

706 MISSION STREET •
THE MEXICAN MUSEUM AND
RESIDENTIAL TOWER PROJECT



CITY AND COUNTY OF SAN FRANCISCO
PLANNING DEPARTMENT: CASE NO. 2008.1084E

STATE CLEARINGHOUSE NO. 2011042035

DRAFT EIR PUBLICATION DATE: JUNE 27, 2012

DRAFT EIR PUBLIC HEARING DATE: AUGUST 2, 2012

DRAFT EIR PUBLIC COMMENT PERIOD: JUNE 28, 2012 - AUGUST 13, 2012

FINAL EIR CERTIFICATION HEARING: MARCH 21, 2013



SAN FRANCISCO
PLANNING
DEPARTMENT



SAN FRANCISCO PLANNING DEPARTMENT

MEMO

DATE: March 7, 2013
TO: **Members of the Planning Commission and Interested Parties**
FROM: **Sarah Jones, Acting Environmental Review Officer**
Re: **Attached Responses to Comments on Draft Environmental Impact Report Case No. 2008.1084E, 706 Mission Street – The Mexican Museum and Residential Tower Project**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. This document is also available from the Planning Department website, at <http://tinyurl.com/sfceqadocs>. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on March 21, 2013.** Please note that the public review period ended on August 13, 2012.

The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments 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 Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact the EIR Coordinator, Debra Dwyer at 415-575-9031.

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

706 MISSION STREET ·
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RESPONSES TO COMMENTS

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**SAN FRANCISCO
PLANNING
DEPARTMENT**

**706 MISSION STREET – THE MEXICAN MUSEUM
AND RESIDENTIAL TOWER PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT**

RESPONSES TO COMMENTS

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I. INTRODUCTION

A. PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT

The purpose of this Responses to Comments (RTC) document is to present comments submitted on the Draft Environmental Impact Report (Draft EIR) for the proposed 706 Mission Street – The Mexican Museum and Residential Tower Project, to respond in writing to comments on environmental issues, and to revise the Draft EIR as necessary to provide additional clarity. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21091 (d)(2)(A) and (B), the City has considered the comments received, evaluated the issues raised, and herein provides written responses that describe the disposition of each environmental issue that has been raised by the commentors. Comments were made in written form during the public comment period from June 28, 2012 to August 13, 2012, and as oral testimony received at the public hearing before the Planning Commission on the Draft EIR held on August 2, 2012. A complete transcript of proceedings from the public hearing on the Draft EIR and all written comments are included in their entirety.

B. ENVIRONMENTAL REVIEW PROCESS

The San Francisco Planning Department prepared the Draft EIR for the 706 Mission Street – The Mexican Museum and Residential Tower Project in accordance with CEQA, the CEQA Guidelines in Title 14 of the California Code of Regulations, and Chapter 31 of the San Francisco Administrative Code (Administrative Code). The Draft EIR was published on June 27, 2012. A public comment period was then held from June 28 to August 13, 2012, to solicit public comment on the adequacy and accuracy of information presented in the Draft EIR. The comments received during the public review period are the subject of this RTC document, which addresses all substantive written and oral comments on the Draft EIR.

The Draft EIR, together with this RTC document, will be presented to the Planning Commission at a hearing in accordance with Administrative Code Section 31.15. If the Planning Commission deems the EIR adequate with respect to accuracy, objectiveness, and completeness, it will certify the document as a Final Environmental Impact Report (Final EIR). The Final EIR will consist of the Draft EIR, and this RTC document, which includes the comments received during the public review period, responses to the comments, and any revisions to the Draft EIR that result from public agency and public comments and from staff-initiated text changes. The City decision-makers will consider the certified Final EIR, along with other information and the public process, to determine whether to approve, modify, or disapprove the proposed project, and to specify any applicable

environmental conditions as part of project approvals in a Mitigation Monitoring and Reporting Program.

If the City decides to approve the proposed project with significant effects that are identified in the Final EIR, but which are not avoided or reduced to a less-than-significant level, the City must indicate that any such unavoidable significant effects are acceptable due to overriding considerations as described in CEQA Guidelines Section 15093. This is known as a Statement of Overriding Considerations. In preparing this Statement, the City must balance the benefits of a proposed project against its unavoidable environmental risks. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable (CEQA Guidelines Section 15093). If an agency makes a Statement of Overriding Considerations, the statement must be included in the record of project approval.

C. DOCUMENT ORGANIZATION

Following this Introduction Chapter, Chapter II presents the List of Persons Commenting. The names of persons who spoke at the public hearing are presented first, in the order of the speakers, followed by the names of persons who submitted written comments.

Chapter III, Responses to Comments, presents the substantive comments excerpted verbatim from the public hearing transcript and comment letters. Comments appear as single-space text and similar comments are grouped together by topic area. The complete transcript of the public hearing comments on the Draft EIR is presented in Appendix A to this RTC document, Public Hearing Transcript Comments. Each substantive hearing comment from the transcript is bracketed and identified by “TR” (for transcript), a number assigned to that commentor based on order of presentation at the hearing (for example, the first speaker is numbered as TR.1), and a sequential comment number. Copies of the written comment letters are presented in Appendix B to this RTC document. Letters are grouped by agencies (A), organizations (B), and individuals (C), and each letter is identified with a number denoting its chronological sequence within the group. Each individual comment within each letter is bracketed and numbered sequentially.

Following each comment or group of comments on a topic are the City’s responses. Comments may be addressed by a single response, or may be addressed by a specific targeted response to a particular comment where noted. The responses generally provide clarification of the Draft EIR text. The responses may also include revisions or additions to the EIR. Such changes are shown as indented text, with new or revised text underlined and deleted material shown as ~~strike through~~ text.

Chapter IV, Draft EIR Revisions, presents text changes to the Draft EIR that may reflect text changes made as a result of a response to comments and/or staff-initiated text changes identified by Planning Department staff to update, correct, or clarify the Draft EIR text. The changes to the

Draft EIR do not result in significant new information with respect to the proposed project, including any new significant environmental impacts or new mitigation measures. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

This RTC document will be incorporated into the Final EIR as a new chapter. The changes to the EIR's text and figures called out in Chapter III, Responses to Comments, and in Chapter IV, Draft EIR Revisions, will be incorporated into the Final EIR text.

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II. LIST OF PERSONS COMMENTING

Public agencies, organizations, and individuals submitted written comments (letters and emails) on the 706 Mission Street – The Mexican Museum and Residential Tower Project Draft EIR, which the City received during the public comment period from June 28 to August 13, 2012. In addition, the Planning Commission held a public hearing about the Draft EIR on August 2, 2012, and Commissioners, organizations, and individuals made oral comments at that hearing. A complete list of commentors, with the corresponding transcript and/or written communication designation for each, is provided below. The names of persons who spoke at the public hearing are presented first, in the order of the speakers. Written comments follow, organized into three groups: A. comments from agencies; B. comments from organizations; and C. comments from individuals. Within each group, written comments are organized chronologically by the date of the communication, and those with the same date are presented in alphabetical order by the commentor's last name.

PUBLIC HEARING COMMENTS

The following persons made oral comments about the Draft EIR at the public hearing on August 2, 2012:

Designation	Commentor
TR.1	Joe Fang, President of the Homeowners Association at the Four Seasons Residences
TR.2	Brian Canepa, Nelson\Nygaard Transportation Consultants, on behalf of the 765 Market Street Residential Owners Association
TR.3	Paul Sedway
TR.4	Jack Clumeck
TR.5	Lynn Sedway
TR.6	Howard Wexler, on behalf of the 765 Market Street Residential Owners Association
TR.7	Mary McCue
TR.8	Linda Lucero, Executive and Artistic Director , Yerba Buena Gardens Festival

II. List of Persons Commenting

Designation	Commentor
TR.9	John Elberling, President of the TODCO Group and Chair of the Yerba Buena Neighborhood Consortium
TR.10	Mauricio Hector Pineda, Curator and Gallery Coordinator, Mission Cultural Center
TR.11	Terry Eckert
TR.12	Roberto Hernandez
TR.13	Commissioner Kathrin Moore, San Francisco Planning Commission
TR.14	Commissioner Michael Antonini, San Francisco Planning Commission
TR.15	Commissioner Hisashi Sugaya, San Francisco Planning Commission
TR.16	Commissioner Cindy Wu, Vice President, San Francisco Planning Commission
TR.17	Commissioner Kathrin Moore, San Francisco Planning Commission

WRITTEN COMMENTS

The following persons submitted written comments about the Draft EIR during the public comment period of June 28 to August 13, 2012:

Designation	Commentor	Date of Written Comments
A. Agencies		
A.1	Charles Edwin Chase, President, Historic Preservation Commission	July 26, 2012
A.2	Erik Alm, AICP, District Branch Chief, Local Development – Intergovernmental Review, California Department of Transportation	August 13, 2012
B. Organizations		
B.1	John Elberling, Chair, Yerba Buena Consortium and President / CEO, TODCO	August 2, 2012
C. Individuals		
C.1	Jill and Jon Winston	July 10, 2012
C.2	Andrew Midler	July 24, 2012

II. List of Persons Commenting

Designation	Commentor	Date of Written Comments
C.3	Howard Wexler, on behalf of the 765 Market Street Residential Owners Association (includes as an attachment “Comment Letter Findings Memorandum” by Bonnie Nelson and Brian Canepa, Nelson\Nygaard Transportation Consultants, dated July 24, 2012)	July 27, 2012
C.4	M. Richard Perelman	July 30, 2012
C.5	Laila and Lofty Basta	July 31, 2012
C.6	Jack and Gloria Clumeck	July 31, 2012
C.7	Linda Ho	July 31, 2012
C.8	Paul Sedway	August 2, 2012
C.9	Bobbie McChristy	August 3, 2012
C.10	Barry and Trudy Silverstein	August 6, 2012
C.11	Laila and Lofty Basta	August 7, 2012
C.12	Margaret Liu Collins and Lou Rovens	August 7, 2012
C.13	Matthew and Teresa Schoenberg	August 7, 2012
C.14	William L. Larson	August 8, 2012
C.15	Margaret Liu Collins	August 8, 2012
C.16	Joe Mandato	August 8, 2012
C.17	Robert Friend	August 9, 2012
C.18	Richard Laiderman and Jung-Wha Song	August 9, 2012
C.19	Dr. Eleanor L. Zuckerman	August 9, 2012
C.20	Laurel Hooper	August 10, 2012
C.21	June Li	August 10, 2012
C.22	Laurence Spitters and Suzanne Small-Spitters	August 10, 2012
C.23	Larry Stupski	August 10, 2012
C.24	Ron Wornick	August 10, 2012
C.25	Penelope Wong and Tim Kochis	August 11, 2012
C.26	Diane Winokur	August 11, 2012

II. List of Persons Commenting

Designation	Commentor	Date of Written Comments
C.27	Ed Dowd	August 12, 2012
C.28	Pam Fong	August 12, 2012
C.29	Elizabeth M. Marcus	August 12, 2012
C.30	Sue C. Hestor, as an individual and on behalf of San Franciscans for Reasonable Growth	August 13, 2012
C.31	Margaret Liu Collins	August 13, 2012
C.32	Lynn M. Sedway	August 13, 2012
C.33	Paul H. Sedway	August 13, 2012
C.34	Rick Smith	August 13, 2012
C.35	Howard M. Wexler, on behalf of the 765 Market Street Owners Residential Association	August 13, 2012
C.36	Des Whitchurch	August 13, 2012
C.37	Wa Huong	August 14, 2012
C.38	Jen Hernandez	August 16, 2012

III. RESPONSES TO COMMENTS

A. LAND USE AND LAND USE PLANNING

Comments

C.33.3

3. Reduction in floor-area ratio should be sought to meet existing zoning requirements, resulting in a 9:1 FAR rather than the proposed 11:1 ratio. This would reduce parking needs, pedestrian movement and traffic movement to a feasible level. There is no reason why existing policy and corresponding regulations should be exceeded. Such “spot zoning” calls into question the conscientious work of responsible planners. *(Paul H. Sedway)*

C.35.6

These supplemental written comments involve the following seven areas:...

6. The DEIR fails to properly analyze the impacts of the Projects proposed changes to the San Francisco Planning Code that would be necessary before the Project could be approved. *(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)*

C.35.17

The DEIR has an entire section, IV A on Land Use and Planning. In that section the DEIR points out some of the ways in which the Project doesn't and can't comply with the City's existing land use and planning laws. However, rather than listing any of these as potential significant impacts, the DEIR seems to reach the circular conclusion on page IV.A.11 that if the Project Sponsor is able to get the current City laws changed so that its Project would no longer exceed, the base FAR, the maximum FAR, the height limit and the maximum allowed new shadow on Union Square, then there would not be any significant environmental impacts from exceeding all of these current planning and zoning laws. This is done without any regard to either the environmental impacts from this Project not complying with the existing zoning or what those necessary zoning changes will allow other future projects in the same zoning area to develop in the way of larger, denser and taller projects with greater traffic and shadow impacts since I don't presume the DEIR is advocating spot zoning that would only allow just this Project, but no others, not to comply with current zoning laws. *(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)*

Response A.1

One comment states that the EIR fails to analyze the environmental impacts of the proposed changes related to the Planning Code (i.e., City land use and planning laws). The approval actions for the proposed project are summarized in Chapter II, Project Description, EIR pp. II.71-II.73, and in Section IV.A, Land Use and Land Use Planning, in the first two paragraphs on EIR p. IV.A.11. The EIR discloses that the proposed project would conflict with certain land use plans, policies, and regulations, which include land use and planning laws:

III. Responses to Comments
A. Land Use and Land Use Planning

The proposed project would conflict with Planning Code regulations related to FAR [floor area ratio] as well as the existing height limit. The project site is in the C-3-R District and the 400-I Height and Bulk District. In the C-3-R District, the base FAR is 6.0 to 1, and the maximum FAR is 9.0 to 1, which can be achieved through the purchase of transferable development rights. In the 400-I Height and Bulk District, the maximum building height is 400 feet. These regulations were adopted for the purpose of controlling development in downtown San Francisco. The proposed project would exceed the base FAR, the maximum FAR, and the 400-foot height limit.

As discussed in Chapter III, Plans and Policies, pp. III.5-III.6, as part of the proposed project, the project sponsor would propose legislative land use amendments related to the permitted FAR and the height limit for the project site. These may include: (1) the establishment of an SUD [special use district] that would apply to the project site; (2) rezoning to a DTR [Downtown Residential] District; and (3) an amendment to Zoning Map HT01 to reclassify the height limit for the project site from 400-I to a designation that would accommodate a 550-foot-tall tower. The project as proposed meets the bulk limit specified for the I Bulk District. The specific mechanism for determining these issues is under discussion between the Planning Department and the project sponsor.

An inconsistency between a proposed project and a land use or planning law is not, in and of itself, a physical environmental effect. An inconsistency between a proposed project and an applicable plan, policy, or regulation is a legal determination, not a physical effect on the environment. However, an inconsistency with a plan, policy, or regulation designed to protect the environment might indicate a likelihood of physical environmental impacts that would require analysis. To the extent that the proposed project is inconsistent with any applicable plans, policies, or regulations, the EIR evaluates the physical environmental impacts that could result from that inconsistency. This is discussed in the third paragraph on EIR p. IV.A.11:

If the project site were rezoned to DTR and/or the proposed SUD and the proposed height reclassification are adopted, implementation of the proposed project would result in a development that would have a higher FAR and would be taller than what is currently permitted on the project site. The higher FAR and taller height of the new tower would allow more square footage to be developed on the project site. The physical land use impacts that would result from the development of this additional square footage are discussed in this section under Impact LU-1, p. IV.A.10, and Impact LU-3, below. The physical impacts of the proposed project's height on the visual character and quality of the project site and its surroundings are discussed in Section IV.B, Aesthetics, under Impact AE-3, pp. IV.B.28-IV.B.31.

The language quoted above does not use the potential changes in land use and planning laws as the basis for concluding that the proposed project would not result in any significant environmental impacts regarding land use and planning. The language quoted above states that the physical environmental impacts that could result from changing land use and planning laws to allow a taller building are analyzed in the appropriate topical sections of the EIR. The EIR

III. Responses to Comments
A. Land Use and Land Use Planning

includes analysis for all of the environmental topics in the Planning Department's Initial Study checklist. For each environmental topic in Chapter IV, Environmental Setting, Impacts, and Mitigation, the EIR analyzes the physical environmental impacts of the proposed 550-foot-tall building (520 foot tall tower with a 30-foot mechanical penthouse structure). The EIR analyses account for the additional building height (Aesthetics, pp. IV.B.23-IV.B.33; Wind, pp. IV.I.4-IV.I.29; Shadow, pp. IV.I.40-IV.I.61), the additional square footage and the additional residential units that would result from the additional building height (Land Use, pp. IV.A.9-IV.A.15; Population and Housing, pp. IV.C.8-IV.C.19; Transportation and Circulation, pp. IV.E.23-IV.E.65), and the structural engineering/foundation work required to support a taller tower (Archaeological and Paleontological Resources, pp. IV.D.20-IV.D.32; Geology and Soils, pp. IV.N.15-IV.N.20).

One comment questions whether the proposed legislative amendments to the zoning controls would allow other development projects in the same zoning district as the proposed project to exceed current height limits and/or other zoning controls. As discussed in the first sentence of the second paragraph on EIR p. IV.A.11, the proposed legislative land use amendments related to changing the zoning controls and the height limit would apply to the project site:

As discussed in Chapter III, Plans and Policies, pp. III.5-III.6, as part of the proposed project, the project sponsor would propose legislative land use amendments related to the permitted FAR and the height limit for the project site.

The height limit, bulk limit, and zoning controls for all adjacent and nearby properties would remain unchanged. If the proposed legislative land use amendments for the project site are adopted, the amendments would not apply to any of the properties adjacent to or near the project site.

Spot zoning refers to instances in which an isolated parcel or area has greater zoning restrictions placed on it than surrounding properties or is zoned in a manner that is inconsistent or incompatible with surrounding zoning or land uses. The proposed increase in the height and FAR for the project site would not constitute spot zoning. The proposed increase in the height limit for the project site would be consistent with the recently adopted legislative land use amendments to increase the height limits in the Transit Center District,¹ which is one-half block east of the project site. It would also be consistent with the heights of other high-rise buildings in the vicinity of the project site, including the 436-foot-tall Marriott Hotel and the 484-foot-tall St. Regis Hotel and Residences.

One comment states that the proposed project should comply with existing zoning laws, including the base floor area ratio (FAR) of 9.0 to 1, because a project that complies with existing zoning laws would reduce parking needs, pedestrian movement, and traffic movement to feasible levels

¹ San Francisco Board of Supervisors, Ordinances No. 183-12 and 185-12, adopted July 31, 2012.

compared to a project that exceeds existing zoning laws. The EIR evaluated an Existing Zoning Alternative to the proposed project in order to provide an alternative that meets all applicable provisions of the Planning Code. As discussed in Chapter VII, Alternatives to the Proposed Project, EIR p. VII.15, under the Existing Zoning Alternative, the project site would remain in the Downtown Retail District (C-3-R) and a 400-I Height and Bulk District. Development under this alternative would be limited to the Planning Code bulk requirements of a maximum horizontal dimension of 170 feet and a maximum diagonal dimension of 200 feet. The 13-story, 196-foot-tall tower of this alternative would be 34 stories (354 feet) shorter than the tower of the proposed project. Although the height limit for the project site would allow a 400-foot-tall building, the envelope of the new building proposed under this alternative would be constrained by the maximum FAR of 9.0 to 1.

As stated above, the physical environmental effects of the proposed development at this site, including the construction of a 550-foot-tall tower and all project variants, have been analyzed and are presented in Chapter IV, Environmental Setting, Impacts, and Mitigation, of the EIR. More specifically, the EIR concludes that the proposed project would have less-than-significant impacts on traffic (Impact TR-1, pp. IV.E.36-IV.E.39) and pedestrians (Impact TR-3, pp. IV.E.43-IV.E.47) and that the proposed project's effects on parking conditions in the project vicinity would not be a significant environmental impact under CEQA (pp. IV.E.55-IV.E.59). The EIR also concludes that, like the proposed project, the Existing Zoning Alternative would have less-than-significant impacts on traffic, pedestrians, and parking (pp. VII.22-VII.28).

A project sponsor may choose to propose a project that does not meet existing zoning laws and would require legislative land use amendments. As discussed on EIR pp. IV.A.11-IV.A.12, the question of whether the proposed legislative land use amendments should be approved/adopted, disapproved, or modified from what has been proposed is appropriately left to City decision-makers:

Decision-makers could choose to adopt such legislative land use amendments as part of their consideration of the proposed project approvals. If the proposed legislative land use amendments (including the amendments to the applicable plans and policies) are adopted and implemented and other necessary project approvals are granted by the decision-makers, the potential inconsistencies between the proposed project and applicable local plans and policies would be resolved and, on balance, the project would not obviously conflict with and would be generally consistent with plans, policies, and objectives applicable to the proposed project.

In conclusion, the conflict between a project and a *General Plan* policy or Planning Code regulation is not, in and of itself, a significant effect on the environment within the context of CEQA, and the staff report for the Planning Commission will contain the Planning Department's full analysis of the project's consistency with *General Plan* policies and zoning, and will discuss any

III. Responses to Comments
A. Land Use and Land Use Planning

exceptions requested or modifications required. The decision-makers will consider potential conflicts between the proposed project and applicable plans, policies, and regulations as part of their deliberations regarding whether or not to approve the proposed project, one of the project variants, or one of its alternatives. As a result, the proposed project would have less-than-significant land use impacts. No mitigation measures are necessary.

As part of their deliberations on the proposed project, City decision-makers may approve, modify, or disapprove the proposed project or any one of the project variants, or they may select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

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B. AESTHETICS

Cumulative Aesthetic Impacts

Comments

TR.13.5

One thing which the EIR unfortunately does not do – and it’s extremely important to me personally – is a visual analysis of other new buildings which are already approved, such as the Museum Tower, which will change the skyline in this area. I think the visual analysis needs to include a view coming from the south of Third Street and take a look at what it looks like with the new Museum Tower and this tall proposed building. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

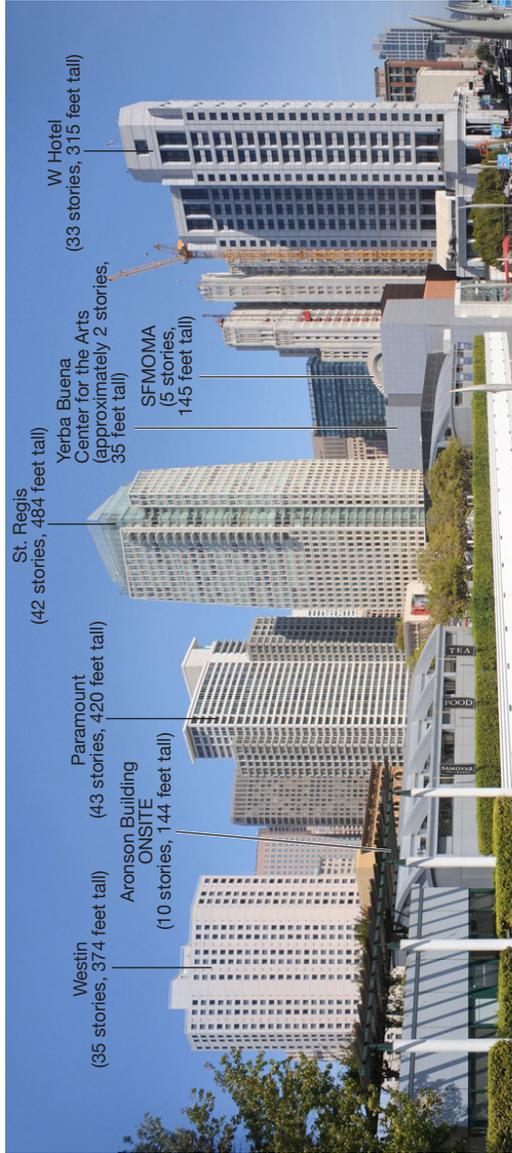
TR.14.8

And then, finally, what Commissioner Moore brought up, looking at cumulative, looks visually at the expansion of the MOMA and perhaps some visualization with new buildings that we would assume are going to be in place, have already been approved, some of which might be close to going under construction; might be good to at least note that a little bit and see what the appearance looks like when those are in place. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

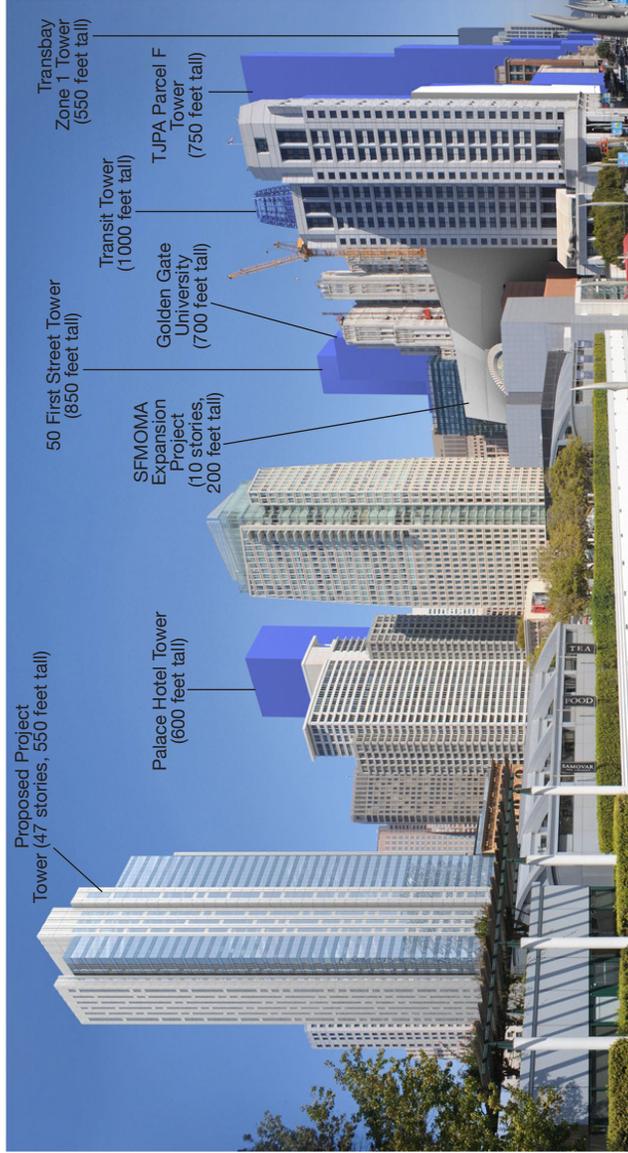
Response B.1

Comments request that a photosimulation and analysis be provided to address the cumulative visual impact of the proposed project together with nearby approved, but not yet constructed, projects like the San Francisco Museum of Modern Art (SFMOMA) Expansion Project (at 151 Third Street) and potential development allowable under the Transit Center District Plan to the east of the project site. In response to this comment, Figure RTC.1: View to Project Site from Yerba Buena Gardens Pedestrian Bridge over Howard Street, Looking Northeast, is provided to show the proposed project in the context of the development envelope approved for the approximately 200-foot-tall SFMOMA Expansion Project and potential development allowable under the *Transit Center District Plan* (TCDP). This figure is shown on the following page.

Street-level, close- and mid-range views of the proposed project tower, together with approved and reasonably foreseeable potential development in the project vicinity, would be limited due to existing intervening visual barriers in the project vicinity. When viewed from the elevated Yerba Buena Gardens pedestrian bridge across Howard Street, a number of anticipated development projects would become visible within the visual setting of the proposed project. Figure RTC.1 shows the proposed project tower together with the approved SFMOMA Expansion Project (partially obscured in this view by the existing Yerba Buena Center for the Arts building). The approved SFMOMA Expansion Project will result in the construction of a 200-foot-tall new building that will house museum space and administrative offices along the north side of Howard Street, adjacent to the W Hotel.



Existing



Proposed (with Approved and Potential Cumulative Development)

SOURCE: Square One Productions

706 MISSION STREET

NOTE: The design shown is conceptual and is subject to revision and further refinement.

FIGURE RTC.1: VIEW K – VIEW TO PROJECT SITE FROM YERBA BUENA GARDENS PEDESTRIAN BRIDGE OVER HOWARD STREET, LOOKING NORTHEAST

Potential development allowable under the TCDP, which was adopted by the San Francisco Board of Supervisors on July 31, 2012, would also be visible in the background to the east of the project site within this view. The approved TCDP is a comprehensive plan and re-zoning of the southern portion of the downtown Financial District, around the site of the Transbay Terminal, and includes most of the approved Transbay Redevelopment Project Area. The TCDP increased height limits to allow for a 1,000-foot-tall Transit Tower (approved) at the former Transbay Terminal site, 700- and 850-foot-tall towers north of Mission Street within specific areas of the existing 550-S Height and Bulk District, and 700- and 750-foot-tall towers along the north side of Howard Street within specific areas of the existing 450-S and 350-S Height and Bulk Districts. Figure RTC.1 shows the proposed project tower with potential development allowable under the TCDP rising from behind existing development in the project vicinity. Shown in this figure are the following potential development projects: a 600-foot-tall tower on the southwest portion of the Palace Hotel site at 2 Montgomery Street; a 700-foot-tall tower at the Golden Gate University site at 536 Mission Street; an 850-foot-tall tower at 50 First Street; a 1,000-foot-tall Transit Tower at 425 Mission Street; a 750-foot-tall tower along the north side of Howard Street (“TJPA Parcel F”); and a 550-foot-tall tower within Transbay Zone 1 near the northwest corner of Howard and Main Streets. Potential development under the TCDP, where visible at all in views of the proposed project, would be viewed in the background and would not be prominent features within the visual setting of the proposed project, given the distance between the project site and these anticipated projects and the scale of existing intervening development which limits visual interaction between the proposed project and these anticipated projects. Under Cumulative conditions, the proposed project would be viewed in the context of a dense and varied downtown high-rise skyline. The proposed project, together with the SFMOMA Expansion Project and potential development under the TCDP, would not make a cumulatively considerable contribution to a significant cumulative impact on visual character and quality.

Downtown Skyline

Comment

TR.13.6

I'd like to also request that we reflect at least on the skyline goals which we all looked at in the early '70s, where we never wanted to block our view just by tall buildings, creating a funnel by which we do not see the jagged edge of the sky in between. In some of the visual analyses, the skyline principles are not observed anymore and I am concerned about that.

(Commissioner Kathrin Moore, San Francisco Planning Commission)

Response B.2

The comment requests that the EIR consider the impact of the proposed project on the varied skyline of downtown and views of the sky between buildings. The visual character of San

Francisco's existing downtown skyline is described in Section IV.B, Aesthetics, EIR p. IV.B.16, as follows.

A general pattern of densely clustered high-rise development in the downtown core, tapering off to mid-rise and low-rise development at its periphery, characterizes San Francisco's skyline within long-range views. See Figure IV.B.2 (Existing) on p. IV.B.4 and Figure IV.B.3 (Existing) on p. IV.B.5. This compact urban form signifies the downtown as the center of commerce and activity. Yet despite its clarity of form, the downtown core is neither smooth nor uniform. A range of building heights in the downtown creates gaps, peaks, dips and variety within this pattern, allowing taller buildings and building tops to stand out in profile against the sky. This tension between conformity and variety in the skyline results in a readable and recognizable visual identity for downtown San Francisco.

Viewed from long-range viewpoints to the southwest of the project site, the proposed project would be seen against the backdrop of the dense downtown core and would appear within the profile of the downtown skyline, resulting in an incrementally more uniform appearance of building heights at this segment of the skyline. Accordingly, the discussion of impacts on EIR p. IV.B.26 is revised as follows to describe this impact (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

Long-Range Scenic Vistas of Downtown

The proposed project tower at the southwest edge of the downtown high-rise core would not be prominent, if discernible at all, in long-range views of downtown from the west, north and east. It would be most prominent in long-range scenic vistas of downtown from the southeast and south. As shown in Figure IV.B.2: View A - View of Downtown from Dolores Park, Looking Northeast (Proposed), on p. IV.B.4, and in Figure IV.B.3: View B - View of Downtown from Highway 101 at 17th Street, Looking North (Proposed), on p. IV.B.5, the proposed project tower would be a new visual presence in the skyline amid the dense cluster of existing high-rise buildings of varying heights that comprise the downtown skyline. Viewed from long-range viewpoints to the southwest of the project site, the proposed project would be seen against the backdrop of the dense downtown core and would appear within the profile of the downtown skyline, resulting in a more uniform appearance of building heights within this segment of the downtown skyline. This change would constitute an incremental reduction in the varied appearance of development within the skyline when viewed from the southwest at long range. Viewed from all directions, including the southwest, the downtown skyline would continue to be a prominent, distinctive, and varied visual feature within long-range views. The impact of the proposed project on the varied profile of the downtown skyline and views of the sky between buildings would not rise to the level of a significant adverse impact on the value of the downtown core overall as a scenic resource, or on the value of scenic vistas of the downtown core.

From Interstate 80/The Bay Bridge, the proposed project would be visible intermittently through gaps between intervening high-rise buildings and rising over the tops of lower intervening buildings. Currently, portions of the sky are visible between these gaps.

The proposed project tower would not obstruct long-range scenic views of the downtown core and would conform to the existing pattern of densely clustered high-rise development that characterizes long-range scenic vistas of the downtown core. From long-range vantage points, the San Francisco skyline would continue to express the varied and dense nature of development that currently characterizes the skyline and results in a readable and recognizable visual identity for downtown San Francisco (as discussed on EIR p. IV.B.16). For these reasons, the proposed project tower would not substantially degrade or obstruct long-range scenic vistas of the downtown core and would have a less-than-significant effect on this scenic vista. No mitigation measures are necessary.

Viewed from mid-range viewpoints within the Yerba Buena Gardens public open space to the south of the project site, the proposed project tower would be seen in profile against the sky and would contribute to a varied skyline at the southwestern edge of the downtown core.

Accordingly, the discussion of impacts on EIR p. IV.B.27 is revised as follows to describe this impact (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

Scenic Vistas from Yerba Buena Gardens

The proposed project would place a new 47-story high-rise building to the north of the Yerba Buena Gardens open space. See Figure IV.B.6: View E - View to Project Site from Rooftop Open Space at Yerba Buena Gardens, Looking Northeast (Proposed), on p. IV.B.9, and Figure IV.B.7: View F - View to Project Site from the Upper Terrace at Yerba Buena Gardens, Looking North (Proposed), on p. IV.B.10. The proposed new 47-story building would be a prominent new visual presence in scenic views from the open space. Rather than obstruct any scenic view, it would replace existing views of the prominent Westin (35 stories) with views of the proposed project tower. The proposed project tower would be seen in profile against the sky and would contribute to the variety of building heights that characterizes existing mid-range scenic views of the southwest edge of the downtown core, when viewed from the south. (The Marriott is 39 stories or about 436 feet tall; the Four Seasons is 40 stories or about 398 feet tall; St. Patrick's Church is 108 feet tall; the Jessie Street Substation (now the Contemporary Jewish Museum) is 49 feet tall; the Aronson Building is 10 stories or about 144 feet tall; the Paramount is 43 stories or about 420 feet tall; the St. Regis is 42 stories or about 484 feet tall; the W Hotel is 33 stories or about 315 feet tall.) The proposed project tower would be taller than, although comparable in height to, the other nearby high-rise buildings at the southwest edge of the downtown core. Views of the Aronson Building on the project site, the landmark St. Patrick's Church and the Jessie Street Substation would not be obstructed. For these reasons, the proposed project would not substantially degrade or obstruct a scenic vista from Yerba Buena Gardens and would have a less-than-significant effect on this scenic vista. No mitigation measures are necessary.

Sunlight/Reflection

Comment

C.34.2

Sun reflection – I couldn't find anything about reflection, which as I've experienced the city is important impact on open space. For example, in the afternoon, the SF MOMA sculpture garden and the gallery next to it gets light reflected off the 140 New Montgomery PacBell building. Different exteriors on the building may alter the light in Jesse Square as the sun hits the west face of the building. Does the reflectivity to aid lighting a space have a name? Is it covered in the DEIR? *(Rick Smith)*

Response B.3

The comment asks whether the issue of reflected sunlight related to the exterior of the proposed development is covered in the EIR. Sources of light that are reflected off surfaces are known as "indirect lighting." The topic of light and glare, both direct sources of light and glare in the form of project lighting and indirect light and glare in the form of reflected sunlight, is covered in the EIR under Impact AE-4, in Section IV.B, Aesthetics, on p. IV.B.31. As discussed on that page, the light and glare resulting from the proposed project would be typical of structures nearby and throughout the City. Light levels from the proposed project would not exceed levels commonly accepted in an urban setting. Further, as stated on p. IV.B.31, the proposed project would not use mirrored or highly reflective glass. The project would comply with Planning Commission Resolution No. 9212, which prohibits the use of mirrored or reflective glass. For these reasons, it is not anticipated that reflected light from the proposed project would substantially impair the use and enjoyment of the adjacent Jessie Square public open space. See also Section IV.I, Wind and Shadow, EIR pp. IV.I.46-IV.I.53, for a discussion of the proposed project's shadow impact on Jessie Square.

Tower Design

Comment

C.33.7

7. There should be no rigid specification of tower materials and detailed design. It is largely subjective for there to be objections to the elliptical shape of the original proposal by an esteemed Mexican architect. Moreover, the predominant glass "skin" of the current proposal should not be cause for concern. If the Planning Department and current architect agree on shape and materials, a rectilinear shape is certainly acceptable. However, we should keep in mind that given the need to protect the Aronson Building, such a shape could likely mean a similarly rectilinear setback from the roofline of Aronson, so that the cantilevered portion is not readily visible from the street. *(Paul H. Sedway)*

Response B.4

This comment concerns the materials and design of the proposed project tower. This comment does not raise any specific environmental issues about the adequacy or accuracy of the EIR's

coverage of environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines Section 15088. However, aspects of the building design such as setbacks at upper levels may also relate to the proposed project's potential physical environmental effects with respect to visual impacts, the potential cultural resource impacts to the Aronson Building as well as the potential shadow impacts of the proposed project. Impacts of the proposed project tower related to Aesthetics are covered in the EIR in Section IV.B, Aesthetics, pp. IV.B.25-IV.B.33. See also Section IV.D, Cultural and Paleontological Resources, EIR p. IV.D.54, for a discussion of the proposed project tower's impact on the historic Aronson Building. Impacts of the proposed project tower related to Shadow are covered in the EIR in Section IV.I, Shadow, pp. IV.I.41-IV.I.61. In addition, please see the discussion regarding suggested alternatives with upper level setbacks on pp. III.I.18-III.I.24 of this Responses to Comments document. Comments about the design of the proposed project tower may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

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C. POPULATION

Comment

C.12.7

The following issues have only been superficially studied and some are omitted:...

C. Population Density study in two block radius 2nd street to 4th street on Mission.
 (Margaret Liu Collins)

Response C.1

The comment states that among the issues discussed in the EIR superficially or omitted altogether is population density within a two-block radius of the project site. As discussed in Section IV.C, Population and Housing, on EIR pp. IV.C.9-IV.C.10, population and population growth are considered in the context of local and regional plans, and population, housing, and employment projections. The 2010 U.S. Census data, at the City and Census Tract level, were used for the EIR analysis because they are the most recent data consistently available for the project site across all population, employment, and housing indices. Population, employment, and housing data from the Association of Bay Area Government’s *Projections 2009* and *San Francisco Bay Area Housing Needs Plan 2007-2014*, and from the City’s environmental review of the 2004 and 2009 Housing Element updates, were also used. The impact analysis compares the population, employment, and housing characteristics that would result from development of the proposed project to existing conditions at the time the Notice of Preparation of an EIR was published, as required under CEQA Guidelines Section 15125(a). It also considers whether the proposed project would contribute to substantial residential population and employment growth, and whether substantial numbers of residents, housing units, or employees would be displaced. In general, the City’s approach to analyzing project-related increases in population and employment is to evaluate the physical changes a project would have on transportation, noise, air emissions, recreational facilities, utilities, and public services. These physical impacts are evaluated in the EIR in Section IV.E, Transportation and Circulation; Section IV.F, Noise; Section IV.G, Air Quality; and Section IV.H, Greenhouse Gas Emissions; Section IV.J, Recreation; Section IV.K, Utilities and Services Systems; and Section IV.L, Public Services, respectively.

Housing density by Planning Districts and how the City measures housing density, i.e., units per acre, is discussed on EIR p. IV.C.3. As stated on that page, “The northeastern area of the City, which encompasses the Downtown Planning District and the Northeast Planning District, has the largest stock of high-density housing. The project site is located along the southern boundary of the Downtown Planning District, and this district has an average housing density of 283 housing units per acre.” This information was obtained from the San Francisco Planning Department’s *Housing Element, Part 1: Data and Needs Analysis*, published in March 2011. Furthermore, as stated on EIR p. IV.C.6, which provides a summary of 2000 and 2010 U.S. Census data, the

census tract that contains the project site has experienced “a two-fold increase in population since 2000 and reflects increased and higher-density housing development in the Downtown and South of Market Planning Districts over the past ten years.” And finally, as discussed under Impact PH-1 on EIR p. IV.C.11, implementation of the proposed project “would result in a maximum housing density of about 148 residential units per acre on the 1.45-acre project site, assuming maximum development of 215 new residential dwelling units with the residential flex option of the proposed project; thus, the average housing density of the proposed project would be less than the average housing density in the Downtown Planning District.” Other than population density in the area near the project site, the comment has not identified any additional physical environmental issues related to the project-related increases in population. Thus, the EIR adequately discusses housing density issues related to the introduction of additional residential dwelling units in San Francisco’s Downtown area, and the approach to the analysis of population and housing impacts is adequate for the purposes of CEQA.

D. HISTORIC ARCHITECTURAL RESOURCES

Historic Preservation Commission

Comments

A.1.1

On July 18, 2012, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed 706 Mission Street – The Mexican Museum and Residential Tower Project (2008.1084E). After discussion, the HPC arrived at the comments below:

- The HPC agreed the document presented sufficiently addressed and responded to the comments made previously by the Architectural Review Committee.

(Charles Edwin Chase, President, Historic Preservation Commission)

A.1.2

- The HPC agreed the write-up regarding the treatment to the building is adequate.

(Charles Edwin Chase, President, Historic Preservation Commission)

Response D.1

The comments state that the Historic Preservation Commission (HPC) has determined that the EIR sufficiently addresses the previous comments made by the HPC's Architectural Review Committee, and that the EIR's discussion of the treatment of the Aronson Building under the proposed project is adequate. These comments express the HPC's concurrence with the EIR's analysis and conclusions with respect to the project impacts on historic architectural resources. Such comments require no response in this Responses to Comments document, but may be considered by the decision-makers in their decision to approve, disapprove, or modify the proposed project.

Retention of the Aronson Building

Comments

C.20.1

Thank you for your reply. I would like to participate via this email per stating that it is my hope that the 706 Mission (Mercantile) is not demolished but rather implemented and maintained indefinitely.

I will appreciate your information per the August 13th meeting as well[.] *(Laurel Hooper)*

C.20.2

Thank you for the additional information. I will again confirm that I hope the 706 Mission building will not be demolished and that it will be preserved as much as possible.

(Laurel Hooper)

Response D.2

These comments express the hope that the Aronson Building would be retained and preserved under the proposed project. To clarify and confirm this comment, the proposed project would retain, restore, and rehabilitate the existing Aronson Building, as described in Chapter II, Project Description, EIR pp. II.56-II.63. These comments do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines Section 15088. Potential impacts resulting from the proposed project on the historic significance of the Aronson Building are analyzed in the EIR in Section IV.D, Cultural and Paleontological Resources, on pp. IV.D.52-IV.D.58.

Aronson Building Construction Activities

Comment

C.34.9

Urban gardens – rooftop gardens – I understand from touring sites in the city that rooftop gardens can add a significant type of load to a roof. Any requirements for that? (*Rick Smith*)

Response D.3

As described in Chapter II, Project Description, on EIR p. II. 62, the Aronson Building roof would be rehabilitated to function as a residential amenity (solarium and outdoor terrace/roof garden) under the proposed project and project variants. As described in the submitted Architectural Design Intent Statement,¹ which establishes the design intent and parameters for the treatment of the historic Aronson Building as well as the relationship between the proposed tower and the existing Aronson Building, the existing roof structure will be reinforced and seismically upgraded as part of the proposed project so the structure would be adequate to support the weight of the proposed improvements. In addition, the Architectural Design Intent Statement is incorporated into the project description beginning on page II.46 of the EIR.

¹ Handel Architects, 706 Mission Street Architectural Design Intent Statement, January 11, 2012, p. 6. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

E. TRANSPORTATION

AM ANALYSIS

Comments

TR.1.1

On behalf of the homeowners I'm here to express our grave concern over the EIR report. The project has a number of very significant issues which are not properly addressed and mitigated in the draft EIR. And I will only mention a few of them.

For example, the draft EIR addresses only the p.m. traffic in this area, the afternoon traffic. But as we all know ... this is Third Street. The traffic is at its worst in the a.m. hours, when all the office commuters are trying to get to the Financial District, the shoppers are trying to get into Union Square, and all the housewives are trying to do their shopping in Chinatown. It's not unusual to take about ten or twenty minutes to go the two blocks between Howard and Market Street. And for some very curious reason, this EIR does not address the a.m. traffic at all in the EIR. (*Joe Fang, President of the homeowners association at the Four Seasons Residences*)

TR.2.3

And, lastly, I would just reiterate the previous comment made about a.m. traffic levels, that due to the high inbound volumes in the morning, this could very well result in significant impacts with the proposed project as well as Variants 1 through 5, at both the Third and Stevenson as well as the Third and Market Street intersections. (*Brian Canepa, Nelson/Nygaard Transportation Consultants*)

TR.6.1

Good afternoon, President Fong, Commissioners. My name is Howard Wexler. I'm counsel for the 765 Market Street residential owners association in regard to the project before you. I believe you should have all received the comment letter and Nelson/Nygaard traffic report that we submitted on Friday. So I would just like to briefly highlight what I think are the critical items, because you have the full report to read and I only have three minutes.

First, I think if you go through and staff goes through, and consultants go through what Nelson/Nygaard has produced, you'll find that even using only p.m. peak figures that Variants 6 and 7 that have been suggested by my client will turn out to be superior traffic variants. When one does what I believe absolutely has to be done, having a.m. peak traffic for a one-way street like Third Street, it will be, I think, quite clear that the project Variants 1 through 5 all will have - - likely to have some significant impacts, particularly between Mission and Market. Where Variants 6 and 7 comes in, there will be no traffic going up there; nor additional curb-cuts that pedestrians will get involved with. (*Howard Wexler, on behalf of the 765 Market Street residential owners*)

TR.14.1

Well, some things I'm hearing in the comments and from my reading: There [were] comments about the lack of analysis of traffic in the a.m. And, again, I'm not saying that is not in there. I will re-read in greater detail to make sure it's not there. But could be a good point to address in comments and responses. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

C.3.5

3. Analyzing only PM Conditions Ignores Potentially Significant Impacts on Inbound Streets and Inaccurately Supports the Project Alternative. “AM peak hour traffic is likely more congested on Third Street (and other inbound streets) than during the PM peak hour as commuter travel to downtown. By examining only PM peak hour conditions, the DEIR analysis is not identifying likely significant traffic impacts, including failing LOS at Third Street intersections, for the Proposed Project and Variants 1-5 with access points on Stevenson and Third Street” (page 5). Nelson/Nygaard goes on to point out that “An analysis of AM peak hour conditions would likely show both a greater percentage increase in delay at these intersections that would cause a reduction in level of service and possibly an adverse impact on critical movements, such as the eastbound right-turn movement from Third Street to Market Street – both of which would trigger a significant impact. Given the high likelihood that AM peak hour traffic will adversely impact intersections along Third Street, it is essential that this analysis be conducted to ensure a comprehensive picture of potential points of congestion” (page 7). Anyone who regularly drives in the San Francisco downtown area is aware that traffic along Third Street, especially between Mission and Market Streets is significantly greater in the AM peak hours than the PM peak hours. This is because Third Street is the major inbound one way street from the freeway to enter downtown San Francisco. Conversely, Fourth Street is the major downtown one way street leading to the freeway and thus is significantly busier in the PM peak hours than the AM peak hours. Since the Project and all of its proposed Variants (1-5) have traffic entering the Project off Third Street between Mission and Market Streets, the failure to include an analysis of the significantly greater AM peak flow of traffic along Third Street is a fundamental error that must be corrected with AM studies taken at all the key intersections in the fall when traffic is back to its normal level after the summer vacation period and its reduced level of traffic have ended. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.18

Its [the EIR’s] failure to measure and analyze any AM peak traffic on Third Street where the greatest traffic impacts occur during the morning commute period places the entire EIR at risk. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.27**Key Issue #3: Analyzing only PM Conditions Ignores Potentially Significant Impacts on Inbound Streets and Inaccurately Supports the Project Alternative**

Summary: AM peak hour traffic is likely more congested on Third Street (and other inbound streets) than during the PM peak hour as commuter travel to downtown. By examining only PM peak hour conditions, the DEIR analysis is not identifying likely significant traffic impacts, including failing LOS at Third Street intersections, for the Proposed Project and Variants 1-5 with access points on Stevenson and Third Street.

Discussion: Although analysis of AM peak hour traffic conditions is not required for most EIRs in San Francisco, accurate and complete analysis of the significant impacts of this project require analyzing both the AM and PM peak hour conditions. Because this project has substantial impact on the one way south of market grid, a PM-only analysis will naturally identify impacts only on those streets that are most congested in the afternoon, while minimizing and potentially

missing significant impacts on “inbound” streets that are more congested during the morning peak period. In particular, Third Street is a one-way “inbound” thoroughfare, carrying morning commute traffic into downtown. By examining solely PM peak hour conditions, the DEIR transportation analysis ignores potentially significant impacts which likely include failing LOS at intersections bordering the site, specifically, the intersections at both Third and Market Streets and Third and Stevenson Streets. The impacts of the proposed project on these intersections is likely grossly underestimated by the use of PM only data. [Figure 3: Current AM Peak Hour Conditions, Third and Stevenson Street Intersection, is shown on p. 6 of the Nelson\Nygaard letter (attachment to Letter C.3) in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document.]

Figure 4 shows Existing and Existing plus Proposed Project and Variant Conditions for the PM peak hour, when northbound (i.e. inbound) traffic is less congested than during the AM peak hour, when traffic is queuing from Market Street to Folsom Street. The figure demonstrates that even during a less congested period, vehicle delay at the Third and Market Streets and Third and Stevenson Streets intersections in the Proposed Project and Variants 1 -5 increases from 6 to 18% (while Variants 6 and 7 result in a 8 to 18% decrease in delay).

Figure 4 Intersection Levels of Service, Existing plus Project and Variant Conditions (Weekday PM Peak Hour)

Intersection	Existing		Proposed Project & Variants 2, 5		Variants 1, 4		Variant 3		Variants 6, 7	
	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Third/Market	56.2	E	63.8	E	63.8	E	63.8	E	45.9	D
Third/Stevenson	12.1	B	12.8	B	14.3	B	12.8	B	11.1	B
Third/Mission	20.1	C	20.9	C	20.9	C	21.0	C	21.1	C
Third/Howard	36.1	D	40.4	D	40.4	D	40.4	D	40.4	D
Fourth/Market	>80	F	>80	F	>80	F	>80	F	>80	F
Fourth/Mission	41.8	D	45.7	D	45.7	D	45.7	D	54.2	D
Fourth/Howard	42.5	D	44.5	D	44.5	D	44.5	D	44.5	D

Source: Appendix E, Table 19

An analysis of AM peak hour conditions would likely show both a greater percentage increase in delay at these intersections that would cause a reduction in level of service and possibly an adverse impact on critical movements, such as the eastbound right-turn movement from Third Street to Market Street – both of which would trigger a significant impact.⁵ Given the high likelihood that AM peak hour traffic will adversely impact intersections along Third Street, it is essential that this analysis be conducted to ensure a comprehensive picture of potential points of congestion.

[Footnote cited in the comment]

⁵ Per Appendix E, p. 67 – “The threshold for a significant adverse impact on traffic has been established as deterioration in the LOS at a signalized intersection from LOS D or better to LOS E or LOS F, or from LOS E to LOS F.”

(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

C.13.8

My concerns about the DEIR are the following:...

5. Increased AM and PM traffic on Third Street, Mission Street, and Fourth Street. Being that Third Street is a one way arterial street into the city it would appear to be a major flaw in the study that morning rush traffic was not measured. This could have a material affect on the analysis. *(Matthew and Teresa Schoenberg)*

C.28.1

I am a resident of the Four Seasons Residence San Francisco. I submit the following comments regarding the proposed neighboring Residential Tower and Mexican Museum Project at 706 Mission Street ("the Project"). I have major areas of concern about the Project Draft Environmental Impact Report ("DEIR") presented for public hearing on August 2, 2012:

1. The DEIR fails to properly measure the increased AM and PM traffic at the intersections of Fourth and Market Streets and Fourth and Mission Streets. There will be significant and unavoidable traffic impacts at Stevenson Lane adding to the existing chaotic condition. *(Pam Fong)*

Response E.1

The comments raise concerns that an AM peak hour analysis for measuring the project-related traffic impacts should have been included with the traffic analysis, and suggest that AM peak hour traffic conditions are likely more congested on Third Street than PM peak hour conditions, and that an analysis of the AM peak hour conditions would likely result in significant project traffic impacts at the intersection of Third/Stevenson Streets. A comment also states that the EIR fails to properly analyze the increase in traffic at the intersections of Fourth/Market Streets and Fourth/Mission Streets.

The PM peak hour traffic analysis at seven study intersections presented in the EIR is consistent with the 2002 *Transportation Impact Analysis Guidelines for Environmental Review (SF Guidelines)*, and includes an analysis of conditions at the intersections of Fourth/Market Streets and Fourth/Mission Streets. The San Francisco Planning Department does not generally require AM peak hour analyses for development projects because the transportation network is typically less congested during the AM peak hour, as compared to the PM peak hour, and because the travel demand associated with most land uses is generally less during the AM peak hour than during the PM peak hour. Analyses of AM peak hour conditions, conducted as part of transportation impact analyses for nearby plan areas and development projects, including the *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project EIR* and for the Existing Conditions report for the *Eastern Neighborhoods Transportation Implementation Planning Study (EN TRIPS)*, indicate that in the South of Market area,

intersection LOS conditions are better in the AM peak hour than in the PM peak hour.¹ In addition, the proposed project is primarily a residential development, and residential uses typically generate fewer person-trips and vehicle-trips in the AM peak hour than in the PM peak hour. During the AM peak hour, the residential travel demand is typically estimated to be 80 to 85 percent of the PM peak hour demand.² Because AM peak hour operating conditions at the study intersections would be expected to be better than PM peak hour conditions, and because travel demand associated with the project uses would also be less in the AM peak hour than in the PM peak hour, the PM peak hour analysis included in the Draft EIR reflects a conservative assessment of potential project traffic impacts, and therefore analysis of AM peak hour conditions is not required.

However, in response to comments received on the Draft EIR, an AM peak hour analysis was conducted for the four study intersections along Third Street as part of the Responses to Comments. The analysis is documented in technical memorandum *706 Mission Street EIR AM Peak Hour Conditions Assessment*, and summarized below.³ The technical memorandum presents the travel demand generated by the proposed project during AM peak hour conditions, existing AM peak hour intersection LOS conditions based on counts conducted in September 2012, and AM peak hour traffic impact analysis for the proposed project and the seven access variants.

Proposed Project Travel Demand

The *SF Guidelines* provide guidance for the daily and PM peak hour trip generation analysis for various uses in San Francisco. Because the *SF Guidelines* do not provide trip generation rates for AM peak hour conditions, the weekday AM peak hour travel demand for the uses in the proposed project was adjusted from the PM peak hour trip generation rates provided in the *SF Guidelines*. The adjustment was based on the ratio of AM to PM peak hour trip generation for the residential, restaurant/retail, and office land uses from the Institute of Transportation Engineers (“ITE”) Trip Generation Manual. Based on the ratios developed from the ITE rates,

¹ *Western SoMa Community Plan, Rezoning of Adjacent Parcels, and 350 Eighth Street Project Draft EIR*, June 2012, Case Nos. 2008.0877E and 2007.1035E, and “EN TRIPS Existing Conditions” report, SFMTA, June 2010. The EIR is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2008.0877E and 2007.1035E. The EN TRIPS report also available at the San Francisco Planning Department in the EN TRIPS case file.

² Based on comparison of AM and PM peak hour trip generation rates included in the Institute of Traffic Engineers (ITE) *Trip Generation Manual, 7th Edition, 2003*.

³ LCW Consulting, *706 Mission Street EIR – AM Peak Hour Conditions Assessment*, February 2013. A copy of this memorandum is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2008.1084E.

the following factors were applied to the PM peak hour trip generation rates to adjust them for use as AM peak hour rates:

- The travel demand associated with the residential uses during the AM peak hour would be about 85 percent of the PM peak hour.
- The travel demand associated with the restaurant/retail uses would be about 11 percent of the PM peak hour.
- The travel demand associated with the office uses would be about 4 percent higher than the PM peak hour travel demand.

The proposed museum would be closed during the AM peak hour; however, as a conservative assumption, it was estimated that 25 percent of the PM peak hour travel demand for the museum use would occur during the AM peak hour, and all the trips would be inbound (i.e., employees) to the site.

Table RTC.1 presents the weekday daily, AM and PM peak hour person trips generated by the proposed uses for both the project’s residential flex option and the office flex option. Under both options, the proposed uses would generate fewer person trips during the AM peak hour than during the PM peak hour. The residential flex option would generate about 342 person trips during the AM peak hour, as compared to 551 person trips during the weekday PM peak hour. The office flex option would generate about 405 person trips during the AM peak hour, as compared to 603 person trips during the weekday PM peak hour.

Table RTC.1: Proposed Project Daily, AM and PM Peak Hour Person-Trip Generation Residential Flex and Office Flex Options

Option/Land Use	Size	Person Trips		
		Daily	AM Peak Hour	PM Peak Hour
Residential Flex Option				
Residential: 2+ bedrooms	215 units	2,150	316	372
Retail/Restaurant	4,800 gsf	960	14	130
Museum	52,285 gsf	996	12	49
		4,106	342	551
Office Flex Option				
Residential: 2+ bedrooms	191 units	1,910	281	330
Office	61,320 gsf	1,110	98	94
Retail/Restaurant	4,800 gsf	960	14	130
Museum	52,285 gsf	996	12	49
		4,976	405	603

- The residential flex option would generate about 97 vehicle trips during the weekday AM peak hour (as compared to 142 vehicle trips during the PM peak hour), of which 27

vehicle trips would be inbound to the project site, and 70 vehicle trips would be outbound from the project site.

- The office flex option would generate about 111 vehicle trips during the weekday AM peak hour (as compared to 154 vehicle trips during the PM peak hour), of which 48 vehicle trips would be inbound to the project site, and 63 vehicle trips would be outbound from the project site.

Intersection Operations

Existing AM Peak Period Conditions

Existing intersection operating conditions were evaluated for the weekday AM peak hour (between 8 and 9 AM) of the AM peak period (7 to 9 AM). Intersection turning movement volume counts were conducted at the four study intersections along Third Street on Tuesday, September 11, 2012, and traffic volume counts were conducted at the intersection of Third/Market/Kearny Streets on Tuesday, September 25, 2012. In addition, field observations of study intersection operating conditions were conducted on September 11, 2012, September 25, 2012, and October 3, 2012. At the four study intersections, and along Third Street between Howard and Market Streets, the AM peak hour traffic volumes were lower than the PM peak hour volumes analyzed in the *Transportation Study*. During the AM peak hour, about 60 vehicles were counted exiting Stevenson Street at Third Street (on average one every signal cycle, as the cycle length is 60 seconds), and during field observations, up to two vehicles were observed waiting for a green phase. Roughly 60 percent of vehicles exiting Stevenson Street during the AM peak hour turn left onto Third Street, and about 40 percent continue eastbound on Stevenson Street to Annie Street.

The signal timing at intersections along Third Street (i.e., at Folsom, Howard, Mission, Stevenson, and Market Streets), and specifically the amount of green time that is provided to northbound traffic flow, regulates the flow of vehicles northbound on Third Street. At Mission Street, Third Street receives 24 seconds of green time; however, due to signal offsets, these vehicles are typically stopped at Stevenson Street, and then again at Market Street.⁴ During the AM peak hour, while there is a high volume of vehicles traveling along Third Street, the queue of vehicles at the end of the red phase, at the approach to Stevenson Street and at the approach to Market Street, is generally able to flush through each cycle, and vehicles generally do not experience substantially greater delay than the single red phase. For example, the cycle length at the intersection of Third/Market Streets is 60 seconds, of which 24 seconds are allocated to the Third Street vehicle approach. As shown in Table RTC.2, during the AM peak hour the

⁴ A signal offset is the time between the start of the “green” phase at one intersection and the start of the “green” phase at another intersection. The offset defines the movement of traffic along the corridor, also referred to as “progression.”

intersection of Third/Market Streets operates acceptably at LOS C with an average delay of 32.2 seconds per vehicle. This LOS is consistent with observations of the Third Street approach to Market Street, because vehicles arrive at the Third Street approach to Market Street during the red phase, and because the northbound Third Street queue is cleared during each phase (meaning that vehicles typically do not need more than one signal cycle to get through the intersection). The maximum delay per vehicle experienced by drivers is therefore, represented by the red time for that cycle (60-second cycle, less 24 seconds of green for Third Street movements, or 36 seconds of delay per vehicle for vehicles at the approach of Third Street at Market Street).

Table RTC.2 presents the results of the intersection LOS analysis for the existing weekday AM peak hour conditions. As shown on this table, during the weekday AM peak hour, the four study intersections along Third Street currently operate with acceptable conditions (LOS D or better).

Table RTC.2: Intersection Level of Service Existing Conditions – Weekday AM Peak Hour

Intersection	Existing AM Peak Hour	
	Delay ¹	LOS
1. Third/Market	32.2	C
2. Third/Stevenson	12.7	B
3. Third/Mission	36.0	D
4. Third/Howard	47.6	D
<i>Note:</i> ¹ Delay presented in seconds per vehicle.		

The intersection LOS analysis noted above, in combination with recent field observations in September and October 2012, and travel time surveys conducted on Third Street as part of the San Francisco County Transportation Authority’s (SFCTA’s) Congestion Management Plan (CMP), do not reflect the extremely congested conditions on Third Street during the AM peak hour, as described in the comments.⁵ It is possible that when large conventions occur at the Moscone Convention Center that result in blocked travel lanes or closed streets, travel times of 10 to 20 minutes to travel two blocks on Third Street between Howard and Mission Streets can be experienced, as described in a comment; however, these conditions are not typical weekday conditions and likely are less frequent than suggested in the comments.

⁵ San Francisco County Transportation Authority, *San Francisco Congestion Management Program 2011*, December 2011. SFCTA’s CMP monitoring report for the segment of Third Street between Terry A. Francois Boulevard and Market Street indicates travel speeds of 15.1 (LOS C) during the a.m. peak hour, and 12.9 (LOS D) during the PM. peak hour.. The 2011 CMP Report and Technical Appendices can be reviewed on the SFMTA website: <http://www.sfgov.org/site/frame.asp?u=http://www.sfcta.org/>, accessed on December 30, 2012.

Existing plus Project Conditions AM Peak Hour Analysis

Proposed Project: As described in Section IV.E, Transportation and Circulation, on EIR pp. IV.E.33 and IV.E.34, for PM peak hour analysis, project-generated vehicle trips were assigned to and from the project residential driveway on Third Street or assigned to the Jessie Square Garage driveways on Stevenson Street and Mission Street, based on whether the trip would be a residential, retail/restaurant, or museum trip; an inbound or outbound trip; and the projected directional distribution. The proposed project office, retail/restaurant and museum vehicle trips were assigned to the Jessie Square Garage public parking, with access via Stevenson Street, and egress via both Stevenson Street and Mission Street. All residential vehicle-trips accessing the building were assumed to access the project parking via the Third Street driveway into the project site, although some residents may choose to enter via the Stevenson Street driveway.⁶ Residents leaving the project site would pick up their vehicle within the portion of the Jessie Square Garage designated for project occupants and exit via the Stevenson Street or Mission Street exits.

The AM peak hour analysis conducted for this Responses to Comments document similarly assigned project-generated vehicle trips to and from the project driveways based on the type of trip (land use and whether trip would be an inbound or outbound trip) and directional distribution. The residential flex option would generate about 97 vehicle trips during the weekday AM peak hour, of which 27 vehicle trips would be inbound to the project site, and 70 vehicle trips would be outbound from the project site. Of the 27 inbound vehicle trips, 23 vehicles were assigned to the Third Street project driveway and 4 vehicles were assigned to the Jessie Square Garage/Stevenson Street driveway. Of the 70 outbound vehicle trips, 29 vehicles were assigned to the Jessie Square Garage Mission Street exit, and 41 vehicles to the Jessie Square Garage Stevenson Street driveway.

The office flex option would generate about 111 vehicle trips during the weekday AM peak hour, of which 48 vehicle trips would be inbound to the project site, and 63 vehicle trips would be outbound from the project site. Of the 111 vehicle trips during the weekday AM peak hour, the 191 residential units would generate 81 vehicle trips (20 inbound and 61 outbound). Of the 48 inbound vehicle trips, 20 vehicles were assigned to the Third Street project driveway and 28 vehicles were assigned to the Jessie Square Garage Stevenson Street driveway. Of the 63 outbound vehicle trips, 27 vehicles were assigned to the Jessie Square Garage Mission Street exit, and 36 vehicles to the Jessie Square Garage Stevenson Street driveway.

⁶ All residential vehicle-trips accessing the building were assumed to access the project parking via the Third Street driveway into the project site. Residents choosing to enter via the Stevenson Street driveway would not change LOS conditions at the study intersections.

Table RTC.3 presents the results of the Existing plus Project intersection LOS analysis for AM peak hour conditions. During the AM peak hour, the addition of the project-generated vehicle trips would result in small increases in the average delay per vehicle at the study intersections. However, even with the increase in average delay per vehicle during the AM peak hour, all study intersections would continue to operate at LOS D or better. Therefore, the proposed project's impact on traffic operations during the AM peak hour would be less than significant. The project-generated vehicle trips during the AM peak hour would not impact the northbound right-turn from Third Street onto Market Street, as suggested in a comment.

Access Variants 1 through 7: For the access variants, the inbound and outbound AM peak hour vehicle trips were similarly reassigned to the garage entrances, based on trip type, direction, available access points, and distribution. As indicated on Table RTC.3, during the AM peak hour, Variants 1 through 7 would result in average delays per vehicle and LOS similar to those of the proposed project, and all study intersections would continue to operate at LOS D or better. Similar to the PM peak hour analysis presented in the Draft EIR, Variants 6 and 7 would reduce the number of vehicles exiting the Jessie Square Garage via Stevenson Street, which would in turn reduce the number of vehicles traveling through and correspondingly reduce the average delay for the intersections of Third/Market/Kearny Streets and Third/Stevenson Streets, under Variants 6 and 7.

In summary, the results of the analysis of the AM peak hour conditions at the four study intersections for this Responses to Comments document indicate that AM peak hour traffic volumes are less than PM peak hour conditions analyzed in the Draft EIR, and that the addition of project-generated vehicle trips to the study intersections during the AM peak hour would not result in any new significant traffic impacts during the AM peak hour. Therefore, the transportation analyses of PM peak hour conditions included in the EIR on pp. IV.E.36-IV.E.39 does represent analysis of the project trips on the network when it experiences its maximum use, is adequate and complete, and changes to the Draft EIR analysis are not warranted.

Analysis of the project vehicular access variants is presented in the EIR in Chapter VI, Project Variants, on pp. VI.1-VI.60. As indicated on Table VI.1: Summary of Impacts of the Proposed Project Compared to Project Variants, on EIR pp. VI.56-VI.57, impacts of the vehicular access variants would be similar to those identified for the proposed project, with the exception of Variants 6 and 7. The analysis of Variants 6 and 7 in the EIR identifies significant traffic impacts for intersection operations during the PM peak hour at the intersection of Fourth/Market

Table RTC.3: Intersection Level of Service Existing plus Project and Existing plus Variant Conditions¹ – Weekday AM Peak Hour

Flex Option/ Intersection	Existing AM Peak Hour		Existing plus Project, Variant 2 or Variant 5		Existing plus Variant 1 or Variant 4		Existing plus Variant 3		Existing plus Variant 6 or Variant 7	
	Delay(v/c) ²	LOS	Delay (v/c)	LOS	Delay (v/c)	LOS	Delay (v/c)	LOS	Delay (v/c)	LOS
Residential Flex Option										
1. Third/Market	32.2	C	34.6	C	34.6	C	34.6	C	30.7	C
2. Third/Stevenson	12.7	B	13.2	B	13.7	B	13.2	B	11.1	B
3. Third/Mission	36.0	D	37.1	D	37.1	D	37.0	D	37.4	D
4. Third/Howard	47.6	D	50.0	D	50.0	D	50.0	D	50.0	D
Office Flex Option										
1. Third/Market	32.2	C	34.2	C	34.2	D	34.2	C	30.6	C
2. Third/Stevenson	12.7	B	13.7	B	14.2	B	13.7	B	11.1	B
3. Third/Mission	36.0	D	38.0	D	38.0	D	38.1	D	38.8	D
4. Third/Howard	47.6	D	52.1	D	52.1	D	52.1	D	52.1	D

Notes:

Shaded intersections reflect locations where the number of project-generated vehicle trips would vary due to the variants.

¹ Vehicular Access Summary:

Project: Residential ingress from Third St, ingress/egress on Stevenson St, secondary egress onto Mission St. See Figure II.32 on EIR p. II.65.

Variant 1: No access on Third St, ingress/egress on Stevenson St, secondary egress onto Mission St. See Figure VI.1 on EIR p. VI.6.

Variant 2: Residential ingress from Third St but no ground floor valet parking, ingress/egress on Stevenson St, secondary egress onto Mission St. See Figure VI.2 on EIR p. VI.11.

Variant 3: No access on Third St, residential ingress from Mission Street, ingress/egress on Stevenson St, secondary egress onto Mission St. See Figure VI.3 on EIR p. VI.19.

Variant 4: Loading ingress only on Third St, ingress/egress from Stevenson St & secondary egress onto Mission St. See Figure VI.4 on EIR p. VI.26.

Variant 5: Residential ingress from Third St, residential drop-off/valet within Aronson Building, ingress/egress on Stevenson, secondary egress onto Mission. See Figure VI.5 on EIR p. VI.34.

Variant 6: Jessie Square Garage and Proposed Project ingress/egress on Mission, except for existing and project truck and service vehicle access on Stevenson. See Figure VI.6 on EIR p. VI.40.

Variant 7: All Jessie Square Garage and Proposed Project ingress/egress on Mission St. Stevenson St ramp closed to all traffic. See Figure VI.7 on EIR p. VI.49.

² Delay presented in seconds per vehicle.

Source: LCW Consulting.

Streets, as well as a significant impact on Muni operations on Mission Street. Limiting all ingress/egress to the Jessie Square Garage from Mission Street, as proposed under Variants 6 and 7, would result in increased conflicts between vehicles turning into and out of the garage, and pedestrians and transit on Mission Street. As noted above, the additional AM peak hour traffic analysis did not identify any significant traffic impacts during the AM peak hour for the proposed project or any of the vehicular access variants. An assessment of whether Variants 6 and 7 represent superior traffic variants, as suggested in a comment, will be part of the project review and approval process.

Please see Response E.2 in the subsection entitled “Critical Movements” on RTC pp. III.E.15-III.E.17 and Response E.3 in the subsection entitled “Trip Assignments/Distribution and Suggested Corrections” on RTC pp. III.E.20-III.E.25 for discussion of the assignment of vehicle trips for Variants 6 and 7.

CRITICAL MOVEMENTS

Comments

TR.2.1

Good afternoon. My name is Brian Canepa from Nelson/Nygaard Transportation Consultants. We were hired by the 765 Market Street residential owners association to examine the transportation aspects of the draft EIR. Nelson/Nygaard prepared a memo analyzing the impacts which was provided in one of the comment letters. I’m going to focus actually on three of our findings that we made.

And if we can – so this is one of the figures from the draft EIR. One of the problems that we found was that in the EIR there was an improper analysis of what we call critical intersection movements. A critical movement are those vehicle movements that take the most amount of time going through a particular intersection, thereby taking up more green-light time. Now, according to the analysis – it’s difficult to see, I guess, from this point of view – but the eastbound through-movement has been labeled as a critical movement. That’s a movement going towards the Ferry Building. But in the absence of westbound left-turn movement, that traffic actually flows relatively easily. The real critical movement here is actually the movement going from Market Street turning right onto Fourth Street. And that’s really due to the very high volume of pedestrians crossing the street right there.

Now, if you were to evaluate that and take that into consideration, the proposed project would actually result in a significant impact of vehicle access. Variants 6 and 7 would actually result in less than significant impacts. So there’s a direct relation to the vehicle impact there. (*Brian Canepa, Nelson/Nygaard Transportation Consultants*)

TR.14.3

Then Nelson/Nygaard, I think, spoke about the right turn from Market to Fourth. And I’m not quite sure whether that was traffic coming on Market or traffic coming from Stockton crossing Market and going south, which probably is the larger impact, I would think, because I believe

now some of the eastbound traffic on Market is already somewhat restricted. So I don't know how much of an impact that causes. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

C.3.3

The 765 Market Street Owners retained the highly respected traffic consulting firm of Nelson/Nygaard to review and assess the traffic and transportation analysis contained in the DEIR. The full Nelson/Nygaard Comment Letter Findings Memorandum to the 765 Market Street Owners dated July 24, 2012 is attached for your review.

Specifically you will see that Nelson/Nygaard has determined the following:

1. **Incorrect Critical Movement Assumptions Result in a Flawed Analysis of Alternatives.**

“The DEIR misidentifies the eastbound through movement at Market and Fourth Street as a critical movement, resulting in significant traffic impacts for Variants 6 and 7. Instead, the eastbound right-turn movement should be considered a critical movement given the high pedestrian volumes crossing Fourth Street. This correction in critical movements will result in significant impacts for the Proposed Project and less than significant impacts for Variants 6 and 7” (page 2). Nelson/Nygaard goes on to demonstrate why “Correcting for the flawed assumption of critical turning movements, the analysis will demonstrate that the Proposed Project (and potentially Variants 1-5) will produce a significant traffic impact at that intersection due to its number of eastbound right-turn movements. Conversely, Variants 6 and 7, which generate eastbound through movements, will generate a less than significant impact” (page 5). (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.21

Nelson\Nygaard was retained by 765 Market Street Residential Owners to assess the traffic and transportation analysis completed in the 706 Mission Mexican Museum and Residential Tower project Draft Environmental Impact Report (DEIR) and to identify any potential issues impacting their property. Our assessment includes the following findings:

The DEIR analysis contains several flaws in (1) identifying which movements are “critical” at specific intersections and (2) forecasting the likely trip assignment (i.e., the anticipated path of travel) for vehicle trips that would be generated by the Project, which result in an inaccurate assessment of both the Proposed Project and vehicle access variants. (*Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association*)

C.3.25

Key Issue #1: Incorrect Critical Movement Assumptions Result in a Flawed Analysis of Alternatives

Summary: The DEIR misidentifies the eastbound through movement at Market and Fourth Street as a critical movement, resulting in significant traffic impacts for Variants 6 and 7. Instead, the eastbound right-turn movement should be considered a critical movement given the high pedestrian volumes crossing Fourth Street. This correction in critical movements will result in significant impacts for the Proposed Project and less than significant impacts for Variants 6 and 7.

Discussion: The analysis of PM peak hour traffic is flawed in its determination of which movements are “critical movements” at some intersections. According to the analysis, “for an intersection that operates at LOS E or LOS F under existing conditions, there may be a significant adverse impact depending on the magnitude of the project’s contribution to the worsening of delay.”¹ Specifically, San Francisco traffic studies determine the level of significance in such cases based on the Project contribution to “critical movements”. Figure 1 shows the PM peak hour Existing Plus Project traffic volumes and “critical movements” as described in the DEIR. [Figure 1: Existing Plus Project Traffic Volumes, PM Peak Hour, is shown on p. 3 of the Nelson\Nygaard letter (attachment to Letter C.3) in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document.]

Critical movements are those intersection movements that require specific allocations of “green time”, thus affecting the capacity of other movements within a fixed cycle length. The Highway Capacity Manual (HCM) provides the following description of the basic parameters for conducting a Critical Movements analysis:

- *Critical movement analysis is based on the following fundamental basic principle: The amount of time in an hour is fixed, as is the fact that two vehicles (or a vehicle and a pedestrian) cannot safely occupy the same space at the same time. Critical movement analysis identifies the set of movements that cannot time concurrently and require the most time to serve demand. Critical movement analysis is an effective tool to quickly estimate green times for various movements at an intersection and to estimate its overall performance in terms of volume-to-capacity ratios.*

The DEIR identifies the eastbound through movement at Market and Fourth Street as a critical movement, and found that the Project would result in a significant impact to that eastbound through movement based on the DEIR assumption that the Project will generate vehicle trips that will travel eastbound on Market Street.

- However, in the absence of westbound left-turning movements (which are prohibited), eastbound through traffic should not be considered a critical movement as that flow is relatively unimpeded, particularly during the PM Peak Hour when transit boardings are higher in the westbound direction. Since buses and F-line trains stop directly within the center “through” lanes on Market Street, to pick up passengers waiting for to board transit vehicles from island platforms, the critical “through” movement during the PM Peak Hour is the westbound through movement, not the eastbound through movement, given the higher volume of PM peak hour bus westbound bus boardings that results in a higher number of conflicting movements that affect vehicle circulation (transit boardings, in this case, represent a conflicting movement that affects through circulation in the westbound direction).
- In the eastbound direction, the eastbound right-turn movement, not the eastbound through movement, should be considered a critical movement at this intersection given the high volume of conflicting pedestrian movements crossing Fourth Street that requires a significant allocation of “green time” within each signal cycle, and causes vehicle delay and queuing for right-turn traffic. Additions to that movement will exacerbate to that critical right-turn movement (Figure 2 depicts the intersection on a typical day, and shows several vehicles waiting to make the critical right-turn movement). [Figure 2: Market and Fourth Street Intersection, is shown on p. 4 of the Nelson\Nygaard letter

(attachment to Letter C.3) in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document.]

Correcting for the flawed assumption of critical turning movements, the analysis will demonstrate that the Proposed Project (and potentially Variants 1-5) will produce a significant traffic impact at that intersection due to its number of eastbound right-turn movements. Conversely, Variants 6 and 7, which generate eastbound through movements, will generate a less than significant impact.³

[Footnotes cited in the comment]

¹ Appendix E: 706 Mission Street Transportation Study (Without Appendices), p.67.

³ Appendix E, p.110 and 114.

(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

Response E.2

The comments question the identification and analysis of critical movements at the study intersection of Fourth/Market Streets for the proposed project and Variants 1 through 5, and particularly for Variants 6 and 7. In addition, a comment questions the vehicle trip assignment used in the analysis of the proposed project and Variants 1 through 7.

The critical movement, with respect to an intersection analysis, is the movement or lane for a given signal phase (e.g., northbound/southbound versus eastbound/westbound) that requires the most green time, and is determined for each phase based on flow ratios calculated using the *2000 Highway Capacity Manual* (2000 HCM) intersection operations methodology. The movement or lane with the highest flow ratio for each phase is the critical movement. Critical movements are determined in the quantitative calculations conducted for the study intersections, taking into consideration the available geometric conditions (e.g., number of lanes), signalization conditions (e.g., cycle length, green times), and traffic conditions (e.g., traffic volume, pedestrian flows, truck percentage). The absence of a westbound left-turn movement at the study intersection of Fourth/Market Streets, as well as pedestrian volumes at the intersection, were taken into account in the quantitative analysis (model). The critical movements were identified by the intersection analysis software/traffic model used for the analysis.⁷ At the intersection of Fourth/Market Streets, the southbound approach and the eastbound approach were, using HCM methodology and considering all the factors discussed above, identified by the traffic analysis as the critical movements. The westbound through movement is not a critical movement, as determined by the HCM methodology.

One comment suggested that the westbound-through and eastbound-right turn movements should be identified as the critical movements of the intersection; however, these movements do not

conflict and are able to time concurrently, which means by HCM definition they are not both critical movements. There is only one critical movement per signal phase.

As presented in Section IV.E, Transportation and Circulation, on EIR p. IV.E.23, for intersections that operate at LOS E or LOS F under existing conditions, there may be a significant adverse impact depending on the project's contribution to the worsening of delay. Under Existing plus Project conditions, the intersection of Fourth/Market Streets would continue to operate in LOS F conditions during the PM peak hour, as under Existing conditions. Therefore, the contribution of the proposed project to the critical movements at the intersection that operates poorly was reviewed to determine if the project contribution would be significant under Existing plus Project conditions. Under the proposed project and Variants 1 through 5, the eastbound (critical movement) approach (including both the through and right turn movements) at the intersection of Market/Fourth Streets would continue to operate at LOS D, while the southbound (critical movement) approach would continue to operate at LOS F conditions. The project would add 12 vehicle trips to the southbound through/left movement operating at LOS F conditions, which represents less than 1 percent of the PM peak hour southbound through/left volume. Thus, the project contribution to this poorly-operating approach would not be considered significant, and therefore, the contribution to the overall intersection LOS F conditions would not be considered significant.

Under Variants 6 and 7, the additional vehicles on eastbound Market Street due to the redistribution of vehicles exiting the Jessie Square Garage would change the LOS operating conditions at the eastbound approach of Market Street at Fourth Street from LOS D to LOS F during the PM peak hour. Therefore, for Variants 6 and 7, the contribution to both the southbound and eastbound movements was considered. The contribution to the southbound through/left movement would be the same as that presented for the proposed project and Variants 1 through 5 above, and would be less than significant. However, the contribution of Variants 6 and 7 to the eastbound approach volume would be 7 percent, which would be considered a significant traffic impact.

At the eastbound approach to Fourth Street on Market Street, both eastbound through and eastbound right turn vehicles are in the same lane at the stop bar (i.e., the location where vehicles are required to stop when the signal light turns red), and subject to the same signal timing. Because both movements share the same lane, the critical movement, which was identified on EIR p. VI.42, is the eastbound through and right movement, i.e., the eastbound approach. In order to be consistent with the LOS output, the figures presenting the traffic volumes and critical

⁷ Intersection Level of Service (LOS) analysis was conducted using the TRAFFIX intersection analysis software and the HCM signalized intersection analysis methodology.

movements show the specific critical movement – which is identified as the eastbound through movement in the LOS calculation output sheets attached as an appendix to the Transportation Study. However, when reviewing the project contributions to critical movements at intersections, the analysis considers the approach volumes, which for the eastbound movement includes the eastbound through and eastbound right turn movements.

The determination of significant impact for Variants 6 and 7 was made by calculating the project contribution to critical movements which operate poorly (LOS E or LOS F) under Existing Plus Project conditions. For the combined eastbound through/right movement, the contribution of 41 project vehicles over the eastbound movement of 572 vehicles is 7.2 percent. If the eastbound right turn and the eastbound through movements are taken individually, the Variants 6 and 7 contribution of 22 project eastbound through vehicles out of a total of 391 eastbound through vehicles is 5.6 percent, and the Variants 6 and 7 contribution of 19 right turn vehicles out of a total of 181 right turn vehicles is 10.5 percent. Because the percent contribution to the critical movement for Variants 6 and 7 would still be greater than 5 percent, the impact of Variant 6 as well as of Variant 7 at the intersection of Fourth/Market Streets would continue to be considered a significant traffic impact.

Therefore, the critical movement analysis at the intersection of Fourth/Market Streets was conducted correctly, and the impact of Variant 6 and Variant 7 at the intersection of Fourth/Market Streets would continue to be considered a significant traffic impact under Existing plus Project Variant conditions.

Please see Response E.3 in the subsection entitled “Trip Assignments/Distribution and Suggested Corrections” on RTC pp. III.E.20-III.E.25 for further discussion of the comment regarding assignment of vehicle trips for the proposed project and all access variants, including Variants 6 and 7.

TRIP ASSIGNMENT/DISTRIBUTION AND SUGGESTED CORRECTIONS

Comments

TR.2.2

The second aspect is that the analysis is not consistent with the circulation pattern for current and future users. And we prepared another diagram. This is actually not from the draft EIR, but our own. And essentially the distribution of trips predicted in the draft EIR is not realistic for vehicle access in Variants 6 and 7. In that -- in those variants, trips are predicted to leave the project site, circle around, and go up Market Street in order to access those destinations east. This is not really realistic because of the congestion on Market Street, the lack of available left turns off Market Street, and the fact that Market Street actually dead-ends towards the Embarcadero. There are actually many other routes that could be taken, which are shown in orange there, but they're actually much quicker. Once you take into account those aspects, it actually turns out to

be a less-than-significant impact for vehicle access, Variants 6 and 7. (*Brian Canepa, Nelson/Nygaard Transportation Consultants*)

C.3.1

I represent the 765 Market Street Residential Owners Association (“765 Market Street Owners”) in regard to the proposed neighboring Residential Tower and Mexican Museum Project at 706 Mission Street (“the Project”). In this capacity I submit the following initial written comments together with the attached Comment Letter Findings Memorandum from Bonnie Nelson and Brian Canepa of Nelson/Nygaard Consulting Associates concerning the 706 Mission Street Project Draft Environmental Impact Report (“DEIR”) that was published on June 27, 2012 and will be before you for a public hearing on Thursday August 2, 2012.

The 765 Market Street Owners have the following two major areas of concern about the DEIR:

1. The DEIR fails to properly measure and analyze the traffic impacts of the Project particularly in regard to Variants 6 and 7 and it fails to properly mitigate those impacts.

(*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.4

2. Trip Distribution Assumptions are Inaccurate in Variants 6 & 7 Suggesting Greater Impacts than Reality. “The DEIR vehicle trip distribution in Variants 6 and 7 is not realistic considering motorist behavior and travel patterns, resulting in more eastbound vehicle trips traveling through the Fourth and Market Street intersection, contributing to a significant traffic impact. If the vehicle trips in Variant 6 and 7 are distributed more realistically, there will be less traffic at the Fourth and Market Street intersection, resulting in a less than significant traffic impact” (page 5). Again a proper analysis of the trip distribution reveals that Variants 6 & 7 should produce less than significant impacts at the critical Fourth and Market intersection.

(*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.17

The DEIR fails to properly measure and analyze the Project’s traffic impacts particularly in regard to Variants 6 and 7. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.19

The DEIR also fails to adopt any meaningful mitigation measures either to reduce vehicle trips or mitigate the bottleneck conditions on Stevenson Street that will be further exacerbated unless Variant 6 or 7 is adopted. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.22

Due to the assumptions used in the analysis of vehicular traffic, transit, parking, and pedestrians, significant impacts may be underrepresented in certain scenarios and overrepresented in others. In particular, the impacts of the Project are underrepresented and the impacts of Alternatives 6 and 7 are overrepresented in the analysis. (*Bonnie Nelson and Brian Canepa, Nelson/Nygaard, for the 765 Market Street Residential Owners Association*)

C.3.26

Key Issue #2: Trip Distribution Assumptions are Inaccurate in Variants 6 & 7 Suggesting Greater Impacts than Reality

Summary: The DEIR vehicle trip distribution in Variants 6 and 7 is not realistic considering motorist behavior and travel patterns, resulting in more eastbound vehicle trips traveling through the Fourth and Market Street intersection, contributing to a significant traffic impact. If the vehicle trips in Variant 6 and 7 are distributed more realistically, there will be less traffic at the Fourth and Market Street intersection, resulting in a less than significant traffic impact.

Discussion: The PM peak hour distribution of vehicle trips estimated in Variants 6 and 7 do not accurately reflect the likely paths of travel taken by motorists. Specifically, the DEIR transportation analysis predicts that traffic exiting via Mission Street with an ultimate destination east of the project will travel via Fifth Street to head eastbound through the Fourth and Market intersection.⁴ In reality, eastbound motorists would have several potential routes to choose from, including routes north of Market Street that allow for quicker eastbound travel via parallel routes such as Bush or California Street.

Furthermore, the great majority of project trips will be via foot or bike in the area between the project site and the Ferry Building, while vehicle trips traveling further north (e.g. with destinations in the vicinity of North Beach) would be much more likely cross Market at Sixth Street and continue on a quicker north-south street, such as Taylor Street, rather than a more circuitous route via Market Street, especially considering that Market Street does not connect directly with the Embarcadero. Furthermore, driving on Market Street can be time consuming and is rarely chosen by local motorists that are familiar with the left-turn restrictions that make it an inefficient route for private vehicle circulation.

[Footnote cited in the comment]

⁴ Appendix E, p.109.

(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

C.33.5

5. The implications of having four auto accessways (with five different lanes) in a distance of approximately 30 yards off Third Street should be assessed and conveyed. This would include: 1) a newly activated porte-cochere with a one-way driveway under and at the side of Aronson off Third Street, based on unproven auto elevators at its western end; 2) the porte-cochere for the Westin Hotel with its entry and, after a curve, egress about 30 feet beyond; and 3) two-way Stevenson Street with its notoriously dangerous “mashup” with Third Street. Add to this the elimination of the so-called “parking” (actually “double-parking” or during the construction period “nonparking” lane, due to construction over a three to five year period), and the resulting chaos likely would bring three towers to a functional halt.
(Paul H Sedway)

C.33.8

8. Auto movement for 706 Mission building occupants into the existing garage should be limited to Mission Street for both ingress and egress of all vehicles (Variant 7). There is no obvious reason why that would be more problematic than the many ingress-egress alleys off and onto eastern Mission Street, which seem to work well and do not interfere with this Transit

Preferential street. This is especially true in an area where there is already an auto pull-out from the garage at a public square – there is currently an auto egress onto Mission Street from the garage which does not seem to cause problems for the #14 bus; ingress should be no more difficult. (*Paul H. Sedway*)

C.35.7

These supplemental written comments involve the following seven areas:...

7. The DEIR fails to analyze all of the traffic and pedestrian impacts of the Project or develop any mitigation measures for Stevenson Street. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.35.18

The Nelson Nygaard Memorandum dated July 24, 2012 which was submitted with my initial Comment Letter of July 26, 2012 sets forth the reasons why Variants 6 & 7 are better than Variants 1-5 even using only PM peak trip information even although they demonstrated why AM peak traffic numbers were likely to make the impacts from Variants 1-5 much greater than either Variants 6 or 7. One additional area impacting both traffic and pedestrian activities on Third Street if Variant 6 or 7 isn't used, is the fact that under Variants 1-5 you would now have four vehicle access ways (instead of just three) within less than 100 feet along Third Street. These would include (1) a newly activated porte-cochere one-way driveway under and at the side of the Aronson Building off Third Street; (2) the porte-cochere for the Westin Hotel with first its entry, and then after a curve, its egress about 30 feet beyond; and (3) the two-way Stevenson Street intersecting Third Street. Under Variants 1-5 both the porte-cochere driveway would be a new impact and the traffic both in and out of Stevenson Street would be increased. Yet no adequate analysis of either the traffic or pedestrian impacts of these increase interactions between the Project and Third Street have been made. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.36.1

We were out of town and unable to attend the recent hearing on the 706 Mission Street Draft EIR to provide our comments at that time, so are submitting these written comments. We concur fully in the letter submitted by Howard Wexler on behalf of the 765 Market Street Residential Owners Association and the study prepared by Nelson Nygaard on the inadequacy of the Draft EIR in regard to the traffic issues. By this reference we incorporate both of these into our comments as if fully set forth herein. (*Des Whitchurch*)

Response E.3

The comments state that Variants 6 and 7 were not analyzed correctly, and that with different trip distribution assumptions the traffic impacts identified for Variants 6 and 7 would be less than significant at the intersection of Fourth/Market Streets. Comments also state that based on assumptions used in the analysis, traffic, transit, parking, and pedestrian impacts of the proposed project are underrepresented and the impacts of Variants 6 and 7 are overestimated. Some comments state that the EIR fails to identify meaningful mitigation measures to reduce vehicle trips or mitigate the bottleneck conditions on Stevenson Street that would occur unless Variants 6

or 7 are adopted, while another comment states that the EIR fails to properly measure and analyze the traffic impacts of the project, particularly in regard to Variants 6 and 7, and it fails to properly mitigate those impacts. Another comment states that all vehicle ingress and egress to the project site and Jessie Square Garage should be limited to Mission Street (Variant 7) and that there is no obvious reason that ingress and egress only via Mission Street should be problematic for transit along Mission Street.

Chapter VI, Project Variants, EIR pp. VI.42 through VI.55, presents the impact analysis for Variants 6 and 7. The impact analysis, including the assumptions used in project travel demand, trip assignment, and analysis methodology, is consistent among the proposed project and all of the various access variants, which is consistent with the City's *SF Guidelines* for trip assignment and distribution. Because the analysis was consistent among the proposed project and variants, the comment is not correct in stating that the analysis, through varying these assumptions, underrepresented the traffic, transit, parking, and pedestrian impacts of the project, and overestimated the impacts of Variants 6 and 7. Project Variants 6 and 7 have different access than the proposed project and other variants, which results in different vehicular site access as further discussed below, but the overall travel demand, mode split and trip distribution was consistent among the proposed project and all of the variants. While a comment states that proposed project trips in the area between the project site and the Ferry Building would more likely be via foot or bicycle, the comment offers no substantial evidence to alter the mode split used in the analysis that was based on 2006-2010 Census data for the residential uses and from the *SF Guidelines* for the retail, office and museum land uses, as discussed in the travel demand and pedestrian and bicycle impact analyses sections of the EIR. Similarly, the mode splits used would remain the same for the proposed project and all of the access variants.

Under Variants 6 and 7, all auto access (i.e., ingress and egress) into the Jessie Square Garage and the proposed project would be via the existing Jessie Square Garage egress-only driveway ramp onto Mission Street westbound. The existing driveway would be widened to allow for two-way operations. To access the modified ramp, drivers traveling to the project site by auto on Third Street northbound would turn left at Mission Street onto Mission Street westbound, while drivers traveling westbound on Mission Street would continue through at Third Street (as opposed to turning right, which is an opportunity available in the proposed project and Variants 1 through 5). Drivers exiting Jessie Square Garage by auto under Variants 6 and 7 would exit onto Mission Street westbound, which would increase the number of vehicles on westbound Mission Street (left turns onto Mission Street eastbound are not possible due to the center median), and would correspondingly reduce the number of vehicles (existing and project vehicles) at the eastbound approach of Stevenson Street at Third Street, and the northbound approach of Third Street at Market Street. Under Variant 6, trucks and service vehicles would be permitted to

utilize the existing ingress/egress to the Jessie Square Garage on Stevenson Street, while under Variant 7 the existing ingress/egress to the Jessie Square Garage on Stevenson Street would be closed to all vehicles, including autos, trucks, and service vehicles.

For Variants 6 and 7, although overall trip distribution is the same as under the proposed project and Variants 1 to 5, the specific traffic assignment for vehicles entering and exiting the Jessie Square Garage would vary from the proposed project and other variants. These two variants would have different traffic assignments because Variant 6 would close the Stevenson Street entrance/exit for the Jessie Square Garage for private passenger vehicles, although trucks and service vehicles would be permitted to use the Stevenson Street entrance, while Variant 7 would close the Stevenson Street entrance/exit to all vehicles (i.e., private passenger vehicles, trucks, and service vehicles). As noted above, vehicles previously exiting the garage via Stevenson Street and traveling northbound on Third Street under existing conditions or eastbound across Third Street would instead, along with project-related traffic, exit onto Mission Street under Variants 6 and 7. Therefore, the assignment of vehicles to the roadway network would be different for Variants 6 and 7, and in order to carry out the analysis of these two variants correctly, some existing traffic needs to be subtracted from the Third/Market Streets intersection and reassigned to other locations that could be accessed from the new egress from the Jessie Square Garage to westbound Mission Street. The distribution of vehicles to account for this change in egress from Stevenson Street to Mission Street was based on the existing pattern of traffic volumes, for example at the approach to Market Street (i.e., the left-turn, through and right-turn movements). Actual traffic volumes were used because information regarding the actual destination of these existing (not project-related) vehicles leaving the Jessie Square Garage is not known. Based on the existing PM peak hour traffic volumes at the northbound approach of Third Street at Market Street, of the 63 vehicles currently exiting the Jessie Square Garage at Stevenson Street, four vehicles were subtracted from the left-turn movement to westbound Market Street, 55 vehicles were subtracted from the northbound through movement, and four vehicles were subtracted from the right-turn movement, and were reassigned to the Mission Street exit under Variants 6 and 7. In the EIR, p. VI.42, the discussion acknowledges that because left turns from westbound Mission Street onto Fourth Street are not permitted (except taxis), some vehicles destined to locations south and east in Variants 6 and 7 would make around-the-block routings via Market Street to access southbound and eastbound streets. Vehicles destined to locations north (i.e., the 55 vehicles subtracted from the through movement) or west (i.e., the four vehicles subtracted from the left turn movement) were reassigned to Mission, Fifth or Sixth Streets.

For the four vehicles currently exiting the garage and turning right onto Market Street from Third Street (i.e., not continuing through the intersection), regardless of the level of congestion on

Market Street, it was appropriate to assume that these vehicles under Variants 6 and 7 would also likely travel eastbound on Market Street, with the most direct route after leaving the project driveway onto westbound Mission Street being Fifth Street. Drivers traveling eastbound on Market Street could be destined to New Montgomery or First Street to access routes to the regional freeways. It is unlikely that drivers destined to New Montgomery Street or First Street would use routes north of Market Street (via Sixth Street) to access these streets, as suggested in a comment.

Drivers destined to locations to the east were not reassigned to Sixth Street, as suggested in a comment, because the street grids intersect at an angle along Market Street which causes many of the eastbound streets north of Market Street to terminate on Market Street in the vicinity of the project site (e.g., Eddy Street terminates on Market Street at Fifth Street, O'Farrell Street terminates on Market Street between Third and Fourth Streets, and Post Street terminates on Market Street between Second and Third Streets). The EIR analysis did account for other movements; as noted above, vehicles destined west or north could continue westbound on Mission Street and some of these would then travel northbound on Fifth or Sixth Streets. The four vehicles identified above that were subtracted from the northbound right turn on Third Street at Market Street would instead likely travel westbound on Mission Street, northbound on Fifth Street, and then eastbound on Market Street through the study intersections of Fourth/Market Streets and Third/Market/Kearny Streets. These additional vehicles on eastbound Market Street under Variant 6 and Variant 7 would change the LOS operating conditions at the eastbound approach of Market Street at Fourth Street from LOS D to LOS F during the PM peak hour. The contribution to the eastbound approach volume under Variants 6 and 7 would be 7 percent (and accounts for both the vehicles exiting Jessie Square Garage and the project-generated vehicles), which would be considered a significant traffic impact. Signal timing adjustments at the intersection of Fourth/Market Streets were investigated, as discussed in the EIR, but would be infeasible due to the transit, traffic, and pedestrian signal timing requirements, and the need to maintain transit signal priority along Market Street, as well as constraints associated with the BART stairways and elevators.

Without this change to project access (i.e., use of the Mission Street driveway for all ingress/egress for the Jessie Square Garage), the proposed project and Variants 1 through 5 would not result in significant traffic impacts at the intersection of Fourth/Market Streets or Third/Stevenson Streets, and therefore mitigation measures are not required for the project or Variants 1 through 5. A comment further suggests the EIR fails to adopt mitigation measures to reduce vehicle trips and address Stevenson Street traffic (for the proposed project and Variants 1 through 5). Section IV.E, Transportation and Circulation, EIR p. IV.E.38, includes multiple improvement measures aimed at improving existing transportation conditions in the area, which

would also serve to further reduce the less-than-significant project-related traffic, transit, and pedestrian impacts, and encourage use of alternative modes (and thereby reduce project vehicle-trip generation). Improvement Measure I-TR-A: Traffic Signal Timing, and Improvement Measure I-TR-B: “Garage Full” Sign on Third Street, would improve pedestrian and traffic conditions at the intersection of Third Street and Stevenson Street.

If Improvement Measure I-TR-A is included as a condition of approval for the proposed project by decision-makers and implemented, the project sponsor would request that the San Francisco Municipal Transportation Agency (SFMTA) consider revising the signal timing and off-sets at the Third and Market Streets intersection to ensure that sufficient clearance time is provided so that vehicles do not spill back into the midblock intersection (the intersection is currently striped “KEEP CLEAR”). Changes in signal timing would enhance the ability of drivers exiting Stevenson Street at Third Street to merge into and across Third Street traffic flow. In addition, the project sponsor would request that SFMTA consider relocating the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians crossing Stevenson Street during a “don’t walk” phase. If Improvement Measure I-TR-B is included as a condition of approval for the proposed project by decision-makers and implemented, a light-emitting diode (LED) (or similar) “Garage Full” sign would be placed at the intersection of Third Street at Stevenson Street in order to minimize the number of vehicles accessing Stevenson Street when the Jessie Square Garage is full.

In response to the comment that states that there is no obvious reason that ingress and egress only via Mission Street should be problematic for transit along Mission Street, Variant 6 would only have one point of access (Mission Street) into the Jessie Square Garage for autos (and for both autos and trucks for Variant 7), and would substantially increase vehicle-pedestrian and vehicle-transit conflicts at the Mission Street driveway. As noted on EIR p. IV.E.3, the *San Francisco General Plan* designates Mission Street as a Transit Preferential Street within the downtown core. As noted on EIR pp. VI.44 and VI.52, unlike the proposed project, Variant 6 and Variant 7 would introduce a new significant traffic and transit conflict for the 14 Mission and 14L Mission Limited Muni bus lines, potentially cause unsafe traffic maneuverings in front of transit vehicles, and make it more difficult for transit vehicles stopped in the bus zone adjacent to the project site to merge back into Mission Street traffic. During the PM peak hour with these two variants, the number of vehicles entering and exiting the Mission Street driveway would increase from 45 vehicles (all outbound) under Existing conditions, to 294 vehicles (113 inbound and 181 outbound). While the existing number of vehicles (45 outbound vehicles) does not substantially conflict with the 14 Mission and 14L Mission Limited bus operations at the bus stop, as noted in a comment, the conditions would change if the driveway volumes increased to 294 vehicles

during the PM peak hour. For these reasons, and as analyzed in the EIR, the Variant 6 and Variant 7 project-level impacts on transit operations would be considered significant.

In response to the comment regarding the increase in the number of vehicle access points along Third Street, the proposed project's residential access driveway on Third Street (referenced as the newly activated porte-cochere driveway in the comment), the nearby Westin Hotel porte-cochere, and Stevenson Street two-way traffic were considered as part of the traffic and pedestrian analysis of the proposed project and access variants. The proposed project and Variants 2, 4 and 5 would, considering existing driveways along Third Street, result in four vehicle access points within about 250 feet along the block, and not 100 feet as indicated in the comment (i.e., the project driveway, the two existing driveways for the Westin Hotel porte-cochere, and Stevenson Street). Similar to what was indicated in the comment for Variants 6 and 7, Variants 1 and 3 would have the three existing vehicle access points along the block (i.e., the two existing driveways for the Westin Hotel and Stevenson Street). The impact analysis for the proposed project and new driveway access is presented on EIR pp. IV.E.36-IV.E.39 (for the traffic analysis), and on EIR pp. IV.E.43-IV.E.47 (for the pedestrian analysis). The variants to the proposed project are analyzed in Chapter VI, Project Variants, beginning on EIR p. VI.8, and include an analysis of conditions with each access variant. Please see Response E.1 in the subsection entitled "AM Analysis" on RTC pp. III.E.4-III.E.12, which addresses the comment regarding analysis of AM peak hour conditions, and impacts for the proposed project and access variants.

For the reasons given above, the transportation impact analysis correctly analyzed Variant 6 and Variant 7 and additional analysis is not required.

Please see Response E.4 in the subsection entitled "Traffic Congestion in Project Vicinity" on RTC pp. III.E.35-III.E.41, which addresses the comment regarding project impacts on of congestion on Stevenson Street. Please see Response E.11 in the subsection entitled "Construction-Related Traffic Impacts" on RTC p. III.E.72- III.E.76, which addresses the comment regarding construction impacts, including lane closures on Third Street adjacent to the project site.

TRAFFIC CONGESTION IN PROJECT VICINITY

Comments

TR.1.2

The EIR also contemplates seven different variants for addressing the traffic created by the new 706 Mission Street. And the first five contemplate using this small half-block street [Stevenson Street], one-way street, dead-end street for moving traffic into their garage. As we all know, between Four Seasons Residences and the Jessie car park there's over a thousand car-parks there.

And this is the only way in and most days the only way out. And it's not unusual during the morning hours to see trucks parked there for loading and unloading for the Westin Hotel or CVS or Golfsmith, et cetera. So it becomes a one-lane road. And those people trying to get into the car park and also Four Seasons is not unusual for them to take about ten, twenty minutes to get out of that traffic. (*Joe Fang, President of the homeowners association at the Four Seasons Residences*)

TR.4.1

Commissioner Fong, Commissioners, my name is Jack Clumeck. My wife and I are full-time residents of the Four Seasons Residences. When we purchased our home, we were concerned about the difficulty of access and egress through Stevenson Alley, both as regards entering the Four Seasons as well as exiting and entering onto or crossing northbound Third Street. Unfortunately, our concerns have become unpleasant and unsafe realities. (*Jack Clumeck*)

TR.5.2

Also, the impact on Union Square. Third Street is the main route for many coming from the East Bay and the Peninsula. Union Square is a valuable resource for us both from a city standpoint and particularly a fiscal standpoint. To make Third Street more of an obstacle will have a significant impact on the Union Square merchants and open space. (*Lynn Sedway*)

C.2.1

I am a resident of San Francisco who lives in the vicinity of the proposed tower at 706 Mission Street.

I am concerned and alarmed about the proposal which sits before the Planning Commission for the following reasons:

- 1) traffic impact on Stevenson Alley. The situation is unfortunate as [it] currently exi[s]ts with the level of traffic too large causing congestion on third avenue turning on to Stevenson as well as issues to pedestrian safety—particularly during periods of heavy tourism given the heavy foot traffic to the surrounding hotels (*Andrew Midler*)

C.3.8

6. Inadequate Parking Enforcement on Stevenson Street Creates Traffic Congestion.

“Although on-street parking is currently prohibited on Stevenson Street, motorists frequently park their vehicles, creating bottlenecks on the narrow street. If Stevenson is to be used as an access point as in the Proposed Project and Variants 1-5, vehicle delay will be intensified” (page 10). The DEIR also fails to develop any mitigation measures to alleviate the current and prevent the increased bottlenecks that will occur on Stevenson unless either Variant 6 or 7 is adopted. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.30

Key Issue #6: Inadequate Parking Enforcement on Stevenson Street Creates Traffic Congestion

Summary: Although on-street parking is currently prohibited on Stevenson Street, motorists frequently park their vehicles, creating bottlenecks on the narrow street. If Stevenson Street is to be used as an access point as in the Proposed Project and Variants 1-5, vehicle delay will be intensified.

Discussion: The DEIR analyzes parking demand in the Jessie Square Garage as well as other facilities in the immediate area, but does not adequately address on-street parking conditions on Stevenson Street. Currently, no parking is allowed along both sides of the street, but both private and loading vehicles continually park and partially block the street, thereby causing traffic delays. These delays will be exacerbated if Stevenson Street is to be used as a primary entry and exit point as suggested in the Proposed Project and Variants 1-5. [See p. 10 of the Nelson\Nygaard letter (attachment to Letter C.3) in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document for the photo shown in this comment.] (*Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association*)

C.4.1

I am a resident and owner of 4 Seasons Residential Condo #29A at 765 Market St. for over 9 years. I strongly am opposed to ANY additional use of 127 Stevenson Alley by the proposed construction and use of a condo tower at 706 Mission St. for the following reasons:

1. The alley is ALREADY CONGESTED much of the time with delivery trucks loading or unloading for the stores and offices that are on Market St. and back up to Stevenson Alley.
2. The alley is also congested when special events are held in the 4 Seasons like corporate meetings or weddings, etc
3. The traffic on 3rd St. is often VERY CONGESTED ITSELF, making it difficult for more than one or two cars to exit Stevenson alley at a time.

Please consider 706 not using Stevenson Alley at all, and better yet, NOT BUILDING THE TOWER because 3rd St., between Mission and Market is already congested enough.

(*M. Richard Perelman*)

C.6.1

My wife and I are owners at the Four Seasons Residences at 765 Market Street, San Francisco, CA 94103.

When we purchased our home, we were concerned about the access and egress through Stevenson Alley, both as regards entering the Four Seasons as well as exiting and entering onto or crossing northbound Third Street. Unfortunately, our concerns have become unpleasant and unsafe realities.

As regards the current situation with Stevenson Alley, though there are multiple two- faced "Tow Away-No Parking at Any Time" signs posted prominently on both sides of the Stevenson Alley entrance to and egress from The Four Seasons Hotel and Residences and the Jessie Square Garage, the curbs are not painted red, there is only a short double-yellow center line painted for a couple of car lengths where Stevenson Alley intersects Third Street which, if extended, would designate unambiguously that it is a two-way thoroughfare. More importantly, to our knowledge, there never has been any SFPD or OPT enforcement of these signs. The result of these oversights is that there are frequently double-parked cars and trucks during the day, further delaying the proper and safe designation and use of an already narrow two-way street (not to mention preventing prompt access by emergency vehicles), effectively reducing the thoroughfare to a one-lane, one-way problem area.

Further to the subject of lack of enforcement, the stop light on Third Street at Stevenson Alley is frequently ignored by car, truck, and Muni Bus drivers, who race through on the yellow or red to try to beat the next stop light at Market Street. This has resulted in our car, when exiting Stevenson Alley on a green light, being nearly broad sided on several occasions by drivers who

are running the Third Street-Stevenson Alley stoplight. Related to this hazardous situation is the fact that drivers northbound on Third Street (including the articulated Muni busses on the east lane of northbound Third Street) more frequently than not ignore the "KEEP CLEAR" fast-fading signage painted on the street of the intersection and, as a result, are stopped and block the intersection, not only preventing entry onto northbound Third Street from Stevenson Alley but also precluding the crossing of vehicles from the west side of Third Street to the east side to continue on Stevenson Alley. This also results in cars from Stevenson Alley being stranded in mid- intersection while trying to get across Third Street. Unfortunately this is an accident scene waiting to happen each and every weekday. *(Jack and Gloria Clumeck)*

C.7.1

As a homeowner at the Four Seasons Residences at 765 Market Street, I am writing to express my concerns over the negative impact of the proposed high rise at 706 Mission.

1. Third Street as it approaches Market Street is already very congested most of the time. Adding more residential units to this neighborhood would only increase the number of cars entering and exiting the Jessie Square Garage. To access the garage, cars have to turn left onto Stevenson just past the Westin Hotel on Third. Stevenson is a narrow two-lane alley that allows access to the Four Seasons Hotel and Residences and the Jessie Square Garage. The entrance of the Westin Hotel is often congested as the inside lane of Third Street is used as a passenger loading area. This makes it very unsafe for cars turning left onto Stevenson. Occasionally, delivery trucks are parked on Stevenson, restricting it to one-lane traffic. Furthermore, cars at the traffic light on Stevenson waiting to turn onto Third often stop over the white line, making it very difficult to turn onto Stevenson. *(Linda Ho)*

C.9.1

As a resident here at 765 Market Street, I can witness the huge amount of vehicular traffic on Stevenson daily.

The problem would worsen in case of fire if the CJM, the Four Seasons Hotel, The Westin Hotel were having events, and the addition of 400 or so new residents using Stevenson, well...it i[s] frightening to think about.

During a normal day, the CVS store is being serviced by a 60 foot trailer truck, Jesse Street garage parkers are entering and exiting and we have multiple limos and taxis plus the residents of Four Season coming and going from the garage, using Stevenson, the only available exit and entrance.

We have been residents in this area for eight years and hope that your board can help us to maintain that safe feeling for all pedestrians, motorists, tourists and residents.
(Bobbie McChristy)

C.11.1

We have been residents in the Four Seasons since inception. These are our concerns about the proposed project for third and Mission streets:

- 1). Increased AM and PM traffic on 3rd St., Mission St., Stevenson Lane (which is already total chaos), and 4th St. *(Laila and Lofty Basta)*

C.11.6

These are our concerns about the proposed project for third and Mission streets:...

- 6). Impact on Mass Transit, particularly on 3rd St. (*Laila and Lofty Basta*)

C.12.4

The following issues have only been superficially studied and some are omitted:

A. Traffic congestion

1. Third and Mission and Stevenson Lane at 3rd were not addressed. I would like to suggest that you take a ride down there during peak am and pm hours (any time during the day when there is two trucks parked side by side totally blocking the Stevenson street) to experience the gridlock for long periods of time. (*Margaret Liu Collins*)

C.12.8

The following issues have only been superficially studied and some are omitted:...

D. Stevenson Lane congestion. Impossible ingress and egress (will send photo to show you when trucks are parked impossible to leave or enter. Very dangerous for fire truck and ambulances) (*Margaret Liu Collins*)

C.12.14

There are two additional matters: To me, the most significant and serious problem is Stevenson Street, the other maddening problem is crossing Market Street at 3rd Street between 5 P.M. and sometimes past 6 P.M., that of course presumes you are lucky enough to exit Stevenson into 3rd with a complete grid lock on a 5 or 6 second green light. The northbound drivers have their own concerns, not ours, and grid lock matters not. Same for pedestrians. We would be ticketed if we jumped out if someone did leave sufficient room to do so; but, we face a large fine if caught (basically the sign reads NO ENTRY ON RED LIGHT). 3rd Street backs up often to the south by 4 or 5 blocks, plus you have the westbound Mission traffic doing their best to turn into 3rd (plus eastbound Cab and Limos). Why is this a daily happening? Eastbound traffic generally grid locks the Market/3rd intersection. The City shows absolutely no interest, at least during my 4 years in the building. Best course, is to take the curb and perhaps also rob from the west crosswalk at times, then turn west on Geary and circle around to Kearney. Without exaggeration, during this time period, I have often sat in line with 4 to 7 cars in front of me – and others behind me. There are a significant number of cars, most not Four Season cars, which come up from the public garage on the south side of Stevenson. Perhaps I am a spoiled impatient jerk, but Adrienne and I have often spoken of moving elsewhere – as much as we love the building we are in. (*Lou Rovens*)

C.12.17

That is but one problem. The City should be made to face a problem they have ignored: the two grid lock situations (thus far, no traffic personnel have been assigned). If I were the City, I would expect to incur serious cost to deal with our daily grid locks. Only the City has the authority to deal with it. As a large individual taxpayer, I would expect the City to pass the cost to Millennium; and, of course, that cost will be increased to the potential new tenants. And, never mind about the downward spiral of our economy (talk to the better Economists, not the President and Congress, about the projected years the City and 706 might well have to face). (*Lou Rovens*)

C.12.18

For me, the worst of the worst is Stevenson Street itself. I have not heard anyone speak to it. The one time alley has two buildings on the north side of Stevenson, each having pedestrian service entrances on Market Street, all requiring substantial deliveries from Stevenson (one is a CVS, a large competitor of Walgreens). These businesses generally require almost daily deliveries of thousands of products and food items. One delivery is done by a large truck and trailer rig, estimated by me to be about 50 feet in length. Other deliveries (e.g.: restaurants purveyors, UPS, etc.) are made by mid-size trucks. ALL of them, for various lengths of time, fully take up one lane of Stevenson (sidewalks cannot be utilized); and, this occurs Monday through Friday. Aside from that, there is an underground parking lot beneath one building on the NORTH side (that is not the public parking ramp on the south side of Stevenson). I understand that often these vehicles cannot enter or exit their garage due to the delivery vehicles). Whether it be that garage or the Public facility on the south side parking lot of the Four Seasons, there are vehicles coming and going all day long (mostly Monday through Friday, generally earlier morning and later afternoon). I have no idea how trucks make deliveries to Four Seasons itself or its clothing stores or its residents moving in or out. I do know there are a few hundred vehicles coming and leaving the S.F. Sport facility. And, if Millennium is not tearing down 706, where are their tenants intending to park? One other item, which are short term time periods, there is the Westin side entrance on Stevenson. I have been blocked from entering or exiting Stevenson a few times. (*Lou Rovens*)

C.13.4

My concerns about the DEIR are the following:...

3. Stevenson Street congestion. Stevenson Street is already congested and unsafe. The study does not take into consideration the realities concerning the uses on Stevenson and the lack of enforcement of rules and regulations concerning parking and stopping. In addition, because of the fact that Stevenson is treated more like an alley than an actual street, both pedestrian and car traffic barrel through their respective rights of way without regard to each other and a serious accident appears waiting to happen. (*Matthew and Teresa Schoenberg*)

C.14.1

I am an original resident of the Four Seasons having purchase my penthouse unit prior to the building having been constructed. Over the more than 10 years since we moved into our condo we have seen an enormous number of positive changes in the neighborhood. We gladly agreed to higher taxes to help fund the Yerba Buena Association which has resulted in cleaner and safer streets. We have seen the alley between the Four Seasons and the Marriot blossom into a bustling and active retail and restaurant scene. And of course the addition of Bloomingdale's and the Westfield mall has enhanced the neighborhood.

Unfortunately, progress has brought new issues. I also remember when there was no stoplight at Stevenson and 3d Street. Today you are unlikely to be able to make the turn onto 3d from Stevenson even with a green light due to the sheer volume of cars travelling on 3d. Stevenson itself is often impassable due to delivery trucks, many of whom have a very difficult time navigating a turnaround on the alley. The volume of traffic and deliveries will only increase as the Metreon becomes a major retail outlet with the addition of Target this fall and as the

Convention Center and MOMA continue their expansion. (It is interesting that these issues are not even addressed in the EIR.) (*William L. Larson*)

C.14.9

But gridlock is the main issue here; gridlock of cars, pedestrians and parking all of which will reduce the attractiveness of the area for merchants, tourists, convention attendees and residents. This project is a bad idea for the City and for its residents and merchants. (*William L. Larson*)

C.15.1

Follow up in my email last night here is a picture of Stevenson gridlock last night. It took me 45 minutes to get from 4th and Mission to 4 Seasons.

Stevenson Street trucks parking 5:30 pm yesterday. This is not once in a while situation. This is a daily struggle from 7 am on. When there is major events held at 4 Season[s] Hotel. The backup and gridlock is over half an hour. When Obama came in town Stevenson was blocked by police for hours on end. He even use[d] this route to get to downtown hotels or Pacific Height fund raising. No one can come in and go out. In the morning we have CVS six foot truck park[ed] for delivery to CVS. It is wonderful to be pro growth for San Francisco but definitely not in this area. I hope you can relate to our serious concerns about Stevenson. I do not know if anyone realize that Third Street i[s] Main and Major road for commuters. We need to do a study – how much traffic daily and during holiday seasons!

Thank you for you[r] attention to the welfare and well being of the commuters and citizens!
(*Margaret Liu Collins*)

C.16.1

What a disaster this project will be to all of us local residents and the city itself. Market St., during any work day, is a very difficult and crowded roadway, imagine the plight of users during the multi-year construction of this new project. Stevenson Lane, being our only entrance and exit will be on shut-down mode, it will be impassable. I hope an ambulance call would not be necessary during construction. Please take the many comments to heart when this project is reviewed, it is hard to imagine the extent of the hardship it will wreak over the entire city.
(*Joe Mandato*)

C.17.2

Right now, we have a huge problem with the intersections of both 3rd and Mission and 4th and Mission; they have been recognized as the busiest corners in the city. The 706 Mission Street will add immeasurably to the traffic problem, making it almost impossible to gain access to the Four Seasons. We must mitigate the potential of an even worse traffic problem than we have today. (*Robert Friend*)

C.18.1

We are owner/residents at 765 Market Street and we are writing to protest the lack of adequate consideration being given to the traffic problems around Stevenson and Third streets. (*Richard Laiderman and Jung-Wha Song*)

C.18.3

We are, however, alarmed at the prospect of catastrophic traffic conditions resulting from this project - especially during the multi-year construction period, but also afterwards. (*Richard Laiderman and Jung-Wha Song*)

C.18.4

As full time residents we face the challenge of ingress and egress almost every day. Even now it is barely manageable. There is only one way out for a resident vehicle and that is Stevenson Street, a narrow alley barely wide enough for two way traffic. It is often blocked by illegally parked cars but far more important it is often blocked by one or more large commercial trucks. I don't know if this is legal but it shouldn't be – particularly with the increased loads that will result from this project. Once one gets to Third Street, it is sometimes in gridlock and very difficult to turn onto – often impossible to cross. The other egress from Stevenson through the Jesse Street parking garage is sometimes blocked or even closed.

Getting back into 765 Market Street is equally difficult since it requires coming up Third Street to Stevenson. The traffic on Third Street is already unacceptable and will only worsen with this project. (*Richard Laiderman and Jung-Wha Song*)

C.19.1

Re EIR report for proposed 706 Mission St: Such a large building would crowd even further the impossibly congested little Alleyway (Stevenson Lane) making it even more impossible for residents, emergency equipment etc. to get out. It is already completely jammed and to get out to Third Street a nightmare, since often drivers on 3rd don't leave a clear space and the time allotted for the light is tiny – plus garbage trucks for the Weston Hotel and deliveries for the Market St stores are also trying to use the same alley. (*Eleanor L. Zuckerman*)

C.21.1

We are very concerned about possible increasing on 3rd street traffic. Getting out of Stevenson Ln is currently very difficult, this is because when the green light on 3rd street is given to Stevenson Ln, vehicles on 3rd will take up all spaces, thus leaving virtually no room for vehicles from Stevenson Ln to turn onto 3rd Street. This seemed already problems. Last time when we were trying to exit out of Stevenson Ln, it took about 5-6 green lights to do so even when there are only about 7 cars in front of us. Getting into Stevenson Street is also difficult due to occasional car/truck parking on the Stevenson Ln, causing two-way traffic on the narrow street to yield to each other, which slows down all the in-bound and out-bound traffic of the Stevenson Ln. We are also very worried that the add[ed] traffic on the 3rd Street and Stevenson Ln due to the proposed new construction will impact the accessibility of our building in case of emergency. (*June Li*)

C.22.1

We are residents at the Four Seasons and have serious concerns regarding the impact of the 706 Mission Project on egress and ingress at 3rd St. and Stevenson Lane. It has always been a challenge to enter and leave the small alley that leads to the hotel and continues to be a problem even after traffic lights were installed last year. Pedestrians and drivers on 3rd St. frequently don't stop at the red light causing a very hazardous situation for those drivers trying to exit the alley to turn right onto 3rd or cross 3rd St. to the other side of Stevenson Lane. (*Laurence Spitters and Suzanne Small-Spitters*)

C.23.2

In particular, I own and drive a vehicle. The congestion on Stevenson Lane is already impossible and dangerous. It is narrow and short. Delivery vehicles and private vehicles park on the street already, leaving one weaving lane, which is often backed up. Since that is the access for emergency vehicles, I think the current situation is dangerous and will get extremely dangerous during construction and thereafter as that building fills up with residents. And exiting on to Third Street from Stevenson Lane is already quite an adventure.

I think that Third Street and the dangerous corner at Third and Mission will become impossible with this project. *(Larry Stupski)*

C.24.3

2 - Safety & Traffic

As to Safety and Traffic the EIR and most of the conversation has been centered on Fourth and Mission. That intersection is already being used beyond its capacity. But may I suggest Stevenson at Third, and Third at Mission are both far more vulnerable and dangerous. No serious consideration of a 550 foot tall building should proceed without these most impacted intersections getting a very good study. Two hundred and fourteen residences and hundreds of hotel rooms depend upon Stevenson Lane for every kind of access, on a narrow lane that simply stops whenever trucks make deliveries, when a truck parks on the Lane, or when traffic is unable to exit Stevenson due to the traffic on Third. Only a personal visit to the site will provide an understanding of the seriousness of the problem....and that's without a new behemoth at Third and Mission, never mind the mystery of how such a building can be staged and built will the streets remain open and accessible. *(Ron Wornick)*

C.26.1

I attended the Planning Commission meeting on Thursday and was a little disappointed at the relatively lack of discussion from many of the commissioners.

I have lived at 3rd and Market for 10 years. I have seen the vehicle and the pedestrian traffic in my neighborhood grow by great amounts. I have to use Stevenson St. several times a day to enter and exit my home. The combination of the Westin Hotel and the Market St. stores and businesses receiving truck deliveries and pickups as well as the addition of the Jessie St. Garage customers has made access difficult and, many times, truly dangerous. How can the Commission agree to increasing that danger by adding parking for 706 Mission?

I will leave it to others to comment on the Third St. problems – the loss of a lane to Westin Hotel taxis, buses, vans, etc., the increasing Moscone Center traffic, the additional buildings already approved, etc. *(Diane Winokur)*

C.32.4

The traffic study was not only inadequate in its analysis of Stevenson and Third Streets, but it also failed to assess the impact of the construction of this major facility and the cumulative impacts of the project on the area. Specifically, no allowance is made for the traffic and parking needs of the new Metreon facility, including Target. It is beyond reasonableness to think nobody is going to drive to Target!

Cumulative impacts which need to be analyzed include the new Metreon, the expanded SFMOMA, the expanded Moscone Convention Center, and various residential and office developments. (*Lynn M. Sedway*)

C.36.2

We are most concerned about the traffic impacts of the proposed project. As full time permanent residents of 765 Market Street, our only vehicle access to our home and parking lot is via Third Street and Stevenson Lane. We are extremely concerned about the traffic effects that the proposed construction will have on both Third Street and Stevenson Lane and do not believe that they have been addressed adequately in the draft EIR.

Allowing the addition of another large building and the traffic that it will generate on Third Street and on Stevenson Lane, based on an inadequate DEIR, must be reconsidered. Third Street is at times impassible and Stevenson Lane is severely inadequate to handle its current traffic load. There is no option for the current traffic to use a different access route for the buildings which Stevenson Lane currently serves. Not only will added traffic be generated by the new residents of the proposed tower, but also by those providing services to the building and its residents, and also by the staff and patrons of the Mexican Museum which it will house.

Had anyone seriously or properly analyzed the current traffic situation in the immediate area of the proposed project, you would know that it is already a nightmare and creates safety hazards. Stevenson Lane is the only vehicular access to 765 Market Street, the parking garage at that location, the LA Sports Club, and the main entry to the Four Seasons Hotel. It also serves as the loading zone for the CVS pharmacy and the other shops and eateries on Market Street between the Four Seasons Hotel and the corner of Third Street. In addition, Stevenson Lane provides the access to the loading dock for the Westin Hotel. Because of the trucks loading and unloading on Stevenson Lane, there is often only one lane available for cars to pass through. In addition, cars park illegally on Stevenson Lane which further blocks the traffic flow.

Frequently we see the traffic backed up into Third Street waiting to enter Stevenson Lane. We have even seen truck drivers parked on Stevenson Lane go out to Third Street to direct traffic due to the traffic jam caused by the line of trucks parked on Stevenson Lane.

Moreover, the pedestrian traffic at the corner of Third Street and Stevenson Lane routinely ignores or is oblivious to the Stevenson Lane traffic signals and the pedestrians block the traffic in both directions coming into and leaving Stevenson Lane and also on Third Street. This also raises concerns about safety.

As you should know, the traffic on Third Street is often impassable, even on the best of days when there is no convention at the convention center, when there is no ball game (creating large number of pedestrians), and when there is no construction or lanes blocked on Third Street. Just this past week in the early afternoon, when there was no convention, no ball game, and no lanes blocked, it took us 12 minutes to get from Folsom to Stevenson Lane-a distance of only two and one half blocks. Another day last week, also in the afternoon, we were able to speed up Third going from Folsom to Stevenson Lane in a mere 9 minutes. This amount of time to go between Folsom and Stevenson Lane on Third Street is not unusual and will be significantly increased if the proposed construction is allowed. When there is a convention or a ball game, the pedestrian traffic tends to block left and right turn lanes at Mission and at Stevenson Lane, as well as all along Third Street, so that the traffic becomes even slower. (*Des Whitchurch*)

C.37.1

I work in SF Monday to Friday and consider it my second home. The last few times I was down by the 706 Mission Street area it was extremely congested and impossible to navigate much less park anywhere in the vicinity. I have always been a big supporter of new developmental projects and the possibilities it may bring, but I am concerned about all the potential downfalls that I am seeing in traffic congestion and gridlock. I hope the Planning Commission will review all the cause and effects of this project before making it's final decision. (*Wa Huong*)

C.38.2

I am particularly concerned about the impact the increased traffic will have on Third Street and on Mission Street. The Third Street corridor is already a nightmare at certain time of day. It often takes 10 minutes to go from Folsom across Mission (2 blocks). With the intermittent use of the far left lane by the Westin, it is often almost impossible to make the left turn to go home to my condo at the Four Seasons. (*Jen Hernandez*)

Response E.4

The comments state that there are seven project variants and relay nearby residents' and occupants' personal experience and frustration with traveling in the project vicinity by any mode (by auto, on foot, by bicycle, or on transit), particularly on Third and Stevenson Streets, and express concerns that the proposed project would further exacerbate existing traffic congestion during construction and after the proposed new building is occupied and operational. A number of comments raise concerns regarding there being an existing problem with enforcement of parking and traffic regulations on Stevenson Street.

The purpose of the environmental analysis is to determine if a proposed project would result in significant adverse changes to the existing physical conditions in the project vicinity. At locations where problems exist now, the proposed project's contributions to the existing problems are examined, and the proposed project's contributions to worsening conditions are assessed to determine if the proposed project would result in significant transportation impacts. CEQA does not require analysis of existing activities unrelated to the proposed project that would continue to occur, as these activities are reflected in the baseline conditions. Mitigation of existing transportation problems is also not required.

Non-compliance with traffic and on-street parking regulations is not, in and of itself, an environmental impact under CEQA, although it could lead to indirect physical environmental effects related to congestion and public safety. Nor is it the responsibility of the project sponsor to enforce these traffic and parking regulations; it is the responsibility of City agencies. The EIR analysis does consider and describe existing traffic conditions on the adjacent network, including Stevenson Street.

See the discussion below regarding Improvement Measure I-TR-A: Traffic Signal Modifications, on RTC p. III.E.39, that would reduce the propensity of pedestrians to cross Stevenson Street at Third Street during the “don’t walk” phase.

Existing Setting

The proposed project is located in a centralized area of downtown where existing traffic conditions are congested because the adjacent streets are major thoroughfares. The transportation setting in Section IV.E, Transportation and Circulation, on EIR pp. IV.E.1-IV.E.22 describes the transportation network that would be measurably affected by the proposed project. The level of detail provided in the EIR analysis adequately describes baseline conditions for those areas subject to CEQA review. The transportation setting includes descriptions of regional and local roadways; intersection level of service analysis at study intersections; descriptions of local and regional transit service providers; descriptions of the bicycle route network and facilities; descriptions of the pedestrian conditions and sidewalk and corner level of service analyses; and descriptions of loading conditions, emergency vehicle access, and for informational purposes, parking supply and occupancy data.

The traffic analysis seeks to capture the most common levels of congestion in the transportation system. Large conventions at the Moscone Convention Center or special events at the Four Seasons Residences and Hotel, considered as event traffic, vary in time, day of week and frequency throughout the year and would not fall into a typical day-to-day pattern. For example, the majority of the Four Seasons Residences and Hotel events tend to occur on weekends and weekday evenings after the PM peak period, rather than during the PM peak period. For these reasons, event traffic is typically not analyzed for a project that does not hold special events. However, the traffic counts used for the EIR analysis would have captured any vehicular traffic from any conventions or events occurring at the time traffic counts were collected in the field. As indicated on EIR p. IV.E.6, traffic volumes at the study intersections were collected in 2008 and 2009 (i.e., after signalization of the intersection of Third/Stevenson Streets), and, while the number of vehicles were similar in the two counts, the 2008 volumes were slightly higher and were therefore used to provide a conservative analysis.

Transportation conditions on Third Street and on Stevenson Street have remained relatively unchanged since the Four Season Residences and Hotel opened in 2001. The proposed project site and the Four Seasons Residences and Hotel are located within a transit rich, walkable, and bikeable urban core. Both high traffic and pedestrian volumes are expected in such an area. The I-80 freeway ramp network at Fourth and Fifth Streets and the I-280 off-ramp at King Street have not been revised since the Four Seasons Residences and Hotel opened, and Third Street remains an important route from the I-280 and I-80 freeways into the Union Square area.

The existing off-street loading conditions for buildings on Market Street and for the Westin Hotel existed prior to construction of the Four Seasons Residences and Hotel. The Planning Department and the San Francisco Municipal Transportation Agency (SFMTA) encourage the use of alleys for access to garages and for loading activities, and therefore the off-street loading that occurs on Stevenson Street in loading zones is consistent with City policy on accommodating loading activities.

Improvements Implemented Following Construction of the Four Seasons Residences and Hotel

Following completion of construction of the Four Seasons Residences and Hotel in 2001 and the Jessie Square Garage in 2005, a number of improvements have been implemented to facilitate vehicular access to the Jessie Square Garage and the Four Seasons Residences and Hotel, including:

- “KEEP CLEAR” striping was implemented at the intersection of Third Street at Stevenson Street in 2006.
- A new traffic signal was installed at the intersection of Third Street at Stevenson Street in 2008 to provide an exclusive signal phase for vehicles exiting Stevenson Street.
- Bollards were installed on both sides of Stevenson Street in 2001 to discourage vehicles from parking on the sidewalk.
- “Tow-away No Parking Anytime” signs were installed on Stevenson Street west of Third Street in 2001. However, active vehicle loading or unloading of merchandise or passengers is permitted at all times.
- A recessed drop-off only taxi bay was constructed on Market Street between Fourth and Third Streets to serve the Four Seasons Residences and Hotel in 2001. This passenger zone is required to function only as a taxi drop-off in order to ensure that operations at this zone do not conflict with Muni transit service on Market Street.

In addition, as noted in some comments on the EIR, additional measures that property owners adjacent to Stevenson Street can pursue to further improve existing conditions include:

- Adjacent property owners can apply for and have SFMTA consider a red curb zone along both sides of Stevenson Street, which would prohibit stopping of any vehicle.
- Residents and/or drivers, including residents of the Four Seasons Residences and Hotel can call 311 to request enforcement of the existing Tow-away regulation when illegally-parked vehicles are observed.
- Local businesses, including the Four Seasons Hotel should be responsible in managing their special events, to minimize effects on the transportation network and surrounding businesses and residences, including the Four Seasons Residences and Hotel.
- Adjacent residences, including the Four Seasons Residences can work with businesses in the area, such as the Westin Hotel and CVS to better manage their loading activities, and in particular, request that loading occur during the overnight hours, if desired.

- Surrounding businesses, including the Four Seasons Residences and Hotel can consult with SFMTA to determine what additional improvements could be implemented on Third Street to make the traffic and pedestrian signals more visible.
- The Four Season Residences and Hotel, and other local businesses, are encouraged to develop or improve upon a Travel Demand Management program to reduce the number of vehicle trips generated by these existing uses.

Please see Response E.13 in the subsection entitled “Proposed Mitigation and Improvement Measures” on RTC pp. III.E.83-III.E.88 for additional information about mitigation and improvement measures identified in the EIR.

Proposed Project Changes

The proposed project would utilize the existing Jessie Square Garage, and would add 28 parking spaces to the garage that would increase the total parking supply from 442 to 470 parking spaces. During project construction, the Aronson Building would not be occupied; therefore, there would be no parking demand for existing tenants at that time. As indicated on EIR p. IV.E.53, the Jessie Square Garage is anticipated to be open during project construction; however, vehicular egress from the garage onto Mission Street would be closed from the start of demolition until the new replacement ramp structure is completed.

Following construction, the proposed project would result in a minimal increase in the number of parking spaces within the existing Jessie Square Garage (an increase of 28 spaces), and would reconfigure 260 of the 470 parking spaces from short-term and long-term public parking to long-term residential and leased parking. The conversion of public parking spaces to residential parking spaces could result in fewer vehicles entering and exiting the garage, as fewer spaces would be available for short-term parking. However, to present a conservative analysis, the transportation analysis in the EIR assumed all vehicle trips to the Jessie Square Garage would be new trips and did not remove or credit any of the existing vehicle trips. Similarly the analysis did not remove or take a credit for some vehicles no longer turning into or out of Stevenson Street due to the removal of the public parking spaces. Overall, even though the EIR did not credit the removed vehicle trips, there likely would be lower traffic volumes on Stevenson Street as a result of the proposed project. This conservative assumption used for the impact analysis is consistent with City policies for transportation analysis, but may overestimate the total amount of traffic on Stevenson and Third Streets. For the reasons provided above, the proposed project would not substantially change existing transportation conditions on Stevenson Street. See also the Response E.5 in the subsection entitled “Consideration of Pedestrians and Parking Supply in Traffic Analysis” on RTC pp. III.E.44-III.E.49.

In addition, under the proposed project, the project residents would be able to drive their vehicles into a Third Street entrance to use valet parking. The valets would access the two car elevators that would bring the cars to the Jessie Square Garage. As described in the EIR in Chapter II, Project Description, p. II.64, the proposed project would include two vehicle elevators that would be used by valets to bring vehicles from the residential drop-off area on the ground floor to the garage. Vehicle elevators have been used for many years in numerous buildings in San Francisco and throughout the United States, and are not considered an “unproven” technology, as noted by a comment.

Proposed Project Impacts and Improvements

The EIR analysis, pp. IV.E.36-IV.E.55, presents the proposed project transportation impact analysis for Existing plus Project conditions, and pp. IV.E.59 through IV.E.65 presents the 2030 Cumulative impact analysis. As described in Impact TR-1 on EIR pp. IV.E.36-IV.E.39, while the proposed project would result in increases in vehicular traffic, it would not substantially change levels of service at any of the intersections, including Third/Mission Streets, Third/Stevenson Streets, Third/Market Streets, or Fourth/Mission Streets. Therefore, the proposed project would not result in significant traffic impacts. When no significant impacts are identified, mitigation is not required to be identified or discussed. Similarly, because the proposed project traffic would not substantially change levels of service at nearby intersections, including at the intersection of Third/Market Streets for traffic crossing Market Street, it would not result in creating an obstacle to the access to Union Square as noted in a comment. (See also the discussion of CEQA and analysis of economic effects on Union Square in “Economic Impacts of Additional Net-New Shadow on Union Square” in Response F.3, in Section III.F, Wind and Shadow, on RTC p. III.F.19.) For Variants 1 through 5 traffic conditions would be similar to those identified for the proposed project, and impacts would similarly be less than significant.

Although the proposed project would result in less-than-significant traffic impacts, the EIR includes improvement measures that could be implemented, if included as conditions of approval for the proposed project by decision-makers. These improvement measures would reduce an already less-than-significant impact and facilitate access to and from Stevenson Street. Specifically, the intersection LOS analysis acknowledges the existing conflicts between vehicles and pedestrians at the intersection of Third/Stevenson Streets, but because overall intersection operations would be LOS B, the project’s traffic impact would be less than significant. Therefore, an improvement measure (Improvement Measure I-TR-A: Traffic Signal Modifications) was identified to request that the SFMTA consider relocating the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians to cross Stevenson Street during a “don’t walk” phase. This improvement measure would also require the project sponsor to request that the SFMTA consider revising the signal timing and

off-sets to ensure that sufficient clearance time is provided, so that vehicles do not spill back into the midblock intersection (the intersection is currently striped “KEEP CLEAR”). Please see also Response E.9 in the subsection entitled “Pedestrian Safety” on RTC pp. III.E.60-III.E.62.

Improvement Measure I-TR-B: “Garage Full” Sign on Third Street, would also improve pedestrian and traffic conditions at the intersection of Third/Stevenson Streets. If Improvement Measure I-TR-B is included as conditions of approval for the proposed project by decision-makers and implemented, a LED (or similar) “Garage Full” sign would be placed at the intersection of Third/Stevenson Streets in order to minimize the number of vehicles accessing Stevenson Street when the Jessie Square Garage is full.

These improvement measures would be applicable to the proposed project and to access Variants 1 through 5. Because Variants 6 and 7 would result in the partial closure (i.e., closure to autos only) or complete closure (i.e., closure to autos, trucks, and service vehicles) of the Stevenson Street ingress/egress to the Jessie Square Garage, these improvement measures would not be applicable to those two variants. Please see also Response E.3 in the subsection entitled “Trip Assignment/Distribution and Suggested Corrections,” on RTC pp. III.E.20-III.E.25.

Under Variants 6 and 7, because auto ingress/egress to the Jessie Square Garage from Stevenson Street would be closed, the number of vehicles entering and exiting Stevenson Street from Third Street would be reduced. Variant 6 would permit commercial vehicles conducting off-street loading/unloading activities within the Jessie Square Garage to access via Stevenson Street, while Variant 7 would close the Stevenson Street entrance/exit to all vehicles (i.e., both autos and commercial vehicles). Under Variant 7, Stevenson Street would only serve the Four Seasons Residences and Hotel garage and off-street loading/unloading, as well as off-street and on-street loading/unloading activities for existing uses, including the Westin Hotel and buildings fronting Market Street. Therefore, Variant 7 and, to a lesser degree, Variant 6, would essentially limit the function of Stevenson Street to a driveway for the Four Seasons Residences and Hotel and for loading/unloading for existing uses, while introducing a substantial increase in vehicles crossing the sidewalk on Mission Street, and introducing a new conflict with Muni buses on Mission Street, a transit corridor. The EIR identified the new conflict with Muni buses on Mission Street, under Variant 6 and Variant 7 as a significant transit impact (refer to discussion on EIR p. VI.44 for Variant 6, and p. VI.52 for Variant 7). Because under these two variants a significant conflict would be created by the volume of vehicles entering and exiting the parking garage via Mission Street, the impact on transit operation on Mission Street would remain significant and unavoidable.

Also refer to Response E.12 in the subsection entitled “Emergency Vehicle Access and Life Safety” on RTC pp. III.E.78-III.E.80 for information related to emergency vehicle access on

Stevenson Street; Response E.1 in the subsection entitled “AM Analysis” on RTC pp. III.E.4-III.E.12 for discussion of AM peak hour conditions and a supplemental analysis conducted to access proposed project impacts during the AM peak hour; Response E.9 in the subsection entitled “Pedestrian Analysis” on RTC pp. III.E.60-III.E.62 regarding pedestrian safety in the project vicinity; and Response E.6 in the subsection entitled “Cumulative Transportation Analysis” on RTC pp. III.E.53-III.E.56 for discussion of cumulative impacts, including land use assumptions under Cumulative conditions. Response E.11 in the subsection entitled “Construction-Related Transportation Impacts” on RTC pp. III.E.72-III.E.76 includes information regarding location of staging areas and access (i.e., proposed to be located on Third Street and Mission Street, and not on Stevenson Street).⁸

CONSIDERATION OF PEDESTRIANS AND PARKING SUPPLY IN TRAFFIC ANALYSIS

Comments

TR.4.3

In addition, this already difficult and dangerous situation is further exacerbated by allowing additional traffic load on Stevenson Alley to be created by the tower. Then – and the fact that they are proposing to have a one-to-one parking ratio contrasted, for example, to the project that was immediately previously considered having a 0.27, which is slightly in excess of the 0.25 parking ratio for residential use. (*Jack Clumeck*)

C.3.6

4. The DEIR Analysis Does Not Account for Vehicle Delays Caused by Increases in Pedestrian Volumes. “The DEIR does not adequately address the vehicle delay impacts of increased pedestrian volumes at the intersection of Third and Stevenson Street. Due to the large number of pedestrians illegally crossing both streets at the intersection, there will likely be a substantial increase in vehicle delay in the Proposed Project, and vehicle access variants with access on Stevenson Street (Variants 1-5) could result in a degradation of vehicle LOS” (page 7). (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.7

5. The Onsite Parking Creates Traffic Impacts. “The proposed Project’s residential parking supply of one space per unit exceeds the standard set in the Planning Code, resulting in undesirably high traffic volumes. By reducing the allowable parking supply, vehicle trips will be reduced and both traffic and transit impacts in Variants 6 & 7 will likely be less than significant”

⁸ Comment C.32.4 raises several issues. The comments about traffic on Third Street and Stevenson Street are addressed in this response. Comments about construction and cumulative impacts are addressed in Responses E.11 and E.6, pp. III.E.72-III.E.76 and pp. III.E.53-III.E.56, respectively, and are cross referenced above. This comment is repeated in the comment groupings under these topics as Comment C.32.5 in Construction-Related Transportation Impacts and as C.32.6 in Cumulative Transportation Analysis.

(page 8). (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.28

Key Issue #4: The Analysis Does Not Account for Vehicle Delays Caused by Increases in Pedestrian Volumes

Summary: The DEIR analysis does not adequately address the vehicle delay impacts of increased pedestrian volumes at the intersection of Third and Stevenson Street. Due to the large number of pedestrians illegally crossing both streets at the intersection, there will likely be a substantial increase in vehicle delay in the Proposed Project, and vehicle access variants with access on Stevenson Street (Variants 1-5) could result in a degradation of vehicle LOS.

Discussion: Although the DEIR analysis examined pedestrian conditions, it focused solely on LOS standards, which measure only pedestrian flow rates and crosswalk space allowed for pedestrians to cross streets – no consideration was given to the impacts of pedestrians on vehicular traffic. In other settings, pedestrian crossings may not pose an obstacle to vehicle traffic, but given the high number of illegal crossings on Third Street, and particularly across the relatively narrow Stevenson Street, higher pedestrian volumes result in greater vehicle delay. Observations of the intersection at all hours of the day reveal that pedestrians are crossing both Stevenson Street and Third Street at the signalized intersection and are increasing traffic delays along both streets.⁶ Increases in pedestrian crossings will negatively affect both AM and PM peak hour congestion. As such, in the Proposed Project and Variants 1-5, increased pedestrian crossings could cause a failing LOS at the Third and Stevenson Street intersection. Conversely, as Variants 6 & 7 do not have access on Third Street or Stevenson Street, and are actually estimated to *reduce* vehicle delay at the Third and Stevenson Street intersection, increased pedestrian volumes will not present a substantial impact in those scenarios. [See p. 8 of the Nelson\Nygaard letter (attachment to Letter C.3) in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document for the photos shown in this comment.]

[Footnote cited in the comment]

⁶ Photo sources: Nelson\Nygaard.

(*Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association*)

C.3.29

Key Issue #5: Excessive Onsite Parking Creates Traffic Impacts

Summary: The Proposed Project's residential parking supply of one space per unit exceeds the standard set in the *Planning Code*, resulting in undesirably high traffic volumes. By reducing the allowable parking supply, vehicle trips will be reduced and both traffic and transit impacts in Variants 6 & 7 will likely be less than significant.

Discussion: The Proposed Project's residential parking supply contributes to the study area's traffic levels and runs contrary to the City's stated goals. As submitted, the project proposes one residential parking space per unit for both the residential and office flex options. Meanwhile, the *Planning Code* permits only one parking space for every four dwelling units, unless a special permit is granted.⁷ Although there is a special permit process, by providing more than the

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standard allowance of parking, the project will be producing greater levels of vehicle trips and contradicting the spirit of both the Code and City policy.

The City’s “transit first” policy is designed to maximize the multi-modal resources of San Francisco, particularly in denser, mixed use areas with excellent transit service. The policy states explicitly that, “Parking policies for areas well served by public transit shall be designed to encourage travel by public transit and alternative transportation” (San Francisco City Charter). By meeting the City’s Charter and allowing for fewer parking spaces to be built, projected vehicle trips will be lowered, benefiting the community. This would not preclude residents from leasing parking spaces in nearby facilities, if desired. The DEIR transportation analysis shows that there is sufficient parking available during the peak hour at several garages in the study area.⁸

By limiting the amount of parking onsite, the impact analyses for both the Proposed Project and vehicle access variants would be greatly affected. In particular, fewer vehicle trips will likely alleviate any “significant and unavoidable” impacts generated at the Fourth and Market Street intersection in the Existing Plus Variant Conditions 6 and 7 as well as those generated in the 2030 Cumulative Conditions at both the Fourth and Market and Fourth and Mission intersections.

Furthermore, the reduction in vehicle trips would likely resolve Variants 6 and 7 transit impact. With Mission Street serving as the only entry point for all non-loading vehicles in Variants 6 and 7, the DEIR anticipates 113 vehicles entering via Mission Street in the PM peak hour, which may cause queuing issues onto Mission Street, creating a conflict with Muni bus service and representing a significant impact to transit operations.⁹ A reduction in vehicle trips caused by fewer parking spaces would eliminate the “significant and unavoidable” impact caused by Existing Plus Variant Conditions 6 and 7 in terms of excessive queuing into the bus bay on Mission Street. Figure 5 illustrates the “less than significant” and “significant and unavoidable” impact details for the Proposed Project and vehicle access variants.

Figure 5 Summary of Transportation Impacts for Proposed Project and Variants, Existing Plus Conditions

Criteria	Project	Variants						
		1	2	3	4	5	6	7
Traffic	LTS	LTS	LTS	LTS	LTS	LTS	SU	SU
Transit	LTS	LTS	LTS	LTS	LTS	LTS	SU	SU
Pedestrians	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Bicycles	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Loading	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Emergency Vehicle Access	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS
Construction	LTS	LTS	LTS	LTS	LTS	LTS	LTS	LTS

Source: Appendix E, Table 28. LTS = Less than Significant, SU = Significant and Unavoidable.

[Footnotes cited in the comment]

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⁷ In which case, up to one space per unit may be provided for the dwelling units with at least two-bedrooms and at least 1,000 square feet of occupied space, which encompasses all of the proposed project's units.

⁸ Appendix E, p. 50.

⁹ Appendix E, p.112 and 114.

(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

C.10.1

We're writing to express our concerns regarding the proposed Residential Tower Project at 706 Mission St. As residents of 765 Market St we, along with the local community, are directly and adversely affected by the Project.

Our primary concerns with the Project are as follows:

- Traffic/Parking.

Our Residents Association has engaged Nelson-Nygaard, San Francisco's highly regarded transportation and planning firm, to study the impact of the project. Their findings have been conveyed to you in their Comment Letter Findings report dated July 24, 2012.

You'll note when reviewing their report that they've identified numerous flaws and concerns in the DEIR. Rather than reiterate each flaw and concern they identified we respectfully request that you consider the issues raised. We're confident that after a full review you'll be in agreement with their findings.

(Barry and Trudy Silverstein)

C.27.2

I thought the city was trying to reduce automobile traffic in the city but allowing Millennium Partners to build a structure that does not meet the current building height and parking space restrictions will bring significantly more traffic to the area than if these codes were enforced.
(Ed Dowd)

C.28.2

2. The proposed resident parking in the Jessie Square Garage will definitely worsen area traffic adding to city's congestion. *(Pam Fong)*

C.28.4

4. The DEIR does not address vehicle delays caused by increased pedestrian volumes.
(Pam Fong)

Response E.5

The comments express concerns that the number of parking spaces to be provided in the Jessie Square Garage for the proposed residential uses is too high and would result in too much vehicular traffic, and that the traffic impact analysis does not account for pedestrians, including vehicle delays caused by increased pedestrian volumes. The comments also raise general concerns regarding traffic.

Accounting for Pedestrians in Intersection LOS Analysis

Section IV.E, Transportation and Circulation, EIR pp. IV.E.36-IV.E.39, presents the proposed project traffic impact analysis for Existing plus Project conditions. The HCM methodology takes into account geometric conditions (e.g., number of travel lanes, grade, bus stops), traffic conditions (e.g., vehicle volumes, peak hour factor, heavy vehicle percentage, approach pedestrian and bicycle flow rates), and signalization conditions (e.g., cycle length, green time) in determining the capacity at intersections. Pedestrians and bicycle flows that interfere with permitted right or left turns are accounted for in the analysis. The pedestrian flows used to analyze a given approach to an intersection are the flows in the crosswalk interfering with right turns from the approach. For example, for a westbound approach, the pedestrian volumes in the north crosswalk would be used for the analysis. Although the HCM methodology does not specifically account for illegal pedestrian movements, the adjustment factor for area type (e.g., Central Business District versus other) accounts for the relative inefficiency of traffic and pedestrian flows adversely affecting the capacity of an intersection. Therefore, the intersection LOS analysis takes into consideration pedestrians at intersections, including project-generated pedestrian trips. As stated on EIR p. IV.E.37, with the addition of the project-generated vehicle trips, vehicle delays at the study intersections would increase; however, the increase would not exceed the Planning Department's thresholds for significant adverse impacts on traffic (significance criteria for transportation are presented on EIR pp. IV.E.23 and IV.E.24).

Similar to the proposed project, Variants 1 through 5 would also result in an increase in vehicle delays at the study intersections (see Chapter VI, Project Variants, EIR pp. VI.1-VI.39, for a discussion of the impacts of these variants). Proposed project characteristics would not encourage project-generated pedestrians to cross illegally at intersections, including at Market, Mission or Stevenson Streets. As indicated above, the intersection LOS analysis acknowledges the existing conflicts between vehicles and pedestrians at the intersection of Third/Stevenson Streets, and therefore an improvement measure (Improvement Measure I-TR-A: Traffic Signal Modifications described on EIR p. IV.E.38) was identified to request that San Francisco Municipal Transportation Agency consider relocating the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians crossing Stevenson Street during a "don't walk" phase.

Variants 6 and 7, which would close the Stevenson Street vehicular access to the Jessie Square Garage, would result in a decrease in vehicles at the study intersections of Third/Stevenson Streets and Third/Market/Kearny Streets. As noted in a comment, Variants 6 and 7 would not be affected by the increase in pedestrian trips associated with the proposed project at Stevenson Street; however, because all vehicles (except for trucks and service vehicles under Variant 6) destined to and from Jessie Square Garage would enter and exit via a single access point on

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Mission Street, these additional vehicles on Mission Street would conflict with existing and project-generated pedestrians at the Mission Street driveway, as well as with buses on Mission Street. As noted on EIR pp. VI.44 and VI.54, unlike the proposed project, Variant 6 and Variant 7 would introduce a new significant traffic and transit conflict for the 14 Mission and 14L Mission Limited Muni bus lines, potentially cause unsafe traffic maneuverings in front of transit vehicles, and make it more difficult for transit vehicles stopped in the bus zone to merge back into Mission Street traffic. For these reasons, the Variant 6 and Variant 7 project-level impacts on transit operations would be considered significant.

Parking Supply and Vehicle Trip Generation

A comment is correct in stating that the project is proposing one parking space per unit, instead of one space for each four dwelling units; however, the proposed project would not exceed the allowable parking permitted under the San Francisco Planning Code. For dwelling units in C-3 districts with at least two bedrooms and 1,000 square feet of occupied space, Planning Code Section 151.1 permits up to 1 parking space for each 4 dwelling units. As part of Section 309 permit review, the project sponsor could request that the proposed project be allowed to provide up to one space per unit for dwelling units with at least two bedrooms and at least 1,000 square feet of occupied space. All units within the proposed project would have two bedrooms and a minimum of 1,000 square feet of occupied space. The Planning Commission and Board of Supervisors will consider relevant City policies, including the Transit First policy, in their review of the Section 309 permit review actions on the proposed project, and the comments opposed to allowing up to one space per unit for larger dwelling units can be considered as part of that review. However, as described below, because the project impact analysis is based on land use, providing for less parking for the residential units would not change the results of the transportation analyses presented in the EIR. The exception would be the discussion of project parking demand comparisons to the parking supply, and the discussion of parking shortfalls.

A comment suggests that the proposed project would include a substantial number of new parking spaces to serve the proposed project's residential uses. As described in Chapter II, Project Description, on EIR p. II.5, the proposed project would convert the existing Jessie Square Garage, which has 442 parking spaces, from a publicly-owned garage to a privately-owned garage. The proposed project would result in an increase of 28 net new spaces (over the 442), which would result in a total of 470 parking spaces under either the residential flex option or the office flex option. The proposed project would include the reconfiguration of the existing garage from 372 public parking spaces and 70 spaces reserved/leased spaces, to 210 public parking spaces and 260 private reserved parking spaces. The conversion of parking spaces from mainly public parking to residential parking would result in a reduction in parking space turnover, which, as addressed in the EIR, in turn, would reduce the number of vehicle trips entering and

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exiting the garage over the course of the day and during the PM peak hour. However, to present a conservative transportation analysis, all existing trips to the Jessie Square Garage were assumed to remain with implementation of the proposed project, in addition to the new trips generated by the proposed project.

As stated on EIR p. IV.E.57, the Planning Code, as part of Section 309 permit review, would allow the proposed project to potentially provide up to 215 residential parking spaces for the 215 two-bedroom residential units in the residential flex option, or up to 191 residential parking spaces for the 191 residential units in the office flex option, if approved by the Planning Commission. Both options propose the maximum parking that could be conditionally permitted with decision-maker approval (one parking space per two-bedroom unit) under the Section 309 permit review, and would therefore not exceed the Planning Code limits. As indicated above, other policies and these comments will be considered as part of the Section 309 permit review with the proposed project.

A number of comments suggest that a reduction in the number of parking spaces provided for the proposed residential units would reduce peak hour vehicle trip generation or that the proposed number of parking spaces would worsen traffic conditions. For residential uses, the travel demand methodology contained in the *SF Guidelines* bases trip generation rates on land uses, such as residential units, not on the amount of parking provided, and therefore, neither the travel demand (trip generation) nor travel mode in the analysis are affected by the number of parking spaces included in the project. Extensive literature research was conducted as part of the *Treasure Island/Yerba Buena Island Redevelopment Project EIR* on the effect that parking supply has on trip generation to determine whether independent research has established a direct correlation between parking supply and vehicle trip generation.⁹ This research found that although reducing parking supplies may be an effective land use strategy, particularly in areas well-served by transit like downtown San Francisco where public and private on-street and off-street parking facilities supplement parking provided by individual uses, there is inadequate data to accurately predict and quantify reductions in residential vehicle trip generation associated with the individual effect of reduced parking supply. Therefore, this research does not support the comment that states that by limiting the amount of parking on-site, the traffic impact analysis for both the proposed project and vehicle access Variants 1 to 7 would lead to different

⁹ Fehr & Peers, Technical Memorandum Supplemental Transportation Analysis for Reduced Parking Alternative Treasure Island/Yerba Buena Island Redevelopment Plan EIR, February 25, 2011. A copy of this document is available at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California as part of Case File no. 2008.1084E.

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transportation impact results. If the number of parking spaces in the Jessie Square Garage dedicated to the proposed residential units were to be reduced, these spaces would still exist within the garage but would be designated for non-residential use (less the 28 additional spaces proposed as part of the project), and the same number of project-generated vehicle trips would still be assigned to the same study intersections, as analyzed in the EIR. Therefore, the comment that states that reducing parking for the residential units would reduce vehicle trips and likely resolve traffic and transit impacts from Variants 6 and 7 does not reflect an accurate understanding of the traffic impact analysis conducted as part of environmental review in San Francisco.

As discussed above, the proposed project and its variants would increase the parking supply within the Jessie Square Garage by 28 net new spaces, and would change how all the parking spaces were utilized through the conversion of 162 parking spaces from short-term public parking to long-term reserved.¹⁰ Because the proposed project would minimally increase the parking supply, and because the conversion of parking spaces from mainly public parking to residential parking would result in a reduction in parking space turnover and reduce the number of vehicles entering and exiting the garage, the project is unlikely to result in “undesirably high traffic volumes” as stated in a comment. By providing fewer residential parking spaces as suggested in one comment, more spaces would remain as public parking spaces, which, similar to existing conditions, would likely have a higher turnover rate than the proposed residential parking spaces. Similarly, not pursuing the additional 28 parking spaces would not change the number of vehicle trips associated with the proposed project and would not change the impact analysis contained in the EIR, because the analysis is based on land use, not parking provision.

Analysis of proposed project pedestrian impacts is presented in Impact TR-3 on EIR pp. IV.E.43-IV.E.47, and impacts were determined to be less than significant because the addition of project-generated pedestrian trips would not result in substantial overcrowding on sidewalks and crosswalks in the project vicinity, and because the project would not create potentially hazardous conditions for pedestrians or otherwise interfere with pedestrian accessibility to the site and adjoining areas. EIR pp. VI.1-VI.60 present the impact analysis of access Variants 1 through 5, and pedestrian impacts of those variants were also determined to be less than significant, for the same reasons noted above. The proposed project and access variants would not result in a reduction in pedestrian facilities in the area, and the new pedestrian trips generated by the proposed project would be accommodated within the sidewalks and crosswalks in the project

¹⁰ The existing Jessie Square Garage has 442 parking spaces, of which 70 are leased, and 372 are available for public parking. With the proposed project, 210 spaces would be public parking spaces, resulting in a reduction of 162 parking spaces that would be available to the public (i.e., 372 public parking spaces currently available, less 210 public parking spaces proposed to be available, results in 162 fewer public parking spaces).

vicinity. For the proposed project and all access variants, the EIR includes Improvement Measure I-TR-E: Consolidation of Traffic Signal and Overhead Wires, which would reduce existing pole clutter and pedestrian obstructions on the Third Street sidewalk, thereby increasing the available walkway area for pedestrians on Third Street, and further reducing the project's less-than-significant impact on pedestrians.

CUMULATIVE TRANSPORTATION ANALYSIS

Comments

TR.5.1

President Fong, Members of the Commission. My name is Lynn Sedway. I am a neighbor as well as an urban and real estate economist. You've heard a lot about traffic. I hope you will hear about the issues involving pedestrians in the area. I would like to focus on the fact that many cumulative impacts were not adequately addressed. I'll mention a couple.

Traffic and parking of the renovated Metreon facility, which will include Target. We all love Target. But many people drive to use Target. *(Lynn Sedway)*

TR.13.1

The public has voiced concerns about the EIR, which I fully support.

One which is obvious is the increase in congestion and particularly not well-documented cumulative effects of congestion and traffic impairments in the project area.

I'd like to mention that there is no mention in the draft EIR regarding five years of traffic chaos when we build the Central Subway, which I do think has to be taken into consideration irrespective as to whether it falls within the timeline of this project, which is uncertain when we do an EIR. *(Commissioner Kathrin Moore, San Francisco Planning Commission)*

C.3.10

8. Failure to Consider All Existing City Plans Results in an Inadequate Analysis of Impacts. "Several major City planning efforts were not included in the DEIR. These plans will significantly affect travel patterns on all streets around the project site and will impact the results of the traffic analysis for both the Proposed Project and vehicle access variants ... These projects should be accounted for in the Existing plus Project Conditions, Existing plus Variant Conditions, and in the 2030 Cumulative Conditions" (page 11). *(Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association)*

C.3.24

Several major City planning efforts have not been represented in the transportation analysis, which will have profound circulation impacts around the study site. *(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)*

C.3.32

Key Issue #8: Failure to Consider All Existing City Plans Results in an Inadequate Analysis of Impacts

Summary: Several major City planning efforts were not included in the DEIR. These plans will significantly affect travel patterns on all streets around the project site and will impact the results of the traffic analysis for both the Proposed Project and vehicle access variants.

Discussion: While the DEIR analysis assessed the impacts of the Temporary Transbay Terminal, the Central Subway Project, and Muni's Transit Effectiveness Project, there are other major projects omitted from consideration that affect traffic and multi-modal circulation in the study area. The omitted projects have the potential to cause significant changes to the traffic patterns around the project site, thereby drastically influencing predicted transportation impacts for both the Proposed Project and seven vehicle access variants. These projects should be accounted for in the Existing plus Project Conditions, Existing plus Variant Conditions, and in the 2030 Cumulative Conditions. The plans include:

Central Corridor Project. The project represents an integrated community vision for the southern portion of the Central Subway rail corridor with the study site placed in the heart of the project area bounded by Second to Sixth Streets and Mission to Townsend Streets. The Central Corridor Plan will propose changes to the allowed land uses, building heights, and may include an increase in permitted residential and/or commercial densities in the area. The plan may also include proposals to increase the amount of streets space devoted to pedestrian and bicycle facilities while reducing the number of mixed traffic lanes. These alterations can profoundly affect pedestrian, bicycle, transit, and private vehicle travel patterns, thereby producing potentially different results regarding the thresholds of significance for traffic, transit, pedestrians, and bicycles.

Better Market Street Plan. The plan to revitalize Market Street includes a study of mobility issues. Currently, the options for Market Street include (a) prohibiting private autos, except for those vehicles crossing Market Street, (b) creating a series of forced or prohibited turns along Market Street to redirect traffic along particular thoroughfares, and (c) closing a one-block stretch of Market Street in an area of high pedestrian use. Each of the options considered may have a strong impact on traffic distribution and volumes on both sides of Market Street. In particular, the options which remove traffic from Market Street all are likely to increase traffic on Mission Street and on the South of Market network. These new traffic patterns and increased traffic levels will affect all of the project's study intersections and should be accounted for in the analysis.

Eastern Neighborhood Transportation Implementation Planning Study (EN TRIPS). EN TRIPS prepared a series of recommendations for circulation changes in San Francisco's Eastern Neighborhoods, which include Eastern SoMa, the Mission, Showplace Square/Potrero Hill and the Central Waterfront together with surrounding high-growth areas of Western SoMa, Transbay District, Rincon Hill and Mission Bay. The majority of the City's new residential and commercial growth over the next 25 years will occur in these areas, including the proposed project. These neighborhoods also contain key local and regional transit service, including Muni bus and light rail, BART, Caltrain and future High-Speed Rail. The area's combined development potential and rich transit access present a tremendous opportunity to create integrated, mixed use, transit-rich neighborhoods.

EN TRIPS made specific proposals for circulation changes, including a number of alternatives for potential reconfiguration of Folsom and Howard Streets. All of these include increasing space for pedestrians, bicycles, and public space, and reducing total travel lanes. The range of alternatives still under consideration by the SFMTA includes a design that maintains one-way circulation, as well as a design that converts both Folsom and Howard Streets to two-way operation. These streets are major thoroughfares for eastbound and westbound traffic, and their reconfigurations may cause increased traffic delay in both intersections on those streets as well as other nearby intersections as motorists attempt to find alternative routes. As such, an analysis of its impacts should be included in the DEIR analysis.

Transit Center District Plan. Although the DEIR transportation analysis accounted for the Temporary Transbay Terminal, it did not take into consideration the comprehensive Transit Center District Plan for the area around the Transbay Terminal. The plan area is bounded by Steuart, Market, Annie, and Folsom Streets.

The plan significantly increases allowable residential and employment densities within its boundaries. In addition to zoning changes, the plan also calls for street and circulation changes on Mission, Howard, Folsom, Fremont, Beale, and Main Street. Generally, these changes would reduce the amount of space dedicated to mixed-flow travel and increase space for walking and cycling with new signalized mid-block pedestrian crossings would be added at 14 intersections. While this area is outside the study area of this project, north-and southbound vehicle capacity reduction could result in some traffic being diverted onto nearby streets causing increases in vehicle delay and affecting both the Proposed Project and seven vehicle access variants. (*Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association*)

C.6.2

As you well know, Third Street is the last downtown and financial district San Francisco exit from eastbound Interstate 80, and, as a result, is frequently grid locked to and beyond Bryant Street, due to the Fourth Street exit's discharging of traffic from the freeway approach to the Bay Bridge. Also the frequent blocking of the left lane of Third Street for the entrance for truck-and-trailer deliveries to the Moscone Convention Center and the Yerba Buena Center add additionally to the congestion. Now with the forthcoming Howard Street expansion of the San Francisco Museum of Modern Art, more traffic load will contribute to the already difficult traffic situation on Third Street. These existing and soon to be realized factors add considerably to an already often clogged Third Street. (*Jack and Gloria Clumeck*)

C.11.9

These are our concerns about the proposed project for third and Mission streets:

- 9). The EIR's failure to include cumulative impacts, specifically Target, the expanded MOMA and expanded convention center. (*Laila and Lofty Basta*)

C.12.5

During the non peak hours, should there be events and conferences held at the Moscone Centers such as Apple, Oracle, Builders Conventions, Medical conventions etc etc – just to name a few – the congestion is beyond words and comprehension (today it took me 45 minutes to drive home from 4th and Mission to 4 Seasons Residence). It would be prudent to take into consideration the number of conventions held at Moscone Center – to address traffic congestions, noise level and

parking shortage. Not to mention Target store, expansion of Moscone Center and MOMA. All these have not been taken into consideration. *(Margaret Liu Collins)*

C.22.3

We respectfully request that the Planning Dept. undergo further traffic cumulative impact studies regarding this problem [project impacts on egress and ingress at Third Street and Stevenson Lane] as soon as possible before final approval of the Project. *(Laurence Spitters and Suzanne Small-Spitters)*

C.29.1

As a person who has lived at the Four Seasons Residences since it opened approximately ten years ago, I am extremely concerned about the changes which may occur if the DEIR is accepted in its current form. In the years since the report was made, significant changes in the neighborhood are enough to render that report invalid. Specifically, Target and the SFMOMA expansion and the expansion of the convention center will create a pedestrian and traffic and parking nightmare along with Millennium's building exceeding established neighborhood height limits, bringing even more people and cars to this small, already congested corner of the city, and casting shadows where the sun once shown. *(Elizabeth Marcus)*

C.32.6

The traffic study was not only inadequate in its analysis of Stevenson and Third Streets, but it also failed to assess the impact of the construction of this major facility and the cumulative impacts of the project on the area. Specifically, no allowance is made for the traffic and parking needs of the new Metreon facility, including Target. It is beyond reasonableness to think nobody is going to drive to Target!

Cumulative impacts which need to be analyzed include the new Metreon, the expanded SFMOMA, the expanded Moscone Convention Center, and various residential and office developments. *(Lynn M. Sedway)*

C.33.9

9. A specific portion of the EIR or perhaps in each of the pertinent sections, should be devoted to short-term and cumulative impacts. This would address construction impacts, including staging areas, as well as the implications of construction of other facilities, e.g. the Central Subway, which is scheduled for construction over a period of at least 5 years, and the advent of new attractions including Metreon's City Target, etc. At the same time, the cumulative impact of other new facilities such as the Convention Center expansion, with its great increase in pedestrian movement impacting the Stevenson Street intersections and the other three auto access ways, existing and proposed, should be considered. *(Paul H. Sedway)*

C.36.3

Both automobile and pedestrian traffic in the area will also be increased when the Target store opens in the Metreon Center, when the Museum of Modern Art expands, when the Convention Center expands, and when the Mexican Museum opens. This has not been adequately addressed and needs to be factored into the traffic considerations for Third Street. *(Des Whitchurch)*

Response E.6

The comments raise concerns that citywide planning efforts and other major projects in the project vicinity were not accounted for in the transportation analysis for Existing plus Project and 2030 Cumulative conditions, specifically the Central Corridor Plan, the Better Market Street Project, the *Eastern Neighborhoods Transportation Implementation Planning Study* (EN TRIPS), the *Transit Center District Plan* (TCDP), SFMOMA Expansion, the 5M Project, the Target Metreon store, and the Moscone Convention Center Expansion project. As the comment states, the EIR did include consideration of the Central Subway Project, the Transit Effectiveness Project (TEP), and Bicycle Plan project in the analysis. The comments also express concerns over existing congestion in the project vicinity related to traffic, loading, pedestrians, and parking and planned and recent development that will contribute to existing transportation problems, and state that cumulative traffic and overall pedestrian impacts are inadequately addressed or not addressed in the EIR.

In Section IV.E, Transportation and Circulation, EIR pp. IV.E.36-IV.E.55 present the proposed project transportation impact analysis for Existing plus Project conditions, while pp. IV.E.59-IV.E.65 present the 2030 Cumulative impact analysis. The variants to the proposed project are analyzed in Chapter VI, Project Variants, beginning on EIR p. VI.1, and include an analysis of existing plus project conditions and 2030 Cumulative conditions for each variant. Pursuant to the *SF Guidelines*, Existing plus Project conditions represent an analysis of the near-term impacts of the proposed project assuming the existing transportation network in the area, and therefore proposed or planned transportation projects are not included in the project-level transportation analysis. This allows identification of impacts caused specifically and only by the proposed project, without potential development and changes in the circulation network that may occur in the future.

As indicated on EIR p. IV.E.26, the 2030 Cumulative conditions assess the long-term impacts of the proposed project, in combination with other reasonably foreseeable development, including anticipated changes to the transportation network. For transportation impact analyses, the City and County of San Francisco uses a plan-based approach that relies on local/regional growth projections (i.e., population, jobs, and number and type of residential units). Future year 2030 Cumulative conditions in the *706 Mission Street Project EIR* are based on the analysis conducted for the *Transit Center District Plan EIR*, which takes into consideration growth in housing and employment within the TCDP area, within the South of Market area (SoMa), as well as growth in the remainder of San Francisco and the nine-county Bay Area. The 2030 Cumulative conditions also account for the circulation and streetscape changes within the TCDP area.

The 2030 land use growth projections used for the project's 2030 Cumulative analysis also included the planned SFMOMA expansion, as well as the proposed Moscone expansion and the 5M Project at Mission and Fifth Streets, as well as numerous other proposed and approved projects in the area. The retail land use associated with the existing Metreon site is accounted for as part of the land use database used in the analysis (i.e., the recently-opened Target store is replacing a prior retail use). Within SoMa, the 2030 Cumulative analysis assumed a growth of roughly 4,000 residential units, 8.9 million square feet of office uses, 450,000 square feet of retail/restaurant uses, and 1,800 hotel rooms.

The specific plans noted in the comments were included in the cumulative transportation impact analysis as follows:

Central Corridor Plan and Moscone Convention Center Expansion – As noted in the comments, in preparing the draft Central Corridor Plan the City is considering a number of transportation network changes that have the potential to change circulation patterns in SoMa. The transportation network changes and improvements associated with this project are currently being defined and assessed, and impacts will be analyzed in an EIR for the Central Corridor Plan that will be in preparation in the near future (no Notice of Preparation for that EIR has yet been published and circulated). However, the growth in housing units and employment in SoMa developed for the draft Central Corridor Plan (and that included the Moscone Convention Center expansion project) were incorporated in the citywide growth projections used to develop 2030 Cumulative traffic and transit forecasts. Thus, the Central Corridor Plan is accounted for in the transportation analysis insofar as feasible.

Better Market Streets Project – This planning project is in the initial phases of conceptual design and community outreach related to broad concepts for the design of Market Street. Specific options for changes to Market Street are still being contemplated, and environmental analysis has not yet begun on any potential proposals.

EN TRIPS – The forecast growth in housing units and employment within the Eastern Neighborhoods is included in the projections used to develop 2030 Cumulative traffic and transit forecasts used in the *706 Mission Street Project EIR*. Changes to the transportation network identified in the EN TRIPS effort that are being pursued by SFMTA and the Planning Department, include the potential reconfiguration of Folsom and Howard Streets, which is currently being redefined for further analysis in the Central Corridor Plan EIR that will be in preparation in the near future. EN TRIPS considered potential design of several corridors, but did not conduct environmental review or clearance on any specific projects; therefore, any potential future design of these corridors would require environmental review.

Transit Center District Plan – The comment that the analysis for the proposed project did not take into consideration changes as a result of the TCDP for the area around the Transbay Terminal is incorrect. As stated above, the 2030 Cumulative traffic volumes at the study intersections and transit ridership projections were based on the cumulative analysis conducted for the *Transit Center District Plan EIR*, and therefore, they reflect the changes in traffic volumes proposed in connection with the TCDP. Any diversions in traffic associated with the TCDP roadway network changes have been reflected in the 2030 Cumulative traffic volumes utilized in the transportation analysis for this project.

Under 2030 Cumulative conditions, which included the plans and projects referenced above as well as background land use growth, vehicle delays would increase at all study intersections, as compared to existing conditions. All seven study intersections would operate at LOS F during the PM peak hour under 2030 cumulative conditions (see Table IV.E.23: Intersection Levels of Service, Existing and Proposed Project Plus 2030 Cumulative Conditions, on EIR p. IV.E.60). At each study intersection, the number of additional vehicle trips resulting from the proposed project would represent less than a cumulatively considerable contribution to LOS F operating conditions. Therefore, the project’s contribution to significant cumulative impacts at the study intersections would be less than significant, and no mitigation is required.

Discussion of cumulative construction impacts is included in Impact C-TR-3 on EIR pp. IV.E.64-IV.E.65, and includes potential overlap with the proposed expansion of SFMOMA on Third Street between Howard and Mission Streets, the conversion of the Metreon to include a Target store (now complete), the Central Subway Project along Fourth Street, 72 Ellis Street, 49 Kearny Street, 2 New Montgomery Street, 134-140 New Montgomery Street, 222 Second Street, and 151 Third Street. As indicated in the EIR, construction associated with these projects would affect access, traffic, and pedestrians. The combined impacts of multiple nearby construction projects would not be cumulatively considerable, as the construction would be of limited duration, and the project sponsor and project contractor of all cumulative construction projects in the proposed project vicinity would be required to work with various City departments to develop coordinated plans that would address construction-related vehicle routing and pedestrian movements adjacent to the construction area for the duration of construction overlap. Therefore, the impact would be less than significant, and no mitigation measures are necessary. Response E.11 in the subsection entitled “Construction-Related Transportation Impacts” on RTC pp. III.E.72-III.E.76 provides additional information related to construction impacts of the proposed project.

Response E.4 in the subsection entitled “Traffic Congestion in Project Vicinity” on RTC pp. III.E.35-III.E.41 provides information about existing congestion on Third Street, pedestrian and traffic issues related to the intersection of Third/Stevenson Streets, as well as the

transportation conditions in the project vicinity during events at nearby facilities (e.g., the Moscone Convention Center and Four Seasons Residences and Hotel).

The traffic impact analysis provided in the EIR (EIR pp. IV.E.59-IV.E.65) correctly considered reasonably foreseeable transportation network changes as part of the 2030 Cumulative traffic and transit analysis for the proposed project and its variants. Therefore, the cumulative transportation presented in the EIR is adequate and complete, and no additional analysis of cumulative conditions is required.

One comment raises the issues of cumulative noise impacts, and impact of increased parking demand generated by existing and/or approved uses. Cumulative traffic noise levels are discussed in the EIR in Impact C-NO-4, in Section IV.N, Noise, on p. IV.F.36. For a discussion of the increased parking demand generated by existing or approved uses, please see Response E.15 in the subsection entitled “Loss of Parking in Jessie Square Garage” on RTC pp. III.E.91-III.E.93. Another comment raises the issue of construction impacts. Please see Response E.11 in the subsection entitled “Construction-Related Transportation Impacts,” RTC pp. III.E.72-III.E.76. One comment also raises the issue of cumulative pedestrian impacts. Please see Response E.10 in the subsection entitled “Cumulative Pedestrian Analysis,” RTC pp. III.E.65-III.E.69.^{11, 12}

TRANSIT IMPACTS

Comment

C.14.8

Other issues include the shadow that such a building would create on Jessie and even Union Square, the wind tunnel effect of continuing to jam enormous skyscrapers into such a small area, the farce of creating a Mexican Museum hiding in a condo complex to justify its construction and the impact on a Mass Transit system that is jammed to the gills with riders, especially the trolley lines on Market Street. (*William L. Larson*)

Response E.7

Analysis of the project’s transit impacts is presented in Impact TR-2 in Section IV.E, Transportation and Circulation, EIR pp. IV.E.39-IV.E.43, and impacts were determined to be less than significant. The proposed project would generate between 94 and 144 transit trips during the PM peak hour for the residential flex option and the office flex option, respectively. The

¹¹ Comment C.32.6 raises several issues that are addressed in this response and, as indicated in the cross references above, in Responses E.4 and E.11, pp. III.E.35-III.E.41 and pp. III.E.72-III.E.76, respectively. This comment is repeated in the comment groupings before these responses as Comment C.32.4 in Traffic Congestion in Project Vicinity and as C.32.5 in Construction-Related Transportation Impacts.

¹² Comment C.33.9 is repeated in the comment grouping before Response E.10 as Comment C.33.10, p. III.E.65.

addition of the project-generated riders to the Muni screenlines and the regional screenlines (as presented in Table IV.E.16: Muni Screenline Analysis of Existing Plus Project Conditions (Weekday PM Peak Hour) and Table IV.E.17: Regional Screenline Analysis of Existing Plus Project Conditions (Weekday PM Peak Hour), on pp. IV.E.40 and IV.E.41, respectively) would not substantially increase the peak hour capacity utilization of the transit lines. The Market Street trolley lines are included in the northwest Muni screenline, which under Existing plus Project PM peak hour conditions, would operate at a capacity utilization of 66 percent, which is less than Muni's capacity utilization standard of 85 percent.

This comment raises issues about three other topics. The portion of the comment about transit impacts and Muni along Market Street is addressed in this response. The other issues raised in the comment – wind impacts, shadow impacts, and the proposed location of The Mexican Museum – are addressed in Response F.1, RTC pp. III.1-III.F.3, in Section III.F, Wind and Shadow; in Response F.2, RTC pp. III.4-III.F.7; and in Response L.2, RTC pp. III.L.8-III.L.9, in Section III.L, Comments on the Merits of the Proposed Project, respectively.¹³

PEDESTRIAN ANALYSIS

Pedestrian Accessibility for Disabled Persons

Comments

TR.11.1

Hello. My name is Terry Eckert and I work for a resident that lives at the Four Seasons. And he is in a wheelchair and so I wanted to follow up on the comments about the EIR study and in particular pedestrian traffic.

With him being in a wheelchair, it's very hard for him to cross at any intersection because the lights aren't the right way for him – long enough for him to get across the street. And with the increase in traffic, I think that it's almost going to be impossible for him. If they need to get more traffic through there, the lights are going to be even shorter. So I would like to see the study investigate pedestrian as well as people in wheelchairs for further study. *(Terry Eckert)*

C.27.3

There is going to be more problems for pedestrians as well. I am a disabled person who is in a wheelchair. I have great difficulties getting across Mission and Market Streets because the timing for lights is quite short. I have tried to work with the city's traffic department but I have been told the lights are as long as they can be. With an increase in traffic I am sure the light timing will be even shorter and I will become land locked into one block. *(Ed Dowd)*

¹³ Comment C.14.8 is repeated in the comment groupings before these responses as Comment C.14.6 in Wind, C.14.5 in Shadow, and C.14.7 in Comments on the Merits of the Proposed Project.

Response E.8

The comments raise concerns regarding pedestrian and disabled persons accessibility and ability to cross at intersections in the project vicinity.

While there is a high volume of pedestrians and vehicles in the vicinity of the proposed project, the San Francisco Municipal Transportation Agency (SFMTA) has not identified any of the study intersections as being among those with the highest injury collisions (intersections with 16 or more injury collisions over a 5-year period) in SFMTA's 2010-2011 San Francisco Collision Report. All signalized study intersections have crosswalks and pedestrian countdown signals. The signal timing at intersections is set to meet minimum pedestrian crossing times at a pedestrian walking speed of 2.5 feet per second (a slower walking speed than the minimum required in the Manual of Uniform Traffic Control Devices).¹⁴ The use of a walking speed slower than the national average of 3.5 to 4.0 feet per second is generally recommended for intersections with greater number of pedestrians with mobility impairments and those using wheelchairs. Thus, SFMTA does consider a slower walking speed than is typically used when determining the signal timing at intersections citywide. Therefore, the green time allocated to crossing streets in the project vicinity, including Market and Mission Streets, meets the national standards for signal controls, although, as noted in a comment, it may be too short for some persons crossing in wheelchairs. Market Street has boarding islands at the eastbound and westbound approaches to Third Street, which can also serve as pedestrian refuges for slower-moving pedestrians, including those in wheelchairs.

The comment stating that the green time that would be available to pedestrians would become shortened with increase in traffic due to implementation of the proposed project is incorrect. The signal timing at the study intersections would not be revised as a result of implementation of a proposed project, and the addition of vehicles to the traffic flow does not take away green time from pedestrian movements.

Although the intersections in the project vicinity have not been identified as requiring safety improvements, SFMTA has ongoing efforts as part of the SFMTA Livable Streets Program (including the Pedestrian Program, the Traffic Calming Program, the Bicycle Program, and the School Safety Program) to enhance safety for pedestrians, bicyclists, and motorists throughout San Francisco. See the discussion regarding Improvement Measure I-TR-A: Traffic Signal Modifications, on pp. III.E.39-III.E.40, that would have project sponsor request that SFMTA consider revising the signal timing and off-sets at Stevenson and Third Streets and also relocate

¹⁴ California Manual of Uniform Traffic Control Devices. Can be reviewed on California Department of Transportation (Caltrans) website California MUTCD 2012
http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/ca_mutcd2012.htm

the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians to cross Stevenson Street at Third Street during the “don’t walk” phase. Also, see Response E.9 in the subsection entitled “Pedestrian Safety” on RTC pp. III.E.60-III.E.62 for additional discussion related to pedestrian safety in the project vicinity.

Pedestrian Safety

Comments

B.1.4

The DEIR totally ignores the existing severe, even hazardous, pedestrian congestion during convention activities that now exists on Fourth Street, just one block away from the Project. It fails to note this occurs in part because there is no practical second direct route from the Moscone Center lobbies on Howard Street, just one block south of the Project, through the Gardens Esplanade to Mission and Market Streets, and thus almost all conventioners default to Fourth Street. It fails to note why the Esplanade has no practical direct alternative route, which is because access to the West Esplanade Walkway from Howard Street requires climbing up and over a 20 ft stairway while the much easier street-level access through the East Esplanade Walkway leads only to a dead end at Mission Street, directly across from the Project site. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

C.11.3

These are our concerns about the proposed project for third and Mission streets:...

- 3). Concerns about pedestrian traffic, particularly during convention periods. (*Laila and Lofty Basta*)

C.13.3

My concerns about the DEIR are the following:...

2. Increased pedestrian traffic, particularly during convention periods. The study does not adequately address foot traffic as a result of currently approved uses, as well as, traffic during the conventions such as Apple and Oracle. (*Matthew and Teresa Schoenberg*)

C.19.3

Plus, pedestrians are trying to cross Stevenson St. in the midst of the existing chaos on overcrowded Third Street; one can only shudder to think of making the situation worse, which a new large building with lots of extra cars would produce. (*Eleanor L. Zuckerman*)

C.32.7

In addition, the EIR fails to address the current unsafe conditions on Third Street and various cross streets, notably Stevenson Street, which anyone who lives, walks, or drives in the area knows is an accident waiting to happen. Pedestrians and vehicles alike ignore the light and the pedestrian crosswalk on Stevenson and Third. This includes buses. Delivery trucks ignore the no parking signs on Stevenson. Stevenson itself is so narrow many visitors think it is one-way. (*Lynn M. Sedway*)

C.33.11

10. The City should provide newly relocated “Don’t Walk” signs nearer the Stevenson curbs with an audible alert when the “Don’t Walk” signs are lit, as well as a longer light interval for Stevenson ingress and egress onto Third Street. Similar attention should be given to the eastern intersection. Night-only delivery hours should be enforced. (*Paul H. Sedway*)

Response E.9

The comments raise concerns regarding pedestrian safety in the project vicinity, pedestrian conditions in the project vicinity during large conventions, pedestrian-vehicle conflicts on Stevenson Street at Third Street, and delivery hours on Stevenson Street.

Analysis of pedestrian impacts is presented in Impact TR-3, in Section IV.E, Transportation and Circulation, EIR pp. IV.E.43-IV.E.47. The purpose of the environmental analysis is to determine if a proposed project would result in significant adverse changes to the existing physical conditions in the project vicinity. At locations where problems exist now, the proposed project’s contributions to the existing problems are examined, and the proposed project’s contributions to worsening conditions are assessed to determine if the proposed project would result in significant transportation impacts. CEQA does not require analysis of existing activities unrelated to the proposed project that would continue to occur, as these activities are reflected in the baseline conditions. Mitigation of existing transportation problems is also not required.

The proposed project’s pedestrian impacts were determined to be less than significant as presented in Impact TR-3 of the EIR. The impact analysis included a qualitative discussion of pedestrian issues in the project vicinity, including at the intersection of Third/Stevenson Streets, as well as a quantitative LOS analysis of Existing plus Project conditions for weekday midday and PM peak hours on the sidewalks adjacent to the project site on Third and Mission Streets, and crosswalk and corner analyses at the intersection of Third/Mission Streets. The pedestrian counts used in the quantitative analysis take into account any conventions and events that were underway when the counts were conducted. Large conventions at the Moscone Center, such as the Macworld and Oracle noted in the comments, are not typical weekday conditions, and are not appropriate as a baseline for analysis of individual development projects. As noted on EIR p. IV.E.43, it is anticipated that the majority of new pedestrian trips generated by the proposed project would be to and from Market Street and to Union Square via Third Street and Mission Street. The proposed project would not substantially affect the Moscone Convention Center pedestrian conditions on Fourth Street or through the Yerba Buena Garden Esplanade. Because it is unlikely that project-generated pedestrian trips would overlap with the current travel patterns of visitors to the Moscone Convention Center, an assessment of the primary and alternate routes between Howard and Mission Streets for Moscone Convention Center visitors, as noted in a comment, is not necessary for analysis of project impacts on pedestrians.

The proposed project would not introduce any design features that would result in pedestrian safety issues. While project impacts on pedestrian conditions were found to be less than significant and no mitigation is required, the EIR identifies three improvement measures to address the less-than-significant pedestrian impacts of the project. Improvement Measure I-TR-E: Consolidation of Traffic Signal and Overhead Wires, EIR p. IV.E.46, would reduce existing pole clutter and pedestrian obstructions on the Third Street sidewalk. Two improvement measures would reduce less-than-significant pedestrian–vehicle conflicts on Third Street: Improvement Measure I-TR-F: Pedestrian Measures on Third Street, EIR pp. IV.E.46-IV.E.47, would do so by positioning a traffic control attendant at the Third Street driveway and by ensuring adequate on-site queuing space; Improvement Measure I-TR-G: Reduce Pedestrian-Vehicle Conflict Areas, EIR p. IV.E.47, would reduce pedestrian conflict along Third Street between Mission and Market Streets by having the project sponsor work with the Planning Department, SFMTA, DPW, and nearby property owners to assess the feasibility of measures or treatments to reduce potential existing and future pedestrian-vehicle conflicts along Third Street between Mission and Market Streets. City decision-makers may choose to include these improvement measures as conditions of approval for the proposed project, if the project were to be approved.

The analysis of pedestrian conditions in the EIR acknowledges high pedestrian volumes on Third Street, which includes pedestrians crossing Stevenson Street at Third Street. The EIR includes Improvement Measure I-TR-A: Traffic Signal Modifications on p. IV.E.38, which would improve pedestrian and traffic conditions at the signalized intersection of Third and Stevenson Streets. This improvement measure addresses the concerns regarding an awkwardly-placed pedestrian signal, which is often overlooked by pedestrians and drivers, as noted in a comment, and green phase time for vehicles to exit Stevenson Street onto Third Street. It states:

Improvement Measure I-TR-A: Traffic Signal Timing Modifications

As an improvement measure to enhance ability of drivers exiting Stevenson Street at Third Street to merge into and across Third Street traffic flow, the project sponsor shall request that the SFMTA consider revising the signal timing and off-sets to ensure that sufficient clearance time is provided so that vehicles do not spill back into the midblock intersection (the intersection is currently striped “KEEP CLEAR”). In addition, the project sponsor shall request that SFMTA consider relocating the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians crossing Stevenson Street during a “don’t walk” phase.

There is no existing requirement that deliveries occur only at night. Requiring deliveries for businesses on Stevenson Street to occur during the overnight hours, as suggested in one comment, is not practical, as most businesses are not open at night. Given that the proposed

project would result in less-than-significant pedestrian impacts, no mitigation, such as the suggested delivery hour restriction on Third Street, is required.

CUMULATIVE PEDESTRIAN ANALYSIS

Comments

TR.9.1

Good afternoon, Commissioners. I'm John Elberling. I'm president of the TODCO group in Yerba Buena and chair of the Yerba Buena Neighborhood Consortium.

All these 30 years that Yerba Buena and the gardens have been under development, the number one priority in environmental impacts for our community of 2,000 elders and disabled persons and certainly many of the other thousands of residents too has been pedestrian safety. So when I got this draft EIR, I turned to look at the very important cumulative impact assessment for pedestrian impacts in the district. There hasn't been one for over a decade done in any EIR, although, of course, there have been many projects built and more coming. And, as was mentioned, Target opening will certainly have an impact. There is none. There is no assessment of cumulative pedestrian impacts in Yerba Buena Center in this EIR.

Now, that is on its face legally inadequate. But much more importantly, it doesn't give you the information you need to decide what this project should do by way of mitigation, since it's part of addressing the big picture. You know certainly that the pedestrian traffic in the district is very substantial. And, of course, at peak during special events in the gardens and major conventions, it is overwhelming. It is a real problem. *(John Elberling, President of the TODCO group in Yerba Buena and Chair of the Yerba Buena Neighborhood Consortium)*

TR.9.2

The original plan for the gardens had at the location of 706 Mission a second mid-block pedestrian crossing across Mission that would go from the Center for the Arts to Jessie Square. That was done for the reason to have a good functional connection between the cultural institutions, of course – and that makes sense. But it was also to accommodate the very large crowds that do come through the gardens, because now all the convention traffic and much of the rest defaults to Fourth Street. And Fourth Street is badly overwhelmed. We need an updated assessment of the situation pedestrian impacts at Fourth and Mission as well as Third and Mission. This EIR should have done that. It didn't do it.

In -- you need to remember, although I know Redevelopment is gone and Yerba Buena is technically completed, this actually is the final project that builds the last undeveloped site in Yerba Buena going all the way back almost 50 years now. And so it's our last chance to finish the job the right way. The second mid-block crossing was always planned. It was always needed. The first one to the west didn't get built until about eight years ago due to opposition from various bureaucrats and lack of funding. This crosswalk needs to be built now. And this development needs to fund its construction, if necessary, as a mitigation measure for what are certainly significant cumulative pedestrian safety impacts and traffic. *(John Elberling, President of the TODCO group in Yerba Buena and Chair of the Yerba Buena Neighborhood Consortium)*

TR.13.2

On the physical end, just to state as cumulative, I do not see any mention of the rather large addition to the Museum of Modern Art which will increase pedestrian activity in the area as we are also planning to expand the convention center. I think we will not have only significantly larger conventions but traffic impacts, which nobody ever wants to talk about. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

TR.13.3

If we want to make San Francisco a safer city for pedestrians, I think a comprehensive pedestrian-movement plan has to be completed in tandem with this EIR and answer all the questions only looking at this project. The issues are far larger and far further reaching. If we activate four museums, three or four theaters all at once, we will have people wandering from one activity to the other, including doing some shopping at Target on the way. As we are trying to add restaurants, as we're trying to add other attractions to the area, this whole district will transform in a manner that we don't understand quite yet. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

TR.13.4

I'd like to remind all of you – and I have struggled with it often – when I come down Kearny Street walking on to Third, the first thing I do is struggle with people completely overburdening the bus stop, which frequently forces me to walk on the roadway because there is no way of getting through. With the overlay of people with children and strollers which might be allowed on our bus including elderly people with walkers, it is impossible to get through. Now add the numbers of residents which are proposed for this tower. Now add the visitors which are coming to these museums. Now add the population who wants to go to Target. I think we need to force ourselves to look ahead and see the transformation of the district in a much, much more comprehensive and cumulative way. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

TR.14.6

Other things: Pedestrian impacts are really important to mention there. Although this may not necessarily be the subject of the EIR, the mention of a second block crossing between Third and Fourth on Mission in addition to the one that occurs at Yerba Buena Lane might be something that might be worth looking at. I'm not sure if an EIR has to address something that is a future improvement as opposed to. But if it's a mitigation or anticipated traffic that might be higher and thereby generating higher pedestrian needs, then it might be appropriate to answer that in comments and responses also. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

B.1.1

The DEIR evaluation of cumulative Pedestrian Safety Impacts for the proposed 706 Mission Project is inadequate – there simply is none – and as a result the Project's proposed Mitigation Measures are insufficient. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

B.1.2

Cumulative pedestrian traffic in the overall Yerba Buena Neighborhood has grown significantly in recent years due to the completion of several major projects in the area, especially in the Third Street Corridor where the Project is located. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

B.1.3

And the approved expansion of MOMA and the upcoming proposed Expansion of Moscone Convention Center with additional Third Street facilities will certainly add further to these cumulative impacts. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

B.1.5

Without an overall analysis of current cumulative pedestrian Setting realities and future Impacts from projected cumulative circulation area growth in the future including the Project, the DEIR is legally inadequate. And a finding of Significant Cumulative Impacts is the only valid conclusion. This is a topic of the greatest importance to all concerned in our Neighborhood, especially our 2000 elderly / disabled residents. We are prepared to litigate this matter if necessary. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

B.1.6

Regarding Mitigations, the original c. 1990 San Francisco Redevelopment Agency pedestrian plan for Yerba Buena Gardens to address such cumulative impacts as projected at that time and thus enhance pedestrian safety has never been fully completed. Specifically, a signalized crosswalk across Mission Street that was intended to connect the Center for the Arts / East Esplanade Walkway south of Mission Street with Jessie Square its adjacent museums north of Mission Street, mirroring the crosswalk finally installed in 1998 across Mission Street in recent years at Yerba Buena Lane to the west, was never built – initially due to opposition by the City DPT, and later due to lack of the necessary funds.

The proposed 706 Mission Project includes construction of the Mexican Museum on Jessie Square. It is self-evident that all concerned will benefit greatly from finally installing that long planned direct pedestrian crosswalk route across Mission Street, which will be directly adjacent to the Project (see diagram attached). Not only will it directly link visitor travel between the several cultural facilities on both sides of Mission Street, it will also provide at last an attractive alternate route for conventioners between Market and Howard Streets (especially if effective Moscone Center way-finding signage is also finally installed as long discussed). [The figure referenced in this comment is shown on the last page of Letter B.1 in Appendix B, Draft EIR Comment Letters, of this Responses to Comments document.]

Therefore, the 706 Mission Project must be required as a Project Mitigation Measure to fund concurrent construction of this signalized crosswalk by the City as a condition of its approval. We have waited well over 20 years for this. Now is the time to finally get it done. There won't be another chance. (*John Elberling, Chair, Yerba Buena Consortium and President/CEO, TODCO*)

C.33.10

9. A specific portion of the EIR or perhaps in each of the pertinent sections, should be devoted to short-term and cumulative impacts. This would address construction impacts, including staging areas, as well as the implications of construction of other facilities, e.g. the Central Subway, which is scheduled for construction over a period of at least 5 years, and the advent of new attractions including Metreon's City Target, etc. At the same time, the cumulative impact of other new facilities such as the Convention Center expansion, with its great increase in pedestrian movement impacting the Stevenson Street intersections and the other three auto access ways, existing and proposed, should be considered. (*Paul H. Sedway*)

C.34.8

Crosswalks – connect the cultural institutions – include a crosswalk to Yerba Buena Center for the Arts (YBCA). (*Rick Smith*)

Response E.10

The comments raise concerns that cumulative pedestrian impacts in the project vicinity including at the intersections of Third/Mission Streets and Fourth/Mission Streets are not adequately addressed in the EIR, that the pedestrian analysis does not account for planned and proposed projects in the area such as the Target store at the Metreon, the SFMOMA expansion, the proposed Moscone expansion, and that the planned second signalized midblock pedestrian crossing on Mission Street between Third Street and Fourth Street is needed now and should be part of the proposed project. A comment also states that the EIR does not include a cumulative pedestrian analysis in Yerba Buena Center. The comments also raise concerns regarding crowding at the bus stop on Kearny Street at Market Street.

Analysis of pedestrian impacts is presented in Impact TR-3, in Section IV.E, Transportation and Circulation, EIR pp. IV.E.43-IV.E.47, and impacts were determined to be less than significant. The impact analysis included a qualitative discussion of pedestrian issues in the project vicinity as well as a quantitative LOS analysis of Existing plus Project conditions for weekday midday and PM peak hours on the sidewalks adjacent to the project site, and crosswalk and corner analyses at the intersection of Third/Mission Streets. The pedestrian counts used in the quantitative analysis take into account any conventions and events that were underway when the counts were conducted, as well as increases in pedestrians that have occurred in the last 10 years since residents moved into the nearby Four Seasons Residences and Hotel. The qualitative and quantitative analysis of the proposed project impacts on pedestrian conditions in the area presented in the EIR adequately addresses impacts pursuant to the methods and procedures articulated in the *SF Guidelines*. Also please see the discussion of non-peak and event traffic and pedestrian conditions in the project vicinity in Response E.4 in the subsection entitled "Traffic Congestion in Project Vicinity" on RTC pp. III.E.35-III.E.41 and Response E.9 in the subsection entitled "Pedestrian Analysis" on RTC pp. III.E.60-III.E.62.

While project impacts on pedestrian conditions would be considered less than significant, and no mitigation is necessary, the EIR includes three improvement measures to address pedestrian conditions in the area. Improvement Measure I-TR-E: Consolidation of Traffic Signal and Overhead Wires on EIR p. IV.E.46, Improvement Measure I-TR-F: Pedestrian Measures on Third Street on EIR pp. IV.E.46-IV.E.47, and Improvement Measure I-TR-G: Reduce Pedestrian-Vehicle Conflict Areas on EIR p. IV.E.47. These improvement measures are described in Response E.5 in the subsection entitled “Consideration of Pedestrians and Parking Supply in Traffic Analysis” on RTC pp. III.E.45-III.E.49 and Response E.9 in the subsection entitled “Pedestrian Analysis” on RTC pp. III.E.60-III.E.62. City decision-makers may choose to include these improvement measures as conditions of approval for the proposed project.

Regarding crowded pedestrian conditions at the bus stop on Kearny Street north of Market Street, the SFMTA’s Transit Effectiveness Project, currently undergoing environmental review,¹⁵ includes use of articulated buses on the 30 Stockton, which would reduce crowding on buses and at the bus stops by accommodating additional passengers per bus, and would improve transit service reliability. The Central Subway Project, which is currently under construction and slated to open to the public in 2019, would likely shift some passenger demand from bus lines along Third Street and Kearny Street to the subway, and therefore the Central Subway may also alleviate existing and potential future crowding at the bus stop on Kearny Street north of Market Street. The proposed project-generated transit trips would be distributed among a number of bus stops in the project vicinity, and because the bus stop on Third Street north of Mission Street (i.e., directly across from the project site) serves the same Muni lines (i.e., 30 Stockton, 45 Union-Stockton, 8X Bayshore Express, 8AX/8BX Bayshore Expresses) as the bus stop on Kearny Street, it is not anticipated that the project contribution of pedestrians to the existing crowded pedestrian conditions at the bus stop on Kearny Street would be substantial.

As noted in one comment, future year cumulative pedestrian analyses are not conducted, and are not required by the Planning Department, for individual projects. Future traffic volumes to assist in the cumulative traffic analysis are obtained from the SFCTA County-wide SFCHAMP model, which does not predict future pedestrian volumes. Cumulative pedestrian analyses are more appropriately addressed in analyses prepared for areawide plans, which often include changes to the street network as well as land use changes (which can be used to determine potential increases or decreases in pedestrian trips), such as the recently adopted Transit Center District Plan and the proposed Central Corridor Plan. The Central Corridor Plan EIR is expected to include a pedestrian analysis that will take into consideration the projects noted in the comments, including the proposed project, the renovated Metreon facility which includes the recently-

¹⁵ The Planning Department case number is 2011.0558E. Additional information regarding this environmental review may be viewed at <http://tepeir.sfplanning.org>.

opened Target store, the SFMOMA expansion, the Moscone East expansion, proposed increased development along the Third and Fourth Street corridors, any changes to Yerba Buena Center operations, as well as development in the rest of SoMa and San Francisco. The Central Corridor Plan will include transportation network changes that would revise the vehicular, bicycle, and pedestrian circulation in the area, and would provide a more comprehensive assessment of pedestrian conditions.

As noted above, an extensive quantitative analysis of Existing plus Project pedestrian conditions was conducted for weekday midday and PM peak hours on the sidewalks adjacent to the project site, and on the crosswalks and corners of the intersection of Third/Mission streets, and impacts on pedestrians were determined to be less than significant. The proposed project, being a predominantly residential development, would generate substantially fewer pedestrian trips in the project area compared to increases in pedestrian trips associated with proposed new commercial retail and office use projects and the expansion of convention-related activities noted in the comments. It is not anticipated that a development of the size of the proposed project would result in a cumulatively considerable contribution to any cumulative pedestrian impacts in the project vicinity that may occur in the future. In the event that cumulative pedestrian impacts are identified (for example, as part of the Central Corridor Plan EIR analysis), the proposed project's contributions would not be cumulatively considerable, and the proposed project's impacts would be less than significant. Therefore, the pedestrian impact analysis correctly analyzes pedestrian impacts associated with the proposed project and is consistent with the *SF Guidelines* for analysis.

The EIR includes an assessment of project-specific transportation impacts, as well as cumulative transportation impacts. As the EIR states on p. IV.1 in the introduction to Chapter IV, Environmental Setting, Impacts and Mitigation Measures:

Cumulative impacts from the proposed project are analyzed for each environmental topic when appropriate. When evaluating cumulative impacts, CEQA envisions the use of either a list-based approach (a list of past, present, and reasonably foreseeable projects, including projects outside the control of the lead agency), a plan-based approach (a summary of projections in an adopted general plan or related planning document), or a reasonable combination of the two.¹⁶ In general, the City and County of San Francisco uses a plan-based approach that relies on local/regional growth projections (i.e., population, jobs, and number and type of residential units). This is the approach that is used for many of the environmental topics in this EIR.

EIR pp. IV.E.59-IV.E.65 present the transportation-related cumulative impacts discussion, including traffic, transit, and construction. Please see the discussion of cumulative impacts in

Response E.11 in the subsection entitled “Construction-Related Transportation Impacts” on RTC pp. III.E.72-III.E.76. The cumulative impacts of nearby construction projects would not be significant and the proposed project’s contribution to such impacts would not be cumulatively considerable as the construction would be of temporary duration, and the proposed project would coordinate with various City departments such as the SFMTA and DPW through the TASC to develop coordinated plans that would address construction-related vehicle routing and pedestrian movements adjacent to the construction area for the duration of construction overlap. Therefore, the impact would not be significant, and no mitigation measures would be required.

The analysis of cumulative operational traffic and transit impacts is a plan-based analysis that takes into account overall growth in use of the transportation system, including growth from nearby projects as well as growth in the City and region. The EIR explains this, on p. IV.E.27:

Future year 2030 Cumulative traffic conditions were based on the traffic analysis conducted for the *Transit Center District Plan EIR*.¹⁷ The San Francisco County Transportation Authority (SFCTA) countywide travel demand forecasting model was used to develop future year 2030 Cumulative traffic volumes at the study intersections and transit ridership projections. The SFCTA model output, based on projections developed for the draft *Transit Center District Plan*, takes into account both the future development expected in the Transbay/South of Market area, as well as the expected growth in housing and employment for the remainder of San Francisco and the nine-county Bay Area.

The 2030 land use projections used for the 2030 Cumulative analysis also included the planned SFMOMA expansion, the proposed Moscone Convention Center expansion, the 5M Project at Mission and Fifth Streets, as well as numerous other proposed and approved projects in the area. The upcoming EIR for the Central Corridor Plan project will include an assessment of the project-specific impacts associated with the expansion of the Moscone Convention Center. Additionally, the Central Corridor Plan EIR will include an analysis of cumulative pedestrian conditions in the study area, as the plan includes numerous streetscape and transportation network and streetscape improvements. Please see Response E.6 in the subsection entitled “Cumulative Transportation Analysis” on RTC pp. III.E.53-III.E.56 for further discussion of the comment regarding cumulative analysis of traffic conditions.¹⁸

Cumulative impacts are addressed in all other topic sections of the EIR, including short-term construction impacts when relevant, at the end of each topic section. Examples include the discussion of cumulative aesthetic impacts on EIR pp. IV.B.32-IV.B.33; the discussion of

¹⁶ The citation in the EIR text is footnote 1, referring to CEQA Guidelines, Section 15130(b)(1).

¹⁷ The citation in the EIR text is footnote 21, referring to the *706 Mission Street Transportation Study*, p. 117, in Appendix E to the EIR.

cumulative noise impacts on EIR pp. IV.F.32-IV.F.36; the discussion of cumulative air quality impacts on EIR pp. IV.G.46-IV.G.50; the discussion of cumulative wind impacts on EIR pp. IV.I.22-IV.I.29; and the discussion of cumulative impacts of hazardous materials on EIR p. IV.P.19.

As indicated in the comments, original plans for Yerba Buena Gardens included a second signalized midblock pedestrian crossing across Mission Street between Third Street and Fourth Street. The existing signalized midblock pedestrian crossing is located at Yerba Buena Lane, about 260 feet from the east crosswalk on Fourth Street, and about 540 feet from the west crosswalk on Third Street. The second signalized midblock pedestrian crossing was proposed to be located about 220 feet from the west crosswalk on Third Street, and about 300 feet east of the existing signalized midblock pedestrian crossing at Yerba Buena Lane. In April 2007, the San Francisco Redevelopment Agency requested installation of a new signalized midblock pedestrian crossing on Mission Street between Third and Fourth Streets. The City reviewed the planned installation of the second new signalized midblock pedestrian crossing on Mission Street in August 2007, as part of the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) review, and recommended to disapprove installation of the new signal. According to the minutes of the August 2007 ISCOTT meeting, the recommendation to disapprove installation of the new signal was based on potential delays to vehicles and buses, lack of funding, and because it was determined that an additional crossing was not needed.¹⁹ Potential delays to Mission Street buses, among the other issues, would still be a primary concern, and a second midblock crossing is therefore not recommended as part of the project.

As noted above, the proposed project impacts on pedestrian conditions were considered less than significant, and therefore, no mitigation measures are required. Pedestrians destined to and from the south (e.g., Yerba Buena Gardens) would cross at Third Street, as analyzed in the EIR, or cross midblock at the existing signalized midblock crossing at Yerba Buena Lane. Given that the proposed project's impacts on pedestrians would be less than significant, that there is an existing midblock pedestrian crossing at Yerba Buena Lane, and that the need for an additional crossing has not been demonstrated, inclusion of a second midblock pedestrian crossing as a conditions of approval for the proposed project is not warranted. However, the neighborhood groups requesting the second midblock crossing can petition SFMTA to reconsider the proposed midblock crossing signal, and pursue implementation as part of the SFMTA's Livable Streets Program.

¹⁸ Comment C.33.10, which raises both pedestrian and cumulative traffic issues, is repeated in the comment grouping before Response E.6 as Comment C.33.9, p. III.E.52.

¹⁹ SFMTA, Minutes Interdepartmental Staff Committee on Traffic and Transportation, August 9, 2007.

CONSTRUCTION-RELATED TRANSPORTATION IMPACTS

Comments

TR.4.2

It seems unthinkable to not only contemplate the traffic burden of the cars from the hundreds of additional residential units proposed to be provided in the 706 Mission Street Tower project on Stevenson Alley and Third Street, but also the traffic bottleneck to be created on Third Street from the loss of one or more lanes of traffic during the construction period for the proposed project. *(Jack Clumeck)*

C.6.3

It seems unthinkable to not only contemplate the traffic burden of the hundreds of additional residential units proposed to be provided for the 706 Mission Street tower project on Stevenson Alley and Third Street, but also the traffic bottleneck to be created on Third Street by the loss of one or more lanes of traffic during the lengthy construction period for the proposed project. *(Jack and Gloria Clumeck)*

C.11.8

These are our concerns about the proposed project for third and Mission streets:...

- 8). The absolute nightmare during the 2-3 years of construction. *(Laila and Lofty Basta)*

C.12.12

The following issues have only been superficially studied and some are omitted:..

H. Traffic conditions during 706 Construction phase. How are they going to handle the traffic condition that already is existing *(Margaret Liu Collins)*

C.12.15

Now, allow me to address a traffic congestion that will exacerbate significantly on Stevenson, from the very moment 706 starts construction. Perhaps someone has dealt with 706 construction, but explain whether Millenium intends to tear down 706 or, if not, where are the cranes et al to be parked throughout 706 construction. Is the City intending to take a lane on the west side of 3rd (And, what about the owner of the Westin building? Have they been approached about what they will face?) Or the Mission curb lane and move the Muni zone up in front of the Jewish Museum. Fine, but how does the substantial north side westbound foot traffic get to the bus zone? So, I guess the City will allow 706 to take one of the two traffic lanes along with the curb lane. Frankly, I would like to see what the City will do about pedestrian on the west side of 3rd? *(Lou Rovens)*

C.12.16

If I was a small merchant on the west side, north of Stevenson, I would be quite concerned about the potential pedestrian loss. I can see a sizable number of pedestrian crossing to walk south on the east side of 3rd. *(Lou Rovens)*

C.14.4

Gridlock, is only one of the issues that such a massive construction project creates. *(William L. Larson)*

C.32.5

The traffic study was not only inadequate in its analysis of Stevenson and Third Streets, but it also failed to assess the impact of the construction of this major facility and the cumulative impacts of the project on the area. Specifically, no allowance is made for the traffic and parking needs of the new Metreon facility, including Target. It is beyond reasonableness to think nobody is going to drive to Target!

Cumulative impacts which need to be analyzed include the new Metreon, the expanded SFMOMA, the expanded Moscone Convention Center, and various residential and office developments. (*Lynn M. Sedway*)

C.35.1

As you know, I represent the 765 Market Street Residential Owners Association (“765 Market Street Owners”) in regard to the proposed Residential Tower and Mexican Museum Project at 706 Mission Street (“the Project”). In this capacity I submit the following additional written comments concerning the 706 Mission Street Project Draft Environmental Impact Report (“DEIR”) that was published on June 27, 2012. These additional written comments supplement my earlier Comment Letter dated July 26, 2012 and the oral comments that I and other representatives of the 765 Market Street Owners made at the Planning Commission Hearing held on August 2, 2012.

These supplemental written comments involve the following seven areas:

1. The DEIR fails to properly analyze the construction impacts of the Project and it fails to properly mitigate those impacts. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.35.8

The DEIR summarily states on page IV.E.51 that “Construction-related impacts of the proposed project would not be considered significant due to their temporary and limited duration.” The DEIR then informs us that the construction will take approximately 36 months (three years) but then lists a total of six phases that together total 60 months or five years (see page IV.E.52). (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.35.9

As part of the construction plan the “parking lane” on the west side of Third Street would be removed during the construction period. However, the “parking lane” is in actuality a fully used vital traffic lane Monday through Friday during both the AM (7-9 AM) and PM (3-7 PM) peak periods. Yet no analysis of the traffic impacts that will be produced by this new traffic bottleneck that will be created on Third Street between Mission and Market due to the removal of this vital lane for traffic has been undertaken nor have any measures been developed to help mitigate its impacts. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.35.10

The D[E]IR finds that all of the construction impacts to be insignificant. This finding is based solely on the fact that the construction activities will be for a temporary and limited duration (three years) and therefore no mitigation measures are proposed. The DEIR reaches a similar conclusion in regard to the projects construction impacts on Mission Street are treated in a

similar dismissive manner due to the “temporary and limited nature”[.] (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.35.11

In addition, the DEIR fails to look at the cumulative impacts of the various pending construction projects and how they will extend the traffic bottlenecks for many additional years. In this regard the pending construction of major new addition to SFMOMA is just mentioned but none of its construction related impacts are identified by either time or location. Yet, it should be obvious that these will both increase the amount of traffic and other related construction impacts along Third Street as well as extending those impacts significantly beyond the three to five year period the DEIR dismisses as being just temporary and thus not deserving of any mitigation measures let alone being considered significant impacts. While CEQA may exempt construction impacts from being considered “significant”, it does require an adequate construction management plan to deal with these impacts. In this case no adequate plan can be developed without first analyzing what will be 3-5 year traffic impacts from the construction of this Project and other neighboring projects. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

Response E.11

The comments raise concerns regarding impact analysis related to construction of the proposed project, including construction duration and loss of travel lanes, cumulative impacts of pending construction projects in the project vicinity, and the need for mitigation measures.

Construction-related transportation impacts are described in Impact TR-7, in Section IV.E, Transportation and Circulation, EIR pp. IV.E.51-IV.E.55. The construction-related transportation impacts were determined to be “less than significant”, not “insignificant,” as stated in a comment. The construction impact assessment was based on preliminary information provided by the project sponsor on the construction program, including construction duration, truck trips, site staging and construction plan, and the City’s understanding of similar construction projects throughout the City. Preliminary information on the construction program, including preliminary plans of the construction phases, is included in Appendix K of the *706 Mission Street Transportation Study*. Construction Plan – Phase 3 Foundation / Below Grade Construction plan in Appendix K of the *706 Mission Street Transportation Study* presents the proposed location of the tower crane to be used in project construction during the Foundation/Below-grade and Building Superstructure phases (a period of about approximately 27 months). The project sponsor currently anticipates that the tower crane would be located on the western portion of the project site, west of the existing Jessie Square Garage driveway, and roughly centered on the site between Mission Street and the Westin Hotel plaza.

The proposed project would not demolish the existing Aronson Building on the project site, as suggested in a comment. The Aronson Building would be restored and rehabilitated, and would also be physically connected to the new tower.

III. Responses to Comments
E. Transportation
Construction-Related Transportation Impacts

Prior to project construction, as part of the construction application phase, the project sponsor and construction contractors would meet with staff from the Department of Public Works (DPW) and the SFMTA to develop and review truck routing plans for the proposed demolition, disposal of excavated materials, materials delivery and storage, as well as staging for construction vehicles (e.g., during the concrete pour). DPW and the SFMTA would require the construction contractor to meet the *City of San Francisco's Regulations for Working in San Francisco Streets*, including those regarding sidewalk and lane closures, and would meet with SFMTA staff to determine if any special traffic permits would be required. In addition to the regulations in *Regulations for Working in San Francisco Streets*, the contractor would be responsible for complying with all City, state, and federal codes, rules, and regulations.

As stated on EIR p. IV.E.52, construction of the proposed project would take approximately 36 months, and the six construction phases would partially overlap. That is, the duration of each construction period is not additive to the others.

Project-related construction staging would occur primarily within the project site and on sidewalks adjacent to the project site on Mission and Third Streets. To accommodate construction staging on the sidewalk and to provide temporary pedestrian walkways during project construction, the parking lane adjacent to the project site on Third Street and the bus stop lane on Mission Street would be closed during the entire construction duration. No travel lanes, other than the curb parking lane/peak period tow-away lane on Third Street adjacent to the project site would be closed during proposed project construction. The closure of the peak-period tow-away lane, is further discussed below, and the approval of these lane closures would be subject to City Agencies review through the Transportation Advisory Staff Committee (TASC). The Muni and Golden Gate Transit bus stop (about 120 feet in length) adjacent to the project site on Mission Street would be requested by the project sponsor to be temporarily relocated to the west of the existing Jessie Square Garage driveway, which would require review and approval from SFMTA Muni Operations. As part of this potential temporary relocation, the existing bus shelter, if approved by SFMTA, would be temporarily relocated with the bus stop during project construction.

A truck staging zone is proposed for project construction on the Mission Street side of the project site. Closure of the pedestrian sidewalk on Mission Street, subject to SFMTA review and approval, without providing a covered temporary walkway in the curb travel lane, could temporarily block pedestrian access to the relocated bus stop from Third Street, and impede east-west pedestrian movement on Mission Street adjacent to the project site. As part of the construction application phase, the construction contractor would work with DPW and SFMTA to ensure adequate alternate pedestrian access, either through a temporary walkway within the sidewalk and curb lane, or by signage to detour pedestrians.

The Third Street west-side sidewalk is anticipated to remain open for the duration of project construction, and a covered pedestrian walkway would be installed within the existing sidewalk area. The newspaper rack and mailbox located adjacent to the project site are proposed to be temporarily removed from the sidewalk to provide additional pedestrian circulation space. Truck staging also is also proposed to occur adjacent to the project site on Third Street throughout the approximately 36-month project construction period, requiring the temporary removal of four metered commercial vehicle loading spaces.

During the weekday AM (7 to 9 AM) and PM (3 to 7 PM) peak periods, parking is prohibited by a tow-away restriction on Third Street between Mission and Market Streets that provides for an additional northbound travel lane. The use of the curb parking lane/tow-away lane by construction trucks during the peak periods would impact traffic operations on Third Street between Mission and Market Streets because this lane serves northbound vehicles turning left from Third Street onto Market Street and Geary Street westbound, although the construction impact is considered less than significant due to its temporary and limited duration. As part of the construction application phase, DPW and SFMTA would determine whether the truck staging zone would be permitted during the AM and/or PM peak period when tow-away restrictions are in place.

Because construction-related transportation impacts were determined to be less than significant, mitigation measures are not required. However, the EIR identifies Improvement Measure I-TR-I: Construction - Traffic Control Plan; Improvement Measure I-TR-J: Construction – Carpools; Improvement Measure I-TR-K: Construction - Truck Traffic Management; and Improvement Measure I-TR-L: Construction – Update Adjacent Businesses and Residents, on pp. IV.E.54 and IV.E.55. These improvement measures are intended to further reduce the proposed project’s less-than-significant transportation-related construction impacts. Improvement Measure I-TR-1 includes a traffic control plan for project construction activities. City decision-makers may choose to include these improvement measures as conditions of approval for the proposed project. These improvement measures are reproduced here for the reader’s convenience.

Improvement Measure I-TR-I: Construction - Traffic Control Plan

As an improvement measure to reduce potential conflicts between construction activities and pedestrians, transit and autos, SFMTA could require that the contractor prepare a traffic control plan for project construction. The project sponsor and construction contractor(s) shall meet with DPW, SFMTA, the Fire Department, Muni, the Planning Department and other City agencies to coordinate feasible measures to reduce traffic congestion, including temporary transit stop relocations (if determined necessary) and other measures to reduce potential traffic and transit disruption and pedestrian circulation effects during construction of the proposed project.

The contractor could be required to comply with the City of San Francisco's *Regulations for Working in San Francisco Streets*, which establish rules and permit requirements so that construction activities can be done safely and with the least possible interference with pedestrians, bicyclists, transit and vehicular traffic.

Improvement Measure I-TR-J: Construction - Carpools

As an improvement measure to minimize parking demand associated with construction workers, the project sponsor could request the construction contractor to encourage carpooling and transit access to the site by construction workers.

Improvement Measure I-TR-K: Construction - Truck Traffic Management

As an improvement measure to minimize construction traffic impacts on Third Street and Mission Street, and on pedestrian, transit and traffic operations, the construction contractor could be required to retain San Francisco Police Department traffic control officers during peak construction periods.

Improvement Measure I-TR-L: Construction - Update Adjacent Businesses and Residents

As an improvement measure to minimize construction impacts on access for nearby institutions and businesses, DPW could require the project sponsor to provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. The information should include contact information, including that the public can contact the SFMTA General Enforcement Division for blocked driveways and access, DPW's Street Use and Mapping for complaints regarding construction activities interfering with travel lanes, or the San Francisco Police Department for violations related to construction street space permits issued by DPW or Special Traffic Permits issues by SFMTA. A web site could be created by project sponsor that would provide current construction information of interest to neighbors.

Discussion of cumulative construction impacts is included in Impact C-TR-3 on EIR pp. IV.E.64-IV.E.65. The EIR states that the construction of the proposed project may overlap with the construction of other projects proposed nearby, including the proposed expansion of SFMOMA on Third Street between Howard and Mission Streets (151 Third Street), the conversion of the Metreon to include a Target store (now complete), the Central Subway Project along Fourth Street, 72 Ellis Street, 49 Kearny Street, 2 New Montgomery Street, 134-140 New Montgomery Street (in process), and 222 Second Street. Design and environmental assessment efforts for the Moscone Convention Center Expansion project have recently been initiated. Based on preliminary information, the first phase of the Moscone Center Expansion construction may be completed in 2018, and therefore may only minimally overlap with construction of the proposed

project.²⁰ Furthermore, there are a number of buildings currently under construction in the project vicinity, which may be completed by the time construction on the project or other projects are initiated. Construction associated with the projects noted above could affect traffic, transit, and pedestrians in the project vicinity. The construction manager for each project would work with the various departments of the City to develop a detailed and coordinated plan that would address construction vehicle routing, traffic control, and pedestrian movement adjacent to the construction area for the duration of any overlap in construction activity for projects being constructed at the same time as the proposed project.

The construction-related transportation impacts of multiple construction projects in proximity to each other would not be significant, as the construction would be of temporary duration, and the project sponsor and its construction contractor would be required to coordinate with various City departments such as SFMTA and DPW through the TASC to develop coordinated plans to address construction-related vehicle routing and pedestrian movements adjacent to the construction area for the duration of any construction overlap of cumulative projects. Therefore, the cumulative impact would be less than significant, and no mitigation measures are necessary. As noted above, the EIR identifies Improvement Measures I-TR-I through I-TR-L, which include the preparation and implementation of a traffic control plan and other measures as described during the proposed project construction.

Please see Response E.4 in the subsection entitled “Traffic Congestion in Project Vicinity” on RTC pp. III.E.35-III.E.41 for further discussion of the comment regarding analysis of the impacts of project traffic, including on Stevenson and Third Streets. One comment raises the issue of cumulative impacts. Please see Response E.6 in the subsection entitled “Cumulative Transportation Analysis” on RTC pp. III.E.53-III.E.56.²¹

EMERGENCY VEHICLE ACCESS AND LIFE SAFETY

Comments

C.11.7

These are our concerns about the proposed project for third and Mission streets:...

²⁰ John Wildermuth, Moscone Center Expansion Plans Move Ahead, SF Gate, December 30, 2012. <http://www.sfgate.com/default/article/Moscone-Center-expansion-plans-move-ahead-4154842.php> Accessed on December 30, 2012.

²¹ Comment C.32.5 raises several issues. The comment about construction-related transportation impacts is addressed in this response. Comments about traffic congestion in the project vicinity and cumulative impacts are addressed in Responses E.4 and E.6, pp. III.E.35-III.E.41 and pp. III.E.53-III.E.56, respectively, and in the cross references above. This comment is repeated in the comment groupings under these topics as Comment C.32.4 in Traffic Congestion in Project Vicinity and C.32.6 in Cumulative Transportation Analysis.

- 7). Fire and Life Safety of our residents, especially when there is only one way in (on Stevenson Lane) for ambulances and fire trucks and gridlock on 3rd St.
(*Laila and Lofty Basta*)

C.13.9

My concerns about the DEIR are the following:...

6. Fire and Life Safety. Stevenson Street is already difficult to get to because of the existing gridlock on Third Street as well as the abuse of traffic and lane restrictions during rush hour. It would appear that encouraging any more traffic on Third Street would make fire and safety in this area at greater risk. (*Matthew and Teresa Schoenberg*)

C.14.2

I would hate to think of what would happen at the Four Seasons if there was an emergency as ambulances and fire trucks would have a difficult time navigating the traffic on 3d and Stevenson. And this is without the addition of a new forty plus story condominium building that would use Stevenson as its primary auto entrance. (*William L. Larson*)

C.18.5

While all this is barely manageable right now, we believe that this project, as currently envisioned, will grossly overload Stevenson Street – particularly during the multi-year construction process. It could even pose a life and safety risk. Such a situation could occur during emergencies involving ambulances or fire trucks. Many of the residents are older and have health and mobility issues making them dependent on vehicles and more at risk than the average demographic. (*Richard Laiderman and Jung-Wha Song*)

C.22.2

The addition of construction vehicles into Stevenson Lane will make it almost impossible to navigate in and out of the only entrance to our residences and there will be serious accidents when trying to do so. Of particular concern is the access to our building by emergency services such as ambulances and fire trucks when there is gridlock on the 3rd St. corridor and Stevenson Lane. The Planning Dept. has an obligation to assume full responsibility for the safety of residents and guests in our building. (*Laurence Spitters and Suzanne Small-Spitters*)

C.25.2

We are residents of a condominium at 765 Market and thus have a significant interest in the quality and size of buildings in our immediate neighborhood and a vital interest in our ability to access our home and to expect no deterioration in local safety features (fire and other emergency vehicle access). The proposed structure at 706 Mission, with its proposed single access and egress using the same narrow lane, Stevenson, as now serves as the sole vehicle access for the structure at 765 Market, would create a catastrophic burden on the traffic patterns in and out of the major 3rd St. thoroughfare. (*Penelope Wong and Tim Kochis*)

C.27.4

The increase in traffic will also have a detrimental affect on the fire and safety response times for residents and businesses in this area. I can't imagine how much slower the response time for fire trucks will be with the increase of traffic on 3rd Street. (*Ed Dowd*)

C.36.5

All of this traffic congestion will also create health and safety issues for those in our building. The gridlock on Third Street and Stevenson Lane will make it be impossible for Fire Engines and Ambulances to access our building. Should there be a major emergency such as an earthquake, access could become impossible, as would egress from Stevenson Lane. (*Des Whitchurch*)

Response E.12

The comments raise concerns regarding emergency vehicle (i.e., fire truck, ambulance, and police) access during major emergencies to existing buildings along Third and Stevenson Streets, and specifically to the 765 Market Street building (i.e., the Four Seasons Residences and Hotel) where comments state that many residents are older and have health and mobility issues and are at greater risk than the average demographic. The concerns raised regarding emergency vehicle access to the existing building include congestion along Third and Stevenson Streets and the proposed use of Stevenson Street for access to the Jessie Square Garage by the proposed project.

Impact TR-6, in Section IV.E, Transportation and Circulation, EIR p. IV.E.51, presents a discussion of the impact of the proposed project on emergency vehicle access, which was determined to be less than significant. Impact GE-1, in Section IV.N, Geology and Soils, EIR pp. IV.N.17-IV.N.19, presents a discussion of impacts related to substantial adverse effects, including earthquakes, which were determined to be less than significant.

Emergency vehicle access to the existing structures on the project block (the block bounded by Third, Fourth, Market, and Mission Streets) would remain unchanged from existing conditions. Emergency service providers would continue to be able to pull up to buildings along Third and Market Streets, and would be able to access Stevenson Street. The Four Seasons Residences and Hotel at 765 Market Street is located midblock between Third and Fourth Streets, between Market and Stevenson Streets, and vehicular access is provided from the west end of Stevenson Street between Third and Fourth Streets. Emergency vehicle access to the 765 Market Street building would continue to occur as under existing conditions, from both Stevenson Street and from Market Street. Thus, emergency vehicle access for the 765 Market Street building is not just limited to Stevenson Street, as suggested in some comments.

In the vicinity of the proposed project, four intersections south of Market Street (Third/Howard, Third/Mission, Fourth/Howard, and Fourth/Mission Streets) and six intersections north of Market Street (Bush/Kearny, Geary/Grant, Geary/Powell, Geary/Stockton, Kearny/Post, and Kearny/Sutter Streets) are equipped with signal pre-emption, which provides extended green

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phase times for northbound Third Street while emergency vehicles are in the approach corridor.²² The extended green phase time facilitates movement of vehicles through an intersection and out of the way of approaching emergency vehicles, as required by law under California Vehicle Code Section 21806.²³

As described in Impact TR-1, on EIR pp. IV.E.36-IV.E.38, the additional vehicles generated by the proposed project would not result in substantial increases in vehicle delay at intersections along Third Street, including at Stevenson Street, and therefore it is not anticipated that the additional project-generated vehicles would result in substantial changes to vehicle access by residents of the existing 765 Market Street building including emergency vehicle (i.e., fire, ambulance, and police) vehicle access on Third Street and other streets in the project vicinity, and would therefore not increase accidents or deteriorate emergency vehicle access for fire and life safety during emergencies, such as earthquakes. As noted above, all drivers must comply with the California Vehicle Code Section 21806, which requires that drivers yield right of way to authorized emergency vehicles, and drive to the right road curb or edge, stop and remain stopped until the emergency vehicle has passed. Please see Response E.11 in the subsection entitled “Construction-Related Transportation Impacts” on RTC pp. III.E.72-III.E.76 for further discussion of transportation impacts during project construction.

The San Francisco Fire Department would review building plans for the proposed project as part of the building permit review process, in coordination with the Department of Building Inspection, as for all building permits issued by the City. On May 3, 2011, the project sponsor met with members of the Fire Department, Department of Public Works, and the Department of Building Inspection to conduct a preliminary review of the proposed project. Reviews such as these, including future meetings for design review and building permits would ensure that life safety of existing residents of the 765 Market Street building and businesses in the project vicinity, as well as occupants of the proposed project, would not be compromised.

At the time of permit review for the 765 Market Street building and the Jessie Square Garage, the then San Francisco Redevelopment Agency’s standard practice, as with all City building permits, was to include review by the San Francisco Fire Department. Therefore, as part of the building permit review prior to construction of both the 765 Market Street building and the existing Jessie Square Garage, emergency vehicle access via the existing Stevenson Street was reviewed by the

²² *SFMOMA Expansion and Fire Station Relocation, and Housing Project Transportation Study, Final Report*, July 2011. A copy of this report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2009.291E and 2010.0275E.

²³ California Department of Motor Vehicles, California Vehicle Code, Vehicle Code Section 21806 Authorized Motor Vehicles, <http://www.dmv.ca.gov/portal/pubs/vctop/d11/vc21806.htm?lang=en> Accessed on December 26, 2012.

San Francisco Fire Department. The proposed project would result in a minimal increase in the number of parking spaces within the existing Jessie Square Garage (an increase of 28 spaces), and would reconfigure 260 of the 470 parking spaces from short-term and long-term public parking to long-term residential parking. Conversion from short-term to long-term spaces would potentially decrease the number of vehicles entering and exiting the Jessie Square Garage because vehicles would remain in the garage longer. The proposed conversion of spaces from short-term to long-term parking spaces, and the two existing access points on Stevenson Street and on Mission Street described on EIR p. IV.E.19, as well as a third access point on Third Street (under the proposed project and access Variant 2 and Variant 5) would not result in an increase in vehicles on Stevenson Street that would substantially change operating conditions at this intersection. As determined by the EIR analysis, with the project development, emergency vehicle access on Third and Stevenson Streets would remain similar to existing conditions, and therefore the proposed project would not deteriorate safety or emergency vehicle access for fire and life safety of the residents of the 765 Market Street building. As noted above, emergency service providers would continue to access the 765 Market Street building from both Market Street and Stevenson Street.

As described on EIR p. IV.E.52, during construction of the proposed project, construction vehicle access to the project site would be via Mission and Third Streets. Stevenson Street would not be used for construction access or any construction activities. Therefore, during construction of the proposed project, access to Stevenson Street by 765 Market Street residents, fire trucks, ambulances, and police vehicles would remain unchanged from existing conditions. Please see Response E.11 in the subsection entitled “Construction-Related Transportation Impacts” on RTC pp. III.E.72-III.E.76 for further discussion of transportation impacts during project construction.

PROPOSED MITIGATION AND IMPROVEMENT MEASURES

Comments

A.2.1

Transportation Impacts

Caltrans applauds the City’s efforts to implement a Transportation Demand Management measures to reduce vehicular impacts. However, on page IV.E.32, the proposed project will continue to generate 286 additional net new trips. Caltrans is concerned with additional traffic impacts to already saturated State facilities. We recommend the City and County of San Francisco develop a Regional Impact Transportation Fee program to fund future improvements to regional roadways. (*Erik Alm, AICP, District Branch Chief, Local Development – Intergovernmental Review, California Department of Transportation*)

C.3.9

7. There is an Absence of Improvement Measures Aimed at Reducing Vehicle Trips. “The DEIR does not include any improvement measures designed to reduce vehicle traffic generated by the Project and promote alternative mode use. A reduction in the number of vehicle trips may cause the traffic and transit impacts in Variants 6 and 7 to be less than significant” (page 10).
(Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association)

C.3.23

Given the lack of vehicle trip reducing strategies in the DEIR, more robust improvement measures should be designated for the project to reflect San Francisco sustainable, multi-modal environment to effectively encourage walking, biking, and transit use. (Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

C.3.31

Key Issue #7: There is an Absence of Improvement Measures Aimed at Reducing Vehicle Trips

Summary: The DEIR does not include any improvement measures designed to reduce vehicle traffic generated by the project and promote alternative mode use. A reduction in the number of vehicle trips may cause the traffic and transit impacts in Variants 6 and 7 to be less than significant.

Discussion: The DEIR analysis establishes several improvement measures for various aspects of the project, but does not provide adequate transportation measures to encourage walking, biking, and taking transit. Specifically, although several improvement measures pertain to enhanced transportation conditions (e.g. traffic signal timing modifications, “garage full” sign on Third Street, coordination of moving activities, etc.) for the proposed project and variants, there is no measure directed at *reducing vehicle trips*.¹⁰

Improvement Measure I-TR-N: Transportation Demand Management proposes the distribution of informational materials to tenants, but this strategy will have a very minimal impact, if any. Instead, there should be a mitigation measure requiring the implementation of resident and employee transportation demand management (TDM) measures that have proven to be effective in reducing vehicle trips. By doing so, it will provide a benefit both to residents and the city as a whole through improved transportation choices and lower traffic levels. These strategies may act as mitigation measures for both the Proposed Project and seven vehicle access variants. Two of the more effective strategies include:

Subsidized transit passes. In recent years, growing numbers of developments have provided residents and employees with subsidized transit passes to reduce vehicle trips. The proposed development should provide Muni Fast Passes to its residents and employees, which will allow for unlimited rides on local transit. The bulk purchase of transit passes allows the transit operator (i.e. Muni) to sell its passes at a highly discounted rate. Studies have shown from other areas, such as Santa Clara Valley, that the introduction of subsidized passes can nearly double the transit mode to work, thereby decreasing peak hour vehicle trips.

Alternative mode subsidies. Alternative mode subsidies encourage employees to ride transit, carpool, vanpool, walk or bicycle to work, thus decreasing vehicle trips. The benefit is particularly valuable to low-income employees, who are less likely to drive to work alone. Research performed by Donald Shoup at the University of California, Los Angeles found

that single occupancy vehicle trips declined by 17% and other modes increased significantly (carpooling by 64%, transit by 50%, and walking/biking by 33%) after an alternative mode subsidy program was introduced at various worksites with varying levels of transit service.

[Footnote cited in the comment]

¹⁰ Table S.2: Summary of Improvement Measures for Proposed Project and Vehicular Access Variants.

(Bonnie Nelson and Brian Canepa, Nelson\Nygaard, for the 765 Market Street Residential Owners Association)

C.18.6

We respectfully request some and ideally all of the following mitigating measures:

1. Widen the Mission Street access to the Jesse Street garage and let traffic both enter and exit there from Mission Street. Keep this 2 way access open – including throughput to Stevenson – 24 hours a day every day. This will divide the load somewhat and provide alternative ingress from Stevenson.
2. Prohibit the use of Stevenson for parking or commercial loading/unloading, and enforce these rules.
3. Control and limit the use of Stevenson for staging during construction allowing resident vehicle passage at all times.
4. Issue tickets when cars gridlock and block egress from Stevenson onto or across Third during a green light.
5. Do not allow the residential towers to exceed the standard planning code ratio of parking spaces to residences. *(Richard Laiderman and Jung-Wha Song)*

C.25.5

Consequently, as concerned citizens of this City, as residents of a very nearby building who are likely to be severely burdened by the project as currently planned, and as persons eager to improve, not deteriorate, one of the City's most attractive neighborhoods, we urge the Planning Department to take action as follows...

- Require ingress/egress to be located on Mission Street. This would require a cut in the existing island centering Mission Street in the block between 3rd and 4th Streets and the installation of a traffic signal to permit right *and* left turns into the site. If only right turns into or out of the site were permitted, it wouldn't even be necessary to cut the island or even install the signal since egress would be facilitated by the existing signal at the 3rd and Mission intersection. That "right turn only" (from or into Mission St.) would resemble the "left turn only" situation that now exists for the 3rd and Stevenson intersection. While perhaps not ideal, it would be vastly better than the current proposal of forcing all traffic...current and new...private and commercial...Museum visitors, hotel guests, residents, emergency vehicles...everyone...to use the left turn only ingress and egress opportunity at 3rd and Stevenson and forcing a much increased burden of right turns (across a heavily used pedestrian walkway) from Mission into 3rd St. *(Penelope Wong and Tim Kochis)*

C.35.19

Finally, the following four measures should be considered to improve the already bad traffic situation on Stevenson Street at and west of Third Street:

1. The pedestrian signal facing south is too far from the Stevenson intersection to be clearly seen by people on foot. The signal should be moved closer to the intersection. In addition, both pedestrian signals should be audible.
2. In order to reduce vehicles queuing on Stevenson Street, the City may wish to consider adjusting the signal. The Manual on Uniform Traffic Control Devices, which governs standards for signs, signals, and pavement markings in the United States, states that a flashing left-turn yellow arrow is permitted along with a solid red (page 452). By having this configuration from Stevenson, traffic would be able to turn left when traffic on Third Street is not present or is stopped after the intersection (essentially, it would be a yielding left-turn). Traffic from Stevenson would not be able to cross straight across Third Street and would still have to yield to pedestrians.
3. The City should consider photo enforcement of the Third and Stevenson intersection to prevent motorists from blocking the intersection. Appropriate signage should notify motorists that photo enforcement is in effect.
4. To highlight that the curb space on Stevenson is a no parking zone, the curb should be striped red.

(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)

Response E.13

The comments raise concerns that adequate improvement and mitigation measures were not included to reduce project-related vehicle trips and encourage alternate modes of travel, and identify various improvement and mitigation measures for inclusion as part of the proposed project. In addition, Caltrans recommends that San Francisco develop a Regional Impact Transportation Fee program to address additional traffic added to already saturated regional facilities. Insofar as the comments recommend added mitigation measures for pedestrian impacts, no significant pedestrian impacts were identified in the EIR; therefore, mitigation is not required. The EIR identifies, and some comments suggest, improvement measures to reduce less-than-significant pedestrian impacts. (See also Response E.9 in the subsection entitled “Pedestrian Analysis” on RTC pp. III.E.60-III.E.62, respectively.)

The Caltrans comment notes that San Francisco should adopt a regional impact fee to fund improvements to regional roadways to address additional traffic added to already saturated state facilities. The comment makes a general policy recommendation for the City and County of San Francisco, but does not raise any specific comment on the adequacy and accuracy of the analysis presented in the EIR. Although the City and County of San Francisco does not have a regional development impact fee applicable to housing, which is the primary land use associated with the proposed project, San Francisco does fund a large number of transportation improvements to

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both City-owned and state-operating transportation facilities. Funding for these improvements comes from a variety of sources including state and federal grants, tolls collected from Bay Area bridges, and a countywide ½ cent sales tax dedicated toward funding transportation improvements authorized under Proposition K.

Over the last 20 years, the San Francisco Planning Code (Planning Code) has been updated to incorporate travel demand management elements that serve to encourage walking, biking and transit, and discourage auto use for development. Planning Code changes include revising vehicle parking minimum requirements to maximum permitted parking and lowering the ratios of parking spaces to dwelling units permitted, requiring provision of secure bicycle parking spaces, requiring provision of showers and lockers to facilitate bicycle use by employees for commercial uses, requiring provision of carshare parking spaces, and requiring the unbundling of the cost of parking spaces from the price of a condominium or rental unit. The proposed project would meet all applicable Planning Code requirements regarding travel demand management. Please see the discussion of proposed project parking supply and Planning Code requirements in Response E.5 in the subsection entitled “Consideration of Pedestrians and Parking Supply in Traffic Analysis” on RTC pp. III.E.44-III.E.49.)

The proposed project is located within a transit-rich area with easy access to both Muni and regional transit service providers, and located in a very walkable area. For example, the distance between the proposed project site and Westfield San Francisco Centre is 0.25 miles, between the site and Union Square is 0.31 miles, and between the site and the Ferry Building is 0.85 miles. According to Walkscore.com, the project site has a “walk” score of 98 out of 100, and a “transit” score of 100.²⁴

Comments also suggest strategies to encourage alternative modes of travel to and from the project site other than vehicle use, including subsidized transit passes for residents and employees and alternative mode subsidies for employees, and cites studies from Santa Clara Valley and Los Angeles as examples where these measures were found to be effective.

Pursuant to evolving City policies to encourage alternative modes, additional transportation demand management measures have been identified as being applicable to development projects similar to the proposed project, the text on EIR p. IV.E.59 is revised as follows (new text is underlined, deleted text is shown as ~~strikethrough~~):

²⁴ Walk score is a measure of neighborhood walkability to various amenities, and transit score is a measure of how well a location is served by transit. The higher the score for a particular address or neighborhood, the easier it is to live a car-lite lifestyle. Walk Score, Walk Scope Methodology. Online at <http://www.walkscore.com/methodology.shtml>. Accessed on December 30, 2012.

Improvement Measure I-TR-M: Transportation Demand Management

As an improvement measure to encourage use of alternative modes and reduce the proposed project's parking demand and parking shortfall, the project sponsor could implement the following Transportation Demand Management strategies:

Provide a transportation insert for the move-in packet. This packet could provide information on transit service (Muni and BART lines, schedules and fares), information on where transit passes could be purchased, and information on the 511 Regional Rideshare Program.

Information on transportation options, including updates, would be posted on the Homeowners Association (HOA) website and/or by other resident communications method.

The project sponsor could consider including in the price of rental or HOA fee one monthly Clipper card with transit pass for each unit.

Provide function of TDM program coordinator with training for this role.

Offer employee incentives to increase use of alternative modes of travel.

Consider providing and maintaining bicycles and facilities for use by tenants/employees.

Provide information related to access to bicycle parking and facilities in the area to tenants and employees.

Examine additional ways to improve bicycle and pedestrian safety at project vehicle and building access and entries, with the goal of reducing potential conflicts between private autos, transit vehicles, and commercial loading activities and alternative modes of travel.

These revisions do not change the analysis or conclusions presented in the EIR.

A number of comments suggest widening of the Jessie Square Garage Mission Street ramp to allow for inbound and outbound vehicles, which would serve as an alternate ingress to the Stevenson Street ingress/egress. Three proposed project vehicular access variants – Variants 3, 6 and 7 – include the use of the existing Jessie Square Garage egress-only driveway ramp and curb cut on Mission Street for inbound and outbound vehicles. The variants to the proposed project are analyzed in Chapter VI, Project Variants, beginning on EIR p. VI.1, and include an analysis of existing conditions with each variant and 2030 Cumulative conditions including each variant. Under Variant 3, the existing Jessie Square Garage egress-only driveway ramp on Mission Street would be widened to allow for two-way operations. Ingress via this driveway would be permitted for resident ingress only. Otherwise, ingress/egress to the Jessie Square Garage for non-residential and truck vehicular access would remain the same as under existing conditions – primary ingress/egress on Stevenson Street, and secondary egress on Mission Street. Variant 6

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would be similar to Variant 3, except that no cars would be allowed to enter or exit the Jessie Square Garage via Stevenson Street, and Variant 7 would require all vehicles to enter and exit from Mission Street. Thus, the EIR includes and analyzes the suggested wider Jessie Square Garage driveway on Mission Street, and these variants can be considered during the project review and approval process.

A break in the landscaped median on Mission Street and a new signal at the Mission Street driveway to allow for left turns into and out of the Jessie Square Garage driveway on Mission Street may not be feasible, given the proximity of the new signal to Third Street (about 140 feet to the east), and the San Francisco Municipal Transportation Agency's (SFMTA) Transit Effectiveness Project features (including transit boarding islands and conversion of a side-running transit-only lane to a center-running transit-only lane) intended to reduce delays and increase travel speeds for buses along Mission Street. Under Variants 3, 6 and 7, vehicular movements into and out of the garage from the Mission Street driveway would be right-turn-in and right-turn-out only, as suggested in several comments, and these variants can be considered during the project review and approval process. Limiting all ingress/egress to the Jessie Square Garage from Mission Street, as proposed under access Variants 6 and 7, would result in increased conflicts between vehicles turning into and out of the garage, and pedestrians and transit on Mission Street as discussed on EIR p. VI.45 for Variant 6 and on EIR p. VI.53 for Variant 7. The benefits of removing conflicts between westbound vehicles on Mission Street turning right onto northbound Third Street (where an exclusive right-turn only lane is provided) to access the Stevenson Street entrance to the Jessie Square Garage and pedestrians crossing at the north crosswalk on Third Street, would be offset by the increased conflicts with pedestrians walking on the sidewalk and transit vehicles at the bus stop on Mission Street adjacent to the project site. Variant 6 and Variant 7 project-level impacts on transit operations on Mission Street adjacent to the project site would be considered significant because, as described on EIR p. VI.44 for Variant 6, these variants would introduce new significant traffic and transit conflicts for the 14 Mission and the 14L Mission Limited bus lines, potentially cause unsafe traffic maneuvering in front of transit vehicles, and make it more difficult for transit vehicles stopped at the bus stop adjacent to the project site to merge back into Mission Street traffic. See also Response E.3 in the subsection entitled "Trip Assignment/Distribution and Suggested Corrections" on RTC pp. III.E.20-III.E.25 for a discussion of Variant 6 and Variant 7 impacts on transit operations on Mission Street.

One comment suggests prohibiting the use of Stevenson Street for parking or commercial loading/unloading operations. Stevenson Street currently has "Tow-away No Parking Anytime" signs, which permits active curbside loading/unloading activities but prohibits parking. However, active curbside loading/unloading activities are permitted. SFMTA is responsible for

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the enforcement of these parking regulations. Area residents, including residents of 765 Market Street can call 311 to report illegally-parked vehicles that block traffic flow.

Regarding limiting the use of Stevenson Street for staging during project construction: no staging activities are proposed for Stevenson Street during construction of the proposed project (see EIR p. IV.E.52). Therefore, access to the 765 Market Street building via Stevenson Street would remain unchanged during project construction activities.

Regarding the request to ticket vehicles blocking egress from Stevenson Street: Stevenson Street at Third Street has “KEEP CLEAR” striping, and the San Francisco Police Department is responsible for ticketing violations. One comment suggests use of photo-enforcement of the “KEEP CLEAR” striping on Third Street at Stevenson Street. Photo-enforcement is not currently used in San Francisco for citations for blocking intersections, and instead, SFMTA resources for photo-enforcement are targeted to red light running. SFMTA’s Red Light Photo-Enforcement Program aims to reduce the collision, property damage, injuries and deaths caused by red light running.²⁵ The intersection of Third/Stevenson Streets has not been identified as being among the highest injury collisions (intersections with 16 or more injury collisions over a 5-year period) in SFMTA’s 2010-2011 San Francisco Collision Report, and therefore not a location requiring special attention to address traffic safety issues. Also see the description of an improvement measure at this intersection that would enhance the ability of drivers exiting Stevenson Street at Third Street to merge into and across Third Street traffic flow in Response E.9 in the subsection entitled “Pedestrian Analysis” on RTC pp. III.E.60-III.E.62.

Contrary to what is stated in comments, the proposed project would not exceed the maximum permitted parking. Both the residential flex and the office flex options would provide the maximum permitted parking supply for the residential units (one parking space per each two-bedroom unit) if approved by the Planning Commission, and would therefore not exceed the Planning Code limits. Please see the discussion of proposed project parking supply and Planning Code requirements in Response E.5 in the subsection entitled “Consideration of Pedestrians and Parking Supply in Traffic Analysis” on RTC pp. III.E.44-III.E.49.)

The EIR includes Improvement Measure I-TR-A: Traffic Signal Modifications that would improve pedestrian and traffic conditions at the intersection of Third Street and Stevenson Street. If Improvement Measure I-TR-A is included as a condition of approval for the proposed project by decision-makers and implemented, the project sponsor would request that SFMTA consider relocating the pedestrian signal north of Stevenson Street closer to the intersection to reduce the propensity of pedestrians crossing Stevenson Street during a “don’t walk” phase. This would

implement the suggestions in a comment regarding relocating the signal apparatus on Third Street.

Regarding providing a flashing left-turn arrow during the red signal phase at the eastbound approach of Stevenson Street at Third Street: Traffic signals in California are governed by the California Manual of Uniform Traffic Control Devices (MUTCD) 2012 Edition, which is FHWA's MUTCD 2009 Edition as amended for use in California. Flashing yellow arrows are typically used to indicate that drivers are allowed to turn left after yielding to all oncoming traffic (i.e., on a two-way street the vehicles traveling in the opposite direction of the left turning vehicle) and to any pedestrians in the crosswalk (i.e., pedestrians walking in the same direction as the left turning vehicle), where the oncoming vehicle traffic has a green light. Drivers must wait for a safe gap in oncoming traffic to turn, as well as ensure that the crosswalk is clear of pedestrians as they complete their turn. Due to the high volume of pedestrians and vehicles on Third Street, conditions at the intersection of Third/Stevenson Streets would not support the use of a flashing yellow arrow. Implementation of this type of signal would result in potentially unsafe conditions for pedestrians and drivers on Third Street, who would have right-of-way and would not be expecting vehicles to exit from Stevenson Street.

Regarding the suggestion about painting the curbs on Stevenson Street red, Stevenson Street currently has signage indicating a Tow-Away No Parking Anytime regulation, which permits active curbside loading/unloading activities but prohibits parking. The adjacent owners of the parcels bordering Stevenson Street can apply to SFMTA's Color Curb program to request a painted red zone on Stevenson Street, which would prohibit any use of the curb area for parking or loading and unloading. The request for a color curb would need to be approved at a public hearing by the SFMTA.

EXISTING PARKING

Comment

C.12.6

The following issues have only been superficially studied and some are omitted:..

B. Existing Serious Parking Shortage

Currently there is already a shortage of parking in this area (*Margaret Liu Collins*)

²⁵ SFMTA, San Francisco Red Light Photo Enforcement Program, <http://sfgov.org/site/frame.asp?u=http://www.sfmta.com/>. Accessed December 26, 2012.

Response E.14

EIR pp. IV.E.19 through IV.E.22 present a discussion of the existing parking supply within the parking study area bounded by Market Street, Second Street, Folsom Street, and Fifth Street. Within the study area, there are 11 off-street public parking facilities providing about 6,200 parking spaces. Overall, the off-street parking facilities are at about 74 percent occupancy during the midday. The EIR also includes detailed information on the parking supply and occupancy of the Jessie Square Garage. The Jessie Square Garage has a weekday midday occupancy of 70 to 75 percent, and on weekends occupancy is about 40 to 45 percent. Therefore, the comment that states that there is a current shortage of parking in the area is not substantiated.

LOSS OF PARKING IN JESSIE SQUARE GARAGEComments**TR.14.2**

And then the other issue that was raised and one that I think again might be in there but should be addressed is replacement of the parking that will be lost, because I understand part of the Jessie garage is going to be used for the residential parking for the tower. So how are we going to offset that? And that's something we want to look at. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

C.11.2

These are our concerns about the proposed project for third and Mission streets:...

- 2). Loss of Parking (due to the transfer of Jessie Car park to the Project).

(*Laila and Lofty Basta*)

C.13.2

My concerns about the DEIR are the following:

1. Loss of parking in the Jesse Square Garage. The DEIR does not adequately take into consideration the increased parking demand generated by existing approved uses, such as the new Target Store, the expansion of the Moscone Center, and MOMA. These parking needs are in addition to the already limited parking in the area. The new plan calls for a decrease in the amount of parking spaces available to the public, as half the garage will become private parking for the residents of the new building. (*Matthew and Teresa Schoenberg*)

C.24.5

4- Jesse Square Garage

The garage is currently public, and city owned. Conveying that property to the project sponsors will remove approximately 260 spaces from 442 currently existing, leaving St. Patrick's Church, The Contemporary Jewish Museum, The Mexican Museum (?), The LA Sports Club, both of the adjacent hotels, the new Target store, and visitors to Yerba Buena to "find a way". Can that be a good decision for anyone other than the project sponsors? (Ron Wornick)

C.35.4

These supplemental written comments involve the following seven areas:...

4. The DEIR fails to properly analyze the impacts of the proposed reduction in public parking spaces in the Jessie Square Garage from 372/442 to 210/470. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.35.15

The DEIR reveals that the Jessie Square Garage currently has 442 parking spaces of which 372 are now available to the general public while 70 are reserved for and leased by nearby Sports Club/LA (although nothing is stated about the length of this lease or whether or when the Jessie Street Garage, now owned by the City, could terminate that lease, see page 91 of the Transportation Study in the Appendix). The Project proposes to increase the size of the garage by 28 spaces to a total of 470 but at the same time to reduce down to only 210 the number of spaces available to the public. The DEIR also shows that public parking use of the Jessie Street Garage during mid day has significantly exceeded 210 spaces over the past few years. The Transportation Study lists the average public parking demand for the Garage in 2008 and 2009 at 259 spaces and estimates that the Project's office, retail/restaurant and museum uses will add a demand of 44 more spaces bringing the total demand to 303 spaces while only 210 instead of 372 would be available under the proposed Project (see page 94 of the Transportation Study). When one adds in potential new demand that can be anticipated from just the expansion of SFMOMA and the opening of Target it is likely that the demand for public parking at the Jessie Street Garage will rise substantially above 303. So why is this reduction to only 210 spaces of public parking not a significant impact? Because CEQA no longer considers parking an environmental issue (see page 90 of the Transportation Study). However, while public parking is not directly covered by CEQA, no justifiable reason has been given for the conversion of more than 160 public parking spaces to private use by the Project Sponsor as part of his purchase of the Jessie Street Garage from the City. While, the DEIR provides a list of additional public parking resources (see page IV.E.21), that list reveals that basically only the 55 Hawthorne Garage and the Fifth and Mission Garage currently have any significant number of unused spaces and neither is in easy walking distance of Jessie Square. Moreover, there are no projections for what additional public short term parking will be needed in this area due to both the approved and pending major projects. In short, there is nothing in the DEIR that justifies the Project Sponsor proposing to have only 210 out of the 470 parking spaces in the Jessie Square Garage available for short term public parking other than the fact that the City wants to sell the garage to the Project Sponsor and the Project Sponsor wants to keep 260 out of the 470 parking spaces for its private, non public uses including providing parking for its new residents at four times as high a level as required by the San Francisco Planning Code. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

C.36.4

Similarly, taking the Jesse Car Park out of public use will be detrimental to residents and visitors to the area. We and other neighbors have routinely used this garage because there is not sufficient parking available at 765 Market Street. Without this garage, we will be unable to park our cars near our residences. Many of us are senior citizens and this will create substantial hardship for us. So, too, is the problem that will be created for guests that may come to visit us. (*Des Whitchurch*)

C.38.3

The loss of parking spots at the underground garage is also very troublesome. Public parking is already at a premium. With the opening of the Target store at the Metreon, there will already be increased demand on those existing spots. (*Jen Hernandez*)

Response E.15

The comments raise concerns regarding the reconfiguration of the parking spaces in the existing Jessie Square Garage and conversion of public parking to reserved private parking spaces, reduced availability of public parking spaces at Jessie Square Garage when public parking demand will increase in the future with major development in the area, availability of parking for other uses in the area, impacts associated with a reduction in the public parking supply, and overall adequacy of the parking analysis in the EIR.

The discussion of parking for the proposed project is presented in the EIR in Section IV.E, Transportation and Circulation, on pp. IV.E.55-IV.E.59. As explained on EIR pp. IV.E.55 and IV.E.56, the San Francisco Planning Department and CEQA do not consider parking supply as part of the permanent physical environment and, therefore, do not consider changes in parking conditions to be environmental impacts as defined by CEQA. The San Francisco Planning Department acknowledges, however, that parking conditions may lead to secondary environmental impacts and may be of interest to the public and the decision-makers. Therefore, a parking discussion is provided in the EIR mainly for informational purposes.

With the proposed project, under either the residential flex option or the office flex option, the Jessie Square Garage would contain a total of 470 parking spaces. The proposed project includes the reconfiguration of the existing garage from 372 public parking spaces and 70 spaces reserved/leased for the nearby Sports Club/LA uses (a total of 442 parking spaces), to 210 public parking spaces and 260 (including 43 or 68 leased spaces, depending on the flex option) private reserved parking.

- The 210 public parking spaces would include 11 Americans with Disabilities Act accessible spaces, and five car-share spaces. Similar to existing conditions, the public spaces would include two reserved parking spaces for St. Patrick's Church, 15 spaces reserved special rate for the Contemporary Jewish Museum, and 10 spaces reserved for The Mexican Museum.
- The 260 private reserved spaces would vary by flex option. The residential flex option would include up to 215 spaces for the residential dwelling units, at least 43 spaces to be leased for other uses, and 2 car-share spaces. The office flex option would include up to 191 spaces for the residential dwelling units, at least 68 spaces to be leased for other uses, and 1 car-share parking space.

III. Responses to Comments
E. Transportation
Loss of Parking in Jessie Square Garage

The comment is not correct in stating that the proposed project would include parking for the residents at four times as high a level as required by the Planning Code. As indicated in Response E.5 in the subsection entitled “Consideration of Pedestrians and Parking Supply in Traffic Analysis,” on pp. RTC III.E.44-III.E.49, both the residential flex and the office flex options would not exceed the allowable parking permitted under the Planning Code.

As indicated on Table IV.E.6: Off-Street Parking Supply and Utilization (Weekday Midday), on EIR p. IV.E.21, the overall midday occupancy at area garages is about 73 percent, which indicates that there is some available capacity at most facilities in the project vicinity.

Parking utilization data for the Jessie Square Garage was obtained from the parking operator for the public parking spaces for July and September for calendar years 2008 and 2009. The maximum utilization for weekday and weekend conditions is shown in Table IV.E.7: Jessie Square Garage Average Maximum Utilization, on EIR p. IV.E.21. In 2008, the garage was most full on weekdays between 11 AM and 2 PM, ranging between 69 and 79 percent, with average maximum utilization of about 75 percent. On weekends, garage use was substantially lower, and averaged about 37 percent on Sundays, and 44 percent on Saturdays. In 2009, the garage was less utilized than in 2008. On weekdays, maximum use ranged between 56 and 76 percent, with average maximum utilization of about 70 percent. Saturday and Sunday utilization of the garage was also lower than 2008; the garage was 37 percent full on Sundays and 42 percent full on Saturdays.

The existing parking occupancy includes the use of the parking facility by nearby residents and their visitors. The proposed project would not take Jessie Square Garage completely out of public use. Of the 470 parking spaces that would be included in the reconfigured Jessie Square Garage, 210 parking spaces would continue to be available to the general public, including nearby residents and their visitors. The Planning Commission will consider the conversion of existing public parking to reserved private parking spaces as part of its Section 309 permit review.

The EIR presents a comparison of the Existing plus Project demand versus proposed supply. The supply and demand for the public parking component of the Jessie Square Garage is summarized in Table IV.E.22: Jessie Square Garage Public Parking Supply and Demand, on EIR p. IV.E.58. For both the public and reserved parking, there would be a parking shortfall. The total proposed project parking shortfall during the midday would include both the shortfall from the residential private parking plus the Jessie Square Garage public parking shortfall, for a total shortfall of up to 271 spaces for the residential flex option, and 328 spaces for the office flex option. The shortfall would be accommodated within other off-street facilities that have available capacity. There is some availability in nearby public parking garages within one block of the project site,

such as the Paramount Garage (56 percent midday occupancy) and the San Francisco Museum of Modern Art (SFMOMA) Garage (76 percent midday occupancy), while the Fifth and Mission Garage, located one block to the west of the project site, has the most availability during the weekday midday period (63 percent midday occupancy).

The recently-opened Target store in the renovated Metreon and the proposed Moscone Expansion would primarily use the Fifth and Mission Garage, which is closer to these uses than the Jessie Square Garage, has a substantially greater number of parking spaces, and has a lower parking utilization than the Jessie Square Garage.

Visitors to the existing SFMOMA currently use a number of parking facilities. The SFMOMA website provides information on the location and hours of operation of the SFMOMA Garage, the Fifth and Mission Garage, the Moscone Center Garage, and the Museum Parc Garage.²⁶ The SFMOMA expansion would result in a weekday net-new demand of about 60 spaces, which would be accommodated within the parking facilities noted above. SFMOMA visitor parking demand is typically greater on weekends (excluding the later hours on Thursdays), and the nearby parking facilities generally have greater availability on weekends.²⁷

PASSENGER LOADING/UNLOADING

Comment

C.34.4

Transit first – Any specific plans for cab pick up and drop off or deliveries like UPS, or Safeway? For me, part of transit first living in the city is using all forms of transit that is not driving a car owned by you. I think that includes making use of home delivery, and easy and plentiful access to cabs, and more car share rental. (*Rick Smith*)

Response E.16

As described in Chapter II, Project Description, EIR p. II.66, an 80-foot-5-inch-long passenger loading/unloading zone (white zone) is proposed along Third Street in front of the Aronson Building. This white zone, if approved by SFMTA, could be used for taxi pick-ups and drop offs. As stated on EIR p. II.67, the proposed project and project variants would include two full-size loading spaces and four service vehicle spaces on Basement Level B1 (see Figure II.10: Conceptual Basement Level B1, EIR p. II.28) within the existing Jessie Square Garage. These loading and service vehicle spaces would be used for deliveries.

²⁶ San Francisco Museum of Modern Art. “SFMOMA Hours + Directions.” <http://www.sfmoma.org/visit>. Accessed on December 26, 2012.

²⁷ SFMOMA Expansion and Fires Station Relocation and Housing Project Transportation Study, Final Report, July 2011. A copy of this report is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File Nos. 2009.0291E and 2010.0275E.

III. Responses to Comments
E. Transportation
Passenger Loading/Unloading

As shown in Table II.3: Proposed Project Characteristics – Residential Flex Option, and in Table II.4: Proposed Project Characteristics – Office Flex Option, EIR pp. II.20-II.21, respectively, the proposed project and project variants include car share spaces that would be provided in the parking garage levels. For a discussion of the City’s Transit First Policy in relation to the proposed project and project variants, please also see Chapter III, Plans and Policies, EIR pp. III.11-III.12.

F. WIND AND SHADOW

WIND

Comment

C.14.6

Other issues include the shadow that such a building would create on Jessie and even Union Square, the wind tunnel effect of continuing to jam enormous skyscrapers into such a small area, the farce of creating a Mexican Museum hiding in a condo complex to justify its construction and the impact on a Mass Transit system that is jammed to the gills with riders, especially the trolley lines on Market Street. (*William L. Larson*)

Response F.1

This comment raises issues about four different topics. The portion of the comment about wind impacts is addressed in this response.

The comment raises the issue of wind impacts that would result from adding another high-rise building to a small geographic area that already has a high concentration of high-rise buildings. The EIR includes a detailed discussion of the ground-level wind conditions on the project site and in the project vicinity (see Section IV.I, Wind and Shadow, EIR pp. IV.I.6-IV.I.29). This discussion is based on wind tunnel testing that was conducted for this EIR for the following scenarios: existing conditions, existing conditions plus the proposed project, and existing conditions plus the proposed project and other cumulative development projects (see EIR pp. IV.I.4-IV.I.5). All of these scenarios account for the presence of existing high-rise buildings in the project vicinity, including the 436-foot-tall San Francisco Marriott Marquis Hotel, the 398-foot-tall Four Seasons Residences and Hotel, the 374-foot-tall Westin Hotel, the 420-foot-tall Paramount residential building, and the 484-foot-tall St. Regis Hotel and Residences. The test scenario that includes the existing conditions plus the proposed project and other cumulative development projects in the project vicinity accounts for all foreseeable projects in the City's pipeline at the time the Draft EIR was published, including the San Francisco Museum of Modern Art expansion project and a high-rise tower on the Palace Hotel site.

For each of the three scenarios described above, the wind conditions are discussed in relation to the Planning Code's seating comfort criterion, pedestrian comfort criterion, and wind hazard criterion (see EIR pp. IV.I.6-IV.I.25). The EIR identifies and discusses existing locations in the project vicinity where wind speeds currently exceed these criteria, locations where existing exceedances would be eliminated by implementation of the proposed project and other cumulative development projects, and locations where new exceedances would be created by implementation of the proposed project and other cumulative development projects.

III. Responses to Comments

F. Wind and Shadow

Wind

As discussed on EIR p. IV.I.14, implementation of the proposed project would not result in substantial changes to wind comfort conditions in the project vicinity. The average equivalent wind speed would increase from 12.6 to 12.7 mph; the number of locations that would exceed the comfort criteria would increase from 67 to 69. Although there would be localized changes (increases and decreases in wind speed) throughout the project vicinity, the overall wind comfort conditions would remain substantially similar to existing conditions with implementation of the proposed project. As discussed on EIR p. IV.I.22, implementation of the proposed project would eliminate one existing wind hazard exceedance (the south side of Mission Street at one of the entrances to Yerba Buena Gardens), improve wind conditions substantially at one location with an existing wind hazard exceedance (along Yerba Buena Lane at the southwest corner of the Four Seasons Residences and Hotel), and make wind conditions slightly worse at two locations with existing wind hazard exceedances (the southwest and southeast corners of the intersection of Third and Market Streets). Overall, there would be a net improvement in wind hazard conditions; the duration of hazardous wind at these four locations would decrease by about 90 hours per year (from 127 hours to 37 hours).

As discussed on EIR p. IV.I.24, implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would not result in substantial changes to wind comfort conditions in the project vicinity. The average equivalent wind speed would decrease from 12.6 to 12.5 mph, and the number of locations that would exceed the comfort criteria would decrease from 67 to 66. Although there would be localized changes throughout the project vicinity, the overall wind comfort conditions would remain substantially similar to existing conditions with implementation of the proposed project and past, present, and reasonably foreseeable future projects. As discussed on EIR p. IV.I.25, implementation of the proposed project, in combination with past, present, and reasonably foreseeable future projects, would eliminate one existing wind hazard exceedance (the south side of Mission Street at one of the entrances to Yerba Buena Gardens) and improve wind conditions at three other locations (along Yerba Buena Lane at the southwest corner of the Four Seasons Residences and Hotel and on the southwest and southeast corners of the intersection of Third and Market Streets) with existing wind hazard exceedances. Overall, there would be a net improvement in wind conditions; the duration of hazardous wind at these four locations would decrease by about 101 hours per year (from 127 hours to 26 hours).

For these reasons, the EIR concludes that (1) the proposed project would have less-than-significant wind impacts and (2) the proposed project, in combination with past, present, and reasonably foreseeable future projects, would not make a cumulatively considerable contribution to a significant cumulative wind impact.

The other issues raised in the comment – shadow impacts, the proposed location of The Mexican Museum, and transit impacts – are addressed in Response F.2, RTC pp. III.F4-III.F.7; Response

L.2, RTC pp. III.L.8-III.L.9, in Section III.L, Comments on the Merits of the Proposed Project; and Response E.7, RTC pp. III.E.56-III.E.57, in Section III.E, Transportation, respectively.¹

SHADOW

General Shadow Analysis of Nearby Open Spaces

Comments

C.1.1

We are residents of the Four Seasons and we are concerned about the impact on traffic and shadowing the proposed building plans. We are against the height of the building and any routing of traffic along Stevenson lane.

Please reconsider the magnitude of this project. The Yerba Buena park is an important park for the neighborhood and that, too, should not be shadowed by the new building. Maybe you could have less floors and set them back in a stepped fashion. (*Jill and Jon Winston*)

C.2.2

I am concerned and alarmed about the proposal which sits before the Planning Commission for the following reasons:...

- 2) the potential for extensive shadow impact from this tower on the surrounding area as well as the parks and convention center. (*Andrew Midler*)

C.7.2

2. The addition of a 47-story high rise will increase the shadow impact on public areas in the neighborhood, such as the Yerba Buena Park and Jessie Square, where locals and tourists spend many an afternoon basking in the California sunshine. (*Linda Ho*)

C.10.2

Our primary concerns with the Project are as follows:...

- Shadowing.

Regrettable if the Project is allowed to move forward without modification, the neighborhoods green space will be negatively affected by the “canyon effect” of losing sunlight.

Our community is blessed to have the green space areas of both Jesse Square and Yerba Buena Gardens. It will be a tragic loss to the community if these public green areas are allowed to be dwarfed by the Project.

In addition many of the cultural centers in the neighborhood such as The Contemporary Jewish Museum, Yerba Buena Center for the Arts, and The San Francisco Modern Art Museum will be adversely affected by shadowing created by a structure of this magnitude[.] (*Barry and Trudy Silverstein*)

¹ Comment C.14.6 is repeated in the comment groupings before these responses as Comment C.14.5 in Shadow, C.14.7 in Comments on the Merits of the Proposed Project, C.14.8 in Transportation.

C.11.4

These are our concerns about the proposed project for Third and Mission streets:...

- 4). Increased shadow on Jessie Square, and Union Square. (*Laila and Lofty Basta*)

C.13.5

My concerns about the DEIR are the following:...

4. Increased shadow on Union Square and Jesse Square. Union Square is a worldwide destination. It seems inconceivable to me that any additional shadowing can be allowed on Union Square. (*Matthew and Teresa Schoenberg*)

C.14.5

Other issues include the shadow that such a building would create on Jessie and even Union Square, the wind tunnel effect of continuing to jam enormous skyscrapers into such a small area, the farce of creating a Mexican Museum hiding in a condo complex to justify its construction and the impact on a Mass Transit system that is jammed to the gills with riders, especially the trolley lines on Market Street. (*William L. Larson*)

C.24.4

3- Shadowing

The Yerba Buena Gardens and park lands are NY's Central Park in San Francisco. When the weather is pleasant (often) our city dwellers are drawn in large numbers to the open grass, the walkways, the fountains, the adjacent entertainments (Merry go Round to Museums), restaurants, and not infrequently music and other entertainment on the stage. One huge shadow blanketing both the park in the morning, and Union Square in the afternoon is too big a price to pay for more apartments...particularly when the height of the proposed building is non-conforming, and the Mexican Museum is offered as the excuse. (*Ron Wornick*)

C.27.5

My final concern is regarding the increase in shadowing on Jessie Square and Union Square. There are very few open areas in the city and these are wonderful places to go and just sit in the sun. It would be a shame to have the shadowing increase in these areas. (*Ed Dowd*)

C.28.3

3. The DEIR fails to properly analyze the shadow impacts. The proposed building is well above the existing 400-foot limit in the Yerba Buena area. This height would cause shadow problems on Jessie Square and Union Square. (*Pam Fong*)

Response F.2

These comments express general concerns regarding additional shadow created by the proposed project on nearby open spaces (Union Square, Jessie Square, and the Yerba Buena Gardens/Moscone Convention Center complex), other neighborhood green spaces, and nearby buildings (the Contemporary Jewish Museum, the Yerba Buena Center for the Arts, and the San Francisco Museum of Modern Art [SFMOMA]). Some comments state that the EIR fails to properly analyze the proposed project's shadow impacts, that the proposed project would shadow

Yerba Buena Gardens in the morning and Union Square in the afternoon, and that it is inconceivable that any additional shadowing can be allowed on Union Square.

The EIR includes a discussion of the proposed project's shadow impacts on all of the open spaces (Union Square, Jessie Square, the Yerba Buena Gardens/Moscone Convention Center complex, and other neighborhood green spaces) identified in the comments (see Section IV.I, Wind and Shadow, EIR pp. IV.I.40-IV.I.61). This discussion is based on a shadow analysis that was conducted by CADP Associates (CADP) for this EIR according to the provisions of Planning Code Section 295 and the shadow analysis methodology established by the Planning Department. The EIR states that the proposed project would cast additional shadow on a number of nearby open spaces, and it evaluates the significance of those shadows on the affected open spaces.

One comment states that the proposed project would create a huge shadow blanketing Union Square in the afternoon; this statement is not correct. As discussed on EIR pp. IV.I.42-IV.I.43 and depicted graphically on Figures IV.I.4 and IV.I.5, on EIR pp. IV.I.44-IV.I.45, and on Figures IV.I.6 through IV.I.11, on EIR pp. IV.I.48-IV.I.53, the proposed project would not cast any shadow on Union Square after approximately 9:30 AM on any day of the year. Please see Response F.3, RTC pp. III.F.9-III.F.20, for information regarding the proposed project's shadow impacts (approximate size of the area shadowed, location, duration, time of day, time of year) on Union Square.

The proposed project's shadow impacts on Jessie Square are discussed on EIR pp. IV.I.46-IV.I.47, and they are depicted graphically in Figures IV.I.6 through IV.I.11. Please see Response F.4, RTC pp. III.F.21-III.F.24, for information regarding the proposed project's shadow impacts (approximate size of the area shadowed, location, duration, time of day, time of year) on Jessie Square.

One comment states that the proposed project would create a huge shadow blanketing Yerba Buena Gardens in the morning; this statement is not correct. The proposed project would not cast any net new shadow on Yerba Buena Gardens at any time of day during the year. As discussed on EIR p. IV.I.34, the proposed project would have no shadow impact on the southern block of the Yerba Buena Gardens/Moscone Convention Center complex:

The southern block of the Yerba Buena Gardens/Moscone Convention Center complex includes a rooftop open space (the approximately 130,000-gsf Children's Garden). This open space is not within reach of the proposed project's shadow, and this open space is not discussed further in this EIR.

As discussed on EIR p. IV.I.54, the proposed project would have no shadow impact on the open spaces on the northern block of the Yerba Buena Gardens/Moscone Convention Center complex:

III. Responses to Comments

F. Wind and Shadow Shadow

There are two open spaces on the northern block of the Yerba Buena Gardens/Moscone Convention Center complex that are potentially within reach of the proposed project's shadow. The proposed project would not cast any shadow on the Esplanade at any time during the year. From 6:00 PM until the end of the day during the summer, shadow from the proposed project would reach the East Garden, the small plaza on the west side of Third Street across from SFMOMA; however, the shadow from the proposed project would be masked by existing shadows cast by other buildings in the area, including shadow from the two-story Yerba Buena Center for the Arts gallery building that is adjacent to and north of the East Garden.

EIR p. IV.I.58 summarizes the proposed project's shadow impacts on nearby open spaces:

As described above, the proposed project would not cast net new shadow on Boeddeker Park, Huntington Park, the Yerba Buena Gardens/Moscone Convention Center complex, Hallidie Plaza, or Maiden Lane. The proposed project would cast net new shadow on Union Square (in excess of the current shadow budget), Jessie Square, Yerba Buena Lane, the POPOs [privately owned publicly accessible open spaces] at Westin Plaza, 1 Kearny Street, and 560 Mission Street, and sidewalks near the project site. However, due to the times of day and the times of the year that would be affected, the duration of shadows, the relatively small proportion of the open space affected by net new shadow, and the use of the areas that would be affected, the project-related shadows would not substantially impair the use or enjoyment of these public open spaces. For these reasons, shadow from the proposed project would not substantially affect outdoor recreation facilities or other public areas, and the proposed project would have a less-than-significant shadow impact. No mitigation measures are necessary.

Shadow impacts on buildings are not considered significant. The relevant CEQA significance criterion (Criterion I.2), presented on EIR p. IV.I.40, states that implementation of any proposed project would have a significant shadow effect if it were to create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas. For this reason, any proposed project shadow on the Contemporary Jewish Museum, the Yerba Buena Center for the Arts, SFMOMA, or other adjacent or nearby buildings would not be considered significant. Shadow impacts on outdoor recreation facilities or other public areas associated with adjacent or nearby buildings are discussed in the EIR as part of the overall shadow analysis (see EIR pp. IV.I.40-IV.I.61).

One comment states that it is inconceivable that any additional shadowing can be allowed on Union Square. Please see Response F.3, RTC pp. III.F.9-III.F.20, for information regarding the proposed project's compliance with Planning Code Section 295 and whether the proposed project should be allowed to cast additional net new shadow on Union Square.

In addition to concerns over shadow, one comment (C.1.1) expresses opposition to the height of the proposed project and the routing of additional traffic along Stevenson Street, and this comment also suggests lowering the height of the proposed building and incorporating upper-

level setbacks into the design. Two other comments note that the height of the proposed project would not comply with the current height limit for the project site. Comments expressing support for or opposition to the proposed project are discussed in Response L.1, in Section III.L, Comments on the Merits of the Proposed Project, RTC pp. III.L.5-III.L.7. Please see Response A.1, in Section III.A, Land Use and Land Use Planning, RTC pp. III.A.1-III.A.5, for a discussion of the height of the proposed project. Comments suggesting the incorporation of upper-level setbacks or other design changes are discussed in Response B.4, in Section III.B, Aesthetics, RTC pp. III.B.6-III.B.7. Please see Response E.1, in Section III.E, Transportation, RTC, pp. III.E.4-III.E.12, of this Responses to Comments document for a discussion of the proposed project's traffic impacts on Stevenson Street.

In addition, one comment (C.14.5) raises issues about four different topics. The comment about shadow is addressed in the response. The other issues raised in the comment – wind impacts, the proposed location of The Mexican Museum, and transit impacts – are addressed in Response F.1, RTC pp. III.F.1-III.F.3; Response L.2, RTC pp. III.L.8-III.L.9, in Section III.L, Comments on the Merits of the Proposed Project; and Response E.7, RTC pp. III.E.56-III.E.57, in Section III.E, Transportation, respectively.²

Union Square Shadow Analysis and Project Compliance with Planning Code Section 295

Comments

TR.3.2

I would like to just point out that under the EIR the project should not be approved. There is a significant shadowing of Union Square, adding 22-percent net new shadow on the Square, which is considered a significant cumulative impact. The shadow analysis suggests that the project would be made acceptable under this constraint by lowering the building to 351 feet as the reduced-shadow alternative, or 195 feet, under the existing zoning regulation alternative.
(*Paul Sedway*)

TR.6.2

In terms of shadows, the EIR correctly points out that both Alternatives B and E are far superior environmentally on shadows, because any project below 351 feet will cause no net new shadow on Union Square. This project, which is a 150 feet, proposed, to be higher than the existing zoning, would generate 22 percent increased new shadow on Union Square and be beyond the power of this commission and Rec and Park sitting together to grant because it would generate 337,000 square feet of net new shadow. And the current allocation is only 322,000. So you'd both have to increase the amount of shadow on Union Square that can be allowed and then grant it all to this project blocks and blocks away, preventing any other project near Union Square from adding any net new shadow. And that's why I think the document correctly points out that it's not

² Comment C.14.5 is repeated in the comment groupings before these responses as Comment C.14.6 in Wind, C.14.7 in Comments on the Merits of the Proposed Project, and C.14.8 in Transportation.

the appropriate shadow on it. (*Howard Wexler, on behalf of the 765 Market Street Residential Owners*)

TR.13.7

I would agree that the increase of shadow on Union Square is something which is a far, far further reaching issue. And I am very, very happy that people eloquently spoke about that this particular project need to address it in a much, much more serious manner than just casually mentioning that there will be shadow. I think we have a shadow ordinance and I think we need to figure out how this project really deals with a project, for starters, which obeys the rules as they stand. Everything else is just frosting on the cake and follows later; and I have not seen any public benefit yet described in this EIR by which I would even consider finding that acceptable. I want to be very clear about that. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

TR.17.3

Tourists and visitors come to San Francisco because there is indeed sun when it is not so sunny in other parts of the world. And while many people wrongly assume that we are Los Angeles and they show up in shorts, they still all seek the sun.

We put a very beautiful cafe and a very beautiful renovation into Union Square, which we are all proud of and pass through when it operates, like an Italian piazza in the middle of downtown San Francisco. And the first thing this particular building will do is cast a shadow over the open-space area right in front of this cafe, putting the entire cafe in shadow. I looked at it particularly with interest because you see all of the tourists having their breakfast, espresso, whatever they're doing right in that sunny spot in Union Square. And now we are basically talking about shadow in this area. I think we need to choose our battles. We want to – we need to balance the need for housing, appropriately scaled, appropriate-height housing, but also maintain the viability of the city. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

C.3.11a

Union Square. The DEIR on pp. IV.I 39-43 shows that the Proposed Project would not only create substantial amounts of net new shadow on Union Square but the proposed project would create more net new shadow on Union Square than the total allocation of 323,123 square feet of net new shadow that the Planning Commission and the Recreation and Park Commission together can currently allow pursuant to Planning Code Section 295. Specifically, the Proposed Project would cast an annual total of 337,744 net new square feet of shadow on Union Square. This alone would increase the total annual amount of shadow on Union Square by 22%. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.30.2

When the Macy's addition was before the Planning Commission, soon after the passage of the shadow ban, the Commission had before it all of the billboards that would cast Shadow, and Piero Patri - Macy's architect - and the Commission ensured that the cumulative shadow from all those features would NOT increase shadows on Union Square.

The square has been carefully rebuilt to expand seating areas IN THE SUN. 706 Mission must NOT increase shadows and diminish public enjoyment of sunlight in Union Square. (*Sue C. Hestor*)

C.32.8

The proposed development impacts include increased shadowing on Jessie Square and a 22 percent increase in the shadow of one of our most highly utilized parks, Union Square, which also is the centerpiece of the City's greatest retail area. The impact jeopardizes the success of Union Square and may well impact sales and accompanying sales tax revenues to the City.

(Lynn M. Sedway)

C.35.3

These supplemental written comments involve the following seven areas:...

3. The DEIR fails to properly analyze the shadow impacts on Union Square because despite Proposition K and Planning Code Section 295 the DEIR appears to take the position that no amount of new shadow can have a significant impact on Union Square unless that shadow occurs between 10:00 A.M. and 3 P.M. The DEIR also improperly analyzes the shadow impacts on Jessie Square. *(Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association)*

C.35.13

The DEIR improperly concludes that the new shadows created by the proposed Project would be less than significant even on Union Square despite the fact that the shadow study in the DEIR reveals that the Project would generate more net new shadow on Union Square (337,744 square feet) than either the Planning Commission or the Recreation and Park Commission have the authority to currently allow pursuant to Proposition K, Planning Code Section 295 and the long standing Regulations adopted by City Planning and Recreation and Parks to carry out Proposition K and Planning Code Section 295. How does the DEIR reach should an erroneous result? The DEIR essentially concludes that only new shadows that strike Union Square between 10:00 AM and 3:00 PM can be significant despite the fact that both Proposition K and Planning Code Section 295 are set up to limit any new shadow on a park under the jurisdiction of Recreation and Parks from one hour after sunrise to one hour before sunset. These are the hours that have been deemed significant by the voters in passing Proposition K in 1984, the City in establishing Section 295 and the long standing regulations adopted there under. *(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)*

C.36.6

In addition, we are concerned about the shadow impacts of the proposed project both on Jesse Square and on Union Square. There are few places in the downtown of the City in which people can sit and enjoy sunshine on a warm day. If the shadow is allowed to take much of the sun and light way from these two venues, it will have a significant impact and be a serious loss to the City residents and visitors. We believe that the shadow will affect the outdoor cafe in Union Square in violation of Proposition K. Further it will impact the use of Union Square by patrons and thus harm the City's sales tax revenues. *(Des Whitchurch)*

Response F.3

Project Compliance with Planning Code Section 295

Several of these comments question the proposed project's compliance with Planning Code Section 295, express opposition to increasing the limit related to the amount of additional net new

shadow that can be cast on Union Square by proposed development projects, and question whether City decision-makers have the legal authority to amend the rules regulating the amount of additional net new shadow that can be cast on Union Square. In addition, one comment states that if the amount of net new shadow allowed on Union Square were increased and then if all of that additional shadow allowance were to be allocated to the proposed project, there would be nothing left for other proposed development projects.

Planning Commission Resolution No. 11595, jointly adopted on February 7, 1989, by the Recreation and Park Commission and the Planning Commission, established criteria for determining the significance of shadows on 14 downtown parks. These criteria included absolute cumulative limits (ACLs), or quantitative shadow budgets, to regulate the maximum amount of net new shadow on each of these 14 downtown parks from future development projects. In 1989, the ACL for Union Square was established at 0.1 percent of the theoretical annual available sunlight (TAAS) on Union Square.³ In addition, qualitative criteria were established for allocating the ACLs among individual development projects. The Planning Commission and the Recreation and Park Commission established a qualitative standard for Union Square calling for the preservation of mid-day sunlight on this park. Resolution No. 11595 does not prohibit the Recreation and Park Commission and the Planning Commission from reevaluating and amending the ACLs that were established in 1989. The two commissions established the ACLs and, therefore, have the authority to amend them. Since 1999, the two commissions have amended an ACL on at least four separate occasions. In March 1999, the ACL for Civic Center Plaza was amended to allow for shadow cast by the renovation of the Old Main Library and its conversion into the Asian Art Museum.⁴ In August 2000, the ACL for Boeddeker Park was amended to allow for shadow cast by the restoration of the Old Emporium Building and its conversion into the Westfield San Francisco Centre retail complex.⁵ In June 2002, the ACL for Boeddeker Park was amended a second time to allow for the shadow cast by construction of a 67-unit affordable housing project at 131-145 Taylor Street.⁶

During a joint public hearing on October 11, 2012, the Planning Commission and the Recreation and Park Commission increased the ACLs for seven downtown parks (Boeddeker Park, Justin Herman Plaza, Maritime Plaza, Portsmouth Square, St. Mary's Square, Union Square, and Willie "Woo Woo" Wong Playground) to allow for shadow cast by development projects that meet the

³ The theoretical annual available sunlight (TAAS) for a park in San Francisco is determined by multiplying the number of hours of sunlight between one hour after sunrise and one hour before sunset on an annual basis (3,721.4 hours) by the area of the park (square feet). The TAAS is expressed in units called square-foot-hours. The amount of net new shadow allowed on a park (the absolute cumulative limit or quantitative shadow budget) is a percentage of the TAAS for that particular park.

⁴ San Francisco Planning Commission Motion No. 14797, adopted on March 11, 1999.

⁵ San Francisco Planning Commission Motion No. 15944, adopted on August 17, 2000.

⁶ San Francisco Planning Commission Motion No. 16439, adopted on June 20, 2002.

criteria set forth in the *Transit Center District Plan (TCDP)*. The ACL for Union Square was increased from 0.1 percent of the TAAS (approximately 392,663.5 sfh) to 0.19 percent of the TAAS (approximately 746,060.7 sfh).⁷ Following the joint hearing, the Recreation and Park Commission reviewed the shadow impacts of the proposed Transit Tower at 101 First Street and made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to the Transit Tower.⁸ On October 18, 2012, the Planning Commission allocated a portion of the newly adopted ACL to the Transit Tower.⁹ On November 15, 2012, the Recreation and Park Commission made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to a proposed project at 181 Fremont Street.¹⁰ On December 6, 2012, the Planning Commission allocated a portion of the newly adopted ACL for Union Square to 181 Fremont Street.¹¹ As a result of these actions, the remaining ACL for Union Square is 0.1785 percent of the TAAS, which means that approximately 700,904.4 sfh of net new shadow could be cast on Union Square by other development that meets the criteria set forth in the TCDP.

As part of their actions on October 11, 2012, to increase the ACLs for seven downtown parks, the Planning Commission and the Recreation and Park Commission designated the ACLs exclusively for projects that meet the criteria set forth in the TCDP. Projects that do not meet the criteria set forth in the TCDP may not utilize any portion of the amended ACLs if they cast net new shadow on any of the seven downtown parks for which the ACLs were amended. Such projects would be required to seek their own amendments to the ACLs for these seven downtown parks, if necessary.

Local regulations related to shadows are discussed in Section IV.I, Wind and Shadow, EIR pp. IV.I.36-IV.I.39. For the purposes of the proposed project, the relevant park regarding compliance with Planning Code Section 295 is Union Square. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission, described above and which occurred subsequent to the publication of the draft EIR, the EIR text regarding Union Square is updated as follows (new text is underlined, deleted text is shown in ~~strike through~~; new footnotes are designated as NF1, NF2, etc.). This revision does not alter any of the conclusions of the EIR.

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified in 1985 as Planning Code Section 295...On February 7, 1989, pursuant to Proposition K, the Planning Commission and the

⁷ San Francisco Planning Commission Resolution No. 18717 and San Francisco Recreation and Park Commission Resolution No. 1210-001, adopted on October 11, 2012.

⁸ San Francisco Recreation and Park Commission Resolution No. 1210-002, adopted October 11, 2012.

⁹ San Francisco Planning Commission Motion No. 18724, adopted October 18, 2012.

¹⁰ San Francisco Recreation and Park Commission Resolution No. 1211-007, adopted November 15, 2012.

¹¹ San Francisco Planning Commission Motion No. 18763, adopted December 6, 2012.

Recreation and Park Commission adopted a joint resolution adopting criteria for determination of significant shadows in 14 downtown parks, as described in a February 3, 1989 memorandum to the Planning Commission and the Recreation and Park Commission regarding “Proposition K – The Sunlight Ordinance.” These criteria establish an “absolute cumulative limit” (ACL) for new shadow allowed on these parks, as well as qualitative criteria for allocating the ~~absolute cumulative limit~~ ACL among individual buildings. The amount of shadow above existing shadow but below the ~~absolute cumulative limit~~ ACL is commonly referred to as the “shadow budget” for these parks. The shadow budget is then allocated to individual projects within the ~~absolute cumulative limit~~ ACL based on qualitative criteria established for each park, which vary by park but may include factors such as the time of day, the time of year, shadow characteristics (size, duration, location), and the public good served by the building casting the shadow.

Union Square

Union Square receives about 392,663,521 square-foot-hours (sfh)¹⁸ of theoretical annual available sunlight (TAAS).¹⁹ Currently, there are about 150,265,376 sfh of existing annual shadow on the park. Union Square is one of 14 downtown parks for which the Planning Commission and the Recreation and Park Commission, on February 3, 1989, established quantitative standards to control the amount of additional shadow on these parks from future development projects. The quantitative standard that was established for Union Square is additional shadow in an amount equal to 0.1 percent of the ~~theoretical annual available sunlight~~ TAAS on Union Square, which is approximately 392,663.5 sfh.²⁰

Since the quantitative standard for Union Square was established in 1989, two completed development projects have affected the shadow conditions on Union Square. In 1996, a project to expand Macy’s department store altered the massing of the structure and resulted in a net reduction of 194,293 sfh of existing shadow (with a corresponding increase in the amount of sunlight on the park), and in 2003, a project at 690 Market Street added 69,540 sfh of net new shadow on Union Square.²²

Although the Macy’s expansion project reduced the amount of existing shadow and increased the amount of available sunlight on Union Square, this amount has not been added back to the shadow budget for Union Square by the Planning Commission and the Recreation and Park Commission to account for these conditions. The ~~current~~ shadow budget for Union Square at the time of publication of this Draft EIR, which accounts for the 69,540 sfh of net new shadow that were added by the project at 690 Market Street, is 323,123.5 sfh.

During a joint public hearing on October 11, 2012, the Planning Commission and the Recreation and Park Commission increased the ACLs for seven downtown parks, including Union Square, to allow for shadow cast by development projects that meet the criteria set forth in the Transit Center District Plan (TCDP). The ACL for Union Square was increased from the original limit of 0.1 percent of the TAAS (approximately 392,663.5 sfh) to 0.19 percent of the TAAS (approximately 746,060.7 sfh).^{NF1} Following the joint hearing, the Recreation and Park Commission reviewed the shadow impacts of the proposed Transit Tower at 101 First Street and made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to the Transit Tower.^{NF2} On October 18, 2012, the Planning Commission allocated a

portion of the newly adopted ACL to the Transit Tower.^{NF3} On November 15, 2012, the Recreation and Park Commission made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to a proposed project at 181 Fremont Street.^{NF4} On December 6, 2012, the Planning Commission allocated a portion of the newly adopted ACL to 181 Fremont Street.^{NF5} As a result of these actions, the remaining ACL for Union Square is 0.1785 percent of the TAAS, which means that approximately 700,904.4 sfh of net new shadow could be cast on Union Square by other development projects that meet the criteria set forth in the TCDP. Union Square currently has a remaining shadow allocation, or shadow budget, of approximately 323,123.5 sfh.²¹

As part of their actions on October 11, 2012 to increase the ACLs for seven downtown parks, the Planning Commission and the Recreation and Park Commission designated the ACLs exclusively for projects that meet the criteria set forth in the TCDP. Projects that do not meet the criteria set forth in the TCDP may not utilize the amended ACLs if they cast net new shadow on any of the seven downtown parks for which the ACLs were amended. Such projects would be required to seek their own amendments to the ACLs for any of these seven downtown parks, if necessary.

In addition to a quantitative standard, the Planning Commission and the Recreation and Park Commission established a qualitative standard for Union Square calling for the preservation of mid-day sunlight on the park.²³

This EIR text includes the following footnotes (footnote 21 is deleted as part of the text changes above):

- ¹⁸ Sunlight and shadow are measured in units known as square-foot-hours (sfh), which are calculated by multiplying the area that is in sunlight or shadow (in square feet) by the amount of time that the sunlight or shadow is present (in hours).
- ¹⁹ The amount of theoretical annual sunlight on a park is calculated by multiplying the area of the park (in square feet) by the total hours of sunlight available on an annual basis, ignoring shadows from structures or other natural phenomena, such as clouds, fog, or solar eclipses, that may obscure sunlight. For San Francisco, there are approximately 3,721.4 hours of sunlight available on an annual basis.
- ²⁰ February 3, 1989 Planning Department memorandum to the Planning Commission and the Recreation and Park Commission; Planning Commission Resolution No. 11595, adopted February 7, 1989.
- ~~²⁴ The remaining shadow budget for Union Square was provided by the Planning Department. The remaining shadow budget is based on approved projects that sought and received shadow allocations as part of their entitlements.~~
- ²² Environmental review files for Macy's Expansion Project (Planning Department Case No. 1996.228E) and 690 Market Street (Planning Department Cases No. 2003.0584E and 2003.1206E).
- ²³ February 3, 1989 Planning Department memorandum to the Planning Commission and the Recreation and Park Commission; Planning Commission Resolution No. 11595, adopted February 7, 1989.

The following new footnotes are added to EIR pp. IV.I.36-IV.I.37 as part of the text changes above:

^{NF1} San Francisco Planning Commission Resolution No. 18717 and San Francisco Recreation and Park Commission Resolution No. 1210-001, adopted on October 11, 2012.

^{NF2} San Francisco Recreation and Park Commission Resolution No. 1210-002, adopted October 11, 2012.

^{NF3} San Francisco Planning Commission Motion No. 18724, adopted October 18, 2012.

^{NF4} San Francisco Recreation and Park Commission Resolution No. 1211-007, adopted November 15, 2012.

^{NF5} San Francisco Planning Commission Motion No. 18763, adopted December 6, 2012.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

On EIR pp. IV.I.42-IV.I.43, the additional net new shadow that the proposed project would cast on Union Square is discussed. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission related to shadows on Union Square, discussed above, the first two full paragraphs on EIR p. IV.I.43 are revised as follows (new text is underlined, deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

On an annual basis, the proposed project would cast 337,744 sfh of net new shadow on Union Square, which would be an increase of about 0.22 percent relative to the existing annual shadow on the park. ~~This amount of net new shadow would exceed the remaining shadow budget of 323,123 sfh of shadow that could be cast on Union Square by proposed future development projects.~~ Due to the limited duration of the shadow and the limited use of the park during the time when the shadow would occur, the net new shadow from the proposed project would not likely result in a substantial change in the use of Union Square. While the shadow would be noticeable to park users and others walking in and around the park, the new shadow would not impair the passive recreational enjoyment of Union Square, especially because the net new shadow would not occur when the park is most used.

As discussed under the heading “Regulatory Framework,” following the approval of the TCDP, and the Transit Tower and 181 Fremont Street projects, Union Square has a remaining shadow budget of approximately 0.1785 percent of the TAAS (approximately 700,904.4 sfh); this shadow budget may only be utilized by projects that meet the criteria set forth in the TCDP. The proposed project does not meet the criteria set forth in the TCDP. In order for the proposed project to be implemented, the Planning Commission and the Recreation and Park Commission would have to increase the ~~absolute cumulative limit~~ ACL for Union Square to an amount that would accommodate the amount of net new shadow cast by the proposed project. It is anticipated that the project sponsor would request that the Planning Commission and the Recreation and Park Commission consider making this change. If this increase in the ~~absolute limit~~ ACL were made, the project

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would be within the ~~absolute cumulative limit~~ ACL for Union Square, and the Commissions would then need to determine whether to allocate available shadow budget to the project based upon the qualitative standard set for Union Square of avoiding additional shadows during mid-day.

Commissioner Moore's comments state that the proposed project should obey the current shadow rules as they stand, that the proposed project's public benefits for justifying an amendment of the shadow limits and rules are not clear, and that there must be a balance between the need for housing of an appropriate height/scale and the need to maintain the viability of the City (i.e., the viability of its public open spaces). The decision to amend or not amend the ACL for allowing additional net new shadow on Union Square is made during a joint public hearing between the Recreation and Park Commission and the Planning Commission. If the ACL for Union Square is amended, the two commissions would then consider whether the proposed project's shadow impacts would be adverse to the use of Union Square and whether the proposed project meets the qualitative criteria of preserving midday sun on Union Square. These factors would be considered in a determination of whether to allocate a portion of the shadow budget to the proposed project. At that time, the commissioners would discuss the characteristics of the proposed project's shadow on Union Square and weigh the proposed project's public benefits (i.e., additional housing, The Mexican Museum) against the project's additional net new shadow on Union Square. During their deliberations, the commissioners can consider the size of the area shadowed and the duration of the shadow, the time of day and the time of year when the net new shadow would occur, the areas of the park that would be affected, and how the shadow would impact the use of the affected areas of the park, among other pieces of information.

One comment states that the proposed project should not be allowed to cast additional net new shadow on Union Square, because the Planning Commission previously ensured that the Macy's expansion project¹² and all existing billboards would not cumulatively add net new shadow on Union Square. Comments expressing opposition to increasing the ACL for additional net new shadow on Union Square are not related to the issue of the adequacy or accuracy of the EIR. Such comments may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. For a discussion of cumulative shadow impacts on Union Square, please see Response F.5, RTC pp. III.F.25-III.F.28.

¹² A Final Mitigated Negative Declaration for the Macy's expansion project was issued by the Planning Department on November 1, 1996. The Planning Commission determined that the Macy's expansion project would not cast net new shadow on Union Square and approved the Macy's expansion project on November 21, 1996 (Motion No. 14243). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

Union Square Shadow Analysis

Two comments express concern about how the proposed project's net new shadow would affect the outdoor seating area of the café in Union Square. The discussion on EIR pp. IV.I.42-IV.I.43 (see below) concluded that the proposed project's shadow impacts on Union Square, including the outdoor seating area of the café, would not likely result in a substantial change in the use of Union Square and would not impair the passive recreational enjoyment of Union Square. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission, described above, the text on EIR pp. IV.I.42-IV.I.43 is revised as follows (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

The shadow calculations prepared for the proposed project indicate that it would cast net new shadow on Union Square during the morning hours from early October through early November and from early February through early March. The proposed project would not cast net new shadow on Union Square after 9:30 AM on any day during the year.

During the autumn, October 11 would be the first day on which the proposed project would cast net new shadow on the park (between 8:30 AM PDT and 9:30 AM PDT), and November 8 would be the last day on which the project would cast net new shadow on the park (between 7:43 AM PST and 8:15 AM PST). In terms of area, the maximum shadow during the autumn would occur on October 18. At 8:45 AM PDT on October 18, the shadow would cover an area of approximately 17,715 square feet of the 112,615 total square feet of the park. Figure IV.I.4: Project Shadow on Union Square, 8:30 AM and 8:45 AM PDT on October 18, on p. IV.I.44, and Figure IV.I.5: Project Shadow on Union Square, 9:00 AM and 9:15 AM PDT on October 18, on p. IV.I.45, show the progression of the shadow across Union Square on the morning of October 18.

During the late winter, the proposed project would begin to cast net new shadow on the park on February 2 (between 7:43 AM and 8:15 AM PST) and would stop casting net new shadow on the park on March 2 (between 8:30 AM and 9:30 AM PST). In terms of the area of the park being shadowed, the maximum project-related shadow during the late winter would occur on February 23. At 8:45 AM PDT on February 23, the shadow would cover approximately 17,715 square feet of the total 112,615 square feet of the park. The shadow pattern and movement of shadow across the park on February 23 would be similar to that described for October 18.

During the early morning (from sunrise until 9:00 AM), Union Square is not heavily used. At that time of day, most retail stores are not yet open. There is substantially more pedestrian activity on the sidewalks surrounding Union Square than in the park itself as people walk to work and other destinations. The park, which is more suitable for passive recreation than active recreation, is most heavily used from late morning through early evening. The net new shadow from the proposed project would fall on some of the pedestrian walkways and seating areas in Union Square. In general, the net new project-related shadow would begin near the western edge of the park and move east across the park. There is a café near the northeast corner of the park, and the café has an outdoor seating area. Portions of the outdoor seating area are already shadowed for much of the morning (from sunrise until approximately 10:00 AM) by existing buildings in the area.

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Some net new shadow from the proposed project would fall on part of the outdoor seating area for about 15 to 20 minutes before moving off the park. This net new project-related shadow on the outdoor seating area would occur from about 9:10 AM until just before 9:30 AM in mid-October and again from late February until early March. Since the proposed project would not cast net new shadow on Union Square after 9:30 AM, the proposed project would be consistent with the Planning Commission's and the Recreation and Park Commission's qualitative standard for Union Square calling for the preservation of mid-day sun.

On an annual basis, the proposed project would cast 337,744 sfh of net new shadow on Union Square, which would be an increase of about 0.22 percent relative to the existing annual shadow on the park. ~~This amount of net new shadow would exceed the remaining shadow budget of 323,123 sfh of shadow that could be cast on Union Square by proposed future development projects.~~ Due to the limited duration of the shadow and the limited use of the park during the time when the shadow would occur, the net new shadow from the proposed project would not likely result in a substantial change in the use of Union Square. While the shadow would be noticeable to park users and others walking in and around the park, the new shadow would not impair the passive recreational enjoyment of Union Square, especially because the net new shadow would not occur when the park is most used.

As discussed under the heading "Regulatory Framework," following the approval of the TCDP, and the Transit Tower and 181 Fremont Street projects, Union Square has a remaining shadow budget of 0.1785 percent of the TAAS (approximately 700,904.4 sfh); this shadow budget may only be utilized by projects that meet the criteria set forth in the TCDP. The proposed project does not meet the criteria set forth in the TCDP. In order for the proposed project to be implemented, the Planning Commission and the Recreation and Park Commission would have to increase the ~~absolute cumulative limit~~ ACL for Union Square to an amount that would accommodate the amount of net new shadow cast by the proposed project. It is anticipated that the project sponsor would request that the Planning Commission and the Recreation and Park Commission consider making this change. If this increase in the ~~absolute limit~~ ACL were made, the project would be within the ~~absolute cumulative limit~~ ACL for Union Square, and the Commissions would then need to determine whether to allocate available shadow budget to the project based upon the qualitative standard set for Union Square of avoiding additional shadows during mid-day.

For short periods of time (15 to 20 minutes) before 9:30 in the morning in mid-October and from late February until early March, the entire outdoor seating area of the café would be in shadow from the proposed project and existing buildings in the area. This shadow would be transitory in nature, and for the reasons discussed above, would not substantially impair the use or enjoyment of Union Square.

Significance of Union Square Shadow Impacts

Two comments state that the EIR appears to take the position that only shadows that fall on Union Square between 10:00 AM and 3:00 PM would be considered significant. One of these

comments also states that the EIR erroneously concludes that the proposed project's shadow impacts on Union Square would be less than significant. Figures IV.I.6-IV.I.11, presented on EIR pp. IV.I.48-IV.I.53, show the period between 10:00 AM and 3:00 PM, because this is the time of day when parks and open spaces in downtown San Francisco typically experience their heaviest use. However, the EIR does not ignore the period before 10:00 AM or after 3:00 PM. In accordance with the provisions of Planning Code Section 295, the shadow analysis conducted by CADP covers the period from one hour after sunrise until one hour before sunset. All of the net new shadow that the proposed project would cast on Union Square at any time of the year would occur before 9:30 AM, and this is discussed in detail on EIR pp. IV.I.42-IV.I.43. In addition, net new project-related shadow that would be cast on Union Square between 8:30 AM and 9:15 AM on October 18 is shown graphically in the EIR in Figures IV.I.4 and IV.I.5.

In determining the significance of the proposed project's shadow impact on Union Square, a number of factors were considered, including the size of the area shadowed and the duration of the shadow, the time of day and the time of year when the shadow would occur, the areas of the park that would be affected, and how the shadow would impact the use of the affected areas of the park. As discussed above and on EIR p. IV.I.43, since the proposed project would not cast net new shadow on Union Square after 9:30 AM, the proposed project would be consistent with the Planning Commission's and the Recreation and Park Commission's qualitative standard for Union Square calling for the preservation of midday sun on Union Square. Due to the limited duration of the shadow and the limited use of the park during the time when the shadow would occur, the net new shadow from the proposed project would not likely result in a substantial adverse change in the use of Union Square. While the shadow would be noticeable to park users and others walking in and around the park before 9:30 AM, the new shadow would not impair the passive recreational enjoyment of Union Square, especially because the net new shadow would not occur when the park is most used. For these reasons, the EIR concludes that the proposed project's shadow impacts on Union Square would be less than significant.

Percent Increase in Net New Shadow on Union Square

Four comments state that there would be a project-related 22 percent increase in shadow on Union Square; this percent increase is not correct. The proposed project's net new shadow would be an increase of 0.22 percent, which is less than one-quarter of one percent. On EIR p. IV.I.37, the amount of existing annual shadow on Union Square is established as approximately 150,265,376 sfh. The amount of annual net new shadow that the proposed project would cast on Union Square is discussed on EIR p. IV.I.43:

On an annual basis, the proposed project would cast 337,744 sfh of net new shadow on Union Square, which would be an increase of about 0.22 percent relative to the existing annual shadow on the park.

As stated above, the amount of net new shadow (337,744 sfh) represents a 0.22 percent increase over the amount of existing shadow (150,265,376 sfh).¹³ This is an increase of less than one-quarter of 1 percent; this is not an increase of 22 percent.

As discussed above, the EIR concluded that the proposed project would have a less-than-significant shadow project-level impact on Union Square.

Economic Impacts of Additional Net New Shadow on Union Square

In response to comments that state additional net new shadow on Union Square would result in a decline in retail activity and sales tax revenue, CEQA is concerned with whether or not a project may have adverse physical environmental effects; it is not concerned with socioeconomic effects, unless they result in indirect or secondary adverse physical impacts. No evidence has been presented that additional early-morning shadow on Union Square would result in a decline in retail activity around Union Square or a corresponding decline in sales tax revenue for the City. The shadow would occur before most nearby stores are open. Even if such evidence were presented, a decline in retail activity and sales tax revenue would be economic effects of the proposed project as opposed to its physical effects on the environment. Pursuant to CEQA Guidelines Section 15131(a), “economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.”

Other Comments

One comment states that the Existing Zoning Alternative and the Reduced Shadow Alternative are environmentally superior to the proposed project, because neither of these alternatives would cast net new shadow on Union Square. As discussed on EIR pp. VII.118-VII.119, the Existing Zoning Alternative is the environmentally superior alternative as it would result in a smaller structure, fewer residential units, and fewer vehicle trips than the proposed project, variants to the project, or any other alternative. However, while it would reduce the project contribution to a significant cumulative shadow impact, especially with respect to the net new project-related shadow on Union Square, there would still be a cumulatively considerable contribution to the significant cumulative shadow impact due to shadowing of other publicly accessible open spaces in downtown San Francisco.

¹³ 337,744 divided by 150,265,376 and multiplied by 100 equals 0.22 percent.

The comment noted above and comments expressing opposition to the proposed project's height, which exceeds the existing height limit applicable to the project site and which would result in an increase in net new shadow on Union Square, do not address the adequacy or accuracy of the EIR. Such comments may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project or one of the project variants, or select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible. Comments addressing the Existing Zoning Alternative and the Reduced Shadow Alternative are discussed in Response I.3 in Section III.I, Alternatives, RTC pp. III.I.17-III.I.25. Comments expressing opposition to the proposed project are addressed in Response L.1 in Section III.L, Comments on the Merits of the Proposed Project, RTC pp. III.L.5-III.L.7.

One comment states that the EIR improperly analyzes the proposed project's shadow impacts on both Union Square and Jessie Square, and one comment expresses concern over additional shadow cast by the project on both Union Square and Jessie Square. Please see Response F.2, RTC pp. III.F.4-III.F.7, for a discussion of how the EIR shadow analysis was conducted for the proposed project. Please see Response F.4, RTC pp. III.F.21-III.F.24, for information and analysis regarding the proposed project's shadow impacts (the size of the area shadowed, amount of shadow, location, duration, time of day, time of year) on Jessie Square and Response F.3, above, for information and analysis regarding the proposed project's shadow impact on Union Square.

Jessie Square Shadow Analysis

Comments

TR.3.3

But to our mind, even this [lowering the building height to 351 feet or 195 feet] is not acceptable because of the impact on Jessie Square. This is an issue that has not been addressed in the EIR. It's a very important open space in the city and it has been largely ignored. The proposed building would impact Jessie Square in the morning hours and, therefore, we have to consider that effect. (*Paul Sedway*)

C.13.7

It does not address shadowing at Jessie Square at all. (*Matthew and Teresa Schoenberg*)

C.35.14

As for Jessie Square, the main text of the DEIR fails to even list the quantity of new shadow the Project would generate. One has to go the letters from Turnstone Consulting buried in the Shadow Appendix to learn that the Project will add **8,031,176** square feet of new shadow to Jessie Square – yes that is more than **eight million** new square feet of shadow. But somehow the DEIR finds this is not to be significant. Instead the DEIR states on page IV.I.47 that in the spring the Project new shadowing of Jessie Square and CJM's outdoor seating area would end by 11:00 AM and in the summer the new shadows on the outdoor seating area of the CJM would end by noon and the Project would no longer shadow Jessie Square by 12:30 PM. These are not insignificant

impacts at insignificant times of the day or year. At a minimum mitigation measures including the set back alternative in B above should be employed. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

Response F.4

Some of the comments state that the EIR does not address the proposed project's shadow impacts on Jessie Square especially in the morning and midday hours (up to 12:30 PM). In addition, one comment states that the amount of the proposed project's net new shadow on Jessie Square is not quantified in the EIR, the EIR should have concluded that the proposed project would have a significant shadow impact on Jessie Square because of the amount of shadow and the time of day and time of year the shadow would occur, and measures to mitigate the proposed project's shadow impact on Jessie Square should be implemented, such as building setbacks described in Alternative B (the Existing Zoning Alternative). In addition, one comment stated that even lowering the height of the proposed building to 351 feet or to 195 feet would not be acceptable due to the shadow impact on Jessie Square.

The proposed project's shadow impacts on Jessie Square are discussed in Section IV.I, Wind and Shadow, on EIR pp. IV.I.46-IV.I.47:

The proposed project would cast net new shadow on Jessie Square from the early morning until the early afternoon throughout the year. Some of this shadow would be cast by the proposed third floor of the tower, which would overhang the eastern boundary of Jessie Square by approximately 10 feet. During the spring and autumn, the net new project-related shadow would begin at sunrise and cover approximately one-quarter to one-third of the square, primarily the northeast corner, before receding as the day progresses. By approximately 11:00 AM, the proposed project would no longer shadow the Contemporary Jewish Museum's outdoor seating area and would not cast any net new shadow on the square. During the summer, the shadow would begin at sunrise and cover most of the square before receding as the day progresses. By noon, the proposed project would no longer shadow the Contemporary Jewish Museum's outdoor seating area, and by approximately 12:30 PM, the proposed project would not cast any net new shadow on the square. During the winter, the shadow would begin at sunrise and cover only the area along the eastern edge of the square before receding as the day progresses. By approximately 9:30 AM, the proposed project would not cast any net new shadow on the square (see Figures IV.I.6 through IV.I.11, on pp. IV.I.48-IV.I.53).^{31, 32}

Jessie Square is used primarily for passive recreation such as sitting and strolling. On a typical day, the square is lightly used before 11:00 AM. From 11:00 AM until approximately 2:30 PM, the square is heavily used by residents, shoppers, tourists, and workers as an outdoor lunch destination and a mid-block pedestrian crossing. From 2:30 PM until approximately 6:15 PM (the end of the day), activity in the square remains moderate.³³

Some of the seating areas on the eastern side of Jessie Square would be shadowed by the proposed project during the morning throughout the year, but these net new project-related shadows would occur at a time when the park is lightly used and would move off

the seating areas by late morning. Additional shadow on the square during the morning would not substantially affect the use of the square. With implementation of the proposed project, Jessie Square would receive about six to eight hours of sunlight a day during the spring, summer, and autumn, and about four to six hours of sunlight a day during the winter.

[Footnotes 31, 32, and 33, on EIR p. IV.I.47, cited in this text:]

- ³¹ The sun's position in the sky is symmetrical throughout the entire solar year. One half of the solar year begins on June 21 and ends on December 20, and the other half of the solar year begins on December 21 and ends on June 20. Each day in the first half of the solar year has an equivalent solar date in the second half of the solar year, with the spring and autumn equinoxes (March 20 or 21 and September 22 or 23, respectively) being equivalent solar dates. For this reason, the shadow patterns on March 21 would be almost identical to the shadow patterns on September 21, and separate figures for September 21 are not included.
- ³² Daylight saving time begins on the second weekend in March and ends on the first weekend in November, so daylight saving time is observed on March 21 and September 21.
- ³³ A field observation was conducted on Wednesday, August 10, 2010. At 15-minute intervals from 8:30 AM until 6:15 PM (one hour after sunrise until one hour before sunset), the people in the park were counted and categorized by activity. From 8:30 AM until 11:00 AM, about 65 people were observed in the square (about 25 walking and about 40 sitting down). From 11:15 AM until 2:30 PM, about 375 people were observed in the square (about 80 walking and about 295 sitting down). From 2:45 PM until 6:15 PM, about 235 people were observed in the square (about 80 walking and about 155 sitting down).

The proposed project's shadow impacts on Jessie Square are depicted graphically on Figures IV.I.6 through IV.I.11, on EIR pp. IV.I.48-IV.I.53.

Jessie Square receives about 126,611,205 sfh of TAAS. Currently, a total of about 35,883,028 sfh of existing annual shadow is cast on the park between one hour after sunrise and one hour before sunset. The amount and duration of shadow varies from day to day depending on the time of day and time of year. On an annual basis, the proposed project would cast about 8,031,176 sfh of net new shadow on Jessie Square at the times of the year and during the times of day described above, which would be an increase of about 22.4 percent relative to the existing annual shadow on the park.

To provide more detail about shadows on Jessie Square, the following paragraph is added immediately after the heading "Jessie Square" on EIR p. IV.I.46 (new text is underlined). This revision does not alter any of the conclusions of the EIR.

Jessie Square receives about 126,611,205 square-foot-hours (sfh) of TAAS. Currently, a total of about 35,883,028 sfh of existing annual shadow is cast on the park; the amount and duration of shadow varies from day to day depending on the time of day and time of year. On an annual basis, the proposed project would cast about 8,031,176 sfh of net new

shadow on Jessie Square, which would be an increase of about 22.4 percent relative to the existing annual shadow on the park.^{NF6}

A new footnote is added to that page as follows (new text is underlined):

^{NF6} CADP, Shadow calculation spreadsheet for Jessie Square. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

Unlike Union Square, Jessie Square is not under the jurisdiction of the Recreation and Park Commission, and it is not subject to Planning Code Section 295. Therefore, no Planning Code-related quantitative standard applies to this park that limits the amount of shadow that could be cast on this park by future development projects. The shadow impacts of each development project are evaluated on a case-by-case basis. Although a 22.4 percent increase in net new shadow due to the development of the proposed project would be substantial, the total quantity of annual net new shadow cast on this park was not the only factor in determining the significance of the proposed project's shadow impact on Jessie Square for CEQA purposes. Other factors include the size of the area shadowed and the duration of the shadow, the time of day and the time of year when the shadow would occur, the areas of the square that would be affected, and how the shadow would impact the use of the affected areas of the square.

As discussed above, the net new project shadow would begin at sunrise and recede as the day progresses. The proposed project would not cast any net new shadow on Jessie Square after approximately 11:00 AM during the spring and autumn, approximately 12:30 PM during the summer, and approximately 9:30 AM during the winter. Some of the seating areas on the eastern side of Jessie Square would be shadowed by the proposed project during the morning throughout the year, but these net new project-related shadows would occur at a time when the park is lightly used and would move off the seating areas by late morning. Additional project-related net new shadow on the square during the morning would not substantially affect the use of the square, which in general is used for passive recreation. For these reasons, the EIR concluded that the proposed project's shadow impact on Jessie Square would be less than significant, and no mitigation measures are required.

One comment states that measures to mitigate the proposed project's shadow impacts on Jessie Square, such as an alternative with a shorter tower that is set back from Jessie Square, should be implemented and specifically references Alternative B (the Existing Zoning Alternative) in the EIR. This suggested alternative is discussed under Response I.3 in Section III.I, Alternatives, RTC pp. III.I.17-III.I.25. For a discussion of other shadow-reducing alternatives that were analyzed in the EIR, please see Response F.6 on RTC pp. III.F.29-III.F.30.

One comment states that even lowering the new building height to 351 feet or 195 feet (as analyzed in the Alternatives, at heights of 351 feet and 196 feet) is not acceptable due to the shadowing of Jessie Square. The project site is adjacent to and east of Jessie Square. Due to the project site's proximity to Jessie Square, the construction of any building on the western portion of the project site exceeding a height of approximately 20 feet would cast net new shadow on Jessie Square.¹⁴ This height envelope, including the maximum height that could be developed before a shadow effect would occur, was determined through a shadow envelope analysis for Jessie Square, which is discussed in more detail under Response I.3. The comment noted above will be forwarded to and may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project, or select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

Cumulative Shadow Analysis

Comments

TR.5.3a

The shadow impact on Union Square is significant. We understood the shadow impact on the transit center. It seemed a worthwhile trade-off with the increased transit service. But that did not mean to open the door to this and other projects, which is caused by the height of the tower. *(Lynn Sedway)*

TR.17.2

What I really feel – and that's in support of what Commissioner Sugaya brought up – that we are being led down a path where the inevitability of shadow allows others to also cast shadows because they're already shadow, so they're making a little bit more shadow. And cumulatively who understands the percentile of what shadow means or not? *(Commissioner Kathrin Moore, San Francisco Planning Commission)*

TR.17.4

And I think the EIR needs to come to terms with not hiding themselves behind the transit center and shadows, but it needs to answer on its own how it basically works, not within the confines of Prop K. I do believe that this building needs to do that. And it needs to be approved and examined on its merit. And at this moment the EIR makes it look as if, because there's already shadow from the transit center, this would be okay to have a little bit more. *(Commissioner Kathrin Moore, San Francisco Planning Commission)*

TR.17.5

As far as the solution is concerned, I do think that all of us need to see an animated shadow study by which each building in the transit center has its own shadow path and its own shadow

¹⁴ The construction of a building no taller than 20 feet on the western portion of the project site would not provide the minimum square footage for The Mexican Museum (35,000 net square feet) specified in Exhibit D, Term B-1, of the May 4, 2010 Exclusive Negotiation Agreement between the project sponsor and the San Francisco Redevelopment Agency (now the Successor Agency to the San Francisco Redevelopment Agency).

consequences; and then as you move along, you combine all of those buildings which create shadow with each other or on their own and determine of what is acceptable or what not. And I think the majority of people I talk to would like to keep Union Square as sunny as they can, because that's part of kind of the heart of the city. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

C.8.2

Much more importantly, the EIR content conveys that the project should not be approved because it creates net new shadow that substantially affects Union Square with a significant cumulative shadow impact. (*Paul Sedway*)

C.12.9

The following issues have only been superficially studied and some are omitted:...

E. Shadowing - cumulative effect of Transbay Terminal, etc on Union Square and Jessie Square (this was not taken into consideration) (*Margaret Liu Collins*)

C.13.6

In addition, I don't believe the study takes into consideration the cumulative effect of shadowing by the currently approved buildings to be built in the area. (*Matthew and Teresa Schoenberg*)

Response F.5

Some comments state that the EIR does not adequately analyze the cumulative shadow impacts from the proposed project, approved and proposed development projects in the Transit Center District, and approved and proposed development projects outside of the Transit Center District. Some comments state that public support for the *Transit Center District Plan* (TCDP), despite its shadow impact on Union Square, was not meant to open the door to other development projects, such as the proposed project, that would shadow Union Square. In addition, one comment expresses concern about the incremental increase in net new cumulative shadow on public open spaces from various development projects and the difficulty in understanding these cumulative shadow impacts. One comment states that the proposed project should be evaluated on its own merits, not just within the context of shadow impacts from other development. A related comment requests an animated shadow study that shows the shadow impacts from each individual proposed building in the Transit Center District, in combination with all of the other proposed buildings in the Transit Center District and the proposed project, in order to assist the decision-makers in determining whether or not additional net new project-specific and cumulative shadow on Union Square is acceptable.

The cumulative shadow impacts from the proposed project and reasonably foreseeable projects are discussed in Section IV.I, Wind and Shadow, on EIR pp. IV.I.58-IV.I.61. The discussion states that potential future development under the TCDP would result in a significant cumulative shadow impact on parks and open spaces in downtown San Francisco and that the proposed

project would make a cumulatively considerable contribution to that significant cumulative shadow impact.

As discussed on EIR p. IV.I.59, the proposed project would cast net new shadow on Jessie Square, but the SFMOMA expansion project, which has already been approved, and development proposed under the TCDP would not. Thus, the proposed project would not combine with other reasonably foreseeable future projects in the project vicinity to result in a cumulatively considerable shadow impact on Jessie Square. For this reason, there would be no cumulative shadow impact on Jessie Square.

As discussed on EIR pp. IV.I.59-IV.I.60, the proposed project and potential future development under the TCDP would cumulatively cast net new shadow on Union Square. As a result of actions taken by the Planning Commission and the Recreation and Park Commission on October 11 and October 18, 2012, the ACLs for seven downtown parks, including Union Square, were increased to allow for shadow cast by development that meets the criteria set forth in the TCDP. These increased ACLs cannot be utilized by projects that do not meet the criteria set forth in the TCDP. In order for the proposed project, which does not meet the criteria set forth in the TCDP, to be implemented, the Planning Commission and the Recreation and Park Commission would have to further increase the ACL for Union Square to an amount that would accommodate the amount of net new shadow cast by the proposed project on Union Square. This decision is made independent of the environmental review process, but the City decision-makers use the EIR as an informational document as part of their deliberations. The proposed project will be evaluated on its own merits. Therefore, approval of potential future development under the TCDP would not “open the door” (as stated in one of the comments) and guarantee approval of the proposed project or other future development in the project vicinity with the potential to cast additional net new shadow on Union Square.

One comment suggests that the quantitative analysis of cumulative shadow impacts, particularly the percentage of net new shadow cast, is difficult to understand. A related comment states that the solution would be to produce an animated shadow study that shows the combined shadow impacts on Union Square from all of the individual proposed buildings in the Transit Center District.

As part of the entitlement process for the approved Transit Tower at 101 First Street, animated shadow videos showing the shadow impacts from the approved Transit Tower and other development envisioned under the TCDP were produced and presented to the Planning

Commission.¹⁵ These animated shadow videos do not show the shadow impacts from other pipeline development projects that are located outside the Transit Center District, such as the proposed project and the SFMOMA expansion project. As part of the entitlement process for the proposed project, the project sponsor intends to produce and present to the Planning Commission an animated shadow video to show how Union Square would be affected by shadow from the proposed project.¹⁶ This animated shadow video is likely to show October 18 (the day that the proposed project would cast maximum net new shadow, in terms of the size of the area shadowed and the duration of shadow, on Union Square). The proposed project would not cast shadow on Union Square at the same time of year as the Transit Tower or other potential future development under the TCDP. As discussed on EIR p. IV.I.42, the proposed project would cast net new shadow on Union Square in the morning from mid-October through early November and from early February through early March. Potential future development under the TCDP, including the Transit Tower, would cast net new shadow on Union Square in the morning from mid-July until late September and from mid-March until late May.¹⁷

In order to clarify when the proposed project and development proposed under the TCDP, respectively, would cast net new shadow on Union Square, the first two paragraphs on EIR p. IV.I.60 are revised as follows (new text is underlined, deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

As stated above, none of the potential future development ~~anticipated~~ under the TCDP would shadow Jessie Square. There would not be new cumulative shadow related to Jessie Square. With respect to Union Square specifically, the net new shadow from these reasonably foreseeable future projects, including potential future development under the ~~draft~~ TCDP, would not occur during the same time of the year as the net new shadow from the proposed project. The proposed project would cast net new shadow on Union Square in the morning from mid-October through early November and from early February through early March. Potential future development under the TCDP, including the Transit Tower, would cast net new shadow on Union Square in the morning from mid-July until late September and from mid-March until late May. ~~Implementation of the proposed project and the reasonably foreseeable future projects identified above, including potential future development under the draft TCDP, would increase the amount of net new shadow on Union Square and would exceed the remaining shadow budget of 323,123 sfh for Union Square.~~

The *Transit Center District Plan and Transit Tower EIR (TCDP EIR)* concludes that potential future development ~~anticipated~~ under the TCDP, including the Transit Tower,

¹⁵ CADP, Animated shadow videos for the TCDP and the Transit Tower. These videos are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2007.0558K and Case File No. 2008.0789K.

¹⁶ Steven Hood, Millennium Partners, email communication, January 3, 2013.

¹⁷ San Francisco Planning Department, *Transit Center District Plan and Transit Tower Final EIR*, May 24, 2012, pp. 508-509. The document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California.

III. Responses to Comments

F. Wind and Shadow Shadow

would have a significant and unavoidable shadow impact, and would contribute to a significant and unavoidable cumulative shadow impact when considered in combination with the proposed project. For the most part, shadows from the TCDP and the proposed project, would not overlap – they would affect different open spaces and, with respect to Union Square, ~~different times of the day and different times of the year.~~^{NF7} Due to the number of proposed development projects adding new shadow and the layering of additional times of day and additional times of the year when the public open spaces would be shadowed, combined with the impact of the TCDP on the use of some of these open spaces, cumulative shadow impacts would be significant and unavoidable. By contributing shadow to different open spaces, or in the case of Union Square, at different times of the day and a different time of the year, the proposed project would ~~contribute~~ considerably make a cumulatively considerable contribution to the significant and unavoidable cumulative shadow impact identified in the *TCDP EIR*.

The following new footnote is added to EIR p. IV.I.60 as part of the text changes above:

^{NF7} With respect to the time of day for shadowing Union Square, there is a one-hour overlap in terms of time periods between the TCDP (7:10 a.m. to 8:40 a.m.) and 706 Mission Street (7:43 a.m. to 9:30 a.m.). The overlap would occur from 7:43 a.m. until 8:40 a.m., but the shadows during this time period would occur at different times of the year.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

One comment states that the EIR content conveys that the proposed project should not be approved because it creates net new shadow that substantially affects Union Square and creates a significant adverse cumulative shadow impact. This comment is inaccurate, because while the EIR is intended to provide information to City decision-makers and interested members of the public regarding the environmental impacts of the proposed project, the EIR does not make conclusions about whether or not the proposed project should be approved. Although the EIR determined that the proposed project would make a cumulatively considerable contribution to a significant cumulative shadow impact on Union Square, this conclusion under CEQA is separate from the determination regarding the proposed project's entitlements, including its compliance with Planning Code Section 295. However, the information in the EIR and the technical background documents (such as computer-generated shadow calculations and shadow diagrams) are used by City decision-makers during their deliberations on the proposed project's compliance with Planning Code Section 295. The EIR does not recommend approval or disapproval of the proposed project or the requested amendments to the ACL for Union Square. That decision is appropriately left to City decision-makers, who may approve, modify, or disapprove the proposed project or one of the project variants, or select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

Mitigation of Shadow Impacts

Comments

TR.16.2

With regards to the shadow and the EIR, I would be interested to know are there any legal or feasible mitigations for shadows or is it just – are there none that exist within the CEQA world? (*Commissioner Cindy Wu, San Francisco Planning Commission*)

TR.17.1

As far as I know, it's shadow or sun. Those are the two alternatives. There's nothing in between. It's a tan or no tan. I'm sorry to say it that way. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

Response F.6

One comment addresses the feasibility of mitigating shadow impacts, and one comment notes that there are no interim or graduated conditions between shadow and sunlight. Shadow impacts can be mitigated in the sense that the size of the area shadowed or the duration of a shadow can be reduced by eliminating or altering the building element that casts the shadow. For this purpose, the EIR analyzed five alternatives, including three alternatives that would not cast net new shadow on Union Square: the No Project Alternative, the 196-foot-tall Existing Zoning Alternative, and the 351-foot-tall Reduced Shadow Alternative.

The No Project Alternative consists of the continuation of the existing conditions on the project site; there would be no construction of a residential tower or space for The Mexican Museum, and there would be no change in the use of the existing Aronson Building for offices and ground-floor retail. The shadow impacts of this alternative on Union Square are discussed in Chapter VII, Alternatives to the Proposed Project, on EIR p. VII.11:

Under the No Project Alternative, there would be no new construction on the Mexican Museum parcel, or modifications to the existing Aronson Building. There would be no change to existing sunlight conditions on Union Square, Jessie Square, or any of the nearby privately owned publicly accessible open spaces and public sidewalks. Unlike the proposed project, the No Project Alternative would not cast net new shadow on Union Square.

The Existing Zoning Alternative consists of a 13-story, 196-foot-tall tower. This alternative would be 354 feet shorter than the proposed project. The shadow impacts of this alternative on Union Square are discussed on EIR p. VII.33:

Unlike the proposed project, the Existing Zoning Alternative would not cast net new shadow on Union Square. A shadow envelope analysis determined that any building at or below a height of 351 feet on the project site would not cast net shadow on Union

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Square.⁵ As a result, the Existing Zoning Alternative would have no project-level shadow impact on Union Square.

[Footnote 5, on EIR p. VII.33, cited in this text:]

⁵ CADP. Shadow Envelope Analysis, April 2009. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

The Reduced Shadow Alternative consists of a 27-story, 351-foot-tall tower. This alternative would be 199 feet shorter than the proposed project. The shadow impacts of this alternative on Union Square are discussed on EIR pp. VII.110-111:

The Reduced Shadow Alternative would not cast net new shadow on Union Square. A shadow envelope analysis¹⁴ concerning Union Square was prepared for the project site. The analysis determined that any building at or below a height of 351 feet on the project site would not cast net shadow on Union Square.

[Footnote 14, on EIR p. VII.110, cited in this text:]

¹⁴ CADP, *706 Mission Street Project Shadow Envelope Analysis*, April 2009.

As part of their deliberations on the proposed project, City decision-makers may approve, modify, or disapprove the proposed project or one of the project variants, or they may select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible. If the City rejects the alternatives as infeasible and approves the proposed project despite its significant and unavoidable impacts, then it must provide specific reasons for rejecting those alternatives and adopt a statement of overriding considerations that weighs the proposed project's overriding benefits against its unavoidable environmental risks. The determination regarding whether or not the proposed project should be approved is made by the City decision-makers as part of the project review and entitlement process, rather than being made as a conclusion within an EIR.

G. PUBLIC SERVICES

Comments

C.12.10

The following issues have only been superficially studied and some are omitted:...

- F. Safety, Police and Fire Services- additional service required due to future [SF]MOMA, and M[o]scone Expansions and Target Store (*Margaret Liu Collins*)

C.34.12

Library – adding residents does increase the number of people that can make use of library services in the neighborhood. As pointed out in the EIR, the closest branches are more than a mile away. We did get some support from the Library to bring a bookmobile to the neighborhood once a month. What would serve the residents well is a mini library / kiosk – to be able to drop off and pick up books. (*Rick Smith*)

Response G.1

One comment suggests that public services, such as safety, police, and fire services, are not sufficiently analyzed in light of the cumulative development with the approved SFMOMA expansion, the proposed expansion of the George R. Moscone Convention Center (on Howard Street between Third and Fourth Streets), and the new Target Store (remodel of existing space now completed) in the existing Metreon building located at the southeast corner of the intersection of Fourth and Mission Streets. Another comment raises questions about the adequacy of library services in the neighborhood as a result of implementation of the proposed project.

The discussion of cumulative development can be handled in two ways in EIRs: a list-based approach or a plan-based approach. As the EIR states in Chapter IV, Environmental Setting, Impacts and Mitigation, p. IV.1:

Cumulative impacts from the proposed project are analyzed for each environmental topic when appropriate. When evaluating cumulative impacts, CEQA envisions the use of either a list-based approach (a list of past, present, and reasonably foreseeable projects, including projects outside the control of the lead agency), a plan-based approach (a summary of projections in an adopted general plan or related planning document), or a reasonable combination of the two.¹ In general, the City and County of San Francisco uses a plan-based approach that relies on local/regional growth projections (i.e., population, jobs, and number and type of residential units). This is the approach that is used for many of the environmental topics in this EIR.

[Footnote 1, on EIR p. IV.1, cited in this text:]

¹ CEQA Guidelines, Section 15130(b)(1).

Thus, for the topic of Public Services, which includes police and fire, as well as library, services, a plan-based approach was used to analyze cumulative development.¹ As the EIR states in Section IV.L, Public Services, p. IV.L.12:

The proposed project's contribution to cumulative public services impacts was analyzed in combination with reasonably foreseeable projects, such as development anticipated under the draft Transit Center District Plan and the Treasure Island/Yerba Buena Island Redevelopment Plan, and in relation to anticipated citywide growth estimates that are consistent with local growth projections.

The comment is concerned that the potential Public Service impacts as a result of the proposed project and project variants was not analyzed for potential cumulative impacts specifically with respect to the SFMOMA expansion, the Moscone expansion, and the new Target Store which has completed moving into existing space in the Metreon at the southeast corner of Forth and Mission Streets. It is important to note that the proposed project and project variants were analyzed in the light of the *Transit Center District Plan* and the *Treasure Island/Yerba Buena Island Redevelopment Plan*² and anticipated these growth projections. The specific projects cited in the comment are well within these projections.

It is also important to note that the projects listed in one of the comments will not greatly affect police, fire, or library services. The new Target store in the Metreon is reusing an already existing retail space without changing the square footage, and thus would not affect public services. The SFMOMA expansion was evaluated in a separate EIR, and was found not to cause a significant impact on public services, either on its own or cumulatively with the *Transit Center District Plan* or with the *East SOMA Area Plan*.³ Both of these plans would create a greater demand on public services than would the proposed project and project variants. The Moscone Convention Center Expansion, currently planned for construction in 2018, will be undergoing its own environmental review once that project is defined. The *706 Mission Street EIR* determined that there are currently adequate public services in this area and that the proposed project would

¹ However, as stated on EIR p. IV.2, for certain topics where impacts are localized and it was more appropriate, the EIR used a list-based approach. The list-based approach was used for the Noise, Air Quality, and Wind and Shadow analyses.

² The *Treasure Island/Yerba Buena Island Redevelopment Plan* will be an important contribution to cumulative demand on public services in the SOMA and Financial District areas because Treasure Island and Yerba Buena Island are in the same police district as 706 Mission Street, they are in the same elementary school area, and the residents of Treasure Island and Yerba Buena Island are connected by a bus route and a bridge to the same part of San Francisco as the 706 Mission project, and would therefore be expected to use the same libraries.

³ *SFMOMA Expansion/Fire Station Relocation and Housing Project EIR*, July 2011, pp. 467-476. A copy of this document is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Case File No. 2009.0291E. While there would be no significant impact on public services, construction of the new fire station would have significant air quality and noise impacts, as discussed in that EIR.

not result in a significant impact, either on its own or cumulatively with reasonably foreseeable projects (EIR pp. IV.L.10-IV.L.14). The analysis recognizes the relocation of the existing fire station at Third and Howard streets to Fifth and Folsom streets as a result of the SFMOMA expansion project.

With regard to the comment concerning adequacy of library services as a result of implementation of the proposed project and project variants, as identified on EIR p. IV.L.12, impacts to library services as a result of the additional residents from the proposed project and project variants were determined to be less than significant because the project's contribution to any additional increase in the citywide population would likely not have a considerable impact on the City's library system. The comment further expresses concern about how far existing libraries are from the project site. As stated on EIR p. IV.L.5, public libraries near the proposed project site are the Chinatown Branch at 1135 Powell Street, 1 mile away; the Main Library, 1.1 miles away; and the Mission Bay Branch at 960 4th Street, 1.3 miles away. While these public libraries are located at least 1 mile away from the project site, they are readily accessible by public transit. For example, the project site is located one block from Powell Street Station, accessible by wheelchair, which is one stop from Civic Center Station on Muni Metro or BART, also accessible by wheelchair, which is, in turn, only 50 feet from the entrance to the San Francisco Main Public Library. Thus, while the San Francisco Main Public Library branch is one mile away from the project site, it need not be a mile of walking.

In addition, the walking or travel trip to the library can be avoided in many ways: books already checked out can be renewed online, the San Francisco Public Library has e-books for download,⁴ and the Library on Wheels has an extensive travel schedule throughout San Francisco.⁵

Thus, the EIR does consider project-related impacts and cumulative impacts and concludes that there would be no significant impact on public services (pp. IV.L.10-IV.L.14).

⁴ Available at: <http://sfpl.org/index.php?pg=0000000301>, accessed on October 2, 2012.

⁵ The Library on Wheels schedule is available at: <http://sfpl.org/index.php?pg=2000145301>, accessed on October 2, 2012.

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H. GEOLOGY AND SEISMIC HAZARDS

Comment

C.12.11

The following issues have only been superficially studied and some are omitted:...

G. In case of Earthquake and disaster. (*Margaret Liu Collins*)

Response H.1

The comment states that among the issues discussed in the EIR superficially or omitted altogether are earthquakes and other disasters. The EIR presents an entire section devoted to geology and soils (Section IV.N, Geology and Soils) which covers earthquake-related hazards. As noted in the first paragraph on EIR p. IV.N.1, the analysis relies on two technical reports that were prepared specifically for the proposed project: the *Updated Preliminary Geotechnical Study*, prepared for 706 Mission Street by Treadwell & Rollo; and the *Geotechnical Investigation – Proposed Mexican Museum Report*, prepared by Trans Pacific Geotechnical Consultants, Inc.

Potential seismic hazards such as surface fault rupture, ground shaking, liquefaction, and earthquake-induced settlement on the project site are discussed on EIR pp. IV.N.10-IV.N.12. The potential for surface fault rupture is discussed on EIR p. IV.N.10, which states that the project site is not at risk for surface fault ruptures because “no mapped active faults are known to pass through the immediate vicinity of the project site.” The EIR states on that page that “strong ground shaking from a major earthquake could affect the project site during the next 30 years” and that “earthquakes on the active faults (listed in Table IV.N.2, p. IV.N.7) are expected to produce a range of ground shaking intensities within the project site.” Liquefaction is discussed on EIR p. IV.N.11, which states that the California Geological Survey’s Seismic Hazards Zonation Program map for San Francisco County indicates that the project site is located in an area of liquefaction potential, and that the project site is underlain with medium dense Dune sand below the high groundwater level, which creates a potential risk of liquefaction at the project site in the event of an earthquake. On p. IV.N.13, the EIR further states that “the depth of excavation required for the basement of the new building would be expected to remove all of these deposits such that settlement or differential settlement would not be an issue for the new building.”

As noted on EIR p. IV.N.14, the project site is located in an area classified in the California Building Code as Seismic Zone 4, the highest risk category of the four seismic zones designated in the United States, as is the entire San Francisco Bay Area. The project site, along with all

development sites in the Bay Area, therefore has the most stringent requirements for seismic design. Under the discussion of Impact GE-1 on p. IV.N.18, the EIR states:

The building foundation for the proposed project tower would require a mat and/or pile foundations that are anchored in more structurally solid materials. The structural load of the proposed tower would likely be accommodated through the thickening of the existing mat slab foundation, the installation of drilled piles, or a combination of the two.²⁸ Buildings that have implemented these measures during construction have had superior results during earthquakes, and these measures would ensure that the proposed project would have a less-than-significant impact with respect to the risk of loss, injury, or death involving rupture, ground-shaking, liquefaction, or landslides.

The foundation of the existing historic Aronson Building would be evaluated prior to construction and upgraded as necessary, including, potentially, deepening and/or widening of existing footings and/or adding new foundations for new shear elements or new footings.²⁹ These retrofit measures would ensure that the proposed project would have a less-than-significant impact with respect to the risk of loss, injury, or death involving rupture, ground-shaking, liquefaction, or landslides.

[Footnotes 28 and 29, on EIR p. IV.N.18, cited in this text:]

²⁸ *Updated Preliminary Geotechnical Study*, pp. 6-7.

²⁹ *Updated Preliminary Geotechnical Study*, pp. 6-7.

Thus, the EIR adequately analyzes the nature of seismically induced hazards and natural disasters, as required under CEQA, and no further analysis is needed.

I. ALTERNATIVES

Adequacy of EIR Alternatives / Comments Suggesting that the EIR Analyze Additional Alternatives

Comments

TR.13.8

I do believe that this EIR needs to address a project which performs within the limitations that the code and the rules as they exist pose for us; and then we can talk about everything else. I just need to put that to record because that is personally important to me. And I think – I believe that’s one of the reasons why I sit here. (*Commissioner Kathrin Moore, San Francisco Planning Commission*)

TR.14.7

And, of course, they did a lot of different variants of heights and different things that have been brought up. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

C.2.3

I suspect that an economically feasible building can be permitted that would not create risk, hardship, and negative impact on the surrounding residents and visitors. Such a project would be and should be materially smaller in size and density (*Andrew Midler*)

C.3.11b

DEIR Chapter VII, Alternatives to the Proposed Project, reviews a range of alternatives, including Alternatives B and E, respectively the Existing Zoning Alternative and the Reduced Shadow Alternative. These are the only two alternative projects studied that would not cast a total of 337,744 square feet of annual new shadow on Union Square. The DEIR indicates that neither Alternative B nor E would cast any new shadow on Union Square. This is because the DEIR states on pp. VII 33 and 110 that “A shadow envelope analysis determined that any building at or below a height of 351 feet on the project site would not cast net shadow on Union Square.” Thus both Alternative B at 196 feet and Alternative E at 351 feet would avoid adding any new shadow on Union Square during times that are subject to Planning Code Section 295. Thus these are the only two alternatives that are environmentally acceptable in regard to their impact on Union Square. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.6.5

For these reasons, concerning additional burdens that further decrease orderly and safe traffic flow, emergency vehicle access, shadowing, and wind effects, we feel that the 706 Mission Street tower project in its present proposed location, with its height, density, and associated problems of creating further overloading a historically problematic Stevenson Alley west of Third Street, is ill-conceived and will create multiple additional problems in an already frequently grid locked area. Rather it should have been located in the area east of Third Street, perhaps near the new Transit Terminal, where its height, mass, and scale impacts would not have had nearly as much negative effect as it no doubt will have with its present proposed site and size if you allow this project to proceed as presented in the current Draft EIR. We urge you to consider our many concerns when making your final determination regarding the 706 Mission Street Tower project.

Thank you for your thoughtful consideration of the many detrimental factors associated with this potentially negatively-impacting project with its currently proposed location, density, access, height, and use issues, all of which are of understandably considerable concerns to us as residents as well as to the many other daily users of the facilities of The Four Seasons, the L.A. Sports Club, and the Jessie Square Garage. *(Jack and Gloria Clumeck)*

C.34.5

I'd like to see an alternative proposal which was 0.25 cars per unit with the other spaces used to support car share, cabs, and easy deliveries. Make it compelling for an urban car free dweller to live. *(Rick Smith)*

C.25.4

Consequently, as concerned citizens of this City, as residents of a very nearby building who are likely to be severely burdened by the project as currently planned, and as persons eager to improve, not deteriorate, one of the City's most attractive neighborhoods, we urge the Planning Department to take action as follows.

- Require the building to be much smaller (and thus much lower in height, complying with existing height restrictions in the area) so that whatever burden it imposes on traffic patterns is lessened and so that the effects of shadowing on the public spaces of Jessie Square and even Union Square are lessened. *(Penelope Wong and Tim Kochis)*

C.30.1

As an individual and on behalf [o]f San Franciscans for Reasonable Growth - one of the groups that called for passage of the San Francisco proposition which BANNED additional shadow on Union Square and other public parks, I join with those who called for the inclusion as a REAL ALTERNATIVE in the EIR, one which casts no additional shadows on Union Square. *(Sue C. Hestor)*

Response I.1

These comments question the range of the alternatives analyzed in the EIR in Chapter VII, Alternatives to the Proposed Project, suggesting that additional alternatives should be analyzed in the EIR. The suggested alternatives include a code compliant alternative; a smaller density and size development alternative that would not create risk, hardship, and negative impacts on surrounding residents and visitors to the area; an alternative that would create no net new shadow on Union Square; an alternative location for the proposed project to the east of Third Street; an alternative with a parking ratio of 0.25 space per unit, with the remaining spaces used to support car share, cabs and easy deliveries; and an alternative that is smaller and lower in height and complies with existing height restrictions to lessen the project's traffic and emergency vehicle access impacts, wind impacts, and shadow impacts on Jessie Square and Union Square. One comment acknowledges that the EIR includes many different project variants and alternatives exploring a range of heights and other characteristics.

Adequacy of EIR Alternatives

The range of alternatives analyzed in the EIR is adequate. The CEQA Guidelines recognize that the range of conceivable alternatives to a proposed project, and variations thereto, is potentially vast. CEQA Guidelines Section 15126.6(a) requires only that an EIR consider a reasonable range of alternatives that will foster informed decision-making, and limits the range of alternatives to the “rule of reason,” as discussed in the EIR in Chapter VII, Alternatives to the Proposed Project, p. VII.1:

CEQA Guidelines Section 15126.6(a) requires that an EIR evaluate “a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic project objectives but would avoid or substantially lessen any of the significant effects, and evaluate the comparative merits of the alternatives.” An EIR need not consider every conceivable alternative to a proposed project. Rather, it must consider a range of potentially feasible alternatives governed by the “rule of reason” in order to foster informed decision-making and public participation (CEQA Guidelines Section 15126.6(f)).

CEQA Guidelines Sections 15126.6(f)(1) and (f)(3) state that “among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)” and that an EIR “need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.” The final determination of feasibility will be made by project decision-makers based on substantial evidence in the record, which includes, but is not limited to, information presented in the EIR, comments received on the Draft EIR, and responses to those comments.

The purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any of the significant effects of the proposed project identified in the EIR, and to foster informed decision-making and public participation by disclosing the comparative environmental consequences of alternatives vis-à-vis the proposed project. The range of potential alternatives should also include those that could feasibly attain most of the basic objectives of the proposed project. Among the factors to be considered regarding feasibility are site suitability, jurisdictional boundaries, and whether the project sponsor can reasonably acquire or have access to an alternative site (CEQA Guidelines Section 15126.6(f)(1)). An EIR should also identify alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process, and explain the reasons underlying this determination. Among the factors that may be considered are failure to meet most of the basic objectives of the proposed project and inability to avoid or reduce significant environmental impacts. The final determination of the feasibility of alternatives is made by the decision-makers,

based on substantial evidence in the entire record, which includes, but is not limited to, information presented in the EIR, comments received on the Draft EIR, and responses to those comments. Decision-makers can approve, disapprove, or modify the proposed project, one of its variants, or one of the project alternatives as part of their deliberations on the proposed project.

The Planning Department included a range of reasonable alternatives for analysis in the *706 Mission Street EIR*. The EIR analyzes five project alternatives: the required No Project Alternative, the 196-foot-tall Existing Zoning Alternative, the 550-foot-tall Separate Buildings Alternative, the 550-foot-tall Increased Residential Density Alternative, and the 351-foot-tall Reduced Shadow Alternative.

Under CEQA Guidelines Section 15126.6(e), the purpose of the No Project Alternative is “to allow decision-makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” The No Project Alternative presented in the EIR consists of the continuation of the existing conditions on the project site. Under the No Project Alternative, there would be no construction of a residential tower and no developed space would be provided for The Mexican Museum. There would be no change in the use of the existing Aronson Building as offices with ground-floor retail. Under the No Project Alternative, existing transportation and circulation conditions would continue. The shadow impacts of this alternative on Union Square are discussed on EIR p. VII.11:

Under the No Project Alternative, there would be no new construction on the Mexican Museum parcel, or modifications to the existing Aronson Building. There would be no change to existing sunlight conditions on Union Square, Jessie Square, or any of the nearby privately owned publicly accessible open spaces and public sidewalks. Unlike the proposed project, the No Project Alternative would not cast net new shadow on Union Square...

The Existing Zoning Alternative consists of a 13-story, 196-foot-tall tower constructed adjacent to and west of the Aronson Building. The Existing Zoning Alternative would be 34 stories, or 354 feet, shorter than the proposed 47-story, approximately 550-foot-tall tower with the proposed project. Development under this alternative would be limited to a maximum horizontal dimension of 170 feet and a maximum diagonal dimension of 200 feet. The envelope of the new building under the Existing Zoning Alternative would be constrained by the maximum Floor Area Ratio (FAR) of 9.0 to 1, with the purchase of Transferable Development Rights (TDR); therefore, the height of the building under this alternative would be 196 feet tall. Under this alternative’s residential flex option, there would be up to 74 dwelling units (141 units less than the proposed project’s 215 units) and approximately 4,800 gross square feet (gsf) of retail/restaurant space. Under this alternative’s office flex option, there would be approximately 50 dwelling units (141 units less than the proposed project’s 191 units under this option) and approximately 52,560 gsf of office space (8,760 gsf less than under the proposed project’s 61,320 gsf of office space), and

4,800 gsf of retail/restaurant space (the same as under the proposed project). This alternative would also provide an approximately 45,000-gsf cultural space for The Mexican Museum, located on the first and second floors of the new building and the first through fourth floors of the Aronson Building, compared to approximately 52,285 gsf of cultural space provided for the museum under the proposed project. Under the Existing Zoning Alternative, project travel demand would be less than under the proposed project. Traffic impacts at the study intersections would be similar to, but less than, those of the proposed project. The shadow impacts of this alternative on Union Square are discussed on EIR p. VII.33:

Unlike the proposed project, the Existing Zoning Alternative would not cast net new shadow on Union Square. A shadow envelope analysis determined that any building at or below a height of 351 feet on the project site would not cast net shadow on Union Square.⁵ As a result, the Existing Zoning Alternative would have no project-level shadow impact on Union Square.

[Footnote 5, on EIR p. VII.33, cited in this text:]

⁵ CADP. Shadow Envelope Analysis, April 2009. This document is available for public review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

The Separate Buildings Alternative consists of a new 47-story, 550-foot-tall building constructed adjacent to, but separate from, and west of the Aronson Building. The Mexican Museum would occupy space on the first through fifth floors of the new building. The new building would include up to 187 residential units (four units less than the 191-unit proposed project under the office flex option). Unlike the proposed project, the new building would not be connected to the Aronson Building to minimize alterations to the historic fabric of the Aronson Building. Unlike the proposed project, the Separate Buildings Alternative would not include a residential flex option. The second through tenth floors of the Aronson Building would be occupied by 78,840 gsf of office uses (17,520 gsf more than the proposed project), and the ground floor would be occupied by a retail/restaurant use. Unlike the proposed project, the Separate Buildings Alternative would not undertake the full scope of rehabilitation and restoration of the Aronson Building as proposed under the project; only repairs and improvements necessary to prevent further deterioration of the Aronson Building and/or to permit continued occupancy of the Aronson Building would be undertaken. Under the Separate Buildings Alternative, missing features would not be replaced; the non-historic fabric that detracts from the building's character would not be removed, except for the 1978 annexes on the north and west façades; and there would be no other improvements made to restore the building's character. This alternative would include a down ramp along the north side of the Aronson Building from Third Street. The existing curb cut on Third Street would be used to provide vehicular ingress to the existing Jessie Square Garage both by project residents for below-grade valet access and for project-related delivery and service vehicles via a ramp. Under the Separate Buildings Alternative, project travel demand would be slightly greater than, but similar to, demand under the proposed project. As

with the proposed project, the impact on traffic operations under this alternative would be less than significant. Shadow impacts under the Separate Buildings Alternative would be identical to those of the proposed project due to the fact that the height and urban form would be the same under the alternative as under the project.

The Increased Residential Density Alternative consists of a new 47-story, 550-foot-tall building constructed adjacent to and west of the Aronson Building parcel. As with the proposed project, the Aronson Building would be restored and rehabilitated, and the new building would be connected to the Aronson Building. As with the proposed project, seven floors in the Aronson Building would be designated as flex space for either the residential or office flex options. The fourth through tenth floors of the Aronson Building are currently occupied by approximately 61,320 gsf of office space, which would either be converted from office use to residential or remain as office use under this alternative. Under the residential flex option, these seven floors would be converted from office space to up to 42 residential units, which would result in up to 325 residential units (110 more units than the 215-unit proposed project under the residential flex option) and no office space. Under the office flex option, these seven floors would continue to be used as office space, which would result in up to 283 residential units (92 more units than the 191-unit proposed project under the office flex option) and approximately 61,320 gsf of office space. As with the proposed project, the Increased Residential Density Alternative would use the existing curb cut on Third Street to provide residential vehicular ingress to the existing Jessie Square Garage. As with the proposed project, this alternative would include a residential drop-off area (vehicular access would be the same as under the proposed project). Under the Increased Residential Density Alternative, the number of weekday PM peak hour person and vehicle trips generated by the proposed uses would be substantially greater than the number of trips under the proposed project. However, as with the proposed project, the impact on traffic operations under this alternative would be less than significant. Shadow impacts under the Increased Residential Density Alternative would be identical to those of the proposed project due to the fact that the height and urban form would be the same under the alternative as under the project.

The Reduced Shadow Alternative consists of a 27-story, 351-foot-tall tower constructed adjacent to and west of the Aronson Building. The Reduced Shadow Alternative would be 20 stories, or approximately 199 feet, shorter than the 550-ft-tall tower under the proposed project.

Development under this alternative would be limited to a maximum horizontal dimension of 170 feet and a maximum diagonal dimension of 200 feet. The FAR for the Reduced Shadow Alternative would be approximately 7.3:1, and would require the purchase of TDR for FAR over 6:1 pursuant to the requirements under the current C-3-R zoning district. Under this alternative's residential flex option, there would be up to 186 dwelling units (29 less than the proposed project's up to 215 units), no office space, and approximately 4,800 gsf of retail/restaurant space (the same as under the proposed project). Under this alternative's office flex option, there would

be approximately 162 dwelling units (29 less than the proposed project's up to 191 units) and approximately 52,560 gsf of office space and 4,800 gsf of retail/restaurant space (the same as under the proposed project). This alternative would also provide an approximately 45,000-gsf cultural space for The Mexican Museum (7,285 gsf less than under the proposed project's 52,285 gsf of cultural space). Under the Reduced Shadow Alternative, project travel demand would be less than demand under the proposed project. Traffic impacts at the study intersections would be similar to, but less than, those of the proposed project. The shadow impacts of this alternative on Union Square are discussed on EIR pp. VII.110-VII.111:

The Reduced Shadow Alternative would not cast net new shadow on Union Square. A shadow envelope analysis¹⁴ concerning Union Square was prepared for the project site. The analysis determined that any building at or below a height of 351 feet on the project site would not cast net shadow on Union Square.

[Footnote 14, on EIR p. VII.110, cited in this text:]

¹⁴ CADP, *706 Mission Street Project Shadow Envelope Analysis*, April 2009.

These EIR alternatives satisfy the requirements of CEQA and no additional EIR alternatives are required. Over the course of project development, the Planning Department considered a number of alternatives identified by the community, responsible agencies, and the applicant. The screening process for identifying viable alternatives included, but was not limited to, consideration of the following criteria: potential ability to substantially lessen or avoid significant environmental effects associated with the proposed project; ability to meet the project objectives; and feasibility of developing the alternative on the site including site suitability, economic viability, and whether the project sponsor can reasonably acquire, control, or otherwise have access to the alternative site, as described under CEQA Guidelines Section 15126.6(f)(1). As part of the EIR certification review and project approval process, decision-makers will consider feasibility of an alternative and whether it would substantially lessen or avoid significant environmental impacts identified for the proposed project.

As described on EIR pp. VII.117-VII.118, four other alternatives were considered by the project sponsor, the San Francisco Planning Department as lead agency, or the Successor Agency, but were rejected as infeasible during the design development and scoping process. These alternatives are: (i) an Off-Site Alternative, which would consist of a similar project design and programming, but in a different, though comparable, in-fill location within the City and County of San Francisco; (ii) a Freestanding Alternative, which would result in a development on the Mexican Museum parcel of a freestanding museum with no development, including rehabilitation of the Aronson Building, on the 706 Mission Street parcel; (iii) an Office Use Alternative, which would include only office use in both the proposed tower and Aronson Building; and (iv) the Elliptical Tower Plan originally submitted to the Planning Department by the project sponsor on September 11, 2008, which called for partial demolition of the Aronson Building and the new construction of a 42-story, approximately 630-foot-tall tower to the west of, adjacent to, and partially within, the

Aronson Building at its northwest corner. The reasons why these alternatives were rejected are discussed on EIR pp. VII.117-VII.118.

Preferred or Suggested Alternatives from Comments

Comments expressing a preference for particular alternatives presented in the EIR, or comments suggesting particular design schemes not presented in the EIR, can be construed as comments on the merits of the proposed project. As discussed in Section III.L, Comments on the Merits of the Proposed Project, in Response L.1 on RTC pp. III.L.5-III.L.7, comments on the merits of the proposed project may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project, or one of its variants or alternatives. This consideration is carried out after certification of the Final EIR.

Suggested Code-Complying Alternative

Some comments express support for an alternative that complies with existing Planning Code requirements. A code-complying Existing Zoning Alternative was analyzed in the EIR in order to provide an alternative that meets all applicable provisions of the Planning Code. Unlike the proposed project, this alternative would not conflict with any applicable land use plan, policy, or regulations with jurisdiction over the project site. Comments expressing a preference for the approval of a code-complying alternative over the proposed project do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts and do not require any additional response in this Responses to Comments document under CEQA Guidelines Section 15088. As discussed above, comments on the merits of the proposed project, its variants, or its alternatives may be considered and weighed by the decision makers as part of their decision to approve, disapprove or modify the proposed project, its variants, or its alternatives. This consideration is carried out after certification of the EIR.

Suggested Off-Site Alternative

One comment suggests that the proposed project be located to the east of Third Street, closer to the Transbay Transit Center, to lessen environmental impacts that would result from the proposed height, bulk, and density on the project site. As discussed on EIR p. VII.117, an "Off-Site Alternative" was considered and rejected in the EIR alternatives selection process because such an alternative would not meet the most of the basic project objectives of the Successor Agency and the project sponsor.

An Off-Site Alternative that would consist of a similar project design and programming, but in a different, though comparable in-fill location within the City and County of San Francisco was considered but rejected. An Off-Site Alternative would not meet many of the project objectives of the Successor Agency or private project sponsor, particularly the objective of completing the

redevelopment of the Yerba Buena Center Redevelopment Project Area and providing for the development of a museum facility and endowment for The Mexican Museum on the Successor Agency-owned property adjacent to Jessie Square. An Off-Site Alternative was also rejected since it would not include rehabilitation of the Aronson Building.

Suggested Reduced Shadow on Union Square Alternative

Some comments express support for an alternative that that would not cast any net new shadow on Union Square. The EIR analyzes the 351-foot-tall Reduced Shadow Alternative, which would reduce shadow impacts when compared to the 550-ft-tall proposed project. Similar to the Existing Zoning Alternative, this alternative also would not conflict with applicable land use plans, policies, or regulations. As stated on EIR p. VII.116, the reduced building height of the new tower under this alternative would substantially reduce shadow impacts and, unlike the proposed project, would not create net new shadow on Union Square. However, shadow under this alternative could still reach some of the same public open spaces, privately owned publicly accessible open spaces, and public sidewalks that would be shadowed by the proposed project and therefore could result in a cumulatively considerable contribution to a significant cumulative impact related to shadow as identified in the Transit Center District Plan (TCDP) EIR.

Comments expressing preference for an alternative that creates no net new shadow on Union Square rather than for the proposed project do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts and do not require any additional response in this Responses to Comments document under CEQA Guidelines Section 15088. As discussed above, comments on the merits of the proposed project, its variants, or its alternatives may be considered and weighed by the decision makers as part of their decision to approve, disapprove or modify the proposed project, its variants, or its alternatives. This consideration is carried out after certification of the EIR.

The EIR considers two alternatives that call for a shorter tower: Alternative B: Existing Zoning (196 feet tall), on EIR p. VII.15, and Alternative E: Reduced Shadow (351 feet tall), on EIR p. VII.92. As discussed above, under the subheading "Adequacy of EIR Alternatives" in Response I.1 on RTC pp. III.I.3-III.I.8, the range of alternatives analyzed in the EIR is adequate under CEQA.

Comments that suggest alternatives aimed specifically at reducing shadow on Jessie Square merit a separate response and are grouped separately below under the subheading "Suggested Alternatives to Reduce Shadow Impacts on Jessie Square," on RTC p. III.I.15-III.I.25.

Suggested Reduced Traffic Alternative

Comments suggest alternatives to the proposed project that would reduce traffic-related impacts of the proposed project. A traffic-reducing alternative to the proposed project is not required in the EIR under CEQA. CEQA Section 15126.6(a) requires alternatives that “would avoid or substantially lessen any of the *significant* effects of the project” (*emphasis added*). The proposed project would not result in any significant physical environmental impacts related to the topic of Transportation and Circulation. However, the No Project Alternative, the Existing Zoning Alternative, and the Reduced Shadow Alternative would reduce project trip generation, and therefore, reduce the project’s less-than-significant transportation and circulation impacts. Comments on the merits of the proposed project, its variants, or its alternatives may be considered and weighed by the decision makers as part of their decision to approve, disapprove or modify the proposed project, its variants, or its alternatives. This consideration is carried out after certification of the EIR.

Suggested Reduced Parking Alternative

As noted above, a comment suggests that the EIR should include an alternative that provides fewer parking spaces per dwelling unit (0.25 per unit), with the other available garage spaces used to support car share, cabs, and easy deliveries. As stated in Section IV.E, Transportation and Circulation, EIR p. VI.E.55, San Francisco does not consider parking supply as part of the permanent physical environment and therefore does not consider changes in parking conditions to be environmental impacts as defined by CEQA. As discussed in Response E.5 in Section III.E, Transportation, RTC pp. III.E.44-III.E.49, because the project’s trip generation is based on the square footage of the proposed land uses, providing for less parking for the residential units would not result in fewer transportation impacts, which the EIR identified as less than significant. Therefore, the EIR does not include any specific alternative to address project-related parking issues. As described on EIR p. IV.E.56, the proposed project would reconfigure the existing Jessie Square Garage from 372 public parking spaces and 70 spaces reserved for the nearby Sports Club/LA (a total of 442 parking spaces), to 210 public parking spaces and 260 private reserved parking spaces (for a total of 470 parking spaces). The 210 public parking spaces would include 11 handicapped accessible spaces (10 standard plus one van space on Level B1), and 5 car-share spaces. The allocation per use of the 260 private reserved spaces would vary by flex option of the project. The residential flex option would include up to 215 spaces for the residential dwelling units, 43 spaces reserved for leased parking, and 2 car-share spaces. The office flex option would include up to 191 spaces for the residential dwelling units, 68 spaces reserved for leased parking, and 1 car-share parking space.

While the EIR does not include any separate reduced parking alternative, the Existing Zoning Alternative, EIR p. VII.27, does analyze an alternative parking proposal that would not convey

the below-grade, four-level, 442-space Jessie Square Garage to the project sponsor. Therefore, all 442 existing parking spaces within the garage would continue to be available to the general public and there would be no dedicated parking for residential uses within the project site. The Reduced Shadow Alternative presented in the EIR, like the proposed project, would provide 260 private parking spaces for project uses and 210 public parking spaces. Comments on the merits of the proposed project, its variants, or its alternatives may be considered and weighed by the decision makers as part of their decision to approve, disapprove or modify the proposed project, its variants, or its alternatives. This consideration is carried out after certification of the EIR.

Suggested Elliptical Tower Plan Alternative

Other comments not grouped in this comment sub-category also suggest an Elliptical Tower Plan alternative as a means of reducing impacts related to the topics of Aesthetics and Transportation and Circulation. Such comments are grouped separately above under the subheading “Preferred or Suggested Alternatives from Comments,” RTC pp. III.I.8-III.I.11. However, the discussion under the subheading “Adequacy of EIR Alternatives” in Response I.1, RTC pp. III.I.3-III.I.8, applies to this comment suggestion for an Elliptical Tower Plan Alternative as well.

Comments

TR.3.4

And another alternative which is not addressed in the EIR, that is the very creative proposal designed by Enrique Norten in 2007. The EIR says this option was rejected by the Planning Department because it was disfavored by the Planning staff based on impact on the Aronson Building and on the aesthetics of an elliptical tower. However, the EIR, on page [IV].I-60, says that the tower was shifted to the west to avoid shadowing under Proposition K. We believe this is the case.

In any case, we urge the Commission to restudy this superior alternative which was not addressed in the EIR, make modifications, and accept the report’s finding that the existing zoning alternative at 400 feet versus the 550 feet and a 6.1 floor-area ratio versus the 12.1 floor-area ratio in the proposal will be made compatible with the neighborhood. (*Paul Sedway*)

C.8.4

There is, in fact yet another alternative which was originally proposed by the project proponent, which would not only protect Union Square if it were lowered from its 630 feet to 351 feet or 195 feet, but also Jessie Plaza, which it would otherwise dominate. This is the original, highly creative and striking proposal by Enrique Norten of New York in 2007 of a Mexican Museum structure attached to the elliptical tower which is set back about 40 feet from Jessie Square. This alternative, called the Elliptical Tower Plan, should have been and now should be assessed.

That was not done, according to the EIR at page VII.118, because it was (quote) “disfavored by Planning Department staff because of its impact on the physical integrity of the Aronson Building, as well as (due to) staff concerns regarding aesthetics related to the elliptical tower design”. However, elsewhere in the EIR on page IV.I.60, the authors state “That the (original)

proposal was modified to reflect a shorter and more slender rectangular tower design that was shifted to the west on the project site to reduce shadow on Union Square.” (emphasis supplied) We believe that this latter reason was the actual one.

In making this shift and changing the building plan a building is being proposed that totally dominates Jessie Square and actually protrudes into it for ten feet, and also buries the Mexican Museum within the tower and Aronson, rather than giving the museum the scale, identity and prominence it deserves. The so-called Elliptical tower at a lower height would keep Jessie Square at a human scale, and retain its pleasant, sunny enclosure of 40-50 foot buildings and structures that create a multi-cultural setting for civic activity, rather than having it become the forecourt of a residential tower.

I urge the Commission to restudy this superior alternative as modified and recognize the report’s finding that the Existing Zoning Alternative would be environmentally superior to all others. (*Paul Sedway*)

C.33.6

6. The obvious confusion or obfuscation in the Draft EIR relating to abandonment of the original design of the tower should be reconciled, where in one EIR location it is stated that the original design was rejected because of the aesthetic disfavor of the elliptical design and concern for Aronson by staff and in a totally separate section, that it had been rejected and shifted westward because of its shadowing of Union Square, strongly suggesting that the latter was indeed the central concern. (*Paul H. Sedway*)

C.35.12

While the original submittal by the Project Sponsor was far too tall at 650 feet and should like Alternatives B and E be reduced to a height that would not generate new shadow on Union Square (351 feet or less), it seems highly unusual that this original approach that had all traffic entering and exiting on Mission Street and was set back 40 feet from Jessie Square would not only be rejected outright by Planning Staff before any environmental evaluation had been done (see page VII.118), but that a reduced height alternative between 196-351 feet would not have been considered as a potential alternative. My letter of July 26, 2012 points out why that design would not only significantly reduce shadows on Jessie Square but also tie in better aesthetically with the Contemporary Jewish Community Museum (“CJM”) and St. Patrick’s Church. This letter shows (as demonstrated in Memorandum from Nelson Nygaard dated July 24, 2012 and attached as an exhibit to my letter of July 26, 2012) that having all vehicular ingress and egress from Mission Street would be superior to Variants 1-5 proposed by City Planning. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Association*)

Response I.2

Several comments express a preference for a 2007 design by Architect Enrique Norten for the project site for a tower that was elliptical in plan. According to comments, the elliptical tower under such a scheme was set back from Jessie Square by about 40 feet and had all vehicles entering and exiting the project site from Mission Street. It should be noted, however, there was never any formal application submitted by the project sponsor to the San Francisco Planning Department that presented this referenced 2007 design.

The project sponsor submitted a project proposal to be considered by the Planning Department as part of the original Environmental Evaluation Application (Case No. 2008.1084E), dated June 30, 2008.¹ Project plans accompanying the Environmental Evaluation Application are by Handel Architects and are dated June 20, 2008. The 630-ft-tall elliptical tower under the original 2008 project proposal was set back from the west property line shared with Jessie Square by approximately 15 feet, 9 inches, not 40 feet. The original 2008 project proposal included a three-story podium base to be occupied by The Mexican Museum that cantilevered 10 feet over the property line shared with Jessie Square. Under this original project proposal, resident and delivery vehicles could exit the project site by the existing curb cut along Mission Street, and could enter and exit the project site from the existing vehicular entrance and exit on Stevenson Street. Residents' vehicles could also enter and exit the project site at an existing curb cut along Third Street at the northeast corner of the project site.

As discussed in Chapter VII, Alternatives to the Proposed Project, on EIR p. VII.118 under the subheading "Alternatives Considered and Rejected," the elliptical tower scheme was not selected by the Planning Department due to a variety of reasons, separate from any CEQA analysis and/or determinations, including impacts on the physical integrity of the historic Aronson Building, aesthetics impacts, and the location of the tower. That discussion is presented below and is also revised in response to comments to clarify the characteristics of the original elliptical tower project proposal and to add the issue of shadow on Union Square as an additional reason for the Planning Department's recommendation that the original scheme be revised (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

Elliptical Tower Plan. The project sponsor ~~originally~~ submitted the original project proposal to be considered by the Planning Department as part of the original Environmental Evaluation Application (Case No. 2008.1084E), dated June 30, 2008. The original project proposal called for demolition of the rear and side walls of the historic Aronson Building and about half of the each floor plate, and construction of a 630-foot-tall, 42-story elliptical tower to the west of the historic Aronson Building and over the western three-fifths of the Aronson Building's length. The elliptical tower under the original project proposal was set back from the property line shared with Jessie Square by approximately 15 feet, 9 inches. The original project proposal included a three-story podium base to be occupied by the Mexican Museum which cantilevered 10 feet over the property line shared with Jessie Square. Under the original project proposal, resident and delivery vehicles could ~~would~~ exit the project site by an existing curb cut along Mission Street., and could also ~~vehicles would~~ enter and exit the project site from the existing vehicular entrance and exit on Stevenson Street. Resident vehicles could also ~~would~~ enter and exit the project site at an existing curb cut along Third Street at the northeast corner of the project site. ~~The Environmental Evaluation Application, as originally~~

¹ Environmental Evaluation Application, Case No. 2008.1084E, June 30, 2008. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

~~submitted to the Planning Department on September 11, 2008, called for partial demolition of the Aronson Building and construction of a 42-story, approximately 630-foot tall tower to the west of, adjacent to, and partially within, the Aronson Building at its northwest corner.~~ This scheme was disfavored by Planning Department staff ~~both~~ because of its impacts on the physical integrity of the historic Aronson Building, as well as due to staff concerns regarding aesthetics related to its elliptical tower plan design. In addition, the location of the original tower over the western portion of the Aronson Building was shifted to the west in the currently proposed project design in order to reduce net new shadow on Union Square.

Some comments further express a preference for a modified elliptical tower scheme that would shorten the elliptical tower (from 630 feet as originally proposed, to a height of either 195 feet, 351 feet, or 400 feet), reducing the FAR, and that would also locate the elliptical tower further west from Jessie Square to reduce the project's aesthetic and shadow impacts on Jessie Square. One comment also states that such a reduced height version of the project sponsor's original building design submittal would tie in better aesthetically with the nearby Contemporary Jewish Museum and St Patrick's Church buildings. Comments also recommend that all vehicular egress and ingress be from Mission Street to reduce transportation impacts.

Comments expressing preference for the original elliptical tower scheme, or variations thereof, over the proposed project do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts and do not require any additional response in this Responses to Comments document under CEQA Guidelines Section 15088. As discussed above, under the subheading "Adequacy of EIR Alternatives" in Response I.1 on RTC pp. III.I.3-III.I.7, the range of alternatives analyzed in the EIR is adequate under CEQA. The EIR considers two alternatives that call for a shorter tower: Alternative B: Existing Zoning (196 feet tall), on EIR p. VII.15, and Alternative E: Reduced Shadow (351 feet tall), on EIR p. VII.92. The reduced building height under these alternatives would substantially reduce shadow impacts and, unlike the proposed project, would not create net new shadow on Union Square. However, shadow from these alternatives could still reach some of the same public open spaces, privately owned publicly accessible open spaces, and public sidewalks that would be shadowed by the proposed project and would result in a cumulatively considerable contribution to a significant cumulative impact related to shadow. These two shorter and less dense EIR alternatives would also reduce less-than-significant project and cumulative impacts related to Aesthetics and Transportation and Circulation. Since no significant impacts related to Aesthetics or Transportation and Circulation were identified, additional alternatives that reduce the aesthetics and/or traffic impacts of the proposed project are not required. For a discussion of reduced shadow alternatives, see "Suggested Alternatives to Reduce Shadow Impacts on Jessie Square," RTC pp. III.I.15-III.I.25. For a discussion of alternatives with reduced traffic, see "Suggested Reduced Traffic Alternative," RTC pp III.I.9-III.I.10.

Comments expressing a preference for an alternate scheme over the proposed project can be construed as comments on the merits of the proposed project. Comments on the merits of the proposed project may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project or one of its variants or alternatives. This consideration by decision-makers is carried out after certification of the Final EIR.

Suggested Alternatives to Reduce Shadow Impacts on Jessie Square

Certain comments also suggest alternatives to reduce shadow impacts on Jessie Square. Such comments merit a separate response from the response regarding alternatives to reduce shadow impacts on Union Square, and are grouped separately below. However, the discussion under the subheading “Adequacy of EIR Alternatives” in Response I.1, RTC pp. III.I.3-III.I.8, applies to this response (Response I.3) as well.

Comments

TR.6.3

Finally, in regard to Jessie Square, there’s been no attempt to look at an alternative. We proposed an Alternative F that you’ve heard described to be looked at. But there ought to be at least some shadow analysis. And also from an aesthetics standpoint, consideration given to having a Mexican Museum of similar heights with the Jewish Community Museum and St. Patrick’s Church, when I was president of the Redevelopment Commission in the '70s it was my pleasure to help preserve the Aronson Building and the Jessie Street Substation; and, hopefully, we can have a Mexican Museum that ties into that square with reduced shadow impacts. (*Howard Wexler, on behalf of the 765 Market Street Residential Owners*)

C.3.2

The 765 Market Street Owners have the following two major areas of concern about the DEIR:...

2. The DEIR fails to properly analyze the shadow impacts particularly in regard to Jesse Square in part because it fails to explore an alternative residential tower that would be set back from Jesse Square by approximately 40 feet as was originally presented by the Project sponsor, Millennium Partners, approximately five years ago. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.12 and C.3.13

Jessie Square. However, as we will describe below, the DEIR totally failed to produce any alternative project that would reduce the Project’s new shadow impacts on its immediate neighbor, Jessie Square.

The Proposed Project’s shadow impacts would reach other important open spaces, including Jessie Square, as described on DEIR pp. IV.I.46-47, and Figures IV.I.6 to IV.I.9. The text discusses the range of use of Jessie Square in morning periods when the Proposed Project would cast new shadows on this important space. Neither DEIR Alternative B nor E would reduce this impact, as stated on DEIR pp. VII.33 and 110 respectively. However, both Alternatives B and E, as illustrated in Figures VII 1 & 2 and VII.7 & 8, would rise on the west project site line with no

set back above the base, as can be compared to Figure II.25, Conceptual South Elevation for the Proposed Project. Therefore, both Alternatives B and E, as presented in the DEIR, may produce a slightly greater shadow impact on Jessie Square than those from the Proposed Project.

A new Alternative F should be prepared to address the adverse project shadow effects on Jessie Square. Jessie Square is a south-facing open space with excellent access from Market Street, Third Street, and Mission Street, and serves as a calm, smaller-scale open space, compared to the larger Yerba Buena Gardens. While the range of existing activity in Jessie Square increases from mid-morning to mid-day periods, morning use is still notable, per footnote 33, DEIR p. IV.I.47. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.14, C.3.15, and C.3.16

During the period from 2006 – 2007, Millennium Partners prepared and submitted to 765 Market Street Owners a tower design that gave more prominence to the Mexican Museum, with a bold facade on a modestly scaled tower extension about 35-40 feet high, about the same height as the other structures facing on to Jessie Square – the Contemporary Jewish Museum and St. Patrick’s Church. The Mexican Museum on the west was attached to an attractively designed elliptical residential tower of about 650 feet in height but it was set back approximately 40 feet from the entrance to the Museum and was cantilevered over the Aronson Building for a distance of about 50 feet. That proposed tower would have produced even greater shadow impacts on Union Square than the proposed Project due to its even greater height, but the concept of setting the Residential Tower back from Jessie Square by about 40 feet with an attached and identifiable Mexican Museum that opened onto the Square, would reduce the Project’s shadow impacts on Jessie Square while at the same time producing an appropriately sized museum element facing directly on to the Square. A revised Alternative E in the form of a new Alternative F with the major part of the 351-foot tower mass realigned about 40 feet to the east would not only provide the same elimination of shadow effects on Union Square but it also would significantly reduce the shadow effects on Jessie Square.

On the basis of a general review of Figures IV.I.6 to IV.I.9, the set-back design could reduce morning shadow effects on Jessie Square at 10 AM and earlier in spring and fall months by from 10% to 20%. In summer months before 10 AM, the set-back design could reduce shadow effects on Jessie Square by 30% to 40%. Because of sun angles in winter months, it is less likely that the set-back design would substantially change shadow conditions on Jessie Square at that time of year.

Therefore, the Final EIR should include the following information and analysis for a Reduced Shadow Alternative F with a set-back design:

Based on observations cited in footnote 33, DEIR p. IV.I.47, provide maps of Jessie Square illustrating where and when in the open space visitors were observed in the park. This will permit a more complete evaluation of the project and alternative shadow effects on Jessie Square.

Provide shadow diagrams for a new DEIR Alternative F with a 40 foot set-back design alternative for morning hours. In addition to 10 AM shadows for March/September and for June, provide diagrams for 9 AM and 11 AM.

Describe and evaluate morning conditions in Jessie Square, in terms of numbers of and location of users, and differences in location and duration of shadow effects between the Proposed Project, Alternative E and Alternative F, the set-back alternative.

Provide conclusions as to adverse shadow effects on Jessie Square with these three different configurations. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.3.20

Finally, the DEIR fails to explore any alternative that would reduce the Project substantial shadow and aesthetic impacts on Jessie Square. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

C.8.3

The EIR shadow analysis suggests that to be acceptable the tower cannot exceed 351 feet as Alternative Project E, the Reduced Shadow Alternative or 195 feet as the Existing Zoning Alternative. This does not mean that a lower tower is acceptable. Far from it. It would adversely affect Jessie Square by shading it in the morning, as described in the written comments from the 765 Market Residents Owners Association. (*Paul Sedway*)

C.33.4

4. Setting back the building by 40 feet to the east, to prevent blockage of sunlight on Jessie Square, and fostering clear identity of a Mexican Museum marquee and façade, thereby allowing it to be a compatible part of the assemblage of lower height neighboring buildings (CJM and St. Patrick's Church) and fostering a distinctive and harmonious multi-cultural complex surrounding a pleasant open plaza. In contrast, a tower jutting vertically from and above the Square, would be totally incompatible with its relatively confined space and given the scale of the tower, would essentially convert the entire Square into a residential tower courtyard. (*Paul H. Sedway*)

C.35.2

These supplemental written comments involve the following seven areas:...

2. The DEIR fails to environmentally analyze as an alternative the residential tower that was originally presented by the Project sponsor which was set back by 40 feet from Jessie Square and had both its vehicular entrance and exit on Mission Street. (*Howard M. Wexler, on behalf of the 765 Market Street Residential Owners Association*)

Response I.3

Elliptical Tower Plan as a Shadow-Reducing Alternative

As discussed in Chapter VII, Alternatives to the Proposed Project, on EIR p. VII.118 under the subheading "Alternatives Considered and Rejected," the project that was originally proposed to the Planning Department by the project sponsor in June 2008 was a 630-foot-tall elliptical tower. The second and third floors of the tower cantilevered 10 feet over Jessie Square, and the tower (the fourth floor and above) was set back 15 feet, 9 inches from Jessie Square.² In this proposal the tower was not set back 40 feet from Jessie Square, as suggested in several comments.

² Email communication from John Ishihara of Handel Architects, October 4, 2012.

The elliptical tower plan proposed in 2008 would not result in a reduced shadow impact on Jessie Square from that of the proposed project. A shadow analysis determined that the elliptical tower plan would cast about 9,885,249 square-foot-hours (sfh) of annual net new shadow on Jessie Square.³ Compared to the elliptical tower plan, the proposed project would cast about 8,031,176 sfh of annual net new shadow on Jessie Square, which would be about 1,854,073 fewer sfh of annual net new shadow on Jessie Square.

As discussed on EIR p. VII.118, the elliptical tower plan proposed in 2008 was not selected by Planning Department staff due to its physical impacts on the historic Aronson Building and concerns regarding its architectural design. In addition, a shadow analysis determined that the elliptical tower plan would cast about 908,080 sfh of annual net new shadow on Union Square.⁴ Compared to the elliptical tower plan, the proposed project would cast about 337,744 sfh of annual net new shadow on Union Square, which would be about 570,336 fewer sfh of annual net new shadow. The Planning Department considered, but ultimately rejected, the elliptical tower plan as an alternative. Please see Response I.2, under the heading “Suggested Elliptical Tower Plan Alternative” on RTC pp. III.I.12-III.I.15, for more information regarding comments expressing preference for an elliptical tower scheme over the proposed project.

Shorter Tower with a 40-Foot Setback from Jessie Square

Several comments state that because the reduced height of the towers in both the Existing Zoning Alternative, with a 196-ft-tall tower, and the Reduced Shadow Alternative, with a 351-ft-tall tower, would be on the western portion of the project site and would not be set back from Jessie Square, it is likely that both of them would cast more net new shadow on Jessie Square than would the proposed project.⁵ For this reason, the comments suggest that the EIR should analyze a new alternative that consists of a 351-foot-tall elliptical tower that is set back 40 feet from Jessie Square (shifted to the east on the project site). The comments suggest that by shifting the tower to the east and away from Jessie Square, such an alternative would result in reduced shadow impacts on Jessie Square compared to the proposed project or the alternatives noted above, and would cast no additional net new shadow on Union Square.

³ CADP Associates (CADP), Shadow calculation spreadsheet for Jessie Square (elliptical tower plan). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

⁴ CADP, Shadow calculation spreadsheet for Union Square (elliptical tower). This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

⁵ As discussed on EIR pp. II.54-II.55, and as shown in Figure II.30: Conceptual Upper Level Setbacks, on EIR p. II.57, the west façade of the tower at the fifth floor and above would include a projecting vertical volume running the full height of the tower. The west façade of the tower would be set back either 3 feet (measured from the face of the projecting volume) or 13 feet (measured from the portion of the façade that does not include the projecting vertical volume) from Jessie Square.

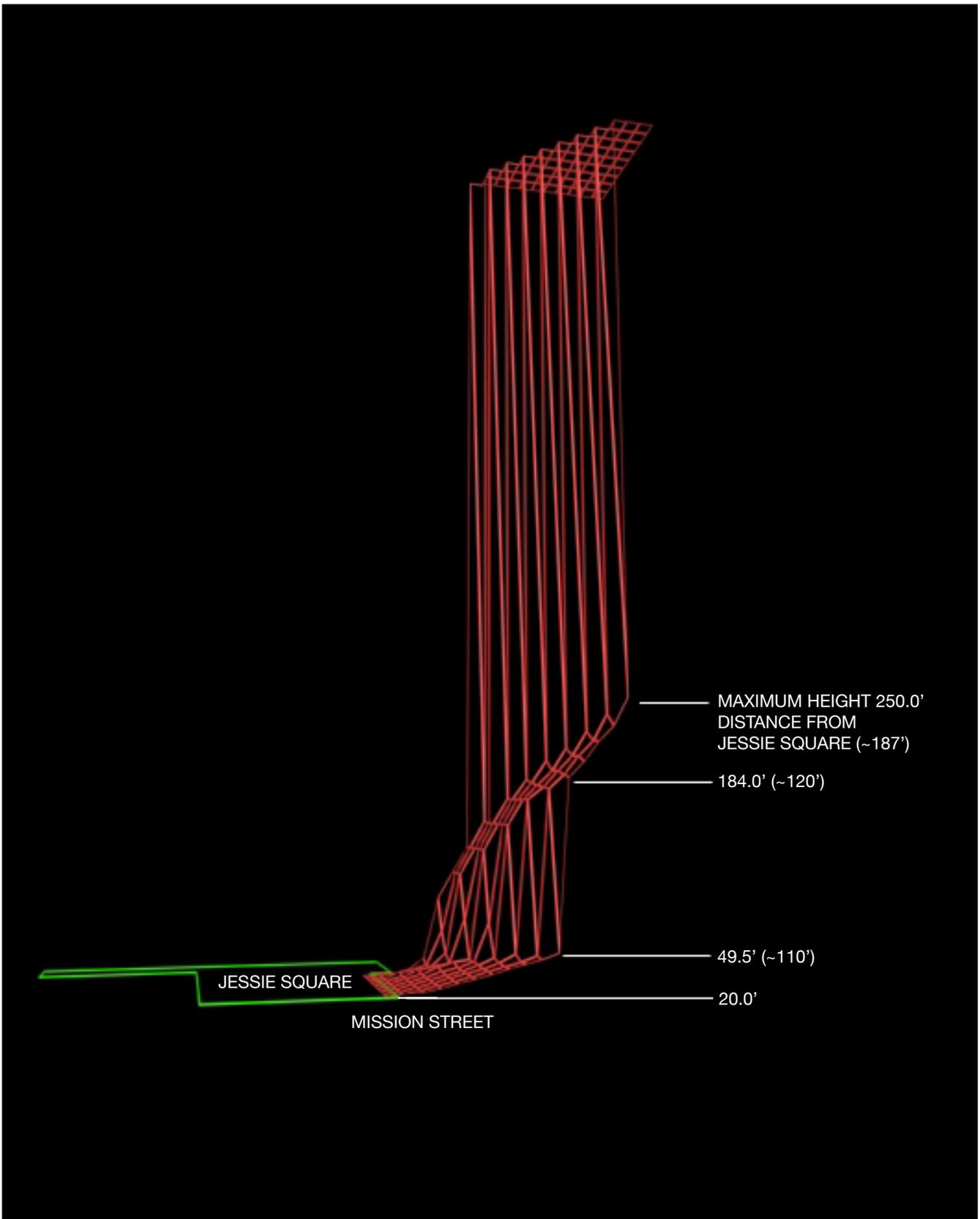
A shadow envelope analysis was conducted to determine how tall a building on the project site could be before it would cast net new shadow on Jessie Square.⁶ A shadow envelope analysis determines the maximum height that a building on a particular project site could be before it would cast net new shadow on a particular park or open space. The maximum height may not be uniform across a project site (i.e., the maximum height could be higher in certain locations on the project site than in others). In Figure RTC.2: Shadow Envelope Analysis for Jessie Square, the maximum height is represented by a red line. Any development that remains at or below the red line would not cast net new shadow on Jessie Square, and any development that is above the red line would cast net new shadow on Jessie Square. The amount of net new shadow on Jessie Square would depend on the height, bulk, and massing of the portion of the development that is above the red line. As shown in Figure RTC.2, the shadow envelope analysis for Jessie Square determined the following:

- The maximum height of a building on the project site that would not cast net new shadow on Jessie Square would vary depending on the building's location on the project site.
- On the western portion of the project site, which abuts Jessie Square, the maximum height that would not cast net new shadow on Jessie Square would be 20 feet.
- At locations further east on the project site towards Third Street, the maximum height that would not cast net new shadow on Jessie Square would be higher – up to 250 feet at a location approximately 187 feet east of Jessie Square.

Figure RTC.3: Shadow Envelope Analysis for Jessie Square with the Proposed Project, shows the relationship of the proposed project to the shadow envelope. At a height of 550 feet, the proposed tower would be above the red line and would cast net new shadow on Jessie Square if it were constructed on the western two-thirds of the project site. The only location on the project site where the proposed tower could be constructed without casting net new shadow on Jessie Square would be at the eastern end of the project site (above the existing Aronson Building). Constructing the proposed tower in this location would require the demolition of a portion of the interior of the Aronson Building, which was recently designated as a Category I Significant Building in the expanded New Montgomery-Mission-Second Street Conservation District.

A suggested alternative consisting of a 351-foot-tall elliptical tower that is set back 40 feet from Jessie Square (at the fourth floor and above a podium) would be on the portion of the project site where a building would have to be no taller than 20 feet to 50 feet, depending on its location, in order to avoid casting additional net new shadow on Jessie Square. In this alternative, the tower base would be on the westernmost portion of the project site, and the tower base's proximity to Jessie Square would result in most of the same morning shadows that would be cast by the

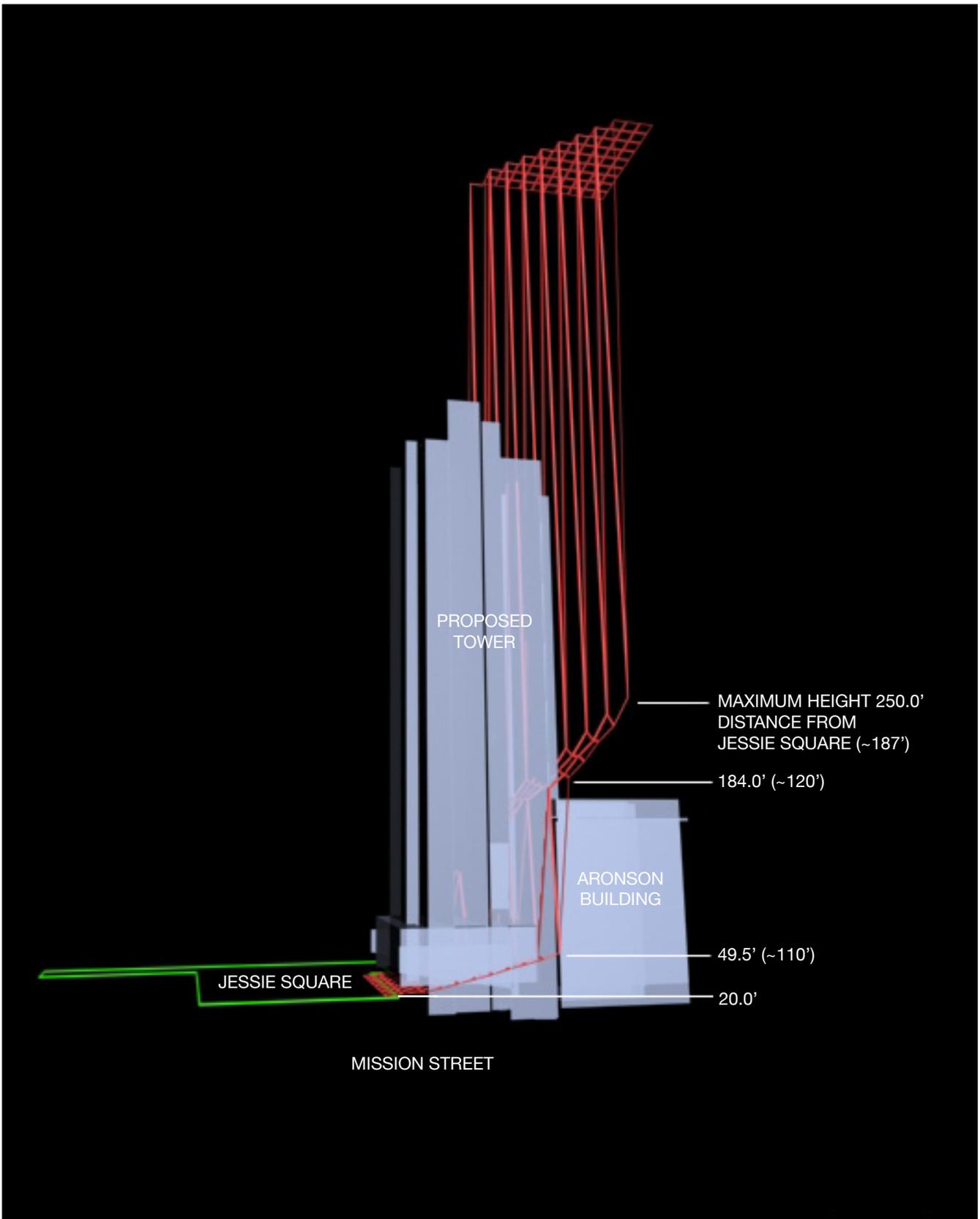
⁶ CADP, *706 Mission Street Shadow Envelope Analysis for Jessie Square*, October 2, 2012. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.



SOURCE: CADD Associates

706 MISSION STREET

FIGURE RTC.2: SHADOW ENVELOPE ANALYSIS FOR JESSIE SQUARE



SOURCE: CADP Associates

706 MISSION STREET

FIGURE RTC.3: SHADOW ENVELOPE ANALYSIS FOR JESSIE SQUARE WITH PROPOSED PROJECT

proposed project, in terms of size, area and duration. The tower, at a height of 351 feet, would cast shadow on Jessie Square for a similar but possibly reduced duration when compared to the proposed project. The 40-foot setback would likely reduce somewhat the amount of net new shadow that this alternative would cast on Jessie Square. However, no evidence has been presented to support the 10 to 40 percent shadow reduction depending on the time of year suggested in one of the comments.

With the tower (at the fourth floor and above a podium) set back 40 feet from Jessie Square under this suggested alternative, the tower would protrude into the Aronson Building even more than the 630-foot-tall elliptical tower plan, which protruded approximately 63 feet into the Aronson building, originally proposed by the project sponsor in June 2008. Shifting the tower further to the east would require the demolition of a larger portion of the interior of the Aronson Building, which was recently designated as a Category I Significant Building in the expanded New Montgomery-Mission-Second Street Conservation District. The additional protrusion into and more extensive demolition of the Aronson Building under this suggested alternative would have a greater impact on this on-site historic resource than would the proposed project.

Several comments state that, in addition to reducing shadow on Jessie Square, an alternative with a tower (at the fourth floor and above a podium) that is set back 40 feet from Jessie Square would reduce the proposed project's aesthetic impacts on the Contemporary Jewish Museum, St. Patrick's Church, and Jessie Square, which is a small-scale open space, and that without a 40-foot setback from Jessie Square, a high-rise tower would not be compatible with the lower-scale institutional buildings around Jessie Square. One comment states that a tower jutting vertically from and above Jessie Square would be incompatible with this relatively confined space, would overwhelm Jessie Square, and would essentially convert Jessie Square from a pleasant open plaza to a courtyard for a residential high-rise. One comment states that consideration should be given to designing a Mexican Museum similar in height to the Contemporary Jewish Museum and St. Patrick's Church. As discussed in Chapter II, Project Description, on EIR p. II.53, the first through fourth floors of the proposed project's tower base would contain a portion of The Mexican Museum. At four stories (approximately 56 feet), the tower base housing The Mexican Museum would be similar in height to and compatible with the Contemporary Jewish Museum (approximately 80 feet) and St. Patrick's Church (approximately 108 feet). As discussed in Section IV.B, Aesthetics, on EIR pp. IV.B.30-IV.B.31, the tower base would enclose and define the east side of Jessie Square and relate to existing horizontal features of comparable height that now enclose and define the north and west sides of Jessie Square. Impact AE-3, on EIR pp. IV.B.28-IV.B.31, concluded that the proposed project would not have a substantial adverse effect on the visual character or quality of the project site or its surroundings, which includes Jessie Square. Since this aesthetic impact was determined to be less than significant, an alternative that would mitigate this impact to a less-than-significant level is not required to be

analyzed. In addition, the proposed project would not construct any physical barriers that would have the effect of converting Jessie Square from a public plaza to a private courtyard for the project residents. Pedestrian circulation into, through and out of Jessie Square would remain the same as prior to construction of the proposed project. Pedestrian access to the residential portion of the project would be from the north side of the Aronson Building and from Mission Street as described on pp. II.63-II.64 of the EIR.

The comments noted above and other comments related to the design of the proposed project will be forwarded to and may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project, or select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

Several comments state that an alternative with a tower that is set back 40 feet from Jessie Square would produce a more prominent and more appropriately scaled museum element approximately 35 to 40 feet tall and contribute to a clear and distinct identity for The Mexican Museum. Comments regarding The Mexican Museum are design-related and do not address the accuracy or adequacy of the EIR. These design-related comments may be considered by City decision-makers during their deliberations on whether to approve, disapprove or modify the proposed project.

This suggested alternative would not cast net new shadow on Union Square, because it would not exceed a height of 351 feet. As discussed in Section IV.I, Wind and Shadow, on EIR p. IV.I.61, a shadow envelope analysis conducted for Union Square determined that a building developed at or below a height of 351 feet located anywhere on the project site would not cast net new shadow on Union Square and, therefore, would have no shadow impact on Union Square. The EIR analyzed and concluded that the Existing Zoning Alternative, which would be approximately 196 feet tall, and the Reduced Shadow Alternative, which would be approximately 351 feet tall, would not cast net new shadow on Union Square (EIR p. VII.33 and EIR pp. VII.110-VII.111, respectively).

One comment states that maps illustrating where and when visitors were observed in Jessie Square during the park user survey (footnote 33 on EIR p. IV.I.47) should be provided. These maps are available for public review at the Planning Department in the project files.⁷ Morning activity in Jessie Square is notable but not as heavy as it is later in the day. The survey showed light to moderate activity in the park in the morning (8:30 AM to 11:00 AM), heavy activity during the middle of the day (11:15 AM until 2:15 PM), and heavy activity tapering off to moderate activity in the late afternoon and early evening (2:30 PM until 6:15 PM). The comment also requests that (1) additional shadow diagrams for the morning hours (i.e., 9:00 AM,

⁷ The data and maps from the park user survey conducted for Jessie Square are available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

10:00 AM, and 11:00 AM) for March, June, and December be provided to show the shadow impacts of a 351-foot-tall elliptical tower that is set back 40 feet from Jessie Square (referenced in the comment as “Alternative F”); (2) the morning conditions in Jessie Square, in terms of the numbers and location of users in the open space, be described and evaluated; (3) the differences in the location and duration of shadow between the proposed project, the Reduced Shadow Alternative, and the suggested alternative with a 351-foot-tall tower that is set back 40 feet from Jessie Square be described; and (4) conclusions regarding adverse shadow impacts on Jessie Square from these three different building design alternatives be provided. The maps from the aforementioned park user survey show the numbers and location of people in Jessie Square for an entire day (from 8:30 AM until 6:15 PM). This information was considered in the evaluation of the proposed project’s shadow impacts on Jessie Square, on EIR pp IV.I.46-IV.I.47. Impact WS-2, on EIR pp. IV.I.42-IV.I.58, concluded that the proposed project would not create new shadow in a manner that would substantially affect the public use of outdoor recreation facilities and other public areas, including Jessie Square. As discussed on EIR p. VII.110, the Reduced Shadow Alternative would have the same shadow impact on Jessie Square as would the proposed project because the net new shadow on Jessie Square would result from the lower portions of these buildings. Since the EIR concluded that the proposed project would have a less-than-significant project-level shadow impact on Jessie Square, other alternatives that would mitigate this project-level impact to a less-than-significant level are not required to be analyzed under CEQA, and additional shadow diagrams and other information are not required. Both the proposed project and the Reduced Shadow Alternative would make cumulatively considerable contributions to a significant cumulative shadow impact (see EIR pp. IV.I.58-IV.I.61 and pp. VII.110-VII.111, respectively). As discussed above in Response I.1 under the subheading “Adequacy of EIR Alternatives,” on RTC pp. III.I.3-III.I.8, the EIR analyzed a range of reasonable alternatives pursuant to CEQA Guidelines Section 15126.6(a).

Other Comments Related to Shadow-Reducing Alternatives

One comment states that even though the Existing Zoning Alternative and the Reduced Shadow Alternative would be shorter than the proposed project, neither alternative would be acceptable, because they could cast more shadow on Jessie Square than would the proposed project. This comment does not address the accuracy or adequacy of the EIR; it recommends that neither of these alternatives should be approved. The decision to approve the proposed project or one of the project variants or project alternatives rests with City decision-makers as part of the EIR certification process. As part of the EIR certification review and approval process, decision-makers will consider feasibility of each alternative and whether it would substantially lessen or avoid significant environmental impacts identified for the proposed project. Decision-makers could approve, modify, or disapprove the proposed project or one of the project variants, or they

may select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

Environmentally Superior Alternative

Comment

C.33.1

The following are my comments on the Draft EIR for the so-called Mexican Museum, located at 706 Mission Street. Howard Wexler, our representative counsel, is submitting a largely consistent set of comments more aligned with CEQA requirements. To the extent that some of my comments may depart from the legally defined limits of comments for a Draft EIR, please ignore them.

MAJOR COMMENT:

- 1. I concur with the explicit statement of the Draft EIR, at page VII.119, that the Existing Zoning Alternative would be the environmentally superior alternative. Hence, reduction should be sought in the height of the building from 550' to that alternative's 196', so that there is no net new shadowing on Union Square, its scale is consistent with the policies of the Master Plan, Downtown Plan and zoning ordinance, and that of the other buildings on the block, and it meets existing applicable regulations. I can conceive of no overriding consideration, and certainly not the allowance of a new facility, that would override this. (Paul H. Sedway)*

Response I.4

The comment expresses support for the Existing Zoning Alternative, described in the EIR in Chapter VII, Alternatives to the Proposed Project, on pp. VII.15-VII.40. This alternative is identified in the EIR on pp. VII.118-VII.119 as the environmental superior alternative. As part of the EIR certification review and project approval process, decision-makers will consider feasibility of an alternative and whether it would substantially lessen or avoid significant environmental impacts identified for the proposed project. Determination will be based on substantial evidence in the entire record, which includes, but is not limited to, information presented in the EIR, comments received on the Draft EIR, and responses to those comments. Comments expressing a preference for the Existing Zoning Alternative can be construed as comments on the merits of the proposed project. Comments on the merits of the proposed project may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project, or one of its variants or alternatives. This consideration is carried out after certification of the Final EIR.

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J. ADEQUACY OF THE EIR

General Comments on the EIR

Comments

TR.5.3b

So I ask you to please send the environmental impact back for further study. (*Lynn Sedway*)

TR.14.4

Then we did talk about the impacts of shadows and particularly Union Square. Mention was made of Jessie Square also. And from what I'm hearing and what I seem to read in the report, the analysis of the shadows seem[s] to be well done and very adequately addressed. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

TR.14.9

That's mostly what I'm hearing. There may be other things, but certainly another re-read is – but I think it's very thorough – seems to be a thorough and complete EIR at this point. But there's always need to address other things, because that's what comments and responses are all about. So that will be very interesting to see how those come out. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

C.12.2

I believe that you may agree with me, that the current DEIR report has barely scratched the surface and has a lot of room for improvement and for more detailed studies. If the current DEIR was not expanded to cover in detail areas that are not addressed, it will have serious repercussions to the future of this city as a whole not just to the immediate neighborhood. [Issues listed in the letter include traffic congestion, parking shortages, population density, congestion on Stevenson Street, shadow effects on Jessie Square and Union Square, public services, earthquakes, traffic during construction, and the lack of visibility for The Mexican Museum.] San Francisco is already a world renowned city and we want to keep the title. (*Margaret Liu Collins*)

C.14.10

As a public servant it is your obligation to respect and guard those rights. The current EIR does not adequately address these issues. [Issues listed in the letter include gridlock of cars, pedestrians, and parking; shadow on Jessie Square and Union Square; the wind tunnel effect caused by the proposed building in combination with existing nearby buildings; locating The Mexican Museum in a condo complex; and the impacts of the proposed project on mass transit.] Do the right thing and send it back for more work with proper analysis. (*William L. Larson*)

C.32.1

There are several interrelated areas of concern regarding the environmental impacts of the proposed 706 Mission Project which are not adequately addressed in the EIR. These fall into the general areas of traffic and safety, the impact of shadows on Jessie Square and Union Square, and the Mexican Museum [being "buried" in a residential building, negatively impacting its viability]. Some of the impacts I and others addressed to the Planning Commission, and I trust you have those in the record and that you will make sure they are addressed. (*Lynn M. Sedway*)

C.32.9

I look forward to seeing the additional EIR analysis plus necessary revisions to this presently unacceptable plan. (*Lynn M. Sedway*)

C.34.13

I'll continue to read through the EIR. I have learned much of both the history and considerations of bring[ing] a new building to our neighborhood. It's a fabulous document. Thanks to everyone involved. (*Rick Smith*)

Response J.1

Some of these comments suggest that the EIR does not thoroughly or adequately address environmental analysis and that more study is needed. One comment states that the EIR has “barely scratched the surface,” and “has a lot of room for improvement and for more detailed studies.” This comment letter clarifies that this language refers to eight subtopics, including traffic congestion, parking shortage, population density, and shadows. Another comment similarly requests more work and proper analysis to include gridlock (cars, pedestrians, and mass transit), shadows, wind, and the location of the museum. One comment states that the areas of concern were traffic, safety, shadows on Jessie Square and Union Square, and the feasibility and viability of The Mexican Museum, and that these were not adequately addressed in the EIR. Comments suggest that additional analysis is necessary for the EIR to be adequate. Other comments express favorable opinions about the EIR and deem the analyses to be adequate.

EIR adequacy is defined in CEQA Guidelines Section 15151, Standards for Adequacy of an EIR, which states:

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Each of the topics raised in the comments has been adequately discussed and analyzed in the EIR. More detailed studies of these areas are not required for CEQA. Traffic congestion is considered in the Section IV.E, Transportation and Circulation, EIR pp. IV.E.36-IV.E.39. Parking shortages are not an impact under CEQA, but this topic is discussed in the EIR on pp. IV.E.55-IV.E.59. Pedestrian congestion is analyzed on EIR pp. IV.E.43-IV.E.47, and transit impacts are analyzed on EIR pp. IV.E.39-IV.E.43. Population density is addressed in Section IV.C, Population and Housing, on EIR pp. IV.C.10-IV.C.19. Shadows and wind are analyzed in the EIR in Section IV.I, Wind and Shadow. Public Services, including police and fire services, are analyzed in

Section IV.L, Public Services, on EIR pp. IV.L.10-IV.L.13. The issues of earthquake and disaster are addressed in Section IV.N, Geology and Soils, on EIR pp. IV.N.17-IV.N.20. Traffic during construction is also analyzed in the Transportation section of the EIR on pp. IV.E.51-IV.E.55. One comment states that the EIR adequately analyzes the proposed project's shadow impacts. This comment is acknowledged. Finally, one comment raises the question as to whether the proposed location for The Mexican Museum is good for its own promotion. This is not analyzed in the EIR, as it is not an environmental impact considered under CEQA; however, the viability of The Mexican Museum is discussed in Response K.1 in Section III.K, Project Feasibility and Aspects of the Proposed Project, RTC pp. III.K.2-III.K.5.

Some of the comments suggest the EIR is inadequate without specifically identifying any inaccuracies or referencing any specific topic, study, or outdated information cited or referenced in the document. Where commentors further elaborate on specific environmental topics, the issues raised in the comments are addressed sufficiently in the EIR, and each of these subject areas is further explained and clarified as necessary in this Responses to Comments document in the topic sections of III.E, Transportation; III.C, Population; III.F, Wind and Shadow; III.G, Public Services; III.H, Geology and Seismic Hazards; and III.L, Comments on the Merits of the Proposed Project.

The decision-makers will consider the adequacy and accuracy of the Draft EIR, based on the administrative record as a whole (including all comments submitted on the Draft EIR and responses to them) at the time of consideration of EIR certification.

Public Notice

Comments

C.24.1b

I would like to comment briefly on six issues and offer a few possible corrections to the SF Planning Department's Public Notice. [Five issues are listed in the letter. The fifth issue is presented below in Comment C.24.6 and addressed in Response J.2. The other issues are The Mexican Museum's credibility as a dependable participant in the proposed project, the capacity and safety of adjacent intersections, shadow effects on Yerba Buena Gardens and Union Square, and the loss of public parking spaces in the Jessie Square Garage.] (*Ron Wornick*)

C.24.6

5 - Corrections

The Public Notice from the Planning Department says in part that "The Western portion of the project site (Lot 277) is vacant at the surface and this site has been chosen as the future permanent home of the Mexican Museum. I do not believe that is correct. The 550 foot tall building is going on that site and will also attach to and subsume the Aronson ten story building. The Mexican Museum will be in both Aronson and the new building...reported as four floors, hmmm?"

Nearly all, or a very high percentage of the land from both lots will support the 550 foot building.
(*Ron Wornick*)

Response J.2

These comments appear to refer to the Public Notice of the Availability of Draft Environmental Impact Report for 706 Mission Street – The Mexican Museum and Residential Tower Project. The first comment is one of the introductory sentences in the comment letter. The second comment suggests that the description provided in the public notice from the San Francisco Planning Department was not accurate because two issues were not identified: first, that the tower would span both the vacant parcel (Lot 277) and the parcel where the Aronson building is located (Block 3706 Lot 093) and subsume the Aronson Building, and second, that The Mexican Museum would be located in both buildings. The comment asserts that ‘a very high percentage of the land from both lots will support the 550 foot building,’ and states that this information is not described in the notice.

The Public Notice of the Availability of Draft Environmental Impact Report for 706 Mission Street – The Mexican Museum and Residential Tower Project was posted at the project site from June 28, 2012 to August 13, 2012 and states, in part, that “the western portion of the project site is vacant at the surface, and this location has been chosen as the future permanent home of The Mexican Museum.” The notice also states that “The proposed project consists of the construction of a new 47-story, 550-foot-tall tower (a 520-foot-tall building with a 30-foot-tall elevator/mechanical penthouse) with two floors below grade. The new tower would be adjacent to and physically connected to the Aronson Building, which would be restored and rehabilitated as part of the proposed project.” Thus the fact that the tower’s construction would occur on both lots is stated.

The notice also states that The Mexican Museum would occupy a portion of the Aronson Building:

The new tower would contain up to 43 floors of residential space, including mechanical areas, and 4 floors of museum space. The Aronson Building’s existing retail and office uses on the ground through tenth floors and basement-level storage and utility space would be reconfigured under the proposed project. Under the proposed project, the Aronson Building would contain retail/restaurant space on the ground floor and museum space on the second and third floors.

Thus, the notice is an accurate summation that briefly identifies the proposed project (including how the tower would be supported and the number of floors in the proposed museum), and does not conflict with the project description contained within the EIR. Thus, there is no defect in the public notice for the proposed project.

K. PROJECT FEASIBILITY AND ASPECTS OF THE PROPOSED PROJECT

Comments

C.24.2

1 - The Mexican Museum

The possibility of adding another healthy and viable museum to the Yerba Buena neighborhood is a welcomed and attractive concept. Regrettably the Mexican Museum, in my opinion, has lost its credibility as a dependable participant. They and the vacant piece of land fronting on Mission that has been set aside for them has not made one centimeter of progress in over ten years. They were engaged with the City, using funds in the millions of dollars provided by the Redevelopment Agency and others...all to no avail. The Contemporary Jewish Museum began after them, on an adjacent lot, was offered no city “aid” and has been open and prospering for over three years. The Mexican Museum appear[s] to not have a viable board, competent fundraising professionals or plans for how to support a significant operating budget should they ever build, and occupy a Museum.

Those who have asked for title to and or use permits for the Mexican Museum land, Block 3706, Lot 277, will and have for some time been asking for height and other enormous economic benefits and non-conformances in their proposed building, equivalent to thousands of times greater value to themselves than the museum will receive...if there really is a museum. A very close look may suggest this is a sham. My opinion. And a question. *(Ron Wornick)*

C.25.3

These burdens [on traffic patterns] will fall on not only the current users of the 765 Market St. structure (4 Seasons Hotel and 4 Seasons Residences) but on any users of the 706 Mission building itself. Among the beneficiaries of the new 706 Mission Building is supposed to be the Mexican Museum, to be housed within it and to be supported by a grant from the developer in exchange for a variance on existing height limits. We serve on several non-profit boards and can assure you that the proposed \$5million supporting grant is nowhere near adequate to even begin the process of building out the Mexican Museum interiors and to providing ongoing operating support. The Mexican Museum would be a wonderful addition to the stunning museum “campus” (MOMA, African Diaspora, Jewish Museum, and others) that has developed in the Yerba Buena neighborhood, but it will need much more financial support to even get started, much less succeed. The City should do what it can to facilitate that success, but a great deal more than the developer’s variance token will be necessary and if actual access to the Museum is thwarted by the size of its housing and the traffic burdens on the neighborhood, it is very likely to fail. *(Penelope Wong and Tim Kochis)*

C.32.2

The following are additional items of concern plus some that bear repeating:

The Mexican Museum is a long-awaited addition to the Jessie Square museum complex. The Mexican Museum has long been planned to be at ground level to provide good visibility and access. Even so, it has been a challenge to raise the necessary funds and establish long-term financial feasibility. Yet the plan under consideration buries the Mexican Museum, negatively impacting its viability. Further, the Museum is planned to be quite large, with no stated rationale in the EIR. *(Lynn M. Sedway)*

C.32.3

The stated logic of the developer is that the extraordinary height of the 706 building is necessary to achieve financial feasibility and provide support for the Mexican Museum, yet no details or analysis is set forth in the EIR. I would like to see studies that were done prior to coming up with this 550' scheme which demonstrate the Museum's feasibility with entrances at street level and feasibility at different sizes. *(Lynn M. Sedway)*

C.33.2

2. Reduction should be sought in the size of the Mexican Museum, thereby reducing its cost such that dedication of the space and possible endowment become more reasonable in cost. The museum is proposed to be 52,285 square feet, slightly less than the Contemporary Jewish Museum, whose size is more than adequate for its function and has great visibility. However, given that the Mexican Museum would be totally incorporated into structures devoted to residential, office and retail uses, if the current size were found to be unsustainable, the result likely could be a change in use and an increase in the density of residential uses, resulting in far greater traffic, parking and pedestrian impacts. Hence, the patronage projections for the Mexican Museum should be made publicly available in the EIR and become part of the EIR. In any case, the museum space should be irrevocably deeded in fee simple to the City, whose permission would be required for any change of use. *(Paul H. Sedway)*

C.35.5

These supplemental written comments involve the following seven areas:...

5. The DEIR fails to provide any substantive information concerning the Mexican Museum's (a) actual needed square footage (b) their organization and capacity to move forward or (c) what use will occupy their space if the Museum fails? *(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)*

C.35.16

The DEIR fails to provide any information concerning (1) the actual square footage needs of the Mexican Museum – rather the DEIR at page II.3 only lists where the Museum has had temporary space without listing the square feet used at any of these locations, (2) the actual organizational and financial capacity of the Museum and (3) what will happen to the Museum space (to be owned by the Successor Agency but leased to the Museum) and how will it be used if the Museum fails? *(Howard M. Wexler, on behalf of the 765 Market Street Residential Association)*

Response K.1

The comments express concern about the financing arrangements and financial feasibility of the proposed project, including the financial feasibility of the project at different sizes and with street-level entrances, the square footage needs, economic viability, and organizational capacity of The Mexican Museum as a component of the proposed project, the level of patronage and financial support necessary to make The Mexican Museum viable, and the relative economic benefits of the proposed project to the City, The Mexican Museum, and the project sponsor. Comments on financial feasibility or viability, museum space and financial programming needs, and patronage levels do not address environmental impacts of the project and therefore are not required to be addressed pursuant to CEQA. The lead agency is required to respond to comments

III. Comments and Responses
K. Project Feasibility and Aspects of the Proposed Project

on “environmental issues,” pursuant to CEQA Guidelines 15088. The purpose of an EIR is to address whether and how a proposed project could result in adverse physical impacts to the environment. An EIR is not intended to investigate financing arrangements, financial feasibility or economic viability of a proposed project or components of that project. Rather, an EIR investigates the potential physical environmental impacts that could result if a proposed project were to be built. The comments do not present evidence of any new or substantially more severe significant adverse environmental impacts beyond those already described in the EIR and do not raise any specific environmental issues about the adequacy or accuracy of the EIR’s coverage of physical environmental impacts that require a response in this Responses to Comments document.

Comments about the financing arrangements and financial feasibility of the proposed project, including the economic viability of the project at different sizes and with street-level entrances, the economic viability and organizational capacity of The Mexican Museum as a component of the proposed project and the level of patronage and financial support necessary to make The Mexican Museum viable, and the relative economic benefits of the proposed project to the City, The Mexican Museum, and the project sponsor, may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. In deciding whether to approve the proposed project, the decision-makers will consider not only the EIR, but also information in the administrative record relative to these issues that is not part of the environmental review process.

In addition, some comments express concerns about whether The Mexican Museum will, in fact, be completed and opened, and if it is, whether it will be a viable ongoing use. These comments raise concerns regarding possible conversion of the museum space to other uses (including residential uses) in the event that The Mexican Museum were to never occupy, or to cease to occupy, the museum space in the project in the future, and the environmental impacts of such as yet unconsidered uses, if that were to occur.

With regard to comments on a possible change of use, the cultural component of the project is intended to be occupied by The Mexican Museum. Prior to the expiration of the Yerba Buena Center Redevelopment Plan, the former San Francisco Redevelopment Agency expressed continued support for location of The Mexican Museum on this site, including among other things entering into the following agreements: (1) a Land Disposition Agreement in 1993 with The Mexican Museum, which contemplated a stand-alone museum structure for The Mexican Museum on a portion of the project site; (2) a Memorandum of Understanding with The Mexican Museum, as amended, which provided grant funding to The Mexican Museum for planning and development of new museum space as a component of the proposed project; (3) an Exclusive Negotiation Agreement with the project sponsor, which provides for the project sponsor to construct the core and shell of The Mexican Museum as part of the project and convey it to the Successor Agency to the former San Francisco Redevelopment Agency (Successor Agency),

III. Comments and Responses
K. Project Feasibility and Aspects of the Proposed Project

which will in turn lease the space to The Mexican Museum, and for the project sponsor to establish a \$5 million operating endowment for The Mexican Museum; (4) an Exclusive Negotiation Agreement with The Mexican Museum, which provides for the Successor Agency and The Mexican Museum to enter into agreements for the long-term use and operation of the museum space and the design and construction of the interior improvements associated with the museum space as part of the project; and (5) a Grant Agreement with The Mexican Museum, which provides for financial support from the Successor Agency to The Mexican Museum of approximately \$10.5 million for predevelopment activities and design and construction of interior improvements related to the museum space in the proposed project. These agreements evidence the intent of the former San Francisco Redevelopment Agency, and now the Successor Agency, to ensure that the proposed project's cultural space will be occupied by The Mexican Museum. This intent is reflected in the Project Objectives of both the Successor Agency and the private project sponsor, listed in Chapter II, Project Description, EIR pp. II.5-II.7.

Given this intent, any assumption that the cultural component of the proposed project would be occupied by any use other than The Mexican Museum would be speculative. Even in the event that The Mexican Museum did not occupy, or ceased to occupy, the museum space in the proposed project, however, the City and Successor Agency would control the approval of any alternative use that could occupy this space in the project, subject to compliance with CEQA and Chapter 31 of the San Francisco Administrative Code. The Successor Agency or its designee (not the project sponsor) would own in fee simple the currently designated cultural space in the project. As a result, the Successor Agency or its designee would retain control over the leasing of the space, and could determine what uses to authorize in any lease of this space. The project sponsor would not have primary control over the museum space or its use. Additionally, because the Special Use District for the proposed project would govern the use of the museum space, any use of the museum space not authorized in the Special Use District would require that the Board of Supervisors approve an amendment to the Special Use District. Furthermore, any proposed changes in use of the museum space would be subject to review by the Planning Department and the Department of Building Inspection for compliance with the applicable provisions of the Planning and Building Codes. Finally, any discretionary actions of the Successor Agency and/or the City to allow a different use of the museum space in the proposed project would be subject to compliance with CEQA and Chapter 31 of the San Francisco Administrative Code. The future environmental review process for any such alternative use of the museum space would ensure that any environmental impacts from any alternative use of this space would be identified and, if applicable, mitigated to less than significant levels. Any specific future alternative use, however, is purely speculative, and cannot be evaluated in a meaningful way at this time.

One comment requests information about patronage projections for The Mexican Museum. Based on information from the adjacent Contemporary Jewish Museum, average weekday

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attendance for The Mexican Museum was estimated to be about 400 visitors per day based on information from the adjacent Contemporary Jewish Museum (see Appendix E to the EIR, *706 Mission Street Transportation Study*, p. 11).

Several comments question the amount of space required for The Mexican Museum and one suggests a reduction in the size of the museum space in order to reduce the cost and endowment. Again, comments on the economic aspects of the project do not bear on the environmental impacts of the proposed project and thus need not be addressed in this Responses to Comments document. Comments regarding the size of the museum space may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. The EIR, however, does include analysis of two alternatives, the Existing Zoning Alternative and the Reduced Shadow Alternative, that would reduce the overall size of the proposed project, including the size of The Mexican Museum, and accordingly reduce some of the environmental impacts of the proposed project.

One comment raises the possibility that access to the museum may be thwarted by the size of the project and associated traffic. Traffic impacts of the proposed project are addressed in Section IV.E, Transportation and Circulation, of the EIR. No significant, unmitigated traffic impacts or operational traffic issues are identified. The EIR identifies a number of Improvement Measures to further reduce less-than-significant transportation impacts and operational issues, including signal timing improvements at Third and Stevenson Streets (Improvement Measure I-TR-A, EIR p. IV.E.38), additional garage signage (Improvement Measures I-TR-B, EIR p. IV.E.38 and I-TR-Q, EIR p. VI.52), monitoring and abatement of vehicle queues at project driveways (Improvement Measures I-TR-C, EIR p. IV.E.39 and I-TR-N, EIR p. VI.51), measures to reduce pole clutter on the sidewalks surrounding the project (Improvement Measures I-TR-D, EIR p. IV.E.43, and I-TR-E, EIR p. IV.E.46), measures to improve pedestrian conditions (Improvement Measures I-TR-F, EIR pp. IV.E.46-IV.E.47, I-TR-G, EIR p. IV.E.47, and I-TR-O, EIR p. VI.51), coordination of move-in and move-out activities (Improvement Measure I-TR-H, EIR p. IV.E.51), and transportation demand management (Improvement Measure I-TR-M, EIR p. IV.E.59) and modified to reflect evolving City policy as shown on RTC p. III.E.85.

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L. COMMENTS ON THE MERITS OF THE PROPOSED PROJECT

Comments Expressing Support or Opposition to the Proposed Project

The following comments express support for the proposed project or opposition to it. These comments are addressed in one response, Response L.1, which begins on p. III.L.5.

Comments Expressing Support for the Proposed Project

TR.7.1

Good afternoon, President Fong and Commissioners. My name is Mary McCue. And I'm here this afternoon to lend my support to the Mexican Museum and Tower.

I have been down in Yerba Buena for over 20 years; and all of us have long awaited this particular project. And many of us see Millennium as coming in to save the day. And we are all very confident in Millennium to work with the community as they have in the last ten to fifteen years that they've been down here.

And, also, I would like to point out that it has been my observation that the success of Yerba Buena has been the true mix of arts, cultural, retail, other businesses, and residential. These are the valued stakeholders that have helped make Yerba Buena a success. *(Mary McCue)*

TR.8.1

Hello. Good afternoon, Commissioners. My name is Linda Lucero. I'm the executive and artistic director of the Yerba Buena Gardens Festival, which programs six months of admission-free performing arts in the beautiful Yerba Buena Gardens. I'm here to lend my full support to the Millennium Mexican Museum project.

The Yerba Buena project is truly one of San Francisco's jewels. But Yerba Buena will not be complete without the long-awaited Mexican Museum and we can't wait down there to have that built. I have full confidence that the issues raised in the EIR and our neighbors can be worked out by the Mexican Museum and the Millennium partnership to everybody's satisfaction. *(Linda Lucero, Executive and Artistic Director of the Yerba Buena Gardens Festival)*

TR.10.1

Good afternoon, Commissioners. I am Mauricio Hector Pineda. I currently work for the Mission Cultural Center. I am the lead curator and the gallery coordinator there.

And I'm here to support this project of the Mexican Museum and with their partnership with the Millennium Partners. I feel that the impact that this project is going to do is going to really bring San Francisco back to the stage of arts and culture. And this is what the Yerba Buena Center park is. And I feel that this is the impact that is going to bring tourism – art tourism – into the city and solidify this into the city. We need more tourism and this will help with that. *(Mauricio Hector Pineda, Curator and Gallery Coordinator, Mission Cultural Center)*

TR.12.1

Buenas dias, Commissioners. Good afternoon. My name is Roberto Hernandez. And I can't tell you how excited I am. As some of you know, I was involved with the Mexican Museum as a kid growing up in the Mission District when it was on Folsom Street. And I've been involved in different aspects throughout the years. And this has been a dream and the dream is coming alive

to finally get the Mexican Museum built. We know that there are some challenges, but I don't think there's anything that can't be worked out. I think that we all come together and circle and gather.

As already has been mentioned, this is the last piece – the very last piece. They say we come last, but we come as the best. So we look forward to working with everybody here in San Francisco to make this last piece the best in that area. (*Roberto Hernandez*)

C.34.1

My comments relating to the 2008.1084E_DEIR 706 Mission St. project.

I'm thrilled with and support the project. [I]t fits with the neighborhood wonderfully: more residents, museums and business. (*Rick Smith*)

Comments Expressing Opposition to the Proposed Project

TR.1.3

Owners are not here to stop the project. But we want this to be a good-neighbor project which will encompass long-term solutions to traffic safety and which are environmentally friendly and will not create a major bottleneck and traffic nightmare such as the ones we see so often in Hong Kong and other major cities. (*Joe Fang, President of the homeowners association at the Four Seasons Residences*)

TR.4.4

For these reasons, considering the additional burdens that further decrease orderly and safe traffic flow, emergency vehicle access, shadowing, we feel that the 706 Mission Street Tower project in its present proposed footprint with its height density, indicated parking in excess of parking code-specified ratios, the associated problems creating another curb-cut and another access driveway entry off of Third Street between Stevenson Alley and Mission Street is ill conceived and will create multiple additional problems in an already frequently and gridlocked downtown block area. We urge you [to] consider our many concerns when making your final determination regarding the 706 Mission Street Tower project. (*Jack Clumeck*)

C.5.1

Unfortunately we will not be able to attend the hearing on Thursday. Our grandson will arrive from London at 1:30 PM on that day. The best use for "big and tall" is to keep its identity intact and to develop it into multiple Museums: Mexican, Women's...etc. Developing a high-rise instead will render the traffic on Stevenson impossible (instead of being horrible now), and make the access of emergency vehicles called for the Hotel or the Residences very difficult, which will undoubtedly result in avoidable delays. (*Laila and Lofty Basta*)

C.6.4

Not only is it, in its presently proposed size, in excess of the master-planned and building code specified height restriction for the area, but it will also create wind and shadow problems for the immediately surrounding areas, beyond adding to the already problematic traffic situation on the length of northbound Third Street from King Street and at its multiple intersections. (*Jack and Gloria Clumeck*)

C.7.3

3. There is no way to predict how the additional traffic and invasion of shadowing will affect our property values. It will certainly not increase our values, so the question is how much it will devalue our property values. (*Linda Ho*)

C.7.4

I am always happy and excited to see improvements and positive changes made to this area, but my neighbors and I are very deeply concerned that 706 Mission would have adverse effects on all of us. The stress of having to deal with the additional traffic and safety issues on Stevenson on a daily basis will undoubtedly be detrimental to one's physical and mental well-being. (*Linda Ho*)

C.10.4

We very much appreciate the opportunity to convey to you our concerns with the Project and the negative impact it will have on our community if allowed to go forward. We have every confidence that the City's staff and leaders will agree with concerns raised. (*Barry and Trudy Silverstein*)

C.12.3

We cannot and should not allow the 706 project for the sake of building a project that only makes economic sense to the developers to negatively impact the quality of life of the commuters, the neighbors, the office workers, the bellmen, the valets, residences, the skyline, the traffic, the shadowing, the congestion, etc that already existed in such beautiful neighborhood with top Museums, great convention centers, Hotels and top tier shopping centers. (*Margaret Liu Collins*)

C.14.3

As a retired Chairman and CEO of a Nasdaq 100 company I can tell you that the addition of a new 40+ story residential building on the corner of 3d and Mission is an insane idea for the City and its residents. This is the last place the City should contemplate for such a project, especially in light of all the other opportunities available for such a project in the area. Why not continue development westward near the Intercontinental? Or on the south side of the Convention Center? Or continue to enhance the area near the new Trans Bay Terminal near where the Millennium Tower sits today? Who would pick the busiest intersection in SOMA for a multi-year construction project that would not only disrupt the neighborhood during construction but result in total gridlock post construction? This is the definition of bad planning. A building of any significant height on this corner is a bad idea for local residents and merchants but a forty plus story condo complex that destroys the look of a beautiful architectural building that already exists on the site is sheer madness. The area can barely tolerate the volume of pedestrian traffic today and that is with a Metreon complex that is barely functioning. Add Target, additional convention space and a forty story condo complex and the sidewalks will be impassable. Plus the loss of parking in the Jessie Square Car Park will further exacerbate the intolerable parking situation that exists today. (*William L. Larson*)

C.14.7

Other issues include the shadow that such a building would create on Jessie and even Union Square, the wind tunnel effect of continuing to jam enormous skyscrapers into such a small area, the farce of creating a Mexican Museum hiding in a condo complex to justify its construction and the impact on a Mass Transit system that is jammed to the gills with riders, especially the trolley lines on Market Street. (*William L. Larson*)

C.14.11

Let's expand our tax base by building this project in a location that would be better served by such a project. Let's preserve what few historic buildings we have and not engulf them with behemoth skyscrapers so as to make their preservation a farce as we did at the St. Regis. Let's show respect for the rights of our residents and merchants and not simply support any project that brings in a few additional tax dollars. We do not need another skyscraper on 3d and Mission. It is time for our City government to stand up and do the right thing. Say no to this ugly and unnecessary complex. Say yes to public safety and smart government. Stop this and any future skyscraper projects on 3d and Mission. (*William L. Larson*)

C.17.1

My name is Robert Friend and I am a residen[t] of the Four Seasons Residences. I want to go on record as saying that in the absence of some clever, imaginative mitigation I am opposed to the 706 Mission Street project. (*Robert Friend*)

C.18.2

To be clear, we fully support the Mexican Museum (MM) at 706 Mission Street, particularly in its originally planned low-rise format. We even support the MM in a residential tower, if it can be done with reasonable consideration and appropriate mitigation regarding traffic congestion, life, fire, and safety issues. (*Richard Laiderman and Jung-Wha Song*)

C.23.1

I am a resident of the Four Seasons Residential Building (765 Market). As it pertains to the proposed Mil[li]ennium project at the corner of Third and Mission, I strongly suggest you require the developer to modify the project and its plans. (*Larry Stupski*)

C.24.1a

As the founding and now retired president of the Four Seasons Home Owners Association I have had a long and intimate relationship with our neighborhood and its residents. The recently released EIR on the project proposed at 706 Mission raises a number of issues, calling into question the advisability of the proposed project. (*Ron Wornick*)

C.25.1

I'm writing to urge the San Francisco Planning Department to require significant modifications to the proposed project at 706 Mission and to suggest measures, within the City's power, to alleviate the burdens likely to be inflicted on the City by even a much scaled-down version. (*Penelope Wong and Tim Kochis*)

C.25.6

We understand the many competing factors that the Planning Department must consider in its decision, but we trust that it will be open to new thinking and to effective compromise in reaching its decisions. (*Penelope Wong and Tim Kochis*)

C.27.1

I am writing to voice my concerns regarding the proposed plans for the new condominium project at 706 Mission Street. My concerns include the increase in traffic to an already congested area of the city, difficulties for pedestrians and persons with disabilities in crossing intersections, the fire and safety issues for residents in this area and the increased shadow affects on Jessie Square and Union Square. (*Ed Dowd*)

C.27.7

I urge you to follow your instincts regarding what is best for the people of San Francisco by staying true to the city's program to reduce vehicular traffic and minimizing the shadowing effects for our open spaces. Code variances should not be allowed for these reasons. (*Ed Dowd*)

C.28.6

In conclusion any benefit the project may deliver is overridden by increased traffic gridlock and shadow impacts. (*Pam Fong*)

C.31.1

Great Job! How brilliant! [in regard to Letter C.33 by Paul Sedway, presented in Appendix B] (*Margaret Liu Collins*)

C.34.7

Sidewalks – keep the sidewalks wide – the 6 foot setback is nice. (*Rick Smith*)

C.38.1

I am writing you with regard to the proposal to build a mixed use building at 706 Mission Street. I am very concerned that the project's size and scope will do irreputable harm to the neighborhood I have called home for almost a decade. (*Jen Hernandez*)

C.38.4

Please consider a much more modest approach in terms of footprint and number of units, one which does not put pressure on the existing parking and traffic resources, resources that are already being used at capacity. (*Jen Hernandez*)

Response L.1

A number of comments express support for or opposition to the proposed project or aspects thereof. Some comments and inquiries suggest revisions to the proposed project. One comment asks that the sidewalks be kept wide. All of these comments are on the merits of the proposed project and do not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines Section 15088. Comments on the merits or demerits of aspects of the proposed project may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

While these comments do not raise any specific environmental issues, they do mention issues or concerns supporting the commentors' reasoning as to why the project should or should not be approved by City decision-makers. These issues and concerns are addressed in responses elsewhere in this Responses to Comments document, as follows:

- Regarding comments noting the need for the project to address solutions to access on Third Street, impacts from having a Stevenson Street access, effects on transit, traffic congestion impacts, emergency vehicle safety access, pedestrian accessibility and

III. Responses to Comments
L. Comments on the Merits of the Proposed Project

- cumulative pedestrian impacts, construction and operational impacts on traffic, and parking impacts, please see Section III.E, Transportation, Responses E.1-E.16, RTC pp. III.E.1-III.E.94.
- Regarding comments noting concerns about the aesthetics and size of the proposed project's building footprint and height, please see Section III.B, Aesthetics, Response B.4, RTC pp. III.B.6-III.B.7.
 - Regarding comments noting concerns about the retention of and potential impact construction of the project would have on the historic Aronson Building, please see Section III.D, Historic Architectural Resources, Response D.2, RTC p. III.D. 2. See also EIR Section IV.D, Historic Architectural Resources, pp. IV.D.54-IV.D.55.
 - Regarding comments noting concerns about wind and shadow impacts, please see Section III.F, Wind and Shadow, Responses F.1-F.6, RTC pp. III.F.1-III.F.30.
 - Regarding comments noting concerns about fire and safety issues, please see Section III.G, Public Services, Response G.1, RTC pp. III.G.1-III.G.3.

Some comments provide opinion on the appropriateness of the location and size of the proposed project, and request a smaller-sized development, including one that would have fewer residential units. Chapter VII, Alternatives to the Proposed Project, EIR pp. VII.1-VII.119, analyzes a range of reasonable alternatives, including alternatives that are smaller in size and scale than the proposed project. A smaller-sized alternative to the proposed project is analyzed in both the Existing Zoning Alternative and the Reduced Shadow Alternative. For a discussion of Off-Site Alternatives which were considered and rejected in the EIR, please see Response I.1 in Section III.I, Alternatives, RTC pp. III.I.8-III.I.9. For a discussion of the adequacy and range of alternatives analyzed in the EIR, please see Response I.1 in Section III.I, Alternatives, RTC pp. III.I.1-III.I.11.

One comment raises concerns about the potential for negative economic impacts on private, off-site, property values as a result of the proposed project's additional traffic and shadow impacts. As set forth in CEQA Guidelines Section 15131(a), potential economic effects of a project shall not be treated as significant effects on the environment. However, effects may be used to determine the significance of physical changes caused by a project. Please see Response E.1-E.4, RTC pp. III.E.1-III.E.41, for a discussion of traffic impacts, as noted above, and Response F.2-F.6, RTC pp. III.F.4-III.F.30, for a discussion of shadow impacts.

One comment (C.14.7) raises issues about four different topics. The portion of the comment about the proposed location of The Mexican Museum is addressed here. The other issues raised in the comment – wind impacts, shadow impacts, and transit impacts –are addressed in Response F.1, RTC pp. III.F.1-III.F.2, in Section III.F, Wind and Shadow; in Response F.2, RTC

pp. III.F.4-III.F.30; and in Response E.7, RTC pp. III.E.55-III.E.56, in Section III.E, Transportation, respectively.¹

Location of The Mexican Museum

C.10.3

Our primary concerns with the Project are as follows:...

- The Mexican Museum.
The soul and spirit of the arts and cultures of Mexico and the Americas are fundamentally linked.

We look forward the relocation of The Mexican Museum to the Project site. However, a museum of this importance should not be buried inside a high rise development. It would be far more consistent with other neighborhood cultural facilities (i.e. The Contemporary Jewish Museum, Yerba Buena Center for the Arts, and San Francisco Modern Art Museum among the many) if it were located outside the confines of a high rise and given its own building and grounds. *(Barry and Trudy Silverstein)*

C.11.5

These are our concerns about the proposed project for third and Mission streets:...

- 5). Location of the proposed Mexican Museum (being buried inside a high rise condo project). *(Laila and Lofty Basta)*

C.12.13

The following issues have only been superficially studied and some are omitted...:

J. Mexican Museum

We are in support of the Mexican Museum. The beauty of San Francisco is because we are an ethnic diverse city. From my standpoint they have been greatly taken advantage of by the Millennium developers by using their air rights for 550 ft.

This is a great compromise and sacrifice from the MM point of view – from a free standing and good street exposure to being embedded inside the building. No visibility. I am well aware of this because of a similar situation that happened many years ago of the Chinese Cultural Center being imbedded in the Holiday Inn, Chinatown and now Hilton, Chinatown. *(Margaret Liu Collins)*

C.13.1

This letter is in response to the DEIR report regarding the 706 Mission Project. As a resident and homeowner of the Four Seasons Residences here on 765 Market Street, San Francisco, I have been compelled to comment on the issues which the DEIR report seems to not adequately address.

I wanted to first lend my support for the Mexican Museum, but I am not sure being located and contained within a high rise building, thereby creating lack of visibility to the street is the best alternative to the museum. *(Matthew and Teresa Schoenberg)*

¹ Comment C.14.7 is repeated in the comment groupings before these responses as Comment C.14.6 in Wind, C.14.5 in Shadow, and C.14.8 in Transportation.

C.19.2

Secondly, the Mexican Museum needs an entry from the street, not to be part of a large building. It is psychologically daunting and uninviting to have it in a big building. They deserve a suitable venue for their museum. (*Eleanor L. Zuckerman*)

C.26.2

I do, however, want to comment on the Mexican Museum. The Museum has always been part of the plan for Jessie Square. There has always been space reserved for it. As a neighbor I have always expected it to be the final jewel in that development. I resent the implication in some of the testimony and in the press release that my neighbors and I object to having the Mexican Museum in our neighborhood. What I do feel is outrage that the Mexican Museum leaders have been “persuaded” to give up their beautiful site and accept an inappropriate and far less visible space on an upper floor in an old building. It is an unfair and an unequal trade-off and, frankly, seems to reek of corporate and political maneuvering of the worst sort. (*Diane Winokur*)

C.27.6

The reason the residents of the Four Seasons hired consultants was to try and gain an even footing with Millennium Partners and their lobbyists. None of the residents are against the building of the Mexican Museum. In fact we are in full support and would prefer it to be located where it will get more traffic than where Millennium currently wants to hide it. It would be an indignity if Millennium Partners uses the Mexican Museum as blackmail to get a taller building and the increased parking spaces. I realize they are a business that needs to make money but when is enough enough? I am sure that if the building were built within the code restrictions they would still make a large profit and at the same time be able to support the Mexican Museum. (*Ed Dowd*)

C.28.5

5. I fully support the effort to find a permanent home for the Mexican Museum. But I believe that the Mexican Museum will gain more visibility as a stand-alone museum such as the nearby Jewish Museum. (*Pam Fong*)

C.29.2

As for The Mexican Museum, it was in the plan from the beginning of the development of the area, and I would like to see it in its original spot on Jesse Square, visible, not underground, along with the other nearby museums. (*Elizabeth Marcus*)

Response L.2

These comments express concerns about locating The Mexican Museum in the proposed high-rise building and about the museum’s placement within the building. Some comments state that the proposed location for the museum would be uninviting and have poor visibility. One comment states that the museum should have an entrance at street level. Other comments state that the museum should be located in a free-standing building. One comment also questions whether the proposed high-rise building could be reduced in height yet still be able to support The Mexican Museum.

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As currently proposed, The Mexican Museum would occupy the ground through fourth floors of the high-rise building and the second and third floors and possibly some or all of the ground floor of the Aronson Building. Museum access would be from the ground-floor lobby facing Jessie Square. The comments on the location or placement of The Mexican Museum within the high-rise building do not raise any specific environmental issues on the adequacy or accuracy of the EIR's analysis of environmental impacts. As noted in Response L.1 above on pp. III.L.5-III.L.7, City decision-makers, as part of their decision to approve, modify, or disapprove the proposed project, will independently consider merits or demerits of all aspects of the proposed project, including the proposed location of The Mexican Museum.

To the extent that these comments can be construed as a request that a free-standing museum alternative be analyzed, please refer to Response I.1, in Section III.I, Alternatives, RTC pp. III.I.2-III.I.11, for a discussion on the adequacy and range of alternatives. While none of the five alternatives analyzed in the EIR includes a free-standing museum, the range of alternatives analyzed in the EIR is adequate. The CEQA Guidelines recognize that the range of conceivable alternatives to a proposed project, and variations thereto, is potentially vast. CEQA Guidelines Section 15126.6(a) requires only that an EIR consider a reasonable range of alternatives that will foster informed decision-making and public participation. The purpose of presenting a range of alternatives to a proposed project is to focus on alternatives that are capable of reducing or eliminating any of the significant effects of the proposed project identified in the EIR, and to foster informed decision-making and public participation by disclosing the comparative environmental consequences of alternatives vis-à-vis the proposed project. Thus, the alternatives analyzed in the EIR satisfy the requirements of CEQA and no additional EIR alternatives are required. A free-standing museum alternative (the Freestanding Alternative) was considered as part of the EIR process and rejected as infeasible because of issues related to design development and project scoping. Construction of a free-standing museum for The Mexican Museum by the prior SFRA was considered financially infeasible because the SFRA did not, and the Successor Agency does not, have sufficient funds to cover the costs of constructing a free-standing museum on that parcel. This alternative also would not meet any of the project sponsor's (Millennium Partners) project objectives. This alternative was also rejected because it was anticipated that it would not result in any reduced physical environmental impacts that are not already being achieved and evaluated with other alternatives, such as the Existing Zoning Alternative.

Regarding the comment which questions whether the proposed high-rise building could be reduced in height while still being able to support The Mexican Museum, please see Response K.1, in Section III, Project Feasibility and Aspects of the Proposed Project, RTC pp. III.K.2-III.K.5, for a discussion of financial feasibility of the project at different sizes.

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M. EIR PROCESS

EIR Cover Image

Comments

TR.3.1

President Fong, Members of the Commission, my name is Paul Sedway. I'm a neighbor – a resident of the neighboring area to the project. And first I want to commend the Planning Department, which is famous for its transparency, because on the cover of the EIR you will note that the tower behind the building has been made totally transparent and, in fact, the Mexican Museum has been made invisible. But so much for covers. (*Paul Sedway*)

C.8.1

My name is Paul Sedway, a resident at 765 Market Street. I am a former principal of Sedway Cooke Associates, planning consultants; former member of the board of San Francisco Heritage and member of its Issues Committee; and former member of the board of the Contemporary Jewish Museum and chair of its Building Committee. I am currently co-chair of the SPUR Advisory Council and member of its Executive Committee. I am not speaking on behalf of any of these organizations.

The Planning Department, known for maximizing transparency has taken that term to a new level. The photograph of the Aronson Building on the cover of the EIR makes the proposed project's tower just behind the Aronson Building totally transparent and at the same time, it makes the Mexican Museum invisible. So much for covers. (*Paul Sedway*)

Response M.1

The comments note that the cover of the Draft EIR shows the Aronson Building, but not the proposed project. EIRs prepared by the San Francisco Planning Department do not generally depict proposed projects on the cover; they may depict existing conditions in the project area. The Planning Department's "Consultant Guidelines for Preparation of Environmental Review Documents" specifically states that "no images of the proposed project shall be used" on the cover of the EIR.¹ The cover of the Draft EIR therefore shows a photograph taken from Mission Street of the project site, which includes the existing Aronson Building.

¹ San Francisco Planning Department, Major Environmental Analysis Division, "Consultant Guidelines for Preparation of Environmental Review Documents," September 11, 2008, p. 6-9. This document is available at <http://www.sf-planning.org/Modules/ShowDocument.aspx?documentid=3771>. (This document was updated on October 5, 2012, after preparation of the Draft EIR, but the relevant guidelines remain the same.)

Forum for Discussion of Topics

Comment

C.12.1

I attended the above hearing last Thursday. It was encouraging to observe, and hear that the board of supervisors were genuinely and seriously receptive to all the comments and concerns of the citizens residing in the neighborhood – district 6. (*Margaret Liu Collins*)

Response M.2

This is a general comment on the EIR process. The hearing referred to was held before the Planning Commission on August 2, 2012 to receive comments on the draft environmental impact report for the proposed project. This comment does not raise any specific environmental issues about the adequacy or accuracy of the EIR's coverage of environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines Section 15088. Comments on the merits or demerits of the proposed project may be considered by the City decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

Forum for Discussion Regarding Project Shadow

Comments

TR.14.5

However, there's a separate issue of should we increase the allowance. But that's not really an EIR issue. It's an issue that comes later at a time when if there were necessary to be a shadow allowance change, then we would have to find, as Commissioner Moore, you know, public benefits and other things that are taken into account when we look at shadow allowances through Rec & Park and other avenues that are open to us. But I don't believe that's – what we are looking at now is this analyzed adequately, completely, and thoroughly on the shadow part of it. (*Commissioner Michael Antonini, San Francisco Planning Commission*)

TR.15.1

I ask that question because I think – I think – this is a comment on the project, by the way, which has nothing to do with the EIR, but I'm going to make it anyway.

Given the testimony that we've heard, especially with respect to shadows on Union Square, I think the project sponsor needs to seriously consider lowering the height of this building. I think it's disingenuous to try to – this is not going to come out right.

But I can see what the public benefit statement is going to be. The statement of over-riding considerations on the shadow in Union Square is going to be that we're going to get the Mexican Museum. We are going to get additional housing. We are going to get all this stuff. And the developer is going to say that they can only do that because they have to have the height in order to make it all work. So we are going to be pitted between the people who want to keep the shadows to a minimum in Union Square and those people who are going to be supporting the Mexican Museum. And that's going to be the crux of the hearing. I can tell you that's what's

going to happen right now. And I do not like that scenario and I do not want that scenario to happen. (*Commissioner Hisashi Sugaya, San Francisco Planning Commission*)

TR.16.1

I share the concerns of Commissioner Sugaya and wonder where is the forum where we can talk about the shadow issue that's somewhat outside of the EIR, but come to a place where we're not presented with that tension. So obviously that. (*Commissioner Cindy Wu, San Francisco Planning Commission*)

Response M.3

One purpose of the EIR is to discuss the proposed project's shadow impacts on outdoor recreation facilities and other public areas in relation to the CEQA significance criterion, presented in Section IV.I, Wind and Shadow, EIR p. IV.I.40. The joint hearing between the Recreation and Park Commission and the Planning Commission, which will be held to consider allowing additional shadow to be cast on Union Square as part of the project approval process, is the appropriate forum for the City decision-makers to discuss the proposed project's building height, the public benefits of the proposed project (e.g, additional housing, The Mexican Museum), whether or not those public benefits warrant allowing additional shadow on Union Square, whether or not the height of the proposed project should be reduced, and the general public's support for or opposition to the proposed project.

The EIR analyzed two alternatives featuring a shorter building (the Existing Zoning Alternative and the Reduced Shadow Alternative) that would not cast net new shadow on Union Square. Decision-makers could approve, modify, or disapprove the proposed project or one of the project variants, or they may select one of the alternatives presented in the EIR, if such an alternative is determined to be feasible.

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N. REQUESTS FOR CLARIFICATIONS

Comments

C.34.3

What are the daylighting plans for the office areas? Any plans for daylighting like the David Brower Center in Berkeley and the new CCSF Chinatown / North Beach campus. *(Rick Smith)*

C.34.6

Parking – any plans to accommodate electric car recharging? *(Rick Smith)*

C.34.10

Construction – any conversations with the Yerba Buena Community Benefit District (YBCBD.org) to contract for added cleaning services around the region of construction? *(Rick Smith)*

C.34.11

Can the building include public restrooms to be maintained by the Yerba Buena Garden staff? There is a public restroom in Yerba Buena Gardens but none in Jesse Square. *(Rick Smith)*

Response N.1

These comments raise questions or ask for clarifications on aspects or particular characteristics of the proposed project. They do not raise specific environmental issues or concerns; however, brief responses to these comments are presented below

As part of the design development of the project and the building permit application process, the project architect will study the project's lighting design. This study will include evaluation of daylight options as part of the proposed project's lighting design.

In response to the comment about whether the proposed project will accommodate plans for an electric car charging station, the project sponsor is familiar with electric car charging requirements and is currently considering such a station to be included as part of the proposed project.¹ No decision has been made at this time.

In response to the comment about whether the Yerba Buena Community Benefit District has been contacted to discuss the possibility of providing contracted added cleaning services around the project site area during construction, the project sponsor indicated that they would be open to

¹ Email from Kristin Gonsar, Millennium Partners, December 18, 2012. A copy of this email is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

working with the District to coordinate these efforts.² Construction site maintenance will be included as part of the general contractor's scope of work.

Lastly, in response to a comment asking that public restrooms be included as part of the project and maintained by the Yerba Buena Garden's staff, the project sponsor notes that there are no designated public bathrooms included as part of the proposed project or project variants. Public restrooms would not be part of the private residential or office portions of the project, and the retail, restaurant, and museum portions of the project would contain restrooms for customers and patrons of these uses.³

² Email from Kristin Gonsar, Millennium Partners, December 18, 2012. In addition, the Exclusive Negotiation Agreement (ENA) between the project sponsor and the San Francisco Redevelopment Agency requires annual contributions to the Gardens Management, Operations and Security ("GMOS") account, which pays for maintenance of the Yerba Buena Gardens.

³ Email from Kristin Gonsar, Millennium Partners, December 18, 2012.

IV. DEIR REVISIONS

This chapter presents text changes for the *706 Mission Street – The Mexican Museum and Residential Tower Project Draft Environmental Impact Report* initiated by Planning Department staff. The first part of this chapter presents revisions to the EIR gathered from the responses in Chapter III, Responses to Comments. The second part of the chapter lists staff-initiated text changes to add minor information or clarification related to the project and to correct minor inconsistencies and errors. Deleted text is ~~struck through~~ and new text is underlined. The text revisions presented below clarify, expand or update the information presented in the Draft EIR. The revised text does not provide new information that would call for changes to any of the conclusions of the EIR, or result in any new significant impact not already identified in the EIR or any substantial increase in the severity of an impact identified in the EIR. In addition to the changes called out below, minor changes may be made to the Final EIR to correct typographical errors and to correct small inconsistencies.

A. CHANGES IN RESPONSE TO COMMENTS

AESTHETICS

Viewed from long-range viewpoints to the southwest of the project site, the proposed project would be seen against the backdrop of the dense downtown core and would appear within the profile of the downtown skyline, resulting in an incrementally more uniform appearance of building heights at this segment of the skyline. Accordingly, the discussion of impacts on EIR p. IV.B.26 is revised as follows to describe this impact (new text is underlined, deleted text is shown in ~~struck through~~). This revision does not alter any of the conclusions of the EIR.

Long-Range Scenic Vistas of Downtown

The proposed project tower at the southwest edge of the downtown high-rise core would not be prominent, if discernible at all, in long-range views of downtown from the west, north and east. It would be most prominent in long-range scenic vistas of downtown from the southeast and south. As shown in Figure IV.B.2: View A - View of Downtown from Dolores Park, Looking Northeast (Proposed), on p. IV.B.4, and in Figure IV.B.3: View B - View of Downtown from Highway 101 at 17th Street, Looking North (Proposed), on p. IV.B.5, the proposed project tower would be a new visual presence in the skyline amid the dense cluster of existing high-rise buildings of varying heights that comprise the downtown skyline. Viewed from long-range viewpoints to the southwest of the project site, the proposed project would be seen against the backdrop of the dense downtown core and would appear within the profile of the downtown skyline, resulting in a more uniform appearance of building heights within this segment of the downtown skyline. This change would constitute an incremental reduction in the varied appearance of development within the skyline when viewed from the southwest at long range.

Viewed from all directions, including the southwest, the downtown skyline would continue to be a prominent, distinctive, and varied visual feature within long-range views. The impact of the proposed project on the varied profile of the downtown skyline and views of the sky between buildings would not rise to the level of a significant adverse impact on the value of the downtown core overall as a scenic resource, or on the value of scenic vistas of the downtown core.

From Interstate 80/The Bay Bridge, the proposed project would be visible intermittently through gaps between intervening high-rise buildings and rising over the tops of lower intervening buildings. Currently, portions of the sky are visible between these gaps.

The proposed project tower would not obstruct long-range scenic views of the downtown core and would conform to the existing pattern of densely clustered high-rise development that characterizes long-range scenic vistas of the downtown core. From long-range vantage points, the San Francisco skyline would continue to express the varied and dense nature of development that currently characterizes the skyline and results in a readable and recognizable visual identity for downtown San Francisco (as discussed on EIR p. IV.B.16). For these reasons, the proposed project tower would not substantially degrade or obstruct long-range scenic vistas of the downtown core and would have a less-than-significant effect on this scenic vista. No mitigation measures are necessary.

Viewed from mid-range viewpoints within the Yerba Buena Gardens public open space to the south of the project site, the proposed project tower would be seen in profile against the sky and would contribute to varied skyline at the southwestern edge of the downtown core. Accordingly, the discussion of impacts on EIR p. IV.B.27 is revised as follows to describe this impact (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

Scenic Vistas from Yerba Buena Gardens

The proposed project would place a new 47-story high-rise building to the north of the Yerba Buena Gardens open space. See Figure IV.B.6: View E - View to Project Site from Rooftop Open Space at Yerba Buena Gardens, Looking Northeast (Proposed), on p. IV.B.9, and Figure IV.B.7: View F - View to Project Site from the Upper Terrace at Yerba Buena Gardens, Looking North (Proposed), on p. IV.B.10. The proposed new 47-story building would be a prominent new visual presence in scenic views from the open space. Rather than obstruct any scenic view, it would replace existing views of the prominent Westin (35 stories) with views of the proposed project tower. The proposed project tower would be seen in profile against the sky and would contribute to the variety of building heights that characterizes existing mid-range scenic views of the southwest edge of the downtown core, when viewed from the south. (The Marriott is 39 stories or about 436 feet tall; the Four Seasons is 40 stories or about 398 feet tall; St. Patrick's Church is 108 feet tall; the Jessie Street Substation (now the Contemporary Jewish Museum) is 49 feet tall; the Aronson Building is 10 stories or about 144 feet tall; the Paramount is 43 stories or about 420 feet tall; the St. Regis is 42 stories or about 484 feet tall; the W Hotel is 33 stories or about 315 feet tall.) The proposed project tower would be taller than, although comparable in height to, the other nearby high-rise buildings at the southwest edge of the downtown core. Views of the Aronson Building on the project

site, the landmark St. Patrick's Church and the Jessie Street Substation would not be obstructed. For these reasons, the proposed project would not substantially degrade or obstruct a scenic vista from Yerba Buena Gardens and would have a less-than-significant effect on this scenic vista. No mitigation measures are necessary.

TRANSPORTATION AND CIRCULATION

Pursuant to evolving City policies to encourage alternative modes, additional transportation demand management measures have been identified as being applicable to development projects similar to the proposed project, the text on EIR p. IV.E.59 is revised as follows (new text is underlined, deleted text is shown as ~~strike through~~). This revision does not change the analysis or conclusions presented in the EIR.

Improvement Measure I-TR-M: Transportation Demand Management

As an improvement measure to encourage use of alternative modes and reduce the proposed project's parking demand and parking shortfall, the project sponsor could implement the following Transportation Demand Management strategies:

Provide a transportation insert for the move-in packet. This packet could provide information on transit service (Muni and BART lines, schedules and fares), information on where transit passes could be purchased, and information on the 511 Regional Rideshare Program.

Information on transportation options, including updates, would be posted on the Homeowners Association (HOA) website and/or by other resident communications method.

The project sponsor could consider including in the price of rental or HOA fee one monthly Clipper card with transit pass for each unit.

Provide function of TDM program coordinator with training for this role.

Offer employee incentives to increase use of alternative modes of travel.

Consider providing and maintaining bicycles and facilities for use by tenants/employees.

Provide information related to access to bicycle parking and facilities in the area to tenants and employees.

Examine additional ways to improve bicycle and pedestrian safety at project vehicle and building access and entries, with the goal of reducing potential conflicts between private autos, transit vehicles, and commercial loading activities and alternative modes of travel.

WIND AND SHADOW

Local regulations related to shadows are discussed in Section IV.I, Wind and Shadow, EIR pp. IV.I.36-IV.I.37. For the purposes of the proposed project, the relevant park regarding

compliance with Planning Code Section 295 is Union Square. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission, described above and which occurred subsequent to the publication of the draft EIR, the EIR text regarding Union Square is updated as follows (new text is underlined, deleted text is shown in ~~strikethrough~~; new footnotes are designated as NF1, NF2, etc.). This revision does not alter any of the conclusions of the EIR.

In 1984, San Francisco voters approved an initiative known as “Proposition K, The Sunlight Ordinance,” which was codified in 1985 as Planning Code Section 295...On February 7, 1989, pursuant to Proposition K, the Planning Commission and the Recreation and Park Commission adopted a joint resolution adopting criteria for determination of significant shadows in 14 downtown parks, as described in a February 3, 1989 memorandum to the Planning Commission and the Recreation and Park Commission regarding “Proposition K – The Sunlight Ordinance.” These criteria establish an “absolute cumulative limit” (ACL) for new shadow allowed on these parks, as well as qualitative criteria for allocating the ~~absolute cumulative limit~~ ACL among individual buildings. The amount of shadow above existing shadow but below the ~~absolute cumulative limit~~ ACL is commonly referred to as the “shadow budget” for these parks. The shadow budget is then allocated to individual projects within the ~~absolute cumulative limit~~ ACL based on qualitative criteria established for each park, which vary by park but may include factors such as the time of day, the time of year, shadow characteristics (size, duration, location), and the public good served by the building casting the shadow.

Union Square

Union Square receives about 392,663,521 square-foot-hours (sfh)¹⁸ of theoretical annual available sunlight (TAAS).¹⁹ Currently, there are about 150,265,376 sfh of existing annual shadow on the park. Union Square is one of 14 downtown parks for which the Planning Commission and the Recreation and Park Commission, on February 3, 1989, established quantitative standards to control the amount of additional shadow on these parks from future development projects. The quantitative standard that was established for Union Square is additional shadow in an amount equal to 0.1 percent of the ~~theoretical annual available sunlight~~ TAAS on Union Square, which is approximately 392,663.5 sfh.²⁰

Since the quantitative standard for Union Square was established in 1989, two completed development projects have affected the shadow conditions on Union Square. In 1996, a project to expand Macy’s department store altered the massing of the structure and resulted in a net reduction of 194,293 sfh of existing shadow (with a corresponding increase in the amount of sunlight on the park), and in 2003, a project at 690 Market Street added 69,540 sfh of net new shadow on Union Square.²²

Although the Macy’s expansion project reduced the amount of existing shadow and increased the amount of available sunlight on Union Square, this amount has not been added back to the shadow budget for Union Square by the Planning Commission and the Recreation and Park Commission to account for these conditions. The ~~current~~ shadow budget for Union Square at the time of publication of this Draft EIR, which accounts for the 69,540 sfh of net new shadow that were added by the project at 690 Market Street, is 323,123.5 sfh.

During a joint public hearing on October 11, 2012, the Planning Commission and the Recreation and Park Commission increased the ACLs for seven downtown parks, including Union Square, to allow for shadow cast by development projects that meet the criteria set forth in the *Transit Center District Plan* (TCDP). The ACL for Union Square was increased from the original limit of 0.1 percent of the TAAS (approximately 392,663.5 sfh) to 0.19 percent of the TAAS (approximately 746,060.7 sfh).^{NF1} Following the joint hearing, the Recreation and Park Commission reviewed the shadow impacts of the proposed Transit Tower at 101 First Street and made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to the Transit Tower.^{NF2} On October 18, 2012, the Planning Commission allocated a portion of the newly adopted ACL to the Transit Tower.^{NF3} On November 15, 2012, the Recreation and Park Commission made a formal recommendation to the Planning Commission to allocate a portion of the newly adopted ACL for Union Square to a proposed project at 181 Fremont Street.^{NF4} On December 6, 2012, the Planning Commission allocated a portion of the newly adopted ACL to 181 Fremont Street.^{NF5} As a result of these actions, the remaining ACL for Union Square is 0.1785 percent of the TAAS, which means that approximately 700,904.4 sfh of net new shadow could be cast on Union Square by other development projects that meet the criteria set forth in the TCDP. Union Square currently has a remaining shadow allocation, or shadow budget, of approximately 323,123.5 sfh.²¹

As part of their actions on October 11, 2012 to increase the ACLs for seven downtown parks, the Planning Commission and the Recreation and Park Commission designated the ACLs exclusively for projects that meet the criteria set forth in the TCDP. Projects that do not meet the criteria set forth in the TCDP may not utilize the amended ACLs if they cast net new shadow on any of the seven downtown parks for which the ACLs were amended. Such projects would be required to seek their own amendments to the ACLs for any of these seven downtown parks, if necessary.

In addition to a quantitative standard, the Planning Commission and the Recreation and Park Commission established a qualitative standard for Union Square calling for the preservation of mid-day sunlight on the park.²³

This EIR text includes the following footnotes (footnote 21 is deleted as part of the text changes above):

- ¹⁸ Sunlight and shadow are measured in units known as square-foot-hours (sfh), which are calculated by multiplying the area that is in sunlight or shadow (in square feet) by the amount of time that the sunlight or shadow is present (in hours).
- ¹⁹ The amount of theoretical annual sunlight on a park is calculated by multiplying the area of the park (in square feet) by the total hours of sunlight available on an annual basis, ignoring shadows from structures or other natural phenomena, such as clouds, fog, or solar eclipses, that may obscure sunlight. For San Francisco, there are approximately 3,721.4 hours of sunlight available on an annual basis.
- ²⁰ February 3, 1989 Planning Department memorandum to the Planning Commission and the Recreation and Park Commission; Planning Commission Resolution No. 11595, adopted February 7, 1989.

- ~~²⁴ The remaining shadow budget for Union Square was provided by the Planning Department. The remaining shadow budget is based on approved projects that sought and received shadow allocations as part of their entitlements.~~
- ²² Environmental review files for Macy’s Expansion Project (Planning Department Case No. 1996.228E) and 690 Market Street (Planning Department Cases No. 2003.0584E and 2003.1206E).
- ²³ February 3, 1989 Planning Department memorandum to the Planning Commission and the Recreation and Park Commission; Planning Commission Resolution No. 11595, adopted February 7, 1989.

The following new footnotes are added to EIR pp. IV.I.36-IV.I.37 as part of the text changes above:

- ^{NF1} San Francisco Planning Commission Resolution No. 18717 and San Francisco Recreation and Park Commission Resolution No. 1210-001, adopted on October 11, 2012.
- ^{NF2} San Francisco Recreation and Park Commission Resolution No. 1210-002, adopted October 11, 2012.
- ^{NF3} San Francisco Planning Commission Motion No. 18724, adopted October 18, 2012.
- ^{NF4} San Francisco Recreation and Park Commission Resolution No. 1211-007, adopted November 15, 2012.
- ^{NF5} San Francisco Planning Commission Motion No. 18763, adopted December 6, 2012.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

On EIR p. IV.I.43, the additional net new shadow that the proposed project would cast on Union Square is discussed. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission related to shadows on Union Square, discussed above, the first two full paragraphs on EIR p. IV.I.43 are revised as follows (new text is underlined, deleted text is shown in ~~strike through~~). This revision does not alter any of the conclusions of the EIR.

On an annual basis, the proposed project would cast 337,744 sfh of net new shadow on Union Square, which would be an increase of about 0.22 percent relative to the existing annual shadow on the park. ~~This amount of net new shadow would exceed the remaining shadow budget of 323,123 sfh of shadow that could be cast on Union Square by proposed future development projects.~~ Due to the limited duration of the shadow and the limited use of the park during the time when the shadow would occur, the net new shadow from the proposed project would not likely result in a substantial change in the use of Union Square. While the shadow would be noticeable to park users and others walking in and around the park, the new shadow would not impair the passive recreational enjoyment of Union Square, especially because the net new shadow would not occur when the park is most used.

As discussed under the heading “Regulatory Framework,” following the approval of the TCDP, and the Transit Tower and 181 Fremont Street projects, Union Square has a remaining shadow budget of approximately 0.1785 percent of the TAAS (approximately 700,904.4 sfh); this shadow budget may only be utilized by projects that meet the criteria set forth in the TCDP. The proposed project does not meet the criteria set forth in the TCDP. In order for the proposed project to be implemented, the Planning Commission and the Recreation and Park Commission would have to increase the ~~absolute cumulative limit~~ ACL for Union Square to an amount that would accommodate the amount of net new shadow cast by the proposed project. It is anticipated that the project sponsor would request that the Planning Commission and the Recreation and Park Commission consider making this change. If this increase in the ~~absolute limit~~ ACL were made, the project would be within the ~~absolute cumulative limit~~ ACL for Union Square, and the Commissions would then need to determine whether to allocate available shadow budget to the project based upon the qualitative standard set for Union Square of avoiding additional shadows during mid-day.

The discussion on EIR pp. IV.I.42-IV.I.43 concluded that the proposed project’s shadow impacts on Union Square, including the outdoor seating area of the café, would not likely result in a substantial change in the use of Union Square and would not impair the passive recreational enjoyment of Union Square. In order to reflect the recent actions of the Planning Commission and the Recreation and Park Commission, described in an earlier response, the text on EIR pp. IV.I.42-IV.I.43 is revised as follows (new text is underlined, deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

The shadow calculations prepared for the proposed project indicate that it would cast net new shadow on Union Square during the morning hours from early October through early November and from early February through early March. The proposed project would not cast net new shadow on Union Square after 9:30 AM on any day during the year.

During the autumn, October 11 would be the first day on which the proposed project would cast net new shadow on the park (between 8:30 AM PDT and 9:30 AM PDT), and November 8 would be the last day on which the project would cast net new shadow on the park (between 7:43 AM PST and 8:15 AM PST). In terms of area, the maximum shadow during the autumn would occur on October 18. At 8:45 AM PDT on October 18, the shadow would cover an area of approximately 17,715 square feet of the 112,615 total square feet of the park. Figure IV.I.4: Project Shadow on Union Square, 8:30 AM and 8:45 AM PDT on October 18, on p. IV.I.44, and Figure IV.I.5: Project Shadow on Union Square, 9:00 AM and 9:15 AM PDT on October 18, on p. IV.I.45, show the progression of the shadow across Union Square on the morning of October 18.

During the late winter, the proposed project would begin to cast net new shadow on the park on February 2 (between 7:43 AM and 8:15 AM PST) and would stop casting net new shadow on the park on March 2 (between 8:30 AM and 9:30 AM PST). In terms of the area of the park being shadowed, the maximum project-related shadow during the late winter would occur on February 23. At 8:45 AM PDT on February 23, the shadow would cover approximately 17,715 square feet of the total 112,615 square feet of the park. The shadow pattern and movement of shadow across the park on February 23 would be similar to that described for October 18.

During the early morning (from sunrise until 9:00 AM), Union Square is not heavily used. At that time of day, most retail stores are not yet open. There is substantially more pedestrian activity on the sidewalks surrounding Union Square than in the park itself as people walk to work and other destinations. The park, which is more suitable for passive recreation than active recreation, is most heavily used from late morning through early evening. The net new shadow from the proposed project would fall on some of the pedestrian walkways and seating areas in Union Square. In general, the net new project-related shadow would begin near the western edge of the park and move east across the park. There is a café near the northeast corner of the park, and the café has an outdoor seating area. Portions of the outdoor seating area are already shadowed for much of the morning (from sunrise until approximately 10:00 AM) by existing buildings in the area. Some net new shadow from the proposed project would fall on part of the outdoor seating area for about 15 to 20 minutes before moving off the park. This net new project-related shadow on the outdoor seating area would occur from about 9:10 AM until just before 9:30 AM in mid-October and again from late February until early March. Since the proposed project would not cast net new shadow on Union Square after 9:30 AM, the proposed project would be consistent with the Planning Commission's and the Recreation and Park Commission's qualitative standard for Union Square calling for the preservation of mid-day sun.

On an annual basis, the proposed project would cast 337,744 sfh of net new shadow on Union Square, which would be an increase of about 0.22 percent relative to the existing annual shadow on the park. ~~This amount of net new shadow would exceed the remaining shadow budget of 323,123 sfh of shadow that could be cast on Union Square by proposed future development projects.~~ Due to the limited duration of the shadow and the limited use of the park during the time when the shadow would occur, the net new shadow from the proposed project would not likely result in a substantial change in the use of Union Square. While the shadow would be noticeable to park users and others walking in and around the park, the new shadow would not impair the passive recreational enjoyment of Union Square, especially because the net new shadow would not occur when the park is most used.

As discussed under the heading "Regulatory Framework," following the approval of the TCDP, and the Transit Tower and 181 Fremont Street projects, Union Square has a remaining shadow budget of 0.1785 percent of the TAAS (approximately 700,904.4 sfh); this shadow budget may only be utilized by projects that meet the criteria set forth in the TCDP. The proposed project does not meet the criteria set forth in the TCDP. In order for the proposed project to be implemented, the Planning Commission and the Recreation and Park Commission would have to increase the ~~absolute cumulative limit~~ ACL for Union Square to an amount that would accommodate the amount of net new shadow cast by the proposed project. It is anticipated that the project sponsor would request that the Planning Commission and the Recreation and Park Commission consider making this change. If this increase in the ~~absolute limit~~ ACL were made, the project would be within the ~~absolute cumulative limit~~ ACL for Union Square, and the Commissions would then need to determine whether to allocate available shadow budget to the project based upon the qualitative standard set for Union Square of avoiding additional shadows during mid-day.

To provide more detail about shadows on Jessie Square, the following paragraph is added immediately after the heading “Jessie Square” on EIR p. IV.I.46 (new text is underlined). This revision does not alter any of the conclusions of the EIR.

Jessie Square receives about 126,611,205 square-foot-hours (sfh) of TAAS. Currently, a total of about 35,883,028 sfh of existing annual shadow is cast on the park; the amount and duration of shadow varies from day to day depending on the time of day and time of year. On an annual basis, the proposed project would cast about 8,031,176 sfh of net new shadow on Jessie Square, which would be an increase of about 22.4 percent relative to the existing annual shadow on the park.^{NF6}

A new footnote is added to that page as follows (new text is underlined):

^{NF6} CADP, Shadow calculation spreadsheet for Jessie Square. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

In order to clarify when the proposed project and development proposed under the TCDP, respectively, would cast net new shadow on Union Square, the first two paragraphs on EIR p. IV.I.60 are revised as follows (new text is underlined, deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

As stated above, none of the potential future development ~~anticipated~~ under the TCDP would shadow Jessie Square. There would not be new cumulative shadow related to Jessie Square. With respect to Union Square specifically, the net new shadow from these reasonably foreseeable future projects, including potential future development under the ~~draft~~ TCDP, would not occur during the same time of the year as the net new shadow from the proposed project. The proposed project would cast net new shadow on Union Square in the morning from mid-October through early November and from early February through early March. Potential future development under the TCDP, including the Transit Tower, would cast net new shadow on Union Square in the morning from mid-July until late September and from mid-March until late May. ~~Implementation of the proposed project and the reasonably foreseeable future projects identified above, including potential future development under the draft TCDP, would increase the amount of net new shadow on Union Square and would exceed the remaining shadow budget of 323,123 sfh for Union Square.~~

The *Transit Center District Plan and Transit Tower EIR (TCDP EIR)* concludes that potential future development ~~anticipated~~ under the TCDP, including the Transit Tower, would have a significant and unavoidable shadow impact, and would contribute to a significant and unavoidable cumulative shadow impact when considered in combination with the proposed project. For the most part, shadows from the TCDP and the proposed project, would not overlap – they would affect different open spaces and, with respect to Union Square, ~~different times of the day and~~ different times of the year.^{NF7} Due to the number of proposed development projects adding new shadow and the layering of additional times of day and additional times of the year when the public open spaces would be shadowed, combined with the impact of the TCDP on the use of some of these

open spaces, cumulative shadow impacts would be significant and unavoidable. By contributing shadow to different open spaces, or in the case of Union Square, at different times of the day and a different time of the year, the proposed project would ~~contribute considerably~~ make a cumulatively considerable contribution to the significant and unavoidable cumulative shadow impact identified in the *TCDP EIR*.

The following new footnote is added to EIR p. IV.I.60 as part of the text changes above:

^{NF7} With respect to the time of day for shadowing Union Square, there is a one-hour overlap in terms of time periods between the TCDP (7:10 a.m. to 8:40 a.m.) and 706 Mission Street (7:43 a.m. to 9:30 a.m.). The overlap would occur from 7:43 a.m. until 8:40 a.m., but the shadows during this time period would occur at different times of the year.

All subsequent footnotes in Section IV.I of the EIR will be renumbered in the Final EIR.

ALTERNATIVES

As discussed in Chapter VII, Alternatives to the Proposed Project, on EIR p. VII.118 under the subheading “Alternatives Considered and Rejected,” the elliptical tower scheme was not selected by the Planning Department due to a variety of reasons, separate from any CEQA analysis and/or determinations, including impacts on the physical integrity of the historic Aronson Building, aesthetics impacts, and the location of the tower. That discussion is presented below and is also revised in response to comments to clarify the characteristics of the original elliptical tower project proposal and to add the issue of shadow on Union Square as an additional reason for the Planning Department’s recommendation that the original scheme be revised (new text is underlined, deleted text is shown in ~~strikethrough~~). This revision does not alter any of the conclusions of the EIR.

Elliptical Tower Plan. The project sponsor ~~originally~~ submitted the original project proposal to be considered by the Planning Department as part of the original Environmental Evaluation Application (Case No. 2008.1084E), dated June 30, 2008. The original project proposal called for demolition of the rear and side walls of the historic Aronson Building and about half of the each floor plate, and construction of a 630-foot-tall, 42-story elliptical tower to the west of the historic Aronson Building and over the western three-fifths of the Aronson Building’s length. The elliptical tower under the original project proposal was set back from the property line shared with Jessie Square by approximately 15 feet, 9 inches. The original project proposal included a three-story podium base to be occupied by the Mexican Museum which cantilevered 10 feet over the property line shared with Jessie Square. Under the original project proposal, resident and delivery vehicles ~~could~~ would exit the project site by an existing curb cut along Mission Street, and could also ~~vehicles would~~ enter and exit the project site from the existing vehicular entrance and exit on Stevenson Street. Resident vehicles could also ~~would~~ enter and exit the project site at an existing curb cut along Third Street at the northeast corner of the project site. ~~The Environmental Evaluation Application, as originally submitted to the Planning Department on September 11, 2008, called for partial demolition of the Aronson Building and construction of a 42-story, approximately 630-~~

~~foot tall tower to the west of, adjacent to, and partially within, the Aronson Building at its northwest corner. This scheme was disfavored by Planning Department staff both because of its impacts on the physical integrity of the historic Aronson Building, as well as due to staff concerns regarding aesthetics related to its elliptical tower plan design. In addition, the location of the original tower over the western portion of the Aronson Building was shifted to the west in the currently proposed project design in order to reduce net new shadow on Union Square.~~

B. STAFF-INITIATED TEXT CHANGES

CHAPTER II, PROJECT DESCRIPTION

The last bulleted item on p. II.48 is revised as follows:

- ~~The tower would be built adjacent to the Aronson Building west party wall. The Aronson Building would be either and connected to the tower with a structural seismic joint, which would be obscured and visually screened as much as possible, or seismically tied into the tower at floor and roof levels without the use of a seismic joint. If a seismic joint is used, an air space would exist between the tower and the Aronson Building as required for structural movement, and the seismic joint would span the two structures. In either case, The tower and the Aronson Building would be retain an independent structural gravity system. structurally separate, with an air space in between as required for structural movement, and the seismic joint would span the two structures. The new tower may provide lateral support to the Aronson Building.~~

On p. II.53, the ninth bullet under the heading “New Tower Base (Floors 1 through 4)” is revised as follows:

- ~~The tower base would be built adjacent to the existing Aronson Building west exterior party wall. The Aronson Building would be either and connected to the tower with a structural seismic joint along this edge, which would be obscured and visually screened as much as possible, or seismically tied into the tower at floor and roof levels without the use of a seismic joint. If a seismic joint is used, an air space would exist between the tower and the Aronson Building as required for structural movement, and the seismic joint would span the two structures. In either case, The tower base and the Aronson Building would be retain an independent structural gravity system. structurally separate, with an air space in between as required for structural movement, and the seismic joint would span the two structures. The new tower may provide lateral support to the Aronson Building.~~

On p. II.61, the last bullet under the heading “West Façade” is revised as follows:

- ~~The seismic upgrade of the Aronson Building would include either a seismic joint between the tower and the seismically upgraded historic building would be installed, or the Aronson Building would be tied into the tower for seismic support.~~

On p. II.69, the first sentence of the paragraph under the heading “Construction Cost and Schedule” is revised as follows:

The project sponsor estimates that construction of the proposed project would take up to 36 months at an estimated cost of approximately \$170 247 million.

On pp. II.71 to II.73 the following text is revised as follows to reflect clarifications regarding the project approvals.

Under Approvals by the Board of Supervisors:

- ~~Approval of the Agreement of Purchase and Sale for the Mexican Museum parcel.~~³³

The footnote referenced is also deleted.

³³~~As part of this agreement, the Successor Agency would convey the Mexican Museum parcel to the project sponsor, and the project sponsor would build the shell and core of the museum space and convey the museum space to the Successor Agency while retaining ownership of the underlying land. The Successor Agency would enter into a long term lease with The Mexican Museum or another similar cultural institution.~~

- ~~Approval of the Agreement of Purchase and Sale for the Jessie Square Garage.~~³⁴

As well as the footnote referenced.

³⁴~~The purchase and sale of the Mexican Museum parcel and the Jessie Square Garage may be combined into one purchase and sale agreement.~~

Under Approvals by the Successor Agency and the Oversight Board of the Successor Agency:

Actions by the Commission on Community Investment and Infrastructure Successor Agency and the Oversight Board of the Successor Agency

SECTION IV.A, LAND USE AND LAND USE PLANNING

On p. IV.A.7, the last paragraph is revised as follows:

The proposed project at 2 New Montgomery Street is the ~~conversion of 25 tourist hotel rooms to residential use and the construction of a 17-story addition to the Palace Hotel containing residential use. Implementation of this project would result in a net increase of approximately 125 dwelling units~~ demolition of the non-landmarked portion of the Palace Hotel and the construction, in its place, of a residential tower. As analyzed in the *Transit Center District Plan and Transit Tower EIR*, a 600-foot-tall height limit was adopted for this site under the *Transit Center District Plan (TCDP)*.⁵ A formal application for the Palace Hotel project has been filed, and this project is currently undergoing environmental review. For its cumulative impacts analysis, the *706 Mission Street Project EIR* uses the same approach as the *Transit Center District Plan and Transit Tower EIR* and analyzes a 600-foot-tall Palace Hotel project.

On p. IV.A.8, footnote 5 is revised as follows:

⁵ San Francisco Planning Department, ~~List of pipeline projects provided on March 4, 2011. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E~~ Transit Center District Plan and Transit Tower Final EIR, May 24, 2012, p. 48.

SECTION IV.B, AESTHETICS

On p. IV.B.18, footnote 3 is revised as follows:

³ Knapp & VerPlanck Preservation Architects, *Historic Resource Evaluation: The Aronson Building*, ~~June 23, 2011~~ April 24, 2011, p. 66. A copy of this document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

SECTION IV.C, POPULATION AND HOUSING

On p. IV.C.4, the page number cited in footnote 18 is corrected, as follows:

¹⁸ ABAG, *Projections 2009*, p. ~~29~~ 92.

On p. IV.C.5, the following revisions are made to footnotes 22:

²² San Francisco Planning Department, *San Francisco Housing Inventory* ~~2008~~ 2009, April ~~2009~~ 2010, p. 6.

On p. IV.C.6, footnote 25 is revised and a date is corrected in footnote 27, as follows (there are no changes to the other footnotes on this page):

²⁵ ABAG, U.S. Census 2000 Data. ~~Available online at <http://www.bayareacensus.ca.gov/counties/SanFranciscoCounty.htm>. Accessed April 27, 2012.~~ Population and Race data by census tract. Available online at <http://www.bayareacensus.ca.gov/small/small.htm>. Accessed May 9, 2012.

²⁷ Kristin Gonsar, Millennium Partners, email communication, ~~April 21~~ May 2, 2011. A copy of this communication is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

On p. IV.C.14, the following revisions are made to Table IV.C.3:

Table IV.C.3: Existing and Future Project Employment

Use	Existing Employment ^a	Proposed Residential Flex Option (215 units) ^b		Proposed Office Flex Option (191 units) ^b	
		Gross Floor Area	Employment	Gross Floor Area	Employment
Residential	-	580,630 gsf	31	519,310 gsf	27
Residential Amenity ^e	-	22,199 gsf	3	22,199 gsf	3
Museum/Institutional ^{d,ε}	-	52,285 gsf	44 ^e	52,285 gsf	44
Retail/Restaurant ^{e,δ}	6	4,800 gsf	14	4,800 gsf	14
Office ^{f,ε}	442	-	-	61,320 gsf	222
Other ^{e,ζ}	2	50,611 gsf	2	50,611 gsf	2
Parking	3	470 spaces	6 ^{h,ξ}	470 spaces	6 ^{h,ξ}
Total Employment^{e,ζ}	453	710,525 gsf	100	710,525 gsf	318
Total Net Decrease			(353)		(135)

Notes: All numbers provided are approximations.

^a Existing employment information provided by Kristin Gonsar, Millennium Partners, April 21, 2011.

^b The residential flex option would include 175 to 215 units, and the office flex option would include 175 to 191 units. For purposes of analyzing project-related employment, the maximum number of units ~~were~~ was used for each option.

^e ~~Kristin Gonsar, Millennium Partners, April 29, 2011.~~

^{d,ε} Assumes 1,200 gsf per employee based on the *706 Mission Street Transportation Study*, Appendix H.

^{e,δ} San Francisco’s *Transport Impact Analysis Guidelines*, 2002 uses an employment factor of 350 gsf/employee for the proposed retail/restaurant uses.

^{f,ε} San Francisco’s *Transport Impact Analysis Guidelines*, 2002 uses an employment factor of 276 gsf/employee for the proposed office uses.

^{e,ζ} Includes service workers associated with loading, mechanical, storage, and utility space such as janitorial and building maintenance workers.

^{h,ξ} Employment assumes similar proportion of employees per public parking space in the Jessie Square Garage plus residential valet service. Residential valet parking information provided by Kristin Gonsar, Millennium Partners, April 29, 2011.

Sources: City of San Francisco, *Transportation Impact Analysis Guidelines*, 2002, Millennium Partners, and Turnstone Consulting

SECTION IV.D, CULTURAL AND PALEONTOLOGICAL RESOURCES – HISTORIC ARCHITECTURAL RESOURCES

On p. IV.D.42, footnote 16 is revised as follows:

¹⁶ City and County of San Francisco Planning Department, Preservation Bulletin No. 16, “CEQA Review Procedures for Historic Resources,” Draft March 31, 2008 (hereinafter referred to as ~~“Preservation Bulletin No. 16”~~ “CEQA Review Procedures”), p. 5.

On p. IV.D.51, the second paragraph under the heading “Proposed Tower” is revised as follows:

The tower would be built adjacent to the Aronson Building’s west party wall following demolition of the 1978 west annex. The Aronson Building would be either ~~and would be~~ connected to the tower Aronson Building with a structural seismic joint, or seismically

ried into the tower at floor and roof levels without the use of a seismic joint. If a seismic joint is used, an air space would exist between the tower and the Aronson Building as required for structural movement, and the seismic joint would span the two structures. In either case, t~~The tower and the Aronson Building would be~~ have independent structural gravity systems. The tower may provide lateral support to the Aronson Building.~~structurally separate, with an air space in between as required for structural movement.~~ New connections between the tower and the existing Aronson Building would be established for programmatic and structural requirements, while still maintaining a visual separation between the buildings.

On p. IV.D.54, the third sentence of the first paragraph after the impact statement for Impact CP-6 is revised as follows:

However, as discussed in the HRRER, the tower would be fully structurally independent of the Aronson Building with respect to gravity loads and thereby removable, in conformity with the Secretary's Standards, Standard 10.³³

On p. IV.D.55, the following language is added at the beginning of the last paragraph after the impact statement for Impact CP-6:

Additional construction details regarding two proposed approaches to seismic work related to the connection of the new tower to the Aronson Building as well as the seismic upgrade of Aronson Building have been developed. Page and Turnbull provided a summary and analysis of the effects of these two approaches for seismic work on the Aronson Building.^{NF8} One approach would include a seismic joint. The other would include lateral connections between the Aronson Building and the new tower at all floor and roof levels such that the buildings would move together in a seismic event. Planning Department Preservation Planning staff concurs with the assessment prepared by the Historic Preservation Consultant, Page and Turnbull, dated February 14, 2013 (revised 2/22/13) that there would be no adverse effects to the Aronson Building from either approach.^{NF9} In addition, Mitigation Measure M-NO-2c: Vibration Monitoring and Management Plan, in Section IV.F, Noise, p. IV.F.27, addresses the potential for direct damage to the Aronson Building from vibration during construction of the proposed project tower.

The following new footnotes are added to EIR p. IV.D.55 as part of the text changes above:

^{NF8} Page and Turnbull, Memorandum to Lily Yegazu, Planning Department, Regarding Seismic Upgrade Approaches for the 706 Mission Street Project, February 22, 2013. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California as part of case file 2008.1084E.

^{NF9} L. Yegazu, Planning Department Preservation Staff, Memorandum to file/Debra Dwyer, Environmental Planning, regarding Seismic Approaches for the 706 Mission Street Project, February 26, 2013. This document is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California as part of case file 2008.108

SECTION IV.E, TRANSPORTATION

The last two sentences of the last paragraph on p. IV.E.56 are revised as follows:

The residential flex option would include up to 215 spaces for the residential dwelling units, at least 43 spaces reserved for leased parking, and 2 car-share spaces. The office flex option would include up to 191 spaces for the residential dwelling units, at least 68 spaces reserved for leased parking, and 1 carshare parking space.

SECTION IV.I, WIND AND SHADOW**Wind**

The second sentence in the paragraph under the heading “Summary of Wind Hazard Analysis for the Cumulative Scenario,” on EIR p. IV.I.25, is revised as follows:

Overall, there would be a net improvement in wind conditions; the duration of hazardous winds at these four locations would decrease by about 101 hours per year (from 127 hours to 26 hours).

Shadow

The following change is made to the title of Figure IV.I.7 on p. IV.I.49:

Figure IV.I.7: Project Shadow at 3:00PM ~~and~~ PDT on March 21 (September 21 Similar)

SECTION IV.K, UTILITIES AND SERVICE SYSTEMS

On p. IV.K.7, footnote 26 is revised as follows:

²⁶ San Francisco ~~Public Works Code~~ Board of Supervisors Ordinance No. 18-11, adopted February 8, 2011.

On p. IV.K.15, the following change is made to footnote 43:

⁴³ Email communications between D. Dwyer, San Francisco Planning Department and M. Petrick, SFPUC, May 22, 2012, January 14, 2010, ~~and~~ January ~~11,~~ 11, 2010, and January 7, 2010. A copy of this correspondence is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

SECTION IV.L, PUBLIC SERVICES

The last sentence of the paragraph under the heading “Local” on p. IV.L.8 is revised as follows:

The current fees applicable to the proposed project are \$2.24 per square foot of space for residential development, ~~\$0.27~~ 0.28 per square foot of covered and enclosed space for commercial/industrial development applicable to the “office” category, and \$0.18 per

square foot of covered and enclosed space for commercial/industrial development applicable to the “retail and services” land use category.¹⁸

On p. IV.L.8, footnote 18 is revised as follows:

¹⁸ San Francisco Unified School District, ~~*SB-1693 Developer Impact Fee Annual and Five Year Reports for the Fiscal Year Ending June 30, 2011*~~, November ~~26, 2007~~ 28, 2011. ~~Telephone conversation with Turnstone Consulting and SFUSD employee, Cristina Mariscal, April 18, 2012.~~ A copy of this record is available for review at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, California, as part of Case File No. 2008.1084E.

CHAPTER VII, ALTERNATIVES TO THE PROPOSED PROJECT

On p. VII.4, the second page of Table VII.1, Summary of EIR Alternatives Compared to the Proposed Project, the number shown for the “Total Project Site Lot Area” in the Reduced Shadow Alternative column is revised as follows:

~~25,240~~ 63,468 sf

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