avian. This is the tallest residential  
12 building in Los Angeles with only thirty-one floors. The  
13 Paramount. This is the tallest residential building in  
14 San Francisco.

15 It's a mixed use building with thirty-six  
16 residential floors. The average residential floor plate  
17 is 13,500 square feet.

18 The average residential floor plate for each  
19 of the super towers is 9200 square feet. That's  
20 two-thirds of the average residential floor plate of the  
21 Paramount.

22 The monster towers envision the Rincon Hill  
23 plan are not feasible based upon historical data as we've



1 seen on tall residential buildings and on building and  
2 financing costs.

3 This Commission shouldn't have to rely on  
4 anecdotal evidence at a public hearing like this.

5 This job for the EIR is defective because it  
6 does not include economic feasibility studied to assess  
7 whether any housing of any kind could actually be built in  
8 a reasonable period if this plan is adopted.

9 Almost every major planned EIR in San  
10 Francisco has economic impact analysis. Yet, this EIR is  
11 absolutely silent on whether the super tower housing is  
12 feasible or whether super tower housing could ever be  
13 affordable to real people.

14 Before we put all of our eggs in the four  
15 fantasy towers, the Commission and the public should be  
16 provided a comprehensive study on the economic feasibility  
17 of this utopian tower plan and the affordability of super  
18 towers.

19 Thank you.

20 PRESIDENT BELL: Thank you.

21 Erin? And then Debra Stein?

22 MR. POSER: Madam President, members of  
23 the Commission, my name is Erin Poser and my concerns are

1 as follows.

2 The current Draft EIR, the staff has  
3 undermined Commission's right to exercise its historic  
4 discretionary authority.

5 One example of this is in regards to the  
6 current tower separations.

7 Staff just decided both distance of  
8 separation as well as the location in which they are taken  
9 from, leaving the Commission no power to grant exceptions.

10 The red in this diagram shows the staff's  
11 decision to take tower separations from the nearest point  
12 rather than a mean distance.

13 This impedes on the ability of the Commission  
14 to make site specific decisions nor fulfill Rincon Hill's  
15 housing needs.

16 The staff has written the entire Draft EIR,  
17 assuming that the Commission intends to relinquish all its  
18 discretionary authority in Rincon Hill and the Commission  
19 has certainly not decided to do so.

20 The staff has written the Draft EIR on the  
21 assumption that Commission will not evaluate projects in a  
22 case-by-case basis and will not have the power ever to  
23 grant exceptions based on specific circumstances.



1           The Draft EIR is written, in other words,  
2   using false assumptions which renders the Commission  
3   basically powerless in Rincon Hill.

4           By using these incorrect assumptions, the  
5   staff assumes that powers cannot be placed on both 375 and  
6   399 Fremont Street.

7           By using the false assumption, the staff  
8   grossly underestimates the power and potential of housing  
9   production in this area.

10          They limit housing possibilities which have  
11   historically always been left to the discretion of you,  
12   the Planning Commission.

13          The staff has assumed that the Commission can  
14   never make provisions for a building with unique  
15   footprints. These unique scenarios need to be handled on  
16   a case-by-case basis, not evaluated blindly by incomplete  
17   DEIR.

18          Under current DEIR, you will have no power to  
19   alter the plan or correctly evaluate the potential of each  
20   site.

21          It is crucial that the Draft EIR evaluate the  
22   plan without stripping the Commission of its discretionary  
23   powers to evaluate projects on a case-by-case basis.

1           The exercise of the Commission's historic  
2   discretionary powers is not included in the EIR. The  
3   Draft will later tell you you have no choice but to give  
4   up your powers of judgment and consideration simply  
5   because the potential for acceptance was never included in  
6   the Draft EIR.

7           So, I strongly urge you to direct staff that  
8   you are not relinquishing the power to evaluate projection  
9   on a case-by-case basis and the EIR must be rewritten to  
10   take into consideration the Commission's historic right to  
11   exercise this power to grant exceptions.

12          We need site specific solutions. You must  
13   preserve your use in discretion and the current plan  
14   undermines your power.

15          I leave with you a copy of the statement I've  
16   just made. Thank you.

17          PRESIDENT BELL:                   Thank you.

18          Debra Stein and then Collin Maza or "Maza"  
19   and then Eleanor Killiborough.

20          MS. STEIN:           Thank you, President  
21   Bradford-Bell, members of the Commission. Debra Stein,  
22   representing Brown Groove Developers at 375 Fremont  
23   Street.



1           These are relatively unusual circumstances  
2 because usually, the Commission has a sense of discussion  
3 to define the project description and then there is an EIR  
4 prepared on that description and, here, a funding reality  
5 for required the staff to start the EIR and then come up  
6 with its own project description.

7           What you have here staff's description of a  
8 plan that is two fundamental features.

9           One: It determines that preservation of  
10 views and blue sky is more important to the production of  
11 housing; and, two, it assumes -- it eliminates all  
12 Commission authority that granted in the Charter to  
13 evaluation applications on a case-by-case basis.

14          As noted, it's very important that the  
15 project description be changed. The EIR must evaluate  
16 maximum impacts or you can't wait later approve a Rincon  
17 Hill plan with potentially greater impacts if you are not  
18 inclined or less inclined to adopt a 115-foot no  
19 discretion option and that should be put as an  
20 alternative.

21          It's not the preferred options but the public  
22 understands the most likely Rincon Hill plan under  
23 consideration.

1           I propose to you that the maximum housing  
2 option should be the preferred option, not the staff  
3 preference for 2200 units but 3300 units that could be  
4 developed under 825 plus complete discretion.

5           Again, Commissioner discretion should not be  
6 eliminated. The Charter gives the Commission authority to  
7 give applications and make decisions on a case-by-case  
8 basis.

9           The voters didn't strip the Commission of it  
10 power with Prop D.

11          If somebody wants to look at a scenario of  
12 what would happen if the Commission is powerless, that can  
13 be put as an alternative or this Commission may decide  
14 that that kind of scenario is so inconsistent with the  
15 Charter of Prop D that it should be eliminated from  
16 further environmental review.

17          It's important that the EIR acknowledge that  
18 375 and 399 Fremont Street are moving forward.

19          There is no legal moratorium but the staff  
20 has imposed an ad hoc moratorium inappropriately delaying  
21 in the case 375 three years and eight traffic studies?

22          Please instruct staff that there is no  
23 moratorium, to move forward with these applications now on



1 file.

2 If these super towers are ever built,  
3 congratulations. There's more housing to meet our needs  
4 but we can't throw away real housing that's ready to be  
5 built today on speculative super tower housing.

6 Please direct staff to move forward with this  
7 application.

8 Finally, I'd like to direct your attention to  
9 the conflict on the issue of whether or not this building  
10 is an historic resource.

11 There are six City determinations and two  
12 state determinations this building is not an historic  
13 resource. Yet, somehow staff has declared that it is.

14 The standard is preponderance of the  
15 evidence. This Commission is the final arbiter.

16 If you feel that the preponderance of the  
17 evidence indicates that it is not an historic resource,  
18 please instruct staff.

19 With six City determinations and two state  
20 determinations, the facts haven't changed, only politics.

21 Thank you, Commissioners.

22 PRESIDENT BELL: Thank you, thank  
23 you.

1 MR. LAZO: Madam President and members  
2 of the Commission, my name is Collin Lazo.

3 I'd like to suggest to the Commission that  
4 375 Fremont Street should be evaluated as proposed under  
5 current zoning because, No. One, it is fair and the City  
6 has historically grandfathered out projects that have been  
7 in the pipeline for years prior to a new plan.

8 Two: The residential project proposed for  
9 375 Fremont is consistent with current zoning.

10 Three: 375 Fremont is consistent with the  
11 goals of the Rincon Hill plan; and

12 Four: 375 Fremont Street is a real  
13 financible, buildable project that can provide real  
14 housing to meet real needs now.

15 Historically, the Commission has honored  
16 project filing dates and their subsequent zoning controls  
17 of the present times.

18 375 Fremont has been in the application  
19 process since 2001 under current zoning which allows  
20 towers up to 250 feet.

21 Amazingly, in conversation with planning  
22 staff, the staff asked the owner to submit plans for a  
23 tower up to 350 feet in height.



1 Plans for both a 300-foot and a 250 tower  
2 were submitted in early 2002.

3 The CUP and environmental evaluation of this  
4 project were filed two and-a-half years ago in the Spring  
5 of 2002.

6 Since then, the processing of this  
7 application has been slow, with staff requiring eight  
8 different visions of the transportation studies.

9 We have followed all of the rules and  
10 proceeded in good faith and the project EIR after two  
11 years and four major revisions was finally published this  
12 month on November 13th.

13 I need to comment on something that was not  
14 fair. In October of 2003, the staff asked our client to  
15 contribute \$12,000.00 for the Rincon Hill planned EIR,  
16 telling him this would help move his project along.

17 Within weeks, the Draft plan came out with a  
18 shocking proposal to down-zone 375 Fremont from 250 to 85  
19 feet.

20 Obviously, the staff was aware of the  
21 down-zoning at the time they requested the funds.

22 Deception is the nicest word we can use to  
23 explain this behavior.

1 We should note that the project is consistent  
2 with the goals of the Rincon Hill plan to create a vibrant  
3 mixed use community.

4 375 Fremont is going to build 220 units of  
5 housing. This is real housing that we know is  
6 financially; that we know is buildable; and that we know  
7 is going to be affordable to real people.

8 In conclusion, I respectfully request that  
9 375 Fremont be grandfathered out of the Rincon Hill plan  
10 and reviewed as proposed because it is fair to do so  
11 because the project is consistent with current zoning and  
12 the goals of Rincon Hill's plan and, most importantly,  
13 because 375 Fremont can provide real housing to meet real  
14 needs better than throwing away real housing for a pie in  
15 the sky vision of super towers that we don't know can ever  
16 be built.

17 Thank you.

18 PRESIDENT BELL: Thank you.  
19 Eleanor Killibru then Theodore Brown and then Adolph  
20 Bremmmerman.

21 MS. KELLIBRU: Madam President and  
22 members of the Planning Commission, my name is Eleanor  
23 Killibru and I reside at 1000 Mason Street and I am one of



1 the owners of 375 Fremont Street.

2 The Rincon Hill area is within walking and  
3 bicycling distance of downtown San Francisco, the  
4 Financial District and major transit hoves, BART, the  
5 Ferry Building, Caltrans, and the Transbay terminal and,  
6 when renovated, the two billion dollars Transbay terminal.

7 None of the proposed highrises on Rincon Hill  
8 shade any public parks or open spaces.

9 The Rincon Hill area has always been an  
10 element of the general plan that addresses the need for  
11 high density residential uses in San Francisco.

12 This area should be a high-rise high density  
13 residential neighborhood to downtown that contributes to  
14 the City's housing supply.

15 Down-zoning potential of proposed high-rise  
16 sites to 85 feet defeats all previous planning documents  
17 and housing goals.

18 This area in San Francisco is special.  
19 Because proposed high-rise projects would not displace  
20 housing or significant numbers of people and would not  
21 cause significant traffic impacts, would extend existing  
22 eastern land uses and would not disrupt or divide and  
23 establish community nor would it adversely affect the

1 existing characters of the community.

2 Therefore, we should maximum the number of  
3 high rises and housing in this area.

4 Thank you very much.

5 PRESIDENT BELL: Thank you.

6 MR. BROWN: Madam President and members  
7 of the Commission, my name is Theodore Brown and I have  
8 some comments about the Draft Environmental Report.

9 I am for the 82 and-a-half foot tower  
10 separation or less, depending on site conditions in order  
11 to optimizing on Rincon Hill.

12 The Rincon Hill plan Draft Environmental  
13 Impact Report states that it will contribute significantly  
14 to the City's housing supply and will provide a full range  
15 of services and amenities to a growing downtown  
16 residential population.

17 The planning controls are intended to ensure  
18 the creating of a high density residential neighborhood.  
19 Rincon Hill is an excellent place for proposed high  
20 density residential because it will be near the new  
21 \$2,000,000.00 Transbay terminal and BART.

22 The EIR is deficient because it doesn't  
23 analyze the high density proportion that could happen in



1 this neighborhood.

2 Now, what are some of the benefits of a high  
3 density development? There are cultural drivers. As  
4 diversity of -- as density of a community increases, so  
5 will the concentration of cultural drivers leading  
6 improvements and quality, availability, accessibility  
7 frequency and promotion of culture.

8 As density increases, so will the frequency  
9 and quality of interactions inner collaborations between  
10 the cultural drivers of that community.

11 As density increases, so will the probability  
12 of innovation, the ultimate product of increased  
13 interaction between cultural drivers.

14 Density optimizes physical efficiency and  
15 utilization of expensive infrastructure.

16 The proposed projects would not result in  
17 substantial increases in a demand for waste water. It  
18 would not result in a substantial increase in water use.

19 No new power or communication facilities  
20 would be necessary as a result of proposed projects  
21 implementation and, thus, they would not result in  
22 associated significant physical environmental affect.

23 The proposed projects would not have any

1 significant environmental affect on public utilities and  
2 services.

3 The human -- what are the human capital  
4 benefits of density? Dense living environments improve  
5 work force productivity, innovation, diversity, career  
6 growth and communication.

7 Through spacial proximity, productivity  
8 produces competitiveness, overhead costs, teamwork and  
9 collaboration.

10 Innovation creates idea generation  
11 feasibility testing. Communication, information sharing,  
12 access to human expertise increase space time.

13 Through urban clusters, diversity creates  
14 intellectual diversity and broad demographics. Career  
15 growth options and opportunity, corporate benefits,  
16 availability of a quality work force, location inertia and  
17 peer employees.

18 Human capital quality, better education,  
19 continuing education and broader experiences are all --  
20 these are all benefits of a high density neighborhood, and  
21 we should insist -- great.

22 Thank you.

23 PRESIDENT BELL: Thank you.



1 Adolph Bremmerman and then Dick Hague? No

2 Bremmer?

3 MR. BREMMER: Right here.

4 PRESIDENT BELL: Oh, I'm sorry.

5 Dick Hague? No Dick Hague? Dave Kirtner.

6 Oh, wait. I think I've mixed these up. This was another.

7 This wasn't for this.

8 Calvin Welch? After Calvin Welch, I have

9 Chris Deriso?

10 MR. WELCH: Thank you, Madam President.

11 Sorry. I was startled by the quickness in which my name  
12 was called.

13 Calvin Welch, speaking for the Council of  
14 Community Housing Organizations and I have the following  
15 statement to hand out.

16 I'm at 409 Clayton, San Francisco, 94117, and  
17 this is a statement of the Council of Community Housing  
18 Organizations in reference to the Rincon Hill planned  
19 Draft Environmental Impact Report.

20 We find the Draft, Rincon plan DEIR in need  
21 of amendment as it is both incomplete and fails to address  
22 the full range of environmental impacts of the proposed  
23 project, being the Rincon Hill development plan.

1 The incompleteness stems from the fact that  
2 the DEIR draws too narrow a focus in its setting, ignoring  
3 the significant impact that the project will have on its  
4 immediate neighbor to the west and south of South of  
5 Market by failing to take a look at the needs of the South  
6 of Market community, both in terms of traffic and transit,  
7 employment opportunities and housing opportunities,  
8 especially for families and seniors.

9 Most importantly, the definition, the narrow  
10 definition of the setting of the plan tends to ignore the  
11 impact of dismissing the recently approved draft housing  
12 element to the master plan of San Francisco, specifically,  
13 in reference to the affordable housing needs of seniors  
14 and families in the surrounding South of Market  
15 neighborhood.

16 Finally, and perhaps most significantly, the  
17 Draft Environmental Impact Report analyzing as it does the  
18 September supplemental to the Rincon plan fails to  
19 adequately point out how the September supplements to the  
20 Rincon plan functions as a governmental constraint on  
21 additional affordable housing being built in San  
22 Francisco, ensuring that the project will bear its  
23 reasonable share of both the San Francisco affordable



1 housing need and the regional affordable housing need.

2 The specific reason for this is supplemental,  
3 the September supplemental's insistence that the off-site  
4 affordable housing not be built within the project area  
5 which is a policy for the first time in my memory that  
6 this Department is contemplating applying to an area  
7 prohibiting additional affordable housing.

8 Thank you.

9 PRESIDENT BELL: You put that all  
10 in writing so we have it.

11 Chris Doriso and I think I can't read the  
12 next one. So, I'm really sorry. Looks like April  
13 Leprechaun, "Lupernation"? Actually, it is better to ask.

14 MS. DORISO: Good afternoon,  
15 Commissioners.

16 My name is Chris Doriso from the South of  
17 Market Community Action Network and I wrote my address on  
18 the card. I think that's sufficient.

19 I'd like to speak on behalf of... Well,  
20 actually, I'd like speak to -- for the EIR, Draft EIR to  
21 be amended.

22 Actually, for many other reasons, Calvin  
23 already pointed out and one of which I is I do feel as if

1 the scope is completely inaccurate.

2 It does focus -- it's almost like spot  
3 zoning. It just focuses on an area that doesn't include  
4 the real impacted area which is all of SOMA.

5 So, I feel like that should be brought into  
6 this. This is an EIR for a rezoning. It is not an EIR  
7 for a project.

8 It also inaccurately -- well, it's  
9 interesting. Actually, I -- I'm going to put this on. If  
10 I keep talking, it will show up. Okay. Is it going to  
11 show. Wrong way. Okay.

12 PRESIDENT BELL: Keep talking.

13 MS. DORISO: Okay. Sorry,  
14 two minutes.

15 So, basically, in the EIR, there's also a  
16 section in here that looks at the jobs and housing linkage  
17 and these are the jobs that EDD, the State EDD has shown  
18 that these are the fastest growing jobs in the next few  
19 years and, in the EIR, it actually states -- I mean,  
20 sorry.

21 Yeah, the EIR, Draft EIR, it states that  
22 almost all these jobs with the exception of the last one,  
23 the top executive if there's two of them will not be able



1 to afford what I feel was not even an accurate amount for  
2 the condominiums that are being proposed, better in the  
3 pipeline, I guess.

4 So, this is a really huge concern. I just  
5 feel as if the job housing linkage has already been  
6 brought in but there's no mitigation around this issue and  
7 those impacts, of course, will be put on to the rest of  
8 the City departments to absorb.

9 Right here, there is also -- this also came  
10 from their -- this is from HUD income limits and it shows  
11 that the hundred percent AMI is 79,800, and this is  
12 something that will not be even... You know, even the  
13 affordable units that they are promised off site will not  
14 even address this need.

15 So, you are talking about bridging this gap  
16 that's not even in the radar of this super high density  
17 proposal and this is something that if you can include  
18 both of these documents in your research, that would be  
19 really -- I think it would be more responsive.

20 I think, also, the housing element that was  
21 approved talks about the impact the South of Market has  
22 taken on in terms of producing the most housing  
23 generation, yet, having like this increase -- this massive

1 increase in market rates.

2 I just did a search right now and the going  
3 rates at this waterfront area, not even at the waterfront,  
4 that is proposed are like a million and-a-half per condo  
5 and, you know, these are things that -- these are the  
6 environmental impacts that this should be researching on,  
7 how to mitigate.

8 So, thank you.

9 PRESIDENT BELL: Thank you. It's  
10 April, right?

11 MS. VENERAZION: Good afternoon,  
12 President, Planning Commissioners, Planning staff.

13 My name is April Venerazaion. I'm with the  
14 South of Market Community Action Network.

15 The mission of the South of Market Community  
16 Action Network is to build a strong organized community in  
17 the South of Market to ensure that development is  
18 equitable for the most venerable population.

19 So, we are an organization that is currently  
20 in the neighborhood of this proposed plan.

21 The Rincon Hill area plan presents a unique  
22 opportunity to change the current land uses in the area  
23 and to utilize urban design to encourage the development



1 of a healthy downtown area.

2           However, due to the high income requirement  
3 to purchase housing as described in Page 136 of the Draft  
4 EIR, it's our concern that this opportunity will be  
5 squandered for a small segment of the population, further  
6 exacerbating and concentrating environmental impacts of  
7 the lack of affordable housing in San Francisco.

8           So, it's our position that the Draft EIR is  
9 inaccurate and doesn't effectively address the long range  
10 impacts of maximum density on the socioeconomic well-being  
11 of the South of Market residents, workers and businesses  
12 as described by Calvin Welch over here.

13           The Draft EIR is also incomplete in scope by  
14 not including the underserved portions on the South of  
15 Market neighborhood which carry the burden of  
16 infrastructured amends such as increased traffic and the  
17 escalating jobs and housing and balance.

18           Of particular concern is the recent  
19 supplement to the Rincon Hill plan which directs the  
20 off-site housing to not be included in the district.

21           So, therefore, we hope the City and the  
22 Planning Department uses this first foray into the  
23 downtown neighborhood's initiative to carefully analyze

1 and mitigate the environmental impacts and promote land  
2 uses that are intentional about actively encouraging the  
3 social and economic integration of Rincon Hill with the  
4 adjoining South of Market neighborhood.

5           We encourage the Commission to utilize the  
6 full spectrum of policies to encourage a healthy and  
7 equitable community.

8           All of these concerns and issues are being  
9 submitted to the environmental coordinator for the record.

10           Thank you.

11           PRESIDENT BELL:                   Thank you.

12           I'm going to call Dr. Rajeve Bhatia and after  
13 Dr. Bhatia, have Julia -- Julio? Julia Demarlo and  
14 Charles Stewart.

15           MR. BHATIA:                   Madam President,  
16 Commissioners, Rajeve Bhatia, Director of Environmental  
17 Health for San Francisco.

18           I want to talk about jobs housing balance and  
19 environmental impacts and ways that I think this EIR could  
20 perhaps more fully analyze these impacts and the rationale  
21 for doing so.

22           As people have spoken about having increased  
23 density where we have so many jobs in San Francisco is a



1 very good thing for the environment.

2 In fact, it's one of the reasons where we  
3 want to build more, more housing here so people can live  
4 close to work.

5 We hear stories of people moving as far away  
6 as Sacramento and still living here.

7 These kinds of imbalances between jobs and  
8 housing have significant environmental effects. We  
9 recognize this as a state. The state general plan  
10 guidelines states that plans should analyze the linkage  
11 between jobs and housing specific, you know, disabrogated  
12 by income level, by housing size, by quality, to make sure  
13 that new plans are building the kinds of housing that the  
14 kinds of employees that are going to be seen have.

15 This plan appropriately utilizes an in-fill  
16 site. It appropriately increases the density of the site.

17 I think there is some qualitative  
18 characteristics of the housing that's being proposed and  
19 the neighborhoods that may not meet the needs of working  
20 families in San Francisco.

21 You have heard about the affordability issue.  
22 I believe the EIR mentions that minimum household income  
23 of \$157,000.00 for living in these sites.

1 There is also no school planned in this site  
2 and the plan sort of speculates that there'll be -- shall  
3 be no children in the area.

4 How does this effect the environment? Well,  
5 the obvious thing is that the new workers won't be able to  
6 live here and they'll have to be living farther and  
7 farther away but there's subtler distinctions, too.

8 I mean, it may be that the low income people  
9 will move away and high income people will move here and  
10 yet and there is no imbalance but it turns out that we  
11 assume that low income people drive less.

12 We assume that in our traffic models, in our  
13 transit models, in our air quality elements, and we assume  
14 that -- also that about fifty-five percent of workers in  
15 San Francisco will live in San Francisco.

16 So, these are assumptions that are currently  
17 built into our analysis of environmental effects. That  
18 are assumptions that are hidden, actually.

19 They are in the EIR, and I think the issues  
20 of housing affordability, the schools and the sort of the  
21 -- the other amenities are actually -- they may result in  
22 sort of (a) violation of those core assumptions in the  
23 traffic analysis and the air quality analysis that are



1 there.

2 How can this be sort of -- I mean, one -- so,  
3 I think this can be rectified in a couple of ways.

4 I think the plan -- I think you can do a more  
5 complete analysis of the job's housing balance.

6 In 1977, there was a Kaiser-Marston analysis  
7 that began this and we don't have to recreate this. We  
8 can sort of build, build on the other one.

9 South -- Southern California has done jobs  
10 housing analysis and others.

11 Would you like me to finish up?

12 PRESIDENT BELL: Just --

13 MR. BHATIA: Yeah, I'll just  
14 --just in terms of a couple of recommendations.

15 I think we can get the assistance of the  
16 Metropolitan Transportation Commission on looking on the  
17 impacts of sort of vehicle miles traveled.

18 We should also try to look at what feasible  
19 alternatives there are for building more affordable  
20 housing.

21 I don't -- I want to not leave the impression  
22 that is a critique of these projects or this plan.

23 This has to be looked at in a City-wide

1 perspective. There may be a range of -- there may be...  
2 Different plans may meet the needs in total but we need to  
3 look at that up front.

4 Thank you.

5 PRESIDENT BELL: Thank you.

6 Julia Demarlo. Demio? And then Charles  
7 Stewart.

8 MS. DEMARLO: Good afternoon,  
9 Commissioners. I represent SAN and SAHC, Senior Action  
10 Network and Senior Action Housing Committee, respectively.

11 We are a banned community and is in desperate  
12 need of affordable housing for seniors.

13 The staff is excited about community  
14 redevelopment in the South of Market area but we are  
15 concerned about the pricing and motivation of these units  
16 that are going to going to be going out to Rincon Hill.

17 Most of the Rincon Hill plan designates these  
18 units as second homes or homes for empty nesters.

19 San Francisco has a desperate need for  
20 housing for average San Franciscans, particularly,  
21 seniors.

22 The City needs housing that local residents  
23 can actually hope to own in the City centers and not in



1 obscure and undesignated off-site areas.

2 As it stands, the Rincon Hill plan does not  
3 address the needs of the community.

4 SAHC would like to see a revision in the  
5 Rincon Hill plan to include more on-site affordable  
6 housing for San Franciscans who need it: Families with  
7 children, local workers and seniors.

8 Thank you.

9 PRESIDENT BELL: Thank you.

10 Charles Stewart? After Mr. Stewart is  
11 Angelica Combine?

12 MR. STEWART: Hello, Commissioners,  
13 President.

14 My name is Charles Stewart. I am a resident  
15 of the South of Market. I am a volunteer at the South of  
16 Market Community Action Network.

17 Trying to organize youthness I'm going to  
18 have a music studio in the South of market but the stakes  
19 is very limited due to the development projects in the  
20 neighborhood of the South of Market.

21 I am here to not support the DEIR for the  
22 Rincon Hill plan. EIR is unreasonable. For one, people  
23 that live in SOMA have to work in SOMA and most of the

1 South of Market residents could not make -- could only  
2 make forty thousand dollars or under a year and the EIR is  
3 explaining that you have to have over a hundred thousand  
4 dollars just to have a studio.

5 Me and my mom, my mom works two jobs and we  
6 still barely can make rent. The EIR did not solve this  
7 problem of justification in the South of Market.

8 For what I see, this project is just wiping  
9 the residents out; wiping the residents out of the South  
10 of Market and placing people who are not familiar with San  
11 Francisco, an existing community of the South of Market.

12 I know that the Rincon Hill will not be  
13 community friendly and plans for Rincon Hill will be  
14 similar to other spaces towards my area which is the 6th  
15 Street, 6th Street area more west of SOMA.

16 So, I'm here to ask the re-do the EIR so it  
17 can be relevant to the community of SOMA and the downtown  
18 area of San Francisco.

19 So, thank you.

20 PRESIDENT BELL: Thank you.

21 Angelica?

22 MS. CABANDE: Good afternoon,  
23 Commissioners.



1 My name is Angelica Canbande and I'm with  
2 South of Market Community Action Network.

3 I do community organizing mainly with tenants  
4 in SOMA. I talk with -- everyday I talk with the tenants  
5 and they would share their stories of how they love living  
6 here in South of Market and they don't want to move since  
7 everything they need is around here and their community is  
8 here but they don't like it when new building are built  
9 that isn't affordable or is so high that it blocks the  
10 sunlight into their windows.

11 They're community sensitive. What I mean  
12 about community sensitive is when original tenants are  
13 moved or displaced. I walk the 7th Street everyday and  
14 most of the new housing built here are empty. They're  
15 empty because they're not affordable to the people that  
16 live here. They're not affordable to the people that work  
17 here.

18 So, how will Rincon Hill plan help the  
19 housing crisis here in South of Market or in San  
20 Francisco? How can the Rincon Hill plan ensure existing  
21 tenants will not be displaced?

22 How can this plan also serve the needs of the  
23 existing tenants?

1 It is by rewriting the EIR for this plan. We  
2 need an EIR which will mitigate the negative impacts the  
3 zoning changes will cause to SOMA and I ask that the  
4 Commission will rewrite the EIR and it will be redone in a  
5 way that respects the existing community needs here in  
6 South of Market.

7 Thank you.

8 PRESIDENT BELL: Thank you.

9 Ron Calson?

10 MR. CALSON: Good afternoon,  
11 Commissioners. Ron Calson. I'd like to speak to a --  
12 make some comments on the EIR.

13 The preferred option is based upon staff's  
14 portrayal of the so-call Vancouver model but San Francisco  
15 and Vancouver are very different in topography, health  
16 safety, seismic structure and zoning requirements.  
17 Comparing these cities is really like comparing apples and  
18 oranges.

19 Chapter 2, Figure 6 proposed bulk controls,  
20 illustrates proposed tower heights and floor plate sizes  
21 but offers no construction cost efficiently analysis.

22 All proposed floor plates are undersized and,  
23 consequently, too costly especially on the shorter towers.



1 The analysis should show the impact on the  
2 cost of housing resulting from restricted tower floor size  
3 bulk controls.

4 Greater floor plate deficiencies can reduce  
5 the building costs and provide more affordable prices.

6 Taller towers have greater risks and  
7 construction costs due to the increased seismic needs,  
8 structural cores, more elevators, longer absorption tie  
9 lines and have greater exposure to interest rate and  
10 market fluctuations and they must absorb more affordable  
11 housing in terms of their cost structure.

12 Hence, much needed affordable housing may not  
13 even be built because of going for towers that are too big  
14 and unrealistic.

15 The preferred option proposes to create an  
16 unprecedented cluster. The tallest residential tower in  
17 the Western United States and on sites previous for twenty  
18 years that have been a two hundred foot height limits and  
19 it's reduced at the same time 250 foot height limits to 85  
20 feet.

21 The preferred option is kind of callous and  
22 disregard to projects years in the pipeline and remarks in  
23 the plan, there will be some winners and some losers.

1 Proposed tower densities along Harrison and  
2 the preferred option will be unable to provide underground  
3 parking space for each residential unit as their sites are  
4 too small for the densities proposed.

5 The proposed project would require infeasible  
6 excavations with too many floors below grade to meet the  
7 density proposed for each site.

8 Without a parking ratio of one-to-one,  
9 lenders may be unwilling to finance projects and hundreds  
10 of cars will be seeking off-site neighborhood parking.

11 Smaller Fremont Street pipeline projects  
12 downsized to eighty-five feet can meet one-to-one parking  
13 ratio at the existing 250-foot height limit and they will  
14 be built.

15 Staff should provide a comparative economic  
16 and market analysis on the construction costs, the very  
17 tall building, parking requirements and their impact on  
18 the neighborhood.

19 The analysis should cover the cost of  
20 building under 250 feet versus the cost of taller  
21 buildings 400 to 550 feet.

22 The Planning Commission should be informed on  
23 the economic impacts of the housing costs, neighborhood



1 parking and the housing markets likely to be served when  
2 major planning decisions and zoning changes are  
3 considered.

4 We need to be assured that real and pressing  
5 housing needs for San Franciscans can be met. Thank you.

6 PRESIDENT BELL: Thank  
7 you. I don't have any other speaker cards. Are there any  
8 additional speakers?

9 MS. MERRILL. Good afternoon.

10 I'm Marilyn Merrill. I'm a native San  
11 Franciscan. I would like to talk this afternoon relative  
12 to the housing issue.

13 I believe I represent the approximate 4,400  
14 men and women of the United Brotherhood of Carpenters  
15 Local No. 22.

16 I'm a carpenter. I put on my coveralls each  
17 morning and, as you may or may not know, I'm also a single  
18 mother of three small boys and, like many San Franciscans,  
19 not just carpenters, I'm concerned over my very shall we  
20 say cozy rent control department of seven years, knowing  
21 that I could not replace it if needed.

22 I have some concerns about the EIR as it  
23 stands now. The fact of the matter is that you cannot

1 point to a building within the San Francisco City limits  
2 built in the last ten years that I cannot tell you what a  
3 two-bedroom rents for, including the Trinity properties  
4 which do not have any BMR units on any of those sites.

5 The fact of the matter is that the Paramount  
6 is the only building that I can point to and is an  
7 affordable component I can afford.

8 Mr. Marcus, I share his remanence of San  
9 Francisco's past but the fact of the matter is that the  
10 size sustains affordability and will continue to provide  
11 other such building which will afford me to be able to  
12 move out of my small rental controlled apartment into  
13 something that is more conducive to my family.

14 I know that also that despite conceptions of  
15 many that many have of unionized workers or those who  
16 chose to work under unions, I know that there are  
17 perceptions about how much we make a year and I can tell  
18 you that very much I cannot -- I, like my fellow  
19 carpenters, cannot afford the middle dollar condos on the  
20 market currently.

21 I would also like to address another issue  
22 that has been brought before you before.

23 It has come to my attention that this is yet



1 another project that has started under one set of rules  
2 and is being asked to finish under another set.

3 I'd like to show you. This is the proposed  
4 375 Fremont street. This is the Archdiocese.

5 I wanted to point out the fact that this is  
6 not chalk merely to be wiped away. It has an effect. It  
7 cannot be redrawn tomorrow.

8 It doesn't just affect the project sponsor.  
9 It not only affects my fellow carpenters who live, work  
10 and spend their money here.

11 It ultimately affects the San Francisco  
12 economy, subsequently harming all of my fellow San  
13 Franciscans and although I realize that I'm not opposed to  
14 the super towers being built as you can see them here,  
15 they certainly... I'm certainly have some concerns over  
16 their affordability.

17 Thank you.

18 PRESIDENT BELL: Thank you.

19 Next speaker?

20 MR. MC CARTHY: President Bell,  
21 Vice President Lee, Robert McCarthy of McCarthy and  
22 Schwartz.

23 I just want to summarize quickly that the

1 preferred alternative of staff would result in twelve  
2 hundred less units than the existing zoning.

3 It would result in thirty-six percent or a  
4 hundred and fifty less BMRs and it would result in  
5 \$92,000,000.00 less in tax revenues over the last -- next  
6 ten years.

7 Those are the things that ought be driving  
8 your train. It will also eliminate two or three thousand  
9 construction jobs.

10 But I want to talk to you from a different  
11 perspective. I had the great privilege of serving as a  
12 Commissioner in this great City on the Board of Appeals in  
13 the antediluvian times during the administration of Mayor  
14 Feinstein.

15 But although the Commission system was first  
16 built to oversee the kinds of corruption and other  
17 misbehavior by the bureaucracy that was originally rife  
18 after the great fire and earthquake, the truth of the  
19 matter is that the Commissions have done their job.

20 This is one of the most remarkably corrupt  
21 free cities in America. The staff has integrity. They  
22 work hard.

23 But I came to realize when I sat on the Board



1 of Appeal is the most important function of the  
2 Commissioner is to ensure that the public, whether they be  
3 a project sponsor, a builder, a construction worker, a  
4 neighbor or a neighborhood activist get the opportunity of  
5 a public hearing where each case is decided on its merits  
6 and where the Commission can make sure that everyone is  
7 treated fairly and that all of the facts are heard in a  
8 public forum.

9 Your greatest and most sacred trust is to  
10 protect the public from bureaucratic arrogance and  
11 bureaucratic tyranny and I must tell this plan is the  
12 greatest power grab I have ever seen any bureaucracy  
13 attempt in the history of the thirty years I've practiced  
14 administrative law in this City.

15 What does your staff propose? They propose  
16 to take away your historic discretion, discretion that has  
17 been exercised under five mayors and five different  
18 Commissions in setting the tone and the shape of Rincon  
19 Hill.

20 They want to take away your 309 discretion.  
21 They want to take away some of your conditional use  
22 discretion and they have proposed that by taking away your  
23 historic discretion with regard to tower separation.

1 They've proposed that they are going set the  
2 maximum bulk of a building that cannot be trampled with by  
3 you? That they're going determine that only three towers  
4 can sit on any given block? And then at one point but  
5 even they realize they could not withstand defending this,  
6 they proposed that they were going to set maximum floor  
7 area ratios and diminish existing property rights to  
8 ensure that buildings other than the four towers they  
9 picked as the winners and they describe it as winners and  
10 losers.

11 Except for those four towers, they're going  
12 to take away the floor area ratio over and above  
13 eighty-five feet and then they were going to propose  
14 partial size.

15 Now, they abandoned the last two but the  
16 truth of the matter is you need to preserve your  
17 discretion and so it's all very well that in the project  
18 description, it says "proposing certain changes in the  
19 height", blah, blah, "with certain and the elimination of  
20 certain exceptions"?

21 The "certain exceptions" is why you come here  
22 every week. Otherwise, we might as well just let them do  
23 it.



1           You're here to make sure that each project  
2 gets a full and fair hearing and you'll look at the big  
3 picture but you'll look at the tax implications, the  
4 employment implications and the availability of housing  
5 and they want to take that away from you.

6           Now, I'm a child of the '60s and we had lots  
7 of good slogans and lots of good songs but my favorite  
8 button was the one that said resist.

9           And so I suggest to you that every time long  
10 range planning shows up before you, you dust off your  
11 tieback shirts, you put on your granny dresses and put on  
12 your resist button because you're in for one hell of a  
13 fight as they try to grab more and more of your power from  
14 you.

15           You are the ones who are bedded before the  
16 Board of Supervisors. Your decisions get put before the  
17 elected Board of Supervisors and against eventually to the  
18 Mayor.

19           They sit on the 4th Floor. They get no  
20 public scrutiny. Their decisions never see the light of  
21 the day. Preserve your discretion. Don't let them do  
22 this. This is terrible planning policy.

23           Thank you.

1                           (Applause)

2                   PRESIDENT BELL:                   Any other public  
3 comment?

4                   THE AUDIENCE:                   (No response).

5                   PRESIDENT BELL:                   Okay.

6                   Written public comment is taken and until  
7 December the 10th. I'm not going to go to Commissioners.

8                   COMMISSIONER LEE:                   Yeah, not  
9 responding to that last one specifically but I'd like --

10                  PRESIDENT BELL:                   That wouldn't be  
11 wise.

12                  COMMISSIONER HUGHES:               No. I'm not  
13 going to but I think -- I think it's important for the  
14 Commissioners and the public to understand that what we  
15 heard a lot of was comment on the advisability of the plan  
16 and specific implications.

17                  We did hear some comment particularly things  
18 about the market that weren't covered supposedly in the  
19 EIR.

20                  What we are here for is a discussion about  
21 whether the EIR contains what it needs to, not what the  
22 ultimate decision should be.

23                  PRESIDENT BELL:                   Commissioner



1 Bill Lee?

2 COMMISSIONER LEE: I have a couple  
3 of points that I think have been highlighted but in the ER  
4 itself.

5 If we are looking to 2030 which is MTA,  
6 Metropolitan Transportation Commission through ABAG  
7 released their report regarding the population phase to  
8 San Francisco, we will gain another 858,367 more residents  
9 and we'll have 181,251 jobs.

10 So, when I was going through the EIR on Pages  
11 135 on, one thing I felt was lacking here was to look at  
12 the future because my sense of it is that we should have  
13 the alternative for maximum number of housing units  
14 because we all talk about transit village.

15 We all talk about revitalizing downtown and  
16 have people walk and, to me, I think we should look at  
17 higher density since given ABAG projections, we're going  
18 to have more people living here and more jobs here, why  
19 should they live in Contra Costa County?

20 The second issue I think is a fairness issue.  
21 Some of these projects have been in the pipeline for quite  
22 sometime.

23 My personal view, if I was going to buy

1 something, buy a house, have a piece of property, I'd put  
2 the application in and if stalled in the bureaucratic  
3 agency for whatever the reason, I think they should move  
4 ahead.

5 The third issue here is regarding our  
6 discretionary review for conditional use. For a lot of  
7 these projects, I think we should maintain that,  
8 specifically if the more we regulate and there's less  
9 discretion for us to make decisions, it doesn't -- we  
10 might as well not have a Planning Commission. Just move  
11 it all to the Board of Supers.

12 And from my perspective, I think that we need  
13 to allow some discretion because conditions change in the  
14 City or in the Bay Area and so we would need to have the  
15 ability if the economy sinks further, have the ability at  
16 this time to actually make some decisions.

17 Thank you.

18 PRESIDENT BELL: Commissioner  
19 Antonini?

20 COMMISSIONER ANTONINI: A lot of my  
21 feelings are -- sorry.

22 A lot of my feelings are quite similar to  
23 what's been expressed by Commissioner William Lee.



1 I see three major areas here and the first  
2 two are really interrelated and they have to do with the  
3 scope of the EIR and that the scope be broad enough to  
4 analyze all the options.

5 Today we are deciding the completeness of the  
6 EIR, not making decisions upon what choices we are going  
7 make, but I think in many areas I see some deficiencies.

8 You know, we should, for example, when we  
9 talk about tower separations, we should analyze it as  
10 close as fifty feet because, you know, there are some  
11 existing towers. In fact, there are towers on Montgomery  
12 Street they are much closer than that.

13 I'm not saying that that's what would end up  
14 happening but, certainly, we don't want to tire ourselves  
15 into a position where if we haven't analyzed these  
16 elements, then in the future, if these projects come  
17 before us, they won't be approved because they have not  
18 been analyzed environmentally.

19 We are trying to do something that is very  
20 ambitious here and that's to do an EIR for an entire area.

21 So, it can't -- in my estimate, it can't be  
22 too broad. So, for example, we have to analyze parking  
23 up to 1.5 places per unit.

1 That may not be advisable. It may not be  
2 what we want but we should analyze the environmental  
3 impact of that.

4 The number of towers per block, we should  
5 analyze the maximum number that could be conceivable and I  
6 think the second part relates to these various things that  
7 we are analyzing is the fact that Commissioners should  
8 have discretion over individual projects and should not be  
9 hamstrung by an EIR to not allow projects that may come  
10 before them because conditions change and we certainly  
11 want this to be broad enough that we could accept  
12 projects; we could accept ones that meet the present code;  
13 we could accept ones that may be any future EIR that is  
14 just arrived upon.

15 And the other area that and Commissioner  
16 William Lee already delved on this a little bit is  
17 structures that are already in the pipeline that are  
18 already going, you know, I have heard stories,  
19 representations that it's been twenty months on 399  
20 Fremont or 375 Fremont.

21 We have a need for housing and this housing,  
22 there may be an argument about whether or not this housing  
23 addresses our needs but there is no argument about the



1 fact that, you know, a certain percentage of this housing  
2 will be affordable and I think that, certainly, building  
3 no housing at all means zero affordable housing.

4 So, what the percentage might be could be  
5 debated but the fact that we have to move these projects  
6 forward and evaluate them on their own merits and not hold  
7 them up until this report is completely finished, I think  
8 is really important.

9 I received an interesting correspondence, in  
10 fact, from Sue Hester and it kind of relates to the  
11 affordability issue which is not really before us but I  
12 think that, you know, she talks about the possibility of  
13 having more town houses and fewer towers and, you know,  
14 this all might be more family friendly.

15 I'm not sure it's appropriate on Rincon Hill  
16 or not but the thing is if we box ourselves into a corner  
17 where we only allow our studied towers with separations of  
18 115 feet or, at a minimum, 82 feet, then I think we are  
19 making it increasingly less and less possible that a  
20 builder could include some variation of pipes to include  
21 town houses or areas that might be more family friendly.

22 So, I think we have to, you know, leave that  
23 option available, especially in an EIR and, you know, the

1 other thing is in regards to that project, I mean, there  
2 was some mention about the historical nature of some of  
3 these places that 375 Fremont is replacing.

4 It seems as though the historical review does  
5 not agree with that. I think there is some vagueness in  
6 the reference to additional percentage of affordability up  
7 to 120 percent based on analysis of value added.

8 I'm not quite sure what that would mean but I  
9 think it would be very vague for a builder to have to go  
10 into a project and not know what the affordability is  
11 going to be.

12 I'm not sure and I may need some information  
13 from Director Badiner or Zoning Administrator Badiner in  
14 regards to the September issuance of a decision on whether  
15 on-site or off-site housing is part of the plan.

16 My understanding unless I've missed it in  
17 here is that the option remains for the -- when projects  
18 are built, that the project sponsor has an election to do  
19 12 percent on-site, 17 percent off-site and the fee.

20 I'm not sure whether the language here points  
21 to a preference for off-site or whether, you know, what  
22 the exact language is. It's probably in there somewhere.  
23 I just haven't read it but I think that's an important



1 thing to clarify and my feeling would be that flexibility  
2 should exist in there.

3 And, finally, and there was some talk about  
4 impact on SOMA. I'm not sure how well it's addressed in  
5 here but I also think that we need to have an analysis  
6 somewhere of the actual vacancy rates among units for sale  
7 in San Francisco because representations have been made  
8 that there is a lot of vacancies.

9 My experience is that, you know, there's very  
10 little vacancies and for sale units today, there is a  
11 great demand for them even at the higher price levels.

12 So, that'd be interesting to find out and  
13 those are my main feelings about the EIR.

14 PRESIDENT BELL: Commissioner  
15 Alexander?

16 COMMISSIONER ALEXANDER: I, too,  
17 would like to make a few comments that Commissioners may  
18 be pursuing with me.

19 I think the comments were both very salient  
20 on some of the issues. I think when you are doing long  
21 range planning, you have to wear a lot of different hats  
22 and I think there are some parts of this where the staff  
23 did a really good job.

1 I think I want to commend them on the work  
2 that they did. I know it was a long time coming.

3 So, my hat is off to them in putting together  
4 what I feel that a good draft ER I think there are some  
5 things that have to be cleaned up.

6 So, like my other Commissioners, I think you  
7 have to preserve Commission discretion on some things. I  
8 think you can't look, you know, that far down the road in  
9 a crystal ball and know everything that's going to come  
10 and put it in a plan and say this is what we're going to do.

11 We're not to change it and it's not going to be  
12 anything special and, in the same light, I think you also  
13 have to give the developer some sort of certainty and so I  
14 think there's a balancing act that has to go there but I  
15 don't see just taking away wholeheartedly all the  
16 discretion of the Planning Commission.

17 Likewise, I think there's some alternate  
18 scenarios that can be run as far as tower separation and  
19 looking at, you know, a combination of some other types of  
20 units, looking at town house units, some other units that  
21 provide some elements of affordability and then whether or  
22 not, you know, we express some preference for, you know,  
23 on-site affordability for different density bonuses.



1 And those are the types of things that make,  
 2 you know, a little bit more creativity and the process,  
 3 you know, allows us more options if we go down the road in  
 4 a plan, the things that had been studied.

5 So, I think, you know, I'd like to see those  
 6 kind of things studied a little bit more and then also I'd  
 7 like to deal with the parking issue.

8 I think, you know, looking at parking and  
 9 looking and looking at maybe going, you know, to one  
 10 and-a-half spaces, it's probably an important thing to  
 11 look, at not saying we would do it but I think it should  
 12 be studied as part of the EIR.

13 I think it is a good start. I think we are  
 14 well on the way, you know, to moving towards something  
 15 that's workable for that area.

16 So, again, I would like to commend the staff  
 17 and I would like to also commend the public for really  
 18 coming out with their comments.

19 I think the public comment and the public  
 20 element is really important. I think hearing from you and  
 21 hearing from -- hearing what the people in the  
 22 neighborhood have to say is really important.

23 So, thank you for coming and making those

1 comments.

2 PRESIDENT BELL: Commissioner  
 3 Hughes? You will be brief, right?

4 COMMISSIONER HUGHES: I'll be very  
 5 brief.

6 First of all, I'm not going to commend  
 7 anybody. So, I can take that piece of it out of it.

8 Hey, I've got a number of questions for the  
 9 staff.

10 COMMISSIONER ALEXANDER: And the staff  
 11 appreciates that.

12 COMMISSIONER HUGHES: Yeah, naturally.

13 So, I don't know whoever -- you know, there  
 14 have been a number of assertions that, you know,  
 15 essentially, as written, the documents eliminates the  
 16 Planning Commission's discretion and that that discretion  
 17 is properly vested to the Planning Commission through the  
 18 Charter, through the electorate process.

19 What would your response to that be? Do you  
 20 agree that the document eliminates discretion on the part  
 21 of the Commission?

22 MS. KRUGER: The document  
 23 analyses those alternatives that were presented to us and



1 by the long range planning section.

2 One of the alternatives is the no-project  
3 alternative and that alternative is, basically, we would  
4 keep exactly what is there now.

5 So, obviously, that would allow Planning Code  
6 Section 249.1 the same way as it is now.

7 As far as the other alternatives, I think I'd  
8 have to turn the mike over to David Allenbau because it  
9 was the Citywide long range planning group that gave us  
10 our project descriptions that we analyzed for the  
11 environmental document.

12 MR. BADINER: Okay.

13 If I may real quickly attempt to answer this  
14 and I appreciate what Joan is saying.

15 The existing controls are one of the analyzed  
16 alternatives. One of the alternatives allows and 81  
17 and-a-half foot tower separation which a lot of the public  
18 called for. It's just not the preferred alternative.

19 It's fully analyzed and the Commission can  
20 you ultimately chose that. There is a 115-foot  
21 alternative and I believe there is another alternative.

22 Many of those alternatives do eliminate the  
23 ability for a conditional use to reduce those to expand

1 the bulk or for the Commission to modify those criteria.

2 That doesn't mean that the Commission when  
3 the plan comes through has to accept that, okay?

4 That's what the proposal is right now. I do  
5 not believe the EIR is so restrictive because it analyzes  
6 physical bulk alternatives.

7 If the Commission ultimately chooses that  
8 they want to have some more flexibility, then the  
9 individual EIRs of the project can cover any variance of  
10 that.

11 So, I do not believe you are limited by this  
12 EIR if you ultimately want to add more discretion to you  
13 but what is being covered is a variety of different bulk  
14 alternatives in terms of tower separation which a lot of  
15 the public asked for.

16 COMMISSIONER HUGHES: And so, why  
17 would you suggest -- if there is no intent to narrow the  
18 Commission's discretion, --

19 MR. BADINER: I didn't say  
20 that.

21 I would say that, actually, there is a  
22 proposal that would limit the Commission's approval of  
23 conditional uses to put up that would expand the bulk.



1 So, yes. There is an attempt to limit your  
2 approval in the process put forth by the long range  
3 planning division but I don't think you are limited by not  
4 in the EIR.

5 When the plan comes before you, you can make  
6 modifications is my understanding of that and we certainly  
7 make sure that you have that ability when we review the  
8 EIR.

9 COMMISSIONER HUGHES: Okay, and in the  
10 alternative that has the impact of a reduction discretion,  
11 why is that there?

12 MR. BADINER: I believe and that's  
13 probably more better before you when you have the plan,  
14 the concept is to provide one certainty to the developers  
15 so there is not a conditional use process and, too, I  
16 think there has been concern among some members of the  
17 staff and that we set some of the rules and many of the  
18 rules have been -- not by this Commission necessarily but  
19 other Commissions in the past have been exceeded on many  
20 different cases.

21 So, I think there is a debate going on among  
22 staff about whether you think it's more important to have  
23 certainty which allows development to go ahead with that

1 certainty but does limit discretion, either discretion  
2 reviews or conditional uses to expand the envelop before  
3 you.

4 COMMISSIONER HUGHES: Well,  
5 I'm wondering if staff has a preference or portions of  
6 staff have a preference for that certainty.

7 MR. BADINER: I think portions  
8 of staff do have a preference for that.

9 COMMISSIONER HUGHES: I understand,  
10 and they're certainly entitled to that preference but I  
11 wonder the authority to make that determination would lie  
12 with this Commission?

13 MR. BADINER: That's correct.

14 COMMISSIONER HUGHES: Okay.

15 MR. BADINER: This is just a  
16 draft proposal.

17 COMMISSIONER HUGHES: Right. No, I  
18 understand.

19 MR. BADINER: This is an  
20 environmental review on a draft proposal. Excuse me.

21 COMMISSIONER HUGHES: And public  
22 discussion --

23 MR. BADINER: Right.



1 COMMISSIONER HUGHES: -- and it's open  
2 for discussion and recommendation from the Commission.

3 MR. BADINER: I believe you will  
4 ultimately take full discretion to decide whether you want  
5 discretion.

6 COMMISSIONER HUGHES: Oh, I just want  
7 to, you know, to have some discussion so that staff while  
8 it has certain preferences gets a sense of the preferences  
9 of the Commission which actually has authority over  
10 limitations on CU or for any other limitations that may  
11 self impose.

12 All right. Let me ask you about pipeline  
13 projects. Those are currently -- some are in, some are  
14 out, and if you look on Page 16, there are a number there  
15 are in. So, my question is how did we get to what's in  
16 and what's out and, historically, how have pipeline  
17 projects been treated.

18 PRESIDENT BELL: And that should  
19 also be addressed, that is, your comment to the DEIR so  
20 that when we get comments and responses back, it's  
21 addressed in the comment and response document.

22 You're not just asking staff to clear that up  
23 for you now, am I correct?

1 COMMISSIONER HUGHES: Well, I was  
2 interested in staff's response, initial response.

3 PRESIDENT BELL: Right.

4 COMMISSIONER HUGHES: Although it  
5 doesn't have to be today.

6 PRESIDENT BELL: Because what we  
7 are doing, I mean, I'm not saying she should respond.  
8 I'm just saying part of what we are supposed  
9 to be doing, taking public comment and giving our comments  
10 so that when after December 10th, the comment and response  
11 document that comes back address any concerns or questions  
12 that we brought up.

13 COMMISSIONER HUGHES: Okay.

14 MR. BADINER: Typically, what we do  
15 in the EIR which I think you're trying to get to is in the  
16 EIR public comment is we listen and we do not respond.

17 We take that into account and respond in the  
18 comments and responses document. So, we certainly can  
19 answer your question but typically what we have done in  
20 the past is just listen and say, "thank you. We will  
21 respond in the comments and responses but we'd be happy to  
22 respond, if you want."

23 COMMISSIONER HUGHES: Well, with



1 regards to projects in the pipeline, my comments would be  
 2 I'm wondering -- I believe they are included on Page 16  
 3 and into 17 and I'm just wondering how we arrived at which  
 4 projects we're in and which projects we're out and  
 5 certainly the staff can respond at a later date and,  
 6 historically, how have projects in the pipeline been  
 7 treated?

8 With respect tower separation, how we arrived  
 9 at that and if memory serves me correct, the code said  
 10 because there has always -- there have been assertions in  
 11 the past that the code says a 150 feet between towers and  
 12 when I read it last and it has been awhile, I think it  
 13 said up to 150 feet. In other words, it's not fixed at  
 14 150 feet, I believe.

15 So, at any rate, so I would be curious as to  
 16 how staff arrived at the elimination of the discretion of  
 17 up to 150 feet and landed on 150 feet as a preferred  
 18 alternative.

19 The view studies that currently exclude the  
 20 82.5 option which I believe still does exist or is  
 21 contemplated in the EIR, I wonder if that might anticipate  
 22 the exercising of the option of the 82 and-a-half foot  
 23 separation and I'm almost there.

1 Well, and that's about it. I don't want to  
 2 get into floor plates and whether or not the economics of  
 3 some of the projects will, you know, will be feasible.  
 4 That's it for now. Thank you.

5 PRESIDENT BELL: Christina, di  
 6 you have your hand up?

7 COMMISSIONER OLAGUE: Yeah. I'll  
 8 gather my thoughts first and then I'll come back later.

9 PRESIDENT BELL: Okay.  
 10 Commissioner Sue Lee?

11 COMMISSIONER SUE LEE: I realize  
 12 these are comments on the Draft EIR but I think I want to  
 13 echo the comments of my fellow Commissioners in terms of  
 14 the need to retain the Commission's discretion and so much  
 15 of this, of this draft is kind of, you know, the tower of  
 16 separation plan instead of really a community plan for  
 17 Rincon Hill.

18 I think the document should really talk about  
 19 the kind of community that we want to see built in Rincon  
 20 Hill that will address housing needs and the need for  
 21 folks who live in the City.

22 The clue, though, who is going to live in  
 23 this housing and what type of housing and the jobs are



1 going be there and the community that's going to be  
 2 developed around this physical, you know, these buildings  
 3 that we are putting together a plan to allow to be built  
 4 and there is not enough of that I think in this plan and I  
 5 would like to see it -- kind of that vision articulated a  
 6 bit more so that we know who we are building for and who  
 7 these buildings occupy but I think that it's safe to say  
 8 just taking -- picking up the cues from my fellow  
 9 Commissioners that if a plan came back without some of  
 10 these elements, that that plan is going to have a very  
 11 tough time being approved by this Commission and so I just  
 12 want to put that out there.

13 I think it's not specific for the Draft EIR  
 14 but I think that when this plan comes back, it really  
 15 needs to be almost in a different form.

16 Those are the extent of my comments.

17 PRESIDENT BELL: Well, having  
 18 worked with ESA for five years, I know it's helpful when  
 19 you tell them what page you are commenting to.

20 So, I'm going to start with my comment  
 21 addressing the plan options that were considered and  
 22 withdrawn that are on Page 34.

23 I think that they need to be considered, not

1 withdrawn. These are all pipeline projects. If any of  
 2 these projects were to go forward, then this plan is  
 3 already inadequate.

4 We need to address -- we need to address all  
 5 of the pipeline projects. I know that we have the extent  
 6 of the pipeline projects.

7 I know that we have the extended pipeline  
 8 projects on Page 38 and 39 that have four applications  
 9 that have not been put in yet and I think anything that  
 10 has an application in the department needs to be addressed  
 11 in the plan or this plan in my view is woefully  
 12 inadequate.

13 I am a little disappointed in it. I think  
 14 it's based on a very ideological approach to Rincon Hill  
 15 rather than a realistic view of what's happening.

16 I agree completely with Commissioner Bill  
 17 Lee. If we don't address this in the reality, we are not  
 18 going to build the transit villages that we need to build,  
 19 you know, the bike lanes that we need, the bus routes we  
 20 need.

21 When we put something together like this, not  
 22 only does the school district utilize this information but  
 23 so does Muni on how they're going to develop transit



1 corridors in the City.

2 We're not being realistic. I think the scope  
3 as stated by Calvin Welch is far too narrow and we should  
4 -- I'd like to know why we took such a narrow perspective.

5 I think that by eliminating some of the  
6 projects that exists, we are exacerbating our housing  
7 problem this in the City. It eliminates the opportunity  
8 for us to increase the affordable housing and I think as a  
9 Commission it would be irresponsible for us to allow that  
10 to happen.

11 Relative to heroic resources, I think it was  
12 Page 197 I believe it was, I'm a little bit confused as to  
13 why this plan would be analyzed with staff's opinion as to  
14 what it is an historical landmark and not the reality.

15 It says that Union Oil building is not listed  
16 as an historical landmark. Planning Department disagreed  
17 with that and so, in this day evaluated 425 First Street  
18 as a historical resource.

19 If it's not listed is a historical resource,  
20 why do we address it as one? The same with 375 Fremont  
21 Street.

22 It says that it wasn't sufficient. The  
23 building is not of sufficient artistic value, lacks

1 sufficient integrity to warrant listing under the  
2 California register.

3 Again, staff decided to disagree with that  
4 and considered this a historical resource.

5 The reality of it is this is a project that  
6 exists and by doing that, you eliminate this pipeline  
7 project. If it were an historical landmark, it would have  
8 been addressed as that at the time it came to us as a  
9 project.

10 Jobs, housing linkage is not addressed  
11 adequately or properly mitigated.

12 I think it was Chris Deriso that put it the  
13 best. Her comments were to me just focused in on that  
14 perfectly.

15 We are not looking at jobs and housing  
16 linkage properly in this document and we haven't addressed  
17 them adequately and mitigated the issue of jobs and  
18 housing in the area.

19 I think that, you know, it would be my  
20 druthers if we tossed this whole document out and start  
21 over again with a more realistic project description but  
22 perhaps in the comments to come back to us something could  
23 be stated that makes this a viable document but I'm really



1 and I did state this to Director... Who is our Director  
2 nowadays?

3 (Laughter)

4 Oh, my god! My mind went blank. I'm sorry,  
5 to Director Macris that I was very unhappy with this  
6 document and I would have preferred that we toss it out  
7 and start over again.

8 Commissioner Antonini?

9 COMMISSIONER ANTONINI: I just wanted to  
10 make a couple of additional comments.

11 The first is fairly detailed one. It deals  
12 with the photo simulations on Pages 94 and 95. I'm not  
13 sure that I quite understand why in one photo simulation  
14 the 82.5 where we've got ten towers and then on the  
15 preferred, we only have eight I believe.

16 I didn't quite understand the differences,  
17 the accuracy between the two but the bigger comment is my  
18 concern on any of these documents is that as was the case  
19 with the housing element, you know, and there was a  
20 reference made to it today by one speaker that said, well,  
21 you know, this is a preference that you Commissioners  
22 expressed in the housing element.

23 I thought that when we finally did approve

1 that, it had been made a very flexible document and one  
2 that, you know, allowed us to have a lot of discretion and  
3 I hear often times as things come back to us we are being  
4 told, well, that is what you approved and it really wasn't  
5 what I remember approving.

6 I think it was what, you know, it's a  
7 guideline and I like to see these documents more as  
8 guidelines rather than restrictive in nature and I think  
9 that's my ultimate goal in this is that, you know,  
10 obviously, this is on the environmental impact but,  
11 eventually, we will come back beyond that for the project  
12 description as our, you know, final document and, you  
13 know, I would like to see it as a guideline and something  
14 that we are looking at rather than having something that  
15 ties us necessarily into specific things that could be  
16 brought back in the future and said, well, Commissioners,  
17 that's not what you approved because there is a very  
18 complicated and changing situation and I think we always  
19 need the flexibility to be able to adopt a changing  
20 economic conditions and to utilize our resources in the  
21 best possible way and to produce projects that meet  
22 housing needs but also produce the kind of revenue that  
23 the City could badly use in terms of tax dollars which



1 were certainly quite deficient in and we haven't had a lot  
 2 of projects recently that have been built and many are  
 3 being held up in the pipeline and I think it's time to  
 4 move ahead with those.

5 Thank you.

6 PRESIDENT BELL: Commissioner  
 7 Bill Lee?

8 COMMISSIONER LEE: Yeah.

9 I'd like the staff to review again that based  
 10 on ABAG, about ten percent of the Bay Area residents are  
 11 sixty-five now but by year 2030, twenty-five percent of  
 12 the population will be sixty-five and older.

13 So that will impact the number of cars you'd  
 14 want to have in these high rises which you can lower  
 15 because what we also know about 2030, we will double the  
 16 number of people who are eighty-five and older and I doubt  
 17 many would be driving cars and, also, when you're at that  
 18 age, the quality life having people around you is very  
 19 important.

20 So, I think it's part of your calculus in  
 21 determining the number of housing units.

22 We could get a lot of -- we have a lot of  
 23 single people here. I expect we will have more single

1 people, and you'll actually have more density, less square  
 2 footage and housing units there and that should be taken  
 3 into consideration.

4 PRESIDENT BELL: Commissioner  
 5 Olague?

6 COMMISSIONER OLAGUE: I agree with  
 7 what's -- just about everything that's been said.

8 One thing I did find lacking was the  
 9 socioeconomic impact analysis.

10 I would like to know how these projects will  
 11 impact -- what impact it will have on housing costs.

12 Also, I'm interested -- I would like to  
 13 direct staff to -- I have my notes here but I... Just the  
 14 impact that off-site housing will have on San Francisco  
 15 because, as we are analyzing just this one area of impact,  
 16 I'd also like to have a better sense of how some of these  
 17 affordable units, where would they be built and what  
 18 impact they would have in all of San Francisco and what  
 19 areas would they be proposed for.

20 I don't feel that that was really addressed  
 21 in this analysis.

22 Also, again, I keep on hearing jobs and  
 23 housing balance. I would like to see a lot more of that.



1 You know, how will these projects address the needs of  
 2 people from waiters and waitresses to general managers and  
 3 top executives to carpenters, the people actually building  
 4 them.

5 So many carpenters, they build these units  
 6 but they can't actually afford to live in them.

7 So, I think that's something that I would  
 8 like to see more analysis of. Also, echoing some of what  
 9 Sue Lee was saying, I would like to see what kind of a  
 10 neighborhood are we building here; what type of an  
 11 infrastructure are we proposing?

12 I don't see anything about schools,  
 13 groceries. I mean, what vision do we have for this  
 14 neighborhood? And who can afford them?

15 I mean, what will the average price of these  
 16 units be? I think that needs to be looked at more and,  
 17 again, echoing the sentiments of a lot of folks from the  
 18 South of Market area, how does this address the needs of  
 19 people and residents living in that immediate area?

20 So, again, I think I'm just echoing a lot of  
 21 what we've already heard and I would like us to return the  
 22 discretionary powers to the Commission.

23 I mean, it's important that we review every

1 project as its changed. I think it would irresponsible of  
 2 us to give up that authority.

3 I think we would be doing a disservice to the  
 4 residents of San Francisco and not allowing them the  
 5 opportunity to come before us and address some of those  
 6 changes in the plans.

7 So, I think that it's something that we would  
 8 all benefit from and so those are my basic comments and  
 9 I'll have more written that I would like to submit to the  
 10 staff.

11 PRESIDENT BELL: Okay.

12 If there is no more Commissioner comment?

13 MR. BADINER: Commissioners,  
 14 briefly, one of the things I've heard very clearly from  
 15 both the public and from the Commissioners, not only  
 16 comments about the EIR but comments about the plan and  
 17 there are some significant aspects of the plan that you  
 18 have concerns about and we've had an opportunity to bring  
 19 the plan probably about six or eight month ago? Is it  
 20 even longer than that?

21 I think it would be a good idea to bring the  
 22 plan back to you. Again, it's a draft plan. We have at  
 23 least two new Commissioners who have not had an



1 opportunity to review while they sit on the Commission to  
 2 give more of this input that I get and that I'm seeing  
 3 about the plan more than the -- as well as the EIR, not  
 4 more, and I think would be a good idea rather than wait  
 5 until we have comments and responses and bring it back.

6 I think we need to bring the plan back to you  
 7 for more comment.

8 PRESIDENT BELL: That would be a  
 9 good idea but I also want to state that at that time we  
 10 did that, one of the reasons was because we wanted to see  
 11 what the pipeline projects were in the area and we wanted  
 12 to see how they would impact or look within the Rincon  
 13 Hill plan.

14 So, to put together a DEIR that didn't  
 15 include those same projects that we had to look at six  
 16 months ago I think is unfair --

17 MR. BADINER: Well, I'm not --

18 PRESIDENT BELL: -- but I'm just  
 19 making that comment to you --

20 MR. BADINER: Okay.

21 PRESIDENT BELL: -- but I do look  
 22 forward to seeing it come back and we can work on  
 23 scheduling it sooner rather than later.

1 MR. BADINER: I agree.

2 PRESIDENT BELL: Okay.

3 Commissioner Olague?

4 COMMISSIONER OLAGUE: Yeah.

5 I did hear one of the member of the public  
 6 mention that there was no reference to Proposition M,  
 7 Section 101.1 of the plan, Pages 47, I believe.

8 So, I would like to see some adherence to  
 9 that or some analysis around each of the eight points.  
 10 So, ....

11 PRESIDENT BELL: Okay.

12 If there is nothing else, then we can close  
 13 the verbal part of the hearing. The written part of this  
 14 hearing is until December 10th and thank you all.

15 I'm going to take a ten-minute recess.

16 (CONCLUDED AT 4:30 P.M.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )  
CITY AND COUNTY OF SAN FRANCISCO ) ss.

I, Easteller Bruihl, being duly licensed and  
Certified by the State of California, do hereby affirm and  
attest these proceedings were taken down in shorthand by  
me and reduced to transcript as provided herein.

DATED: December 1, 2004.

EASTELLER BRUIHL, CSR NO. 3077