



August 15, 2011
Via E-Mail

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

Re: **COMMENTS ON DRAFT EIR FOR 8 WASHINGTON STREET / SEAWALL LOT 351 PROJECT (Case No. 2007.0030E)**

Dear Mr. Wycko:

On behalf of the Telegraph Hill Dwellers (THD) a non-profit community group founded in 1954, I write to provide comments on the Draft Environmental Impact Report ("DEIR") prepared for the 8 Washington Street/Seawall Lot 351 project. For the reasons listed below, we believe that the DEIR is incomplete and inadequate. Our main areas of concerns are that the DEIR fails to adequately analyze the proposed project's: (1) conflicts with existing zoning, plans and policies; (2) incompatibility with the Port's Design Objectives for Seawall Lot 351; (3) aesthetic impacts including blocking iconic views of Telegraph Hill; (4) population and housing impacts; (5) shadow impacts on parks and open spaces; (6) impacts to historic resources; and (7) failure to meet the Port's objectives for Seawall Lot 351. In addition, the *Northeast Embarcadero Study*, itself prepared without the benefit of any EIR review, was improperly relied upon by the DEIR.

As set forth below, the 8 Washington Street/Seawall Lot 351 DEIR is incomplete and inadequate, fails to present objective information and analysis, and is filled with judgments and conclusions not based on facts. Our comments correspond to the section headings in the DEIR.

INTRODUCTION

The DEIR states (on page Intro.1) that: "The Port is not a co-sponsor of the proposed project, but has authorized San Francisco Waterfront Partners II to submit an EE application that includes Seawall Lot 351," which application was filed on January 3, 2007. Please respond to the following:

- When and by what action did the Port Commission authorize the project sponsor to submit the 2007 environmental evaluation (EE) application for Seawall Lot 351? Please provide a resolution/motion number and date of such action by the Commission.
- What were the Port's objectives for Seawall Lot 351 at the time it authorized the project sponsor to submit an EE application including this seawall lot?
- At the time of the Port's authorization, had the Port determined that the project sponsor's proposal

met the Port's objectives for Seawall Lot 351?

- Why did the Port authorize the project sponsor to file an EE application for Seawall Lot 351 before it issued its RFP for this seawall lot? When was the RFP issued?
- Compare and discuss the relationship between the project description contained in the project sponsor's 2007 EE application and the Port's subsequent RFP.

The DEIR states (on page Intro.1) that: "On February 24, 2009, the Port Commission authorized Port staff to enter into an exclusive negotiating agreement with San Francisco Waterfront Partners II, finding that the proposal submitted by San Francisco Waterfront Partners II meets the requirements of the RFP and meets the Port's objectives for Seawall Lot 351." Please respond to the following:

- What were the requirements of the RFP issued on August 15, 2008? What were the Port's objectives for Seawall Lot 351 at this time?
- Why was the RFP re-issued on November 10, 2008? Explain any differences between the RFP issued on August 15, 2008 and that subsequently issued on November 10, 2008.
- Why did the Port receive only one proposal? How did staff explain this to the Port Commission?
- Have the Port's objectives for Seawall Lot 351 changed since November 10, 2008? If so, explain the changes in detail.

As stated in the DEIR (on page Intro.1), Supervisor David Chiu urged the Port of San Francisco by his letter dated February 19, 2009, to "work with" (not "to engage" as stated in the DEIR) the City's Planning Department to lead a public planning process for the Port's surface parking lots, which began in May 2009 and was completed in May 2010. Please respond to the following:

- What is the relationship between this planning process and the exclusive negotiating agreement with San Francisco Waterfront Partners II?
- Explain the timing of Supervisor Chiu's letter of February 19, 2009 and the Port Commission's authorization 5 days later to enter into the exclusive negotiating agreement.
- Does the exclusive negotiating agreement reference the *Northeast Embarcadero Study*, its process, its completion or its recommendations? In what regard?
- Please disclose the relationship between the *Northeast Embarcadero Study* and the performance benchmarks contained in the exclusive negotiating agreement?
- Under the terms of the exclusive negotiating agreement, what is the relationship of the Planning Department's *Northeast Embarcadero Study* to the Developer's plan of development required to be submitted to the Port?
- A discussion must be added to the EIR disclosing the fact that the Department's planning process failed to gain the "broad community support" requested by Supervisor Chiu. Many members of the community did not feel the planning process was adequate or comprehensive and grew frustrated with the Planning Department's efforts to focus on justifying private development proposals. An alternative community planning process grew out of this frustration resulting in a report dated February 2011, published in a document entitled *A Community Vision for San Francisco's Northeast Waterfront*, prepared by Asian Neighborhood Design, the results of which were presented to the Planning Commission on July 7, 2011.¹

The DEIR Incorrectly Determines that Certain Environmental Effects Do No Require Further Study in the EIR. The DEIR concludes (on page Intro.3) that certain potential individual and cumulative environmental effects were identified as less than significant or less than significant with mitigation in the December 8, 2007 NOP/Initial Study for the initial project proposal and, therefore, do not require further study in this DEIR for the proposed project. As will be discussed below, we disagree that the potential

¹ *A Community Vision for San Francisco's Northeast Waterfront* is available on line at <http://www.andnet.org/storage/pdfs-cp/NE%20Waterfront%20Community%20Vision-FINAL-2%2009%202011.pdf>

environmental impacts to Land Use, Population and Housing, Historical “Architectural” Resources and Wind were adequately studied in the NOP/Initial Study. Each of these environmental impacts should have been analyzed in the DEIR.

PROJECT DESCRIPTION (Chapter II)

A. PROJECT LOCATION

The first sentence describing the Project Location is deceptive and misleading. The project site is not located “in downtown San Francisco.” Revise the description of the project location to state that: “The project site is located in the Northeast Waterfront on The Embarcadero roadway immediately to the north of Sue Bierman Park and across from the Ferry Building and Piers 1 through 5, which are each individually listed on the National Register of Historic Resources and are contributors to the Port’s Embarcadero National Register Historic District.”

EXISTING USES ON THE SITE

The DEIR’s description of the Golden Gateway Tennis and Swim Club as a “private athletic club” rather than a “community recreation center” is misleading and biased. An accurate and complete description of its rich history and relationship to the *Golden Gateway Redevelopment Plan* must be included for context. At a minimum, the following description from *A Community Vision for San Francisco’s Northeast Waterfront* should be added and considered in the EIR:

“The plan led to the construction of 1,400 new housing units at Golden Gateway, 3.5 million square feet of office space at the Embarcadero Center and Maritime Plaza, an 840-room hotel, and open space and recreation facilities, including Justin Herman Plaza, Sue Bierman Park/Ferry Park, Sydney Walton Square, and the Golden Gateway Tennis & Swim Club. Golden Gateway is the second largest rent controlled apartment complex in the city. Like Sydney Walton Square, the Tennis & Swim Club, constructed in 1968 and used as a health and recreation club both by immediate residents and the general public, was the result of a requirement by the Redevelopment Agency for community space. Now that the Redevelopment Area has expired, the Planning Department claims ‘any and all covenants and land use restrictions...no longer apply.’ However, letters from Mayor/Senator Feinstein (1984/2003) and Robert Rumsey (1990), Deputy Director of Redevelopment at the time the *Golden Gateway Redevelopment Project* was approved and built, and a recent letter (2011) from Edward Helfeld, Executive Director from 1987 to 1994, clearly state that Sidney Walton Square and the Tennis & Swim Club were supposed to remain in their current uses in perpetuity as part of the original entitlement agreement.²” The original *Golden Gateway Redevelopment Plan* clearly shows Golden Gateway’s community recreation center.

The statement contained in the DEIR that “[t]he entire Seawall Lot 351 is controlled by the ground lessee of the Ferry Building pursuant to a Parking Agreement with the Port, in satisfaction of parking rights granted to the Ferry Building ground lessee” is misleading without the addition of information as to the requirements of the April 10, 2001 Parking Agreement between the Port and the Ferry Building which includes language that legally obligates the Port to provide replacement parking for any of the 110 parking spaces at Seawall Lot 351 that it removes. The Agreement identifies several different areas for locating potential parking spaces for the Ferry Building including, for example, the 1 Maritime Plaza Garage and the Golden Gateway Garage, as well as the white zone in front of the Ferry Building and (previously) Pier ½.

² *A Community Vision for San Francisco’s Northeast Waterfront*, page 15.

APPLICABLE LAND USE CONTROLS

On the date of the publication of the NOP/Initial Study, the Golden Gateway Redevelopment Plan was still in effect for Blocks 171 and 168. Was the Port aware of this issue when it authorized the project sponsor to file the EE application in 2006?

SITE ACCESS

The DEIR states that: “The project site is well served by local and regional transit.” The DEIR must note that there have been recent cuts to the 10- Townsend and 12-Folsom routes, which have resulted in a reduction in service from/to the project site from the north.

The DEIR should also reference the conclusion contained in *A Community Vision for San Francisco’s Northeast Waterfront*, that lack of transit access along the Northeast Waterfront back to the neighborhoods is of major concern to local residents, and the frequency and hours of the current F-line service are well known to be inadequate to serve local residents, workers and visitors. See page 32 of *A Community Vision for San Francisco’s Northeast Waterfront* for a discussion and map of Muni service and service cuts on the Northeast Waterfront.

ADJACENT USES

The DEIR’s description of the adjacent public open spaces as “Assessor’s Blocks 202 and 203” is biased in its purposeful avoidance of disclosing that the project site is immediately adjacent to Sue Bierman Park, a Recreation and Park Department park protected by Proposition K, the citizen-enacted ordinance prohibiting any new shadow on this park.

This description is also inadequate in its failure to disclose that the project site is located on The Embarcadero Promenade (Herb Caen Way) and is across from Pier 7, both important public open spaces. Please revise this section of the DIR to provide an accurate and complete description of all open spaces and public uses adjacent to the project site.

B. PROJECT CHARACTERISTICS

PROJECT OVERVIEW

The DEIR inaccurately states that: “the *existing* Golden Gateway Tennis & Swim Club facility would be *temporarily* removed from the project site.” [emphasis added] Please amend this misleading statement to disclose that the existing Golden Gateway Tennis & Swim Club facility would be demolished.

Please also amend this misleading statement and clarify in the Project Overview that the proposed project would include new smaller “athletic club facilities,” which would reduce the number of tennis courts from 9 to 4 and would eliminate the half basketball court.

The DEIR states unequivocally that: “The Golden Gateway Tennis & Swim Club would operate the proposed fitness center in a new one-story building north of Jackson Street, as well as tennis courts and other outdoor recreational facilities on the northern part of the project site.”

- Is there any written agreement between the developer and Western Athletic Club (WAC) re: how WAC would manage the new club? If so, please describe and discuss the terms of this agreement.
- Golden Gateway Center will no longer own or control the new athletic club and facilities. Since tenants of the Golden Gateway Apartments are provided with “Preferred Membership at the Golden

Gateway Tennis & Swim Club” how will tenants be compensated for the loss or reduction of this benefit, which will be caused by the implementation of Project?

- Will the tenants’ rents be reduced during construction while they are deprived of all services, and following construction to reflect the significantly reduced tennis facilities? Please discuss how the “reduction of services” section of San Francisco’s rent control ordinance would apply.

The Project Overview touts the project sponsor’s intention to design the proposed project to LEED Gold standards as a project benefit and typical marketing tool for all proposed new building projects in San Francisco today.

- Please address the issues raised regarding the proposed project in the San Francisco Bay Guardian article, *Is LEED really green?* <http://www.sfbg.com/2011/07/05/leed-really-green>
- We note that the DEIR on page II.14 states that in order to help the project obtain LEED credits, a “green roof” will be installed – “an active garden area with raised hardscape paths” – that would be accessible only to the residents of the penthouse units. Access to this rooftop garden and its bay views would obviously substantially increase the value of these penthouse units. How do the people of San Francisco – not just the project developer – benefit from the LEED rating for this project?
- Discuss the City’s existing requirements for new buildings to meet LEED standards and compare those requirements to the project sponsor’s “goal” to achieve a LEED Gold certification from the U.S. Green Building Council.

PROPOSED BUILDINGS

The DEIR’s description of the proposed new buildings, including the Athletic Club Building, fails to disclose that their construction will result in the loss of 5 of the existing 9 tennis courts and the elimination of the existing basketball court.

PROPOSED PARKING

According to the DEIR, the proposed project will have 420 underground parking spaces on three levels below the condo buildings, comprising approximately 185,900 gsf. Of these 420 spaces, the DEIR states that 165 spaces would be for residents, and 255 spaces would be for the project’s retail, restaurant, and health club uses, including 90 spaces “required to serve the Ferry Building...”

The following discussion, which concludes with a statement that the project would result “in a net increase of 133 publicly available parking spaces” is confusing and raises several questions that must be addressed in this section in greater detail. Please address each of the following:

- Under existing Planning Code provisions, how many off-street parking spaces would be allowed (the maximum accessory amount) for the proposed 165 residential units as of right without a special exception to increase this amount?
- Under existing Planning Code provisions, how many off-street parking spaces would be required for the proposed project’s approximately 81,900 gsf of non-residential uses without a special exception to reduce this amount? Include in these calculations, all of the following types and sizes of uses (from pages II.7 and II.17):
 - 17,000 gsf of Retail
 - 12,100 gsf of Restaurant/Bar
 - 12,800 gsf of fitness center (including a 1,850 gsf cafe)
 - 40,000 gsf of athletic club (27,000 sq ft of tennis courts plus 13,000 sq ft of pools and related outdoor space)

PROPOSED ATHLETIC CLUB FACILITIES

The DEIR again states that the Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities, and states that there would be “additional space allocated to the general public.”

- What is meant by “additional space allocated to the general public?” Please explain where this space is and what this statement is intended to mean.
- What guarantee is there the Western Athletic Clubs would continue to control and operate the proposed new athletic club facilities? Is there a contract between the project sponsor and Western Athletic Club to require, as claimed in the this section of the DEIR that “the club would also continue to be used for children’s summer camps” and that “camp activity levels are anticipated to be similar with the proposed project”?
- What is the basis for the DEIR’s estimate that “the project construction, including demolition, site and foundation work, construction of the parking garage and construction of buildings” will take only 27-29 months.
- In addition, please explain and disclose the basis for the DEIR’s assumption that the proposed new athletic club building, tennis courts, and swimming pools will be completed and available for use within 24 months of commencement of construction.

PROPOSED OPEN SPACE AND LANDSCAPING AND SIDEWALKS

The DEIR discloses in its discussion of landscaping that the proposed project will require the removal of 136 trees.

- Please provide a new figure showing the locations of each of the 136 existing trees proposed to be removed to accommodate the project, identifying each of the 50 “street trees” and 36 “significant” trees that are subject to the Public Works Code.
- Please indicate on the new figure the species and size of each tree to be removed.

The DEIR states that the proposed new landscaping, the design of which has not yet been developed, would be required by the City’s stormwater management ordinance to achieve LEED Sustainable Sites. Yet, the DEIR states that such compliance would also provide the developer with credits toward its LEED certification.

- Will the project sponsor’s compliance with the City’s mandated requirements allow for points toward the proposed project’s LEED certification?
- Are LEED points taken away for a project that requires the removal of 136 existing trees?

The DEIR further discloses in its discussion of Sidewalks that the existing landscaped median on Washington Street between The Embarcadero and Drumm Street would be eliminated as a part of the proposed project “in order to widen the sidewalk” on the north side of Washington Street providing for the construction of a “bulb-out defining a vehicle drop-off area for the proposed project’s residential lobby and for the restaurant.”

- How many street trees are located in this median strip?
- Are they already counted in the 136 existing trees to be removed as disclosed under Landscaping above?
- The DEIR fails to disclose the fact that the elimination of the landscaped median will further accommodate the project’s proposed garage entry off of Washington Street.

- The DEIR should also disclose the fact that the elimination of the landscaped median will remove a visual barrier between the proposed project (and its garage entry, vehicle drop-off area, etc.) and the adjacent Sue Bierman Park.

PROJECT CONSTRUCTION

The DEIR states that: “Project construction, including demolition, site and foundation work, construction of the parking garage, and construction of the buildings, would take 27 to 29 months. Assuming that construction would begin in 2012, the buildings would be ready for occupancy in 2014. The first phase of construction would take about 16 months and would include demolition (2 months), excavation and shoring (7 months), and foundation and below-grade construction work (7 months).”

- Please explain and provide the basis for the DEIR’s estimate that project construction, including demolition, site and foundation work, construction of the parking garage and construction of buildings” will take only 27-29 months.
- Please consider and discuss the conflicts between the construction activities associated with the proposed project between 2012 and 2014 and the America’s Cup activities scheduled within the same period. See the Draft EIR for The 34th America’s Cup at pages 3-79 - 3-81 for discussion of construction related to the AC34, including the “AC34 Construction Schedule” and “Summary of In-Water Construction Activities for AC34.”
- Please consider and discuss potentially significant cumulative construction impacts of the proposed project and the construction that will be taking place on Piers 27-31 and elsewhere on the Northeast Waterfront in connection with America’s Cup-related development and construction of the Port’s Cruise Terminal.
- Please consider and discuss the projects conflicts with the Port’s construction of the cruise terminal on Piers 27-31 following the conclusion of the AC34 race events.

C. OBJECTIVES OF THE PROPOSED PROJECT

PROJECT SPONSOR’S OBJECTIVES

Those project sponsor’s objectives related to reaping economic benefits from the project or complying with development requirements are inappropriate “project objectives” for the purposes of CEQA and should be deleted.

In addition, project objectives should not reflect subjective conclusions or judgment concerning the project’s consistency with the character of it’s setting. These are the subjects of environmental analysis.

Several of the project sponsor’s primary objectives are to develop a high quality project that will to reap economic benefits for the project sponsor. For CEQA purposes, making money is not a valid project objective or purpose to be considered in the EIR. For this reason, the following objectives should be deleted:

- A primary objective of the project sponsor’s is “[t]o construct a high-quality project that includes a sufficient number of residential units to produce a reasonable return on investment for the project sponsor and its investors and is able to attract investment capital and construction financing, while generating sufficient revenue to finance the recreation, parking, and open space amenities proposed as a part of the project.” This should be deleted because it is irrelevant to CEQA analysis.
- The project sponsor’s objective “[t]o complete the project on time and within budget” also reflects the sponsor’s desire for economic gain. How is this unique to the proposed project? This should be deleted because it is irrelevant to CEQA analysis.

- The project sponsor's objective "*to increase the supply of public underground parking to support the continued economic viability of ... the retail and restaurant uses at ... Piers 1-1/2 – 5*" in particular appears to be about reaping economic benefits for the project sponsor, since he was also the developer of Piers 1-1/2-5 and maintains a direct financial interest in its continued economic viability. This should be deleted because it is irrelevant to CEQA analysis.

Other listed objectives of the project sponsor are not project "objectives" or "purposes" at all, but are development requirements. For this reason, the following objectives should be deleted:

- The project sponsor's objective to "*help meet projected City housing needs*" by "*satisfying the City's inclusionary affordable housing requirements.*" In order to build the proposed high-density luxury condo project, the developer is *required* to satisfy the City's inclusionary affordable housing requirements, so is not an appropriate purpose or objective of the project. This should be deleted.
- The project sponsor's objective "*to increase the supply of public underground parking to support the continued economic viability of the Ferry Building Farmer's Market...*" According to statements in other locations in the DEIR providing 90 spaces for the Ferry Building is a *requirement* of the RFP rather than a purpose or objective of the project. This should be deleted.
- The project sponsor's objective to develop a "sustainable" or "LEED" project is another requirement of existing City law. This should be deleted.

PORT OF SAN FRANCISCO'S OBJECTIVES

Port's Design Objectives: It is abundantly clear that the proposed project fails to meet almost all of the Port's design objectives for the development of Seawall Lot 351.

- The design of the new development does not "respect the character of the Ferry Building," but is incompatible with the Ferry Building's design details, height, bulk and scale. The new development would not only cast new shade on Sue Bierman Park, but would create a giant new wall on the Park's northern side, and the removal of the Washington Street median and its trees would effectively remove a buffer between the Park and the development on the project site.
- The design of the new development does not "compliment the rich architectural character of the Embarcadero National Register Historic District" nor is it "complementary to the architectural features of the pier bulkhead buildings." Rather, the design of the new building is incompatible with the height, bulk and scale and architectural detail of these historic buildings and detracts from the significance of the historic district.
- Because of the height and scale of the proposed new development, it does not "acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero" and is clearly not "of similar height" as the bulkhead buildings.
- The proposed building does not "maintain and enhance the view corridors along the Embarcadero" nor does it "[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites." Instead it completely blocks views to Coit Tower from the Ferry Building and Pier 1.
- The height and massing of the proposed new building clearly does not "fit within the neighborhood context" given its sharp contrast with "the heights of the historic Pier 1 through 5 bulkhead buildings."
- The main entrance to the residential towers faces Washington Street and not The Embarcadero, as a Port design objective requires.
- The main garage vehicle entrance, as well as a separate elevator entrance to the garage, will be located on the project's Washington Street elevation – immediately across from Sue Bierman Park – obstructing views into the ground floor and creating blank walls in these areas. The DEIR fails to

address how this design treatment will help ‘enliven’ Washington Street and create better connections from Chinatown to the Waterfront. Please address this in the DEIR.

- In addition, it appears that most of the ground floor wall of the recreation facility on The Embarcadero will be blank (housing the swimming pools behind them). Please add a description of this wall and how it meets the Port’s design objectives.
- Placing the parking garage entrance on the Washington Street elevation, along with the vehicle drop-off area for the residential lobby and restaurant, immediately across from Sue Bierman Park, will impact the Park aesthetically, particularly with cars exiting and entering the 420 space garage and queuing in Washington Street. This will have an even greater aesthetic impact on the Park because the proposed project will remove the median strip and its trees from Washington Street that would otherwise provide at least a visual buffer between the Park and the car traffic generated by the project.

Port’s Development Program Objectives: The proposed project also fails to meet several of the Port’s development program objectives for Seawall Lot 351.

- The project would not “[p]romote public enjoyment of ... the adjacent public open spaces including Sue Bierman Park” for the reasons described immediately above relating to project-generated traffic and queuing on Washington Street. In addition, the proposed project would add new shade to Sue Bierman Park.
- It is unlikely that a 420 space parking garage can be operated in a manner to “minimize impact on traffic and the neighborhood.” Consideration must be given to reducing the number of parking spaces for the residential units.

D. REQUIRED APPROVALS

Planning Commission:

- Set forth the existing Planning Code requirements for each of the following Planning Code sections that specify for each the exceptions or exemptions that would be required for the proposed project:

Section 303 (Conditional Use)

Section 253 (review of structures over 40 feet in any “R” District)

Section 271(b) (Bulk Limit Exception)

Sections 151 & 204.5(c) (off-street parking for residential uses in excess of maximum accessory amounts)

Section 151 (reduction in off-street parking requirements for non-residential uses)

Section 209.7(d) (provision of a public parking garage for spaces to serve the Ferry Building)

Section 209.8(c) (commercial use above ground floor for the health club)

Section 209.8(f) (non-residential use exceeding 6,000 gross square feet)

Section 134 (rear yard requirement)

- Explain the basis for requesting the creation for a Special Use District (SUD) for this single project.
- Compare the existing height and bulk limits for the project site to that required for the proposed project.

Planning Commission and Recreation & Park Commission:

- As discussed in greater detail below regarding the Shadow Impacts of the proposed project, we disagree with the statement in the DEIR that “no cumulative limit currently exists for Sue Bierman Park.” The criteria adopted by the Planning Commission and Recreation & Park Commission in 1989 established absolute cumulative limits for additional shadows on 14 downtown parks throughout San

Francisco, including an **absolute cumulative limit of zero for Embarcadero Plaza I (North)**, which became a part of Sue Bierman in 2001, after the demolition of the Embarcadero Freeway. The notion that no absolute cumulative limit has ever been set for the expanded Sue Bierman Park is an apparently biased attempt to get around the absolute cumulative limit of zero new shadows on the areas of the park to be shaded by the proposed project – i.e the original Embarcadero Plaza I (North). The Planning Commission and Recreation & Park Commission cannot establish a new cumulative limit for allowable shadow on this portion of the Park in order to approve the proposed project's new shadow under Section 295 of the Planning Code.

Port Commission:

- What portions of Seawall Lot 351 will be retained by the Port?
- What improvements will be “developed and operated” by the project sponsor on those portions of Seawall Lot 351 to be retained by the Port?
- What public facilities does the project sponsor propose to finance through CFDs and an IFD?
- Can those public facilities even be built with IFD funding, given that a) the IFD is predicated on the Port capturing 100% of the tax increment generated by 8 Washington even though the Port only owns 20% of the site, and b) according to recent testimony before the Planning Commission by Michael Yarne (OEWD), under state law IFD's are prohibited on land that “is currently, or was previously part of a redevelopment area” (the 80% of the 8 Washington site a previous redevelopment area).
- Under what circumstances does the Port anticipate that the current (or a future) members of the Board of Supervisors would voluntarily give up its 80% of this tax increment (\$32 million out of \$40 projected by the Port) to fund public improvements for 8 Washington or other Port projects?
- Has the Port had discussions with the Board of Supervisors regarding its proposal to capture 100% of the tax increment discussed in the IFD (8 Washington Term Sheet? What was their reaction?
- Has the Port or project sponsor had state legislation passed (or introduced) that provides the necessary waivers from the current state prohibition against setting up IFD's in former redevelopment areas?

Port Commission/State Land Commission:

- Were those areas within the former Pacific Avenue and Jackson Street public rights-of-way (now a part of the project site) officially vacated by the City at the time the Redevelopment project was approved?
- Will public trust limitations be placed on any of the open space that is included in the “Residential Open Space” areas described on page II.18 of the DEIR? Specifically, will public trust limitations be placed on any of the proposed 14,900 sq. ft. of “private open space”? Will public trust limitations be placed on any of the proposed 8,700 sq. ft. of “common open space”?
- Provide a figure showing the open space areas upon which the public trust limitations will be placed.
- Explain how public trust limitations can be placed on restaurant uses when there are going to be residential uses above and in the same building. Cite precedents for imposing trust limitations in this manner.

Department of Public Works:

- No mention is made of the required curb cuts on Drumm Street for the proposed loading dock and trash area.
- No mention is made of the of the additional curb cut on Washington Street for the proposed vehicular drop-off area to serve the proposed project's residential lobby and restaurant (this is in addition to a separate curb cut required for the garage entrance).

Other Required Approvals:

- Will the project require a permit from the Regional Water Quality Control Board in connection with dewatering the site, given its location on a seawall lot?
- Will the project require approval from BCDC given the proposed development on a seawall lot?

PLANS AND POLICIES (Chapter III)

This section of the DEIR fails in a number of ways to adequately evaluate the proposed project's conflicts with applicable land use plans and policies that may result in physical environmental impacts. As discussed below under Aesthetics and Historic Resources, the proposed project, as currently designed, *would* have a substantial impact on the existing character of the vicinity and *would* result in a significant cumulative impact related to Land Use, which impacts require mitigation.

A. CITY PLANS AND POLICIES

The DEIR fails to define the existing character of the vicinity that will be impacted. To adequately evaluate the proposed project's conflicts with existing land use plans and policies and impacts on the existing character of the vicinity, it is necessary for the DEIR to include in this section the definition of the "urban design character of the area" from the Port's *Design and Access Element for the Ferry Building Area*:

"The urban design character of this area derives from the historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero. Together, these buildings provide a civic architectural character and mark the center of the waterfront and the beginning of Market Street. This area also contains some of the waterfront's most expansive and celebrated views and opens spaces, including the 1800 foot long Embarcadero Promenade walkway south of the Agriculture Building, Justin Herman Plaza, and the Ferry Plaza on the waterside of The Embarcadero. These open spaces are used by office workers on a daily basis, by residents of the adjacent Golden Gateway, Telegraph Hill and South Beach neighborhoods, and by visitors for a variety of celebrations and ceremonies."

The DEIR fails to disclose and analyze the physical environmental impacts resulting from the proposed project's conflicts with Priority Planning Policies. Although the DEIR lists the Priority Planning Policies in an abbreviated form, it fails to describe or analyze how the height and massing of the proposed project would conflict with them. Instead, the DEIR improperly says the Planning Commission will do this later "during its final review of the required project approvals..." The DEIR is required to analyze the project's conflicts with the Priority Planning Policies that would result in significant physical environmental impacts. (See our comments on the project's conflicts with the Priority Planning Policies set forth below under Chapter IV. Environmental Setting and Impacts -- A. Land Use).

The Planning Department's Northeast Embarcadero Study cannot legally be utilized as the basis for environmental analysis of the 8 Washington Project. The *Northeast Embarcadero Study*, prepared without the benefit of any EIR review, disclosed an intent to "guide the development of properties along the west side of the Embarcadero," starting at Washington Street. The Draft EIR indeed concedes on its very first page that the City's Planning Commission adopted a resolution proclaiming that it "urges the Port of San Francisco to consider the recommendations of the Northeast Embarcadero Study when considering proposals for development in the study area." The EIR also concedes that "the proposed project is intended to respond to the urban design recommendations" contained in the Study. (DEIR at Intro.2.)

Since the *Northeast Embarcadero Study* received no environmental review, it cannot legally be utilized as the basis for environmental analysis of the 8 Washington Project. Please revise the EIR to so state in the Introduction and also at pages III.8 and 9, at pages IV.D.33 through 35. The EIR's assessment of project environmental impacts and alternatives should not reference consistency with the *Study* until the *Study* itself is subjected to environmental review.

The DEIR should be revised to include analysis of the environmental impacts, and alternatives to, the *Northeast Embarcadero Study*, before applying any of the Study's recommendations to the 8 Washington project. The revised EIR should then be recirculated.

The DEIR is biased because it fails to include a discussion of *A Community Vision for San Francisco's Northeast Waterfront*. The DEIR is biased because it discusses the Planning Department's *Northeast Embarcadero Study*, while failing to include an equally detailed and professional discussion of the background and recommendations of the study by a coalition of community organizations. Prepared by Asian Neighborhood Design, *A Community Vision for San Francisco's Northeast Waterfront*, dated February 2011, was presented to the Planning Commission on July 7, 2011. The DEIR should describe the reasons why an alternative community planning process was undertaken and should discuss the recommendations contained in *A Community Vision for San Francisco's Northeast Waterfront*.

B. STATE PLANS AND POLICIES -- TIDELANDS TRUST AND STATE LANDS COMMISSION

According to the DEIR, "[t]he project sponsor proposes to exchange privately held property within the project site that is not currently subject to the public trust (portions of Block 168 and 171, as well as portions of former street rights-of-way along Jackson Street, Pacific Avenue, and Drumm Street) with the portion of SWL 351 south of the former Jackson Street right-of-way that would be occupied by residential and other non-trust development." This information is insufficient to provide for an adequate understanding of the project sponsor's proposed public trust exchange. The DEIR should include a new figure showing all of the following areas on a detailed sketch of the proposed project on the project site:

- The privately owned portions of Blocks 168 and 171, and of former street rights-of-way along Jackson Street, Pacific Avenue and Drum Street (not currently subject to the public trust) that are proposed for exchange into trust.
- The specific area of SWL 351 that would be exchanged out of the public trust.
- The specific area of SWL 351 that would remain in the public trust.
- The specific area of SWL 351 that would be occupied by residential and other non-trust development.
- All open space areas upon which the public trust limitations will be placed.
- Any developed areas upon which the public trust limitations will be placed.

The DEIR states that among the property to be transferred into the public trust would be "widening of the existing Drumm Street pedestrian walkway." How does the project's proposed use of the Drumm Street elevation for the project's trash area and loading zones (uses which require curb cuts and access over the sidewalks) conflict with the transfer of this "sidewalk" into the public trust?

ENVIRONMENTAL SETTING AND IMPACTS (Chapter IV)

The DEIR Incorrectly Determines that Certain Environmental Effects Do Not Require Further Study in the EIR. The DEIR concludes (on page Intro.3) that certain potential individual and cumulative environmental effects were identified as less than significant or less than significant with mitigation in the December 8, 2007 NOP/Initial Study for the previous project proposal and, therefore, do not require further study in this DEIR for the currently proposed project.

As will be discussed below, we disagree that the potential environmental impacts to Land Use, Population and Housing, Historical (Architectural) Resources, Geology and Soils, Hydrology and Water Quality were adequately studied in the NOP/Initial Study. Each of these environmental impacts must be addressed in this EIR as to the currently proposed project.

A. LAND USE

The evaluation of Land Use impacts contained in this section of the DEIR is incorrect. As explained on page III.1 of the DEIR, the required evaluation under CEQA with respect to Land Use is to evaluate the proposed project's conflicts with land use plans and policies to determine if these conflicts may result in physical environmental impacts. Here, such conflicts would clearly result in substantial impacts on the existing character of the vicinity and in significant cumulative impact related to Land Use.

The DEIR incorrectly determines that the project would not have a substantial impact on the existing character of the vicinity (Impact LU-2).

1. The proposed project conflicts with the Port's *Design and Access Element for the Ferry Building Area and Design Criteria for Seawall Lot 351*, which were adopted for the purpose of avoiding or mitigating physical environmental impacts of new development.

The DEIR fails to adequately evaluate the proposed project's conflicts with the Port's *Design and Access Element for the Ferry Building Area*, which defines the urban design character of this area as follows:

"The urban design character of this area derives from the historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero. Together, these buildings provide a civic architectural character and mark the center of the waterfront and the beginning of Market Street. This area also contains some of the waterfront's most expansive and celebrated views and opens spaces, including the 1800 foot long Embarcadero Promenade walkway south of the Agriculture Building, Justin Herman Plaza, and the Ferry Plaza on the waterside of The Embarcadero. These open spaces are used by office workers on a daily basis, by residents of the adjacent Golden Gateway, Telegraph Hill and South Beach neighborhoods, and by visitors for a variety of celebrations and ceremonies."

Further defining this urban design character, the *Design Criteria for Seawall Lot 351* specify that the massing of any development on the site should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero and be of similar height:

"MASSING: To define the north edge of adjacent open space, new development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g. bold forms of similar height, constructed to the Embarcadero edge)."

The following physical environmental impacts result from the proposed project's conflicts with the Port's *Design and Access Element for the Ferry Building Area and Design Criteria for Seawall Lot 351*:

- (1) Impacts on Architectural Character. The height and massing of the proposed project, which conflict with the existing zoning, height and bulk districts, impact the area's architectural character because the proposed new buildings are not of similar height and massing with the bulkhead buildings across The Embarcadero. The character of the area is not derived from the high-rise, high-density buildings of the Golden Gateway, One Maritime Plaza and the Embarcadero Center, as emphasized in the DEIR, but from the architectural character of the *"historic Ferry, Agriculture and bulkhead buildings which line The Embarcadero."*

- (2) Impacts on Views and Open Spaces. The height and massing of the proposed project, which conflict with the existing zoning, height and bulk districts, impact the areas “*celebrated views and opens spaces*” that further define the character of this area. The proposed project would completely block the iconic views to Coit Tower from the Ferry Building and Pier 1. In addition, the proposed project would negatively impact public open spaces including The Embarcadero Promenade walkway and Sue Bierman Park by casting new shadows on them. Other impacts to Sue Bierman Park include traffic impacts from locating the project’s garage entrance and drop-off area on Washington Street across from the park and the elimination of the buffer (the Washington Street median and its trees) between the park and the proposed project.
2. The proposed project conflicts with the Priority Planning Policies related to environmental impacts. The DEIR fails to evaluate the physical environmental impacts that would result from the project’s conflicts with the Priority Planning Policies, including the following impacts:
- Policy 2 – Because the height and massing of the proposed project is incompatible with that of historic Ferry, Agriculture and bulkhead buildings on The Embarcadero, the proposed project will impact neighborhood character.
 - Policy 3 – Because the proposed project creates 165 luxury condominium units, it fails to preserve and enhance the City’s supply of affordable housing.
 - Policy 4 – Because the proposed project seeks exceptions to the City’s minimum parking requirements, it will encourage, and therefore impact, commuter traffic in the area.
 - Policy 7 – Because the proposed project is incompatible with the height and bulk of the historic Ferry, Agriculture and bulkhead buildings that line The Embarcadero, it will impact the character of the Port’s Embarcadero National Register Historic District and the nearby buildings individually listed on the National Register.
 - Policy 8 – Because the proposed project will cast new shadows on the Embarcadero Promenade walkway, Sidney Walton Square and Sue Bierman Park (as well as on the proposed Jackson Common and Pacific Avenue Park), it will impact parks and open space and their access to sunlight.

The DEIR incorrectly determines that the project would not result in significant cumulative impacts related to Land Use (Impact LU-3).

The DEIR fails to include and evaluate all other anticipated development cumulatively with the proposed project, including those projects more than 0.5 miles of the project site for purposes of assessing cumulative impacts to traffic.

- The DEIR avoids consideration of the impacts of the America’s Cup by characterizing it as “temporary in nature.” In fact, the duration of the America’s Cup event is not merely temporary, but potentially long-term. The winner of the America’s Cup gets to determine where the next race will be held. The races were held in Rhode Island for more than half of a century. Therefore, if the Golden Gate Yacht Club (GGYC) retains the America’s Cup title, the race events will likely continue to be held in San Francisco. This must be disclosed and considered in the EIR’s cumulative impact analysis relating to increased vehicle and pedestrian activity in the project area since this is a reasonably likely outcome. Assuming the America’s Cup is merely “temporary in nature” is speculative at best.
- As to the long-term development that will result from the America’s Cup, the DEIR states that “it is likely that they would be similar in uses and intensities to those projects previously developed for those sites under consideration (Piers 19/23, Piers 26/28, Piers 30/32, etc.), which are included in the current land use and traffic projections.” Please describe and discuss each of the development projects assumed by the DEIR in its cumulative impact analysis.

- The DEIR fails to disclose or evaluate the construction impacts of the proposed project cumulatively with the construction of the proposed the America's Cup Village on Piers 27-29, which is proposed to include demolishing all of the Pier 27 shed and a portion of the Pier 29 shed to create a 160,000 sq. ft. public viewing platform or outdoor amphitheater at the eastern end of Pier 27-29 to accommodate up to 10,000 spectators. According to the DEIR, construction of the proposed project is estimated to occur during the same time period.
- How will the construction of the proposed project impact the America's Cup planned activities on The Embarcadero?
- How is the gsf of the proposed new cruise ship terminal related to cumulative transportation analysis? A much better measure of traffic impacts would be its estimated use, the number of cruise ship calls, estimated numbers of passengers, special event planning for the space, etc.
- Include in the analysis of the cumulative impacts of the proposed project the following estimates from the current DEIR for the Port's proposed cruise terminal: "The annual number of ship calls is expected to remain the same in the future, with approximately 40 to 80 calls per year. However, in anticipation of the current trends in the cruise ship industry towards larger cruise ships, the proposed cruise terminal would be designed to better accommodate newer, larger ships holding larger numbers of passengers than are currently served at Pier 35. Optimally, the proposed terminal would handle vessels carrying 2,600 passengers, but it would have additional capacity at key areas to serve vessels carrying up to 4,000 passengers." As to special events, the Port's DEIR for the cruise terminal provides that: "The proposed cruise terminal would allow for shared uses in down times between cruise ship calls. These shared uses could include events such as conferences, public or private gatherings, and maritime-oriented events. It is estimated that up to 100 shared-use events could occur at the cruise terminal site annually." [Emphasis added]

Because of the DEIR's failure to include an adequate evaluation of the impacts of all other planned and anticipated development in the area, its conclusion that cumulative development would not result in significant changes in land use character is unsound and not based on substantial evidence.

B. AESTHETICS

The DEIR does not adequately address the project's impacts on Aesthetics. The DEIR's descriptions of the visual character of the project vicinity, its scenic resources and existing scenic vistas are inadequate, biased and misleading. In addition, contrary to the DEIR's conclusions, it is clear that the proposed project would have significant adverse effects on the visual quality of the area because it would cause substantial and demonstrable negative changes in the physical environment that affects the public.

DEIR's description of the Visual Character of the Project Vicinity is inadequate and biased:

- Add into the description of the area's visual character a clear description of Piers 1, 1-1/2, 3, and 5 bulkhead buildings, which line the east side of The Embarcadero across from the project site, as visual resources defining the visual character of the project vicinity. As stated in the Port's *Design and Access Element for the Ferry Building Area*, the urban design character of this area derives from these historic buildings.
- Remove the biased description of these Piers 1-5 bulkhead buildings as "obstructing scenic views of the Bay and East Bay Hills." This statement is an obvious attempt to evade the conclusion that the proposed project's height, massing and design would significantly impact the visual character of these historic and scenic resources, which define the visual character of the project vicinity.
- Add to the first sentence under Photographic Views a statement that the project site occupies a prominent position along The Embarcadero "across from the significant historic resources which line the east side of The Embarcadero."

DEIR's description of Existing Scenic Vistas and Scenic Resources inadequate and biased:

- Include in the DEIR's description of the area's scenic resources a description of the visual qualities of Piers 1, 1-1/2, 3, and 5 bulkhead buildings which qualified them for individual listing on the National Register of Historic Places and as contributing resources to the Port's Embarcadero National Register Historic District.
- Remove the two biased statements (on pages IV.B.11 and IV.B.12) that Piers 1-5 bulkhead buildings obstruct views of the Bay and East Bay Hills. This statement is an obvious attempt to deflect the fact that the proposed project itself will block the iconic views of Coit Tower and Telegraph Hill from the Ferry Building and Pier 1, as well as views of the Ferry Building from public locations on Telegraph Hill.

The DEIR incorrectly determines that the proposed project would not substantially affect scenic vistas or scenic resources visible from publicly accessible areas in the project vicinity (Impact AE-1).

The DEIR's conclusion that the project's impacts on scenic vistas and scenic resources would be considered "*Less than Significant*" is a subjective judgment not based on an independent presentation of the facts. Impacts to the following scenic vistas and scenic resources would be significant without adequate mitigation:

1. Views of Coit Tower and Telegraph Hill Obstructed. As clearly demonstrated in Figure IV.B-3: View B (page IV.B.7), the height and mass of the proposed project would completely obstruct views of Coit Tower and Telegraph Hill currently seen from the Embarcadero Promenade at the northern end of the Ferry Building. This significant adverse effect on the visual quality and scenic vistas enjoyed by the public conflicts with all of the following objectives and plans:

- The Port's project objective for Seawall Lot 351, which provides that the proposed project "maintain and enhance the view corridors along the Embarcadero" and that it "[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites."
- The Port's *Waterfront Design and Access Element* which provides that design policies will be applied to new development and open space projects along the waterfront to address ways to preserve and enhance existing views and to create a variety of new views.
- Policy 10.1 of the *Northeastern Waterfront Area Plan* provides that new development "preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area."
- The *Urban Design Element* of the City's *General Plan* calls for preserving and enhancing views and visual quality, and calls for new development to complement existing patterns of development.

The DEIR's conclusion this would not create a substantial adverse effect on a scenic vista because "Coit Tower and Telegraph Hill would continue to be visible from numerous vantage points in the vicinity of the Project site and the City" is a biased and subjective judgment that is not based on fact.

- What will prevent other buildings from being constructed along The Embarcadero that would further block views of Coit Tower and Telegraph Hill? How is this project unique?

2. Views of the Ferry Building Obstructed. As demonstrated in Figure IV.B-7: View F (page IV.B.12), the height and mass of the proposed project would obstruct views of the Ferry Building from locations on Telegraph Hill. Although the view from only one location is chosen to show this impact, it is

clear that the proposed project will have a potentially significant adverse effect on the visual quality and scenic vistas enjoyed by the public.

- The DEIR must analyze how such obstruction of views of the Ferry Building would comply with Policy 10.7 of the *Northeastern Waterfront Area Plan*, which provides that new development enhance and maintain the physical prominence of the Ferry Building.
- Please explain the statement on page IV.B.18 that: “The proposed project would not obstruct the view of the Ferry Building Clock Tower from any of the proposed viewpoints.” What are “any of the proposed viewpoints”? Why is it relevant that only the view of the Clock Tower would remain?

The DEIR’s conclusion that the proposed project would not create a substantial adverse effect on a scenic vista by obstructing views “because the Ferry Building would continue to be visible from numerous vantage points on Telegraph Hill” is a plainly subjective judgment not based on the facts presented.

3. Views from a Significant Number of Private Residences Obstructed. As described in the DEIR, a significant number of private residences will have their views completely blocked or obstructed by the construction of the proposed project, in particular by the 12-story building on the southern portion of the project site that would require the City to approve a zoning amendment to accommodate a site-specific height increase or spot zoning.

- Discuss why these private residential owners and tenants do not have a reasonable expectation that the City will uphold its existing height and bulk limits and respect its prior redevelopment plans and approvals.
- Given the facts of the instant case, where a site-specific up-zoning and deviations from existing plans and policies would result in blocking views and light to a significant number of residential units, discuss the basis for the DEIR’s statement that such impacts are “a commonly expected and experienced consequent of new construction within a densely populated urban setting.”

The DEIR incorrectly determines that the proposed project would not substantially alter the existing visual character of the project site and its surroundings (Impact AE-2).

There is simply no basis for the DEIR’s conclusion that the proposed project would not substantially alter the existing visual character of the area surrounding the project site. For the reasons set forth below, the DEIR’s conclusion is biased, subjective and not based on evidence or fact.

1. Conflicts with the “Urban Design Element” of the General Plan. The DEIR states that “[t]he proposed project is *intended* to further the following policies of the *Urban Design Element*” of the *General Plan*, but the DEIR fails to provide evidence that the proposed project furthers these policies, including the following:

- Policy 3.4 (promote building forms that will respect and improve the integrity of open spaces and other public areas). The proposed project does not further this policy. The height and massing of the proposed project would damage and deteriorate open spaces and other public areas by casting new shade on the Embarcadero Promenade walkway, Sidney Walton Square and Sue Bierman Park (as well as on the proposed Jackson Common and Pacific Avenue Park). As shown in Figure IV.B-4: View C and Figure IV.B-5: View D, the massive new walled-in effect that the proposed project would create on the Park’s northern side would further enclose and darken Sue Bierman Park. Additional damage to Sue Bierman Park would result from the proposed removal of the Washington Street median and all its trees, which would eliminate a buffer between the Park and the increased traffic impacts from the garage and drop off proposed immediately across from the Park. The impacts of the proposed project on these parks and open spaces and their access to sunlight would also conflict with Policy 8 of the City’s *Priority Planning Policies*.

- Policy 3.5 (relate the height of buildings to important attributes of the City pattern and to the height and character of existing development) and Policy 3.6 (relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction). The DEIR fails to consider that the size and massing of the proposed project would contrast significantly with the smaller, finer-scale character and height of the structures and bulkheads in the Port's Embarcadero National Register Historic District, and in particular with the Ferry Building and Piers 1 through 5, which are each individually listed on the National Register of Historic Resources. The contrast between the size, scale and character of these historic buildings, the horizontal mass of which are no more than 37 feet in height, and the proposed height and massing of the proposed project would constitute a "substantial degradation" of the visual character of the area. The DEIR presents no facts to support a different conclusion.

2. Conflicts with the *Northeastern Waterfront Area Plan*. The DEIR states that "[t]he proposed project is *intended* to further the following policies of the *Northeastern Waterfront Area Plan*," but the DEIR fails to provide evidence that the proposed project furthers these policies, including the following:

- Policy 10.1 (preserve the physical form of the waterfront and reinforce San Francisco's distinctive hill form by maintaining low structures near the water, with an increase in vertical development near hills or the downtown core area). Given the height of the proposed project in relation to the 37-foot tall historic bulkhead buildings across The Embarcadero, how can the DEIR conclude that it maintains low structures near the water?
- Policy 10.7 (enhance and maintain the physical prominence of the Ferry Building). Given the height and mass of the proposed project, how does it enhance and maintain the Ferry Building?
- Policy 10.11 (maintain and enhance existing grade-level view corridors to the bulkhead buildings). The DEIR claims (on page IV.B.19) that the addition of the new project buildings would "frame and direct views along the Embarcadero and along Washington Street toward the Pier 1 Bulkhead Building." However, as shown in Figure I.B.6: View E, a clear and open grade-level view corridor looking east along Washington Street to the Pier 1 Bulkhead Building currently exists. As shown in the figure with the addition of the proposed project, the existing view would not be enhanced. Rather, the new buildings would create a tunnel effect along Washington Street and impede the existing view of the Pier 1. Thus, the evidence provided in the DEIR does not support the DEIR's conclusion. Please explain the statement in the DEIR that the proposed project would "frame and direct views along the Embarcadero ... toward the Pier 1 Bulkhead Building." Please include a photomontage to support this conclusion.

3. Conflicts with the *Waterfront Design & Access Element*. The DEIR states that "[t]he proposed project is *intended* to further the policies of the Port's *Waterfront Design & Access Element* of the *Waterfront Land Use Plan* specific to Seawall Lot 351," but the DEIR fails to provide evidence that the proposed project furthers these policies, including the following:

- **Massing** (acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero [e.g., bold forms of similar height, constructed to The Embarcadero edge]). In spite of this clear guiding principle that development on the project site be of similar height and massing and detailing with the bulkhead buildings across The Embarcadero, the DEIR repeatedly refers to the site as being located near (or in) the downtown high-rise office core in a clear and biased attempt to defend the excessive height and massing of the proposed project.
- **Orientation** (locate primary uses and pedestrian entrances on The Embarcadero) and **Transparency** (avoid blank ground floor walls along The Embarcadero by providing views into the ground floor of buildings). Please describe the ground floor wall along the length of the proposed new swimming

pools on the east elevation along The Embarcadero. Will there be views into the swimming pool? What is the length of this blank ground floor wall? Describe all the uses (including the secondary entrance to the condominium units) that will occupy the ground floor walls along the length of the project on The Embarcadero.

- **Embarcadero Character** (reinforce the large scale of The Embarcadero by using bold forms, deep recessed building openings, and strong detailing on building facades facing The Embarcadero). Describe the character of the proposed new building along its entire east elevation. Please describe how the “recessed bays” that according to the DEIR are to “contribute to a greater sense of human scale ...” are compatible with the detailing of the bulkhead buildings across The Embarcadero. Are there any bay windows on any of these bulkhead buildings? How are projected awnings consistent with the bulkhead buildings?

4. **Conflicts with the *Port’s Design Objectives*.** The design of the proposed project conflicts with substantially all of the *Port’s Design Objectives* set forth in this EIR (pages II.21-II.22) and articulated in the Port’s RFP for this project, which the DEIR completely ignores in its discussion and conclusions regarding the proposed project’s impacts on the existing visual character of the area surrounding the project site. The EIR should disclose each of the following conflicts with the *Port’s Design Objectives* as a part of its analysis of the aesthetic impacts of the proposed project:

- The design of the new development does not “respect the character of the Ferry Building” because it is incompatible with the Ferry Building’s design details, height, bulk and scale.
- The design of the new development does not “respect the character of ... Sue Bierman Park” because it would not only cast new shade on Sue Bierman Park, but would create a giant new wall on the Park’s northern side and, with the removal of the Washington Street median and its trees, would effectively remove a buffer between the Park and the development on the project site.
- The design of the new development would not “compliment the rich architectural character of the Embarcadero National Register Historic District” nor is it “complementary to the architectural features of the pier bulkhead buildings.” Rather, the design of the new building is incompatible with the height, bulk and scale and architectural detail of these historic buildings and detracts from the significance of the historic district.
- Because of the height and scale of the proposed new development, it does not “acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero” and is clearly not “of similar height” as the bulkhead buildings.
- The proposed building does not “maintain and enhance the view corridors along the Embarcadero” nor does it “[r]ecognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.” Instead it completely blocks views to Coit Tower from the Ferry Building and Pier 1 and impedes views of the Ferry Building from Telegraph Hill.
- The height and massing of the proposed new building clearly does not “fit within the neighborhood context” given its sharp contrast with “the heights of the historic Pier 1 through 5 bulkhead buildings.”
- The DEIR provides no design or consideration of “the appearance of all rooftop equipment as seen from the street and elevation of neighboring buildings and hills.” As rooftop equipment impacts aesthetics, this must be considered in the EIR.
- The proposed project’s “primary uses and pedestrian entrance,” i.e. the main entrance to the residential units, face Washington Street instead of The Embarcadero.
- As noted above, the proposed project will have “blank ground floor walls along The Embarcadero and Washington Street.” Washington Street will have the project’s garage vehicle entrance as a well as a separate elevator entrance to the garage. The Embarcadero will have a blank ground floor wall along the length of the swimming pool.

5. Light and glare impacts should have been considered in the DEIR. The proposed project's potential aesthetic impacts from light and glare should have been discussed in the DEIR and should not have been dismissed based on the 2007 Initial Study, which simply concluded that "the project would have less than significant light and glare impacts because the project would comply with City Planning Commission Resolution 9212, which prohibits mirrored or reflective glass, and because it would not result in additional glare beyond that of other typical buildings in the area." Why was there no consideration of the project's cumulative impacts considered together with other nearby projects, including the Embarcadero Center, the new cruise ship terminal, the Exploratorium project, the America's Cup long-term development projects, and the Yerba Buena/Treasure Island development? What is the measurable additional light impact generated by the proposed project? What is the increase in light pollution individually and cumulatively?

The DEIR incorrectly determines that the proposed project would not result in a significant cumulative impact related to Aesthetics (Impact AE-3).

There is no basis for the DEIR's conclusion that the cruise terminal at Pier 27, the Exploratorium project at Piers 15-17, and the proposed America's Cup development are not a part of the visual setting for the proposed project. All of these projects are within the Port's Embarcadero National Register Historic District and each project individually and cumulatively will impact the visual environment of this historic resource. Absolutely no design details or other aspects of these projects were discussed in the EIR.

In addition, the DEIR failed to consider the impacts on the visual environment of the proposed project cumulatively with the impact of the Treasure Island development project on the visual environment of the waterfront in the project area. The final certified EIR for the Treasure Island development project found that that project would have a significant effect on the visual environment that could not be mitigated.

The DEIR's cumulative analysis of the proposed project's cumulative impact related to Aesthetics is inadequate and incomplete. There is simply no factual basis or evidence for the DEIR's conclusion that the proposed project and cumulative development would not contribute to a significant degradation of the visual environment of the greater project area.

C. HISTORICAL RESOURCES

Impacts on Historic Resources are not Adequately Analyzed in the DEIR. Unbelievably, the DEIR concludes that potentially significant impacts to historic "architectural" resources will not be discussed in the DEIR because the 2007 NOP/Initial Study found that the proposed project would not adversely affect them. The 2007 NOP/Initial Study incorrectly assumed that because "[t]he project site contains no buildings included in, or determined eligible for inclusion in, any federal, State, or adopted local register of historic resources," the proposed project could not result in any impacts to historic "architectural" resources. This reasoning and its conclusion are flawed for at least three reasons: First, the proposed project must be analyzed for its potentially significant impacts on historic resources within its setting and context. Second, the Old Seawall, which runs through the project site within Seawall Lot 351, has been determined eligible for listing on the National Register of Historic Places and therefore constitutes a historic resource for all purposes of CEQA. Third, the construction of the proposed project must be analyzed for its potentially significant physical damage to historic resources.

1. The proposed project must be analyzed for its potentially significant impacts on historic resources within its setting and context. The DEIR is inadequate, incomplete and biased in its failure to analyze the potentially significant impacts of the proposed project on its immediate environmental setting and context, including Pier 1 and the Ferry Building, which are individually listed on the National

Register of Historic Places; the Central Embarcadero Piers National Register Historic District, which includes Piers 1, 1-1/2, 3, and 5 located across The Embarcadero from the project site; and the Port's Embarcadero National Register Historic District. The EIR must analyze the proposed project's potentially significant impacts on these historic resources resulting from its conflicts with the City's *General Plan* and the Port's plans and objectives applicable to the project, including the following:

(a) Conflicts with the Port's *Waterfront Design & Access Element*. The EIR must analyze the proposed project's potentially significant impacts on these historic resources resulting from its conflicts with the *Waterfront Design & Access Element* as to massing and design character. (See also our comments above relating to the proposed project's aesthetic impacts, which are included here by reference.)

- Analyze and discuss how the proposed project acknowledges the massing and street enclosure relationship with these historic resources (the Ferry Building and bulkhead buildings) across The Embarcadero. Explain how the height of the proposed project is "similar" to the historic bulkhead buildings.
- Analyze and discuss how the character and design of the proposed project reinforces the scale of the historic resources along The Embarcadero. Describe how the project's proposed "recessed bays" are compatible with the detailing of the historic resources. Are there any bay windows on any of these bulkhead buildings? How are projected awnings consistent with the bulkhead buildings?

(b) Conflicts with the Port's *Design Objectives*. The EIR must disclose and acknowledge the proposed project's potentially significant impacts on these historic resources resulting from its conflicts with substantially all of the *Port's Design Objectives* (set forth in this EIR pages II.21-II.22) which are articulated in the Port's RFP for this project. The objectives relating specifically to historic resources are the following:

- "*The design of new buildings should respect the character of the Ferry Building.*" Disclose and acknowledge the project's incompatibility with the Ferry Building's design details and, in particular, with its height, bulk and scale, which impacts the significance of the Ferry Building.
- "*Construct new development which compliments the rich architectural character of the Embarcadero National Register Historic District and is complementary to the architectural features of the pier bulkhead buildings.*" Disclose and discuss the design details of the proposed project, in particular, its height and massing in relation to the architectural character of the historic district and bulkhead building, disclosing and acknowledging the project's conflict with this objective and resulting impact on the significance of these historic resources.
- "*[N]ew development should acknowledge the massing and street enclosure relationship with the bulkhead buildings across The Embarcadero (e.g. bold forms of similar height...)*" As the proposed project is clearly *not* of similar height or massing as the bulkhead buildings, the DEIR must disclose and acknowledge this impact on the significance of these historic resources.
- "*Recognize the visual connection from the Ferry Building and Pier 1 to Coit Tower in a manner that preserves the iconic vista and acknowledges the landmark status of these sites.*" As the proposed new building would completely block views to Coit Tower from the Ferry Building and impede views of the Ferry Building from Telegraph Hill, the DEIR must disclose and acknowledge this impact on the significance of these historic resources.

(c) **Conflict with General Plan Objective 12, Policy 12.3.** The EIR must disclose and acknowledge the proposed project's potentially significant impacts on these historic resources resulting from its conflicts with General Plan Objective 12, Policy 12.3: "*Design new buildings to respect the character of older development nearby.*"

2. The proposed project would have a significant impact on the Old Seawall. Because the Old Seawall is a "historic resource" for all purposes of CEQA, the proposed project's substantial adverse change in its significance cannot be mitigated.

The DEIR discloses that: "A segment of the Old Seawall runs through the project site within Seawall Lot 351 along The Embarcadero, approximately 10 feet below the ground surface." The DEIR further reveals that:

"The Old Seawall was determined eligible for listing on the National Register of Historic Places in 1979 under Criterion A as a resource associated with "events that made a significant contribution to the broad pattern of our history" (i.e., for its connection with waterfront infrastructure development). As such, it is deemed a historical resource under CRHR Criterion 1 (Events). It may also be significant under CRHR Criterion 3 (Design/Construction) and Criterion 4 (Information Potential) if the actual construction of the seawall is found to deviate from the BSHC's detailed construction plans and specifications for the Old Seawall. Deviation (including changes in size, extent, location, of materials) may contribute information to our understanding of the construction of this feature that is not available in the documentary record."

Therefore, the Old Seawall must be considered a "historic resource" for all purposes of CEQA. As admitted by the DEIR, the construction of the proposed project would require the destruction of a significant segment of the Old Seawall causing "the largest disturbance of the Old Seawall to date," thereby diminishing the overall integrity of the this historic resource. This effect would constitute a substantial adverse change in the significance of this historic resource and, therefore, a significant impact under CEQA, which cannot be adequately mitigated by the mitigation measures M-CP-1a (Archeological Testing, Monitoring and Data Recovery and Reporting) and M-CP-1b (Interpretation) proposed by the DEIR.

- Include a description of seawall lots and how they relate to the city's historic seawall.³
- Include a sketch of the project site and proposed development showing the location of the Old Seawall.
- Because of this substantial adverse change in the significance of an historical resource, the EIR must include project alternatives that avoid this significant impact while accomplishing most of the project objectives.
- Please explain in detail how the project can be re-designed so as to avoid any adverse effect on the Old Seawall and include this in the EIR as a project alternative.

3. The proposed project must be analyzed for its potentially significant impacts on historic resources from pile driving, dewatering, and other construction-related impacts. The EIR fails to analyze the potentially significant impacts on nearby historic resources, and on the Old Seawall and the New Seawall (a contributing resource to the Port's National Register Historic District), resulting from the

³ The "seawall" refers to the foundation upon which the waterfront was constructed and consists of a linear embankment of stone, concrete, and wood. The "bulkhead wharf" consists of the pile-supported platform that runs parallel to the seawall between piers and upon which bulkhead buildings, pier entrances and other supporting structures are constructed. The seawall is integrated with the bulkhead wharf to form a continuous, unifying structure. Seawall lots are parcels that are landward of the city's historic seawall, west of The Embarcadero.

pile driving and dewatering that will be a part of the construction of the project. As disclosed on page II.20 of the DEIR:

“[T]he proposed buildings would have a pile foundation system supporting a thick mat. The estimated depth of proposed excavation would be as much as 38 feet below the ground at the site of the proposed residential buildings (with excavation of as much as about 40 feet deep for elevator pits), and 2 feet to 4 feet beneath the tennis courts and proposed athletic club building north of Jackson Street. Pile driving would be required; pile lengths would average about 130 feet. Approximately 110,000 cubic yards of soil would be removed from the project site.”

Include a professional assessment of all potential construction impacts to the nearby historic bulkhead buildings, the Old Seawall and the New Seawall, including without limitation, damage that could be caused by the vibration from pile driving and from the impacts of excavation and dewatering the project site during construction. Include proposed mitigation measures for all such potential impacts.

4. The project’s impacts on Archeological Resources are not adequately analyzed and mitigated. Please address the following questions and comments:

- Include more detailed information as to the exact location of the New Seawall, a contributing resource within the Embarcadero Historic District, in relation to the project site and explain in greater detail why it would or would not be affected by the proposed project’s construction, excavation and pile driving.
- The DEIR states that “[c]onstruction activities within or near the area along the north side of the Jackson Street alignment and The Embarcadero may disturb the remains of the scuttled ship *Bethel*.” Please provide a more specific estimated location of the *Bethel* in relation to the proposed buildings on the project site?
- According to the DEIR, the *Bethel* “could be eligible for inclusion in the California Gold Rush Shipwreck Thematic Group and is thus eligible for listing in the National Register of Historic Places.” Three other ships may also be present within the project site and would likewise be eligible. Please explain why it would not be feasible to maintain the *Bethel* in place.
- If the *Bethel* is in fact present on the site and eligible for listing in the National Register, how is it possible that its destruction by the proposed project “would not cause a substantial adverse change to the significance of this resource” as claimed by the DEIR? The mitigation plan is inadequate to address the potentially significant impacts on this known historic resource.
- Please explain in detail how the project can be re-designed so as to avoid any adverse effect on the *Bethel*.

D. TRANSPORTATION AND CIRCULATION

The DEIR does not adequately address or analyze the proposed project’s impacts on Transportation and Circulation. Not only are the DEIR’s descriptions of the existing conditions inadequate, but also contrary to the DEIR’s conclusions, it is clear that the proposed project would have significant adverse effects on traffic, transit and pedestrian safety.

1. Condition of Regional Freeways Not Adequately Described. The DEIR does not adequately describe the condition of the regional freeways. Given that regional access to and from the project site and the East Bay will be provided by I-80 and the San Francisco-Oakland Bay Bridge, the numerous

significant and unavoidable impacts of the YBI/Treasure Island project must be disclosed as a part of the description of the project setting and taken into consideration in the analysis of the proposed project. The impacts of the America's Cup and the Cruise Terminal undergoing environmental review at this time must also be disclosed as a part of the description of the project setting and taken into consideration.

- Include a list and discussion of all significant and unavoidable transportation and circulation impacts of the Yerba Buena Island/Treasure Island project as set forth in the final certified EIR for that project.
- Include a list and discussion of the transportation and circulation impacts of the America's Cup project and the Cruise Ship Terminal project as set forth in the draft EIR for those projects.

2. Impacts on Local Streets Not Adequately Analyzed. The DEIR states that “[v]ehicle access to the parking below the buildings would be through a two-way entrance ramp directly off Washington Street west of the lobby entrance,” near Drumm Street. The *General Plan* identifies Washington Street as a “Major Arterial in the Congestion Management Network between Kearny and The Embarcadero. Washington Street operates two ways between The Embarcadero and Drumm and on way west bound between Drumm and Powell.”

These facts raise the following questions not addressed in the DEIR's analysis of local traffic impacts:

- How wide will this entrance ramp on Washington Street be?
- How wide will the curb cut be?
- How will queuing be accomplished?
- How many metered parking spaces will be lost on Washington Street, including those to accommodate the garage entrance and passenger zones for the main entrance to the residential units and the restaurant to be located at the corner of Washington and The Embarcadero?

Because Washington Street is one way westbound between Drumm and Powell Streets, this means that all vehicles entering the garage will have to turn off of The Embarcadero onto Washington Street. This raises the following questions:

- How will this impact traffic flow on The Embarcadero?
- Will queuing on Washington Street result in traffic back-ups onto The Embarcadero?
- How will an electronic sign installed at the garage entrance on Washington Street (suggested as Improvement Measure TR-1) eliminate the impacts of queuing? Will the proposed signage provide directions to drivers as to how to get to a nearby alternative garage or just indicate that it is full?
- Obtain and include in the EIR an assessment by MTA as the impacts of queuing and the adequacy of queuing space provided for the garage.

3. Traffic and Transit Data are Out of Date.

The traffic data relied upon by the DEIR in reaching its conclusion that the project would not result in significant transportation impacts due to vehicle traffic (Impact TR-1) is stale, having been based on surveys done in 2006-2007 with 2000 census data (page IV.D.5 of the DEIR). These studies must be updated with accurate, recent information based on 2010 census data.

For example, the assumption made in the DEIR that the existing conditions at the Embarcadero/Broadway and Embarcadero/Washington intersections are “satisfactory” (at LOS D) conflicts with actual conditions.

Also out of date is the transit information relied upon by the DEIR in reaching its conclusion that the project would not result in significant transportation impacts to transit systems (Impact TR-2), having been based upon screenline data on capacity and utilization of individual MUNI lines from 2007 (page IV.D.9 of the DEIR). This data should also be updated. For example, based on an assumption that the existing condition on the F-Line along The Embarcadero is not at capacity during peak periods, the DEIR concludes that an additional "44 trips to/from the proposed project on the F-line" would have "less-than-significant impact on MUNI service." The assumption made in the DEIR that the F-Line is not at capacity during peak periods conflicts with actual conditions, which show the F-Line is at capacity during peak periods.

In addition, the DEIR states that "[t]he travel, parking and freight/service loading demand estimates for the proposed project were based on the methodology and assumptions developed by the San Francisco Planning Department...in October 2002." Assumptions that are nearly a decade old are out-of-date, given the rapidly changing conditions along San Francisco's waterfront.

4. The Proposed Project Will Impact Pedestrian Safety. Based on the information presented in the DEIR, the proposed project could create potentially hazardous conditions for pedestrians, considered a significant effect on the environment under CEQA.

The DEIR states that: "Conflicts between pedestrians and vehicles could occur at the project garage driveway, which could cause the potential inbound vehicles to queue onto Washington Street. Outbound vehicles would queue inside the garage and would not affect street traffic. Conflicts between outbound vehicles and pedestrians could still occur, but their effect on pedestrians would be reduced because pedestrians on the sidewalk have the right-of-way." [emphasis added] (page IV.D.25)

In the very next paragraph it makes the following statement about these potential vehicular and pedestrian conflicts at the garage driveway:

"The number of vehicles and pedestrians per minute are relatively small (about one vehicle and three pedestrians every 30 seconds on average) and it is therefore not anticipated that the proposed project would cause any major conflict or interfere with pedestrian movements in the area." (page IV.D.25)

The numbers given translate to 2 cars and 6 pedestrians every minute or 120 cars and 360 pedestrians an hour (or approximately 1,440 cars and 4,320 pedestrians coming into potential conflict in any given 7 am to 7 pm period). The DEIR's conclusion that such conflict between vehicles and pedestrian movement would be "less than significant" is questionable and simply not supported by the facts presented in the DEIR. The additional statement in the DEIR that because "pedestrians on the sidewalk have the right-of-way" such conflicts would be reduced is a further faulty assumption that is not based in fact.

5. Amount of Parking Conflicts with the Transit First Policy and Other City Ordinances, Plans & Policies. The proposed 240-space, three level underground parking garage conflicts with existing Planning Code provisions, Priority Planning Policy No. 4 (discouragement of commuter automobiles), the Transit First Policy, and the Transportation Element of the *General Plan*. These conflicts would impact the physical environment because they would cause more people to drive to and from the already congested area, thereby impacting transportation and circulation, pedestrian safety and air quality. The impacts resulting from the proposed project's failure to conform to these ordinances, plans and policies must also be (but are not) considered cumulatively with other projects that impact local and regional transportation systems, including the Exploratorium, the America's Cup, the Cruise Ship Terminal and Treasure Island.

- Please disclose and discuss the project's conflicts with the Transit First Policy.
- Please disclose and discuss the project's conflicts with Priority Planning Policy No. 4 (discouragement of commuter automobiles).
- Please disclose and discuss the project's conflicts with the Transportation Element of the *General Plan*.

The DEIR's conclusion that "[t]he proposed project would not result in significant transportation impacts in the proposed project vicinity due to vehicle traffic" (Impact TR-1) is not substantiated. The DEIR fails to disclose exactly how the project will comply with existing Planning Code provisions applicable to the project site. Please explain exactly how the proposed project will comply with each of the following Planning Code provisions:

- How many off-street parking spaces are allowed (the maximum accessory amount) for 165 residential units as of right without a special exception to increase this amount?
- How many off-street parking spaces would be required for approximately 81,900 gsf of non-residential uses without a special exception to reduce this amount? Include in these calculations, all of the following types and sizes of uses (from DEIR pages II.7 and II.17):
 - 17,000 gsf of Retail
 - 12,100 gsf of Restaurant/Bar
 - 12,800 gsf of fitness center (including a 1,850 gsf cafe)
 - 40,000 gsf of athletic club (27,000 sq ft of tennis courts plus 13,000 sq ft of pools and related outdoor space)
- Information presented in the DEIR in Table IV.D-3 (on pg IV.D.15), shows that there are 459 off-street parking spaces currently available close to the project site. Please discuss why this would not eliminate the need for the proposed 420-car underground garage.
- Please respond to and discuss the following comment: The residential parking ratio proposed for the project, one parking space per dwelling unit, is far too high, and will make this project yet another unsustainable automobile-oriented development. The ratio should be reduced to one space for every two units. Reducing residential parking below 1 space per unit has also been proven effective as a housing affordability strategy, which lowers the cost of housing for households willing to do without a private car. In this case, eliminating a level of parking would significantly lower the construction cost of the project, lowering the cost of the units, and would lessen project impacts on traffic and circulation, pedestrian safety, and air quality.
- A reduced parking alternative should be analyzed in the EIR.

6. Construction Impacts Must Be Considered Cumulatively With Other Projects. The DEIR's conclusion that the construction of the proposed project would not cause a significant increase in traffic (Impact TR-8) does not take into consideration other major projects that will be under construction during the same time period.

The DEIR failed to consider the proposed project's construction related impacts on traffic, transit, and pedestrian movement, cumulatively with the following:

- America's Cup events and related construction. According to the DEIR, the project's proposed underground garage will require the removal of 110,000 cubic yards of soil from the project site over a

period of 7 to 8 months (4 trucks/hour) which will overlap with the 2012/2013 America's Cup events and, therefore, violate the City's *Host and Venue Agreement* which provides:

10.4 The City will use all lawful means to restrict noise and debris generating activities on public works and large private construction projects (if any) in areas reasonably proximate to the Event during America's Cup World Series Pre-regattas and the Regatta.

- How can the project construction take place without violating the America's Cup Host Agreement?
- Because the construction schedule for the proposed project coincides with America's Cup-related construction,⁴ all traffic-related construction impacts (construction truck traffic, street and sidewalk closures, etc.), including the initial and final phases of the Cruise Ship Terminal, must be considered cumulatively with the proposed project.
- Because the construction schedule for the proposed project coincides with America's Cup-related race events, construction-related conflicts with the significant levels of spectator traffic and pedestrians must be taken into consideration.
- Also taken into consideration should be the significant traffic-related construction impacts of the Treasure Island development project, including hauling significant amounts of soil to the Island for geologic stabilization and increased ground elevations which, if trucks are used, will alone require as many as 110,000 round trips on I-80 and the Bay Bridge.

Considered cumulatively, it is clear that the project's construction related impacts on traffic, transit, and pedestrian movement would be very significant. The DEIR's suggested Improvement Measure TR-8b (Agency Consultation to determine the best method to minimize the traffic impacts during construction) would likely result in significant construction delays necessary to time construction to avoid the above-listed conflicts. Delays in the construction of the proposed project would be inconsistent with the project sponsor's objective to "[t]o complete the project on time and within budget."

7. Cumulative Future Conditions. The DEIR says that, if the recommendations of the Department's *Northeast Embarcadero Study* were adopted, the proposed project would make a significant and unavoidable, "considerable contribution" to cumulative traffic impacts at the study intersections. (Impact TR-9, DEIR at IV.D.34). Since the *Northeast Embarcadero Study* received no environmental review, it cannot legally be utilized as the basis for environmental analysis of the proposed project. Please revise the EIR to so state at pages III.8 and 9 and at pages IV.D.33 - 35. The EIR's assessment of project environmental impacts and alternatives should not reference consistency with the Study until the Study itself is subjected to environmental review.

This section of the DEIR raises several questions and issues:

- The DEIR contains an extensive discussion of the recommendations contained in the Planning Department's *Northeast Embarcadero Study* in determining that the proposed project would make a "considerable" contribution to cumulative traffic impacts only if the proposed changes in the street geometry for The Embarcadero, Broadway, and Washington recommended in the *Northeast Embarcadero Study* are adopted. And that otherwise, there would merely need to be "minor adjustments in traffic signal timings." The DEIR's conclusion that "both intersections would operate at an acceptable level of service in 2035 if the number of lanes were maintained at the status quo, and

⁴ Demolition and construction would occur over a 28-month period assumed to occur between January 1 2012 and May 1 2014. (DEIR page IV.E.18)

with minor adjustments to the traffic signal timings” is unsupported by the facts contained in the DEIR.

- Proposed Mitigation Measure M-TR-9, is inadequate. It provides that the project sponsor will develop and implement a “Travel Demand Management Plan” that will “build upon elements already being provided as a part of the proposed project, such as secured bicycle parking and car share spaces, to which it will add additional components such as facilitating maps of local pedestrian and bicycle routes and a taxi call service for the restaurant.” Car share spaces and bicycle parking are already required. A taxi call service is a typical benefit to the restaurant. Therefore, no additional mitigation is being offered that will mitigate significant traffic impacts. The DEIR also states that this so-called mitigation measure will only be triggered if and at the time the changes to The Embarcadero/Washington Street recommended by the Department’s *Northeast Embarcadero Study* are adopted. As stated above, the *Study* cannot be legally utilized as the basis for environmental analysis in this DEIR.
- Explain why cumulative traffic volumes were developed based on the gross square feet of other developments instead of based on their anticipated traffic generation from their proposed uses. For example, the proposed Cruise Ship Terminal at Pier 27 will not generate traffic based on its gsf, but based on its use – how often cruise ships come into port. Likewise, traffic generated by the Exploratorium will not be similar to that generated by a residential development. Please explain why the DEIR’s assumptions are accurate in this regard.
- The DEIR incorrectly avoids consideration of the very significant traffic and transit impacts of the America’s Cup races by characterizing them as “temporary in nature.” As noted in our comments above, the duration of the event is highly unclear since the winner of the America’s Cup race will determine the location of the next race. The races were held in Rhode Island for more than half of a century. So, if the Golden Gate Yacht Club retains the America’s Cup title, the race events will continue to be held in San Francisco, and the significant transportation and circulation impacts of these race events must be considered (at least as a project variant) in the EIR’s cumulative impact analysis of foreseeable vehicle and pedestrian activity in the project area.
- Add a discussion of the proposed project’s traffic conflicts with striped bicycle lanes in both directions on Washington Street between Drumm Street and The Embarcadero.
- The conclusion in the DEIR that the proposed project would not make a “considerable contribution” to a significant cumulative impact on transit systems (Impact TR-10) is not based on facts presented in the DEIR. Basically, this conclusion is based on the reasoning that because in the future all MUNI capacity will be at overcapacity and no matter how many additional riders will be generated from the proposed project it will still be at overcapacity, so it cannot be significant. This is an inadequate analysis and conclusion.
- Does the regional transit screenline analysis for AC Transit take into consideration the significant impacts of the Treasure Island development project?

E. AIR QUALITY

A number of the proposed project’s impacts on air quality have been identified as “significant and unavoidable” because it would expose sensitive receptors to significant levels of fine particulate matter (PM) and toxic air contaminants (TAC), including traffic-related air pollutants.

- The DEIR provides factual evidence that the impacts of the proposed project's on air quality are among the most significant impacts of the project, saying these impacts will have the greatest effect on seniors and children. Please discuss how the benefits of the proposed luxury condo project outweigh this serious impact.
- According to the project description, ingress/egress to the underground 420-space parking garage would be provided from Washington Street. What are the air quality impacts of this increased volume of cars, taking into consideration the impacts of them being queued up on Washington Street right across from Sue Bierman Park?
- How would the garage be vented? How many vents will be required? Where will they be located? What will be the physical dimensions of each vent? Would it be vented onto pedestrian sidewalks or onto the new open space areas to be created as a part of the project, or would it be vented on the Washington Street side toward Sue Bierman Park? Such air quality impacts on pedestrians and those using the existing and proposed open spaces must be considered in the EIR.
- According to the project description in the DEIR, the project sponsor will seek to have the proposed buildings "LEED" certified. How does exceeding the Planning Code's minimum parking amounts and the resulting traffic and air impacts relate to LEED certification? Wouldn't a "green" project alternative be one that minimizes parking rather than proposing more parking than the code allows? Reducing the amount of parking would lessen project impacts on traffic/circulation as well as on air quality. Please include a reduced-parking alternative.
- Although the DEIR touts the proposed project's consistency with the Bay Area Air Quality Management District's *2010 Clean Air Plan*, Transportation Control Measure (TCM D-3 – Local Land Use Strategies), the DEIR fails to mention that the project is *inconsistent* with that Plan's Transportation Control Measure (TCM E-2 - Promote Parking Policies to Reduce Motor Vehicle Travel), which calls for parking policies to reduce the amount of parking and parking ratios in new development well served by transit and close to places of employment, services and other attractions. This measure acknowledges that reducing the number of parking spaces impacts travel behavior and encourage non-auto trips.
- The 1-to-1 ratio of parking spaces to residential units, as requested by the project sponsor, should be denied and the amount of parking spaces substantially reduced as a mitigation measure to lessen the significant impacts of the project on air quality.

F. GREENHOUSE GASES

The DEIR's conclusion that the proposed project "would generate greenhouse gas emissions, but not in levels that would result in a significant impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions"(Impact GG-1) is not based on an accurate assessment of the programs collectively referred to as San Francisco's GHG Reduction Strategy.

- The proposed 420-space, three level underground parking garage would conflict with the City's *Transit First Policy* that adopts parking policies to discourage increased automobile traffic. The *Transit First Policy* is part of the City's GHG Reduction Strategy. Please address this issue.
- The proposed 420-space parking garage also conflicts with the *Transportation Element* of the *General Plan, Priority Planning Policy No. 4* (discouragement of commuter automobiles), and Planning Code Sections 151 & 204.5(c), which were all adopted to limit the amount of parking in

new development in order to discourage increased automobile traffic and encourage the use of transit, bicycling and walking instead of single-occupant vehicles as a part of the City's GHG Reduction Strategy. Please address each of these issues.

- The proposed 420-space parking garage also conflicts with the *Climate Action Plan for San Francisco*, which includes in its proposed actions: “**Cap or Reduce the Number of Parking Spaces.** Change requirements for new developments to lower parking minimums or switch to parking maximums. Reduce parking in areas well-served by transit.” (page 3-13) Please address this issue.
- Explain how the proposed project, with its 420-space parking garage, will help to achieve the City's *Greenhouse Gas Reduction Ordinance*, which was adopted to establish GHG emissions targets and departmental action plans. In particular, how will it further a shift to sustainable modes of transportation?

G. SHADOW AND WIND IMPACTS

The DEIR Does Not Adequately Address or Analyze Impacts on Impacts on Shadow and Wind.

The conclusions of the DEIR that the proposed project would not create new shadows that would adversely affect any park or open space, outdoor recreation facility or other public area is not supported by the facts presented in the DEIR. The shadow analysis prepared for the project sponsor and included in the DEIR clearly shows that the proposed project will cast new shadows on the Embarcadero Promenade walkway, Sidney Walton Square and Sue Bierman Park (a Prop K protected park), and will cast significant shadows on the project's proposed new tennis courts and pool area, and on its new “Jackson Common” and “Pacific Avenue Park.”

SETTING

The description of Sue Bierman Park is inaccurate, misleading and biased.

First, the statement in the DEIR that “no cumulative limit currently exists for Sue Bierman Park in its current configuration” is misleading and biased. The criteria adopted by the Planning Commission and Recreation & Park Commission in 1989 established absolute cumulative limits for additional shadows on 14 downtown parks throughout San Francisco, including an **absolute cumulative limit of zero for Embarcadero Plaza I**, which consisted of the northern portion of Assessor's Block 202, including the area to be shadowed by the proposed project. Although the southern portion of Assessor's Block 202 (previously occupied by an on-ramp to the Embarcadero Freeway) was transferred to the Recreation and Park Department in 2001 and added to the park, the notion that the absolute cumulative limit established in 1989 for the area of the park previously known Embarcadero Plaza I somehow vanished appears to be an attempt to get around the absolute cumulative limit of zero new shadows on that very area of the park to be shaded by the proposed project.

Second, the DEIR is biased in its detailed description of a 2004 Planning Commission action that found new shadow cast by a previous development on Embarcadero Plaza I to be “*de minimis*.” Such reference is inappropriate and unrelated. Not only was the 2004 action of the Planning Commission of no effect because the Board of Supervisors overturned the Department's negative declaration for the project, but the action of the Commission was inconsistent with the absolute cumulative limit of zero established for this park established pursuant to Proposition K, the Sunlight Ordinance (Section 295 of the Planning Code).

Corrections: The reference to Block 203 at the end of the first paragraph on page IV.G.3 should be changed to Block 202. The last 3 sentences at the end of the second paragraph should be deleted, as they do not apply to Block 203, but just repeats what is in the first paragraph. The western block is not fenced and work is not ongoing. However, the pedestrian bridge has already been removed, which should be noted, and footnote 1 on this page should be deleted.

REGULATORY FRAMEWORK

1. Clarify the Requirements of Planning Code Section 295. The description of the requirements of Planning Code Section 295 (Proposition K) contained in the DEIR is incomplete and inaccurate without the addition of the following clarification of the requirements of Proposition K: The Planning Commission Resolution 11595, adopted in 1989, which set the absolute cumulative shadow limits for the 14 downtown parks throughout San Francisco, specifically provides that “*any shadow cast beyond this limit would be considered significant and could not be allowed.*” Therefore, the Planning Commission and Recreation & Park Commission cannot establish a new cumulative limits or find that new shadow beyond the absolute cumulative shadow limit is insignificant or *de minimis* in order to permit new shadow on any park that is subject to an absolute cumulative limit of zero.

2. Add a Discussion of Priority Planning Policy No. 8 from Section 101.1 of the Planning Code. Add a description of the applicable Priority Planning Policy No. 8: “That our parks and open space and their access to sunlight and vistas be protected from development.” According to Section 101.1 these Priority Planning Policies “shall be the basis upon which inconsistencies in the Master Plan are resolved.”

SHADOW IMPACTS

1. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse affect on Sue Bierman Park under the jurisdiction of the Recreation and Park Commission (Impact SH-1).

The size of Embarcadero Plaza I (Lot 18 of Assessor’s Block 202) is 58,385 sq feet. Therefore there are 217,250,585 of square-foot-hours of potential sunlight. In 1989, approximately 76,254,955 square-foot-hours (35.1%) were consumed by shadows from existing buildings. Since the park is subject to an absolute cumulative limit of zero, any new shadow would be considered “significant” and would not be allowed.

The Planning Commission and Recreation & Park Commission cannot establish a new cumulative limits or find that new shadow beyond the absolute cumulative shadow limit is insignificant or *de minimis* in order to permit new shadow on that portion of Sue Bierman Park (Embarcadero Plaza I) that is subject to absolute cumulative limit of zero.

2. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse affect on existing public open spaces (Impact SH-2).

Based on a review of the Shadow Diagrams presented in the DEIR, the proposed project will cast significant new shadow on existing public open spaces in clear conflict with Priority Planning Policy No. 8, which provides that “our parks and open space and their access to sunlight and vistas be protected from development.” Each of the following parks and open space would be receive less sunlight as a result of the proposed project:

- The Embarcadero Promenade -- As shown in Shadow Diagrams IV.G.5, IV.G.6, IV.G.10, IV.G.11, IV.G.15, IV.G.16, IV.G.19 IV.G.21, IV.G.22, and IV.G.23, the proposed project would add

significant new shadow to the Embarcadero Promenade throughout the entire year. The basis for the DEIR's determination that this impact would be "less than significant" is subjective and inaccurate – it says that, as to the "cyclists, in-line skaters, pedestrians, and runners" that use this promenade, that: "Their enjoyment of the Embarcadero Promenade is not dependent on upon access to sunlight." How does the DEIR reach this conclusion? Particularly when this shadow impact is considered cumulatively with the project's new shadow on other public open space, it would constitute a significant adverse impact on a high-use public open space.

- Sidney Walton Square – As shown in Shadow Diagrams IV.G.2, IV.G.12 and IV.G.24, the proposed project would add significant new shadow to Sidney Walton Square in the spring and fall. The DEIR's conclusion that this impact would be "less than significant" based on a "field observation" conducted on a single day in October is highly subjective. Even so, 420 people were observed using the park on that day. Particularly when this shadow impact is considered cumulatively with the project's shadow impacts on other public open space, the project's addition of shadow on Sidney Walton Square would constitute a significant adverse impact on this well-used public open space.
 - Drumm Street Pedestrian Path and Sidewalk -- As shown in Shadow Diagrams IV.G.2, IV.G.3, IV.G.4, IV.G.7, IV.G.8, IV.G.9, IV.G.12, IV.G.13, IV.G.14, IV.G.17, IV.G.18, IV.G.24 and IV.G.25, the proposed project would add new shadow throughout the entire year to the existing Drumm Street Pedestrian Path and sidewalk that is proposed to be widened in by the project. The DEIR's conclusion that this impact would be "less than significant" based on an unsupported assumption that "the shadows of the proposed project would not be harmful to the growth or health of landscaping and vegetation and would not significantly affect the use of the pedestrian path" is highly subjective, particularly when considered cumulatively with the project's shadow impacts on other public open space.
 - Jackson Street and Pacific Avenue Sidewalks -- The DEIR fails to mention that the proposed project would also add new shadow on Jackson Street sidewalks between Drumm and Front Streets; and on the Pacific Avenue sidewalk between Drumm and Davis Streets.
 - Port Walk Promenade -- As shown in Shadow Diagrams IV.G.2 through IV.G.6 and IV.G.12 through IV.G.16, the proposed project would add new shadow to the Port Walk Promenade in the summer and winter. The DEIR conclusion that this impact would be "less than significant" based on a subjective assumption that new shadows on the Port Walk Promenade would not substantially affects its use "for passive recreation such as sitting or strolling." Again, when this new shadow is considered cumulatively with the project's other shadow impacts on public open space, it cannot be considered less than significant.
- 3. The DEIR incorrectly concludes that the new shadow cast by the proposed project would not cause a significant adverse affect on the proposed project's new on-site outdoor recreation facilities, parks and open space created as a part of the project (Impact SH-2).**
- Proposed Jackson Common – As shown in Shadow Diagrams, the proposed project would shade most of the Jackson Common during spring and autumn and would cast significant shade on Jackson Common during summer and winter. See Shadow Diagram IV.G.25. But, according to the DEIR, this shadow would be "less than significant" because they would plant shade-loving plants and pedestrians would only be passing through. This is not an objective analysis of the project's shadow impacts on this new proposed open space.
 - Proposed Pacific Avenue Park -- The Shadow Diagrams clearly show that this new park would be in shade most of the year, with the proposed project adding new net shadow in the spring and winter.

Again, the DEIR assures us that the shadow impacts would be “less than significant” because they would plant shade-loving plants and because it will not affect the park’s use “for passive recreation such as sitting or strolling.” This is not an objective analysis of the project’s shadow impacts on this new proposed open space.

- Golden Gate Tennis and Swim Club – The DEIR admits that “[t]he relocated tennis courts would receive less sunlight during the day than the existing tennis courts.” How much less is unclear. The DEIR is inadequate and incomplete because it does not include side-by-side diagrams of the shadow cast by existing buildings on the *existing* tennis and swimming facilities along with its diagrams of the proposed project’s shadows on the proposed *new* recreational facilities.

Just how much shadow the project would cast on the *new* courts is very clearly shown in Shadow Diagrams IV.G.2, IV.G.7, IV.G.12 and IV.G.18, which reveal that the proposed project would completely shadow all four new tennis courts at certain times in the spring, summer, autumn, and winter – throughout the entire year. The DEIR concludes that these significant shadows are really “less than significant” based on the following set of flawed, highly subjective assertions:

“Since outdoor tennis courts and outdoor swimming pools can be illuminated, the enjoyment of these two activities is not dependent on sunlight. People can play tennis or swim outdoors at night if a facility has lighting. Weather conditions have a greater impact on outdoor tennis than a lack of sunlight. Rain can make an outdoor tennis court slippery, thus posing a danger to participants. For these reasons, the shadow impact of the proposed project on the tennis courts and swimming pools would be considered less than significant, and no mitigation measures are required.” (Page IV.G.45)

4. The DEIR incorrectly concludes that the proposed project would have a “less than significant” cumulative impact related to Shadow (Impact SH-3).

Given the project’s impacts on each of the existing parks and public open space discussed above, it is clear that the proposed project will contribute to the cumulative yearly shadow loads on these public open spaces. Each new shadow that the proposed project will cast on Sue Bierman Park, the Embarcadero Promenade, Sidney Walton Square, the Drumm Street Pedestrian Path, the Port Walk Promenade, and the Drumm Street, Jackson Street and Pacific Avenue sidewalks must be considered cumulatively. The only reasonable, objective conclusion that can be reached is that the proposed project will have a significant impact related to Shadow.

WIND IMPACTS

The DEIR is inadequate and incomplete because it fails to analyze the proposed project’s impacts related to Wind.

The proposed project that was the subject of the Initial Study was of a different height and configuration. An independent consultant should study the potential pedestrian-level wind impacts of the currently proposed project as a part of this EIR.

H. RECREATION

The DEIR's use of the word "private" throughout the DEIR to describe existing recreation activities at the Golden Gateway is biased, misleading and inaccurate. The term "private" appears to have been used in an attempt to diminish the impact of closing the Golden Gateway Tennis and Swim Center for 3-4 years during construction, along with the permanent loss of five of nine existing tennis courts, a basketball court and the current, family-friendly ground level swimming pools.

The DEIR must include and analyze the City's existing recreation facilities in comparison to the Golden Gateway Tennis and Swim Center, including the following information:

- The Recreation & Park Department (RPD) has been increasing user fees, reducing hours and leasing (23 of its 47) recreation centers to "private" interests. Out of a total of 47 city recreation centers, city workers staff only 12 of them where they oversee programs, many of them for a fee, during reduced days and hours. The RPD also runs nine "public" swimming pools in neighborhoods such as North Beach, the Mission, Bayview and Visitacion Valley. These pools were previously open five or six days a week and were free for residents. Today, residents pay \$5 for each swim and \$7 for adult swim lessons/water exercise. Children under 17 pay \$1 per swim and \$2 for swim lessons/water exercise (\$3 for a swim & a class together).
- Given the recent shift by the City's RPD toward "privatization" and imposition of a fee system for the use of the City's "public" recreation facilities and pools, what is the real difference between "private" and "public" in terms of accessibility and affordability? Isn't the result that both the "private" Golden Gateway facility and the "public" pools are open to anyone who is willing to pay to use them since neither is free to the public?
- A complete and factual explanation of this issue must be included in the EIR. Further, as requested in other comments, a chart must be added to the EIR comparing the costs to San Francisco residents of the City's 9 "public" swimming pools to the current costs of the Golden Gateway community recreation facility.

Without such information and analysis, critical information is lacking that the Planning Commissioners, the Park and Recreation Commission, the Port Commission and the members of the Board of Supervisors will need in order to accurately assess the validity of the developer's claims as to who is being served by the current facilities versus who will be served by the proposed project.

I. SEA LEVEL RISE

The DEIR finds that because of the location and elevation of the project site, the proposed project would expose people and structures to increased risk of flooding due sea level rise and that such impact is "Significant and Unavoidable" (Impact SLR-3).

- The DEIR does not adequately address the applicability of BCDC's Climate Change Program on the proposed project. Specifically, because the project site is located in an area "vulnerable to future climate-induced shoreline flooding" due to sea level rise, please address the relevancy of the proposed amendment to the Bay Plan (quoted on page IV.I.10) to the considerations by the Port Commission, Planning Commission and Board of Supervisors in determining whether development on the project site should be allowed.
- The DEIR does not adequately address the applicability of the State Lands Commission's directive to its staff "to evaluate proposed development projects in relation to sea level rise scenarios of 16 and 55

inches...” Specifically, because the project site is located within the inundation zones for 16 and 55 inches, how will this apply to the proposed project? How could this staff evaluation affect the developer’s proposed public trust exchange?

- In light of the project site’s vulnerability to future to sea level rise, which according to the DEIR cannot be mitigated, discuss how the benefits of the proposed project would outweigh the risks to people and structures.
- As disclosed in other sections of the DEIR, the old seawall runs underground and parallel to The Embarcadero through Seawall Lot 351. Seawall Lot 351 was created when the bay was filled in. Is there still tidal action under the surface of that lot? How close is the water table to the surface of the seawall lot? Explain how excavation and dewatering will take place and how the 3-level underground garage will be kept dry.

J. BIOLOGICAL RESOURCES

- Please explain in detail the proposed features of the buildings as to their compatibility with the City’s adopted *Standards for Bird Safe Buildings*.
- Specifically, would it contain *any* of the design features that are identified in the *Standards for Bird Safe Buildings* as posing the greatest hazards to birds? Please list any of these design features.
- As a matter of law under the existing *Urban Forestry Ordinance* (Article 16 of the Public Works Code), the removal of 75 “significant” trees is a clear conflict with local ordinance and would constitute a significant impact on biological resources. This would be the largest number of “significant” trees that have been removed since the enactment of the Ordinance. The DEIR’s conclusion that “the proposed project would not conflict with any local policies or ordinances protecting trees” is simply incorrect and must be corrected.
- Explain in detail why 136 trees have to be removed to accommodate the proposed project and discuss alternatives.
- Explain in detail why the existing landscaped median (and all its trees) on Washington Street must be removed to accommodate the proposed project and discuss alternatives.

K. POPULATION AND HOUSING

Impacts on the City’s Housing Needs were Not Analyzed in the DEIR. The DEIR incorrectly concludes that potentially significant impacts to Population and Housing will not be discussed in the DEIR because the 2007 NOP/Initial Study found that the proposed project would not adversely affect them.

- One of the project “objectives” (Pg II.14) is to “help meet the projected City housing needs.” The final EIR must state the average cost to build each unit and the range of sales prices expected so that public officials can assess how the project will meet this objective. Estimates are that these condos will cost \$2 million/unit to build⁵ with projected sales prices of \$2.5 - \$5 million and up (\$6-8 million for penthouses).

⁵ This number was derived by taking the project’s total cost (**\$345 million**), deducting the cost of the non-residential parking (165 residential spaces out of 420 total spaces leaves 255 non-residential spaces [60.6%] X the \$40 million garage cost = \$24.2 million) and dividing this by the 165 units: $\$345 \text{ million} - \$24.2 \text{ million} =$

- The Draft Housing Element, recently approved by the Planning Commission, says that the housing need in San Francisco is more than 60% below market rate. How does this project relate to the objectives, policies and goals of the Housing Element of the General Plan? What portion of San Francisco's affordable and middle-income housing needs will the proposed project meet?
- What are the requirements for including permanent below market rate (BMR) units of housing for this project? There is no discussion of affordable housing, no mention of considering on-site BMR units or any mention of how, or where, in-lieu funds would be used. Would they be used within a 1-mile radius of the project?
- Please discuss the following finding from the Bay Area Air Quality Management District's *2010 Clean Air Plan*, Transportation Control Measure TCM E-2 (on pg C-79) in relation to the proposed project's 240 space parking garage:

“An oversupply of parking and ineffective parking management policies creates a number of adverse impacts. For example, parking in dense areas requires using high-value land for parking lots and structures. The high cost of land and construction to build parking drives up development costs. Construction costs for structured parking can range from \$30,000 to \$60,000 per parking spot. These costs are typically hidden in purchase prices and rents. This exacerbates the shortfall of affordable housing in the Bay Area, creates obstacles to transit-oriented development, and reduces the land available for other uses.”

- The DEIR fails to analyze the cumulative impacts on affordable housing in the City of past, present and future market rate condo projects.
- What the total number of existing market rate condominium units available for purchase in San Francisco? What is the total number of approved market rate condominium units that will be available? How many units of market rate condominiums have already been approved, but not yet completed? Include a list of all market rate condos currently on the market, including the total number of units sold and still available, and a list of those that have already been approved, including the number of units in each. Include those projects listed in the appraisal report prepared by Martorana•Bohegian & Co in connection with the proposed 555 Washington Street project (see the attached list from this report) and any new projects that have been approved by the City since.
- Given the total number of market rate condos currently on the market and those that have been approved, the EIR must evaluate how the proposed project will “help meet the projected City housing needs” for market rate housing in San Francisco.

CONCLUSION AND RECOMMENDATIONS

This proposed project, if approved, would forever alter the appearance of one of the world's spectacular urban waterfronts, with profound implications on the urban form of the San Francisco waterfront.

For all the reasons stated in this letter, we believe this DEIR is seriously incomplete and inadequate to address the potentially significant impacts of this precedent-setting project. We urge you to revise the document and re-circulate it in draft form.

Bill Wycko
August 15, 2011
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We hope the information provided in this letter will contribute to the Department's and the Commission's thorough review and decision on the proposed project.

Lastly, we request that THD be included on the list to receive all notices and documents relating to this project and its environmental review.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Golinger', with a horizontal line extending to the right.

Jon Golinger
President
Telegraph Hill Dwellers

cc: Nannie Turrell, Environmental Planning Division
John Rahaim, Director, Planning Department
Phil Williamson, Port of San Francisco
San Francisco Planning Commission
Supervisor David Chiu, District 3
Susan Brandt-Hawley, Esq.

Enclosure

MARTORANA • BOHEGIAN & CO.

Project/ Location	Stories	Total Units	Units Sold	Units Available	Units Size Range	HOA Fees
EXISTING PROJECTS						
The Millennium (1) 301 Mission Street	60	419	99	320	700 – 3,300	\$775 - \$1,750
The Infinity 300 Spear Street	37/42	650	348	302	(Not Available)	-
One Rincon Hill (1) 425 First Street	50+	382 (Phase I)	267	115	600 – 2,000	\$675 - \$1,000
Blu (1) 631 Folsom Street	21	108	11	97	950 – 1,300	\$650 - \$900
Radiance 330 Mission Bay	16	99 (Phase I)	62	37	850 – 2,175	\$650 - \$750
<i>Total Existing Units Available</i>				871		
FUTURE APPROVED PROJECTS						
340 Berry Street		129	0	129		
Radiance II		319	0	319		
One Rincon		312	0	312		
340 Fremont Street		338	0	338		
Mission Bay (Pcl. 5)		270	0	270		
Mission Bay (Pcl. 11)		270	0	270		
Mission Bay (Pcl. 12)		273	0	273		
Mission Bay (Pcl. 13W)		273	0	273		
201 Folsom Street		725	0	725		
45 Lansing Street		217	0	217		
399 Fremont Street		432	0	432		
<i>Total Approved Units Available</i>		3,558	0	3,558		
Total Existing & Approved Units Available				4,429		
(1) Units sold include units under contract.						