

## COMMENTS AND RESPONSES ON DRAFT EIR

# 222 Second Street Office Project

PLANNING DEPARTMENT  
CASE NO. 2006.1106E

STATE CLEARINGHOUSE NO. 2007052113



SAN FRANCISCO  
PLANNING  
DEPARTMENT

Draft EIR Publication Date:	JANUARY 27, 2010
Draft EIR Public Hearing Date:	MARCH 4, 2010
Draft EIR Public Comment Period:	JANUARY 27 - MARCH 25, 2010
Final EIR Certification Hearing Date:	JULY 22, 2010



# SAN FRANCISCO PLANNING DEPARTMENT

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July 8, 2010

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To: Members of the Planning Commission and Interested Parties  
From: Bill Wycko, Environmental Review Officer  
Re: **Attached Comments and Responses on Draft Environmental Impact Report  
Case No. 2006.1106E: 222 Second Street Office Project**

Attached for your review please find a copy of the Comments and Responses document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on July 22, 2010.** Please note that the public review period ended on March 25, 2010.

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

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

Thank you for your interest in this project and your consideration of this matter.



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## A. Introduction

### Purpose of the Comments and Responses Document

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed 222 Second Street project (State Clearinghouse No. 2007052113), and responses to those comments. Also included in this document are text changes initiated by Planning Department staff as well as text changes in response to comments on the Draft EIR.

### Environmental Review Process

On January 27, 2010, the San Francisco Planning Department published the Draft EIR on the 222 Second Street office project for public review and comment. The public review and comment period on the document extended from January 27 through March 25, 2010.<sup>1</sup> During the 57-day public review period, the San Francisco Planning Department received written comments sent through the mail or by hand-delivery, fax, or email (see Attachment A). Verbal comments were received at the public hearing on the Draft EIR. A court reporter was present at the public hearing, transcribed the verbal comments verbatim, and prepared a written transcript (see Attachment B).

This Comments and Responses document has been distributed to the San Francisco Planning Commission, State Clearinghouse, agencies and individuals who commented on the Draft EIR. This document, which responds to comments received on the Draft EIR and includes associated revisions to the Draft EIR, in combination with the Draft EIR constitute the Final EIR for the 222 Second Street project. The Final EIR must be certified by the Planning Commission prior to consideration of the proposed project for approval.

### Document Organization

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on March 4, 2010.

Section C contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from January 27 through March 25, 2010. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR; where no comments addressed a particular topic, however, that topic does not appear in this document. The name of the commenter is indicated following each comment summary.

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

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<sup>1</sup> Although the DEIR public comment period was intended to run from January 27 through March 15, 2010, the close of the comment period was extended 10 days by the Planning Commission, to March 25, 2010.

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

Some comments made both in writing and at the public hearing were directed towards the merits of the proposed 222 Second Street project. No responses are provided to these comments, unless they concern the adequacy or accuracy of the EIR.

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

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

Section 15088.5 of the State CEQA Guidelines requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the Draft EIR but before certification. The Guidelines state that information is “significant” if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.” Section 15088.5 further defines “significant new information” that triggers a requirement for recirculation as including, but not limited to, identification of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact less-than-significant level), or identification of a new feasible alternative or mitigation measure that would lessen the environmental impacts of the project that the project sponsor is unwilling to adopt. Additionally, a determination that the DEIR was “so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded” would also constitute “significant new information.” Section 15088.5(d) states that recirculation is not required if “new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

As is discussed in subsequent sections of this volume, this Comments and Responses document does not provide “significant new information” as defined in CEQA Guidelines Section 15088.5, and recirculation of the EIR is therefore not required in advance of certification of the Final EIR as complete in accordance with CEQA, pursuant to Guidelines Section 15090.

## **B. List of Persons Commenting**

### **Written Comments**

#### ***Public Agencies***

Virginia Lasky, Project Manager, Brownfields and Environmental Restoration Program – Berkeley Office, California Department of Toxic Substances Control; letter, March 10, 2010

Alan Zahradnik, Planning Director, Golden Gate Bridge, Highway, and Transportation District (GGBHTD); letter, March 8, 2010

Robert Beck, PE, Senior Program Manager, Transbay Joint Powers Authority; letter, March 15, 2010

Captain William Mitchell, Division of Fire Prevention and Investigation, San Francisco Fire Department; memo, February 1, 2010

#### ***Others***

Katie Antypas; e-mail, March 12, 2010

Robert Birmingham, Birmingham Development, LLC; letter, February 3, 2010

Ward Buelow and Penny Eardley; letter, March 24, 2010

Armand Der-Hacobian; e-mail, March 23, 2010

Sue C. Hestor, Attorney at Law; letter, March 25, 2010

Ranee Kwong; e-mail, March 4, 2010

Katy Liddell; e-mail, February 28, 2010

Tom Monahan, SLATS Investors, LLC; letter, March 5, 2010

Anthony Poplawski, President/Secretary-Treasurer, Marine Firemen's Union; letter, March 9, 2010

Hisashi Sugaya; e-mail, March 20, 2010

Ann Tubbs and Ehtesham Majid; e-mail, March 4, 2010

Jamie Whitaker; e-mail, March 1, 2010

Tom Yamamoto; e-mail, March 25, 2010

Concerned SOMA Residents, c/o Tom Yamamoto; e-mail, March 25, 2010

### **Persons Commenting at the Public Hearing, March 4, 2010**

Joseph Barakeh

Armand Der-Hacobian

Penny Eardley

Sue Hestor

Tom Yamamoto

Planning Commission President Ron Miguel

Commission Vice President Christina Olague

Commissioner Michael Antonini

Commissioner Gwyneth Borden

Commissioner William Lee

Commissioner Kathrin Moore

Commissioner Hisashi Sugaya

## C. Summary of Comments and Responses

### General Comments

#### **Comment [G1]**

“This was something of an “EIR light” to an extent, it does what I do not like and I will continue to say I do not like in EIRs, and that is the wording and conclusions that it makes, I do not feel are properly made or supported. Just the facts. The facts are what an EIR is. If there are very obvious problems, then mitigation obviously.” (*Planning Commissioner Ron Miguel*)

#### **Response**

The comment is acknowledged. In general, the EIR draws conclusions based on the analysis presented, with reference made to the significance criteria for each environmental topic. The conclusions in the EIR are those of Planning Department staff; the final determination as to the significance of any particular impact will be made by the Planning Commission, in its consideration of the adequacy of the EIR, or by the Board of Supervisors on appeal. Consistent with Section 15060(d) of the State CEQA Guidelines, no Initial Study was prepared for the 222 Second Street project, and the EIR therefore analyzes all topics included in the City’s CEQA Checklist. Some technical sections of the EIR contain more detail than others, consistent with Section 15060(d), which states, “In the absence of an initial study, the lead agency shall still focus the EIR on the significant effects of the project and indicate briefly its reasons for determining that other effects would not be significant or potentially significant.” Thus, topics which clearly did not have any potential to result in significant impacts did not require as detailed analysis as was provided for topics such as, for example, historical resources, transportation, aesthetics, wind, and shadow. Consistent with Guidelines Section 15147, the EIR contains “summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public,” and avoids the inclusion of “highly technical and specialized analysis and data in the body of an EIR.” Background materials are available for review at the Planning Department.

Comments from Commission President Miguel regarding specific environmental issues are responded to elsewhere in this Comments and Responses document.

#### **Comment [G2]**

“[T]he 222 2nd Street office tower project does not conform to the current planning code. The tower as proposed would exceed the current code’s limits on both bulk and height. This being the case, the EIR should carefully consider the environmental impacts specifically of the requested variances and clearly compare these impacts to a code compliant building so the public and the Planning Commission and Board of Supervisors can adequately judge the full environmental impact of the 222 2nd Street office tower on the SOMA community. This has not been done in the draft study.” (*Tom Yamamoto*)



“Since the proposed building would exceed San Francisco’s code in height, bulk, shadowing and pedestrian wind comfort, we would expect that the EIR would pay particular attention to the effects of the height and bulk of the building. But the EIR does not adequately address the impact of the proposed office tower on the lives of the people who live here. The obliteration of sunlight, the creation of wind tunnels, the increase in noise and pollution, and the decrease in our privacy are important issues for the residents of the area, as are the increased traffic and decreased public parking – which is already difficult. These are issues that will affect our health, as well as our quality of life, and we request that they be seriously addressed before this proposal goes any further.” (*Ann Tubbs and Ehtesham Majid*)

“We ask for a code compliant building of the same size as adjacent buildings. We also ask for the EIR of this code compliant building to objectively and without misrepresenting analyze the impact of the code compliant building on our families and on the neighborhood. This impact should include not only the points raised above but also the EIR should take into account such things at the impact of the mass of the building on the foundation of neighboring buildings, construction dust and its impact on our kids’ lungs, the decrease in air quality. The impact of the increased pollution and decrease in air quality on the health of residents including children and seniors. The impact of an office tower on the day-in-day out quality of life of residents e.g. the obliteration of sunlight, increase in shadowing, creation of wind tunneling down Howard and Folsom, increase in noise pollution, decrease in residents privacy.” (*Armand Der-Hacobian, Concerned SOMA Residents*)

### ***Response***

Many of the issues identified by the commenters, including shadow, wind, noise, air quality, and traffic and parking, are all addressed in the applicable sections of the EIR. In addition, this Comments and Responses document provides responses to specific comments concerning shadow (p. C&R-55), noise (p. C&R-52), air quality (p. C&R-54), and transportation (p. C&R-44). Concerning the potential for workers in the proposed project to see into nearby residential units (privacy), please see the response on p. C&R-39. Concerning “the mass of the building on the foundation of neighboring buildings,” the commenters present no evidence that the proposed project would result in any significant impact with respect to the building foundation. As stated in EIR Section IV.N., Geology, Soils, and Seismicity, no significant impacts were identified with respect to these issues, and the Geotechnical Due Diligence Study prepared for the proposed project, and cited in the EIR, included recommendations for the building foundation, as well as for shoring and underpinning of adjacent streets and buildings. It is noted that construction in San Francisco typically involves work in close proximity to other existing structures. A more detailed geotechnical investigation would be prepared and presented to the Department of Building Inspection prior to approval of any building plans.

### ***Comment [G3]***

“Good afternoon, Commissioners. My name is Sue Hestor. When the downtown plan went through, there were few streets that had so much specific attention placed on them as Second Street. Second Street because of the historical nature and the scale of Second Street, there were a lot of preservation issues on it, there are a lot of sunlight and scale issues, that were consciously part of the Planning Commission's and the public's deliberation. And now it is coming back, and it is biting you in the butt because the

Planning Department goes through these exercises in doing planning, and it is like there is long term planning, there is environmental review, and there is project review. One of the problems that I have seen, as we start getting housing in commercial areas is that the time lag between sites being recorded with condos in them in the property records is very long. You had a problem with 300 Grant, for those of you who are on the Commission, where the people that lived right across the street for two years previously still were not on the City's records as owners. One of the things that should be done is that every time a residential project is approved in one of these new areas, it should be flagged in the major environmental analysis that there are people there. This EIR, as it stands right now, should not come back with the comments and responses, it should come back with a redraft. You cannot do a little cut and paste on this EIR. You are going to have to go back, reintegrate it with the concept of a neighborhood community, and reissue it. That is the only thing that makes any sense, otherwise it would be crazy making trying to figure out who to amend the comments and responses into a draft. What the City also needs to do is to figure out how you are going to give effective notice in an area like this. You have Condo Associations in a building, and that is basically it, there is no 50-year-old neighborhood organization. We are going to have to think of ways to do better outreach, and we should do it because we do not want to be approving—I do not want the city to be approving new housing, and then just say we are abandoning them to the wolves because you are not paying any attention to the next two, or three, or four projects down the line. So I ask you, no comments and response, re-circulate this one, putting in the housing context and making sure that everyone that is a property owner there in a condo is notified.” (*Sue C. Hestor*)

### ***Response***

The comment intimates that notice was not properly provided of the publication of the Draft EIR. As is required under Chapter 31 of the *San Francisco Administrative Code*, notices of EIR availability were mailed to owners and occupants of properties, including condominiums, within 300 feet of the project site. The mailing list was developed less than two weeks prior to publication of the Draft EIR. Notice of the availability of the Draft EIR was also posted at 11 locations in the vicinity of the site, including adjacent to the two closest residential buildings, at 199 New Montgomery Street and 246 Second Street. It is noted that the residential building at One Hawthorne Street was neither complete nor occupied at the time the DEIR was published. Finally, notice was advertised in a newspaper of general circulation.

The comment also states that the DEIR is inadequate in its assessment of issues related to land use compatibility. Please see the response to Comment PP2 concerning the project’s effects related to land use, p. C&R-31, and the response concerning the Downtown Plan, p. C&R-23. As explained in the response concerning land use, the DEIR accurately characterizes the project vicinity. Therefore, no “significant new information” is required to be added to the Draft EIR, and the EIR need not be recirculated. (A further discussion of the conditions warranting recirculation under CEQA Guidelines Section 15088.5 is provided on p. C&R-2.)

### ***Comment [G4]***

“For all of the reasons stated ..., we ask that the draft EIR not be certified until the genuine impacts on the neighborhood are addressed.” (*Ward Buelow and Penny Eardley*)

### ***Response***

The commenters' specific comments are addressed in the applicable sections of this Comments and Responses document.

## **Project Description**

### ***Comment [PD1]***

“The continued reference to the proposed project as a 26-story building throughout the draft is disingenuous and does not reflect how much taller the proposed project is than all other structures in the immediate vicinity. One example of this is that the proposed project is 370 feet to the top of the screen. One Hawthorne is only 2 floors less, at 24 stories, but is 105 feet shorter. Although, as stated in the draft, commercial properties generally have a greater floor-to-floor height than residential structures; the height for the proposed project is excessive. This is due to the mass and large footprint. In order to avoid degrading the interior ‘feel’ of the project the areas must be made taller to compensate for the distance to the windows from the center areas. While this creates a more comfortable and sustainable interior environment for the tenants, it does so at the expense of exterior aesthetics. There is no benefit, and in fact creates a sacrifice, for the community neighbors due to the extreme mass and bulk of the building.” (*Ward Buelow and Penny Eardley; similar comments from Armand Der-Hacobian, Concerned SOMA Residents*)

### ***Response***

The EIR clearly describes the height of the proposed project in both feet and number of stories, and explicitly compares the project's height to that of nearby buildings. For example, p. 34 states, “The proposed 222 Second Street building would be six stories taller than the nearby office building at 75 Hawthorne Street and would be approximately twice the height (in feet, but not in stories, given that office buildings typically have greater floor-to-floor heights than residential and hotel structures) of the nearest residential high-rises, at 246 Second Street and 199 New Montgomery Street, as well as the Courtyard Marriott Hotel at Second and Folsom Streets” (emphasis added).

As noted by the commenters, the foregoing text from the EIR explains that office buildings typically have greater floor-to-floor heights than residential buildings and hotels. This is a function not of the size of the site, as intimated by the comments, but of the fact that office buildings typically included utility and service spaces (for electrical and communications wiring, plumbing and heating, and the like) in a space between the ceiling of one level and the floor of the level above.

## **Plans and Policies**

### ***Comment [PP1]***

“Please include a current height district zoning map as well as one showing the proposed change.” (*Planning Commissioner Hisashi Sugaya*)

“There is NO map of the height limits, which is confusing, particularly given the fact that this project has split height limits and is requesting a height increase from 150’ to 350’ on part of that lot. The text states that the NORTHWEST portion of the site has a lower height limit, but it is the SOUTHWEST portion which has a small lot fronting on Tehama.” (*Sue C. Hestor*)

“The alternative (C) which has a project that complies with the CODE height limits is given cavalier treatment. The heights in the Downtown Plan were INTENTIONAL. That 150’ height limit had a rationale. PLEASE EXPLAIN IT, going to Downtown Plan source documents if that is not already available. This review should be done by PLANNING STAFF, not by a consultant hired by project sponsor. A review of this block - even a review of the PHOTOS of this block - shows that a 150’ height is much more respectful to existing historic buildings on Howard than a 350’ high building.

“When the Downtown Plan was adopted, it had both HEIGHT LIMITS and BULK LIMITS. Why does this architect/developer insist on violating both of these limits?

“Page 17 sets out the various exceptions to the Downtown Plan requested for this project. There has been virtually no downtown project—particularly those designed by this firm—that does not request a slew of such exceptions. Which means that the code rules, the Downtown Plan expectations, in the end are meaningless. The Department has information in its files—cases with an X code—to allow construction of a list of projects that have used these exceptions. Please provide a list of projects that requested/were granted the following exceptions:

“Sec 148 - excessive ground level winds, both pedestrian AND seated

“Sec 270 - excessive bulk above base

“Sec 146 - penetration of 62 degree “sun access plane” above street wall height of 132 feet

“Repeated exceptions to these limits create a CUMULATIVE ENVIRONMENTAL IMPACT which should be analyzed. Of particular concern are excessive wind conditions, given the substantial expansion of HOUSING in the immediate area of this project, include housing recently constructed by THIS owner. Approved housing projects on Rincon Hill are sure to add many more pedestrians in the future given that Second Street is relatively flat and has traffic that is relatively calmer than the heavily trafficked one-way streets to the east. To the extent that other exceptions are being requested, please provide the same information for THOSE exceptions.” (*Sue C. Hestor*)

“The building is massive and totally out of proportion to adjacent structures as proposed. And the requested code variances are the reason for this. A code compliant building would be a much better neighbor for all of us. There is no compelling reason for our families and residents of our neighborhood to have the proposed office building. This would be contrary the long-standing city policy, zoning and code. What is so compelling that you would reverse years of City policy and grant exceptions?” (*Armand Der-Hacobian, Concerned SOMA Residents*)

“I have to say I am a strong believer that we have a Code and height zone within that Code, and I do believe a skilled architect would be able to design a building which deals with a situation where we have a site which falls into two zones. And I do want to strongly emphasize that, for me, that is the guide which we should be always reflecting all EIRs and all decisions we make.” (*Planning Commissioner Kathrin Moore*)

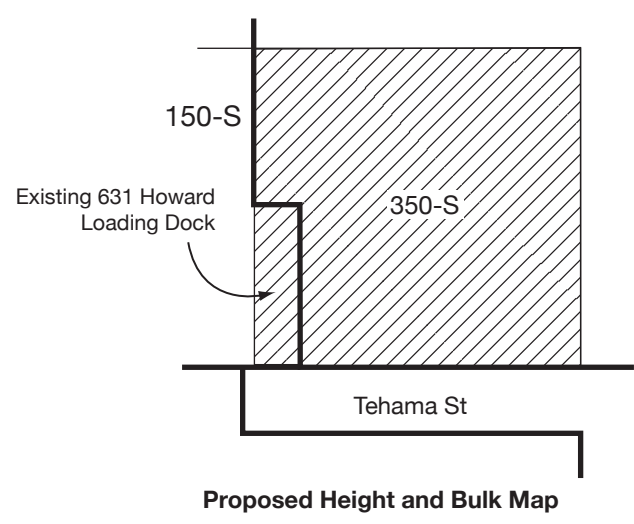
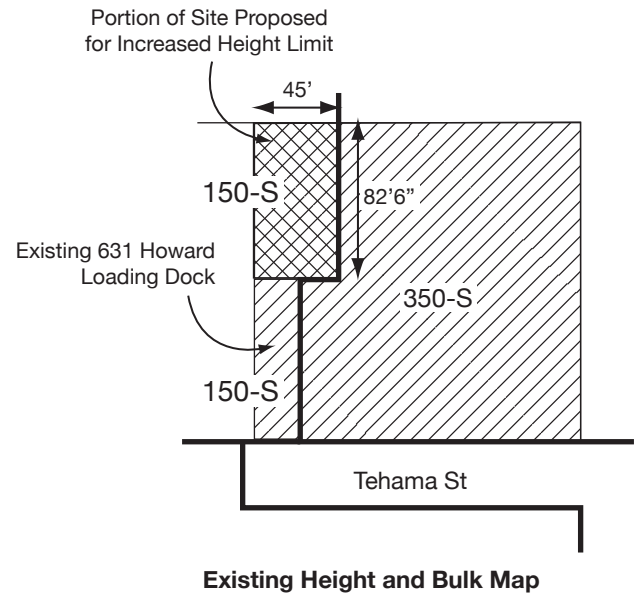
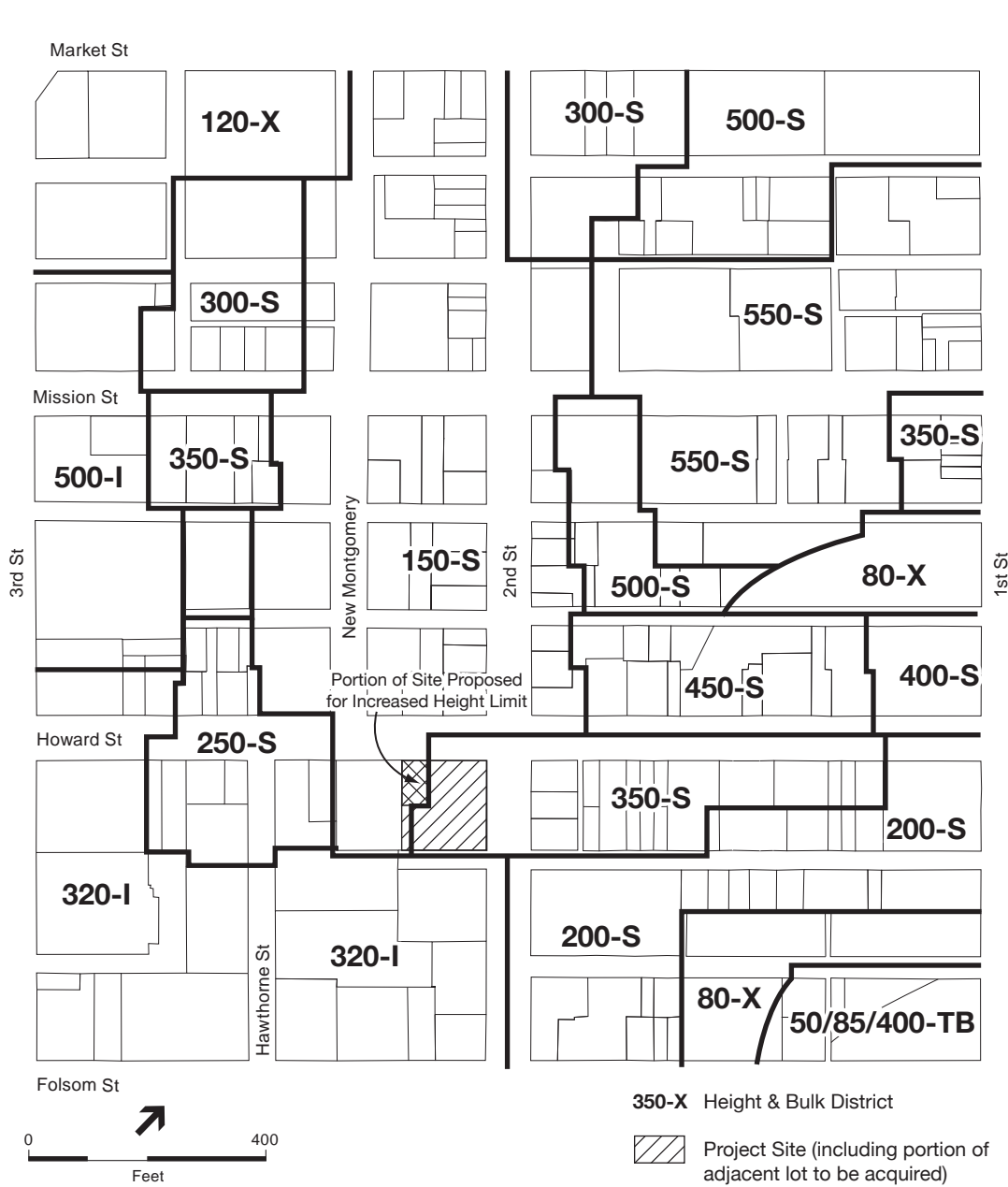
“It seems like maybe we are in the process now of slowly, or rapidly, chipping away at the Downtown Plan and attendant implementing zoning that accompanied that plan. We have seen it north of here where the financial district ends over on Washington Street, and Chinatown, and Jackson Square, now we are seeing it happening in the southern part and it seems like unless there is some overall ... the issue becomes..., are we just going to continue to do this without looking at the overall policies and direction of downtown development in a comprehensive sense, and that may not be an EIR comment, but it is an observation that I would like to put Department staff on notice that this Commission is at least concerned about that.” (*Planning Commissioner Hisashi Sugaya*)

### ***Response***

Existing and proposed height and bulk maps are provided on Figure C&R-1. As stated on EIR p. 16, the northwest corner of the project site that is proposed for rezoning to increase the permitted height measures 45 feet along Howard Street and 82 feet, 6 inches in depth. Thus, the area proposed for rezoning is approximately 3,713 square feet and represents slightly less than one-sixth of the project site as it currently exists (about 15 percent of the proposed site with the addition of the 631 Howard Street loading dock).

Concerning the existing height limits, what is now the project site has had the same height limits (350 feet on most of the site and 150 feet on the northwest corner of the site) since the Downtown Plan and its implementing zoning were adopted in 1985. The apparent reason for the split height limit is that at the time the Downtown Plan was adopted, the project site comprised three separate parcels, two of which were occupied by buildings and the largest of which was occupied by a surface parking lot that was smaller than the existing parking lot. These two buildings, one that was two stories tall and the other that was at an apparent height of two stories plus mezzanine, fronted Howard Street, and were still in existence in 1989, when an EIR was prepared for an earlier proposed office building on the project site (Case No. 1986.073E). It appears that the 150-foot height limit on the northwest corner of the project site was adopted in 1985 in conjunction with the adoption of the Second-New Montgomery Streets Conservation District: a comparison of the height and bulk map (see Figure C&R-1) and the Conservation District Map (presented in EIR Figure 16, p. 60), indicates that both apply generally to parcels fronting New Montgomery and Second Streets, and between these two streets. The exceptions to the correspondence between the Conservation District and the 150-foot height limit appear to be the Palace Hotel, at New Montgomery and Market Streets, which is within three separate height districts, and the northwest corner of the project site, which, although not within the Conservation District, is within the area governed by 150-foot height limit. It therefore appears that the 150-foot height limit may have been extended beyond the 631 Howard Street building—the only building south of Howard Street included in the Conservation District—to encompass the sites occupied by the two smaller buildings then existing to the east of 631 Howard Street, even though these buildings were not included in the Conservation District. This is borne out by the fact that, in Article 11 of the *Planning Code*, 631 Howard Street is designated a Category II (Significant) building. Category II buildings permit additional height to be added, but only on certain portions and generally with reference to nearby buildings. For 631 Howard Street, according to Appendix B of Article 11,

C&R-10



Project Site (including portion of adjacent lot to be acquired)

SOURCES: ESA; San Francisco Planning Department

Case No. 2006.1106E: 222 2nd Street (206337)

**Figure C&R-1**  
Height and Bulk

additional height is permitted as long as the addition is not visible to an observer across Howard Street (82.5 feet away from the building). The listed “Reference Point for Establishing Limitation On Height Addition” is the building that formerly stood adjacent, at 613 – 615 Howard Street (the Palmer Films building in the photos in Figure C&R-2). This appears to indicate that, while neither this building nor the then-adjacent building at 609 Howard Street were designated as Significant or Contributory buildings under Article 11, at least one of them had sufficient merit to warrant use as a reference for changes to 631 Howard Street, which was so designated. Therefore, it appears likely that the 150-foot height limit was intended to encompass these two buildings, neither of which is extant any longer.

After the prior project at 222 Second Street was approved, in 1989, these two smaller buildings were demolished, in about 1990, as part of site preparation for the earlier project. However, the project was never constructed. These buildings are illustrated in Figure C&R-2, which presents photographs published in the 1989 EIR for the prior 222 Second Street project.

### ***Planning Code Exceptions***

Regarding the *Planning Code* exceptions being sought by the project sponsor for the proposed project, each of these exceptions is expressly permitted by the *Code*. The *Code* language permits exceptions from the wind speed “comfort criteria” of Section 148 for both pedestrian areas and seating areas, from the bulk requirements of Section 270, and from the sunlight access to sidewalks requirements of Section 146(a). This language was added, in each case, in 1985, as part of the *Planning Code* amendments implementing the Downtown Plan.

The commenter is correct that many Downtown projects have requested and been granted exceptions to various *Planning Code* requirements, as is permitted under Section 309.

Review of Planning Department records and Planning Commission minutes reveals that there have been more than 30 cases involving exceptions from *Planning Code* requirements for ground level winds (Section 148) and building bulk (Section 270) that have been granted since the Downtown Plan and accompanying zoning regulations were approved. About 27 of these buildings have been constructed, including essentially all major downtown buildings built since the adoption of the Downtown Plan. Another project granted an exception is under construction. Table C&R-1 presents the data concerning *Planning Code* exceptions to Sections 148, 270, along with determinations of compliance with Section 146(c), discussed below.

### **Section 146 and Shadow Impacts**

With regard to Section 146, which governs the required sun access plane, Section 146(a) applies to certain streets in the C-3 zoning districts; exceptions may be granted pursuant to Section 146(b). As stated on EIR p. 135, exceptions may be granted if “the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.” In addition to the west side of Second Street from Market Street to 300 feet south of Folsom Street, streets subject to

Parking Lot  
(portion of project site)

609 Howard  
(demolished)

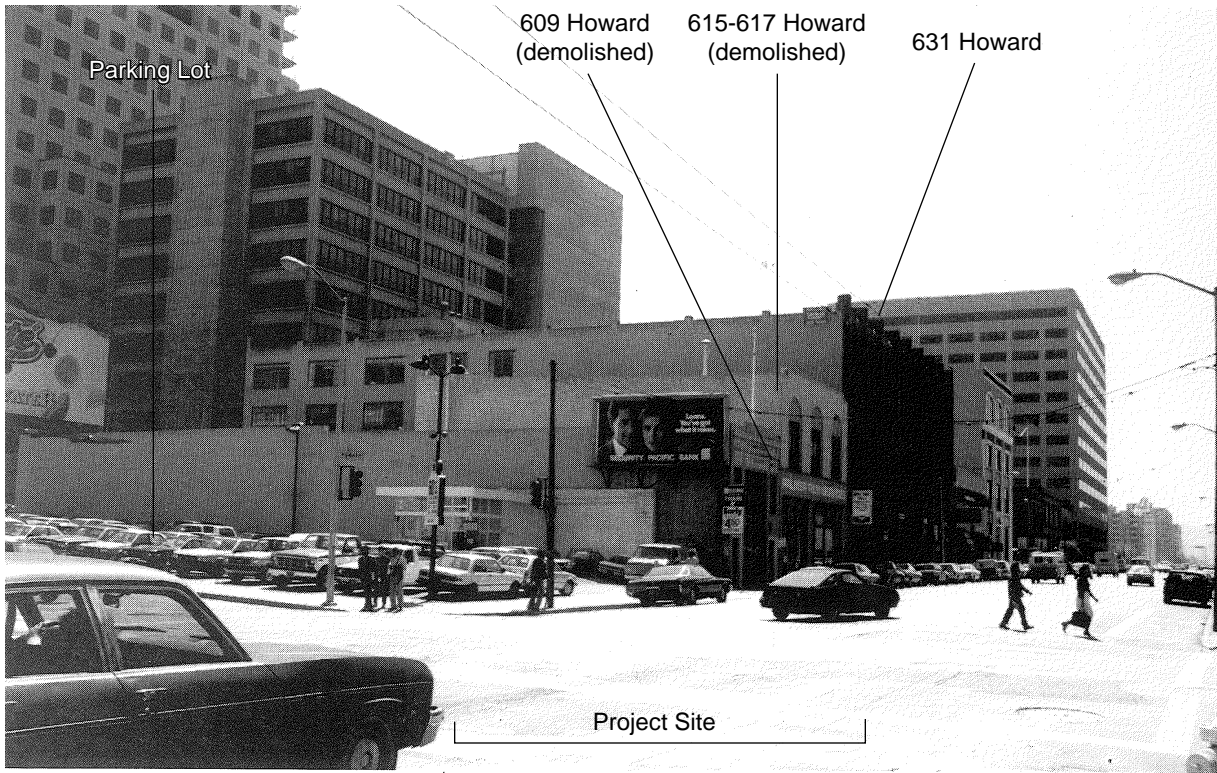
615-617 Howard  
(demolished)

631 Howard



Project Site

View from Across Howard Street



Parking Lot

609 Howard  
(demolished)

615-617 Howard  
(demolished)

631 Howard

Project Site

View looking West on Howard Street



**TABLE C&R-1: EXCEPTIONS GRANTED FOR BULK, WIND, AND SHADOW SINCE 1985**

Case No.	Address	Wind	Bulk	Sun- §146 <sup>a</sup>	Built?
1984.432X	235 Pine Street	X	X		Yes
1986.085X	600 California Street	X	X		Yes
1987.525X	384 Post St. (Saks Fifth Avenue)		X		Yes
1989.501X	545 Sansome Street	X			No
1989.589X	300 Howard Street	X	X		Yes
1996.228X	Macy's Addition (231 – 281 Geary St.)	X	X	b	Yes
1997.484X	101 2nd Street	X	X		Yes
1997.215X	39-67 2nd (One Second Street)		X		Yes
1997.309X	147 Minna (MOMA Garage)	X			Yes
1997.689X	299 Second Street	X	X		Yes
1998.084X	150 California	X			Yes
1998.329X	466 Bush St. (Orchard Garden Hotel)		X		Yes
1998.497X	215 Fremont Street	X	X		Yes
1998.813X	Neiman Marcus	X	X	b	Yes
1998.843X	524 Howard Street	X			No
1998.902X	First & Howard (Foundry Square)		X		Yes
1999.603X	555 Mission	X	X	X	Yes
2000.074X	77 Van Ness residential	X	X		Yes
2000.316X	554 Mission Street	X	X		Yes
2000.383X	72 Ellis Street		X		No
2000.541X	350 Bush Street	X	X		No
2000.552X	199 New Montgomery St.	X			Yes
2000.586X	1 Polk St. (Argenta)	X			Yes
2000.613X	425 Battery				Yes
2000.790X	888 Howard (Intercontinental Hotel)	X	X		Yes
2000.965X	949 Market Street	X			No
2000.1215X	48 Tehama Street	X			No
2001.0792X	301 Mission St. (Millennium)	X	X	X	Yes
2006.1248X	55 9th Street	X	X		No
2002.0628X	1160 Mission St. (SoMa Grand)	X	X		Yes
2001.0862X	50-70 Oak St. (Conservatory of Music)		X		Yes
2002.179X	1169 Market St. (Trinity Plaza)	X	X	c	U/C
2003.0584X	690 Market St. (Chronicle Bldg.)	X		d	Yes
2003.0262X	1455 Market (Crescent Heights)	X	X		No
2004.0165X	1 Kearny/710 Market			b	Yes
2004.0852X	1 Hawthorne	X	X		Yes
2004.1245X	300 Grant Avenue		X		No
2005.0540X	1415 Mission Street	X			No
2005.0979X	1390 Market St (Fox Plaza)	X			No
2005.1127X	1340-1390 Mission Street	X	X		U/C
2006.0691X	125 Mason Street		X		Yes
2006.1273X	535 Mission Street	X	X		No
2007.1383X	474 Natoma Street		X		No
2007.1464X	1036-1040 Mission Street		X		No
<b>Total</b>		<b>32</b>	<b>31</b>	<b>7</b>	

U/C -Under Construction

<sup>a</sup> X indicates determination made of compliance with Section 146(c); footnotes explain exceptions from Section 146(a).

<sup>b</sup> Exception granted from requirements of Section 146(a) for shadow on Geary Street sidewalks.

<sup>c</sup> Trinity Plaza Special Use District adopted, which exempts development from Section 146.

<sup>d</sup> Exception granted from requirements of Section 146(a) for shadow on Kearny Street sidewalks.

SOURCE: Planning Department data

Section 146(a) include portions of Bush, Sutter, Post, Geary, O'Farrell, Ellis, Powell, and Stockton Streets, Grant Avenue, and Kearny, New Montgomery, and Market Streets. The required sun access angle, which a building must avoid penetrating, range from 50 to 70 degrees, at a height of between 65 and 170 feet. The area covered by Section 146(a) is depicted in Figure C&R-3, p. C&R-15, which reproduces the Sunlight Access map from the original Downtown Plan. The area subject to Section 146(a)—generally, the sidewalks depicted in Figure C&R-3—comprises primarily the historic retail center of Downtown. The exceptions include Market Street from Second to Tenth Streets, and New Montgomery and Second Streets. It is noted that much of New Montgomery and Second Streets were also proposed to be included in what was ultimately adopted as the New Montgomery Second Street Conservation District, while Second Street was also proposed as a pedestrian-oriented street. Although the Downtown Plan originally proposed that additional streets be subject to a sun access angle requirement, the *Planning Code* ultimately included only the portions of streets shown in Figure C&R-3 to be included under Section 146(a). Because this area is, for the most part, limited to the historic and fully built out retail district and to historic portions of New Montgomery and Second Streets, there has been no new construction on most of the streets listed in Section 146(a) since the Downtown Plan and its accompanying zoning were approved. A small number of buildings, however, have received exceptions from Section 146(a) requirements and been developed, as discussed below.

Review of Planning Department records disclosed four cases in which an exception was granted to the requirements of Section 146(a), as is permitted under Section 146(b), and where the project was undertaken. One was for the reconstruction of the Macy's store on Union Square, at 235 – 281 Geary Street (Case No. 1996.228X). This project replaced two older six-story buildings with a single eight-story structure that also incorporated renovations to an existing eight-story building to create the current unified façade along the center portion of the south side of Geary Street between Powell and Stockton Streets. Although the project proposed a street wall that breaks the plane of the required 50-degree sun access plane on the south side of Geary Street required under Section 146(a), the Planning Commission granted an exception because analysis completed for the proposed project's Negative Declaration indicated that the north sidewalk of Geary Street was already shaded by the existing buildings and that the proposed project would result in a net increase in sunlight on the north sidewalk during the hours of 11:30 a.m. to 1:00 p.m. (Planning Commission Motion No. 14243; approved November 21, 1996).

A second exception was for the expansion of the Neiman Marcus department store building at the southeast corner of Geary and Stockton Streets (Case No. 1998.813X). This project involved both horizontal and vertical expansions to the then-extant Neiman Marcus store, and required an exception from Section 146(a) because, while the horizontal extension proposed a street wall less than 65 feet tall, the setbacks above 65 feet would break the plane of the 50-degree sun access plane required along the south side of Geary Street. Analysis of new shadow indicated that the project would cause very limited new shadow on Geary Street in the afternoons in spring and fall, and the exception was granted on July 22, 1999 (Motion No. 14857).



● Exception Granted from Requirements of Planning Code Section 146(a)

The third exception was for the vertical addition to the historic DeYoung (Chronicle) Building at 690 Market Street, which now houses the Ritz Carlton Club and Residences (Case No. 2003.0584X). This project involved an eight-story addition to the 210-foot-tall portion of the building that fronts Kearny Street. The exception was granted on March 18, 2004 (Motion No. 16747), because the existing building was taller than the 170-foot height at which Section 146(a) specifies a 70-degree sun access plane, and because the 38-story tower at One Post Street, to the east along Market Street, already casts shadow on much of the section of Kearny Street that would otherwise be shaded by the addition.

The fourth exception involved the recent horizontal addition to the historic Mutual Savings Bank Building at the northeast corner of Kearny and Market Streets (One Kearny Street / 710 Market Street; Case No. 2004.0165X). This project involved a 142-foot-tall building that exceeded the 65-foot street wall height on the south side of Geary Street, above which the *Code* requires a 50-degree sun access plane. The exception was granted because the resulting shadow was determined to be “insignificant because of the limited extent and duration that the proposed addition would shade portions of Geary, Market, and Kearny Streets, as well as sidewalks adjacent to the project site along these streets” (Planning Commission Motion No. 17282, adopted July 13, 2006).

In a fifth case, the demolition and reconstruction, with intensification, of Trinity Plaza, at Eighth and Market Streets, approval involved creation of the Trinity Plaza Special Use District, in which the “requirement regarding sunlight to public sidewalks set forth in Section 146 shall not apply” (*Planning Code* Sec. 249.34(a)(3); approved August 3, 2006; Planning Commission Motion No. 17294; Trinity Plaza Special Use District approved by Board of Supervisors April 17, 2007; Ordinance No. 90-07).

At least two other projects have been approved by the San Francisco Redevelopment Agency and built within the Yerba Buena Center (YBC) Redevelopment Area along street frontages listed in Section 146(a), and that would have required an exception from Section 146(a) had they been approved by the Planning Commission and not the Redevelopment Agency. These projects are the 398-foot-tall Four Seasons tower at 765 Market Street, between Third and Fourth Streets, which was built in 2001, and the residential building at 246 Second Street, on the project block, which was built in 2000, according to Assessor’s data. The Four Seasons tower was built on Central Block 1 of the YBC Redevelopment Area, within a portion of the redevelopment area where the *Planning Code* does not apply and the Redevelopment Agency had separate development controls, and where the YBC Redevelopment Plan makes no mention of protecting sunlight at the sidewalks. Had it been subject to the *Planning Code*, this building would have required an exception to the sun access plane of 50 degrees that is required above a height of 119 feet on the south side of Market Street.

The 246 Second Street building, which is approximately 170 feet tall and 17 stories, is within an area of the YBC Plan where the *Planning Code* was operative at the time this project was approved. Therefore, this project apparently should have been required to obtain, from the Redevelopment Agency Commission, a variance from the same sun access angle requirement (an

angle of 62 degrees, beginning at a height of 132 feet) as is applicable to the proposed 222 Second Street project. However, while the Redevelopment Agency Commission approved variances from the requirements for rear yard setback (*Planning Code* Sec. 134(a)), setback above the building base to allow for separation of towers (*Planning Code* Sec. 132.1(c)(1)), and parking in excess of the permitted amount (*Planning Code* Secs. 151 and 204.5), the design approval resolutions were silent with respect to the sun access plan requirement of Section 146(a) (Redevelopment Agency Commission Resolutions No. 243-97, adopted December 16, 1997; and No. 132-98, adopted July 14, 1998). Had this project been approved by the Planning Commission, an exception to the sun access angle requirement of Section 146(a) would have been required, as would be required for the proposed 222 Second Street project. Because this building is considerably shorter than the proposed project, however, the reduction in developable area would have been much less than would be required for the proposed project (see the discussion in the response concerning shadow, p. C&R-56 of this Comments and Responses document).

Planning Department records reveal only two other projects having requested an exception to the requirements of Section 146(a) and, while both exceptions were granted, neither project was built as approved. A three-story office and retail addition, along with horizontal additions, was approved at 150 Powell Street in 2001 (Case No. 2000.986X). However, this project was subsequently revised to include retail and residential uses, with no vertical addition, and no Section 146(a) exception was needed for the revised project, which has been constructed and now houses the H&M store on the ground floor and residential units above and around the corner on O'Farrell Street. A proposed retail, office, and residential structure at 185 Post Street, at Grant Avenue, was approved in 2001 (Case No. 2000.272X), including an exception to Section 146(a). The 10-story building was to have housed the San Francisco location of the Prada retail chain, but the project was never built, and a subsequent project renovated the existing building at that site, without the need for a Section 146(a) exception.<sup>2</sup>

A previously approved office building project at 222 Second Street—the site that is the subject of this EIR—did not propose an exception to the requirements of Section 146(a). This project (Case No. 1986.073E) was approved in 1989 as a 225-foot-tall building that was designed with a series of setbacks from Second Street, beginning at the ninth floor, such that the project was consistent with the required sun access plane of Section 146(a). Because the building was designed with symmetrical setbacks on the west side (adjacent to the 631 Howard Street building), it would have provided approximately 220,000 square feet of office space, or about 51 percent of the office floor area of the currently proposed project (and about 65 percent of the office floor area of the Reduced Project Alternative described on EIR p. 175).

Another subsection of *Planning Code* Section 146, Section 146(c), applies more generally throughout the C-3 districts, stating that new buildings and building additions shall be shaped “so

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<sup>2</sup> Neither of these projects is included in Table C&R-1 because they were both superseded by subsequently revised projects that have been completed.

as to reduce substantial shadow impacts on public sidewalks in the C-3 Districts other than those protected by Subsection (a),” but only if this can be done “without creating an unattractive design and without unduly restricting the development potential of the site in question.” Determinations are made with respect to compliance with this requirement as part of the Section 309 downtown project review process. Planning Department records reveal at least two projects that have been granted exceptions with respect to the *Code’s* wind and bulk provisions have also been specifically determined to be in compliance with the Section 146(c) requirement, including the recently completed office tower at 555 Mission Street, and the newly built Millennium residential tower at Mission and Fremont Streets. These projects do not front on a street listed in Section 146(a); therefore, that subsection does not apply.<sup>3</sup>

In terms of the potential cumulative impacts related to granting of exceptions to the requirements of Section 146(a), as described above, the effect of each potential exception was evaluated by Planning Department staff, with the conclusions presented in the proposed approval motion that was presented to the Planning Commission and then reviewed and, for those projects approved by the Commission, consented to by the Commission as part of the findings required under *Planning Code* Section 309, Permit Review in C-3 Districts. None of the projects for which Section 146(a) exceptions were granted was found to result in substantial new shadow on protected sidewalks and, taken together, the four projects granted such exceptions, along with the Trinity Plaza project, for which a special use district was created, have resulted in limited new shadow within the area encompassed by the streets subject to Section 146(a). That is, shadow from any individual project, including the proposed 222 Second Street project, would (or does, in the case of existing buildings), cover a relatively small area of sidewalk, for a relatively short duration. This effect is comparable to that identified in the Downtown Plan EIR for a case-study location near the 222 Second Street project site. The Downtown Plan EIR (p. IV.H.43) found that, while an assumed development would result in several hours of sunlight being eliminated in the winter at a particular sidewalk location, several hours of existing sunlight would remain during spring, fall, and summer. (This effect was reported for a single location, and effects would vary at other locations.) Moreover, observation indicates that most of the activity on the sidewalks in question appears to be routine travel from one place to another that is unlikely to be adversely affected by incremental new shadow, as opposed to recreational activity. Thus, the impact would not appear to “substantially affect the usability of other existing publicly accessible open space or outdoor recreation facilities or other public areas,” and the limited number of exceptions granted does not appear to warrant a conclusion that such exceptions could combine to result in a cumulative significant impact with respect to shadow on nearby sidewalks.

### **Section 148 and Wind Impacts**

With regard to wind (Section 148), in particular, the vast majority of projects involving high-rise buildings that have been approved since adoption of the Downtown Plan have required, and have

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<sup>3</sup> Because Section 146(c) does not include a process for exceptions, but instead a determination of compliance with the provisions, information regarding compliance with this section is difficult to isolate in Planning Department records: unlike projects that require exceptions—for which the Department case number includes an “X” suffix, there is no such identifier for projects that require compliance with Section 146(c).

been granted, an exception to the *Planning Code* wind requirement that “When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements.” This is because existing winds at many locations in Downtown San Francisco exceed both the 7-miles-per-hour comfort criterion in public seating areas 11-miles-per-hour comfort criterion in areas of substantial pedestrian use (generally, sidewalks), and it is generally not feasible to design a new building that would reduce existing wind speeds such that the these criteria would be met, or, in many instances, to avoid creating a certain number of new exceedances.

In the case of the project, for example, as noted in Section IV.H, Wind, the wind-tunnel test revealed that, under existing conditions, wind speeds exceed the 11-mph pedestrian comfort criterion at 10 of the 51 wind test locations, and the highest wind speed in the vicinity (15 mph) occurs at the southeast corner of the 26-story Pacific Telephone Building at New Montgomery and Natoma Streets, some 200 feet *upwind* of the project site. Regardless of the design of the proposed project, it is very unlikely to reduce an existing exceedance of the comfort criterion such as this, because the effects of a project are primarily on downwind and, to some extent, cross-wind, locations. As noted on EIR p. 130, the effects of the project on pedestrian-level winds would be limited: “With the project, as compared to existing conditions, wind speeds would increase at 13 locations; *remain unchanged at 24 locations*; and decrease at 14 locations” (emphasis added). Thus, wind speed would not change at nearly half the test points, the number of points where wind speed would increase would be offset by a like number of decreases, and most of the changes in wind speed would be by 1 to 2 mph, which would likely be imperceptible to most observers. Wind speeds would increase by more than 3 mph at three locations, and would decrease by more than 3 mph at two locations, meaning that the change would be perceptible at only five of 51 test points. As expected, “The greatest increase in wind speed (7 mph), from 7 mph under existing conditions to 14 mph with the project, would occur at the southwest corner of the proposed project, adjacent to the planned loading dock driveway.” Wind-tunnel testing reveals that it is common for prevailing west and northwest winds to result in increases in ground-level wind speeds at the southwest corner of a new building, because that is the location at which the winds are newly intercepted by the structure and accelerate down to the ground as they seek a way to pass around the new building. Wind-tunnel testing of the proposed project found that the building would eliminate four existing pedestrian-comfort criterion exceedances and create six new exceedances, for a total of 12 exceedances of the pedestrian comfort criterion, compared to 10 exceedances under existing conditions; all six of the new exceedances were either at the base of the new building (three) or across the street from the new building (the other three). Three of the four eliminated exceedances were downwind of the project on Second Street (towards Folsom Street), while the fourth was upwind, at Howard and Hawthorne Streets. In sum, therefore, the effects of the proposed project on ground-level winds would be limited, and would occur almost exclusively in locations adjacent or proximate to the building. Six existing exceedances of the pedestrian comfort criterion—both upwind and downwind of the project site—would remain and most would be little affected by the proposed project. For the foregoing reasons, in most cases, it

cannot be expected that a project can “be designed to reduce the ambient wind speeds to meet the requirements” of *Planning Code* Section 148, and this is why exceptions to these requirements are commonly granted.

It is noted that the proposed project would not result in any new hazardous winds; that is, there would be no new exceedances of the 26-miles-per-hour wind hazard criterion, which, as noted on EIR p. 129, is the criterion for determining whether a project would result in a significant impact with regard to wind. Both this significance criterion and the comfort criteria of Section 148 apply to residential and non-residential areas of the C-3 zoning district alike, meaning that the determination of significance and the evaluation of compliance with the comfort criteria uses the same methodology and standards regardless of surrounding uses.

### **Section 270 and Visual Impacts**

Beyond effects on shadow and ground-level winds, building bulk affects visual impacts as well. Visual effects of the proposed project are analyzed in EIR Section IV.A, Aesthetics, pp. 37 – 48. That section includes six photomontages showing the proposed project; two of the simulations (Figures 13 and 14, pp. 43 and 44) depict the project in a cumulative context, including other existing, approved, and reasonably foreseeable development in Downtown, Rincon Hill, and the proposed Transit Center District Plan area. Therefore, cumulative visual effects with respect to building bulk, including the requested exception from *Planning Code* Section 270, were analyzed in the EIR. For information, Figure C&R-4 compares two views of the Downtown from Potrero Hill, one showing near-current conditions (2008), and the other showing long-term projected development as assumed in the Downtown Plan EIR (in the year 2000, which was the future analysis year for the Downtown Plan EIR). Although the views are from slightly different angles, the comparison shows that, in general, development in the Downtown has resulted in a configuration of the Downtown skyline that is comparable to that forecast in the Downtown Plan EIR, despite the fact that, as noted above, more than two dozen buildings have been built without full compliance with the Downtown Plan bulk controls. Full compliance with the bulk controls would have resulted in a relatively minor change, compared to existing conditions, in the sculpting of the top of newer buildings, particularly with regard to the rooftop cupola-like elements. However, it does not appear that development that has proceeded since adoption of the Downtown Plan has resulted in substantially different building bulks than was anticipated in the Downtown Plan EIR, and thus the cumulative effect of the bulk exceptions granted since the Downtown Plan was adopted does not appear to have been significant in terms of adversely affecting a scenic vista or substantially degrading the visual character of the Downtown.

Regarding the granting of exceptions to *Planning Code* requirements under Section 309 generally, this is a policy decision that is made by the Planning Commission on a case-by-case basis. To the extent that the granting of such exceptions would result in physical impacts, those impacts are analyzed in the DEIR. The fact that a project would require one or more exceptions to *Planning Code* requirements does not, in itself, indicate that the project would have a significant physical effect on the environment.





View from Potrero Hill, 2008



Downtown Plan EIR Projected View from Potrero Hill, Year 2000 (Downtown Plan EIR Figure IV.H.17)

C&R-21

### ***Increased Height Limit for Project Site***

Regarding the proposed increase in height limit, as stated previously, the majority of the project site is within a 350-foot height zone, and the proposed rezoning, therefore, would not result in an increase in permitted height on the great majority (84 percent) of the project site. As stated on EIR p. 16, office and retail uses are principal permitted uses in the C-3-O (SD) use district in which the project site is located. As noted above, the *Planning Code* exceptions requested are expressly permitted under the *Code*, and have been since the *Planning Code* was amended to implement the Downtown Plan; thus, the proposed project would be consistent with the provisions of the Downtown Plan.

One comment states that a “code compliant building would be a much better neighbor.” The EIR includes two alternatives that would comply with the existing *Planning Code* height limits (that is, do not require rezoning to increase the height limit of the northwest corner of the project site)—Alternatives B (p. 172) and E (p. 181). Alternative B would also comply with the *Planning Code* bulk limits. Both of these alternatives would develop the same office and retail floor area as would the project, meaning that essentially the same building would be built, with the only differences being adjustments to the placement of, but not an overall reduction of, the building bulk. That is, under each alternative, the same floor area would be developed, but it would be at different locations within the overall envelope defined by an imaginary 350-foot-tall box on the portion of the site that has a 350-foot height limit. As noted above, nearly any building constructed at the project site would require an exception from the *Planning Code*’s pedestrian comfort criterion for wind because of existing exceedances of the criterion. The third exception—to the *Code*’s requirement for a “sun access plane,” under Section 146(a)—does make a substantial difference in the overall permissible building bulk. This is described in detail in the response to comments concerning shadow, p. C&R-56 of this Comments and Responses document. In short, compliance with the Section 146(a) sun access plane, along with the existing height limit would effectively limit the height of the building to about 305 feet and would reduce the office floor area by a minimum of about 22 percent, to no more than about 335,000 square feet. As noted above, a previously approved office building on the project site that would have complied with Section 146(a) would have provided approximately 220,000 square feet of office space, or about of 51 percent of the office space in the current project.

Concerning the comment regarding a design for a project site that falls within two zones of height limits, it is noted that the EIR includes a design that complies with the existing height controls—Alternative E, the No-Rezoning Alternative. As stated on EIR p. 181, this alternative would comply with both the 350-foot height limit on the majority of the site and with the 150-foot height limit at the northwestern corner of the site. By essentially shifting the tower massing towards the corner of Second and Howard Streets and adding one floor to the building base, this alternative would provide the same office floor area as would the proposed project, without the requirement to change the 150-foot height limit.

The comment regarding “chipping away at the Downtown Plan and attendant implementing zoning” appears to make reference to recent Planning Commission consideration of a project at 555 Washington Street. That project proposed a 390-foot-tall building on a site entirely designated with a 200-foot height limit, whereas the proposed 222 Second Street project, as noted above, proposes an increased height limit on approximately 16 percent of the project site. The EIR acknowledges and analyzes the cumulative impacts of proposed projects in the area, including projects that propose changes to existing height limits.

The project site was designated for office use, as a principal permitted use, prior to the adoption of the Downtown Plan, and the Downtown Plan did not alter that. It is noted that a 225-foot-tall office building was previously approved on the 222 Second Street site, in 1989.

### **Comment [PP2]**

“[A] neighborhood is more than the codes and zoning that govern development within it. As a planning professional you have seen projects constructed in full compliance with code and zoning requirements that when finished were completely inappropriate for the surrounding neighborhood. This is just such a project. Although the EIR addresses specific code and zoning issues on a micro level it fails to adequately address how this project fails to be appropriate for the neighborhood on a macro level. The Downtown Plan places equal importance on the residential and commercial development of the area. This specific area of downtown has been spectacularly successful in establishing a residential character to the neighborhood with hundreds of residents that love their homes, buildings and neighborhood. The completely inappropriate design and location of the proposed project, if approved as proposed, will completely change the character of the neighborhood and the residents’ experience of daily life. The EIR presents this project as solely a comparison to minimum requirements to be met to achieve compliance with code and zoning requirements, failing to address the significant negative impacts to an established and thriving residential neighborhood.” (*Ward Buelow and Penny Eardley*)

### **Response**

The Downtown Plan was developed in response to a period of intense office development in the 1970s and early 1980s, and the Plan’s fundamental aim was to manage commercial (office) development in the Downtown so that this development would not result in adverse effects on San Francisco residents and on the City, especially the Downtown itself. As stated in the adopted Downtown Plan, “The Downtown Plan grows out of an awareness of the public concern in recent years over the degree of change occurring downtown – and of the often conflicting civic objectives between fostering a vital economy and retaining the urban patterns and structures which collectively form the physical essence of San Francisco.” The Plan recognized that the continuing growth of office space would create a need for support structure to enable this office growth to be sustainable. As stated in the Planning Department’s most recent Downtown Plan Monitoring Report, “Specific programs were created [in the Downtown Plan] to address needs for additional housing, transit, child care and open space, as were specific targets for new housing

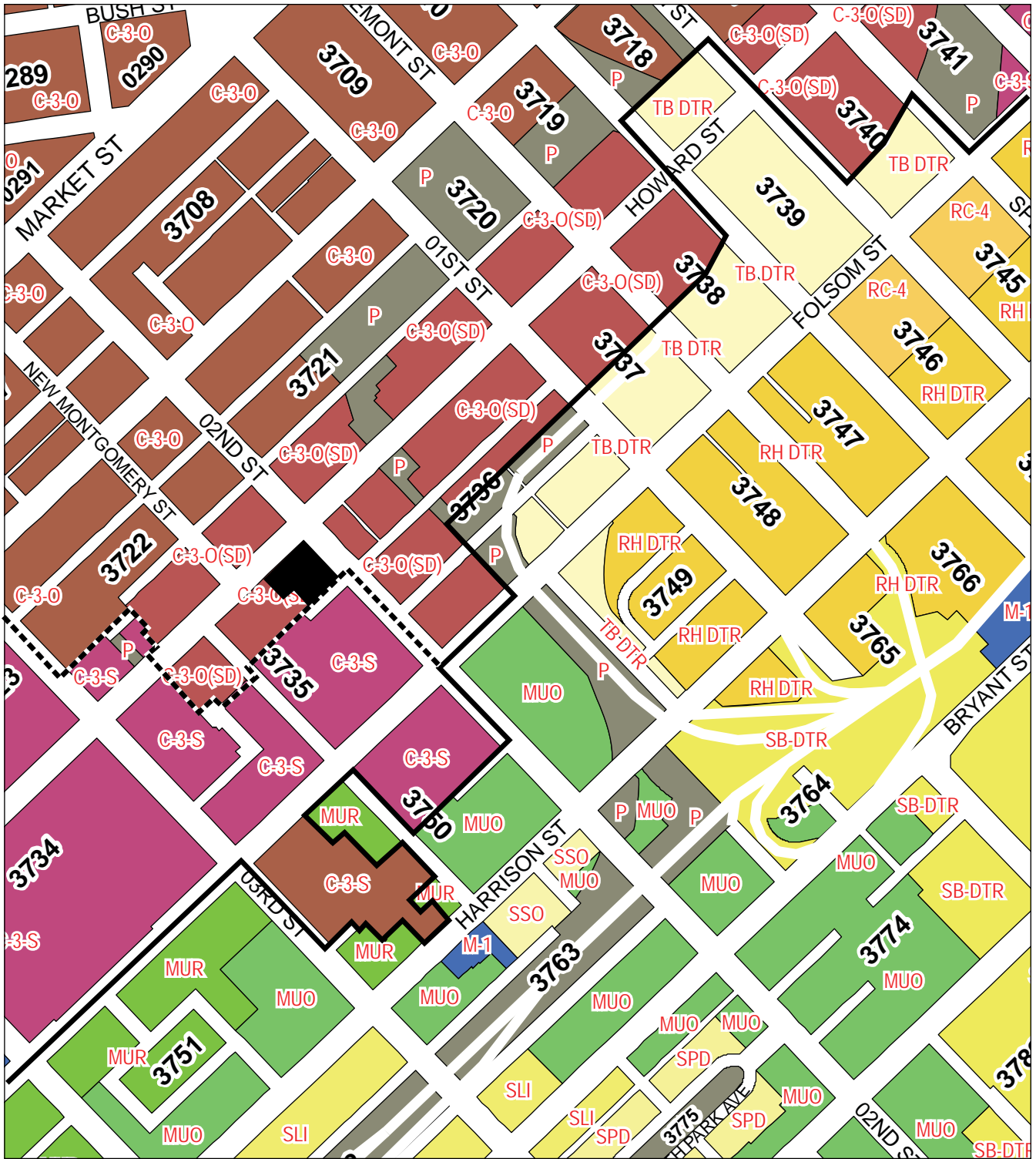
production and transportation management.”<sup>4</sup> The adopted Plan acknowledges, “Housing close to downtown contributes greatly to downtown vitality, helping to ensure that it remains active after working hours.” However, while the Plan and the zoning that implements the Plan both allow housing in the C-3 (Downtown Commercial) use districts, the Plan’s direction was to ensure that adequate housing was developed citywide, not just in the Downtown, to support Downtown office employment, along with other employment such as hotel and retail, without the need for most employees to commute from long distances, particularly by automobile, a scenario in which the Plan contemplated that Downtown traffic would become unmanageable. The Plan includes Objective 7, “Expand the supply of housing in and adjacent to Downtown,” and Policies 7.1 (“Promote the inclusion of housing in downtown commercial developments”) and 7.2 (“Facilitate conversion of underused industrial and commercial areas to residential use”). But the overall premise of the Plan with regard to housing is that an adequate housing supply must be provided within San Francisco as a whole. It is also noted that the first six objectives of the Downtown Plan, under the heading “Space for Commerce,” concern economic growth, in particular with respect to office space, retail, hotels, and support space, “within acceptable levels of density.” In addition to Commerce and the above-noted discussion of Housing, the Plan includes objectives and policies regarding Open Space, Preservation, Urban Form, Moving About (transportation), and Seismic Safety.

It is important to note that the Downtown Plan primarily concerns the areas zoned C-3 (Downtown Commercial), which in the project vicinity extends generally south to Folsom Street. However, the C-3-O district (including the “SD” subdistrict), which is intended to be the areas of concentrated office use, extends only as far south as the project site on the west side of Second Street, and to Folsom Street on the east side of Second Street. South of the project site is the C-3-S district, which, according to *Planning Code* Section 210.3, “accommodates near the intensive downtown core areas important supporting functions such as wholesaling, printing, building services, secondary office space and parking. It also contains unique housing resources.” South of Folsom Street, there are additional areas zoned C-3-S between Second and Third Streets, mixed-use office and mixed use residential zoning districts created as part of the Eastern Neighborhoods rezoning (MUO and MUR, respectively), to the west, and the Transbay and Rincon Hill Downtown Residential use districts (TB DTR and RH DTR, respectively) to the east. These zoning districts are shown in Figure C&R-5; the heavy black line delineates the boundary between C-3 districts and other districts, while the dashed line shows the limit of the C-3-O district (including the SD subdistrict).

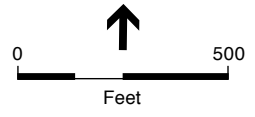
Aspects of the foregoing comment related to land use compatibility are discussed in the following section, Land Use, p. C&R-28 of this Comments and Responses document.

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<sup>4</sup> San Francisco Planning Department, Downtown Plan: Annual Monitoring Report, 2008. January 2010. Available on the internet at: [http://www.sf-planning.org/ftp/files/Citywide/Downtown\\_Annual\\_Report\\_2008.pdf](http://www.sf-planning.org/ftp/files/Citywide/Downtown_Annual_Report_2008.pdf).



- Project Site
- Southern Extent of C-3 Use Districts
- Southern Extent of C-3-O and C-3-O (SD) Districts



SOURCE: San Francisco Planning Department

Case No. 2006.1106E: 222 2nd Street (206337)

**Figure C&R-5**  
Use Districts

### **Comment [PP3]**

“The Planning Department specifically requested that the EIR analyze ‘compatibility with surrounding development.’ The draft fails to satisfy that request. The project is completely inconsistent with the Downtown Plan Policy 2.1. This policy states that a project that is out of scale with the neighborhood character is undesirable. The proposed project is a poster child for this definition of undesirable impact.”  
(*Ward Buelow and Penny Eardley*)

### **Response**

Downtown Plan Policy 2.1 states, “Encourage prime downtown office activities to grow as long as undesirable consequences of such growth can be controlled.” The EIR, on pp. 20 – 21, explains that the “undesirable consequences” referred to include “impacts related to out-of-scale office development on neighborhood character; loss of historical resources; increased shading of streets and publicly accessible open space; increased pedestrian-level winds; increased traffic and parking demand, pollutant emissions, and energy use; overburdened public transit; increased traffic noise; increased pressure on housing supply resulting from increased employment; and conversion of housing, retail, and service commercial space to office space,” and that physical effects related to each of these issues are analyzed in the EIR. The EIR finds significant, unmitigable effects only with regard to project traffic; other impacts are found to be less than significant, or less than significant with mitigation.

In Section IV.A, Land Use, the EIR finds that the proposed project would neither divide an established community, nor have a substantial adverse impact on the character of the site or vicinity. The comment does not present any evidence that the conclusions contained in the EIR regarding these impacts are incorrect.

Please see also the response to Comment LU1, pp. C&R-31, concerning the EIR’s characterization of existing land uses and project effects thereon.

### **Comment [PP4]**

The comment expresses concern about “the references made throughout the document to draft plans, such as the Transbay District Plan. When it suits the developers, they reference a draft plan as if it had already been approved and adopted, and highlight the project’s conformance with the draft plan. When a draft plan would demonstrate negative impacts resultant from the project, the developer either downplays or completely discounts the impacts by referencing the plans as being in the draft stage. This is especially evidenced by repeated reference to the benefits of the project to meet objectives of the Transbay plan—then refusing to address shadow impacts on a major component of the Transbay plan because the subject park does not yet exist. References in the EIR should treat all plans equally, whether in draft status or not and then they should reflect compliance or noncompliance.” (*Ward Buelow and Penny Eardley*)

“[I]t seems very presumptuous to propose a project based upon the DRAFT Transit Center District Plan published in November 2009. While I personally support most characteristics of the plan, I am troubled by the Draft [Transit Center District Plan] document’s suggestion to push private vehicle traffic from Folsom Street south to the residential core of Harrison Street. I believe there are other sections of the

Transit Center District Plan that could use some edits based upon community input. My main point is that this project should meet current zoning and planning requirements rather than be based upon heights in a draft planning document.” (*Jamie Whitaker*)

### ***Response***

The proposed Transit Center District Plan would encompass an area roughly bounded by Market Street, The Embarcadero, Folsom Street, and Third Street, as stated on EIR pp. 22 – 23, in the discussion of Compatibility with Existing Zoning and Plans. The proposed Transit Center District Plan is also discussed in the EIR in the analyses of Land Use (pp. 33 and 35); Aesthetics (p. 48); Cultural Resources (pp. 62 – 63 and 69); Transportation (pp. 82, 83, 86, and 88 – 89); Noise (pp. 94 – 95 and 97); and Shadow (pp. 134 and 144). In each instance, the proposed Plan is included in the analysis of potential cumulative impacts, and in some cases, work done for the analysis of the proposed Plan itself is also referenced for purposes of providing information about the project vicinity. The EIR considers the proposed Transit Center District Plan to be a reasonably foreseeable project, and thus considers cumulative impacts of the proposed 222 Second Street project along with the proposed Plan. Concerning shadow on the planned City Park atop the planned new Transit Center, please see the response on p. C&R-56 with regard to the shadow impact of the proposed 222 Second Street project on the planned City Park.

Concerning the evaluation of the project against “current zoning and planning requirements,” the EIR includes a thorough comparison of project consistency with zoning and *General Plan* policies that could result in physical effects.<sup>5</sup> It is noted that the project site is not proposed for a change in height limit as part of the proposed Transit Center District Plan.

Concerning the “suggestion to push private vehicle traffic from Folsom Street south to the residential core of Harrison Street,” this is a reference to the Draft Transit Center District Plan’s recognition that much of the auto traffic in the Plan area represents through traffic traveling to and from the Bay Bridge and the freeway heading south, and the Draft Plan’s consideration of rerouting bridge and freeway traffic onto streets “outside the core” of the Plan area.<sup>6</sup> There is not currently sufficient information available regarding potential physical changes that could alter traffic circulation such that analysis can be undertaken; effects of any such physical changes would be evaluated in the EIR currently in preparation for the proposed Transit Center District Plan. Moreover, the proposed project contribution to overall traffic volumes in the vicinity would be relatively minor and, as stated in the EIR on p. 83, “it can be stated with a high degree of certainty that the proposed 222 Second Street project would not result in such a substantial contribution to traffic congestion that it would make a considerable contribution to potential cumulative impacts at intersections other than those noted above, regardless of potential future changes in the street network. Therefore, the project would not result in a significant impact with

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<sup>5</sup> The applicable significance criterion under CEQA relates to conflicts with applicable plans, policies, and regulations that are “adopted for the purpose of avoiding or mitigating an environmental effect”; that is, plans, policies, and regulations concerned with the physical environment.

<sup>6</sup> San Francisco Planning Department, *Transit Center District Plan*; Draft for Public Review, November 2009; p. 82. Available on the internet at: [http://www.sf-planning.org/ftp/CDG/CDG\\_transit\\_center.htm](http://www.sf-planning.org/ftp/CDG/CDG_transit_center.htm).

respect to network changes that might be proposed as part of the proposed Transit Center District Plan or other such planning efforts.”

The EIR was prepared by an independent consultant, working at the direction of the Planning Department’s Major Environmental Analysis division, which is the lead agency for CEQA review, consistent with state CEQA Guidelines Sections 15367, 15084(e), and 15090(a)(3).

## Land Use

### **Comment [LU1]**

“There is not a single word in this EIR that analyzes the impact of this project on families. And, frankly, I find this unacceptable.” (*Armand Der-Hacobian*)

“This EIR in its entirety should be rejected because it misrepresents the neighborhood we live in with our families as commercial and industrial. Why isn’t the residential character of the neighborhood mentioned in the EIR? Because by characterizing the neighborhood as industrial the EIR conveniently does not have to analyze the impact on families. The premise of this entire draft is false it is looking at our neighborhood as an industrial/commercial zone. This proposed project negatively affects the lives of thousands of families living within feet and yards of the proposed site. It also negatively affects the lives of literally hundreds of thousands more who live around the neighborhood. This neighborhood was industrial a century ago, not today. We don’t have lofts in our neighborhood. We have condos as per the existing S.F. city policy to bring families to downtown. This is not the financial district, there are no lofts, and this is a NEIGHBORHOOD. I’d like to point out that the EIR is a LEGAL document and misrepresentations in a legal document is a serious matter.” The comment cites the presence of eight residential buildings (one of which is newly built and was not occupied as of publication of the DEIR) containing 850 units, as well as two approved buildings that would provide another 300 units. Commenters also note the presence of “three kindergartens: 75 Hawthorne, 95 Hawthorne, and a Bright Horizons facility at Second and Folsom.” (*Armand Der-Hacobian, Concerned SOMA Residents*)

“If you were to look at this neighborhood through my eyes, through our eyes, you would see grandparents picking up their kids at school, you would see mom and dads walking the dog, going grocery shopping, we sip wine on our balcony, we barbecue, we enjoy the lights, the air, the quiet, it is a neighborhood.” (*Armand Der-Hacobian*)

“If you were to take a walk from one building to another, you would see there are kindergartens within feet of the 222 Second (I counted three: 95 Hawthorne, a Bright Horizon facility at Second and Folsom and one at 75 Hawthorne which will be completely shadowed if the project is allowed to go on.) We walk our dogs in the neighborhood, use Zip Car which maintains its cars on the proposed site. Our families have moved to this city because of the policy of the city of SF to encourage families to move to downtown. This policy translated to zoning and codes, which allowed our families to create neighborhoods. There is a vibrant and growing community of families, adults and seniors. We raise our kids, we barbecue on our balconies /rooftops, enjoy the light, sun and quiet unobstructed by office buildings. All of the building are of the same height and mass. The fact that the EIR is a legal document did not prevent the sponsors of this project to misrepresent the residential character of the neighborhood.” (*Armand Der-Hacobian, Concerned SOMA Residents*)



“We are residents and owners of a condo at 246 Second Street. We are retired and hope to make this our home for many years. We love living downtown and watching the changes in our neighborhood, as the city continues to develop SOMA as a mixed use area. Currently about 1,000 families live in the immediate area.....with more moving in every week as new condos are completed and sold. But the building which Tishman is proposing to build at 222 2nd Street will severely reduce the quality of life for all of us in the neighborhood.” (*Ann Tubbs and Ehtesham Majid*)

“I want to echo the presentation of the mischaracterization of our neighborhood, it really is a residential neighborhood. Everyone who lives in our complex certainly moved there knowing it was an urban environment, so we are not naïve, we know that nature and the urban planning Gods hate surface parking lot in downtown San Francisco, but we expect that it will be a Code compliant project and will benefit and enhance the neighborhood.” (*Penny Eardley*)

“I would also like to lend my support of the comments made by Mr. Der-Hacobian. I live there with my wife and daughter. I have lived in San Francisco for six years as a homeowner, and I moved here looking forward to starting a growing family, which I have done. I have looked forward to some of the new developments around the neighborhood, which were residential, including the 1 Hawthorne Place. I am looking forward to meeting my new neighbors. I am not looking forward to a very large and out of Code building getting in the way of my meeting them. It seems like nobody asked me what I felt about it. But I would like you to know that I think that it is not going to be good for our neighborhood, and it is not going to be good for my children to have a large, noisy, and dusty environment there for several years. And I do not think it is going to be good for the property values of the neighborhood in the long term. And I hope all of you think about that when you are deciding these decisions.” (*Joseph Barakeh*)

“I would like to invite all of the Planning Commission members to enjoy a glass of Chianti outside of Umbria Restaurant at the corner of Second and Howard. When you are sitting there in that restaurant, what you see across the street is a four-story historic building, the Howard-Hawthorne Building, if you look up Second Street, you will see a historic and socially very important Marine Fire Fighters Union Building, across the street from that you will see a very lovely six-story building, formerly the CNET Building, currently the CBS Interactive Building, which is a model neighbor to our neighborhood, not only a building built recently, but built to scale, and with very convenient open spaces for the neighbors to enjoy. So what you will also see people, as Armand Der-Hacobian also mentioned, children and families walking to have a bite to eat at Umbria, walking to the drugstore at the corner of Mission and New Hawthorne, walking to the hardware store at Mission and Fourth, or walking to the Whole Food Store at the corner of Mission and Harrison. All these -- at Fourth and Harrison -- all these elements, hardware store, drugstore, grocery store, to me, that means it is a neighborhood. And I think the EIR, as it is currently constructed, does not take that neighborhood context into play. In fact, on one of the pages, it describes this neighborhood as an extension of the Financial District, and I invite all of you to go there because, if you sit at that corner, it will not be like sitting at the corner of Bush and Sansome, you will not be in a -- you will be in a beautiful sunlit area because the whole Soma area is beautifully sunlit and does not suffer from wind shear or wind tunneling, as you would in the financial district corridor. So I think this EIR needs to be rewritten and amended to include the concerns of the neighborhood and what it would do to the context of the neighborhood as it currently exists, and as the City has planned it to exist in the future.” (*Tom Yamamoto*)

“This is a neighborhood that is in transition, has been for some time, and will be for some time in the future. ... This is and will become even more so a 24-hour mixed use area. There will be both residential and commercial business offices near transit, which is the goal that the City, along with most of the cities in the country, in the world, are getting towards as we continue. At one time, to go back far enough, South of Market was heavily residential, then it became heavily light industry, then it became heavily office. So it has gone through a lot of changes, it will go through more, but certainly the mixed use will stay for some time and I think that should be acknowledged in the EIR as what the district actually is.” (*Planning Commissioner Ron Miguel*)

The EIR does not fully address “the moving target of transitioning a Second Street corridor in that part of downtown into basically the new 24-hour neighborhood, and the EIR fails to really fully acknowledge that. This is a very fast moving target and it is something which indeed looks into the future without having all the real things yet, except for policy. One policy surrounds Rincon Hill and all the effort we have put into that particular neighborhood, that is indeed partially already there, its intent is much in our discussions each time we talk about it.” (*Planning Commissioner Kathrin Moore*)

The project vicinity contains “a myriad of zoning types. ... As we are going through these zoning changes in these neighborhood plans, ... I think it was Eastern Neighborhoods that this project is near, I know Rincon Hill, there is the downtown plan ... and so this is definitely an area in transition and I do agree that there are a lot of families and others that are being encouraged to – residential is starting to become encouraged, and so then how does our analysis take into consideration those types of shifts in the demographics of the people that – and the uses and the types of land uses in that area?” (*Planning Commissioner Christina Olague*)

“How do we really capture the impacts that this will have ultimately on some of the residential properties?” (*Planning Commissioner Christina Olague*)

### ***Response***

An EIR is intended to provide information on project impacts, designed to aid in informed decision-making. As stated in Section 15121(a) of the state CEQA Guidelines, “An EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency shall consider the information in the EIR along with other information which may be presented to the agency.” An EIR is not intended to evaluate policy options, such as what land use(s) are appropriate for future development of a site or a neighborhood; a range of feasible alternatives to the proposed project included in an EIR analysis is intended to reduce, avoid, or eliminate significant physical environmental impacts of a proposed project.

The Draft EIR analyzes potential physical effects of the proposed project on the physical environment. “ ‘Environment’ means the physical conditions that exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, or objects of historic or aesthetic significance” (*California Public Resources Code*, Division 13 [California Environmental Quality Act], Section 21060.5). Various aspects of the environment,

such as traffic and pedestrian safety, air quality, noise, wind, and shadow, among others are analyzed in the EIR. Throughout the analysis, reference is made to residents of the project vicinity and residential buildings in the area.

Concerning the EIR's characterization of the project vicinity, the first sentence under "Project Vicinity" on p. 30 states, "In the immediate site vicinity there is a mix of uses including residential, office, and hotel buildings, many with ground-floor retail." The EIR then continues by noting that office use "is clearly predominant"; that this characterization is correct is evident from the map of existing land uses, EIR Figure 7, p. 32, where it is clear that office use occupies the largest share of land in the vicinity.<sup>7</sup> Nevertheless, the EIR acknowledges residential uses on p. 33:

Residential (including live-work) uses in the project vicinity are all relatively newly developed. These include the nearest residential units, in a 16-story building at 199 New Montgomery Street (approximately 170 units; built in 2004, according to Assessor's data) and a 17-story building at 246 Second Street (90 units; 2000), in a recently completed (2009) 21-story building at 631 Folsom Street (known as "Blu"), and in live-work projects at 580 Howard Street (14 units; 2000) and 85 Natoma Street (9 units; 2001), all of which are within half a block of the project site. A 24-story residential building is under construction at One Hawthorne Street, on the project block. Other residential uses within about one block of the project site include approximately 20 units in two buildings on Clementina Street between First and Second Streets, a former office building converted to residential use at 74 New Montgomery Street, and several larger projects within the Yerba Buena Center Redevelopment Area (the residential portion of the St. Regis tower and the 40-story Paramount, both at Third and Mission Streets, and two mid-rise buildings at Third and Folsom Streets, St. Francis Place and Museum Parc).

Figure C&R-6, a modified version of EIR Figure 7, highlights residential uses in the project vicinity. Extant or approved residential buildings are depicted in color.

Given the above, the EIR's characterization of the project vicinity is considered accurate.

As to whether the project site is part of the "financial district," while this statement may be open to interpretation because there are no official boundaries to the district, there is no doubt that the project site is within the C-3-O (SD) (Downtown Commercial-Office (Special Development) use district. The C-3-O district is described as follows in *Planning Code* Section 210.3:

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<sup>7</sup> The former Pacific Telephone building at 140 New Montgomery Street is shown as office use; in reality, it is currently vacant and has been approved for conversion to residential use, as stated on EIR p. 31, although that project has not yet proceeded. A revised version of EIR Figure 7 is presented in Section D, Staff-Initiated Text Changes.



SOURCE: ESA

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**Figure C&R-6**  
Residential Land Uses  
in Project Vicinity

This district, playing a leading national role in finance, corporate headquarters and service industries, and serving as an employment center for the region, consists primarily of high-quality office development. The intensity of building development is the greatest in the City, resulting in a notable skyline symbolizing the area's strength and vitality. The district is served by City and regional transit reaching its central portions and by automobile parking at peripheral locations. Intensity and compactness permit face-to-face business contacts to be made conveniently by travel on foot. Office development is supported by some related retail and service uses within the area, with inappropriate uses excluded in order to conserve the supply of land in the core and its expansion areas for further development of major office buildings.

Moreover, as stated on EIR p. 70, the Special Development (SD) subdistrict (*Planning Code* Section 248) permits development at densities above the base floor area ratio in exchange for reducing, through purchase (transfer) of development rights from other downtown sites occupied by historical buildings. As stated in Section 248, the SD subdistrict is intended to “provide for an orderly expansion of the *financial district* in a way that will maintain a compact downtown core, and to create an area in which to direct unused development potential of lots containing [historic] Buildings” (emphasis added).

Residential uses are permitted in C-3-O districts (*Planning Code* Sec. 215).

It is noted that in the same approximately 1,500-foot radius cited by the commenter, there are at least 12 high-rise office buildings—on Market (south side), Mission, Howard, Fremont, Second, and Hawthorne Streets—containing 6.4 million square feet of office space, as well as dozens of smaller office buildings. These high-rise buildings alone represent more than 10 percent of the entire financial district office inventory.

The project site is also within the area identified as having “Downtown Office” as its predominant use in the Downtown Plan Land Use and Density Plan (Map 1).

Please see also the responses to Comments PP1 and PP2 in the previous section, Plans and Policies, beginning on p. C&R-7 of this Comments and Responses document, which discusses other zoning districts in the project vicinity, as well as the Downtown Plan.

The child care center at 75 Hawthorne Street is noted in the EIR analysis of noise impacts (p. 93), air quality (p. 105), and hazardous materials (p. 164); no significant impacts were identified. A site visit determined that the facility indicated as being at 95 Hawthorne Street is the same as that at 75 Hawthorne; both buildings are part of a complex called Hawthorne Plaza, and there is a single child-care center in the complex. The child-care center at 303 Second Street, at Folsom Street, is in the southern tower of that two-building complex and is more distant than the Hawthorne Street center; it, likewise, would not be significantly or adversely affected by the proposed project.

Concerning shadow on the child care center at 75 Hawthorne Street, the commenter is inaccurate in stating that the child care center at 75 Hawthorne Street “will be completely shadowed” by the proposed project. Because the building at 75 Hawthorne Street is due south of the project site, the proposed project would not cast any shadow on the building at 75 Hawthorne Street. Because the outdoor play area behind (east of) the 75 Hawthorne building is south-southeast of the project site, the sun would never be far enough north to cause project shadow on this private open space; at any rate, the open space is fully shaded by the 75 Hawthorne building in the late afternoon, at the time when any shadow from the proposed project could otherwise reach the far eastern edge of this play area.

### **Comment [LU2]**

“The impact of the building on the children in the area is not specifically addressed. Not only do children live in the nearby condos but children also attend several day care centers in the vicinity of 222 2nd Street. How will the health, safety, and well being of these children be affected during the construction of the building? How will their well being be affected by the increased bulk and height of the proposed building? These are very pertinent environmental concerns that have not been addressed.

“Senior citizens are a significant portion of the residents in the area. These citizens have specific health concerns that will be impacted during the construction phase of the project. How will the health and safety of senior citizens be affected by the construction of the building? How will their well being and life style and life expectancy be affected by the construction of the proposed non-code compliant structure?.”  
(*Tom Yamamoto*)

### **Response**

Construction impacts would occur for a limited duration, and all construction would be undertaken in compliance with established City ordinances related to permitted construction hours and days of the week, as well as those related to noise and air quality. Other state and local laws require, for example, that appropriate safety-related procedures be followed during construction to protect workers and the public and minimize disruption of pedestrian traffic. The EIR addresses construction impacts under applicable environmental topics, including transportation (pp. 88 – 89), noise (pp. 92 – 97), and air quality (pp. 118 – 120).

With regard to air quality impacts, construction involving heavy equipment would occur for a relatively limited period of time—primarily during excavation of the project basement and construction of the foundation, approximately six months. This period would be too short to result in any chronic health effects or health risks related to long-term exposure to emissions from such equipment; to the extent that such effects and risks occur, they are typically the result of years of exposure, and the common practice for evaluating chronic risk is to evaluate exposure over a 70-year period for residents and a 40-year period for employees. Moreover, such equipment does not generate sufficiently high emissions to result in short-term, acute health impacts.<sup>8</sup> Dust impacts

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<sup>8</sup> Construction-related emissions of fine particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>) from equipment exhaust were estimated to be less than one pound per day, well below the Bay Area Air Quality Management District’s newly adopted thresholds of 54 and 82 pounds per day, respectively.

would be limited to the excavation period, which would last no more than two to three months. As stated on EIR p. 119 – 120, dust effects would be limited by the City’s Construction Dust Control Ordinance. The EIR identifies no significant impacts with respect to construction-related transportation or air quality. Construction noise impacts can be mitigated to a less-than-significant level (see EIR pp. 96 – 97).

In terms of effects of the height and bulk of the building once complete, the EIR analyzes effects related to the building’s physical dimensions, including wind (pp. 128 – 133) and shadow (pp. 134 – 144). The EIR identifies no significant impacts with respect to wind or shadow.

## Aesthetics

### Views of the Project

#### **Comment [AE1]**

“In general, the renderings in this EIR are totally lacking in perspectives of the “fit” against the adjacent building with its lovely art deco façade and low scale. An EIR is required to provide information on the AESTHETIC IMPACTS of the project. If the project are as it seems in the limited renderings available, the aesthetics of the project, particularly in the 350’ scheme, are poor. It seems to be to be drawn as a building that is intentionally ugly. It does not do justice to Second Street.” (*Sue C. Hestor*)

“[A]ll of the renderings in the draft greatly distort the massive scale and size of the project in comparison to adjacent and neighboring buildings. The preparers of the EIR have a responsibility to accurately portray the proposed projects’ relationship to existing conditions. The standard of adequacy in evaluating the EIR requires a good faith effort at full disclosure. This draft does not meet that standard. New renderings should be required for the EIR which more accurately depict the true comparison of the scale of the proposed project to the immediate neighborhood.” (*Ward Buelow and Penny Eardley*)

The EIR “include[s] photographs to make the proposed project look smaller [than it would be]. If you rely on the photos in the EIR you would not realize the impact the building has on the immediate neighborhood.” (*Armand Der-Hacobian, Concerned SOMA Residents*)

#### **Response**

Please see Figure C&R-7, which presents a rendering of the proposed project’s Howard Street facade in the context of the adjacent historical William Volker Building at 631 Howard Street. EIR Figures 9 and 10, pp. 39 and 40, show the proposed project in the context of existing buildings on Second Street. Concerning the aesthetic impacts of the proposed project, the EIR evaluates these effects based upon the significance criteria on p. 45 of Section IV.B, Aesthetics—whether the project would have a substantial adverse effect on a scenic vista; substantially damage scenic resources; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. Effects related to compatibility with historical resources are discussed in Section IV.D, Cultural



SOURCE: Heller Manus Architects

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**Figure C&R-7**  
Rendering of Howard Street Facade of Proposed Project



Resources. As stated on EIR p. 67, Planning Department preservation staff reviewed the project for its indirect effects on the adjacent 631 Howard Street building and determined that the effect would be less than significant, in that the project “would not “demolish[] or materially alter[], in an adverse manner, those physical characteristics [of the 631 Howard Street building that] convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or ... account for its inclusion in a local register of historical resources” (i.e., Article 11 of the *Planning Code*).”

Concerning the comments asserting that the visual simulations do not accurately characterize the size of the proposed project, the visual simulations in EIR Figures 9 – 14 accurately portray the project as proposed. It is noted that visual quality is inherently subjective; however, commenters have not provided evidence that the proposed project would result in a substantial adverse impact. As such, the EIR’s concludes that aesthetic impacts would be less than significant.

### **Comment [AE2]**

“The project as proposed is not in architectural harmony with the surrounding neighborhood. The insignificant notch at the 5th level does not produce a cornice effect as described. The draft recognized this inadequacy by presenting Alternative D. Note in the photos of One Hawthorne attached to this letter that a glass tower can be built over a podium that is aesthetically compatible with the neighborhood.”  
(*Ward Buelow and Penny Eardley*)

### **Response**

The comment concerning the project architecture and the 5th floor “reveal” is noted. The EIR judges the project’s effects on aesthetics to be less than significant, in regard to visual character of the site and its surroundings, given the context of the site as part of “a developed high-density downtown urban setting” (EIR p. 47). It is noted that consideration of how a project harmonizes aesthetically with existing buildings is somewhat subjective. Although the project site is adjacent to a conservation (historic) district identified in the *Planning Code* and to a National Register historic district, there is a variety of architectural styles in the immediate vicinity, as described on p. 61 of the EIR, including recently constructed residential and commercial buildings, Art Deco (e.g., the adjacent 631 Howard Street building), turn-of-the-[20th]-century commercial, and others.

### **Comment [AE3]**

“For easier cross reference between text and the skyline images [Figures 13 and 14], the tower currently called ‘TJPA’ would be better identified as ‘Transbay Howard.’” (*Robert Beck, TJPA*)

### **Response**

Footnote 17 on DEIR p. 48 explains that the building identified by the TJPA label in Figures 13 and 14 is a site controlled by the Transbay Joint Powers Authority. For clarity, this footnote is revised as follows (new text is double-underlined):

- <sup>1</sup> The visual simulations in Figures 13 and 14 include a separate image that depicts cumulative development approved in the Transbay Redevelopment Area and the Rincon Hill Plan area, as well as the planned Transit Tower, another site controlled by the Transbay Joint Powers Authority (TJPA) on Howard Street between First and Second Streets, and other high-rise buildings in the proposed Transit Center District Plan area.

## Light and Glare

### **Comment [AE4]**

“Page 47 of the draft indicates that the ‘project would not produce light or glare adversely affecting other properties.’ The adjacent residences would actually have their night time views seriously degraded by the project as proposed. The residences would be very close to the project and the light close up would degrade the view of the night time skyline by creating glare. Similar to when you cannot see past oncoming cars headlights due to the glare. The draft does not recognize or address the negative aesthetic impacts. The impacts should be mitigated by requiring the project be designed to include LEED Sustainable Site Credit 8 – Light Pollution Reduction. The intent of this Credit is to: ‘Minimize light trespass from the building and site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction, and reduce development impact on nocturnal environments.’ Exterior lighting should be designed for LZ3 as appropriate for high-density residential.” (*Armand Der-Hacobian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

### **Response**

As noted in the EIR Project Description (Chapter II), the project is proposed to be constructed to the standards required to achieve LEED (Leadership in Energy and Environmental Design) Gold certification. According to the project sponsor, it is anticipated that one of the credits that the project would achieve towards such certification would be Sustainable Site Credit 8 – Light Pollution Reduction. By achieving this sustainable site credit for light pollution reduction, the proposed project would not have substantial night lighting such that spill light would be excessive, because unnecessary interior lighting would be turned off and exterior lighting would be limited to that needed for safety. Moreover, the great majority of office work hours are during the daylight period, meaning the necessity of interior night lighting would be limited. Because these features are part of the proposed project, no significant impact was identified and no mitigation is required. As noted on EIR p. 47, the project would comply with Planning Commission Resolution 9212, which prohibits the use of mirrored or reflective glass, which would avoid substantial glare, and the project would produce light that would be typical of that expected in a developed urban area.

### **Comment [AE5]**

The EIR does not adequately address “the loss of light and views to hundreds of residents of pre-existing condos in the area - namely 246 2nd Street, 199 Montgomery, One Hawthorne Place, 69 Clementina, SF Blue.” (*Tom Yamamoto; similar comments from Tom Monahan*)

### ***Response***

In general, private views from private viewpoints, particularly in a developed urban area, are not generally considered a part of the physical environment to be evaluated under CEQA. The alteration or interruption of private residential views for some nearby residents and occupants of commercial buildings would be an unavoidable consequence of the proposed project and may be an undesirable change for some individuals. As stated on EIR p. 45 and recapitulated above in response to Comment AE-1, a project would have a significant impact with respect to views if it would result in a substantial adverse effect on a scenic vista. A project would be considered to have a significant effect on a scenic vista if it were to substantially degrade or obstruct public scenic vistas observed from public areas. Therefore, the changes to private views resulting from the proposed project would not be considered a potentially significant impact as defined by CEQA. The same can generally be said as to the loss of sunlight. It is acknowledged that, by casting shadow at certain times on nearby residential buildings, the proposed project would eliminate some direct sunlight to some residential units for varying periods of the day and year. However, given the amount of ambient light that exists and that would remain, and the limited portion of the sky that would be obscured by the proposed project when viewed from any particular residential unit, the project would not result in such a substantial diminution of overall natural lighting that the change would be noticeable, let alone result in adverse physical effects on the environment. Please see also the responses to comments concerning shadow, beginning on p. C&R-55.

## **Views from the Project: Potential Loss of Privacy**

### ***Comment [AE6]***

“Not addressed in the draft is the reduced privacy that adjacent residents of the proposed project would suffer. The proposed project would have direct and close views into the north side of 246 2nd St., the west side of the approved residential project at 201 2nd St., and the east side residences of One Hawthorne. The proposed project would also have oblique yet very close views into the south side residences of 199 New Montgomery. This loss of privacy would significantly degrade the quality of life of residents if the project is constructed as proposed. The EIR should propose alternatives in design that would help protect the privacy of neighbors in their residences.” (*Armand Der-Hacobian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

“Housing has been built BY THIS DEVELOPER at Hawthorne and Howard. This housing has windows facing east (sunrise) that would face this 350’ building.” (*Sue C. Hestor*)

### ***Response***

It is acknowledged that residents of nearby buildings may object to the potential for occupants (whether residents or workers) of nearby buildings to see into their residences. However, as with private views from private viewpoints, views of private locations are not generally considered part of the physical environment to be considered under CEQA. As stated in the EIR on p. 45 of Section IV.B, Aesthetics and noted above in the response to Comment AE-1, the EIR evaluates

aesthetic effects based upon the following significance criteria: whether the project would have a substantial adverse effect on a scenic vista; substantially damage scenic resources; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties. The EIR identifies no significant impacts with respect to aesthetics, including views, scenic vistas, scenic resources, or lighting and glare. Moreover, the change resulting from the project in regard to privacy of nearby residents could be offset by the use of curtains, decals, frosted glass, or other view-obstructing, or view-diminishing material. It is also noted that, to the extent that many nearby residents are day workers, occupants of the proposed project are less likely to be able to see into nearby residential units when those residents are at home. The proposed project would be within about 100, 130, and 185 feet from the three nearest residential buildings—199 New Montgomery Street, One Hawthorne Street (nearing completion), and 246 Second Street, respectively. It is noted that this condition would not be an entirely new one, in that there are existing mid- and high-rise buildings in the vicinity of the nearest residential buildings, although generally farther away than would be the proposed project, including the Courtyard by Marriott and 235 Second Street (CBS Interactive) building on Second Street, office buildings at 55 and 75 Hawthorne Street, the office complex at 303 Second Street, the former Pacific Telephone building at 140 New Montgomery Street, and the residential buildings themselves. It is typical in a dense urban area that occupants of tall buildings are able to see into the interior spaces of neighboring tall buildings.

Concerning the One Hawthorne Street project that is nearing completion, contrary to the commenter's assertion, that project was not developed by the sponsor of the proposed 222 Second Street project.

## Cultural Resources

### ***Comment [CU1]***

“Since the project is adjacent to nearby ... historic resources, there has not been an analysis conducted of the potential construction impacts and attendant mitigations. That is not a huge thing, but I think it is missing from the document.

“Historic resources [include]:

“A. A historic resource (Cat II) is located immediately SW of the proposed project (Figure 16).

“B. A Proposed Landmark is located SE of the proposed project (Figure 16).

“C. Three properties identified as Cat I on the “Proposed Article 11 Designations and Historic Districts under draft Transit Center District Plan” are located NW across Howard Street project (Figure 16).

“With these identified historic resources in close proximity to the proposed project, there should be mitigations addressing potential impacts caused by construction activities. These include, but are not limited to: storage of construction materials, actions of machinery and other equipment and vibrations.

Mitigations for vibrations: before construction architectural and structural, existing conditions analysis to establish base lines and regular onsite inspections of historic resources during construction.” (*Planning Commissioner Hisashi Sugaya*)

### ***Response***

As stated in the DEIR (p. 56), the historic building at 631 Howard Street (William Volker Building), which is adjacent to the project site, is constructed of reinforced concrete, and faced in brick on its Howard Street façade. Because the building is built of reinforced concrete, which is substantially more resistant to ground movement and vibration than is unreinforced masonry, it would not be expected to be adversely affected by construction of the proposed project, nor would the brick façade on Howard Street—which is the building’s principal character-defining feature—be anticipated to suffer material damage, because the brick is attached to the reinforced concrete. The Pacific Coast Marine Firemen, Oilers, Watertenders and Wipers Association (“Marine Firemen’s Union”) Headquarters building at 240 Second Street, across Tehama Street from the project site, is likewise built of reinforced concrete, not unreinforced masonry, and it likewise would not be anticipated to suffer structural damage, nor would its facades of marble and red granite be likely to be damaged substantially. In neither case would the buildings be anticipated to be damaged such that they would be materially impaired, and thus no significant impacts would ensue. Nevertheless, the project sponsor has agreed to incorporate into its construction specifications, as a condition of project approval to be adopted by the Planning Commission if it approves the proposed project, best construction practices and a monitoring program for these two buildings to ensure that construction does not result in damage the buildings’ character-defining features. Accordingly, the following text is added to DEIR p. 70, immediately before the heading “Cumulative Impacts”:

Excavation and other construction activities adjacent to the 631 Howard Street building and across Tehama Street from the Marine Firemen’s Union Headquarters building at 240 Second Street would be unlikely to result in substantial damage to either of these buildings such that their significance would be materially impaired, and thus no significant impacts to these historical resources would be anticipated. Nevertheless, the project sponsor would undertake a monitoring program during construction to ensure that the buildings are not damaged such that their historic significance would be impaired (see Improvement Measure I-CP-1, p. 75).

Additionally, the following Improvement Measure to further reduce the less-than-significant impacts on nearby historical resources, which the sponsor has agreed to implement, is added to DEIR p. 75, prior to the heading “Conclusion”:

**I-CP-1a Construction Best Practices and Monitoring Program for Historical Resources.** The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from

historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and the 631 Howard Street building; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.

**I-CP-1b Construction Monitoring Program.** The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of the buildings at 631 Howard Street and 240 Second Street to document and photograph the buildings' existing conditions. The consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.

Implementation of the above measures, which have been agreed to by the project sponsor, would further reduce the less-than-significant impacts of construction on adjacent historical resources.

### **Comment [CU2]**

“The mass, scale, and design of the proposed office tower is completely out of proportion and conformance with the nearby historic, cultural, and districts. The scope of this project will totally change the character and ambiance of the neighborhood. These major cultural and sociological factors have not been adequately explored and detailed in the Draft EIR.” (*Tom Yamamoto*)

“No serious attempt has been made to bring the exterior design into greater conformance with the adjacent historic and conservation districts. The proposed contemporary design will overwhelm and diminish the cultural value of the existing historic low rise historic structures.” (*Tom Monahan*)

### ***Response***

The EIR fully evaluates potential project impacts on both the building at 631 Howard Street, a historical resource adjacent to the project site, and on the two nearby historic districts. As stated on EIR p. 67, effects on the William Volker building at 631 Howard Street would not be significant:

[G]iven the design treatment of the proposed project’s base, including the ground floor, and given that the historic resources assessment found that the 631 Howard Street building would retain five of seven aspects of integrity (location, design, materials, workmanship, and association), this analysis finds that the indirect effects of the proposed project with respect to its adjacency to the building at 631 Howard Street would not “demolish[] or materially alter[], in an adverse manner, those physical characteristics [of the 631 Howard Street building that] convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or ... account for its inclusion in a local register of historical resources” (i.e., Article 11 of the *Planning Code*). As such, the proposed project would result in a less-than-significant effect on the William Volker Building at 631 Howard Street, and no mitigation is required.

Concerning the historic districts, as explained on EIR pp. 67 – 70, and summarized in Impact CP-4, the proposed project “would not substantially alter the spatial relationships among buildings within the two historic districts and other historic resources in the vicinity such that the significance of the districts or other resources would be materially impaired,” and therefore impacts on the historic districts would be less than significant, and no mitigation would be required. In addition, although historical resources impacts were found to be less than significant, the EIR includes Alternative D, Preservation Alternative (p. 177), which evaluates a building concept “intended to be more sympathetic in design to the adjacent 631 Howard Street building and to the New Montgomery–Second Street Historic District and the Second and Howard Streets National District.”

### ***Comment [CU3]***

The Marine Firemen’s Union submitted comments requesting a number of specific editorial changes to the EIR text concerning the union’s building, across Tehama Street from the project site. (*Anthony Poplawski, Marine Firemen’s Union*)

### ***Response***

Please see Section D of this Comments and Responses document, Staff-Initiated Text Changes, for editorial changes to the text on EIR pages 63 and 69.

### **Comment [CU4]**

“The Marine Firemen’s Union is on record with the San Francisco Historical Preservation Commission as opposing historical landmark designation of our Headquarters property. I will submit separate comments on that issue to the Transit Center District Plan Draft for Public Review.” (*Anthony Poplawski, Marine Firemen’s Union*)

#### **Response**

The comment, which is in reference to the Planning Department’s proposal, as part of the proposed Transit Center District Plan, and noted on p. 63 of the EIR, that the Marine Firemen’s Union Headquarters building be designated a City Landmark. The comment is noted, but no response is required, as the comment does not address the adequacy or accuracy of this EIR.

### **Comment [CU5]**

“I think there are some historic resources adjacent to the site, and I did not notice very much analysis as far as some of that was concerned. ... I did notice there is ... a historic resource in the area, it is a Labor Union Hall, and I did not notice a lot of analysis given to that here.” (*Planning Commissioner Christina Olague*)

#### **Response**

The EIR analysis of historical resources (Section IV.D, Cultural Resources, pp. 52 – 75) did not identify any significant impacts on adjacent historical buildings, including the 631 Howard Street building, the Marine Firemen’s Union Headquarters building, the New Montgomery–Second Street Conservation District, a historic district listed in Article 11 of the *Planning Code*, and the Second and Howard Streets National Register District, a historic district listed in the National Register of Historic Places. Please see also the response to Comment CU-2, above.

## **Transportation**

### **Traffic**

#### **Comment [TR1]**

“I am very concerned about plans for 222 2nd Street; in particular, this office building would negatively impact the surrounding area by adding too many cars into the already congested neighborhood. The two-year construction period will mean multiple lane closures on 2nd and Howard, and that in itself is frightening. Have you ever stood at 2nd and Howard during the rush hour? It is gridlock all the way down 2nd Street.” (*Katy Liddell*)

#### **Response**

As stated on EIR pp. 88 – 89, traffic could be impeded at times by movement of construction materials, although this would be restricted to off-peak hours. However, the proposed project would not result in long-term traffic lane closures on either Second or Howard Streets. Sidewalks would be closed during construction and temporary pedestrian walkways would be installed in



the parking lanes, subject to the granting of a Street Space Permit from the Bureau of Street Use and Mapping of the Department of Public Works. A Special Traffic Permit from the Department of Parking and Traffic would be required to utilize public street space during project construction.

Regarding long-term traffic impacts, the EIR identifies (pp. 80 – 84) a project-specific significant, mitigable impact at the intersection of Harrison/Second Streets. In addition, the proposed project's contribution to future traffic growth at the intersections of Howard/Third Streets, Howard/New Montgomery Streets, Folsom/Second Streets, and Harrison/Second Streets would constitute a cumulatively considerable contribution to adverse 2025 cumulative traffic conditions, and would be considered a significant impact that could not be mitigated.

### **Comment [TR2]**

“I have been concerned about pedestrian safety and circulation, and I think the comment about the fact that there are, indeed, several kindergartens in the ground floors of, one, the Federal agency building on Hawthorne, with children not having a garden, but actually being on the little rope and walking around the block when it is sunny, that is something which I think needs to be addressed somewhere. It is a very large kindergarten, there are relatively few downtown, and I think the impact on that needs to be at least addressed.” (*Planning Commissioner Kathrin Moore*)

“Of recent concern is the high incidence of injuries to pedestrians in District 6 where the propose project is located. The failure to achieve the goals of the Downtown Plan in respect to vehicle occupancy rates is not adequately addressed in the potential impacts to parking, traffic and pedestrian safety during construction, or afterwards. To ignore the increased number of vehicles in the area, and their associated impacts, does not address reality or conform to best practice.” (*Ward Buelow and Penny Eardley*)

“This project brings 1,640 new office workers into the neighborhood every day. This creates several traffic problems that the EIR indicates cannot be mitigated. A smaller building, the same height as the immediate surrounding ones, creates fewer workers and mitigates the traffic impacts. The South Beach Rincon Mission Neighborhood association just distributed the following study on pedestrian injuries in our neighborhoods. Our District experiences more pedestrian injuries than any other district in the city. Consequently, allowing a non code compliant building such as 222 Second street to be erected knowing full well the pedestrian safety issues of district outlined below endangers public safety and opens the city to liabilities.” [Documents referenced in the comments are included in Attachment 1 Comment Letters.] (*Armand Der-Hacobian; Concerned SOMA Residents*)

### **Response**

The significance criterion used in the EIR, as indicated on p. 267, is whether the project “would result in substantial overcrowding on public sidewalks, create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.” No significant impacts were identified in comparison to this standard. No quantitative criterion has been established relative to the number of accidents or injuries, although such a criterion could be adopted in accordance with the requirements of the San Francisco

Administration Code Chapter 31 and California Public Resources Code Section 21082 and State CEQA Guidelines Section 15067.4.

It is true that San Francisco has a substantially greater number of pedestrian injury accidents on a population-weighted basis than the national average, largely because there is much more pedestrian activity than most comparably-sized cities. The average rate of pedestrian injuries and fatalities in California as a whole is 40 per 100,000 based on 2005 data from the California Highway Patrol. San Francisco, by contract, has a pedestrian injury rate of 104 per 100,000 residents. This reflects, in part, a higher level of pedestrian activity than most comparably sized cities; however, research by the San Francisco Department of Public Health (DPH) and others indicates that this explains only a part of the difference. San Francisco's relatively high rate of collisions may also be influenced by the increased exposure associated with a 50 percent increase in its daytime population relative to its resident population due to an influx of commuters into its job centers, although DPH research identified no statistically significant correlation between injuries and the number of workers per census tract. The proposed project would not contribute considerably to this increase, and thus no significant impact would result.

It is also noted, as stated in the EIR's traffic analysis, that the project vicinity experiences a large amount of vehicle traffic because it is between the employment center of Downtown San Francisco and freeways serving both the East Bay and South Bay, which could contribute to pedestrian collisions. This existing condition is not attributable to the proposed project.

The proposed project would not create any substantial or out-of-the-ordinary safety concerns with respect to pedestrians, nor would it generate sufficient traffic or pedestrian travel to be expected to result in a considerable contribution to any cumulative impacts related to pedestrian safety.

Concerning the potential for a smaller building to mitigate traffic impacts, the EIR includes a Reduced Project Alternative (p. 175) with 25 percent less office space than the proposed project and no on-site parking. As stated on EIR p. 176, this alternative would avoid the project's impact at the Second/Tehama Streets intersection. As with the proposed project, this alternative would result in a significant but mitigable impact on level of service at the intersection of Folsom/Second Streets and, also like the project, this alternative's impact at the Harrison/Second Streets intersection would be unavoidable because of the heavy p.m. peak-hour traffic flow destined for the Bay Bridge, despite this alternative generating 30 percent fewer p.m. peak-hour vehicle trips than the project. This alternative would avoid making a considerable contribution to cumulative impacts at two intersections that would result in significant cumulative impacts with the proposed project: Howard/Third Streets and Howard/New Montgomery Streets.

As stated on EIR p. 82, the finding of significant impact at the intersection of Harrison/Second Streets results from the fact that project traffic would constitute about 16 percent of the southbound left turn volume (which would operate with unacceptable LOS F conditions). In general, a contribution of more than 5 percent to a critical movement that operates at an unacceptable level of service warrants a finding of significance. Therefore, to avoid the

significant impact at this intersection would require a reduction in p.m. peak-hour traffic of more than 60 percent, compared to the proposed project, which could be achieved by reducing the office floor area by about the same percentage, resulting in an office building of no more than about 175,000 square feet.<sup>9</sup>

## Transit

### **Comment [TR3]**

“The District requests that Page 77 be modified to state that Golden Gate Transit (GGT) serves a bus stop located on Howard Street at Second Street, diagonally across the street from the project site. This bus stop is served by nearly all GGT routes in San Francisco and is used for dropping passengers off only. Similarly, the GGT bus stop on Folsom Street at Second Street is used by the same routes for picking passengers up only.” (*Alan Zahradnik, GGBHTD*)

### **Response**

The requested revision is made to the p. 77 of the DEIR, where the paragraph under the heading “Transit” is revised as follows (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

Currently, stops for 10 Muni local and express bus lines and the F-line streetcars are within walking distance (considered one-quarter of a mile) of the project, as are the Muni Metro light rail system and BART, accessible two blocks north of the site, at the Second Street entrance to the Montgomery station. Golden Gate Transit (GGT) serves a bus stop located on Howard Street at Second Street, diagonally across the street from the project site. This bus stop is served by nearly all GGT routes in San Francisco and is used for dropping passengers off only. Similarly, the GGT bus stop on Folsom Street at Second Street is used by the same routes for picking passengers up only. ~~AC Transit, and SamTrans, and Golden Gate Transit~~ are about one and a half blocks to the northeast, at the Transbay Transit Terminal. Caltrain is available at the Fourth/Townsend depot via a connecting Muni line.

### **Comment [TR4]**

“The District generally agrees with the findings of Impact TR-3 (Page 84), which states that the project would not measurably affect GGT’s seating capacity utilization for the routes serving the two bus stops closest to the 222 Second Street project site. The proposed office building is located close to these bus stops, and the District expects some use of GGT by workers commuting to the proposed office building. However, GGT use could be spread between multiple bus trips on the different routes serving the stops.” (*Alan Zahradnik, GGBHTD*)

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<sup>9</sup> It is noted that the trip generation formulae attribute a relatively large number of p.m. peak-hour auto trips to the proposed project’s restaurant use, as the rate effectively assumes a “destination” restaurant that is open in the evening. If the project’s retail space were occupied by a lunch-only restaurant or by a sundries-oriented retail shop, actual traffic generate by the proposed project would be 25 to 30 percent less than that with the proposed project.

### ***Response***

The comment expresses agreement with the EIR's conclusion concerning transit capacity; no response is required.

### ***Comment [TR5]***

"The District notes that Mitigation Measure M-TR-2 (Page 90) identifies significant and unavoidable cumulative project impacts at three intersections used by Golden Gate Transit (GGT) (Howard/Third, Howard/New Montgomery, and Folsom/Second). Since GGT buses operate through these intersections, service could be impacted.

"For example, GGT uses the eastbound through movement at the Folsom/Second intersection, and this movement is potentially affected by the project. GGT buses use the left lane when approaching and passing through this intersection. The left lane is currently shared with turning traffic, and the DEIR projects left-turn volume to be high (242 vehicles during the peak hour). Because left-turn traffic is typically affected by conflicts with pedestrians in an adjoining crosswalk, the District expects the flow of bus traffic to be affected more by left-turn traffic than through traffic. Despite the DEIR not identifying left-turn traffic to be a critical movement at this intersection, GGT is concerned about negative impacts to its operations at this location. The District suggests that improvements to this intersection configuration be considered in the future, and would appreciate being involved in any process that examines this intersection's operations." (*Alan Zahradnik, GGBHTD*)

### ***Response***

The comment refers, in part, to data presented in the project transportation report, which is available for review at the Planning Department, as part of the case file.

The comment concerning operations at the intersection of Second and Folsom Streets is acknowledged. This intersection has a unique configuration in that there is a bus stop island, used by both Muni and Golden Gate Transit, adjacent to the left lane of Folsom Street on the far side of the intersection. (The left-side bus stop allows buses to avoid Bay Bridge-bound traffic in the two right lanes.) As a result, buses approaching the intersection must use the left lane so that they can serve the island once across the intersection.

Of the 242 left-turning vehicles analyzed in the cumulative scenario, 10 vehicles (4 percent) would result from the proposed project. The commenter correctly states that the Traffix level-of-service analysis software does not identify this left-turn movement as a "critical" movement that determines overall intersection level of service. Nevertheless, this intersection could be the subject of future modifications, including as part of the Transit Center District Plan, which is currently undergoing separate environmental review. The commenter's request for involvement in future improvements at Second and Folsom Streets is noted, and will be considered as part of the transportation analysis of the Transit Center District Plan.

## Parking

### **Comment [TR6]**

“Because [the project site] is a parking lot now and minimal new parking is included in the proposed building, the utilization of off-street parking in the area is projected to go from 84% currently to 98%. 98% really equates to all off-street parking being full and rates likely increasing.” (*Armand Der-Hacobian; Concerned SOMA Residents*)

“The project as proposed would result in a net loss of over 40 parking spaces. Many of the spaces in the current lot are used by car share organizations, such as City Car Share and Zipcar. Many of the existing neighborhood residents use these car share vehicles as their primary and secondary vehicles. The draft, as evidenced on the garage floor plans on page 11, does not properly indicate the lost neighborhood amenity of these car share spots or the impact. The project as proposed would bring area off-street parking to 98% occupancy. This would create a shortage of available and convenient car share vehicles. The EIR should address this impact, possibly by providing a number of dedicated spaces for car share vehicles equivalent to the number currently in use on the site.” (*Ward Buelow and Penny Eardley*)

“The loss of existing surface public parking lot and the increased demands on the public parking is not adequately addressed. Zip Car and City Car Share will lose car parking spaces. These short term rental cars are used by residents and business people from the area and are a quasi-public transportation resource whose loss is not addressed in the EIR.” (*Tom Yamamoto*)

“The loss of the existing surface parking lot resource and the increased demands on public parking is not addressed.” (*Tom Monahan*)

### **Response**

As explained on EIR pp. 78 – 79, “Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA.” Therefore, parking effects are not significant.

Concerning car-share vehicles, there are 11 existing Zip Cars and two existing City CarShare spaces in the existing surface parking lot at 222 Second Street. These spaces, along with other parking spaces, would be eliminated by the proposed project. Car-share spaces are not required in new non-residential buildings; however, the project sponsor has indicated a willingness to provide space for up to four car-share spaces in the proposed project garage, assuming demand for such spaces by car-sharing service(s). Provision of car-share spaces could also be made a condition of approval by the Planning Commission. While the loss of car-share spaces would not be a significant impact under CEQA, it is described here for informational purposes. It is also noted that there are approximately 17 other ZipCars within one block of the project site (including the smaller parking lot across Second Street) and in nearby office buildings. There are three City CarShare locations within about two blocks of the site.

## Loading

### **Comment [TR7]**

“The text and maps does not clearly explain details of how the ‘stranded lot’ fronting on Tehama will be handled. This lot provides loading for the 631 Howard building which is [a] Significant Building - Category II. Explain CLEARLY how this lot is currently used for loading on adjacent property. How will that loading be shifted if this project proceeds. Eliminating the possibility of restaurant use in the vacant ground floor of 631 Howard - again a historic resource - seems punitive. (p. 87) Loading on Howard Street is restricted during rush hours because of parking restrictions. Please reconcile the loading demands for BOTH buildings in the building design. Shifting the burden onto the street is bad policy. (M-TR-4 - page 90).” (*Sue C. Hestor*)

### **Response**

The comment refers to a loading dock at 631 Howard Street that would be demolished as part of the project. As stated on p. 6 of the EIR, “The project sponsor proposes to acquire and incorporate into the project site a 1,650-square-foot (20-foot-by-82.5-foot) portion of the adjacent property (Lot 5 in Assessor’s Block 3735), which would increase the size of the project site to 25,575 square feet, and to demolish the existing loading dock at 631 Howard Street, which occupies the portion of the adjacent parcel to be acquired.” As described in the EIR, this concrete loading dock was added to the 631 Howard Street building subsequent to the building’s original construction, and, as stated on EIR p. 87, the 631 Howard Street building has two additional loading spaces at the rear of the main portion of the building. According to the owner of the 631 Howard Street building, that building receives four regularly scheduled deliveries per month at the main loading dock, and the main loading dock is also used intermittently by tenants, for movement of furniture; the loading dock that would be demolished as part of the project has not been used for loading purposes for several years, but is sometimes used as a vehicle parking space.

There would be no prohibition on use of the ground-floor space at 631 Howard Street as restaurant space if the project were to proceed, as is implied by the commenter. Rather, as stated on p. 87 of the EIR, if the loading dock were demolished as proposed, and a restaurant were to occupy the ground floor of 631 Howard Street, the hourly loading demand for that building, as calculated in accordance with the *Planning Code*, “would exceed the both the existing and future loading capacity.” The added loading demand would thus have to be accommodated through use of metered on-street parking spaces (or on-street loading spaces, if created). Alternatively, trucks would have to wait for a loading space or to double-park on Howard or Second streets, which could block traffic. This is a hypothetical situation on multiple levels, as it is not known if 631 Howard Street would be or could be used as restaurant space, or if the calculated loading demand would come to pass. It is noted that restaurant loading activity typically occurs outside peak traffic hours (generally, in mid-morning), which would lessen the potential, and hypothetical, impact. This change of use on the ground floor of 631 Howard Street is not reasonably foreseeable as it has not been proposed by the owner of that property. It is further

noted that the most recent uses of that building's ground-floor space have been for retail sales of clothing.

Regarding "shifting of the burden onto the street," Mitigation Measure M-TR-4, EIR p. 90, does not call for on-street loading; rather, it identifies elimination of four on-street parking spaces and one on-street loading space on Tehama Street adjacent to the proposed project site, to facilitate truck access to and use of the proposed project's off-street loading dock.

## Other Transportation Issues

### **Comment [TR8]**

"The traffic analysis does not address the impacts on potential garage access conflicts with the surrounding residential and commercial buildings already in existence. The EIR focuses narrowly on the impact on street intersections only. (*Tom Yamamoto, Tom Monahan*)

### **Response**

Impacts related to traffic are typically assessed at intersections because those are the locations of greatest potential conflict. The EIR identifies a significant impact at the unsignalized intersection of Second and Tehama Streets, which is the result of traffic destined for the proposed garage. Mitigation Measure M-TR-1a, EIR p. 89, would prohibit left turns from northbound Second Street onto Tehama Street, and would reduce this impact to a less-than-significant level. The EIR also evaluates effects of project truck traffic using the loading dock on Tehama Street and identifies no significant impacts related to circulation, with the exception of potential double-parking by trucks not using the loading dock. Mitigation Measure M-TR-4, p. 90, would facilitated access to, and use of, the loading dock by prohibiting parking on Tehama Street adjacent to the project site, which would reduce this impact to a less-than-significant level.

### **Comment [TR9]**

"Nor does the EIR address the proposed bike lanes to be installed on 2nd Street and the impact of the proposed project on bike traffic during and after construction." (*Tom Yamamoto*)

### **Response**

The EIR evaluates bicycle impacts (pp. 87 – 88) and identifies no significant impacts. Concerning the potential bicycle lanes on Second Street, as noted on DEIR p. 78, this project was not included in the approved Bicycle Plan, and the Municipal Transportation Agency will undertake a community planning effort prior to release of a Second Street bicycle improvements project. Concerning construction impacts, the EIR states, on p. 89, that "a Special Traffic Permit from the Department of Parking and Traffic would be required to utilize public street space during project construction; this permit would consider effects on traffic and parking, including bicycle circulation, and MTA could implement additional signage and other measures to ensure bicycle safety during construction."

## Noise

### **Comment [NO1]**

“There is currently a Bus Stop and shelter for the 10 Muni and 12 Muni directly in front of the 2nd St side of the project. The draft does not indicate either the temporary (during construction) or permanent location of this bus stop. The plans for the short and long terms for bus stops should be included in the EIR. Moving this bus stop creates street parking impacts. If it is proposed to be moved to the south along 2nd there will be considerable noise impacts to 246 2nd and Courtyard Marriot due to the buses starting on a significant up slope.” (*Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

“[I]f you move that shelter up the street where the Marriot Courtyard is, it is at an upslope, so buses will have to stop and start at an upslope, which creates a lot of noise, especially because of the echo in that area, that is not considered.” (*Armand Der-Hacobian*)

### **Response**

The block of Second Street between Howard and Folsom Streets has a generally uniform slope, meaning that if the bus stop at the southwest corner of Second and Howard Streets were to be temporarily relocated during construction, buses starting from the bus stop would accelerate up the same slope as at present. The existing bus stop is adjacent to the southern end of the project site; if the bus stop were moved across Tehama Street (about 50 feet south), buses would make the same level of noise as at present, but the noise could be incrementally louder (perhaps 3 decibels, which could be noticeable) when heard at 246 Second Street, because the noise would occur closer to 246 Second Street. However, the existing Marine Firemen’s Union headquarters building would provide some noise insulation by blocking the line-of-sight noise path, especially to the lower, and therefore closer, units at 246 Second Street. The impact, if it were to occur, would be of short duration, occurring only during the period when buses first depart the bus stop, because by the time buses would reach 246 Second Street, they would be traveling at approximately the same speed under approximately the same level of acceleration as at present, because that building is some 130 feet south of the south side of Tehama Street. Thus, any change in bus noise would be brief, intermittent, and temporary, lasting only as long as the bus stop were relocated. (Note that it is not known if such relocation would occur.) For these reasons, any noise impact is both speculative and unlikely to be significant. The temporary loss of parking, also speculative, would not be significant for the reasons explained in the EIR’s transportation analysis (pp. 78 – 79). As required, the project sponsor would coordinate with Muni regarding any temporary relocation of the existing bus stop and bus shelter during construction, if such relocation is necessary. If the bus stop is temporarily relocated during construction, the project sponsor would restore the shelter to its existing location upon completion of construction. It is very unlikely that temporary relocation of the bus stop, should it occur, would result in the bus stop being moved to the northwest corner of Second and Folsom Streets, across from the Courtyard by Marriott Hotel, because there is an existing Muni stop on the southwest corner of that same intersection. Moreover, there is no reason to believe that relocation of the bus stop,



should it occur during construction, would not be reversed, with the bus stop moving back to its current location after construction is complete.

**Comment [NO2]**

“The Transbay Program Final EIS/EIR contains specific noise and vibration mitigation measures, which were adopted by the TJPA for the DTX Project. As noted on page 94 of the Draft EIR for the proposed Project, the timing of the DTX Project and the timing of the proposed Project are unlikely to coincide. Hence, it is not clear why DTX Project construction noise and vibration are relevant to the analysis of the proposed Project.” (*Robert Beck, TJPA*)

**Response**

Inasmuch as construction schedules are variable, the Caltrain extension project was included in the EIR discussion for purposes of a conservative analysis of cumulative construction noise impacts.

**Comment [NO3]**

“It is possible that the noisiest stages of construction of the DTX Project and the proposed Project would not overlap; the proposed Project could start and complete earlier than the start of construction for DTX Project.

“Construction of the new Transbay Transit Center is scheduled to commence in 2010 with the demolition of the existing Transbay Terminal. Implementation of the Transbay Program is already well underway, including but not limited to construction of the Temporary Terminal. Excavation and foundation construction of the proposed Project and the Transit Center could overlap.” (*Robert Beck, TJPA*)

**Response**

The EIR discusses potential overlaps in construction schedules that could result in cumulative noise impacts. As noted in the previous response, construction schedules are variable, and because there are multiple individual projects currently proposed in the vicinity of the 222 Second Street project, and the construction schedules of many of those projects are not known, the analysis in the EIR is conservative in assuming the potential for overlapping construction activities .

**Comment [NO4]**

“The statements regarding the status of the 201 Second Street development are incorrect and should be revised or deleted. In consultation with the developer of 201-217 Second Street, the TJPA developed strategies that would allow the site to be developed in advance of the DTX construction.” (*Robert Beck, TJPA*)

### **Response**

The second sentence of the third paragraph under Impact NO-3 on DEIR p. 94 is revised as follows to reflect this comment (new text is double-underlined; deleted text is shown in ~~strikethrough~~):

The project at 201 Second Street ~~is likely to be delayed until after~~ could proceed independently of construction of the Caltrain extension, should that rail project proceed, ~~because~~ although the extension would require demolition and excavation at the 201 Second Street site.

### **Comment [NO5]**

“Page 11 of the draft shows the gas-fired emergency generator in Garage Level 1. If it is located there it would be exhausted on a lower level. These generators require frequent testing and exercising and this creates considerable noise and echoing. This noise is not recognized or addressed in the draft. The generator should be located on the roof to mitigate the effects of the noise created and minimize the impact on the neighboring residents.” (*Armand Der-Hacobian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

“Page 11 of the draft shows the chillers on Garage Level 1. The chillers would create a high level of ambient noise on the street level of this primarily residential area. This noise is not recognized or addressed in the draft. The chillers should be located on the roof to mitigate their noise.” (*Armand Der-Hacobian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

### **Response**

Mechanical equipment in the proposed building basement would be unlikely to generate perceptible noise outside the building because they would be shielded from the outside by garage ramp and interior concrete walls several inches thick. According to the project sponsor, the emergency generator typically would be tested once monthly, for no more than one hour, and would have its exhaust near at the loading dock, on Tehama Street. While the exhaust would be audible near the loading dock, it would be muffled, as required, would be required to comply with Article 29 of the *Police Code* (San Francisco Noise Ordinance), and would be shielded from nearby residential buildings by the project building itself, the 55 and 75 Hawthorne Street buildings, and the Marine Firemen’s Union headquarters building across Tehama Street. Locating mechanical equipment in the basement also makes more feasible the development of a “green roof” as part of the proposed building’s LEED energy-efficiency strategy, according to the sponsor.

## **Air Quality**

### **Comment [AQ1]**

“Our neighborhood already suffers from the pollution of drivers as they get on and off the nearby freeways. The addition of this office building on 2nd Street would add to the pollution and the unhealthy

effects of traffic. We want our neighborhood to be resident and pedestrian friendly; please help us by blocking this project.” (*Katy Liddell*)

### ***Response***

As explained in EIR Section IV.G, Air Quality, pp. 98 – 127, the proposed project would result in less-than-significant effects on air quality, both individually and cumulatively. Project emissions of criteria air pollutants from traffic, the largest source of pollutants, would be substantially below both the existing and proposed stricter thresholds established by the Bay Area Air Quality Management District (see Table 6, EIR p. 121). Moreover, the project would not result in any localized significant air quality impacts.

## **Shadow**

### ***Comment [SH1]***

“There was an analysis on a future park, which is even analyzed in here, which I am not sure if that would be an interesting question, you know, that we have to analyze for something that does not exist at the present time, but they did it anyway, so I guess that is a good thing. I do not know that it is a requirement under CEQA that you have to do that, but it would be an interesting point.” (*Planning Commissioner Michael Antonini*)

“I do believe that the reality of Trans-Bay is indeed quite real to the effect that we are putting all eggs in one basket, so the shadow on the new City Park, I think, is a huge concern because we are basically starting to rob Peter to pay Paul. And I think as long as we have not yet established a full part policy on what is the most major investment in the future surrounding this transportation hub, I think we are stepping very quickly to already not fully taking an account of what that really means.” (*Planning Commissioner Kathrin Moore*)

“I found some of the language, as far as the analysis of that piece on page 144 a little bit lacking or something because, on the one hand, it is [READING:] ‘Although the project’s shadow would occur at mid-day when the proposed park would be expected to be most heavily used by downtown workers because the project would shade a very small portion of the park for a relatively short period of time, project shadow would not be anticipated to substantially affect use of the planned city park. It should be noted that there is no adopted design for the city park, and therefore the planned uses of this open space are not known, therefore, cumulative impacts would not be significant and no mitigation is required.’ It is just sometimes the way conclusions are drawn, I just find them a little bit interesting, for lack of whatever.” (*Planning Commissioner Christina Olague*)

“I would like to know what the conclusion [of significance with regard to City Park] is based on. This assumes that the shadow cast has no impact, however, if we consider that park to be a zero tolerance park, it would be a significant impact. And so, how can you make this conclusion when there has been no standard set in the first place?” (*Planning Commissioner Hisashi Sugaya*)

“The proposed project would shadow 10,000 square feet of the new City Park at the transit center during the lunch period when the park would be expected to be most heavily used. The proposed project would require a variance regarding shadowing per Section 146 of the Planning Code. If a proposed project

requires a code variance then the impact assessment of ‘Less than Significant’ does not seem appropriate.” (*Armand Der-Hacopian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

### ***Response***

With regard to the question about the requirement under CEQA to analyze shadow impact on a planned future park, CEQA requires an analysis of the cumulative impacts of the project in conjunction with “other closely related past, present, and reasonably foreseeable probable future project.” (CEQA Guidelines, Sec. 15355). For purposes of the analysis in the EIR, effects related to the planned new Transit Center (replacement for the Transbay Terminal) are considered reasonably foreseeable, which is the reason that the EIR discussed the project’s potential to shade the planned City Park atop the Transit Center.

Concerning the effects of shadow on the planned City Park, as noted on EIR p. 144, there is no final design for the City Park, and the planned uses of the space cannot be fully known at this time. Current plans call for the 5.4-acre (approximately 235,000-square-foot) park to include a walking trail, vegetation gardens, substantial landscaping, lily ponds, an outdoor amphitheatre, and several retail sales areas. As described on EIR p. 144, new shadow from the proposed 222 Second Street project would reach the southwestern corner of the planned park around 12:00 noon for about 3.5 months of the year (early November through early February), casting shadow on a maximum of about 5 percent of the area of the park on December 21, the winter solstice. Project shadow would be less extensive on all other days.

Because the City Park would be located some 70 feet above street grade, existing low- and mid-rise buildings in the vicinity would generally not cast shadow on the park. Existing high-rise buildings that would shade the park at certain times include those south of the planned park, at 199 Fremont Street and 301 Howard Street, as well as several of the buildings along Mission Street north of the proposed Transit Center, including, among others, 100 First Street, 201 Second Street, 555 and 560 Mission Street, 535 Mission Street (approved but not built), 45 Fremont Street, the Millennium Tower, and 201 Mission Street. The proposed 1,000-foot-tall Transit Tower, although north of the Transit Center, would shade the City Park in the early morning and late afternoon in spring, summer, and fall. Additionally, the draft Transit Center District Plan proposes high-rise development on a number of sites generally south of the park where new buildings, if constructed, would add shadow to the City Park, including a site where the existing Transbay Terminal Ramps are located that is immediately south of the Transit Center site, a site farther east on Howard Street, a site on Fremont Street south of the Transit Center, and others, including some of the towers along the north side of Folsom Street that were approved as part of the adoption of the Transbay Redevelopment Plan in 2005. Many of these buildings would, if built, add more shadow to the City Park than would the proposed 222 Second Street project—particularly those closer to the Transit Center—although generally at different times of the day and year. Shadow impacts of existing and proposed development on the planned City Park will be analyzed in the forthcoming EIR for the Transit Center District Plan. The proposed 222 Second

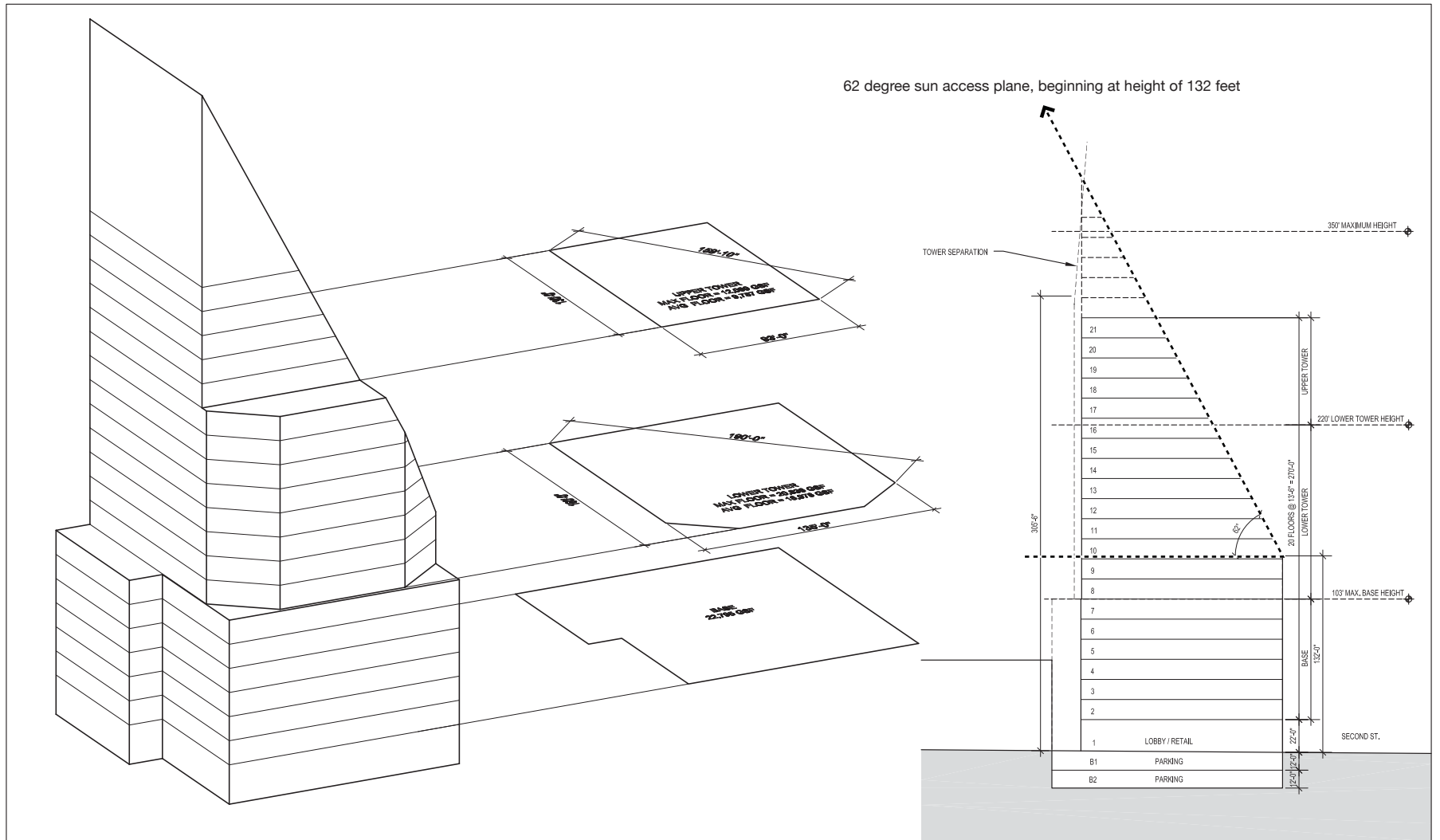
Street project, however, with its relatively limited shadow on the planned City Park, is judged not to make a considerable contribution to the cumulative shadow effect on the park.

The Draft EIR does not state that the project would have no shadow impact on City Park; rather, the conclusion is that the proposed 222 Second Street project would have a relatively small impact, shading no more than about 5 percent of the park for a maximum of about 30 minutes over a period of approximately 3.5 months. Commissioner Sugaya's reference to a "zero tolerance park" refers to open spaces for which no new shadow is permitted under the guidelines for the implementation of *Planning Code* Section 295. As of this writing, it is not anticipated that the planned City Park would be subject to Section 295, as this open space atop the Transit Center would not be a Recreation and Park Department property. Therefore, the criterion on which the conclusion was based concerning shadow impacts on the City Park is, as stated on EIR p. 136, whether the project would "substantially affect the usability" of the park, which, as stated on p. 136, is the CEQA significance criterion for effects on a non-Recreation and Park Department property. (The criterion for properties that are under the jurisdiction of the Recreation and Park Department is similar—whether a project would "affect, in an adverse manner, the use of any park or open space under the jurisdiction of the Recreation and Park Department.") The EIR concluded that, because of the limited impact, the proposed 222 Second Street project would not substantially affect the usability of the City Park.

Concerning the exception required by the proposed project under *Planning Code* Section 146(a), CEQA requires analysis of the physical environmental effects of a project. Requiring an exception as stipulated under the *Planning Code* does not in and of itself constitute a physical effect. A project that requires no exceptions could still be found to result in one or more significant impacts. It does not follow that a project that requires one or more exceptions under the *Code* would result in a significant adverse effect on the environment.

Section 146(a) requires that buildings on the west side of Second Street from Market Street to 300 feet south of Folsom Street fit within an envelope defined by a 62 degree "sun access plane"—an angle sloping away from Second Street, beginning at a height of 132 feet. This would result in a setback of half the width of the lot, or 77.5 feet from Second Street, at a height of about 280 feet, and would preclude construction of more than about a 15-foot-wide section of the building at the height limit of 350 feet. Figure C&R-8 illustrates the approximate maximum development potential for a project consistent with the required sun access plane. Assuming that the uppermost levels would not be developed because the incremental cost per square foot would be too great, this conceptual alternative would result in a 21-story building with approximately 335,000 square feet of office space, or about 22 percent less floor area than the 430,650 square feet proposed with the project. The 335,000 square feet of office space is the same as would be developed under EIR Alternative C, the Reduced Project Alternative. As shown in Figure C&R-8, this design would require an exception to the bulk requirements of *Planning Code* Section 270 for the maximum and average floor areas of the lower tower portion of the building, and would also

C&R-58



0 60' 120'

SOURCE: Heller Manus Architects

Case No. 2006.1106E: 222 2nd Street (206337)

**Figure C&R-8**  
Section 146 Sun Access Plane

require rezoning to increase the height limit of the northwest corner of the project site; both of these conditions would apply to the proposed project, as well.

When the draft Downtown Plan was first published in 1983, prior to completion of the Downtown Plan EIR and adoption of the Plan, the project site was identified (Map 15, Sunlight Access; reproduced Figure C&R-3, p. C&R-15) as a location at which shadow study of future building proposals would be required because of a “potential conflict between [the] height limit & solar access,” because Map 15 designated the east sidewalk of Second Street for “mandatory sunlight access.” The draft Plan text stated that, in certain locations where tall buildings are encouraged, “a requirement that all development respect the sunlight angles [the same angles ultimately included in the *Planning Code* and noted above] would severely restrict desired development. Nevertheless, a new building can have greater or less shadow depending on the shape of the building and its orientation on the lot. Therefore, massing studies of all new building proposals should be undertaken to develop an appropriate building form that would minimize shadow impact.”<sup>10</sup> As shown in Figure C&R-8 and described above, compliance with the shadow angle specified in *Planning Code* Section 146(a) would result in reduced floor area beginning at level 11, elimination of the 22nd through 26th floors, and an overall reduction in office floor area of about 22 percent.

The design shown in Figure C&R-7 represents one possible response to compliance with the sun access plane requirement of Section 146(a), and would most likely provide the maximum potential floor area while complying with Section 146(a). As described in the discussion of Section 146 in response to Comment PP1, p. C&R-17, an office project was previously approved at 222 Second Street, on the same project site with the exception that the previous project did not propose acquisition of a portion of the adjacent Lot 5, occupied by the 631 Howard Street loading dock. That previous project would have developed a 225-foot-tall building (125 feet shorter than the proposed project) and would have provided approximately 220,000 square feet of office space, or nearly 50 percent less than the office floor area of the currently proposed project. As stated on EIR p. 135, an exception to the Section 146(a) requirement may be granted “if ‘the shadow created by the penetration of the plane is deemed insignificant because of the limited extent or duration of the shadow or because of the limited public use of the shadowed space.’” The Planning Commission would have to make such a finding to grant the requested exception.

### **Comment [SH2]**

There is also a notion about the impact on Yerba Buena, which is indeed our Arts district, we spend a lot of attention, including a business improvement district surrounding that and I think that is a major thing we should be very cognizant about and understand its full impacts. Of concern, and it is very hard to measure, is what has been analyzed as an impact is the increase in wind on sidewalk, including shadow on sidewalk. We have several institutions down there where students, for the lack of other open spaces, spend their lunch time on those few corners where there is sun. I do like to see an evaluation of how these

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<sup>10</sup> Downtown Plan, draft, November 1983 (second printing).

institutions and students will be impacted by really full shading on those sidewalks. (*Planning Commissioner Kathrin Moore*)

“Shadow impacts created by new construction projects have been a very sensitive local issue recently. The net new project shadow created by the proposed project on Yerba Buena Center as shown on page 143 of the draft is quite significant. Although this is not Recreation and Park Department property the open space is used almost exclusively in the same manner and fashion as if it were a park, and the impacts of the increased shadow will be no less felt due to the ownership of the open space.” (*Armand Der-Hacopian; Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

The EIR is inadequate in its analysis of the “[i]mpact of the non-code compliant building height on shadow creation on the residents and commercial occupants in the neighborhood, on the parks in the area including Yerba Buena Park and the nearby office roof parks, on the potential green space that will be created with the completion of the TransBay Terminal Area Plan.” (*Tom Yamamoto*)

### ***Response***

As stated on EIR p. 142, the proposed project would cast new shadow on Yerba Buena Gardens “in the early morning hours of the summer months when existing buildings of the Yerba Buena Center for the Arts (theater and gallery), as well as the elevated entrance to Moscone Center North and the restaurants atop the roof of this structure, already shade much of block.” New shadow on Yerba Buena Gardens, including the grassy park-like esplanade in the center of the block bounded by Third, Fourth, Mission, and Howard Streets, between September and May, beginning as early as the “first Proposition K minute,” which is the first minute after one hour after sunrise, and ending no later than 8:00 a.m. As stated on p. 142, this shadow was judged not to be significant because the relatively limited duration of shadow during early morning hours would not be expected to substantially affect the use or enjoyment of Yerba Buena Gardens. The significance determination was not based on the fact that Yerba Buena Gardens is not subject to Section 295: as stated in the previous response, and as stated on EIR p. 136, the significance criterion is whether the project would “substantially affect the usability” of this open space,

Regarding publicly accessibly privately owned open spaces, the EIR notes (pp. 136 – 142) that the project would cast new shadow, also during limited hours, on such spaces at 235 Second Street (across the street from the project site), 555 Mission Street, and Foundry Square at 400 and 401 Howard Street. Again, the EIR found this impact to be less than significant because of the limited duration of the new shadow.

### ***Comment [SH3]***

“Although not requiring impact assessment, the proposed project would create significant shadow impacts to many neighborhood residents. One Hawthorne, 199 New Montgomery, 246 2nd St. and the approved residential building at 201 2nd St. would all be negatively affected by shadowing from this project.” (*Ward Buelow and Penny Eardley*)



### ***Response***

The proposed project would cast shadow on the two occupied residential buildings at 199 New Montgomery Street and 246 Second Street, as well as the building nearing completion at One Hawthorne Street. If a building is constructed at 201 Second Street, the 222 Second Street project would cast shadow on that building, as well. Because of the orientation of the South-of-Market street grid, 246 Second Street and One Hawthorne Street are southeast and southwest of the project site, respectively. As a result, project shadow would fall on the 246 Second Street only in the extreme late afternoon around the summer solstice (at the end of the “Proposition K” day,<sup>11</sup> after about 7:30 p.m.). Conversely, shadow from the project would fall on One Hawthorne only in the very early morning around the summer solstice (near the beginning of the “Proposition K” day, before about 6:30 a.m.). Shadow from the project would fall on the roof terrace of One Hawthorne during the first few minutes after sunrise around the summer solstice. At these times of extreme sun angles, the sun appears to move very rapidly in the sky, and thus the shadow cast by the project building would also move quickly, lasting no more than a few minutes at any location. The 199 New Montgomery Street building, by contrast, is northwest of the project site, and thus the proposed project would cast shadow on this building throughout the year, for approximately 45 minutes at various times of the morning. This shadow can be seen in EIR Figures 18 - 20, pp. 137 – 139. (In December, illustrated in Figure 21, shadow would fall on this building before 10:00 a.m., and is therefore not illustrated.) Because shadows are shorter towards midday, shadow from the proposed project would not reach the rooftop terrace of 199 New Montgomery Street at the summer solstice, and would shade portions of the terrace around the spring and fall equinoxes. In December, the project would shade most of the rooftop terrace from approximately sunup (about 7:20 a.m.) until about 9:00 a.m. None of the constructed buildings has publicly accessible open space, although, as noted, each has common open space for use by building residents. In general, shadow on privately accessible spaces is not considered a significant impact on the environment. Moreover, the project would not completely shade any of the private open spaces for more than a few minutes per day.

### ***Comment [SH4]***

“Some of the conclusions that were reached as far as the shadow impacts, I found, a little bit—what is the word—lacking in analysis, I guess. So I just wanted to—I had some concerns about the way those impacts were analyzed.” (*Planning Commissioner Christina Olague*)

### ***Response***

Shadow impacts are analyzed in EIR Section IV.I, pp. 134 – 144, which presents the results of an analysis of project shadow impacts based on a digital model of the proposed project and the surrounding vicinity. Please see also the response to the previous comments in this subsection of the Comments and Responses document concerning shadow effects on specific properties, such

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<sup>11</sup> The “Proposition K” day—the times covered by Section 295 of the *Planning Code*—extends from one hour after sunrise to one hour before sunset.

as Yerba Buena Gardens, the planned City Park atop the new Transit Center, and the sidewalk adjacent to the project site.

## Recreation and Public Space

### **Comment [RE1]**

“I appreciate additional open space in the downtown area. I would hope it could be utilized beyond the typical 8am – 6pm hours, Monday through Friday that are common at most Heller Manus properties along 2nd Street so that residents of Rincon Hill and Yerba Buena might use the open space once on a blue moon when they are home from work (evenings and weekends).” (*Jamie Whitaker*)

### **Response**

The comment does not address the adequacy or accuracy of the EIR. For information, it is noted that the *Planning Code* does not specify opening hours for privately owned, publicly accessible open space that is required to be provided pursuant to Section 138 of the *Code*. Rather, the *Code* states that such open space shall “be open to the public at times when it is reasonable to expect substantial public use” (Sec. 138(d)(8)). *Planning Code* Section 309 provides for approval of required open space by the Planning Department or Planning Commission, as applicable. The Downtown Plan’s “Guidelines for Downtown Open Space” state that, for an “indoor park,” as is proposed as part of the 222 Second Street project, the space shall be available for public use from 8:00 a.m. to 6:00 p.m., Monday through Friday.

## Public Services / Utilities and Service Systems

### **Comment [PS1]**

“The SFFD is requiring clearance for the permission to build structures. The applicant must follow the guidelines showing adequate hydrants, fire flow, fire department connections, and access roads. Please see the enclosed documents for guidance.

A few requirements that are unique to San Francisco that must be addressed in future permits are:

1. Buildings over 200 feet require redundant fire pumps
2. Buildings over 200 feet require a firefighter elevator per [San Francisco Fire Code(SFFC)] Section 511.1
3. High-rise buildings require air replenishment systems per SFFC 511.2.”

Attachments: “New Buildings: Guideline for Fire Clearance” and “Request for Water Flow Information” (*Captain William Mitchell, Division of Fire Prevention and Investigation, San Francisco Fire Department*)

### ***Response***

The comments are noted but do not address the adequacy of the EIR. The project sponsor would be required to comply with Fire Department requirements as part of the permit approval process.

### ***Comment [PS2]***

“The Draft EIR does not discuss mitigation of impacts on existing utilities during construction. For example, AT&T has significant communications infrastructure in Second Street, close to the 222 Second Street property line. The location and size of this duct bank could effectively preclude the use of tiebacks (as discussed in Page 157) on Second Street. Hence, prohibiting the use of tiebacks on Second Street may need to be considered as a mitigation measure.” (*Robert Beck, TJPA*)

### ***Response***

Tiebacks are discussed on p. 157 of the EIR as potential aids to construction shoring for both the proposed 222 Second Street project and the Caltrain extension project. The comment is noted; if tiebacks cannot be feasibly installed, other means of shoring construction excavation sites would be required. Final recommendations would be reviewed and approved by the Department of Building Inspection, and construction would be undertaken in coordination with the Transbay Joint Powers Authority, as stated on p. 157 of the EIR.

## **Geology, Soils, and Seismicity**

### ***Comment [GE1]***

“The shoring wall construction for the proposed 222 Second Street Office Project (the ‘proposed Project’) must be confined to within the property lines for the proposed Project. The shoring wall for the approved Caltrain Downtown Extension (DTX) Project will be close to the property line in City right-of-way. Based on the timeline provided in the Draft EIR, the proposed Project could be constructed prior to construction of the DTX. Because the excavation for the approved DTX will be significantly deeper than the excavation for the basement of the proposed Project, the DTX excavation will require substantial support from its own shoring system. Therefore, the location of the shoring for the proposed Project should not conflict with the shoring for the approved DTX Project.” (*Robert Beck, TJPA*)

### ***Response***

The basement levels, and therefore the shoring wall, for the proposed 222 Second Street project would not extend beyond the property line on the Second Street side of the project site. The project does propose electrical vaults beneath the sidewalk of the Howard Street side of the project site. However, these vaults, which are commonly installed beneath downtown sidewalks, would not extend beyond the Second Street property line and therefore would not interfere with the Caltrain extension excavation or tunnels.

### **Comment [GE2]**

“As you are aware, the proposed 222 Second Street Project is next to the preferred alignment for a portion of the cut-and cover tunnel for the Caltrain Downtown Extension (DTX). The DTX is an approved project and is currently in the preliminary design phase. DTX engineers have met with the 222 Second Street Project sponsor to discuss potential conflicts and mitigations between the proposed foundation of the 222 Second Street building and the excavation for the DTX.

“A major goal of the Transbay Redevelopment Plan is to support the DTX Project as part of the Transbay Program. While the Draft EIR states that the proposed Project would not substantially conflict with any of the goals of the Transbay Redevelopment Plan, the Draft EIR also states on page 157 that compatibility with surrounding development is an unresolved issue. The TJPA concurs with this latter conclusion.

“To avoid substantial conflicts with the approved DTX Project, and to avoid unnecessarily increasing DTX Project costs, the proposed Project should be constructed on a pile foundation. The pile tip elevation should extend beyond the zone of influence of the DTX excavation.

“If a mat foundation for the proposed Project is pursued, it will present a number of design issues for the approved DTX Project; these issues can be solved, but only through the DTX Project’s incurring significant additional costs. A pile foundation for the proposed Project would avoid the following conflicts.

- “– The nature of the development foundation type, its proximity to the DTX shoring and excavation, and the difference in elevation between the underside of the mat foundation and the significantly deeper DTX excavation would result in the proposed Project being susceptible to damage arising from ground movement during excavation for the DTX Project. While the Draft EIR states that ground movements will be controlled by the DTX support of excavation, this can only be achieved at the 222 Second Street location at considerable additional expense to the DTX Project.
- “– During a seismic event, vertical soil pressures from the proposed Project will increase cyclically with the period of the development. These increased vertical pressures translate into additional lateral forces, which will place additional loads upon the DTX tunnel structures. Accommodating additional loads will incur additional cost for the DTX Project.” (*Robert Beck, TJPA*)

### **Response**

The comment concerns potential financial implications of the foundation system selected for the proposed 222 Second Street project. Although CEQA is generally not concerned with financial impacts, the following is noted for information.

According to the project sponsor, from a technical and structural standpoint, either a mat foundation or a pile foundation is equally feasible as a means to support the proposed 222 Second Street project. A mat foundation offers advantages in terms of lesser time to construct, lower cost, and reduced noise impacts, because pile driving is not necessary. As stated on EIR p. 155, the initial geotechnical investigation for the proposed project concluded that a mat foundation would be feasible. However, the EIR (p. 93) also analyzed potential noise impacts from pile driving, in the event that a pile foundation were selected and pile driving is required. Under such conditions,

additional mitigation would be employed (see EIR p. 96). The project sponsor has consulted with the Transbay Joint Powers Authority concerning the foundation system to be used for the project, and such consultation would continue if the project is approved. Because the EIR has considered the potential for pile driving, no new significant impacts would ensue should the sponsor ultimately select a pile foundation. Additionally, should pile driving be required for the proposed 222 Second Street project, the project sponsor has agreed to implement Mitigation Measure M-NO-2, Noise Control Measures for Pile Driving, EIR p. 96, to ensure that noise impacts would also be less than significant.

### **Comment [GE3]**

“The Draft EIR incorrectly identifies the Peninsula Corridor Joint Powers Board.(PCJPB) as the sponsor of the DTX Project. The TJPA is the project sponsor.” (*Robert Beck, TJPA*)

### **Response**

The first paragraph of DEIR p. 95 is revised as follows (new text is double-underlined; deleted text is shown in ~~striketrough~~):

Finally, in the event that one or more nearby projects were to be undertaken at the same time as the proposed project, the Planning Department and the Departments of Building Inspection, Public Works, and Public Health, along with the Transbay Joint Powers Authority (sponsor of the Transit Center and) ~~and the Peninsula Joint Powers Board (sponsor of the Caltrain extension)~~, would be expected to work to ensure that all projects comply with the San Francisco Noise Ordinance and that project construction schedules are coordinated so as to minimize, to the extent feasible, construction noise that could be disruptive.

Additionally, the second-to-last sentence of the first partial paragraph on DEIR p. 95 is revised as follows (new text is double-underlined; deleted text is shown in ~~striketrough~~):

In either case, construction of the proposed project would be undertaken in coordination with the Transbay Joint Powers Authority ~~and the Peninsula Corridor Joint Powers Board~~, which will oversee the new Transit Center and the Caltrain extension, ~~respectively~~.

### **Comment [GE4]**

“Statements regarding the stability of the DTX tunnels are speculative, and not consistent with the findings of the TJPA’s geotechnical investigation and reporting. These statements should be corrected or deleted. The TJPA can make available information regarding this issue upon request.” (*Robert Beck, TJPA*)

### **Response**

To provide updated information concerning the excavation for the Caltrain downtown extension (DTX), the last partial paragraph on DEIR p. 156, continuing to p. 157, is revised as follows, up through footnote 165 (new text is double-underlined; deleted text is shown in ~~striketrough~~):

The proposed Caltrain Downtown Extension would involve the construction of a subway tunnel leading to the Transbay Terminal and passing beneath Second Street immediately to the east of the project site. Up to 50 feet of soil sediments consisting of fill, Bay Mud, and loose to medium dense marine sands would be encountered at this location which could potentially affect non-seismic settlement beneath portions of the subway. The low strength and moderate deformation characteristics of Bay Mud could affect the stability of the tunnel, the amount of ground deformation caused by the excavations, and the resulting effects on adjacent structures, including the building at 222 Second Street. Prior to the start of cut and cover construction along the Caltrain alignment beneath Second Street, the Caltrain project contractor would ensure that support for foundations of adjacent buildings is adequate. Control of potential movement of adjacent structures is anticipated to be accomplished by use of excavation support systems, which, in conjunction with proper excavation and bracing or tie back procedures, can serve as protection for the adjacent structures. This is common practice for the Bay Area and was successfully used for the Muni Metro Turnaround project at the east end of Market Street. The tunnel would be constructed by underground boring to the south along Second Street, and by “cut-and-cover” surface excavation in Second Street from Clementina Street north to the new Transit Center, including the area adjacent to the project site. In this area, the top of the “train box” would be between about 20 and 30 feet below grade, and the train box would rest on a layer of Colma Sand that is above a thick layer of Old Bay Clay and Franciscan Bedrock. Total excavation would be to a depth of up to about 75 feet. Shoring of the excavation sidewalls would be undertaken using soldier piles inserted to a depth of up to about 100 feet.<sup>[footnote 165]</sup>

Additionally, footnote 165 on page 157 is revised as follows to provide an updated source of information concerning the excavation for the Caltrain downtown extension (DTX):

<sup>165</sup> Parsons Transportation Group, in association with Arup and Jacobs Associates, Final Geotechnical Interpretive Report, Part II, Design Recommendations for the 30% Preliminary Engineering Design Phase of the Cut-and-Cover Segment of the DTX Alignment for the Caltrain Downtown Extension; Task 6.3; Project No. 130642; May 18, 2010. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2006.1106E. Information on Caltrain Downtown Extension construction from: Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency, Transbay Terminal/ Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004; Case No. 2000.048E; p. 5-79 and p. 5-169. This document is available online at: <http://www.transbaycenter.org/TransBay/content.aspx?id=114>.

## Hazards

### **Comment [HZ1]**

“Thank you for the opportunity to review the Draft Environmental Impact Report (DREIR) for the 222 Second Street project. You also have forwarded the following information to DTSC: the Phase I Environmental Site Assessment (ESA) Report and a copy of the Oct. 13, 2006, Remedial Action Completion Certification letter for Underground Storage Tank(s) (USTs). The October 13, 2006, certification letter approves the completion of site investigation and corrective actions of USTs conducted at 222 Second Street by the City and County of San Francisco, Department of Public Health. The San Francisco (SF) Regional Water Quality Control Board (RWQCB) has the overall lead or has jurisdiction

over investigation and cleanup of USTs containing petroleum hydrocarbons. In light of this, DTSC is deferring the review of the documents (ESA, certification letter, and the DEIR Executive Summary) to the SF RWQCB. DTSC has no further comment.” (*Virginia Lasky, California Department of Toxic Substances Control*)

### **Response**

The comment is noted. No comments were received from the Regional Water Quality Control Board.

As indicated on p. 163 of the Draft EIR, underground storage tanks were previously removed at the project site, and testing indicated that groundwater was affected by a gasoline and benzene, toluene, ethylene, and xylenes (BTEX) compounds, although the low levels of hydrocarbons did not warrant ground water clean up. Ground water monitoring wells were removed from the subject property in September 2006, and a “No Further Action” letter was subsequently issued to the subject property by the San Francisco Department of Public Health. Review of the State Water Resources Control Board’s GeoTracker website confirms that the groundwater contamination cleanup has been completed and the case is considered closed.

### **Comment [HZ2]**

“Page 30 of the draft indicates photographic evidence exists that the project site once contained a gasoline station in 1934. Gasoline stations of that era are frequently associated with abandoned and deteriorated underground fuel tanks and resultant petroleum and lead contaminated soils. No mention of the significant possible impacts of the required remediation efforts, or the impacts of air quality issues on area residents, is considered in the draft. Best practice would dictate that the possible environmental impacts created by the past presence of a gas station on the project site be considered in the EIR.” (*Armand Der-Hacopian, Ward Buelow and Penny Eardley; Concerned SOMA Residents*)

### **Response**

The impacts of potential site contamination resulting from the project site’s former use as a gasoline station are analyzed in EIR Section IV.P, Hazards and Hazardous Materials, pp. 161 – 167. As indicated in the response to the previous comment, underground storage tanks were removed from the site, subsequent testing indicated no cleanup of groundwater was required, and the case is considered closed by the San Francisco Department of Public Health and the Regional Water Quality Control Board. Therefore, implementation of the proposed project would not result in any significant impacts as a result of the site’s prior use.

## **Cumulative Impacts**

### **Comment [CM1]**

“As an affected property owner (we own 201,215 and 217 Second Street) ... [w]e would like to bring it to the project sponsor’s attention that we have assembled a potential high rise site immediately to the East of 222 Second Street.

“Details of this potential site can be found on Page 36 of the Transit Center District Plan dated November 9, 2009, as issued by the San Francisco Planning Department and the San Francisco Redevelopment Agency.

“The environmental review for 222 Second Street should take into account the cumulative impacts of a development at 201/215/217 Second Street, as discussed in the [Transit Center District] plan published by the SF Planning Dept.” (*Robert Birmingham, Birmingham Development LLC*)

### ***Response***

The comment refers to discussion in the draft Transit Center District Plan concerning the Plan’s proposed treatment of sites at the northeast and southeast corners of the intersection of Second and Howard Streets, where the planned Caltrain Downtown Extension would require demolition of several buildings. The commenter owns the property on the southeast corner, across Second Street from the 222 Second Street project site. The draft Transit Center District Plan proposes that, because the planned underground Caltrain tracks would be built beneath a portion of the commenter’s property, the City consider vacating an alley that divides portions of the commenter’s holdings to permit the merging of lots on either side of the alley, thereby facilitating development of the commenter’s property. It is the plan’s intention that “a new building should be encouraged on this site to maintain the physical continuity of the historic district along Second and Howard streets.”

The EIR acknowledges, in its discussion of potential cumulative effects on historical resources, that the planned Caltrain extension would result in demolition of two buildings on the commenter’s property, at 205 – 215 and 217 Second Street (EIR p. 70). Moreover, the EIR considers a project approved in 2006 on the commenter’s property, a 19-story, approximately 180-foot tall building with approximately 103 dwelling units and ground-floor retail. This approved project at 201 Second Street was included in the EIR analysis of impacts related to land use (DEIR p. 33), aesthetics (p. 46), noise (p. 94), wind (p. 133), and shadow (p. 142). Additionally, trips generated by the previously approved project at 201 Second Street were considered in the cumulative transportation analysis. At the time the DEIR analyses were prepared, and at this writing, it cannot be known what form future development on the commenter’s property may ultimately assume. Although it was stated on EIR p. 94, that the project at 201 Second Street is likely to be delayed until after construction of the Caltrain extension, information provided by the Transbay Joint Powers Authority in its comments on the Draft EIR indicates that this statement may not be correct, and the DEIR text has been revised (see Section D, Staff-Initiated Text Changes, p. C&R-76.) The EIR includes in its analyses such information on the commenter’s property as could reasonably have been known at the time the analysis was prepared.

### ***Comment [CM2]***

“The construction period for the proposed Project is estimated to be 21 months, with occupancy of the proposed Project expected in 2013. It can therefore be projected that excavation for the building basement



will begin sometime in 2011. The timing of this excavation could coincide with the excavation of the Transbay Transit Center train box between Minna and Natoma streets, between Beale Street and east of Second Street. Additionally, demolition of the existing Transbay Terminal is scheduled to commence in summer 2010. Therefore, traffic management plans and haul routes must be coordinated between the two projects.” (*Robert Beck, TJPA*)

“The EIR should consider the cumulative impact of the construction of not just 222 2nd Street but also the already approved and proposed projects in the area. Will a worst case scenario of multiple constructions going on simultaneously have a multiplier affect on the health, safety, and general living conditions of residents and workers in the community?”

“This EIR does not consider how this project’s construction fits into the TransBay Terminal projects may facets. Of high concern is the potential construction of the high speed rail or Cal Train extension through 2nd Street concurrent with the 222 2nd Street Project.” (*Tom Yamamoto*)

“Cumulative temporary construction impacts are not adequately addressed. Potential concurrent construction of approved projects including 140 New Montgomery, 201 2nd Street and the TransBay Terminal Construction is not addressed. Additionally the more substantial construction and demolition due to the 2nd Street high speed rail connection to the new TransBay Terminal is not addressed. All of these major projects could reasonably be under construction at the same time without an analysis of potential cumulative impacts to the surrounding residents and workers. We also understand that the Museum of Modern Art plans demolition of two buildings and a 100,000 + sf addition nearby. Air quality degradation and potential congestion should be considered.” (*Tom Monahan*)

### ***Response***

The EIR notes, on p. 89, that “the project sponsor would coordinate with construction contractors for any concurrent nearby projects” to minimize cumulative construction impacts. This would include coordination with the Transbay Joint Powers Authority if construction activities on the two projects would overlap. Additionally, the EIR states, on p. 157 (as revised herein in response to comments from the TJPA), that “construction of the proposed project would be undertaken in coordination with the Transbay Joint Powers Authority, which will oversee the new Transit Center and the Caltrain extension.”

Concerning the potential overlap in construction schedules generally, as noted in the discussion of potential cumulative construction noise impacts (see comments and responses beginning on p. C&R-52), it would be speculative to assess in detail the potential for overlapping but relatively short-term impacts from construction of more than one project, because construction schedules for individual development projects vary substantially in response to financial and market conditions. The City, through the Transportation Advisory Staff Committee that is overseen by the Municipal Transportation Agency, works to ensure coordination between contractors of construction projects that are close enough to result in potential traffic and related impacts, to minimize potential disruption of traffic, transit, and pedestrian and bicycle circulation.

Air quality and noise impacts of construction have both been the subject of legislative action in recent years. As is explained on EIR p. 119, the Board of Supervisors in 2008 approved a series of amendments to the City Building and Health Codes (referred to as the Construction Dust Control Ordinance) that are intended to reduce dust generation from construction projects “to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the Department of Building Inspection.” Because all projects would be subject to the controls outlined in the Construction Dust Control Ordinance, project and cumulative impacts of dust generation would be reduced to a less-than-significant level. Effects of criteria pollutants emitted by construction equipment, even from more than one project, would not result in sufficient emissions to result in violations of air quality standards or to cause substantial health impacts because such effects are typically caused by either long-term exposure over many years, which could not occur as a result of relatively short-term construction activities, or by short-term exposure to extremely high concentrations of pollutants, which would not be expected from typical construction equipment operations.

Cumulative construction noise is likewise regulated by law, under the City’s Noise Ordinance, Article 29 of the Police Code (EIR pp. 92 – 95). See also the comments and responses regarding Noise that begin on p. C&R-52 of this Comments and Responses document.

## Alternatives

### **Comment [ALT1]**

“[T]he renderings of a NO REZONING alternative, with the 150’ height next to 631 Howard appears, does not provide real visuals that would allow an INFORMED evaluation of that alternative. How it could relate to 631 Howard.” (*Sue C. Hestor*)

“[T]he massing next to 631 Howard appears to be punitive in the NO REZONING alternative. Perhaps the developer should retain a more creative architect who can design a building that complies with all elements of the code, including height, and respects its neighbors and context.” (*Sue C. Hestor*)

### **Response**

The comments concern Alternative E, the No-Rezoning Alternative. As is stated on EIR p. 183, and illustrated in Figure 25, p. 182, “this alternative would construct a seven-story, 90-foot-tall portion of the alternative immediately adjacent to the 50-foot-tall 631 Howard Street (William Volker) building”; that compares to the proposed project, which would be about 62 feet tall where it abuts the 631 Howard Street building, and thus would be comparable in height to the 631 Howard Street building where the two buildings would meet. By contrast, the tower portion of the No-Rezoning Alternative would be set back farther from the 631 Howard Street building than would the tower of the proposed project—45 feet, rather than 20 feet. Therefore, the EIR judges that the impacts of the No-Rezoning Alternative on the 613 Howard Street building would be similar to those of the proposed project, and would be less than significant, because, while the No-Rezoning Alternative would be taller than the project at the 613 Howard Street property line,

the No-Rezoning Alternative would have its tower set farther back from the 631 Howard Street building. With both the proposed project and Alternative E, the 631 Howard Street building would retain five of seven aspects of integrity (location, design, materials, workmanship, and association), while integrity of setting and feeling would be impaired. As described on EIR p. 67, the project—and, as indicated above, Alternative E—would “not ‘demolish[] or materially alter[], in an adverse manner, those physical characteristics [of the 631 Howard Street building that] convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or ... account for its inclusion in a local register of historical resources’ (i.e., Article 11 of the *Planning Code*),” and thus both the project and Alternative E would have a less-than-significant impact on the adjacent building.

It is noted that the intent of the No-Rezoning Alternative is to present a building design that would both be zoning-compliant and also be consistent with the project proposal with respect to floor area, as well as meeting most of the other basic objectives of the project, as described on EIR pp. 15 – 16.

### **Comment [ALT2]**

“Please provide an alternative that does NOT require an exception from bulk limits.” (*Sue C. Hestor*)

### **Response**

Alternative B, Compliance with Planning Code Bulk Limits, which is described on EIR pp. 172 – 175, would not require exceptions from the *Planning Code* bulk limits.

### **Comment [ALT3]**

“I’m very happy to read about the parking lot at 222 Second Street possibly disappearing within the next 2 years. The fewer parking lots in the Rincon Hill and Yerba Buena neighborhoods, the fewer private cars on the street (in theory) ... and the safer I and my neighbors will be when walking and bicycling around downtown San Francisco.

“I do want to comment on 222 Second Street’s parking garage. I would like to encourage the Planning Department and Planning Commissioners to prefer Alternative C, the ‘no parking’ option so as to avoid creating additional traffic in the Rincon Hill and Yerba Buena neighborhoods in the South of Market District. The area is already quite dangerous for pedestrians and bicyclists, and I’d hope that our Transit First policy would discourage any off-street parking from being built at the 222 Second Street site. As long as my neighbors feel endangered when walking, they will be encouraged to drive their private cars ... and this is not helpful to the environment nor does it really reflect the desired behaviors of Rincon Hill or Yerba Buena residents who live near the Bay Area’s transit hub. I also recognize the desire for bicycle lanes on 2nd Street (following some community input meetings I hope SFMTA will have this year with Rincon Hill, South Beach, and South Park stakeholders). That would tighten the bottleneck of traffic on and around 2nd Street by most likely eliminating 2 traffic lanes on 2nd Street, and a potential ban on left turns would send the vehicles bound for the 222 Second Street building’s proposed parking garage on a circuitous path around the Rincon Hill residential blocks that need reduced traffic in order to become more LIVABLE - not more traffic..” (*Jamie Whitaker*)

### ***Response***

The commenter's support for Alternative C is noted, and will be considered by the Planning Commission and Board of Supervisors as part of their decision whether to approve the proposed project. Concerning the potential bicycle lanes on Second Street, as noted on DEIR p. 78, this project was not included in the approved Bicycle Plan, and the Municipal Transportation Agency will undertake a community planning effort prior to release of a Second Street bicycle improvements project.

### ***Comment [ALT4]***

"Page 181, setback of 45' at a height of NINE feet?" (*Sue C. Hestor*)

### ***Response***

The height of the 45-foot setback is misstated on p. 181 due to a typographical error: the correct height is 90 feet. (The height of the setback is correctly stated in the Summary, on p. S-20.)

Accordingly, the first sentence of the second paragraph beneath the heading "E. No-Rezoning Alternative" on DEIR p. 181 is revised as follows (new text is double-underlined):

Under this alternative, the building would be set back about 45 feet from the western property line at a height of about 90 feet (above the 7th floor).

### ***Comment [ALT5]***

"Alternative C is incorrectly presented on page S-18. The project cannot produce 10,000 square feet more office space than it has gross floor area." (*Ward Buelow and Penny Eardley*)

### ***Response***

The comment relates to the meaning of "gross floor area" as it is used in the *Planning Code*. As stated on p. 10 of the EIR, in footnote a of Table 1, gross floor area as calculated in *Planning Code* Section 102.9 "excludes certain portions of the building, including accessory parking and loading space, mechanical and building storage space, ground-floor lobby space and 5,000 gross square feet of ground-floor 'convenience' retail space." As the footnote explains, office gross floor area "excludes aggregate of 17,220 sq. ft. of mechanical space at all office floors." Thus, in the case of the proposed project, the building's gross floor area is 17,200 sq. ft. less than the square feet of gross building area. Likewise, for Alternative C, the gross floor area as analyzed is about 10,000 sq. ft. less than the gross building area.

## **Construction Impacts**

### ***Comment [CN1]***

"Page 2 of the summary indicates construction of the project as proposed would take about 21 months. The proposed project is a core and shell type building. At 21 months all the walls, ceilings, floor coverings, etc. for all of the tenant improvements would just be starting. Depending on how quickly the

space is leased, construction activities could continue on for years, as evidenced by 555 Market [sic] St. now only having 50% of tenant improvement construction completed. The draft does not take into consideration the building type, and thus vastly underestimates the duration of construction activities and their impact on neighborhood residents. There is a two-year construction which will most likely turn into a 7-year period with multiple lane closures on 2nd and Howard during construction, noise from unloading truckloads of drywall etc... for 2 to 7 years creates not only a nuisance but also impacts the health of our kids. It is a fact that children's brains develop when they sleep usually between 8PM and 8AM yet this EIR does not even consider the impact of the proposed construction on the well being of our children. (*Armand Der-Hacobian, Concerned SOMA Residents; similar comments from Ward Buelow and Penny Eardley*)

“Construction times, to me, are the time that the building is actually enclosed and all the exterior construction is done. I am not sure if it includes leasehold improvement period that could go on for quite a while, as was raised. But I do not know if the impact of that part of the construction phase would be nearly as dramatic as the phase during which the building is being completed and boxed in, and one would also think that, because this occupancy is phased over a long period of time, the impact would be a lot less because perhaps one or two units at one time were being fit as occupants or prepared to occupy them. But it is an interesting question.” (*Planning Commissioner Michael Antonini*)

### ***Response***

The comments appear to refer to the office building at 555 Mission (not Market) Street, which was completed in 2009. The commenters are correct that the construction schedule given in the EIR is for completion of the building itself, and does not include subsequent tenant improvements, which may range from interior walls on one or more floors to more discrete improvements such as the installation of kitchen facilities in an office suite. Unlike a single-user building, for which all interior spaces are planned in advance and built as part of initial construction, the foregoing approach to construction is common for multi-tenant buildings. As the commenters note, tenant improvements would continue to be made intermittently, not only for a few years, but for the lifetime of the structure. Such limited interior renovations, which would occur at varying intervals and for varying durations, are unlikely to be perceptible to nearby residents or workers, because the building shell would preclude any noise generated by such improvements from being heard outside the building. To the extent that material deliveries would be required, these would typically be of limited duration and would generally occur outside peak traffic hours, such that traffic disruption would be limited. Likewise, limited equipment emissions would occur, as the work itself is typically manual labor, for the most part. The fact that such interior improvements cause limited disruption is evidenced by the fact that, on any given day, there may be dozens of such interior improvement projects under way downtown in both relatively new and older office buildings, with little or no perceptible effect on surrounding residents and workers. Such activities typically use off-street loading spaces at the building in question or on-street loading spaces in the vicinity.

### **Comment [CN2]**

“It is a fact that children’s brains develop when they sleep usually between 8 PM and 8 AM yet this EIR does not even consider the impact of the proposed construction on the well-being of our children.”  
(*Armand Der-Hacobian; Concerned SOMA Residents*)

#### **Response**

In general, nighttime construction activity would not be expected, particularly work that could disturb nearby residents. As stated on EIR p. 93, the City’s Noise Ordinance “prohibits construction work between 8:00 p.m. and 7:00 a.m., if noise would exceed the ambient noise level by five dBA at the project property line, unless a special permit is authorized by the Director of Public Works or the Director of Building Inspection.” Among the factors that must be considered in the event a request for such a nighttime construction permit is requested are whether construction noise would be less objectionable at night than during daytime because of the nearby population or activities, whether nighttime traffic disturbance would be less objectionable than during the day, whether the nighttime work would not emit substantial noise, economic factors, the degree of the project’s “general public interest,” and “if the neighborhood of the proposed work site is primarily residential in character wherein sleep could be disturbed.” Therefore, the proximity of residential buildings would be taken into account in any such consideration of nighttime construction permits.

## **Comments on the Proposed Project**

### **Comment [PR1]**

“I am writing to urge you to keep the building height for the proposed project at 222 Second St. at the zoned heights or below. My primary concern is the shadows that will be cast onto Second St. and the future TransBay Terminal building thoroughfare. As the Planning Commission reports for the TransBay Terminal area have shown, sunlight is a key factor for the successful use of public spaces, especially in our cool, windy city. Please don’t sacrifice the potential of the Transbay Terminal building and walk way areas for a few extra dollars from a developer.” (*Katie Antypas*)

#### **Response**

The comment does not address the adequacy of the EIR, and no response is required. Shadow that would be cast by the proposed project is addressed in the DEIR. Please see responses to specific comments on the EIR’s shadow analysis beginning on p. C&R-55 of this Comments and Responses document.

The commenter’s opposition to the proposed project is noted and will be considered by the Planning Commission and Board of Supervisors as part of their decision whether to approve the propose project.

**Comment [PR2]**

“I did want to write you a quick email voicing my concerns about the 222 2nd Street Office Project. I am a resident of that neighborhood and do not want the project to move forward. From an environmental standpoint, the landscape of the neighborhood will change tremendously, and the dust, congestion and noise will not be good for residents, businesses nearby, or traffic flow going to the freeways nearby. Parking is already an issue in the neighborhood; removing 1 more parking lot is not the answer. I just wanted to write to voice my disapproval of the project.” (*Ranee Kwong*)

**Response**

The comment does not address the adequacy of the EIR, and no response is required. Aesthetics, construction-related air quality, noise, and transportation, including parking, are addressed in the DEIR. Please see responses to specific comments on the EIR’s in the applicable sections of this Comments and Responses document.

The commenter’s opposition to the proposed project is noted and will be considered by the Planning Commission and Board of Supervisors in their deliberations on project approval.

**Comment [PR3]**

“Granting the requested code and zoning variances and exceptions benefits only the developer while greatly increasing the negative impacts on existing residents. There are no overriding benefits to the proposed project that justify the Planning Commission adoption of a Statement of Overriding Considerations. A code compliant and aesthetically compatible project that combines elements of Alternatives C & D should become the basis of any proposed project.” (*Ward Buelow and Penny Eardley*)

**Response**

The comment does not address the adequacy of the EIR, and no response is required.

## D. Staff-Initiated Text Changes

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

On page 15, in the second line, the reference to *Planning Code* Section 310.3 should instead refer to Section 210.3, which describes the C-3 Downtown Commercial use districts.

On page 27, in the sixth line under the heading “Planning Code (Zoning),” the reference to *Planning Code* Section 310.3 should instead refer to Section 210.3, which describes the C-3 Downtown Commercial use districts.

On page 48, footnote 17 is revised as follows to clarify the labeling of a building shown in two of the visual simulations (new text is double-underlined):

- <sup>1</sup> The visual simulations in Figures 13 and 14 include a separate image that depicts cumulative development approved in the Transbay Redevelopment Area and the Rincon Hill Plan area, as well as the planned Transit Tower, another site controlled by the Transbay Joint Powers Authority (TJPA) on Howard Street between First and Second Streets, and other high-rise buildings in the proposed Transit Center District Plan area.

On page 63, the first sentence of the full paragraph (in the center of the page) is revised as follows to correct references to the Marine Firemen’s Union Headquarters building:

In addition to the three districts, the project site is also adjacent, across Tehama Street, to the Pacific Coast Marine Firemen, Oilers, and Watertenders and Wipers Association (“Marine Fireman’s Firemen’s Union”) ~~hall~~ Headquarters building at 240 Second Street.

On page 69, the fourth full paragraph (in the center of the page) is revised as follows to correct references to the Marine Firemen’s Union Headquarters building:

With regard to the Marine Firemen’s Union ~~hall~~ Headquarters building, proposed in the draft Transit Center District Plan for designation as a City Landmark, the project site is separated from this building by Tehama Street. Although the project would result in construction of a building much taller than the Marine Firemen’s Union ~~hall~~ Headquarters building, this change would not adversely affect the characteristics of the union ~~hall~~ building that make it potentially eligible for Landmark designation and listing in the California Register, because these features are connected to that building’s association with events (maritime union history in San Francisco) and not with the specific design or architectural context of the Marine Firemen’s Union ~~hall~~ Headquarters structure. While the Marine ~~Fireman’s Firemen’s~~ Union building may be threatened as a result of the already approved demolition of other nearby maritime union halls, and by the shift away from San Francisco of most Bay Area shipping activity, the proposed project at 222 Second Street would neither adversely affect the Marine Firemen’s Union building nor contribute considerably to any cumulative effects on the union hall or other maritime union halls in the vicinity.



On page 70, the following text is added, immediately before the heading “Cumulative Impacts” to describe less-than-significant effects of construction on adjacent structures:

Excavation and other construction activities adjacent to the 631 Howard Street building and across Tehama Street from the Marine Firemen’s Union Headquarters building at 240 Second Street would be unlikely to result in substantial damage to either of these buildings such that their significance would be materially impaired, and thus no significant impacts to these historical resources would be anticipated. Nevertheless, the project sponsor would undertake a monitoring program during construction to ensure that the buildings are not damaged such that their historic significance would be impaired (see Improvement Measure I-CP-1, p. 75).

Op page 75, the following Improvement Measure to further reduce the less-than-significant impacts on nearby historical resources is added prior to the heading “Conclusion”:

**I-CP-1a Construction Best Practices and Monitoring Program for Historical Resources.** The project sponsor shall incorporate into construction specifications for the proposed project a requirement that the construction contractor(s) use all feasible means to avoid damage to adjacent and nearby historic buildings, including, but not necessarily limited to, staging of equipment and materials as far as possible from historic buildings to avoid direct impact damage; using techniques in demolition (of the parking lot), excavation, shoring, and construction that create the minimum feasible vibration; maintaining a buffer zone when possible between heavy equipment and the 631 Howard Street building; appropriately shoring excavation sidewalls to prevent movement of adjacent structures; design and installation of the new foundation to minimize uplift of adjacent soils; ensuring adequate drainage from adjacent sites; covering the roof of adjacent structures to avoid damage from falling objects; and ensuring appropriate security to minimize risks of vandalism and fire.

**I-CP-1b Construction Monitoring Program.** The project sponsor shall undertake a monitoring program to minimize damage to adjacent historic buildings and to ensure that any such damage is documented and repaired. The monitoring program would include the following components. Prior to the start of any ground-disturbing activity, the project sponsor shall engage a historic architect or qualified historic preservation professional to undertake a preconstruction survey of the buildings at 631 Howard Street and 240 Second Street to document and photograph the buildings’ existing conditions. The consultant shall also establish a maximum vibration level that shall not be exceeded at each building, based on existing condition, character-defining features, soils conditions, and anticipated construction practices (a common standard is 0.2 inches per second, peak particle velocity). To ensure that vibration levels do not exceed the established standard, the project sponsor shall monitor vibration levels at each structure and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted and alternative techniques put in practice, to the extent feasible. The consultant shall conduct regular periodic inspections of each building during ground-disturbing activity on the project site. Should damage to either building occur, the building(s) shall be remediated to its preconstruction condition at the conclusion of ground-disturbing activity on the site.

Implementation of the above measures, which have been agreed to by the project sponsor, would further reduce the less-than-significant impacts of construction on adjacent historical resources.

On page 77, the paragraph under the heading “Transit” is revised as follows to correct the location of the nearest Golden Gate Transit bus stops:

Currently, stops for 10 Muni local and express bus lines and the F-line streetcars are within walking distance (considered one-quarter of a mile) of the project, as are the Muni Metro light rail system and BART, accessible two blocks north of the site, at the Second Street entrance to the Montgomery station. Golden Gate Transit (GGT) serves a bus stop located on Howard Street at Second Street, diagonally across the street from the project site. This bus stop is served by nearly all GGT routes in San Francisco and is used for dropping passengers off only. Similarly, the GGT bus stop on Folsom Street at Second Street is used by the same routes for picking passengers up only. AC Transit, and SamTrans, and ~~Golden Gate Transit~~ are about one and a half blocks to the northeast, at the Transbay Transit Terminal. Caltrain is available at the Fourth/Townsend depot via a connecting Muni line.

On page 94, the second sentence of the third paragraph under Impact NO-3 on EIR p. 94 is revised as follows to reflect the fact that the 201 Second Street project sponsor and the Transbay Joint Powers Authority have developed a strategy to allow the 201 Second Street project to proceed with construction in advance of the Caltrain Downtown Extension:

The project at 201 Second Street ~~is likely to be delayed until after~~ could proceed independently of construction of the Caltrain extension, should that rail project proceed, ~~because although~~ the extension would require demolition and excavation at the 201 Second Street site.

On page 95, the first paragraph is revised as follows to correct the reference to the sponsor of the Caltrain Downtown Extension Project:

Finally, in the event that one or more nearby projects were to be undertaken at the same time as the proposed project, the Planning Department and the Departments of Building Inspection, Public Works, and Public Health, along with the Transbay Joint Powers Authority (sponsor of the Transit Center ~~and~~) ~~and the Peninsula Joint Powers Board (sponsor of the Caltrain extension)~~, would be expected to work to ensure that all projects comply with the San Francisco Noise Ordinance and that project construction schedules are coordinated so as to minimize, to the extent feasible, construction noise that could be disruptive.

On page 156, the last partial paragraph, continuing to p. 157, is revised as follows, up through footnote 165 to provide updated information concerning the excavation for the Caltrain downtown extension (DTX):

The proposed Caltrain Downtown Extension would involve the construction of a subway tunnel leading to the Transbay Terminal and passing beneath Second Street immediately to the east of the project site. ~~Up to 50 feet of soil sediments consisting of fill, Bay Mud, and loose to medium dense marine sands would be encountered at this location which could potentially affect non-seismic settlement beneath portions of the subway. The low strength and moderate deformation characteristics of Bay Mud could affect the stability of the tunnel, the amount of ground deformation caused by the excavations, and the resulting effects on adjacent structures, including the building at 222 Second Street. Prior to the start of cut and cover construction along the Caltrain alignment beneath Second Street, the Caltrain project contractor would ensure that support for foundations of adjacent buildings is adequate. Control of potential movement of adjacent structures is anticipated to be accomplished by use~~

~~of excavation support systems, which, in conjunction with proper excavation and bracing or tie-back procedures, can serve as protection for the adjacent structures. This is common practice for the Bay Area and was successfully used for the Muni Metro Turnaround project at the east end of Market Street. The tunnel would be constructed by underground boring to the south along Second Street, and by “cut-and-cover” surface excavation in Second Street from Clementina Street north to the new Transit Center, including the area adjacent to the project site. In this area, the top of the “train box” would be between about 20 and 30 feet below grade, and the train box would rest on a layer of Colma Sand that is above a thick layer of Old Bay Clay and Franciscan Bedrock. Total excavation would be to a depth of up to about 75 feet. Shoring of the excavation sidewalls would be undertaken using soldier piles inserted to a depth of up to about 100 feet.~~<sup>[footnote 165]</sup>

On page 157, the second-to-last sentence of the first partial paragraph is revised as follows to correct the reference to the sponsor of the Caltrain Downtown Extension Project:

In either case, construction of the proposed project would be undertaken in coordination with the Transbay Joint Powers Authority ~~and the Peninsula Corridor Joint Powers Board~~, which will oversee the new Transit Center and the Caltrain extension, ~~respectively~~.

On page 157, footnote 165 is revised as follows to provide an updated source of information concerning the excavation for the Caltrain downtown extension (DTX):

<sup>165</sup> Parsons Transportation Group, in association with Arup and Jacobs Associates, Final Geotechnical Interpretive Report, Part II, Design Recommendations for the 30% Preliminary Engineering Design Phase of the Cut-and-Cover Segment of the DTX Alignment for the Caltrain Downtown Extension; Task 6.3; Project No. 130642; May 18, 2010. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2006.1106E, Information on Caltrain Downtown Extension construction from: Federal Transit Administration, City and County of San Francisco, Peninsula Corridor Joint Powers Board, and San Francisco Redevelopment Agency, Transbay Terminal/ Caltrain Downtown Extension/Redevelopment Project Final EIS/EIR, March 2004; Case No. 2000.048E; p. 5-79 and p. 5-169. This document is available online at: <http://www.transbaycenter.org/TransBay/content.aspx?id=114>.

On page 181, the first sentence of the second paragraph under the heading “Alternative E: Description” is revised as follows to correct a typographical error:

Under this alternative, the building would be set back about 45 feet from the western property line at a height of about 90 feet (above the 7th floor).

## **Attachment 1: Comment Letters**



**Department of Toxic Substances Control**

Maziar Movassaghi  
Acting Director  
700 Heinz Avenue  
Berkeley, California 94710-2721



Arnold Schwarzenegger  
Governor



Linda S. Adams  
Secretary for  
Environmental Protection

March 10, 2010

Mr. Michael Jacinto  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, California 94013

Dear Mr. Jacinto:

Thank you for the opportunity to review the Draft Environmental Impact Report (DREIR) for the 222 Second Street project. You also have forwarded the following information to DTSC: the Phase I Environmental Site Assessment (ESA) Report and a copy of the Oct. 13, 2006 Remedial Action Completion Certification letter for Underground Storage Tank(s) (USTs). The October 13, 2006 certification letter approves the completion of site investigation and corrective actions of USTs conducted at 222 Second Street by the City and County of San Francisco, Department of Public Health. The San Francisco (SF) Regional Water Quality Control Board (RWQCB) has the overall lead or has jurisdiction over investigation and cleanup of USTs containing petroleum hydrocarbons. In light of this, DTSC is deferring the review of the documents (ESA, certification letter, and the DEIR Executive Summary) to the SF RWQCB. DTSC has no further comment.

Please contact me at (510) 540-3829 or [vlasky@dtsc.ca.gov](mailto:vlasky@dtsc.ca.gov), if you have any questions.

Sincerely,

Virginia Lasky, Project Manager  
Brownfields and Environmental Restoration Program – Berkeley Office

cc: Ms. Nancy Katyl  
SF Regional Water Quality Control Board  
1515 Street, Suite 1400  
Oakland, California 94612

HZ-1

**RECEIVED**

MAR 10 2010

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

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



Re: 222 Second Street Office Project Draft Environmental Impact Report Comments  
Case No. 2006.1106E

Dear Mr. Wycko:

Golden Gate Bridge, Highway and Transportation District (District) staff has reviewed the Draft Environmental Impact Report (DEIR) for the 222 Second Street Office Project (Case No. 2006.1106E) and offers the following comments pertaining to the District's transit services.

The District requests that Page 77 be modified to state that Golden Gate Transit (GGT) serves a bus stop located on Howard Street at Second Street, diagonally across the street from the project site. This bus stop is served by nearly all GGT routes in San Francisco and is used for dropping passengers off only. Similarly, the GGT bus stop on Folsom Street at Second Street is used by the same routes for picking passengers up only.

TR3

The District generally agrees with the findings of Impact TR-3 (Page 84), which states that the project would not measurably affect GGT's seating capacity utilization for the routes serving the two bus stops closest to the 222 Second Street project site. The proposed office building is located close to these bus stops, and the District expects some use of GGT by workers commuting to the proposed office building. However, GGT use could be spread between multiple bus trips on the different routes serving the stops.

TR4

The District notes that Mitigation Measure M-TR-2 (Page 90) identifies significant and unavoidable cumulative project impacts at three intersections used by GGT (Howard/Third, Howard/New Montgomery, and Folsom/Second). Since GGT buses operate through these intersections, service could be impacted.

TR5

For example, GGT uses the eastbound through movement at the Folsom/Second intersection, and this movement is potentially affected by the project. GGT buses use the left lane when approaching and passing through this intersection. The left lane is currently shared with turning traffic, and the DEIR projects left-turn volume to be high (242 vehicles during the peak hour). Because left-turn traffic is typically affected by conflicts with pedestrians in an adjoining crosswalk, the District expects the flow of bus traffic to be affected more by left-turn traffic than through traffic. Despite the DEIR not identifying left-turn traffic to be a

Mr. Wycko, San Francisco Planning Department  
Comments on DEIR for 222 Second St. Office Project

Page 2  
March 8, 2010

critical movement at this intersection, GGT is concerned about negative impacts to its operations at this location. The District suggests that improvements to this intersection configuration be considered in the future, and would appreciate being involved in any process that examines this intersection's operations. ↑ TR5  
cont. ↓

Thank you for providing the District with the opportunity to submit comments on the 222 Second Street DEIR. You may contact David Davenport, Associate Planner, at (415) 257-4546 if you have any questions regarding these comments.

Sincerely,



Alan Zahradnik  
Planning Director

c: Javad Mirabdal, SFMTA  
David Davenport, GGBHTD  
Maurice Palumbo, GGBHTD  
Coach Stop File (CS 6)



TRANSBAY JOINT POWERS AUTHORITY  
Marta Ayerdi-Kaplan • Executive Director

March 15, 2010

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

Subject: 222 Second Street Office Project Draft Environmental Impact Report  
Planning Department Case No. 2006.1106E; State Clearinghouse No. 2007052113

Dear Mr. Wycko:

The Transbay Joint Powers Authority (TJPA) appreciates the opportunity to review and comment on the draft Environmental Impact Report for the 222 Second Street Office Project.

We have reviewed the draft EIR and offer comments in the attached table. As you are aware, the proposed 222 Second Street Project is next to the preferred alignment for a portion of the cut-and-cover tunnel for the Caltrain Downtown Extension (DTX). The DTX is an approved project and is currently in the preliminary design phase. DTX engineers have met with the 222 Second Street Project sponsor to discuss potential conflicts and mitigations between the proposed foundation of the 222 Second Street building and the excavation for the DTX.

Should you have any questions about the TJPA's comments, please contact me at 415-597-4620.

Very truly yours,



Robert Beck, PE  
Senior Program Manager

Attachment

cc: Brian Dykes  
Ed Sum  
Gerry MacClelland

GE2

**Transbay Joint Powers Authority Comments  
on the Draft Environmental Impact Report for the 222 Second Street Office Project**  
(Planning Department Case No. 2006.1106e, State Clearinghouse No. 2007052113)

Reference	Comment	Reference	Comment
1 Chapter 2, Page 7, Figure 2	The shoring wall construction for the proposed 222 Second Street Office Project (the "proposed Project") must be confined to within the property lines for the proposed Project. The shoring wall for the approved Caltrain Downtown Extension (DTX) Project will be close to the property line in City right-of-way. Based on the timeline provided in the Draft EIR, the proposed Project could be constructed prior to construction of the DTX. Because the excavation for the approved DTX will be significantly deeper than the excavation for the basement of the proposed Project, the DTX excavation will require substantial support from its own shoring system. Therefore, the location of the shoring for the proposed Project should not conflict with the shoring for the approved DTX Project.	5 Chapter 4, Page 94	NO2 The Transbay Program Final EIS/EIR contains specific noise and vibration mitigation measures, which were adopted by the TJPA for the DTX Project. As noted on page 94 of the Draft EIR for the proposed Project, the timing of the DTX Project and the timing of the proposed Project are unlikely to coincide. Hence, it is not clear why DTX Project construction noise and vibration are relevant to the analysis of the proposed Project.
2 Chapter 2, Page 12 Chapter 4, Page 88-89	The construction period for the proposed Project is estimated to be 21 months, with occupancy of the proposed Project expected in 2013. It can therefore be projected that excavation for the building basement will begin sometime in 2011. The timing of this excavation could coincide with the excavation of the Transbay Transit Center tram box between Minna and Natoma streets, between Beale Street and east of Second Street. Additionally, demolition of the existing Transbay Terminal is scheduled to commence in summer 2010. Therefore, traffic management plans and haul routes must be coordinated between the two projects.	6 Chapter 4, Page 94	NO3 Construction of the new Transbay Transit Center is scheduled to commence in 2010 with the demolition of the existing Transbay Terminal. Implementation of the Transbay Program is already well underway, including but not limited to construction of the Temporary Terminal. Excavation and foundation construction of the proposed Project and the Transit Center could overlap.
3 Chapter 3, Page 22 Chapter 5, Page 171	A major goal of the Transbay Redevelopment Plan is to support the DTX Project as part of the Transbay Program. While the Draft EIR states that the proposed Project would not substantially conflict with any of the goals of the Transbay Redevelopment Plan, the Draft EIR also states on page 157 that compatibility with surrounding development is an unresolved issue. The TJPA concurs with this latter conclusion.  To avoid substantial conflicts with the approved DTX Project, and to avoid unnecessarily increasing DTX Project costs, the proposed Project should be constructed on a pile foundation. The pile tip elevation should extend beyond the zone of influence of the DTX excavation.  If a mat foundation for the proposed Project is pursued, it will present a number of design issues for the approved DTX Project; these issues can be solved, but only through the DTX Project's incurring significant additional costs. A pile foundation for the proposed Project would avoid the following conflicts:  - The nature of the development foundation type, its proximity to the DTX shoring and excavation, and the difference in elevation between the underside of the mat foundation and the significantly deeper DTX excavation would result in the proposed Project being susceptible to damage arising from ground movement during excavation for the DTX Project. While the Draft EIR states that ground movements will be controlled by the DTX support of excavation, this can only be achieved at the 222 Second Street location at considerable additional expense to the DTX Project.  - During a seismic event, vertical soil pressures from the proposed Project will increase cyclically with the period of the development. These increased vertical pressures translate into additional lateral forces, which will place additional loads upon the DTX tunnel structures. Accommodating additional loads will incur additional cost for the DTX Project.	7 Chapter 4, Page 94	NO4 The statements regarding the status of the 201 Second Street development are incorrect and should be revised or deleted. In consultation with the developer of 201-217 Second Street, the TJPA developed strategies that would allow the site to be developed in advance of the DTX construction.
4 Figure 13, Page 43 Figure 14, Page 44 Appendix C	For easier cross reference between text and the skyline images, the tower currently called "TJPA" would be better identified as "Transbay Howard."	8 Chapter 4, Page 95 Page 157	PS2 The Draft EIR incorrectly identifies the Peninsula Corridor Joint Powers Board (PCJPB) as the sponsor of the DTX Project. The TJPA is the project sponsor.
		9 Chapter 4, Page 146	GE4 The Draft EIR does not discuss mitigation of impacts on existing utilities during construction. For example, AT&T has significant communications infrastructure in Second Street, close to the 222 Second Street property line. The location and size of this duct bank could effectively preclude the use of tiebacks (as discussed in Page 157) on Second Street. Hence, prohibiting the use of tiebacks on Second Street may need to be considered as a mitigation measure.
		10 Chapter 4, Page 156	GE2 Statements regarding the stability of the DTX tunnels are speculative, and not consistent with the findings of the TJPA's geotechnical investigation and reporting. These statements should be corrected or deleted. The TJPA can make available information regarding this issue upon request.
			AE3



# SAN FRANCISCO FIRE DEPARTMENT

DIVISION OF FIRE PREVENTION & INVESTIGATION

Date: February 1, 2010

To: Bill Wycko

Regarding: 222 Second Street

The SFFD is requiring clearance for the permission to build structures. The applicant must follow the guidelines showing adequate hydrants, fire flow, fire department connections, and access roads. Please see the enclosed documents for guidance.

Captain William Mitchell  
(415) 686-0815

A few requirements that are unique to San Francisco that must be addressed in future permits are:

1. Buildings over 200 feet require redundant fire pumps
2. Buildings over 200 feet require a firefighter elevator per SFFC section 511.1
3. High-rise buildings require air replenishment systems per SFFC 511.2.

PS1



# SAN FRANCISCO FIRE DEPARTMENT

DIVISION OF FIRE PREVENTION & INVESTIGATION

December 10, 2009

## New Buildings: Guideline for Fire Clearance

All new structures require a preliminary San Francisco Fire Department review to assure apparatus access and water supplies are sufficient per the 2007 California Fire Code and 2003 NFPA 14.

A SFFD review shall be required of all new structures prior to review by the Planning Department. A fee of \$220.00 shall be submitted by check payable to The SFFD for this review. Two sets of overall site plans shall be submitted, drawn to an indicated scale. Plans must be a minimum of 11" x 17". The scope of work must be indicated. This should be sufficient for most projects of limited size (e.g. smaller residential or commercial buildings on established, wide streets).

These items **must** be included in the plans:

1. Hydrant locations per 2007 CFC section 508 and Appendix C;
2. Fire flow calculations per 2007 CFC section 508 and Appendix B\*;
3. Fire department connection location per 2003 NFPA 14 (if a standpipe system is required, a fire hydrant must be within 100 feet);
4. Fire apparatus access roads per 2007 CFC section 503 and SFFC Bulletin # 5:01. Include street widths, whether parking will be allowed and turnaround dimensions (where applicable).

\*Fire flow calculations must be signed by a C-16 contractor or licensed engineer. New highrise's fire flow calculations must be signed and stamped by an engineer. Per the IFC Applications manual, the sprinkler demand must be added to the minimum flow rate.

Small buildings with code compliant hydrant locations, water supplies and access roads may be done over-the counter. More complex projects may require additional information.





**SAN FRANCISCO FIRE DEPARTMENT  
BUREAU OF FIRE PREVENTION/PLAN CHECK DIVISION**  
1660 Mission Street  
San Francisco, CA 94103  
Contact: Inspector Hayes (415) 558-6174 Fax (415) 558-6543

**REQUEST FOR WATER FLOW INFORMATION**

REQUEST IS FOR FIRE FLOW  
 REQUEST IS FOR SPRINKLER DESIGN

DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_ ADDRESS: \_\_\_\_\_  
 REQUESTED BY: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ FAX NO. (\_\_\_\_) \_\_\_\_/\_\_\_\_  
 PHONE NO. (\_\_\_\_) \_\_\_\_/\_\_\_\_  
 OWNER'S NAME/PHONE # \_\_\_\_\_

ADDRESS FOR WATER FLOW INFORMATION: PROVIDE SKETCH HERE:  
 \_\_\_\_\_

CROSS STREETS (BOTH ARE REQUIRED):  
 \_\_\_\_\_

SPECIFY STREET FOR POINT OF CONNECTION: \_\_\_\_\_

OCCUPANCY (CIRCLE ONE): R3 R1 LIVE/WORK COMMERCIAL OTHER \_\_\_\_\_  
 HAZARD CLASSIFICATION: LIGHT ORD1 ORD2 EXT1 EXT2 OTHER \_\_\_\_\_  
 NUMBER OF STORIES: \_\_\_\_\_ HEIGHT OF BLDG.: \_\_\_\_\_ FT.

- SUBMIT FORM WITH A \$110.00 CHECK MADE TO 'S.F.F.D.'
- REQUESTS REQUIRING A FIELD FLOW TEST WILL BE NOTIFIED BY FAX AND WILL REQUIRE AN ADDITIONAL \$220.00 FEE.
- WATER FLOW INFORMATION WILL BE RETURNED VIA FAX OR MAIL.
- INCOMPLETE FORMS WILL NOT BE PROCESSED.
- ALLOW 7-14 WORKING DAYS FOR PROCESSING.

FLOW DATA PROVIDED BY: \_\_\_\_\_ DATE FORWARDED: \_\_\_\_\_  
 FLOW DATA: FIELD FLOW TEST \_\_\_\_\_ STATIC \_\_\_\_\_ PSI  
 RECORDS ANALYSIS \_\_\_\_\_ RESIDUAL \_\_\_\_\_ PSI  
 FLOW \_\_\_\_\_ GPM  
 GATE PAGE: \_\_\_\_\_ MAIN \_\_\_\_\_ IN

To: Bill Wycko/CTYPLN/SFGOV  
 cc: Michael Jacinto/CTYPLN/SFGOV@SFGOV  
 03/12/2010 05:29 PM  
 Subject Fw: Building Height at 222 Second St  
 ----- Forwarded by Bill Wycko/CTYPLN/SFGOV on 03/12/2010 05:29 PM -----  
 To: bill.wycko@sfgov.org  
 From: Katie Antypas katie.antypas@gmail.com  
 Subject Building Height at 222 Second St.

Dear Mr. Wycko and the San Francisco Planning Commission,

I am writing to urge you to keep the building height for the proposed project at 222 Second St. at the zoned heights or below. My primary concern is the shadows that will be cast onto Second St. and the future TransBay Terminal building thoroughfare. As the Planning Commission reports for the TransBay Terminal area have shown, sunlight is a key factor for the successful use of public spaces, especially in our cool, windy city. Please don't sacrifice the potential of the Transbay Terminal building and walk way areas for a few extra dollars from a developer.

Thank you for your consideration.

Katie Antypas  
 Neighbor at 199 New Montgomery St.



**BIRMINGHAM**  
Development, LLC

**RECEIVED**

FEB 05 2010

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

February 3, 2010

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

Attention: Mr. Bill Wycko, Environmental Review Officer

Re: Environmental Review Impact Report for 222 Second

Dear Mr. Wycko,

As an affected property owner (we own 201, 215 and 217 Second Street) we have read the draft EIR for the project located at 222 Second Street.

We would like to bring it to the project sponsor's attention that we have assembled a potential high rise site immediately to the East of 222 Second Street.

Details of this potential site can be found on Page 36 of the Transit Center District Plan dated November 9, 2009, as issued by the San Francisco Planning Department and the San Francisco Redevelopment Agency.

The environmental review for 222 Second Street should take into account the cumulative impacts of a development at 201/215/217 Second Street, as discussed in the TCDC plan published by the SF Planning Dept.



CM1

Sincerely,  
  
Robert Birmingham

1475 Folsom Street • Suite 400 • San Francisco • CA 94103  
Telephone 415 552 2025 • Fax 415 552 1074  
www.birminghamdevelopment.com

**Ward Buelow & Penny Eardley**  
246 2<sup>nd</sup> St. Apt. 1003  
San Francisco, CA 94105

March 24, 2010

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

RE: Draft Environmental Impact Report  
222 2nd St.  
Planning Department Case No. 2006.1106E

Dear Mr. Wycko:

We are owners and residents at 246 2<sup>nd</sup> St. and wish to comment on the draft EIR for the proposed office building at 222 2<sup>nd</sup> St. Prior to addressing specific concerns and comments on the draft we would like to speak to some general issues that pervade the draft. First are the references made throughout the document to draft plans, such as the Transbay District Plan. When it suits the developers, they reference a draft plan as if it had already been approved and adopted, and highlight the project's conformance with the draft plan. When a draft plan would demonstrate negative impacts resultant from the project, the developer either downplays or completely discounts the impacts by referencing the plans as being in the draft stage. This is especially evidenced by repeated reference to the benefits of the project to meet objectives of the Transbay plan – then refusing to address shadow impacts on a major component of the Transbay plan because the subject park does not yet exist. References in the EIR should treat all plans equally, whether in draft status or not and then they should reflect compliance or noncompliance.

Secondly, all of the renderings in the draft greatly distort the massive scale and size of the project in comparison to adjacent and neighboring buildings. The preparers of the EIR have a responsibility to accurately portray the proposed projects' relationship to existing conditions. The standard of adequacy in evaluating the EIR requires a good faith effort at full disclosure. This draft does not meet that standard. New renderings should be required for the EIR which more accurately depict the true comparison of the scale of the proposed project to the immediate neighborhood. Thirdly, a neighborhood is more than the codes and zoning that govern development within it. As a planning professional you have seen projects constructed in full compliance with code and zoning requirements that when finished were completely inappropriate for the surrounding neighborhood. This is just such a project. Although the EIR addresses specific code and zoning issues on a micro level it fails to adequately address how this project fails to be appropriate for the neighborhood on a macro level. The Downtown Plan places equal importance on the residential and commercial development of the area. This specific area of downtown has been spectacularly successful in establishing a residential character to the neighborhood with hundreds of residents that love their homes, buildings and neighborhood. The completely inappropriate design and location of the proposed project, if approved as proposed, will completely change the character of the neighborhood and the residents' experience of daily life. The EIR presents this project as solely a comparison to minimum requirements to be met to

PP4

AE1

PP2

achieve compliance with code and zoning requirements, failing to address the significant negative impacts to an established and thriving residential neighborhood.

We are particularly concerned about these specific inadequacies in the draft EIR:

- Page 30 of the draft indicates photographic evidence exists that the project site once contained a gasoline station in 1934. Gasoline stations of that era are frequently associated with abandoned and deteriorated underground fuel tanks and resultant petroleum and lead contaminated soils. No mention of the significant possible impacts of the required remediation efforts, or the impacts of air quality issues on area residents, is considered in the draft. Best practice would dictate that the possible environmental impacts created by the past presence of a gas station on the project site be considered in the EIR.
- Of recent concern is the high incidence of injuries to pedestrians in District 6 where the propose project is located. The failure to achieve the goals of the Downtown Plan in respect to vehicle occupancy rates is not adequately addressed in the potential impacts to parking, traffic and pedestrian safety during construction, or afterwards. To ignore the increased number of vehicles in the area, and their associated impacts, does not address reality or conform to best practice.
- Not addressed in the draft is the reduced privacy that adjacent residents of the proposed project would suffer. The proposed project would have direct and close views into the north side of 246 2<sup>nd</sup> St., the west side of the approved residential project at 201 2<sup>nd</sup> St., and the east side residences of One Hawthorne. The proposed project would also have oblique yet very close views into the south side residences of 199 New Montgomery. This loss of privacy would significantly degrade the quality of life of residents if the project is constructed as proposed. The EIR should propose alternatives in design that would help protect the privacy of neighbors in their residences.
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- The project as proposed would result in a net loss of over 40 parking spaces. Many of the spaces in the current lot are used by car share organizations, such as City Car Share and Zipcar. Many of the existing neighborhood residents use these car share vehicles as their primary and secondary vehicles. The draft, as evidenced on the garage floor plans on page 11, does not properly indicate the lost neighborhood amenity of these car share spots or the impact. The project as proposed would bring area off-street parking to 98% occupancy. This would create a shortage of available and convenient car share vehicles. The EIR should address this impact, possibly by providing a number of dedicated spaces for car share vehicles equivalent to the number currently in use on the site.
- Page 11 of the draft shows the gas-fired emergency generator in Garage Level 1. If it is located there it would be exhausted on a lower level. These generators require frequent testing and exercising and this creates considerable noise and echoing. This noise is not

recognized or addressed in the draft. The generator should be located on the roof to mitigate the effects of the noise created and minimize the impact on the neighboring residents.

- Page 11 of the draft shows the chillers located on Garage Level 1. The chillers would create a high level of ambient noise on the street level of this primarily residential area. This noise is not recognized or addressed in the draft. The chillers should be located on the roof to mitigate their noise.

- Page 2 of the summary indicates construction of the project as proposed would take about 21 months. The proposed project is a core and shell type building. At 21 months all the walls, ceilings, floor coverings, etc. for all of the tenant improvements would just be starting. Depending on how quickly the space is leased, construction activities could continue on for years, as evidenced by 555 Market St. which today has only 50% of tenant improvement construction completed. The draft does not take into consideration the building type, and thus vastly underestimates the duration of construction activities and their impact on neighborhood residents.

- Page 47 of the draft indicates that the "project would not produce light or glare adversely affecting other properties." The adjacent residences would actually have their night time views seriously degraded by the project as proposed. The residences would be very close to the project and the light close up would degrade the view of the night time skyline by creating glare. Similar to when you cannot see past oncoming cars headlights due to the glare. The draft does not recognize or address the negative aesthetic impacts. The impacts should be mitigated by requiring the project be designed to include LEED Sustainable Site Credit 8 – Light Pollution Reduction. The intent of this Credit is to: "Minimize light trespass from the building and site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction, and reduce development impact on nocturnal environments." Exterior lighting should be designed for LZ3 as appropriate for high-density residential.

- Shadow impacts created by new construction projects have been a very sensitive local issue recently. The net new project shadow created by the proposed project on Yerba Buena Center as shown on page 143 of the draft is quite significant. Although this is not Recreation and Park Department property the open space is used almost exclusively in the same manner and fashion as if it were a park and the impacts of the increased shadowing will be no less felt by those enjoying the use of this open space. The proposed project would shadow 10,000 square feet of the new City Park at the transit center during the lunch period when the park would be expected to be most heavily used. The proposed project would require a variance regarding shadowing per Section 146 of the Planning Code. If a proposed project requires a code variance then the impact assessment of "Less than Significant" does not seem appropriate.

- Although not requiring impact assessment, the proposed project would create significant shadow impacts to many neighborhood residents. One Hawthorne, 199 New Montgomery, 246 2<sup>nd</sup> St. and the approved residential building at 201 2<sup>nd</sup> St. would all be negatively affected by shadowing from this project.

- The continued reference to the proposed project as a 26-story building throughout the draft is disingenuous and does not reflect how much taller the proposed project is than all other structures in the immediate vicinity. One example of this is that the proposed

PP2  
cont.

HZ-2

TR2

AE6

NO1

TR6

NO5

NO5  
cont.

CN1

AE4

SH2

SH1

SH3

PD1

project is 370 feet to the top of the screen. One Hawthorne is only 2 floors less, at 24 stories, but is 105 feet shorter. Although, as stated in the draft, commercial properties generally have a greater floor-to-floor height than residential structures; the height for the proposed project is excessive. This is due to the mass and large footprint. In order to avoid degrading the interior "feel" of the project the areas must be made taller to compensate for the distance to the windows from the center areas. While this creates a more comfortable and sustainable interior environment for the tenants, it does so at the expense of exterior aesthetics. There is no benefit, and in fact creates a sacrifice, for the community neighbors due to the extreme mass and bulk of the building.

- Alternative C is incorrectly presented on page S-18. The project cannot produce 10,000 square feet more office space than it has gross floor area.
- The project as proposed is not in architectural harmony with the surrounding neighborhood. The insignificant notch at the 5<sup>th</sup> level does not produce a cornice effect as described. The draft recognized this inadequacy by presenting Alternative D. Note in the photos of One Hawthorne attached to this letter that a glass tower can be built over a podium that is aesthetically compatible with the neighborhood.
- The Planning Department specifically requested that the EIR analyze "compatibility with surrounding development". The draft fails to satisfy that request. The project is completely inconsistent with the Downtown Plan Policy 2.1. This policy states that a project that is out of scale with the neighborhood character is undesirable. The proposed project is a poster child for this definition of undesirable impact.


For all of the reasons stated above, we ask that the draft EIR not be certified until the genuine impacts on the neighborhood are addressed. Granting the requested code and zoning variances and exceptions benefits only the developer while greatly increasing the negative impacts on existing residents. There are no overriding benefits to the proposed project that justify the Planning Commission adoption of a Statement of Overriding Considerations. A code compliant and aesthetically compatible project that combines elements of Alternatives C & D should become the basis of any proposed project.

Thank you for your consideration of our comments and concerns.

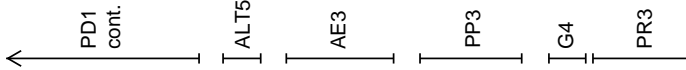
Sincerely,



Ward Buelow



Penny Eardley



### **Comments of Armand Der-Hacopian**

#### **Why the EIR of 222 Second street should be rejected in its entirety:**

This EIR should be rejected in its entirety because it misrepresents the neighborhood our families live in as commercial and industrial.

Why isn't the residential character of the neighborhood mentioned in the EIR? Because by characterizing the neighborhood as industrial the EIR conveniently does not have to analyze the impact on families. The premise of this entire draft is false it is looking at our neighborhood as an industrial/commercial zone.

This proposed project negatively affects the lives of thousands of families living within feet and yards of the proposed site. It also negatively affects the lives of literally hundreds of thousands more who live around the neighborhood.

This neighborhood was industrial a century ago, not today. We don't have lofts in our neighborhood. We have condos as per the existing SF city policy to bring families to downtown. This is not the financial district, there are no lofts, and this is a NEIGHBORHOOD.

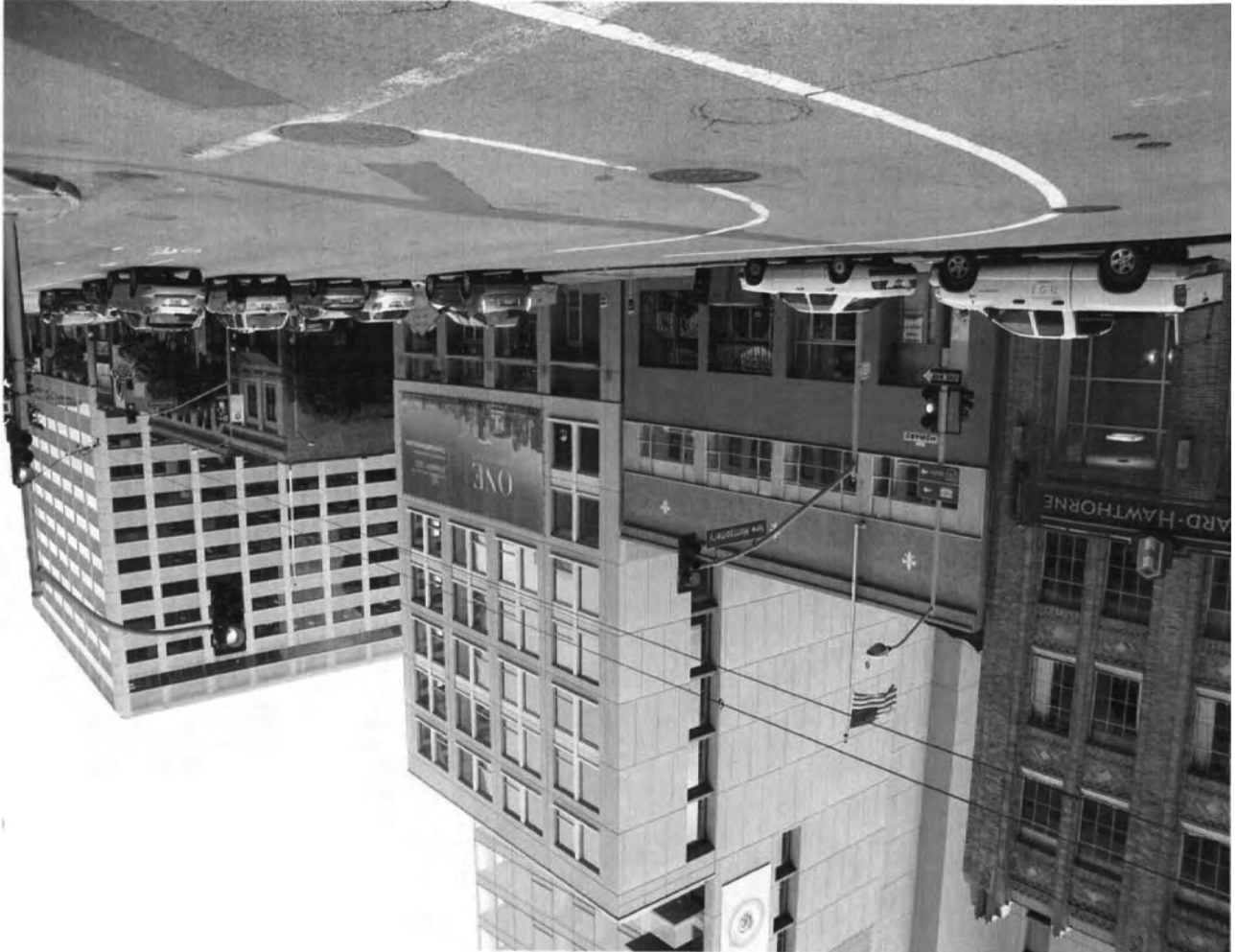
I'd like to point out that **the EIR is a LEGAL document and misrepresentations in a legal document is a serious matter.**

Some facts:

- 246 Second Street, 93 families, 100 feet away
  - 199 New Montgomery, 168 families, 100 feet away
  - One Hawthorne 200 units, 165 families 100 feet away
  - The St. Regis residences 102 families, 1584 feet away
  - 77 Dow, 83 families, 1056 feet away
  - 69 Clementina, 18 families, 300 feet away
  - The Blue, 114 families, 1056 feet away
  - One Montgomery, 107 families, 1584 feet away
  - 201 Second Street, approved, estimated 100 families, 40 feet away
  - Pac Bell building 140 New Montgomery, approved, estimated 200 families, 300 feet away
- I also counted 3 kindergartens: 75 Hawthorne, 95 Hawthorne and a Bright Horizon facility at Second and Folsom.

At a conservative \$10,000 of property tax per family per year, **our families are paying over 10 MILLION DOLLARS PER YEAR in property tax and the impact of this project on them needs to be thoroughly and carefully studied.** This EIR is UNACCEPTABLE.

If you were to take a walk from one building to another, you would see there are kindergartens within feet of the 222 Second (I counted three: 95 Hawthorne, a Bright Horizon facility at Second and Folsom and



one at 75 Hawthorne which will be completely shadowed if the project is allowed to go on. We walk our dogs in the neighborhood, use Zip Car which maintains its cars on the proposed site. Our families have moved to this city because of the policy of the city of SF to encourage families to move to downtown. This policy translated to zoning and codes, which allowed our families to create neighborhoods. There is a vibrant and growing community of families, adults and seniors. We raise our kids, we barbecue on our balconies /rooftops, enjoy the light, sun and quiet unobstructed by office buildings. All of the building are of the same height and mass.

The fact that the EIR is a legal document did not prevent the sponsors of this project to misrepresent the residential character of the neighborhood.

It did not prevent the EIR to include photographs to make the proposed project look smaller either. If you rely on the photos in the EIR you would not realize the impact the building has on the immediate neighborhood.

The continuous reference to the proposed project as a 26-story building throughout the draft is disingenuous in minimizing how much taller the proposed project is than all other structures in the immediate vicinity. One example of this is that the proposed project is 370' to the top of the building. One Hawthorne is only 2 floors less, at 24 stories, but is 105 feet shorter. In other words this proposed project is 105 feet taller than One Hawthorne. Although, as stated in the draft, commercial properties generally have a greater floor-to-floor height than residential structures; the height for the proposed project is excessive. This is due to the mass and large footprint. In order to avoid degrading the interior "feel" of the project the areas must be made taller to compensate for the distance to the windows from the center areas. While this creates a more comfortable and sustainable interior environment, it does so at the expense of exterior aesthetics. There is no benefit, and in fact a sacrifice, by the community neighbors due to the extreme mass and bulk of the building. Even though there is a setback, it happens above all of the adjacent properties.

Not addressed in the draft is the reduced privacy that adjacent residents of the proposed project would suffer. The proposed project would have direct and close views into the north side of 246 2<sup>nd</sup> St., the west side of the approved residential project at 201 2<sup>nd</sup> St., and the east side residences of One Hawthorne. The proposed project would also have oblique yet very close views into the south side residences of 199 New Montgomery. This loss of privacy would significantly degrade the quality of life of residents if the project is constructed as proposed. The EIR should propose alternatives in design that would help protect the privacy of neighbors in their residences.

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EIR. Moving this bus stop creates street parking impacts. If it is proposed to be moved to the south along 2<sup>nd</sup> there will be considerable noise impacts to 246 2<sup>nd</sup> and Courtyard Marriott due to the buses starting on a significant up slope.

The project as proposed would result in a net loss of over 40 parking spaces. Many of the spaces in the current lot are used by car share organizations, such as City Car Share and Zipcar. The draft, as evidenced on the garage floor plans on page 11, does not properly indicate the lost neighborhood amenity of these car share spots or the impact. The project as proposed would bring area off-street parking to 98% occupancy. This would create a shortage of available and convenient car share vehicles. The EIR should address this impact, possibly by providing a number of dedicated spaces for car share vehicles equivalent to the number currently in use on the site.

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Page 47 of the draft indicates that the "project would not produce light or glare adversely affecting other properties." The adjacent residences would actually have their night time views seriously degraded by the project as proposed. The residences would be very close to the project and the light close up would degrade the view of the night time skyline by creating glare. Similar to when you cannot see past oncoming cars headlights due to the glare. The draft does not recognize or address the negative aesthetic impacts. The impacts should be mitigated by requiring the project be designed to include LEED Sustainable Site Credit 8 – Light Pollution Reduction. The intent of this Credit is to: "Minimize light trespass from the building and site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction, and reduce development impact on nocturnal environments." Exterior lighting should be designed for LZ3 as appropriate for high-density residential.

LU1 cont.

AE1

PD1

AE6

HZ-2

NO1

TR6

NO5

CN1

AE4

Increase pedestrian safety, decrease deficit

SFGate.com

### Increase pedestrian safety, decrease deficit

C.W. Nevius  
Saturday, March 20, 2010



SH2

**Shadow impacts** created by new construction projects have been a very sensitive local issue recently. The net new project shadow created by the proposed project on Yerba Buena Center as shown on page 143 of the draft is quite significant. Although this is not Recreation and Park Department property the open space is used almost exclusively in the same manner and fashion as if it were a park, and the impacts of the increased shadow will be no less felt due to the ownership of the open space. **The proposed project would shadow 10,000 square feet of the new City Park at the transit center during the lunch period when the park would be expected to be most heavily used.** The proposed project would require a variance regarding shadowing per Section 146 of the Planning Code. If a proposed project requires a code variance then the impact assessment of "Less than Significant" does not seem appropriate.

SH1

This project brings 1640 new office workers into the neighborhood every day. This creates several traffic problems that the EIR indicates cannot be mitigated. A smaller building, the same height as the immediate surrounding ones, creates fewer workers and mitigates the traffic impacts. The South Beach Rincon Mission Neighborhood association just distributed the following study on pedestrian injuries in our neighborhoods. Our District experiences more pedestrian injuries than any other district in the city. Consequently, allowing a non code compliant building such as 222 Second street to be erected knowing full well the pedestrian safety issues of district outlined below endangers public safety and opens the city to liabilities.  
<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/20/BA8G1CKS4.DTL&type=newsbayareg>  
<http://sfc.surgery.ucsf.edu/media/1556083/pedcost4.pdf>

TR2

Because this space is a parking lot now and minimal new parking is included in the proposed building, the utilization of off-street parking in the area is projected to go from 84% currently to 98%, 98% really equates to all off-street parking being full and rates likely increasing.

TR6

The building is massive and totally out of proportion to adjacent structures as proposed. And the requested code variances are the reason for this. A code compliant building would be a much better neighbor for all of us. **There is no compelling reason for our families and residents of our neighborhood to have the proposed office building.** This would be contrary to the long-standing city policy, zoning and code. What is so compelling that you would reverse years of city policy and grant exceptions?

PP1

**We ask for a code compliant building of the same size as adjacent buildings.** We also ask for **the EIR of this code compliant building to objectively and without misrepresenting analyze the impact of the code compliant building on our families and on the neighborhood.** This impact should include not only the points raised above but also the EIR should take into account such things at the impact of the mass of the building on the foundation of neighboring buildings, construction dust and its impact on our kids lungs, the decrease in air quality. The impact of the increased pollution and decrease in air quality on the health of residents including children and seniors. The impact of an office tower on the day-in-day out quality of life of residents e.g. the obliteration of sunlight, increase in shadowing, creation of wind tunneling down Howard and Folsom, increase in noise pollution, decrease in residents privacy.

G2

Facing a \$522 million budget deficit, San Francisco needs to look at every possible way to save money. A new study from the San Francisco Injury Center points to one place that could not only save millions, but also improve the quality of life for some of the city's neediest residents.

The issue is pedestrian safety. San Francisco is routinely cited as having the highest rate of pedestrian injury collisions of any major city in California. It is a sensitive topic for the Municipal Transportation Agency, which has any number of explanations of why those stats are deceptive. More people walk to work in San Francisco, for example.

But tell it to the 3,598 pedestrians who were injured between 2004 and 2008. They are the subjects of a study coordinated by Dr. Rochelle Dicker, director of the Injury Center at San Francisco General Hospital. In that period, Dicker found that pedestrian accidents rang up medical costs of \$173 million, 75 percent of which were paid out in public funds.

The fact is, Dicker's study found, by focusing on improving safety in a relatively small area of the city - District 6, which includes the Financial District, SoMa and the Tenderloin - the city has the potential to save millions.

"In these times we need to focus on specific areas," she said. "We can't do this in a blanket way."

Both District 6 and District 4 have the highest incidents of pedestrian injuries. In District 4, the medical costs for pedestrian accidents were \$4.89 million over five years. In this district, cars roar off the freeway onto 19th Avenue and treat the city street like a raceway. Nobody needs to be told that the corridor is a problem, and MTA has helped to enact measures to make it safer.

#### District 6 in the lead

But the undisputed champion among city districts for generating medical cost was District 6, with \$13.2 million over five years.

Imagine if the city were to devote time, energy and innovation, particularly in the Tenderloin, where pedestrians play dodgeball with cars every day.

Dicker isn't talking about re-engineering the streets, but rather simple, inexpensive fixes.

"One proven method," Dicker said, "is to change the types of crosswalks to make them more visible. Blinking lights on crosswalks have been effective."

She also notes the concept of "lead lights," where the pedestrian is given a head start into the intersection

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/20/BA8G1CKS4.DTL&type=printable> 3/29/2010

Increase pedestrian safety, decrease deficit before the light turns green.

Page 2 of 2

It isn't as if city officials are completely ignoring the problem. They've narrowed streets in 35 locations with what they like to call a "road diet." Four-lane avenues are cut to three, with one lane in each direction and a turn lane in the center, which slows traffic and keeps pedestrians from crossing two lanes of traffic.

They've added pedestrian islands, mounted traffic lights above the street instead of on corners and increased enforcement. Now, they need to concentrate those measures in the place where the most costly accidents occur. Of course, the argument against doing more is simple. Even if it is relatively cheap, it would still cost money when the city is in a financial bind.

"But, in the long run, it would actually save money," Dicker said. "Trauma tends to be a low-income disease. At S.F. General, we are seeing more people who have lost their jobs and their health care coverage. They are turning to Healthy San Francisco, and while they are lucky to have that option, it is expensive."

### Crashes not 'accidents'

Working at S.F. General, which is the city's only trauma center, Dicker can say her data are comprehensive. Nearly every injured pedestrian comes there, regardless of the neighborhood. Her experience has left her with one firm opinion.

Nowhere in the report is there a reference to an "accident."

"We don't refer to pedestrian-car crashes as accidents," she said. "Because we believe they can be prevented."

Which would also save the city money.

C. W. Nevitus' column appears Tuesday, Thursday and Saturday. E-mail him at [cwnevitus@sfgchronicle.com](mailto:cwnevitus@sfgchronicle.com).

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/20/BA8G1CKS4.DTL>

This article appeared on page C - 1 of the San Francisco Chronicle

# Cost of Auto-versus-Pedestrian Injuries San Francisco, 2004 - 2008

ROCHELLE DICKER, M.D., FACS  
DAHIANNA LOPEZ, R.N., MSN, MPH  
MARC PEPPER, BA  
IAN CRANE  
M. MARGARET KNUDSON, MD, FACS  
WENDY MAXX, PHD

MARCH 2010



San Francisco Injury Center

## Introduction

**Auto-versus-Pedestrian (AVP)** Collisions have remained high in San Francisco. The age-adjusted rate was 92/100,000 in 2008, compared to 63/100,000 in the United States. San Francisco's rate is also 4.5 times greater than the Healthy People 2010 goal of 19/100,000.<sup>1</sup> Since 2003, approximately 650 to 750 AVP collisions have resulted in visits to San Francisco General Hospital (SFGH) each year. SFGH is the only Level I Trauma Center serving San Francisco. As such, we receive 98% of all traumas that occur in the City. As such, we are confident that most, if not all, AVP injuries were treated at SFGH.

Given the public's concern for pedestrian safety in San Francisco and the current economic state, we decided to conduct an analysis of the direct medical cost resulting from AVP collisions in San Francisco. The overall goals of the study were to provide tangible "bottom line" data to stakeholders working on pedestrian safety issues throughout the City and to provide direct feedback to the Board of Supervisors about the cost in their district.

A more technical report has been submitted for publication to the *Journal of Trauma*. The target audience for the present report is the general public and pedestrian safety advocates. Given that research takes many years to be implemented into practice, we wanted to share the findings with the public in order to help other City agencies in their efforts to improve pedestrian safety.

We believe that making an economic case for prevention can help save lives and improve the state of pedestrian injury in San Francisco.

This study was approved by the Committee on Human Research at the University of California, San Francisco.

cases remained and were included in our analysis. (cont. on page 2)

## Method

Using diagnostic codes assigned by physicians, we selected all patients visiting SFGH for an AVP injury between January 2004 and December of 2008. Any injuries treated at SFGH and known to have occurred in San Mateo County (the neighbor-

ing county to the South) were excluded from the cost analysis (n=20). Any AVP injuries occurring as a result of "assault using a vehicle" were also excluded because these injuries were intentional. After these exclusions, 3,598 AVP



UCSF  
University of California  
San Francisco  
advancing health worldwide



**Method (cont.)**

Two groups of patients naturally emerged: 1) Patients seen in the Emergency Department and released within 24 hours, and 2) Patients admitted to the hospital for further observation or treatment such as surgery. These groups will be referred to as "nonadmitted" and "admitted" patients, respectively. As we were collecting the data, we found that the admitted patients accounted for the majority of the cost even though they accounted for one fourth of the total number of

match 77% of our admitted patients to the SWITRS database in order to map the intersection or address where the injury occurred. Using the San Francisco Geographic Information System (SFGIS), we coded each intersection by its corresponding

Supervisory District.

Using data from police reports, also known as "SWITRS" (Statewide Integrated Traffic Record System) data, we geocoded the location of injury for admitted patients. We were successfully able to

"One of the unique features of our study is that it focuses on cost—or what was actually paid out—rather than charges—



or what was actually billed" -  
**Dr. Rochelle Dicker, Trauma Surgeon and Principal Investigator**

**Data Sources and Data Analysis**

Five databases were used, including the hospital's trauma database, the San Francisco Department of Public Health (SFDPH) Billing Information System (BIS), the Emergency Medical Record (EMR), the Statewide Integrated Traffic Record System (SWITRS), and the San Francisco Geographic Information System (SFGIS).<sup>2</sup> Dr. Wendy Max, a health economics expert and Professor at

UCSF guided the methodology for calculating costs. The detailed methodology is summarized in the article submitted for publication. On a conceptual level, cost of direct medical care was calculated by summing three components of care: 1) hospital costs, 2) professional fees for specialty care, such as surgery, and 3) cost of transporting a patient via ambulance. Data were analyzed using expert statistical consultants and advanced statistical software.



**Terminology**

**Charge** refers to the amount billed for all health care services provided. Charges can be likened to the "retail" price for health care. Charges will not be described in detail in this report.

**Cost** refers to the actual amount paid for healthcare, including room fees, medications, medical supplies and de-

medical care were billed. **Supervisory District** refers to the geographic area assigned to a San Francisco City Supervisor. **Countermeasures** refers to safety measures that are available for reducing the likelihood of collisions. These may include engineering countermeasures, enforcement efforts, and educational interventions.



**General Findings—All Injured Pedestrians, SFGH (2004-2008)**

- 3,598 pedestrians included in the study
- 931 (26%) were admitted and 2,667 were nonadmitted (74%)
- Age ranged from 0 to 94
- Children (0 and 19 year) accounted for 14%
- Adults (20 to 64 years) accounted for 72%
- Elderly patients (over 65 years) accounted for 13%
- Over 50% of the sample consisted of Caucasians (33%) and Asians (25%)
- 98% lived in California at the time of the injury
- 74% lived in the City of San Francisco at the time of the injury
- 0.6% were visiting San Francisco from a foreign country at the time of injury
- Homeless people accounted for 7%
- 74% were released from the Emergency Department within 24 hours (nonadmitted)
- 26% were admitted to the hospital



**General Findings—All Admitted Injured Pedestrians (2004-2008)**

- 931 (26%) injured pedestrians were admitted over the 5-year period
- On average, their hospital length of stay was 11.6 days
- 30% of admitted patients required a stay in the Intensive Care Unit (ICU) for an average of 2.8 days
- Of those in the ICU, 56% required mechanical ventilation for about 2.1 days.
- 55% of admitted patients were discharged home
- 7% were transferred to another acute care facility
- 7% were discharged to an acute rehabilitation center
- 19% were discharged to a Skilled Nursing Facility
- 9% died



**Total Cost of Injury (2004-2008)**

- The total cost of Pedestrian Injury was \$74.3 million for all 5 years
- Admitted patients (26%) accounted for 82% of the total cost
- The strongest predictors of high cost were the number of ICU days, hospital days, and age.

Collision Year	Total Cost ( 2008 Dollars )	2008 Pop	Cost Per Capita
2004	\$11,257,143.03	840,462	\$13.39
2005	\$13,480,653.08	840,462	\$16.04
2006	\$16,574,112.85	840,462	\$19.72
2007	\$17,673,296.91	840,462	\$21.03
2008	\$15,358,023.35	840,462	\$18.27
All Years	\$74,343,229.22	840,462	\$88.46

### Mean Cost per Pedestrian for Admitted and Nonadmitted Patients

Year	Admitted		Nonadmitted	
	Mean	Confidence Interval	Mean	Confidence Interval
2004	\$47,303	( \$38,739, \$57,760 )	\$3,798	( \$2,401, \$6,006 )
2005	\$55,989	( \$46,467, \$67,461 )	\$5,165	( \$3,533, \$7,550 )
2006	\$76,440	( \$64,803, \$90,168 )	\$4,881	( \$3,367, \$7,075 )
2007	\$77,679	( \$66,336, \$90,961 )	\$4,534	( \$3,081, \$6,674 )
2008	\$72,754	( \$60,799, \$87,058 )	\$6,405	( \$4,643, \$8,837 )

### Total Cost for Admitted Patients by Supervisorial District



By mapping the admitted patients (most costly) according to Supervisorial District, we were able to highlight “hotspots” where an economic case can be made for implementing and evaluating sustainable countermeasures.

### Who is paying for this?

Approximately 76% (\$56.7 million) of the total cost was paid for by public funding, including Medicare, MediCal, and patients themselves. Conversely, 24% (\$17.6 million) of the cost was paid for by private insurance. The minimum amount billed directly to an uninsured patient was \$5,143 and the maximum was \$505,952.



### Conclusion

Compelling arguments must be put forth to policymakers to invest in changes to enhance pedestrian safety. Pedestrian injury carries the intangible price tag of human life and the tangible price tag of health care expenditures. Providing not only an account of where collisions occur but also the monetary cost of the injuries incurred at those sites gives credence to instituting life-saving and cost-saving measures targeting specific locations and specific road traffic issues.

Interagency collaboration as well as support from the City Supervisors and Mayor will be crucial to the improvement of pedestrian safety. Several sustainable and cost-effective countermeasures in the areas of urban planning, engineering, enforcement, and education have shown promise both in the City of San Francisco and in the scientific literature.<sup>3,4</sup> We hope that the cost of pedestrian injury will be strongly considered when making decisions to allocate funds for injury prevention strategies in San Francisco.

### About the SF Injury Center

The San Francisco Injury Center for Research and Prevention (SFIC) is one of 13 Injury Control Research Centers funded by the National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention (CDC). The SFIC was established in 1989 and is located at the San Francisco General Hospital campus of the University of California, San Francisco, School of Medicine.

The SFIC is a center without walls - bringing together multidisciplinary faculty investigators from throughout the UCSF campus and beyond. The resulting collaborative efforts in laboratory research, clinical trials and injury prevention research have the potential to improve outcomes for victims of trauma in our region and to influence the field of injury control on a global basis.

### Next steps...

- We plan to share our data with other agencies to help improve pedestrian safety.
- We plan to calculate the indirect cost of productivity losses and disability from pedestrian injury, as well as longer-term costs including the costs incurred from rehabilitation and long-term care.
- We plan to replicate this study with auto-versus-bicycle collisions in San Francisco.

### Acknowledgements

- M. Margaret Knudson, MD  
Lou Fainnon  
Peggy Skaj
- Mary Nelson, RN, MPA  
Valerie Houye  
Grace Fernandez  
Kathleen Acosta
- Cony Artigapinto  
Maria Esguerra  
Josephine Hermoso  
Jim Paolucci  
Mark Erdmann  
Matthew Cuenot  
Oliver Gajda  
Ricardo Olea

### References

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2. City and County of San Francisco Department of Public Health (2010) San Francisco GIS Project (dated 2010) [unpublished]. Available from: [http://www.sfgov.org/site/gis\\_index.asp?id=368](http://www.sfgov.org/site/gis_index.asp?id=368)
3. Pedestrian Safety Report to Congress, 2008, Federal Highway Administration, US Department of Transportation, Washington, DC, AT, A
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**Contact:**  
Dahianna Lopez, RN, MSN, MPH  
Prevention Director  
1001 Potrero Ave  
Box 0807 (Ward 3A)  
San Francisco, CA 94113  
lopezd@sfghsurg.ucsf.edu

**SUE C. HESTOR**  
Attorney at Law  
870 Market Street, Suite 1128 • San Francisco, CA 94102  
(415) 362-2776 • FAX (415) 362-8048

March 25, 2010

Michael Jacinto  
Planning Department  
1650 Mission Street 4<sup>th</sup> fl  
San Francisco CA 94103

2006.1160E - 222 Second Street DEIR

Dear Mr. Jacinto:

The text and maps does not clearly explain details of how the "stranded lot" fronting on Tehama will be handled. This lot provides loading for the 631 Howard building which is Significant Building - Category II. Explain CLEARLY how this lot is currently used for loading on adjacent property. How will that loading be shifted if this project proceeds. Eliminating the possibility of restaurant use in the vacant ground floor of 631 Howard - again a historic resource - seems punitive. (p. 87) Loading on Howard Street is restricted during rush hours because of parking restrictions. Please reconcile the loading demands for BOTH buildings in the building design. Shifting the burden onto the street is bad policy. (M-TR-4 - page 90)

TR7

There is NO map of the height limits, which is confusing, particularly given the fact that this project has split height limits and is requesting a height increase from 150' to 350' on part of that lot. The text states that the NORTHWEST portion of the site has a lower height limit, but it is the SOUTHWEST portion which has a small lot fronting on Tehama.

PP1

The alternative (C) which has a project that complies with the CODE height limits is given cavalier treatment. The heights in the Downtown Plan were INTENTIONAL. That 150' height limit had a rationale. PLEASE EXPLAIN IT, going to Downtown Plan source documents if that is not already available. This review should be done by PLANNING STAFF, not by a consultant hired by project sponsor. A review of this block - even a review of the PHOTOS of this block - shows that a 150' height is much more respectful to existing historic buildings on Howard than a 350' high building.

Once again the renderings of a NO REZONING alternative, with the 150' height next to 631 Howard appears, does not provide real visuals that would allow an INFORMED evaluation of that alternative. How it could relate to 631 Howard.

ALT1

**Please provide an alternative that does NOT require an exception from bulk limits.**

ALT2

When the Downtown Plan was adopted, it had both HEIGHT LIMITS and BULK LIMITS. Why does this architect/developer insist on violating both of these limits? Further, the massing next to 631 Howard

1

appears to be punitive in the NO REZONING alternative. Perhaps the developer should retain a more creative architect who can design a building that complies with all elements of the code, including height, and respects its neighbors and context. Note - page 181, setback of 45' at a height of NINE feet?

ALT1

ALT4

In general, the renderings in this EIR are totally lacking in perspectives of the "fit" against the adjacent building with its lovely art deco facade and low scale. An EIR is required to provide information on the AESTHETIC IMPACTS of the project. If the project are as it seems in the limited renderings available, the aesthetics of the project, particularly in the 350' scheme, are poor. It seems to be to be drawn as a building that is intentionally ugly. It does not do justice to Second Street.

AE1

Housing has been built BY THIS DEVELOPER at Hawthorne and Howard. This housing has windows facing east (sunrise) that would face this 350' building.

AE6

Page 17 sets out the various exceptions to the Downtown Plan requested for this project. There has been virtually no downtown project - particularly those designed by this firm - that does not request a slew of such exceptions. Which means that the code rules, the Downtown Plan expectations, in the end are meaningless. The Department has information in its files - cases with an X code - to allow construction of a list of projects that have used these exceptions. Please provide a list of projects that requested/were granted the following exceptions:

Sec 148 - excessive ground level winds, both pedestrian AND seated

Sec 270 - excessive bulk above base

Sec 146 - penetration of 62 degree "sun access plane" above street wall height of 132 feet

PP1

**Repeated exceptions to these limits create a CUMULATIVE ENVIRONMENTAL IMPACT which should be analyzed.** Of particular concern are excessive wind conditions, given the substantial expansion of HOUSING in the immediate area of this project, include housing recently constructed by THIS owner. Approved housing projects on Rincon Hill are sure to add many more pedestrians in the future given that Second Street is relatively flat and has traffic that is relatively calmer than the heavily trafficked one-way streets to the east. To the extent that other exceptions are being requested, please provide the same information for THOSE exceptions.

Respectfully submitted,

Sue C. Hestor

2

To: Bill Wycko/CTYPLN/SFGOV  
Cc: Michael Jacinto/CTYPLN/SFGOV@SFGOV  
03/04/2010 10:17 AM  
Subject Fw: 222 2nd Street Office Project  
----- Forwarded by Bill Wycko/CTYPLN/SFGOV on 03/04/2010 10:17 AM -----  
R K swettart76@hotmail.com  
To <bill.wycko@sfgov.org>  
03/04/2010 09:35 AM  
Subject 222 2nd Street Office Project  
Bill,

I am a SF resident and will be unable to attend the hearing this afternoon. I did want to write you a quick email voicing my concerns about the 222 2nd Street Office Project. I am a resident of that neighborhood and do not want the project to move forward. From an environmental standpoint, the landscape of the neighborhood will change tremendously, and the dust, congestion and noise will not be good for residents, businesses nearby, or traffic flow going to the freeways nearby. Parking is already an issue in the neighborhood; removing 1 more parking lot is not the answer. I just wanted to write to voice my disapproval of the project.  
Thanks.

Regards,

Ranee Kwong

PR2

Katy Liddell cliddell@hotmail.com  
To <bill.wycko@sfgov.org>  
02/28/2010 03:49 PM  
Cc Armand Hacobian <hacobian@hotmail.com>  
Subject 222 2nd Street

Dear Mr Wycko:

My name is Katy Liddell and I have lived in the South Beach / Rincon Hill area for the past fifteen years. I have watched the neighborhood transform itself from an obvious redevelopment area to the newest, most dynamic neighborhood in the City.

I am very concerned about plans for 222 2nd Street; in particular, this office building would negatively impact the surrounding area by adding too many cars into the already congested neighborhood. The two-year construction period will mean multiple lane closures on 2nd and Howard, and that in itself is frightening. Have you ever stood at 2nd and Howard during the rush hour? It is gridlock all the way down 2nd Street.

Our neighborhood already suffers from the pollution of drivers as they get on and off the nearby freeways. The addition of this office building on 2nd Street would add to the pollution and the unhealthy effects of traffic. We want our neighborhood to be resident and pedestrian friendly; please help us by blocking this project.

Thank you for your support.

Regards,

Katy Liddell  
Writing on my own behalf  
President, South Beach / Rincon / Mission Bay Neighborhood Association Member, Rincon Point / South Beach CAC Board Member, Walk San Francisco

TR1

AQ1

**SLATS INVESTORS, LLC**  
1101 FIFTH AVENUE, STE. 300  
SAN RAFAEL, CA 94901  
(415) 456-0600 / FAX (415) 456-2414

**RECEIVED**

MAR 10 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
M/EA

March 5, 2010

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

RE: 222 2<sup>nd</sup> Street  
San Francisco, CA  
Draft EIR

Dear Mr. Wycko,

I am owner at 246 Second Street and am a member of a group of concerned homeowners who live in this area and formed a citizens' group concerned about the 222 2nd Street Office Tower Project.

The current project description is for a very large office tower to be built on the site. The proposed tower would be 26 stories tall and about 350 feet tall and contain about 430,000 square feet of office space. The tower proposal does not conform to the current planning code. The tower proposal exceeds the current planning code's limits on bulk and height. The EIR fails to adequately evaluate:

- The impacts of the loss of light and views to more than half of the 92 residential units at 246 Second Street directly next to the proposed project. AE5
- The traffic analysis focuses solely on intersection levels of service and does not address impacts on potential garage access conflicts with the adjacent residential and commercial buildings. TR7
- The loss of the existing surface parking lot resource and the increased demands on public parking is not addressed. TR6
- Cumulative temporary construction impacts are not adequately addressed. Potential concurrent construction of approved projects including 140 New Montgomery, 201 2<sup>nd</sup> Street and the TransBay Terminal Construction is not addressed. CM2

Mr. Bill Wycko  
March 5, 2010  
Page Two

Additionally the more substantial construction and demolition due to the 2<sup>nd</sup> Street high speed rail connection to the new TransBay Terminal is not addressed. All of these major projects could reasonably be under construction at the same time without an analysis of potential cumulative impacts to the surrounding residents and workers. We also understand that the Museum of Modern Art plans demolition of two buildings and a 100,000 + sf addition nearby. Air quality degradation and potential congestion should be considered.

- No serious attempt has been made to bring the exterior design into greater conformance with the adjacent historic and conservation districts. The proposed contemporary design will overwhelm and diminish the cultural value of the existing historic low rise historic structures.

No doubt many other concerns will be raised by the public and we are hopeful that you will provide a thorough review of the proposed project.

Very truly yours,



Tom Monahan  
SLATS Investors, LLC

TMM/csf

CM2  
cont.

CU2

**SLATS INVESTORS THREE, LLC**  
1101 FIFTH AVENUE, STE. 300  
SAN RAFAEL, CA 94901  
(415) 456-0600 / FAX (415) 456-2414

**RECEIVED**

MAR 18 2010  
CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
M.E.A.

March 5, 2010

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

RE: 222 2<sup>nd</sup> Street  
San Francisco, CA  
Draft EIR

Dear Mr. Wycko,

I am owner at 199 New Montgomery and am a member of a group of concerned homeowners who live in this area and formed a citizens' group concerned about the 222 2nd Street Office Tower Project.

The current project description is for a very large office tower to be built on the site. The proposed tower would be 26 stories tall and about 350 feet tall and contain about 430,000 square feet of office space. The tower proposal does not conform to the current planning code. The tower proposal exceeds the current planning code's limits on bulk and height. The EIR fails to adequately evaluate:

- The impacts of the loss of light and views to the more than half of the 166 residential units at 199 New Montgomery directly across the street from the proposed project. AE5
- The traffic analysis focuses solely on intersection levels of service and does not address impacts on potential garage access conflicts with the adjacent residential and commercial buildings. TR7
- The loss of the existing surface parking lot resource and the increased demands on public parking is not addressed. TR6
- Cumulative temporary construction impacts are not adequately addressed. Potential concurrent construction of approved projects including 140 New Montgomery, 201 2<sup>nd</sup> Street and the TransBay Terminal Construction is not addressed. CM2

Mr. Bill Wycko  
March 5, 2010  
Page Two

Additionally the more substantial construction and demolition due to the 2<sup>nd</sup> Street high speed rail connection to the new TransBay Terminal is not addressed. All of these major projects could reasonably be under construction at the same time without an analysis of potential cumulative impacts to the surrounding residents and workers. We also understand that the Museum of Modern Art plans demolition of two buildings and a 100,000 + sf addition nearby. Air quality degradation and potential congestion should be considered.

- No serious attempt has been made to bring the exterior design into greater conformance with the adjacent historic and conservation districts. The proposed contemporary design will overwhelm and diminish the cultural value of the existing historic low rise historic structures.

No doubt many other concerns will be raised by the public and we are hopeful that you will provide a thorough review of the proposed project.

Very truly yours,



Tom Monahan  
SLATS Investors Three, LLC

TMM/csf

CM2  
cont.

CU2

**Marine Firemen's Union**  
AFL-CIO  
AFFILIATED WITH THE SEAFARERS INTERNATIONAL UNION OF N.A.

240 Second Street  
 San Francisco, California 94105-3129  
 (415) 362-4592  
 Dispatcher: (415) 362-7593

March 9, 2010

**RECEIVED**  
 MAR 13 2010  
 CITY & COUNTY OF S.F.  
 PLANNING DEPARTMENT

BRANCHES  
 Seattle, Washington  
 Wilmington, California  
 Honolulu, Hawaii

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

Dear Mr. Wycko:

Re: 222 Second Street Office Project

The Marine Firemen's Union submits the following comments regarding Planning Department Case No. 2006.1106E.

- 1) Page 63 of the document states:

*In addition to the three districts, the project site is also adjacent, across Tehama Street, to the Marine Firemen, Oilers and Waterenders and Wipers Association ("Marine Fireman's Union") hall at 240 Second Street.*

The official name of our organization is the Pacific Coast Marine Firemen, Oilers, Waterenders and Wipers Association; the legal short title is Marine Firemen's Union. The 240 Second Street property is not simply "a hall"; it is our Headquarters building. We suggest that the sentence be edited (new language in **bold**, deletions in ~~strikethrough~~) as follows:

In addition to the three districts, the project site is also adjacent, across Tehama Street, to the **Pacific Coast** Marine Firemen, Oilers, ~~and~~ Waterenders and Wipers Association ("Marine ~~Firemen's~~ **Firemen's** Union") ~~hall~~ **Headquarters building** at 240 Second Street.

to read:

In addition to the three districts, the project site is also adjacent, across Tehama Street, to the Pacific Coast Marine Firemen, Oilers, Waterenders and Wipers Association ("Marine Firemen's Union") Headquarters building at 240 Second Street.

- 2) Similar corrections should be made on Page 69 of the document as follows:

Mr. Bill Wycko, Environmental Review Officer  
 San Francisco Planning Department  
 Page 2 of 3  
 March 9, 2010

With regard to the Marine Firemen's Union ~~hall~~ **Headquarters building**, proposed in the draft Transit Center District Plan for designation as a City Landmark, the project site is separated from this building by Tehama Street.

Although the project would result in construction of a building much taller than the Marine Firemen's Union ~~hall~~ **Headquarters building**, this change would not adversely affect the characteristics of the ~~union hall~~ **building** that make it potentially eligible for Landmark designation and listing in the California Register, because these features are connected to that building's association with events (maritime union history in San Francisco) and not with the specific design or architectural context of the Marine Firemen's Union ~~hall~~ **Headquarters building** structure.

While the Marine ~~Firemen's~~ **Firemen's** Union building may be threatened as a result of the already approved demolition of other nearby maritime union halls, and by the shift away from San Francisco of most Bay Area shipping activity, the proposed project at 222 Second Street would neither adversely affect the Marine Firemen's Union building nor contribute considerably to any cumulative effects on the union hall or other maritime union halls in the vicinity.

to read:

With regard to the Marine Firemen's Union Headquarters building, proposed in the draft Transit Center District Plan for designation as a City Landmark, the project site is separated from this building by Tehama Street.

Although the project would result in construction of a building much taller than the Marine Firemen's Union Headquarters building, this change would not adversely affect the characteristics of the building that make it potentially eligible for Landmark designation and listing in the California Register, because these features are connected to that building's association with events (maritime union history in San Francisco) and not with the specific design or architectural context of the Marine Firemen's Union Headquarters building structure.

While the Marine Firemen's Union building may be threatened as a result of the already approved demolition of other nearby maritime union halls, and by the shift away from San Francisco of most Bay Area shipping activity, the proposed project at 222 Second Street would neither adversely affect the Marine Firemen's Union building nor contribute considerably to any cumulative effects on the union hall or other maritime union halls in the vicinity.

CU3  
 cont.


CU3

Mr. Bill Wycko, Environmental Review Officer  
San Francisco Planning Department  
Page 3 of 3  
March 9, 2010

3) The Marine Firemen's Union is on record with the San Francisco Historical Preservation Commission as opposing historical landmark designation of our Headquarters property. I will submit separate comments on that issue to the Transit Center District Plan Draft for Public Review.

CU4

Very truly yours,



Anthony Poplawski  
President/Secretary-Treasurer

AGP:sds  
ope-3-atf-cio (76)

Comments on the DEIR - 222 Second Street Office Project

PP1

1. Please include a current height district zoning map as well as one showing the proposed change.

2. Historic resources:

A. A historic resource (Cat II) is located immediately SW of the proposed project (Figure 16).

B. A Proposed Landmark is located SE of the proposed project project (Figure 16).

C. Three properties identified as Cat I on the "Proposed Article 11 Designations and Historic Districts under draft Transit Center District Plan" are located NW across Howard Street project (Figure 16).

CU1

With these identified historic resources in close proximity to the proposed project, there should be mitigations addressing potential impacts caused by construction activities. These include, but are not limited to: storage of construction materials, actions of machinery and other equipment and vibrations. Mitigations for vibrations: before construction architectural and structural, existing conditions analysis to establish base lines and regular onsite inspections of historic resources during construction.

Submitted by Hisashi Sugaya, 900 Bush Street, San Francisco, CA 94109



To: Bill Wycko/CTYPLN/SFGOV  
Cc: Michael Jacinto/CTYPLN/SFGOV@SFGOV  
03/04/2010 10:18 AM  
Subject Fw: Proposed Office Tower - 222 2nd Street  
----- Forwarded by Bill Wycko/CTYPLN/SFGOV on 03/04/2010 10:18 AM -----

Ann Tubbs [anntubbs@yahoo.com](mailto:anntubbs@yahoo.com)  
To: bill.wycko@sfgov.org  
03/04/2010 12:58 AM  
Subject Proposed Office Tower - 222 2nd Street

To Bill Wycko, Environmental Review Officer  
SF Planning Department

Regarding your review of the draft Environmental Impact Report (EIR) for the proposed office tower (222 2nd Street Office Project) to be built on the parking lot at the southwest corner of 2nd Street and Howard: We are residents and owners of a condo at 246 Second Street. We are retired and hope to make this our home for many years. We love living downtown and watching the changes in our neighborhood, as the city continues to develop SOMA as a mixed use area. Currently about 1,000 families live in the immediate area.....with more moving in every week as new condos are completed and sold. But the building which Tishman is proposing to build at 222 2nd Street will severely reduce the quality of life for all of us in the neighborhood.

Since the proposed building would exceed San Francisco's code in height, bulk, shadowing and pedestrian wind comfort, we would expect that the EIR would pay particular attention to the effects of the height and bulk of the building. But the EIR does not adequately address the impact of the proposed office tower on the lives of the people who live here. The obliteration of sunlight, the creation of wind tunnels, the increase in noise and pollution, and the decrease in our privacy are important issues for the residents of the area, as are the increased traffic and decreased public parking - which is already difficult. These are issues that will affect our health, as well as our quality of life, and we request that they be seriously addressed before this proposal goes any further.

Thank you,  
Ann Tubbs and Ehtesham Majid

LU1

G2

Jamie Whiakier [jamiewhiaker@gmail.com](mailto:jamiewhiaker@gmail.com)  
To: bill.wycko@sfgov.org  
03/01/2010 11:40 PM  
Subject Comments on Case No. 2006.1106E (222 Second Street) Draft Environmental Impact Report

Dear Mr. Wycko

I'm very happy to read about the parking lot at 222 Second Street possibly disappearing within the next 2 years. The fewer parking lots in the Rincon Hill and Yerba Buena neighborhoods, the fewer private cars on the street (in theory) ... and the safer I and my neighbors will be when walking and bicycling around downtown San Francisco.

I do want to comment on 222 Second Street's parking garage. I would like to encourage the Planning Department and Planning Commissioners to prefer Alternative C, the "no parking" option so as to avoid creating additional traffic in the Rincon Hill and Yerba Buena neighborhoods in the South of Market District. The area is already quite dangerous for pedestrians and bicyclists, and I'd hope that our Transit First policy would discourage any off-street parking from being built at the 222 Second Street site. As long as my neighbors feel endangered when walking, they will be encouraged to drive their private cars ... and this is not helpful to the environment nor does it really reflect the desired behaviors of Rincon Hill or Yerba Buena residents who live near the Bay Area's transit hub. I also recognize the desire for bicycle lanes on 2nd Street (following some community input meetings I hope SFMTA will have this year with Rincon Hill, South Beach, and South Park stakeholders). That would tighten the bottleneck of traffic on and around 2nd Street by most likely eliminating 2 traffic lanes on 2nd Street, and a potential ban on left turns would send the vehicles bound for the 222 Second Street building's proposed parking garage on a circuitous path around the Rincon Hill residential blocks that need reduced traffic in order to become more LIVABLE - not more traffic.

I also want to say that it seems very presumptuous to propose a project based upon the DRAFT Transit Center District Plan published in November 2009. While I personally support most characteristics of the plan, I am troubled by the Draft document's suggestion to push private vehicle traffic from Folsom Street south to the residential core of Harrison Street. I believe there are other sections of the Transit Center District Plan that could use some edits based upon community input. My main point is that this project should meet current zoning and planning requirements rather than be based upon heights in a draft planning document.

I appreciate additional open space in the downtown area. I would hope it could be utilized beyond the typical 8am - 6pm hours, Monday through Friday that are common at most Heller Manus properties along 2nd Street so that residents of Rincon Hill and Yerba Buena might use the open space once on a blue moon when they are home from work (evenings and weekends).

Thank you,

Jamie Whiakier  
201 Harrison St. Apt. 229  
San Francisco, CA 94105

ALT3

PP4

RE1

Dear Mr. Wycko,

I am a condo owner at 246 2nd Street and am a member of a group of concerned homeowners who live in the neighborhood surrounding the proposed office tower at 222 2nd Street.

Firstly, the 222 2nd Street office tower project does not conform to the current planning code. The tower as proposed would exceed the current code's limits on both bulk and height. This being the case, the EIR should carefully consider the environmental impacts specifically of the requested variances and clearly compare these impacts to a code compliant building so the public and the Planning Commission and Board of Supervisors can adequately judge the full environmental impact of the 222 2nd Street office tower on the SOMA community. This has not been done in the draft study.

In addition, after studying the EIR, the EIR does not do a sufficient job in addressing the following areas:

- 1. Impact of the loss of light and views to hundreds of residents of pre-existing condos in the area - namely 246 2nd Street, 199 Montgomery, One Hawthorne Place, 69 Clementina, SF Blue. AE5
- 2. The loss of existing surface public parking lot and the increased demands on the public parking is not adequately addressed. Zip Car and City Car Share will lose car parking spaces. These short term rental cars are used by residents and business people from the area and are a quasi-public transportation resource whose loss is not addressed in the EIR. TR6
- 3. The traffic analysis does not address the impacts on potential garage access conflicts with the surrounding residential and commercial buildings already in existence. The EIR focuses narrowly on the impact on street intersections only. Nor does the EIR address the proposed bike lanes to be installed on 2nd Street and the impact of the proposed project on bike traffic during and after construction. TR8  
TR9
- 4. Impact of the non-code compliant building height on shadow creation on the residents and commercial occupants in the neighborhood, on the parks in the area including Yerba Buena Park and the nearby office roof parks, on the potential green space that will be created with the completion of the TransBay Terminal Area Plan. SH2
- 5. The impact of the building on the children in the area is not specifically addressed. Not only do children live in the nearby condos but children also attend several day care centers in the vicinity of 222 2nd Street. How will the health, safety, and well being of these children be affected during the construction of the building? How will their well being be affected by the increased bulk and height of the proposed building? These are very pertinent environmental concerns that have not been addressed. LU2
- 6. Senior citizens are a significant portion of the residents in the area. These citizens have specific health concerns that will be impacted during the construction phase of the project. How will the health and safety of senior citizens be affected by the construction of the building? How will their well being and life style and life expectancy be affected by the construction of the proposed non-code compliant structure?

7. The EIR should consider the cumulative impact of the construction of not just 222 2nd Street but also the already approved and proposed projects in the area. Will a worst case scenario of multiple constructions going on simultaneously have a multiplier affect on the health, safety, and general living conditions of residents and workers in the community? CM2

8. This EIR does not consider how this project's construction fits into the TransBay Terminal projects may facets. Of high concern is the potential construction of the high speed rail or Cal Train extension through 2nd Street concurrent with the 222 2nd Street Project. CU2

9. The mass, scale, and design of the proposed office tower is completely out of proportion and conformance with the nearby historic, cultural, and districts. The scope of this project will totally change the character and ambiance of the neighborhood. These major cultural and sociological factors have not been adequately explored and detailed in the Draft EIR.

With these many inadequacies, I ask that the Planning Department address these concerns in its final EIR for the 222 2nd Street Office Tower Project.

Respectfully,

Yours truly,

Tom Yamamoto

246 2nd Street #1002

San Francisco, CA 94105

We are a group of SOMA residents who are concerned about the proposed 222 2nd Street Office Tower Project. We would like to make the following comments to the draft EIR for this project.

Why the EIR of 222 Second Street should be rejected in its entirety:

This EIR should be rejected in its entirety because it misrepresents the neighborhood our families live in as commercial and industrial.

Why isn't the residential character of the neighborhood mentioned in the EIR? Because by characterizing the neighborhood as industrial the EIR conveniently does not have to analyze the impact on families. The premise of this entire draft is false it is looking at our neighborhood as an industrial/commercial zone.

This proposed project negatively affects the lives of thousands of families living within feet and yards of the proposed site. It also negatively affects the lives of literally hundreds of thousands more who live around the neighborhood.

This neighborhood was industrial a century ago, not today. We don't have lofts in our neighborhood. We have condos as per the existing SF city policy to bring families to downtown. This is not the financial district, there are no lofts, and this is a NEIGHBORHOOD.

We'd like to point out that the EIR is a LEGAL document and misrepresentations in a legal document is a serious matter.

Some facts:

- 246 Second Street, 93 families, 100 feet away
- 199 New Montgomery, 168 families, 100 feet away
- One Hawthorne 200 units, 165 families 100 feet away
- The St Regis residences 102 families, 1584 feet away
- 77 Dow, 83 families, 1056 feet away
- 69 Clementina, 18 families, 300 feet away •The Blue, 114 families, 1056 feet away
- One Montgomery, 107 families, 1584 feet away
- 201 Second Street, approved, estimated 100 families, 40 feet away
- Pac Bell building 140 New Montgomery, approved, estimated 200 families 300 feet away

We also counted 3 kindergartens: 75 Hawthorne, 95 Hawthorne and a Bright Horizon facility at Second and Folsom.

At a conservative \$10,000 of property tax per family per year, our families are paying over 10 MILLION DOLLARS PER YEAR in property tax and the impact of this

LU1

project on them needs to be thoroughly and carefully studied. This EIR is UNACCEPTABLE.

If you were to take a walk from one building to another, you would see there are kindergartens within feet of the 222 Second (We counted three: 95 Hawthorne, a Bright Horizon facility at Second and Folsom and one at 75 Hawthorne which will be completely shadowed if the project is allowed to go on.)We walk our dogs in the neighborhood, use Zip Car which maintains its cars on the proposed site. Our families have moved to this city because of the policy of the city of SF to encourage families to move to downtown.

LU1

This policy translated to zoning and codes, which allowed our families to create neighborhoods. There is a vibrant and growing community of families, adults and seniors. We raise our kids, we barbecue on our balconies /rooftops, enjoy the light, sun and quiet unobstructed by office buildings.

All of the building are of the same height and mass.

The fact that the EIR is a legal document did not prevent the sponsors of this project to misrepresent the residential character of the neighborhood.

AE1

It did not prevent the EIR to include photographs to make the proposed project look smaller either. If you rely on the photos in the EIR you would not realize the impact the building has on the immediate neighborhood.

The continuous reference to the proposed project as a 26-story building throughout the draft is disingenuous in minimizing how much taller the proposed project is than all other structures in the immediate vicinity.

PD1

One example of this is that the proposed project is 370' to the top of the building, One Hawthorne is only 2 floors less, at 24 stories, but is 105 feet shorter. In other words this proposed project is 105 feet taller than One Hawthorne. Although, as stated in the draft, commercial properties generally have a greater floor-to-floor height than residential structures; the height for the proposed project is excessive. This is due to the mass and large footprint. In order to avoid degrading the interior "feel" of the project the areas must be made taller to compensate for the distance to the windows from the center areas. While this creates a more comfortable and sustainable interior environment, it does so at the expense of exterior aesthetics. There is no benefit, and in fact a sacrifice, by the community neighbors due to the extreme mass and bulk of the building. Even though there is a setback, it happens above all of the adjacent properties.

AE6

Not addressed in the draft is the reduced privacy that adjacent residents of the proposed project would suffer. The proposed project would have direct and close views into the north side of 246 2nd St., the west side of the approved residential project at 201 2nd St., and the east side residences of One Hawthorne. The proposed project would also have oblique yet very close views into the south side residences of 199 New Montgomery.

This loss of privacy would significantly degrade the quality of life of residents if the project is constructed as proposed. The EIR should propose alternatives in design that would help protect the privacy of neighbors in their residences.

Page 30 of the draft indicates photographic evidence exists that the project site once contained a gasoline station in 1934. Gasoline stations of that era are frequently associated with abandoned and deteriorated underground fuel tanks and resultant petroleum and lead contaminated soils.

No mention of the significant possible impacts of the required remediation efforts, or the impacts of air quality issues on area residents is considered in the draft. Best practice would dictate that the possible environmental impacts created by the past presence of a gas station on the project site be considered in the EIR.

There is currently a Bus Stop and shelter for the 10 Muni and 12 Muni directly in front of the 2nd St side of the project. The draft does not indicate either the temporary (during construction) or permanent location of this bus stop. The plans for the short and long term for bus stops should be included in the EIR. Moving this bus stop creates street parking impacts. If it is proposed to be moved to the south along 2nd there will be considerable noise impacts to 246 2nd and Courtyard Marriott due to the buses starting on a significant up slope.

The project as proposed would result in a net loss of over 40 parking spaces. Many of the spaces in the current lot are used by car share organizations, such as City Car Share and Zipcar. The draft, as evidenced on the garage floor plans on page 11, does not properly indicate the lost neighborhood amenity of these car share spots or the impact. The project as proposed would bring area off-street parking to 98% occupancy. This would create a shortage of available and convenient car share vehicles. The EIR should address this impact, possibly by providing a number of dedicated spaces for car share vehicles equivalent to the number currently in use on the site.

Page 11 of the draft shows the gas-fired emergency generator in Garage Level 1. If it is located there, it would be exhausted on a lower level.

These generators require frequent testing and exercising and this creates considerable noise and echoing. This noise is not recognized or addressed in the draft. The generator should be located on the roof to mitigate the affects of the noise it creates to the neighboring residents.

Page 11 of the draft also show the chillers located on Garage Level 1. The chillers would create a high level of ambient noise on the street level of this primarily residential area. This noise is not recognized or addressed in the draft. The chillers should be located on the roof to mitigate their noise affects.

Page 2 of the summary indicates construction of the project as proposed would take about 21 months. The proposed project is a core and shell type building. At 21 months all the walls, ceilings, floor coverings, etc. for all of the tenant improvements would just be starting. Depending on how quickly the space is leased, construction activities could continue on for years, as evidenced by 555 Market St. now only having 50% of tenant improvement construction completed. The draft does not take into consideration the building type, and thus vastly underestimates the duration of construction activities and their impact on neighborhood residents. There is a two-year construction which will most likely turn into a 7-year period with multiple lane closures on 2nd and Howard during construction, noise from unloading truckloads of drywall etc.... for 2 to 7 years creates not only a nuisance but also impacts the health of our kids.

HZ-2

NO1

TR6

NO5

CN1

It is a fact that children's brains develop when they sleep usually between 8PM and 8AM yet this EIR does not even consider the impact of the proposed construction on the well being of our children.

Page 47 of the draft indicates that the "project would not produce light or glare adversely affecting other properties." The adjacent residences would actually have their night time views seriously degraded by the project as proposed. The residences would be very close to the project and the light close up would degrade the view of the night time skyline by creating glare. Similar to when you cannot see past oncoming cars headlights due to the glare. The draft does not recognize or address the negative aesthetic impacts. The impacts should be mitigated by requiring the project be designed to include LEED Sustainable Site Credit 8 – Light Pollution Reduction. The intent of this Credit is to: "Minimize light trespass from the building and site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction, and reduce development impact on nocturnal environments." Exterior lighting should be designed for LZ3 as appropriate for high-density residential.

Shadow impacts created by new construction projects have been a very sensitive local issue recently. The net new project shadow created by the proposed project on Yerba Buena Center as shown on page 143 of the draft is quite significant. Although this is not Recreation and Park Department property the open space is used almost exclusively in the same manner and fashion as if it were a park, and the impacts of the increased shadow will be no less felt due to the ownership of the open space. The proposed project would shadow 10,000 square feet of the new City Park at the transit center during the lunch period when the park would be expected to be most heavily used. The proposed project would require a variance regarding shadowing per Section 146 of the Planning Code. If a proposed project requires a code variance then the impact assessment of "Less than Significant" does not seem appropriate.

This project brings 1640 new office workers into the neighborhood every day. This creates several traffic problems that the EIR indicates cannot be mitigated. A smaller building, the same height as the immediate surrounding ones, creates fewer workers and mitigates the traffic impacts. The South Beach Rincon Mission Neighborhood association just distributed the following study on pedestrian injuries in our neighborhoods. Our District experiences more pedestrian injuries than any other district in the city.

Consequently, allowing a non code compliant building such as 222 Second street to be erected knowing full well the pedestrian safety issues of district outlined below endangers public safety and opens the city to liabilities.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/03/20/BA8G1C1KS4.DTL&type=newsbayarea>  
<http://sffic.surgerv.ucsf.edu/media/1556083/pedcost.pdf>

Because this space is a parking lot now and minimal new parking is included in the proposed building, the utilization of off-street parking in the area is projected to go from 84% currently to 98%. 98% really equates to all off-street parking being full and rates likely increasing.

CN1 cont.

AE4

SH

SH1

TR2

TR6

The building is massive and totally out of proportion to adjacent structures as proposed. And the requested code variances are the reason for this. A code compliant building would be a much better neighbor for all of us. There is no compelling reason for our families and residents of our neighborhood to have the proposed office building. This would be contrary the long-standing city policy, zoning and code. What is so compelling that you would reverse years of city policy and grant exceptions ?

PP1

We ask for a code compliant building of the same size as adjacent buildings. We also ask for the EIR of this code compliant building to objectively and without misrepresenting analyze the impact of the code compliant building on our families and on the neighborhood. This impact should include not only the points raised above but also the EIR should take into account such things at the impact of the mass of the building on the foundation of neighboring buildings, construction dust and its impact on our kids lungs, the decrease in air quality. The impact of the increased pollution and decrease in air quality on the health of residents including children and seniors. The impact of an office tower on the day-in-day out quality of life of residents e.g. the obliteration of sunlight, increase in shadowing, creation of wind tunneling down Howard and Folsom, increase in noise pollution, decrease in residents privacy.

G2

## **Attachment 2: Transcript of DEIR Public Hearing**

San Francisco Planning Commission

Thursday, March 4, 2010

Commission Chambers - Room 400  
City Hall

1 Dr. Carlton B. Goodlett Place  
San Francisco, CA

Reported by  
Adrian Edler

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APPEARANCES  
COMMISSIONERS:

Kathryn Moore

Hisashi Sugaya

William Lee

Michael Antonini

Ron Miguel

Christina O'Leary

Gwyneth Borden

PLANNING DEPARTMENT STAFF:

Michael Jacinto

Sarah Jones

Lawrence Badiner

Linda Avery, Commission Secretary

PUBLIC SPEAKERS:

Armand Der-Hacopian

Penny Eardley\*

Joseph Barakeh

Tom Yamamoto

Sue Hestor

2

**Item 9. 2006.11006e - 222 Second Street Office Project.**

Ms. Avery - Commissioners, you are now on Item 9. Case No. 2006.11006e. This is 222 Second Street, a public hearing on the Draft Environmental Impact Report.

Mr. Jacinto - Good afternoon, Planning Commissioners. My name is Michael Jacinto, Planning Department Staff. This is a hearing to receive comments on the Draft Environmental Impact Report for Case No.

2006.11006e, the 222 Second Street office project. Staff is not here today to make a presentation on the project or to respond to specific comments. Comments will be transcribed and responded to in a Comments and Responses document, which will include responses to all verbal and written comments received, as well as revisions to the Draft EIR, as appropriate. This is not a hearing to consider final approval or disapproval of the project, that hearing will follow the Final EIR Certification.

Comments today should be directed to the adequacy and accuracy of the information contained within the Draft EIR. Commenters should speak slowly and clearly so that the Court Reporter can produce an accurate transcript. Also, commenters should state their name and address so that they can be identified, and also sent a copy of the document when it is completed. After comment from the general public, we

will take any comments on the Draft EIR by the Planning Commission.

The public comment period for this project began on January 27<sup>th</sup>, 2010, and ends at 5:00 p.m. on March 15, 2010. This concludes my presentation and we would like to request that the public comment period be opened. Thank you.

Commissioner Moore - I have a procedural question. There is no Court Reporter here --

Ms. Avery - Yes, they are.

Commissioner Moore - Oh, you are there. Oh, we do not see you. Normally, somebody is sitting here. Okay, thank you.

Commissioner Miguel - We had a request from Armand Der-Hacobian for a block of time, for a group, if you would come up?

Mr. Der-Hacobian - Commissioners, first of all, very nice to meet you all --

Ms. Avery - Could you speak right into the microphone?

Mr. Der-Hacobian - Commissioners, very nice to meet all of you, and thank you for the opportunity to present. My name is Armand Der-Hacobian, I live at 246 Second Street, Apartment 1402. I represent a group of



owners that are negatively impacted by 222 Second Street, as proposed. And before I start my 15-minute presentation, I would like to ask for a continuance on the written response period because many of us have not received notices of this project. Thank you.

Now, we think this EIR in its entirety should be rejected because it misrepresents the neighborhood we live in with our families as industrial and commercial. Why is it represented as such? Simply because it is convenient to represent it as such, because you do not have to analyze the impact of this project on the citizens and on the residents. The entire premise of this EIR is consequently false. This project negatively impacts over one thousand families that live literally within feet and yards of this project. You know, we do not have lofts where we live, we have condos, we have a neighborhood, and we have all moved in this neighborhood to raise our families precisely as per city policy, as per conscious city policy 20 years ago to invite families, seniors, the elderly, children, to come to the neighborhood.

Now, it seems to me that the EIR is a legal document and, as such, misrepresentations in a legal document, to me, are a serious matter. Some facts here, 246 Second Street is within 100 feet of that project and impacts

LU1

93 families. On the other side, you have 199 New Montgomery, you have 168 families that are impacted, 100 feet away. You have 1 Hawthorne, 200 units, 165 families impacted; St. Regis, 102 families impacted, 1,500 feet away; 77 Dow, 83 families impacted, 1,000 feet away; 69 Clementina, 18 families impacted, 300 feet away; the Blu, 114 families impacted, 1,000 feet away; 1 Montgomery, 107 families impacted 1,500 feet away; 201 Second Street, a project that has been approved, estimated 100 families, only 40 feet away from that project; the Pac Bell Building, 140 New Montgomery, approved project, 200 families, 300 feet away. I counted three Kindergartens on my way here: 75 Hawthorne, 95 Hawthorne, and Bright Horizon at Second and Folsom. By the way, 75 Hawthorne will be completely shadowed by this project.

Now, after conservative -- \$10-\$15,000 of property tax per family, you are looking at \$10-\$15 million of City property tax revenue per year, yet there is not a single word in this EIR that analyzes the impact of this project on families. And, frankly, I find this unacceptable. We all know that individuals pay more taxes than corporations and developers. Now, if you were to look at this neighborhood through my eyes, through our eyes, you would see grandparents picking up their kids at school, you would see

LU1

LU1

mom and dads walking the dog, going grocery shopping, we sip wine on our balcony, we barbecue, we enjoy the lights, the air, the quiet, it is a neighborhood. We moved in as per City policy, and all of the buildings that surround us are of the same height and mass. Now, when you look at the pictures in this EIR of the project, if I was not here to show you pictures like this, you would not even realize the impact of this project. This EIR completely minimizes the impact of this project on the neighborhood, and is disingenuous. It is disingenuous to refer to this building as a 26-story building. Granted, 1 Hawthorne next to it is a 24-story building, but this proposed project is 105-foot -- 105-foot taller than the tallest building we have in the neighborhood. Now, why is it so tall? Because the architect designed a distance between the floor and the ceiling to be so high to give volume to the tenant, to the commercial tenant of the building, at the expense of the neighborhood -- as a matter of fact, at the sacrifice of the neighborhood, because there is no benefit for us in having extreme mass and bulk. So even though there is a setback, that setback is higher than the height of all of the existing buildings. Now, what is not addressed in this EIR is also the invasion of privacy. This proposed building looks into 246 Second Street on the west side, it looks into

LU1 cont.

AE1

PD1

AE6

201 Second Street on the east side, it looks into 1 Hawthorne and it has oblique views into 199 New Montgomery. And basically, office workers are looking into your living area. This is not addressed at all in this EIR, it degrades -- significantly degrades our quality of life.

AE6 cont.

HZ-2

NO1

TR6

Moving to page 30 of the draft, I notice that it says that the site contained a gasoline station in 1934. Best practice would dictate that possible environmental impact of the presence of fuel tanks and so forth, their impact on the environment, the residents, would be addressed, it is not addressed. Moving to the bus shelter and the shelter right in front of 222 Second Street, we need to know where the shelter is going to go on a temporary and permanent basis. Why? Because if you move that shelter up the street where the Marriot Courtyard is, it is at an upslope, so buses will have to stop and start at an upslope, which creates a lot of noise, especially because of the echo in that area, that is not considered. There is a parking lot right now with Zip cars and car share that we all use at 222 Second Street. This project will basically result in a net loss of 40 parking spaces and the EIR indicates that off-the-street parking is going from 84 percent occupancy to 98 percent occupancy; translation: no parking on the street and we lose all of our Zip Cars. So, to remedy that, one of

the things that should have been in there, for example, is to provide a number of dedicated spaces for car share vehicles equivalent to the number actually in use right now -- currently in use.

Moving to the noise issue on page 11 of gas-fired emergency generator, if you look at it, they are located on Garage Level 1. If you put them there, the exhaust on the lower level, what that means is that these generators require frequent testing, they create considerable noise, and because of the echoing, the noise is unbearable.

Generators should be put on the roof to mitigate the noise. Same thing with the chillers. The chillers create an ambient level of noise which is accentuated by the echo in that specific area of the site. And, again, chillers should be put on the roof to mitigate the noise. There is not one word about that in this EIR.

Now, page 2 of the Summary indicates that the construction project would take about 21 months, that is false. This is a core and shell type building. At 21 months, all the walls, ceiling, floor coverings, and tenant improvements would just be starting. Depending on how quickly the space is leased, construction activities could go on for years. Evidence of that is 555 Market Street, which is now only 50 percent of tenant improvement

TR6  
cont.

NO5

CN1

construction completed. This draft does not take into consideration the building type I just mentioned to core and shell type, and consequently vastly underestimates the duration of the construction activity, and the impact on the neighborhood residents. This is not a two-year project, we are looking at five to seven years of multiple lane closures on Second and Howard, noises from unloading truckloads of drywall, and, you know, this is a nuisance. What really gets to me as a parent, kids need to sleep, we all know that as parents, their brain develops when they sleep, they sleep between 9:00 p.m. and 8:00 a.m., and I am frankly shocked that there is not one word in this EIR about the noise, the construction noise, and its impact on the brain development of our kids.

Moving to page 47 of the draft, it says the project would not produce light or glare, adversely affecting other properties. That is false. There is basically light trespass at night from this building, it is very similar to when you are driving and you have -- you cannot see past oncoming cars' headlights due to the glare, this is what it is going to create. I mean, we do not live by an Airport. What this project should include is -- it should mitigate that glare by requiring lead sustainable sight credit eight light pollution reduction to minimize the

CN1  
cont.

AE4

light trespass from the building at night. Same thing with the exterior of the building -- the exterior lighting of that building should be appropriate for a high density residential area, I think it is called LZ3. No word of that, of course, in the EIR. The shadow impact of this building -- this building, as proposed, creates 10,000 square feet of shadow on the new City Park at the Transit Center during the launch period, when the park is expected to be most heavily used. Whether you look at it like that, or you look at it as shadow on Second Street, the fact is that this proposed project would require a variance regarding shadowing as per Section 146 of the Planning Code. And it seems to me that, if proposed project requires a Code Variance, then the impact assessment of "less than significant" is not appropriate.

SH1

Now, 1,640 workers are coming to the neighborhood with this project every day. This is going to create a nightmare with traffic problems. Second Street is a major artery to the Bay Bridge and the Ballpark. Now, the EIR indicates that this is a traffic impact that cannot be mitigated, we disagree. A smaller building, the same height as the immediate surrounding ones, would create fewer workers and mitigate the traffic impacts.

TR2

PP1

In conclusion, this building is massive, it is

totally out of proportion with the adjacent structures as proposed, and the requested Code Variances are the reason for this. A Code compliant building would be a much better neighbor for all of us. There is no compelling reason for our families and residents of our neighborhood to have the proposed office building, I mean, this is contrary to longstanding City policy that translated into zoning laws and code. I mean, what is so compelling that you would reverse years of City planning and grant exceptions? Now, we ask for a Code compliant building, the same size as the adjacent building, we also please ask for this EIR to be compliant and objectively, and without misrepresenting, analyze the impact of the Code compliant building on the families, the elderly, the children in the neighborhood. These impacts should not only include the points I just raised, but look at such things as the impact of the mass of this building on the foundation of surrounding buildings. The construction dust and its impact on the lungs of our kids, the decreasing air quality, the impact of increased pollution and decreasing air quality on the health of residents, including the elderly, children, seniors and, of course, us adults. The impact of an office tower on the day-in-day-out quality of life of residents should be taken into account, such things as obliteration of sunlight, the

PP1 cont.

G2

increasing shadowing, the creation of wind-tunneling down Howard and Folsom Street, for example, the increasing noise pollution, the decrease in residents' privacy. So, thank you for the opportunity, and I am done.

G2  
cont.

Commissioner Miguel - Thank you. Penny Eardley, followed by Joseph Barakeh.

Ms. Eardley - Good afternoon, Commissioners. My name is Penny Eardley. I also live at 246 Second. I want to echo the presentation of the mischaracterization of our neighborhood, it really is a residential neighborhood.

Everyone who lives in our complex certainly moved there knowing it was an urban environment, so we are not naïve, we know that nature and the urban planning Gods hate surface parking lot in downtown San Francisco, but we expect that it will be a Code compliant project and will benefit and enhance the neighborhood. Thank you.

LU1

Commissioner Miguel - Thank you.

Mr. Barakeh - Good afternoon, everybody. Joseph Barakeh. I also live at 246 Second Street. I would also like to lend my support of the comments made by Mr. Der-Hacobian. I live there with my wife and daughter. I have lived in San Francisco for six years as a homeowner, and I moved here looking forward to starting a growing family, which I have done. I have looked forward to some of the new

LU1

developments around the neighborhood, which were residential, including the 1 Hawthorne Place. I am looking forward to meeting my new neighbors. I am not looking forward to a very large and out of Code building getting in the way of my meeting them. It seems like nobody asked me what I felt about it. But I would like you to know that I think that it is not going to be good for our neighborhood, and it is not going to be good for my children to have a large, noisy, and dusty environment there for several years. And I do not think it is going to be good for the property values of the neighborhood in the long term. And I hope all of you think about that when you are deciding these decisions. Thank you.

LU1  
cont.

Commissioner Miguel - Thank you. Is there additional public comment on the Draft EIR?

Mr. Yamamoto - Thank you. I am Tom Yamamoto. I

live at 246 Second Street in Unit 1002. And I guess I would like to invite all of the Planning Commission members to enjoy a glass of Chianti outside of Umbria Restaurant at the corner of Second and Howard. When you are sitting there in that restaurant, what you see across the street is a four-story historic building, the Howard-Hawthorne Building, if you look up Second Street, you will see a historic and socially very important Marine Fire Fighters Union Building,

LU1

across the street from that you will see a very lovely six-story building, formerly the CNET Building, currently the CBS Interactive Building, which is a model neighbor to our neighborhood, not only a building built recently, but built to scale, and with very convenient open spaces for the neighbors to enjoy. So what you will also see people, as Armand Der-Hacobian also mentioned, children and families walking to have a bite to eat at Umbria, walking to the drugstore at the corner of Mission and New Hawthorne, walking to the hardware store at Mission and Fourth, or walking to the Whole Food Store at the corner of Mission and Harrison. All these -- at Fourth and Harrison -- all these elements, hardware store, drugstore, grocery store, to me, that means it is a neighborhood. And I think the EIR, as it is currently constructed, does not take that neighborhood context into play. In fact, on one of the pages, it describes this neighborhood as an extension of the Financial District, and I invite all of you to go there because, if you sit at that corner, it will not be like sitting at the corner of Bush and Sansome, you will not be in a -- you will be in a beautiful sunlit area because the whole Soma area is beautifully sunlit and does not suffer from wind shear or wind tunneling, as you would in the financial district corridor. So I think this EIR needs to be rewritten and

LU1 cont.

amended to include the concerns of the neighborhood and what it would do to the context of the neighborhood as it currently exists, and as the City has planned it to exist in the future. Thank you.

Commissioner Miguel - Thank you.

Ms. Hestor - Good afternoon, Commissioners. My name is Sue Hestor. When the downtown plan went through, there were few streets that had so much specific attention placed on them as Second Street. Second Street because of the historical nature and the scale of Second Street, there were a lot of preservation issues on it, there are a lot of sunlight and scale issues, that were consciously part of the Planning Commission's and the public's deliberation. And now it is coming back, and it is biting you in the butt because the Planning Department goes through these exercises in doing planning, and it is like there is long term planning, there is environmental review, and there is project review. One of the problems that I have seen, as we start getting housing in commercial areas is that the time lag between sites being recorded with condos in them in the property records is very long. You had a problem with 300 Grant, for those of you who are on the Commission, where the people that lived right across the street for two years previously still were not on the City's records as owners.

G3

One of the things that should be done is that every time a residential project is approved in one of these new areas, it should be flagged in the major environmental analysis that there are people there. This EIR, as it stands right now, should not come back with the comments and responses, it should come back with a redraft. You cannot do a little cut and paste on this EIR. You are going to have to go back, reintegrate it with the concept of a neighborhood community, and reissue it. That is the only thing that makes any sense, otherwise it would be crazy making trying to figure out who to amend the comments and responses into a draft. What the City also needs to do is to figure out how you are going to give effective notice in an area like this.

G3  
cont.

You have Condo Associations in a building, and that is basically it, there is no 50-year-old neighborhood organization. We are going to have to think of ways to do better outreach, and we should do it because we do not want to be approving -- I do not want the city to be approving new housing, and then just say we are abandoning them to the wolves because you are not paying any attention to the next two, or three, or four projects down the line. So I ask you, no comments and response, re-circulate this one, putting in the housing context and making sure that everyone that is a property owner there in a condo is notified.

Thank you.

Commissioner Miguel - Thank you. Is there additional public comment? If not, public comment is closed. Commissioner Olague.

Commissioner Olague - Yeah, I would like to, I guess first off, ask for an extension on the comment period to at least March 25<sup>th</sup>.

Mr. Jacinto - Sure the comment --

Commissioner Olague - There are comments I have had for you, but I have not had the opportunity to actually sit down because there were some things that were raised today that I would like to have a little bit more information about in the context of CEQA.

Mr. Jacinto - Okay.

Commissioner Olague - And that is what I was curious about.

Mr. Jacinto - Sure.

Commissioner Olague - And I did a little bit of an analysis on the adjacent properties and how they were zoned, and it was pretty interesting what I found from that, and I think because of that I just wonder, you know, how do we really capture the impacts that this will have ultimately on some of the residential properties, so that is why I wanted to actually have a little bit more time to look through and

have that discussion with you.

Mr. Jacinto - Sure. Commissioner, the comment period currently is 45 days, so the extension of that would be well within accommodating that request, and that is not a problem.

Commissioner Olague - Great. And then, I think there are some historic resources adjacent to the site, and I did not notice very much analysis as far as some of that was concerned. CU5

Mr. Jacinto - Okay, we can respond to your specific concerns.

Commissioner Olague - Okay, I know you can respond to that. And then, some of the conclusions that were reached as far as the shadow impacts, I found, a little bit -- what is the word -- lacking in analysis, I guess. So I just wanted to -- I had some concerns about the way those impacts were analyzed. SH4

Mr. Jacinto - And we can respond to those specifically when you raise some in the letter.

Commissioner Olague - Great. And I will draft something, but there are things that I did want to discuss as they relate to CEQA, so, yeah, thank you for the extension.

Commissioner Miguel - Commissioner Antonini.

Commissioner Antonini - Well, I would be supportive of the extension as was proposed of the comment period, however, as we know with Environmental Impact Reports, what we are looking at is the analysis, complete or not, and of course there will be room for comments and responses. A lot of the issues that were raised in comment were more about, you know, the livability and issues that might speak against the building itself, rather than whether the analysis was thorough or not. I have read this over. They do mention a lot of the different buildings in the area, most of which were brought up in comment, and talk about the various heights of these buildings and there are quite a few buildings, many of which have been built recently, that are of a similar or a higher height than this particular building, particularly 555 Mission, which is a little ways away, and then, you know, the St. Regis and, of course, the Pacific Telephone building which is quite large, but has been here for a long long time, and 101 Second and the W Hotel, and they do analyze the height difference between 45 Hawthorne and this building, which is of course partly explained by the fact that commercial floors are usually higher than residential floors, so that is the difference. So I think it is a pretty thorough analysis in my mind. I am not sure about the issue raised about



construction times and this is something that we certainly can take up in comments and responses. Construction times, to me, are the time that the building is actually enclosed and all the exterior construction is done. I am not sure if it includes leasehold improvement period that could go on for quite a while, as was raised. But I do not know if the impact of that part of the construction phase would be nearly as dramatic as the phase during which the building is being completed and boxed in, and one would also think that, because this occupancy is phased over a long period of time, the impact would be a lot less because perhaps one or two units at one time were being fit as occupants or prepared to occupy them. But it is an interesting question. Another building was 888 Howard, the Intercontinental Hotel. The other thing is there was an analysis on a future park, which is even analyzed in here, which I am not sure if that would be an interesting question, you know, that we have to analyze for something that does not exist at the present time, but they did it anyway, so I guess that is a good thing. I do not know that it is a requirement under CEQA that you have to do that, but it would be an interesting point.

There was also a comment made about Code compliant alternatives, and there are two alternatives analyzed, and

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actually one of them mentions the fact that a 26-story building, which is approximately the same height as this, would be Code compliant, I am not quite sure where the difference lies here, and then they also analyze the 19-story alternative and, of course, as is always the case, a no-project alternative. So I think they have analyzed some differences here. And, finally, as was brought up last week when we went over another -- I think it was a Neg Dec at that particular time, and it was regarding some construction in a related area near Trans-Bay, and the presentation said that, you know, in urban areas we generally do not have to do analysis on privately held properties for shadow impact, and we only have to do that for parks and public areas. I do not know whether that has to be included or not, but that was a point that was made a week ago on a project for an environmental report that we approved. So those are some comments, but I think it certainly is adequate in my mind to, you know, we have not certified anything, of course, we are just going to move it on to the comments and responses. There will be plenty of time for people to comment before any certification.

Commissioner Miguel - Commissioner Moore.

Commissioner Moore - For what it is in comparison to some other EIR's, I think it is an okay document, but I

would agree with a number of observations and areas where the EIR is very light. And that is really the moving target of transitioning a Second Street corridor in that part of downtown into basically the new 24-hour neighborhood, and the EIR fails to really fully acknowledge that. This is a very fast moving target and it is something which indeed looks into the future without having all the real things yet, except for policy. One policy surrounds Rincon Hill and all the effort we have put into that particular neighborhood, that is indeed partially already there, its intent is much in our discussions each time we talk about it. I would also say that, and I would contradict

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Commissioner Antonini's observation, I do believe that the reality of Trans-Bay is indeed quite real to the effect that we are putting all eggs in one basket, so the shadow on the new city park, I think, is a huge concern because we are basically starting to rob Peter to pay Paul. And I think as

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long as we have not yet established a full part policy on what is the most major investment in the future surrounding this transportation hub, I think we are stepping very quickly to already not fully taking an account of what that really means. There is also a notion about the impact on Yerba Buena, which is indeed our Arts district, we spend a lot of attention, including a business improvement district

SH2

surrounding that and I think that is a major thing we should be very cognizant about and understand its full impacts. Of concern, and it is very hard to measure, is what has been analyzed as an impact is the increase in wind on sidewalk, including shadow on sidewalk. We have several institutions down there where students, for the lack of other open spaces, spend their lunch time on those few corners where there is sun. I do like to see an evaluation of how these institutions and students will be impacted by really full shading on those sidewalks. Thus, I have to say I am a strong believer that we have a Code and height zone within that Code, and I do believe a skilled architect would be able to design a building which deals with a situation where we have a site which falls into two zones. And I do want to strongly emphasize that, for me, that is the guide which we should be always reflecting all EIRs and all decisions we make.

PP1

Commissioner Miguel - Commissioner Sugaya.

Commissioner Sugaya - Yeah, I will make some

written comments, but I think one observation is that, in the cultural resource section, since the project is adjacent to nearby -- some historic resources, there has not been an analysis conducted of the potential construction impacts and attendant mitigations. That is not a huge thing, but I

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think it is missing from the document. Also, this is more ↑ CU1  
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of a comment on a general planning approach, echoing some of  
Commissioner Moore's concerns, it has not got -- well, it  
maybe has something to do with the EIR, but it seems like  
maybe we are in the process now of slowly, or rapidly,  
chipping away at the downtown plan and attendant  
implementing zoning that accompanied that plan. We have  
seen it north of here where the financial district ends over  
on Washington Street, and Chinatown, and Jackson Square, now  
we are seeing it happening in the southern part and it seems  
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like unless there is some overall -- to me, the issue  
becomes, you know, are we just going to continue to do this  
without looking at the overall policies and direction of  
downtown development in a comprehensive sense, and that may  
not be an EIR comment, but it is an observation that I would  
like to put Department staff on notice that this Commission  
is at least concerned about that.

Commissioner Miguel - Commissioner Olague.  
Commissioner Olague - Yeah, I am not sure, again,  
and this is based a little bit on what my fellow  
commissioners just mentioned, but it is a little bit outside  
of that, and that is where I am not sure where some of my  
issues relate to CEQA and where they do not. And when I was  
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doing the analysis of some of the buildings and the sites ↓

adjacent to the project, I found that there was kind of a  
myriad of zoning types. And so what it brought to my  
attention was that, you know, as we are going through these  
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cont.  
zoning changes in these neighborhood plans, I think it was  
adjacent to eastern neighborhoods, if I am correct, I forget  
-- I think it was eastern neighborhoods that this project is  
near, I know Rincon Hill, there is the downtown plans --

Mr. Jacinto - Yeah, it is kind of between the  
eastern Soma, the Transit Center area, and --

Commissioner Olague - Right, and so this is  
definitely an area in transition and I do agree that there  
are a lot of families and others that are being encouraged  
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to -- residential is starting to become encouraged, and so  
then how does our analysis take into consideration those  
types of shifts in the demographics of the people that --  
and the uses and the types of land uses in that area. So it  
just brought a lot of issues for me. And then, again, I did

notice there is, I think, a historic resource in the area,  
CU5  
it is a Labor Union Hall, and I did not notice a lot of  
analysis given to that here. And then, finally, I guess the  
whole issue of the city park and the city park ultimately, I  
believe, is going to be something that would be under the  
jurisdiction of Park and Rec? Or, no, because it is a  
Trans-Bay site, okay. So it would be a public park, but it

would not be under the jurisdiction of Prop. K, right. So that is right because Prop. K only relates to public spaces.

Ms. Jones - Right, that is correct.

Commissioner Olague - So I found some of the language, as far as the analysis of that piece on page 144 a little bit lacking or something because, on the one hand, it is [READING:] "Although the project's shadow would occur at mid-day when the proposed park would be expected to be most heavily used by downtown workers because the project would shade a very small portion of the park for a relatively short period of time, project shadow would not be anticipated to substantially affect use of the planned city park. It should be noted that there is no adopted design for the city park, and therefore the planned uses of this open space are not known, therefore, cumulative impacts would not be significant and no mitigation is required." It is just sometimes the way conclusions are drawn, I just find them a little bit interesting, for lack of whatever.

Commissioner Miguel - Commissioner Antonini.

Commissioner Antonini - Well, I think that it is very thorough in the analysis of a couple of things. If you look on pages 43 and 44, of course, there is even an analysis of the impacts when all the projected buildings for the Trans-Bay would be present, so it shows its height

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relative to those, which does not mean they are here now, but certainly that is also included. And in terms of historical resources, I thought the section was pretty good, it is about an 11-page section beginning on page 53 to 64, and it was very interesting to read. And I guess the other thing is, I am a little concerned, maybe I do not understand CEQA, but my understanding is that, when we are doing CEQA, we are analyzing whether the analysis was thorough enough, not whether it is desirable, so when I mentioned the shadow on the future Trans-Bay park, I was not saying that it was not a significant issue in the future, and when you consider the project itself, it may be something we want to consider. But I am saying that they did, in fact, analyze it and analyze its impact, and that is all that you really have to put in an Environmental Impact Report and, of course, there are alternatives where there would not be this shadow, one of them being the no-project alternative. And so that is about as far as I think they have to go. We are not talking about desirability of the project at this time, we are talking about whether the analysis is complete or not. And the same thing with the height analysis, as we mentioned earlier, there are many many buildings that are presently built, or planned to be built in the area that are of similar equal height, some of which are residential, some of

them are commercial. I do not know if we can do too much more analysis on that issue.

Commissioner Miguel - Commissioner Moore.

Commissioner Moore - I have been concerned about pedestrian safety and circulation, and I think the comment about the fact that there are, indeed, several kindergartens in the ground floors of, one, the Federal agency building on Hawthorne, with children not having a garden, but actually being on the little rope and walking around the block when it is sunny, that is something which I think needs to be addressed somewhere. It is a very large kindergarten, there are relatively few downtown, and I think the impact on that needs to be at least addressed.

Commissioner Olague - There is a private pre-school or day school there.

Commissioner Moore - I thought it was a kindergarten, yeah --

Commissioner Olague - It is both.

Commissioner Moore - You might be right about that.

Commissioner Miguel - Commissioner Sugaya.

Commissioner Sugaya - Commissioner Olague's

statement on city park has prompted a question in my mind, and that is I would like to know what the conclusion is

SH1

based on. This assumes that the shadow cast has no impact, however, if we consider that park to be a zero tolerance park, it would be a significant impact. And so, how can you make this conclusion when there has been no standard set in the first place?

SH1 cont.

Commissioner Miguel - I agree with a lot of what Commissioner Moore said and some of the other Commissioners, as well. This is a neighborhood that is in transition, has been for some time, and will be for some time in the future.

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This was something of an EIR light to an extent, it does what I do not like and I will continue to say I do not like in EIRs, and that is the wording and conclusions that it makes, I do not feel are properly made or supported. Just

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the facts. The facts are what an EIR is. If there are very obvious problems, then mitigation obviously. But to This

is and will become even more so a 24-hour mixed use area. There will be both residential and

commercial business offices near transit, which is the goal that the City, along with most of the

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cities in the country, in the world, are getting towards as we continue. At one time, to go back

far enough, South of Market was heavily residential, then it became heavily light industry,

then it became heavily office. So it has gone

through a lot of changes, it will go through more, but certainly the mixed use will stay for some time and I think that should be acknowledged in the EIR as what the district actually is. I have no problem with the extension of 10 days, it is currently scheduled for March 15<sup>th</sup>, certainly March 25<sup>th</sup> is no big deal. And that should go forward. I do not believe the EIR has to be totally rewritten, I think if the matters that had been brought up today and in writing before are properly addressed, then the full EIR, which will include the responses -- if done properly -- will take care of everything. Commissioner Antonini?

Commissioner Antonini - I just wanted to ask one question and this is for staff. You know, we had a hearing some years ago and I think it was Jack Meyer's project at the Century, and it had to do with Trans-Bay, and basically the point was made that, even though there had been some ground broken and foundation area, but nothing really started, and that we could not analyze its impact because it was not there yet in terms of the Trans-Bay, and this was the whole issue when Trans-Bay went forward, and I guess I need some guidance as to how

far, obviously it is important to project the impacts of future buildings that have been talked about, but not necessarily approved, or not yet built, but how much analysis a building has to do on things that are not yet, you know, built is something that I need some guidance on in the future.

Mr. Jacinto - Sure, I will just answer that question really quickly. The guidelines -- the CEQA states that we should look at past, present, and reasonably foreseeable projects in the analysis that we undertake, so you look at the comparison of the existing setting, or the conditions at the time you initiate the environmental review, and then you project out to a reasonably foreseeable time frame, in this case it is 2030, which is the cumulative condition, then that generally would then look at, let's say, build out of the neighborhood based on where we are going with our neighborhood planning and so forth.

Commissioner Antonini - Thank you.  
Commissioner Miguel - Commissioner Lee.  
Commissioner Lee - Yeah, I just find the conversation with the Commissioners very

interesting because, if we change or ask more for what we have done in the past with CEQA, I find it very unusual that if someone from Chinatown wants to build a high rise of affordable housing, aren't we going to use the same type of arguments? One of the things I am saying to the Commissioners here is that, in the staff, the staff has been very consistent regarding the EIR and the CEQA process when we adopt it, and a lot of the decisions have been, they said, insignificant, negligible type of impact, and so I want to make sure that we have consistency here when we ask staff or project sponsor or the neighbors, that we have a lack of information here, like the issue we have had with 555 Washington and eastern neighborhood, all these EIRs, I have found that the staff has always been very consistent until there is some interference either by Commissioners or other people of the elected body we have here, and so I am just very cautious about it if you add or request more information, saying this is not enough information, it is fine with me, but for future development in the city, I want to make sure it is consistent.

Commissioner Miguel - Commissioner

Antonini.

Commissioner Antonini - I totally agree with Commissioner Lee, and I am not saying that this is the case, but there have been a lot of projects that have come forward in the past, often times some very good projects with lots of affordable housing, maybe 100 percent, and it just seems like, you know, the standard to which they are held environmentally does not seem to be the same as we are holding some of these other projects, there does not seem to be as much discussion, and questions are asked, and it seems like they do not hold -- so I think you have to hold all projects to the same standards. I mean, if I lived next door to a building and a shadow was cast on it, it does not matter who the occupants of the building are, the shadow is still the same. And so I think we have to be really careful to make sure we are analyzing all projects in the same manner.

Commissioner Miguel - Commissioner Sugaya.  
Commissioner Sugaya - I would agree, except that I feel that the environmental reports are not consistent, and that a lot of them are developer

driven, and a lot of them do not receive the same kind of scrutiny by staff and the Commission, and therefore maybe we are trying to say that everything needs to be elevated a little bit to a higher standard.

Commissioner Miguel - Commissioner Moore.

Commissioner Moore - Since I have not participated in the previous EIRs Commissioner Lee is referring to, I appreciate the ability to raise the bar of our conversation, to make all of us as sharp as we can in order to not let things fall between the cracks, including all of what Commissioner Sugaya is implying.

Commissioner Miguel - Commissioner Olague.

Commissioner Olague - I just wanted to lend my support to the comments of Commissioner Sugaya and Commissioner Moore.

Commissioner Miguel - Commissioner Lee.

Commissioner Lee - I think you have to have some faith in the staff here, maybe some of the EIRs were maybe -- how would you -- geared to a certain policy matter, but still we have professional staff that has been doing the EIRs, they have City Attorney review, that is our role,

if you feel an EIR was not enough, or you think there was some political implications or favoritism, naturally we should bring it up. My question is, we have to be consistent throughout, maybe we have not been, but if we decide to ask for more and make it more detailed for these, then we should do it for each other one. I do not have an issue, as long as we are consistent.

Commissioner Miguel - Commissioner Olague.

Commissioner Olague - I have been pretty consistent. I think anyone who looks at my voting record as far as the EIRs are concerned, you will find that there are many I have not supported.

That is no reflection of staff. Again, I wanted to support the comments of Commissioner Sugaya. I think that it is our obligation as the Planning Commission to hold all of us up to a higher standard and I think that is all we are attempting to do by really fully analyzing what is before us, so I do not really understand what Commissioner Lee is trying to imply, I do not appreciate the implications of what you are saying, and I will just leave it at that.

Commissioner Miguel - Commissioner Moore.



Commissioner Moore - Just a comment for the profession. If the EIR or CEQA as a singular one, they know how to do whatever they have to do without getting a driver's license, but that is not what it is. Professional state continuing education courses in an ongoing manner on EIR matters, including CEQA, CEQA is increasingly complicated, it is a moving target, it is being discussed and re-discussed, and the Planning Department Professional Planners go to these courses, take them, get continuing education credits, and learn on an ongoing manner. In addition to the fact, none of the EIRs are constant because, as new buildings come on line, they contribute to impacts and they contribute to new analysis, so there is nothing static, it is new each time.

Commissioner Miguel - Commissioner Antonini.

Commissioner Antonini - Well, I am not implying anything, I am just saying that I can go down to my garage and get the EIRs out and I can tell you how long some of these -- and I am not faulting anyone, I thought that these were great

projects, that the analysis was adequate in my mind, but, you know, some of the shadow and wind impacts on some of the projects were, you know, maybe not held to as high a standard as we are some of these private -- not private, but market rate projects. That is fine with me, I am happy to see things move forward, but we also have to protect, you know, the concerns of the neighborhood and all the other environmental impacts that may occur, but we have to do it in an equal manner and make sure that the standard is the same for all projects in the future.

Commissioner Olague - Which is what we have been doing, as far as I am concerned.

Ms. Avery - Mr. President, if that concludes the comments of the Commission, I would just remind everybody that the written comment period, to my understanding, has been extended to the close of business on March 25<sup>th</sup>, 2010. With that, that concludes the public hearing on this item.

Commissioner Miguel - Why don't we take a 10-minute break.

Ms. Avery - The Commission is taking a 10-

minute recess. Thank you.

(Public Hearing Adjourned.)