

**Appendix 1**  
**Comment Letters**

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FROM:  
Mary Miles, Attorney at Law  
for  
Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

TO:  
Eugene Flannery, Esq.  
Environmental Compliance Manager  
Mayor's Office of Housing  
1 South Van Ness Avenue, 5th Floor  
San Francisco, CA 94103

DATE: October 1, 2012

Re: Request for Time Extension for Public Comment on 55 Laguna EA

Dear Mr. Flannery:

This is a request for a 60-day time extension for public comment on the 55 Laguna EA/"FONSI." A time extension is requested and necessary to allow the public the opportunity to meaningfully participate in the review and decisionmaking process on this important Project. The 30-day time allowed at present does not suffice, due to the long, complicated factual and procedural history of the Project and very large administrative record. The issues are complex, since they also involve a number of statutory and regulatory provisions.

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Also noteworthy is the fact that the California Environmental Quality Act ("CEQA"), Pub. Res. Code secs. 21000 *et seq.*, requires a minimum of 45 days for public comment on this Project and up to 90 days. We believe that the Project is subject to CEQA, as well as to the NEPA, NHPA, and other federal laws and regulations.

Therefore, we believe the lawful and prudent course would be to extend the time to comply with CEQA's outside time requirements for public comment.

The law and the review process are here to serve the public and not to constrain meaningful comment by arbitrarily limiting the time for comment to an unrealistically short period. The Project sponsor is not prejudiced by this modest Request in the public interest, particularly in view of the large size of the Project, the extent of public interest, and the many changes it has undergone. However, a lack of adequate time to comment prejudices the public's rights and role in the decisionmaking process.

Therefore, we respectfully request a 60-day time extension for public comment on the 55 Laguna EA/"FONSI."

Please place this Request in all applicable files and let me know your answer as soon as possible. Thank you for considering this Request.

Sincerely,  
Mary Miles  
Attorney at Law

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Eugene T. Flannery  
Environmental Compliance Manager  
Mayor's Office of Housing  
1 South Van Ness Avenue, Fifth Floor  
San Francisco, CA 94103  
Mr. Flannery:

Please regard this as Public Comment on the September 21, 2012 "Notice of Intent to Request for Release of Funds" ("NOI-RROF") and "Finding of No Significant Impact" ("FONSI") on the "55 Laguna" Project. For the following reasons, your agency's October 2, 2012, denial of additional time for public comment is unreasonable and fails to satisfy regulatory requirements.

As an initial matter, the date of your Notice of the above was September 21, 2012, and you have set the due date for comment on Sunday, October 21, 2012, 5:00 p.m. Your September 21, 2012 Notice states that your agency will submit your "Request for Release of Funds" ("RROF") to the U.S. Department of Housing and Urban Development on October 22, 2012. That leaves no time for you to consider public comment before a decision to submit the RROF. Your agency's foregone decision and improper timing render public input futile and facially violate federal regulations. 24 CFR 58.43(c).

The environmental review of the "55 Laguna Mixed Use Project" ("the Project") must include not only its impacts related to the statutory requirements of HUD, but also to NEPA, NHPA, and CEQA. Your reference to 24 CFR sec. 45 is only about HUD's regulations on funding and not those of NEPA, NHPA, CEQA, which must also be satisfied. The Project must also and independently be analyzed for its impacts on historic resources, aesthetic resources, and land use, because it proposes to destroy a designated National Historic District that also represents a unique, significant, and irreplaceable chapter in California history and the inception of what is now the



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California State University System, its design and structures retain great integrity, and proposed "mitigations" do not satisfy any of the above-referenced statutes. Because of its significant and unique historic importance and public interest and controversy it has generated, agencies are required to make diligent efforts to involve the public. Instead, your agency is acting to limit meaningful public comment on the Project and whether the "FONSI/EA" satisfies agency obligations.

Even if only 24 CFR section 45 applied, this case presents exceptional circumstances warranting a longer comment period. See, e.g., 24 CFR sec. 58.46. The size of the EA and the administrative and procedural record in this matter is very large by any standard. The "Draft Environmental Assessment" ("EA") is 122 pages, with appendices of 3,453 pages. The ERR is of unknown volume, and past administrative proceedings comprised a record of more than 12,000 pages, not including administrative actions on the current version of the Project. The record is unusually voluminous, and the issues are unusually complex in this matter. 24 CFR 58.46.

Further, there is clearly considerable public interest in the Project, since it has generated controversy from the start, and is opposed by a number of groups and historic preservation organizations. 24 CFR 58.46(a). The Project is unique, controversial, and will have significant impacts requiring an EIS, similar to other projects that normally require the preparation of an EIS. 24 CFR 58.37, 58.46. Further, circumstances have changed significantly, including the design of the Project, its funding, the designation of the entire Project area as a National Historic District, and apparently the terms of conveyance from the University of California to the developer, which remains undisclosed, with your agency, UC, and development interests acting as one to keep that critical information from public view. The time limits are inadequate, prejudicing the public's right and further evidencing an improper lack of neutrality. Nothing in any regulation limits your discretion to extend the time for public comment, making your agency's 30-day comment period arbitrary and unreasonable.

For the foregoing reasons, the MOH should extend the time for public comment by 60 days, and should allow at least 30 days after that date to consider public comment received before submitting the RROF to HUD.

Sincerely,  
Mary Miles (SB #230395)  
Attorney at Law  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

Cmnt 1  
cont.

Letter G:  
Save the Laguna  
Street Campus

**From:** [Eugene.Flannery@SFGOV.ORG](mailto:Eugene.Flannery@SFGOV.ORG)  
**To:** [Jonathan.Carey](mailto:Jonathan.Carey)  
**Subject:** Fw: 55 Laguna Street Draft Environmental Assessment and Finding of No Significant Impact  
**Date:** Monday, October 22, 2012 9:37:12 AM

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Eugene T. Flannery  
Environmental Compliance Manager  
Mayor's Office of Housing  
1 South Van Ness Avenue  
Fifth Floor  
San Francisco, CA 94103  
415-701-5598

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----- Forwarded by Eugene Flannery/OCDHH/MAYOR/SFGOV on 10/22/2012 09:36 AM -----

From: Helene Whitson <helenewhitson@comcast.net>  
To: <Eugene.Flannery@sfgov.org>  
Cc: <Ernest.Molins@hud.gov>, <lwoodward@parks.ca.gov>, <ddutschke@parks.ca.gov>, <rnelson@achp.gov>, <ljohnson@achp.gov>, <jloichinger@achp.gov>, <Save\_UCBE\_Laguna\_St\_Campus@yahoogroups.com>, <sfpreservationconsortium@yahoogroups.com>, <mbuhler@sferitage.org>, <john.rahaim@sfgov.org>, <sara.vellve@sfgov.org>, <kearstin.dischinger@sfgov.org>, <Tim.Frye@sfgov.org>, <shelley.Caltagirone@sfgov.org>, <bill.wycko@sfgov.org>, <Tina.Tam@sfgov.org>, <gbrechlin@berkeley.edu>, <cherny@sfsu.edu>  
Date: 10/21/2012 02:46 PM  
Subject: 55 Laguna Street Draft Environmental Assessment and Finding of No Significant Impact

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Dear Mr. Flannery:

Since today is the last day for commentary on the 55 Laguna Street Draft Environmental Assessment and Finding of No Significant Impact, I want to submit some closing comments.

I have been studying the history of San Francisco State College/University since at least 1968, including what I lovingly call "The Old Campus", i.e., 55 Laguna. San Francisco State purchased the original property in 1906 and added another block at a later time. Modification of that area included the transformation/closing of Waller Street in the middle of the campus. That campus has a special place in the hearts of those San Francisco Staters who worked there and who studied there, including two of my own relatives. It was San Francisco State's home for almost 50 years! The students that San Francisco State sent out into the world from The Old Campus made a difference, especially in educating the world's youth! The educational theories and practices developed by San Francisco State President Frederic Burk and colleagues have had worldwide significance to this day.

I am truly dismayed and disheartened to find that those who have responsibility for this property cannot see the importance of this complex as a public education facility as demonstrated by its past use, and its use as such in perpetuity. Posterity will lose. I follow with my concluding thoughts:

In 1957 the Legislature authorized the former San Francisco State College Campus to be conveyed to the UC Regents for "university uses," not market-rate housing. The Laguna Street Campus has been in continuous public use for over 150 years and the loss of its public use has not been adequately analyzed in the Environmental Assessment.

As former San Francisco Landmarks Preservation Advisory Board Member (and a San Francisco State University Professor of History) Bob Cherny pointed out, the A.F. Evans feasible 55 Laguna Mixed Use Project that was analyzed in the 2008 EIR afforded the opportunity to save Middle Hall Gymnasium, the oldest contributor to the San Francisco State Teacher's College National Register Historic District, because it proposed a community garden in its place. Community members have repeatedly expressed an interest in using Middle Hall for athletic activities, civic events, religious services and professional dance performances. The floor of Middle Hall was refurbished to

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serve the dance community, and they found it to be extraordinary. It is criminal to destroy something so unique, useful, AND expensive! Community members also requested the tiered auditorium in Richardson Hall (known to San Francisco Staters as Frederic Burk School) be retained for community use. I can tell you that this room WAS theatre in San Francisco in the 1930s and 1940s, under the direction of J. Fenton McKenna. Legions of performing artists will tell you it was a wonderful space for performance!

A number of years ago, a few of us old timers from San Francisco State wondered if the gorgeous Maxine Albro mosaic still existed. It is considered one of the finest mosaic works north of the one on Stanford's Memorial Chapel, which she also created. We were given permission to go down to The Old Campus and make a tiny incision in the panel above the entrance to Woods Hall (known to San Francisco Staters as Anderson Hall, after our second President), just to see if we could find anything. We made the trip, but found that our examination process was inadequate. I tried to find someone with an infrared camera to examine the site, but was unsuccessful. Such an examination would solve a simple set of responses—YES or NO. Posterity deserves to know one way or the other about this valuable, historic work of art, as well as all the other works of art created for this unique complex. Wood Partners should be required to conduct infrared photographic testing to determine whether the Maxine Albro WPA Mosaic still exists and if so, it should be restored.

See: <http://www.aaa.si.edu/collections/interviews/oral-history-interview-maxine-albro-and-parker-hall-12350>

and

<http://livingnewdeal.berkeley.edu/projects/uc-extensionsan-francisco-state-university-woods-hall-annex-marble-mosaic-san-francisco-ca>.

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Save the Laguna Street Campus objects to the Finding of No Significant Impact and any release of funds prior to adequately analyzing the environmental issues described herein. As a native San Franciscan and concerned citizen, I have a right to know! During San Francisco State's almost-50-years on that site, the campus had a Very Significant Impact.

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Sincerely,

Helene Whitson,

Director, Save the Laguna Street Campus

Special Collections Librarian/Archivist Emerita, San Francisco State University

FROM:  
Mary Miles (SB #230395)  
Attorney at Law for Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

TO:  
Eugene T. Flannery  
Mayor's Office of Housing  
1 South Van Ness Avenue, 5th Floor  
San Francisco, CA 94103  
E-mail: [Eugene.flannery@sfgov.org](mailto:Eugene.flannery@sfgov.org)

DATE: October 21, 2012

Re: Notice of Intent to Request for Release of Funds ("NOI/RRF") and Finding of No Significant Impact ("FONSI") dated September 21, 2012

## **PUBLIC COMMENT**

### **1. The Time for Comment Is Inadequate and Unreasonable, and the MOH Has Failed to Provide Reasonable Opportunity for Public Comment and Participation.**

This is Public Comment on the above-referenced NOI/RRF and FONSI. We renew previous objections sent by e-mail on October 3, 2012, to the time limits for comment on the "ERR," which are arbitrary, unreasonable and inadequate, and we incorporate our previous objections by reference. This Comment is therefore necessarily incomplete and is submitted as such, and does not cover all of the issues presented by the San Francisco Mayor's Office of Housing's ("MOH's") actions and the proposed "55 Laguna" Project ("Project").

The MOH's deadline calls for submission by Sunday, October 21, 2012, with the RRF transmitted to HUD on Monday, October 22, 2012, which precludes consideration of public comment(s) received and renders such comment futile, contrary to 24 CFR §58.43(c). The Sunday deadline cuts off public comment by an additional two days to commenters without means to submit comment electronically, and precludes submission of pertinent exhibits. This comment relies on and incorporates by reference documents in agency records and in previous proceedings, including this commenter's public comments on October 3, 2012, and Public Comment dated March 4, 2008, which are attached, and to public comments on the "Certificate of Appropriateness" and the "Conditional Use Permit," and other documents that are not attached.

The NOI/RRF fails to include the RRF itself, precluding informed public comment on its content. The ERR fails to include it, and the MOH has not provided such critical information as the grant applications for HUD money of the developer interests including "55 Laguna L.P."

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consisting of Mercy Housing, Inc., and Openhouse, Inc.; the partnership agreement(s) between those entities and the “for-profit” developer, “Alta Laguna LLC;” the sub-lease between “55 Laguna L.P” and “Alta Laguna LLC;” the grant applications for MOH funds from the same entities; and the ground lease between the developers and the Regents of the University of California. 24 CFR §58.38. Without this information, the public is deprived of information necessary to understand and comment on whether the grant applications meet statutory and regulatory requirements. As to the proposed RRF, the MOH has failed to comply with the requirements of, *e.g.*, 42 USC §§12835, 12707, and 42 USC §5304 requiring disclosure, citizen participation, and a housing strategy before submitting such an RRF.

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## **2. The Project Proposes to Destroy a National Historic District and Is Not Eligible for HUD Funding.**

HUD may not lawfully grant funds for the Project and must reject the proposed RRF because the Project proposes to demolish and destroy the State National Historic District. 24 CFR 50.33(c). Other reasons, including but not limited to those in this Comment that are incomplete due to lack of time, preclude approval of the RRF.

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The entire site is a National Historic District, formally designated on the National Register of Historic Places on January 7, 2008. It is publicly owned, and has been dedicated to public and educational uses for more than 100 years. It is a unique, historically significant, and largely intact example of the earliest public higher education institutions in California, which became the State University system. The buildings are of great architectural merit with details and murals that are irreplaceable and outstanding works of public art. The campus remained in use until 2004 housing the University of California Extension that served working people in the area with high level educational opportunities until it was abruptly closed in 2004 to promote the first version of the Project. The university has for decades enjoyed tax free ownership of the 5.8-acre parcel in the middle of San Francisco and would retain that subsidy at public expense by leasing the Project to developers for 99 years.

The Project will demolish and destroy the entire Historic District, radically transforming the public history of the land to private use as rental housing, with ten proposed box structures that are higher, denser, and bulkier than most in the area, and would clash glaringly with the remnants of the Historic District and the surrounding neighborhood of smaller, older residential structures of great architectural and historic merit in the Victorian, Edwardian and deco styles. Although the 5.8 acre site is the largest public space in the greater area, the Project would dedicate only a sidewalk/staircase that it disingenuously calls “Waller Park” to public use, closing off the rest from public access.

The Regents of the University and the City have since 2004 allowed the site to be vandalized, trashed and defaced with graffiti, and have even sponsored degrading graffiti installations on the retaining walls that are an integral architectural feature of the Historic District. These efforts by the Project’s promoters to create an appearance of “blight” on the site of the venerable, publicly owned National Historic District are unconvincing and reprehensible. Far from being blighted, the Project area and San Francisco are among the most affluent and expensive housing areas in

the world, with high median income, low unemployment and poverty rates. The location of the Project in one of the most desirable housing areas of San Francisco does not support public subsidy for the proposed uses of the site and the destruction of the National Historic District.

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The proposed \$10,400,000 federal grants to the “Openhouse” corporation for housing for “LGBT” (“lesbian-gay-bisexual-transgender”) seniors is discriminatory. There is no evidence that LGBT seniors in the Project area or San Francisco are economically disadvantaged or experience poverty in greater numbers than the general population of San Francisco, regardless of the ongoing campaign of the grant recipients to claim otherwise.

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The City’s continuing abnegation of its duty under the California Government Code to zone for affordable housing in the City are facts that have led to state disapproval of its General Plan Housing Element, which was invalidated in 2007 and remains in litigation in the Superior Court. The City has for some time instead zoned city neighborhoods for unrestricted market-rate housing development with a bare minimum inclusionary requirement of 15% of “affordable” housing and options to either build that housing on-site or elsewhere or pay an “in lieu” fee that is a fraction of the cost of housing in San Francisco.

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The Market-Octavia Project, which also has been challenged in litigation that remains pending, upzones the entire area for gentrification and contains *no* requirement of on-site affordable housing. Similarly City’s General Plan Housing Element contains has for decades contained no legally adequate General Plan that includes specific sites for affordable housing, even though it is required by the California Government Code.

The Project, nevertheless, proposes to grant \$10,400,000 to subsidize the Openhouse “LGBT” building and offices, including a \$10,000,000 grant under the Cranston-Gonzalez National Affordable Housing Act (42 USC §§12721 *et seq.*) and a \$400,000 grant under the Housing and Community Development Act (42 USC §§5301 *et seq.*). The MOH additionally proposes to grant an unstated amount exceeding \$20,000,000 in local grant funding from the Citywide Affordable Housing Fund to further subsidize the Openhouse Project, with total public funding of the Openhouse project of at least \$35,000,000 (**35 million dollars**), more than \$318,181 of **public funding per unit**, assuming the Openhouse operation, which will also occupy part of Richardson Hall, will include 110 housing units. That is not a certainty, since the numbers have changed to as few as 70 units in the many versions of the Project.

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Although they now have a different name, (“Laguna LP”) the grant recipients are the same developers that planned the Openhouse building in the first version of the Project, Openhouse, Inc., a California corporation dedicated to providing housing and services to “LGBT” people, and Mercy Housing, Inc., a national-level corporate developer. However, in the first version, they failed to disclose that they would apply for federal funding for the Openhouse building. The Openhouse corporation would also receive on-site office space and other amenities in the historic Richardson building, which would be gutted for their use, including serving as a rental agent and advisor for LGBT’s in San Francisco. Both the proposed use of the Openhouse building for LGBT seniors and use of the Richardson space for Openhouse offices are discriminatory, precluding federal funding and violating federal and state fair housing laws.

Cmnt 4

The “for-profit” developer, “Alta Laguna LLC,” would demolish, gut and destroy the remaining structures on site to build 330 housing units, including 280 units of market-rate rental housing, and 50 units of housing “affordable” to those earning up to 125% of the area’s median income, without taking into account the recent dot.com surge and influx of affluent renters and homebuyers.

Of the total Project units, the Alta Laguna “affordable” units would be only 11% of the total, which is *less than the 15% required by City’s inclusionary ordinance*. Viewed as a whole, the Project therefore proposes 280 market-rate units (63% of total), 110 units (25% of total) affordable to “low income” “LGBT” seniors, and 50 units (11%) “affordable” to affluent recipients earning more than the area’s median income.

None of these percentages comply with the requirements of the California Government Code section 14671.2, which requires 50% on-site affordable housing where state-owned land is leased to private corporations, including 25% for people with moderate income, 12.5% for people with low income, and 12.5% for people with very low income. The Government Code applies here, because the Regents of the University have abandoned their educational mission by leasing the Project site for 99 years for market-rate private development.

Market-rate apartment rentals in San Francisco today are among the highest in the United States. By building more market-rate units on site, the Project would have ripple impacts on the local rental market, raising the average rent and ultimately displacing tenants from existing affordable units in the area, and creating incentives to demolish and develop high density structures with market-rate units.

In addition to, and independently of, HUD’s requirements, the proposed Project will also violate NEPA, the NHPA, and regulations including the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The Project also violates the California Environmental Quality Act (“CEQA”), California Public Resources Code §§21000 *et seq.*, and the California Government Code §14671.2, as well as fair housing laws. The Project and proposed RRF must be rejected.

### **3. The Project Has Not Received Legally Adequate Environmental Review**

The Project has not received legally adequate environmental review, which must include both an EIS, and a Supplemental EIR under CEQA. Instead, the Environmental Assessment (“EA”) improperly relies on previous local and state-level documents, such as the 2006 EIR and a 2004 document generated by the San Francisco Planning Department, “*A Policy Guide for Considering Reuse of the University of California Berkeley Extension Laguna Street Campus.*” Both documents fail to acknowledge and evaluate the status of the site as a National Historic District. Neither of these documents acknowledges the fact that the site is publicly owned, or

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analyzes the impact on land use and the historic significance of the site, which, with 5.8 acres, is the largest publicly owned parcel in the vicinity.

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While admitting that it will destroy the National Historic District, the EA and other documents fail to recognize its historic significance and history of public use, and conclude that proposed mitigation justifies a Finding of No Significant Impacts (“FONSI”). The proposed mitigation measures do not mitigate the Project’s impacts, which include physically destroying a National Historic District.

#### **4. The FONSI Is False and Legally Inadequate Because the Project Will have Significant Impacts**

NEPA requires federal agencies to prepare an EIS before undertaking “major Federal actions significantly affecting the quality” of the environment. 42 USC §4332(2)(C). Here the Project is a major Federal action, both because it proposes demolition and destruction of a National Historic District and because it asks for \$10,400,000 in federal funding from HUD. Where an agency is unsure whether an action is likely to have significant environmental effects, it may prepare an EA, which is a “concise public document” designed to “briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement.” 40 CFR §1508.9. If an EA reveals that the proposed action will significantly affect the environment, then the agency must prepare an EIS. If the EA concludes that the action will have no significant effect, the agency may issue a FONSI. *See, e.g.*, 40 CFR §§1501.4, 1508.9, 1508.13. For many reasons, including those explained further in this Comment, the EA is inaccurate, legally defective, and incorrect in its conclusions. However, the EA’s conclusions are not the stated basis for the FONSI here.

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The one-paragraph FONSI states that “MOH has determined that the project will have no significant impact,” and that its conclusion is “based upon compliance with mitigation measures which have been identified as necessary to reduce the environmental impacts of the proposed action to a point or level where they are determined to be no longer significant.” The FONSI cites only that impacts on “historic and cultural resources” will be “mitigated” by “the Memorandum of Agreement Between the City and County of San Francisco and the California State Historic Preservation Officer” (“MOA”), and that “compliance with the MOA will be monitored by the San Francisco Planning Department.”

#### **5. The MOH Does Not Mitigate the Project’s Impacts and Does Not Satisfy NEPA and CEQA**

However, the September 10, 2012, MOA, falls far short of mitigation and does not support issuance of the FONSI, because the significant impacts will remain with the MOA. *See, e.g.*, 40 CFR §1508.27(a), (b)(3),(7), (8), and (10). If there will be an impact, the agency must demonstrate that mitigations will reduce impacts to a level of insignificance before issuing a FONSI. *See, e.g.*, 24 CFR §58.37. That clearly is not the case here, since the MOA’s mitigations do not mitigate the significant impacts on the National Historic District.

The MOA by its own terms only claims it has “satisfied its responsibilities under Section 106 of the NHPA. Even if that document could be interpreted to satisfy City’s responsibilities under

Section 106, it does not satisfy the City’s duty to mitigate the Project’s impacts under NEPA, CEQA, and HUD, which City has failed to do. *See, e.g., Lemon v. McHugh*, 668 F. Supp. 2d 133, 144 (D.C. Dist. 2009), holding that claimed satisfaction of NHPA does not satisfy NEPA. Even if it could be seriously claimed that execution of the MOA satisfied the NHPA, it does not relieve the agency of its duty to comply with NEPA and other statutory and regulatory requirements, including those governing HUD, which are not satisfied by the MOA. *Id.*

The MOA claims it has satisfied Section 106 of the NHPA by proposing to: 1) take exterior photographs of buildings in the Historic District before demolition that will show “the relationship between the resources to remain and Middle Hall, the Administration Wing, and the portion of Laguna street retaining wall to be demolished.” *See* MOA, “Stipulation” #I (A)((1-3). 2) set up an “interpretive display” in a kiosk somewhere on the site and make available by appointment public accessibility to the privatized residential buildings housing irreplaceable murals. MOA, “Stipulation #I (B) 3) Retain the WPA-era murals at the Project site. MOA, “Stipulation #I(C-D) 4) retain a “preservation architect” during design development to “Assist with ensuring the compatibility of the new structures with the National Register Historic District,” a stipulation **already violated by the design plans that will destroy it and visually clash with it.** MOA, “Stipulation #I (E). 5) “retain a qualified arborist to ensure the successful relocation of a Canary Palm called the ‘Sacred Palm,’” with the City’s Historic Preservation Commission (“HPC”) objecting to its relocation, and without mitigating removal of all of the remaining mature trees and landscaping in the Historic District. MOA, “Stipulation” I (F). 6) consulting with the San Francisco Planning Department about salvaging and storing “significant architectural features,” with the “respective sponsors of the senior housing” to be “responsible for the curation and storage of salvaged architectural features,” thus improperly expropriating possession of these publicly owned irreplaceable artifacts to a private entity. MOA, “Stipulation” #I(G)

Since it does not mitigate the Project’s impacts on the National Historic District, the MOA merely papers over the MOH’s and City’s failure to comply with legal requirements to conduct legally adequate environmental review of the proposed Project and to mitigate its impacts, and in any event does not satisfy NEPA, CEQA, or the statutes governing HUD.

**6. The EA Is Defective, Inadequate, and Does Not Satisfy NEPA or HUD’S Requirements, or the NHPA.**

NEPA requires Federal agencies to make detailed reports on ‘major Federal actions significantly affecting the quality of the human environment. 42 USC §4332(2)(C). NEPA also requires federal agencies to preserve important historic and cultural aspects of our nation’s heritage. 42 USC 4331(b)(4)

NEPA requires Federal agencies to make detailed reports on ‘major Federal actions significantly affecting the quality of the human environment. 42 USC §4332(2)(C). Federal funding through HUD constitutes a “major federal action” particularly where as here the fundamental nature of the project will be destroyed by the action to be funded. The Project is also a major federal Project because it proposes to destroy a National Historic District of great significance and architectural and merit. If an agency determines not to file an EIS, the reviewing court will

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consider whether the agency has reasonably concluded that the project will have no significant adverse environmental consequences. An agency “should consider ‘proximity to historic or cultural resources’ and possible adverse effects on sites listed in or eligible for listing in the National Register of Historic Places’ or on ‘significant...cultural or historical resources.’” 40 CFR §1508.27(b)(3), (8). A finding of no significant impact must be documented.

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An EA is a “concise public document” meant to “[b]riefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact.” 40 CFR §1508.9. An EA must take a “hard look” at the impacts of a Project to seriously weigh the potential environmental consequences of a proposed action. *Bair v. California State DOT*, 2012 U.S. Dist. LEXIS 47861 at p. 14. An EIR is arbitrary and capricious if it fails to consider an important aspect of the problem, offers an explanation that is counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or agency expertise. *Id* (internal cites omitted). Here, the EA is fatally flawed, fails to take a “hard look” by conducting a “searching and careful inquiry,” to substantiate its conclusions, and to seriously weigh the environmental consequences of the proposed Project. *Id*.

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The EA is flawed by serious omissions and unsupported conclusions, and completely lacks cumulative impacts analysis, and other necessary impacts analyses. 40 CFR §1508.27.

### **7. The EA Is Flawed by False and Unsupported Statements and Conclusions**

The following are a few examples, not inclusive due to lack of time, of erroneous factual and legal conclusions in the EA.

The EA, p. 2-1, falsely implies diligence on the City’s part in meeting required goals of providing affordable housing, even as required by the Government Code. City has, for 40 years, avoided those requirements, instead zoning for more market-rate housing instead of affordable housing, and then relying on federal and other subsidies for building affordable housing, instead of meeting the requirements for a legally adequate Housing Element in its General Plan. HUD should not reward this irresponsible behavior.

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The EA, p. 2-2 falsely states that the City’s Market Octavia Plan approved the Project. It did not, and it contained no environmental review of the Project or its cumulative impacts on the larger area. The EA falsely claims that the City’s Market-Octavia Plan “calls for increased residential uses” on the Project site. In fact the Market-Octavia Plan Project called for retaining the Public zoning of the entire property, which at 5.8 acres, is the largest publicly owned property in the otherwise already densely-developed and populated Market-Octavia Project area.

The Project Sponsor Objectives, EA, p. 2-2, do not conform to the purpose of the Cranston-Gonzalez act, and express the Project’s sponsors prohibited discriminatory intent to provide low-cost housing to “LGBT” seniors.

The EA, p. 2-5-2-6, *improperly* segments the Project into two components, the “Alta Laguna LLC Development,” and the “Senior Development” of “55 Laguna L.P. The EA, p.2-6, again

describes the improper purpose of Openhouse to “undertake outreach and support to the LGBT community to aid in their applications for residency in these units.”

The *EA*, p. 2-6, falsely claims that the gutting and conversion to private residential use and Openhouse office space of the historic buildings that will not be demolished is “rehabilitation.”

The *EA*, p. 2-6 falsely implies that open space will be provided to the public. The Project will in fact remove the 5.8-acre public space and will only provide private patios, decks and porches, a staircase/sidewalk through the center of the property, and falsely claims that the proposed “community garden” to be located where the Project demolishes a historic building will be “accessible to the public.” A close look at the plans reveals that the “community garden” will not be publicly accessible.

The *EA* mistakenly states that the site is “owned” by the Regents of the University of California. *EA*, p.2-8. That is incorrect, since the Regents are a public trust that holds the land for the public. The idea of ground-leasing the property for private residential use is contrary to and abandons the educational mission of the University. The entire transaction is in fact subject to the requirements of the California Government Code §14671.2.

The *EA*, p. 2-9 falsely claims that the University has made “security efforts.” No security has been provided, and the City and the University have not only failed to protect the site from vandalism but have encouraged defacing the site’s façade with ugly graffiti. At p. 2-12, the *EA* falsely claims that, “In the absence of the development of the project or its alternatives the condition of the site can be expected to continue to deteriorate.”

The *EA*, p. 2-12, falsely and without supporting claims that if the Project is developed, “Housing needs for the targeted markets would not be met and could result in increased demands on low- and moderate-income housing in other areas of the city,” and “The campus would remain isolated from the surrounding neighborhoods.” In short, if the public is not willing to pay tens of millions to subsidize the Openhouse “LGBT” building and UC does not get the cash it demands, it will punish everyone by letting the place deteriorate further. HUD may not lawfully subsidize these improper demands and motives.

The *EA*, p. 2-12, falsely describes the site as “the former UC Extension buildings,” instead of the National Historic District on the site.

The *EA*, p. 2-13, repeats the improper objective of providing housing, services and amenities to “LGBT seniors.”

The *EA*, pp. 3-1 – 3-2 claims that the “Programmatic Agreement” (“PA”) of November 29, 2007, satisfies the NHPA’s requirements and falsely claims that if City complies with the stipulations set forth in the PA it need not satisfy NEPA and other statutory requirements. That notion, as explained above, is incorrect. The requirements of NEPA and of HUD are not satisfied by the PA or the MOU.

Cmnt  
13 cont.

The EA, p. 3-3, claims that buildings not proposed for demolition will receive “adaptive reuse,” a falsehood, since the buildings will be gutted and their historic significance destroyed by destroying their context, interiors, and significant historic use.

The EA improperly limits the APE to the site itself. EA, p. 3-3. That does not comply with requirements to analyze cumulative impacts on the environment and historic resources as required by NEPA. There is no serious “hard look” in the document at the Project’s cumulative impacts or its greater impacts on the neighborhood, region, and state, as a largely intact surviving example of California’s public higher education system that has been nationally recognized as a National Historic District. The APE is thus of state and/or national level as to the impact on historic resources, and will cumulatively affect historic resources throughout a greater neighborhood area characterized by historic buildings of great architectural merit. After that, the EA confusingly lists some of the many historic buildings on nearby streets. EA, p. 3-4.

Cmnt  
13 cont.

The EA, p.3-3, re “Stipulation VII,” falsely implies that the Project is not already a National Historic District.

The EA, p. 3-6, falsely claims that the Project would “Preserve distinctive materials, finishes, and construction techniques or examples of craftsmanship” that characterize the property. That is plainly false by even the most cursory look at the Project plans, which propose jarringly different hard-edged box architecture that is completely incompatible with the existing Historic District and the entire neighborhood area surrounding it. The same page falsely claims that the Project will “Repair rather than replace historic features.”

### **8. The EA Improperly Constrains the Scope of Review.**

The EA states, “The Proposed Action is the approval of a request for funds subject to regulation by 24 CFR Part 38.” EA, p. 2-1. First, the proposed Project is a major federal action not just because it proposes to take millions of dollars in public funding by HUD, but also because the site is a major National Historic District that will be destroyed by the proposed Project, and because it proposes to convert 5.8 acres of sparse publicly owned space in San Francisco into private residences.

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The Project is, in fact, a plan to demolish, gut and destroy a National Historic District on public land to develop 453 private housing units, retail space and offices for a private non-profit organization called “Openhouse.” The EA thus constrains the scope of its analysis to the funding machinations of the three developers and the Regents of the University of California, instead of to the substance and significant impacts on the environment of the Project itself. That strategy fails to comply with NEPA, the NHPA, and HUD’s requirements. The demolition and destruction of the National Historic District, and the proposed HUD funding are connected actions, all of which must be studied and mitigated in a full EIS. See, e.g., 40 CFR §1508.25(a)(1).

### **9. The EA Improperly Tiers Review and Relies on Documents that Have Received No NEPA Review.**

Cmnts  
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Tiering , meaning avoiding a detailed discussion by referring to another document, is not allowed when referring to a document that has not itself been subject to NEPA review, “for it circumvents the purpose of NEPA.” *Kern v. U.S. Bureau of Land Management*, 284 F.3d 1062, 1073 (9th Cir. 2002); and, *e.g.*, 42 USC §4332(D).

The EA refers throughout for support of its mistaken conclusions and factual statements to the San Francisco Planning Departments “A Policy Guide for Considering Reuse of the University of California Berkeley Extension Laguna Street Campus.” See, *e.g.*, EA, pp. 2-9, 2-10, 4-19. That document is unsubstantiated and received no environmental review under NEPA. It therefore does not support the conclusions in the EA.

The EA also refers to the 2007 EIR on a previous version of the Project for support for its conclusions, which is also improper, both because an environmental document prepared under CEQA does not satisfy NEPA, and because the 2007 EIR document did not acknowledge the status of the site as a National Historic District, and otherwise failed to conduct a legally adequate analysis. See, Public Comment on Appeal of Planning Commission’s Certification of EIR and Other Issues on Proposed Development on University of California Extension Site,” March 4, 2008. That document received no review under NEPA and does not justify the conclusions in the EA. *Kern v. U.S. Bureau of Land Management*, *supra*, 284 F.3d at 1073 and, *e.g.*, 42 USC §4332(D).

The EA also refers to the City Planning Department’s May, 2012 “Addendum” to the 2007 EIR, which suffers from the same defects noted above, and which continues to refuse to acknowledge the status of the site as a National Historic District. Because the designation of the site as a National Historic District was significant new information, along with the proposed federal funding of the Openhouse development, were significant new information that required City to prepare a Supplemental EIR under CEQA. City instead improperly used the May, 2012 Addendum as “environmental review” of the May 18, 2012 Certificate of Appropriateness to demolish the Historic District and the July, 2012 Conditional Use Permit.

**9. City’s Certificate of Appropriateness and Conditional Use Permit Do Not Support a No Impacts Finding.**

The EA, pp.3-4- 3-7 admit that the Project’s Openhouse building and other buildings require demolition and destruction of the National Historic District. The EA, p.3-5, claims however that the City approved a “Certificate of Appropriateness” on May 16, 2012, allowing demolition of the historic buildings, implying that action justifies a no-impacts finding, again invoking the “section 106”process under the NHPA. That is incorrect, since, as previously explained, even if, hypothetically, the EA satisfied NHPA, that would not satisfy NEPA or relieve the agency of its duty to do so.

Furthermore, City approved the “Certificate of Appropriateness” with *no* NEPA or NHPA review, instead referring to a May 16, 2012 action of City’s Planning Commission that in turn referred to a May 8, 2012 “Addendum” to the 2007 EIR on the previous proposal noted above. Neither the EIR nor the Addendum to it can be used for any purpose in this analysis, because neither have been reviewed under NEPA and do not even comply with CEQA.

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The same is true of the “Conditional Use Permit” approved by the Planning Commission on July 31, 2012.

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cont.

Each of these documents is a nullity, because they received no environmental review under NEPA and they fail to comply with CEQA. This commenter’s Public Comment on each of those approvals before the Planning Commission, the HPC, and the Board of Supervisors are incorporated hereto by reference.

**10. The EA’s Admission of Significant Impacts Precludes Approval of Grants by HUD**

The EA, p. 3-6 admits that the Project would not comply with the standards of the Secretary of the Interior as required, “because of the permanent and irreversible effects to historic fabric and existing spatial and visual characteristics of the former campus,” and would therefore “have an adverse effect on National Register-listed properties,” noting that “Upon completion of the project, the former San Francisco State Teachers’ College campus at 55 Laguna Street would no longer remain eligible for listing in the National Register.” These admissions preclude approval by HUD. 24 CFR 50.33(c). They also violate NEPA and CEQA.

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The EA, p. 3-9, again invokes the MOU as “mitigation.” For the reasons previously described, this does not satisfy NEPA or statutory requirements for grants by HUD.

**11. The Discriminatory Purpose of the Proposed Openhouse Funding Precludes HUD Funding and Is Illegal**

Another reason why the RRF must be rejected is the discriminatory purpose of the funding, which proposes to spend more \$10,400,000 in federal funds and other public money to build 110 units of new housing for “LGBT” seniors, and an office for Openhouse, a private corporation that will use the new space in what was formerly an historic landmark building open to everyone to assisting LGBT residents and non-residents in locating housing on site and other services. The Cranston-Gonzalez Act (42 USC §§12721 *et seq.*) and the Housing and Community Development Act (42 USC §§5301 *et seq.*) do not permit discrimination on the basis of gender identity, sexual orientation, or preference, or family status. Such discriminatory purpose is also contrary to the Fair Housing Act and other federal and state statutes and local ordinances. *See, e.g.,* 42 USC §12832; 42 USC §§3601, 3604, 5309.

Cmnt 4

**CONCLUSION**

This Comment is necessarily incomplete due to the inadequate time provided. Nevertheless, based on the foregoing and other reasons, the FONSI and the EA do not satisfy statutory requirements, and the RFF must be rejected.

Mary Miles  
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cc: HUD

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**BY HAND DELIVERY**

DATE: March 4, 2008

**PUBLIC COMMENT ON APPEAL OF PLANNING COMMISSION'S  
CERTIFICATION of EIR and OTHER ISSUES ON PROPOSED DEVELOPMENT ON  
UNIVERSITY OF CALIFORNIA EXTENSION SITE, aka  
"55 LAGUNA MIXED USE PROJECT" and  
PROPOSED REZONING LEGISLATION  
Board Agenda of March 4, 2008, Items 22 (File No. 080211), 23 (File No. 080212), 24 (File  
No. 080213), and 25 (File No. 080214); and on Agenda Item 26 (File No. 080157) [Planning  
Department Case No. 2004.0773]**

This is public comment on the Environmental Impact Report ("EIR") on the University of California ("UC") Extension development project, which the Planning Department has named the "55 Laguna Mixed Use Project" (hereinafter, the "Project"), and on the Appeal of the January 17, 2008, certification of a Final Environmental Impact Report on the Project. Coalition for Adequate Review is an unincorporated association dedicated to assuring complete and accurate review, informed decision-making and public participation in the review of major projects proposed in San Francisco, assuring that environmental and other impacts are properly analyzed and mitigated and that alternatives are offered and analyzed. This Comment is submitted in the public interest.

1.7 [ The Project violates the California Environmental Quality Act ("CEQA"), Pub. Res. Code §§21000 *et seq.*, and any approval of the Project as proposed would be an abuse of discretion and a failure to proceed in a manner required by law. The Project will have significant impacts on the environment that the EIR fails to identify and mitigate, including but not limited to impacts on historic resources, traffic, parking, transit, open space, views, air quality, urban blight, growth, and aesthetic impacts. A full range of alternatives has not been offered, and none are adequately analyzed. ] 10.16 ] 1

Although this commenter has requested every notice and copies of the EIR--if it exists--in any form to this commenter, or other documents on this Project. Nor has City stated what is

included in the EIR. Since the City has not stated what is included in the EIR, City may not claim that any person failed to exhaust administrative remedies in any court action on this Project.<sup>1</sup>

Furthermore, due to substantive changes in the Project, including changes in the Project description, the description of the “openhouse” project, other physical changes, and the designation of the entire site as a Historic District and national landmark on January 7, 2008, after the close of public comment, the City must recirculate the EIR. Recirculation is also necessary because new information results in a substantial increase in the severity of environmental impact(s); because the Project proponents have refused to adopt a feasible project alternative or mitigation measures that would clearly lessen the significant impacts of the project, and because the draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (14 Cal. Code Regs. [“Guidelines”] §15088.5; Pub. Res. Code §21092.1; *Mountain Lion Coalition v. Fish & Game Com.* [1989] 214 Cal.App.3d 1043, 1050-54.)

1

City again changed the Project description in its undated “Exhibit F-California Environmental Quality Act Findings” (undated) that were not publicly available until Monday, March 3, 2008, *one day* before the hearing on whether to certify the final EIR. Substantial physical changes included the numbers of units, buildings, parking, configuration, demolition plans and rejection of feasible alternatives. The complete lack of notice and unavailability of the “Findings” until one day before the hearing denied proper notice and the opportunity to comment on those defeating CEQA’s central purpose of informed public participation in the decision-making process.

2

The EIR’s failure to identify and mitigate significant impacts of the Project, its unsupported findings and conclusions, its failure to consider alternatives, and its failure to recirculate the EIR after making significant changes to the Project and after significant new information has arisen, including National Historic Landmark status of the site, all violate CEQA. The Project violates several sections of the California Government Code and is inconsistent with the San Francisco General Plan, which itself is substantially out of compliance with the Government Code. The Project also violates and is inconsistent with the City’s Planning Code and Zoning Maps. The Project also violates the public trust doctrine.

1

Contrary to the C&R’s false statement (C&R-47), this Project is of regional, state and national significance under CEQA, due to its size, location in San Francisco, public ownership, and the historic significance of the site that is a State and National Landmark. Thus its impacts extend far beyond the site and the immediate physical area. Furthermore, the Project includes amendments to the General Plan, which makes it of statewide, regional or areawide significance. (Guidelines, §15206.)

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<sup>1</sup> In the absence of an EIR on this Project, this Comment assumes that the Project EIR consists of: City’s Planning Department’s DEIR dated January 27, 2007; its “Comments & Responses” (C&R) document, dated “November 2007,” and its “California Environmental Quality Act Findings” dated December 20, 2007. No other documents were received by this commenter in spite of numerous written requests for notice and copies of all environmental documents.

The Project violates the Government Code’s requirement of 50% affordable housing on any transfer of State-owned land for private residential leasing. The Project unlawfully targets and/or restricts housing availability by sexual orientation in the “openhouse proposal,” which violates the United States and California Constitutions, the California Fair Employment and Housing Act (“FEHA”), Cal. Gov. Code §§12955 *et seq.*, the federal Fair Housing Act, 42 USC §§3601 *et seq.*, the California Government Code, §§ 65589.5, 65008, and the San Francisco Administrative Code, §§87 *et seq.*, among others. The “affordability” provisions are an inscrutable farce that has resulted in continuing substantive changes to the description of the openhouse and other parts of the project, with the latest substantive changes released one day before the hearing on certifying the EIR.

3

The City’s “Comments and Responses” (“C&R”) document contributes nothing, instead reciting the same false and erroneous unsupported conclusions and ideology that marred the DEIR to begin with, thwarting CEQA’s goal of publicly accountable decision-making by rendering the public input process futile.

This Project was initiated without public or environmental review. Without public notice, UC closed its Extension facilities on the 5.8-acre site in 2004, depriving the community and the general public of the benefits of educational and cultural opportunities. The Regents leased sites in downtown San Francisco on January 20, 2005, and March 15, 1999, costing the public more than \$2 million per year. (Lease between Third and Mission Associates LLC and Regents of the University of California [“Lease/Mission”], 680 Mission Street (10 years), January 20, 2005, p. 7 [10-year lease rising to \$964,440 per year]; and Lease between Metropolitan Life Insurance Company, Shorenstein Group (Landlord) and the Regents of the University of California [“Lease/Metropolitan”], 425 Market Street, March 15, 1999, pp. 1-2 [10 years, at up to \$1,115,678 per year] <sup>2</sup> The Regents spent several million dollars to construct and/or furnish Extension classroom spaces in the leased properties, but it has refused to provide net enrollment and revenue data since the downtown leased spaces were opened. Since UC closed its Extension at that location, the Laguna property has been allowed to deteriorate without maintenance or security, with only the UCSF Dental Clinic in active use on the site.

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The EIR’s failure to analyze the impacts of closing UC’s Extension facilities on Laguna St. violates CEQA. (Pub.Res.Code §21080.09; Guidelines §15081.5 [Impacts from siting and long-range development plans of UC, including impacts on enrollment, must be analyzed in EIR].)

1.4

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Under terms it refuses to disclose, the Regents propose to lease the State’s public land to a private developer, AF Evans. Evans would demolish two of the five historic buildings on site (Middle Hall, Richardson Hall Administrative Wing), the historic retaining wall on Laguna and

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<sup>2</sup> Leasing the space to UC enables the owners/landlords to exempt the leased space from property tax under the California Constitution, Article XIII, §3(d), causing loss of revenue to the city and state (Lease/Mission at p. 9; Lease/Metropolitan, Rider 2-Page 1). Thus, City’s claim that it or the public derives some financial benefit from the Project n is false, since whatever revenue may be gained for the public is more than offset by the UC property tax write-offs elsewhere.

Haight Streets, old trees and landscaping, and would gut and “adaptively reuse” (DEIR II.A-21) the remaining historic buildings, Woods Hall, Woods Hall Annex, and Richardson Hall, “primarily for housing.” (DEIR, I-6). Evans would construct seven new buildings from 50 to 90 feet in height, with up to 450 private residential market-rate rental housing units on the parcel (DEIR I-2).<sup>3</sup> Of these, 304 would be studio and one-bedroom units (the important distinction between studio and one-bedroom units is unstated, and specific numbers and descriptions remain unavailable), and 61 would be two- and three-bedroom units. The historic Middle Hall would be demolished to “accommodate a proposed residential building fronting Buchanan Street, and stepping down to the interior slope of the site.” (DEIR I-3, I-6.) The Richardson Administrative Wing and the unique, historic retaining wall along Laguna Street would also be demolished to accommodate bulky new structures. (DEIR I-3)

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2.1

Under undisclosed terms, either A.F. Evans and/or the Regents would lease or sublease part of the site to another corporation called “openhouse.” The openhouse corporation proposes demolishing the historic Richardson Hall and retaining wall to construct a huge box structure 90 feet in height containing 85 market rate rental units of “senior housing targeted to the lesbian, gay, bisexual, and transgender (LGBT) senior community,” with the ground floor providing “social, educational, and health services to the LGBT senior community.” (DEIR I-2, I-3) The Planning Department changed the word “targeting” to “welcoming” after the close of public comment, but regardless of this machination, such targeting violates the United States and California Constitutions, the federal Fair Housing Act, the California Fair Employment and Housing Act, and the San Francisco Administrative Code. City has variously described the openhouse building as accommodating apartments, revised it to an institutional care facility, and now apparently re-revised it to something else that remains wholly undefined in any comprehensive or legal terms, while maintaining its physical description dominating the site and entire area with a huge, bulky, hard-edged box.

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On around March 3, 2008, City issued revised undated “Findings” that changed the “openhouse” and other parts of the Project Description to include “approximately 110 affordable senior dwelling units by openhouse welcoming to the lesbian, gay, bisexual and transgender (LGBT) senior community and all seniors on land subleased from Evans.” City’s attempted linguistic cover-up of the discriminatory intent of this Project does not make it legal. (*e.g.*, C&R-159, changing “targeted toward” to “welcoming to”)

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At the same time City has, with no substantiation, claimed that the openhouse building will contain from zero to 100% government-subsidized affordable units. No accurate information has been available on what, exactly, this huge monolithic structure will enclose. Housing? Institutional residential day care? Seniors? Residents chosen by a non-profit? Affordable? How many units? How big? Parking? Government subsidized housing cannot satisfy the Planning Code’s affordability requirements in any event, and the entire Project remains in violation of both the Planning Code’s and Government Code’s requirements of affordability, which do not satisfy one another. The proposed use of the public’s land remains the developers’ secret in

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10.17

<sup>3</sup> This commenter has submitted Public Records Act requests to the Regents. The response has been that information on lease terms on the Laguna parcel will not be publicly available until the Project and EIR are approved. The DEIR says nothing about what happens if the lease does not materialize. The City’s Planning Department has also refused to provide this information.

violation of CEQA and anti-discrimination laws. The EIR fails as an information document when the City refuses to provide an accurate project description. City's lack of public notice on its revision of this Project violate CEQA and fundamental due process.

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3.6 The height and bulk of the openhouse building would be “substantially greater than the predominately three-story residential buildings in the project vicinity.” (DEIR. I-7) The DEIR claims that the “proposed inclusion of the openhouse building, specifically targeted for LGBT seniors, would be compatible with the surrounding neighborhood’s residential uses, as well as with the community-serving uses of the LGBT Community Center, located approximately one-half block from the project site.” (DEIR III.A-19) This is a large Project of statewide significance, involving one of the largest publicly zoned parcels in the central area of San Francisco that used to contain University facilities that served the entire region. (14 Cal. Code Regs. [“Guidelines”] §15206.) The compatibility that must be analyzed to comply with CEQA and the Government Code is not the sexual compatibility of proposed tenants but compatibility with the traditional use of this site as a public educational institution and the existing physical attributes of the site and surroundings. This Project is *not* compatible with public use and the existing environment.

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1.10 The Regents and the City have refused to make available the terms of the proposed lease to Evans and openhouse, precluding both an accurate description of the Project and an account of what UC may do if the secret terms of the lease do not go into effect.

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4.11 At 40 to 90 feet, all of the proposed structures would be two to three stories higher than “the predominately three-story buildings along the site’s perimeter streets, such as Buchanan, Haight, and Laguna Streets.” (DEIR I-7) The Project proposes that the tallest buildings be placed at the lower parts of the steep parcel, creating a flattened, monolithic appearance, clashing with the natural sloping topography of the site in violation of the General Plan, the Urban Design Element and the Planning Code’s Residential Design Guidelines (“Design Guidelines,” which require that structures step down with sloping topography. (Planning Code §§101.1, and 311(c); San Francisco Planning Department, Design Guidelines at pp.11-12; San Francisco General Plan.) The incompatible height, bulk and density of the proposed seven new structures would dwarf surrounding older buildings, subsume their historic character, and obliterate all views from surrounding public and private vantage points. (Design Guidelines at p. 18.)

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3.7 The new buildings would be private residences, a use prohibited by the Planning Code’s Public designation and incompatible with public uses and zoning. These buildings would be incompatible with all surrounding structures, clashing in style, bulk, and height with the surrounding smaller residential structures and the historic character of the site and surrounding area. (*E.g.*, DEIR, Figures 3, 5, 6, 13, 14, 15, and 16) The height and bulk of the openhouse building would be “substantially greater than the predominately three-story residential buildings in the project vicinity.” (DEIR. I-7) The UC Dental Clinic would be the only remaining public educational facility on site.

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1.3 Although the Project claims it would comply with the San Francisco Planning Code §315 requirement that 15 percent of units would be “reserved for low or moderate income households,” there is *no* requirement in the Planning Code for on-site affordable units, and

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nothing in the EIR indicates any on-site location of such units. Any institutional use and any units that are subsidized may do not count toward the inclusionary requirement. The Project projects 833 new residents in 450 market-rate units. (DEIR I-19) There is no provision in the Project description for on-site affordable rental units, in violation of the California Government Code and inconsistent with the San Francisco General Plan and San Francisco Planning Code, §101.1.

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cont.

Moreover, even if residential development were permissible, because the Project proposes to lease state-owned land to a private corporation, 50% of housing units on-site must be affordable, including 25% for people with moderate income, 12.5% for people with low income, and 12.5% for people with very low income. (Gov. Code §14671.2.)

5.24

Only 266 off-street parking spaces, plus 19 “internal on-street spaces” for private use would be provided for the projected 833-plus residents (DEIR I-13) of the market-rate housing units, dental clinic patients, and patrons of the “ground-floor retail.” (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, pp. 1-4, 1-7.) Of these, 51 garage spaces would be designated for the Dental Clinic, 10 would be exclusively for “City Carshare,” and 22 would be “handicapped accessible spaces,” reducing available parking spaces for non-handicapped residents to 202 spaces.<sup>4</sup> (*Id.* at pp. 1-7, and DEIR at I-13, I-19.) Additionally, 15 of the “internal on-street spaces” would be for use of the Dental Clinic in daytime hours. (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, p. 1-7.), reducing the daytime residential parking to *187 spaces total for 833+ new residents*.

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Of these 187 spaces, an undisclosed number would be *inaccessible* to “residents who own cars but would only use them occasionally” (DEIR I-4 and II-11) and could only be accessed “possibly through the use of mechanical car lift.” (DEIR, II-13) The Project would charge *additional* fees for residential parking *on top of market rate rents* for the units. (DEIR II-13) NO public parking would be provided for either visitors or new retail and “community” uses proposed in the Project.

Even if residential uses were lawful, the Project’s grossly inadequate parking will have significant adverse impacts on parking in the area and violates the San Francisco Planning Code §§150 *et seq.* The EIR violates CEQA by failing to analyze and mitigate the Project’s significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area. The EIR’s parking counts are inaccurate. The entire Project area already has a severe parking shortage. City’s analysis of residential parking needs by “peak” periods is also specious in mixed use areas. Residential parking is needed 24 hours per day every day, unlike commercial uses, particularly where seniors, families, children, or disabled live and where City claims tenants should use other forms of transportation than their cars. Thus,

<sup>4</sup> The DEIR changes these numbers without explanation or supporting evidence to 301 spaces available, with 51 for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR I-13, I-19.) In later revisions, City again changed the figure to 310 spaces, admitting that an unspecified number would be inaccessible, and refusing to state where the spaces would be and how many were allocated for residents. The revisions admit that an unspecified number would be inaccessible except by mechanical stackers or other means. Inaccessible parking may not be counted as a parking space. (Planning Code §§ 150 *et seq.*)



5.24 ↑ the Project's impacts will affect neighboring residents and businesses in a several-block area by adding 833 residents. ↓ 9 cont.

The Project claims that a public sidewalk is "open space," which it calls "Waller Park." (DEIR I-3, I-6) Two private streets would also be developed on site called "Micah Way" and "Lindhardt Lane" after the developers' children, apparently to provide private surface parking to residents. (DEIR I-3, I-4) Retail space, also prohibited under Public zoning, would be developed on the ground floor at the corner of Laguna and Hermann Streets. (DEIR I-3). 10

3.8 Because of its extreme density and excessive heights, even if rezoning the property were lawful, the Project would not conform to any existing zoning uses, either under existing zoning or the proposed Market-Octavia Plan, which the EIR improperly invokes as authority, even though it has not been approved. To accommodate the Project's private for-profit density development and non-conforming uses, the City proposes to rezone the parcels and/or establish a "Mixed-Use Special Use District incorporating the major provisions of the proposed RTO and NCT-3 zoning classifications" in its "Market-Octavia Plan zoning classifications." (DEIR I-4). The EIR does not explain that the new designations would eliminate all existing regulations of bulk, height, density, yard, setback, open space and parking that would otherwise prevail in residential development if this parcel were not zoned Public. All of the proposed rezoning classifications would have significant direct, indirect, and cumulative adverse impacts on the environment that the EIR fails to identify. 7

3.9 To further facilitate UC's transfer of State-owned public land to private, for-profit development, the City's EIR also proposes to amend the San Francisco General Plan "to allow the change from a public/institutional use designation to residential mixed-use designations, and to allow an increase in building heights." (DEIR I-5) The parcel is zoned Public, which permits no private residential uses. (San Francisco Planning Code, §§234.1; DEIR I-6.) The maximum existing heights, presuming public uses, would be 40-X and 80-X. (DEIR I-6.) The Project would remove all but the UCSF Dental Clinic from Public zoning, converting the rest of the property to private use, inaccessible to the public except for one sidewalk, the disingenuously named "Waller Park." The Project would raise on-site heights from existing two-story structures (20 to 30 feet) to 50-X, and 85-X, plus a height bonus of five feet, rezoning the parcels to "RTO" and "NCT-3" or to a Mixed-Use Special Use District to accommodate the Project. (DEIR I-6)<sup>5</sup>

11.8 Construction would last at least 36 months with completion in 2011 (DEIR I-5). Construction would require extensive excavation, earth-moving, and rock hammering. (DEIR I-5) The EIR proposes no meaningful mitigation for impacts on neighborhood street parking, before, during, or after construction, or of the Project's generation of dust, noise, and other construction impacts, or the cumulative impacts on a neighborhood that has experienced constant disruption for nearly a decade from the Octavia Boulevard expansion and other projects. 11

3.1 This land is zoned Public ("P") under the San Francisco Planning Code and Zoning Maps. The proposed change from Public to private, amending the City's Planning Code and Zoning Maps, is illegal under State laws and local Codes, violates the public trust, and is ↓ 7

3.9 <sup>5</sup> The Project incorrectly presumes that zoning designations in the Market and Octavia Better Neighborhoods Plan, which has not yet been adopted, can be retroactively applied to the Project.

3.1 ↑ inconsistent with the City’s General Plan and threshold requirements of §101.1 of the San Francisco Planning Code. ↓

↑7  
↓ cont.

The proposed Project and the rezoning violate CEQA. The Project will have significant adverse impacts on the environment, including but not limited to impacts on traffic, transit, parking, historic resources, views, growth, air quality, open space, land use, and urban blight.

The EIR fails to identify and mitigate these and other significant impacts. The EIR also fails to properly analyze alternatives to the proposed Project in violation of CEQA, because its conclusions are inaccurate and unsupported by substantial evidence. Its conclusions of “no impacts” are not supported by substantial evidence. Certification of this EIR and any approval of the Project would therefore be arbitrary and capricious and/or an abuse of discretion and a failure to proceed in a manner required by law under CEQA and other statutes.

1

The public derives no benefit from giving its public lands to private interests for this Project, even though it would bear the entire burden of its adverse impacts. For the following and other reasons, this Project and the EIR are unlawful.

**1. The Proposed Rezoning Is Inconsistent with Public Use of Public Land and with the San Francisco Planning Code and Will Cause Significant Adverse Impacts.**

The rezoning is inconsistent with the General Plan, the Planning Code and Zoning Maps. Public uses are restricted under §§234 *et seq.* to uses that “provides public services to the community.” (San Francisco Planning Code §790.80) Private residential dwellings in no way comply with this purpose. Principal uses that are permitted under the Planning Code include public-serving government facilities, such as museums, post offices, administrative offices of government agencies, public libraries, and police stations. (San Francisco Planning Code at, *e.g.*, §234.1).

3.9

7

Conditional uses may include educational institutions (San Francisco Planning Code, §§234.2(a) and 209.3(i) subject to §304.5 (Institutional Master Plans). Conditional uses of public lands may also include community parking facilities (*Id.* at §§234.2; and other public-serving uses. (*Id.* at, *e.g.*, §§234.2(a).)

*No residential use* other than student and faculty housing accessory to and designated for educational institutional uses is permitted. Specifically *excluded* are private residential dwelling uses and other housing. (*Id.* at §§234.2(a), excluding from permissible uses §§209.1 and 209.2; and *see* §§202; 204; 204.5; 234.1)

**2. Even if Residential Development Were Lawful, 50% of Any Housing Developed on State Property Must be Affordable.**

1.3

3

Under the Government Code §14671.2, UC may not lease this land for housing as proposed with only 15% (with *no on-site* inclusionary requirement) affordable housing. Rather, under the Government Code, any lease must include *at least 50% on-site affordable housing*. (Government Code §14671.2.) The Government Code requires that at least 25% of the housing units

1.3 cont. ↑ developed on state property “shall be available for the term of the lease to moderate-income persons as defined by §50093 of the Health and Safety Code,” and 12.5% must also be available for the term of the lease to “low-income persons,” and 12.5% must also be available for the term of the lease to “very low-income persons.” (*Id.*)

Since this land is State-owned and UC is not using this property for educational and public purposes but for purely speculative purposes, the Government Code’s requirements for State-owned property apply to this lease. (*E.g., Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536.) <sup>6</sup>

3 cont. ↑

The Project plainly violates the Government Code’s 50% affordability requirements, which, contrary to the C&R’s (p.15) incorrect statements, apply to this Project

**3. Even if Rezoning Were Lawful, the Project May Not Lawfully Target Housing and/or Residential Care Units by Sexual Orientation As Proposed.**

2.1 ↓ The Project’s proposal that a huge, 85-foot structure be constructed for the purpose of providing housing and/or a residential care institution for gay, lesbian, bisexual, and transgender persons is also patently unlawful under the United States Constitution, amendment XIV, the federal Fair Housing Act, 42 U.S., §§3601 *et seq.*, the California Fair Employment and Housing Act, Cal. Gov. Code §§12955 *et seq.*, 12955.8; the California Planning and Zoning Law, Cal. Gov. Code §65008, 65589.5; the San Francisco Administrative Code §87 *et seq.*, and the San Francisco Police Code, §3304, all of which prohibit restriction of housing facilities on the basis of sex, sexual orientation or preference, and gender identity. <sup>7</sup>

<sup>6</sup> Because UC’s interest in this Project bears no relation to its educational mission and in fact abandons it, UC is subject to the Government Code and local regulations, as well as federal law and the U.S. Constitution. The Project confers no benefit on the public, instead transferring public State-owned land, use and benefit into private hands for purely financial, speculative purpose. (*See, e.g., Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536; and *e.g., Educ. Code* §66010.4(c) [Mission defined].) State law prevails over Regents’ self-regulatory power as a public corporation. (*Regents of the University of California v. Superior Court of Alameda County, supra*, 17 Cal.3d at 535-37.) Further, the State’s general police power prevails in matters which are not exclusively university affairs. (*Id.*, and *Tolman v. Underhill* (1952) 39 Cal.2d 708, 712.) The University is also subject to CEQA. (*E.g., Pub. Res. Code* §21100 [state agencies]; §21151 [local agencies]; 14 Cal. Code Regs. (“Guidelines”) §15002(f)(1) (“project” means “[a]ctivities directly undertaken by any public agency”); §15206; and *e.g., Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (“*Laurel Heights I*”) (1988) 47 Cal.3d 376, 390-91.)

<sup>7</sup> The San Francisco Planning Code §303(d) also requires: “When considering an application for a conditional use as provided herein with respect to applications for development of ‘dwellings’ as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of ‘dwellings’ in which ‘protected class’ members are likely to reside on information which may be discriminatory to any member of a ‘protected class.’” City’s directly violates this provision by basing its decision on the discriminatory openhouse proposal.

2.1 cont. ↑ The openhouse structure violates all of these laws and may not lawfully proceed with its goal of constructing housing and/or a residential care facility principally or exclusively for lesbian, gay, bisexual and transgender tenants; nor may the City or any organization choose tenants on the basis of sexual orientation. City’s ongoing attempt to cover-up the plainly discriminatory intent of this Project by manipulating its verbiage (*e.g.*, changing the word “targeting” to “welcoming”) further reveals its discriminatory motivation. ↓ 6 cont.

**4. The Project Is Not Part of the University’s Master Plan.**

1.11 ↑ Because the land is owned by the Regents of the University of California, any proposed use or development must be part of its Institutional Master Plan, which this Project is *not*. (Planning Code, §304.5(f).) The C&R (p.22) says that the University of California “never had to file an institutional master plan” under the Planning Code requirements. That answer is false. City’s Planning Department staff told this commenter that the University did file a Master Plan, which the City refused to provide after several written requests. City has now tailored special legislation to excuse UC from the Planning Code’s requirement, but that unlawful legislation has not yet been adopted and therefore does not affect this Board’s actions on the Project. The master plan requirement is particularly necessary because UC has huge holdings in San Francisco that affect every part of the City. This Project is one of them. Further, UC is subject to City’s ordinances and Codes as a matter of law, particularly where, as here, it has abandoned its educational mission to engage in purely speculative activities. ↓

**5. Even if Residential Units Were *Not* Prohibited by the Planning Code, the Project Does Not Meet Requirements for a “Planned Unit Development.”**

1.12 ↑ Because of its size, the proposed Project is also a “Planned Unit Development,” subjecting it to additional requirements as a conditional use. (Planning Code §§304, 303(c) and elsewhere in this code.) The Project must, among other requirements: ↓ 7

- “Provide off-street parking adequate for the occupancy proposed,” (§304(d)(2));
- “Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code.” (§304(d)(3).)
- “Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code [dated June 2004] for a district permitting greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;” (§304(d)(4);
- “Under no circumstances be excepted from any height limit established by Article 2.5 of this Code [dated June 2004], unless such exception is explicitly authorized by the terms of this Code. In the absence of such explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.” (§304(d)(6).)

**6. The Privatization of this State-Owned Land Exceeds the University’s Powers, Abandons Its Duties and Educational Mission, and Violates the Public Trust Doctrine.**

1.13

The Regents of the University of California is a public corporation administering the University of California as a public trust. (Cal. Const. art. IX, §9(a).) The Regents are endowed with the governing powers of a corporation in California. (*Id.*) The Regents are not, however, an autonomous governmental entity. For example, the California Constitution states that the Board of Regents is subject to legislative control by statute for the “letting of construction contracts, sales of real property, and purchasing of materials, goods, and services.” (*Id.*) Nor is the University above State, federal or even municipal law, where, as here, it has wholly abandoned its educational mission and duties to protect, serve and further the public trust.

8

1.13

Since the Project is on State-owned public land, it is also subject to the public trust doctrine. Long ago, the United States Supreme Court held that the State of Illinois could not grant a major portion of the Chicago waterfront to a railroad company. *Illinois Central Railroad v. Illinois* (1892) 146 U.S. 397, 453-54, stating: “The control of the State for the purposes of the trust can never be lost, except to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining.”

1.13

The public derives *no* benefit from the transfer of this land to private leasehold, and its interest in this land for educational institutions and other public use is substantially impaired by this proposed Project.

**7. The DEIR Violates CEQA by Failing to Properly Identify, Analyze and Mitigate the Significant Impacts from the Project and Propose and Consider Feasible Alternatives and Mitigations to Each.**

1.14

The proposed Project is subject to CEQA. (§15002(f)(1) [“project” means “[a]ctivities directly undertaken by any public agency”]; and *e.g.*, *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 390-91.) UC’s relocation of its educational facilities is also subject to CEQA’s requirements. (Pub.Res.Code §21080.09; Guidelines §15081.5 [Impacts from siting and long-range development plans of UC, including impacts on enrollment, must be analyzed in EIR].)

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The Project’s and DEIR’s violations of CEQA include, but are not limited to those described herein and the following.

**8. The DEIR Fails to Accurately Describe the Project Setting.**

3.10

The EIR’s project description and setting description are incorrect, skewing the baseline from which significant impacts must be evaluated and mitigated under CEQA. Additionally, City has, since the close of public comment, and even one day before the hearing on certifying the EIR, substantively changed the Project Description, including the number and physical configuration, height, bulk and density of the buildings, the buildings to be demolished and reconstructed, open space, parking and other parts of the Project description that have direct and

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indirect significant impacts on the environment, in violation of CEQA’s requirement of an accurate, stable, and finite Project description.

The following are only a few of many false, misleading or unsupported statements in the DEIR:

- Claims that proposed huge new box structures would be “compatible in bulk and scale” with surrounding two- to three-story buildings. (DEIR I-10.)
- Claims that there are “six parks and open spaces” within ¼ mile of the Project. (DEIR III.A-3)
- Claims that because UC closed the property to public access that it is not open space, a statement that is incorrect factually and as a matter of law. (DEIR III.A-20)
- Claims that the parcel does not have “useable amounts of open space” and is “vacant” and useless as public land. (DEIR III.A-20)
- Depicts buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-feet tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1, 2, 3, 4 and 7 as either invisible or no higher than the two-story Woods Hall.)
- Misstates existing traffic, transit and parking conditions in the immediate and cumulative areas.
- Claims that the Project would “reestablish Waller Street.”
- Claims that the sidewalk it calls “Waller Park” is a “park” and/or a “street.”
- Claims that demolishing the historic retaining wall and erecting incompatible structures would “further integrate the site into the surrounding neighborhood.” (DEIR III.A-21, and Figure 15.)
- Claims that, “The project would also eliminate the site’s surface parking use and create usable public open space where there is currently none.” (DEIR III.A-21)
- Claims that “Building heights on the project site would be within the range of heights within the surrounding neighborhood.” (DEIR III.A-21)

CEQA requires an accurate description of existing conditions from which the impacts of the Project can be measured. The DEIR does not comply with CEQA.

**9. “LAND USE IMPACTS”: The DEIR Fails to Identify and Analyze the Significant Impacts Caused by Rezoning this State-Owned Land from Public to Private Uses.**

Since 1850 this land has been used for public and educational purposes and has been zoned for public use for over 100 years. The proposed rezoning would remove all but a sidewalk through the middle of the development from public use, and, where State-owned public space now exists, create private residential structures inaccessible for public use. Completely omitting the historical context and recent uses of this land, the EIR pretends that the land is not open to public use. That notion is incorrect and misleading. UC’s abrupt decision to close its Extension facilities on the Project site and its failure to maintain the site do not dictate that it should be turned over to private interests as the EIR implies.

Many public uses for this land that would carry on its long history of public use are omitted from the DEIR. In fact the public would derive no benefit from the proposed Project and



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cont.

3.10



1, 7

3.1



10.18



10.18 ↑ would lose the potential for public use for the duration of the lease, which is proposed for 99 ↑ 1, 7  
cont. ↓ years. ↓ cont.

3.1 The EIR admits that the Project would reduce the amount of publicly zoned land in the site's vicinity (DEIR, III.A-21). Yet the DEIR claims, with no supporting evidence, that rezoning to fill up the site with high-density residential structures would not have "higher levels of physical environmental impacts" than its historic public use. (DEIR, p. I-8, and III.A-21) <sup>8</sup> 7

4.20 The EIR ignores the obvious impacts of permanently removing this area from public use, and no evidence supports the claim that previous public uses generated significant adverse impacts on the environment, unlike the proposed Project. Removing the traditional public purpose of this site is an adverse impact in itself. The Project will also drastically change the appearance and the character of the site and surrounding areas from the present open space and public views and structures of historic and aesthetic merit and interest. The Project will demolish several historic structures, remove a large parcel of open space in an area of the City that has little open space, create uglification and jarring incompatibility with surrounding neighborhood character by placing high-rise, high-density, unrestricted bulk residential structures on every part of the site, except its new sidewalk, and will cause severe direct, indirect and cumulative impacts on parking, traffic, transit, and historic resources. The EIR implausibly concludes that this scheme would allow greater public access than proper public uses. (DEIR III.A-20.) 1  
5, 9, 1

3.1 All of these impacts are caused by rezoning and could not occur without it. Thus, the DEIR's claims that the rezoning will not have significant impacts are patently false. Furthermore, the rezoning clashes directly with many parts of the General Plan and the Planning Code (summarized below in more detail.) 1

3.11 With no supporting data, the EIR concludes that "it cannot be concluded that the project would have a substantial adverse impact on the existing character of the vicinity, and thus land use impacts are less than significant." (DEIR III.A-21) The EIR uses this unsupported conclusion to reach another: "As no significant land use impacts to neighborhood character were identified with the proposed project, the proposed rezoning effort would also have no significant land use impacts to neighborhood character." (DEIR III.A-21) The DEIR then relies on the unadopted Market and Octavia Neighborhood Plan DEIR, which had not been approved and was subsequently challenged, to claim that because that DEIR "did not identify any cumulative impacts for the Project Area, the project's land use effects would not contribute to a significant land use impact." (DEIR, II.A-23). All of these conclusions are unsupported and violate CEQA. 7

<sup>8</sup> The "RTO" ("Residential Transit Oriented) and "NCT-3" ("Moderate-Scale Neighborhood Commercial Transit District") designations were created as part of the Market and Octavia Area Plan ("Market-Octavia Plan" proposed ordinance amending Planning Code at §702.1). That Plan has not been adopted by the City, and therefore cannot lawfully be applied to this Project. Both proposed new zoning classifications would eliminate all density restrictions, rear yard, setback, bulk, height, and minimum parking requirements now in the Planning Code, placing maximum caps on parking, rather than the minimum requirements of 1:1 parking in Planning Code §150.

The EIR (C&R, p.36) repeats false claim that the project will not have ‘impacts to other publicly zoned properties in the area,’ claiming that “the DEIR accurately concluded” that rezoning this State-owned property from public to private uses “would have no substantial adverse impact on the existing character of the vicinity, and thus land use impacts would be less than significant.” Even if this gibberish were comprehensible, it is legally and factually false. First, as discussed below, this Project will remove the largest public open space (19%) in the entire vicinity from public use. Second, it will cause further crowding of the already minuscule public spaces within 1/4 mile of the Project. Moreover, the analysis is specious because even if the Project did not result in impacts to other open spaces, the analysis must measure impacts to the site itself. (Guidelines §15130(a)(1) [“An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.”].)

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1, 10

Contrary to C&R-36, the Project will cause wrenching physical changes on the “character” of the site, which is both a federal Historic District and State Landmark, will place huge hard-edged private residential structures that clash in scale, height, density, and architectural style with existing structures and land uses on the site and in the surrounding area, will cause traffic, transit and parking impacts on surrounding streets, will block public views that extend across the Bay, and will deprive the public of valuable open space and education opportunities on *public State-owned land*. These changes in land use will cause significant impacts under CEQA, and also violate the consistency and other requirements of the Government Code.

5, 7

**10. Even If the Rezoning Were Lawful, the Project Would Not Lawfully Provide Affordable Housing.**

The EIR claims that 15 percent of the units “would be reserved for low or moderate income households.” (DEIR, III.A-21) The DEIR also claims that “the proposed project would be consistent with the policies that call for: 1) the development of affordable housing on surplus public lands. (General Plan Housing Element Policy 1.7), as the proposed project would provide 15 percent of the residential units as affordable units.”<sup>9</sup>

2

In its March 3, 2008 “Findings,” (p.2) City again changed the Project description, claiming that the openhouse proposal would include subsidized affordable units. Subsidized units cannot be counted toward satisfying the minimum requirement of Planning Code §315. The new Project descript further states that of the remaining “approximately 330 dwelling units proposed by AF Evans Development, Inc.,” that up to 20% of those units would also be subsidized by “state tax-exempt bond financing.” *No* subsidized units may be counted toward meeting the minimum requirement of Planning Code §315, and this Project remains out of compliance.

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1.3  
Nothing in the proposed Project guarantees that any affordable units will be built on site. The EIR only recites the requirements of the city’s Planning Code §315. (DEIR I-2) The Planning Code §315 does not require on-site affordable housing. Instead, the Code’s ineffectual provisions can be satisfied by paying a minimal fee to the Mayor’s Office of Housing (§315.6) or

<sup>9</sup> There is no evidence that this site is “surplus” public land.



1.3 cont. ↑ by building affordable units somewhere else. (§315.5). Since neither UC nor Evans has produced a copy of any lease or other documents describing affordable units, there is no substantiation for the EIR’s claim that 15% (or a total of 49.5 units) would be affordable. The proposal fails to meet the mandates of affordable housing in either the General Plan or the Planning Code. Nor may City discriminate against persons of very low, low, moderate or middle income in this or any other action approving housing. (Gov. Code §65008.) ↑ 7 cont.

Even if residential uses were permissible on this state-owned land, at least 50% of those units must be affordable. (Gov. Code §14671.2.) Within this requirement, at least 25% of the housing units developed on state property “shall be available for the term of the lease to moderate-income persons as defined by §50093 of the Health and Safety Code,” and 12.5% must also be available for the term of the lease to “low-income persons,” and 12.5% must also be available for the term of the lease to “very low-income persons.” (*Id.*) 3

Since this land is state-owned and UC is not using this property for educational and public purposes but for purely speculative purposes, the Government Code’s requirements for State-owned property apply to this lease. (*E.g., Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536; and *see* Fn. 6 in this Comment.)

The Project plainly violates the Government Code’s 50% affordability requirement.

**11. The Project Creates Incentive for Demolition and Market-Rate Development.**

7.7 ↑ Moreover, with the EIR’s proposed exemptions from height, bulk, density, and parking requirements for 382.5 *market-rate* units, and its precedent of demolishing nationally recognized historic structures, the Project creates an incentive for demolition and inflated market-rate housing prices in the surrounding area in direct conflict with the mandates of the Government Code and the City’s General Plan and Planning Code. ↑ 7

By giving density bonuses for market rate development, City also undermines and violates the Density Bonus law. (Gov. Code §§65008; 65913, 65915 *et seq.*, 65917.) City remains in violation of that law because it has never enacted the required citywide density bonus ordinance. (*Ibid.*)

**12. PARKING IMPACTS: The DEIR Fails to Analyze and Mitigate the Project’s Significant Impacts on Parking.**

5.25 ↑ The Project proposes 450 residential rental units (of which at least 383 would be market-rate), with more than 833 new residents, and “community facilities” for lesbian, gay, bisexual and transgender seniors, ground floor retail, and the existing UC Dental Clinic. (DEIR I-7) But it would provide only 187 parking spaces for the 833 residents, of which an unstated number would be inaccessible, and none for retail and community facilities and loading. ↑ 1, 9

5.24 ↓ Only 266 off-street parking spaces, plus 19 “internal on-street spaces” for private use would be provided for the projected 833-plus residents (DEIR I-13) of the market-rate housing units, dental clinic patients, and patrons of the “ground-floor retail.” (Wilbur Smith Associates, ↑

5.24  
cont.

55 Laguna Street Transportation Study, April 14, 2006, pp. 1-4, 1-7.) Of these, 51 garage spaces would be designated for the Dental Clinic, 10 would be exclusively for “City Carshare,” and 22 would be “handicapped accessible spaces,” reducing available parking spaces for resident, non-handicapped use to 202 spaces.<sup>10</sup> (*Id.* at pp. 1-7, and DEIR at I-13, I-19.) Additionally, 15 of the “internal on-street spaces” would be for use of the Dental Clinic in daytime hours. (Wilbur Smith Associates, 55 Laguna Street Transportation Study, April 14, 2006, p. 1-7.), reducing the daytime residential parking to 187 spaces total for 833+ new residents.

Of these 187 spaces, an undisclosed number would be *inaccessible* to “residents who own cars but would only use them occasionally” (DEIR I-4 and II-11), and could only be accessed “possibly through the use of mechanical car lift.” (DEIR, II-13) The C&R (p.77) contradicts itself claiming on the one hand that the mechanically stacked spaces would be “accessible,” and on the other that they would not be “independently accessible.” “The storage ‘lift stacker’ spaces would be accessible to residents who use those spaces, but it would take longer to access their car than it would for a resident parked in an independently-accessible parking space. That arrangement would be acceptable because of the occasional use of their car.” If they are not independently accessible, they do not count as “parking spaces.” (SF Planning Code, §§150 *et seq.*) Further, the EIR contains no analysis of the power usage, space requirements, maintenance requirements, operation, security, and safety features of stacking devices, particularly where children, seniors, families, and disabled will use them. Will the Project provide 24 hour attendants and/or valets to assure resident and public safety and security? How much power do these devices use and what is their impact, both individual and cumulative, on power resources and air pollution? Will the City assume liability for injuries and/or deaths from its requirement to use car stacking devices?

9

The EIR (C&R, p.77) claims that City may estimate parking needs by “peak demand.” That is untrue in any residential area and particularly specious where, as here, residents will include seniors, children, families, and disabled persons, and where, as here, City demands that residents use other means of transportation than cars. Residential parking is not subject to peak demands like commercial parking, and City may not dictate or base its conclusions on “peak hours” for residential parking needs.

5.24

The Project would charge *additional* fees for residential parking *on top of market rate rents* for the units. (DEIR II-13) NO public parking would be provided for either visitors or the new retail and “community” uses proposed in the Project.

5.26

The Project again improperly invokes the Market-Octavia Plan, which has not been adopted, as authority for the proposition that it may re-zone the site with less than the parking requirements of the Planning Code. (DEIR III.C-15 [“if the Market and Octavia Area Plan is approved, then the proposed project would be consistent with the Plan’s proposed Planning Code parking requirements.”].) With this improper approach, the DEIR concludes that the Project would only be allowed a “maximum of between 25 and 338 spaces” with no minimum parking requirement, and with “conditional use authorization” a “maximum of between 358 and 450

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<sup>10</sup> The EIR changes these numbers without explanation or supporting evidence to 301 and/or 310 parking spaces, with 51 for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR I-13, I-19, undated “Findings” released March 3, 2008.)

5.26 cont. parking spaces for residential uses.” (DEIR III.C-15) The EIR may not lawfully invoke the Market-Octavia Plan as authority, because the Market-Octavia rezoning and Planning Code amendments have not been adopted. The Project and the EIR must be analyzed under the existing Planning Code, with which it does not comply. The existing Planning Code requirements for this site are one parking space for each dwelling unit. (San Francisco Planning Code §151.) 7 cont.

5.26 Even if residential uses were lawful, the Project’s grossly inadequate parking will have significant adverse impacts on parking in the area in violation of CEQA and the San Francisco Planning Code §§150 *et seq.* 9

5.27 The EIR also violates CEQA by failing to analyze and mitigate the Project’s significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area. The DEIR claims there would be a “peak demand” of only 379 spaces for the 833+ residents, 28 spaces for “retail,” and 20 spaces for “community facility,” plus 51 spaces for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR, III.C-14; I-13, I-19). The total “peak demand” under these figures would therefore be 510 spaces for all uses under the DEIR’s unsupportable figures. Thus, under the DEIR’s own figures, the Project will *create* a parking shortage of at least 323 spaces, not including the inaccessible spaces among the 187 provided. 1, 9

In fact, the actual demand would be for one space for each resident (833), 28 spaces for retail, 20 spaces for “community facility,” 51 spaces for Dental Clinic patients, 40 spaces for Dental Clinic staff (est.), 10 for City Carshare, and 22 handicapped, or a total reality-based demand of 1,004 spaces. Realistically, the parking shortfall directly *caused by the Project* would be 817 spaces, a severe impact on surrounding streets and the entire general area.

5.28 The EIR falsely claims there is surplus parking on surrounding public streets that would accommodate most of the shortfall, but that “drivers of about 33 vehicles would have to find parking elsewhere or resort to other travel mode alternatives.” (DEIR, III.C-16.) The DEIR’s figures are false, since the entire area has experienced a drastic parking shortfall due to the elimination of public parking on local streets with the reconstruction of the new Octavia Boulevard freeway ingress/egress. That project has eliminated more than 1,000 public parking spaces since 2002. (Letter from Ron Szeto to Dean Macris, June 1, 2006.) Hundreds more spaces have been eliminated on major streets throughout the area, including but not limited to, Market Street, Gough, Octavia, Haight, Page, Fell, Oak, and others for development, the Bicycle Plan, and other projects. The Market-Octavia Plan will further eliminate “approximately 980” more spaces “as part of the Plan or other private development projects within the Project area,” not including the freeway parcels. (*Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-50.) The C&R, pp.80, denies these facts, and then incorrectly concludes that the Project will have no parking impacts on the neighborhood and the greater area. 9

5.29 Further, the EIR says that the site currently contains 278 parking spaces used by University employees who work at other locations off site (DEIR I-5 - I-6), but does not account for where they will park when “All of the site’s existing, surface parking lots would be replaced 9

5.29 cont. ↑ with new, in-fill housing.” (DEIR I-6) The C&R, p. 81 claims that “although it is not known with certainty, it is anticipated” that these employees will be “relocated to alternative UCSF parking sites outside of the neighborhood.” Yet the EIR contains *no* analysis of the cumulative impacts on those “sites out of the neighborhood,” which must be evaluated in *this* EIR, since these impacts are cause by *this* Project.

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5.31 While falsely claiming there will be no parking impacts from the Project, the EIR adds insult to injury by claiming that “Provision of 10 vehicles associated with car share organizations on-site could reduce the demand for on-street parking in the area by providing an alternative to owning and operating a personal automobile.” (DEIR, III.C-16.) The purpose of an EIR is to analyze impacts, not proselytize for an anti-car political ideology. Parking is the condition that must be mitigated, *not* “automobile ownership.” Taking up 10 scarce parking spaces will itself have adverse impacts that must be analyzed and mitigated.

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Further, it is inappropriate for the City to demand public or private subsidy of for-profit car-share corporations on the basis of its unproven theory that “the provision for ten parking spaces for use by car share organizations *could* reduce the demand for parking in the area because individuals might choose to use the car-share vehicles instead of owning a personal auto for which it will be difficult to find parking.” “Car-share” corporations are no different from car *rental* corporations, except that they require *more* money and long-term rental contracts from participants.

5.31 The EIR further proposes to “mitigate” the Project’s lack of Loading and Service parking by removing still more proposed automobile parking for the Project’s estimated 15 delivery trucks per day. (DEIR, III.C-17) The C&R, p.82, answers that it does not know what the loading requirements will be and therefore assumes its own conclusions are accurate, based on nothing. The EIR’s function is to provide information, not to say it doesn’t know basic facts about the Project.

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5.31 The EIR ignores data on vehicle ownership, which has risen significantly since 1990, particularly among renters. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Technical Memorandum Vehicle Ownership in San Francisco*, November 2001 at p. 12) In the Project area, vehicle ownership is 1.12 per household for owners and .75 per household for renters. (*Id.* at p. 13) By 2010, vehicle ownership is projected to increase to 1.17 per household for owners and .84 per household for renters. (*Id.*) The higher the housing prices, the greater the vehicle ownership. (*Id.* at pp. 18-19)

There is no support for the theory that by not providing adequate parking vehicle ownership declines or that there is less demand for parking. Further, there is no evidence supporting a decrease in vehicle ownership due to proximity to “transit corridors.” In fact, the experts who formulated the “transit corridor” theory have renounced the notion that those using transit to commute will not also own a vehicle. Michael Bernick, co-author with Robert Cervero, of *Transit Villages in the 21st Century* (McGraw-Hill, 1996), a renowned expert on transportation issues, states:

Recently, San Francisco’s Board of Supervisors approved a change to the city’s General Plan, with potentially far-reaching impacts on the city’s neighborhoods. Proponents...claim that it better connects transit and land use by densifying housing and reducing parking requirements near transit corridors. In fact, the policy completely misunderstands the research and theory of transit-based housing as well as the process of community building. These studies...focus on rail transit, particularly heavy-rail transit, such as BART. The data on ridership for light rail and buses, the main transit service in San Francisco, show far less significant tie between transit ridership and station proximity.

“[M]ost San Francisco neighborhoods already qualify as transit villages...The Housing Element...ignores neighborhood character. It seeks to squeeze persons into these neighborhoods, often in odd configurations and against neighborhood opposition. **It assumes that many new residents will not own cars--even though our research showed that transit village residents, while using transit for many trips, do own autos and need parking...**all of these neighborhoods are fragile and can easily be undermined. City planning needs to support neighborhood-based planning and high-quality Muni service in the built communities and encourage new transit-based communities in the city’s emerging central waterfront and Southern areas.

(Bernick, Michael: “San Francisco’s Housing Element--Built on Misunderstanding,” *San Francisco Chronicle*, November 23, 2004, emphasis added.)

The DEIR glibly announces that “Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.” (DEIR I-13). There is no supporting evidence for this statement. People need parking where they live, and, contrary to the EIR’s misstatements of fact and law, CEQA requires analysis of impacts on parking. This Project will cause severe parking impacts, both on the new residents and on existing neighborhood residents who will be affected by the same impacts. Additionally, cumulative impacts from the Project on the existing severe parking deficient in the area must be analyzed and mitigated.

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The EIR recites the lead agency’s erroneous refrain that “San Francisco does not consider parking supply as part of the permanent physical environment,” and that “Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA.” (DEIR, I-13 and III.C-7; C&R-85 *see also* identical language at *Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-54.) These conclusions are incorrect as a matter of law.

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Impacts on parking have long been recognized as a significant under CEQA, and must be analyzed and mitigated. (*E.g., Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003 (Loss of on-street parking “indicated that a finding of significant environmental effect was mandatory.”); *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 (“[T]raffic and parking have the potential...of causing serious

environmental problems.”); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 696-98, Fn.24 (Parking deficits were significant impact requiring mitigation.).

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Here, as distinguished from City’s erroneous legal argument (C&R, p. 85), the proposed Project physically changes the environment by further eliminating parking, parking facilities, and access to parking, and eliminates existing parking requirements in new construction, substituting mandatory caps on parking that will cause direct impacts on parking for new residents and neighbors of the Project, worsens the existing severe parking shortfall in the area, and will cause cumulative adverse impacts on parking in the area. These are direct, physical changes that must be analyzed under CEQA, along with indirect significant impacts. The C&R, pp. 83-84, contains legal arguments that misstate the facts. Once again, this Project will *cause* a parking shortage and it will *additionally cause* a cumulative parking shortage by aggravating the existing severe shortage in the Project area. These are direct, physical impacts as well as indirect impacts under CEQA. CEQA requires that the EIR analyze and mitigate direct, indirect and cumulative impacts on parking due to worsening existing shortfalls, removing existing parking, and creating future shortfalls by providing inadequate parking in new development. (See, e.g., Guidelines §15065(a)(2)-(3), and Appendix G, §§XV (f) and XVII(b) and (c).

The Project’s impacts on parking will also have significant effects on the environment that are economic and social changes. Such economic and social changes may determine the significance of a physical effect and may themselves cause physical changes that are significant effects. (Guidelines §§15064(e); 15382).

Lack of parking is also recognized as a “Physical and economic condition...that cause[s] blight.” (Cal. Health & Safety Code §33031(a)(2); *Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123, 1149-50.) CEQA recognizes that, as here, the potential to indirectly cause urban blight is a significant impact on the environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204-05.)

5.33

The Public Resources Code section 21083(b)(3) further requires finding that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. Eliminating parking affects humans adversely, particularly those who have chosen to drive a car, as well as those subjected to increased traffic, congestion, air pollution, and degraded quality of life from forcing drivers to spend more time, resources, and money to park.

Thus, the EIR’s conclusion that parking is not “considered” an impact in San Francisco is contrary to the law. The Project will clearly have significant impacts on parking that must be evaluated and mitigated. To approve this EIR is, therefore, an abuse of discretion.

**13. TRAFFIC IMPACTS Are Not Identified or Mitigated.**

The EIR fails to properly analyze and mitigate direct, indirect and cumulative impacts on traffic from this Project.

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The EIR's figures describing existing traffic are incorrect and out of date, having been compiled before the opening of the Octavia Boulevard freeway ingress/egress only one block from the proposed Project. The EIR is severely flawed in omitting this data, which is necessary to establish the baseline conditions that this Project will adversely affect, both directly and cumulatively.

The new Octavia Boulevard, one block away from the Project, opened in September, 2005. The 6-lane surface freeway ingress-egress that cuts through the Project area replaced the Central Freeway that carried 93,100 vehicles per day. (San Francisco Department of Parking & Traffic ["DPT"], "*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.)<sup>11</sup>

5.4

Only a few months after its opening, the DPT recognized major congestion at many intersections in the Project area, none of which appear anywhere in the DEIR, either as a baseline of "existing" conditions or in an analysis of significant impacts on traffic from the Project. (DPT, "*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.) For example, the Fell-Laguna intersection experienced a 92% increase in a.m. traffic and a daily 24-hour increase of 78%. (*Id.* at p. 3) "Recurrent congestion" was noted on Oak St. at Octavia Blvd. on weekdays and weekends, "with traffic backed up several blocks." (*Id.* at pp.3, 7 and 8.) Northbound congestion at Market Street caused by the no-right-turn lane onto the freeway often backs traffic onto Market for several blocks. (*Id.* at p. 4, 10) Increased congestion was also noted at the South Van Ness on-ramp. (*Id.* at pp. 6, 8) Queuing backed up for several blocks is also present on Page (96% increase in a.m. traffic, and 41% increase in 24-hour traffic), and Haight (270% increase in a.m. traffic and 112% increase in 24-hour traffic) (*Id.* at pp. 11-12). DPT noted nearly a year ago that the new Octavia Boulevard was "close to...capacity that we estimated when the new design was proposed" and represented only "about half the previous capacity of the elevated freeway structure. The current surface roadway can carry approximately 1,400 vehicles per direction per hour before congestion sets in." (*Id.* at p. 2.)

In its Congestion Management Program 2007/8, (pp. 27-28), the San Francisco County Transportation Authority ("SFCTA") noted that in the Project Area, LOS during a.m. peak hours on Fell from Gough to Laguna fell from A to D in 2001, from D to F in 2007 with the opening of the new Octavia Boulevard. In p.m. hours the LOS on Fell from Gough to Laguna fell from C to D. On Octavia Boulevard (one block from the Project), between Fell and Market, the LOS fell from C to D in 2006 and from D to F in 2007, after the opening of the new Octavia Boulevard. In p.m. hours the LOS also dropped from C to D. The entrance from Market to the Freeway fell from E to F in 2006 and remains at F. LOS on Oak Street from Laguna to Franklin fell from C to D in 2007 in a.m. hours.

None of this crucial information appears in the EIR's analysis of "existing conditions" or of impacts from the Project. The EIR contains no supported analysis or mitigation of direct, indirect and cumulative traffic impacts from the Project.

<sup>11</sup> The EIR's LOS analysis was conducted before the opening of the new Octavia Boulevard, which has caused major increases in traffic congestion on that boulevard and surrounding streets.

5.4 The EIR admits that its out-of-date LOS data is derived from pre-2004 sources (DEIR, III.C-12), which makes that data useless and misleading, in spite of the disingenuous claim that it has been “adjusted.” (*Id.*) The C&R-67 claims that by manipulating its already-inaccurate traffic baseline, it was able to conclude that the Project would have no impacts on traffic in the area. Baseline conditions must be based on actual conditions, not speculation or projections. (*E.g., Save Our Peninsula Committee v. Monterey Bay County Board of Supervisors* (2001) 87 Cal.App.4th 99, 120-23.) In fact the EIR contains no accurate and up-to date LOS analysis for any street in the Project Area and the cumulative area affected by the Project. For example, Laguna at Market is the scene of gridlocked queues in every commute hour, as are many other surrounding streets that will be directly affected by the thousands of person-trips generated by this Project.

5.4 Since the EIR does not accurately establish the existing conditions in the Project Area, it cannot accurately identify impacts from the Project. The spurious analysis refers to the Market-Octavia Transportation *Study* -- itself flawed by the same out-of-date pre-Octavia Boulevard data. The former freeway traffic that is now on Octavia Boulevard changed traffic on every street in the area. The EIR observes that, “Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds,” with “hot spot” air pollution potential. (DEIR, III.D-13 - 14) These are significant impacts requiring analysis and mitigation.

The C&R, *e.g.*, pp.72-74, erroneously claims it may use selective data, *e.g.*, on only “p.m. peak hours” to analyze traffic and transit impacts, an error that violates CEQA’s requirements and does not conform with the facts showing that a.m. peak traffic is often heavier in particular areas, including the Project area, particularly where commute traffic, as here, is headed toward the Civic Center, a government employment hub. Further, the EIR’s lack of data, analysis and mitigation on congestion from the new Octavia Boulevard, one block from the Project, renders all its conclusions legally inadequate, and certification of the EIR without this essential analysis is an abuse of discretion and failure to proceed in a manner required by law.

5.6 The EIR also misstates the numbers of new and existing tenants who will own and drive cars. According to the San Francisco County Transportation Authority’s *Countywide Transportation Plan*, July 2004, the commute mode of San Francisco residents is as follows: Drive Alone: 40.5%; Carpool: 10.8%; Transit: 31.1%; Walk: 9.4% Other: 3.6%; Work at Home: 4.6%. (*Id.* at p. 40) The most pronounced demographic in the past 35 years is the number of people commuting into and out of the city to work (as opposed to living and working in San Francisco). (*Id.*) 22.5% of San Francisco residents commute to other counties to work. 27% of workers in San Francisco commute into the city from other counties. Additionally, the city attracts more than 14 million visitors per year (*Id.* at p. 41).

Thus, if this commute pattern continues as the SFCTA predicts, **78.3% of the Project’s 833+ tenants will commute by car, adding 3,715 person-trips by car per day in the immediate and cumulative areas.** (DEIR III.C-9, Table 2 says the Project will generate 4,745 person trips per day.)<sup>12</sup>

<sup>12</sup> The EIR, without support, claims that 1,481 “peak hour” trips will be by car. (DEIR, III.C-10, Table 3)



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The Project’s direct and cumulative impacts on Laguna, Haight, Market, Buchanan, Octavia, Webster, Gough, and other streets in the area, which are already severely congested many hours of the day, must be analyzed and mitigated.

**14. TRANSIT Impacts.**

Though the Project repeats the myth that the area is “well-served” by transit (DEIR, III.C-4), the EIR contains no data or substantial evidence to support this claim.

As with the Project’s traffic impacts, the EIR does not accurately state the Project’s impacts on transit. According to the SFCTA, 31.1% of the Project’s estimated 4,745 person-trips will be by transit, adding up to 1,475 new transit passengers in the area per day, enough to fill 30 new buses to capacity. Yet the EIR claims that the “proposed project would generate about 280 new transit trips during the p.m. peak hour.” (DEIR III.C-13) We are not told about the a.m. “peak hour” or any other time.

5.20

The EIR concludes that “project-generated trips would not substantially increase the peak-hour capacity utilization of bus lines within a quarter mile radius of the project site...” (DEIR III.C-14) The conclusion is wrong both in fact and under the presumption that it need only analyze transit impacts within one-quarter mile of the Project. This large Project must be analyzed for its direct, indirect, and cumulative impacts on transit, beginning with an accurate description of existing conditions. (E.g., *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 78-79) There is no accurate information, coherent analysis or proposed mitigation of the Project’s significant impacts on transit in the EIR.

Muni is overcrowded and unreliable already. Studies for the Market-Octavia Project showed that, although the Project area is a “key transit node in San Francisco,” that in the area, “on-time performance is extremely poor,” with only four of 23 lines surveyed meeting the Proposition E standard that 65% of runs should be on time. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Market/Octavia Study Area Existing Conditions Report*, August 2001, at “Transit,” p. 1-1.) The study further notes that both bus and streetcar lines serving Market/Octavia have extremely poor on-time performance, with only one line, the F-Market inbound, meeting the Proposition E standard. Virtually every line experiences gaps of 25 minutes between trips. Some lines have gaps of one to two hours. (*Id.* at “Transit,” p. 1-2) Capacity on many lines exceeds Muni standards, and there is no room for more passengers to board. (*Id.* at “Transit,” p. 1-3) The comment from City’s MTA staff on the need for at least 6.7 new buses to accommodate this Project (C&R-72-73) is unanswered and dismissed, like most other public comment, violating CEQA’s basic purposes of informed, responsible and accountable decision-making. City’s claim that it may “implement...incentives such as City Carshare, Commuter Checks, and encouraging the use of bicycles” (C&R-72) does not address the impacts of this Project on already overcrowded public transit in the Project area.

City’s ever-changing data on trip generation was claimed to be due to its changed description of the openhouse project as an “assisted living” project (C&R-73) incorrectly assumes that senior residents will have lesser need of mobility and public transit. City has now

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apparently re-revised the openhouse description to be to *unassisted* “dwelling units” but has not changed its rationale for failing to accurately describe and analyze the impacts on public transit and traffic from this Project.

5.21 | A recent poll found that the biggest concern of San Francisco and bay Area residents was transportation. “Transportation dominated the survey, as it has every year over the past decade...traffic congestion, the condition of roads and bridges, and public transit” was the most important Bay Area problem, exceeding housing. (Gordon, Rachel: “Biggest Concern in Poll,” *San Francisco Chronicle*, March 1, 2007.) Yet the DEIR does not properly analyze or try to mitigate this Project’s direct, indirect, and cumulative impacts on traffic and transit.

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**15. VISUAL/AESTHETIC IMPACTS: The Project Will Visually Degrade the Site and the Entire Area.**

4.1 | The EIR fails to accurately describe the Project setting, buildings on site and in the surrounding area, and the significant adverse direct, indirect, and cumulative visual and aesthetic impacts of the Project.

4.2 | The EIR falsely claims that the “proposed project would generally reflect, and be compatible with, the surrounding neighborhood’s existing medium-density residential land uses.” (DEIR I-7) The neighborhood is characterized by old Victorian, Edwardian and Deco style architectural structures, most of which do not exceed three stories in height (30 feet). The Project buildings would *all* be at least one story higher, and at 40 to 90 feet high, most would be two to seven stories higher than surrounding neighborhood buildings. The proposed buildings would be hard-edged, box-style modern architecture, jarringly different from all surrounding buildings and the character of neighborhood. The Project’s highest proposed buildings would be located at the bottom of the sloping parcel, causing a monolithic box effect in direct conflict with design guidelines calling for stepped down structures conforming to slope. (DEIR, Figures 5 and 6)

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4.3 | The public view from Buchanan Street, now a vista stretching all the way across the Bay, would be completely obstructed, and except for the corridor created by the new sidewalk through the middle of the parcel. The open view from residences on Buchanan would also be blocked by huge box structures (DEIR, Figure 5) with open space replaced by views of large, sterile box structures filled with private space. The street-level views from Laguna, Haight and Hermann Streets would be of the ground floors of bulky, 90-foot structures, occupied by inaccessible, private residential space rather than the existing open public space. (DEIR, Figure 5).

The lateral views from the new sidewalk, cynically called “Waller Park,” would be of a corridor between the large residential structures and standing in their shadows. (DEIR, Figure 6)

4.4 | The following examples typify the DEIR’s misstatements about the visual character of the surrounding area:

- **DEIR:** Claims present Zoning allows height of 105 feet at Laguna (DEIR Figure 9, II.A-14)

4.4 cont.	<p><b>FACT:</b> Present zoning is Public. The parcel across from the Project on Laguna is zoned RM-3, which permits a height of only 40 feet. In fact surrounding residential buildings are only 20 to 30 feet in height with few exceptions, including those on Laguna.</p> <ul style="list-style-type: none"> <li>• <b>DEIR:</b> Claims that the “existing land use pattern” locates “taller buildings nearer Market Street and shorter buildings closer to the lower-scale residential uses along the site’s Haight, Hermann, and Buchanan Street frontages.” (DEIR III.A-19)</li> </ul> <p><b>FACT:</b> Buildings on surrounding streets step down to conform with the slope, and with few exceptions are two or three stories in height. The Project’s buildings will be four to eight stories in height with the tallest buildings at the lowest points on the parcel. (DEIR III.A-19) The Project will obstruct views from every public vantage point and fill the entire area with box structures flattened into a monolithic effect, in violation of CEQA, the General Plan’s Design Guidelines, and Planning Code §§101.1 and 311(c), requiring that structures step down structures to conform with sloping topography.</p> <ul style="list-style-type: none"> <li>• <b>DEIR:</b> Figures 5, 6, 13, 14, 15, 16, and 17 depict buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-feet tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1, 2, 3, 4 and 7 as either invisible or no higher that the two-story Woods Hall.) Figure 13 shows a 90-foot high building as 4 stories taller than a 3-story building. Figure 14 shows a 90-foot high building as only 5 stories. Figure 15 shows a 5- story building as 3 stories, and the 90 foot building has been deleted.</li> </ul> <p><b>FACT:</b> Every new building on the site will be several stories higher than surrounding neighborhood structures, which are mostly two to three stories high.</p>	12 cont.
4.5	<p>The EIR claims that the “proposed project would result in the removal of visual elements with neutral or low aesthetic value” and would “replace these elements with new infill mixed-use residential development between four and eight stories in height, while retaining and rehabilitating most of the visually prominent (and potentially historic) structures on the project site.” (DEIR III.B-6) In fact, the Project will demolish three of five historic structures and gut the remaining historic structures, leaving facades accessible only to private tenants. (DEIR II.A-21) The Project will remove mature trees and landscaping, open views and space, and the retaining wall that joins parts of the historic structures that it will demolish. The Project will replace these resources with large, bulky, high-rises (up to 90 feet in height), incompatible in bulk and scale with old surrounding structures.</p>	
7.8	<p>The boxy modern structures would be architecturally incompatible with the distinctive historic buildings on site and the ornate Edwardian, Victorian and deco style structures on surrounding streets. The impacts would be two-fold: The destruction of the older character of the neighborhood, and the destruction of open space, public and private views on site and in the surrounding areas, some of which stretch across the San Francisco Bay. None of these impacts are identified or analyzed in the DEIR in violation of CEQA.</p>	5
4.6	<p>The EIR also fails to analyze the cumulative impacts from installing a huge modern development in the middle of an old neighborhood and the readily foreseeable impacts of financial incentive for demolishing unique, visually interesting old structures and open space and replacing them with generic modern structures throughout the neighborhood and San Francisco.</p>	12

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The EIR claims that because “street-level uses” would be “enlivened with new retail uses and generous amounts of glazing,” this would somehow mitigate the visual impacts of replacing historic structures with a huge development of 9-story boxes. (DEIR III.B-6) Opinions about “uses” do not comply with CEQA’s requirements to analyze visual impacts from this Project and are not lawful mitigation. Incredibly, the DEIR concludes that “the majority of views of the project site from primary view corridors would not substantially change from existing conditions,” (DEIR, III.B-7) a statement plainly at odds even with the DEIR’s distorted graphic simulations.

9.1

The EIR admits that the Project would remove “approximately 60 trees with an average trunk diameter of eight to ten inches,” but claims that the unidentified mature trees would be replaced by “extensive new landscaping,” and concludes that “changes to the existing vegetation would not adversely affect the existing visual character of the site.” (DEIR, III.B-6) In another section, the DEIR admits that the tree trunks range “from six inches to 36 inches” (three feet) in diameter, and that 27 of these trees are “significant,” meaning “greater than 12 inches in diameter or greater than 20 feet tall.” (DEIR III.G-2) The EIR does not analyze the impacts of removing all these trees, but claims that obtaining tree removal permits “would create a less-than-significant impact to ‘landmark’ or ‘significant’ trees on the project site.” (DEIR III.G-2)

The EIR is replete with opinions presented as conclusions, many of which are unsupported and conflict with the DEIR’s own diagrams:

- “While a noticeable change from existing conditions, the altered view from [Buchanan Street] would not obstruct a scenic vista nor damage scenic resources.” (DEIR III.B-14)
- “These new buildings on the project site would be larger than the buildings or structures they replace, and would be a visible new silhouette against the sky, but would be minimally intrusive, and generally in scale with other surrounding development.” (DEIR, III.B-14)
- “The proposed project would intensify development at the site, but would not substantially degrade or obstruct publicly accessible scenic views.” (DEIR, III.B-14)
- “[T]he partial loss of some long-range views, when taken together with replacement of surface parking by a new moderately scaled residential units, landscaping, and a publicly accessible open space, would not be considered significant in a highly urbanized context. Therefore, the project’s effect on the view from this location [Buchanan Street], while noticeable, would not constitute a substantial adverse change.” (DEIR, III.B-15)
- “Implementation of the proposed project would not result in a substantial adverse effect on scenic views of the area from public vantage points. Thus, impacts related to view would be considered less than significant.” (DEIR III.B-16)
- “Implementation of the proposed project would not substantially damage scenic resources, nor substantially degrade the existing visual character of the project site or its surroundings... Thus, impacts to visual quality would be considered less than significant.” (DEIR, III.B-16)
- “Intensified development on the project site, in combination with greater densities resulting from implementation of the [Market-Octavia] Plan, would not substantially degrade the existing visual character of the area, as the new construction would be spread throughout an area which encompasses about 376 acres of land on 89 city blocks in the center of San Francisco.” (DEIR, III.B-17)

- “The scale of future development in the project vicinity would continue to increase, and newer buildings may be visible and certain lots may become occupied by infill development, intensifying urbanized views in the area. The draft [Market-Octavia] Plan EIR does not identify any significant impacts to visual and aesthetic resources resulting from implementation of the Plan...Therefore, while the project would result in changes to existing views immediately surrounding the project site, the proposed project would have no significant visual impacts, and no cumulative impacts resulting from the project would occur.” (DEIR, II.B-17)
- “Development associated with the proposed project in association with development that would occur under the Plan would not result in significant cumulative environmental impacts related to the existing visual character or quality of the area and its surroundings; obstruction of publicly accessible scenic views; and generation of light or glare, that would significantly affect other properties. Cumulative urban design and visual quality impacts would be less than significant.” (DEIR III.B-17)

4.7 These unsupported conclusions do not comply with CEQA’s requirements. This Project will implement wrenching visual changes that are incompatible with the site and surrounding structures in architectural style, bulk and scale, and CEQA requires that they be analyzed and mitigated. The incursion of bulk, high-rise, density, hard-edged modern residential boxes in an established older neighborhood where they have never existed before will have obvious significant impacts on public and private views from every public and private vantage point in the area. 1, 12

4.8 No analysis of visual impacts has been conducted, and mitigation of view impacts may not be deferred. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1607-08; Guidelines §15070.) CEQA applies whether it is a one-story view obstruction or a nine-story blockage of every public view. 12

4.8 CEQA requires careful analysis and real mitigation of visual and aesthetic impacts, including regional and cumulative impacts occurring to areas beyond the Project’s boundaries. (*E.g.*, Guidelines §15126.2(a) and Appendix G; and *e.g.*, *Quail Botanical Gardens, supra*, 29 Cal.App.4th 1597, 1604-06 (replacing one-story structures with two-story homes has adverse effect on public views; and mitigations are insufficient where views would remain partially obstructed.) The DEIR’s unsupported opinions-as-conclusions do not comply with CEQA’s requirements. 1

**16. OPEN SPACE IMPACTS: The EIR Fails to Identify, Analyze and Mitigate the Project’s Impacts on Open Space.**

3.2 Among many other misstatements, the EIR claims that the Project would create “public open space where there is currently none.” (DEIR III.A-21) In fact, a large part of the entire parcel is presently open space. The Project will remove this large space from public ownership and turn it over to private for-profit development. Since private residential use is inaccessible to the public, the EIR’s statement is plainly false. The Project admits that “the change in zoning would eliminate approximately 5.8 acres of P-zoned properties” in the dense, large Market-Octavia area, but claims that there are plenty of other P-zoned properties in that large area. The 10

3.2 cont. EIR concludes that, although the site contains 19% of existing open space in the area, that the Project’s elimination of that open space would be “considered to be a relatively small loss in light of the amount of P-zoned properties which would continue to be available for public use.” (DEIR III.A-20) This disingenuous statement does not say where or what the other publicly-zoned properties in the area are.

The EIR claims that “Six parks and open spaces are located within ¼ mile of the project site.” (DEIR III.A-3) In fact, there is little open space in the entire densely populated area. Neither Duboce Park nor Patricia’s Green is within ¼ mile of the Project; nor can Patricia’s Green, Rose-Page Mini-Park, or “Octavia Plaza” be seriously called parks, and all of these spaces are intensively used already. The following are the facts about the “parks” listed in the EIR:

- Koshland Park: A small area with a children’s plastic play structure and basketball hoop, and a small garden area located at Buchanan and Page Streets.
- Duboce Park: Well over ¼ mile from the Project site at Duboce near Steiner, it consists of a basketball court and heavily trafficked area of dog-soiled turf.
- Patricia’s Green: A small median-strip well over ¼ mile from the Project area, terminating the freeway ingress-egress on the new Octavia Boulevard, and obstructing through traffic on Octavia Street, with palm trees at one end, faux-deco benches, a small patch of dog-soiled turf, and a children’s play structure, all crammed into a median area surrounded by heavy traffic exiting and entering the new surface freeway turnoff.
- Rose Page Mini-Park: A minuscule back-yard sized area heavily trafficked by dog-walkers.
- Octavia Plaza: A small, triangular paved area at the entry/exit of the Freeway touchdown on the south side of Market Street at the Octavia freeway ramp.

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3.2 Not one of the three “parks” (Koshland, Rose-Page Mini-Park, Octavia Plaza) within ¼ mile of the Project contains adequate open space to satisfy existing needs or General Plan requirements, much less to mitigate the loss of nearly 6 acres of public space that this Project will cause.

11.6 The EIR claims that a new sidewalk through the middle of the Project area will be “Waller Park.” Even if a sidewalk could lawfully be defined as open space or a park, that sidewalk will lie in a corridor that is shaded by 90-foot-high buildings.

3.4 The EIR claims that “The change in zoning would also reduce the amount of publicly zoned land in the site’s vicinity. However, other publicly zoned sites including nearby parks (e.g., Koshland Park, Duboce Park, Hayes Green, etc.) would not be affected by the proposed project and would continue to be available for public use.” (DEIR III.A-20) Thus, the EIR excuses itself from advocating the elimination of open space by the Project, while not analyzing the impacts of the 833+ new residents on the already inadequate, overused public spaces in the area. This Project will remove nearly 20% of all public open space in the area, and that is a significant adverse impact that must be analyzed and mitigated under CEQA.

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1.4 The EIR disingenuously uses the condition of the public land *after* UC closed it as a baseline for comparing “existing” public access with the Project’s proposed new sidewalk: “The proposed project would allow a greater degree of public access to the site than exists currently, or had existed previously during its use as a school...” (DEIR III.A-20) In fact the grounds were publicly accessible state schools for over a century.

3.12 The EIR improperly compares the *closed* public land with its proposed new sidewalk to conclude that open space would be increased or enhanced by the Project, observing, “Public accessibility of the project site is currently limited, given that the project site buildings are vacant and locked.” (DEIR III.A-20). In fact, the sidewalk belongs to the people of the City and the entire parcel belongs to the people of California.

3.12 The proper comparison must be to the actual uses of this Public land for the 150 years of public uses *before* UC closed it to accommodate this Project, weighed against the Project’s closure of the entire parcel to the public forever, except for the proposed sidewalk (“Waller Park”). Cumulative analysis must also weigh this heavy loss. In fact, there is little public open space in the area, and the public zoning of this land could (and should) be used as a fully accessible park, particularly in view of the drastic density rezoning of more than 2,000 parcels in the vicinity proposed by the Market and Octavia Plan. The proposed Project will further crowd the little open space within ¼ mile of this parcel and violate requirements of open space, a direct and cumulative impact that the EIR fails to analyze.

The EIR (C&R-40) admits that this Project does not comply with the Open Space Element of the San Francisco General Plan (Policy 2.1) requiring 435 sq. feet of open space per resident. Yet on the next page it repeats the rote “no impacts” conclusion from the DEIR “As no significant impacts to open space, recreation or public facilities were identified in either the Market & Octavia Neighborhood Plan Area EIR... or [the Project] DEIR, the proposed project would have no significant cumulative impacts to such resources.” (C&R-41.)

This Project violates CEQA by failing to identify existing open space conditions in the entire area and the impacts of removing the largest existing open space in the area from public use, to analyze the impacts of the Project on the minuscule public space areas within ¼ mile (which it misstates), and to propose meaningful alternatives to removing open space. Violations of open space requirements of the City’s General Plan and Planning Code are not even mentioned in the deeply flawed EIR. (*See* also Gov. Code §65560.)

**17. IMPACTS ON HISTORIC RESOURCES: The EIR Fails to Identify, Analyze, and Provide Meaningful Mitigation and Alternatives to Significant Impacts from Demolition and Destruction of Historic Resources and Historic Public Use. City’s Findings and Overriding Considerations Are False and Unsupported by Substantial Evidence.**

Any alteration of historic resources *or* their significance requires a mandatory finding of significant impacts under CEQA. (Pub. Res. Code §21084.1; Guidelines §15064.5(b); 21065.5; 21001.) After identifying significant impacts on historic resources, the EIR must identify feasible measures to “mitigate significant adverse changes in the significance of historical resources,” and must insure that such mitigations are “fully enforceable.” (Guidelines §§15064.1(b)(4);

15026.4; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 596-97; 54 Cal.Rptr.3d 366, 373-75.)

On January 7, 2008, the entire Project site was listed as a Historic District in the National Register of Historic Places. The State Office of Historic Preservation (OHP) has recognized that this entire site and all the structures on it are historic landmarks, and that the Project would result in loss of the potential for eligibility for a historic district. (Letter from Michelle C. Messinger, Historian, and Milford Wayne Donaldson, State Historic Preservation Officer, to Paul Maltzer, March 14, 2006.)

7.8 [ The EIR does not analyze the direct impacts from demolishing old public buildings for generic modern private residential buildings, or the impacts on the significance of those structures and their role in the history of California and San Francisco, as required by CEQA. The EIR also fails to analyze the cumulative impacts from demolition of historic structures and the incentive for demolition to for-profit development that this Project foreseeably portends elsewhere. Additionally, the EIR fails to analyze the impacts on surrounding historic resources in the immediate and cumulative Project area.

The Project will demolish two historic<sup>5</sup> buildings that are designated landmarks within a nationally listed historic district and to gut the remaining buildings and transform them into private residences, altering the entire site, severing it from its historic significance, as a premiere example of one of the earliest state colleges in California. Even the lead agency concluded that all buildings on the Project site qualify as “historical resources” for CEQA purposes,” and that the buildings and retaining wall “would contribute to a potential campus historic district that also qualifies as a ‘historical resource’ for CEQA purposes.” (DEIR III.E-11).

The EIR observes that demolition of the historic structures “would alter” their “historical character,” and would constitute a significant impact to a historical resource because it would “eliminate significant, character-defining features” of the buildings, walls, tile roofs, windows, and other distinctive old features. (DEIR, III.E-13) The EIR also notes that, “While the designs of proposed new residential buildings appear to be differentiated from the old, they may not be fully compatible with the historic buildings on the site in terms of materials, massing, scale, and design.” (DEIR, III.E-13-14) The EIR admits that “the new construction would not comply with four out of ten of the *Secretary of the Interior’s Standards for Rehabilitation*... because the new structure may impact the spatial relationships, including the internally-focused ‘quadrangle’ design that characterizes the existing campus.” (DEIR, III.E-14) Compliance with these requirements is mandatory under CEQA, and by approving violation of them, certifying the EIR and is an abuse of discretion and failure to proceed in a manner required by law.

7.8 [ In addition to okaying demolition of this important historic public site, the EIR incredibly claims that the impacts of installing nearly six acres of modern boxes in the middle of smaller old houses and structures distinguished by Edwardian, Victorian and Deco styles would “be compatible with the existing neighborhood scale and urban form and would not impact the character-defining features of off-site resources.” (DEIR, III.E-17)



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Again, unlawfully claiming the unadopted Market-Octavia Plan as authority, the EIR concludes that where demolition of historic resources is proposed, the Market-Octavia Plan “requires that the new buildings on the site should be a distinct improvement over the previously demolished buildings,” and that “the loss of the existing historic buildings and structures on the project site, as well as the site itself as a potential campus historic district, would not be cumulatively considerable in light of the absence of potential impacts to other historic resources in the larger Market and Octavia neighborhood. As such, the proposed project would have no significant cumulative impacts to historic resources” (DEIR III.E-19). The EIR’s analysis is unlawful under CEQA, because its conclusions are factually false and legally erroneous, and because the Market-Octavia Plan does not govern this Project.

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Cumulative impacts refer to “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines §15355(a).) A cumulative impact is “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (Guidelines §15355(b).) Under the EIR’s flawed analysis and the Market-Octavia Plan, piecemealed destruction of every old structure in San Francisco (or anywhere else) could be implemented with no consideration of its impacts on the character of the surrounding area, neighborhood, or the entire City, and virtually every old structure could be demolished and replaced by generic modern boxes with a finding of “no impacts.”

CEQA requires that unless this entire property is rendered useless, every historic building on this Project site *must* be preserved. (*E.g., Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th 587, 602-603.) City provides *no* substantial evidence supporting a conclusion that this property would be rendered useless by preserving the nationally listed historic district and all historic resources on this site.

City’s unlawful analysis, failure to analyze and offer for public review a full range of alternatives, rejection of feasible preservation measures, unsupported CEQA findings and statement of overriding considerations, and proposal to adopt as its own the developer’s “Memorandum” of Seifel Consulting, February 25, 2008, violate CEQA. City has not proposed or analyzed a full range of alternatives to destroying the irreplaceable historic resources on this site. No alternative has been proposed by City that retains the historic public zoning and use of this land and preserves the historic resources and historic district on the Project site. City’s failure to analyze and offer for public review a full range of alternatives---particularly in view of the historic significance of the buildings and their historic public use and the public ownership of this site--are an abuse of discretion and failure to proceed in a manner required by law.

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City claims that the desire of the Regents of the University of California “to receive fair market value return on University assets,” and that the desires of developers A.F. Evans and openhouse to cash out should dictate the disposition of this *public* land that is a historic district. The City’s undated “CEQA Findings” released on March 3, 2008, list a number of “objectives,” none of which are supported by substantial evidence and many of which are factually false. The “objectives” do not relate to the Project and their purported benefits to the public are not supported by substantial evidence. (CEQA Findings, pp.4-5.) The “objectives” are particularly

irrelevant where, as here, the EIR has failed to offer a full range of alternatives, and the land belongs to the State.

“The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible.” (*Uphold Our Heritage v. Town of Woodside*, *supra*, 147 Cal.App.4th at 599; quoting *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1176, 1181; ) Economic factors favoring private for-profit development are particularly irrelevant, because the Project site is public, State-owned property with a history of public use. A.F. Evans and openhouse do not own this property or even lease it and therefore have no greater standing than any other member of the public. Their anxiety over lost profits is irrelevant to the question of feasibility, mitigation, or overriding considerations. There is no legal restraint on the City’s ability to deny permission to demolish the historic resources and destroy the historic significance of the Project site. (*Uphold Our Heritage*, *supra*, 147 Cal.App.4th at 602.) UC is free to choose an alternative that complies with the law.

However, the City may not lawfully authorize this Project or adopt its defective EIR and CEQA Findings: “CEQA does not authorize an agency to proceed with a project that will have significant, unmitigated effects on the environment, based simply on a weighing of those effects against the project’s benefits, unless the measures necessary to mitigate those effects are truly infeasible. Such a rule, even if it were not wholly inconsistent with the statute...would tend to displace the fundamental obligation of “[e]ach public agency [to] mitigate or avoid the significant effects on the environment of projects that it carries out or approves.” (*Uphold Our Heritage*, *supra*, 147 Cal.App.4th at 602, citations omitted.)

Only when measures necessary to mitigate or avoid a Project’s environmental effects have been properly found to be infeasible may City issue a statement of overriding considerations. (*Id.* at 603.)

Infeasibility has not been demonstrated or supported by substantial evidence as required by CEQA. This unique, historic site was in active use as public educational facilities for over 100 years, until 2004. No substantial evidence has been offered showing that and other public uses to suddenly be infeasible. Indeed, UC has refused to provide any information comparing the feasibility of renovating the site for continued educational use as opposed to leasing educational facilities elsewhere. (*See, e.g., Uphold Our Heritage*, *supra*, 147 Cal. App. at 599.) In spite of more than 100 years of public zoning and public educational uses, no alternative for continued public use has been offered for public review or analyzed as an alternative to destroying the significant historic resources on this site, and the removing this land from historic public ownership and use.

City’s proposal to take pictures of these historic landmarks before demolishing them is *not* lawful mitigation. (*E.g., Architectural Heritage Association v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1119.)

7.7 ↓ The EIR further acknowledges that the proposed rezoning would enable *future demolition* to occur *on this site* that “could also demolish more of the historic resources on the project site ↓ 2

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cont. ↑ than under the proposed project.” (DEIR, III.E-17). None of the EIR’s proposed mitigations or few alternatives except the No Project alternative would remove this possibility. ↑ 2  
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The EIR finally admits that its proposed mitigation measures are ineffective and would not reduce the impacts to less than significant, concluding, “Only selection of a project alternative...would reduce the impacts of proposed project to a less-than-significant level.” (DEIR,III.E-14) Only the EIR’s No Project alternative would guarantee preservation of the historic buildings, their historic significance and character of this site. The EIR fails to analyze and mitigate the proposed destruction of valuable historic resources and their significance, to lawfully propose and analyze a full range of alternatives or any alternative that would preserve the historic resources as well as their traditional uses and public zoning on this site, and to support any of its conclusions, findings and overriding considerations with substantial evidence. 5

**18. The EIR Fails to Analyze Impacts from Closing and Relocating UC Educational Facilities.**

1.4 The EIR fails to describe, analyze or mitigate the impacts of UC’s closing and/or relocation of its Extension educational facilities, affecting the entire region, in direct violation of CEQA. (Pub. Res. Code §21080.09; Guidelines §15081.5). That analysis must identify and mitigate impacts to the community and region of the UC’s site selections, including accessibility of educational resources and enrollment, and the direct, indirect, and cumulative physical impacts of closing and/or relocating UC’s San Francisco area Extension facilities, which provided valuable educational resources to working people throughout the region. 2

**19. GROWTH IMPACTS: The EIR Fails to Identify and Mitigate the Impacts on the Community and Area of the Project’s 39 Percent Population Explosion of 833 New People in One Square Block.**

8.1 The EIR says that “it cannot be concluded that the project would directly or indirectly induce substantial population growth that could have adverse physical effects on the environment, and therefore the project’s population effects are considered less than significant.” (DEIR III.F-3) This conclusion is unsupported and contradicted by substantial evidence. 1

The Project would privatize and fill a significant public open space and educational facility with housing development and more than 833 new residents, increasing the population of the surrounding area by 39 percent. (DEIR, III.F-3) That increase will have significant adverse impacts on existing traffic, transit, parking, open space, and aesthetic resources, among others, that must be analyzed and mitigated. The proposed rezoning would set a precedent for similar demolition and density box development throughout the area and City. The cumulative impacts from that foreseeable growth must also be analyzed and mitigated. 13

11.3 The EIR must also analyze and mitigate the Project’s direct and cumulative impacts on emergency, police, fire, sewers, water, and other public resources, locally and cumulatively. The EIR must also analyze public safety issues, including seismicity. The EIR must also analyze energy consumption of 450 new housing units, which, because of their bulk and density, consume huge amounts of energy for climate control and lighting. 14

6.2 The EIR admits that the Bay area is in non-attainment status for air quality (DEIR, III.D-5, III.D-9, etc.), and that “The project would result in criteria air pollutant emissions from a variety of emissions sources, including stationary sources...and mobile on-road sources.” (DEIR, III.D-13) The EIR observes that, “Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds,” with “hot spot” air pollution potential. (DEIR, III.D-13 - 14.) Yet, while admitting that although the new Octavia Boulevard freeway ramp, only 500 feet east of the Project, has a capacity of more than 100,000 vehicles per day, the EIR claims that “it is not anticipated that residents of the proposed project would be adversely affected by diesel particulate emissions from the new freeway ramps,” and thus there would be no cumulative impacts either to the new residents or from the addition of more than 4,745 person-trips per day and 450 new market-rate units. (DEIR, III.D-15-16). The EIR’s purpose is not to analyze the environment’s impacts on the Project or its 833 proposed new residents. The EIR must instead analyze the Project’s impacts on the existing environment and propose mitigations and alternatives to those impacts. The EIR’s unsubstantiated conclusions of no impacts from the Project are contradicted by the EIR’s own data. 15

**20. The EIR Does Not Analyze or Mitigate Parking, Traffic, Noise, Dust, Air Pollution, and Other Impacts from the Project’s Proposed Construction.**

5.41 Even if the Project and rezoning were lawful, the Project proposes inflicting at least three years of heavy excavation and construction on a neighborhood still recovering from nearly a decade of major demolition and reconstruction of the Octavia Boulevard surface freeway ramp. The EIR contains no analysis or mitigation of the Project’s impacts from noise, traffic, ground shaking, excavation equipment, vehicle parking and traffic, on the community and the area. 9, 11, 15

**21. The EIR Fails to Propose Meaningful Mitigations of Significant Impacts from the Project.**

1.19 The EIR’s conclusions of “No Impacts” repeated throughout the DEIR and C&R documents are unsupported by substantial evidence. The EIR fails to identify and mitigate significant impacts on parking, traffic, transit, aesthetic resources, growth, historic resources, views, open space, and other impacts, in violation of CEQA. 1

**22. The EIR Fails to Provide a Range of Alternatives to the Project.**

10.16 CEQA requires that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” (Pub. Res. Code §21002; 21081; and, e.g., *Uphold Our Heritage v. Town of Woodside* (2007) 54 Cal.Rptr.3d 366, 374.) City has failed to provide and analyze alternatives to destroying the historic resources and their significance on this site, and to preserve public zoning and uses. 16

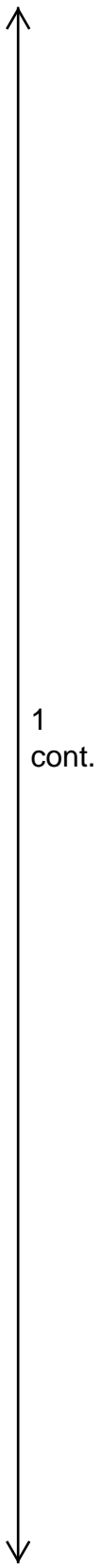
**23. City’s “Findings of Overriding Benefits of the Project” Are Unsupported by Substantial Evidence” and Violate CEQA.**

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The EIR finds only three significant impacts from this Project (“California Environmental quality Act Findings,” December 20, 2007 (“Findings”), p. 23: “1) the substantial alteration or demolition of existing structures which qualify as historical resources under CEQA (Administration Wing of Richardson Hall, Middle Hall and the Laguna Street retaining wall), 2) project site may no longer be eligible as a potential campus historic district after completion of the project, and 3) rezoning of the project site would have significant impacts that are similar to those of the proposed project.”

City’s “Findings of Overriding Benefits of the Project” (“FOB”) in favor of demolishing this national Historic District and State Landmark, pp.23-31, are false and unsupported by substantial evidence, including the following:

- The FOB (p.23) claims that the Project will provide 15% of 330, or a total of 49.5 affordable dwelling units “under Planning Code Section 315.” As previously noted, Planning Code §315 allows the Project to build units off-site and or to pay an in lieu fee that is a fraction of the cost of a housing unit in San Francisco. There is no evidence that the Project will include any on-site affordable dwelling units, or that preserving this site as public land, a national historic district and a historic landmark would make affordable dwelling units infeasible in San Francisco.
- The FOB (p.23) implies that the Project will contain “family units” as an overriding reason to demolish a national Historic District and national and state Landmark. There is no evidence that the Project will contain any family units or that preserving this site would make family apartment units infeasible in San Francisco.
- The FOB (p.23) claims, “The project sponsor has also committed to seeking...bond financing for the project which if allocated, would result in 20% of the dwelling units be affordable...” [sic] The project sponsor has produced no evidence of bond financing, which, in any event, would not allow such publicly subsidized units to count toward §315 affordable dwelling units. But even if it had such financing, that would not make demolishing a national Historic District and State landmark, and transferring public land to private leasehold necessary; nor would preserving the site make affordable apartment units infeasible.
- The FOB (p. 24) claims that, “The project will provide special needs institutional residential care with approximately 88 units, common areas and support services welcoming to LGBT seniors and the citywide senior community...No other senior residential care projects in the City are aimed at welcoming this underserved community.” As noted above, this “welcoming,” which was referred to as “targeting” in the DEIR, violates federal and state anti-discrimination laws. The claim is wholly unsubstantiated that there is discrimination on the basis of sexual orientation in San Francisco. Even if the EIR had studied whether LGBT seniors were welcome citywide and presented substantial evidence that they were not, the appropriate remedy is not to demolish a national Historic District and historic landmark but to prosecute such discrimination administratively or in the courts.
- The FOB, p.24 (3), claims that a 12,000 sq. foot “community center” in a “rehabilitated Woods Hall Annex will be available for cultural, social and educational programming...” This does not override demolishing several other buildings and a historic landmark, and the Woods Hall Annex should be available for this use in any event since it is publicly owned.



- The FOB, p.24 (4), claims that the “project provides approximately 35,000 square feet of publicly accessible open space...” This does not override demolishing the historic resources on this site, and turning over 6 acres of public land to private development instead of keeping it public.
- The FOB, p. 24(5), claims “the project reintroduces the vacated Waller Street right-of-way as publicly accessible open space and introduces two new alleys onto the site.” This circular claim starts with a public right-of-way, claims it is not public, and then claims it will make it public again. Waller Street, like the rest of this site, is publicly owned state land. The two private alleys, “Micah Way” and “Lindhardt Lane,” named after the developers’ offspring, are not public space but are designated for private resident and dental clinic parking. These “benefits” do not override the demolition of the historic resources on this site or compensate the public for the removal of the public property from public ownership and accessibility to build private market-rate rental units.
- The FOB, p. 24(6) claims that by causing severe parking impacts throughout the area, the project furthers “the Market and Octavia Area Plan’s emphasis on transit-dependence and minimum on-site parking.” The EIR’s violation of CEQA by its failure to identify and mitigate the project’s impacts on parking does not override the impact of demolishing the national Historic District and historic landmarks and removing this property from public ownership and accessibility.
- The FOB, p.24(7) claims that it is consistent with the Market-Octavia Plan’s “goal of reinvigorating this site and the Hayes Valley neighborhood with infill housing and commercial activity, the site proposes a 5,000 square foot neighborhood serving retail space.” Promises of a new Starbucks, or dog sweater boutique crammed into 450 residential boxes does not override the impacts from demolishing a national historic landmark and turning over publicly owned land to private developers for private residences.
- The FOB, p. 24 (8) claims the “project results in the adaptive reuse of three City landmarks.” The “adaptive reuse” will leave only publicly inaccessible facades gutted and converted to private residences, while destroying the national historic site and several other historic landmarks and severing the entire site from its historic significance in violation of CEQA.
- The FOB, p. 24 (9) claims, “The Project will generate a variety of fiscal benefits to the City, including possessory interest taxes and sales taxes (on property where no property, possessory interest or sales taxes are now generated.)” This Finding is specious and fails to note that by moving its Extension classes to several other facilities downtown, the landlords of those other buildings are now exempt from City and state taxes, under Cal. Const., Art. XIII, §3(d). The City will incur a net loss from this transaction.
- The FOB, p. 24 (10) claims in misleading fashion that the Project is “a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) pilot project.” There is no evidence that the Project has been recognized for anything except a crass grab of public land and the demolition of a national historic landmark that belongs to the public.
- The FOB, pp.25-31 (10) claims that the “project is consistent with and implements many objectives and policies of the General Plan, especially the Market and Octavia Area Plan Element,” making a lengthy list, with no evidence of consistency. First, the Market and Octavia Area Plan was not in the General Plan when the EIR was released. The Market

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The lengthy list also includes the invalidated 2004 Housing Element, and the obsolete 1990 Residence Element, which are both invalid. The list then cherry picks parts of other General Plan Elements, ignoring those parts with which this Project is plainly inconsistent. The list then proceeds with two pages full of pieces of the Market and Octavia Plan.

None of City’s claims of “overriding benefits” meets the requirements of CEQA. None are supported by substantial evidence (Guidelines §15093(b); *Koster v. County of San Joaquin* (1996) 47 Cal. App.4th 29, 32; *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1222-24), and none outweigh the demolition of a national historic landmark.

The initial prerequisite for any finding of overriding considerations is absent, *i.e.*, a supportable finding of unavoidable, inmitigable impacts. The impacts of forever destroying this historic site and removing it from public ownership clearly are not unavoidable, and feasible mitigations and a full range of alternatives have not been set forth in the EIR. (Guidelines §15093.) Even if the impacts were unavoidable and the purported “benefits” were supported by substantial evidence in the record, they would not outweigh the damage this Project will do to the site and the community and will not make the heavy loss of this valuable historic landmark “acceptable” as required by CEQA. (Guidelines §15093.) Further, because the EIR fails to identify and mitigate impacts other than historic impacts, the “overriding benefits” cannot and do not begin to comply with the requirements of CEQA.

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**24. The Project Misstates and Is Inconsistent with the Priority Policies Set Forth in the Planning Code §101.1.**

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As a threshold matter, the City may not adopt any zoning ordinance, issue a permit for any project or adopt any legislation for a project that requires CEQA compliance, demolition, conversion or change of use, without first finding that the proposed project and legislation are consistent with all of the eight Priority Policies set forth in the Planning Code at §101.1.<sup>13</sup> Instead of analyzing the Project for consistency with these Policies, the DEIR claims that “the Planning Commission and/or Planning Department will consider whether, on balance, the proposed project is consistent with the Priority Policies.” (DEIR, III.A-17) The deferral of this analysis is improper, as are the DEIR’s misstatement of what these provisions say.

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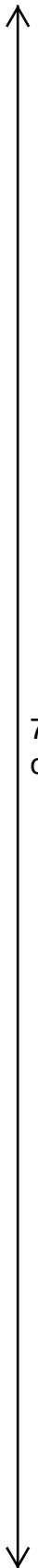
<sup>13</sup> The City may not adopt any legislation that conflicts with the Planning Code §101.1, because that provision was adopted with a voter-approved Ordinance, Proposition M, in 1986 (Cal. Elections Code §9217).

The proposed rezoning and the proposed Project and its uses conflict with these requirements as follows:

- (1) ***“That existing neighborhood-serving retail uses be preserved and enhanced.”***  
The Project will create a parking shortage and will drastically worsen the existing severe parking shortage throughout the area, damaging neighborhood-serving retail uses.
- (2) ***“That existing housing and neighborhood character be conserved and protected.”***  
The Project will clash in bulk, density, height, appearance and architectural style, with the older, smaller, less dense character of the existing housing and neighborhood by constructing incompatible boxy modern apartments that in no way harmonize with surrounding, older structures.
- (3) ***“That the City’s supply of affordable housing be preserved and enhanced.”*** The Project does nothing to preserve or enhance affordability of the City’s existing supply of housing. There is NO requirement of inclusionary “affordable” housing in this Project. The DEIR (II-5) claims that of 450 residential units, “15 percent of the units would be reserved for low or moderate income households” claiming compliance with the Planning Code §315 *et seq.* The EIR fails to note that the Planning Code does not require on-site affordable housing, and allows several “options” for meeting its affordability requirements, including paying a fee that is a fraction of the cost of housing in San Francisco, and building “affordable” housing in some unspecified other place at some unspecified time. Nothing in this Project demonstrates that the Project would provide any *on-site* “affordable” housing. Furthermore, even if residential use were lawful, the Government Code prohibits leasing this State-owned public land for housing, unless the Project includes a minimum of *50 percent affordable units on this site*, including at least 25% allocated for moderate income persons; 12.5% for “low-income persons,” and 12.5% for “very low-income persons.” (Gov. Code §14671.2).

The lack of on-site affordability directly clashes with §101.1 by including *no* on-site affordable housing, thus encouraging demolition of existing housing in the area for density build-out rather than preserving and enhancing the supply of affordable housing in the Project area, greater neighborhood, and city.

- (4) ***“That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.”***  
The DEIR (III.A-17) dishonestly misstates this section of the Planning Code, and the Project is clearly inconsistent with its mandate. The DEIR fails to properly analyze the direct, indirect, and cumulative impacts of this Project on commuter traffic and Muni service. The Project will clearly overburden neighborhood parking, already experiencing a severe parking shortfall due to the removal of hundreds of public parking spaces for the new Octavia Boulevard and to construct bicycle lanes on Market Street.
- (6) ***“That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.”***
- (7) ***“That landmarks and historic buildings be preserved”***  
The Project will demolish three historic buildings, gut the remaining buildings for “adaptive reuse” as private residences, and eliminate any possibility of eligibility of



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the site for historic district designation, disregarding the historic character both on-site and in the surrounding area. (See also Planning Code §333(c)(1).)

- (8) ***“That our parks and open space and their access to sunlight and vistas be protected from development.”***

The existing pathetic minuscule areas that this Project claims are “parks” will be further burdened by the Project’s 833 new residents, with the Project providing *no* new open space except for a sidewalk through the middle of huge boxes of private residences.

## **25. The Project Is Inconsistent with the General Plan.**

The following are examples (not inclusive) of the Project’s inconsistencies with the General Plan:

- ***Air Quality Element***

**Objective 1:** *“Adhere to state and federal air quality standards and regional programs.”*

**Objective 3:** *“Decrease the air quality impacts of development by coordination of land use and transportation decisions.”*

**Policy 3.1:** *“Take advantage of the high density development in San Francisco to improve the transit infrastructure...”*

The Project will cause further traffic congestion and increased emissions and degradation of air quality by inducing growth and not mitigating the Project’s traffic, transit and parking impacts.

- ***Commerce and Industry Element***

**Objective 6:** *“Maintain and strengthen viable neighborhood commercial areas easily accessible to city residents.”*

The Project directly conflicts with this objective by proposing residential development with grossly inadequate parking facilities, misstating the existing severe parking deficit in the surrounding area and the Project’s impacts on it, eliminating neighborhood parking, curtailing and prohibiting parking for retail uses, providing no loading areas, reducing accessibility to parking facilities, and other anti-parking measures that will adversely affect neighborhood commercial areas and accessibility to them.

**Policy 6.9:** *“Regulate uses so that traffic impacts and parking problems are minimized.”*

The Project will cause severe parking, traffic and transit impacts, for which it proposes no mitigations.

- ***Environmental Protection Element***

**Objectives 9 - 11.2:** *“Reduce transportation-related noise.”*

The new Octavia Boulevard, 500 feet east of the Project, has already caused a severe increase in noise that is not addressed in the DEIR. The Project’s impacts on parking, traffic, and transit will increase transportation-related noise by causing more

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congestion and traffic. No noise measurement study has been conducted on the new Octavia Boulevard. No analysis of existing traffic noise has been conducted, and no mitigations are proposed. The Project will bring more than 833 new residents into the area, causing impacts on traffic and transit noise.

- **Housing Element**

**Objective 1:** “To provide new housing, especially permanently **affordable housing**...and take into account the demand for **affordable housing** created by employment demand.”

**Objective 1:** “Retain the existing housing supply.”

**Policy 2.1:** “Discourage the demolition of sound existing housing.”

**Objective 4:** “Support **affordable housing** production by increasing site availability and capacity.”

**Policy 4.1:** “Actively identify and pursue opportunity sites for permanently **affordable housing**.”

**Policy 4.2:** “Include **affordable units** in larger housing projects.”

**Policy 4.4:** “Consider granting density bonuses and parking requirement exemptions for construction of **affordable housing** and senior housing.”

**Objective 6:** “Protect the affordability of existing housing.”

The Project directly conflicts with all affordability objectives by requiring *no* affordable housing *on-site*. The Project encourages demolition by removing all regulation of density, bulk, setback, rear yard and parking in a very large new development. The Project does nothing to identify or support siting of affordable housing in the Project area. The Project creates a bad precedent by demolishing public open space to develop *market-rate* housing. The Project will reduce affordability of existing housing by encouraging market-rate density development throughout the Project area. The Project directly conflicts with these Policies.

**Policy 6.5:** “Monitor and enforce the **affordability** of units provided as a condition of approval of housing projects.”

**Objective 7:** “Expand the financial resources available for permanently **affordable housing**.”

**Policy 7.1:** “Enhance existing revenue sources for permanently **affordable housing**.”

The Project conflicts with all affordability policies by unlawfully proposing privatization of state-owned land for *market-rate* rental units.

**Objective 8:** “Ensure equal access to housing opportunities.”

The Project unlawfully conflicts with equal access provisions in the U.S. and state Constitutions and federal and state statutes by targeting housing opportunities on the basis of sexual orientation.

**Policy 8.1:** “Encourage sufficient and suitable rental housing opportunities and emphasize permanently **affordable rental units** wherever possible.”

**Policy 8.2:** “Employ uniform definitions of **affordability** that accurately reflect the demographics and housing needs of San Franciscans.”

**Policy 8.3:** “Ensure affirmative marketing of **affordable housing**.”

**Policy 8.4:** “Encourage greater economic integration within housing projects and throughout San Francisco.”

**Policy 8.5:** “Prevent housing discrimination.”

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**Policy 8.9:** “Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.”

**Objective 9:** “Avoid or mitigate hardships imposed by displacement.”

**Policy 9.2:** “Offer displaced households the right of first refusal to occupy replacement housing units that are comparable in size, location, cost and rent control protection.”

**Policy 10.2:** “Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.”

**Policy 11.1:** “Use new housing development as a means to enhance neighborhood vitality and diversity.” (“the design of all housing sites and related amenities [will] make a positive contribution to surrounding public space and to overall neighborhood vitality.”)

**Policy 11.2:** “Ensure housing is provided with adequate public improvements, services, and amenities.”

**Policy 11.3:** “Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing **affordable** housing displacement.”

**Policy 11.5:** “Promote the construction of well-designed housing that enhances existing neighborhood character.” (“provide adequate on-site usable open space and relate the type, amount and location of open space to the types of households expected to occupy the building. (See Figure 9 ‘Residential Open Space Guidelines’ in the Recreation and Open Space Element, for more specific guidelines.)”)

**Policy 12.3:** “Encourage jurisdictions throughout the Bay Area to recognize their share in the responsibility to confront the regional **affordable** housing crisis.”

The Project directly conflicts with all of the above Housing Policies by promoting density market-rate housing with *no* requirement of *on-site* affordable units, and by unlawfully leasing state-owned property for residential units at market rates.

- **Recreation and Open Space Element**

**Objective 2:** “Develop and maintain a diversified and balanced citywide system of high quality open space.”

**Policy 2.1:** “Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.”

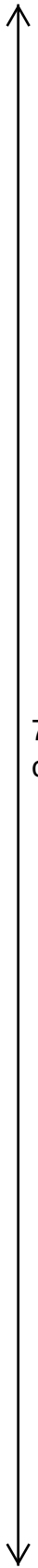
**Policy 2.2:** “Preserve existing public open space.”

**Policy 2.3:** “Preserve sunlight in public open spaces.”

**Objective 4:** “Provide opportunities for recreation and the enjoyment of open space in every San Francisco neighborhood.”

**Policy 4.4:** “Acquire and develop new public open space in existing residential neighborhoods, giving priority to areas which are most deficient in open space.”

The Project will cause significant adverse impacts on existing open space. The Project proposes *no* high quality open space, and there is no high quality open space in the Project area. The Project will shade its “Waller park” sidewalk with high rise boxes. The Project will not provide any quality open space to the Project area or the city. The Project redefines “open space” as freeway touchdowns and sidewalks, a gross adulteration of the meaning of the term as described in the General Plan and Government Code.



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**Policy 5:** “Require private usable outdoor open space in new residential development.”

The Project provides no private usable outdoor open space and removes nearly six acres of public open space.

**Policy 6:** “Assure the provision of adequate public open space to serve new residential development.” The Project removes nearly six acres of open public space.

**Figure 9:** “Residential Open Space Guidelines”

**Policy 7:** “Provide open space to serve neighborhood commercial districts.”

The EIR admits that the Project conflicts with all of the above Policies. (E.g., C&R-40)

- **Transportation Element**

**Objective 1:** “Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.”

By causing significant impacts on parking and traffic, the Project fails to meet the needs of most residents and visitors who choose to drive automobiles and need parking.

**Policy 1.6:** “Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.”

The Project punishes the vast majority of residents and visitors who drive automobiles by eliminating parking and causing increased congestion, which also adversely affects public transit.

**Policy 10.4:** “Consider the transportation system performance measurements in all decisions for projects that affect the transportation system.”

The DEIR includes no coherent or up-to-date performance measurements for traffic or transit.

**Policy 17.2:** “Encourage collaboration and cooperation between property owners and developers to allow for the most efficient use of existing and new parking facilities.”

The Project does not encourage efficient use of existing and new parking facilities. Rather, it causes severe parking impacts and deficits on site and in public streets and facilities in the area.

**Objective 20:** “Give first priority to improving transit service throughout the city, providing a convenient and efficient system as a preferable alternative to automobile use.”

The Project proposes no improvements to transit and will cause significant impacts on already overcrowded transit in the Project area.

**Policy 30.1:** “Assure that new or enlarged parking facilities meet need, locational and design criteria.”

The Project directly conflicts with this Policy by assuring that parking needs of residents and visitors will NOT be met.

**Policy 30.6:** “Make existing and new accessory parking available to nearby residents and the general public for use as short-term or evening parking when not being utilized by the business or institution to which it is accessory.”

The Project violates this provision.

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**Objective 33:** *“Contain and lessen the traffic and parking impact of institutions on surrounding residential areas.”*

The Project’s parking is grossly inadequate for its uses, and the Project removes available parking near the Civic Center and throughout the Project area, introduces density development without adequate parking, and worsens a severe existing parking deficit in the area.

**Policy 33.2:** *“Protect residential neighborhoods from the parking impacts of nearby traffic generators.”*

The Project does nothing to protect residential neighborhoods from nearby traffic generators, including the Project itself, makes no attempt to mitigate the loss of over 1,000 parking spaces caused by the new Octavia Boulevard, and will create severe parking impacts with density development throughout the area, while removing the Planning Code’s requirements to provide parking.

**Policy 34.1:** *“Regulate off-street parking in new housing so as to guarantee needed spaces...”*

The Project creates a severe parking shortfall by not guaranteeing needed spaces for new housing development.

**Policy 34.2:** *“Use existing street space to increase residential parking where off-street facilities are inadequate.”*

There are no available existing street spaces, the Project will remove street parking spaces during and after construction, and will have severe, lasting impacts on public parking in the area.

**Objective 35:** *“Meet short-term parking needs in neighborhood shopping districts consistent with preservation of a desirable environment for pedestrians and residents.”*

The Project provides no short-term parking for its retail and community facilities, and there is none in the area.

**Policy 35.1:** *“Provide convenient on-street parking specifically designed to meet the needs of shoppers dependent upon automobiles.”*

The Project will eliminate on-street parking and contains no parking adequate for residential and shopping use.

- **Urban Design Element**

**Objective 1:** *“Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.”*

**Policy 1.1:** *“Recognize and protect major views in the city, with particular attention to those of open space and water.”*

**Policy 1.3:** *“Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.”*

**Policy 1.4:** *“Protect and promote large-scale landscaping and open space that define districts and topography.”*

**Policy 1.7:** *“Recognize the natural boundaries of districts, and promote connections between districts.”*

**Policy 1.8:** *“Increase the visibility of major destination areas and other points for orientation.”*

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**Objective 2:** “Conservation of resources which provide a sense of nature, continuity with the past, and freedom from overcrowding.”

**Policy 2.1:** “Preserve in their natural state the few remaining areas that have not been developed by man.”

**Policy 2.2** “Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.”

**Policy 2.4:** “Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.”

**Policy 2.6** “Respect the character of older development nearby in the design of new buildings.”

**Policy 2.7** “Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco’s visual form and character.”

**Objective 3:** “Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.”

**Policy 3.1:** “Promote harmony in the visual relationships and transitions between new and older buildings.”

**Policy 3.2:** “Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.”

**Policy 3.3:** “Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.”

**Policy 3.4:** “Promote building forms that will respect and improve the integrity of open spaces and other public areas.

**Policy 3.5:** “Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.”

**Policy 3.6:** “Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.”

**Policy 3.7:** “Recognize the special urban design problems posed in development of large properties.”

**Policy 3.8:** “Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city.”

**Policy 3.9:** “Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city.”

**Objective 4:** “Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity”

**Policy 4.1:** “Protect residential areas from the noise, pollution and physical danger of excessive traffic.”

**Policy 4.10:** “Encourage or require the provision of recreation space in private development.”

**Policy 4.15:** “Protect the livability and character of residential properties from the intrusion of incompatible new buildings.”

The Project conflicts with all of the above Policies.

- **Community Safety Element**

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**Policy 2.9:** “Consider information about geologic hazards whenever City decisions that will influence land use, building density, building configurations or infrastructure are made.

General Plan consistency is required by both CEQA and the Government Code, contrary to the EIR’s absurd statement (C&R-43), particularly inconsistencies in land use, as are evident in this Project. The inconsistencies are so manifest that the City has found it necessary to amend its General Plan on behalf of the Project -- itself creating internal inconsistency in the General Plan in violation of the Government Code. City’s failure to identify land use and transportation impacts violates both CEQA and the Government Code.

**26. City’s General Plan Does Not Comply with the Government Code, Precluding and Invalidating any Finding of Consistency.**

In addition to our previous objects based on the Project’s violation of CEQA and the Government Code, this Board may not lawfully adopt legislation, findings, or any other action requiring or based on consistency with the San Francisco General Plan, because the City does not have a valid General Plan that complies with the Government Code. (*E.g.*, Gov. Code §§65000 *et seq.*, 65300, 65302; 65860 *et seq.*) The City’s General Plan does not contain the required elements or misstates their content, including the following examples:

- The General Plan contains no Land Use Element, perhaps the most important component of any General Plan. (*E.g.*, Gov. Code §65302(a) and (b).)
- The General Plan’s Housing Element was invalidated by a decision of the Court of Appeal. (*San Franciscans for Livable Neighborhoods v. City and County of San Francisco*, (2007) unpub. 1st Dist. Case No. A112987, June 22, 2007, review den. October 10, 2007; and *see, e.g.*, Gov. Code §65302(c).)
- The General Plan’s Transportation Element contains the text of Ordinance 109-05, which was invalidated by Order and Peremptory Writ of the California Superior Court. (*Coalition for Adequate Review v. City and County of San Francisco*, SF Super.Ct. Case No. 505509, Order, Nov. 7, 2006; Judgment, June 18, 2007; Peremptory Writ of Mandate, July 26, 2007; and *see, e.g.*, Gov. Code §65302(b) and (a). The City has not removed the invalidated text and unlawfully relies on the invalidated bicycle project for conclusions and findings on parking, traffic and mitigations on this Project.
- The General Plan fails to meet the Government Code’s requirement of correlation between its defective Transportation Element and the (nonexistent) Land Use Element. (Gov. Code §65302(b) and (a).)

The proposed Project is directly related to these requirements since it affects both land use and transportation, and particularly in view of City’s reliance on incantation of various provisions of the invalid General Plan in the Project’s EIR, CEQA Findings, and Statement of overriding considerations, as well as its findings of consistency.

**27. City Has Not Complied with the Requirements of the Congestion Management law to Monitor and Prepare a Congestion Deficiency Plan.**

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Since 1991, the City has failed to comply with the requirements of the Congestion Management law to prepare deficiency plans where traffic congestion is measured at LOS F. That failure violates the Government Code §§ 65088, 65089 *et seq.* City's failure to remedy traffic congestion also violates CEQA by adversely affecting traffic, transit, and air pollution. As noted above, several streets in the Project area have declined to LOS F since the removal of the freeway and construction of Octavia Boulevard, which is one block from the Project site. The Project area is affected by City's failure to create a deficiency and monitoring program, and City stands to lose gas tax revenue if it does not immediately remedy this transgression.

**28. Granting Density Bonuses for Market-Rate Housing Undermines the Government Code's Requirement of Density Bonuses for Affordable Housing.**

The Project violates both the existing zoning requirements and those proposed in the Market-Octavia Project, including height, density, bulk, setback, open space, and parking requirements. Instead of ordering conformity with these land use specifications, City proposes to create a "Special Use District" on behalf of the developers of the proposed Project that releases them from these requirements. The City effectively awards a density bonus to the Project developers without requiring affordable housing, thus undermining the Density Bonus Law in violation of the Government Code §§ 65913 *et seq.*, 65915, 65917. (*See also* Gov. Code §65008.) City remains in violation of the Density Bonus law because in three decades it has failed to enact a citywide density bonus ordinance. This Project embraces and perpetuates the inequities caused by these violations.

**CONCLUSION**

For the foregoing and other reasons, the EIR and the Project are unlawful and must not be approved.

DATED: March 4, 2008

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Mary Miles

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FROM:  
Mary Miles  
Attorney at Law for  
Coalition for Adequate Review  
364 Page St., #36  
San Francisco, CA 94102  
(415) 863-2310

TO:  
Angela Calvillo, Clerk,  
Honorable David Chiu, President, and  
Members of the San Francisco Board of Supervisors

DATE: July 30, 2012

**PUBLIC COMMENT**

on

**BOARD AGENDA ITEMS 49, 50, 51, 52 on "Appeal of the Historic Preservation Commission's Decision Granting Certificate of Appropriateness for City Landmarks No's. 257 (Richardson Hall), 258 (Woods Hall), and 259 (Woods Hall Annex) -55 Laguna Street] Board of Supervisors' Meeting of July 31, 2012  
Board of Supervisors File No's.: 120726, 120727, 120728, 120721**

The Board should sustain the Appeal of the May 16, 2012 decisions of the Historic Preservation Commission upholding a Certificate of Appropriateness and a Motion on "Identification and Delegation of Scopes of Work Determined to be Minor Alterations Pursuant to City Charter Section 4.135 For Approval, Modification, or Disapproval of an Administrative Certificate of Appropriateness by the Planning Department," for the reasons stated in the attached Comment submitted to that Commission.

The proposed Project has changed significantly from that previously proposed, and now involves destruction of a National Historic District including several landmarks of great historic and architectural merit and character on 5.8 acres of public land with 150 years of historic public use. Contrary to Project documents, the Certificate of Appropriateness does not propose to rehabilitate or restore structures, but to gut and destroy them, destroying with it the entire Historic District. The Project proposes to construct several ugly box structures that are much higher, denser, bulkier, and architecturally incompatible with the Historic District and surrounding areas. Since the Project proposes federal funding and since it affects a federally-recognized National Historic District, any Project approval, including the Certificate of Appropriateness had to be preceded by environmental review under the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), which has not been done. The decision of the Historic Preservation Commission thus violated these federal statutes as well as the California Environmental Quality Act, all requiring environmental review before any Project approvals, and must be reversed and set aside.

For the foregoing and other reasons described in the attached, the Board should sustain the Appeal and should reverse the decisions of the Historic Preservation Commission and set aside the "Certificate of Appropriateness."

Please deliver a copy of this Comment to each Member of the Board, and place a copy in the Board File(s) on this Project.

SIGNED,

A handwritten signature in cursive script, appearing to read "Mary Miles".

Mary Miles  
Attorney at Law

ATTACHMENT: Public Comment of Mary Miles, May 16, 2012

**Mary Miles**

**From:** "Mary Miles" <page364@earthlink.net>  
**To:** "Charles Chase" <c.chase@argsf.com>; "Courtney Damkroger" <cdamkroger@hotmail.com>; "Karl Hasz" <karlhasz@gmail.com>; "Alan Martinez" <awmartinez@earthlink.net>; "Diane Matsuda" <diane@johnburtonfoundation.org>; "Richard Johns" <RSEJohns@yahoo.com>; "Andrew Wolfram" <andrew.wolfram@perkinswill.com>; "John Rahaim" <john.rahaim@sfgov.org>  
**Sent:** Tuesday, May 15, 2012 1:28 PM  
**Subject:** Public Comment, Historic Preservation Commission, May 16, 2012, Items 6 and 7; Case 2012.0033A and "Motion XXXX"

**FROM:**  
 Mary Miles  
 Attorney at Law  
 for  
 Coalition for Adequate Review  
 364 Page St., #36  
 San Francisco, CA 94102  
 (415) 863-2310

**TO:**  
 John Rahaim, Director of Planning; and Members of the  
 Historic Preservation Commission  
 San Francisco Planning Department  
 1650 Mission St., 4th Floor  
 San Francisco, CA 94103

RE: Hearing, May 16, 2012, ITEMS 6 AND 7; on Certificate of Appropriateness; Case No. 2012.0033A, "55 Laguna LP/Wood Partners" and "Motion No. XXXX" on "Identification and Delegation of Scopes of Work Determined to be Minor Alterations Pursuant to City Charter Section 4.135 For Approval, Modification, or Disapproval of an Administrative Certificate of Appropriateness by the Planning Department"

**PUBLIC COMMENT**

This is Public Comment on the above-described Items on the Agenda of the Meeting of the Historic Preservation Commission. Since no other address is given for that Planning Department entity, please assure that this Comment has been forwarded to all members of that Commission and that it has been placed in the files of the above-labeled Project.

The Commission is without authority to consider a certificate of appropriateness as described, or to take any other action to approve the Project or any part of it, because environmental review of the Project has not been completed, including a Draft Environmental Impact Statement ("DEIS") identifying and analyzing direct and cumulative impacts of the Project on historic resources and their significance, and other significant impacts.

The entire Project must be reviewed under the National Historic Preservation Act and National Environmental Policy Act, because it proposes demolishing and altering of the federally designated National Historic District known as the San Francisco State Teacher's College National Historic District. Environmental review is required both because of the status of the entire property as a National Historic District and because the proposed Project is to be federally funded in whole or part, requiring federal environmental review. No approvals, including the proposed action on a certificate of appropriateness, may be lawfully adopted without first completing and fully considering a legally adequate DEIS, which

has not occurred.

Contrary to the incorrect and misleading Agenda description, the proposed Project does not involve "rehabilitation" but instead complete gutting, alteration, and changing the historic use from public/educational to private residential, along with demolition of historic resources and buildings not even mentioned in the defective description. The proposed Project is not a "rehabilitation" under any cognizable legal definition relevant to historic resources. The proposed Project will surely have significant impacts on the Historic District and its significance, historic use, and integrity, since the Project proposes to destroy the federally designated District.

The Department's May 8, 2012 "Addendum" does not comply with the requirements of the National Environmental Policy Act ("NEPA"), the National Historic Preservation Act ("NHPA"), or the California Environmental Quality Act ("CEQA"), and/or the Secretary of the Interior's Standards for the Treatment of Historic Properties, which do not permit the proposed Project. The May 8, 2012 "Addendum" has no legal status under NEPA/NHPA, and may not be used to justify any approval of the Project or any part of it.

Further, the Commission may not lawfully approve part of a project under a claimed "Addendum" to a previous Environmental Impact Report, for many reasons, including but not limited to the following:

1. Approval of a Certificate of Appropriateness for all or part of the Project or any other Project approval must be preceded by legally adequate environmental review of the whole Project, which has not occurred. Previous review under the California Environmental Quality Act ("CEQA") cannot satisfy the requirement of review under the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA"), and does not apply to the Project now proposed.

2. The May 8, 2012 "Addendum to Environmental Impact Report" ["Addendum"] and the previous EIR fail to acknowledge the historic status and significance of the entire Project as a federally designated Historic District; fail to identify, analyze, and lawfully mitigate impacts of the proposed Project on the historic resources and their significance; fail to identify, analyze and mitigate cumulative impacts of the proposed Project on local, regional, and statewide historic resources, and other significant impacts of the Project; and failed to propose mitigations required by law. The "Addendum" has no legal status under NEPA/NHPA, and does not comply with those laws or with CEQA.

3. The May 8, 2012 Addendum does not satisfy the requirements of CEQA, because: a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report, and require a DEIS under NEPA/NHPA; and b) Substantial changes have occurred with respect to the circumstances under which the Project is being undertaken, which require major revisions in the environmental impact report, and require a DEIS under NEPA/NHPA; and c) New information, which was not known when the environmental impact report was certified as complete, is now available, including the status of the Project as a federally designated National Historic District; the proposed federal funding of the proposed Project; and substantial changes to the Project description and environmental impacts. The May 8, 2012 Addendum does not acknowledge these changes and new facts, but misleads decisionmakers and the public by pretending they do not exist. In any event, an addendum has no legal status and is void and a nullity, since it cannot satisfy NEPA/NHPA and the requirement to prepare a DEIR under federal law.

Other reasons why approving a certificate of appropriateness would be an abuse of discretion and failure to proceed as required by law include but are not limited to:

4. Piecemealing of approval and/or implementation of the Project and its environmental review is an

abuse of discretion and failure to proceed as required by law under NEPA/NHPA or CEQA. Both the proposal to approve a certificate of appropriateness for only part of the Project, and the implication of the "Addendum" that only those parts of the Project are historic landmarks is unlawful. Segmenting the Project and its environmental review into parts is an abuse of discretion and failure to proceed under the above-described laws. The Project and the State Teacher's College National Historic District include the entire property not just the three buildings proposed for drastic alteration. The environmental review that must precede any administrative approval of the Project must include the whole Project, not just part of it. Further, the "mitigations" proposed in the "Addendum" do not comply with those statutes or with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This is not a "local" Project, but is of regional, statewide, and national significance.

5. The Project's significant impacts and cumulative impacts have not been identified, analyzed and mitigated in any environmental document. The proposed mitigations in the "Addendum" do not lawfully mitigate the impacts of the Project. Again, this is not a "rehabilitation" but is a demolition and complete change of historic use that does not comply with the requirements of CEQA/NEPA/NHPA or the Secretary of Interior's standards.

6. This commenter asked for but did not receive copies of the lead agency's files containing the plans for proposed alterations of the entire property, including the entire National Historic District, the historic buildings and other structures proposed for demolition and alteration, which are not addressed in the addendum, and architectural renderings of all areas of the Project and surroundings. The withholding of these documents is also an abuse of discretion, since they must be included in any accurate, complete, and finite Project description to enable analysis of the Project's environmental impacts and meaningful participation by the public.

Neither you as decisionmakers nor the public have received adequate information, including a DEIS, to approve the Project or any part of it. That essential information must be publicly circulated before any decision is made to approve the Project or any part of it.

For these and other reasons, any administrative or other approval of the Project or, as proposed here, any part of it, would be an abuse of discretion and failure to proceed as required by law. The Commission should therefore reject the proposed action to approve a certificate of appropriateness, and should not consider such action until and unless full environmental review has first been conducted in compliance with NEPA/NHPA and CEQA, and full compliance has been achieved.

7. The Agenda also contains an Item 7, proposing a "Motion XXXX" adopting administrative procedures for determining whether to issue certificates of appropriateness, criteria for doing so, and delegation of authority to do so. Since the proposed Motion allows piecemealed approval of "minor work" within a single project that includes "major work" affecting historic resources, it does not comply with NEPA/NHPA, CEQA, and the Secretary of Interior's Standards for the Treatment of Historic Properties. Such administrative procedures should not conflict with those statutes or regulations for any reason. Additionally, such procedures may not in any way be preempted by other statutes or regulations. Without compliance with these laws, the Commission may not lawfully adopt the proposed Motion, and should therefore reject it.

Please distribute this Comment to all members of the Commission. Please also place me on all notice lists and provide advance notice of any actions on the above-described Project and its environmental review.

Sincerely,  
Mary Miles

**FROM:**

Mary Miles  
Attorney at Law for Coalition for Adequate Review  
San Francisco, CA

**TO:**

John Rahaim, Director of Planning; Rodney Fong, President and Members of  
San Francisco Planning Commission  
1650 Mission St., 4th Floor  
San Francisco, CA 94103

**DATE:** August 16, 2012

**RE:** Hearing, August 16, 2012, ITEMS 15a and 15b on Conditional Use Permit and "In-Kind" Agreement, Case No. 2012.0033A, San Francisco State Teachers' College National Historic District, aka "55 Laguna," aka "218-220 Buchanan Street," aka University of California Extension

**PUBLIC COMMENT**

This is Public Comment on the above-described Items on the Agenda of the Meeting of the Planning Commission. Please assure that copies of this Comment are delivered to each Commissioner before the August 16, 2012 Commission meeting, where these items appear on the Agenda at Items 15a and 15b. I have tried to download the Agenda Packets, receiving error messages several times due to the Planning Department's broken links. Since you have made these public records unavailable, you must continue these items until such time as the public can get access to the applicable packets and other records to have the opportunity for meaningful comment under the California Environmental Quality Act ("CEQA"), the National Environmental Policy Act ("NEPA") and the National Historic Preservation Act ("NHPA"), each and all of which require decisionmaking bodies to give adequate notice of and the opportunity to review relevant documents to allow public comment on the "55 Laguna" Project. This commenter has requested notice of all actions on the above-described Project many times, receiving none.

The "55 Laguna" Project proposes destroying a National Historic District to develop up to 500 housing units. The proposed Project has been through several redesigns, is significantly changed from previous versions that received partial environmental review in 2007, and must therefore receive further, complete environmental review under the above-described federal and state statutes.

The Commission is without authority to consider a conditional use permit and/or "in-kind" agreement as described, or to take any other action to approve the Project or any part of it, because environmental review of the Project has not been completed and publicly circulated, including a Draft Environmental Impact Statement ("DEIS") under federal statutes identifying and analyzing direct and cumulative impacts of the

Project on historic resources and their significance and other significant impacts caused by the proposed Project, and a Supplemental Environmental Impact Report ("SEIR") under CEQA. *Laurel Heights Improvement Association of San Francisco v. Regents of the University of California ["Laurel Heights I"]* (1988) 47 Cal.3d 376, 394.) Additionally, any development agreement must be included and analyzed in the DEIS/SEIR with public review, before issuing permits, such as conditional use permits, and before approving such agreements. (E.g., *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132-136.)

The entire Project must be reviewed under the National Historic Preservation Act and National Environmental Policy Act, because it proposes demolishing and altering the federally designated National Historic District known as the San Francisco State Teacher's College National Historic District. Environmental review is required both because of the status of the entire property as a National Historic District and because the proposed Project is to be federally funded in whole or part, requiring federal environmental review. No approvals, including the proposed action on a conditional use permit and "in-kind Agreement," may be lawfully adopted without first completing, publicly circulating, and fully considering a legally adequate DEIS and SEIR, which has not occurred.

The proposed Project does not involve "rehabilitation" but instead gutting, alteration, and changing the historic use from public and/or educational to private residential, along with demolition of historic resources and buildings. The proposed Project is not a "rehabilitation" under any cognizable legal definition relevant to historic resources. The proposed Project will surely have significant impacts on the Historic District and its significance, historic use, and integrity, since the Project proposes to destroy the federally designated District, demolishing several historic structures, and destroying the historic significance of the whole Historic District, which spans 150 years of public use. The proposed Project would transform both the physical attributes of the federally designated District, which contains several buildings of great architectural and historic merit that remain usable, and its historic significance both architecturally and as an example of publicly owned land put to public use. The District and all the buildings in it remain viable and usable for their traditional purpose and use as a public educational institution. The proposed conversion of this public land and National Historic District to private housing is incompatible both with this rich and unique history, and the proposed designs are grossly incompatible in size, height, building bulk, design, and density with both the site and the neighborhood, and thus will have direct, indirect, and cumulative impacts on historic resources, land use, open space, aesthetic resources, traffic, transit, and parking, that have not been adequately analyzed and mitigated.

Other reasons why the Commission should not approve a conditional use permit and "in-kind" agreement include the following.

The Department's May 8, 2012 "Addendum" does not comply with the requirements of NEPA, the NHPA, and CEQA, and the Secretary of the Interior's Standards for the Treatment of Historic Properties, which do not permit the proposed Project.

The May 8, 2012 "Addendum" has no legal status under NEPA/NHPA, and may not be used to justify any approval of the Project or any part of it.

Further, the Commission may not lawfully approve part of a project under a claimed "Addendum" to a previous Environmental Impact Report for many reasons, including but not limited to the following:

1. Approval of a Conditional Use Permit and "in-kind" agreement for all or part of the Project or any other Project approval must be preceded by legally adequate environmental review of the whole Project, which has not occurred. Previous review under CEQA cannot satisfy the requirement of review under the NEPA and the NHPA and does not apply to the Project now proposed.

2. The May 8, 2012 "Addendum to Environmental Impact Report" ["Addendum"] and the previous EIR fail to acknowledge the historic status and significance of the entire Project as a federally designated Historic District; fail to identify, analyze, and lawfully mitigate impacts of the proposed Project on the historic resources and their significance; fail to identify, analyze and mitigate cumulative impacts of the proposed Project on local, regional, and statewide historic resources, and other significant impacts of the Project; and failed to propose mitigations required by law.

3. The "Addendum" has no legal status under NEPA/NHPA, and does not comply with those laws or with CEQA. The Project must be reviewed with a DEIS under NEPA and the NHPA, because it has changed significantly, involves federal funding, and is a National Historic District.

4. The May 8, 2012 Addendum does not satisfy the requirements of CEQA, because:
  - a) Substantial changes are proposed in the project which will require major revisions of the environmental impact report and require a DEIS under NEPA/NHPA; and
  - b) Substantial changes have occurred with respect to the circumstances under which the Project is being undertaken, which require major revisions in the environmental impact report and require a DEIS under NEPA/NHPA; and
  - c) New information, which was not known when the environmental impact report was certified as complete, is now available, including the status of the Project as a federally designated National Historic District; the proposed federal funding of the proposed Project; and substantial changes to the Project description and environmental impacts. The May 8, 2012 Addendum does not acknowledge these changes and new facts, but misleads decisionmakers and the public by pretending they do not exist. In any event, an addendum has no legal status and is void and a nullity, since it cannot satisfy NEPA/NHPA and the requirement to prepare a DEIS under federal law. Further, the Addendum does not satisfy CEQA, as noted above.



5. The "in-kind" development agreement must receive full environmental review and public circulation under CEQA/NEPA/NHPA, because City is thereby agreeing to proceed with the Project, and approving such an agreement before preparing a DEIS and SEIR is a failure to proceed lawfully. (*Save Tara v. City of West Hollywood (2008) 45 Cal.4th 116, 132-136.*) Further, if the "in-kind" agreement proposes to collect any fees or to waive required fees from a developer for mitigation of the Project's impacts, it may not lawfully proceed without full environmental review and public circulation. (*E.g., California Native Plant Society v. County of El Dorado (2009) 170 Cal.App.4th 1026, 1030,1050.*)

Other reasons why approving a conditional use permit and "in-kind agreement" would be an abuse of discretion and failure to proceed as required by law include but are not limited to:

6. Piecemealing of approval and/or implementation of the Project and its environmental review is an abuse of discretion and failure to proceed as required by law under NEPA/NHPA and CEQA. City's approval of a certificate of appropriateness for only part of the Project, and the implication of the "Addendum" that only those parts of the Project are historic landmarks is unlawful, since the entire Project site is a National Historic District, that will be destroyed. The subsequent piecemealing of a Conditional Use Permit and "In-Kind Agreement" (developer agreement) without environmental review (apparently under the May 8, 2012 "Addendum") is also an abuse of discretion.

7. Segmenting the Project and its environmental review into parts is an abuse of discretion and failure to proceed under the above-described laws. The Project and the State Teacher's College National Historic District include the entire property not just the three buildings proposed for drastic alteration. The environmental review that must precede any administrative approval of the Project must include the whole Project, not just part of it. Further, the "mitigations" proposed in the "Addendum" do not comply with those statutes or with the Secretary of the Interior's Standards for the Treatment of Historic Properties. This is not a "local" Project, but is of regional, statewide, and national significance.

8. The Project's significant impacts and cumulative impacts have not been identified, analyzed and mitigated in any environmental document. The proposed mitigations in the "Addendum" do not lawfully mitigate the impacts of the Project. Again, this is not a "rehabilitation" but is a demolition and complete change of historic use that does not comply with the requirements of CEQA/NEPA/NHPA or the Secretary of Interior's standards.

9. This commenter asked for but did not timely receive copies of the Commission's packet and the lead agency's files containing the plans for proposed alterations of the entire property, including the entire National Historic District, the historic buildings and other structures proposed for demolition and alteration, and records of environmental review, if any, conducted on the proposed actions. The withholding of

these documents is also an abuse of discretion, since they must be included in any accurate, complete, and finite Project description in a legally adequate DEIS/SEIR, and must be publicly circulated to enable analysis of the Project's environmental impacts and meaningful participation by the public.

10. The Project claims that it is part of the "Market and Octavia Plan" Project, but it was not reviewed or described in the environmental review documents for that Project. An SEIR is therefore required on the Market-Octavia Project to analyze the "55 Laguna" Project's impacts on the Market-Octavia area, which has not been done. Further, the Market-Octavia Project has been challenged in pending litigation and the Commission's acts are therefore not only unlawful but could be reversed.

Even if you, as decisionmakers, claim to have received relevant materials, they have not been made available to the public. Under applicable laws, the public must be equally informed in advance of any decisionmaking process, and must be given the opportunity for meaningful review and public comment on the proposed Project. Here, you, as decisionmakers, have not received adequate environmental review documents on this Project, since a DEIS and SEIR have not yet been prepared. That essential information must also be publicly circulated before any decision is made to approve the Project or any part of it.

Any administrative or other approval(s) of the proposed Project or any part of it without first preparing and circulating for public review a DEIS/SEIR, would be an abuse of discretion and failure to proceed as required by law under NEPA/NHPA and CEQA, and the Secretary of the Interior's Standards for the Treatment of Historic Properties. For these and other reasons, the Commission should reject the proposed action to approve a conditional use permit and "in-kind" agreement, and should not consider such action until and unless full environmental review has first been conducted and publicly circulated in compliance with NEPA/NHPA and CEQA and full compliance has been achieved. Without compliance with these laws, the Commission may not lawfully adopt the proposed actions and should therefore reject them.

Please distribute this Comment to all members of the Commission. Please also place me on all notice lists and provide advance notice of any actions on the above-described Project and its environmental review.

Sincerely,

Mary Miles

**Appendix 2**  
**Other Agency Letters**



*Preserving America's Heritage*

October 19, 2012

Eugene T. Flannery  
Environmental Compliance Manager  
Mayor's Office of Housing  
1 South Van Ness Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94103

Ref: *Proposed Housing Development Project at 55 Laguna Street in  
San Francisco, California*

Dear Mr. Flannery:

The Advisory Council on Historic Preservation (ACHP) has received the Memorandum of Agreement (MOA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the MOA. The filing of the MOA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate your providing us with a copy of the MOA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact Ms. Jaime Loichinger at (202) 606-8529 or via e-mail at [jloichinger@achp.gov](mailto:jloichinger@achp.gov).

Sincerely,

LaShavio Johnson  
Historic Preservation Technician  
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT  
DIVISION OF HOUSING POLICY DEVELOPMENT**

1800 Third Street, Suite 430  
P. O. Box 952053  
Sacramento, CA 94252-2053  
(916) 323-3177 / FAX (916) 327-2643  
www.hcd.ca.gov



July 29, 2011

Ms. Amy L. Brown, Acting City Administrator  
City and County of San Francisco  
City Hall  
1 Dr. Carlton Goodlett Place, Room 362  
San Francisco, CA 94104

Dear Ms. Brown:

**RE: Review of the City and County of San Francisco's Adopted Housing Element**

Thank you for submitting San Francisco's housing element adopted June 29, 2011 and received for review on July 6, 2011. The Department is required to review adopted housing elements and report the findings to the locality pursuant to Government Code Section 65585(h).

As you know, the Department's April 8, 2011 review found San Francisco's revised draft housing element addressed the statutory requirements of housing element law. As the adopted element is substantially the same as the revised draft, the Department is pleased to find the element in full compliance with State housing element law (Article 10.6 of the Government Code).

As mentioned in the Department's April 2011 review, addressing constraints to development are a critical component of an effective housing strategy. For example, San Francisco's commitment to improve planning processes to reduce project delays and increase development certainty is essential to removing barriers to housing affordable to lower- and moderate-income households as well as promoting infill and mixed-use development. Policies and implementing programs such as those under Objective 10 are necessary to meet housing and sustainability objectives and comply with housing element law. San Francisco must monitor and submit a report to the Department on the results of policies and programs to address constraints and add or revise alternative strategies, policies or programs as appropriate.

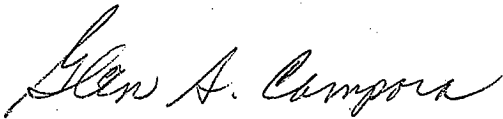
The Department applauds San Francisco's accomplishment in facilitating the development of over 5,000 housing units affordable to lower-income households since 2007. The City is also commended for adopting innovative programs promoting sustainable development such as prioritizing planned growth areas (Program 102), implementing the City's green building ordinance (Program 107); and providing incentives and resources to fund energy and water conservation improvements (Program 108). Such programs will facilitate achieving sustainable and affordable housing development and efficient use of environmental resources for San Francisco.

The Department is pleased to report San Francisco now meets specific requirements for several State funding programs designed to reward local governments for compliance with State housing element law. For example, the Housing Related Parks Program (HRPP), Local Housing Trust Fund and the Building Equity and Growth in Neighborhoods (BEGIN) programs include housing element compliance either as a threshold or competitive factor in rating and ranking applications. Details about these and other programs are available at [http://www.hcd.ca.gov/hpd/hrc/plan/he/loan\\_grant\\_hcomp1011708.pdf](http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hcomp1011708.pdf).

Specifically HRPP, authorized by Proposition 1C, is an innovative new program rewarding local governments for the approval of housing for lower-income households and provides grant funds to eligible local governments for every qualifying housing start, beginning calendar year 2010. Additional information on the HRPP can be obtained at <http://www.hcd.ca.gov/hpd/hrpp/>.

The Department appreciates the diligence and assistance of Ms. Sarah Dennis, Senior Planner and Ms. Kearstin Dischinger, Lead Planner, throughout the course of the review. The Department wishes San Francisco success in implementing the housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to Government Code Section 65400. If the Department can provide assistance in implementing the housing element, please contact Paul McDougall, of our staff, at (916) 322-7995.

Sincerely,



Glen A. Campora  
Assistant Deputy Director

**Appendix 3**  
**2008 EIR Documents**

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# 55 LAGUNA MIXED USE PROJECT DRAFT EIR

## Comments and Responses

Planning Department Case No. 2004.0773E

State Clearing House No. 2005062084

November 2007



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# SAN FRANCISCO PLANNING DEPARTMENT

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November 29, 2007

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

**To: Members of the Planning Commission and Interested Parties**

**From: Bill Wycko, Acting Environmental Review Officer**

**Re: Attached Comments and Responses to Draft Environmental Impact Report  
Case No. 2004.0773E: 55 Laguna Mixed Use Project**

The attached Comments and Responses document, responding to comments made on the Draft Environmental Impact Report (DEIR) for the above referenced project, is presented for your information. This document has been provided either as a PDF document on a CD or as a hard copy. This document, along with the DEIR, will be considered by the Planning Commission during a **public meeting on December 20, 2007**, at which time the Commission will determine whether to certify the EIR as complete and adequate.

We are sending this to you so that you will have time to review the documents. The Commission does not conduct a hearing to receive comments on the Comments and Responses document, and no such hearing is required by the California Environmental Quality Act. Interested parties may, however, write to the Commission members or to the President of the Commission at 1650 Mission Street and express an opinion about the Comments and Responses document, or the Commission's decision to certify the completion of the Final EIR for this project. Letters should be sent in time to be received at 1650 Mission Street on the Wednesday before the Planning Commission meeting at which the EIR approval is calendared (i.e., by December 12, 2006).

You should note that if you received a copy of the Comments and Responses document in addition to the DEIR published on January 27, 2007, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

If you have questions about the Comments and Responses document, or request a printed copy, please call **Leigh Kienker** of the Planning Department Major Environmental Analysis Division at (415) 575 9036 or [Leigh.Kienker@sfgov.org](mailto:Leigh.Kienker@sfgov.org).

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# 55 LAGUNA MIXED USE PROJECT DRAFT EIR

## Comments and Responses

Planning Department Case No. 2004.0773E

November 2007

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# SECTION A

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## Introduction

This document contains public comments received on the Draft Environmental Impact Report (Draft EIR, or DEIR) prepared for the proposed 55 Laguna Mixed Use Project, and responses to those comments. Also included in this document are staff-initiated text changes.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the Draft EIR and who testified at the public hearing on the Draft EIR held on April 19, 2007.

Section C contains summaries of substantive comments on the Draft EIR made orally during the public hearing and received in writing during the public comment period, from January 27, 2007 through May 1, 2007. Comments are grouped by environmental topic and generally correspond to the table of contents of the Draft EIR. Where no comments addressed a particular topic, however, that topic appears under the “Individual Comments” section of this document. The name of the commenter and the date of the letter or public hearing testimony are indicated following each comment summary.

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

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

Many comments made both in writing and at the public hearing were directed towards the perceived merits or demerits of the proposed project. Responses to these comments are limited, as they do not concern the adequacy or accuracy of the EIR.

The comment letters received including comments by the project sponsor, and transcripts of the public hearings are reproduced in Attachments 1 and 2, respectively.

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

## **SECTION B**

---

### **List of Persons Commenting**

#### **Written Comments**

##### **State Agencies**

Department of Transportation, Timothy Sable, District Branch Chief, letter, March 14, 2007

Office of Historic Preservation, Stephen Mikesel for Milford Wayne Donaldson, letter,  
March 14, 2006

##### **City and County of San Francisco**

San Francisco Landmarks Preservation Advisory Board, M. Bridget Maley, letter, March 19, 2007

San Francisco Landmarks Preservation Advisory Board, Sonya Banks, Recording Secretary, letter,  
March 19, 2007

San Francisco Planning Commission, Bill Sugaya, email, April 29, 2007

San Francisco Municipal Transportation Agency, James Lowé, letter, February 22, 2007

San Francisco Public Utilities Commission, Bob Hickman, letter, February 16, 2007

##### **Organizations and Individuals**

###### **Organizations**

Coalition for Adequate Review, Mary Miles, letter, May 5, 7, & 25, 2007

Global Exchange, Kevin Danaher, Co-Founder and Board Secretary, letter, March 16, 2007

The Hayes Valley Neighborhood Association (HVNA), Paul Olsen and Jason Henderson, letter,  
March 27, 2007

Lobelia Properties, LLC, Teresa Welborn, Managing Member, letter, April 24, 2007

New College of California, Martin Hamilton, letter, April 5, 25, & 30, 2007

Brandt-Hawley Law Group, Susan Brandt-Hawley, letter, November 2, 2006

North Mission Neighborhood Alliance, Rick Hauptman, President, letter, April 19, 2007

The San Francisco Neighborhood Network, Michael Mullin, April 9, 2007

Save the UC Berkeley Extension Laguna Street Campus, Cynthia Servetnick, April 30, 2007

The Victorian Alliance, Stephen B. Haigh, President, letter, April 27, 2007

## Individuals

Elaine Adamson and Edward Gould, letter, April 2, 2007  
 John Boling, letter, April 30, 2007  
 Gray Brechin, email, May 1, 2007  
 Rob Bregoff, email, March 1, 2007  
 Ellen Brown, letter, May 1, 2007  
 Jo Brownold, letter, April 22, 2007  
 Larry Burg, letter, April 24, 2007  
 David Dupree, email, May 2, 2007  
 Edward Greninger, letter, March 19, 2007  
 Eliza Hemenway, letter, February 26, 2007  
 Eliza Hemenway, email, April 19, 2007  
 Kelly Holt, email, April 19, 2007  
 Robert Hood, email, March 15, 2007  
 Peter Lewis, email, April 30, 2007  
 Edith McMillan, letter, March 15, 2007  
 Malana Moberg, letter, April 18, 2007  
 Christopher Pederson, letter, April 21, 2007  
 Maruis Phillips, letter, February 8, 2007  
 Shawn Riney, email, April 30, 2007  
 Cynthia Servetnick, letter, April 5, 2007  
 Cynthia Servetnick, email, April 6, 2007  
 Shenandoah Ryan [Smith,] email, March 15 and April 18, 2007  
 John Stringer, letter, March 12, 2007  
 Harris Taback, letter, May 1, 2007  
 Lisa Zahner, letter, March 15, 2007

## Comment Cards

Dee Allen, February 24, 2007  
 Joan Ambrosio, March 3, 2007  
 Gail Baugh, February 24, 2007  
 R. Elaine Bitzel, March 8, 2007  
 G. Blesching, February 24, 2007  
 Larry Burg, March 12, 2007  
 Rory Cecil, March 12, 2007  
 L. Creighton, February 24, 2007  
 Teresa Cruz, February 26, 2007  
 Henry Davis, April 19, 2007  
 Theodore Dillingham, February 24, 2007  
 Michael D'Spacio, February 26, 2007  
 Andrew Eccwiz, February 24, 2007  
 Peter Gabel, February 24, 2007  
 Trey Graham, April 27, 2007  
 Jason Habbert, April 27, 2007  
 Michael Hahn, April 27, 2007  
 Fran Harris, April 27, 2007  
 Eduardo Hernandez, February 26, 2007  
 John Hix, May 1, 2007

Renata LaRocque, February 24, 2007  
Doug Leslie, March 5, 2007  
J. Lopez, March 11, 2007  
Patrick Mack, May 1, 2007  
Sarah McCabe, March 11, 2007  
[First name] Melenchuk, April 27, 2007  
Malana Moberg, February 24, 2007  
Linda Myers, February 24, 2007  
Miguel Solari Novey, March 3, 2007  
Ted Peck, March 11, 2007  
Marc Picker, April 27, 2007  
Robin [illegible], February 24, 2007  
Roland Salvato, February 25, 2007  
Rod Schultz, March 3, 2007  
Lavon Taback, April 27, 2007  
Linda Walsh, April 27, 2007  
James Waishill, February 24, 2007  
Elsa Wenzel, March 3, 2007  
Helene Whitson, March 8, 2007  
Emory Wilson, April 26, 2007  
Renata Wymarkiewicz, May 1, 2007

## **Speakers at the Public Hearing, April 19, 2007**

C. Whitefeather Daniels  
Cynthia Servetnick  
Francisco Herrera  
Martin Hamilton  
Lana Tamasaki  
Lavon Tabak  
Adam Millard-Ball  
Robin Levitt  
Paul Olson  
Richard Johnson  
Ruthy Bennett  
Elaine Adamson  
Jane See  
Tamara Colby

Planning Commissioners Alexander, Antonini, Bill Sugaya

## **Project Sponsor**

University of California, J. Kevin Hufferd, April 13, 2007

## **SECTION C**

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# **Summary of Comments and Responses**

At the regularly scheduled meeting of the Planning Commission on April 19, 2007, Planning Department staff made an informational presentation concerning the 55 Laguna Mixed Use Project DEIR, after which the public hearing began.

The comment period for written comments was extended by the Planning Commission from March 12, 2007 to May 1, 2007.

The comments have been organized according to the following environmental topic areas:

1. General Comments
2. Project Description
3. Land Use, Plans, and Policies
4. Visual Quality and Urban Design
5. Transportation, Circulation and Parking
6. Air Quality
7. Historic Architectural Resources
8. Population and Housing
9. Landmark and Significant Trees
10. Alternatives
11. Comments Addressing the Initial Study

Each comment is numbered and followed by a corresponding numbered response. In some cases, comments that are substantively similar have been grouped and addressed with a single response, or “master response.” Comments from individual commenters may be divided among several topic areas. The Table on the following page provides a list of all commenters, with corresponding comment numbers and comment categories.

**COMMENTERS BY LAST NAME AND COMMENT NUMBER**

<b>Commenter (Name A–Z)</b>	<b>Comment No.</b>
Elaine Adamson and Edward Gould	1.6
Planning Commissioner Alexander	2.1
Dee Allen	1.3
Joan Ambrosio	1.1, 3.1
Planning Commissioner Antonini	10.22
Sonya Banks, San Francisco Landmarks Preservation Advisory Board	7.1
Gail Baugh	3.1
John Boling	2.1
Susan Brandt-Hawley	7.6
Gray Brechin	1.1, 7.23, 10.12
Rob Bregoff	1.3, 2.6, 7.18
Ellen Brown	1.5, 3.2, 3.14, 5.39, 7.24, 8.3, 10.13, 10.24
Jo Brownold	3.1, 7.1
Larry Burg	1.1, 3.1, 3.2, 5.9, 5.14, 5.43, 6.3, 6.4, 7.2, 7.26, 8.4, 11.6
Tamara Colby	1.2, 3.2, 7.4
Comment Cards (Pre-Printed Public Hearing Cards)	
Kevin Danaher, Global Exchange, Co-Founder and Board Secretary	3.1
C. Whitefeather Daniels	1.1, 3.1, 5.12, 11.6
Henry Davis	3.1
Theodore Dillingham	11.7
Michael D'Spacio	2.9
David Dupree	7.25
Edward Greninger	1.3, 3.1, 3.4, 4.10, 6.5, 7.8, 11.1
Stephen B. Haigh, The Victorian Alliance, President	1.1, 3.1, 10.11
Martin Hamilton, New College of California	1.1-1.5, 1.15, 2.5, 3.3, 3.13, 4.9, 5.44, 7.1, 7.3-7.6, 9.2, 10.15, 10.20, 10.23, 11.4, 11.5, 11.9
Fran Harris	3.1
Rick Hauptman, North Mission Neighborhood Alliance, President	1.1, 3.1, 10.11
Eliza Hemenway	1.1, 1.3, 1.17 3.1, 7.1
Francisco Herrera	3.1, 10.15
Bob Hickman, San Francisco Public Utilities Commission	11.2
John Hix and Ron Saturno	5.13
Kelly Holt	3.1
Robert Hood	1.6
J. Kevin Hufferd, University of California	2.2, 2.3, 2.4, 7.16, 7.17, 10.1, 10.2, 10.6, 10.7
Richard Johnson	2.10, 3.2, 6.6
Renata LaRocque	3.1

<b>Commenter (Name A–Z)</b>	<b>Comment No.</b>
Robin Levitt	5.1
Peter Lewis	2.1, 3.1
James Lowé, San Francisco Municipal Transportation Agency	5.15-5.19
M. Bridget Maley, San Francisco Landmarks Preservation Advisory Board	7.1, 7.2, 7.10-7.15
Sarah McCabe	7.3
Edith McMillan	2.7, 2.8, 5.30
Stephen Mikesel for Milford Wayne Donaldson, Office of Historic Preservation	7.2, 7.9, 10.5
Mary Miles, Coalition for Adequate Review	1.3, 1.4, 1.7-1.13, 2.1, 3.1-3.4, 3.6-3.12, 4.1-4.8, 4.11, 4.12, 5.4, 5.6, 5.20, 5.21, 5.24-5.29, 5.31-5.33, 5.41, 6.2, 7.7, 7.8, 7.20, 8.1, 9.1, 10.16-10.18, 11.3, 11.6, 11.8
Adam Millard-Ball	1.3, 3.2, 5.1
Malana Moberg	7.1
Michael Mullin, The San Francisco Neighborhood Network	1.1, 3.2
Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association (HVNA)	1.2, 1.3, 1.5, 1.14, 3.2, 3.3, 3.4, 4.1, 5.1, 5.22, 5.34, 5.35, 5.36, 6.1, 7.22, 10.3, 10.9, 10.14, 10.19, 11.1, 11.4, 11.7
Christopher Pederson	1.1, 5.40, 6.1, 10.4, 10.10, 10.21, 11.5
Maruis Phillips	5.23
Shawn Riney	1.6
Timothy Sable, Department of Transportation, District Branch Chief	5.2, 5.3
Jane See	1.6
Cynthia Servetnick, Save the UC Berkeley Extension Laguna Street Campus	1.1, 1.2, 1.4, 1.16, 3.1, 7.3
Shenandoah Ryan [Smith]	1.6, 7.27
John Stringer	1.18
Bill Sugaya, San Francisco Planning Commission	3.4, 3.5, 7.2, 7.3, 10.8
Harris Taback	3.1, 10.25
Lavon Taback	1.1, 3.1, 7.21
Lana Tamasaki	3.1, 7.3
James Waishill	1.1
Linda Walsh	1.1
Teresa Welborn, Lobelia Properties, LLC, Managing Member	1.5, 3.2, 5.1, 5.5, 5.7, 5.8, 5.10, 5.11, 5.37, 5.38, 5.42, 8.2
Helene Whitson	3.1
Lisa Zahner	1.6

# 1. General Comments

## Comments Addressing Public Process and/or Formation of a Citizens Advisory Committee

### Comment 1.1

We demand an open public process to determine the best use of this 5.8-acre publicly-zoned National Register-eligible campus. We support Citizens Advisory Committee to determine the best public use of this site. (*Rick Hauptman, North Mission Neighborhood Alliance*)

The decision to convert the entire site from public use to private housing was made unilaterally by U.C. Berkeley officials without involving surrounding communities or San Francisco city officials in the decision making. (*Martin Hamilton, New College of California*)

“... Any subsequent change in the zoning of the Campus should occur in the context of a focused community planning process that involves residents and other stakeholders.” Therefore, we request the Planning Department convene, a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) within the context of the M-O Plan. (*Martin Hamilton, New College of California*)

We are concerned that the public review process for the proposed Project under CEQA is not adequate. (*Martin Hamilton, New College of California*)

We, the undersigned, hereby urge the San Francisco Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee representing interested established neighborhood groups within the Market-Octavia Plan Area to determine the highest and best use of the Property, to make recommendations regarding zoning and redevelopment guidelines for the Property, and to evaluate the requested changes to the existing Public Use Zoning for the Property under the current UC Berkeley/A.F. Evans/openhouse proposal within the context of the Market-Octavia Plan. (*Petition, Cohen & Associates, CA*)

We also support the creation of a Citizen Advisory Committee specifically to make proposals which maintain the public use of the site. (*Michael Mullin, The San Francisco Neighborhood Network*)

We support a public process such as a Citizens Advisory Committee to determine the highest and best use of the 5.8 acre publicly zoned National Register-eligible campus, to make recommendations, and to evaluate requested changes to zoning. Efforts at public outreach by the University of California have been deeply flawed, and the University has not yet responded to public comment in an adequate manner. (*Stephen B. Haigh, The Victorian Alliance*)

I concur...with the Market and Octavia Neighborhood Plan Revisions policy stating, “Any subsequent change in the zoning of the campus should occur in the context of a focused community planning process that involves residents and other stakeholders.” Therefore, I request the Planning Department convene a Citizens Advisory Committee representing interested



established neighborhood groups within the Market and Octavia Neighborhood Plan area to determine the best use of the campus, to make recommendations regarding zoning and redevelopment guidelines for the campus, and to evaluate the requested change to the existing Public zoning for the campus under the proposed project within the context of the Market and Octavia Neighborhood Plan. (*Gray Brechin*)

Let's have citizens decide what appropriate uses can be envisioned with a site that should remain publicly zoned. (*Larry Burg*)

I also request that a Citizen Advisory Committee be formed to establish the best use of the property, which now sits empty. (*Eliza Hemenway*)

Finally, the EIR should evaluate what public neighborhood needs can appropriately be addressed on the site. Although, as explained above, the site is an appropriate location for higher density residential development, cities do not live by housing alone. The EIR, or the City through a separate process, should evaluate what public needs the site can effectively address. (*Christopher Pederson*)

That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue. (*Joan Ambrosio*)

I would like to have the community involved in the planning the future use. (*Linda Walsh*)

[A]F Evan's "community process" was a complete sham which presupposed their reuse was the only possible option. (*James B. Waishill*)

There was no public process. The public process from Evans was a different story every time. (*C. Whitefeather Daniels, San Francisco Planning Commission, April 19, 2007*)

We are advocating for a citizens advisory committee to be convened representing established neighborhood groups within the Market Octavia area plan to evaluate proposed changes in zoning, what should be, and what design guidelines should be on this site. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

And I would like to underscore some of the earlier comments that you heard regarding the need for a citizens advisory committee. I understand that this process was overlooked, or was neglected during the EIR process. (*Lavon Taback, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 1.1**

A Citizens Advisory Committee (CAC) is a committee typically consisting of appointed members representing a broad spectrum of community concerns who elicit recommendations from the public on a matter before public decision-makers, often the development or implementation of a plan or project. Such committees are not required as part of the CEQA process, but may be identified through CEQA, to advise decision-makers about the environmental effects or implementation of a proposed project, and can be

formed at anytime useful to the public agency responsible. Because the project site is owned by the University of California, the City's authority over the project is limited to certification of the EIR by the San Francisco Planning Commission, and Planning Commission and Board of Supervisors approval of the General Plan Amendment, zoning map and text amendments.

The project sponsor has held numerous public meetings with the Hayes Valley Neighborhood Association (HNVA) and other concerned neighborhood groups to solicit public feedback on the design and scope of the proposed project. A public hearing on the DEIR was held before the Planning Commission on April 19, 2007, which solicited comments from the public on the adequacy and accuracy of the DEIR. Responses to substantive comments on the DEIR as a result of this public process are provided in this document. Public hearings must be held to consider certification of the EIR, and consider adoption of the proposed project, and changes to zoning and General Plan, before the San Francisco Planning Commission and Board of Supervisors.

Numerous comments requesting the formation of a CAC to make recommendations on appropriate reuse of the project site are noted and may be considered by decision-makers as part of the EIR certification or subsequently. The comments do not directly address the accuracy or adequacy of the EIR.

## Comments Addressing the Market & Octavia Neighborhood Plan and/or EIR

### Comment 1.2

We believe that whatever happens at 55 Laguna must be consistent with the M/O Plan. However, as the Plan is still under deliberation, issues such as the level of affordable housing and community benefits remain unresolved. Further analysis and discussion of 55 Laguna must therefore be delayed until the Plan is adopted by the Board of Supervisors. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

[T]he M & O Plan is still under deliberation and outstanding issues such as the appropriate amount of affordable housing and community benefits remain unresolved in the plan. This leads to ambiguity, as displayed in the DEIR on page III A-22. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

We believe that whatever happens at 55 Laguna, it must be consistent with the M & O Plan. Thus, we urge that further analysis and discussion of 55 Laguna be delayed until the full set of policies and goals in the Market/Octavia plan are resolved at both the Planning Commission and Board of Supervisors. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

Only the cumulative transportation impacts of said Project were analyzed in the Market and Octavia Neighborhood (Plan) EIR. Therefore, the DEIR for said Project contains insufficient information to reach correct conclusions and findings regarding this "pipeline" Project's impacts

on the Plan's public, historical, open space, education and recreation resources. (*Martin Hamilton, New College of California*)

Our appeal [of the Market & Octavia Plan EIR] is based on the grounds that, the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public, historical, open space, education and recreation resources within the [Market and Octavia] Plan area. However, only the cumulative transportation impacts of said Project were analyzed in the Plan. Therefore, the environmental document is inadequate as it contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on public, historical, open space, education and recreation resources, and also regarding said "pipeline" Project's impacts on the Plan. (*Martin Hamilton, New College of California*)

We also feel that a comprehensive analysis of the cumulative effects of the Market Octavia Plan and this project, as they relate to each other, has not been done. It should be done in this EIR. It wasn't done in Market Octavia. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

It is important to note, as Mr. Ghosh pointed out, that there was no specific environmental review of the effects of this proposal included within the Market Octavia Plan. So it's very important that when you look at both this proposal and the Market Octavia Plan you marry the two of them together so that nothing is missed. (*Paul Olson, San Francisco Planning Commission, April 19, 2007*)

We all know that the Market Octavia Plan is going to be huge. It's going to allow a lot of new housing units upwards in the area of, you know, thousands. And so we need to question, were these two EIRs done properly? Do we evaluate all the impacts? And allow for the necessary public spaces that provide ways for people to learn and connect. (*Tamara Colby, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 1.2**

The Market & Octavia Neighborhood Plan Area Plan Draft EIR was published on June 25, 2005, and the Comments and Responses released on September 26, 2006. CEQA findings were adopted, and the EIR was certified on April 5, 2007. Subsequent appeals to the EIR were rejected by the Board of Supervisors on June 19, 2007. Adoption of the Area Plan is currently pending approval by the Board of Supervisors and will not be heard before publication of the 55 Laguna Comments and Responses document.

As described in this DEIR on page III.A-22 - 23, the cumulative context for the assessment of environmental impacts includes the project site as a subset of the proposed Market & Octavia Neighborhood Plan Area. According to the Market and Octavia Neighborhood Plan DEIR, by the year 2025, the Project Area could accommodate about 5,960 new housing units. About 1,520 of these units would be cumulative development that would occur in the Market and Octavia Project Area without implementation of that plan. The Market and Octavia Neighborhood Plan DEIR identified the 55 Laguna project as a reasonably foreseeable project included in the year 2025 projected land use allocation in the

Project Area. The proposed project would represent a relatively small portion (about 11 percent) of the overall growth in residential units attributable to the Plan.

An analysis of cumulative impacts is presented at the conclusion of each environmental topic discussed in Section III, Environmental Setting and Impacts. As noted in these sections, no significant cumulative impacts associated with the development of the proposed project in combination with implementation of the Market & Octavia Neighborhood Area Plan were identified.

Many of the comments do not directly address the adequacy or accuracy of the 55 Laguna Mixed Used Project EIR, but rather, address project consistency with the Market and Octavia Neighborhood Plan, or the Plan EIR.

## Comments Addressing Affordable Housing and/or Socio-Economic Issues

### Comment 1.3

Although the Project claims it would comply with the San Francisco Planning Code §315 requirement that 15 percent of units would be “reserved for low or moderate income households,” there is *no* requirement in the Planning Code for on-site affordable units, and nothing in the DEIR indicates on-site location of such units. The Project projects 833 new residents in 450 market-rate units. (DEIR 1-19) There is no provision in the Project for on-site affordable rental units, in violation of the California Government Code and inconsistent with the San Francisco General Plan and San Francisco Planning Code, § 10 1.1. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Moreover, even if residential development were permissible, because the Project proposes to lease state-owned land to a private corporation, 50% of housing units on-site must be affordable, including 25% for people with moderate income, 12.5% for people with low income, and 12.5% for people with very low income. (Gov. Code §14671.2.) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Under the Government Code § 14671.2, UC may not lease this land for housing as proposed with only 15% (with *no on-site* inclusionary requirement) affordable housing .....Since this land is State-owned and UC is not using this property for educational and public purposes but for purely speculative purposes, the Government Code’s requirements for State-owned property apply to this lease. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The Project plainly violates the Government Code’s 50% affordability requirements. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Nothing in the proposed Project guarantees that any affordable units will be built on site. The DEIR only recites the requirements of the city’s Planning Code §315. (DEIR I-2) The Planning Code §315 does not require on-site affordable housing. Instead, the Code’s ineffectual provisions can be satisfied by paying a minimal fee to the Mayor’s Office of Housing (§315.6) or by building affordable units somewhere else. (§315.5). Since neither UC nor Evans has produced a copy of any lease or other documents describing affordable units, there is no substantiation for the

DEIR's claim that 15% (or a total of 67.5 units of 450) would be affordable. The proposal fails to meet the mandates of affordable housing in either the General Plan or the Planning Code.

*(Mary Miles, Coalition for Adequate Review, May 7, 2007)*

HVNA is disappointed that the DEIR does not include an analysis of the cumulative impact of market rate housing in the area – as we requested in June 2006. The Final EIR must include this analysis of housing costs and affordability. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

We asked for an analysis of what environmental impacts will occur if this largely market-rate project has a cumulative impact of increasing housing costs area-wide through gentrification. We believe there is precedent for such an analysis in the 2660 Harrison project which was deliberated recently, and would like to see this considered. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

HVNA urges that the EIR include an analysis of the cumulative impact of market rate housing in the Hayes Valley-Octavia Boulevard area. How will this relate to the housing element of the General Plan and affordable housing goals in the city? What environmental impacts will occur if this largely market-rate project has a cumulative impact of increasing housing costs area-wide through gentrification? With the forthcoming Better Neighborhoods Plan, concern over loss of lower income housing and production-repair-distribution is also of concern. What impacts might this project have on that, and what are the broader environmental implications? These are questions we would like to see discussed in the EIR. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

The EIR should discuss how the developer's commitment to reserve 20 percent of the units for low income households earning no more than sixty percent (60%) of area median income would be enforced. The EIR should also discuss whether the affordable units are proposed on or off-site and whether any federal monies would be used to subsidize the affordable units. *(Martin Hamilton, New College of California)*

Ownership, or land lease ownership is a must. 450 rent control exempt, mostly market rate units will foster constant turnover. Tenants won't have incentives to stay long-term, thus, most won't invest energy in the neighborhood and solving neighborhood problems. Housing needs in the city are for first-time buyer, below-market-rate, equity restricted units. We need housing for working and middle class families who can't afford the current \$800K prices for flats in our neighborhood. *(Rob Bregoff)*

Property values have not been considered. There is a mixed to low income development at Haight and Buchanan and another at Webster and Hermann. To add yet another such mixed development, would, in my opinion place an undue financial burden on property owners in the area, which is not experienced by other areas in the city. *(Edward Wm. Greninger)*

The plans laid out by UC Regents and the private developers they have engaged, A.F. Evans, are to primarily develop the site into high-density market rate housing. This housing would do little to benefit the community at large, especially the underserved in San Francisco. Out of the proposed 450 units, 85 are designated for LGBT seniors. From those 85 units, only 13 will be "affordable" the rest market rate. Out of the 365 units, 304 will be one bedroom or studio apartments. Overwhelmingly, the housing will benefit wealthy, single adults and not address the desperate

need for affordable housing for the working class, or housing for families in San Francisco. (Eliza Hemenway)

Life in San Francisco is too short for another set of overpriced luxury condominiums. (Dee Allen)

I'd like a final EIR to include analysis of the cumulative impact on housing affordability. (Adam Millard-Ball, San Francisco Planning Commission, April 19, 2007)

### **Master Response 1.3**

Many of the comments address affordable housing issues, and in general, request that additional low income or below market rate (BMR) units be located on the project site. Issues related to affordable housing and other socio-economic concerns need not be addressed in an EIR. CEQA Guidelines Sections 15131(a) and (b) state that economic or social effects of a project shall not be treated as significant effects on the environment unless related to physical impacts, either significant or adverse. As such, issues related to housing affordability or perceived gentrification are not environmental impacts per se that require analysis in an EIR or warrant mitigation under CEQA. Social and economic effects may be relevant to consider in determining whether a physical change caused by a project results in a significant environmental effect. Socio-economic impacts were not addressed in the DEIR because, with no existing housing on the site, no clear connection (or “nexus”) could be made between the project’s potential economic and/or social effects distinct from existing/market conditions, such as the relative provision of market rate and below market rate rental housing, and any significant physical changes in the environment cumulatively. The environmental effects of constructing 450 residential and assisted-living units on the project site, regardless of their affordability, were analyzed in the DEIR. Such effects included traffic generation, air quality impacts, loss of historic resources, land use compatibility and character, and other topics discussed in DEIR Section III, *Environmental Setting and Impacts*. As such, the DEIR appropriately described the proposed affordable housing uses as part of the proposed project. The project sponsor has indicated its intent in a letter to the Planning Department to construct its inclusionary units on-site and to apply for California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing that, if allocated, would require the family rental units in the project to go from 15% on-site inclusionary (affordable to households earning up to 60% of the San Francisco area median income [AMI]) to 20% on-site inclusionary (affordable to households earning up to 50% of AMI). While the CDLAC financing prescribes rental housing, Section 315 of the Planning Code does not; it is assumed that most if not all housing would be for rent, if not required to be rental, however market conditions would ultimately affect the tenure type offered.

An estimated 50-73 affordable units would be constructed on-site as part of the proposed project [450 units – 88 assisted care residences = 362; with current plans for 328, and the 450 units analyzed in the EIR, at 0.15% - 0.20%, this would yield between 50 – 73 affordable units]. This would be an increase of at least 50 BMR units compared with existing conditions, since no housing currently exists on the site.

As described in Section D, Staff Initiated Text Changes, *openhouse* intends to develop 88 assisted living market-rate residences on the project site. Because the *openhouse* development would be a licensed facility which is deemed to be an institutional use, it is exempt from the City requirement to provide a percentage of units as affordable housing, as stated in legislation passed recently by the Board of Supervisors in 2007. The project sponsor has provided the additional following response:

Nevertheless, *openhouse* is committed to serving a broad range of households, including lower income households. Therefore, *openhouse* intends, contingent upon its fundraising efforts, to lease a number of market rate apartments from the remainder of the project site that would equal up to 20% of the total units within the *openhouse* building, or about 18 units. These units would be located in buildings on the project site other than the assisted living facility, and would be rented to lower income households at below market rents.

While none of the project's effects associated with housing are expected to be significant, Section III.F, *Population and Housing*, provided a discussion of housing characteristics for informational purposes. As noted on DEIR, page III.F-5, "not less than 15 percent of the units would be reserved for low or moderate income households earning no more than sixty to 100 percent (60-100 percent) of area median income. The percentage of below market rate units proposed by the project sponsor would meet the 15 percent currently required by the City's Inclusionary Affordable Housing Program (Planning Code Section 315, *et. seq.*)<sup>1</sup>

The Initial Study found, on pages 15-16, that because the project site is vacant, the project would not displace any residential uses. The proposed project would add to the supply of housing in the city, helping to satisfy an existing demand for housing.

With regard to comments about the various percentages of affordable housing (state vs. city) that may be required on the project site, the sponsor has provided the following statement:

"the commenter is incorrect in asserting that the project must conform to the requirements of Government Code Section 14671.2 concerning the lease of surplus state property. The California Constitution vests the Regents with broad authority and discretion to manage university property and grants the Regents the powers necessary and convenient for the effective administration of the university's resources. As a public trust, the University is subject to legislative regulation of state agencies only on matters of statewide importance not touching upon the Regent's constitutional responsibilities."

Please also see Response #1.13 regarding UC as a public trust.

With regard to comments about the cumulative impact of market rate housing in the Market and Octavia Neighborhood Plan area, this area could accommodate about 5,960 new housing units by the year 2025 according to the Plan. The Plan could generate approximately 5,066 market rate units and 894 affordable units, assuming that all new units

<sup>1</sup> On August 1, 2006, the Board of Supervisors approved an increase of the city's inclusionary housing requirements from 10 and 12% to 15%, (if constructed on-site), and from 17% to 20% (if constructed off-site).

would be subject to the 15 percent affordable requirements described in Section 315 of the Planning Code. The maximum project site development would represent approximately 11 percent of the overall growth in residential units (market rate or otherwise) attributable to the Plan.

## Comments Addressing the Closure of UC Extension and the CEQA Baseline

### Comment 1.4

The DEIR's failure to analyze the impacts of closing UC's Extension facilities on Laguna St. violates CEQA. (Pub.Res.Code §21080.09; Guidelines §15081.5 [Impacts from siting and long-range development plans of UC, including impacts on enrollment, must be analyzed in EIR]. *(Mary Miles, Coalition for Adequate Review, May 7, 2007)*

UC's relocation of its educational facilities is also subject to CEQA's requirements. *(Mary Miles, Coalition for Adequate Review, May 7, 2007)*

The DEIR disingenuously uses the condition of the public land *after* UC closed it as a baseline for comparing "existing" public access with the Project's proposed new sidewalk: "The proposed project would allow a greater degree of public access to the site than exists currently, or had existed previously during its use as a school. . ." (DEIR III.A-20) In fact the grounds were publicly accessible state schools for over a century. *(Mary Miles, Coalition for Adequate Review, May 7, 2007)*

The DEIR fails to describe, analyze or mitigate the impacts of UC's closing and/or relocation of its Extension educational facilities, affecting the entire region, in direct violation of CEQA. (Pub. Res. Code §21080.09; Guidelines §15081.5). That analysis must identify and mitigate impacts to the community and region of the UC's site selections, including accessibility of educational resources and enrollment, and the direct, indirect, and cumulative physical impacts of closing and/or relocating UC's San Francisco-area Extension facilities, which provided valuable educational resources to working people throughout the region. *(Mary Miles, Coalition for Adequate Review, May 7, 2007)*

The Campus was closed in the Fall of 2003 to accommodate the proposed Project. Most of the educational activities were relocated to the Extension's new Downtown location, but some were discontinued. Therefore, we think the baseline condition of the site, for the purpose of analyzing the effects of the proposed Project under CEQA, should consider the UC Berkeley Extension as an operational public educational institution serving the region, occupying the historic structures and providing public open space to the community. Both the loss of the UC Berkeley Extension at the Campus, along with the program and job loss resulting from its Downtown relocation, should be evaluated. *(Martin Hamilton, New College of California)*

At the same time, we believe that California Environmental Quality Act (CEQA) review of the proposed Project should have been undertaken prior to the execution of an Exclusive Right to Negotiate (ERN) and enter into a +/- 75-year long-term lease between the Regents of the University of California and A.F. Evans Development which occurred on December 30, 2003 per the Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco. The Notice of Preparation of an EIR for the



proposed Project was published on June 15, 2005, about a year and a half after said ERN was executed. While the ERN is conditioned on CEQA compliance, the nature of the agreement, and the Environmental Evaluation Application for the proposed Project, foreclose alternatives for development of the Campus under Public zoning and are inconsistent with then intent of the deed which transferred the Campus from San Francisco State College to the Regents of the University of California for “university purposes.” (*Martin Hamilton, New College of California*)

Specifically, we request the Planning Department conduct an analysis of the Board of Supervisors recent moratorium on demolishing existing recreational resources given Middle Hall Gymnasium, the Basketball Courts and other recreational open space were in use by faculty, staff, students and the surrounding community at the time the campus was mothballed. Again, we consider the baseline for the DEIR to be prior to the issuance of the Request for Qualifications. (*Martin Hamilton, New College of California*)

Draft EIR did not adequately discuss the displacement of the former UC Berkeley Extension employees from the Campus. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. (*Martin Hamilton, New College of California*)

[T]he CEQA review of the proposed project should have been undertaken prior to the execution of the exclusive right to negotiate between AF Evans and UC Berkeley to enter into a long term lease. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

And with the baseline for this project should be considered the time when UC Extension was actually operating on the site. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

#### **Master Response 1.4**

As described in CEQA Section 15125 (a), “An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.”

A Notice of Preparation of an EIR and Public Scoping Meeting was issued for the 55 Laguna Mixed Use Project on June 15, 2005, and a public scoping meeting was held on June 29, 2005. As such, the DEIR accurately established the environmental baseline of the proposed project as the time of the publication of the NOP (June 15, 2005), after the UC Extension had been closed for nearly two years.

Analyzing the site as vacant allows the DEIR to conservatively rely on the greatest impacts, i.e. greatest changes from existing conditions; thus the DEIR appropriately uses the project site as “vacant” for the CEQA baseline for these purposes (such as impacts on transportation, air quality, population and housing, and all other environmental factors evaluated in the DEIR). The DEIR acknowledges that the project site was active for decades as UC Extension campus (and as a teacher’s college prior to that), until it was closed by the UC Regents in 2003. The project site has remained vacant since 2003, with

the exception of the UC Dental Clinic, which currently operates on the site, as well as surface parking for UCSF and CPMC Davies staff. The Comments and Responses include additional consideration of the past use of the site in as a baseline measure for purposes of land use and public access analysis, since this represents the change from proposed conditions. However, even with this consideration, overall conclusions of the DEIR do not change.

The closure of the UC Extension at the site and relocation of UC's educational facilities to an extension facility in downtown San Francisco is not the subject of the proposed project. Whether or not the current project was foreseeable in 2003-04, retrospective issues of job displacement would not be appropriate to attach to the later project's impact assessment or description of baseline conditions in the EIR, especially since there would be no potential future remedy, unlike consideration of demolition yet to occur.

The UC Berkeley Long Range Development Plan (LRDP) does not address the long-term uses on the project site. The 2020 UC Berkeley LRDP excluded remote field stations and other campus properties lying entirely outside the City of Berkeley because these sites were sufficiently distant and different from the Campus Park and its environs to merit separate environmental review (2020 LRDP page 20). The 2020 UC Berkeley LRDP EIR states that, "no substantial increase in Extension enrollment is anticipated during the timeframe of the 2020 LRDP, and [the] Extension is committed to maintaining its current San Francisco programs (as of October 2003) in San Francisco," (2020 LRDP EIR page 4.10-5). Because UC Extension has maintained its current San Francisco programs in its downtown Extension location in keeping with the LRDP, the previous relocation from the Laguna Street campus in 2004 to a new location downtown San Francisco would not have triggered CEQA analysis at that time.

In addition, UC's Exclusive Right to Negotiate (ERN) with AF Evans in 2003 also would not have triggered the initiation of CEQA analysis as there was no project defined at the time. Therefore, the EIR is correct in using the date of the publication of the NOP as the appropriate baseline for CEQA analysis.

With regard to the comment about recent Board of Supervisor (BOS) resolution about the moratorium on the demolition of existing recreational resources, BOS Resolution 0723-06, passed on December 12, 2006, requires conditional use authorization for change in use or reduction in size of 15,000 square feet or more of recreational space for 18 months, and requires a determination of consistency with the priority policies of Planning Code Section 101.1. Middle Hall is less than 15,000 square feet in size. The Board of Supervisors would consider the application of Resolution 0723-06 when it considers approval of the General Plan Amendment, proposing rezoning to the site, and adjustments to the Height and Bulk District. Recreational uses at the project site, active during the site's previous use as a UC Extension campus, were excluded from the EIR baseline for the reasons above, however, overall findings of land use impacts do not change, nor do the conclusions of the DEIR.

## Comments Addressing the Ownership of Waller Street

### Comment 1.5

The EIR should acknowledge that the Waller St right of way may be publicly owned. We attach a copy of a memorandum that suggests that the City of San Francisco may still own title to this land. It is therefore inappropriate to characterize this as a developer contribution to open space. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

Running through the middle of this property is land over which Waller Street was formerly located prior to its closure in 1922. The Regents apparently believe they own the land where Waller Street formerly existed because their plans call for extensive excavation and construction within this area. A close examination of legal documents reveals the property is not owned by the Regents, and is actually owned by City of San Francisco. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

The Draft EIR proposes that the section of Waller Street currently included in the plan be considered “open space.” This section of Waller Street already belongs to the City of San Francisco and its use as open space should not be included in any calculation of open space requirements. (*Teresa Welborn, Lobelia Properties LLC*)

[W]e are concerned that the City’s interest in the proposed Project may have been overlooked. Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use. We understand Supervisor Ammiano is drafting an ordinance on behalf of the Project proponent to clear title to this portion of the Campus. If this is the case, the City’s interest in the property should be analyzed under CEQA. See Attachment I. (*Martin Hamilton, New College of California*)

It is my understanding that the Waller Park area still belongs to the City of San Francisco and therefore the developer’s inclusion of this space towards its 20% public open space requirement is disingenuous. (*Ellen K. Brown*)

### **Master Response 1.5**

The City agrees with the commenters that Waller Street belongs to the City, although project sponsors UC and AF Evans dispute this. The DEIR, and historic resources evaluation report prepared for the EIR, described Waller Street between Laguna and Buchanan as abandoned right-of-way by the City in April 1922, as part of the San Francisco State Teachers’ Colleges’ plans to rebuild the campus (Page & Turnbull, 2005).

Regardless of the legal ownership of Waller Street, no significant environmental impacts associated with the potential reuse of this land as publicly accessible open space were identified in the DEIR. The proposed project would reopen this area as publicly accessible landscaped open space, effectively reintroducing Waller Street through the site. The Waller Street right-of-way, reused as publicly accessible open space, shared with the project site

residents, with legal conveyances as appropriate, has no different physical impacts than those evaluated in the DEIR. Thus, the conclusions of the DEIR remain valid.

## Comments Addressing Support of the Project and/or EIR

### Comment 1.6

We are Elaine Adamson and Edward Gould and we approve of the draft EIR. (*Elaine Adamson and Edward Gould*)

I am in strong support of the AF Evans development at 55 Laguna for the following reasons: (*Robert Hood*)

I wish to join in the chorus of those seeking to have a proposed senior housing project, which would include housing for LBGT seniors at the mixed-use site of 55 Laguna as well. (*Shawn A. Riney*)

I reside at 560 Haight St. and our condominium building of 18 units would like to see the Laguna site utilized for housing and mixed use space. (*Shenandoah Ryan*)

The development at 55 Laguna embodies all of the sustainable development and good urban planning policies that San Francisco prides itself on. It is an exemplary model of superior urban infill planning. (*Lisa Zahner*)

We emphatically approve the draft EIR. (*Elaine Adamson, San Francisco Planning Commission, April 19, 2007*)

And I am a great supporter of this project. (*Jane See, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 1.6**

Comments supporting the proposed project are noted, but do not necessarily address the adequacy or accuracy of the environmental evaluation.

## Individual Comments

### Comment 1.7

The Project violates the California Environmental Quality Act (“CEQA”), Pub. Res. Code §§21000 et seq., and any approval of the Project as proposed would be an abuse of discretion and a failure to proceed in a manner required by law. , including but not limited to impacts on historic resources, traffic, parking, transit, open space, views, air quality, urban blight, growth, and aesthetic impacts. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 1.7**

As described on DEIR pages. III.E-13 – 17, the project would have a significant unavoidable impact on historic resources, for which mitigation measures were identified in

DEIR section IV, Mitigation Measures. The DEIR also identified three project alternatives that would avoid or reduce such impacts to less-than-significant levels (see DEIR Section VI, *Alternatives to the Proposed Project*). The DEIR considered impacts related to traffic, parking, transit, open space, views, air quality, growth, or aesthetics, and did not identify significant impacts. The comment does not provide specific information to support the assertion that the EIR fails to meet the basic requirements of CEQA in order to provide an additional response.

### **Comment 1.8**

The DEIR's conclusions of "no impacts" from the Project are unsupported in violation of CEQA. The Project is plainly inconsistent with the California Government Code, the San Francisco General Plan, the Planning Code and Zoning Maps, and violates the public trust doctrine. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### **Response 1.8**

The DEIR describes impacts of the proposed project throughout Section III, *Environmental Setting and Impacts* DEIR Section III.A, *Land Use, Plans, and Policies*, describes a number of plans and policies that are applicable to the proposed project. As noted on DEIR page A-21, the proposed project would be consistent with some applicable land use plans and policies, and would be less consistent with others (DEIR page III.A-21). Project consistency with plans and policies are described on DEIR page III.A-21 – 22. As noted on DEIR page III.A-22, the San Francisco General Plan, which provides general policies and objectives to guide land use decisions, contains some policies that relate to physical environmental issues. Any physical environmental impacts that could result from such conflicts are analyzed in the DEIR. The compatibility of the project with General Plan policies that do not relate to physical environmental issues will be considered by decision-makers as part of their decision whether to approve or disapprove the proposed project, however any potential conflicts identified as part of that process would not alter the physical environmental effects of the proposed project. See also Master Response 3.3 related to project consistency with the San Francisco General Plan, Planning Code, and Administrative Code. See Master Response 2.1 related to project consistency with the Fair Housing Act (*openhouse/LGBT response*), and Response #1.13 related to project consistency with the public trust doctrine.

### **Comment 1.9**

Without public notice, UC closed its Extension facilities on the 5.8-acre site in 2003, depriving the community and the general public of the benefits of educational and cultural opportunities. The Regents spent several million dollars to construct and/or furnish Extension classroom spaces in the leased properties, but it has refused to provide net enrollment and revenue data since the downtown leased spaces were opened. Since UC closed its Extension at that location, the Laguna property has been allowed to deteriorate without maintenance or security, with only the UCSF Dental Clinic in active use on the site. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 1.9**

Comments about prior uses on the project site, as well as existing conditions on the site, are noted. The effects of deterioration on historic resources are discussed under the No Project Alternative (DEIR Section VI, *Alternatives to the Proposed Project*).

### **Comment 1.10**

The Regents and the City have refused to make available the terms of the proposed lease to Evans and openhouse, precluding both an accurate description of the Project and whatever UC may plan if the secret terms of the lease do not go into effect. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 1.10**

The specific financial terms of a potential ground lease between the project sponsor and UC is not a direct comment on the accuracy of the DEIR. Effects of the potential absence of a lease arrangement between UC and the project sponsor are described in the No Project Alternative (see Section VI, *Alternatives to the Proposed Project*.)

### **Comment 1.11**

Because the land is owned by the Regents of the University of California, any proposed use or development must be part of its Institutional Master Plan, which this Project is *not*. (Planning Code, §304.5(f).) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 1.11**

The University of California is exempt from the requirements of San Francisco Planning Code section 304.5 because it is a state institution. Absent legislative consent, the California Constitution does not allow municipalities to apply local zoning restrictions to state agencies. The University never had to file an institutional master plan with the City of San Francisco under Section 304.5.

Issues or comments associated with UC Master Planning on the project do not directly address the accuracy or adequacy of the DEIR. See Master Response 1.4 regarding any long-term uses on the project site as part of the UC Berkeley LRDP.

### **Comment 1.12**

Even if Residential Units Were *Not* Prohibited by the Planning Code, the Project Does Not Meet Requirements for a “Planned Unit Development.” Because of its size, the proposed Project is also a “Planned Unit Development,” subjecting it to additional requirements as a conditional use. (Planning Code §§304, 303(c) and elsewhere in this code.) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

**Response 1.12**

Comments related to the requirements of Planned Unit Developments (PUDs) are noted, but do not directly address the accuracy or adequacy of the DEIR. Should the Market and Octavia Neighborhood Plan zoning classification be unavailable to the project, the site would be a “Special Use District” (SUD), as noted also in Response #1.1.

**Comment 1.13**

The Regents of the University of California is a public corporation administering the University of California as a public trust.

Since the Project is on State-owned public land, it is subject to the public trust doctrine.

The public derives *no* benefit from the transfer of this land to private leasehold, and its interest in this land for educational institutions and other public use is substantially impaired by this proposed Project. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

**Response 1.13**

Comments related to the Regents of the University of California and the perceived violation of the public trust doctrine and/or the perceived lack of public benefits are noted, but do not directly address the accuracy or adequacy of the DEIR.

For informational purposes, UC’s legal counsel has provided the following response regarding public trust information<sup>2</sup>:

“The public trust doctrine generally only applies to navigable and tidal waters and the lands beneath them and requires the state to hold them for the benefit of all the people. As no such waters are located on the project site, the public trust doctrine would not apply to the proposed project. No court has ever used the public trust doctrine to check the Regent’s constitutional authority over university real property. Rather, the courts have treated the University’s public trust status as a general protection against legislative inference. The commenter incorrectly asserts that every use of public trust resources must have a direct public benefit. As an educational public trust, the University is allowed to manage its public property resources to best support its educational mission and may lease specific trust resources for private uses so long as such diversion does not substantially impair or threaten the statewide availability of educational resources to the people of California. Moreover, the project supports educational trust interests by providing ground lease revenue to support University programs.”

The DEIR describes public benefits of the proposed project on DEIR page III.A-20-21. These include increased public access, a publicly accessible park, community gardens, and community space in Woods Hall Annex.

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<sup>2</sup> UC Office of General Council

### **Comment 1.14**

The EIR ignores the University of California’s “Policy Guidelines for the Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices.” [Footnote 2: [www.ucop.edu/ucophome/coordrev/policy/PP011706GreenBldgGuidelines.pdf](http://www.ucop.edu/ucophome/coordrev/policy/PP011706GreenBldgGuidelines.pdf) ] Among other things, these Guidelines require new University buildings to exceed the State’s energy efficiency standards by at least 20% and require the University to “strive” to achieve a standard equivalent to LEED silver rating (and at a minimum to achieve equivalent of basic LEED certification). Given that the project is on UC property and its primary function is to generate revenue for UC, the EIR should analyze whether the project complies with UC’s own standards, and propose mitigations where it does not. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

#### **Response 1.14**

The proposed project would be required to comply with Title 24 of the California Building Code, which contains a number of building requirements related to sustainable design and energy efficiency. Comments addressing LEED certification and UC’s *Policy Guidelines for Green Building Design* are noted but do not directly address the adequacy or accuracy of the DEIR. For informational purposes, the project sponsor has provided the following response: as the proposed project is not a UC development, but rather a private development, it would not be required to comply with UC’s *Policy Guidelines for Green Building Design*.

### **Comment 1.15**

New College remains committed [to] making a market rate offer for the Campus under Public zoning. It should be noted that the Regents are prohibited from negotiating with any parties, other than AF Evans, through the end of their exclusive agreement in October 2007. (*Martin Hamilton, New College of California*)

#### **Response 1.15**

Comments addressing New College’s commitment to the project site, as well as UC’s development agreement with the project sponsor, are noted, but do not address the accuracy or adequacy of the environmental review.

### **Comment 1.16**

By reference, we concur with all comments on the adequacy of the DEIR, especially those relating to historic resources and public process, contained in the comment letter from New College of California to the Planning Department dated April 30, 2007. Members of this organization have assisted New College in preparing their comments in order to support the evaluation of a public use alternative—NOT to specifically endorse any aspects of their plan. (*Cynthia Servetnick, Save the UC Berkeley Extension Laguna Street Campus*)



**Response 1.16**

Please see DEIR page VI-8, which evaluates the effects of a public use alternative through the “New College of California/Global Citizen Center Concept Plan”. Comment in support of the comment letter from the New College of California is noted.

**Comment 1.17**

In 1957 UC Regents claimed an urgent need for expanded quarters, and in response, the Governor of California, in an act of emergency legislation, transferred the campus to the UC Regents with one caveat, it was to be put to “university uses.” The proposed EIR clearly violates the terms under which UC received this property by the State of California. (*Eliza Hemenway*)

**Response 1.17**

Project Sponsor UC provides the following response:

The University of California has “unrestricted power to take and hold real and personal property for the benefit of the university.”<sup>3</sup>

Comments about the perceived lack of university use noted. Regardless of whether the project site should be retained for University uses, the DEIR fully evaluates the proposed uses on the project site. Comments addressing transfer legislation are noted, but do not directly address the adequacy or accuracy of the EIR.

**Comment 1.18**

The CCSF Planning Department has been resistive of including Ms Hemenway’s film as legitimate public comment. There is no legal reason the film is not legitimate public comment. The film is topical, historic and contains legitimate and timely comment from former UC-Extension employees. (*John E. Stringer, Law Office of*)

**Response 1.18**

The Planning Department accepts written comments on EIRs, including emails, but does not accept other forms of electronic media as public comment. Ms. Hemenway, the film’s director, submitted written comments on the 55 Laguna Mixed Use Project EIR that are addressed in this document (see Master Response 1.1).

<sup>3</sup> Cal Const., Art. IX § 9(f) (“The Regents of the University of California shall be vested with the legal title and the management and disposition of the property of the university and of property held for its benefit and shall have the power to take and hold, either by purchase or by donation, or gift, testamentary or otherwise, or in any other manner, without restriction, all real and personal property for the benefit of the university or incidentally to its conduct; provided, however, that sales of university real property shall be subject to such competitive bidding procedures as may be provided by statute.”); as well as *Regents of Univ. of Cal. v. City of Santa Monica*, 77 Cal. App. 3d 130, 136 (1978).

## **Comment 1.19**

The DEIR's conclusions of "No Impacts" are unsupported by substantial evidence. The DEIR fails to identify and mitigate significant impacts on parking, traffic, transit, historic resources, views, open space, and other impacts, in violation of CEQA. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### ***Response 1.19***

The DEIR identified significant unavoidable impacts to historic architectural resources resulting from the proposed project. All other impacts of the proposed project are considered less-than-significant, or less-than-significant with mitigation. There are no instances in the DEIR where a conclusion of "no impact" was identified, except for effects associated with the No Project Alternative.

## 2. Project Description

### Comments Addressing the LGBT Senior Housing Project Component

#### Comment 2.1

The Project's proposal that a huge, 85-foot structure be constructed for the purpose of providing housing for gay, lesbian, bisexual, and trans gender persons is also patently unlawful under the United States Constitution, amendment XIV, the federal Fair Housing Act, 42 U.S., §§3601 *et seq.*, the California Fair Employment and Housing Act, Cal. Gov. Code §§12955 *et seq.*, 12955.8; the California Planning and Zoning Law, Cal. Gov. Code §65008, 65589.5; the San Francisco Administrative Code §87 *et seq.*, and the San Francisco Police Code, §3304, all of which prohibit restriction of housing facilities on the basis of sex, sexual orientation or preference, and gender identity. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Under undisclosed terms, either A.F. Evans and/or the Regents would lease or sublease part of the site to another corporation called "openhouse." The openhouse corporation proposes to demolish the historic Richardson Hall and retaining wall to construct a huge box structure 90 feet in height containing 85 market rate rental units of "senior housing targeted to the lesbian, gay, bisexual, and transgender (LGBT) senior community," with the ground floor providing "social, educational, and health services to the LGBT senior community." (DEIR I-2, I-3) Such targeting violates the United States and California Constitutions, the federal Fair Housing Act, the California Fair Employment and Housing Act, and the San Francisco Administrative Code. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

San Francisco Planning Code §303(d) "When considering an application for a conditional use as provided herein with respect to applications for development of 'dwellings' as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires; among other things, that the Commission not base any decision regarding the development of 'dwellings' in which 'protected class' members are likely to reside on information which may be discriminatory to any member of a 'protected class.'" (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

While I object to transferring valued and irreplaceable historic buildings and land from public to private use, I stand strongly against efforts that discriminate. (*John Boling*)

In addition, in reference to Openhouse's proposal for LGBT Senior Housing there, while on the surface it might sound like a good idea, we all know that the Fair Housing Act states that you can't discriminate based on sexual orientation. Yet that's exactly what you'd be doing if you let this happen. I understand that Planning Commission President Alexander has asked for this preferential language to be omitted from the proposed development plans. Yet it's not enough to remove the language, since everyone knows that Openhouse specializes in housing specifically for the community. If the City wants to build senior housing, they should choose a non-profit organization that builds housing for everyone. (*Peter Lewis*)

The tallest building at the maximum height of 85 feet would be built by an organization called openhouse, specifically for lesbian, gay, bisexual, and transgender seniors. Well, that would be a

violation of the Fair Housing Act. So we shouldn't put that in our documents. (*Commissioner Alexander, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 2.1**

*Openhouse* submitted a letter to Planning Commission Dwight Alexander clarifying its position about the potential residents in the proposed *openhouse* building on the project site in consideration of the fair housing laws (letter from Moli Steinert, *openhouse*, to Commissioner Alexander, April 24, 2007). As stated in the letter,

“it is, and always has been, *openhouse*'s intention to create and sustain senior housing in San Francisco that honors and welcomes lesbian, gay, bisexual, and transgender (LGBT) seniors. As such, *openhouse* is committed to creating a senior housing community welcoming to people of all races, ethnicities, gender identities, sexual orientations, and income levels. While *openhouse* seeks to create a place where LGBT older adults of all backgrounds are able to age with dignity, maintaining their health and independence, it is no less committed to ensuring that non-LGBT older adults are equally welcomed and affirmed.”

According to Declarations of Intent for satisfying Section 315, the Inclusionary Housing Requirement, and correspondence to the Planning Department<sup>4</sup>, the proposed residential use of the *openhouse* building has been changed to institutional use for an assisted-living facility with 88 units. Page II-5 of the DEIR has been revised text to clarify the potential residents who may reside in the proposed *openhouse* building on the project site: (Please also see Section D, *Staff Initiated Text Changes*, of this document)

“~~85~~ 88 units of market-rate assisted-living senior housing ~~targeted toward~~ welcoming to the lesbian, gay, bisexual, and transgender (LGBT) senior community and open to all seniors (“*openhouse*”) in one building.”

## **Individual Comments Addressing the Project Description**

### **Comment 2.2**

The University of California's objectives for use of its 55 Laguna property are not adequately described, nor do we agree with the assessment of the ability of the alternatives to satisfy University objectives. The DEIR correctly notes our fiduciary responsibility to the UC Regents, UC students and the people of California to receive a fair market return on University assets. However, our overriding objective is to ensure that we are making the highest and best use of University assets in furtherance of the mission of the University. The University will need to find that the transfer of the property to A.F. Evans Development, Inc. for the purposes of developing the proposed project best serves the mission of the University, or will reconsider other possible University reuse alternatives for the property. (*J. Kevin Hufferd, University of California, Berkeley*)

<sup>4</sup> Openhouse, letter from Moli Steinert, Executive Director, to Sara Vellve, San Francisco Planning Department, July 6, 2007. Available for review by appointment at the San Francisco Planning Department, 1650 Mission Street, Suite 400, in Project File 2004.0773E.

## **Response 2.2**

The Regents of the University of California’s project objectives, included on DEIR page II-15, were provided by the Regents during the UC’s review of the administrative drafts of the DEIR. The Planning Department notes that an additional objective is to provide UC with the highest and best use of the property, and that the UC may consider other reuse alternatives for the property if the project sponsor is not granted entitlements to the property.

With regard to the comment about the ability of the alternatives to satisfy UC objectives, these alternatives would fulfill some, but not all, of UC’s objectives, as described in Section VI. *Alternatives* (Compliance with UC Regent’s and Project Sponsor’s Objectives), DEIR pages VI-3 (No Project Alternative), IV-8 (Preservation Alternative), and VI-15 (NC/GCC Alternative). As such, the DEIR appropriately included a reasonable range of feasible alternatives that would avoid or reduce project impacts while meeting some of the basic project objectives.

## **Comment 2.3**

The UCSF Dental Clinic is not part of the 55 Laguna Mixed Use Project proposed by A.F. Evans Development, Inc. The property to be conveyed to the developer excludes the Dental Clinic and thus the clinic amounts to an existing adjacent land use. The DEIR is unclear on this relationship at numerous points in the document. The DEIR should be revised to clearly reflect the fact that the UCSF Dental Clinic is not part of the 55 Laguna Project or site that will be ground leased to AF Evans. For example, the first sentence of the first paragraph under “Project Setting” on page I-1 says “The 5.8 acre property site is located...” The last sentence of that paragraph states “The land owner is the Regents of the University of California, who propose to ground lease the project site to the project sponsor...”

These two sentences, taken together, are incorrect and misleading. The two blocks bounded by Laguna, Haight, Buchanan, and Hermann Streets total approximately 5.8 acres. The University of California proposes to ground lease approximately 5.3 acres of this 5.8 acre area of A.F. Evans Development, Inc. The 5.3 acre area constitutes the “project site”. The definition of the “project site” should be corrected everywhere else in the DEIR, including its exhibits, where it is ambiguous or confusing. (*J. Kevin Hufferd, University of California, Berkeley*)

## **Response 2.3**

The project site is defined on DEIR page II-1 as the entire two-block, 5.8-acre site, including the UC Dental Clinic, to provide maximum and therefore the most conservative coverage for the environmental evaluation, and in consideration that the entire parcel is owned by the Regents of the University of California.<sup>5</sup> The DEIR is explicit, however, that no changes to this existing building or to the zoning designation on this portion of the property would change as a result of the proposed project. DEIR page II-8 states that the approximately 18,000-square-foot UC dental clinic would remain unaltered in its current

<sup>5</sup> First American Title Company, *Preliminary Report, Assessor’s Lots 1 & 1A Blk 0870, Assessor’s Lots 1, 2 & 3, Block 0857*. Order Number: 3811-2569675. October 5, 2006.

location at the corner of Hermann and Buchanan Streets and would continue to operate as a dental clinic. DEIR page II-11 states that the project would require a change in the zoning district from P (Public) to either (1) RTO (Residential-Transit Oriented) and NCT-3 (Neighborhood Commercial, Transit Moderate Scale Mixed-Use SUD), *except for the dental clinic*, which would remain in a P-zoning district. Finally, one of the UC Regent's project objectives is, "Retain the existing UCSF Dental Clinic." All figures provided in the Project Description section of the DEIR show the dental clinic as unchanged from its current configuration, location, and zoning designation. Therefore, the DEIR appropriately included the UC Dental Clinic as within the project site.

Page II-1 of the DEIR has been revised as follows to clarify that the UC Regents would not ground lease the UC Dental Clinic to the project sponsors: (Please also see Section D, *Staff Initiated Text Changes*, of this document)

"The land owner is the Regents of the University of California, who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and *openhouse*, with the exception of the UC Dental Clinic."

## **Comment 2.4**

The Dental Clinic is an existing public use operated by UCSF that will remain at its current location indefinitely. Its purpose is to provide training for UCSF dental students and to serve the neighboring community and particularly those of modest incomes or whose dental care is otherwise under-served. The Dental Clinic is a public/community serving use. The zoning of its site is not proposed to be changed from its current "P" zoning, and its site should be included in any analysis of the amount of public/community-serving space in the immediate area. (*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 2.4**

Comments about the existing use and benefits of the UC Dental Clinic are noted. Please also see Response 2.3. For conservative purposes, and to identify the greatest possible impacts from the proposed project, only off-site public or community services uses were included in the analysis of the amount of public/community-serving space in the immediate area. As such, the Dental Clinic was excluded as a public/community-serving use.

## **Comment 2.5**

We request an additional graphic be prepared for the Project showing a plan view of all existing buildings designating via shading code which are slated for demolition and which interiors will be significantly altered. (*Martin Hamilton, New College of California*)

### **Response 2.5**

Please compare Figure 2, *Existing Site Plan*, with Figure 3, *Proposed Site Plan*, which identifies that Middle Hall and the Administration Wing of Richardson Hall would be demolished. All existing buildings shown on Figure 3, with the exception of the Dental

Clinic, would be adaptively reused. The effects of demolition and alterations to existing buildings are provided in DEIR Section III.E, *Historic Architectural Resources*. As noted in this section, demolition of Middle Hall and the Administration Wing of Richardson Hall would constitute a significant project impact, while adaptive reuse of the remaining historic buildings, consistent with the *Secretary of the Interior's Standards*, would constitute a less-than-significant project impact. Comments requesting additional figures in the Project Description section of the DEIR are noted, but do not necessarily address the accuracy or adequacy of the environmental review.

### **Comment 2.6**

Openings/stoops/windows. Eyes on the street. The current iteration of the project leaves blank walls facing Haight! Street resulting in increased street crime, graffiti, assaults along the Haight Street frontage. While I support the preservation of historic architecture on the site, these things could be integrated into the design of the project. We can preserve buildings, but still end the “fortress-like” quality of the existing buildings. Good planners know that blocks need “active edges” to foster safety on the sidewalk, and to integrate tenants into the existing neighborhood. Solid community center programming. We need a written commitment that there will be public services available needed by the neighborhood (day care, classes, ??). (*Rob Bregoff*)

### **Response 2.6**

Comments addressing the existing conditions of the project site, and requests to activate the area and provide for community uses, are noted, but do not necessarily address the accuracy or adequacy of the environmental review.

### **Comment 2.7**

Particular concern re N.E. corner of intersection of Buchanan and Hermann Sts. Block 870/Lot 3. Although EIR II-1 states that this “S.W. corner of the site it is essentially the N.E. corner of Buchanan and Hermann Sts. And is woefully underutilized since it is currently used 1 story U.C. Buchanan Dental Clinic. (*Edith McMillan*)

### **Response 2.7**

Comments addressing the existing conditions of the project site, including the Dental Clinic, are noted, but do not necessarily address the accuracy or adequacy of the environmental review.

### **Comment 2.8**

I urge you to insist that the N.E. corner of Buchanan and Hermann Sts. Be included in the development to allow for better “spacing” and movement throughout this massive project.

This corner is currently under-utilized by a one (1) story dental building. By free-ing up this corner for some usage of the extensive development it would mitigate the stress caused by the additional proposed buildings. (*Edith McMillan*)

### **Response 2.8**

The DEIR did not identify any significant impacts associated with the retention of this existing use. Comments requesting that the Dental Clinic be included in the proposed development are noted, but do not necessarily address the accuracy or adequacy of the environmental review.

### **Comment 2.9**

The community should have room to gather and exchange ideas. (*Michael D'Spacio*)

### **Response 2.9**

Please see DEIR page II-4 which states that the proposed project would provide a 10,000 square foot community facility space in Woods Hall Annex.

### **Comment 2.10**

The other issues that I'd like to do is to address the fact of open house. I am supportive of the process, but also I think you need to be aware of the politics. There are very few people I look around that are supporting the open house that actually live in the neighborhood. I think you should look at this as a neighborhood issue. Marcy is probably about the only one I know of that's come to our meetings on a regular basis. (*Richard Johnson, San Francisco Planning Commission, April 19, 2007*)

### **Response 2.10**

Comments questioning neighborhood support of the proposed *openhouse* building on the project site are noted, but do not necessarily address the accuracy or adequacy of the environmental review.



### 3. Land Use

#### Comments Addressing the Proposed Rezoning of the Project Site

##### Comment 3.1

This land is zoned Public (“P”) under the San Francisco Planning Code and Zoning Maps. The proposed change from Public to private, amending the City’s Planning Code and Zoning Maps, is illegal under State laws and local Codes, violates the public trust, and is inconsistent with the City’s General Plan and threshold requirements of §101.1 of the San Francisco Planning Code. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The proposed rezoning would remove all but a sidewalk through the middle of the development from public use, and, where State-owned public space now exists, create private residential structures inaccessible for public use. Completely omitting the historical context and recent uses of this land, the DEIR pretends that the land is not open to public use. That notion is incorrect and misleading. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The DEIR admits that the Project would reduce the amount of publicly zoned land in the site’s vicinity (DEIR, III.A-21). Yet the DEIR claims, with no supporting evidence, that rezoning to fill up the site with high-density residential structures would not have “higher levels of physical environmental impacts” than its historic public use. (DEIR, p. 1-8, and III.A-21) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The DEIR ignores the obvious impacts of permanently removing this area from public use, and no evidence supports the claim that previous public uses generated significant adverse impacts on the environment, unlike the proposed Project. Removing the traditional public purpose of this site is an adverse impact in itself. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The DEIR implausibly concludes that this scheme would allow greater public access than proper public uses. (DEIR III.A-20.) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

All of these impacts are caused by rezoning and could not occur without it. Thus, the DEIR’s claims that the rezoning will not have significant impacts are patently false. Furthermore, the rezoning clashes directly with many parts of the General Plan and the Planning Code (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

This is to formally notify the Planning Department that, as long-term employers in this city (19 years), we are very dismayed at the possibility that city government may change the zoning of the UC Extension property (the Laguna campus) from public use to private use. (*Kevin Danaher, PhD, Global Exchange*)

We object to the re-zoning of the campus from public to private use, which would also have significant adverse effects to this historic resource. The site has been in public use for 150 years, and once re-zoned it will never again be zoned for public use. (*Stephen B. Haigh, The Victorian Alliance*)

We protest the change from public to private zoning. The site has been in public use for 150 years. (*Rick Hauptman, North Mission Neighborhood Alliance*)

This land is and has been zoned for public use, and has been used by public institutions for a century or more. It presents almost 20 percent of all the public space in the Octavia-Market neighborhood. (*Jo Brownold*)

First, the site should not have its public zoning changed. The campus is composed of buildings worthy of being preserved and worthy of being reused for educational and recreational use. The present gym, which the developers want to demolish has accommodated dance courses and would be a great asset to the community. (*Larry Burg*)

I am opposed to changing the zoning of the Project site from P, which has been for about 150 years, to mainly NCT-3 and RTO, keeping only the dental clinic as P. (*Edward Wm. Greninger*)

My request is that San Francisco City Hall rejects UC's proposal to change the zoning on the UC Berkeley Extension property and that Public Use zoning be preserved. The campus has a legacy of public use dating back over 150 years and the site is an integral part of San Francisco's history. (*Eliza Hemenway*)

Additionally, the entire campus has been zoned for Public Use and has a 150-year history of providing education to the entire community of San Francisco as well as the Bay Area. The proposed development would permanently end Public Use on the campus, and provide little back to the community at large. With these considerations in mind, I ask that you do not approve the EIR or re-zoning of this campus. (*Eliza Hemenway*)

Having spent the past 3 years making a documentary about this campus, and exploring the issues extensively, my recommendation to the San Francisco Planning Department deny approval of the Draft EIR and to deny re-zoning of this property. I request city hall determines to keep the entire campus zoned for Public use and form a Citizen Advisory committee to establish the best use of the property in order for it to continue its legacy of Public use, truly benefiting the community.

I request the SF Planning Department consider the history of public use, the mismanagement of this valuable public resource, and the investment residents of San Francisco have made as taxpayers. This campus has been an investment of the city and should remain in Public Use. (*Eliza Hemenway*)

I am writing to you in regards to the UC Berkeley Extension site at 55 Laguna street. I strongly urge the SF Planning Department to retain Public Use zoning on the site, as it has been a valuable location for public education for more than 100 years. (*Kelly Holt*)

I strongly oppose changing the 55 Laguna Street Campus from public to private use. This land and the historic buildings on it were meant for public educational use, and I strongly believe should remain that way. The idea of privatizing it for profit and tearing down important historic buildings on the site goes against CEQA Law, and is simply wrong, if you support public education. (*Peter Lewis*)

This EIR stands in agreement with many concerned citizens who view the property as an important historic public resource and should remain so and appreciated by the city and the planning department. The economic benefits of public use are vital to San Francisco's future as a

world class city and destination and the city should not forgo the longstanding heritage that the property represents in California state and American history due to its status as the city's public education birthplace and Work Projects Administration site. (*Harris B. Taback, Law Offices of*)

[Please] keep the building public it is truly needed by our community. (*Joan Ambrosio*)

I object to the loss of public use of this site. It should be preserved as a site for public education. (*Gail Baugh*)

It would be a better use of this property for it to be for education. (*Henry Davis*)

Historically, the property in question has always served the public good. The public interest. UC does not own the property. The proposal denies the public good, the public interest. The proposed project only serves UC, Mercy Evans. Those [who] think they are entitled subsidized housing and those who can afford top floor with a view. (*Fran Harris*)

Property that is Public cannot be transferred into Private without the [consultation] of the Public – which has not been given. (*Renata LaRocque*)

We assert the analysis in the DEIR of the effects of the Project on public land is deficient. (*Cynthia Servetnick, Save the UC Berkeley Extension Laguna Street Campus*)

Please...and keep "P" zoning. (*Lavon Taback*)

The Buchanan/Haight/Laguna/Hermann site has served education and the public for 150 years. There is no reason that it cannot continue to do so. There is no earthly reason why UC [and] private developers should make a profit from our public space. (*Helene Whitson*)

The people in the neighborhood are not against open house. We are against destroying a jewel that was owned by the City for almost a hundred, over a hundred and fifty years, a hundred and fifty years where we subsidized the streets, the sewers, the lights, everything. (*C. Whitefeather Daniels, San Francisco Planning Commission, April 19, 2007*)

But we do dispute sticking all those people in this little area, it's the only open area. It's belonged to the City for a hundred, over a hundred and fifty years, it's a hundred and fifty-three years. (*C. Whitefeather Daniels, San Francisco Planning Commission, April 19, 2007*)

It's been mentioned that this is a 5.8 acre campus, it's been public for 150 years, that Waller Street may in fact be owned by the City should the zoning change. And the CEQA process so far has been the only public process that we've had to talk about the impacts of the virtual disposition of public land and the change of zoning. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

I'm here to tell you that this re-zoning idea is really a bad idea. Please do not re-zone. We work with -- we're facing a situation of violence with youth throughout our city, a need for education. (*Francisco Herrera, San Francisco Planning Commission, April 19, 2007*)

If you retain its public use, maybe another school community like that will be created. (*Lana Tamasaki, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 3.1**

The environmental effects of the proposed rezoning of the majority of the project site are analyzed throughout DEIR Section III, *Environmental Setting and Impacts*. DEIR, subsection III.A, *Land Use, Plans, and Policies*, specifically evaluates the rezoning effort to the extent that it may result in significant adverse physical land use changes at the site or in its vicinity. The DEIR acknowledges that the rezoning would result in a loss of publicly zoned land at the project site which has been in some form of public use for over 150 years, and that the proposed change in zoning would reduce the amount of publicly zoned land in the Market & Octavia Neighborhood Plan Area by about 19 percent. In its place, the proposed RTO and NCT-3 or Mixed-Use Special Use District zoning classifications would allow for the mix of residential, community facility and commercial retail uses to be developed on the project site, while providing some public accessibility to and through the site (e.g., Waller Park).

While the DEIR acknowledges that the proposed project would eliminate most of the publicly-zoned land on the project site and reduce publicly-zoned land in the Market & Octavia Neighborhood Plan Area, the DEIR also identifies other publicly zoned sites in the neighborhood that would not be affected by the proposed project and would continue to be available for public use. The proposed project could also be viewed as allowing a greater degree of public access to the site than exists currently (as the site is currently closed to public use), or had existed previously during its use as a school, considering the publicly accessible park and other community features that would be provided.

The DEIR analysis notes that the proposed rezoning of the site would allow medium-density residential, community facility, and commercial retail uses that are generally considered to generate fewer physical environmental impacts compared with other, more intensive or institutional-type land uses, which sometimes, but not always, result in greater physical environmental impacts (such as traffic, air quality, hazardous materials, etc.). As the proposed project would not allow land uses that are generally considered to have higher levels of physical environmental impacts, the change in zoning from P to RTO/NCT-3 or to a Mixed-Use Special Use District would have a less-than-significant impact on the environment.

Given the proposed project's public benefits, its lack of impacts to other publicly zoned properties in the area, the low environmental impact that in-fill residential uses can have relative to more intensive, institutional-type uses, the DEIR accurately concluded that rezoning of the property from P to RTO and NCT-3 or to a Mixed-Use Special Use District would have no substantial adverse impact on the existing character of the vicinity, and thus land use impacts would be less than significant.

The compatibility of the project with General Plan policies unrelated to the physical environment, including consistency with existing zoning, will be considered by decision-makers as part of their decision to approve or disapprove the proposed project (also see Master Response 3.3 below).

Therefore, the DEIR identified the physical environmental effects of the proposed rezoning of the project site and associated reduction in publicly zoned land, and accurately stated that such changes would result in a less-than-significant environmental impact.

Although no significant environmental impacts associated with the proposed zoning change or reduction in publicly zoned land was identified, the DEIR nonetheless included two alternatives that would retain the existing P zoning designation on the site (see section VI, *Alternatives to the Proposed Project*). These alternatives included Alternative A – No Project, and Alternative C – New College of California/Global Citizen Center Concept Plan. As noted in the DEIR, no significant land use impacts were identified with any of the other alternatives.

Finally, with regard to the cumulative effects of rezoning, the Market and Octavia Neighborhood Plan identifies a number of new zoning designations that would be applied to various parcels in the Plan area, but did not identify any parcels that would be rezoned from P (Public) to other zoning designations (such as RTO, NCT-3, etc.). There are also no known past, present, or reasonably foreseeable projects in the Plan area that would require rezoning of other P (Public) properties to other zoning designations, to which the proposed project's rezoning effort would cumulatively contribute. As such, the DEIR appropriately stated that the proposed rezoning of the project site from P (Public) to RTO and NCT-3 or to a Mixed-Use Special Use District would have no significant cumulative land use impact in the Plan area.

## Comments Addressing Project Effects to Open Space and Recreation

### Comment 3.2

Among many other misstatements, the DEIR claims that the Project would create “public open space where there is currently none.” (DEIR III.A-21) In fact, a large part of the entire parcel is presently open space.

- The DEIR claims that “Six parks and open spaces are located within “1/4 mile of the project site.” (DEIR III.A-3) In fact, there is little open space in the entire densely populated area. Neither Duboce Park nor Patricia's Green is within 1/4 mile of the Project; nor can Patricia's Green, Rose-Page Mini-Park, or “Octavia Plaza” be seriously called parks, and all of these spaces are intensively used already.

Not one of the three “parks” (Koshland, Rose-Page Mini-Park, Octavia Plaza) within 1/4 mile of the Project contains adequate open space to satisfy existing needs or General Plan requirements, much less to mitigate the loss of nearly 6 acres of public space that this Project will cause. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The Final EIR must analyze the impact on nearby parks, including cumulative impacts. As we pointed out in our June 2006 scoping comments, Koshland Park, which is a half-block from the site, is already overburdened by (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

The DEIR also does not include a discussion of how 450 additional housing units will impact nearby parks. As we pointed out in our June 2006 scoping comments, Koshland Park, which is 1/2 block from the site, is overburdened by local users. While the 55 Laguna proposal by itself may not significantly impact this park, the cumulative impact of this development, 1844 Market, the Buchanan and Market proposal and the Octavia Boulevard parcels will put significant pressure on the limited park space in the neighborhood. Therefore, we urge that the DEIR include a thorough analysis of the pressures the development will have on parks, and the cumulative impact of that pressure. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

Currently Koshland Park, which is 1/2 block from the site, is overburdened by local users. While the 55 Laguna proposal by itself may not significantly impact this park, the cumulative impact of this development, 1844 Market, and the Octavia Boulevard parcels will put significant pressure on the limited park space in the neighborhood. Therefore, we urge that the EIR include a thorough analysis of the pressures the development will have on parks, and the cumulative impact of that pressure. *(Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association)*

Throughout the city, we are seeing plans for increased intensification of residential use, without a commensurate increase in public amenities and public space. For this reason, we are especially concerned about removal of existing public space. We are writing to support the continued Public (P) zoning of the 55 Laguna Campus, formerly the home of UC Berkeley Extension. The site has been Public for 150 years. With 10's of thousands of new housing units being proposed for this area under the new Octavia and Market plan, our need for public use and open space in this area will only increase. This location is our only opportunity to provide for future Public uses and open space. *(Michael Mullin, The San Francisco Neighborhood Network)*

An abundance of housing is slated to be built in the immediate area, which means that open space will be needed even more for public use. *(Larry Burg)* [Koshland] Park that's adjacent to the site, it's overburdened right now. And so again, obvious mitigation is to increase the amount of open space on the site. And that doesn't necessarily mean fewer units, it just means more publically open space. *(Adam Millard-Ball, San Francisco Planning Commission, April 19, 2007)*

One major impact found in the Market Octavia Plan is the need for publically zoned space. This site currently has approximately 17 percent of all the publically zoned space within the Market Octavia boundaries. The need for publically zoned space itself, whether for education, parks, open space, recreation centers, community centers, etcetera, is an environmental impact. The proposed 10,000 square feet of community space the developers are offering is woefully inadequate in this regard. *(Paul Olson, San Francisco Planning Commission, April 19, 2007)*

The [EIR] woefully plays down the reduction of public space that's going to be taken out of our neighborhood. This is one of the few areas that is remaining of open space. *(Richard Johnson, San Francisco Planning Commission, April 19, 2007)*

We also want to point out that since this EIR was done without considering the Market Octavia Plan it doesn't evaluate the changes -- how the change of zoning from public use to private use will impact the need for public resources and services, like open space, recreation, education, and social services. *(Tamara Colby, San Francisco Planning Commission, April 19, 2007)*

Public open space should be preserved and expanded at the Site. The current undeveloped areas of the site (which are now a series of paved parking lots) should be preserved and developed as

outdoor parks and recreation areas. The surrounding communities are already in need of more public open space, and the addition of over 19,000 of new housing units under the Market Octavia Plan makes more public open space in the area an absolute requirement for the health of our city and neighborhoods. (*Ellen K. Brown*) Should the Draft EIR be approved, a minimum of 25% of the currently zoned P project area should be required as open space. This is similar to what the Planning Department's own staff proposed in an earlier draft of how the project area might be re-used to benefit the city and neighborhood. 25% of 5.8 acres is 1.45 acres. (*Teresa Welborn, Lobelia Properties LLC*)

The open space should be required to be primarily in a single large square or rectangle open to the pedestrian public, and open to sunlight, air, and views. The Draft EIR considers the Waller Street as its primary open space, with two additional roadways as open space. The Draft EIR places buildings so close together that the spaces between them cannot qualify as open space. (*Teresa Welborn, Lobelia Properties LLC*)

### **Master Response 3.2**

As noted on DEIR page III.A-1, uses on the site are limited to four vacant buildings, one building occupied by the UC Dental Clinic, and surface parking. There are currently no recreational or open space uses on the project site. Public accessibility of the project site is currently limited, given that most of the project site buildings are vacant and locked. Most of the undeveloped areas are used for surface parking by UCSF and CPMC Davies staff, and are not available as public parking. Although the surface parking areas are "open" inasmuch as they do not contain structures, they are not considered public open space. Not including the steep, vegetated hillsides between the upper and lower parking lots, the only useable open space at the project site includes a landscaped courtyard behind Woods Hall about 120 feet by 90 feet in size. This area is fenced and currently off-limits to the public. This area would be converted to use as a community garden, and accessible to residents and the general public, as described in the DEIR. Although not germane to the EIR discussion, but for informational purposes, public access to the project site was previously limited when it was in use as a UC Extension, given that it was accessible only to UC students, staff, and visitors.

The term "public open space" is used in the DEIR in its more commonly recognized sense: natural or landscaped settings accessible by the general public, including land that is undeveloped and not covered by structures, roads, or parking areas. As such, the term "public open space" as used by many of the commenter's would not be applicable to surface parking lots available only to UCSF and CPMC Davies staff, as evidenced by the existing condition at the project site.

Publicly-zoned parcels in San Francisco have varied land uses that include institutional, civic, educational, open space, or parks uses as defined by the Planning Code. The project site is zoned "P" (Public) because public institutions were labeled as "P" (Public) when zoning maps for the area were established historically by the City of San Francisco. The site is not zoned "P" (Public) because it was considered a public open space or park use.

As identified in the Initial Study (DEIR Appendix A), the CEQA threshold for determining the significance of impacts to open space and recreational facilities is: *would the project create a substantial increase in demand for recreation, education, or other public facilities that would result in the construction or expansion of such facilities, having a significant impact to the environment?* The analysis completed in the Initial Study determined that while demand for open space and recreational facilities would increase as a result of the proposed project, due to the number of proposed new residents, given the amount of open space that would be provided on the project site, as well as the amount of open space and recreational facilities that currently exist within ¼ mile from the project site, it is not anticipated that the project would trigger the construction or expansion of *other* public facilities resulting in a significant impact to the environment. Therefore, the DEIR appropriately concluded that the project would have no significant impact on open space or recreational facilities.

DEIR page III.A-3 identifies six parks and open spaces located within ¼ mile of the project site, including Koshland Park, Duboce Park, Patricia's Green in Hayes Valley, Rose Page Mini-Park, and Octavia Plaza. The sixth park is McCoppin Square, a small open space at the end of McCoppin Street near the terminus of the Central Freeway. Other publicly accessible parks and open spaces over one half-mile from the project site include Jefferson Square Playground, Dolores Park, and the Civic Center Plaza.

The existing population burden on the parks and open spaces within ¼ mile of the project site is estimated to be approximately 305,080 square feet of parks/open space (7 acres) for a population of about 13,500, or about 23 square feet of open space for every resident.<sup>6</sup> While this amount is small compared to some San Francisco neighborhoods, such as the Richmond or Sunset Districts where there are lower population densities and greater amounts of parks and open space (i.e., Golden Gate Park), this amount would be greater than other neighborhoods such as Chinatown, North Beach, or South of Market where there are greater population densities and lesser amounts of parks and open spaces. With the proposed project's addition of approximately 833 new residents and about 32,980 square feet of publicly accessible open space (see discussion below), the open-space-to-population ratio would increase from about 23 to 24 square feet per person on an area-wide basis, and from zero square feet of open space under current conditions to about 40 square feet under proposed conditions (a 42 percent increase over existing neighborhood open space-to-population ratios). Policy 2.1 of the Open Space Element of the San Francisco General Plan defers to the urban open space requirements of the National Park and Recreation Association (NPRA), which calls for 10 acres of open space per 1,000 residents in cities (435 square feet per resident). At about 240 square feet of open space per resident, San Francisco as a whole falls well short of this recommendation. While the project would also fall short of the Plan policy, it would still represent an improvement over existing conditions on the project site, as well as in the immediate neighborhood.

<sup>6</sup> Using City GIS coverage to estimate size of nearby parks (Koshland Park, Duboce Park, Patricia's Green, Rose Page Mini-Park, Octavia Plaza, and McCoppin Square), and 2000 US census (block level) to determine population w/n ¼ mile. (305,080 sq. ft. divided by 13,533 persons equals 22.5 square feet of open space per resident.)



Although most of the project site would no longer retain its P (Public) zoning designation, the proposed project could be viewed as increasing the amount of publicly accessible open space compared to existing conditions. Page II-8 of the DEIR states that the proposed project would provide a number of publicly accessible open spaces available not only to the new project residents, but also to the general public. The proposed project would provide about 32,981 square feet for common open space uses, including Waller Park, community gardens, and other miscellaneous common open spaces. This amount is 28,334 square feet more than the common open space requirement of proposed NCT-3 and RTO zones (see project sponsor's open space calculations, provided in Attachment 3). Waller Park, specifically, would be approximately 23,000 square feet in size, or about 0.52 acre. Finally, site coverage requirements of the Planning Code are generally provided at a maximum of 75%, while the proposed project's site coverage would be about 52%.

Therefore, given the lack of existing open space and recreational areas currently available on the project site, the amount of open space and recreational amenities proposed by the project sponsors, together with amenities which exist in the project vicinity for existing and proposed new tenants, the DEIR accurately identified no significant environmental impact related to open space or recreation.

Comments which request additional amounts of open space, or open space placed in different locations on the project site are noted, but do not directly relate to the adequacy or accuracy of the environmental analysis.

With regard to comments about cumulative effects to open space, recreation, and public facilities, the effects of the proposed project were evaluated within the context of the anticipated development of the Market & Octavia Neighborhood Plan area. As no significant impacts to open space, recreation or public facilities were identified in either the Market & Octavia Neighborhood Plan Area EIR (Plan EIR) or the 55 Laguna Street Mixed Use DEIR, the proposed project would have no significant cumulative impacts to such resources.

Because build-out under the Plan would result in higher population densities within the Plan Area, demand for or use of existing parks and open space by neighborhood residents would increase. However, the Market & Octavia Neighborhood Area Plan EIR stated that the Plan would not directly impact any of the existing parks or open space amenities within the Plan Area, and that the Plan proposes to create new parks and open space amenities within the Plan Area to take advantage of unique opportunities presented by the removal of the Central Freeway structures.

The Plan EIR states that the proposed Octavia Plaza, McCoppin Square, and Brady Park improvements would enhance neighborhood livability and quality of life for current and future residents. Overall, the Plan would increase public amenities within the city by improving open space and park uses in the Project Area. Implementation of the Plan would not cause a significant impact on parks and recreation facilities.

The Land Use and Zoning section of the Market and Octavia Neighborhood Plan EIR (page -61) assumed eventual development of the former UC Extension site in its analysis by stating, “Development of the UC Berkeley Extension site is the only foreseen major development project in the Project Area. For purposes of this EIR analysis, it is assumed that the project would include 500 housing units, some retail space and community serving uses, all of which have been included in the 2025 projected land use allocations. Due to the allocation methodology employed by the Planning Department, cumulative growth of residential and non-residential uses has been already accounted for in 2025 under the future growth scenario with the proposed Plan”

As development of the project site was anticipated by the Market & Octavia Neighborhood Area Plan and EIR, and no significant effects to open space, parks, or recreational facilities were identified in the Plan EIR or the 55 Laguna Mixed Use Project EIR, the proposed project would no significant cumulative impact on such resources.

## Comments Addressing Consistency with Plans and Policies

### Comment 3.3

As a threshold matter, the City may not adopt any zoning ordinance, issue a permit for any project or adopt any legislation for a project that requires CEQA compliance, demolition, conversion or change of use, without first finding that the proposed project and legislation are consistent with all of the eight Priority Policies set forth in the Planning Code at § 101.1. Instead of analyzing the Project for consistency with these Policies, the DEIR claims that “the Planning Commission and/or Planning Department will consider whether, on balance, the proposed project is consistent with the Priority Policies.” (DEIR, III.A-I7) The deferral of this analysis is improper, as are the DEIR’s misstatement of what these provisions say. The proposed rezoning and the proposed Project and its uses conflict with these requirements as follows: [commenter provided a multi-page list of Priority Policies that the project would be inconsistent with, found in Attachment 1] (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The Project is Inconsistent with the General Plan. The following are examples (not inclusive) of the Project’s inconsistencies with the General Plan: [commenter provided a multi-page list of General Plan policies that the project would be inconsistent with. These can be found in Attachment 1, but they are not reiterated here for purposes of brevity] (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The initial review for the proposal at 55 Laguna states that conflicts with existing adopted environmental plans and goals of the city or region are “not applicable.” However, for several reasons, we disagree and urge that compatibility be thoroughly analyzed (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

[The EIR] should discuss how the 55 Laguna proposal is consistent with the full set of policies and goals in the Market/Octavia plan. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

Compatibility with existing zoning and plans should be further discussed in the Project EIR. We request the Project EIR, in addition to the case reports for the Project approvals and Project

rezoning, evaluate consistency with the eight Priority Policies under the Accountable Planning Initiative, especially neighborhood character, landmark and historic building preservation, and protection of open space. We also request the consistency analysis required for the General Plan amendment be included in the Project EIR. (*Martin Hamilton, New College of California*)

The DEIR did not adequately discuss compatibility and conflicts with existing zoning, plans and policies of the City or Region, nor did it adequately address the disruption/loss of the former UC Berkeley Extension community at the Campus. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. (*Martin Hamilton, New College of California*)

### **Master Response 3.3**

The comments assert that the proposed project would be inconsistent with many of the General Plan and/or Planning Code policies, and in some cases, provides a list of such inconsistencies. Commenters are correct that the proposed project may be inconsistent or only partially consistent with many of the General Plan's policies, such as those found in the following elements: air quality, commerce and industry, environmental protection, housing, transportation, recreation and open space, among others. Project inconsistencies with some General Plan policies are noted on DEIR page III.A-22, but are not intended to be an exhaustive list of all potential inconsistencies; as such an effort is not required in an EIR.

Potential inconsistencies with the General Plan and/or Planning Code are considered by the Planning Commission independently of the environmental review process, as part of the decision to approve or disapprove a proposed project. Any potential conflict not identified in the DEIR would be considered in that context, and would not alter the physical environmental effects of the proposed project, which are analyzed in the DEIR. The Planning Commission and the Board of Supervisors, in deciding whether to approve the project, must weigh the project's public benefits and consistency with the General Plan and Eight Priority Policies set forth in the Planning Code.

Although an EIR must *discuss* a project's inconsistencies with the General Plan, an EIR is not required to *analyze* a project's consistency or inconsistency with every conceivable General Plan or Planning Code policy that could be applicable to a proposed project. As noted on page III.A-21 of the DEIR, the proposed project would be consistent with some applicable land use plans and policies, and would be less consistent with others. As described above, these goals will be weighed independently from the environmental review process during consideration of project approval. The commenter's assertions that the DEIR improperly deferred a General Plan consistency analysis are incorrect. The DEIR fully meets the requirements of CEQA. With regard to recent CEQA case law and findings of consistency with General Plan policies, please see *San Franciscans Upholding The Downtown Plan v. City and County Of San Francisco* (2002) 102 Cal. App. 4th 656. In this suit filed against the City for adopting the Bloomingdales/Westfield Center Project and certifying the EIR, plaintiffs argued that the project was inconsistent with the General Plan and the Downtown Plan, among other complaints. The opinion resulting from this lawsuit states the following about findings of General Plan consistency:

“Courts accord great deference to a local governmental agency’s determination of consistency with its own general plan, recognizing that “the body which adopted the general plan policies in its legislative capacity has unique competence to interpret those policies when applying them in its adjudicatory capacity. Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes. A reviewing court’s role is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies.”<sup>7</sup>

Moreover, state law does not require precise conformity of a proposed project with the land use designation for a site, or an exact match between the project and the applicable general plan.<sup>8</sup> Instead, a finding of consistency requires only that the proposed project be “compatible with the objectives, policies, general land uses, and programs specified in” the applicable plan. (Gov. Code, § 66473.5, italics added.) The courts have interpreted this provision as requiring that a project be “ ‘in agreement or harmony with’ ” the terms of the applicable plan, not in rigid conformity with every detail thereof.<sup>9</sup>

Indeed, no project could completely satisfy every policy stated in the [general plan], and that state law does not impose such a requirement. A general plan must try to accommodate a wide range of competing interests--including those of developers, neighboring homeowners, prospective homebuyers, environmentalists, current and prospective business owners, jobseekers, taxpayers, and providers and recipients of all types of city-provided services--and to present a clear and comprehensive set of principles to guide development decisions. Once a general plan is in place, it is the province of elected city officials to examine the specifics of a proposed project to determine whether it would be ‘in harmony’ with the policies stated in the plan.”<sup>10</sup>

## Comments Addressing the Elimination of P-Zoned Properties in the Project Vicinity

### Comment 3.4

19% of anything does not compute to be “a relatively small loss...” A loss of nearly 20 percent of existing P-zoned properties should be characterized as “a significant loss.” (*Hisashi Sugaya, Planning Commission*)

The DEIR concludes that, although the site contains 19% of existing open space in the area, that the Project’s elimination of that open space would be “considered to be a relatively small loss in light of the amount of P-zoned properties which would continue to be available for public use.” (DEIR III.A-20) This disingenuous statement does not say where or what the other publicly-zoned properties are. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

<sup>7</sup> *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, 87 Cal. App. 4th at p. 142 [104 Cal. Rptr. 2d 326] (2001).

<sup>8</sup> *Sequoyah Hills Homeowners Assn. v. City of Oakland*, 23 Cal. App. 4th at p. 717 (1993); *Greenebaum v. City of Los Angeles* 153 Cal. App. 3d 391, 406-407 [200 Cal. Rptr. 237] (1976).

<sup>9</sup> *Ibid* at 129, 131 (1976).

<sup>10</sup> *Sequoyah Hills* at 719-720.

This Project will remove nearly 20% of all public open space in the area, and that is a significant adverse impact that must be analyzed and mitigated under CEQA. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

[T]he statement that the amount of P zoning is a “relatively small loss” is not justified. (On p. III A-17, the DEIR contradicts this, stating: “At 5.8 acres, the project site comprises approximately 19 percent of the P-zoned properties in the neighborhood.”) Given expected population growth in the neighborhood, with development slated for parcels such as 1844 Market St and along Octavia Boulevard, the EIR needs to analyze the amount of [P]-zoned land that is available for future additions to public services/open space. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

This loss of 19% of public designation area in the Market and Octavia Plan (Pg. IIIA-20) is substantial and would, I believe, have a significant land use impact to neighborhood character in spite of the EIR’s opinion to the contrary (Pg. III.A-21). (*Edward Wm. Greninger*)

### **Master Response 3.4**

The comments refer to a sentence in the DEIR, page III.A.III-20, which states that, “Overall, the change in zoning would eliminate approximately 5.8 acres of P-zoned properties out of about 30 P-zoned acres in the Market & Octavia Neighborhood Plan Area, or about 19 percent, considered to be a relatively small loss in light of the amount of P-zoned properties which would continue to be available for public use.” While the commenter’s opinion that a loss of 19 percent of all P-zoned properties in the project vicinity should be characterized as a significant loss is noted, the DEIR did not identify a significant adverse physical impact to the environment from the reduction in publicly-zoned properties resulting from the proposed project. These parks and other publicly-zoned properties in the project vicinity are also identified on Figure 10, DEIR page III.A-15, illustrated with the letter “P.” The reduction of any one type of zoning designation in a neighborhood, while perhaps undesirable to some, does not necessarily translate into a significant physical land use impact under CEQA. Additionally, the potential loss of P-zoning to the neighborhood and to the general area would be limited because project site was not primarily neighborhood-serving, but rather city and region-serving during its previous use as a UC Extension site. Considering that the site no longer functions as a publicly-accessible UC Extension campus, the immediate loss of this site for neighborhood-serving public uses is even further reduced.

The existing P-zoned properties in the Market & Octavia Neighborhood Plan Area that would continue to be available to the general public includes several open space or park uses. As such, the rezoning of the project site resulting in the loss of about 5.3<sup>11</sup> acres of P-zoned properties was considered to be relatively small in light of the amount of other P-zoned properties which would continue to be available for public use. Please also see Master Response 3.1.

<sup>11</sup> 5.8 acre project site minus 0.5 acres that would remain in P-zoning (Dental Clinic) equals approximately 5.3 acres of P-zoned property that would be changed. For conservative purposes, the larger of the two numbers was used in calculating the change in the amount of P-zoned property in the DEIR. With retention of the Dental Clinic property, actual change in P-zoned property in the area would be closer to 16.7 percent, rather than 19 percent.

Some of the commenters mistakenly equate P-zoning with ‘open space’ as a land use category. While some properties zoned (P) Public in the project vicinity have open space and recreational uses, others include office buildings with civic, institutional, and educational uses. As such, a reduction in P-zoned properties in the project vicinity does not directly result in a reduction in open space or recreational uses. Please also see Master Response 3.2 regarding project effects to open space and recreation.

## Individual Comments Addressing Land Use, Plans, and Policies

### Comment 3.5

Pg. III.A-12: The existing height limits and boundaries are illustrated on Figure 9. Is there a corresponding illustration of the proposed height limits (40-50-85)? (*Hisashi Sugaya, Planning Commission*)

#### **Response 3.5**

Please see Figure 7, *Proposed Zoning and Height and Bulk Districts*, on DEIR page II-12, which illustrates the proposed height limits on the project site. Please compare this graphic with Figure 9, *Existing Height and Bulk Districts*, on DEIR page III.A-12 to see the proposed change in the height and bulk districts. The site is currently in the 40-X height and bulk district, with the exception of the southwestern corner of the project site, which is in the 80-B height and bulk district. Under the proposed project, the areas on the northern end of the site, along Haight Street, would remain unchanged from their existing 40-X height and bulk district. The southwestern corner of the site would change from 80-B to 85-. The height and bulk district within the center of the site and along Buchanan Street would change from 40-X to 50-X.

### Comment 3.6

The height and bulk of the openhouse building would be “substantially greater than the predominately three-story residential buildings in the project vicinity.” (DEIR. 1-7) The DEIR claims that the “proposed inclusion of the openhouse building, specifically targeted for LGBT seniors, would be compatible with the surrounding neighborhood’s residential uses, as well as with the community-serving uses of the LGBT Community Center, located approximately one-half block from the project site.” (DEIR IILA-I 9) This is a large Project of statewide significance. (14 Cal. Code Regs. [“Guidelines”] § 15206.) The kind of compatibility that must be analyzed to comply with CEQA and the Government Code is not the sexual compatibility of proposed tenants but compatibility with the traditional use of this site as a public educational institution and the existing physical attributes of the site and surroundings. This Project is *not* compatible with public use and the existing environment. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.6**

Project compatibility with adjacent land uses are addressed in DEIR Section III.A, *Land Use, Plans, and Policies*. The evaluation of compatibility of the *openhouse* building with adjacent uses was focused on compatibility with other multi-family residential uses in the immediate vicinity, and not on the sexual orientation of the people who may reside within the *openhouse* building. The discussion regarding compatibility of the *openhouse* building with the LGBT Community Center was also intended to describe compatibility of the residential nature of this project component with community-serving uses in the immediate vicinity, as such uses would typically serve residents in the immediate neighborhood. As such, the DEIR appropriately concluded that this portion of the proposed project would be compatible with surrounding land uses. CEQA Guidelines Section 15206 defines a project of statewide significance as a project with over 500 residential units, among other qualifications. The project, with 450 dwelling units and assisted living residential care units and 5,000 square feet of retail space, falls below that threshold.

### **Comment 3.7**

The new buildings would be private residences, a use prohibited by the Planning Code's Public designation and incompatible with public uses and zoning. These buildings would be incompatible with all surrounding structures, clashing in style, bulk, and height with the surrounding smaller residential structures and the historic character of the site and surrounding area. (*E.g.*, DEIR, Figures 3, 5, 6, 13, 14, 15, and 16) The height and bulk of the openhouse building would be "substantially greater than the predominately three-story residential buildings in the project vicinity." (DEIR, 1-7) The UC Dental Clinic would be the only remaining public educational facility on site. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.7**

The DEIR describes project effects associated with public uses and zoning in DEIR Section III.A, *Land Use, Plans, and Policies*. The section of the DEIR describes that the proposed residential uses would not be consistent with the existing P (Public) zoning designation on the site, and therefore, the project sponsors request a change in the zoning district from P (Public) to allowable designations except for the dental clinic, which would remain in a P zoning district. Height and bulk designations would also be required to be changed from 40-X and 80-B to 40-X, 50-X and 85-X. Finally, the proposed project would also require an amendment to the *San Francisco General Plan* to allow the change from a public/institutional use designation to a residential mixed-use designation.

Project compatibility with adjacent residential uses is also evaluated in DEIR Section III.A. The DEIR compared the existing uses on the immediate project periphery, which are a mix of primarily residential buildings of varying heights and sizes, to the proposed project, and appropriately concluded that given the mix of building heights in the area including buildings that are taller closest to Market Street, the project would not be incompatible with existing land uses, including height and bulk, such that a significant adverse impact to community character would occur.

### Comment 3.8

Because of its extreme density and excessive heights, even if rezoning the property were lawful, the Project would not conform to any existing zoning uses, either under existing zoning or the proposed Market-Octavia Plan, which the DEIR improperly invokes as authority, even though it has not been approved. To accommodate the Project's private for-profit density development, the City proposes to rezone the parcels and/or establish a "Mixed-Use Special Use" District incorporating the major provisions of the proposed RTO and NCT-3 zoning classifications" in its "Market-Octavia Plan zoning classifications." (DEIR I-4). The DEIR does not explain that the new designations would eliminate all existing regulations of bulk, height, density, yard, setback, open space and parking that would otherwise prevail in residential development if this parcel were not zoned Public. All of the proposed rezoning classifications would have significant direct, indirect, and cumulative adverse impacts on the environment that the DEIR fails to identify. (Mary Miles, *Coalition for Adequate Review*, May 7, 2007)

#### Response 3.8

As discussed in Response 3.7, the project would require a change in the zoning district from P (Public) to RTO and NCT-3 or a Mixed-Use SUD for the project to be approved. The DEIR adequately evaluated the direct, indirect, and cumulative effects of such a rezoning effort not only in the *Land Use, Plans, and Policies* section, but in all sections of DEIR Section III, *Environmental Setting and Impacts*. As noted in these sections, the only significant environmental impact associated with the proposed rezoning effort would be effects to historic resources. The project would be required to meet bulk, height, density, yard setback, open space, and parking requirements of the RTO and NCT-3 or a Mixed-Use SUD, if such a zoning amendment were approved for the project. The DEIR need not describe the effects of different Code requirements between the site's existing zoning designation and those proposed for it (or those requirements that would occur if the site were rezoned under other residential or mixed-use zoning designations), in order to make an informed decision about the effects of the project and its proposed rezoning effort. The DEIR discusses compatibility of the new zoning with surrounding uses on page III.A-19-21.

### Comment 3.9

To further facilitate UC's transfer of State-owned public land to private, for-profit development, the City's DEIR also proposes to amend the San Francisco General Plan "to allow the change from a public/institutional use designation to residential mixed-use designations, and to allow an increase in building heights." (DEIR I-5) The parcel is zoned Public, which permits *no* private residential uses. (San Francisco Planning Code, §§234.1; DEIR I-6.) The maximum existing heights, presuming public uses, would be 40-X and 80-X. (DEIR I-6.) The Project would remove all but the UCSF Dental Clinic from Public zoning, converting the rest of the property to private use, inaccessible to the public except for one sidewalk, the disingenuously named "Waller Park." The Project would raise on-site heights from existing two-story structures (20 to 30 feet) to 50-X, and 85-X, plus a height bonus of five feet, rezoning the parcels to "RTO" and "NCT-3" or to a Mixed-Use Special Use District to accommodate the Project. (DEIR I-6)<sup>4</sup> [Footnote 4: The Project incorrectly presumes that zoning designations in the Market and Octavia Better Neighborhoods Plan, which has not yet been adopted, could be retroactively applied to the Project.] (Mary Miles, *Coalition for Adequate Review*, May 7, 2007)



The rezoning is inconsistent with the General Plan, the Planning Code and Zoning Maps. Public uses are restricted under §§ 234 *et seq.* to uses that “provides public services to the community.” (San Francisco Planning Code §790.80) Private residential dwellings in no way comply with this purpose. Principal uses that are permitted under the Planning Code include public-serving government facilities, such as museums, post offices, administrative offices of government agencies, public libraries, and police stations. (San Francisco Planning Code at, *e.g.*, §234.1).

Conditional uses may include educational institutions (San Francisco Planning Code, §§234.2(a) and 209.3(i) subject to §304.5 (Institutional Master Plans). Conditional uses of public lands may also include community parking facilities (*Id.* at §§234.2; and other public-serving uses. (*Id.* at, *e.g.*, §§234.2(a).)

*No residential use* other than student and faculty housing accessory to and designated for educational institutional uses is permitted. Specifically *excluded* are private residential dwelling uses and other housing. (*Id.* at §§234.2(a), excluding from permissible uses §§209.1 and 209.2; and *see* §§202; 204; 204.5; 234.1) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.9**

See Master Response 3.1 about the effects of proposed rezoning efforts at the project site. The commenter is correct that no private residential uses are allowed on parcels zoned P (Public) except for student and faculty housing accessory to educational and designated uses. Because the project would include residential uses, the project require a change in the zoning district to allow such uses as described throughout the DEIR.

The DEIR Project Description page II-11 states that if the new Market-Octavia Area Plan zoning classifications not be adopted prior to project approvals, the project sponsors would seek a Mixed-Use Special Use District incorporating the major provisions of the proposed RTO and NCT-3 zoning classifications. Zoning designations that are not adopted could and would not be retroactively applied to the proposed project.

The comment generally reiterates much of the project description found in the EIR summary, but does not directly address the adequacy of the evaluation found in the DEIR.

### **Comment 3.10**

The DEIR’s project description and setting description are incorrect, skewing the baseline from which significant impacts must be evaluated and mitigated under CEQA. The following are only a few of many false, misleading or unsupported statements in the DEIR:

- Claims that proposed huge new box structures would be “compatible in bulk and scale” with surrounding two- to three-story buildings. (DEIR 1-10.)
- Claims that there are “six parks and open spaces” within 1/4 mile of the Project. (DEIR III.A-3)
- Claims that because UC closed the property to public access that it is not open space, a statement that is incorrect factually and as a matter of law. (DEIR III.A-20)
- Claims that the parcel does not have “useable amounts of open space” and is “vacant” and useless as public land. (DEIR III.A-20)

- Depicts buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-feet tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1,2,3,4 and 7 as either invisible or no higher than the two-story Woods Hall.)
- Misstates existing traffic, transit and parking conditions in the immediate and cumulative areas.
- Claims that the Project would “reestablish Waller Street.”
- Claims that the sidewalk it calls “Waller Park” is a “park” and/or a “street.” Claims that demolishing the historic retaining wall and erecting incompatible structures would “further integrate the site into the surrounding neighborhood.” (DEIR III.A-21, and Figure 15.)
- Claims that, “The project would also eliminate the site’s surface parking use and create usable public open space where there is currently none.” (DEIR III.A-21) Claims that “Building heights on the project site would be within the range of heights within the surrounding neighborhood.” (DEIR III.A-21)

CEQA requires an accurate description of existing conditions from which the impacts of the Project can be measured. The DEIR does not comply with CEQA. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.10**

Please see Response 3.15 about DEIR discussion of project compatibility with surrounding land uses and the range of building heights in the surrounding neighborhood. Please also see Master Response 3.1. For comments regarding open space at the project site, please see Master Response 3.2. The intention of the DEIR discussion was not to infer that that the project site was “useless” as public open space, as asserted by the commenter, but that open space in the traditional sense of the word does not exist on the project site. The term “public open space” is typically defined as an undeveloped natural or landscaped setting accessible by the general public, and not to surface parking lots available only to UCSF and CPMC Davies staff, as is the existing condition at the project site.

With regard to comments about the accurate portrayal of proposed buildings within the DEIR’s various figures, please see Response 4.4 about simulated views. For comments regarding the reestablishment of Waller Street, as well as the legal ownership of this area, please see Master Response 1.5. The proposed project would “reestablish Waller Street” because it would reopen the former Waller Street corridor to allow public access, which had once existed in this location prior to 1922. Waller Park would be approximately 23,000 square feet of useable, landscaped and publicly accessible open space, and therefore is referred to in the DEIR as a “park.” The DEIR described on page III.A-21 that elimination of the retaining wall along Laguna Street, which currently restricts access to the site, and replacement with residential buildings accessible from Laguna Street, would help to integrate the site into the surrounding neighborhood. The desire to integrate the inwardly-focused campus with the surrounding residential neighborhood is noted in the *Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus* (San Francisco Planning Department, 2004). The DEIR described on page III.A-21 that proposed building heights on the project site (between four to eight

stories) would generally be within the range of heights within the surrounding neighborhood (between two to seven stories).

The comment which suggests that DEIR misstates existing traffic, transit and parking conditions in the project area does not provide specific detail to provide a specific response. For more specific responses to comments regarding traffic, transit and parking, see Responses 5.1 through 5.22.

### **Comment 3.11**

With no supporting data, the DEIR concludes that “it cannot be concluded that the project would have a substantial adverse impact on the existing character of the vicinity, and thus land use impacts are less than significant.” (DEIR III.A-21) The DEIR uses this unsupported conclusion to reach another: “As no significant land use impacts to neighborhood character were identified with the proposed project, the proposed rezoning effort would also have no significant land use impacts to neighborhood character.” (DEIR III.A-21) The DEIR then relies on the unadopted Market and Octavia Neighborhood Plan DEIR, which has not been approved, to claim that because that DEIR “did not identify any cumulative impacts for the Project Area, the project’s land use effects would not contribute to a significant land use impact.” (DEIR, II.A-23). All of these conclusions are unsupported and violate CEQA. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.11**

The DEIR analysis applied the standard CEQA significance criteria in evaluation of project impacts on neighborhood character. DEIR page A.III-21 states that land use impacts associated with neighborhood character and compatibility are less than significant because; 1) the proposed project would alter the site’s institutional character including surface parking by providing housing, open space, community facility space, and ground-floor commercial retail in a transit-oriented, mixed-use residential neighborhood, 2) provide at least 15 percent of the units for low or moderate income households, 3) reuse some existing buildings as well as construct new buildings at a scale generally consistent with the surrounding neighborhood, 4) building heights on the project site would be within the range of heights within the surrounding neighborhood, 5) reestablish Waller Street and further integrate the site into the surrounding neighborhood by removing the site’s existing retaining wall, and 6) eliminate the site’s surface parking use and create usable public open space where there is currently none. Given these potentially positive changes in the neighborhood, and the fact that a mixed use, residential in-fill project would be compatible with the medium-dense residential nature of the surrounding neighborhood, the DEIR accurately concluded that the project would not have a substantial adverse impact on neighborhood character and compatibility, and thus land use impacts were identified in the DEIR as less-than-significant. As stated in the DEIR, the proposed project would also further many of these same land use and urban design goals provided in the Market and Octavia Neighborhood Plan.

The comment addressing cumulative land use effects and the Market and Octavia Neighborhood Plan are addressed in Master Response 1.2. Please also see Master Response 3.2 which addresses cumulative project effects on open space.

### **Comment 3.12**

The DEIR improperly compares the *closed* public land with its new sidewalk to conclude that open space would be increased or enhanced by the Project, observing, “Public accessibility of the project site is currently limited, given that the project site buildings are vacant and locked.” (DEIR III.A-20).

The proper comparison must be to the actual uses of this Public land for the 150 years of public uses *before* UC closed it to accommodate this Project, weighed against the Project’s closure of the entire parcel to the public forever, except for the proposed sidewalk (“Waller Park”). Cumulative analysis must also weigh this heavy loss. In fact, there is little public open space in the area, and the public zoning of this land could (and should) be used as a fully accessible park, particularly in view of the drastic density rezoning of more than 2,000 parcels in the vicinity proposed by the Market and Octavia Plan. The proposed Project will further crowd and trample the little open space within 1/4 mile of this parcel and violates requirements of open space, a direct and cumulative impact that the DEIR fails to analyze. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 3.12**

Please see Master Response 1.4 regarding the CEQA baseline for the proposed project. Please also see Master Response 3.2 regarding project effects on open space in the project vicinity.

### **Comment 3.13**

The Planning Department published revisions to the Market-Octavia Neighborhood Plan (M-O Plan) on May 23, 2006 (Revisions). Neither the Revisions nor the Final Plan EIR evaluate the loss of public space, open space, or cultural resources within the context of the Plan. Said Revisions now include a new section updating UC Berkeley decision to close the Extension Campus which is copied below and should be addressed in the 55 Laguna Mixed-Use Project EIR (Project EIR): [commenter provided a list of all new policies contained within the Plan as related to the former UC Extension Laguna Street Campus that are available in Attachment 1] (*Martin Hamilton, New College of California*)

### **Response 3.13**

Comments that address the Market and Octavia Neighborhood Plan the Plan EIR, or the *Policy Guide* are noted, but do not directly address the adequacy or accuracy of the 55 Laguna Mixed Use Project DEIR.

### **Comment 3.14**

Building heights should be limited to a maximum of 4 stories. The proposed eight story openhouse building at the Site are simply too high in comparison to other structures in the

neighborhood. While there are other large apartment buildings on Buchanan, Waller and Laguna, the majority of the surrounding neighborhood is made up of two and three story Victorian and Edwardian structures. If the Dental Clinic was removed and replaced with new housing, however, it would be more appropriate for a taller building to be constructed at that corner of the Site, given the height of the existing apartment buildings on the south side of Hermann St. (*Ellen K. Brown*)

***Response 3.14***

Please see Response 3.7 about compatibility of the height and bulk of the proposed buildings with adjacent land uses. Please also see Master Response 7.5 about project compatibility with adjacent historic resources, including two and three-story Victorian style buildings. Comments requesting that all proposed buildings on the project site be limited to four stories, and removal of the Dental Clinic, are noted. However, these comments do not directly address the adequacy or accuracy of the DEIR.

## 4. Visual Quality and Urban Design

### Comment 4.1

The DEIR fails to accurately describe the Project setting, buildings on site and in the surrounding area, and the significant adverse direct, indirect, and cumulative visual and aesthetic impacts of the Project. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

As you know, HVNA generally supports the concept of urban infill and densification in our neighborhood, especially if it occurs within the guidelines of the forthcoming Market-Octavia Better Neighborhoods Plan. However, we do have reservations about the particular configuration of the currently proposed project at 55 Laguna Street, and we do urge you to consider these reservations in the EIR. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

#### **Master Response 4.1**

The visual setting and visual effects of the proposed project are provided in DEIR Section III.B, *Visual Quality and Urban Design*. The comments does not provide specific information about how the EIR fails adequately analyze the visual effect of the project in order to provide a complete response.

### Comment 4.2

The DEIR falsely claims that the “proposed project would generally reflect, and be compatible with, the surrounding neighborhood’s existing medium-density residential land uses.” (DEIR I-7) The neighborhood is characterized by old Victorian, Edwardian and Deco style architectural structures, most of which do not exceed three stories in height (30 feet). The Project buildings would *all* be at least one story higher, and at 40 to 90 feet high, most would be two to seven stories higher than surrounding neighborhood buildings. The proposed buildings would be hard-edged, box-style modern architecture, jarringly different from all surrounding buildings and the character of neighborhood. The Project’s highest proposed buildings would be located at the bottom of the sloping parcel, causing a monolithic box effect, in direct conflict with design guidelines calling for stepped down structures conforming to slope. (DEIR, Figures 5 and 6) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### **Response 4.2**

The DEIR states that the visual setting of the project area is varied, reflecting the unique visual characteristics of the project area’s topography, street grids, public open spaces, and surrounding Hayes Valley/Upper Market neighborhood. The project area is located in a relatively dense and urbanized portion of central San Francisco. Building size and style vary within this area; most are two to three stories in height, while some residential buildings on the immediate periphery of the project site are seven stories or about 80 feet in height, including four apartment buildings at nearby street corners.

The commenter is generally correct in that the proposed four story buildings would be taller than buildings in the immediate vicinity. The comments about the location of the proposed

*openhouse* building at the bottom of the hill are also noted. While the San Francisco Design Guidelines call for structures to conform to topography, in the project site vicinity, most of the taller buildings are closer to Market Street (with some exceptions.) As such, location of the eight-story *openhouse* building on a portion of the site closest to Market Street was determined to not be incompatible with the existing setting, as was evaluated on p. III.B-6 of the DEIR. With regard to comment about project site buildings being “40 to 90” feet, however the proposed *openhouse* building would be a maximum of 85 feet in height, not 90 feet. The DEIR adequately characterizes the visual setting for purposes of evaluating the proposed project’s effects on visual resources.

The commenter’s opinion and description of the architectural style of the proposed project site buildings are noted.

As described on DEIR page III.B-7, future building designs would be developed pursuant to the City’s General Plan, urban design controls, and design guidelines imposed by the Market and Octavia Neighborhood Plan. Landmarking of three of the project site buildings subsequent to publication of the DEIR adds another layer of review of project designs by the LPAB (see Master Response 7.1). Thus the EIR assessment that implementation of such measures would lessen project impacts is unchanged.

### **Comment 4.3**

The public view from Buchanan Street, now a vista stretching all the way across the Bay, would be completely obstructed, except for the corridor created by the new sidewalk through the middle of the parcel. The open view from residences on Buchanan would also be blocked by huge box structures, (DEIR, Figure 5), with open space replaced by views of large, sterile box structures filled with private space. The street-level views from Laguna, Haight and Hermann Streets would be of the ground floors of bulky, 90-foot structures, occupied by inaccessible, private residential space rather than the existing open public space. (DEIR, Figure 5).

The lateral views from the new sidewalk, cynically called “Waller Park,” would be of a corridor between the large residential structures and standing in their shadows. (DEIR, Figure 6)  
(*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 4.3**

The commenter’s opinions about the quality of views that would be available through the proposed Waller Park are noted. The effects of public views down Waller Street across the site from Buchanan Street are addressed on DEIR page III.B-15. Figure 16B on page III.B-12 simulates views of the site under project conditions from the intersection of Buchanan and Waller Streets. This section describes that the proposed project would intensify development at the site, and would partially obstruct distant views of SOMA and the East Bay from this viewpoint, but would not substantially degrade scenic resources.

While assessments of visual quality are often subjective, the Planning Department does not consider that the partial obstruction of distant views of SOMA and the East Bay from

Buchanan Street, in particular, would be a *substantial* degradation of scenic resources, such that the project would have a significant visual impact. The CEQA threshold for significance is: *Could the project substantially degrade or obstruct any scenic view or vista now observed from public areas?*

As such, the DEIR accurately concluded that the proposed project would have a less-than-significant visual impact because it would not substantially degrade or obstruct any scenic view or vista observed from Buchanan Street or other public areas.

While the DEIR identifies that some views from private residences along Buchanan Street would change as a result of the project, effects to private views are not be treated as significant effects on the environment under CEQA, and such changes would be typical in urbanized areas.

To clarify the commenter's assertion that street level views would be blocked by 90-foot structures, street level views of the project site from Buchanan, Haight, and Hermann Streets would appear as a mixture of existing buildings and proposed four-story structures. Street level views of the project site from Laguna Street, specifically, would be of the existing Richardson Hall, the proposed 85-foot-tall *openhouse* structure, and a proposed four-story structure at the corner of Laguna and Haight Streets. These street elevations are provided in Figures 5 and 6 in the DEIR Project Description (pages II-9 – 10). Please note that these figures also provide an outline of new or existing project site buildings above and behind the street elevations, to indicate these buildings in the background.

#### Comment 4.4

The following examples typify the DEIR's misstatements about the visual character of the surrounding area:

- **DEIR:** Claims present Zoning allows height of 105 feet at Laguna (DEIR Figure 9, II.A-14)
- **FACT:** Present zoning is Public. The parcel across from the Project on Laguna is zoned RM-3, which permits a height of only 40 feet. In fact surrounding residential buildings are only 20 to 30 feet in height with few exceptions, including those on Laguna.
- **DEIR:** Claims that the "existing land use pattern" locates "taller buildings nearer Market Street and shorter buildings closer to the lower-scale residential uses along the site's Haight, Hermann, and Buchanan Street frontages." (DEIR III.A-19)
- **FACT:** Buildings on surrounding streets step down to conform with the slope, and with few exceptions are two or three stories in height. The Project's buildings will be four to eight stories in height with the tallest buildings at the lowest points. on the parcel. (DEIR III.A-19) The Project will obstruct views from every public vantage point and fill the entire area with box structures flattened into a monolithic effect, in violation of CEQA, the General Plan's Design Guidelines, and Planning Code §§101.1 and 311(c), requiring that structures step down structures to conform with sloping topography.



- **DEIR:** Figures 5, 6, 13, 14, 15, 16, and 17 depict buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-feet tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1,2,3,4 and 7 as either invisible or no higher than the two-story Woods Hall.) Figure 13 shows a 90-foot high building as 4 stories taller than a 3-story building. Figure 14 shows a 90-foot high building as only 5 stories. Figure 15 shows a 5-story building as 3 stories, and the 90 foot building has been deleted.
- **FACT:** Every new building on the site will be several stories higher than surrounding neighborhood structures, which are mostly two to three stories high.

(Mary Miles, Coalition for Adequate Review, May 7, 2007)

#### **Response 4.4**

As shown in Figure 9, *Existing Height and Bulk Districts* on DEIR page A.II.-14, the southeast corner of the project site is within the 80-B height and bulk district, not the 105-E height and bulk district. The same figure accurately shows most of the parcels across from the project site on Laguna Street are in the 105-E height and bulk district, and in the RM-3 use district, as shown in Figure 10, *Existing Use Districts* on page III.A-15).

The commenter's opinion regarding topography and the location of the proposed *openhouse* building are noted. Please also see Response 4.2

The DEIR identifies that the proposed buildings would be between one to five stories higher than adjacent buildings in the project vicinity. Please see the summary conclusions on DEIR page III.B-16.

DEIR Section III.B, *Visual Quality and Urban Design*, provided five representative views of the project site, selected by Planning staff and its consultants. Photos are included in this section to demonstrate publicly accessible views of the project site, and are indicated on Figure 12 on page III.B-8 Viewpoint Location Map. The photographs, and corresponding visual simulations, are presented as Figures 13 through 17 on pages III.B-9 through III.B-13. For informational purposes, the simulations of the proposed project from these representative viewpoints were provided by the project sponsor using computer aided design (CAD). These were checked for accuracy by preparers of the DEIR. Proposed building heights are best understood from Figures II-5 and II-6, depicting street elevations of the proposed project, also provided by the project sponsor.

#### **Comment 4.5**

The DEIR claims that the “proposed project would result in the removal of visual elements with neutral or low aesthetic value” and would “replace these elements with new infill mixed-use residential development between four and eight stories in height, while retaining and rehabilitating most of the visually prominent (and potentially historic) structures on the project site.” (DEIR III.B-6) In fact, the Project will demolish three of five historic structures and gut the remaining historic structures, leaving facades accessible only to private tenants. (DEIR II.A-21) The Project will remove mature trees and landscaping, open views and space, and the retaining

wall that joins parts of the historic structures that it will demolish. The Project will replace these resources with large, bulky, high-rises (up to 90 feet in height), incompatible in bulk and scale with old surrounding structures. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 4.5**

The full sentences on DEIR page III.B-6 is, “The proposed project would result in the removal of visual elements with neutral or low aesthetic value, *including surface parking lots, remnant landscape elements, blank street-level retaining walls and chain link fencing* [emphasis added].

The DEIR appropriately states that the loss of three out of five buildings as a significant unavoidable impact to *historic resources* (see DEIR section III.E, *Historic Architectural Resources*, and IV. *Mitigation Measures*).

### **Comment 4.6**

The DEIR also fails to analyze the cumulative impacts from installing huge modern development in the middle of an old neighborhood and the readily foreseeable impacts of financial incentive for demolition of unique, visually interesting old structures and open space and their replacement with generic modern structures throughout the neighborhood and San Francisco.

The DEIR claims that because “street-level uses” would be “enlivened with new retail uses and generous amounts of glazing,” this would somehow mitigate the visual impacts of replacing historic structures with a huge development of 9-story boxes. (DEIR III.B-6) Opinions about “uses” do not comply with CEQA’s requirements to analyze visual impacts from this Project and are not lawful mitigation. Incredibly, the DEIR concludes that “the majority of views of the project site from primary view corridors would not substantially change from existing conditions,” (DEIR, III.B-7) a statement plainly at odds even with the DEIR’s distorted visual simulations. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 4.6**

Cumulative visual effects of the proposed project are addressed on DEIR page III.B-16 – 17. As stated in the DEIR, intensified development on the project site, in combination with greater densities resulting from implementation of the [Market and Octavia] Plan, could result in impacts that are cumulatively considerable. The test becomes the contribution of the project to this change. The area of greatest visual change with Market-Octavia redevelopment would occur near the intersection of Market Street and Van Ness Avenue, and the Civic Center area, where new buildings up to a maximum of 400 feet could be built. Since this area is some distance (about 0.3 to 1.0 mile) away, and is visually disconnected from the project site, due to intervening structures, there would be no special relationship of the site to the visual impact of the Market-Octavia rezoning at Van Ness Avenue. Incentives for area redevelopment would not be made a result of the project, but rather would be related to the Market-Octavia rezoning. The DEIR discusses views at some length from page III.B-7 continuing to III.B-15. The DEIR evaluation acknowledges the project would result in notable changes to existing views immediately surrounding the

project site. The DEIR's conclusion that the project's contribution to area-wide visual or view impacts would not be cumulatively considerable is not changed.

### **Comment 4.7**

This Project will implement wrenching visual changes that are incompatible with the site and all surrounding structures in architectural style, bulk and scale, and CEQA requires that they be analyzed and mitigated. The incursion of bulk, high-rise, density, hard-edged modern residential boxes in an established older neighborhood where they have never existed before will have obvious significant impacts on public and private views from every public and private vantage point in the area. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### **Response 4.7**

The commenter's opinions about the conclusions reached in the *Visual Quality and Urban Design* section of the DEIR and architectural style are noted. The commenter does not provide specific information or directly address any potential inaccuracies with the conclusions of the DEIR (other than disagreement with them), which would allow for a more specific response. Please see Response 4.3 regarding project effects to public and private views.

### **Comment 4.8**

No analysis of visual impacts has been conducted, and mitigation of view impacts may not be deferred. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1607-08; Guidelines §15070.) CEQA applies whether it is a one-story view obstruction or a nine-story blockage of every public view.

CEQA requires careful analysis and real mitigation of visual and aesthetic impacts, including regional and cumulative impacts occurring to areas beyond the Project's boundaries. (*E.g.*, Guidelines §15126.2(a) and Appendix G; and *e.g.*, *Quail Botanical Gardens, supra*, 29 Cal.App.4th 1597, 1604-06 (replacing one-story structures with two-story homes has adverse effect on public views; and mitigations are insufficient where views would remain partially obstructed.) The DEIR's unsupported opinions-as-conclusions do not comply with CEQA's requirements. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### **Response 4.8**

Project and cumulative-level analysis of visual impacts of the project on its immediate setting are addressed on page III.B-6 – 16 of the DEIR. Comparative view analysis among alternatives is described on p. VI-5 of the DEIR. Mitigation of aesthetic impacts by way of preservation is included in the Alternatives section of the DEIR. The *Visual Quality and Urban Design* section of the DEIR fully complies with the requirements of CEQA. Please also see Response 4.4 about the use of visual simulations in the DEIR, as well as Response 4.6 about cumulative impacts to visual resources.

## Comment 4.9

We request the Environmental Impact Report (EIR) include photo simulations showing the massing of the proposed Project as compared with the massing of the analyzed alternatives viewed from a) across Market Street facing Laguna and Hermann Streets, b) Waller Street facing Laguna Street, and c) Waller Street facing Buchanan Street to illustrate environmental effects, including maximum shadows cast, on the historic buildings and heritage trees. (*Martin Hamilton, New College of California*)

### **Response 4.9**

Photo simulations showing the massing of the proposed project are provided on pages III.B-9-13 of the DEIR. As the project alternatives would be lower in scale than the proposed project, the visual simulations of the proposed project provided in the DEIR identified a ‘worst case’ visual scenario. CEQA does not require an evaluation of project alternatives to be at the same level of detail as the evaluation of the proposed project. As no substantial visual impacts were identified, no visual simulations were provided in the alternatives sections for the less than significant impacts associated with the proposed project and project alternatives in the DEIR. Please also see Response 4.4 about the use of visual simulations in the DEIR. Comments requesting additional photo simulations of the project alternatives are noted, but do not necessarily reflect the adequacy or accuracy of the environmental analysis provided in the DEIR.

## Comment 4.10

The view today is essentially open and free to downtown. On pg. III B-6 the EIR states that “...visual changes would not *substantially* degrade the existing visual character of the area, as the new buildings would be compatible in scale with adjacent and nearby development. Also, there would be no “*substantial* adverse affect on scenic views or vistas.” (Pg. IIIB-7).” (Italics added). I disagree that “substantial” is not important. The height designation of Building 1 would be changed from 40X to 50X (about 45 feet in height). On page III A-19 the EIR states: “The proposed *4 story buildings* on the project site would be approximately one story higher than the predominately *three-story buildings* along the site’s perimeter streets such as Buchanan, Haight and Laguna Streets.” (133 Buchanan is 33 feet in height). Again, the Plan says that rezoning would have not significant impacts to visual quality or urban design and would be compatible with existing neighborhood scale and urban form. (Pg. III B-16 Summary, and III E-16 italics added). In my opinion the planned buildings would substantially change and degrade the historical character of the neighborhood. (*Edward Wm. Greninger*)

### **Response 4.10**

The comment refers to views from Buchanan Street looking east toward downtown San Francisco, and specifically from the private residence at 133 Buchanan Street, a three-story residential building. Please see Response 4.3 about changes to views from this area as a result of the proposed project. The word “substantial” is used in the DEIR because the CEQA significance criteria states that projects would have a significant visual impact if it would: 1) substantially degrade the existing visual character or quality of the site and its surroundings; 2) substantially damage scenic resources, including, but not

limited to, trees, rock outcroppings, and historic buildings within a state scenic highway or other features of the built or natural environment which contribute to a scenic setting; 3) have a substantial adverse effect on a scenic vista now observed from public areas; or 4) create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other properties (see DEIR page B.III-5 – 6). Project effects to the historical character of the neighborhood are provided on DEIR page E.III-16 – 17. As described on DEIR page E.III-17, the proposed project would have a less-than-significant impact upon the setting of adjacent historic resources.

### **Comment 4.11**

At 40 to 90 feet, all of the proposed structures would be two to three stories higher than “the predominately three-story buildings along the site’s perimeter streets, such as Buchanan, Haight, and Laguna Streets.” (DEIR 1-7) The Project proposes that the tallest buildings be placed at the lower parts of the steep parcel, creating a flattened, monolithic appearance, clashing with the natural sloping topography of the site in violation of the General Plan, Urban Design Element and the Planning Code’s Residential Design Guidelines (“Design Guidelines,” which require that structures step down with sloping topography. (Planning Code §§101.1, and 311(c); San Francisco Planning Department, Design Guidelines at pp.11-12; San Francisco General Plan.) The incompatible height, bulk and density of the proposed seven new structures would dwarf surrounding older buildings, subsume their historic character, and obliterate all views from surrounding public and private vantage points. (Design Guidelines at p. 18.) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 4.11**

Project effects to historic resources in the project vicinity are addressed in Section III.E, *Historic Architectural Resources*. Project effects to views from public vantage points are addressed in DEIR Section III. B, *Visual and Aesthetic Resources*. Please see Master Response 3.3 regarding project compatibility with plans and policies. Please also see Response 3.7, 4.2, and 4.4 regarding project compatibility with surrounding buildings, including those which are lower in scale or are different architectural styles than the proposed project’s structures. The comment does not provide specific information about how the EIR inadequately analyzes the project’s effect on compatibility, historic, or visual resources in order to provide a more complete response.

### **Comment 4.12**

The Project will also drastically change the appearance and the character of the site and surrounding areas from the present open space and public views and structures of historic and aesthetic merit and interest. The Project will demolish several historic structures, remove a large parcel of open space in an area of the City that has little open space, create uglification and jarring incompatibility with surrounding neighborhood character by placing high-rise, high-density, unrestricted bulk residential structures on every part of the site, except its new sidewalk, and will cause severe direct, indirect and cumulative impacts on parking, traffic, transit, and historic resources. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

**Response 4.12**

The comment addresses the project, but not the accuracy or adequacy of the DEIR. The DEIR describes project effects on visual quality and aesthetics in Section III.B, *Visual Quality and Urban Design*. As described in that section, physical changes on the project site would be clearly visible from nearby, off-site locations but that the proposed project would have no significant, adverse impacts to scenic resources or visual character. Changes to open space as a result of the project are addressed in Section III.A, *Land Use, Plans, and Policies*. As described in this section (and in Master Response 3.2), the proposed project would have no significant, adverse impacts to open space or to neighborhood character. Project-level and cumulative impacts to historic resources are described in Section III.E, *Historic Architectural Resources*. As described in this section, impacts to historic resources would be significant and unavoidable. Mitigation measures to reduce impacts to historic resources are provided in Section IV, *Mitigation Measures Proposed to Minimize the Potential Impacts of the Project*. Cumulative impacts on parking, traffic, transit are addressed in Section III.C, *Transportation, Circulation, and Parking*. As described in this section, the proposed project would have no significant cumulative impact on parking, traffic, or transit. Please also see Master Response 3.2 about project effects on neighborhood character. The commenter opinion about “uglification” is noted.

## 5. Transportation, Circulation, and Parking

### Comments Addressing an AM Peak Hour Traffic Analysis

#### Comment 5.1

Inexplicably, the DEIR does not analyze traffic in the morning peak, when cut-through traffic to Octavia Boulevard causes long delays for Haight Street buses. The Final EIR must provide an AM peak hour analysis, and include mitigations, such as reduced parking or a ban on right turns from Haight to Octavia, to avoid further transit delays. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

The DEIR inexplicably fails to analyze AM peak hour traffic. Given that the most significant traffic impacts at present are in the morning peak, due to “cut through” traffic using Haight St to access Octavia Boulevard and avoid backups on Oak Street, this omission is unacceptable. Eastbound Muni buses currently take 5-15 minutes to traverse the few blocks from Webster Street to Octavia Boulevard in the morning peak. This omission is not justified anywhere in the DEIR, despite our comments during the scoping process that AM peak hour impacts were a particular concern. Consequently, the DEIR’s findings of no significant transportation impacts are based on incomplete information, and we believe that they are mistaken. *Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

The LOS Study failed to take into account and address the impact of vehicular traffic on MUNI bus service. The study failed to include A.M. peak travel. Currently, at A.M. and P.M peak times, and at other times, MUNI buses crossing Octavia Blvd. are often delayed at least ten minutes, creating a 30% longer trip for many riders, a waste of bus fuel/power, and emission of diesel exhaust in the neighborhood. Furthermore, several MUNI bus lines, such as the 6, 7 and 71, are already at ridership capacity during A.M. and P.M peak times. The Draft EIR fails to propose any additions to MUNI bus or metro service. (*Teresa Welborn, Lobelia Properties LLC*)

And first of all, on transit, the issue I have with the EIR is that it only looks at the [PM] impacts, as anyone who has driven along here knows the impacts from the morning peak with the traffic trying to get onto the freeway. And this isn’t so much an issue for the auto traffic. Haight Street is not an auto priority street, it’s a transit street. And so we think that the final EIR should look at the impacts on transit, and specifically ways to mitigate that, such as bans on right turns on Octavia, a transit signal priority, and so on. Reducing the amount of parking on the project would also be a great mitigation. (*Adam Millard-Ball, San Francisco Planning Commission, April 19, 2007*)

I’m particularly concerned about the traffic analysis. There was no analysis done of the A.M. peak, which is really critical. The Haight Street buses are getting backed up now in that block. And this project will add much more traffic to that area. Laguna is backed up, and so forth. And as Adam said, one of the ways to mitigate this would be to reduce the parking on the project. (*Robin Levitt, San Francisco Planning Commission, April 19, 2007*)

#### **Master Response 5.1**

The commenters described existing problems they have observed on eastbound Haight and Page Streets for the bus routes that cross Octavia Boulevard on Page Street. Several commenters raised concerns about potential project impacts on MUNI bus service during the a.m. peak traffic hour.

It is acknowledged that the volume of traffic using Octavia Boulevard to access the freeway ramp at Market Street is heavy enough during the morning peak period to cause delays to vehicles on the various side streets that intersect with Octavia Boulevard (e.g., Oak, Page and Haight Streets), as well as on Octavia Boulevard itself.

Traffic analyses for proposed development projects in San Francisco focus on conditions during the p.m. peak hour, and the project's impact on those conditions, because it is the time period when the maximum use of much of the transportation system (e.g., traffic on roadways, and ridership on transit) occurs. It is also the time when most of the capacity and service of the transportation system are at their maximum. The p.m. peak hour is the time when land uses (e.g., residential, retail, and office) generate their highest number of trips. Those conditions apply to the proposed project's situation, and support the absence of a specific analysis of a.m. peak-hour conditions in the DEIR.

Published trip generation rates (by the Institute of Transportation Engineers and others) indicate that residential and retail uses generate fewer trips during the a.m. peak hour than during the p.m. peak hour. It is also a reasonable expectation that the project's proposed community facilities would generate fewer trips during the a.m. peak hour than during the p.m. peak hour (and certainly would not generate a higher number of trips in the a.m. peak hour compared to the p.m. peak hour).

Because the p.m. peak-hour conditions described in the DEIR represent the "worst case" scenario, and the proposed project would have no significant traffic or transit impacts during this period of the day, the proposed project would reasonably have no significant impacts during the a.m. peak-hour. As such, the DEIR accurately characterized the transportation impacts of the proposed project.

A registered traffic engineer completed traffic counts and field observations in the project vicinity to address the commenter's concerns about a.m. peak-hour traffic and resulting transit delays attributable to the proposed project. These observations noted that the intersections on Laguna Street at Haight and Page Streets, and on Octavia Boulevard at Haight and Page Streets, operate acceptably (LOS D or better) during the weekday a.m. peak hour.<sup>12</sup> Conditions at the Haight Street intersections during the a.m. peak hour operate with similar average delay as during the p.m. peak hour as reported in the DEIR for those intersections (the Page Street intersections were not included in the DEIR analysis). The a.m. peak-hour intersection turning count summary and level-of-service calculations are on-file at MEA offices, and are provided in Attachment 4 of this document.

One of the comments described the proposed project's percent contribution to traffic volumes at the Laguna and Haight Streets intersection as "30 percent of all traffic." As shown in Table 5, on page III.C-13 of the DEIR, traffic generated by the proposed project would account for about 30 percent of the growth in p.m. peak-hour traffic volumes

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<sup>12</sup> Traffic turning movement counts were conducted on Thursday, June 7, 2007, from 7:00 a.m. to 9:00 a.m., and field observations were made in the morning on June 5 and 7, 2007.



(i.e., the difference between cumulative and existing volumes) at the Laguna/Haight intersection, and about 6 percent of the total intersection volume during the p.m. peak hour.

## Comments Addressing Traffic Effects of the Proposed Project

### Comment 5.2

Our primary concern is the potentially significant impact the project may have to traffic volume and congestion on the State Highway System. (*Timothy C. Sable, Department of Transportation*)

#### **Response 5.2**

The DEIR analysis of traffic effects associated with the proposed project included the local (Market Street / Octavia Boulevard) intersection with the State Highway System's on- and off-ramps connecting the Central Freeway with U.S. 101 and Interstate 80. As shown on pages III.C-11 and III.C-12 of the DEIR, the aforementioned intersection would operate at an acceptable level of service, with the addition of project-generated traffic. The project would add about 44 p.m. peak-hour trips to the State Highway System (28 inbound to the project site and 16 outbound from the site, respectively), and in accordance with trip generation thresholds established in Caltrans *Guide for the Preparation of Traffic Impact Studies*, those project trips are not likely to contribute to unstable or forced traffic flow conditions on State highways.

### Comment 5.3

We were unable to complete our review of the traffic impact analysis due to a lack of information and reference materials provided in the DEIR. Today, we received a copy of the Final Report 55 Laguna Street Transportation Study prepared by Wilbur Smith Associates dated April 14, 2006. Please allow an additional 30 days for our review of this project due to the receipt of additional information. (*Timothy C. Sable, Department of Transportation*)

#### **Response 5.3**

Requests for an extension to review the transportation study are noted. No follow up comment letter by Caltrans was received by the Planning Department after receipt of this comment letter.

### Comment 5.4

The DEIR's figures describing existing traffic are incorrect and out of date, having been compiled before the opening of the Octavia Boulevard freeway ingress/egress only one block from the proposed Project. The DEIR is severely flawed in omitting this data, which is necessary to establish the baseline conditions that this Project will adversely affect, both directly and cumulatively.

The new Octavia Boulevard, one block away from the Project, opened in September, 2005. The 6-lane surface freeway ingress-egress that cuts through the Project area replaced the Central

Freeway. The former freeway touchdown ramps carried 93,100 vehicles per day. (San Francisco Department of Parking & Traffic [“DPT”], “*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.)<sup>9</sup>

Only a few months after its opening, the DPT recognized major congestion at many intersections in the Project area, none of which appear anywhere in the DEIR, either as a baseline of “existing” conditions, or in an analysis of significant impacts on traffic from the Project. (DPT, “*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.) For example, the Fell-Laguna intersection experienced a 92% increase in a.m. traffic and a daily 24-hour increase of 78%. (*Id* at p. 3) “Recurrent congestion” was noted on Oak St. at Octavia Blvd. on weekdays and weekends, “with traffic backed up several blocks.” (*Id* at pp.3, 7 and 8.) Northbound congestion at Market Street caused by the no-right-turn lane onto the freeway often backs traffic onto Market for several blocks. (*Id* at p. 4, 10) Increased congestion was also noted at the South Van Ness on-ramp. (*Id* at pp. 6, 8) Queuing backed up for several blocks is also present on Page (96% increase in a.m. traffic, and 41 % increase in 24-hour traffic), and Haight (270% increase in a.m. traffic and 112% increase in 24-hour traffic) (*Id.* at pp. 11-12). DPT noted nearly a year ago that the new Octavia Boulevard was “close to. . . capacity that we estimated when the new design was proposed” and represented only “about half the previous capacity of the elevated freeway structure. The current surface roadway can carry approximately 1,400 vehicles per direction per hour before congestion sets in.” (*Id* at p. 2.)

None of this crucial information appears in the DEIR’s analysis of “existing conditions” or of impacts from the Project.

The DEIR admits that its out-of-date LOS data is derived from pre-2004 sources (DEIR, III.C-12), which makes that data is useless and misleading, in spite of the disingenuous claim that it has been “adjusted.” (*Id.*) In fact the DEIR contains no accurate and up-to date LOS analysis for any street in the Project Area and the cumulative area affected by the Project. For example, Laguna at Market is the scene of gridlocked queues in every commute hour, as are many other surrounding streets that will be directly affected by the thousands of person-trips generated by this Project.

Since the DEIR does not accurately establish the existing conditions in the Project Area, it cannot accurately identify impacts from the Project. The spurious analysis refers to the Market-Octavia Transportation *Study* -- itself flawed by the same out-of-date pre-Octavia Boulevard data. The former freeway traffic that is now on Octavia Boulevard changed traffic on every street in the area. The DEIR observes that, “Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds,” with “hot spot” air pollution potential (DEIR, III.D-13 – 14) These are significant impacts requiring analysis and mitigation. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### **Response 5.4**

As described on page III.C-12 of the DEIR (and in Appendix F of the supporting transportation documentation by Wilbur Smith Associates), the Central Freeway Touchdown (and continuation on Octavia Boulevard) was analyzed as part of the Existing plus Project and 2025 Cumulative conditions analysis. Adjustments were made to existing counts (collected prior to the opening of the U.S. 101 on- and off-ramps at Octavia Boulevard) based on the analysis conducted for the *Market and Octavia Plan EIR*

*Transportation Study* (specifically on the basis of projected growth rates from the San Francisco County Transportation Authority [SFCTA] travel demand model). The resulting volumes were then compared to field observations and counts taken in November 2005 (post-Octavia Boulevard opening). Cumulative (2025) traffic volumes used for the DEIR analysis were derived from SFCTA model outputs used for the *Market and Octavia Plan EIR Transportation Study*. These growth rates account for traffic growth due to the proposed project, growth due to the Octavia Boulevard and freeway off-ramp, as well as cumulative background traffic. As a result, the estimated volumes under Existing plus Project and Cumulative conditions are consistent with volumes taken after the Octavia Boulevard opening. In consideration of these traffic effects due to the opening of Octavia Boulevard in September 2005, the DEIR accurately identified no significant project or cumulative-level traffic impacts associated with the proposed project.

### **Comment 5.5**

The LOS Study was done prior to the Octavia Blvd.'s completion, and doesn't reflect the changes to traffic patterns. Vehicles that once could enter and exit the area on Waller St. at Market and Octavia now are greatly restricted. This is due to Octavia's being closed off at Waller, except for a one-way, single lane service, only permitting a right turn at Market. (*Teresa Welborn, Lobelia Properties LLC*)

#### **Response 5.5**

Please see Response 5.4, above, regarding adjustments the DEIR made to account for the completion of Octavia Boulevard, as well as Response 5.8. Project impacts were accurately judged on the basis of current traffic circulation patterns. The commenter's opinions about changes to access between Waller Street and Octavia/Market Streets are noted, but those changes were not caused by the project, and do not necessarily reflect the accuracy or adequacy of the environmental evaluation.

### **Comment 5.6**

The DEIR also misstates the numbers of new and existing tenants who will own and drive cars. According to the San Francisco County Transportation Authority's *Countywide Transportation Plan*, July 2004, the commute mode of San Francisco residents is as follows: Drive Alone: 40.5%; Carpool: 10.8%; Transit: 31.1 %; Walk: 9.4% Other: 3.6%; Work at Home: 4.6%. (*Id.* at p. 40) The most pronounced demographic in the past 35 years is the number of people commuting into and out of the city to work (as opposed to living and working in San Francisco). (*Id.*) 22.5% of San Francisco residents commute to other counties to work. 27% of workers in San Francisco commute into the city from other counties. Additionally, the city attracts more than 14 million visitors per year (*Id.* at p. 41).

Thus, if this commute pattern continues as the SFCTA predicts, 78.3% of the Project's 833+ tenants will commute by car, adding 3,715 person-trips by car per day in the immediate and cumulative areas. (DEIR III.C-9, Table 2 says the Project will generate 4,745 person trips per day.)<sup>10</sup> [Footnote 10: The DEIR, without support, claims that 1,481 "peak hour" trips will be by car. (DEIR, III.C-10, Table 3)]

The Project's direct and cumulative impacts on Laguna, Haight, Market, Buchanan, Octavia, Webster, Gough, and other streets in the area, which are severely congested many hours of the day, must be analyzed and mitigated. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.6**

As stated on page III.C-9 of the DEIR, the estimated person-trip generation to and from the project site was based on trip generation rates provided in the Planning Department's *Transportation Impact Analysis Guidelines for Environmental Review (2002 Transportation Guidelines)* for the proposed residential and retail uses; trip generation rates for the proposed community space were adopted from survey results produced for the *Jewish Community Center Transportation Study*. The project-generated person trips were assigned to travel modes for project residents based on the 2000 U.S. Census journey-to-work data for the census tract that contains the project site. Mode split information for the retail uses were based on information in the *2002 Transportation Guidelines* for the area (Superdistrict) of the City that contains the project site. Mode split information for the community facility uses were made on data in the *Jewish Community Center Transportation Study*. The mode split information presented by the commenter represents City-wide data, which is not representative of conditions in the project area and distribution of project trips to areas within and outside the City. Thus, City-wide data misinforms the commenter's assessment of the project-generated trips by car and related conclusions. The DEIR is accurate.

### **Comment 5.7**

The Draft EIR states, on page II-13 that "The primary vehicular entrance into the site would be along Laguna Street at Waller Street." The Draft EIR funnels approximately 200 vehicles onto Laguna Street, through two entrances and exits, which is already over-burdened with vehicles. I have traveled to this section of Laguna Street at various times of day and night, and during the evening peak traffic, vehicles are currently often backed up 1-2 blocks. The LOS Study does not adequately address the vehicle impacts.

By putting an additional 200+ vehicles on Laguna Street, the Draft EIR forces those seeking city or freeway access to travel north on Laguna to Haight, to turn right, to reach Octavia Blvd., or to travel south on Laguna, crossing Market, entering Guerrero Street, then turning left on DuBose [Duboce] to reach the Van Ness/Mission freeway entrances. These traffic impacts have not been fully addressed. (*Teresa Welborn, Lobelia Properties LLC*)

### **Response 5.7**

The project-generated estimate of 206 p.m. peak-hour vehicle trips (Table 3, page III.C-10, of the DEIR) would be distributed onto different segments of the street network in the project area, and based on expected travel paths, the project would add up to about 80 vehicles during the p.m. peak hour onto segments of Laguna Street from Market Street northward. The effect of those added vehicles on traffic flow would be less than significant, as described on page III.C-12 of the DEIR. Therefore, the commenter's statement about the project adding "approximately 200 vehicles" onto Laguna Street alone is incorrect.

## Comment 5.8

The LOS Study fails to address the bottleneck that currently exists at Market/Hermann/ Laguna Streets, where Hermann and Laguna traffic must stop at stop signs before proceeding into or across Market Street. (*Teresa Welborn, Lobelia Properties LLC*)

### **Response 5.8**

DEIR identified no significant traffic impact at the intersection of Market/Hermann/Laguna Streets/Guerrero Streets resulting from the proposed project. Although there are currently traffic delays at this intersection, the LOS at this intersection would remain unchanged under the proposed project (DEIR page III.C-11, Table 4) The DEIR's analysis of the project's potential traffic impacts reflects traffic flow, and how that traffic is controlled, at the study intersections. The commenter's opinions about existing conditions at the intersection of Market / Hermann / Laguna Streets are noted, but do not necessarily reflect the accuracy or adequacy of the environmental evaluation.

## Comment 5.9

The Draft EIR seems to downplay the effects of traffic, especially on Laguna St. (p. 17: conclusion: "Therefore, the project would cause no significant traffic impacts.") Densely settled areas generate other traffic besides just the residents' own coming and going. Delivery trucks, service trucks, City vehicles (garbage, DPW) and visiting friends add to the mix. Hayes Valley, Mint Hill and Lower Haight are getting congested on even their secondary streets many hours a day. With the general grid pattern in use, there are fewer priority streets (arterials) and so most "side streets" receive the dispersal of traffic. However, as more cars are added to the mix with proposed developments such as this, these side streets become more saturated with traffic, such that either stop signs or traffic lights will eventually be needed. With the expected increase brought about by the future housing development parcels along Octavia Boulevard, the development of the Sue Mills site on Waller St. (114 units with spaces for 85 cars; entry on Waller St., 1/2 block from Project site.) and the condominium development of the Market St. 76 gas station one block away. Laguna St. has seen, over the last 8 years or so, a tremendous increase in traffic and the subsequent congestion of the Laguna/Hermann/Market intersection. Vehicles seeking an alternative route (via Guerrero to South Van Ness on-ramp) to avoid the back-up at Oak (to just get onto Octavia Boulevard to proceed to the on-ramp), create a back-up along Laguna from Market almost to Page St. Large freight trucks and many medium-size delivery trucks and school buses ply Laguna, Haight and Buchanan streets Monday through Saturday on a constant basis. (Measurement should not take place on a Monday, as it is typically a lighter traffic day). It would be expected that vehicles turning left from Laguna into the Waller St. access point of the site and those exiting the site would create periodic traffic jams at the typically long San Francisco commute times (AM & PM), as they battle the queues of traffic in both directions. (*Larry Burg*)

### **Response 5.9**

As described on page III.C-9 of the DEIR (and in Appendix H of the supporting transportation documentation by Wilbur Smith Associates), the DEIR's estimated travel demand (auto, transit, walk/other) reflects all trips that would be made to and from the project site, including those cited by the commenter (i.e., both work and non-work

[e.g., visitors, deliveries, and residents' non-commute] trips for residential uses, and both employee and visitor trips [e.g., visitors, deliveries, and employees' non-commute] for non-residential space). As such, all project-generated trips were analyzed in the DEIR.

Regarding increased traffic from other development projects, traffic impacts directly related to the proposed project were assessed in the DEIR under Existing plus Project and Cumulative 2025 conditions in reaching its less-than-significant impact determination. As stated on page III.C-12 of the DEIR, cumulative conditions traffic volumes were derived from the *Market and Octavia Plan EIR Transportation Study*, and the San Francisco County Transportation Authority travel forecasting model outputs, and projected traffic volumes account for traffic growth due to the proposed project, growth due to the Octavia Boulevard and freeway off-ramp, as well as cumulative background traffic.

### **Comment 5.10**

The LOS Study doesn't seem to fully account for all the trips that approximately 675 residents would be making, nor the likely mix of travel modes.

The LOS Study uses Census Tract data to extrapolate trips generated and mode to travel, but the likely residents of the proposed project will be paying market rents and will likely have more varied, if not significantly different, travel than do current residents. (*Teresa Welborn, Lobelia Properties LLC*)

### **Response 5.10**

The use of journey-to-work information for the Census Tract that contains the project site is standard practice for residential projects, and was applied to the transportation evaluation of the proposed project. The source of the commenter's statement about the makeup of project residents (and how it might differ from current area residents) is unknown, and therefore, does not warrant further response.

### **Comment 5.11**

Residents will certainly have visitors, service providers, etc., who will need to drive, use MUNI, or walk, and the travel trips of these visitors, etc., have not been analyzed. (*Teresa Welborn, Lobelia Properties LLC*)

### **Response 5.11**

As described on page III.C-9 of the DEIR (and in Appendix H of the supporting transportation documentation by Wilbur Smith Associates), the DEIR's estimated travel demand (auto, transit, walk/other) reflects all trips that would be made to and from the project site (i.e., both work and non-work trips for residential uses, and both employee and visitor trips for non-residential space). As such, all project-generated trips were analyzed in the DEIR.

## Comment 5.12

[The] environmental impact studies [are] unlawful because, number one, it didn't include the 1,900 people that are going to be moving in half a block away. We already have traffic jams that go all the way up Laguna in the morning, because you can't turn right on -- you have to turn right onto Octavia, you can't turn right off of Market onto the freeway. This was not considered. I don't think that that's fair, that this should be separate from all the other houses that are being put in there. (*C. Whitefeather Daniels, San Francisco Planning Commission, April 19, 2007*)

### Response 5.12

The DEIR assessed traffic impacts directly related to the proposed project under Existing plus Project and Cumulative 2025 conditions, and found such impacts to be less-than-significant. As stated on page III.C-12 of the DEIR, cumulative conditions traffic volumes were derived from the *Market and Octavia Plan EIR Transportation Study*, and the San Francisco County Transportation Authority travel forecasting model outputs, and projected traffic volumes account for traffic growth due to the proposed project, growth due to the Octavia Boulevard and freeway off-ramp, as well as cumulative background traffic.

## Comment 5.13

I am also concerned about the impact of traffic with this and other large projects in the area (i.e., Sue Mills site). I and my neighbors think your [environmental] impact studies are faulty if not affective at all! (*John Hix and Ron Saturno*)

### Response 5.13

In reaching its less-than-significant impact determination, the DEIR assessed traffic impacts directly related to the proposed project under Existing plus Project and Cumulative 2025 conditions, using standard analysis methodologies in the San Francisco Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. The commenter's concerns about cumulative traffic impacts are noted. However, the comment does not necessarily reflect the accuracy or adequacy of the environmental evaluation.

## Comment 5.14

More traffic cannot be accommodated at the perimeter of this location. (*Larry Burg*)

### Response 5.14

The DEIR identified no significant traffic impacts associated with proposed project (see DEIR section III.C, *Transportation, Circulation, and Parking*).

## Comments Addressing Transit Effects of the Proposed Project

### Comment 5.15

The report should include a site plan indicating transit routes and bus stops surrounding the project. This would make it easier to determine project impact on the local transit lines. (*James D. Lowé, Transit Planner*)

#### **Response 5.15**

Transit routes in the project vicinity are depicted in Figure 19, page III.C-5, of the DEIR. A revised Figure 19, showing the locations of bus stops within one block of the project site, is included in this document (please see Section D, Staff-Initiated Text Changes). This figure also depicts F-Line stops at Market and Gough Streets (westbound) about two blocks from the project site, and at Market Street (eastbound) near the project site.

### Comment 5.16

We consider that the impact of modest residential projects is sufficiently mitigated at the work end of the trip. However, 280 new pm hour transit trips is equal to 6.7 standard coaches of demand based on MTA adopted capacity standards. This is based on each standard coach carrying 62 passengers. (*James D. Lowé, Transit Planner*)

#### **Response 5.16**

The addition of project-generated transit trips is described on DEIR page III.C-14, and concludes that capacity utilization for all transit lines would remain similar to those under existing conditions. In addition, given the recent project change from senior housing in the *openhouse* building to assisted living, there would likely be fewer than the 280 p.m. hour transit trips originally estimated, since persons residing in assisted-living arrangements typically do not make as many trips as those residing in traditional senior housing. The following Improvement Measure is in the Final Transportation Impact Report (in response to MTA's comment on the Preliminary Draft #1 Transportation Impact Report), was inadvertently omitted from the DEIR, and is therefore added to page III.C-14 of the DEIR: (please also see Section D, Staff-Initiated Text Changes):

“Based on a net new retail component in excess of 3,000-sf, the Proposed Project may be subject to a Transit Impact Development Fee (TIDF-2). As a means of managing and improving transit demand, the Project Sponsors may implement Transportation System Management (TSM) incentives such as City Carshare, Commuter Checks, and encouraging the use of bicycles.”

Current plans also identify 10 parking spaces for a car share organization and parking for 104 bicycles, which would help to further reduce impacts to transit.



## Comment 5.17

We note that these trip generation numbers are different than those generated by the earlier transportation study for this address. Please identify why these calculations have changed. (*James D. Lowé, Transit Planner*)

### Response 5.17

The transit trip generation data used for the DEIR (shown in Table 3, page III.C-10) was obtained from the transportation study prepared for the proposed project, and is representative of trip generation associated with the types and sizes of the project's proposed land uses. It is assumed that "the earlier transportation study," to which the comment refers, is the Preliminary Draft 1 Report (November 23, 2005). The Preliminary Draft 2 Report (February 17, 2006) revised the estimated trip generation for the project to reflect a different mix of the proposed 450 residential units (chiefly that 85 of the units would be senior housing units). The trip generation data used for the DEIR is consistent with that revision. Since the transit generation data was prepared in 2006, the proposed housing mix has changed yet again, such that the now 88-unit *openhouse* building would be assisted-living instead of traditional senior housing, thus trip generation would accordingly be lower than anticipated in the DEIR. Also see Response 5.16.

## Comment 5.18

The retail component of the project may be subject to the Transit Impact Development Fee (TIDF 2). This could also serve to mitigate the above impacts. (*James D. Lowé, Transit Planner*)

### Response 5.18

See response 5.16 regarding the impact fee.

## Comment 5.19

The MTA would also like the project sponsor to agree to installation of eyebolts at 55 Laguna adjacent to its electric trolley coach lines to support its overhead wire systems, as this can reduce "pole clutter" on city sidewalks. (*James D. Lowé, Transit Planner*)

### Response 5.19

The following language is hereby added to page III.C-14 of the DEIR (please also see Section D, Staff-Initiated Text Changes):

"The project sponsor would, in cooperation with the Municipal Railway, and consistent with the landmark status of Woods Hall and Woods Hall Annex, install eyebolts or make provision for the direct attachment of eyebolts for MUNI trolley wires on the project building whenever necessary, or agree to waive all rights to refuse the attachment of eyebolts to the project building if such attachment is done at the City's expense."

## Comment 5.20

Though the Project repeats the myth that the area is “well-served” by transit (DEIR, III.C-4), the DEIR contains no data or substantial evidence to support this claim.

As with the Project’s traffic impacts, the DEIR does not accurately state the Project’s impacts on transit. According to the SFCTA, 31.1% of the Project’s estimated 4,745 person-trips will be by transit, adding up to 1,475 new transit passengers in the area per day, enough to fill 30 new buses to capacity. Yet the DEIR claims that the “proposed project would generate about 280 new transit trips during the p.m. peak hour.” (DEIR III.C-13) We are not told about the a.m. “peak hour” or any other time.

The DEIR concludes that “project-generated trips would not substantially increase the peak-hour capacity utilization of bus lines within a quarter mile radius of the project site...” (DEIR III.C-14) The conclusion is wrong both in fact and under the presumption that it need only analyze transit impacts within one-quarter mile of the Project. This large Project must be analyzed for its direct, indirect, and cumulative impacts on transit, beginning with an accurate description of existing conditions. (*E.g., San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 7879) There is no accurate information, coherent analysis or proposed mitigation of the Project’s significant impacts on transit in the DEIR. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### Response 5.20

As described on page III.C-6 of the DEIR, the area’s local transit network consists of 12 Muni bus lines, all of which have stops within walking distance of the project site (as does the Muni light rail lines, and the F-Market historic streetcar line). Please see Response 5.6 about the commenter’s references to mode split data that is not representative of the project area. Please also see Master Response 5.1 about transit operating conditions during the a.m. peak hour.

Regarding project impacts to transit service, regardless of the number of daily transit riders added by the project (which would be spread over numerous buses on numerous bus routes throughout the day), it is standard practice to analyze transit impacts (similar to traffic impacts) on the basis of peak-hour conditions. That is because it is during the peak hour when the highest number of transit riders occurs, and when the impact of additional riders would be the greatest. As stated on page III.C-9 of the DEIR, the p.m. peak-hour transit ridership would increase by about 280 passengers; these peak-hour trips also would be spread over numerous buses on numerous bus routes. As stated on page III.C-14 of the DEIR, the addition of the project-generated transit trips would increase the peak-hour capacity utilization of bus lines within a quarter-mile radius of the project site by no more than two percent, which would not present a substantial impact to Muni service. It is standard practice to analyze impacts within a quarter-mile radius of a project site because that is considered to be how far riders would be willing to walk to/from a transit stop, as presented in the DEIR.

## Comment 5.21

Muni is overcrowded and unreliable already. Studies for the Market-Octavia Project showed that, although the Project area is a “key transit node in San Francisco,” that in the area, “on-time performance is extremely poor,” with only four of 23 lines surveyed meeting the Proposition E standard that 65% of runs should be on time. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Market/Octavia Study Area Existing Conditions Report*, August 2001, at “Transit,” p. 1-1.) The study further notes that both bus and streetcar lines serving Market/Octavia have extremely poor on-time performance, with only one line, the F-Market inbound, meeting the Proposition E standard. Virtually every line experiences gaps of 25 minutes between trips. Some lines have gaps of one to two hours. (*Id* at “Transit,” p. 1-2) Capacity on many lines exceeds Muni standards, and there is no room for more passengers to board. (*Id* at “Transit,” p. 1-3)

A recent poll found that the biggest concern of San Francisco and bay Area residents was transportation. “Transportation dominated the survey, as it has every year over the past decade. . . traffic congestion, the condition of roads and bridges, and public transit” was the most important Bay Area problem, exceeding housing. (Gordon, Rachel: “Biggest Concern in Poll,” *San Francisco Chronicle*, March 1, 2007.) Yet the DEIR does not properly analyze or try to mitigate this Project’s direct, indirect, and cumulative impacts on traffic and transit. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### Response 5.21

Please see Response to 5.20 regarding the adequacy of the DEIR’s analysis of project impacts to transit service. Please also see Master Response 5.1 regarding about transit operating conditions during the a.m. peak hour. The commenter’s opinions about the adequacy of Muni service, and references to other studies and polls, are noted, but do not necessarily reflect the accuracy or adequacy of the DEIR.

## Comment 5.22

Comment 9: The DEIR’s analysis of transit capacity impacts is inadequate. The DEIR states (p. C-III: 14) that there are no substantial impacts on Muni service. However, it acknowledges (same page, emphasis added): “The capacity utilization for all three line groups would remain similar to those under Existing conditions (i.e., would increase by no more than two percent), and in general would operate with available capacity to accommodate additional passengers with the exception of the southbound lines.”

Therefore, it appears that there will be capacity impacts on some southbound lines, and the DEIR fails to provide mitigation. The DEIR’s suggestion that overloading on other southbound lines is acceptable because some southbound lines seven blocks apart operate below capacity is unacceptable. These lines are many blocks apart, serve different markets and need to be treated as such for purposes of environmental analysis. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### Response 5.22

As stated on page III.C-14 of the DEIR, the addition of the project-generated transit trips would increase the peak-hour capacity utilization of bus lines within a quarter-mile radius

of the project site by no more than two percent, which would not present a substantial impact to Muni service. The statement cited by the commenter about available capacity on the southbound lines in the project area refers to those lines currently operating with an aggregate p.m. peak-hour capacity utilization in exceedance of Muni's 85-percent standard (i.e., 85 percent of capacity). The project would increase the capacity utilization of the southbound lines by one percent (from 88 to 89 percent). While the aggregate capacity utilization would continue to exceed the standard, the one-percent increase would not be considered a substantial impact under CEQA, and there would continue to be available transit capacity on southbound lines. The project would contribute to crowding at some times, and an individual's experience on certain lines and at certain times could be in apparent conflict with the overall conditions described above.

To clarify the above, the second and third sentences of the first paragraph on page III.C-14 of the DEIR is revised as follows: (please also see Section D, Staff-Initiated Text Changes)

“The capacity utilization for all three line groups would remain similar to those under Existing conditions (i.e., would increase by no more than two percent), and in general would continue to operate within the Muni operating standard of 85 percent of capacity, with available capacity to accommodate additional passengers with the exception of the southbound lines. However, it should be noted that the capacity utilization of the southbound lines (increasing from 88 percent without the project to 89 percent with addition of project-generated trips) represents an average for three southbound lines (22-Filmore, 47-Van Ness, 49-Van Ness/Mission), and the capacity utilization of individual southbound lines may be operating below Muni's capacity utilization standard and therefore would not present a substantial impact to Muni service.”

## Comments Addressing Parking Effects of the Proposed Project

### Comment 5.23

How can you eliminate parking requirements and increase lot size while at the same time give priority to public transit over automobiles while reducing street parking in and around transit center's at the same time around this project and in this area. Please explain how the Market/Octavia Plan parking restrictions and proposes reflect the plan priorities of the general plan in both housing and transportation elements. (*Maruis J. Phillips*)

### Response 5.23

The DEIR identified no significant transit impacts associated with the proposed project (see DEIR section III.C, *Transportation, Circulation, and Parking*). While parking demand is expected to exceed supply, the Planning Department does not consider parking supply as a part of the physical environment, nor does CEQA consider parking impacts to be a physical impact on the environment. Project consistency with General Plan policies, including the city's "Transit First" policy, is addressed in Master Response 3.3.

## Comment 5.24

Only 266 off-street parking spaces, plus 19 “internal on-street spaces” for private use would be provided for the projected 833-plus residents (DEIR I-13) of the market rate housing units, dental clinic patients, and patrons of the “ground-floor retail.” (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, pp. 14, 1-7.) Of these, 51 garage spaces would be designated for the Dental Clinic, 10 would be exclusively for “City Carshare,” and 22 would be “handicapped accessible spaces,” reducing available parking spaces for non-handicapped residents to 202 spaces.<sup>3</sup> (*Id.* at pp. 1-7, and DEIR at I-13, I-19.) Additionally, 15 of the “internal on-street spaces” would be for use of the Dental Clinic in daytime hours. (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, p. 1-7.), reducing the daytime residential parking to 187 spaces total for 833+ new residents. Of these 187 spaces, an undisclosed number would be *inaccessible* to “residents who own cars but would only use them occasionally” (DEIR I-4 and II-11) and could only be accessed “possibly through the use of mechanical car lift.” (DEIR, II-13) The Project would charge *additional* fees for residential parking *on top of market rate rents* for the units. (DEIR II-13) NO public parking would be provided for either visitors or new retail and “community” uses proposed in the Project.

Even if residential uses were lawful, the Project’s grossly inadequate parking will have significant adverse impacts on parking in the area and violates the San Francisco Planning Code §§ 150 *et seq.* The DEIR violates CEQA by failing to analyze and mitigate the Project’s significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

## Response 5.24

The project’s proposed onsite parking supply is accurately described in the DEIR (and the supporting documentation in the Wilbur Smith Associates (WSA) *55 Laguna Street – Revised Parking and Bicycle Analysis- Draft 5*, October 2, 2006 memorandum). The data cited by the commenter from the April 14, 2006 Final Transportation Study by Wilbur Smith Associates was superseded by the above-cited parking analysis amendments (as noted in Footnote 1, page III.C-1, of the DEIR).

As described on page III.C-14 of the DEIR, the project would provide a total of 352 parking spaces, including 301 spaces available for the proposed residential uses, and 51 spaces reserved for the existing dental clinic. Of the 301 spaces for residential use, 10 spaces would be designated for car share organizations and 22 spaces would be handicapped-accessible spaces. As stated in Table 6 (DEIR page III.C-14), peak midday residential demand is about 80 percent of the peak evening residential demand (reflecting residents’ use of their autos during the day).

The commenter misinterpreted the DEIR’s statement (on page II-13, Project Description) about car storage opportunities for residents who own cars but would only use them occasionally. The storage “lift stacker” spaces would be accessible to residents who use those spaces, but it would take longer to access their car than it would for a resident parked in an independently-accessible parking space. That arrangement would be acceptable because of the occasional use of their car. The commenter’s statements about fees that would be charged

for parking, and about the lack of onsite parking spaces for non-residential uses, are noted, but do not directly address the adequacy of the environmental evaluation.

The commenter's opinions about the project's impacts on parking conditions in the project area are noted. However, as stated on page III.C-7 of the DEIR, San Francisco considers parking deficits to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment. The DEIR (pages III.C-14 to III.C-16) fully described and compared the project's proposed parking supply and estimated parking demand, and concluded that the project would result in an unmet demand of 65 spaces (midday) and 143 spaces (evening), which would increase (midday) or exceed (evening) the number of available parking spaces in the project area. Parking shortfalls are not considered to be significant environmental effects in San Francisco, but it should be noted that onsite provision for parking of ten vehicles associated with car share organizations could reduce the demand for on-street parking in the area by providing an alternative to owning and operating a personal automobile.

### **Comment 5.25**

The Project proposes 450 residential rental units (of which 383 would be market-rate), with more than 833 new residents, and "community facilities" for lesbian, gay, bisexual and transgender seniors, ground floor retail, and the existing UC Dental Clinic. (DEIR I-7) But it would provide only 187 parking spaces for the 833 residents, of which an unstated number would be inaccessible, and none for retail and community facilities and loading. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.25**

See Response 5.24 regarding the project's proposed parking supply.

### **Comment 5.26**

The Project again improperly invokes the Market-Octavia Plan, which has not been adopted, as authority for the proposition that it may re-zone the site with less than the parking requirements of the Planning Code. (DEIR III.C-15 ["if the Market and Octavia Area Plan is approved, then the proposed project would be consistent with the Plan's proposed Planning Code parking requirements."].) With this improper approach, the DEIR concludes that the Project would only be allowed a "maximum of between 25 and 338 spaces" with no minimum parking requirement, and with "conditional use authorization" a "maximum of between 358 and 450 parking spaces for residential uses." (DEIR III.C-15) The DEIR may not lawfully invoke the Market-Octavia Plan as authority, because it has not been adopted. The Project and the DEIR must be analyzed under the existing Planning Code, with which it does not comply.

Even if residential uses were lawful, the Project's grossly inadequate parking will have significant adverse impacts on parking in the area in violation of CEQA and the San Francisco Planning Code §§ 150 *et seq.* (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.26**

As an informational document, the DEIR presents off-street parking information under both the current *Planning Code* and the proposed *Market and Octavia Area Plan*. The DEIR does not invoke the Market and Octavia Area Plan as the authority for the project's requirements, but rather presents a set of "If-Then" conditions. As explained throughout the document, the proposed project would not comply with the current zoning controls on the project site, and as such, the project sponsors are seeking to rezone the property to NCT-3 and RTO, two zoning designations proposed under the Market and Octavia Neighborhood Plan, if the Plan is adopted prior to the time this project is considered for approval, or a Mixed-Use Special Use District, if not. As stated in Response 5.24, the commenter's opinions about the project's impacts on parking conditions in the project area are noted, but parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA, and under CEQA, a project's social impacts need not be treated as significant impacts on the environment.

### **Comment 5.27**

The DEIR also violates CEQA by failing to analyze and mitigate the Project's significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area. The DEIR claims there would be a "peak demand" of only 379 spaces for the 833+ residents, 28 spaces for "retail," and 20 spaces for "community facility," plus 51 spaces for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR, III.C-14; I-13, I-19). The total "peak demand" under these figures would therefore be 510 spaces for all uses under the DEIR's unsupportable figures. Thus, under the DEIR's own figures, the Project will create a parking shortage of at least 323 spaces, not including the inaccessible spaces among the 187 provided.

In fact, the actual demand would be for one space for each resident (833), 28 spaces for retail, 20 spaces for "community facility," 51 spaces for Dental Clinic patients, 40 spaces for Dental Clinic staff (est.); 10 for City Carshare, and 22 handicapped, or a total reality-based demand of 1,004 spaces. Realistically, the parking shortfall directly caused by the Project would be 817 spaces, a severe impact on surrounding streets and the entire general area. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.27**

As described on DEIR pages III.C-15 and III.C-16, the estimated parking demand for each land use type was developed according to the standard methodology in the San Francisco Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. As shown in Table 6, page III.C-14, of the DEIR, the peak parking demand would be about 444 spaces (396 spaces for the residential uses, and 48 spaces for the retail and community facility uses). The 51 spaces for the existing dental clinic, 10 spaces for car share organizations, and 22 spaces for people with handicaps are part of the proposed parking supply. The commenter incorrectly combined parking demand with parking supply to arrive at a new set of parking demand numbers.

The commenter's alternative estimate of project's parking demand is also inaccurate because the commenter has included in her demand figures a number of spaces that would be part of the parking supply, and has included an existing demand associated with the dental clinic, an existing use. The commenter also incorrectly assumes that each resident of the project would generate demand for a parking space, which is inaccurate, as parking demand rates for affordable and senior units are less than one space per unit. Due to these inaccuracies, no further response is warranted. Please also see Response 5.24 regarding the estimated parking deficit and the project's car storage opportunities for residents who own cars but would only use them occasionally.

### **Comment 5.28**

The DEIR falsely claims there is surplus parking on surrounding public streets that would accommodate most of the shortfall, but that "drivers of about 33 vehicles would have to find parking elsewhere or resort to other travel mode alternatives." (DEIR, III.C-16.) The DEIR's figures are false, since the entire area has experienced a drastic parking shortfall due to the elimination of public parking on local streets with the reconstruction of the new Octavia Boulevard freeway ingress/egress. That project has eliminated more than 1,000 public parking spaces since 2002. (Letter from Ron Szeto to Dean Macris, June 1, 2006.) Hundreds more spaces have been eliminated on major streets throughout the area, including but not limited to, Market Street, Gough, Octavia, Haight, Page, Fell, Oak, and others to implement development, the Bicycle Plan, and other projects. The Market-Octavia Plan will further eliminate "approximately 980" more spaces "as part of the Plan or other private development projects within the Project area," not including the freeway parcels. (*Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-50.) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.28**

As stated on page III.C-6 of the DEIR, supply and occupancy of on-street parking spaces were determined based on field surveys conducted on a typical weekday in May 2005, and would include any spaces lost since 2002. As such, the commenter's reference to changes in public parking spaces since 2002 is not pertinent to the DEIR's characterization of parking conditions in the project area. Also, the projected loss of "approximately 980 more spaces as part of the "[Market and Octavia Neighborhood] Plan or other private development projects" referred to by the commenter is not directly relevant to the DEIR's characterization of parking conditions in the project area. That is, those 980 spaces are in off-street parking facilities, not on-street parking spaces, and exist in the parking study area for the Market and Octavia Plan analyses; a much larger area than the study area for the project. While the loss of off-street parking spaces could increase use of on-street spaces, there is no evidence that the referred projected loss would affect on-street parking conditions in the project area. As such, the DEIR accurately characterized the parking shortfall that would result due to the proposed project.



## Comment 5.29

Further, the DEIR says that the site currently contains 278 parking spaces used by University employees who work at other locations off site (DEIR I-5 - I-6), but does not account for where they will park when “All of the site’s existing, surface parking lots would be replaced with new, in-fill housing.” (DEIR I-6) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### Response 5.29

Of the 278 surface parking currently on the project site, 51 of these are used by the Dental Clinic employees, with the remaining spaces used by other UCSF and CPMC employees who work off-site and access the site’s shuttle service. The proposed project would replace the 51 parking spaces used by the Dental Clinic in a new underground garage. Although it is not known with certainty, it is anticipated that University employees who currently park on project site lots would be relocated to alternative UCSF parking sites outside of the neighborhood, such as the Surge/Woods parking lot and the Kezar Stadium parking lot (UCSF Parnassus Campus), and the UCSF Mt. Zion Campus parking garage at 1635 Divisadero Street.<sup>13</sup> Also, with the comprehensive rideshare program managed and developed by UCSF Campus Transportation Services, alternative transportation and the campus’ Transit First efforts also would continue to be promoted. In the event that the proposed project is not approved (i.e., similar to the No-Project Alternative), the site would continue to serve primarily as a shuttle site for UCSF and CPMC employees who work off-site, with parking and traffic effects on the neighborhood similar to existing conditions. The current parking uses on the project site are part of the existing setting, and as such, would not require evaluation under CEQA.

## Comment 5.30

[W]hat happens to cars of U.C. personnel currently making use of this off-road parking?  
(*Edith McMillan*)

### Response 5.30

Please see Response 5.29 related to UCSF and CPMC parking.

## Comment 5.31

While falsely claiming there will be no parking impacts from the Project, the DEIR adds insult to injury by claiming that “Provision of 10 vehicles associated with car share organizations on-site could reduce the demand for on-street parking in the area by providing an alternative to owning and operating a personal automobile.” (DEIR, III.C16.) The purpose of an EIR is to analyze impacts, not proselytize for anti-car political factions. Parking is the condition that must be mitigated, *not* “automobile ownership.” Taking up 10 scarce parking spaces will itself have adverse impacts that must be analyzed and mitigated. The DEIR further proposes to “mitigate” the Project’s lack of Loading and Service parking by removing still more proposed automobile parking for the Project’s estimated 15 delivery trucks per day. (DEIR, III.C-17)

<sup>13</sup> Personal communication, Jon Gledhill, Director, UCSF Transportation Services, with Jack Hutchison, ESA, June 21, 2007.

The DEIR ignores data on vehicle ownership, which has risen significantly since 1990, particularly among renters. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Technical Memorandum Vehicle Ownership in San Francisco*, November 2001 at p. 12) In the Project area, vehicle ownership is 1.12 per household for owners and .75 per household for renters. (*Id* at p. 13) By 2010, vehicle ownership is projected to increase to 1.17 per household for owners and .84 per household for renters. (*Id*) The higher the housing prices, the greater the vehicle ownership. (*Id* at pp. 18-19)

There is no support for the theory that by not providing adequate parking vehicle ownership declines or that there is less demand for parking. Further, there is no evidence supporting a decrease in vehicle ownership due to proximity to “transit corridors.” In fact, the experts who formulated the “transit corridor” theory have renounced the notion that those using transit to commute will not also own a vehicle. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.31**

While some families use vehicles provided by car share organizations as a second vehicle, the majority of people who do are people who do not own their own automobiles.<sup>14</sup> It is therefore reasonable to assume that the provision for ten parking spaces for use by car share organizations could reduce the demand for parking in the area because individuals might choose to use the car-share vehicles instead of owning a personal auto for which it will be difficult to find parking. However, the DEIR analysis does not assume that parking demand would automatically decrease as a result of the proposed provision of car-share parking spaces, and no such claim is made in the document.

As stated on page III.C-17 of the DEIR, the project sponsor would seek designation of up to three curb loading spaces from the Department of Parking and Traffic (DPT), in support of seeking an exception for the Planning Code’s off-street loading requirement. The outcome of DPT’s review of an application for designation of on-street loading spaces is not known at this time, but it is noted that, as described on DEIR page III.C-17, the project-generated loading/service demand would be for no more than one space during both an average and peak hour of loading activities. As such, DPT could approve designation of fewer than the proposed three curb loading spaces.

Use of the commenter’s parking demand rates would not change the results of the parking evaluation presented in the DEIR. The estimated project parking demand was based on rates in the San Francisco Planning Department’s 2002 *Transportation Impact Analysis Guidelines for Environmental Review*, which are similar to the commenter’s estimated vehicle ownership rates. The rate used in the estimates for project parking demand for the predominantly market rate housing development was 1.17 space per unit. Parking demand rates for affordable and senior housing units are, as expected, lower than for market rate housing.

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<sup>14</sup> [www.carsharing.net/why.html](http://www.carsharing.net/why.html)

Since publication of the DEIR, the housing mix has changed to include an 88-unit residential care facility as the *openhouse* component of the project. Inclusionary housing requirements, affordable units, would be satisfied outside the *openhouse* facility. Although the assisted care facility would generate a demand for visitor parking, the overall parking demand of *openhouse* facility and project would be lesser than evaluated in the DEIR.

The commenter's opinions about the City's position that the availability of parking spaces (or lack thereof) are noted. However, as stated on page III.C-7 of the DEIR, in the experience of San Francisco transportation planners, the absence of a ready supply of parking spaces, combined with available alternatives to auto travel (e.g., transit service, taxis, bicycles or travel by foot) and a relatively dense pattern of urban development, induces many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits.

### Comment 5.32

The DEIR glibly announces that "Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel." (DEIR I-13). There is no supporting evidence for this statement. People need parking where they live, and, contrary to the DEIR's misstatements of fact and law, CEQA requires analysis of impacts on parking. This Project will cause severe parking impacts, both on the new residents and on existing neighbors who will be affected by the same impacts. Additionally, cumulative impacts from the Project on the existing severe parking deficient in the area must be analyzed and mitigated.

The DEIR recites the lead agency's erroneous refrain that "San Francisco does not consider parking supply as part of the permanent physical environment," and that. "Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA." (DEIR, I-13 and III.C-7); *see also* identical language at *Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-54.) These conclusions are incorrect as a matter of law.

Impacts on parking have long been recognized as a significant under CEQA, and must be analyzed and mitigated. (*E.g.*, *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003 (Loss of on-street parking "indicated that a finding of significant environmental effect was mandatory."); *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 ("[T]raffic and parking have the potential...of causing serious environmental problems."); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 696-98, Fn.24 (Parking deficits were significant impact requiring mitigation). Here, the proposed Project not only worsens an already severe parking shortage, but physically changes the environment by further eliminating parking, parking facilities, and access to parking, and eliminates existing parking requirements in new construction, substituting mandatory caps on parking that will cause direct impacts on parking for new residents and neighbors of the Project, worsen the existing severe parking shortfall in the area, and cause cumulative adverse impacts on parking in the area. These are direct, physical changes that must be analyzed under CEQA, along with indirect significant impacts.

CEQA also requires that the EIR analyze and mitigate indirect and cumulative impacts on parking from existing shortfalls, removing existing parking, and creating future shortfalls by providing inadequate parking in new development. (*See, e.g.,* Guidelines §15065(a)(2)-(3), and Appendix G, §§XV (f) and XVII(b) and (c). (*Mary Miles, Coalition for Adequate Review, May 7, 2007*))

### **Response 5.32**

As a policy matter, the City of San Francisco has long encouraged transit and other alternatives to the automobile to lessen the degree to which “people need parking where they live.” As stated in the DEIR (pp. III.C-7 - 8, “Any such resulting shifts to transit service in particular, would be in keeping with the City’s “Transit First” policy. The City’s Transit First Policy, established in the City’s Charter Section 16.102 provides that ‘parking policies for areas well served by public transit shall be designed to encourage travel by public transportation and alternative transportation.’” The *San Francisco General Plan* addresses the fact that the City can provide neither unlimited traffic capacity nor unlimited parking without sacrificing the overall capacity of the transportation network to automobile circulation. Objective 34 of the *General Plan* Transportation Element states, “Relate the amount of parking in residential areas and neighborhood commercial districts to the capacity of the city’s street system and land use patterns.” The text under Objective 34 explains,

The increasing level of vehicle ownership by city residents indicates the need for improved transit services throughout the city. It also indicates the need for parking facilities is continuing and raises serious questions about the level of automobile ownership which can be supported by the street and parking system. Since much of the city’s housing, especially in the more densely developed areas, was built prior to the time when the automobile became the dominant mode of travel, off-street parking spaces do not exist in adequate numbers. The size of many streets and the need to provide free flows for traffic limits the number of on-street spaces. *Just as the street system cannot accommodate all potential traffic, so the city cannot provide for an unlimited level of automobile storage. A reasonable level must be provided for and measures should be considered to discourage vehicle accumulations beyond that level* (emphasis added).

Thus, to accommodate these competing interests (private autos, transit, pedestrian experience) the City does not require parking supply to meet estimated demand. This City’s treatment of parking in CEQA analysis has been supported by the courts. The commenter incorrectly characterizes the California Court of Appeal’s decision in *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656. First, the relevant holding of that case was the opposite of the commenter’s contention. The court found that “there is no statutory or case authority requiring an EIR to identify specific measures to provide additional parking spaces in order to meet an anticipated shortfall in parking availability. The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality *is*. Under CEQA, a project’s social impacts need not be treated as significant impacts on the environment. An EIR need only address the secondary physical impacts that could be triggered by a social impact. [¶] Thus, the EIR

correctly concluded that “[p]arking shortfalls relative to demand are not considered significant environmental impacts in the urban context of San Francisco. Parking deficits are an inconvenience to drivers, but not a significant physical impact on the environment” (emphasis in original).

The court did acknowledge the need for an EIR to analyze and mitigate, if necessary, the secondary environmental effects that could result from a parking shortfall, and found that the EIR had done so “in keeping with the specific environmental strictures imposed by the City’s own transit-first policy.”

Footnote 24, cited by the commenter as evidence that “parking deficits were significant impact requiring mitigation,” is likewise mischaracterized. That footnote first noted that the Planning Code requires no off-street parking for commercial uses downtown. Second, footnote 24 described the fee imposed on the developer in question to fund areawide parking solutions and enhance transit accessibility and stated that these payments, although not identified as such by the EIR, constituted “a substantial mitigation measure.”

As to *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011, the *San Franciscans Upholding* court noted that this case stood for the proposition of an “EIR found adequate because it set forth measures to reduce secondary *environmental effects* cause by the need for additional parking” (emphasis in original).

Thus, the DEIR correctly analyzed the parking impacts like any economic or social impact. Such effects “may be used to determine the significance of physical changes caused by the project” (CEQA Guidelines, Sec. 15131(b)). That is, a physical change brought about by a project may be determined to be significant if it results in substantial adverse social or economic changes. Thus, the relevant analysis is whether the lack of parking (a social impact) could cause adverse traffic, air quality, or other *physical* effects on the environment. These physical effects, including indirect and cumulative effects, are fully analyzed in the EIR, in Section III.C, Transportation, Circulation and Parking, where it was found that traffic effects of the proposed project would be less than significant, and in Section III.D, Air Quality, where it was likewise determined that the project’s air quality effects would not be significant.

### Comment 5.33

The Project’s impacts on parking will also have significant effects on the environment that are economic and social changes. Such economic and social changes may determine the significance of a physical effect and may themselves cause physical changes that are significant effects. (Guidelines §§15064(e); 15382).

Lack of parking is also recognized as a “Physical and economic condition...that cause[s] blight.” (Cal. Health & Safety Code §33031(a)(2); *Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123, 1149-50.) CEQA recognizes that, as here, the potential to indirectly cause urban blight is a significant impact on the environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204-05.)

The Public Resources Code section 21 083(b )(3) further requires finding that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. Eliminating parking affects humans adversely, particularly those who have chosen to drive a car, as well as those subjected to increased traffic, congestion, air pollution, and degraded quality of life from forcing them to spend more time, resources, and money to park.

Thus, the DEIR's conclusion that parking is not "considered" an impact in San Francisco is contrary to the law. The Project will clearly have significant impacts on parking that must be evaluated and mitigated. To approve this DEIR under these circumstances is an abuse of discretion. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.33**

Please see Response 5.32. The Health and Safety Code section cited by the commenter concerns conditions that can be considered in determining whether an area is "blighted" for purposes of creating redevelopment areas, not a mandatory CEQA finding of significance.

In the dense urban environment of San Francisco, lack of readily available parking is a common occurrence which in the experience of San Francisco planners has not had the effect of causing blighted conditions, particularly in primarily residential areas well served by transit and by neighborhood commercial retail uses. Such areas would include the Hayes Valley neighborhood, as well as the Upper Market neighborhood, in which the project is located in or immediately adjacent to. An example would be the Safeway shopping center adjacent to Muni surface and subway lines along Market Street which allow people to access this commercial retail uses without needing a car or associated parking.

### **Comment 5.34**

Depending on the number of spaces and units, the amount of parking may be above that allowed as-of-right under the current draft of the M & O Plan (p III C-15). Without justification, the DEIR then concludes (same page) that "the proposed project would be consistent with the Plan's proposed Planning Code parking requirements." The DEIR does not discuss either why a conditional use permit would be warranted, or how the proposed project complies with the more stringent policies for conditional-use parking levels set out in the M & O Plan. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Response 5.34**

The project would seek conditional uses authorization, as described on DEIR page II-15, including parking in excess of principally permitted amounts, if required.

### **Comment 5.35**

As we outlined in our scoping comments in June of 2006, we believe the proposed project will impinge upon the city's "transit first" policy and goals, as well as negatively contribute to regional congestion, air pollution, and impact the jobs housing balance that ABAG, MTC, and BAAQMD seek to address. As we emphasized in our scoping letter, the parking, and not the

concept of infill housing, is the concern here. In our original scoping letter we asked that the project be considered in this context but upon reviewing Ch. III A it is evident that little to none of this was considered.

The proposed development will be a block away from the new Central Freeway Ramp, which would be accessed by using Haight Street. HVNA is concerned that the development, as proposed, has too much parking that will attract auto-oriented commuters seeking easy access to the freeway. This contributes to the transformation of San Francisco into a bedroom community [for] suburban office workers. Hence~ the project, with its abundant parking, will negatively contribute to regional congestion, air pollution, and impact the jobs housing balance that ABAG, MTC, and BAAQMD are actively seeking to mitigate. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Response 5.35**

Please see Master Response 3.3 about project consistency with plans and policies. As described on pages III.C-15 to III.C-16 of the DEIR, the estimated project-generated parking demand would exceed the proposed onsite parking supply, with a resulting unmet demand of 65 spaces (midday) to 143 spaces (evening). As described in the DEIR Section III, the proposed project would have no significant impact associated with traffic or air quality. Modifications to the project residential mix may lessen associated trip generation and parking demand; the conclusions to the DEIR would remain unchanged. The commenter's opinion about the proposed parking supply is noted.

### **Comment 5.36**

According to the DEIR points out (p. III C-13), the proposed project will generate 79 new PM peak-hour vehicle trips at the Hermann/Laguna/Market/Guerrero intersection. What's more, the proposed pedestrian entrance on this [corner] will add large volumes of pedestrians. This is already an unsafe intersection for automobiles and pedestrians because of the proximity of the stop sign at Hermann and Laguna to the stop light at Laguna and Market. Automobiles traveling in both directions on Laguna often fail to realize that pedestrians crossing Laguna at Hermann have the right of way.

The EIR should analyze safety issues at this intersection, and proposed appropriate mitigation measures such as crosswalk improvements and bulbouts. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Response 5.36**

Page III.C-6 of the DEIR describes existing pedestrian conditions in the project vicinity as operating at free-flow (i.e., pedestrians moving at normal walking speeds and with freedom to bypass other pedestrians and unimpeded by vehicles making opposing movements), and with few conflicts between bicyclist, pedestrians and vehicles. As described on page III.C-16 of the DEIR, new pedestrian trips generated by the project would be accommodated on the existing sidewalks and crosswalks adjacent to the project and would not substantially affect current pedestrian conditions. The DEIR analysis concluded that the project's impacts to the pedestrian network would be less than significant.

Although not specifically stated in the DEIR text, crosswalk improvements including the use of bulbouts are planned to be constructed at all four project intersections. Please see Figure 4, *Proposed Site Plan* (DEIR page II-6) which identify these bulbouts as a dashed line, as well as Figure 13B, *Simulated View of the Project Site From the Market/Laguna/Hermann Street Intersection*, which simulates a widened sidewalk and new crosswalk at this intersection.

The commenter's opinions about existing traffic safety conditions at the intersection of Hermann/Laguna/Market/Guerrero Streets are noted, but do not necessarily address the accuracy or adequacy of the environmental evaluation to warrant further response.

### **Comment 5.37**

Parking. The Draft EIR LOS Study found that currently neighborhood streets are filled at only 93% of capacity. This seems laughable. (*Teresa Welborn, Lobelia Properties LLC*)

#### ***Response 5.37***

The DEIR's characterization of current supply and occupancy of on-street parking spaces in the area was based on empirical data collected on a typical weekday in May 2005 (as stated on page III.C-6 of the DEIR). The commenter's opinion about current on-street parking conditions is noted, but does not necessarily address the accuracy or adequacy of the environmental evaluation to warrant further response.

### **Comment 5.38**

Residents of the proposed project may own more than one vehicle. If 20% of apartments have more than .75 vehicles, this adds approximately 68 additional vehicles seeking street parking. (*Teresa Welborn, Lobelia Properties LLC*)

#### ***Response 5.38***

As described on DEIR pages III.C-15 and III.C-16, the estimated parking demand for each proposed land use was developed according to the methodology in the San Francisco Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review*.

### **Comment 5.39**

The Project should be designed so as to encourage the use of public transportation by reducing the number of parking spaces at the site. Aside from the obvious environmental benefits of reducing pollution by reducing the number of cars in our city, traffic congestion in the area is already a significant issue that will only be exacerbated by proposed housing and parking spaces at the site. As noted in the Draft EIR, one of the major access points to the 101, 280, and 80 from Lower Haight, Mint Hill and Hayes Valley is by cutting across Market Street at Laguna and Hermann to Guerrero St. This "shortcut" already requires tedious delays and a sometimes dangerous path across Market Street with traffic coming from all directions. Under the proposed



project plan and any alternative plan, the estimated increase of 154, 206, or 618 PM peak hour vehicular trips will increase traffic to unacceptable levels. (*Ellen K. Brown*)

### **Response 5.39**

As described on pages III.C-15 to III.C-16 of the DEIR, the estimated project-generated parking demand would exceed the proposed onsite parking supply, with a resulting unmet demand of 65 spaces (midday) to 143 spaces (evening).

The DEIR reached its traffic impact determination of the proposed project and project alternatives using standard analysis methodologies in the San Francisco Planning Department's 2002 *Transportation Impact Analysis Guidelines for Environmental Review*. Traffic impacts are described on pages III.C-10 through III.C-13 of the DEIR.

Modifications to the project residential mix may lessen associated trip generation and parking demand; the conclusions to the DEIR would remain unchanged.

### **Comment 5.40**

[The EIR] does not evaluate the adverse environmental impacts caused by the no-project alternative – both the effects of the site's continued use as a remote commuter parking lot and the environmental opportunity costs of not taking full advantage of site's proximity to transit, major employment centers, and neighborhood commercial districts. (*Christopher Pederson*)

### **Response 5.40**

Please see Response 5.29.

## **Individual Comments Addressing Transportation, Circulation and Parking**

### **Comment 5.41**

Even if the Project and rezoning were lawful, the Project proposes inflicting at least three *years* of heavy excavation and construction on a neighborhood still recovering from nearly a decade of major demolition and reconstruction of the Octavia Boulevard surface freeway ramp. The DEIR contains no analysis or mitigation of the Project's impacts from noise, traffic, ground shaking, excavation equipment, vehicle parking and traffic, on the community and the area. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 5.41**

The project's traffic and parking impacts during project construction are described on page III.C-18 of the DEIR. Other construction-period impacts were described in the May 2006 Initial Study (i.e., construction noise on page 17; construction air emissions on page 19; and public health hazards on pages 33 to 37). As described in the DEIR and in the Initial Study, construction-period impacts associated with the proposed project are anticipated to be less-than-significant, or less-than-significant with mitigation.

## **Comment 5.42**

The proposed Micah Way, at Laguna Street, ingress/egress is noted on Figure 3 Proposed Site Plan as emergency access only, but on page II-13 it states “Micah Way” would provide for vehicle ingress and egress...’ (*Teresa Welborn, Lobelia Properties LLC*)

### ***Response 5.42***

The proposed Micah Way (and Lindhardt Lane) would provide direct vehicular and emergency access to three parking garages on the site as well as to at-grade parallel parking spaces along these new interior streets, as described on DEIR page II-3. To clarify that the entrance to Micah Way from Laguna Street would be for vehicular access, and not for emergency access only, a revised Figure 3 is included in Section D, Staff-Initiated Text Changes.

## **Comment 5.43**

Repeated references made are made to retail spaces at the corner of Laguna and Hermann streets. However, the spaces envisioned by AF Evans extend about halfway down the block, corresponding with the end of Richardson Hall Annex, which is about halfway down the first block of Laguna St. Therefore the use of the word “corner” is misleading. Extending retail down half a block at this already-congested intersection of three streets (including Market St.) with attendant delivery issues/customer parking attempts will only add to expected traffic congestion. (*Larry Burg*)

### ***Response 5.43***

As stated on page III.C-9 of the DEIR, the estimated person-trip generation to and from the project site was based on trip generation rates provided in the Planning Department’s *Transportation Impact Analysis Guidelines for Environmental Review* for the proposed residential and retail uses; trip generation rates for the proposed community space were adopted from survey results produced for the *Jewish Community Center Transportation Study*. The DEIR analysis was based on the size and type of proposed land uses, and the location of available parking spaces, not on the location of the land uses. The DEIR identified no significant traffic impacts associated with the proposed retail uses on the project site. In addition, the DEIR analysis of potential loading impacts, based on comparison of the proposed number of loading spaces (one off-street space, and up to three on-street spaces) versus the estimated demand (less than one space during both an average and peak hour of loading activities) identified a less-than-significant impact.

## **Comment 5.44**

The EIR should discuss whether the proposed new streets (Lindhardt Lane and Micah Way) would be publicly or privately owned and maintained. If the streets will be public rights of way, they should be named after local luminaries. New College is committed to providing the minimum parking required by the Planning Department which was estimated in our alternate reuse plan. However, we hereby request the stated number of parking spaces be reduced to the minimum

amount required for the proposed program and that the traffic analysis be revise to reflect said reduction. (*Martin Hamilton, New College of California*)

**Response 5.44**

As stated on DEIR page II-8, the proposed internal streets “Micah Way” and “Lindhardt Lane” would be privately owned though publicly accessible through the site. The DEIR’s analysis of potential traffic impacts would not be affected by the number of onsite parking spaces because travel demand (auto, transit, walk/other) reflects all trips that would be made to and from the project site (i.e., both work and non-work trips for residential uses, and both employee and visitor trips for non-residential space). As such, all project-generated trips were described in the DEIR. Comments requesting that these streets be named after local luminaries, as well as a reduction in the overall number of parking on the project site are noted, but do not necessarily address the accuracy or adequacy of the environmental evaluation to warrant further response.

## 6. Air Quality

### Comments Addressing Greenhouse Gas Emissions

#### Comment 6.1

The DEIR does not analyze emissions of carbon dioxide and other greenhouse gases from the project. Appropriate mitigations to reduce the project's impact on global climate should include reduced parking and compliance with the University of California's own "Policy Guidelines for the Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices" (see Comment 5). (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

According to the California Energy Commission, "smart growth" land use decisions that concentrate higher density development close to transit corridors, when viewed cumulatively, are among the most promising strategies for reducing the State's greenhouse gas emissions over the long term. See California Commission, 2006 Integrated Energy Policy Report Update (Jan. 2007), available at <http://www.energy.ca.gov/2006publications/CEC-100-2006-001/CEC-100-2006-001-CMF.PDF>. As recent reports by the International Panel on Climate Change (IPCC) demonstrate, climate change threatens to render most recent efforts to protect the environment entirely irrelevant unless we significantly reduce greenhouse gas emissions. It is therefore imperative that the EIR evaluate how the proposed project and the alternatives, including the no-project alternative, will affect greenhouse gas emissions. (*Christopher Pederson*)

#### **Master Response 6.1**

The comments related to global warming and greenhouse gas emissions are noted. "Greenhouse gases" (so called because of their role in trapping heat near the surface of the earth) emitted by human activity are implicated in global climate change, commonly referred to as "global warming." These greenhouse gases contribute to an increase in the temperature of the earth's atmosphere by preventing the escape of heat in much the same way as glass in a greenhouse. Thus, this condition is often referred to as the "greenhouse effect." In its "natural" condition, the greenhouse effect is responsible for maintaining a habitable climate on earth, but human activity has caused increased concentrations of these gases in the atmosphere, thereby contributing to an increase in global temperatures.

The principal greenhouse gases (GHGs) are carbon dioxide, methane, nitrous oxide, ozone, and water vapor. Of these gases, carbon dioxide and methane are emitted in the greatest quantities from human activities. Emissions of carbon dioxide are largely by-products of fossil fuel combustion, whereas methane results from off-gassing associated with agricultural practices and landfills. Other GHGs – with much greater heat-absorption potential than carbon dioxide – include hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride, and are generated in certain industrial processes. There is international scientific consensus that human-caused increases in GHGs has and will continue to contribute to global warming, although there is much uncertainty concerning the magnitude and rate of the warming.

Some of the potential impacts in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years.<sup>15</sup> Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects, according to the Intergovernmental Panel on Climate Change:<sup>16</sup>

- Snow cover is projected to contract, with permafrost areas sustaining thawing.
- Sea ice is projected to shrink in both the Arctic and Antarctic.
- Hot extremes, heat waves, and heavy precipitation events are likely to increase in frequency.
- Future tropical cyclones (typhoons and hurricanes) will likely become more intense.
- Non-tropical storm tracks are projected to move poleward, with consequent changes in wind, precipitation, and temperature patterns. Increases in the amount of precipitation are very likely in high-latitudes, while decreases are likely in most subtropical regions.
- Warming is expected to be greatest over land and at most high northern latitudes, and least over the Southern Ocean and parts of the North Atlantic ocean.

There are also many secondary effects that are projected to result from global warming, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood, and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

The California Energy Commission estimated that in 2004 California produced 500 million gross metric tons (about 550 million U.S. tons) of carbon dioxide-equivalent GHG emissions.<sup>17</sup> The CEC found that transportation is the source of 38 percent of the State's GHG emissions, followed by electricity generation (both in-state and out-of-state) at 23 percent and industrial sources at 13 percent.<sup>18</sup>

<sup>15</sup> California Air Resources Board (ARB), 2006a. Climate Change website (<http://www.arb.ca.gov/cc/120106workshop/intropres12106.pdf>) accessed March 24, 2007.

<sup>16</sup> Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2007: The Physical Science Basis; Summary for Policymakers*, February 5, 2007. Available on the internet at: <http://www.ipcc.ch/SPM2feb07.pdf>. The IPCC was established in 1988 by the World Meteorological Organization and the United Nations Environment Programme to assess scientific, technical and socio-economic information relevant for the understanding of climate change, its potential impacts and options for adaptation and mitigation.

<sup>17</sup> Because of the differential heat absorption potential of various GHGs, GHG emissions are frequently measured in "carbon dioxide-equivalents," which present a weighted average based on each gas's heat absorption (or "global warming") potential.

<sup>18</sup> California Energy Commission, *Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004 - Final Staff Report*, publication # CEC-600-2006-013-SF, December 22, 2006; and January 23, 2007 update to that report. Available on the internet at: <http://www.arb.ca.gov/cc/ccei/emsinv/emsinv.htm>.

In the Bay Area, fossil fuel consumption in the transportation sector (on-road motor vehicles, off-highway mobile sources, and aircraft) is the single largest source of the Bay Area's GHG emissions, accounting for just over half of the Bay Area's 85 million tons of GHG emissions in 2002. Industrial and commercial sources were the second largest contributors of GHG emissions with about one-fourth of total emissions. Domestic sources (e.g., home water heaters, furnaces, etc.) account for about 11 percent of the Bay Area's GHG emissions, followed by power plants at 7 percent. Oil refining currently accounts for approximately 6 percent of the total Bay Area GHG emissions. In the Bay Area as a whole, carbon dioxide makes up 90 percent of GHG emissions, measured in terms of carbon dioxide equivalency.<sup>19</sup>

California has taken a leadership role in addressing the trend of increasing GHG emissions, with the passage in 2006 of California Assembly Bill 32 (AB 32), the Global Warming Solutions Act. This legislation is discussed below, under Regulatory Setting.

Implementation of the proposed project would contribute to long-term increases in greenhouse gases (GHGs) as a result of traffic increases (mobile sources) and building heating (area sources), as well as indirectly, through electricity generation. These sources would represent the great majority of GHGs that would be produced in association with the proposed project, because the project would not emit industrial or agricultural gases, and thus would generate little in the way of GHGs other than carbon dioxide.

On-road transportation sources (i.e., automobiles), would represent the largest source of GHG emissions, consistent with existing Bay Area and statewide patterns of GHG emissions, as described in the setting. Electricity generation (both from in-state and out-of-state power plants) would be the second largest source of GHG emissions from the proposed project (although, as noted, some of this would occur outside the Bay Area).

The project's incremental increases in GHG emissions associated with traffic increases, increased energy demand, and space heating would contribute to regional and global increases in GHG emissions and associated climate change effects. Because neither the BAAQMD nor any other agency has adopted significance criteria or methodologies for estimating a project's contribution of GHGs or evaluating its significance, no significance determination can be made at this time. However, the location of the project, in an area with multiple transit options, including Muni buses, streetcars, and subway, could help reduce transportation-related GHG emissions, relative to what would otherwise occur in a new development, located in a less transit rich part of the Bay Area. New construction would also be required to meet California Energy Efficiency Standards in the state Building Code, helping to reduce future energy demand as well as reduce the project's contribution to regional GHG emissions.

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<sup>19</sup> BAAQMD, *Source Inventory of Bay Area Greenhouse Gas Emissions: Base Year 2002*, November 2006. Available on the internet at: [http://www.baaqmd.gov/pln/ghg\\_emission\\_inventory.pdf](http://www.baaqmd.gov/pln/ghg_emission_inventory.pdf).

Direct project emissions of GHGs, measured as the “carbon dioxide equivalent” volume (carbon dioxide is the primary greenhouse gas that would be emitted, and this methodology presents volumes of other gases, such as methane, in terms of the global warming potential of an equivalent volume of carbon dioxide) are estimated to be 6,570 tons per year from mobile sources (vehicular travel), 1,324 tons per year from area sources (primarily from natural gas combustion for heating, assuming a conventional gas-fired system), for a total of 7,894 tons per year, or approximately 0.012 percent of total Bay Area GHG emissions for the year 2002.<sup>20</sup> Project transportation emissions would form 0.1 percent of the total SF emissions as carbon dioxide equivalent. Indirect project emissions would include approximately 2,618 tons per year from electricity generation off-site and 1,796 tons per year from the emission of landfill gases generated from the solid waste generated by the project residents. The total of direct and indirect emissions (as carbon dioxide equivalent) from the proposed project would be 12,309 tons per year, which forms approximately 0.014 percent of the Bay Area total. Please see Attachment 5 for the GHG calculation worksheet.

Finally, DEIR section III.D, Air Quality, noted that project-related mobile emissions would not exceed the BAAQMD’s 80 lb significance thresholds for NO<sub>x</sub>, PM-10, ROG, or the 550 lb significance threshold for CO. Therefore, the operational impact of project emissions from increase in vehicular trips at the project site would result in a less than significant impact to air quality.

## Comments Addressing Air Quality Impacts from Vehicular Emissions

### Comment 6.2

The DEIR admits that the Bay area is in non-attainment status for air quality (DEIR, III.D-5, III.D-9, etc.), and that “The project would result in criteria air pollutant emissions from a variety of emissions sources, including stationary sources...and mobile on-road sources.” (DEIR, III.D-13) The DEIR observes that, “Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds,” with “hot spot” air pollution potential. DEIR, III.D-13 - 14. Yet, while admitting that although the new Octavia Boulevard freeway ramp, only 500 feet east of the Project, has a capacity of more than 100,000 vehicles per day, the DEIR claims that “it is not anticipated that residents of the proposed project would be adversely affected by diesel particulate emissions from the new freeway ramps,” and thus there would be no cumulative impacts either to the new residents or from the addition of more than 4,745 person-trips per day and 450 new market-rate units. (DEIR, III.D-15-16). The DEIR’s purpose is not to analyze the environment’s impacts on the Project or its 833 proposed new residents. The DEIR must analyze the Project’s impacts on the existing environment, and propose mitigations and alternatives to those impacts. The DEIR’s unsubstantiated conclusions of no impacts from the Project are contradicted by the DEIR’s own data. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

<sup>20</sup> BAAQMD, “Source Inventory of Bay Area Greenhouse Gas Emissions,” Nov. 2006. All figures are for CO<sub>2</sub>-equivalent emissions.

### **Response 6.2**

The air quality analysis discusses both the impacts of the project on the environment and the impacts of the ambient environment on the proposed sensitive uses (see DEIR III.D, *Air Quality* section. The commenter notes that the proposed project would generate 4,750 person trips per day. However, this translated to only 1,480 vehicle trips per day. Traffic generated by the proposed project would involve primarily automobile trips (gasoline fueled) and very few heavy duty truck trips (diesel fueled). Gasoline-fueled trips would generate criteria pollutant emissions which were analyzed on page III.D-13 of the DEIR and found to be less than quantitative thresholds considered significant by the BAAQMD. Diesel-fueled trips, in addition to criteria pollutants (also included in the analysis on page III.D-13) would also generate diesel particulate matter (DPM) which is classified as a toxic air contaminant (TAC) by the California Air Resources Board (CARB). However, due to the nature of land uses proposed by the project, less than 3 percent of the total daily trips generated by the project would be diesel-fueled (per default assumptions in the URBEMIS model). The traffic study for the project estimates only 15 truck trips per day. Therefore the contribution of these minimal diesel truck trips to health risk in the area is expected to be insignificant. The project site is just over 500 feet from the Octavia Boulevard freeway ramp. According to the CARB, impacts from the freeway are predominant within 500 feet. Moreover, the project's location upwind of the freeway ramp during the prevailing wind conditions in the area would reduce the exposure of the proposed receptors to emissions from the freeway ramp.

### **Comment 6.3**

Laguna St. is only a 2 lane street. It is interesting to note that on wide streets, such as 8th St., south of Mission, newly-erected apartment buildings are only 4 to 5 stories and 8th Street is 4 lanes wide! This allows for a better dispersal of vehicle emissions. With a greater increase of traffic, the smell and presence of diesel fumes from the already high influx of trucks during the day will only increase on such a narrow street. These emissions are trapped somewhat between the Extension's retaining wall and the tall apartment buildings at 16 and 50 Laguna St. Inspection of the soot/carbon deposits on these buildings indicates the prevalence of relatively high diesel traffic volume. (*Larry Burg*)

### **Response 6.3**

Though Laguna Street is a 2-lane street, as noted in the traffic study, intersections along this street operate at acceptable Level of Service (LOS) conditions. Due to the nature of land uses located along Laguna Street, traffic is primarily composed of gasoline fueled automobile trips. The proposed project also includes primarily residential and community uses and very minimal (5,000 square feet) of retail space that could generate truck trips. The traffic study for the project estimates that the project-generated loading/service demand would be about 15 trucks per day. This includes mail delivery, maintenance, deliveries, and move-in/move-out activities. This minimal increase in diesel fueled truck trips is not expected to result in any adverse impacts from diesel fumes or the deposition of soot onto surfaces.



## Individual Comments Addressing Project Air Quality Effects

### Comment 6.4

The analysis of air and wind patterns seems to be simplistic and largely relies on a cut-and-paste “standard” explanation, rather than a study of the unique wind patterns of Laguna St. Wind flow that would whisk away vehicle exhaust (including diesel emissions from the heavy truck traffic) is greatly reduced during much of the fall and winter months. In the late spring and summer afternoons and evenings winds originate from the west and northwest and flow is often straight down Laguna St. from the north. It would seem that the present wind tunnel effect will be exacerbated by the presence of open house’s 8 stories directly opposite two 7-story buildings (16 and 50 Laguna St.) (*Larry Burg*)

### **Response 6.4**

As explained in Response 6.3, traffic on Laguna Street primarily consists of gasoline fueled light duty vehicles. The percentage of diesel fueled heavy-duty trucks is very minimal. In addition, the project’s contribution to truck traffic in the area is very low (estimated at 15 trucks per day). Therefore the project will not result in significant impacts from diesel particulates.

The other local pollutant of concern is carbon monoxide. Carbon monoxide concentrations at intersections most affected by project traffic (including two intersections along Laguna Street) were estimated and the results are provided on page III.D-14 of the DEIR. As noted correctly by the commenter, the highest pollutant concentrations usually occur in winter, on cold, clear days and nights with little or no wind. Low wind speeds inhibit horizontal dispersion and radiation inversions inhibit vertical mixing. Worst case conditions are built into the simplified model formula that was used in the estimation of carbon monoxide concentrations. Default wind conditions are as follows:

1. wind direction parallel to the primary roadway, 90° angle to secondary road;
2. wind speed less than 1 meter per second;
3. extreme atmospheric stability (class F);
4. receptors at edge of the roadway.

Carbon monoxide impacts were found to be less than significant even under these worst case conditions. During windy conditions, the “tunnel effect” would increase wind speeds, helping to disperse air pollutants generated along Laguna Street even further. As such, no significant air pollution impacts associated with the proposed project are anticipated.

### Comment 6.5

Pollution problems were not adequately addressed. By 2025 there will be 450 occupied units on 5.8 acres or 78 units/acre vs. 60 units/acre for the surrounding blocks. Thus there will be a higher density for the site than in the surrounding neighborhood (Pg. III A-19). Notwithstanding the EIR’s conclusions that CO and ROG levels would be roughly half the significant threshold for these pollutants, even half is still considerable. I also believe the cars associated with this growth would constitute a significant impact not only to air pollution but also to noise levels in the area,

since the 55 Laguna Plan alone would have 334 parking spaces. (Pg. II-7 Fig. 4) (*Edward Wm. Greninger*)

### **Response 6.5**

The analysis has been conducted according to the BAAQMD's CEQA Guidelines, which specify 80 pounds per day as the significance threshold for ROG, NO<sub>x</sub> and PM-10. Projects generating emissions less than the significance threshold are considered to have a less than significant impact. Therefore, the project's emissions were found to be less than significant. The emissions estimate for the project includes emissions from on site sources (natural gas combustion for space and water heating, landscaping, fireplaces, use of consumer products, etc.) as well as emissions from vehicle trips (including cars) generated by the project. The noise impacts associated with the increase in traffic are discussed in the noise section of the Initial Study, and were determined to be less-than-significant.

### **Comment 6.6**

First is the air quality. I feel they skimmed over that very quickly. 94102 was recently brought up as outside the southeast sector as one of the highest asthmatic rates. I, as someone who has seen the completion of Octavia Boulevard, also fought for it, now see the effects of the addition of car pollution, also air particulates that land on my car, it definitely gets dirtier at a faster rate. (*Richard Johnson, San Francisco Planning Commission, April 19, 2007*)

### **Response 6.6**

As discussed on page III.D-15 of the DEIR, the Air Quality and Land Use Handbook published by the California Air Resources Board recommends that sensitive receptors not be sited within 500 feet of urban roadways with 100,000 vehicles per day. This recommendation is based on traffic-related studies, where the additional non-cancer health risk attributable to proximity was strongest within 300 feet of the roadway. California freeway studies show about a 70% drop off in particulate pollution levels at 500 feet. As the proposed project would be located slightly more than 500 feet upwind of an urban road carrying less than 100,000 vehicles per day, the cumulative impact of diesel particulate matter on the proposed sensitive uses would be less than significant.

The project would increase traffic on Octavia Boulevard by approximately one to two percent. Of this increase, less than 4 percent would constitute project generated diesel vehicle trips. This minimal increase in truck traffic is not expected to significantly contribute to the existing health risk from diesel particulates in the vicinity of Octavia Boulevard.

## 7. Historic Architectural Resources

### Comments Addressing Landmark Status of the Project Site

#### Comment 7.1

The Board encourages the sponsor to Landmark the remaining buildings per Article 10 of the Planning Code, and include the designation as a mitigation measure for the EIR. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

THEREFORE BE IT RESOLVED that the Landmarks Preservation Advisory Board hereby initiates landmark designation of the University of California (UCB) campus at 55 Laguna Street, Assessor's Block 857, Lot 1 and 1a and Assessor's Block 870, Lots 1, 2, and 3, as City Landmark No. 256 pursuant to Article 10 of the Planning Code; (*Sonya Banks, Landmarks Preservation Advisory Board*)

The Board of Supervisors recently passed an ordinance permitting Local Landmark designation for privately controlled publicly accessible interiors, the effects of which should be evaluated in the DEIR. Further, the San Francisco Landmark Preservation Advisory Board voted to recommend Local Landmark designation of the Campus which should be stated in the EIR. (*Martin Hamilton, New College of California*)

In addition, the Landmarks Preservation Advisory Board voted 6 to 1 in favor of the Local Landmark Designation for the campus. (*Jo Brownold*)

The buildings surrounding the campus are architecturally significant, and since the closure have sat empty and neglected. Just yesterday, the Landmarks Preservation Advisory Board voted 6 to 1 in favor of the Local Landmark Designation of the UC Berkeley Extension Laguna Street Campus. (*Eliza Hemenway*)

I strongly urge you to approve the designation of the UC Campus as a local landmark. (*Malana Moberg*)

#### **Master Response 7.1**

The Landmarks Preservation Advisory Board (LPAB) initiated landmark designation of the former UC Extension Campus at 55 Laguna Street (the project site), pursuant to Article 10 of the Planning Code. At its regularly scheduled meeting on April 18, 2007, the LPAB recommend landmarking of the site for consideration by the Planning Commission. At its regularly scheduled meeting on June 7, 2007, the Planning Commission voted to deny landmark status to the project site. This decision by the Commission was appealed to the Board of Supervisors, who at its regularly scheduled meeting on August 14, 2007, voted to landmark Woods Hall, Woods Hall Annex, a portion of Richardson Hall, and the "Sacred Palm" behind Woods Hall, in accordance with Article 10 of the Planning Code. The Board did not landmark Middle Hall, the Administration Wing of Richardson Hall, the retaining wall along Laguna Street, any other site features, or the site itself as a potential historic district. Page III.E-7 of DEIR has been amended to include the following new information

about the landmark status of project site buildings: (Please also see Section D, Staff-Initiated Text Changes)

### **“San Francisco Landmarks**

At its regularly scheduled meeting on August 14, 2007, the Board of Supervisors, voted to landmark Woods Hall, Woods Hall Annex, a portion of Richardson Hall, and the “Sacred Palm” behind Woods Hall, in accordance with Article 10 of the Planning Code. The Board did not landmark Middle Hall, the Administration Wing of Richardson Hall, the retaining wall along Laguna Street, any other site features, or the site itself as a potential historic district.”

Although these buildings were landmarked after publication of the DEIR, the document identified all buildings subsequently landmarked on August 14, 2007, as historic architectural resources under CEQA. Therefore, landmark designation has no impact on the analysis in the DEIR, or its conclusions.

The “Sacred Palm” and the landmarked buildings are to be retained as part of the project as analyzed in the DEIR. The DEIR identified other buildings features on page III.E-10 as historic resources.

As part of the design review process, the project sponsor would be required to apply for, and receive, a Certificate of Appropriateness (C of A) from the Planning Commission or Planning Director, following review by the Landmarks Board for the planned renovations to the three identified landmarks at the project site. The C of A would require that all renovations to the landmarked buildings be consistent with the *Secretary of the Interior’s Standards for Rehabilitation* or Article 10. Therefore, the potential of the project to impair the historic integrity of the retained buildings would be reduced due to the oversight, as described on p. III.E-10. Alterations to the newly-landmarked to Richardson Hall, Woods Hall, Woods Hall Annex, and the Sacred Palm would not result in new or significant impacts not addressed in the DEIR.

## **Comments Addressing HABS Mitigation**

### **Comment 7.2**

OHP also endorses the implementation of the proposed Mitigation Measures HR-1 and 2 (HABS-Level Recordation and Public Interpretation) because they would further reduce the project’s impacts on the district level. (*Milford Wayne Donaldson, FAIA, Office of Historic Preservation, Department of Parks and Recreation*)

The Board would like for the project sponsor to coordinate with the National Park Service (NPS) to see if the project should be an official Historic American Building Survey (HABS) submittal because of the site’s former public education use. They recommended coordinating with NPS to submit the HABS documentation to the Library of Congress. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

The proposed mitigation measure for HABS photographic recordation should extend to the entire property since the Planning Department determined “that the campus comprises a potential historic district,” including the contributing buildings, landscape features, and concrete retaining wall. “In summary, all the buildings on the project site...qualify as ‘historic resources’ for CEQA purposes.” HABS standards include the recordation of the context of historic resources. This requirement combined with the determination that there is a potential historic district argues for a more comprehensive photographic recordation of the entire site. (*Hisashi Sugaya, Planning Commission*)

The idea of documenting their existence with photographs (p. I-21) seems ludicrous. It is an admission that they are valuable resources to keep. Document them because of their significance and then willingly destroy them!?! (*Larry Burg*)

### **Master Response 7.2**

These comments address the adequacy, or perceived inadequacy, of Mitigation Measures HR-1 and 2 (HABS- Level Recordation and Public Interpretation), identified on DEIR page IV-1 – 2. These measures are intended to reduce the significant effects of the project on historic resources. DEIR page IV-2 states that, “These mitigation strategies would not fully reduce the aforementioned significant adverse impact to a less-than-significant level. CEQA Section 15126.4 (b) (2) states that ‘In some circumstances, documentation of a historical resource, by way of historic narrative, photographs and/or architectural drawings, as a mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur. As such, even with implementation of the aforementioned mitigation measures, demolition of the Administration Wing of Richardson Hall, Middle Hall, and Laguna Street retaining wall would be considered a significant unavoidable impact on the environment. Section VI, Alternatives, describes project alternatives that would avoid the significant impacts of the proposed project.” As such, the DEIR acknowledges that the measures presented in the EIR may not fully reduce the impact to historic resources to a less-than-significant level.

To address the request that *Mitigation Measure HR-1, HABS-Level Recordation* shall be extended to the entire site, as the entire site is nominated to the National Register, the *Mitigation Measure* on DEIR pages I-22 and IV-1 has been amended to include the following:

“The project sponsor shall document the context of the National Register-nominated San Francisco State Teacher’s College site, inclusive of the buildings, structures, landscape features, spatial relationships within the site, campus within its urban setting, and interiors, including WPA-era murals and artwork, according to HABS Level II documentation standards.

*Photographs:* Black and white photographs with large-format negatives should be shot of exterior and interior views of the campus, including, but not limited to,...”

To address the request by the LPAB that the project sponsor coordinate with the NPS regarding HABS mitigation, DEIR page IV-1 has been amended to include the following: (Please also see Section D, Staff Initiated Text Changes)

“The project sponsor shall coordinate with the National Park Service (NPS) to determine if the project should be an official Historic American Building Survey (HABS) submittal.”

To address the request by the LPAB that the HABS documentation be submitted to the Library of Congress, DEIR page IV-2 has been amended to include the following: (Please also see Section D, Staff Initiated Text Changes)

“If requested by the NPS, the documentation report and photographs shall be submitted to the Library of Congress.”

Because the buildings on the project site comprise a potential historic district, the HABS mitigation would typically include the recordation of the context of historic resources, in addition to the individual contributory buildings. Implementation of the mitigation measures would be approved by a Preservation Technical Specialist, who would review the HABS proposal prior to the initiation of actual HABS work, ensuring that the site context is adequately recorded.

## Comments Addressing Mitigation Measures for Impacts to Historic Resources

### Comment 7.3

As the [Market & Octavia] Plan has not been adopted, the associated HRS [Historic Resources Survey] will not be complete until about a year after Plan adoption is proposed, and no §106 consultation has been sought from the OHP, we request the EIR require the Planning Commission, in consultation with the LPAB, to adopt interim measures—specifically demolition controls—to preserve and protect the Campus historic structures, interiors, and artifacts, along with its significant trees until the HRS is adopted and the historic resources are designated as Contributory under Article 10 of the Planning Code.

At a minimum, we request the following mitigation measures be incorporated into EIR to protect historic resources and to ensure public involvement in evaluating feasible reuse options, and in prioritizing the preferred type of zoning and program elements for the Campus:

- A Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the Plan area should be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan;
- A comprehensive analysis of the cumulative effects of the Project on the Plan should be conducted under CEQA. Said analysis should be incorporated as mitigation measure within the Plan, but could occur within the Project EIR;

- All applicable and feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan (LRDP) for the Main Campus in Berkeley should be incorporated into the Plan and applied to the Laguna Street Campus in San Francisco;
- All comments contained in the attached letter on the Campus from the State Historic Preservation Officer (SHPO) should be incorporated as mitigation measures in the Plan; and
- Transfer of Development Rights (TDRs) should be authorized for the Campus under the Plan as a mitigation measure to provide a preservation incentive should the Public zoning be changed.

Further, the Campus is not being well-maintained. Graffiti and other forms of vandalism are evident. We request the EIR establish interim measures to mothball, stabilize, preserve and protect the Campus prior to, during and after Project implementation. (*Martin Hamilton, New College of California*)

We'd like to see all of the feasible mitigation measures pertaining to historic preservation within the UC Berkeley long range development plan incorporated. (*Cynthia Servetnick, San Francisco Planning Commission, April 19, 2007*)

Pg. III.E-15: The visual simulation of the proposed retail space's impact to the Laguna Street retaining wall shows complete replacement of the bays with glazed storefront systems, retaining only the structural columns/pilasters. This is characterized as "relatively minor openings into the wall for access purposes." Access to what? Physical or visual? Or both? In any case, the removal of entire bays would substantially diminish the physical integrity of the retaining wall. It would no longer be seen as a retaining wall - its original purpose, but as a retail storefront. A redesign is called for, such that the amount of glazing/openings is much reduced so that they are read as smaller punched openings and the mass of the wall visually retained. (*Hisashi Sugaya, San Francisco Planning Commission*)

Pg. III.E-15: In addition to hiring a historical architect, there should be an up front requirement that the retained architect conduct a door and window survey to determine what can be repaired and rehabilitated and what needs replacement. The surveys would be submitted to the Planning Department for review and approval on the advice of Landmarks Preservation Advisory Board. (*Hisashi Sugaya, San Francisco Planning Commission*)

The building itself is a wonderful structure, made with very thick concrete walls, which is an oddity amidst the local plywood dominated architecture. It would be a shame to replace this building with plywood made condos that will be old and dated within ten years. And what would San Francisco be without the Victorian houses, if they were replaced by condos. It can become a San Francisco landmark if it retains public use and not change the zoning. It's architecture, a mixture of Art Deco and California and Spanish elements could not exist anywhere else but in California. There are so few architectural styles that could be characterized truly American, and it's a great loss to let a building like that get destroyed. (*Lana Tamasaki, San Francisco Planning Commission, April 19, 2007*)

It is an absolute no-brainer that residents of the neighborhood have a say in what happens to this property – and also that rare and historic buildings must be preserved. I've seen the plans for the proposed new property and if I have to look at that from apt. window I will move. (*Sarah P. McCabe*)

### **Master Response 7.3**

It would not be appropriate to include other mitigation measures pertaining to historic preservation from the UC Berkeley Long Range Development Plan (LRDP) into this EIR, as that plan does not address the long-term uses on the project site. Please see Master Response 1.4.

The interim controls for the protection of historic resources described in the Market & Octavia Neighborhood Plan, when approved, would already apply to the project site and therefore would not need to be restated as additional mitigation measures in the project EIR. These controls include; 1) mandatory discretionary review required for all proposed new construction over 50 feet within the entire Plan Area, 2) All proposed demolition or major alteration cases for properties within the Plan Area for buildings constructed prior to 1961 will be forwarded to the Landmarks Board, and 3) all exterior modification building permit applications for the street facade(s) of historic resources within the Plan Area will be presented to the Landmarks Preservation Advisory Board (LPAB). Given the new landmark status of many of the resources on the project site, alterations and renovations to these buildings would have to undergo the Planning Department and LPAB Certificate of Appropriateness process (please see Master Response 7.1 for additional detail).

In addition, the DEIR on page III.E-14 describes, as part of the proposed project, the hiring of a Preservation Architect to assist with design development and related project implementation of conservation techniques. Thus, this mitigation is already proposed. In order to clarify the existing mitigation, not in response to new information or impact severity, staff-initiated text is added to the Mitigation section affirming the proposed retention of a Preservation Architect, and codifying implementation (Please see Section D, Staff Initiated Text Changes).

#### **“Mitigation Measure HR-3. Preservation Architect**

As part of project design development, the sponsor shall retain a qualified historical architect to 1) assist with ensuring the compatibility of the new structures with the retained historic resource buildings, including fenestration pattern, rhythm, and material design, so as not to detract from the retained historic resource buildings, 2) conduct historic window and door survey of the site prior to approval of construction drawings, 3) manage treatment of the retained historic resource buildings, including accessibility and structural upgrade design, 4) plan and oversee mural preservation, and 5) act with overall responsibility to implement historic resource mitigations, monitor work performed, and to report bi-monthly to the City, as Lead Agency, and State Office of Historic Preservation and National Park Service, as requested, during the period from project approval to end of construction.”

This measure represents no change from the substantial adverse environmental effect of the project outlined in the DEIR and selection of a project alternative remains the only option for reducing impacts on historical resources to a less-than-significant level. The mitigation was described in the DEIR, or was implied by the work required, thus is not new, and was thus considered in the previously-circulated DEIR.



With regard to the comment about the proposed retail spaces to be located within the Laguna Street retaining wall, please see Figure 4, Underground Parking Plan, (DEIR page II-7) which identifies the general size and types of uses that may go into these ground floor spaces. The simulated views of these proposed retail spaces provided in Figure 13 (DEIR page III.B-9) are not intended to be representative of a final design, but are placed in the DEIR for illustrative purposes. The entire project's design, including the proposed ground floor retail uses along Laguna Street, will undergo design review and require a certificate of appropriateness from the Planning Commission or Planning Department, following review by the LPAB prior to receiving a building permit. Comments addressing the design of the proposed retail spaces along Laguna Street and their effects on the integrity of the retaining wall are noted, but do not necessarily address the adequacy or accuracy of the DEIR to warrant further response. As noted in Response 7.1, the Laguna Street retaining wall was not landmarked by the Board of Supervisors, however, it is considered historic according to the Planning Department, and the proposed removal of this wall would be significant and unavoidable impact of the proposed project.

To address the request for a door and window survey, the project sponsor has retained Page & Turnbull, Preservation Architects, to assist in the design of the proposed project, and shall, through the course of their work, complete such a window and door survey to assess the potential for rehabilitation of these elements.

While comments requesting additional mitigation measures are noted, there is no amount of additional measures that would reduce the project's impact to historic resources a less-than-significant level.

## Comments Addressing National Register Resources

### Comment 7.4

An historic district nomination of the entire campus to the National Register of Historic Places is currently being prepared. (*Martin Hamilton, New College of California*)

[We are concerned that] that the campus may not be eligible as a potential National Register Historic District after completion of the project. (*Pre-Printed Public Hearing Comment Card*)

Most of our comments here have to do with irreversible impacts associated with historic resources. It's late. The project will alter Richardson Hall, Middle Hall gymnasium, and Laguna Street retaining wall. The project may eliminate the buildings' eligibility for the National Register of Historic Districts. (*Tamara Colby, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 7.4**

Since the publication of the DEIR, a National Register of Historic Places form nominating the entire project site as a National Register-eligible historic district, the San Francisco State Teacher's College, was completed and advanced to the State Historical Resources Commission (SHRC) (please see Attachment 7). On November 9, 2007, the SHRC

recommended the nomination be forwarded to the Keeper of the Register for inclusion in the National Register. Buildings or districts listed in or formally determined eligible for listing in the National Register are automatically listed in the California Register of Historic Resources, and are therefore considered 'historic resources' for CEQA purposes. The site was nominated under Criterion A, for association with the development of formal teacher training in California. As the DEIR identified the project site as a potential historic district, and described how the proposed project would have a potentially significant impact on a potential historic district, the National Register nomination and listing on the California Register would not change the conclusions of the EIR or provide new information.

General comments about impacts to historic resources, including those which may be eligible for listing in the National Register of Historic Places, are noted, but do not necessarily address the adequacy or accuracy of the DEIR to warrant further response.

## Comments Addressing SHPO Involvement

### Comment 7.5

As the site will remain under UC Regents ownership, and the affordable units may be subsidized with federal monies, we request the City seek State Office of Historic Preservation consultation in preparing the Project EIR. (*Martin Hamilton, New College of California*)

The DEIR did not adequately discuss the involvement of the State Office of Historic Preservation (OHP), specifically with regard to §106 of the National Historic Preservation Act (NHPA) of 1966 and §5024 of the State Public Resources Code (PRC), in consulting with the University of California and participating in the CEQA process regarding the Project. Section 106 would apply if there is a federal undertaking (i.e. a permit, license or funding) such as the use of HUD monies to offset the development costs of the affordable units. With respect to §106, potential Interested Parties include the LPAB, San Francisco Architectural Heritage and the Friends of 1800, who wish to participate in establishing a Programmatic Memorandum of Agreement (PMOA) with the University of California, OHP and the Advisory Council. OHP will also need to review the Project pursuant to §5024 of the Public Resources Code once the Commission determines the Campus is eligible for listing in the National Register of Historic Places (National Register). Prior to listing, the EIR should treat the Campus as historic under CEQA because there is a fair argument in the record that qualifies it for the California Register of Historic Resources and the National Register. (*Martin Hamilton, New College of California*)

### **Master Response 7.5**

According to the sponsor, they do not intend to use federal monies to fund construction of the proposed below market rate housing at the project site. Thus consultation with the State Office of Historic Preservation (OHP) in accordance with Section 106 of the National Historic Preservation Act would not be required. Regardless, OHP has been made aware of the proposed project and has commented on the DEIR, and responses to OHP comments on the DEIR are addressed in this section of the document.

## Comments Addressing the Market & Octavia Plan Historic Resource Survey

### Comment 7.6

Lacking a completed Historic Resources Survey of the [Market & Octavia] Plan Area, the DEIR contains insufficient information to reach correct conclusions and findings regarding the Project's impact on historical resources within the Plan. Specifically, we are concerned that the DEIR is deficient in its analysis of the potential historic district the UC Berkeley Extension Campus (Campus) represents. Note the Landmarks Preservation Advisory Board voted in favor of designating the Campus as a Local Landmark on April 18, 2007. However the Plan's Historic Resources Survey is evaluating an expanded Campus Apartment District that does not initially appear to have an historical basis. This causes concern because the Project proposes to add approximately 430 mainly market-rate apartments to the Campus. (*Martin Hamilton, New College of California*)

An Historic Resources Survey (HRS) of the Plan area is now underway, yet adoption of the Plan and certification of said EIR and CEQA findings has occurred prior to the completion of the HRS. The Revisions now incorporate an extensive section on historic resources in the "Sense of Place" Chapter, that prioritizes the timely completion of the HRS, and proposes interim protections and full integration of the HRS results into the plan. The section identifies surveys already completed in the plan area and groupings of important historic resources. However it is difficult to understand how the Plan can protect yet-to-be designated historic resources. Nevertheless, the Project EIR should evaluate consistency with the historic preservation policies that have been incorporated into the Revisions. In many cases, the Plan's historic preservation policies conflict with the Policy Guide's reuse guidelines. For example, the 85-foot height allowed next to historic Richardson Hall is contextually inappropriate. Revisions Policy 2.8 refers to a Conservation District, but it is unclear how this policy applies to the Campus. Would Transfer of Development Rights and other historic preservation incentives become available? (*Martin Hamilton, New College of California*)

Our appeal [of the Market & Octavia Neighborhood Plan EIR] is also based on the grounds that, lacking a completed Historic Resources Survey of the Market and Octavia Neighborhood, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on historical resources, specifically on the UC Berkeley Extension Campus at 55 Laguna Street and the potential historic district it represents. (*Martin Hamilton, New College of California*) The problem is that the [Market and Octavia Neighborhood Plan] EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date survey of the many historical resources in the Plan area. (*Susan Brandt-Hawley, Brandt-Hawley Law Group*)

### **Master Response 7.6**

An historic resources survey of the Market and Octavia Neighborhood Plan Area is currently underway, and is being prepared by the San Francisco Planning Department as a separate process from the proposed project. The draft survey findings should be available in early 2008. The historic resources evaluation report prepared for the 55 Laguna Mixed Use Project by Page & Turnbull, as well as the Planning Department's memorandum which reviewed this report, contains sufficient information to reach accurate conclusions and

findings regarding the 55 Laguna project's potential impact on historical resources not only on the project site, but also historically significant resources immediately adjacent to the project site. No new information generated as a result of the Market and Octavia Plan historic resources survey would alter the conclusions of the DEIR, as the DEIR already identified historically significant resources on the project site and in the immediate vicinity, as well as significant impacts to historic architectural resources. As stated in the DEIR, the proposed project would have a significant and unavoidable impact on historic resources located on the project site, but would have a less-than-significant impact upon the setting of adjacent historic resources.

As described above under Master Response 3.3, the EIR is not required to analyze a project's consistency with every policy that may apply to the proposed project, including existing or revised policies in the Market & Octavia Neighborhood Plan EIR. Regardless, the DEIR included a number of applicable Plan policies, and addressed the project's consistency or inconsistency with a selection of them. Please see DEIR pages III.A-9 – 11, and pages III.E-18 – 19.

As noted in one of the comments, the Historic Resources Survey being prepared for the Market & Octavia Plan may have identified an expanded "Campus Apartment District" that would include not only the project site buildings but also about six of the older, mid-rise apartment buildings on the periphery of the project site. While no designated "Campus Apartment District" is located in the area, nor was such a potential expanded district identified as part of the historic resources evaluation report prepared for this project (Page & Turnbull, 2005), the *Land Use, Plans, and Policies* section of the DEIR identified a number of older, mid-rise apartment buildings in the immediate project vicinity, and indicated no significant land use impact or substantial change to community character in the immediate vicinity as a result of the project. As such, the DEIR appropriately identified the existing historic resources and adjacent land uses in the project vicinity and accurately determined that there would be no significant impact.

If, however, a potential expanded "Campus Apartment District" were determined eligible for listing upon further review and adoption of the Plan survey, the proposed project would have no direct effect on it (such as demolition or substantial alteration), nor would it have an indirect affect (such as the substantial alteration of its setting) to the extent that the this district, if so identified, would become ineligible for listing (i.e., the basis for the determining the significance of impacts to historic resources.) Therefore, the proposed project would have an adverse impact on a potential "Campus Apartment District."

The comments address the Market & Octavia Neighborhood Plan EIR and do not directly address the adequacy or accuracy of the Project DEIR.

## Comments Addressing Rezoning Effects on Historic Resources

### Comment 7.7

The DEIR further acknowledges that the proposed rezoning would enable *future demolition* to occur *on this site* that “could also demolish more of the historic resources on the project site than under the proposed project.” (DEIR, III.E-17). None of the DEIR’s proposed mitigations or alternatives except the No Project alternative would remove this possibility. The DEIR finally admits that its proposed mitigation measures are ineffective and would not reduce the impacts to less than significant, concluding, “Only selection of a project alternative...would reduce the impacts of proposed project to a less-than-significant level.” (DEIR, III.E-14) Only the DEIR’s No Project alternative would guarantee preservation of the historic buildings and character of this site. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Moreover, with the DEIR’s proposed exemptions from height, bulk, density, and parking requirements for 382.5 *market-rate* units, and its precedent of demolishing historic structures, the Project creates an incentive for demolition and inflated market-rate housing prices in the surrounding area in direct conflict with the mandates of the Government Code and the City’s General Plan and Planning Code. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Again, unlawfully claiming the unadopted Market-Octavia Plan as authority, the DEIR concludes that where demolition of historic resources is proposed, the Market-Octavia Plan “requires that the new buildings on the site should be a distinct improvement over the previously demolished buildings,” and that “the loss of the existing historic buildings and structures on the project site, as well as the site itself as a potential campus historic district, would not be cumulatively considerable in light of the absence of potential impacts to other historic resources in the larger Market and Octavia neighborhood. As such, the proposed project would have no significant cumulative impacts to historic resources” (DEIR III.E-19). The DEIR’s analysis is unlawful under CEQA, because its conclusions are erroneous and because the Market-Octavia Plan does not govern this Project. Cumulative impacts refer to “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines §15355(a).) A cumulative impact is “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (Guidelines §15355(b).) Under the DEIR’s flawed analysis and the Market-Octavia Plan, piecemealed destruction of every old structure in San Francisco (or anywhere else) could be implemented with no consideration of its impacts on the character of the surrounding area, neighborhood, or the entire City, and virtually every old structure could be demolished and replaced by generic modern boxes with a finding of “no impacts.” (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

[We are concerned that] that the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project. (*Pre-Printed Public Hearing Comment Card*)

### **Master Response 7.7**

The effect of rezoning on historic resources is described on DEIR page III.E-17. The proposed rezoning effort would permit other medium-density residential projects on the

same site, having roughly similar impacts to historic resources as the proposed project, depending on the final size and layout of such future projects. Only the selection of an alternative would fully avoid the impact to historic resources.

As described in Section III.E, *Historic Architectural Resources*, the proposed project would have no significant direct or indirect effects to historic resources in the project vicinity. The provision of housing on the project site, market-rate or otherwise, would not directly result in increased housing pressures that would result in demolitions to other historic resources. However, even if this assertion were true, proposed future demolitions of historic resources would undergo individual environmental review, and numerous protections of such resources are in place at the federal, state, and local level outside of CEQA.

Cumulative impacts to historic resources are described on DEIR page III.E-17 – 19. This section explains that although the proposed demolition of these historic resources would be contrary to the Market and Octavia Plan’s policy of preserving all historically significant buildings, such goals would be balanced with other important goals, including the promotion of an active pedestrian environment or a mix of unit types, family sizes, and incomes.

The DEIR stated that the proposed project would have no significant cumulative impacts to historic resources because no significant impacts to historic resources would result from implementation of the Market and Octavia Neighborhood Plan; the Plan area being the geographic basis for the evaluation of cumulative impacts. Therefore, the proposed project’s impacts would have no other impacts to combine with in order to form a significant cumulative impact. Said another way, the loss of the existing historic buildings and structures on the project site, as well as the site itself as a potential campus historic district, would not be cumulatively considerable in light of the absence of potential impacts to other historic resources in the larger Market and Octavia neighborhood. Finally, as no other present or future projects in the Plan Area with the potential to significantly impact historic resources have been identified, the effects of the proposed project would not form a significant cumulative impact. Therefore, the DEIR accurately characterized the cumulative effects of the proposed project. For comments addressing the use of the Market and Octavia Plan and EIR for use in the cumulative context please see Master Response 1.2.

As described on DEIR page E.III-17, individually eligible historic resources, as well as those that contribute to a potential district are known to exist on the project site, and as such, any future project allowable under the proposed rezoning effort would likely have a significant unavoidable impact to historic resources, similar to the proposed project.

The commenter is correct in that the mitigation measures presented in the DEIR would not avoid the significant impacts to historic resources, and that only selection of a project alternative would reduce the impacts of proposed project on historic resources to a less-than-significant level. Such alternatives are the No Project Alternative (page VI-1), the Preservation Alternative (page VI-3) and the New College/Global Citizen Center Alternatives (page VI-8).

As both the No Project Alternative and the New College/Global Citizen Center Alternative would retain the public zoning on the site and all of the identified historic resources, selection of one of these alternatives by decision makers would avoid the potentially significant impacts that the proposed rezoning could have on historic resources, such as possible future demolition activities. Public zoning in and of itself does not guarantee no demolition would occur. Therefore, the commenter's assertion that the No Project Alternative is the only project alternative that would guarantee preservation of the project site buildings is inaccurate. The Alternatives section of the DEIR (page VI-1) also states that project decision-makers could adopt an alternative instead of the proposed project if that alternative would substantially lessen or avoid significant environmental impacts identified for the project and that alternative is determined feasibly to meet most of the project objectives. The determination of feasibility will be made by City decision-makers.

## Comments Addressing Project Compatibility with Nearby Historic Resources

### Comment 7.8

The boxy modern structures would be architecturally incompatible with the distinctive historic buildings on site and the ornate Edwardian, Victorian and deco style structures on surrounding streets. The impacts would be two-fold: The destruction of the older character of the neighborhood, and the destruction of open space, public and private views on site and in the surrounding areas, some of which stretch across the San Francisco Bay. None of these impacts are identified or analyzed in the DEIR in violation of CEQA. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

The DEIR must analyze not only the direct impacts from demolishing old public buildings for generic modern private residential buildings, but must also analyze the impacts on the significance of those structures. The DEIR must also analyze the cumulative impacts from demolition of historic structures and the incentive for demolition to for-profit development that this Project foreseeably portends. Additionally, the DEIR must analyze the impacts on surrounding historic resources in the immediate and cumulative Project area. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

[T]he DEIR incredibly claims that the impacts of installing nearly six acres of modern boxes in the middle of smaller old houses and structures distinguished by Edwardian, Victorian and Deco styles would "be compatible with the existing neighborhood scale and urban form and would not impact the character-defining features of off-site resources." (DEIR, III.E-17) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

According to Fig. 5, pg. II-9, Building 1 would not appear to be compatible aesthetically with the existing buildings on the opposite side of the street. The properties along Buchanan St. are a mix of Edwardian and Victorian styles as are many others in the neighborhood. In addition the neighborhood around the project, including my apartment, is eligible for listings as a historical district and the impact of the project on this area would be "significant and unavoidable." (Pp. III E-8 and E-14). (*Edward Wm. Greninger*)

### **Master Response 7.8**

Compatibility of project site buildings with adjacent buildings are addressed in DEIR section III.A, *Land Use, Plans, and Policies*, III. *Visual Quality and Urban Design*, as well as section III.E, *Historic Architectural Resources*. The comments primarily address project compatibility with nearby historic resources, therefore, the following master response is offered.

Buildings along Buchanan Street, specifically, immediately opposite from the project site are predominantly a mix of two and three-story Edwardian and Victorian residential buildings, many of which are eligible as contributors to a *potential* Hayes Valley Historic District. The proposed buildings along this street (Buildings 1 and 2) would be four story residential structures rendered in a modern architectural style, as shown in Figure 5, DEIR page II-9. Page III.E-16 of the DEIR addresses concerns about compatibility of the existing structures with the proposed project site buildings explaining that the proposed project would construct new residential properties approximately four stories or 45 feet in height along Buchanan Street and at the corner of Laguna and Haight Streets, opposite from San Francisco Landmarks 47 and 164, including many contributors to the *potential* Hayes Valley Historic District. While visual changes to the properties near the perimeter of the project site would likely be noticeable from these off-site resources, the four story heights and residential scale and quality of the proposed new construction would not contrast substantially with the adjacent historic resources to the extent that their historic setting would be significantly compromised due to the distance between the proposed project and the off-site resources (the width of the surrounding streets or about 65 feet), and the requirement for a Certificate of Appropriateness by the Planning Department and the LPAB to ensure project compatibility with adjacent historic resources. In addition, as noted in the Planning Department's Historic Resource Evaluation Response Memorandum, "The project will not have an effect on these off-site historical resources because the visual impact of changes to the campus will not be detrimental to the historic districts or individual resources. The new construction is compatible with the existing neighborhood scale and urban form and will not impact the character-defining features of these off-site resources."<sup>21</sup>

DEIR page III.E-17 maintains that the project would not have an adverse effect on these off-site historic resources because the visual impact of the changes to the campus would not be detrimental to the historic districts or individual resources. The new construction would be compatible with the existing neighborhood scale and urban form and would not impact the character-defining features of the off-site resources. As such, the DEIR appropriately concluded that the proposed project would have a less-than-significant impact upon the setting of adjacent historic resources. As such, these resources would continue to remain eligible as city landmarks and/or contributors to the *potential* Hayes Valley Historic District after completion of the proposed project.

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<sup>21</sup> San Francisco Planning Department, *Memorandum: Historic Resource Evaluation Response*, File No. 2004.0773E, from Mark Luellen to Rana Ahmadi, May 25, 2006.



With regard to land use compatibility, DEIR page III.A-19 states that the project would generally reflect the surrounding area's medium-dense residential nature, as well as the mix of building heights that are present in the area. On balance, given the mix of building heights and sizes in the area which range from two to seven stories, the DEIR appropriately concluded that the project would be compatible with existing land uses, including height and bulk.

With regard to visual compatibility, DEIR page III.B-6 notes that the proposed project would be a continuation of dense and urban visual character currently found in the project area, including those in the Upper Market and Hayes Valley neighborhoods. Although future buildings on the project site would be larger in footprint and taller than most of the existing buildings in the immediate vicinity, increases in building height and mass would not, in themselves, result in a significant adverse change with regard to visual quality.

Finally, while the architectural designs presented in the DEIR are for illustrative purposes, and are not intended to indicate final designs. DEIR page III.B-7 notes that future building designs would be developed pursuant to the city's General Plan and urban design controls and guidelines imposed by the proposed Market and Octavia Neighborhood Plan. These measures would minimize the less-than-significant visual impacts in the project area.

As such, the DEIR appropriately concluded that the proposed buildings, including Buildings 1 and 2 along Buchanan Street, would not result in a significant adverse impact to adjacent historic resources.

## Comments Addressing Historic Resources on the Project Site

### Comment 7.9

The San Francisco Planning Department has made the findings that all buildings on the project site, including Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall, and, in addition, the remnant landscape features dating from 1921-1955 and the retaining wall along Laguna and Haight Street would contribute to a potential campus historic district. Thus, the site and all buildings would be qualifying as a historical resource for purposes of CEQA with Middle Hall not qualifying individually but as a district contributor. (DEIR III.E-11) (*Milford Wayne Donaldson, FAIA, Office of Historic Preservation, Department of Parks and Recreation*)

### Response 7.9

The commenter's statement is correct that all buildings and the site itself qualify as a historical resource for purposes of CEQA, with Middle Hall not qualifying individually but as a district contributor. This is consistent with the conclusion on DEIR page III.E-11, and also consistent with the National Register nomination (please see Attachment 7).

## **Comment 7.10**

The Board is concurred with the Planning Department's findings of historic significance, which in some instances did not agree with the Page & Turnbull report. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

### ***Response 7.10***

The Planning Department's evaluation, and not Page & Turnbull's, is the basis for assessment of potential impacts to historic resources, as identified on DEIR page III.E-11. This difference is explained on DEIR page III.E-10 – 11, and Response 7.16. As the comment does not directly address the adequacy or accuracy of the DEIR, no further response is warranted.

## **Comment 7.11**

The Historic Resource Evaluation dated December 13, 2005, evaluated the buildings. The Board does not feel that the historic district is the correct approach for this site. The Board feels the site is a collection of buildings that are connected by use and planned on a single site and recommended clarification of that discussion in the EIR. The EIR and HRER should clearly state what is contributing and non-contributing to the site. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

### ***Response 7.11***

The Historic Resources Evaluation Report (HRER) prepared by Page & Turnbull in December, 2005, found that the campus as a whole would not qualify as a San Francisco Historic District. However, a Planning Department preservation technical specialist determined that the campus does comprise a potential historic district, and that Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall are contributors to that district, as are the extant landscape features from the period of significance (1921 to 1955), including the concrete retaining wall facing Laguna and Haight Streets (see page III.E-11). As described above in Response 7.10, the Planning Department's evaluation, and not Page & Turnbull's, is the basis for assessment of potential impacts to historic resources. Therefore, the DEIR clearly stated what is contributing and what is non-contributing to the site.

The National Register nomination for the San Francisco State Teacher's College identifies the historic district as having contributing elements: Richardson Hall (both Administration and Training Wings), Woods Hall, Woods Hall Annex, Middle Hall, WPA murals, wall, and Sacred Palm. The nomination identifies the Dental School as non-contributing. The National Register nomination is consistent with the conclusions of the DEIR.

## **Comment 7.12**

The Board made recommendations to the project sponsor to study the historic boundaries of the site and the integrity issues and determine the boundaries of the site; make clear guidance as to what is contributing and non-contributing in terms of buildings, landscape features and art work; this should include a discussion of important person(s); a list of interior and exterior character-

defining features to be preserved. They also recommended that testing be performed to ensure the historic mural is not underneath the current layer of stucco near the northwest entrance. The Board requested that the new interpretive display provide enough information about the murals on the site. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

### **Response 7.12**

The boundaries of the site are identified in the HRER and DEIR; (Please see Response 7.11 above). The HRER, specifically, identifies the level of physical integrity of each building. In addition to identifying the contributory and non-contributory buildings and landscape features, the DEIR also identifies the significant works of art on the project site, such as those by Reuben Kadish and other WPA-era artists/muralists, as well as potential effects to such works (see DEIR page III.E-5 and III.E-15.) With regard to the Kadish Mural, UC has clarified that they are the legal owner of the mural. DEIR page III.E-15 has been amended to include the following new information about the mural (Please also see Section D, Staff Initiated Text Changes of this document):

“The rehabilitation of the interior would not have an impact on the Reuben Kadish Mural, which would either remain in place and be preserved, or would be relocated to a publicly accessible space by the deceased artist’s descendant and legal owner (Ruth Kadish) treated as allowed by ownership. UC is the legal owner of the mural. If the mural is removable, and UC does not want it, the deceased artist’s relative descendant (Ruth Kadish) has legal rights to claim and move the mural. The intention of the proposed project, however, is to leave the mural in place. Their latter removal effort, if it were to occur, would not be part of the proposed project, but rather, would be negotiated between, and implemented by, UC and its legal owner Ruth Kadish.”

As described in Master Response 1.1, the Board of Supervisors voted to landmark Woods Hall, Woods Hall Annex, a portion of Richardson Hall, and the “Sacred Palm” in accordance with Article 10 of the Planning Code. The Board did not landmark Middle Hall, the Administration Wing of Richardson Hall, the retaining wall along Laguna Street, any other site features, or the site itself. As part of this process, a list of significant interior and exterior character-defining features of these buildings will be identified in accordance with Article 10 of the Planning Code. This list is forthcoming, and will be forwarded to the LPAB for review.

In order to address the LPAB’s request about testing for historic murals which may be located in the northwest entrance to Wood Hall, and to clarify the work contemplated in the DEIR, DEIR page IV-3 has been amended to include the following mitigation language: (Please also see Section D, Staff Initiated Text Changes of this document):

#### **“Mitigation Measure HR-4. Mural Identification, Testing, and Preservation Procedures**

Prior to any renovation efforts, the project sponsor, through their Preservation Architect shall design a plan to address protection of significant interior finishes, including murals, during construction. A conditions assessment and protection plan shall be prepared by a qualified architectural finishes conservator and submitted with

the project proposal to ensure the safety of the contributing elements of the historic resource during the construction phase. Prior to any renovation efforts, the Preservation Architect shall prepare a plan to identify, retain, and preserve all WPA-era murals and/or mosaics at the project site, including Reuben Kadish's mural "A Dissertation on Alchemy" located in Woods Hall Annex, the "Angel" mural in Richardson Hall (by artist Bebe Daum), and others which may potentially exist beneath paint and/or plaster, such as a possible interior mural by John Emmett Gerrity or an exterior mosaic by Maxine Albro (both near the northwest entrance to Woods Hall.) Prior to any renovation efforts, the architectural finishes conservator retained for the project shall, as part of the plan, test and remove wall coatings to investigate the location and condition of any covered WPA-era murals and/or mosaics. If any such resources are located, including contributing decorative and sculptural elements, they shall also remain in place and be restored, through the auspices of sponsor partnership with the University of California, private and public art endowments, as the San Francisco Environmental Review Officer determines reasonably equitable and feasible."

This measure represents no change from the substantial adverse environmental effect of the project outlined in the DEIR and selection of a project alternative remains the only option for reducing impacts on historical resources to a less-than-significant level. The project includes measures related to mural preservation, described in the DEIR on page III.E-15. The measure above clarifies responsibilities; however the mitigation was described in the DEIR, is not based on new information, and was considered in the previously-circulated DEIR.

In order to address the LPAB's request that the new interpretive display provide enough information about the murals on the site, DEIR pages I-22 – 23 and IV-2 – 3 has been amended to include the following: (Please also see Section D, Staff Initiated Text Changes of this document)

"An additional form of mitigation shall include the installation of permanent interpretative display at the former UC Laguna Extension campus to describe to the general public the long and significant history of the site as an early California normal school and as the original site of San Francisco State University, as well as its WPA-era associations, including information about the existing WPA-era mural(s) in Woods Hall Annex. As part of the interpretation program, the murals should remain in publicly accessible areas, or made publicly available by arrangement for curated tours where the murals would be located in private common areas. The sponsor shall retain the historic names of site buildings, and should consider naming new private streets for aspects of the site's evolution, including its historic geography, or cultural landscape. Components of this mitigation program shall include an interpretive display erected on site, containing historic photographs, plans, and descriptive text. Alternatively, these elements could be placed in a publicly accessible gallery/exhibition space on the interior of one of the historic buildings, such as the 10,000 square feet of community space proposed within Richardson Hall. Historic photos, plans, and text developed from the HABS-Level II recordation and National Register nomination could be used as part of this display. The design for the interpretive display should be submitted to the San Francisco Landmarks Preservation Advisory Board for review and approval prior to final installation."

### Comment 7.13

The Board felt that the following sections need revising: page III.E9 – incomplete statement regarding Middle Hall; page III.E10 (second paragraph, last sentence) – change the date from January 2003 to January 27, 2007, and page III.E15 – the statement regarding the project impact is confusing. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

#### Response 7.13

The DEIR identifies Middle Hall as a contributor to a district on p.III.E-11, as found by the Planning Department, and consistent with the National Register nomination. Page III.E-9 has been revised as follows to clarify the appropriate date: (Please also see Section D, Staff Initiated Text Changes of this document)

“As of January 27, ~~2003~~, there were 253 individual landmarks and eleven historic districts in San Francisco.”

DEIR page E.III-15 discusses impacts to individually, architecturally significant structures. Concluding the discussion regarding Woods Hall and Woods Hall Annex, the DEIR states, “In order to avoid damage or destruction of significant materials and features, the project sponsor has hired a qualified historical architect to be involved in the rehabilitation process and would provide guidance to the project architect. As a result, renovations to Richardson Hall, Woods Hall, and Woods Hall Annex would result in a less-than-significant impact to historic resources.” The context for the statement is the work within those buildings proposed for retention with the project. The DEIR’s conclusions that the substantial adverse environmental effect of the project outlined in the document, including the loss of the contributing portions of Richardson Hall and Middle Hall, and selection of a project alternative as the only option for reducing impacts on historical resources to a less-than-significant level, are unchanged.

### Comment 7.14

The Board felt that the document lacked a clear statement as to why the existing Dental School building site could not be developed. The Board encourages the project sponsor to keep the “Sacred Palm” tree in place during construction as well as respect the historic use of the property when naming the new streets and buildings. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

#### Response 7.14

DEIR page II-14 states that one of the project sponsor’s objectives is to “Retain the Existing UCSF Dental Clinic.” UC intends to retain the Dental Clinic on the project site because this on-going educational use located in a relatively modern building does not have the same maintenance issues as the older buildings on the project site. Because UC intends to retain this building for on-going teaching purposes, no development plans for this portion of the project site were identified as part of the proposed project.

Page II-8 of the DEIR states that, a large Canary Palm behind Woods Hall, called the “Sacred Palm” by former San Francisco State students, and one other large palm tree would be boxed, stored during construction and replanted in upper Waller Park after construction. For informational purposes, neither of these trees can be retained in place as the area beneath them would be excavated for the construction of an underground parking garage. As such, the trees must be boxed, stored, and replanted in order to retain them on site. Work of this type assumes the use of professionals to perform such tree replanting. In order to clarify the responsibilities in carrying out the work described as part of the project, Mitigation Measure HR-4 is added as a staff-initiated text change:

**“Mitigation Measure HR-5. Arborist**

The project sponsor shall retain a qualified arborist to ensure the successful re-location of the Sacred Palm. Prior to approval of construction documents, a horticultural report shall be prepared with information to guide the retention and design requirements for the continuing health of the Canary Palm, including its successful storage, replanting, and spatial requirements for growth and feeding.”

The measure was described in the DEIR as part of the project. It is not based on new information, and was considered in the previously-circulated DEIR.

Comments requesting the use of historic names when naming new streets and buildings are noted, (please see Mitigation Measure HR-4), but do not directly address the adequacy or accuracy of the DEIR.

## **Comment 7.15**

The Board disagreed with the DEIR and felt that Middle Hall should be considered a historic resource. (*M. Bridget Maley, Landmarks Preservation Advisory Board*)

### ***Response 7.15***

The comment refers to not to the DEIR but the historic resources evaluation by Page & Turnbull which did not identify Middle Hall as a historic resource due to its low physical integrity. In Response 7.10, and 7.16 and stated on DEIR page III.E-11, all buildings on the project site which include Richardson Hall, Woods Hall, and Woods Hall Annex, and *Middle Hall* [emphasis added] qualify as ‘historical resources’ for CEQA purposes, as determined by the Planning Department and subsequently by the State Historical Resources Commission . Therefore, the DEIR identified Middle Hall as a historic resource. Demolition of Middle Hall was determined to be a significant unavoidable impact of the proposed project.

## **Comment 7.16**

The DEIR needs to provide a better explanation of the basis for the Planning Department’s conclusion that the site qualifies as an historic district. The findings in the Page and Turnbull report do not support the finding that the site constitutes a quadrangle or campus quad as asserted in the DEIR. Over time a variety of buildings have occupied the interior portions of the site, and

the site has been substantially altered. The site's dramatic topography does not lend itself to functioning as a true quad. The site is broken up into separate usable spaces and tiers, and certain of these spaces and tiers were fenced off from one another some years ago. The interior has never functioned as a true campus quad and in recent years the interior areas have served as surface parking lots. The site is not currently internally focused as asserted in the DEIR other than to be served by the existing parking lots (rather than interior courts and pedestrian gathering spaces).  
(*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 7.16**

The Planning Department's conclusion that the site qualifies as an historic district are provided in a Department memorandum: *Historic Resource Evaluation Response*, from Mark Luellen to Rana Ahmadi, May 25, 2006. The Planning Department agreed with most of the findings of the Page & Turnbull report, but as stated on DEIR page III.E-11 that although the Page & Turnbull report did not specifically make the following findings, the Planning Department determined that the campus comprises a potential historic district, and that Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall are contributors to that district, as are the extant landscape features from the period of significance (1921 to 1955), including the concrete retaining wall facing Laguna and Haight Streets. As such, the Planning Department's evaluation is the basis for assessment of potential impacts to historic resources.

The DEIR and associated review memorandum from the Planning Department further explains that although the setting of the campus has been compromised through the introduction of three surface parking lots and the loss of several wood-frame buildings, the campus as a whole still retains its character-defining quadrangle design and conveys its historic associations as a self-contained campus. The Department memo further explains that the existing parking lots and associated landscaping would not be character-defining features of the potential campus historic district. The footnote provided in this section of the DEIR also defines the meaning of the term 'quadrangle design,' which means that the buildings located on the corners of the property were inward-facing, providing an internally-focused campus, and does not infer that the campus currently has or ever had a central open space or 'quad.'

Subsequent to publication of the DEIR the National Register nomination for the San Francisco State Teacher's College identified the site as an historic district, under Criterion A of the National Register of Historic Places, for its association with patterns of history in the development of formal teacher training in California (see Attachment 7). The nomination identifies contributing and non-contributing features of the site. The findings and conclusions of the DEIR are consistent with the National Register nomination.

CEQA allows for a disagreement among experts to provide the public and decision-makers with all substantial evidence in light of the full record. As such, the DEIR appropriately described the conclusions of both the Page & Turnbull report and the Planning Department's findings, and evaluated the project's effects on historic architectural resources, both individually and as a potential historic district (see DEIR Section III.E,

*Historic Architectural Resources*). Project impacts to historic resources were identified as significant and unavoidable.

### **Comment 7.17**

It is not clear why the alterations to the existing buildings that are proposed as part of the Project would render the site ineligible as a district, when the previous alterations that destroyed much of the site did not render it ineligible. In essence this process appears to be an attempt to create a district and reestablish a development focused inward, away from the neighborhood by means of the CEQA process. This contradicts what the DEIR otherwise identifies as positive impacts from opening the site up to greater public access, on pages III.A-18 and 19. The City will need to balance its historic preservation goals against its neighborhood integration goals.

We believe that the proposed project best balances historic and neighborhood objectives by preserving the potentially historic structures, but removing the walls that provide a blank face to the surrounding neighborhood, and converting to more active and integrated uses those portions of the property now devoted to surface parking. (*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 7.17**

As described in the DEIR, the project site retains sufficient physical integrity to convey its historic and architectural associations despite the varied levels of integrity of both the buildings and the changes which have occurred to the site as a whole, and therefore, qualifies as a potential historic district.

While it is acknowledged that many changes to the former UC Extension site have occurred over time, the Planning Department's Preservation Technical Specialist concluded that there remains a sufficient amount of historical fabric to constitute a potential historic district. Page III.E-15 of the DEIR accurately concluded that the effects of alterations to historic resources would be less-than-significant because in order to avoid damage or destruction of significant materials and features, the project sponsor has hired a qualified historical architect to be involved in the rehabilitation process and would provide guidance to the project architect.

Comments requesting the removal of the retaining wall and internal surface parking are noted, but do not necessarily address the adequacy or accuracy of the DEIR to warrant further response.

### **Comment 7.18**

Preserving the exterior of Woods and Richardson Halls, except for the addition of features necessary for integrating the projects into the surrounding neighborhoods, or adding retail space. It's my opinion that Middle Hall doesn't have a lot of architectural distinction thus is expendable if it gets in the way of a good site map. (*Rob Bregoff*)



**Response 7.18**

The DEIR identifies Richardson Hall, Woods Hall, and Woods Hall annex as being individually historic under CRHR criterion 3 (architecture) and potential contributors to a potential historic district. The DEIR identified Middle Hall only as a potential district contributor, and not individually meritorious for its architectural style. The Board of Supervisors recently voted not to landmark Middle Hall. The commenter's opinion about the architectural character of the existing project site buildings is noted.

**Comment 7.19**

[We are concerned that] he substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall). (*Pre-Printed Public Hearing Comment Card*)

**Response 7.19**

As described in the DEIR, demolition of Middle Hall and the Administration Wing of Richardson Hall are identified as significant and unavoidable project impacts. Mitigation measures to reduce the significant impacts to Richardson Hall and Middle Hall are described in Section IV, *Mitigation Measures*. These measures, however, would not mitigate the impact of demolition to a less-than-significant level, in which case the impact would remain significant and unavoidable. Only selection of a project alternative, described in Section VI, *Alternatives*, would reduce the impacts to historic resources to a less-than-significant level. As no other specific information about the adequacy or accuracy of the environmental evaluation is provided in the comment, no additional response is warranted.

**Comment 7.20**

Under terms it refuses to disclose, the Regents propose to lease the State's public land to a private developer, AF Evans. Evans would demolish three of the five historic buildings on site (Middle Hall, Richardson Hall Administrative Building and Richardson Hall), the historic retaining wall, old trees and landscaping, and "adaptively reuse" (DEIR III.A-21) the remaining two historic buildings, Woods Hall and Woods Hall Annex, "primarily for housing." (DEIR, 1-6). Evans would construct seven new buildings from 50 to 90 feet in height, with up to 450 private residential market-rate rental housing units on the parcel (DEIR 1-2). Of these, 304 would be studio and one-bedroom units, and 61 would be two- and three-bedroom units. The historic Middle Hall would be demolished to "accommodate a proposed residential building fronting Buchanan Street, and stepping down to the interior slope of the site." (DEIR I-3, I-6) The unique, historic retaining wall along Laguna Street would also be demolished to accommodate bulky new structures. (DEIR 1-3) (*Mary Miles, Coalition for Adequate Review, May 7, 2007, Coalition for Adequate Review, May 7, 2007*)

**Response 7.20**

The terms of the lease between UC and AF Evans have not been disclosed in the DEIR because they are not directly germane to the environmental evaluation, and have not been provided to the Department. The commenter is correct in that the proposed project would demolish historic resources on the project site, but is incorrect when stating that the sponsor would demolish Richardson Hall. The sponsor would retain about two-thirds of this building, while demolishing the Administration Wing of Richardson Hall. Please see DEIR Section III.E, *Historic Architectural Resources* for further clarification about the project's effects to specific buildings on the project site.

**Comment 7.21**

Please save historic buildings. (*Lavon Taback*)

**Response 7.21**

Comments requesting the retention of historic buildings are noted.

**Comment 7.22**

The DEIR identifies removal of the retaining wall on Laguna and Haight Streets as a significant adverse environmental effect. As pointed out elsewhere in the DEIR, the prison-like facade of the campus along Laguna and Haight Streets is a decades-old blight on the neighborhood that is fundamentally incompatible with the effort of the Market & Octavia Plan to promote a more active, pedestrian-friendly streetscape. Although the wall is definitely a significant component of the old, inward-looking campus, the EIR should at least acknowledge that the preservation of the wall would itself have adverse environmental effects. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

**Response 7.22**

Please see Response 7.17 about preservation of the retaining wall. Comments addressing the existing conditions of the retaining wall on the project site are noted, but do not necessarily address the adequacy or accuracy of the DEIR to warrant further discussion.

**Comment 7.23**

The Kadish fresco "A Dissertation on Alchemy" is by any measure an extraordinary work of art, but as a product of the FAP it is far more so. Federally sponsored art works were meant to be easily read, but Kadish's arcane iconography — like that of a complex Renaissance-inspired mural Kadish did with Philip Guston at the City of Hope in Duarte, California — would be a challenge to most art historians. Federal art projects were specifically commissioned for *public* spaces (such as the WPA-built Woods Hall Annex) and should not be privatized or — given its fragile condition and site-specific nature — moved. It should be restored *in situ*.

Kadish's mural is one of the most important federal art works in San Francisco, but because of its inaccessibility, it is also one of the city's least known and most neglected. I am also concerned about the public accessibility of the fine fresco of an angel on a lunette (apparently by Hebe

Daum) in Richardson Hall and whether a mosaic by Maxine Albro on the exterior of Woods Hall at Buchanan and Haight Street may be extant under a coat of stucco. Though it is more recent, the vibrant barrel-vaulted stenciling by noted artist Larry Boyce on the ground floor of Richardson Hall's west wing also possesses considerable merit and should be publicly accessible. (*Gray Brechin*)

### **Response 7.23**

DEIR page III.E-14 – 15 discusses the effects of the proposed project on WPA-era works of art on the interior of Richardson Hall, Woods Hall, and Woods Hall Annex. As described on these pages, no WPA-era works of art on the interior or exterior Richardson Hall would be affected by the proposed project...including the 'Angel' mural above a doorway in Richardson Hall (possibly painted by Coit Tower muralist Hebe Daum Stackpole), or other decorative sculptures above the central entrance on Hermann Street, such as the sculptural figures, book, lantern, or owl.

As described on DEIR page III.E-15, the Reuben Kadish Mural would not be affected by the proposed project because it would remain in place. Please also see Response 7.12 and Response 7.9.

All other WPA-era works of art, including those by artist John Emmett Gerrity, would remain in place to the extent they can be located. Although the Gerrity murals in the Woods Hall entrance could not be found on a field visit in April, 2006, as they may no longer exist or may have been stuccoed or painted over, the location and retention of these historic features are described as part of the project. In order clarify the responsibilities in carrying out the work described, Mitigation Measure HR-4 is added as a staff-initiated text change:

#### **“Mitigation Measure HR-4. Mural Identification, Testing, and Preservation Procedures**

Prior to any renovation efforts, the project sponsor, through their Preservation Architect shall design a plan to address protection of significant interior finishes, including murals, during construction. A conditions assessment and protection plan shall be prepared by a qualified architectural finishes conservator and submitted with the project proposal to ensure the safety of the contributing elements of the historic resource during the construction phase. Prior to any renovation efforts, the Preservation Architect shall prepare a plan to identify, retain, and preserve all WPA-era murals and/or mosaics at the project site, including Reuben Kadish's mural “A Dissertation on Alchemy” located in Woods Hall Annex, the “Angel” mural in Richardson Hall (by artist Bebe Daum), and others which may potentially exist beneath paint and/or plaster, such as a possible interior mural by John Emmett Gerrity or an exterior mosaic by Maxine Albro (both near the northwest entrance to Woods Hall.) Prior to any renovation efforts, the architectural finishes conservator retained for the project shall, as part of the plan, test and remove wall coatings to investigate the location and condition of any covered WPA-era murals and/or mosaics. If any such resources are located, including contributing decorative and sculptural elements, they shall also remain in place and be restored, as the San Francisco Environmental Review Officer determines is reasonably feasible.”

More detail, but no new information on historic resources or the severity of project impacts is provided with the comments. The conclusions of the DEIR are unchanged.

This measure is provided to respond to the concerns over known and potential WPA-era art at project site, as well possible preservation treatments that may be appropriate.

No other WPA-era works of art (murals, sculptures, etc.) exist in either Middle Hall or the Administration Wing of Richardson Hall that would be damaged or destroyed as part of the proposed project. As such, the DEIR appropriately evaluated the project's potential effects on existing WPA-era works of art on the project site.

For informational purposes, because the Reuben Kadish Mural would remain in place, it would be regularly accessible to the general public because Woods Hall Annex is now proposed to contain a community facility. This would be a change from the existing condition, because the site is currently inaccessible to the general public, as it has been since 2003. The mural had been publicly accessible from 1936 to 2003, although access to this mural was limited when the site was used as a UC Extension, considering that only UC students, staff, and visitors could access the interior of Wood Hall Annex. The mural would be visible to residents and visitors to the proposed project community facility. Additional information about the WPA-era works of art on the project site can also be found in the historic resources report prepared for the project (Page & Turnbull, 2005), and the National Register Nomination Form (see Attachment 7). See also Response 7.16.

## Comments Addressing Historic Re-Use of the Site

### Comment 7.24

Historically significant structures should be preserved and utilized for public objectives, including education, community meeting and recreation spaces, performance space, art studios, and the like. (*Ellen K. Brown*)

#### **Response 7.24**

Approximately 10,000 square feet of the auditorium space within Woods Hall Annex would be utilized as a community facility. The comment that historically significant structures should be preserved and utilized for public objectives is noted.

### Comment 7.25

I think you will agree that this is about the best written letter supporting the preservation of the four major buildings on what is now known as the UC-Berkeley Extension at 55 Laguna. It would be hard to argue with the scope of the evidence of historical value presented, however it is going to take more than sound reasoning and undisputed evidence to stop this misuse of property by the current development plans of AFE vans and the University of California Regents for maximum income unless it can be shown that their reasoning for this income is flawed. And it is. (*David L. Dupree*)

**Response 7.25**

The comment is addressing the comment letter submitted to the Planning Department by Gray Brechin. Please see Response 7.22, about project effects to Art Deco murals and other WPA-era works of art.

**Comment 7.26**

The gymnasium at Middle Hall should be retained to provide sorely needed recreational/dance opportunities for the neighborhood. To destroy it would be a step backwards in providing sorely needed indoor physical activity space for the local community. (*Larry Burg*)

**Response 7.26**

The DEIR identified the potential demolition of Middle Hall, as well as the Administration Wing of Richardson Hall, as a significant unavoidable impact of the proposed project. The DEIR identified three project alternatives, all of which would retain Middle Hall in its existing condition. Two of the three alternatives would reuse Middle Hall for neighborhood recreation (Alternatives 2 and 3). Comments requesting the retention of Middle Hall for use as a neighborhood gymnasium are noted.

**Comment 7.27**

We the resident's of this neighborhood are ready for change based on safety and immediate development of the site. The 560 HOA, for the Theater Lofts, is in agreement that the designation of this site as "historic" is in conflict with the reintegration of this site into the neighborhood. Please do NOT approve another committee agenda. (*Shenandoah Smith*)

**Response 7.27**

Please see Master Response 7.1 regarding the landmarking process. Comments requesting that the project site not be landmarked are noted, but do not necessarily address the adequacy or accuracy of the DEIR to warrant further discussion.

## 8. Population and Housing

### Comment 8.1

The DEIR says that “it cannot be concluded that the project would directly or indirectly induce substantial population growth that could have adverse physical effects on the environment, and therefore the project’s population effects are considered less than significant.” (DEIR III.F-3) This conclusion is unsupported and contradicted by substantial evidence. The Project would privatize and fill a significant public open space and educational facility with housing development and more than 833 new residents, increasing the population of the surrounding area by 39 percent. (DEIR, III.F-3) That increase will have significant adverse impacts on existing traffic, transit, parking, open space, and aesthetic resources, among others, that must be analyzed and mitigated. The proposed rezoning would set a precedent for similar demolition and density box development throughout the area and City. The cumulative impacts from that foreseeable growth must also be analyzed and mitigated. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### Response 8.1

The comment addresses evaluations presented in DEIR Section III.F, *Population and Housing*. The commenter is correct that the proposed project is anticipated to accommodate about 833 new residents on the project site, which would result in a population increase of approximately 14 percent within Census Tract 168, or a 39 percent increase in the residential population in the residentially-zoned blocks immediately surrounding the project site. The DEIR evaluated the effects of the proposed new population on increased traffic and parking, open space, aesthetic resources and all other environmental factors required by CEQA, and determined that that the project would not directly or indirectly induce substantial population growth that could have adverse physical effects on the environment. Therefore, the analysis contained within the DEIR appropriately concluded that the project’s population effects would be considered less than significant.

The DEIR explains that although the proposed project would result in localized population growth at the project site, its effects on population growth would not be considered substantial in the context of the city as a whole, nor would it directly or indirectly induce economic or population growth in the immediate area that could have significant adverse physical effects on the environment (such as the extension of additional utilities/infrastructure, or the construction of additional public services, such as fire, police, or schools). The DEIR further explains that the project’s density would fall within the *range* of densities in the surrounding census blocks (i.e. project density would be greater than the residential densities of the smaller-scale, two- and three-story single and multifamily uses found along Buchanan and Haight Streets opposite the project site, similar in density to other existing residential developments nearby by such as the Church Street Apartments at Church and Hermann Streets, and lower than the residential densities of multi-family apartment buildings located adjacent to the site’s perimeter, such as 300 Haight Street, 55 Herman Street, and 1900 Market Street).

As described in Response 7.7, the proposed rezoning would not set a precedent for similar demolition of historic resources throughout the city, because the rezoning is proposed only for the project site and within the Market & Octavia Neighborhood Plan Area, and not in other locations in the City. As no significant impacts to historic resources resulting from the rezoning effort were identified in the Plan EIR, it would be reasonable to assume that the proposed rezoning on the project site would not set a precedent for demolition of historic resources in the Plan Area or other parts of the City.

The cumulative effects of the proposed project on population and housing are also addressed in Section III.F, *Population and Housing*. As stated on DEIR page III.F-5, the project's estimated 833 residents would account for about 11 percent of the population growth assumed within the Market & Octavia Neighborhood Plan, and that in the context of these projections, the project would not cause a substantial population concentration resulting in a cumulatively considerable significant adverse physical impact to the environment.

For informational purposes, the proposed project is located on what was two city blocks, not one, as asserted by the commenter. Please see Figure 1, *Project Location*, which clearly identifies the size of the project site in comparison with surrounding blocks.

## Comment 8.2

The draft EIR proposes approximately 450 apartment units, retention of the UC Dental School, and adding retail. Approximately 352 parking spaces would be provided. I calculate that 450 apartments could result in approximately 675 residents, at an average of 1.5 residents per apartment. (*Teresa Welborn, Lobelia Properties LLC*)

### Response 8.2

Please see footnote #5 on DEIR page III.F-3 which states, "The project's proposed 450 dwelling units are multiplied by 1.85 which is the average persons per unit in this census tract to yield an estimated 833 inhabitants." This page of the DEIR also states that the project site could yield a somewhat smaller residential population, based on unit type. DEIR page III.F-3 explains that while 833 additional residents at the project site is a gross estimate based on census tract information, the actual number of residents may be somewhat less, when considering the unit type, unit mix, as well as the LGBT senior housing population, who would typically be singles or couples not living with children.

With regard to the *openhouse* building, specifically, the DEIR has been revised to clarify the number of units, as well as potential residents who may reside in the proposed *openhouse* building on the project site (Please also see Section D, Staff-Initiated Text Changes):

~~8588~~ units of market-rate assisted-living senior housing ~~targeted toward~~ welcoming to the lesbian, gay, bisexual, and transgender (LGBT) senior community and open to all seniors ("*openhouse*") in one building."

Although the number of units in the *openhouse* building would increase by three, this would not change the overall number of units that could be constructed at the project site (450). The revision in the number of units (and persons who may reside in those units), would remain unchanged, as would the conclusions of the DEIR.

### **Comment 8.3**

The proposed number of housing units proposed for the Site is excessive. Given the significant number of new housing units which are expected to be constructed pursuant to the Market Octavia Plan, the number of units proposed at the Site is excessive. Especially given the 150-year history of public zoning for the Site, the need for public open space and community space should be put ahead of the need for housing. The reduced number of housing units in the Preservation Alternative is a better number, but should still be reduced to a lower number of units which is more in line with the low-density character of the Lower Haight, Mint Hill and Hayes Valley neighborhoods. (*Ellen K. Brown*)

### **Response 8.3**

Project density compared with the density on the surrounding residentially-zoned blocks is addressed on DEIR page III.F-3, which explains that while the project would increase the residential population within the larger census block and in the immediate project vicinity, the project's net residential density would be about 144 persons per acre, slightly higher than the average net residential density of the census blocks surrounding the project site, which is 107 persons per acre.<sup>22</sup> The DEIR also describes that the proposed project would result in localized population growth at the project site, its population effects would not be considered substantial in the context of the surrounding urban neighborhood or in the context of the city as a whole. The project's residential density would fall within the range of densities in the census blocks immediately surrounding the project site; project density, relative to the size of its site, would be greater than residential densities of the predominately small-scale, fine-grain single- and multi-family uses to its east (e.g., along blocks along Buchanan and Webster Streets); similar in density to other existing residential developments nearby (e.g., the Church Street Apartments at Church and Hermann Streets); and lower than the relative densities of multi-family apartment buildings located adjacent to the site's perimeter (e.g., 300 Haight Street, 55 Hermann Street, and 1900 Market Street).

Therefore, the DEIR accurately concluded that the project would not directly or indirectly induce substantial population growth that could have adverse physical effects on the environment, and therefore the project's population effects are considered less than significant. The DEIR appropriately concluded that the project's residential density would not have a significant impact on the environment. The cumulative effects of residential growth are addressed on DEIR page III.F-5 in the context of planned population increases in the Market & Octavia Neighborhood Plan area, and concluded that such effects would be less-than-significant. Please also see Response 8.1. Comments requesting that the number

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<sup>22</sup> The population of the immediate area (2,118) in 2000 is divided by the size of the residentially-zoned blocks (19.78) which yields a net residential density of 107 persons per acre.



of residential units on the project site be reduced are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation to warrant further response.

#### **Comment 8.4**

A similar observation can be made about the population density matching that of the surrounding neighborhood. The DEIR states: “The project’s residential density would fall within the range of densities in the census blocks immediately surrounding the project site...” (p. III.F-3) Pleasing cityscapes are not about cramming as much housing into a given space--right to the property lines; rather it’s about breaking up the pattern--somewhat like a musical piece that effectively uses pauses or silence to create drama. Utilization of the interior of the 5.8 acre lot as open space in a public use scenario would help to break up the persistent density model of development in San Francisco, where seemingly every square foot has to have mortar. Neighborhoods should be composed of these deviations, with variations in age of buildings (through preservation) and open space maintained, such as in the interior of the Project site. (*Larry Burg*)

#### **Response 8.4**

The DEIR accurately described that the project’s net residential density (144 persons per acre) would fall within the range of the net densities in the census blocks immediately surrounding the project site (which averages 107 persons per acre). The project site development would be broken up into seven new buildings and three existing buildings, with open spaces between them, not one continuous structure (please see Figure II-8, *Proposed Site Plan*). Open spaces are also identified on this figure. Comments requesting that the interior of the project site remain undeveloped are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation to warrant further response.

## 9. Significant and Landmark Trees

### Comment 9.1

The DEIR admits that the Project would remove “approximately 60 trees with an average trunk diameter of eight to ten inches,” but claims that the unidentified mature trees would be replaced by “extensive new landscaping,” and concludes that “changes to the existing vegetation would not adversely affect the existing visual character of the site.” (DEIR, III.B-6) In another section, the DEIR admits that the tree trunks range “from six inches to 36 inches” (three feet) in diameter, and that 27 of these trees are “significant,” meaning “greater than 12 inches in diameter or greater than 20 feet tall.” (DEIR III.G-2) The DEIR does not analyze the impacts of removing all these trees, but claims that obtaining tree removal permits “would create a less-than-significant impact to ‘landmark’ or ‘significant’ trees on the project site.” (DEIR III.G-2) (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### Response 9.1

As stated on DEIR, page III.G-2, if one or more trees on the property were to be officially designated as “landmark” trees at some point in the future, and such trees would be removed as part of the project, a tree removal permit from the Board of Supervisors would be required. Currently, only the large Canary Palm behind Woods Hall, called the “Sacred Palm” by former San Francisco State students, site has been officially designated as an element of the landmarking of Woods Hall under Article 10 of the Planning Code, rather than pursuant to the landmark tree ordinance in the Public Works Code. This tree and one other large palm tree on the project site would be boxed, stored during construction, and replanted in upper Waller Park or elsewhere after construction. Since the “Sacred Palm” has not been designated a landmark tree pursuant to the landmark tree ordinance, a tree removal permit would not be required by the Board of Supervisors, but its relocation would require a Certificate of Appropriateness.

Page III.G-1 of the DEIR has been revised to reflect the following recent information about landmarking of trees on the project site (please also see Section D, Staff Initiated Text Changes, of this document):

No trees on the project site are currently designated as landmark trees. The “Sacred Palm” tree was designated as an historical landmark by the Board of Supervisors on August 14, 2007, pursuant to Article 10 of the Planning Code. No changes to this legislation or to the designation criteria has occurred since the amendments were approved, nor have any trees in San Francisco been designated as landmark trees.

...This tree in particular ~~may~~ meets the landmark tree criteria for historical association and/or visual quality.”

The National Register Nomination Report identifies the Sacred Palm as important as signifying a gathering place, and providing a conspicuous visual landmark to the campus. Relocation of the tree as a landscape feature would not diminish its historical significance.

As stated on page G.III-2 of the DEIR, “Approximately 27 trees on the project site meet the criteria for “significant trees” (i.e., greater than 12 inches in diameter, or greater than 20 feet tall, or have a canopy greater than 15 feet, and are within 10 feet of a public right-of-way). Most, if not all of these trees would be removed as part of the project, and as such, a tree removal permit from the Department of Public Works would be required prior to removal of these trees. In accordance with the permit, the project sponsor would replace all significant trees removed from the site with new trees.” Implementation of the tree removal permit requirements would reduce the impact to potential “landmark” or “significant” trees on the project site to a less-than-significant level. While tree removal was not identified in the DEIR to constitute a potentially significant impact with regard to other environmental topics, such as visual or biological resources, adherence to requirements of tree removal permit would further reduce any potential effects associated with the loss of significant or landmark trees. Therefore, the DEIR appropriately concluded that the proposed project would have a less-than-significant impact on trees.

The conclusions of the DEIR would remain unchanged with the information that the Sacred Palm has been recently landmarked, as a tree removal permit from DPW would still be required for any alterations to this tree.<sup>23</sup>

## **Comment 9.2**

All potential heritage/landmark trees should be identified on a landscape plan showing those slated for removal. The Draft EIR did not adequately discuss the potential loss of heritage/landmark trees either within the Biology or Cultural Resources sections. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. (*Martin Hamilton, New College of California*)

### **Response 9.2**

As stated in the DEIR, the so-called “Sacred Palm” on the project site would be boxed, stored during construction, and replanted in Waller Park on site after construction. Please see Figure 3, Proposed Site Plan, in Section D of this document, showing the approximate placement of a relocated “Sacred Palm.”

The Initial Study, pp.26-28 analyzed the proposed project’s biological impacts. As stated on page 26, the proposed project is not anticipated to (a) substantially affect a rare or endangered species of animal, plant or the habitat of the species, (b) substantially diminish habitat for fish, wildlife or plants, or interfere substantially with the movement of any resident or migratory fish or wildlife species, or (c) require removal of substantial numbers of mature, scenic trees.

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<sup>23</sup> Approved amendments to the San Francisco Public Works Code, Sections 802 - 811, File No. 051458, January 17, 2006.

In order to clarify the planned treatment of the “Sacred Palm,” not in response to new information or impact severity, staff-initiated text is added to the Mitigation section affirming the anticipated retention of an Arborist, and codifying implementation (please also see Section D, *Staff-Initiated Text Changes*, of this document):

**“Mitigation Measure HR-5. Arborist**

The project sponsor shall retain a qualified arborist to ensure the successful re-location of a Canary Palm called the “Sacred Palm.” Prior to approval of construction documents, a horticultural report shall be prepared with information to guide the retention and design requirements for the continuing health of the Canary Palm, including its successful storage, replanting, and spatial requirements for growth and feeding.”

The DEIR on page III.E-16 describes, as part of the proposed project, the retention and successful preservation of the "Sacred Palm." Normally tree retention and health measures contemplate the hiring of a specialist to assure successful replanting and growth of such mature trees. Therefore, the project and DEIR analysis can be assumed to include this mitigation.

Due to new City ordinance amendments, the removal of any trees designated as “landmark” trees within the City and County of San Francisco, now requires a special permit from the San Francisco Board of Supervisors. No analysis of trees as biological resources was included in the DEIR, as none of the trees on the project site are rare or endangered or provide substantial wildlife habitat. However, because of the recent and potentially changing nature of the legislation affecting potential landmark and significant trees, as well as for informational purposes, landmark and significant trees were addressed in the DEIR. No significant impacts to such trees as a result of the proposed project were identified in the DEIR.

The Preservation Alternative described on page VI-3 of the DEIR stated that potential impacts to landmark and significant trees (from the Preservation Alternative) would be similar to the proposed project, given the level of development that would occur on the project site, potentially removing existing trees on the site. Also similar to the proposed project, this alternative would retain the so-called “Sacred Palm.”

The tree removal permit regulations would apply to all alternatives evaluated in the DEIR, and none of the alternatives would be in conflict with these regulations.

## 10. Alternatives

### Comments Addressing the No Project Alternative

#### Comment 10.1

The analysis in the DEIR does not fully describe the No Project Alternative. If the Project is not approved, the site would likely remain unoccupied in the short run while the University reassesses its viability for alternative possible long-term University uses. It is anticipated that parking for University staff, faculty and students at current or greater levels would continue during the short run, as the site is currently under-utilized as a parking facility. The existing buildings have substantial seismic and building code deficiencies that make interim reuse problematic. The site is increasingly vandalized, and until the property is developed for reuse it may be necessary to further secure it with fencing and other devices, further isolating it from the community. (*J. Kevin Hufferd, University of California, Berkeley*)

#### **Response 10.1**

The No Project Alternative is presented on DEIR page VI-1, *Alternatives to the Proposed Project*. As stated in this section, the No Project Alternative would entail no changes to the project site. The former UC buildings on the project site would remain locked and vacant as they are currently, with the exception of the UC Dental Clinic, which would continue to operate as a UCSF facility. The parking areas in the center of the site would be used for UC and CPMC Davies parking purposes only, as under current conditions. All other portions of the site would remain off-limits to the general public. This alternative assumes that UC would perform minimal maintenance on the vacant buildings for safety and security purposes, but would not make wholesale improvements or renovations to them.

According to UC, under the No Project Alternative, the property could be sold in conformance with the Stull Act (California Public Contracts Code §§ 10511-10513), which regulates the sale of surplus University of California property. The Stull Act requires that surplus property be sold via closed bid to the highest bidder. Under this alternative, the purchaser could seek entitlements from the City for its preferred use of the property, and the environmental impacts of that proposed use would be analyzed at that time. Such use could include impacts similar to impacts of the proposed project.

Comments about the No Project Alternative are noted that if the project is not approved, UC will reassess the viability for other possible long-term UC uses. Such long-term future uses would be subject to CEQA review at the time they are proposed. As no specific long-term uses have been defined, the DEIR appropriately evaluated the effects of a No Project Alternative that assumed no development on the project site.

#### Comment 10.2

If the City does not approve the Project and instead retains the “P” zoning on the site and proceeds with landmark designation, it will increase the relative value of the site for University uses as opposed to a private housing development. The University would take this situation into

consideration in reassessing the property for long-term University use. The University has not fully examined possible reuse alternatives should the project fail, but possible University-related uses could include housing, and offices for administrative support functions. Such University uses would be entitled and approved by the UC Regents, not the City (after appropriate CEQA reviews). The impacts associated with such University development could be the same as or greater than those described in the DEIR for the Project. The existing buildings on the project site are not in compliance with UC's seismic and accessibility standards, and may provide to be functionally obsolete and cost prohibitive for long-term reuse by the University. The No Project alternative would not eliminate the impact to historic resources, as the University would not reuse the buildings in their current form, and may need to substantially alter or demolish some or all of the buildings in order to create a more useable site for the University. (*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 10.2**

With respect to the effects of the No Project Alternative on historic resources, DEIR page VI-2 states that continued deterioration of historic resources could be considered a significant impact, depending of the level of maintenance and security that UC would provide for the project site buildings. Although continued deterioration may occur, the No Project Alternative would avoid the project impacts of wholesale demolition of Middle Hall, the Administration Wing of Richardson Hall, and the Laguna Street retaining wall. This alternative would also avoid the potentially significant impacts of new construction immediately adjacent to historic resources, which may not be fully incompatible with the historic resources, and therefore could disqualify the site from consideration as a potential historic district. As such, even with continued deterioration of the existing buildings, the No Project Alternative would have a reduced impact to historic resources, on balance, than would the proposed project. Therefore, the DEIR adequately addressed potential impacts to historic resources as a result from the No Project Alternative.

As described in Master Response 7.1, three buildings on the project site were landmarked by the Board of Supervisors on August 14, 2007. These are Woods Hall, Wood Hall Annex, and a portion of Richardson Hall (as well as the "Sacred Palm").

Comments addressing the potential that the City may retain "P" zoning on the site, landmark designation, and existing conditions of the project site buildings are also noted, but do not necessarily reflect the accuracy or adequacy of the environmental analysis to warrant further response.

### **Comment 10.3**

The EIR should acknowledge the adverse environmental effects associated with the "No Project" alternative: the blank facades along Laguna and Haight Streets, the pulses of traffic during commute hours caused by the site's use as a commuter parking lot, the lost opportunity to provide community-serving mixed uses at a prime location. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

**Response 10.3**

The comment addresses existing conditions on the project site, not the impacts of the No Project Alternative, the proposed project, or the analysis contained within the DEIR. The environmental effects of the No Project Alternative are presented on DEIR page VI-1, *Alternatives to the Proposed Project*. As noted in this section, the No Project Alternative would result in no significant adverse impacts to the environment, and would generally avoid or reduce impacts associated with the proposed project.

**Comment 10.4**

[The EIR] does not evaluate the adverse environmental effects of recent project modifications that increase the amount of parking provided on the site. It does not evaluate the adverse environmental effects of the University's insistence that the project include an oversized parking garage for the Dental School. And it does not evaluate the adverse environmental effects of alternatives that involve significant reductions in the density of the proposed development. (Christopher Pederson)

**Response 10.4**

As described in Section D, Staff-Initiated Text Changes, the proposed 88 units in the *openhouse* building would be for assisted-living units, as opposed to traditional senior housing units. As residents who reside in assisted-living arrangements typically drive less and would not likely own an automobile, the environmental effects of the proposed project would be further reduced. Changes to parking would include a revised parking layout reducing the number of garages from four to two, but would not alter the overall number of parking spaces. Therefore, the DEIR conservatively evaluated the effects of the proposed project, including recent changes, and found no significant impacts. The DEIR also found no adverse impacts associated with the provision of a parking garage for the Dental Clinic. This existing use would be relocated from a surface lot to an underground garage in approximately the same location. The Preservation Alternative could be viewed as a reduced density alternative, as this alternative analyzes construction of 118 fewer residential units than the proposed project (a reduction of 26 percent).

**Comment Addressing the Preservation Alternative****Comment 10.5**

The OHP endorses the Preservation Alternative. (DEIR VI-3) This alternative would retain all buildings on the site for renovation and adaptive reuse, including Richardson Hall, Middle Hall, Woods Hall, Woods Hall Annex, as well as the retaining wall along Laguna Street. This alternative would construct new in-fill residential in a similar fashion to the proposed project, but a reduced size and density; six new buildings would be constructed. The Preservation Alternative would reduce the project's impacts to historical resources to below a level of significance. All buildings identified as individually significant for the California Register by the City's Planning Department would be retained and by eliminating the through-streets and reducing the overall scale and density from 450 residential units to 332 units, the project impacts to the potential campus as a historic district would also be reduced to a level below significance. The

Preservation Alternative provides a feasible alternative to the proposed project and is in compliance with nearly all of the Regent's and project sponsor's objectives. (DEIR VI-8) (*Milford Wayne Donaldson, FAIA, Office of Historic Preservation, Department of Parks and Recreation*)

### **Response 10.5**

The Preservation Alternative was included in the DEIR as a potentially feasible alternative to the project that could lessen or avoid significant environmental impacts. Project decision-makers could adopt the Preservation Alternative instead of the proposed project if that alternative would substantially lessen or avoid significant environmental impacts identified for the project and that alternative is determined feasibly to meet most of the project objectives. The final determination of feasibility will be made by City decision-makers taking into account evidence of legal, economic, environmental, social, and technological factors. OHP's endorsement of the Preservation Alternative is noted, but does not necessarily reflect the adequacy or accuracy of the environmental evaluation to warrant further response.

### **Comment 10.6**

The analysis of the Preservation Alternative does not address the inconsistency of preservation of the large, unbroken retaining walls and the City's planning objectives to integrate the property into the fabric of the surrounding neighborhood. The preservation alternative would result in a significant land use impact by virtue of creating an inwardly-focused largely impermeable development. The analysis of the Preservation Alternative does not address the land use impact that would result from the lack of integration of the site into the neighborhood and the effect it would have of dividing the surrounding neighborhood by maintaining and enhancing an unbroken block development. The analysis should discuss the benefits of Project in terms of land use, visual quality, publicly accessible open space, transit-oriented housing and integration with the neighborhood, and acknowledge that these benefits would be substantially diminished or lost with the Preservation Alternative. (*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 10.6**

The purpose of the alternative analysis is to avoid or reduce significant impacts of the proposed project. As the retaining wall is considered a potential contributor to a potential campus historic district, demolition of this feature under the proposed project would be a significant impact. The Preservation Alternative would keep this retaining wall in place to eliminate the impact of the proposed project. Since the wall is part of the existing setting, an evaluation of the wall's effects on land use or urban design would not be required under CEQA.

Regardless, the Planning Department understands that elimination of the wall under the proposed project would help to unify the site back into the neighborhood, which is one of the Department's many goals for redevelopment of the site. City decision-makers will weigh the environmental effects of the proposed project with the overall merits of the project, including of historic preservation and urban design/planning goals. The



commenter's opinion about the Preservation Alternative and the proposed project's benefits are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation to warrant further response.

### **Comment 10.7**

The Preservation Alternative would not achieve most of UC's objectives and the DEIR does not provide any factual basis for asserting that it would. The preservation alternative would result in a substantial reduction in the possible return on the property. The value of the property has already been reduced in allowable density due to the level of preservation proposed by the project sponsor. The preservation alternative would reduce the possible return on the property even further by cutting the number of market rate units by 25 percent. The preservation alternative would substantially reduce the revenues generated by the project and could bring the project's financial viability into question. As a result it would jeopardize the community benefits the project proposes, such as the affordable housing, the community center, the historic rehab, and the public open space. Additionally, as noted in our earlier comments regarding the University's objectives, an insufficient return from the project would cause the University to re-evaluate whether the proposed project would continue to best serve the mission of the University and whether the University should, instead, re-use the site for its own purposes. (*J. Kevin Hufferd, University of California, Berkeley*)

### **Response 10.7**

The first of UC's project objectives stated on page II-14 of the DEIR is to, 1) convey the property to a development team qualified to develop the property in a financially feasible manner that contributes to the quality of life of the surrounding neighborhood and the City of San Francisco. Preservation Alternative could comply with objective #1 because the University could, in theory, convey the property to the project sponsor, or another qualified team, to develop the property in a way that contributes to the quality of life in San Francisco. Another of UC's objectives is to, 2) retain the existing UCSF Dental Clinic. The Preservation Alternative could also comply with objective #2 because the existing UC Dental Clinic would be retained under this alternative. Finally, the last UC objective is to, 3) fulfill fiduciary responsibility to receive fair market value return on University assets in order to support the University's academic mission. The Preservation Alternative could also comply with objective #3. As noted above, the function of the Preservation Alternative is to evaluate a form of development that reduces the significant adverse effects of the proposed project as found in the CEQA analysis, (the only significant impacts found), those on historic resources. Adoption of the Preservation Alternative could result in a less-than-significant impact on historical resources, but would not mandate the number of dwelling units, nor profitability, of the development at the site. The conclusions provided in the DEIR about the Preservation Alternatives and compliance with project objectives are correct.

Similar to the proposed project, the Preservation Alternative would be required to comply with San Francisco Planning Code §315, which would require that 15 percent of the on-site units would be reserved for low or moderate income households.

Furthermore, economic or social effects of a project (or project alternatives) shall not be treated as significant effects on the environment. Therefore, issues related to fair market returns on University assets area not physical environmental impacts that require analysis in an EIR or warrant mitigation under CEQA. The comments about this alternative's ability to achieve the UC Regent's objectives are noted, and will be considered by decision-makers at the time of project approval, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation.

### **Comment 10.8**

Here are some suggested modifications to this [preservation] alternative, which can substantially improve the retention of the interior open space while retaining the same number of units. At Buchanan Street. Consolidate all 58 units into one, six-to-seven story building at the street. At Buchanan Street. Increase the height of the north building to six stories; the number of units increases from 24 to 36. At Laguna Street. Eliminate the four-story building at the interior with 60 units. Increase the height of the building at the street from three to six stories resulting in 96 units. Block interior, Open House – 79 Units. Take this eight-story, L-shaped building, turn and flip it so that open part of the “L” faces northwest (toward the corner of Buchanan and Haight Streets). Doing so would create a narrow, pedestrian alley between it and Richardson Hall and open the center of the block. The 79 units remain. The unit count remains the same at 269. (*Hisashi Sugaya, Planning Commission*)

#### **Response 10.8**

Please see Response 10.16 which describes how the EIR provided a reasonable range of alternatives considered to reduce the impacts of the proposed project as required by CEQA. Non-retention of open space was not identified as a significant impact of the proposed project that would need to be reduced by an alternative. For informational purposes, a narrow pedestrian alley would be created between Richardson Hall and the proposed *openhous* building, as shown on Figure 3, Site Plan (DEIR page II-6). The DEIR identified no significant impacts associated with the Preservation Alternative. Comments suggesting design modifications to the Preservation Alternative are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation to warrant further response.

### **Comment 10.9**

The EIR should acknowledge that the preservation alternative, by providing parking at an essentially 1: 1 ratio, is inconsistent with the Market & Octavia Plan's parking policies and undermines that Plan's goal of increasing opportunities for transit- and pedestrian-oriented housing. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

#### **Response 10.9**

As with any proposed project or project alternative, the Preservation Alternative would be consistent with some plan policies, while less-than-consistent with others. Please see Master Response 3.3 regarding plan and policy consistency. The DEIR identified no

significant impacts, including parking impacts, associated with the Preservation Alternative. Comments addressing the Market & Octavia Plan's parking ratio are noted, but do not directly address the adequacy or accuracy of the DEIR to warrant further response.

### **Comment 10.10**

The draft EIR is entirely inadequate in evaluating adverse environmental effects associated with the "preservation alternative." By providing parking at almost a 1:1 ratio, the preservation alternative is inconsistent with the strategy of the Market & Octavia Plan to reduce automobile dependence and its associated environmental ills by restricting parking supply.

The draft EIR, astonishingly, takes the position that changes to the blank, prison-like walls along Laguna and Haight Streets would be adverse environmental effects. Admittedly, those walls are a component of the old, inward-looking campus. But simply because they're old doesn't mean they're benign. The walls create an unpleasant, alienating pedestrian environment that is directly contrary to the urban design principles of the Market & Octavia Plan. They also serve as a magnet for graffiti and trash that even the most diligent landowner (which the University is not) would find challenging to control.

Although historic buildings on the site should be preserved, they can be maintained without excessive parking and without also perpetuating decades-old decisions to treat surrounding neighborhoods, at least architecturally, as hostile territory. (*Christopher Pederson*)

### **Response 10.10**

Please see Response 10.6 about the retaining wall, and Response 10.9 about plan consistency and parking ratios. Comments requesting that historic buildings be preserved without excessive parking are noted, but do not directly address the adequacy or accuracy of the DEIR to warrant further response.

### **Comment 10.11**

I am writing on behalf of the North Mission Neighbors regarding the 55 Laguna Street Draft Environmental Impact Report (DEIR). The (DEIR) finds that preservation and/or reuse of this historic campus has the least environmental impact. Therefore, we urge you to stop the AF Evans project halt the demolition of the Gym, Theater and Computer Center. (*Rick Hauptman, North Mission Neighborhood Alliance*)

### **Response 10.11**

This comment addresses the Preservation Alternative, considered the environmentally superior alternative, described on DEIR page VI-16. As stated in the DEIR, the Preservation Alternative has been identified as the environmentally superior alternative because it would avoid the only significant impacts associated with the proposed project, namely the demolition of historic resources and associated effects on a potential historic district. As described on DEIR page VI-1, project decision-makers could adopt the Preservation Alternative instead of the proposed project if that alternative would substantially lessen or avoid significant environmental impacts identified for the project,

and that alternative is determined feasibly to meet most of the project objectives. The determination of feasibility will be made by City decision-makers.

### **Comment 10.12**

Both the Draft EIR and the State Historic Preservation Officer (SHPO) found the Preservation/Adaptive Re-use Alternative to be environmentally superior. Therefore, we urge the Planning Commission to stop the AF Evans project which would not only demolish the Administration Wing of Richardson Hall and Middle Hall, including a gym and theater, but would also alter and privatize most of the historic interiors. These adverse effects may render the campus ineligible as a potential National Register Historic District after completion of the proposed project. (*Stephen B. Haigh, The Victorian Alliance*)

Both the Draft EIR and the State Historic Preservation Officer (SHPO) found the Preservation/Adaptive Reuse Alternative to be environmentally superior. Therefore, I urge the Planning Commission to re-evaluate the proposed project which would not only demolish the Administration Wing of Richardson Hall and Middle Hall Gymnasium, but would also alter and privatize most of the historic interiors—all of which constitute significant unavoidable adverse effects on historic resources which may render the campus ineligible as a potential National Register Historic District after completion of the proposed project. Moreover, I particularly object to the rezoning of the campus which would have significant adverse impacts to historic resources that are similar to those of the proposed project. (*Gray Brechin*)

### **Master Response 10.12**

Please see Response 10.11 about the environmentally superior alternative. The effects of renovation of the interiors of the existing buildings, under both the proposed project and the Preservation Alternative, were discussed on DEIR page III.E-14 – 15. The DEIR is consistent with the commenter’s assertion of the project’s significant unavoidable adverse impacts on historic resources.

With regard to the comment about the effects of re-zoning in general, please see Master Response 3.1. With regard to re-zoning effects on historic resources, in particular, please see Master Response 7.7. Comments requesting adoption of the Preservation Alternative by the Planning Commission are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation.

### **Comment 10.13**

Preservation of the Haight and Laguna St. Walls should be more thoroughly analyzed and addressed in the Final EIR. Page IV-5 of the EIR states that if the Preservation Alternative “would not create new openings in the Haight and Laguna Street retaining walls, further diminishing the visual change that would be apparent from the two corner viewpoints.” This Preservation Alternative should be modified to clarify whether it is at least possible to create new openings in the Haight and Laguna Street retaining walls. I understand that even if the property if designated for landmark status, it is still possible to modify a historical structure assuming that a certificate of appropriateness can be obtained for the proposed modifications. Indeed, there is no reason why there can’t be openings in the Haight and Laguna Street walls under the Preservation Alternative. This same comment applies to page VI-6, where the text of the second full paragraph

could be misinterpreted to imply that the “retention of the perimeter wall on Laguna St.” and creating openings in that wall are mutually exclusive propositions. The wall can be retained to retain the “historic district’s internally focused campus feeling,” while still creating openings in part of the wall to create access to housing, shops, or other amenities. (*Ellen K. Brown*)

### **Response 10.13**

Although no openings to the Laguna and Haight Street retaining wall were identified as part of the Preservation Alternative, future openings would still be possible with the approval of a Certificate of Appropriateness by the LPAB if the wall were designated as a historical landmark by the Board of Supervisors. As described above in Response 7.1, the Board of Supervisors did not choose to landmark the retaining wall, specifically.

### **Comment 10.14**

We are pleased to see the preservation alternative. We would also encourage an analysis of various reduced parking scenarios, such that more housing space can be created, while balancing preservation and public use through utilizing what would be otherwise parking space. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Response 10.14**

The Preservation Alternative would have approximately 332 parking spaces, or about 17 fewer spaces than the Proposed Project. No environmental effects of the proposed parking from this alternative were identified. General comments addressing the No Project Alternative and the Preservation Alternative, as well as requests to analyze various reduced parking scenarios and the provision of more housing and open space on the site are noted.

## **Comments Addressing the New College/Global Citizens Center Alternative**

### **Comment 10.15**

New College has been providing not just educational programs, but rehabilitation programs for kids coming out of jail. We’ve been developing radio programs that transmit to over 300,000 people in the Bay Area, and through Pacifica network throughout the country, through the internet throughout the world. We’ve been creating programs where students are working in the community in mental health, in public law. We’ve been creating a space for education. And, frankly, this is a project that will destroy an educational campus that already exists so there can be 400 apartments for the rich, 13 of which or 14 of which are going to go to gay elderly, or lesbian transgender elderly. And so it was mercy housing, now it’s open house, when open house doesn’t want to be used by A.F. Evans (phonetic), it will be another group. (*Francisco Herrera, San Francisco Planning Commission, April 19, 2007*)

You know, what we need is to maintain an educational space. New College is ready and willing to pay market price for this land in public use zoning, within using a conditional use purpose. We want a citizen advisory committee to be established. (*Francisco Herrera, San Francisco Planning Commission, April 19, 2007*)

I'm for the highest and best use of this property. New College is very interested in continuing looking at it, and we would like the public, an open public process, so that all the neighborhoods adjacent to it, both the Mission and the Western Addition could be more involved in this decision. So I appreciate, and we're very interested. And then we have our own plan that's in, it's in the draft that you've looked at, I'm sure. (*Martin Hamilton, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 10.15**

The DEIR included three alternatives to the proposed project (see Section VI. *Alternatives to the Proposed Project*.) These are; 1) Alternative A – No Project, 2) Alternative B – Preservation Alternative, and 3) Alternative C – New College of California/Global Citizens Center Concept Plan. This last alternative, described on page VI-8, includes an illustrative concept plan of a potential campus on the project site for a college re-use proposal; in this case named the New College of California and Global Citizens Center. The DEIR adequately evaluated the environmental impacts of this proposed alternative, and compared them with those of the proposed project, as required by CEQA.

The project site is not currently used as an educational site because the UC Extension programs which once existed there were relocated to downtown San Francisco in 2003. Therefore, the proposed project would not eliminate existing educational uses. The DEIR does acknowledge that educational uses occurred on the project site for many years prior to the initiation of the proposed project. Comments about the proposed project, including the senior units, as well as the existing programs at the New College of California are noted, but do not necessarily reflect the adequacy or accuracy of the environmental evaluation.

Comments addressing the market price of the project site, educational uses, and the desire to form a citizens advisory committee are noted, but also do not reflect the adequacy or accuracy of the environmental evaluation.

## **Individual Comments Addressing the Alternatives**

### **Comment 10.16**

CEQA requires that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” (Pub. Res. Code §21002; 21081; and, *e.g., Uphold Our Heritage v. Town of Woodside* (2007) 54 Ca1.Rptr.3d 366,374.) Only the No Project alternative proposed in the DEIR can meet this standard. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*) A full range of alternatives has not been offered, and none are adequately analyzed. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Master Response 10.16**

A range of potential alternatives was subjected to screening criteria to screen out potential alternatives that do not qualify as alternatives under CEQA. There was no attempt to include every conceivable alternative in this range. Rather, the Planning Department

selected a number of representative alternatives to consider. These were, 1) No Project Alternative, 2) Preservation Alternative, and 3) the New College/Global Citizens Center Alternative). The screening criteria for the potential alternatives are listed below:

- Would the alternative substantially reduce one or more of the significant effects associated with the project?
- Does the alternative meet most or all of the project objectives?
- Is the alternative potentially feasible?

Feasible is defined in the CEQA Guidelines as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors” (Section 15364). CEQA does not require that an EIR determine the ultimate feasibility of a selected alternative, but rather requires analysis of alternatives that are potentially feasible. Accordingly, no economic studies have been prepared regarding the feasibility of selected alternatives.

In addition, CEQA requires that the Lead Agency consider site suitability, economic viability, availability of infrastructure, general plan consistency, other regulatory limitations, jurisdictional boundaries, and proponent’s control over alternative sites in determining the range of alternatives to be evaluated in an EIR (CEQA Section 15126[f]). Feasibility can include two components:

- Legal Feasibility. Does the alternative involve lands that have legal protections that may prohibit or substantially limit the feasibility of implementing the project?
- Technical Feasibility. is the alternative feasible from a technological perspective, considering available technology; the construction, operation, and maintenance or spacing requirements of facilities?

For the screening analysis, the legal and technical feasibility of potential alternatives was assessed, and a determination was made as to whether there was anything about the alternative that would be infeasible on technical and legal grounds.

The screening analysis did not focus on relative economic factors or costs of the alternatives since CEQA Guidelines require consideration of alternatives capable of eliminating or reducing significant environmental effects even though they may “impede to some degree the attainment of project objectives or would be more costly” (CEQA Section 15126.6[b]).

It is important to recognize that feasibility of alternatives is considered at two separate stages in the CEQA process and differing factors come into play at each stage. When selecting alternatives for an EIR, the Planning Department’s task is to identify a range of alternatives that will satisfy at least some basic project objectives while reducing significant impacts. Alternatives that are not at least potentially feasible are excluded at this stage because there is no point in studying alternatives that cannot be implemented, will not succeed, or will not

reduce significant impacts of the proposed project (as described above). By contrast, at the project approval stage, it is up to decision-makers to weigh the relative advantages and disadvantages, and ultimate feasibility, of the proposed project and the alternatives examined in the EIR. The result is a decision either to approve the project or adopt one of the alternatives. The Planning Commission and the Board of Supervisors will make this decision after weighing environmental factors together with the entire range of legal and policy considerations relevant to its action on the proposed project in light of the entire record.

### **Comment 10.17**

This commenter has submitted Public Records Act requests to the Regents. The response has been that information on lease terms on the Laguna parcel will not be publicly available until the Project and EIR are approved. The DEIR says nothing about what happens if the lease does not materialize. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### ***Response 10.17***

Although the terms of the potential lease between the project sponsor and UC are not germane to the environmental analysis, and were therefore not included in the DEIR, the effects of the No Project Alternative evaluated in the DEIR would be generally similar to the effects of the absence of a lease (see description of the No Project Alternative, DEIR page VI-1). The University would have the option of selling the property under the No Project Alternative, pursuant to the Stull Act (California Public Contracts Code §§ 10511-10513), which regulates the sale of surplus University of California property, or could reuse the site for University purposes, or propose its own reuse plan. The Stull Act requires that surplus property be sold via closed bid to the highest bidder. If sold to the highest bidder, the purchaser could seek entitlements from the City for the purchaser's preferred use of the property, and the environmental impacts of that proposed use would be analyzed at that time. Such impacts could include impacts less than, the same, or greater than those associated with the proposed project. If UC retained ownership and reused the site for University purposes, environmental impacts of such proposed uses would be evaluated by UC at that time.

### **Comment 10.18**

Many public uses for this land that would carry on its long history of public use are omitted from the DEIR. In fact the public would derive no benefit from the proposed Project and would lose the potential for public use for the duration of the lease, which is proposed for 99 years. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

#### ***Response 10.18***

The Alternatives section of the DEIR identified two project alternatives, the No Project Alternative and the New College /Global Center Alternative, which would retain the public zoning on the project site. Please also see Master Response 10.19 which addresses the appropriate range of alternatives evaluated in the DEIR.



The commenter is correct that the proposed lease between project sponsors and UC would be for 75 years. However, the terms of the lease are not germane to the analysis of physical environmental effects. Please also see Master Responses 3.1 and 3.2 about the project's potential public benefits.

### **Comment 10.19**

[We] suggest that the DEIR include an alternatives analysis that considers a scenario where a significantly greater portion of the 5.8-acre site is dedicated to park or green space, and other public uses. We also urge that parks be a central part of the discussion of mitigating environmental concerns. While HVNA supports infill and densification in our neighborhood, we do so only in a way that ensures adequate public benefit, including adequate parks and recreation. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Response 10.19**

The Alternatives section of the DEIR identified two project alternatives, the Preservation Alternative and the New College /Global Citizens Center Alternative, which would provide greater amounts of open space than the proposed project. Design modifications by decision-makers that include more green space would not be precluded and would likely not result significant environmental impacts. Please also see Response 10.8.

### **Comment 10.20**

As the proposed rezoning of the Campus from P (Public Use) to either RTO (Residential-Transit Oriented) and/or NCT (Neighborhood Commercial, Transit Oriented), and the associated height and bulk district redesignation, are discretionary decisions of the Planning Commission and the Board of Supervisors, the alternatives analysis should be made especially clear with respect to local and regional impacts. We therefore request an Alternatives Matrix be prepared that plainly compares the proposed Project with the No Project Alternative, the Public Use/Preservation/Open Space Alternative (proposed by New College of California/Global Citizen Center) and the Preservation Alternative/Environmentally Superior Alternative. The Alternatives Matrix should succinctly compare all of the environmental factors listed in the current CEQA Environmental Checklist including, but not limited to:

- Use (total sq. ft. of interior space proposed for public, semi-private and private use)
- Massing (proposed sq. ft. and heights of new construction)
- Entitlements (list all required permits and approvals)
- Historic Resources (sq. ft. of historic structures to be demolished, and sq. ft. of historic interiors to be altered)
- Energy & Natural Resources (proposed energy consumption, waste, stormwater and wastewater recycling, and sustainable construction materials)
- Community & Recreational Facilities (sq. ft. of community & recreational space to be provided, and sq. ft. of community & recreational space to be removed)
- Open Space (sq. ft. designated for public, semi-private, and private use)
- Trees (number of significant trees to be removed with trunks greater than 12 inches in diameter, or greater than 20 feet tall, or having a canopy greater than 15 feet, and are within 10 feet of a public right of way. As the entire Campus is presently zoned Public Use, this analysis should cover the whole site bounded by Laguna, Hermann, Buchanan and Haight Streets. )

- Housing (number of market-rate and affordable units--indicating whether the affordable units are proposed on or off-site)
- Parking (number of spaces proposed for public, private and City CarShare use— including spaces for bicycles and motorcycles)

*(Martin Hamilton, New College of California)*

### **Response 10.20**

Please see the *Alternatives Comparison Table*, provided at the end of this section. The table provides much, but not all, of the information requested by the commenter, because it focuses primarily on the relative level of environmental impacts of the alternatives compared with the proposed project.

### **Comment 10.21**

The draft EIR does not adequately describe the environmental benefits that a genuinely transit- and pedestrian-oriented, higher density development could provide, foremost among them being significant reductions in automobile trips and vehicle miles traveled. *(Christopher Pederson)*

### **Response 10.21**

The transportation impacts of all three alternatives presented in the DEIR were analyzed in Section VI, *Alternatives to the Proposed Project*. Aside from the No Project Alternative, the Preservation Alternative would generate fewer automobile trips than either the proposed project, or the New College/Global Citizens Center Alternative. As such, this alternative could be viewed as having greater environmental benefits than the proposed project, although the traffic and air quality impacts of the proposed project are less-than-significant. As the comment does not provide specific information about the accuracy or adequacy of the environmental analysis, no further response is warranted.

### **Comment 10.22**

Yeah, I did think that there were, you know, some alternatives were presented as they should be in the draft EIR, the no project, the preservation alternative, and the New College of California alternative, which I thought were handled pretty well, as far as the various alternatives, which is what this sort of document should do. That's it. *(Commissioner Antonini, San Francisco Planning Commission, April 19, 2007)*

### **Response 10.22**

Comment addressing support for the presentation of the range of alternatives in the DEIR is noted.

### **Comment 10.23**

Simple figure/ground representations of the Market-Octavia Neighborhood Plan area should be provided showing existing open space and public use conditions as compared with what is proposed by the Project and analyzed alternatives. *(Martin Hamilton, New College of California)*

**Response 10.23**

Please see Figure 10, *Existing Use Districts*, on DEIR page III.A-15, which identifies all publicly-zoned parcels in a gray tone, and identified with a “P.” This figure can be compared with Figure 3, Proposed Site Plan, to compare with the proposed project’s open spaces. Please also compare the publicly zoned parcels on Figures 3 and 10 with the open spaces identified on Figures 26 and 27, (DEIR pages VI-4 and VI-10), which are site plans for the Preservation alternative and the New College/Global Citizens Center Alternative, respectively.

**Comment 10.24**

The Final EIR should include a Project Alternative for consideration that is similar to the Preservation Alternative, but which considers how the Site could be developed if the Dental School was demolished. The Dental School does not currently serve any immediate community need – as it does not provide for housing, recreation, or education for the neighboring communities. This building is not historically nor architecturally significant, and does not fully optimize nor utilize the .4 acres of space that it sits on. If this building were removed, housing could be developed on this .4 acre parcel, in exchange for more public open space (for example by not building 82 proposed units at the top terrace area near Buchanan on Figure 26). (*Ellen K. Brown*)

**Response 10.24**

Project effects of development of Buildings 1 and 2 along Buchanan Street (next to the UC Dental Clinic) are evaluated in the DEIR, and were determined to be less-than-significant. If the Clinic were to be redeveloped, impacts would likely be similar or lesser than those identified for the proposed project (depending on the height and scale of such a replacement building). Comments requesting demolition of the Dental Clinic and inclusion of a project alternative that would develop that portion of the project site are noted. As retention of the Dental School was identified as an objective of the project, redevelopment of that site was appropriately screened out of consideration as an alternative. Please also see Response 10.19 about a reasonable range of alternatives.

**Comment 10.25**

It is my understanding that because of the environmental impact report that was done, the proposed A.F. Evans housing development is considered environmentally inferior to the New College proposal and that the EIR’s summary about open space, highest and best use of the property and education are far more environmentally sound than the proposed project. (*Harris B. Taback, Law Offices of*)

**Response 10.25**

Please see Response 10.16 about the environmental findings of the New College Alternative, as well as Response 10.11 about the environmentally superior alternative (Preservation Alternative).

**ALTERNATIVES COMPARISON TABLE**

Environmental Topic	Proposed Project 450 residential units, 10,000 sq. ft. community facility, 5,000 sq. ft. retail, 352 parking spaces	No Project Alternative No development; site remains as it is currently	Preservation Alternative 332 residential units, 10,000 sq. ft. community facility, 5,000 sq. ft. retail, 335 parking spaces	NC/GCC Alternative 90 residential units, 98,600 sq. ft. office, 25,800 sq. ft. retail/exhibit, 243 parking spaces
<b>Land Use, Plans, and Policies</b>				
Neighborhood Character and Compatibility	LTS	NI	LTS	LTS
Consistency with Applicable Land Use Plans and Policies	LTS	NI	LTS	LTS
<b>Visual Quality and Urban Design</b>				
Visual Character and Scenic Resources	LTS	NI	LTS	LTS
Views	LTS	NI	LTS	LTS
Light and Glare	LTS	NI	LTS	LTS
<b>Transportation, Circulation, and Parking</b>				
Traffic Impacts	LTS	NI	LTS	PS
Transit Impacts	LTS	NI	LTS	LTS
Parking Impacts	LTS	NI	LTS	LTS
Pedestrian/Bicycle/Loading Impacts	LTS	NI	LTS	LTS
Construction Impacts	LTS	NI	LTS	LTS
<b>Air Quality</b>				
Criteria Air pollutant emissions	LTS	NI	LTS	LTS
<b>Historic Architectural Resources</b>				
Substantial adverse change in the significance of historical resources	SU	LTS	LTS	LTS
<b>Population and Housing</b>				
Substantial population growth	LTS	NI	LTS	LTS
Displacement of housing units	LTS	NI	LTS	LTS
Displacement of people or employees	LTS	NI	LTS	LTS
<b>Landmark and Significant Trees</b>				
Removal of landmark or significant trees	LTS	NI	LTS	LTS
Topics Covered in the Initial Study	LTS	NI	LTS	LTS

LTS= Less Than Significant (Impact)  
 NI = No Impact  
 PS = Potentially Significant (Impact)  
 SU = Significant and Unavoidable (Impact)

## 11. Initial Study

### Comments Addressing Noise Impacts

#### Comment 11.1

The DEIR does not address noise. However, during the AM peak on Haight Street, there has been a significant increase in traffic noise since the Central Freeway ramp opened in September of 2005. This includes excessive honking, idling motors, and squeaking breaks on the downhill of Haight St. Noise will only be exacerbated if the proposed development at 55 Laguna includes large amounts of parking, and a thorough discussion of traffic noise needs to be included in the DEIR – as we requested in June of 2006. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

Traffic noise is underestimated in the EIR since monitoring was apparently done in the evening or night and not during the morning or day. On page 17 it states that noise “...will not be analyzed further in the EIR.” There is heavy traffic along Buchanan Street, coming up from Market after exiting the freeway at the Duboce off ramp and from Hayes Valley to access Market Street. Ever since Duboce was closed below the mint to Church Street, traffic has used Buchanan Street for access to Fell. The Octavia St. off ramp has not alleviated this traffic to any great extent. (*Edward Wm. Greninger*)

#### **Master Response 11.1**

Potential noise impacts of the proposed project, both from construction and operation, are provided on pages 16 – 18 of the Initial Study (DEIR Appendix A). As noted in the Initial Study, the proposed project would result in less-than-significant impacts with respect to construction noise, traffic noise, and interior noise. A number of existing regulations associated with noise reduction, such as the City’s Noise Control Ordinance and Title 24 of the California Building Code, would be applicable to the proposed project and any noise impacts of the proposed project would be less than significant.

The existing ambient noise levels in the vicinity are noted, and may have increased since the opening of Octavia Boulevard, but such levels are generally typical of noise in dense, urban areas such as San Francisco. Traffic generation associated with the project would contribute to the ambient noise levels, but as stated in the Initial Study, traffic from the proposed project would have to double on the adjacent streets to produce a noticeable increase of noise levels. It is not anticipated that traffic associated with the project would be double the amount of existing traffic, even in consideration of the more recent opening of Octavia Boulevard. Therefore, the DEIR appropriately concluded that the proposed project would have no significant adverse noise impacts. Please also see Master Response 5.1 regarding AM peak hour traffic.

## Comments Addressing Impacts to Water and Wastewater

### Comment 11.2

A quick review of the online DEIR reveals little or no information concerning utility impact of these proposed changes. We encourage the inclusion of information about how the project will change (1) use of potable water, (2) discharge of wastewater and (3) handling of storm water at the site. A change from no residential use to 450 new units, with additional hard surface site coverage, may include significant on-site increases for all three. These increases may cause adverse environmental impacts and may require as-yet uninvestigated mitigations. We believe the DEIR will not be complete without additional detail concerning the project's impact on utilities. (*Bob Hickman, SFPUC, Wastewater Enterprise*)

### Response 11.2

Project impacts to water, and wastewater generation including storm water runoff are addressed on Initial Study page 24, which states that the potential for project-related increases in the volume of CSO [combined sewer overflow] discharges to degrade water quality would not be significant in the context of the City's compliance with existing regulatory requirements and ongoing planning efforts addressing the citywide capacity of the combined system and long-term protection of water quality and beneficial uses of San Francisco Bay. Therefore, no significant project impacts with regard to sewer or wastewater generation are anticipated.

With regard to water and water quality, Initial Study page 30 states that, the project would not substantially degrade water quality or contaminate a public water supply because it would not increase the area of impervious surfaces on the site, and would not adversely alter the drainage pattern of the site. Sanitary wastewater from the proposed buildings and stormwater runoff from the project site would be collected and treated at the Southeast Water Pollution Control Plant prior to discharge in the San Francisco Bay. Treatment would be provided pursuant to the effluent discharge limitation set by the Plant's National Pollutant Discharge Elimination System (NPDES) permit. Therefore, neither groundwater recharge nor runoff and drainage would be affected.

Initial Study page 23, *Utilities and Public Services* was amended to address the commenter's concerns about the change from existing to proposed conditions in terms of water demand, discharge of wastewater, and runoff. Please also see Section D, Staff Initiated Text Changes, and Attachment 6, Water/Wastewater Demand Calculation Worksheet.

“As the project site is currently vacant, water demand would increase from zero gallons per day (gpd) to approximately 52,416 gpd under project conditions. Wastewater discharge would increase from zero gpd to approximately 49,795 gpd (estimated to represent approximately 0.074% of the capacity at the Southeast Treatment Plant). Total stormwater demand would increase slightly from an estimated 12.45 cubic feet per second (cfs) to approximately 12.59 cfs; an increase of about 0.14 cfs. Stormwater runoff would be handled the same way as under exiting conditions.”

This information would not change the conclusions of the DEIR.

### **Comment 11.3**

The DEIR must also analyze and mitigate the Project's direct and cumulative impacts on emergency, police, fire, sewers, water, and other public resources, locally and cumulatively. The DEIR must also analyze public safety issues, including seismicity. The DEIR must also analyze energy consumption of 450 new housing units, which, because of their bulk and density, consume huge amounts of energy for climate control and lighting. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 11.3**

Project effects on utilities such as solid waste generation, wastewater treatment capacity, and public services such as police and fire protection, schools and recreational facilities, and communication facilities, are address on Initial Study pages 23 – 26. As described in the Initial Study, it is not anticipated that the proposed project would have significant impacts on utilities and public services because it would not; (a) breach published national, state or local standards relating to solid waste or litter control, (b) require extension of a new sewer trunk line with capacity to serve new development, (c) substantially increase demand for schools, recreation or other public facilities such as police or fire service or stations, or (d) require major expansion of power, water, or communications facilities.

Cumulative effects on utilities and public services were evaluated within the context of the anticipated development of the Market & Octavia Neighborhood Plan area. In addition, on page 4-61, the Market and Octavia Neighborhood Plan DEIR identified the 55 Laguna project as a reasonably foreseeable project included in the year 2025 projected land use allocation in the Plan Area. The proposed project would represent about 11 percent of the overall growth in residential units attributable to the Plan.

Geologic hazards, including seismicity, are addressed on Initial Study pages 28- 30, which concluded that the proposed project would not expose people or structures to major geologic hazards with implementation of the recommendations of the geotechnical report prepared for the project, as well as implementation of the Zone 4 seismic design criteria in accordance with the 2001 San Francisco Building Code.

The Initial Study, page 32, concluded that the proposed project would not result in the use of unusually large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The project would be required to meet all Title 24 energy code requirements for new buildings in San Francisco. Please also see Master Response 11.5.

## Comments Addressing Impacts to Schools and Recreational Facilities

### Comment 11.4

DEIR did not adequately discuss the anticipated increase in demand for schools, public open space and recreational space that will result from the construction of the increased housing allowed within the Plan area. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. The DEIR did not adequately discuss the conflicts with established recreational and educational uses. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. (*Martin Hamilton, New College of California*)

Although mentioned in the section on Environmental Impacts (p. 13), the Initial [Study] does not include a discussion of how 450 additional housing units will impact nearby parks. In the utilities/public services section (p. 23) the [IS] states that the project will not substantially increase demand for schools, recreation, or other public facilities, but does not explain how recreation will not be affected. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

### **Master Response 11.4**

Impacts to public services such as schools and recreational facilities were addressed in the Initial Study on pages 25 – 26. With regard to schools, the project would generate approximately 91 school age children (spread among elementary, middle, and high school) and that the San Francisco Unified School District has sufficient openings at nearby schools, such as John Muir Elementary School, Everett Middle School, and Mission High School, to accommodate new students residing at the project site. Because the alternatives would allow less housing, the demand for school and recreational facilities would also be accommodated by existing facilities and therefore impacts by alternatives would be less than significant. The Initial Study concluded that although the proposed project would increase the demand for these schools and recreational facilities, such a demand could be accommodated by existing facilities, and would not require the *expansion or construction* of new facilities that could have significant environmental impacts (which is the CEQA threshold for determining the significance of impacts to public services.) No conflicts with established educational or recreational uses were identified. Please also see Master Response 3.2 which identified existing parks in the project vicinity, as well as anticipated project effects on open space and recreation.

Considering that the UC Extension relocated to downtown San Francisco, the closure of the UC Extension campus at Laguna Street would not have resulted in a loss of public educational facilities.



## Comments Addressing Energy Efficiency

### Comment 11.5

The DEIR did not adequately discuss the energy efficiency effects of the Project or the potential application of the City's Resource-Efficient Building (REB) ordinance to the Project. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. (*Martin Hamilton, New College of California*)

The draft EIR also does not evaluate strategies for minimizing non-transportation-related energy use on the site. Although the site will continue to be owned by the University of California, it nowhere mentions whether the development will comply with the University's "Policy Guidelines for Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices." Among other things, these Guidelines require new buildings to exceed the State's efficient standards by at least 20 percent and establish a goal that new buildings meet "silver" LEED standards. (*Christopher Pederson*)

### **Master Response 11.5**

Energy consumption is addressed on Initial Study page 32, which concluded that the proposed project would not result in the use of large amounts of fuel, water, or energy in the context of energy use throughout the City and region. The project demand would be typical for a development of this scope and nature and would comply with current State and local codes concerning energy consumption, including Title 24 of the California Code of Regulations enforced by the Department of Building Inspection. Comments requesting the application of the City's Resource-Efficient Building (REB) ordinance to the proposed project are noted, but do not necessarily reflect the accuracy or adequacy of the environmental analysis.

Although UC is a project sponsor, the proposed project is not a UC development. Therefore, the project would not be required to comply with UC's *Policy Guidelines for Green Building Design*. Comments requesting that the proposed project be LEED certified are noted, but do not necessarily reflect the accuracy or adequacy of the environmental analysis.

## Comments Addressing Shadow Impacts

### Comment 11.6

The DEIR claims that a new sidewalk through the middle of the Project area will be "Waller Park." Even if a sidewalk could lawfully be defined as open space or a park, that sidewalk will lie in a corridor that is shaded by 90-foot-high buildings. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

Placement of tall buildings opposite each other, such as the 8 story openhouse building opposite 16 and 50 Laguna St. (7 story) buildings obviously will result in the casting of shadows earlier in the afternoon as the sun sets in the west. This would probably be almost as much a problem with the "Preservation alternative," despite the set-back of the open house building. The Project

assumes that placing an 8-story building at the bottom of the slope somehow mitigates the impact of having such a tall building on the site, especially in relation to the higher elevation Buchanan St. side. But this does nothing to address the canyon effect created when this building is placed opposite the 16 and 50 Laguna buildings on the down-slope side of the site. The assertion that the 8-story openhouse building is “compatible in bulk and scale with these buildings” (p. I-10 and p. III-B6) does not indicate an aesthetically-pleasing situation, but only that there are buildings of similar size nearby. I cannot think of a situation in a nearby residential neighborhood that has a similar tall grouping existing in opposition to each other on a 2-lane street. (*Larry Burg*)

Weather was not considered. That sounds funny, but we have a lot of sun. These buildings, the way they are situated, will block all the sun. (*C. Whitefeather Daniels, San Francisco Planning Commission, April 19, 2007*)

### **Master Response 11.6**

Section 295 of the Planning Code, adopted in response to Proposition K (passed in November 1984) restricts new shadow upon public spaces under the jurisdiction of the Recreation and Park Department by any structures exceeding 40 feet unless the Planning Commission finds the impacts to be insignificant.

The Initial Study (p. 22) determined that the project’s potential shadow impacts would be less than significant. In order to determine whether the *openhouse* building or others proposed structures on the project site could potentially shade portions of Koshland Park, the Planning Department completed a shadow study in January, 2006, in which the Department concluded that the proposed project would be in compliance with Section 295 of the Planning Code.<sup>24</sup>

The shadow analysis conducted for the proposed project demonstrated that the proposed project shadows would not reach the nearest public spaces under the jurisdiction of the Recreation and Park Department and would not cause shading beyond what is common and accepted in urban areas. The proposed rezoning would allow a project containing buildings with similar heights and massing as the proposed project and would therefore result in less-than-significant impacts related to shadows.

The tallest building on the project site would be 85 feet in height, not 90 feet. The remainder of proposed new buildings on the project site would be no greater than 50 feet in height. Shading effects of proposed buildings on open spaces that do not currently exist but that are proposed as part of a project, and are contained within the project site, are not subject to Section 295 of the Planning Code because there are no public spaces under the jurisdiction of the Recreation and Park Department located on the project site. Proposed Buildings 1 and 2 would cast shadows on portions of the proposed Waller Park during certain times of the day, and during certain times of the year. However, shadow impacts on open spaces created by project buildings are not impacts that would require mitigation. Design of all proposed buildings and open spaces will be considered by decision-makers.

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<sup>24</sup> A shadow analysis documenting Section 295 information is on file and available for public review by appointment at the Planning Department, 1650 Mission Street.

## Comments Addressing Hazardous Materials

### Comment 11.7

The proposed project will require extensive excavation for foundations and subsurface parking yet there is no discussion of the underlying geology on the site in the DEIR. There is most likely a large amount of subsurface serpentine at the 55 Laguna site. The “Mint Hill” area is largely serpentine near the surface yet the DEIR does not refer to this at all. There are visible outcroppings of serpentine near the project site at the US Mint, and in private lots directly across from the project site (137 Buchanan, for example.) Also a description of shallow serpentine subsurface is described in a project report for the development proposed for Market and Buchanan, one block away from the proposed project site. The 55 Laguna site has obviously undergone extensive grading from its natural hillside contours.

Serpentine is a hazardous material and needs special handling in construction and transportation. The DEIR should report the historical land contouring and the extent of the naturally occurring serpentine. The boilerplate language for careful material handling and off loading is not adequate to understand the extent of the situation. (*Paul Olsen and Jason Henderson, The Hayes Valley Neighborhood Association*)

Geologic questions regarding hazardous geology/stone to be excavated? (*Theodore Dillingham, comment card*)

[A]sbestos concerns from the soil type of any kind of construction, are all major environmental impacts that need to be considered. (*Paul Olson, San Francisco Planning Commission, April 19, 2007*)

### Master Response 11.7

Page 34 of the Initial Study describes the site’s soils conditions and the potential for encountering asbestos-bearing Serpentinite rock during construction. As explained on this page, the analytical results of the near surface soil samples collected from borings drilled throughout the project site indicated that Serpentinite was encountered in some borings. Serpentinite contains natural asbestos fibers, which may be a health risk when airborne. The IS further explained that because of elevated concentrations of asbestos (and lead) detected at the project site, a soil management plan (SMP) and a Health and Safety Plan (HSP) would be required prior to construction for use during site excavation to reduce worker and public exposure to these compounds. This requirement has been incorporated into the project as Mitigation Measure 3 (see page 41 of the IS). SMPs and HSPs are monitored and regulated by DPH. The SMP would include a soil-handling plan that segregates Class I from Class II or III fill material and isolates fill material from the underlying native soil. The HSP would outline proper handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction. During construction, on-site observation of soil stockpiling and sample collection should be performed for a more focused disposal characterization of the soil schedule for off-site disposal. The project sponsor has agreed to follow the recommendations of the Phase I and Limited Phase II environmental site assessment prepared for the project, which has been reviewed by DPH for accuracy.

## Individual Comments Addressing the Initial Study

### Comment 11.8

Construction would last at least 36 months with completion in 2011 (DEIR I-5). Construction would require extensive excavation, earth-moving, and rock hammering. (DEIR I-5) The DEIR proposes no meaningful mitigation for impacts on neighborhood street parking, before, during, or after construction, or of the Project's generation of dust, noise, and other construction impacts, or the cumulative impacts on a neighborhood that has experienced constant disruption for nearly a decade from the Octavia Boulevard surface freeway ramp and other projects. (*Mary Miles, Coalition for Adequate Review, May 7, 2007*)

### **Response 11.8**

Construction related transportation impacts of the proposed project are addressed DEIR Section III.C, *Transportation, Circulation, and Parking*, as well as within the Initial Study. The DEIR appropriately concluded that construction effects, including effects on neighborhood parking would be would be temporary, and less-than-significant. As described under Response 5.24, San Francisco considers parking deficits to be social effects, rather than impacts on the physical environment as defined by CEQA. Under CEQA, a project's social impacts need not be treated as significant impacts on the environment.

The Initial Study included standard mitigation for the generation of dust during construction. Changes to standard mitigation language, and not in response to any change in the project, new information, or severity of the impact, indicate the following revision to Mitigation Measure 1 – Construction Air Quality: (Please also see Section D, *Staff Initiated Text Changes*, of this document)

“To reduce particulate emissions, the project sponsor shall require the contractor(s) to spray the project site with water during demolition, excavation and construction activities; sprinkle unpaved exterior construction areas with water or apply non-toxic soil binders at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); cover trucks hauling debris, soil, sand or other such material; install sandbags or other erosion control measures to prevent silt runoff to public roadways; replant vegetation in disturbed areas as quickly as possible; and sweep surrounding street during excavation and construction at least once per day.”

Noise generated during project construction would be required to comply with the City's noise ordinance requirements, and therefore, the DEIR appropriately concluded that construction noise would have a less-than-significant impact. Noise levels from past construction projects in the area, including construction of Octavia Boulevard or the Central Freeway ramps, would not combine with construction noise from the proposed project to form a significant cumulative impact, as the construction noise from previously completed projects have since ceased.

## **Comment 11.9**

We believe the DEIR Initial Study was inaccurate in finding that the Project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. We assert the loss of publicly zoned land, public facilities, open space, historic structures, interiors, and artifacts, along with significant trees, were not properly considered in this finding. Therefore, we request an analysis of long-term environmental goals and effects be conducted for both the Project and alternatives analyzed in the EIR.

Said IS also concluded the Project would have possible environmental effects which are individually limited, but cumulatively considerable. However, the IS did not adequately address the cumulative effects of the loss of publicly zoned land, public facilities, open space, historic structures, interiors, artifacts, and significant trees, along with the increased need for public services generated by the proposed housing, in light of past projects, other current projects and probable future projects. Therefore, we request these effects be further addressed for both the Project and alternatives analyzed in the EIR. (*Martin Hamilton, New College of California*)

## **Response 11.9**

The project effects on publicly-zoned land, public facilities, open space, historic structures including interiors and artifacts, as well as significant trees were addressed in the DEIR on both project and cumulative levels. Please see DEIR Section III, *Environmental Setting and Impacts*. The DEIR identified that the proposed project would result in significant unavoidable impacts to historic resources (see DEIR Section III.E). All other project effects were determined to be less-than-significant. Please see Master Response 3.1 about the loss of publicly zoned land, and Master Response 3.2 about the loss of open space, in particular.

## SECTION D

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### Staff-Initiated Text Changes

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

#### Project Description

Pages I-1 and II-16 of the DEIR have been amended to explain the purpose of the EIR and limits to the City's jurisdiction on this project.

##### Purpose of EIR

The purpose this environmental impact report (EIR) is to meet the requirements under the California Environmental Quality Act (CEQA), which mandate that a lead agency provide the general public with the opportunity to comment on the environmental impacts of a proposed project, and to mitigate any potentially significant impacts on the environment to a level that is less-than-significant (among other requirements).

##### Regulatory Context

While the project site is owned by the Regents of the University of California (a state institution), and the Regents are a sponsor of the project, the project itself would be developed by a private entity who would enter into a long-term lease with UC and would have the exclusive right to develop the property. Because the project would be developed by a private development entity, the City and County of San Francisco, and not UC, is the lead agency for CEQA purposes.

The City's jurisdiction over the property is limited, however, because state institutions are exempt from local jurisdiction. City's jurisdiction on the property is limited to those items described in DEIR page II-15, *Project Approvals*, including Board of Supervisors approval of the General Plan Amendment to rezone the site, as well as various building and site alteration permits.

Pages I-1 and II-1 of the DEIR have been revised as follows to clarify that the UC Regents would not ground lease the UC Dental Clinic to the project sponsors:

“The land owner is the Regents of the University of California, who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and *openhouse*, with the exception of the UC Dental Clinic.”

Pages I-2 and II-5 of the DEIR have been revised text to clarify the potential residents who may reside in the proposed *openhouse* building on the project site:

“~~85~~ 88 units of market rate assisted-living senior housing ~~targeted toward welcoming~~ to the lesbian, gay, bisexual, and transgender (LGBT) senior community and open to all seniors (“*openhouse*”) in one building.”

Pages II-5 and II-8 of the DEIR has been revised to reflect a change in the location of the proposed community uses on the project site from Richardson Hall to Woods Hall Annex:

(page II-5) The community space would be located in the existing Richardson Woods Hall Annex ~~auditorium and the East Wing of Richardson Hall on the second floor.~~

(page II-8) The portion of Richardson Hall that is located along Laguna Street, containing the existing auditorium space, and a retaining wall along Laguna Street would be renovated to accommodate ~~the proposed program including community use of the auditorium and~~ ground-floor retail space at the corner of Laguna and Hermann Streets.

Pages II-6 and II-7 of the DEIR, Figures 3 and 4, Proposed Site Plan and Underground Parking Plan, have been revised to indicate that the vehicular access point at the proposed Micah Way and Laguna Street would not only be for emergency access, a revised layout for the proposed community garden behind Woods Hall, and a new parking garage layout. Revised Figures 3 and 4 are provided at the end of this section.

Page II-8 of the DEIR has been revised to reflect a change in the size of the proposed community garden on the project site:

A new approximately ~~2,000~~10,000 sq. ft. community garden accessible to the public would be provided at the north end of Lindhardt Lane behind Woods Hall.

Page II-4 and II-11 of the DEIR has been revised to reflect a change in the number of below-ground parking garages, and the location of the parking spaces for the Dental Clinic:

(page II-4) The proposed project would include approximately 430,800 sq. ft. of residential space, up to 5,000 occupied sq. ft. of retail space, approximately 10,000 sq. ft. of community facility space, and approximately 127,360 sq. ft. of parking in seven new buildings and ~~four~~ two underground garages on the project site (see Table 1 and Figures 3 and 4).

(page II-11) Approximately 127,360 sq. ft. would be devoted to off-street parking in ~~four~~ two below-grade parking garages between one to three levels deep (334 spaces) and 18 spaces would be surface spaces on Micah Way or Lindhardt Lane. The ~~four~~ two parking garages and surface spaces would include approximately 10 spaces for car share organizations, 22 handicapped accessible spaces, and 51 spaces for the exclusive use of the dental clinic ~~(15 on-street spaces on site and 36 off-street spaces)~~ The latter would be entirely within a separate underground garage next to the dental clinic. Approximately 18 on-street parallel parking spaces would be provided along the interior streets of the project site, ~~1 of which would be for the use of the dental clinic during the day and for the residents at night; the remaining three spaces would be 5~~ for residential uses only.

Page II-16 has been revised to reflect additional project approvals which may be required as a result of recent landmarking of project site buildings.

- “Certificate of Appropriateness from the Landmarks Preservation Advisory Board for alterations to San Francisco Historical Landmarks on the project site.”

## Land Use, Plans and Policies

Pages III.A-20 of the DEIR has been revised to reflect a change in the location of the proposed community uses on the project site from Richardson Hall to Woods Hall Annex:

The proposed project would allow a greater degree of public access to the site than exists currently, or had existed previously during its use as a school, considering the publicly accessible Waller Park that would be constructed along Buchanan Street, the proposed reopening of the former Waller Street right-of-way allowing pedestrian travel through the site, and the community garden behind Woods Hall, as well as the proposed 10,000 square feet of community space in ~~Richardson Wood~~ Woods Hall Annex that would provide additional public access to the project site.

## Transportation, Circulation, and Parking

In response to a request by MTA for a site plan indicating bus stops surrounding the project, a revised Figure 19 on page III.C-5, of the DEIR is included at the end of this Section.

Page III.C-14 of the DEIR has been revised to include the potential applicability of the project to the Transit Impact Development Fee, and its transit-mitigating effects.

“Based on the project’s net square footage, the retail component of the proposed project may be subject to the Transit Impact Development Fee (TIDF-2) ordinance (using the current one-time fee of \$10.00 per square foot of development). However, were the project to be credited for prior uses, this might eliminate the fee. The final determination of the TIDF for the project would be made on the basis of a more detailed review of architectural plans submitted to the City.”



Page III.C-14 of the DEIR has been revised as follows to clarify how project-generated transit trips would increase the peak-hour capacity utilization of bus lines:

“The capacity utilization for all three line groups would remain similar to those under Existing conditions (i.e., would increase by no more than two percent), and in general would continue to operate within the Muni operating standard of 85 percent of capacity, with available capacity to accommodate additional passengers with the exception of the southbound lines. However, it should be noted that the capacity utilization of the southbound lines (increasing from 88 percent without the project to 89 percent with addition of project-generated trips) represents an average for three southbound lines (22-Filmore, 47-Van Ness, 49-Van Ness/Mission), and the capacity utilization of individual southbound lines may be operating below Muni’s capacity utilization standard and therefore would not present a substantial impact to Muni service.”

Page III.C-14 of the DEIR has been revised to reduce transit “pole clutter” on city sidewalks:

“The project sponsor would, in cooperation with the Municipal Railway, and consistent with the landmark status of Woods Hall and Woods Hall Annex, install eyebolts or make provision for the direct attachment of eyebolts for MUNI trolley wires on the project building whenever necessary, or agree to waive all rights to refuse the attachment of eyebolts to the project building if such attachment is done at the City’s expense.”

## Historic Architectural Resources

Page III.E-9 has been revised to clarify the appropriate date:

“As of January 27, 2003, there were 253 individual landmarks and eleven historic districts in San Francisco.”

Pages III.E-13, -14, -15 and -18 have been revised to reflect a change in the location of the proposed community uses from Richardson Hall to Woods Hall Annex:

(page III.E-13) Woods Hall, the Woods Hall Annex, and the southern wing of Richardson Hall would be rehabilitated to provide residential units. A portion of the east wing and auditorium of Richardson Hall would be converted into retail space, while Woods Hall Annex would be converted into ~~and~~ community facility space.

(page III.E-14) **Richardson Hall.** The proposed project would convert the East Wing, Auditorium, and South Wing (the Classroom Wing) of Richardson Hall into residential units, ~~community facilities,~~ and retail space.

(page III.E-15) **Woods Hall and Woods Hall Annex.** The proposed project would rehabilitate Woods Hall and the Woods Hall Annex for use primarily as residential apartments, with approximately 10,000 square feet in Woods Hall Annex for use as a community facility.

(page III.E-18) As described above, Woods Hall and the Woods Hall Annex would be retained and reused primarily for multi-unit housing, and a portion of Richardson Hall would be retained and reused for multi-unit apartment housing, ~~community space~~, and retail space.

Pages I-17 and III.E-7 of DEIR have been amended to include the following new information about the landmark status of project site buildings:

### **“San Francisco Landmarks**

At its regularly scheduled meeting on August 14, 2007, the Board of Supervisors voted to landmark Woods Hall, Woods Hall Annex, a portion of Richardson Hall, and the “Sacred Palm” behind Woods Hall, in accordance with Article 10 of the Planning Code. The Board did not landmark Middle Hall, the Administration Wing of Richardson Hall, the retaining wall along Laguna Street, any other site features, or the site itself as a potential historic district.”

DEIR page III.E-15 has been amended to include the following new information about the legal ownership of the Kadish Mural:

“The rehabilitation of the interior would not have an impact on the Reuben Kadish Mural, which would ~~either~~ remain in place and be preserved, or would be ~~relocated to a publicly-accessible space by the deceased artist’s descendant and legal owner (Ruth Kadish)~~ treated as allowed by ownership. UC is the legal owner of the mural. If the mural is removable, and UC does not want it, the deceased artist’s relative descendant (Ruth Kadish) has legal rights to claim and move the mural. The intention of the proposed project, however, is to leave the mural in place. This latter removal effort, if it were to occur, would not be part of the proposed project, but rather, would be negotiated between, and implemented by, UC and its legal owner Ruth Kadish.”

## **Landmark and Significant Trees**

Pages I-20 and III.G-1 have been revised to reflect the following recent information about recent landmarking of a tree on the project site:

“Aside from the “Sacred Palm,” ~~No other~~ trees on the project site are currently designated as landmark trees. This palm tree was designated as an historical landmark by the Board of Supervisors on August 14, 2007, pursuant to Article 10 of the Planning Code. No changes to this legislation or to the designation criteria has occurred since the amendments were approved, ~~nor have any trees in San Francisco been designated as landmark trees.~~

.....This tree in particular ~~may~~ meets the landmark tree criteria for historical association and/or visual quality.”

## Mitigation Measures Proposed to Minimize the Potential Adverse Impacts of the Project

To address the request that *Mitigation Measure HR-1. HABS-Level Recordation* be extended to the entire site, and since the entire site is nominated to the National Register, the Mitigation Measure on DEIR pages I-22 and IV-1 has been amended to include the following:

“The project sponsor shall document the context of the National Register-nominated San Francisco State Teacher’s College site, inclusive of the buildings, structures, landscape features, spatial relationships within the site, campus within its urban setting, and interiors, according to HABS Level II documentation standards.”

*Photographs:* Black and white photographs with large-format negatives should be shot of exterior and interior views of the campus, including, but not limited to,...”

To address the request by the LPAB that the project sponsor coordinate with the NPS regarding *Mitigation Measure HR-1. HABS Mitigation* on DEIR pages I-22 and IV-1 have been amended to include the following:

“The project sponsor shall coordinate with the National Park Service (NPS) to determine if the project should be an official Historic American Building Survey (HABS) submittal.”

To address the request by the LPAB that the HABS documentation be submitted to the Library of Congress, *Mitigation Measure HR-1. HABS Mitigation* on DEIR pages I-22 and IV-2 have been amended to include the following:

- “If requested by the NPS, the documentation report and photographs shall be submitted to the Library of Congress.”

To address the LPAB’s request that the new interpretive display provide enough information about the murals on the site, *Mitigation Measure HR-2. Interpretive Display* on DEIR pages I-22 – 23 and IV-2 – 3 have been amended to include the following:

“An additional form of mitigation shall include the installation of permanent interpretive display at the former UC Laguna Extension campus to describe to the general public the long and significant history of the site as an early California normal school and as the original site of San Francisco State University, as well as its WPA-era associations, including information about the existing WPA-era mural(s) in Woods Hall Annex. As part of the interpretation program, the murals should remain in publicly accessible areas, or made publicly available by arrangement for curated tours where the murals would be located in private common areas. The sponsor shall retain the historic names of site buildings, and should consider naming new private streets for aspects of the site’s evolution, including its historic geography, or cultural landscape. Components of this mitigation program shall include an interpretive display erected on site, containing historic photographs, plans, and descriptive text. ~~Alternatively, these elements could be placed in a publicly accessible gallery/exhibition space on the interior of one of the historic buildings,~~

~~such as the 10,000 square feet of community space proposed within Richardson Hall. Historic photos, plans, and text developed from the HABS-Level II recordation and National Register nomination could be used as part of this display. The design for the interpretive display should be submitted to the San Francisco Landmarks Preservation Advisory Board for review and approval prior to final installation.”~~

To address the LPAB’s request about testing for historic murals which may be located in the northwest entrance to Wood Hall, as well to clarify the tasks for the project sponsor’s preservation architect and arborist, DEIR pages I-23 and IV-3 have been amended to include the following mitigation measures. These measures represent no change from the substantial adverse environmental effects of the project outlined in the DEIR, and selection of a project alternative remains the only option for reducing impacts on historical resources to a less-than-significant level. The mitigation was described in the DEIR, thus is not new, and was thus considered in the previously-circulated DEIR.

### **“Mitigation Measure HR-3. Preservation Architect**

As part of project design development, the sponsor shall retain a qualified historical architect to 1) assist with ensuring the compatibility of the new structures with the retained historic resource buildings in terms of their location, scale, massing, fenestration pattern, details, and materials, so as not to detract from the retained historic resource buildings, 2) conduct historic window and door survey of the site prior to approval of construction drawings, 3) manage treatment of the retained historic resource buildings, including accessibility and structural upgrade design, 4) plan and oversee mural preservation, and 5) act with overall responsibility to implement historic resource mitigations, monitor work performed, and to report bi-monthly to the City, as Lead Agency, and State Office of Historic Preservation and National Park Service, as requested, during the period from project approval to end of construction.

### **“Mitigation Measure HR-4. Mural Identification, Testing, and Preservation Procedures**

Prior to any renovation efforts, the project sponsor, through their Preservation Architect shall design a plan to address protection of significant interior finishes, including murals, during construction. A conditions assessment and protection plan shall be prepared by a qualified architectural finishes conservator and submitted with the project proposal to ensure the safety of the contributing elements of the historic resource during the construction phase. Prior to any renovation efforts, the Preservation Architect shall prepare a plan to identify, retain, and preserve all WPA-era murals and/or mosaics at the project site, including Reuben Kadish’s mural “A Dissertation on Alchemy” located in Woods Hall Annex, the “Angel” mural in Richardson Hall (by artist Bebe Daum), and others which may potentially exist beneath paint and/or plaster, such as a possible interior mural by John Emmett Gerrity or an exterior mosaic by Maxine Albro (both near the northwest entrance to Woods Hall.) Prior to any renovation efforts, the architectural finishes conservator retained for the project shall, as part of the plan, test and remove wall coatings to investigate the location and condition of any covered WPA-era murals and/or mosaics. If any such resources are located, including contributing decorative and sculptural elements, they shall

also remain in place and be restored, through the auspices of sponsor partnership with the University of California, private and public art endowments, as the San Francisco Environmental Review Officer determines reasonably equitable and feasible.”

In order to clarify the planned treatment of the “Sacred Palm,” not in response to new information or impact severity, staff-initiated text is added to the Mitigation section affirming the anticipated retention of an Arborist, and codifying implementation:

**“Mitigation Measure HR-5. Arborist**

The project sponsor shall retain a qualified arborist to ensure the successful re-location of a Canary Palm called the “Sacred Palm.” Prior to approval of construction documents, a horticultural report shall be prepared with information to guide the retention and design requirements for the continuing health of the Canary Palm, including its successful storage, replanting, and spatial requirements for growth and feeding.”

The DEIR on page III.E-16 describes, as part of the proposed project, the retention and successful preservation of the "Sacred Palm." Normally tree retention and health measures contemplate the hiring of a specialist to assure successful replanting and growth of such mature trees. Therefore, the project and DEIR analysis can be assumed to include this mitigation.

## Initial Study

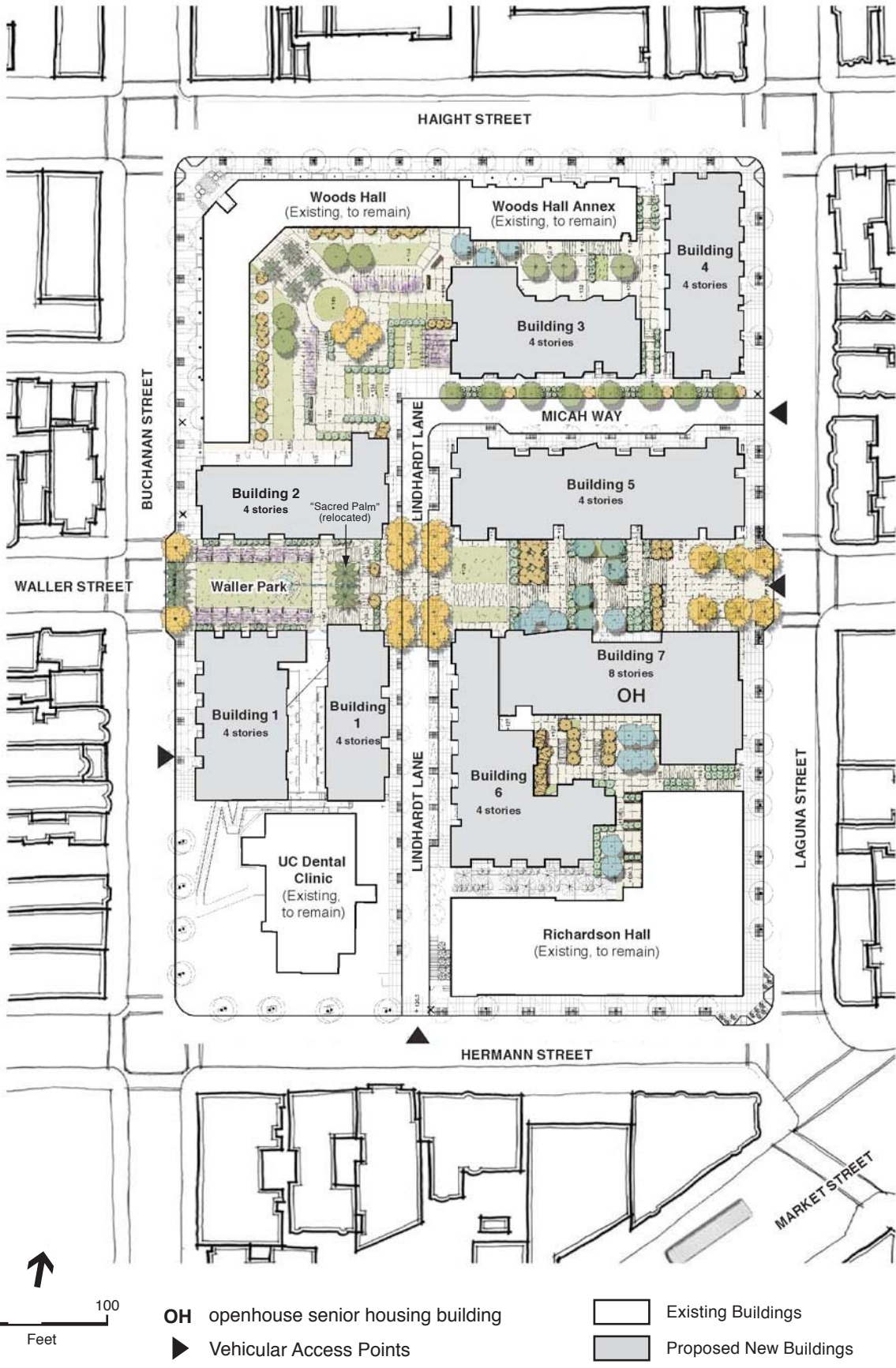
Initial Study page 23, *Utilities and Public Services* section, has been amended to calculate the change from existing to proposed conditions in terms of water demand, discharge of wastewater, and runoff. Please also see Attachment 6, Water/Wastewater Demand Calculation Worksheet. This information would not change the conclusions of the DEIR that the proposed project would have a less-than-significant impact on utilities and public services.

“As the project site is currently vacant, water demand would increase from zero gallons per day (gpd) to approximately 52,416 gpd under project conditions. Wastewater discharge would increase from zero gpd to approximately 49,795 gpd (estimated to represent approximately 0.074% of the capacity at the Southeast Treatment Plant). Total stormwater demand would increase slightly from an estimated 12.45 cubic feet per second (cfs) to approximately 12.59 cfs; an increase of about 0.14 cfs. Stormwater runoff would be handled the same way as under exiting conditions.”

To address changes to standard dust control measures used for sites larger than four acres in size, Initial Study Mitigation Measure 1 – Construction Air Quality in Appendix A of the DEIR has been amended to include the following:

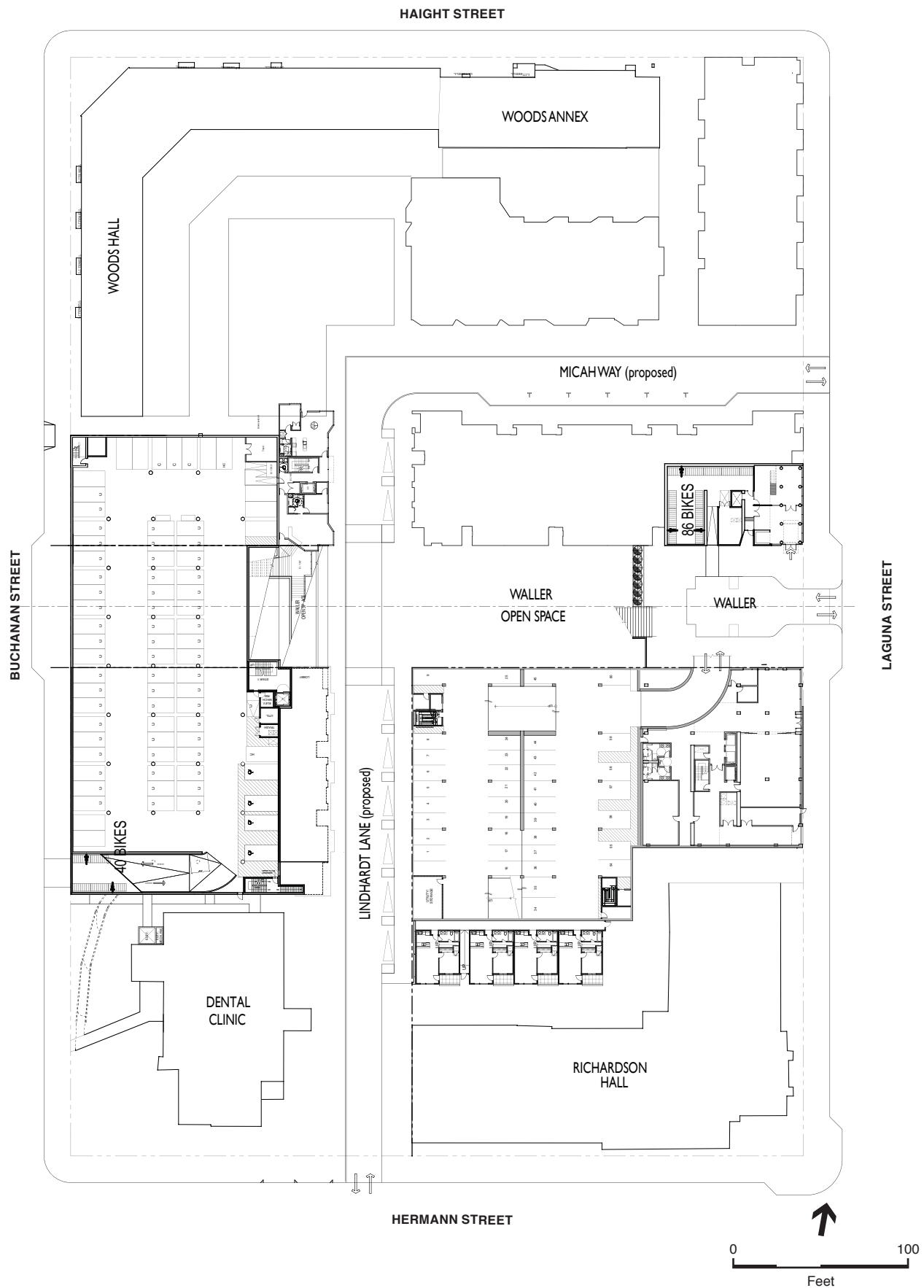
“To reduce particulate emissions, the project sponsor shall require the contractor(s) to spray the project site with water during demolition, excavation and construction activities; sprinkle unpaved exterior construction areas with water or apply non-toxic soil binders at least twice per day, or as necessary; cover stockpiles of soil, sand, and other material; Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas

inactive for ten days or more); cover trucks hauling debris, soil, sand or other such material; install sandbags or other erosion control measures to prevent silt runoff to public roadways; replant vegetation in disturbed areas as quickly as possible; and sweep surrounding street during excavation and construction at least once per day.”



**Figure 3** Proposed Site Plan

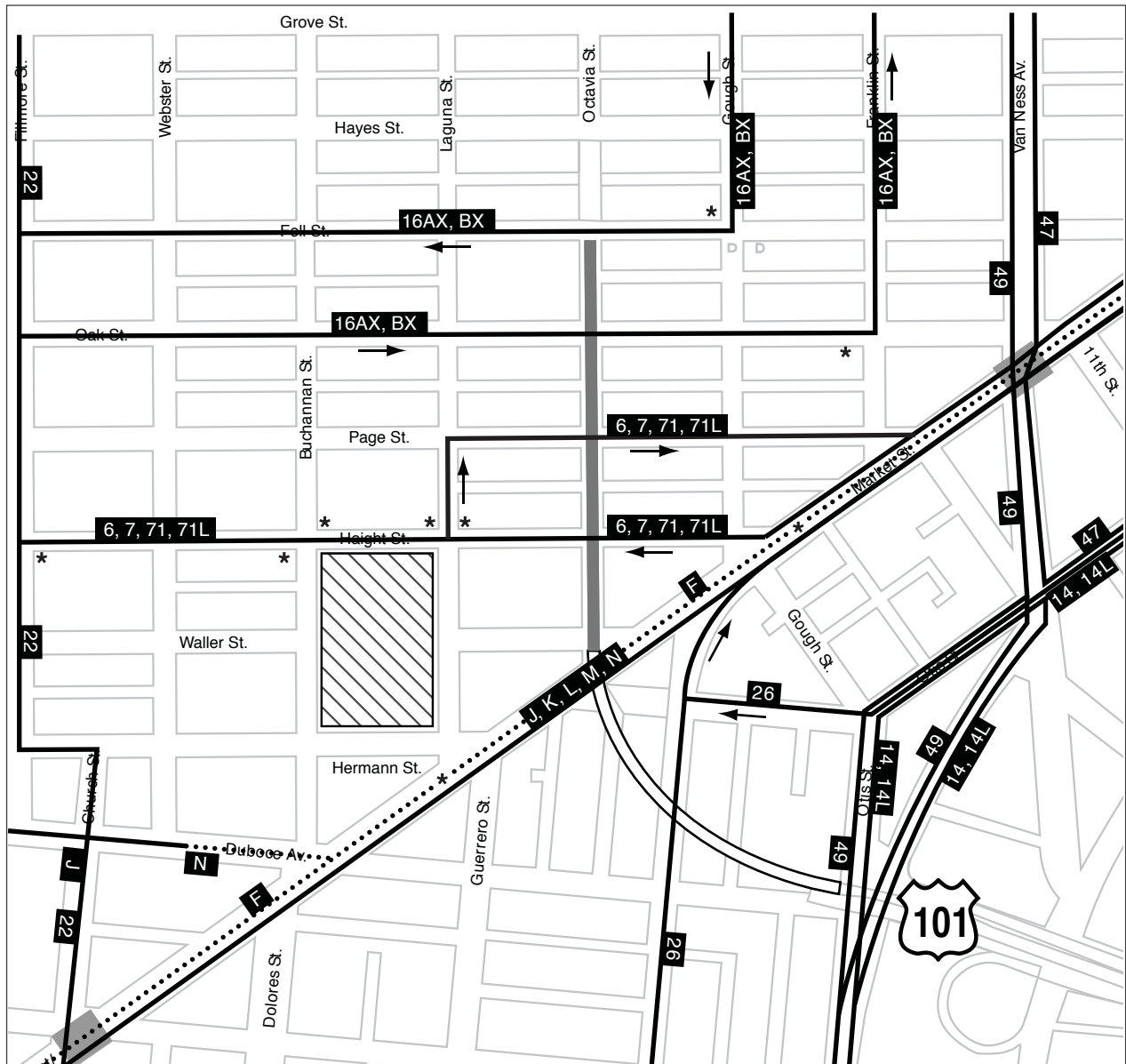
SOURCE: Van Meter Williams Pollack, LLP, 2006











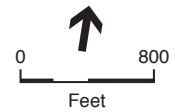
**Figure 4** Underground Parking Plan

SOURCE: Van Meter Williams Pollack, LLP, 2006





-  Project Site
-  New Boulevard
-  New Two-way Ramp
-  MUNI Metro Bus + Streetcar
-  Direction of One-Way Routes
-  MUNI Metro (Subway)
-  MUNI Metro Station
-  \* Nearest Bus/Streetcar Stop



**Figure 19** Existing Transit Network and Stop Locations

SOURCE: Wilbur Smith Associates, 2006

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# ATTACHMENT 1

## Comment Letters

Commenter	Agency/Organization	Date	Comment Type
<b>State Agencies</b>			
Stephen Mikesel for Milford Wayne Donaldson	Office of Historic Preservation	3/14/07	Letter
Timothy Sable	Department of Transportation	3/14/07	Letter
<b>City and County of San Francisco</b>			
Sonya Banks	San Francisco Landmarks Preservation Advisory Board	3/19/07	Letter
Bob Hickman	San Francisco Public Utilities Commission	2/16/07	Letter
James Lowé	San Francisco Municipal Transportation Agency	2/22/07	Letter
M. Bridget Maley	San Francisco Landmarks Preservation Advisory Board	3/19/07	Letter
Bill Sugaya	San Francisco Planning Commission	4/29/07	Email
<b>Organizations</b>			
Kevin Danaher	Global Exchange	3/16/07	Letter
Stephen B. Haigh	The Victorian Alliance	4/27/07	Letter
Martin Hamilton	New College of California	4/5, 4/25, 4/30/07	Letter
Susan Brandt-Hawley	Brandt-Hawley Law Group	11/2/06	Letter
Rick Hauptman	North Mission Neighborhood Alliance	4/19/07	Letter
Mary Miles	Coalition for Adequate Review	5/7/07	Letter
Michael Mullin	The San Francisco Neighborhood Network	4/9/07	Letter
Paul Olsen and Jason Henderson	The Hayes Valley Neighborhood Association	3/27/07	Letter
Cynthia Servetnick	Save the UC Berkeley Extension Laguna Street Campus	4/30/07	Letter
Teresa Welborn	Lobelia Properties, LLC	4/24/07	Letter
<b>Individuals</b>			
Elaine Adamson and Edward Gould	Individual	4/2/07	Letter
Dee Allen	Individual	2/24/07	Comment Card
Joan Ambrosio	Individual	3/3/07	Comment Card
Gail Baugh	Individual	2/24/07	Comment Card
John Boling	Individual	4/30/07	Letter

<b>Commenter</b>	<b>Agency/Organization</b>	<b>Date</b>	<b>Comment Type</b>
<b>Individuals (cont.)</b>			
Gray Brechin	Individual	5/1/07	Email
Rob Bregoff	Individual	3/1/07	Email
Ellen Brown	Individual	5/1/07	Letter
Jo Brownold	Individual	4/22/07	Letter
Larry Burg	Individual	4/24/07	Letter
Henry Davis	Individual	4/19/07	Comment Card
Theodore Dillingham	Individual	2/24/07	Comment Card
Michael D'Spacio	Individual	2/26/07	Comment Card
David Dupree	Individual	5/2/07	Email
Edward Greninger	Individual	3/19/07	Letter
Fran Harris	Individual	4/27/07	Comment Card
Eliza Hemenway	Individual	2/26/07	Letter
Eliza Hemenway	Individual	4/19/07	Email
John Hix and Ron Saturno	Individual	5/1/07	Comment Card
Kelly Holt	Individual	4/19/07	Email
Robert Hood	Individual	3/15/07	Email
Renata LaRocque	Individual	2/24/07	Comment Card
Peter Lewis	Individual	4/30/07	Email
Sarah McCabe	Individual	3/11/07	Comment Card
Edith McMillan	Individual	3/15/07	Letter
Malana Moberg	Individual	4/18/07	Letter
Christopher Pederson	Individual	4/21/07	Letter
Maruis Phillips	Individual	2/8/07	Letter
Shawn Riney	Individual	4/30/07	Email
Cynthia Servetnick	Individual	4/5/07	Letter
Cynthia Servetnick	Individual	4/6/07	Email
Shenandoah Ryan [Smith]	Individual	3/15/07	Email
Shenandoah Smith	Individual	4/18/07	Email
John Stringer	Individual	3/12/07	Letter
Harris Taback	Individual	5/1/07	Letter
Lavon Taback	Individual	4/27/07	Comment Card
James Waishill	Individual	2/24/07	Comment Card
Linda Walsh	Individual	4/27/07	Comment Card
Helene Whitson	Individual	3/8/07	Comment Card
Lisa Zahner	Individual	3/15/07	Letter
<b>Project Sponsor</b>			
J. Kevin Hufferd	University of California, Berkeley	4/13/07	Letter

## State Agencies

Commenter	Agency/Organization	Date	Comment Type
State Agencies			
Stephen Mikesel for Milford Wayne Donaldson	Office of Historic Preservation	3/14/07	Letter
Timothy Sable	Department of Transportation	3/14/07	Letter

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**OFFICE OF HISTORIC PRESERVATION**  
**DEPARTMENT OF PARKS AND RECREATION**  
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**RECEIVED**

March 14, 2006

MAR 19 2007

Paul Maltzer  
 Environmental Review Officer  
 San Francisco Planning Department  
 1660 Mission Street, Fifth Floor  
 San Francisco, CA 94103

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

- sent via facsimile (415)-558-5991 and United States Postal Service -

55 Laguna Mixed Use Project Draft Environmental Impact Report (DEIR) # 2005062084

Dear Mr. Maltzer:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We thank you for the opportunity to comment on the above project. The OHP is in receipt of a National Register nomination for the San Francisco State Teacher's College and we are concerned with the impacts the project may have on the resource. We have also been contacted by Ms. Cynthia Servetnik, a member of the public, regarding the project and my office has been in contact with Rana Ahmadi of your office.

The project is the construction of a mixed-use development at the project site which is the former University of California Berkeley Extension Campus. The land owner is the Regents of the University of California who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and openhouse. The unoccupied buildings on site include Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall. (DEIR I-1)

The San Francisco Planning Department has made the findings that all buildings on the project site, including Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall, and, in addition, the remnant landscape features dating from 1921-1955 and the retaining wall along Laguna and Haight Street would contribute to a potential campus historic district. Thus, the site and all buildings would be qualifying as a historical resource for purposes of CEQA with Middle Hall not qualifying individually but as a district contributor. (DEIR III.E-11)

7.9

The current project would demolish Middle Hall and the Administration Wing of Richardson Hall, including the connector to Richardson Hall, as well as a portion of the retaining wall. The southern wing of Richardson Hall would be rehabilitated for residential units. The east wing and auditorium of Richardson Hall would be converted into retail and community facility space. Since the new retail space would be located at the basement level of Richardson hall, new openings in the retaining wall would be necessary.

The findings made by the City Planning Department are (1) that the project's impacts would result in the campus losing its potential eligibility as a historic district through the proposed demolitions, (2) the construction of seven new buildings between four and eight stories in height in the center of the campus and (3) that also the use of the *Secretary of Interior Standard's for Rehabilitation* would not mitigate impacts below a level of significance because only four out of

the ten standards would be applicable. The City acknowledges that the selection of a project alternative would reduce the impacts to a less-than-significant level.

CEQA contains a "substantive mandate" that public agencies refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. Feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors. (Public Resources Code sec.21001.1; 21061.1)

The OHP endorses the Preservation Alternative. (DEIR VI-3) This alternative would retain all buildings on the site for renovation and adaptive reuse, including Richardson Hall, Middle Hall, Woods Hall, Woods Hall Annex, as well as the retaining wall along Laguna Street. This alternative would construct new in-fill residential in a similar fashion to the proposed project, but a reduced size and density; six new buildings would be constructed. The Preservation Alternative would reduce the project's impacts to historical resources to below a level of significance. All buildings identified as individually significant for the California Register by the City's Planning Department would be retained and by eliminating the through-streets and reducing the overall scale and density from 450 residential units to 332 units, the project impacts to the potential campus as a historic district would also be reduced to a level below significance. The Preservation Alternative provides a feasible alternative to the proposed project and is in compliance with nearly all of the Regent's and project sponsor's objectives. (DEIR VI-8)

10.5

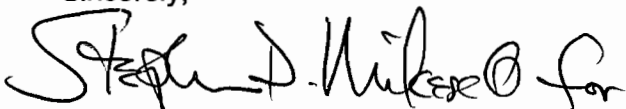
OHP also endorses the implementation of the proposed Mitigation Measures HR-1 and 2 (HABS- Level Recordation and Public Interpretation) because they would further reduce the project's impacts on the district level.

7.2

Again, we thank you for the opportunity to comment on the above project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself.

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at [mmessinger@parks.ca.gov](mailto:mmessinger@parks.ca.gov).

Sincerely,



Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

Cc: Cynthia Servetnick, AICP  
Leigh Jordan, Coordinator Northwest Information Center  
Mark Luellen, Historic Preservation Coordinator, City of San Francisco  
State Clearinghouse



**DEPARTMENT OF TRANSPORTATION**

111 GRAND AVENUE  
 P. O. BOX 23660  
 OAKLAND, CA 94623-0660  
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 FAX (510) 286-5559  
 TTY (800) 735-2929



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**CITY & COUNTY OF S.F.**  
 PLANNING DEPARTMENT  
 MEA

March 14, 2007

SF101149  
 SF-101-R5.47  
 SCH 2005062084

Mr. Paul Maltzer  
 San Francisco Planning Department  
 1660 Mission Street, Suite 500  
 San Francisco, CA 94103-2414

Dear Mr. Maltzer:

**Case No. 2004.0773E: 55 Laguna Mixed-Use Project – Draft Environmental Impact Report**

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review for the proposed project. The comments presented below are based on the Draft Environmental Impact Report (DEIR) for the Case No. 2004.0773E: 55 Laguna Mixed-Use Project,

Our primary concern is the potentially significant impact the project may have to traffic volume and congestion on the State Highway System. We were unable to complete our review of the traffic impact analysis due to a lack of information and reference materials provided in the DEIR. Today, we received a copy of the Final Report 55 Laguna Street Transportation Study prepared by Wilbur Smith Associates dated April 14, 2006. Please allow an additional 30 days for our review of this project due to the receipt of additional information.

Should you require further information or have any questions regarding this letter, please call Lisa Carboni of my staff at (510) 622-5491.

Sincerely,

TIMOTHY C. SABLE  
 District Branch Chief  
 IGR/CEQA

c: State Clearinghouse

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## City and County of San Francisco

Commenter	Agency/Organization	Date	Comment Type
Sonya Banks	San Francisco Landmarks Preservation Advisory Board	3/19/07	Letter
Bob Hickman	San Francisco Public Utilities Commission	2/16/07	Letter
James Lowé	San Francisco Municipal Transportation Agency	2/22/07	Letter
M. Bridget Maley	San Francisco Landmarks Preservation Advisory Board	3/19/07	Letter
Bill Sugaya	San Francisco Planning Commission	4/29/07	Email

# LANDMARKS PRESERVATION ADVISORY BOARD

55 Laguna Street  
Assessor Block 857, Lots 1, 1a  
Assessor Block 870, Lots 1, 2, 3  
Resolution No. 609

SAN FRANCISCO

LANDMARKS PRESERVATION ADVISORY BOARD

RESOLUTION # 609

## **ADOPTED FINDINGS RELATED TO AN INITIATION OF LANDMARK DESIGNATION OF THE UNIVERSITY OF CALIFORNIA BERKELEY CAMPUS AT 55 LAGUNA STREET THE FORMER SAN FRANCISCO TEACHERS' COLLEGE SITE.**

1. Whereas, on February 21, 2007, the Landmarks Advisory Board members initiated designation for University of California Berkeley (UCB) Campus at 55 Laguna Street the former San Francisco Teachers' College site, Assessor's Block 857, Lots 1 and 1a and Assessor's Block 870, Lots 1, 2 and 3 to the Planning Department; and
2. Whereas, in August 2006, Vincent Marsh of Lerner and Associates wrote a draft nomination for the National Register of Historic Places, in December 2005 Page & Turnbull, Inc completed an Historic Resource Evaluation, and in January 2007 a draft Environmental Impact Report was completed for a project at the site. The Board feel that enough information has been provided in these documents to understand the significance of the site and does not need a full landmark designation report to initiate the designation; and
3. Whereas, The Landmarks Board, at its duly noticed meeting of February 21, 2007, reviewed each of the above documents and used the National Register criteria as its methodology for initiating Landmark designation of the UCB site; and
4. Whereas, The Landmarks Board believes that the proposed Landmark has a special character and special historical, architectural and aesthetic interest and value; and that the proposed designation would be in furtherance of and in conformance with the purposes and standards of Article 10; and
5. Whereas, The Landmarks Board reviewed and endorsed the following description of the characteristics of the Landmark which justify its designation:
  - (a) The University of California Berkeley (UCB) displays a high level of craftsmanship, architectural expression, and integrity. It is a handsome example of the Spanish Colonial Revival architectural style and is the work of a master architect, State Architect George B. McDougal serving from 1921 until 1955.
  - (b) The Landmarks Board members made the following recommendations to be

**LANDMARKS PRESERVATION ADVISORY BOARD**

**55 Laguna Street**  
Assessor Block 857, Lots 1, 1a  
Assessor Block 870, Lots 1, 2, 3  
Resolution No. 609

included in the landmark report: That the preparers of the Landmark designation report determine what the boundaries of the Landmark should be; make clear guidance as to what is contributing and non-contributing in terms of buildings, landscape features and art work; focus on National Register Criterion A; provide a list of character- defining features to be preserved and a discussion of significant interior/exterior features; and

(c) The Landmarks Board is initiating landmark status because the Board feels that this site, buildings and associate landscape features warrant historic status under Article 10. The site is an integral group of structures and features on a single lot or site that have architectural aesthetic interest and have high potential to meet the criteria listed in Article 10 as a landmark site.


9. Whereas, The Landmarks Board has reviewed documents and correspondence and heard oral testimony on matters relevant to the proposed landmark designation at a duly noticed public hearing held on February 21, 2007.

**THEREFORE BE IT RESOLVED** that the **Landmarks Preservation Advisory Board hereby initiates** landmark designation of the University of California (UCB) campus at 55 Laguna Street, Assessor's Block 857, Lot 1 and 1a and Assessor's Block 870, Lots 1, 2 and 3, as City Landmark No. 256 pursuant to Article 10 of the Planning Code; and

7.1

**BE IT FURTHER RESOLVED** that the **Landmarks Preservation Advisory Board hereby**

I hereby certify that the foregoing Resolution was ADOPTED by the Landmarks Preservation Advisory Board on February 21, 2007.

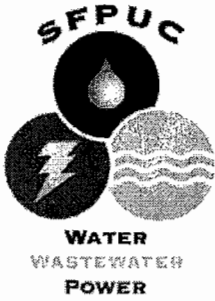
  
\_\_\_\_\_  
Sonya Banks  
Recording Secretary, Landmarks Preservation Advisory Board

AYES: Cherny, Dearman, Martinez, Maley, Street

NOES: Hasz

ABSENT: Chan, Damkroger

ADOPTED: February 21, 2007



San Francisco Public Utilities Commission  
**Wastewater Enterprise**



DEIR 55 Laguna

February 16, 2007

To: Paul Maltzer, Environmental Review Officer  
Planning Department

From: Bob Hickman, Wastewater Planning  
SFPUC

Subject: DEIR, 55 Laguna Street

Gavin Newsom  
Mayor

Ryan L. Brooks  
President

Ann Moller Caen  
Vice President

E. Dennis Normandy  
Richard Sklar  
Adam Werbach

Susan Leal  
General Manager

This is in response to the January 27, 2007 public notice announcing the availability of a DEIR for the 55 Laguna Mixed Use Project, and that the DEIR may be accessed online. The project appears to involve the demolition and removal of existing buildings and uses at the UC Extension Campus and the construction and use of new buildings, including up to 450 new residential units.

A quick review of the online DEIR reveals little or no information concerning utility impact of these proposed changes. We encourage the inclusion of information about how the project will change (1) use of potable water, (2) discharge of wastewater and (3) handling of storm water at the site. A change from no residential use to 450 new units, with additional hard surface site coverage, may include significant on-site increases for all three. These increases may cause adverse environmental impacts and may require as-yet uninvestigated mitigations.

11.2

We believe the DEIR will not be complete without additional detail concerning the project's impact on utilities. We welcome the opportunity to review and comment on such data. Thank you for informing us of this project through the public notice. Should you wish to discuss the matter, please contact me at 415-551-4529.

cc. Millicent Bogert  
Irina Torrey  
Manisha Kothari  
Bill Keaney  
Rosey Jencks

**MEMORANDUM**

To: Paul Maltzer, Major Environmental Assessment  
Through: Peter Straus, Mgr. of Service Planning  
From: James D. Lowé, Transit Planner  
Subject: 55 Laguna Mixed-Use Project EIR; 2004.0773E

Date: 22 February '07

---

The Municipal Transportation Agency Service Planning staff have the following comments on the proposed residential/mixed-use development at 55 Laguna Street.

The report should include a site plan indicating transit routes and bus stops surrounding the project. This would make it easier to determine project impact on the local transit lines. 5.15

We consider that the impact of modest residential projects is sufficiently mitigated at the work end of the trip. However, 280 new pm hour transit trips is equal to 6.7 standard coaches of demand based on MTA adopted capacity standards. This is based on each standard coach carrying 62 passengers. We note that these trip generation numbers are different then those generated by the earlier transportation study for this address. Please identify why these calculations have changed. 5.16  
5.17

The retail component of the project may be subject to the Transit Impact Development Fee (TIDF 2). This could also serve to mitigate the above impacts. 5.18

The MTA would also like the project sponsor to agree to installation of eyebolts at 55 Laguna adjacent to its electric trolley coach lines to support its overhead wire system, as this can reduce "pole clutter" on city sidewalks. 5.19

If and when this project proceeds to construction, please contact our Street Operations and Special Events Office at 923-6058 to coordinate construction activities and mitigate any possible delays to the Haight Street bus lines.

Cc: J Garay, Operations  
S Nickerson, TIDF Coordinator



# LANDMARKS PRESERVATION ADVISORY BOARD

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

TEL. (415) 558-6345 • FAX. (415) 558-6409

**RECEIVED**

March 19, 2007

**MAR 22 2007**

Mr. Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
30 Van Ness Avenue, 4<sup>th</sup> Floor, Suite 4150  
San Francisco, CA 94102-6028

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

Dear Mr. Maltzer,

On February 21, 2007, the Landmarks Preservation Advisory Board (Board) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the 55 Laguna Mixed Use Project dated January 27, 2007. After discussion the Board arrived at the comments below:

- The Board would like for the project sponsor to coordinate with the National Park Service (NPS) to see if the project should be an official Historic American Building Survey (HABS) submittal because of the site's former public educational use. They recommended coordinating with NPS to submit the HABS documentation to the Library of Congress. 7.2
- The Board is concurred with the Planning Department's findings of historic significance, which in some instances did not agree with the Page & Turnbull report. 7.10
- The Board encourages the sponsor to Landmark the remaining buildings per Article 10 of the Planning Code, and include the designation as a mitigation measure for the EIR. 7.1
- The Historic Resource Evaluation dated December 13, 2005, evaluated the buildings. The Board does not feel that the historic district is the correct approach for this site. The Board feels the site is a collection of buildings that are connected by use and planned on a single site and recommended clarification of that discussion in the EIR. The EIR and HRER should clearly state what is contributing and non-contributing to the site. 7.11
- The Board made recommendations to the project sponsor to study the historic boundaries of the site and the integrity issues and determine the boundaries of the site; make clear guidance as to what is contributing and non-contributing in terms of buildings, landscape features and art work; this should include a discussion of important person(s); a list of interior 7.12



and exterior character-defining features to be preserved. They also recommended that testing be performed to ensure the historic mural is not underneath the current layer of stucco near the northwest entrance. The Board requested that the new interpretive display provide enough information about the murals on the site.

7.12  
cont.

- The Board felt that the following sections need revising: page III.E9 – incomplete statement regarding Middle Hall; page III.E10 (second paragraph, last sentence) – change the date from January 2003 to January 27, 2007, and page III.E15 – the statement regarding the project impact is confusing.
- The Board felt that the document lacked a clear statement as to why the existing Dental School building site could not be developed. The Board encourages the project sponsor to keep the “Sacred Palm” tree in place during construction as well as respect the historic use of the property when naming the new streets and buildings.
- The Board disagreed with the DEIR and felt that Middle Hall should be considered a historic resource.

7.13

7.14

7.15

The Board appreciates the opportunity to participate in review of this environmental document.

Sincerely,



*BM* M. Bridget Maley, President  
Landmarks Preservation Advisory Board

DRAFT ENVIRONMENTAL IMPACT REPORT  
55 Laguna Mixed Use Project

**COMMENTS**

Pg. I-7: 19% of anything does not compute to be "a relatively small loss..." A loss of nearly 20 percent of existing P-zoned properties should be characterized as "a significant loss."

3.4

Pg. I-20: The proposed mitigation measure for HABS photographic recordation should extend to the entire property since the Planning Department determined "that the campus comprises a potential historic district," including the contributing buildings, landscape features, and concrete retaining wall. "In summary, all the buildings on the project site...qualify as 'historic resources' for CEQA purposes." HABS standards include the recordation of the context of historic resources. This requirement combined with the determination that there is a potential historic district argues for a more comprehensive photographic recordation of the entire site.

7.2

Pg. III.A-12: The existing height limits and boundaries are illustrated on Figure 9. Is there a corresponding illustration of the proposed height limits (40-50-85)?

3.5

Pg. III.E-15: The visual simulation of the proposed retail space's impact to the Laguna Street retaining wall shows complete replacement of the bays with glazed storefront systems, retaining only the structural columns/pilasters. This is characterized as "relatively minor openings into the wall for access purposes." Access to what? Physical or visual? Or both? In any case, the removal of entire bays would substantially diminish the physical integrity of the retaining wall. It would no longer be seen as a retaining wall - its original purpose, but as a retail storefront. A redesign is called for, such that the amount of glazing/openings is much reduced so that they are read as smaller punched openings and the mass of the wall visually retained.

7.3

Pg. III.E-15: In addition to hiring a historical architect, there should be an up front requirement that the retained architect conduct a door and window survey to determine what can be repaired and rehabilitated and what needs replacement. The surveys would be submitted to the Planning Department for review and approval on the advice of Landmarks Preservation Advisory Board.

7.3

Pg.VI-4: Alternative B: Preservation Alternative. Here are some suggested modifications to this alternative, which can substantially improve the retention of the interior open space while retaining the same number of units.

10.8

At Buchanan Street. Consolidate all 58 units into one, six-to-seven story building at the street.

At Buchanan Street. Increase the height of the north building to six stories; the number of units increases from 24 to 36.

At Laguna Street. Eliminate the four-story building at the interior with 60 units. Increase the height of the building at the street from three to six stories resulting in 96 units.

Block interior, Open House – 79 Units. Take this eight-story, L-shaped building, turn and flip it so that open part of the "L" faces northwest (toward the corner of Buchanan and Haight Streets). Doing so would create a narrow, pedestrian alley between it and Richardson Hall and open the center of the block. The 79 units remain.

The unit count remains the same at 269.



10.8  
cont.

Submitted by:

Hisashi Sugaya  
Planning Commission

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## Organizations

<b>Commenter</b>	<b>Agency/Organization</b>	<b>Date</b>	<b>Comment Type</b>
Kevin Danaher	Global Exchange	3/16/07	Letter
Stephen B. Haigh	The Victorian Alliance	4/27/07	Letter
Martin Hamilton	New College of California	4/5, 4/25, 4/30/07	Letter
Susan Brandt-Hawley	Brandt-Hawley Law Group	11/2/06	Letter
Rick Hauptman	North Mission Neighborhood Alliance	4/19/07	Letter
Mary Miles	Coalition for Adequate Review	5/7/07	Letter
Michael Mullin	The San Francisco Neighborhood Network	4/9/07	Letter
Paul Olsen and Jason Henderson	The Hayes Valley Neighborhood Association	3/27/07	Letter
Cynthia Servetnick	Save the UC Berkeley Extension Laguna Street Campus	4/30/07	Letter
Teresa Welborn	Lobelia Properties, LLC	4/24/07	Letter

# GLOBAL EXCHANGE

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Paul Maltzer, Environmental Review Officer  
SF Planning Department  
1660 Mission Street #500  
San Francisco, CA 94103

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MAR 19 2007

12:10pm  
B

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

March 16, 2007

Dear Paul,

This is to formally notify the Planning Department that, as long-term employers in this city (19 years), we are very dismayed at the possibility that city government may change the zoning of the UC Extension property (the Laguna campus) from public use to private use.

3.1

There is very little public use land left in the city—and the property in question is a *large* piece of land—so it would be a shame to see this prime real estate be redeveloped in a way that maximizes profit for a private developer but permanently removes the land from public use.

We realize that UC has great political power as an institution, but in this case they do not have the best interests of San Francisco at heart. They are only interested in the revenue this project can generate for an institution that has a very checkered history of budgetary malfeasance. Their approach to this property is an extractive model that resembles colonialism.

Market rate rental housing is not what the city needs most at this point in time. And to take one of the best pieces of real estate in the city and turn it from public use to private use would be a mistake.

Thanks for considering our opinion.

Peace,



Kevin Danaher, PhD  
Co-Founder and Board Secretary



# THE VICTORIAN ALLIANCE

824 Grove Street, San Francisco, CA 94117  
(415) 824-2666 victorianalliance.org  
FOUNDED 1973

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MAY 02 2007

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

April 27, 2007

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

**RE: 55 Laguna Mixed Use Project Draft EIR  
Planning Dept. Case No. 2004.0773E**

Dear Mr. Maltzer:

I am writing on behalf of the Victorian Alliance of San Francisco regarding the 55 Laguna Street Draft Environmental Impact Report (DEIR). The Victorian Alliance is an all volunteer non-profit preservation and restoration organization with close to 300 members. We were formed in 1973 by a group of private citizens who were alarmed by the mounting demolition of entire neighborhoods of San Francisco's Victorian heritage.

Both the Draft EIR and the State Historic Preservation Officer (SHPO) found the Preservation/Adaptive Re-use Alternative to be environmentally superior. Therefore, we urge the Planning Commission to stop the AF Evans project which would not only demolish the Administration Wing of Richardson Hall and Middle Hall, including a gym and theater, but would also alter and privatize most of the historic interiors. These adverse effects may render the campus ineligible as a potential National Register Historic District after completion of the proposed project.

10.11

We object to the re-zoning of the campus from public to private use, which would also have significant adverse effects to this historic resource. The site has been in public use for 150 years, and once re-zoned it will never again be zoned for public use.

3.1

We support a public process such as a Citizens Advisory Committee to determine the highest and best use of the 5.8 acre publicly zoned National Register-eligible campus, to make recommendations, and to evaluate requested changes to zoning. Efforts at public outreach by the University of California have been deeply flawed, and the University has not yet responded to public comment in an adequate manner.

1.1

Thank you for your consideration of our concerns.

Sincerely, *Stephen B. Haigh*

Stephen B. Haigh, *President*  
SH:db



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**MAY 01 2007**

**CITY & COUNTY OF S.F.**  
PLANNING DEPARTMENT  
OPERATIONS

April 30, 2007

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
Major Environmental Analysis Division  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Comments on Draft Environmental Impact Report for the 55 Laguna Mixed Use Project;  
Planning Department Case No. 2004.0773E and State Clearing House No. 2005062084

Dear Mr. Maltzer:

On behalf of New College of California, I hereby submit our comments on the Draft EIR (DEIR) for the 55 Laguna Mixed Use Project (Project) which will result in, and contribute to, significant cumulative impacts to public, historical, open space, education and recreation resources within the Plan area. However, only the cumulative transportation impacts of said Project were analyzed in the Market and Octavia Neighborhood (Plan) EIR. Therefore, the DEIR for said Project contains insufficient information to reach correct conclusions and findings regarding this "pipeline" Project's impacts on the Plan's public, historical, open space, education and recreation resources.

1.2

Lacking a completed Historic Resources Survey of the Plan Area, the DEIR contains insufficient information to reach correct conclusions and findings regarding the Project's impact on historical resources within the Plan. Specifically, we are concerned that the DEIR is deficient in its analysis of the potential historic district the UC Berkeley Extension Campus (Campus) represents. Note the Landmarks Preservation Advisory Board voted in favor of designating the Campus as a Local Landmark on April 18, 2007. However the Plan's Historic Resources Survey is evaluating an expanded Campus Apartment District that does not initially appear to have an historical basis. This causes concern because the Project proposes to add approximately 430 mainly market-rate apartments to the Campus.

7.6



Baseline Condition: The Campus was closed in the Fall of 2003 to accommodate the proposed Project. Most of the educational activities were relocated to the Extension's new Downtown location, but some were discontinued. Therefore, we think the baseline condition of the site, for the purpose of analyzing the effects of the proposed Project under CEQA, should consider the UC Berkeley Extension as an operational public educational institution serving the region, occupying the historic structures and providing public open space to the community. Both the loss of the UC Berkeley Extension at the Campus, along with the program and job loss resulting from its Downtown relocation, should be evaluated.

At the same time, we believe that California Environmental Quality Act (CEQA) review of the proposed Project should have been undertaken prior to the execution of an Exclusive Right to Negotiate (ERN) and enter into a +/- 75-year long-term lease between the Regents of the University of California and A.F. Evans Development which occurred on December 30, 2003 per the Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco. The Notice of Preparation of an EIR for the proposed Project was published on June 15, 2005, about a year and a half after said ERN was executed. While the ERN is conditioned on CEQA compliance, the nature of the agreement, and the Environmental Evaluation Application for the proposed Project, foreclose alternatives for development of the Campus under Public zoning and are inconsistent with then intent of the deed which transferred the Campus from San Francisco State College to the Regents of the University of California for "university purposes." See *Save Tara v. City of West Hollywood* (2007) and Section 15004 of the CEQA Guidelines which state:

1.4

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. . . .

The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

Alternatives Matrix: As the proposed rezoning of the Campus from P (Public Use) to either RTO (Residential-Transit Oriented) and/or NCT (Neighborhood Commercial, Transit Oriented), and the associated height and bulk district redesignation, are discretionary decisions of the Planning Commission and the Board of Supervisors, the alternatives analysis should be made especially clear with respect to local and regional impacts. We therefore request an Alternatives Matrix be prepared that plainly compares the proposed Project with the No Project Alternative, the Public Use/Preservation/Open Space Alternative (proposed by New College of California/Global Citizen Center) and the Preservation Alternative/Environmentally Superior Alternative. The Alternatives

10.20

Matrix should succinctly compare all of the environmental factors listed in the current CEQA Environmental Checklist including, but not limited to:

- Use (*total sq. ft. of interior space proposed for public, semi-private and private use*)
- Massing (*proposed sq. ft. and heights of new construction*)
- Entitlements (*list all required permits and approvals*)
- Historic Resources (*sq. ft. of historic structures to be demolished, and sq. ft. of historic interiors to be altered*)
- Energy & Natural Resources (*proposed energy consumption, waste, stormwater and wastewater recycling, and sustainable construction materials*)
- Community & Recreational Facilities (*sq. ft. of community & recreational space to be provided, and sq. ft. of community & recreational space to be removed*)
- Open Space (*sq. ft. designated for public, semi-private, and private use*)
- Trees (*number of significant trees to be removed with trunks greater than 12 inches in diameter, or greater than 20 feet tall, or having a canopy greater than 15 feet, and are within 10 feet of a public right of way. As the entire Campus is presently zoned Public Use, this analysis should cover the whole site bounded by Laguna, Hermann, Buchanan and Haight Streets. )*)
- Housing (*number of market-rate and affordable units--indicating whether the affordable units are proposed on or off-site*)
- Parking (*number of spaces proposed for public, private and City CarShare use— including spaces for bicycles and motorcycles*)

10.20  
cont.

Simple figure/ground representations of the Market-Octavia Neighborhood Plan area should be provided showing existing open space and public use conditions as compared with what is proposed by the Project and analyzed alternatives.

10.23

Per Appendices E, F and G, New College remains committed making a market rate offer for the Campus under Public zoning. It should be noted that the Regents are prohibited from negotiating with any parties, other than AF Evans, through the end of their exclusive agreement in October 2007. Further, New College is actively working to establish a Resilience and Life Strategies Statewide Demonstration Center in accordance with the Draft White Paper. We are excited about the prospect of working with residents in the Lower Haight and Hayes Valley neighborhoods and would welcome the opportunity to expand and consolidate our campus at 55 Laguna Street.

1.15

Aesthetics: We request the Environmental Impact Report (EIR) include photo simulations showing the massing of the proposed Project as compared with the massing of the analyzed alternatives viewed from a) across Market Street facing Laguna and Hermann Streets, b) Waller Street facing Laguna Street, and c) Waller Street facing Buchanan Street to illustrate environmental effects, including maximum shadows cast, on the historic buildings and heritage trees.

4.9

Cultural Resources: As the site will remain under UC Regents ownership, and the affordable units may be subsidized with federal monies, we request the City seek State Office of Historic Preservation consultation in preparing the Project EIR.

7.5

We request an additional graphic be prepared for the Project showing a plan view of all existing buildings designating via shading code which are slated for demolition and which interiors will be significantly altered. 2.5

An historic district nomination of the entire campus to the National Register of Historic Places is currently being prepared. (See Appendix J) The Board of Supervisors recently passed an ordinance permitting Local Landmark designation for privately controlled publicly accessible interiors, the effects of which should be evaluated in the DEIR. (See Appendix L) Further, the San Francisco Landmark Preservation Advisory Board voted to recommend Local Landmark designation of the Campus which should be stated in the EIR. (See Appendix M) 7.4  
7.1

All potential heritage/landmark trees should be identified on a landscape plan showing those slated for removal. The Draft EIR did not adequately discuss the potential loss of heritage/landmark trees either within the Biology or Cultural Resources sections. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. 9.2

The DEIR did not adequately discuss the conflicts with established recreational and educational uses. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. Specifically, we request the Planning Department conduct an analysis of the Board of Supervisors recent moratorium on demolishing existing recreational resources given Middle Hall Gymnasium, the Basketball Courts and other recreational open space were in use by faculty, staff, students and the surrounding community at the time the Campus was mothballed. Again, we consider the baseline for the DEIR to be prior to the issuance of the Request for Qualifications. 1.4

Land Use and Planning: The Planning Department published revisions to the Market-Octavia Neighborhood Plan (M-O Plan) on May 23, 2006 (Revisions). Neither the Revisions nor the Final Plan EIR evaluate the loss of public space, open space, or cultural resources within the context of the Plan. Said Revisions now include a new section updating UC Berkeley decision to close the Extension Campus which is copied below and should be addressed in the 55 Laguna Mixed-Use Project EIR (Project EIR): 3.13

The UC Berkeley Laguna Street Campus:

**NEW POLICY** - Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space.

**NEW POLICY** - Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders.

The University of California, Berkeley officially closed the Laguna extension campus in late 2003. While a few activities continue, the site is largely vacant. The University has proposed to make the site available to a private developer through a long-term ground lease. The private developers have hosted a number of workshops with residents and proposed approximately 350-400 units of housing on the site, including about 19% inclusionary housing. 5.8 acres in size, the reuse of this site is the largest property under single ownership in the plan area. The site is surrounded by a mix of small-scale, 2- and 3-story walk-ups and a scattering of larger apartment buildings, with significant retail and cultural uses to the

south along Market Street. Any new development on the site should be carefully organized around a comprehensive master plan that responds to the unique challenges of such a large site surrounded by a relatively fine-grained urban fabric within a cluster of historic buildings. This master plan should be developed through a series of collaborative workshops, which should include the prospective developers of the site, local residents and relevant city staff. As part of this master-planning process, consideration shall be given to the many needs that “publicly” zoned land can provide for a neighborhood; from open space to educational and other public-service uses. Any change to this “public” zoning must balance the important need for providing housing, especially affordable housing, with the public uses that could be provided. Ideally, a large portion of the site would continue to meet the “public” needs of the neighborhood. This proposal should be developed in keeping with the overall approach of the Market & Octavia Plan.”

The Initial Study stated, "in order to make the rezoning of the site consistent with the Market and Octavia Neighborhood Plan, the City created a 'Policy Guide to Considering the Reuse of the University of California Berkeley Extension Laguna Street Campus ("Policy Guide"),' which extends the principles and policies of the Neighborhood Plan to the project site. The Policy Guide designates most of the site for Residential Transit-Oriented (RTO) and Transit-Oriented Neighborhood Commercial (NCT), with a small portion of the site for P (Public Use)."

The Revisions do not incorporate the Policy Guide into the Plan and fully evaluate the site's proposed reuse along with the loss of its public land use designation, open space, cultural, biological and recreational resources.

An Historic Resources Survey (HRS) of the Plan area is now underway, yet adoption of the Plan and certification of said EIR and CEQA findings has occurred prior to the completion of the HRS. The Revisions now incorporate an extensive section on historic resources in the “Sense of Place” Chapter, that prioritizes the timely completion of the HRS, and proposes interim protections and full integration of the HRS results into the plan. The section identifies surveys already completed in the plan area and groupings of important historic resources. However it is difficult to understand how the Plan can protect yet-to-be designated historic resources. Nevertheless, the Project EIR should evaluate consistency with the historic preservation policies that have been incorporated into the Revisions.

7.6

In many cases, the Plan's historic preservation policies conflict with the Policy Guide's reuse guidelines. For example, the 85-foot height allowed next to historic Richardson Hall is contextually inappropriate. Revisions Policy 2.8 refers to a Conservation District, but it is unclear how this policy applies to the Campus. Would Transfer of Development Rights and other historic preservation incentives become available? Compatibility with existing zoning and plans should be further discussed in the Project EIR.

We request the Project EIR, in addition to the case reports for the Project approvals and Project rezoning, evaluate consistency with the eight Priority Policies under the Accountable Planning Initiative, especially neighborhood character, landmark and historic building preservation, and protection of open space. We also request the consistency analysis required for the General Plan amendment be included in the Project EIR.

3.3

In their letter to the San Francisco Planning and Urban Research Association written in February 2006, the Hayes Valley Neighborhood Association (HVNA) commented, “Development plans should have been preceded by a determination of the “highest and best use” of this property. By highest and best use,

we do not mean most profitable, but rather, what is most appropriate and useful in this densifying neighborhood. The decision to convert the entire site from public use to private housing was made unilaterally by U.C. Berkeley officials without involving surrounding communities or San Francisco city officials in the decision making. The future needs of the community and the city for publicly zoned land were not considered. Once public land is rezoned it will never again be available for public use.” 1.1

Again, we concur with the HVNA, that development plans for the Campus should have been preceded by a determination of the “highest and best use,” and with the Revisions policy stating, “Any subsequent change in the zoning of the Campus should occur in the context of a focused community planning process that involves residents and other stakeholders.” Therefore, we request the Planning Department convene, a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) within the context of the M-O Plan. 1.1

The CAC should be advisory to the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors (BOS) and should produce a Development Controls and Design Guidelines document for their adoption. The CAC should be composed of one member from each established neighborhood group within the Plan area including, but not limited to:

- Hayes Valley Neighborhood Association
- Hayes Valley Merchants Association
- Lower Haight Neighborhood Association
- Lower Haight Merchants Association
- Friends of 1800
- Lesbian, Bisexual, Gay and Transgender Center
- Duboce Triangle Neighborhood Association
- Castro Area Planning + Action
- North Mission Neighborhood Alliance
- Mission Dolores Neighborhood Association/Safe Clean Green
- San Francisco Housing Authority (SFHA) Hayes Valley Residents Organization

In addition, the Mayor, the President of the Board of Supervisors, the Planning Commission, the Landmarks Preservation Advisory Board (LPAB), and Supervisors Dufty, Mirkarimi and Daly (Districts 8, 5 and 6 respectively) should each be entitled to appoint one member of the CAC. Supervisor Mirkarimi should resolve any issues pertaining to neighborhood organization participation as he has taken the lead, with Supervisor Dufty's concurrence, in all matters pertaining to the Campus. Ideally, no more than 20 members should serve on the CAC.

Individuals affiliated with the AF Evans/openhouse team, who hold an exclusive right to negotiate with the University of California, or the New College of California/Global Citizen Center team, who presented an alternate Public Use/Open Space/ Preservation proposal to that was analyzed in the Project EIR, should be excluded from participation as voting members of the CAC. However, both teams should be encouraged to present their reuse proposals for the Campus to the CAC. Moreover, other entities wishing to present economically viable reuse proposals for the Campus to the CAC should be strongly encouraged to do so.

We recommend the Planning Department cover all costs associated with the CAC. A group facilitator hired from outside the Planning Department should be retained to lead each CAC meeting. Group decisions should be made by consensus and a variety of consensus-building techniques and activities should be used to structure group discussion. The CAC should hold open meetings during the evening at the Ella Hill Hutch Community Center in order to include the most diverse group of participants.

The CAC process should be expedited and preparation of the Final Development Controls and Design Guidelines document should not last longer than six months as the Planning Department has already issued a 32-page "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus" (Policy Guide) which, while developed without community input, provides a framework for development that can be modified by the CAC and reformatted as a Development Controls and Design Guidelines document. Approval of any project on the Campus should take into consideration the recommendations of the CAC's Final Development Controls and Design Guidelines. The CAC should continue to meet at key points throughout the project planning, design and development process to provide meaningful input to the City and the development team.

The CAC should solicit views of all citizens, agencies and other interested parties, particularly low and moderate income neighbors, so as to enable them to be meaningfully involved in important discussions at various stages of the Development Controls and Design Guidelines preparation and adoption process. The CAC should provide at least a thirty (30) day public comment period on the draft Development Controls and Design Guidelines document and should consider any comments received in writing and/or orally at a public hearing prior to the preparation of the final Development Controls and Design Guidelines document.

The CAC should vote for a member to serve as Chair, Vice-Chair and Secretary and should meet at least monthly during the preparation of the Development Controls and Design Guidelines document. All CAC meetings and community workshops should be conducted in an open manner, with freedom of access to all interested persons. Dates, times and locations of all meetings should be posted on the Planning Department's website in a manner consistent with the Sunshine Ordinance.

Finally, no CAC member should be permitted to participate in any committee proceeding or action in which any of the following has a direct or substantial financial interest: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective ownership partnership or employment. Any actual or potential interest should be disclosed at the CAC meeting where the action is being taken.

The DEIR did not adequately discuss compatibility and conflicts with existing zoning, plans and policies of the City or Region, nor did it adequately address the disruption/loss of the former UC Berkeley Extension community at the Campus. Therefore, we request these effects be addressed for both the Project and alternatives analyzed.

3.3

Population and Housing: The EIR should discuss how the developer's commitment to reserve 20 percent of the units for low income households earning no more than sixty percent (60%) of area median income would be enforced. The EIR should also discuss whether the affordable units are proposed on or off-site and whether any federal monies would be used to subsidize the affordable units.

1.3

Draft EIR did not adequately discuss the displacement of the former UC Berkeley Extension employees from the Campus. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. 1.4

Public Services: DEIR did not adequately discuss the anticipated increase in demand for schools, public open space and recreational space that will result from the construction of the increased housing allowed within the Plan area. Therefore, we request these effects be addressed for both the Project and alternatives analyzed. 11.4

The DEIR did not adequately discuss the conflicts with established recreational and educational uses. Therefore, we request these effects be addressed for both the Project and alternatives analyzed.

Transportation and Traffic: The EIR should discuss whether the proposed new streets (Linhardt Lane and Micah Way) would be publicly or privately owned and maintained. If the streets will be public rights of way, they should be named after local luminaries. New College is committed to providing the minimum parking required by the Planning Department which was estimated in our alternate reuse plan. However, we hereby request the stated number of parking spaces be reduced to the minimum amount required for the proposed program and that the traffic analysis be revise to reflect said reduction. 5.44

Utilities/Service Systems (Energy/Natural Resources): The EIR should evaluate the sustainability of the proposed energy and natural resources consumption of the Project and alternatives. Since the City deeded Waller Street between Buchanan and Laguna Streets to the San Francisco State Teacher's College in 1922 for public use, and since the City has forgone taxes on the site since 1867, the City has a vested interest in the site. Therefore, we recommend the City's Resource-Efficient Building (REB) ordinance should be applied to the Campus. Said ordinance established a REB program in the Department of the Environment to promote resource-efficient building standards in all City buildings and address the goals of the City's Sustainability Plan. Resource-efficient, or "green," buildings are structures that are designed, constructed, renovated, operated, and demolished with minimal environmental impacts. They also exhibit high levels of economic and engineering performance, and save financial resources over the buildings' lifetime. Green building characteristics include:

- Energy and water efficiency;
- Healthy indoor air quality;
- Materials recycling and reuse;
- Occupant health and productivity;
- Minimized use of toxic materials and minimized production of hazardous waste;
- Reduced impact on ecosystems; and
- State-of-the-art environmental technology.

The REB ordinance requires that City-owned or leased facilities adhere to the following resource-efficiency requirements: **WATER CONSERVATION:** New and replacement toilets cannot consume more than 1.6 gallons of water per flush; new and replacement showers heads cannot consume more than 1.5 gallons per minute. **ENERGY EFFICIENCY:** Energy-efficient fluorescent lights, ballasts, and exit signs must be used at the time of equipment installation or replacement. In addition, automatic timers or light sensors must be used with all new and replacement exterior lighting. **INDOOR AIR QUALITY:** Indoor air quality maintenance plans must be prepared for new construction and major renovation projects. Construction contracts must require the prevention of moisture contamination, and the removal of building materials contaminated by moisture, overseen by an independent industrial hygienist.

**RECYCLING:** Adequate, accessible, and convenient space must be provided for the collection, storage, and disposal of recyclable materials. In addition, all discarded fluorescent lamps must be recycled.  
**WASTE AND DEBRIS MANAGEMENT:** New construction and major renovation projects must develop and implement a plan to minimize construction and demolition debris disposal, and maximize the reuse and recycling of materials.

The DEIR did not adequately discuss the energy efficiency effects of the Project or the potential application of the City's Resource-Efficient Building (REB) ordinance to the Project. Therefore, we request these effects be addressed for both the Project and alternatives analyzed.

11.5

Approvals: The DEIR did not adequately discuss the involvement of the State Office of Historic Preservation (OHP), specifically with regard to §106 of the National Historic Preservation Act (NHPA) of 1966 and §5024 of the State Public Resources Code (PRC), in consulting with the University of California and participating in the CEQA process regarding the Project. Section 106 would apply if there is a federal undertaking (i.e. a permit, license or funding) such as the use of HUD monies to offset the development costs of the affordable units. With respect to §106, potential Interested Parties include the LPAB, San Francisco Architectural Heritage and the Friends of 1800, who wish to participate in establishing a Programmatic Memorandum of Agreement (PMOA) with the University of California, OHP and the Advisory Council. OHP will also need to review the Project pursuant to §5024 of the Public Resources Code once the Commission determines the Campus is eligible for listing in the National Register of Historic Places (National Register). Prior to listing, the EIR should treat the Campus as historic under CEQA because there is a fair argument in the record that qualifies it for the California Register of Historic Resources and the National Register.

7.5

Mitigation Measures: As the Plan has not been adopted, the associated HRS will not be complete until about a year after Plan adoption is proposed, and no §106 consultation has been sought from the OHP, we request the EIR require the Planning Commission, in consultation with the LPAB, to adopt interim measures—specifically demolition controls—to preserve and protect the Campus historic structures, interiors, and artifacts, along with its significant trees until the HRS is adopted and the historic resources are designated as Contributory under Article 10 of the Planning Code.

At a minimum, we request the following mitigation measures be incorporated into EIR to protect historic resources and to ensure public involvement in evaluating feasible reuse options, and in prioritizing the preferred type of zoning and program elements for the Campus:

- A Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the Plan area should be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan;
- A comprehensive analysis of the cumulative effects of the Project on the Plan should be conducted under CEQA. Said analysis should be incorporated as mitigation measure within the Plan, but could occur within the Project EIR;
- All applicable and feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan (LRDP) for the Main Campus in Berkeley should be incorporated into the Plan and applied to the Laguna Street Campus in San Francisco;

7.3



- All comments contained in the attached letter on the Campus from the State Historic Preservation Officer (SHPO) should be incorporated as mitigation measures in the Plan; and
- Transfer of Development Rights (TDRs) should be authorized for the Campus under the Plan as a mitigation measure to provide a preservation incentive should the Public zoning be changed.

7.3  
cont.

Further, the Campus is not being well-maintained. Graffiti and other forms of vandalism are evident. We request the EIR establish interim measures to mothball, stabilize, preserve and protect the Campus prior to, during and after Project implementation.

We believe the DEIR Initial Study was inaccurate in finding that the Project does not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals. We assert the loss of publicly zoned land, public facilities, open space, historic structures, interiors, and artifacts, along with significant trees, were not properly considered in this finding. Therefore, we request an analysis of long-term environmental goals and effects be conducted for both the Project and alternatives analyzed in the EIR.

11.9

Said IS also concluded the Project would have possible environmental effects which are individually limited, but cumulatively considerable. However, the IS did not adequately address the cumulative effects of the loss of the loss of publicly zoned land, public facilities, open space, historic structures, interiors, artifacts, and significant trees, along with the increased need for public services generated by the proposed housing, in light of past projects, other current projects and probable future projects. Therefore, we request these effects be further addressed for both the Project and alternatives analyzed in the EIR.

A Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan Program EIR and the 55 Laguna Mixed Use Project EIR is attached in Appendix B. A complete Environmental Evaluation Application for the proposed Project was submitted to the Planning Department on August 4, 2004 and the Draft Plan EIR was published on June 25, 2005 allowing Planning Department almost a year to evaluate said impacts. The attached comment letters on the Draft Plan EIR from both New College of California (NCOC) and the Project proponent requested the Plan EIR evaluate the proposed Project. The Plan EIR Responses and Comments document responded to both letters stating:

The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. . . .

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the Market and Octavia Neighborhood Plan, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.

We respectfully disagree citing *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984), in which the court took note of the problem of where to draw the line on projects undergoing environmental review since applications for new projects are constantly being submitted and concluded a reasonable point might be after the preparation of the Draft EIR which should include the Draft Plan "Program" EIR.

We are concerned that the public review process for the proposed Project under CEQA is not adequate. [ 1.1  
We concur with the Save the UC Berkeley Extension Laguna Street Campus group who have collected about 700 signatures on a petition urging the Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the Plan.

Further, we are concerned that the City's interest in the proposed Project may have been overlooked. Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use. We understand Supervisor Ammiano is drafting an ordinance on behalf of the Project proponent to clear title to this portion of the Campus. If this is the case, the City's interest in the property should be analyzed under CEQA. See Attachment I. ] 1.5

Sincerely,



Martin Hamilton  
President

cc: New College of California Board of Directors  
San Francisco Board of Supervisors  
San Francisco Planning Commission  
San Francisco Landmarks Preservation Advisory Board  
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department  
Office of the City Attorney  
Mayor's Office of Economic and Workforce Development  
National Trust for Historic Preservation  
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer  
Leigh Jordan, Coordinator, Northwest Information Center  
San Francisco Historic Preservation Fund  
San Francisco Heritage

San Franciscans for Preservation Planning  
San Francisco Preservation Consortium  
Susan Brandt-Hawley, Brandt-Hawley Law Group  
Mark Paez, Chair, Friends of 1800  
Arnie Lerner, AIA, Lerner + Associates  
Carol Roland, Principal, Rowland-Nawi Associates  
Vincent Marsh, Principal, Marsh and Associates  
Cynthia Servetnick, AICP  
Michael Mullin, AIA  
Paul Olsen, President, Hayes Valley Neighborhood Association  
Dennis Richards, President Duboce Triangle Neighborhood Association  
Rick Hauptman, President, North Mission Neighborhood Alliance  
Peter Lewis, Mission Dolores Neighborhood Association  
Vallie Brown, President, Lower Haight Neighborhood Association  
Gordon Schanck, University of California, Office of the President  
Kevin Hufferd, University of California, Berkeley  
Jack Robertson, A.F. Evans Development, Inc.  
Rich Sucre, Page and Turnbull, Inc.

## Appendices

- A. Appeal of Market and Octavia Neighborhood Plan EIR, April 25, 2007
- B. Comments on Market and Octavia Neighborhood Plan EIR, April 5, 2007
- C. Letter to Dean Macris, Planning Director Re: Economic Viability of New College/Global Citizen Center Proposal, July 30, 2006
- D. Comments on "55 Laguna Mixed Use Project" Initial Study, Cover Letter, June 5, 2006
- E. Revised New College/Global Citizen Center Alternate Concept Plan for the Reuse of the UC Berkeley Extension Laguna Street Campus - Cover Letter, May 15, 2006
- F. Summary of New College/Global Citizen Center Alternate Concept Plan for the Reuse of the UC Berkeley Extension Laguna Street Campus and Community Partner Brochure
- G. DRAFT White Paper on New College Resilience and Life Strategies Statewide Demonstration Center, April 30, 2007
- H. AF Evans/Mercy Housing Response to UC Berkeley Request for Qualifications Re: UC Berkeley Extension Laguna Street Campus, November 10, 2003
- I. Documents related to the 1957 transfer of the Campus for educational purposes from the State of California to the Regents of the University of California.
- J. National Register of Historic Places Registration Form for the San Francisco State Teacher's College Historic District.
- K. Excerpts from the UC Berkeley Long Range Development Plan
- L. Landmarking Interiors of Publicly Accessible Buildings Ordinance passed by the Board of Supervisors in April 2007.
- M. Case Report: Landmarks Preservation Advisory Board Case No. 2007.0319L, April 18, 2007



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BY CR  
A

April 25, 2007

President Aaron Peskin and Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
Room 244  
San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors (Planning Department Case No. 2003.0347E)

Dear President Aaron Peskin and Supervisors:

On behalf of New College of California, I hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan (Plan) final EIR and findings.

Our appeal is based on the grounds that, the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public, historical, open space, education and recreation resources within the Plan area. However, only the cumulative transportation impacts of said Project were analyzed in the Plan. Therefore, the environmental document is inadequate as it contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on public, historical, open space, education and recreation resources, and also regarding said "pipeline" Project's impacts on the Plan.

1.2

Our appeal is also based on the grounds that, lacking a completed Historic Resources Survey of the Market and Octavia Neighborhood, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding the Plan's impact on historical resources, specifically on the UC Berkeley Extension Campus at 55 Laguna Street and the potential historic district it represents.

7.4

Sincerely,

Martin Hamilton  
President

Attachments: \$400 Filing Fee

New College of California Letter to the San Francisco Planning  
Department dated April 5, 2007

Landmarks Preservation Advisory Board Case Report Dated April 18, 2007  
Re: Case No. 2007.0319L

Market and Octavia Neighborhood Plan CEQA Findings Dated April 5, 2007  
Re: File No. 2003.0347E

cc: New College of California Board of Directors  
San Francisco Board of Supervisors  
San Francisco Planning Commission  
San Francisco Landmarks Preservation Advisory Board  
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department  
Office of the City Attorney  
Mayor's Office of Economic and Workforce Development  
National Trust for Historic Preservation  
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer  
Leigh Jordan, Coordinator, Northwest Information Center  
San Francisco Historic Preservation Fund  
San Francisco Heritage  
San Franciscans for Preservation Planning  
San Francisco Preservation Consortium  
Susan Brandt-Hawley, Brandt-Hawley Law Group  
Mark Paez, Chair, Friends of 1800  
Arnie Lerner, AIA, Lerner + Associates  
Carol Roland, Principal, Rowland-Nawi Associates  
Vincent Marsh, Principal, Marsh and Associates  
Cynthia Servetnick, AICP  
Michael Mullin, AIA  
Paul Olsen, President, Hayes Valley Neighborhood Association  
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Peter Lewis, Mission Dolores Neighborhood Association  
Stephen Haigh, Victorian Alliance  
Vallie Brown, President, Lower Haight Neighborhood Association  
Gordon Schanck, University of California, Office of the President  
Kevin Hufferd, University of California, Berkeley  
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Rich Sucre, Page and Turnbull, Inc.



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April 5, 2007

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
Major Environmental Analysis Division  
30 Van Ness Avenue, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dean Macris  
Planning Director  
San Francisco Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Environmental Impact Report for the Market and Octavia Neighborhood Plan; Planning Department Case No. 2003.0347E and State Clearing House No. 2004012118, and

Environmental Impact Report for the 55 Laguna Mixed Use Project; Planning Department Case No. 2004.0773E and State Clearing House No. 2005062084

Dear Mr. Maltzer and Mr. Macris:

Per our letter to the Planning Department on the Market and Octavia Neighborhood Plan EIR dated August 23, 2005, we remain concerned that the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) will result in, and contribute to, significant cumulative impacts to public historic, open space, education and recreation resources within the Market-Octavia Neighborhood Plan (M-O Plan). Unfortunately, only the cumulative transportation impacts of the proposed Project were analyzed in the M-O Plan EIR.

A *Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan Program EIR and the 55 Laguna Mixed Use Project EIR* is attached for your reference. A complete Environmental Evaluation Application for the proposed Project was submitted to the Planning Department on August 4, 2004 and the Draft M-O Plan EIR was published on June 25, 2005 allowing Planning Department almost a year to evaluate said impacts. The attached comment letters on the Draft M-O Plan EIR from

both New College of California (NCOC) and the Project proponent requested the M-O Plan EIR evaluate the proposed Project. The M-O Plan EIR Responses and Comments document responded to both letters stating:

The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. . . .

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.

We respectfully disagree citing *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984), in which the court took note of the problem of where to draw the line on projects undergoing environmental review since applications for new projects are constantly being submitted and concluded a reasonable point might be after the preparation of the Draft EIR which should include the Draft M-O Plan "Program" EIR.

At the same time, we believe that California Environmental Quality Act (CEQA) review of the proposed Project should have been undertaken prior to the execution of an Exclusive Right to Negotiate (ERN) and enter into a +/- 75-year long-term lease between the Regents of the University of California and A.F. Evans Development which occurred on December 30, 2003 per the *Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco*. The Notice of Preparation of an EIR for the proposed Project was published on June 15, 2005, about a year and a half after said ERN was executed. While the ERN is conditioned on CEQA compliance, the nature of the agreement, and the Environmental Evaluation Application for the proposed Project, foreclose alternatives for development of the Campus under Public zoning and are inconsistent with then intent of the deed which transferred the Campus from San Francisco State College to the Regents of the University of California for "university purposes." See *Save Tara v. City of West Hollywood* (2007) and Section 15004 of the CEQA Guidelines which state:

Choosing the precise time for CEQA compliance involves a balancing of competing factors. EIRs and negative declarations should be prepared as early as feasible in the



planning process to enable environmental considerations to influence project program and design and yet late enough to provide meaningful information for environmental assessment.

With public projects, at the earliest feasible time, project sponsors shall incorporate environmental considerations into project conceptualization, design, and planning. CEQA compliance should be completed prior to acquisition of a site for a public project.

To implement the above principles, public agencies shall not undertake actions concerning the proposed public project that would have a significant adverse effect or limit the choice of alternatives or mitigation measures, before completion of CEQA compliance. . . .

The environmental document preparation and review should be coordinated in a timely fashion with the existing planning, review, and project approval processes being used by each public agency. These procedures, to the maximum extent feasible, are to run concurrently, not consecutively.

We are concerned that the public review process for the proposed Project under CEQA is not adequate. We concur with the *Save the UC Berkeley Extension Laguna Street Campus* group who have collected about 700 signatures on a petition urging the Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan.

Further, we are concerned that the City's interest in the proposed Project may have been overlooked. Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use. We understand Supervisor Ammiano is drafting an ordinance on behalf of the Project proponent to clear title to this portion of the Campus. If this is the case, the City's interest in the property should be analyzed under CEQA.

We understand time is of the essence and do not wish the implementation of the M-O Plan to be delayed. Therefore, we request the following mitigation measures be incorporated into the M-O Plan to protect historic resources and to ensure public involvement in evaluating feasible reuse options, and in prioritizing the preferred type of zoning and program elements for the Campus:

- A Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area should be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan;
- A comprehensive analysis of the cumulative effects of the Project on the M-O Plan should be conducted under CEQA. Said analysis should be incorporated as mitigation measure within the M-O Plan, but could occur within the Project EIR;

- All applicable and feasible mitigation measures pertaining to historic resources within the UC Berkeley Long Range Development Plan (LRDP) for the Main Campus in Berkeley should be incorporated into the M-O Plan and applied to the Laguna Street Campus in San Francisco;
- At a minimum, all comments contained in the attached letter on the Campus from the State Historic Preservation Officer (SHPO) should be incorporated as mitigation measures in the M-O Plan; and
- Transfer of Development Rights (TDRs) should be authorized for the Campus under the M-O Plan as a mitigation measure to provide a preservation incentive should the Public zoning be changed.

Thank you in advance for considering this request.

Sincerely,



Martin Hamilton  
President

Attachments: Joint Environmental Review Chronology of the Market and Octavia Neighborhood Plan EIR and the 55 Laguna Mixed Use Project EIR

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Martin Hamilton, President, New College of California to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 23, 2005

Market and Octavia Neighborhood Plan EIR Comments and Responses on letter from Steven L. Vettel, Esq., Morrison & Foerster, LLP, on behalf of AF Evans Development, Inc. to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated August 8, 2005

San Francisco Planning Department Historic Resource Evaluation Response Memorandum Re: 55 Laguna Mixed Use Project dated May 25, 2006 (*Unsigned electronic copy*)

Letter from Susan Brandt-Hawley, Esq., Brandt-Hawley Law Group, on behalf of the San Francisco Preservation Consortium to President Dwight Alexander and Commissioners, San Francisco Planning Commission dated November 2, 2006

Letter from Milford Wayne Donaldson, FAIA, State Historic Preservation Officer to Paul Maltzer, Environmental Review Officer, San Francisco Planning Department dated March 14, 2007 (*Unsigned electronic copy*)

Save the UC Berkeley Extension Laguna Street Campus Petition (*Text only*)

cc: New College of California Board of Directors  
San Francisco Board of Supervisors  
San Francisco Planning Commission  
San Francisco Landmarks Preservation Advisory Board  
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department  
Office of the City Attorney  
Mayor's Office of Economic and Workforce Development  
National Trust for Historic Preservation  
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer  
Leigh Jordan, Coordinator, Northwest Information Center  
San Francisco Historic Preservation Fund  
San Francisco Heritage  
San Franciscans for Preservation Planning  
San Francisco Preservation Consortium  
Susan Brandt-Hawley, Brandt-Hawley Law Group  
Mark Paez, Chair, Friends of 1800  
Arnie Lerner, AIA, Lerner + Associates  
Carol Roland, Principal, Rowland-Nawi Associates  
Vincent Marsh, Principal, Marsh and Associates  
Cynthia Servetnick, AICP  
Paul Olsen, President, Hayes Valley Neighborhood Association  
Dennis Richards, President Duboce Triangle Neighborhood Association  
Rick Hauptman, President, North Mission Neighborhood Alliance  
Peter Lewis, Mission Dolores Neighborhood Association  
Vallie Brown, President, Lower Haight Neighborhood Association  
Gordon Schanck, University of California, Office of the President  
Kevin Hufferd, University of California, Berkeley  
Jack Robertson, A.F. Evans Development, Inc.  
Rich Sucre, Page and Turnbull, Inc.

OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION  
P.O. BOX 942896  
SACRAMENTO, CA 94296-0001  
(916) 653-6624 Fax: (916) 653-9824  
calshpo@ohp.parks.ca.gov



March 14, 2006

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, Fifth Floor  
San Francisco, CA 94103

- sent via facsimile (415)-558-5991 and United States Postal Service -

55 Laguna Mixed Use Project Draft Environmental Impact Report (DEIR) # 2005062084

Dear Mr. Maltzer:

The State Office of Historic Preservation (OHP) has broad responsibility for the implementation of federal and state historic preservation programs in California. We thank you for the opportunity to comment on the above project. The OHP is in receipt of a National Register nomination for the San Francisco State Teacher's College and we are concerned with the impacts the project may have on the resource. We have also been contacted by Ms. Cynthia Servetnik, a member of the public, regarding the project and my office has been in contact with Rana Ahmadi of your office.

The project is the construction of a mixed-use development at the project site which is the former University of California Berkeley Extension Campus. The land owner is the Regents of the University of California who propose to ground lease the project site to the project sponsors, A.F. Evans Development, Inc. and openhouse. The unoccupied buildings on site include Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall. (DEIR I-1)

The San Francisco Planning Department has made the findings that all buildings on the project site, including Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall, and, in addition, the remnant landscape features dating from 1921-1955 and the retaining wall along Laguna and Haight Street would contribute to a potential campus historic district. Thus, the site and all buildings would be qualifying as a historical resource for purposes of CEQA with Middle Hall not qualifying individually but as a district contributor. (DEIR III.E-11)

The current project would demolish Middle Hall and the Administration Wing of Richardson Hall, including the connector to Richardson Hall, as well as a portion of the retaining wall. The southern wing of Richardson Hall would be rehabilitated for residential units. The east wing and auditorium of Richardson Hall would be converted into retail and community facility space. Since the new retail space would be located at the basement level of Richardson hall, new openings in the retaining wall would be necessary.

The findings made by the City Planning Department are (1) that the project's impacts would result in the campus losing its potential eligibility as a historic district through the proposed demolitions, (2) the construction of seven new buildings between four and eight stories in height in the center of the campus and (3) that also the use of the *Secretary of Interior Standard's for Rehabilitation* would not mitigate impacts below a level of significance because only four out of

the ten standards would be applicable. The City acknowledges that the selection of a project alternative would reduce the impacts to a less-than-significant level.

CEQA contains a "substantive mandate" that public agencies refrain from approving projects with significant environmental effects if "there are feasible alternatives or mitigation measures" that can substantially lessen or avoid those effects. Feasible means capable of being accomplished in a successful manner within a reasonable period of time taking into account economic, environmental, social and technological factors. (Public Resources Code sec.21001.1; 21061.1)

The OHP endorses the Preservation Alternative. (DEIR VI-3) This alternative would retain all buildings on the site for renovation and adaptive reuse, including Richardson Hall, Middle Hall, Woods Hall, Woods Hall Annex, as well as the retaining wall along Laguna Street. This alternative would construct new in-fill residential in a similar fashion to the proposed project, but a reduced size and density; six new buildings would be constructed. The Preservation Alternative would reduce the project's impacts to historical resources to below a level of significance. All buildings identified as individually significant for the California Register by the City's Planning Department would be retained and by eliminating the through-streets and reducing the overall scale and density from 450 residential units to 332 units, the project impacts to the potential campus as a historic district would also be reduced to a level below significance. The Preservation Alternative provides a feasible alternative to the proposed project and is in compliance with nearly all of the Regent's and project sponsor's objectives. (DEIR VI-8)

OHP also endorses the implementation of the proposed Mitigation Measures HR-1 and 2 (HABS- Level Recordation and Public Interpretation) because they would further reduce the project's impacts on the district level.

Again, we thank you for the opportunity to comment on the above project. Please understand that our comments herein are specifically related to the environmental review process and adequacy of documents prepared for the environmental review purposes. We do not take positions in support of or against projects, but rather focus on the environmental review process itself.

If you have any further questions, please don't hesitate to contact Michelle C. Messinger, Historian II, CEQA Coordinator Local Government Unit at (916) 653-5099 or at [mmessinger@parks.ca.gov](mailto:mmessinger@parks.ca.gov).

Sincerely,

Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

Cc: Cynthia Servetnick, AICP  
Leigh Jordan, Coordinator Northwest Information Center  
Mark Luellen, Historic Preservation Coordinator, City of San Francisco  
State Clearinghouse



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## UC Berkeley Extension Laguna Street Campus

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To: San Francisco Board of Supervisors

Petition to the San Francisco Board of Supervisors to require the Planning Department to convene a CITIZENS ADVISORY COMMITTEE to evaluate the proposed PRIVATIZATION of the UC BERKELEY EXTENSION LAGUNA STREET CAMPUS

WHEREAS, the 5.8 acre tract of property at 55 Laguna Street, known as the UC Berkeley Extension Laguna Street Campus Property (Property), has a history of continuous public use exceeding 150 years; and,

WHEREAS, in the early 1850s, The City of San Francisco gave \$30,000 to the Protestant Orphan Asylum Society to initially purchase the land and to construct a building housing an orphanage which was completed in 1854; and,

WHEREAS, in 1921, The City of San Francisco abandoned Waller Street where it formerly ran through the Property, so as to assist further in the continued public use of the Property which was then owned by the San Francisco State Normal School (later becoming San Francisco State Teachers College, and eventually San Francisco State University); and,

WHEREAS, in the mid-1950s the Property was transferred via a public real property disposition process to the Regents of the University of California, who continued using the Property for educational purposes through 2003; and,

WHEREAS, the Property, with its buildings, constitute a resource of historic merit which is eligible for the National Register of Historic Places and should be preserved to the greatest extent possible; and,

WHEREAS, according to the environmental documents of the Better Neighborhoods Market-Octavia Plan, there will be 19,555 new households within the entire Market-Octavia area by the year 2025, thus increasing dramatically the public's need for additional property zoned for public use; and,

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders."

WHEREAS, according to the Better Neighborhoods Market-Octavia Plan proposed revisions dated May 22, 2006 which state, "Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space."

WHEREAS, the current owner of the Property, The Regents of The University of California, submitted a proposal for environmental review to the City Planning Department Environmental Review Division, seeking to permanently end the public use zoning for this entire Property, and to convert the entire Property to a high-density private residential housing development;

NOW, THEREFORE, we, the undersigned, hereby urge the San Francisco Board of Supervisors to direct the Planning Department to convene a Citizens Advisory Committee representing interested established neighborhood groups within the Market-Octavia Plan Area to determine the highest and best use of the Property, to make recommendations regarding zoning and redevelopment guidelines for the Property, and to evaluate the requested change to the existing Public Use Zoning for the Property under the current UC Berkeley/A.F. Evans/openhouse proposal within the context of the Market-Octavia Plan.

1.1

Sincerely,

The Undersigned

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The UC Berkeley Extension Laguna Street Campus Petition to San Francisco Board of Supervisors was **created by and written by Cynthia Servetnick (quoting HVNA in part)** (cynthia.servetnick@gmail.com). This petition is hosted here at [www.PetitionOnline.com](http://www.PetitionOnline.com) as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple [Petition Help](#) form.

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<http://www.PetitionOnline.com/UCBEsite/petition.html>

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NEW COLLEGE of CALIFORNIA

777 Valencia Street | San Francisco, CA 94110 | www.newcollege.edu



2017 Mission Street, Suite 303 | San Francisco, CA 94110 | globalcitizencenter.org

e

July 30, 2006

Dean Macris, Planning Director  
John Billovits, Market-Octavia Plan Manager  
City and County of San Francisco  
Planning Department  
1660 Mission Street  
San Francisco, CA 94103

Re: New College of California and Global Citizen Center Alternate Plan for the  
UC Berkeley Extension Campus at 55 Laguna Street

Gentlemen:

The New College of California and Global Citizen Center team (NCOC/GCC) very much appreciated the opportunity to discuss the viability of its "public use/preservation/open space" plan, which was submitted to the Major Environmental Analysis division (MEA) for evaluation as an alternative in the Environmental Impact Report for the UC Berkeley/A.F. Evans/openhouse Laguna Hill Residential Project.

NCOC/GCC remains concerned that there has been no public planning process to determine the highest and best use of this 5.8-acre National Register-eligible Campus, which has been in public use for more than 150 years. The proposed Market-Octavia Plan does not address the redevelopment of the Campus, although the proposed Laguna Hill Residential Project has been pending for more than two years. The design guidelines for the Campus were developed without public input. The Market-Octavia Plan Revisions state, "Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders." Accordingly, NCOC/GCC urges you to convene a Citizens Advisory Committee on the reuse of the Campus before the Planning Commission and the Board of Supervisors vote on whether to change the zoning from Public use to Residential/Transit-Oriented use per the attached email communication to Supervisor Dufty dated June 9, 2006.

As discussed, New College has been providing education in support of a just, sacred and sustainable world since 1971. The college owns several buildings on Valencia Street, is eligible for California Educational Facilities Act bond financing, and has an operating budget of \$15 million per year. New College proposes to renovate and consolidate its facilities within the existing historic structures.

Founded in 1988, Global Exchange is an international human rights organization dedicated to promoting social, economic and environmental justice. Global Exchange has an operating budget of \$7 million per year, substantial financial reserves, and is eligible for non-profit bond financing. The Global Citizen Center would construct three mixed-use architecturally "green" buildings on the Campus that would serve as a hub for ecologically and socially-responsible enterprise, education, and economic development.



With City support, the NCOC/GCC plan could house an LGBT Senior Center and possibly a non-profit care facility for people with HIV/AIDS. Affordable housing for students, faculty and staff from a variety of educational institutions could also be accommodated. Further, this alternate plan could take advantage of a variety of financial incentives for historic preservation.

Attached for your reference are the materials submitted to MEA. NCOC/GCC is currently working with real estate development consultant Jacki Bernier, MBA to refine its financial pro forma. In the meantime, NCOC/GCC would be happy to provide you with copies of financial statements should you wish to review them. Feel free to contact Martin Hamilton at (415) 716-9756 or Kevin Danaher at (415) 902-9796.

Sincerely,



Cynthia Servetnick, AICP

cc: Martin Hamilton, President, New College of California  
Jacki Bernier, MBA, Real Estate Development Consultant  
Kevin Danaher, Executive Director, Global Citizen Center  
Dan Leibsohn, Financial Advisor, Global Citizen Center  
Supervisor Bevan Dufty  
Supervisor Ross Mirkarimi

Attachments



NEW COLLEGE of CALIFORNIA

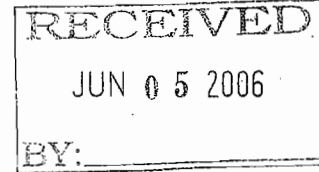
777 Valencia Street | San Francisco, CA 94110 | www.newcollege.edu



UNITING THE GREEN ECONOMY

2017 Mission Street, Suite 303 | San Francisco, CA 94110 | globalcitizencenter.org

June 5, 2006



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

Attn: Bill Wycko

Re: Initial Study for the Laguna Hill Residential Project  
Planning Department Case No. 2004.0773E

Dear Mr. Maltzer:

Attached please find our joint comments on the Initial Study for the Laguna Hill Residential Project. Thank you in advance for taking them into consideration.

Sincerely,

Martin Hamilton, President  
New College of California

Kevin Danaher, Executive Director  
Global Citizen Center

cc: Susan Brandt-Hawley, Esq.

Attachment



NEW COLLEGE of CALIFORNIA

777 Valencia Street | San Francisco, CA 94110 | www.newcollege.edu



UNITING THE GREEN ECONOMY

2017 Mission Street, Suite 303 | San Francisco, CA 94110 | globalcitizencenter.org

May 15, 2006



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

Attention: Bill Wycko, Environmental Planner

Re: Updated Preservation/Open Space/Public Use Alternative for the Laguna Hill Residential Project  
Environmental Impact Report - Planning Department Case No. 2004.0773E

Dear Mr. Maltzer:

Per the attached request for updated information on our Preservation/Open Space/Public Use Alternative from your environmental analysis consultant, ESA, New College of California and the Global Citizen Center (GCC) are pleased to jointly submit the attached revised Illustrative Concept Plan for analysis in the Laguna Hill Residential Project Environmental Impact Report.

The GCC is an offshoot of Global Exchange, an international human rights organization that, along with Coop America, produces the Green Festivals. The GCC is a 501(c)(3) non-profit organization whose mission is to educate the public about our need to create new economic practices – as consumers, businesses, and communities – that are environmentally sustainable and socially just.

Together, we are prepared to make a fair-market-value offer under Public Use zoning to the University of California for their Laguna Street Campus in San Francisco. We appreciate your analyzing our proposal. Should you require additional information, feel free to contact Cynthia Servetnick, AICP at (415) 563-7336 or David Pascal, GCC Operations Director, at (415) 558-8053.

Sincerely,

Martin Hamilton, President  
New College of California

Kevin Danaher, Executive Director  
Global Citizen Center

Attachments

- cc: Mayor Gavin Newsom
- Supervisor Bevan Dufty
- Supervisor Ross Mirkarimi
- Planning Director Dean Macris
- Jon Billovits, SF Planning Department
- Brad Brewster, ESA
- Charles Chase, SF Architectural Heritage
- Kevin Hufferd, UC Berkeley
- Vincent Marsh and Mark Paez, Friends of 1800
- Jack Robertson, AF Evans

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APR 24 2007

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



April 19, 2007

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Paul Meltzer  
Environmental Review Officer  
SF Planning Department  
1660 Mission Street, Suite 500  
San Francisco, CA 94103  
415-558-6422

RE: Preserve the Historic UC Berkeley Extension Laguna Street Campus

Dear Mr. Meltzer:

I am writing on behalf of the North Mission Neighbors regarding the 55 Laguna Street Draft Environmental Impact Report (DEIR). The (DEIR) finds that preservation and/or reuse of this historic campus has the least environmental impact. Therefore, we urge you to stop the AF Evans project halt the demolition of the Gym, Theater and Computer Center.

10.11

We protest the change from public to private zoning. The site has been in public use for 150 years. We demand an open public process to determine the best use of this 5.8-acre publicly-zoned National Register-eligible campus. We support a CITIZENS ADVISORY COMMITTEE to determine the best public use of this site.

3.1  
1.1

A handwritten signature in black ink that reads "Rick Hauptman". The signature is written in a cursive, flowing style.

Sincerely Yours,

Rick Hauptman  
President

FROM: Mary Miles (SBN #230395)  
Attorney at Law, and  
Coalition for Adequate Review  
364 Page Street, No. 36  
San Francisco, CA 94102  
(415) 863-2310

**RECEIVED**

**MAY 07 2007**

**CITY & COUNTY OF S.F.**  
PLANNING DEPARTMENT  
OPERATIONS

TO: Paul Maltzer, Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, 4th Floor  
San Francisco, CA 94103-2414

**BY HAND DELIVERY**

DATE: May 1, 2007

**PUBLIC COMMENT ON DEIR ON UNIVERSITY OF CALIFORNIA  
EXTENSION SITE, aka "55 LAGUNA MIXED USE PROJECT" AND  
PROPOSED REZONING LEGISLATION  
Planning Department Case No. 2004.0773**

This is public comment on the Draft Environmental Impact Report ("DEIR") on the University of California ("UC") Extension development project, which the Planning Department has named the "55 Laguna Mixed Use Project" (hereinafter, the "Project"). Coalition for Adequate Review is an unincorporated association dedicated to assuring complete and accurate review, informed decision-making and public participation in the review of major projects proposed in San Francisco, assuring that environmental and other impacts are properly analyzed and mitigated and that alternatives are offered and analyzed. This Comment is submitted in the public interest.

The Project violates the California Environmental Quality Act ("CEQA"), Pub. Res. Code §§21000 *et seq.*, and any approval of the Project as proposed would be an abuse of discretion and a failure to proceed in a manner required by law. The Project will have significant impacts on the environment that the DEIR fails to identify and mitigate, including but not limited to impacts on historic resources, traffic, parking, transit, open space, views, air quality, urban blight, growth, and aesthetic impacts. A full range of alternatives has not been offered, and none are adequately analyzed.

1.7  
10.16

The DEIR's conclusions of "no impacts" from the Project are unsupported in violation of CEQA. The Project is plainly inconsistent with the California Government Code, the San Francisco General Plan, the Planning Code and Zoning Maps, and violates the public trust doctrine. The Project also violates the Government Code's requirement of 50% affordable housing on any transfer of State-owned land for private residential leasing. Furthermore, by unlawfully targeting and/or restricting housing availability by sexual orientation, the "openhouse proposal" violates the United States and California Constitutions, the California Fair Employment and Housing Act ("FEHA"), Cal. Gov.

1.8

Code §§12955 *et seq.*, the federal Fair Housing Act, 42 USC §§3601 *et seq.*, the California Government Code, §65589.5, and the San Francisco Administrative Code, §§87 *et seq.*.

Without public notice, UC closed its Extension facilities on the 5.8-acre site in 2003, depriving the community and the general public of the benefits of educational and cultural opportunities. The Regents leased sites on January 20, 2005, and March 15, 1999, costing the public more than \$2 million per year. (Lease between Third and Mission Associates LLC and Regents of the University of California [“Lease/Mission”], 680 Mission Street (10 years), January 20, 2005, p. 7 [10-year lease rising to \$964,440 per year]; and Lease between Metropolitan Life Insurance Company, Shorenstein Group (Landlord) and the Regents of the University of California [“Lease/Metropolitan”], 425 Market Street, March 15, 1999, pp. 1-2 [10 years, at up to \$1,115,678 per year] <sup>1</sup> The Regents spent several million dollars to construct and/or furnish Extension classroom spaces in the leased properties, but it has refused to provide net enrollment and revenue data since the downtown leased spaces were opened. Since UC closed its Extension at that location, the Laguna property has been allowed to deteriorate without maintenance or security, with only the UCSF Dental Clinic in active use on the site.

1.9

The DEIR’s failure to analyze the impacts of closing UC’s Extension facilities on Laguna St. violates CEQA. (Pub.Res.Code §21080.09; Guidelines §15081.5 [Impacts from siting and long-range development plans of UC, including impacts on enrollment, must be analyzed in EIR].

1.4

Under terms it refuses to disclose, the Regents propose to lease the State’s public land to a private developer, AF Evans. Evans would demolish three of the five historic buildings on site (Middle Hall, Richardson Hall Administrative Building and Richardson Hall), the historic retaining wall, old trees and landscaping, and “adaptively reuse” (DEIR II.A-21) the remaining two historic buildings, Woods Hall and Woods Hall Annex, “primarily for housing.” (DEIR, I-6). Evans would construct seven new buildings from 50 to 90 feet in height, with up to 450 private residential market-rate rental housing units on the parcel (DEIR I-2). <sup>2</sup> Of these, 304 would be studio and one-bedroom units, and 61 would be two- and three-bedroom units. The historic Middle Hall would be demolished to “accommodate a proposed residential building fronting Buchanan Street, and stepping down to the interior slope of the site.” (DEIR I-3, I-6) The unique, historic retaining wall along Laguna Street would also be demolished to accommodate bulky new structures. (DEIR I-3)

7.20

<sup>1</sup> Leasing the space to UC enables the owners/landlords to exempt the leased space from property tax for under the California Constitution, Article XIII, §3(d), causing loss of revenue to the city and state (Lease/Mission at p. 9; Lease/Metropolitan, Rider 2-Page 1).

<sup>2</sup> This commenter has submitted Public Records Act requests to the Regents. The response has been that information on lease terms on the Laguna parcel will not be publicly available until the Project and EIR are approved. The DEIR says nothing about what happens if the lease does not materialize.

10.17

Under undisclosed terms, either A.F. Evans and/or the Regents would lease or sublease part of the site to another corporation called “openhouse.” The openhouse corporation proposes to demolish the historic Richardson Hall and retaining wall to construct a huge box structure 90 feet in height containing 85 market rate rental units of “senior housing targeted to the lesbian, gay, bisexual, and transgender (LGBT) senior community,” with the ground floor providing “social, educational, and health services to the LGBT senior community.” (DEIR I-2, I-3) Such targeting violates the United States and California Constitutions, the federal Fair Housing Act, the California Fair Employment and Housing Act, and the San Francisco Administrative Code.

2.1

The height and bulk of the openhouse building would be “substantially greater than the predominately three-story residential buildings in the project vicinity.” (DEIR. I-7) The DEIR claims that the “proposed inclusion of the openhouse building, specifically targeted for LGBT seniors, would be compatible with the surrounding neighborhood’s residential uses, as well as with the community-serving uses of the LGBT Community Center, located approximately one-half block from the project site.” (DEIR III.A-19) This is a large Project of statewide significance. (14 Cal. Code Regs. [“Guidelines”] §15206.) The kind of compatibility that must be analyzed to comply with CEQA and the Government Code is not the sexual compatibility of proposed tenants but compatibility with the traditional use of this site as a public educational institution and the existing physical attributes of the site and surroundings. This Project is *not* compatible with public use and the existing environment.

3.6

The Regents and the City have refused to make available the terms of the proposed lease to Evans and openhouse, precluding both an accurate description of the Project and whatever UC may plan if the secret terms of the lease do not go into effect.

1.10

At 40 to 90 feet, all of the proposed structures would be two to three stories higher than “the predominately three-story buildings along the site’s perimeter streets, such as Buchanan, Haight, and Laguna Streets.” (DEIR I-7) The Project proposes that the tallest buildings be placed at the lower parts of the steep parcel, creating a flattened, monolithic appearance, clashing with the natural sloping topography of the site in violation of the General Plan, Urban Design Element and the Planning Code’s Residential Design Guidelines (“Design Guidelines,” which require that structures step down with sloping topography. (Planning Code §§101.1, and 311(c); San Francisco Planning Department, Design Guidelines at pp.11-12; San Francisco General Plan.) The incompatible height, bulk and density of the proposed seven new structures would dwarf surrounding older buildings, subsume their historic character, and obliterate all views from surrounding public and private vantage points. (Design Guidelines at p. 18.)

4.11

The new buildings would be private residences, a use prohibited by the Planning Code’s Public designation and incompatible with public uses and zoning. These buildings would be incompatible with all surrounding structures, clashing in style, bulk, and height with the surrounding smaller residential structures and the historic character of the site and surrounding area. (E.g., DEIR, Figures 3, 5, 6, 13, 14, 15, and 16) The height

3.7

and bulk of the openhouse building would be “substantially greater than the predominately three-story residential buildings in the project vicinity.” (DEIR. I-7) The UC Dental Clinic would be the only remaining public educational facility on site.

3.7  
cont.

Although the Project claims it would comply with the San Francisco Planning Code §315 requirement that 15 percent of units would be “reserved for low or moderate income households,” there is *no* requirement in the Planning Code for on-site affordable units, and nothing in the DEIR indicates any on-site location of such units. The Project projects 833 new residents in 450 market-rate units. (DEIR I-19) There is no provision in the Project for on-site affordable rental units, in violation of the California Government Code and inconsistent with the San Francisco General Plan and San Francisco Planning Code, §101.1.

1.3

Moreover, even if residential development were permissible, because the Project proposes to lease state-owned land to a private corporation, 50% of housing units on-site must be affordable, including 25% for people with moderate income, 12.5% for people with low income, and 12.5% for people with very low income. (Gov. Code §14671.2.)

Only 266 off-street parking spaces, plus 19 “internal on-street spaces” for private use would be provided for the projected 833-plus residents (DEIR I-13) of the market-rate housing units, dental clinic patients, and patrons of the “ground-floor retail.” (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, pp. 1-4, 1-7.) Of these, 51 garage spaces would be designated for the Dental Clinic, 10 would be exclusively for “City Carshare,” and 22 would be “handicapped accessible spaces,” reducing available parking spaces for non-handicapped residents to 202 spaces.<sup>3</sup> (*Id.* at pp. 1-7, and DEIR at I-13, I-19.) Additionally, 15 of the “internal on-street spaces” would be for use of the Dental Clinic in daytime hours. (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, p. 1-7.), reducing the daytime residential parking to **187 spaces total for 833+ new residents**. Of these 187 spaces, an undisclosed number would be *inaccessible* to “residents who own cars but would only use them occasionally” (DEIR I-4 and II-11) and could only be accessed “possibly through the use of mechanical car lift.” (DEIR, II-13) The Project would charge *additional fees for residential parking on top of market rate rents* for the units. (DEIR II-13) NO public parking would be provided for either visitors or new retail and “community” uses proposed in the Project.

5.24

Even if residential uses were lawful, the Project’s grossly inadequate parking will have significant adverse impacts on parking in the area and violates the San Francisco Planning Code §§150 *et seq.* The DEIR violates CEQA by failing to analyze and mitigate the Project’s significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area.

<sup>3</sup> The DEIR changes these numbers without explanation or supporting evidence to 301 spaces available, with 51 for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR I-13, I-19.)



The Project claims that a newly constructed public sidewalk is “open space,” which it calls “Waller Park.” (DEIR I-3, I-6) Two private streets would be developed on site called “Micah Way” and “Lindhardt Lane,” apparently to provide private surface parking to residents. (DEIR I-3, I-4) Retail spaces, also prohibited under Public zoning, would be developed on the ground floor at the corner of Laguna and Hermann Streets. (DEIR I-3).

Because of its extreme density and excessive heights, even if rezoning the property were lawful, the Project would not conform to any existing zoning uses, either under existing zoning or the proposed Market-Octavia Plan, which the DEIR improperly invokes as authority, even though it has not been approved. To accommodate the Project’s private for-profit density development, the City proposes to rezone the parcels and/or establish a “Mixed-Use Special Use District incorporating the major provisions of the proposed RTO and NCT-3 zoning classifications” in its “Market-Octavia Plan zoning classifications.” (DEIR I-4). The DEIR does not explain that the new designations would eliminate all existing regulations of bulk, height, density, yard, setback, open space and parking that would otherwise prevail in residential development if this parcel were not zoned Public. All of the proposed rezoning classifications would have significant direct, indirect, and cumulative adverse impacts on the environment that the DEIR fails to identify.

3.8

To further facilitate UC’s transfer of State-owned public land to private, for-profit development, the City’s DEIR also proposes to amend the San Francisco General Plan “to allow the change from a public/institutional use designation to residential mixed-use designations, and to allow an increase in building heights.” (DEIR I-5) The parcel is zoned Public, which permits *no* private residential uses. (San Francisco Planning Code, §§234.1; DEIR I-6.) The maximum existing heights, presuming public uses, would be 40-X and 80-X. (DEIR I-6.) The Project would remove all but the UCSF Dental Clinic from Public zoning, converting the rest of the property to private use, inaccessible to the public except for one sidewalk, the disingenuously named “Waller Park.” The Project would raise on-site heights from existing two-story structures (20 to 30 feet) to 50-X, and 85-X, plus a height bonus of five feet, rezoning the parcels to “RTO” and “NCT-3” or to a Mixed-Use Special Use District to accommodate the Project. (DEIR I-6)<sup>4</sup>

3.9

Construction would last at least 36 months with completion in 2011 (DEIR I-5). Construction would require extensive excavation, earth-moving, and rock hammering. (DEIR I-5) The DEIR proposes no meaningful mitigation for impacts on neighborhood street parking, before, during, or after construction, or of the Project’s generation of dust, noise, and other construction impacts, or the cumulative impacts on a neighborhood that has experienced constant disruption for nearly a decade from the Octavia Boulevard surface freeway ramp and other projects.

11.8

<sup>4</sup> The Project incorrectly presumes that zoning designations in the Market and Octavia Better Neighborhoods Plan, which has not yet been adopted, could be retroactively applied to the Project.

3.9

This land is zoned Public (“P”) under the San Francisco Planning Code and Zoning Maps. The proposed change from Public to private, amending the City’s Planning Code and Zoning Maps, is illegal under State laws and local Codes, violates the public trust, and is inconsistent with the City’s General Plan and threshold requirements of §101.1 of the San Francisco Planning Code.

3.1

The proposed Project and the rezoning violate CEQA. The Project will have significant adverse impacts on the environment, including but not limited to impacts on traffic, transit, parking, historic resources, views, growth, air quality, open space, land use, and urban blight. The DEIR created by the San Francisco Planning Department dated January 27, 2007, fails to identify and mitigate these and other significant impacts. The DEIR also fails to properly analyze alternatives to the proposed Project in violation of CEQA. Its conclusions of “no impacts” are not supported by substantial evidence. Approval of the Project would therefore be an abuse of discretion and a failure to proceed in a manner required by law.

The public derives no benefit from giving its public lands to private interests for this Project, even though it would bear the entire burden of its adverse impacts. For the following and other reasons, this Project and DEIR are unlawful.

**1. The Proposed Rezoning Is Inconsistent with Public Use of Public Land and with the San Francisco Planning Code and Will Cause Significant Adverse Impacts.**

The rezoning is inconsistent with the General Plan, the Planning Code and Zoning Maps. Public uses are restricted under §§ 234 *et seq.* to uses that “provides public services to the community.” (San Francisco Planning Code §790.80) Private residential dwellings in no way comply with this purpose. Principal uses that are permitted under the Planning Code include public-serving government facilities, such as museums, post offices, administrative offices of government agencies, public libraries, and police stations. (San Francisco Planning Code at, *e.g.*, §234.1).

3.9

Conditional uses may include educational institutions (San Francisco Planning Code, §§234.2(a) and 209.3(i) subject to §304.5 (Institutional Master Plans). Conditional uses of public lands may also include community parking facilities (*Id.* at §§234.2; and other public-serving uses. (*Id.* at, *e.g.*, §§234.2(a).)

*No residential use* other than student and faculty housing accessory to and designated for educational institutional uses is permitted. Specifically *excluded* are private residential dwelling uses and other housing. (*Id.* at §§234.2(a), excluding from permissible uses §§209.1 and 209.2; and *see* §§202; 204; 204.5; 234.1)

**2. Even if Residential Development Were Lawful, 50% of Any Housing Developed on State Property Must be Affordable.**

1.3

Under the Government Code §14671.2, UC may not lease this land for housing as proposed with only 15% (with *no on-site* inclusionary requirement) affordable housing.

Rather, under the Government Code, any lease must include **at least 50% on-site affordable housing**. (Government Code §14671.2.) The Government Code requires that at least 25% of the housing units developed on state property “shall be available for the term of the lease to moderate-income persons as defined by §50093 of the Health and Safety Code,” *and* 12.5% must also be available for the term of the lease to “low-income persons,” *and* 12.5% must *also* be available for the term of the lease to “very low-income persons.” (*Id.*)

1.3  
cont.

Since this land is State-owned and UC is not using this property for educational and public purposes but for purely speculative purposes, the Government Code’s requirements for State-owned property apply to this lease. (*E.g.*, *Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536.)<sup>5</sup>

The Project plainly violates the Government Code’s 50% affordability requirements.

**3. Even if Rezoning Were Lawful, the Project May Not Lawfully Target Housing by Sexual Orientation As Proposed.**

The Project’s proposal that a huge, 85-foot structure be constructed for the purpose of providing housing for gay, lesbian, bisexual, and transgender persons is also patently unlawful under the United States Constitution, amendment XIV, the federal Fair Housing Act, 42 U.S., §§3601 *et seq.*, the California Fair Employment and Housing Act, Cal. Gov. Code §§12955 *et seq.*, 12955.8; the California Planning and Zoning Law, Cal. Gov. Code §65008, 65589.5; the San Francisco Administrative Code §87 *et seq.*, and the San Francisco Police Code, §3304, all of which prohibit restriction of housing facilities on the basis of sex, sexual orientation or preference, and gender identity.

2.1

The openhouse structure violates all of these laws and may not lawfully proceed with its goal of constructing housing for lesbian, gay, bisexual and transgender tenants.

<sup>5</sup> Because UC’s interest in this Project bears no relation to its educational mission and in fact abandons it, UC is subject to the Government Code and local regulations, as well as federal law and the U.S. Constitution. The Project confers no benefit on the public, instead transferring public State-owned land, use and benefit into private hands for purely financial, speculative purpose. (*See, e.g.*, *Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536; and *e.g.*, Educ. Code §66010.4(c) [Mission defined].) State law prevails over Regents’ self-regulatory power as a public corporation. (*Regents of the University of California v. Superior Court of Alameda County, supra*, 17 Cal.3d at 535-37.) Further, the State’s general police power prevails in matters which are not exclusively university affairs. (*Id.*, and *Tolman v. Underhill* (1952) 39 Cal.2d 708, 712.) The University is also subject to CEQA. (*E.g.*, Pub. Res. Code §21100 [state agencies]; §21151 [local agencies]; 14 Cal. Code Regs. (“Guidelines”) §15002(f)(1) (“project” means “[a]ctivities directly undertaken by any public agency”); §15206; and *e.g.*, *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California (“Laurel Heights I”)* (1988) 47 Cal.3d 376, 390-91.)

San Francisco Planning Code §303(d) “When considering an application for a conditional use as provided herein with respect to applications for development of ‘dwellings’ as defined in Chapter 87 of the San Francisco Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of ‘dwellings’ in which ‘protected class’ members are likely to reside on information which may be discriminatory to any member of a ‘protected class.’”

2.1  
cont.

**4. The Project Is Not Part of the University’s Master Plan.**

Because the land is owned by the Regents of the University of California, any proposed use or development must be part of its Institutional Master Plan, which this Project is *not*. (Planning Code, §304.5(f).)

1.11

**5. Even if Residential Units Were *Not* Prohibited by the Planning Code, the Project Does Not Meet Requirements for a “Planned Unit Development.”**

Because of its size, the proposed Project is also a “Planned Unit Development,” subjecting it to additional requirements as a conditional use. (Planning Code §§304, 303(c) and elsewhere in this code.) The Project must, among other requirements:

1.12

- “Provide off-street parking adequate for the occupancy proposed,” (§304(d)(2));
- “Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code.” (§304(d)(3).)
- “Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code [dated June 2004] for a district permitting greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;” (§304(d)(4);
- “Under no circumstances be excepted from any height limit established by Article 2.5 of this Code [dated June 2004], unless such exception is explicitly authorized by the terms of this Code. In the absence of such explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections.” (§304(d)(6).)

**6. The Privatization of this Land Violates Public Trust Doctrine.**

The Regents of the University of California is a public corporation administering the University of California as a public trust. (Cal. Const. art. IX, §9(a).) The Regents are endowed with the governing powers of a corporation in California. (*Id.*) The California Constitution states that the Board of Regents is subject to legislative control by statute for the “letting of construction contracts, sales of real property, and purchasing of materials, goods, and services.” (*Id.*)

1.13

Since the Project is on State-owned public land, it is subject to the public trust doctrine. Long ago, the United States Supreme Court held that the State of Illinois could not grant a major portion of the Chicago waterfront to a railroad company. *Illinois Central Railroad v. Illinois* (1892) 146 U.S. 397, 453-54, stating: “The control of the State for the purposes of the trust can never be lost, except to such parcels as are used in promoting the interests of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining.”

1.13

The public derives *no* benefit from the transfer of this land to private leasehold, and its interest in this land for educational institutions and other public use is substantially impaired by this proposed Project.

1.13

**7. The DEIR Violates CEQA by Failing to Properly Analyze the Significant Impacts from the Project and Propose Mitigations and Alternatives to Each.**

The proposed Project is subject to CEQA. (§15002(f)(1) [“project” means “[a]ctivities directly undertaken by any public agency”]; and *e.g.*, *Laurel Heights Improvement Association of San Francisco, Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 390-91.) UC’s relocation of its educational facilities is also subject to CEQA’s requirements. (Pub.Res.Code §21080.09; Guidelines §15081.5 [Impacts from siting and long-range development plans of UC, including impacts on enrollment, must be analyzed in EIR].)

1.4

The Project’s and DEIR’s violations of CEQA include, but are not limited to those described herein and the following.

**8. The DEIR Fails to Accurately Describe the Project Setting.**

The DEIR’s project description and setting description are incorrect, skewing the baseline from which significant impacts must be evaluated and mitigated under CEQA. The following are only a few of many false, misleading or unsupported statements in the DEIR:

- Claims that proposed huge new box structures would be “compatible in bulk and scale” with surrounding two- to three-story buildings. (DEIR I-10.)
- Claims that there are “six parks and open spaces” within ¼ mile of the Project. (DEIR III.A-3)
- Claims that because UC closed the property to public access that it is not open space, a statement that is incorrect factually and as a matter of law. (DEIR III.A-20)
- Claims that the parcel does not have “useable amounts of open space” and is “vacant” and useless as public land. (DEIR III.A-20)
- Depicts buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-foot tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1, 2, 3, 4 and 7 as either invisible or no higher than the two-story Woods Hall.)

3.10

- Misstates existing traffic, transit and parking conditions in the immediate and cumulative areas.
- Claims that the Project would “reestablish Waller Street.”
- Claims that the sidewalk it calls “Waller Park” is a “park” and/or a “street.”
- Claims that demolishing the historic retaining wall and erecting incompatible structures would “further integrate the site into the surrounding neighborhood.” (DEIR III.A-21, and Figure 15.)
- Claims that, “The project would also eliminate the site’s surface parking use and create usable public open space where there is currently none.” (DEIR III.A-21)
- Claims that “Building heights on the project site would be within the range of heights within the surrounding neighborhood.” (DEIR III.A-21)

3.10  
cont.

CEQA requires an accurate description of existing conditions from which the impacts of the Project can be measured. The DEIR does not comply with CEQA.

**9. “LAND USE IMPACTS”: The DEIR Fails to Identify and Analyze the Significant Impacts Caused by Rezoning this State-Owned Land from Public to Private Uses.**

Since 1850 this land has been used for public and educational purposes and has been zoned for public use for over 100 years. The proposed rezoning would remove all but a sidewalk through the middle of the development from public use, and, where State-owned public space now exists, create private residential structures inaccessible for public use. Completely omitting the historical context and recent uses of this land, the DEIR pretends that the land is not open to public use. That notion is incorrect and misleading. UC’s abrupt decision to close its Extension facilities on the Project site and its failure to maintain the site do not dictate that it should be turned over to private interests as the DEIR implies.

3.1

Many public uses for this land that would carry on its long history of public use are omitted from the DEIR. In fact the public would derive no benefit from the proposed Project and would lose the potential for public use for the duration of the lease, which is proposed for 99 years.

10.18

The DEIR admits that the Project would reduce the amount of publicly zoned land in the site’s vicinity (DEIR, III.A-21). Yet the DEIR claims, with no supporting evidence, that rezoning to fill up the site with high-density residential structures would not have “higher levels of physical environmental impacts” than its historic public use. (DEIR, p. I-8, and III.A-21) <sup>6</sup>

3.1

<sup>6</sup> The “RTO” (“Residential Transit Oriented) and “NCT-3” (“Moderate-Scale Neighborhood Commercial Transit District”) designations were created as part of the Market and Octavia Area Plan (“Market-Octavia Plan” proposed ordinance amending Planning Code at §702.1). That Plan has not been adopted by the City, and therefore cannot lawfully be applied to this Project. Both proposed new zoning classifications would eliminate all density restrictions, rear yard, setback, bulk, height, and minimum parking requirements now in the Planning Code, placing maximum caps on parking, rather than the minimum requirements of 1:1 parking in Planning Code §150.

The DEIR ignores the obvious impacts of permanently removing this area from public use, and no evidence supports the claim that previous public uses generated significant adverse impacts on the environment, unlike the proposed Project. Removing the traditional public purpose of this site is an adverse impact in itself. The Project will also drastically change the appearance and the character of the site and surrounding areas from the present open space and public views and structures of historic and aesthetic merit and interest. The Project will demolish several historic structures, remove a large parcel of open space in an area of the City that has little open space, create uglification and jarring incompatibility with surrounding neighborhood character by placing high-rise, high-density, unrestricted bulk residential structures on every part of the site, except its new sidewalk, and will cause severe direct, indirect and cumulative impacts on parking, traffic, transit, and historic resources. The DEIR implausibly concludes that this scheme would allow greater public access than proper public uses. (DEIR III.A-20.)

3.1  
cont.

4.12

All of these impacts are caused by rezoning and could not occur without it. Thus, the DEIR's claims that the rezoning will not have significant impacts are patently false. Furthermore, the rezoning clashes directly with many parts of the General Plan and the Planning Code (summarized below in more detail.)

3.1

With no supporting data, the DEIR concludes that "it cannot be concluded that the project would have a substantial adverse impact on the existing character of the vicinity, and thus land use impacts are less than significant." (DEIR III.A-21) The DEIR uses this unsupported conclusion to reach another: "As no significant land use impacts to neighborhood character were identified with the proposed project, the proposed rezoning effort would also have no significant land use impacts to neighborhood character." (DEIR III.A-21) The DEIR then relies on the unadopted Market and Octavia Neighborhood Plan DEIR, which has not been approved, to claim that because that DEIR "did not identify any cumulative impacts for the Project Area, the project's land use effects would not contribute to a significant land use impact." (DEIR, II.A-23). All of these conclusions are unsupported and violate CEQA.

3.11

**10. Even If the Rezoning Were Lawful, the Project Would Not Lawfully Provide Affordable Housing.**

The DEIR claims that 15 percent of the units "would be reserved for low or moderate income households." (DEIR, III.A-21) The DEIR also claims that "the proposed project would be consistent with the policies that call for: 1) the development of affordable housing on surplus public lands. (General Plan Housing Element Policy 1.7), as the proposed project would provide 15 percent of the residential units as affordable units."<sup>7</sup>

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<sup>7</sup> There is no evidence that this site is "surplus" public land.

Nothing in the proposed Project guarantees that any affordable units will be built on site. The DEIR only recites the requirements of the city's Planning Code §315. (DEIR I-2) The Planning Code §315 does not require on-site affordable housing. Instead, the Code's ineffectual provisions can be satisfied by paying a minimal fee to the Mayor's Office of Housing (§315.6) or by building affordable units somewhere else. (§315.5). Since neither UC nor Evans has produced a copy of any lease or other documents describing affordable units, there is no substantiation for the DEIR's claim that 15% (or a total of 67.5 units of 450) would be affordable. The proposal fails to meet the mandates of affordable housing in either the General Plan or the Planning Code.

1.3

Even if residential uses were permissible on this state-owned land, at least 50% of those units must be affordable. (Gov. Code §14671.2.) Within this requirement, at least 25% of the housing units developed on state property "shall be available for the term of the lease to moderate-income persons as defined by §50093 of the Health and Safety Code," and 12.5% must also be available for the term of the lease to "low-income persons," and 12.5% must *also* be available for the term of the lease to "very low-income persons." (*Id.*)

Since this land is state-owned and UC is not using this property for educational and public purposes but for purely speculative purposes, the Government Code's requirements for State-owned property apply to this lease. (*E.g., Regents of the University of California v. Superior Court of Alameda County* (1976) 17 Cal.3d 533, 536.)

The Project plainly violates the Government Code's 50% affordability requirement.

### **11. The Project Creates Incentive for Demolition and Market-Rate Development.**

Moreover, with the DEIR's proposed exemptions from height, bulk, density, and parking requirements for 382.5 *market-rate* units, and its precedent of demolishing historic structures, the Project creates an incentive for demolition and inflated market-rate housing prices in the surrounding area in direct conflict with the mandates of the Government Code and the City's General Plan and Planning Code.

7.7

### **12. PARKING IMPACTS: The DEIR Fails to Analyze and Mitigate the Project's Significant Impacts on Parking.**

The Project proposes 450 residential rental units (of which 383 would be market-rate), with more than 833 new residents, and "community facilities" for lesbian, gay, bisexual and transgender seniors, ground floor retail, and the existing UC Dental Clinic. (DEIR I-7) But it would provide only 187 parking spaces for the 833 residents, of which an unstated number would be inaccessible, and none for retail and community facilities and loading.

5.25



Only 266 off-street parking spaces, plus 19 “internal on-street spaces” for private use would be provided for the projected 833-plus residents (DEIR I-13) of the market-rate housing units, dental clinic patients, and patrons of the “ground-floor retail.” (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, pp. 1-4, 1-7.) Of these, 51 garage spaces would be designated for the Dental Clinic, 10 would be exclusively for “City Carshare,” and 22 would be “handicapped accessible spaces,” reducing available parking spaces for resident, non-handicapped use to 202 spaces.<sup>8</sup> (*Id.* at pp. 1-7, and DEIR at I-13, I-19.) Additionally, 15 of the “internal on-street spaces” would be for use of the Dental Clinic in daytime hours. (Wilbur Smith Associates, *55 Laguna Street Transportation Study*, April 14, 2006, p. 1-7.), reducing the daytime residential parking to **187 spaces total for 833+ new residents**. Of these 187 spaces, an undisclosed number would be *inaccessible* to “residents who own cars but would only use them occasionally” (DEIR I-4 and II-11), and could only be accessed “possibly through the use of mechanical car lift.” (DEIR, II-13) The Project would charge *additional* fees for residential parking *on top of market rate rents* for the units. (DEIR II-13) NO public parking would be provided for visitors and the new retail and “community” uses proposed in the Project.

5.24

The Project again improperly invokes the Market-Octavia Plan, which has not been adopted, as authority for the proposition that it may re-zone the site with less than the parking requirements of the Planning Code. (DEIR III.C-15 [“if the Market and Octavia Area Plan is approved, then the proposed project would be consistent with the Plan’s proposed Planning Code parking requirements.”].) With this improper approach, the DEIR concludes that the Project would only be allowed a “maximum of between 25 and 338 spaces” with no minimum parking requirement, and with “conditional use authorization” a “maximum of between 358 and 450 parking spaces for residential uses.” (DEIR III.C-15) The DEIR may not lawfully invoke the Market-Octavia Plan as authority, because it has not been adopted. The Project and the DEIR must be analyzed under the existing Planning Code, with which it does not comply.

5.26

Even if residential uses were lawful, the Project’s grossly inadequate parking will have significant adverse impacts on parking in the area in violation of CEQA and the San Francisco Planning Code §§150 *et seq.*

The DEIR also violates CEQA by failing to analyze and mitigate the Project’s significant direct, indirect, and cumulative adverse effects on parking, particularly in view of the severe existing parking shortfall in the area. The DEIR claims there would be a “peak demand” of only 379 spaces for the 833+ residents, 28 spaces for “retail,” and 20 spaces for “community facility,” plus 51 spaces for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR, III.C-14; I-13, I-19). The total “peak demand” under these figures would therefore be 510 spaces for all uses under the DEIR’s unsupportable figures. Thus, under the DEIR’s own figures, the Project will create a

5.27

<sup>8</sup> The DEIR changes these numbers without explanation or supporting evidence to 301 spaces available, with 51 for Dental Clinic patients, 10 for City Carshare, and 22 handicapped. (DEIR I-13, I-19.)

parking shortage of at least **323** spaces, not including the inaccessible spaces among the 187 provided.

In fact, the actual demand would be for one space for each resident (833), 28 spaces for retail, 20 spaces for “community facility,” 51 spaces for Dental Clinic patients, 40 spaces for Dental Clinic staff (est.), 10 for City Carshare, and 22 handicapped, or a total reality-based demand of 1,004 spaces. Realistically, the parking shortfall directly caused by the Project would be **817** spaces, a severe impact on surrounding streets and the entire general area.

5.27  
cont.

The DEIR falsely claims there is surplus parking on surrounding public streets that would accommodate most of the shortfall, but that “drivers of about 33 vehicles would have to find parking elsewhere or resort to other travel mode alternatives.” (DEIR, III.C-16.) The DEIR’s figures are false, since the entire area has experienced a drastic parking shortfall due to the elimination of public parking on local streets with the reconstruction of the new Octavia Boulevard freeway ingress/egress. That project has eliminated more than 1,000 public parking spaces since 2002. (Letter from Ron Szeto to Dean Macris, June 1, 2006.) Hundreds more spaces have been eliminated on major streets throughout the area, including but not limited to, Market Street, Gough, Octavia, Haight, Page, Fell, Oak, and others to implement development, the Bicycle Plan, and other projects. The Market-Octavia Plan will further eliminate “approximately 980” more spaces “as part of the Plan or other private development projects within the Project area,” not including the freeway parcels. (*Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-50.)

5.28

Further, the DEIR says that the site currently contains 278 parking spaces used by University employees who work at other locations off site (DEIR I-5 - I-6), but does not account for where they will park when “All of the site’s existing, surface parking lots would be replaced with new, in-fill housing.” (DEIR I-6)

5.29

While falsely claiming there will be no parking impacts from the Project, the DEIR adds insult to injury by claiming that “Provision of 10 vehicles associated with car share organizations on-site could reduce the demand for on-street parking in the area by providing an alternative to owning and operating a personal automobile.” (DEIR, III.C-16.) The purpose of an EIR is to analyze impacts, not proselytize for anti-car political factions. Parking is the condition that must be mitigated, *not* “automobile ownership.” Taking up 10 scarce parking spaces will itself have adverse impacts that must be analyzed and mitigated. The DEIR further proposes to “mitigate” the Project’s lack of Loading and Service parking by removing still more proposed automobile parking for the Project’s estimated 15 delivery trucks per day. (DEIR, III.C-17)

5.31

The DEIR ignores data on vehicle ownership, which has risen significantly since 1990, particularly among renters. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Technical Memorandum Vehicle Ownership in San Francisco*, November 2001 at p. 12) In the Project area, vehicle ownership is 1.12 per household for owners and .75 per household for renters.

(*Id.* at p. 13) By 2010, vehicle ownership is projected to increase to 1.17 per household for owners and .84 per household for renters. (*Id.*) The higher the housing prices, the greater the vehicle ownership. (*Id.* at pp. 18-19)

There is no support for the theory that by not providing adequate parking vehicle ownership declines or that there is less demand for parking. Further, there is no evidence supporting a decrease in vehicle ownership due to proximity to “transit corridors.” In fact, the experts who formulated the “transit corridor” theory have renounced the notion that those using transit to commute will not also own a vehicle. Michael Bernick, co-author with Robert Cervero, of *Transit Villages in the 21st Century* (McGraw-Hill, 1996), a renowned expert on transportation issues, states:

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Recently, San Francisco’s Board of Supervisors approved a change to the city’s General Plan, with potentially far-reaching impacts on the city’s neighborhoods. Proponents...claim that it better connects transit and land use by densifying housing and reducing parking requirements near transit corridors. In fact, the policy completely misunderstands the research and theory of transit-based housing as well as the process of community building. ¶These studies...focus on rail transit, particularly heavy-rail transit, such as BART. The data on ridership for light rail and buss, the main transit service in San Francisco, show far less significant tie between transit ridership and station proximity.

“[M]ost San Francisco neighborhoods already qualify as transit villages...The Housing Element...ignores neighborhood character. It seeks to squeeze persons into these neighborhoods, often in odd configurations and against neighborhood opposition. **It assumes that many new residents will not own cars--even though our research showed that transit village residents, while using transit for many trips, do own autos and need parking...**all of these neighborhoods are fragile and can easily be undermined. City planning needs to support neighborhood-based planning and high-quality Muni service in the built communities and encourage new transit-based communities in the city’s emerging central waterfront and Southern areas.

(Bernick, Michael: “San Francisco’s Housing Element--Built on Misunderstanding,” *San Francisco Chronicle*, November 23, 2004.)

The DEIR glibly announces that “Parking conditions are not static, as parking supply and demand varies from day to day, from day to night, from month to month, etc. Hence, the availability of parking spaces (or lack thereof) is not a permanent physical condition, but changes over time as people change their modes and patterns of travel.” (DEIR I-13). There is no supporting evidence for this statement. People need parking where they live, and, contrary to the DEIR’s misstatements of fact and law, CEQA requires analysis of impacts on parking. This Project will cause severe parking impacts, both on the new residents and on existing neighbors who will be affected by the same

5.32

impacts. Additionally, cumulative impacts from the Project on the existing severe parking deficient in the area must be analyzed and mitigated.

The DEIR recites the lead agency's erroneous refrain that "San Francisco does not consider parking supply as part of the permanent physical environment," and that "Parking deficits are considered to be social effects, rather than impacts on the physical environment as defined by CEQA." (DEIR, I-13 and III.C-7); *see also* identical language at *Market and Octavia Neighborhood Plan Comments and Responses*, September, 2006, at p. 3-54.) These conclusions are incorrect as a matter of law.

Impacts on parking have long been recognized as a significant under CEQA, and must be analyzed and mitigated. (*E.g.*, *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1003 (Loss of on-street parking "indicated that a finding of significant environmental effect was mandatory."); *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028 ("[T]raffic and parking have the potential...of causing serious environmental problems."); *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 696-98, Fn.24 (Parking deficits were significant impact requiring mitigation). Here, the proposed Project not only worsens an already severe parking shortage, but physically changes the environment by further eliminating parking, parking facilities, and access to parking, and eliminates existing parking requirements in new construction, substituting mandatory caps on parking that will cause direct impacts on parking for new residents and neighbors of the Project, worsen the existing severe parking shortfall in the area, and cause cumulative adverse impacts on parking in the area. These are direct, physical changes that must be analyzed under CEQA, along with indirect significant impacts.

CEQA also requires that the EIR analyze and mitigate indirect and cumulative impacts on parking from existing shortfalls, removing existing parking, and creating future shortfalls by providing inadequate parking in new development. (*See, e.g.*, Guidelines §15065(a)(2)-(3), and Appendix G, §§XV (f) and XVII(b) and (c).

The Project's impacts on parking will also have significant effects on the environment that are economic and social changes. Such economic and social changes may determine the significance of a physical effect and may themselves cause physical changes that are significant effects. (Guidelines §§15064(e); 15382).

Lack of parking is also recognized as a "Physical and economic condition...that cause[s] blight." (Cal. Health & Safety Code §33031(a)(2); *Evans v. City of San Jose* (2005) 128 Cal.App.4th 1123, 1149-50.) CEQA recognizes that, as here, the potential to indirectly cause urban blight is a significant impact on the environment. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1204-05.)

The Public Resources Code section 21083(b)(3) further requires finding that a project may have a significant effect on the environment if it will cause substantial adverse effects on human beings, either directly or indirectly. Eliminating parking affects humans adversely, particularly those who have chosen to drive a car, as well as those

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5.33

subjected to increased traffic, congestion, air pollution, and degraded quality of life from forcing them to spend more time, resources, and money to park.

Thus, the DEIR's conclusion that parking is not "considered" an impact in San Francisco is contrary to the law. The Project will clearly have significant impacts on parking that must be evaluated and mitigated. To approve this DEIR under these circumstances is an abuse of discretion.

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cont.

### **13. TRAFFIC IMPACTS Are Not Identified or Mitigated.**

The DEIR fails to properly analyze and mitigate direct, indirect and cumulative impacts on traffic from this Project.

The DEIR's figures describing existing traffic are incorrect and out of date, having been compiled before the opening of the Octavia Boulevard freeway ingress/egress only one block from the proposed Project. The DEIR is severely flawed in omitting this data, which is necessary to establish the baseline conditions that this Project will adversely affect, both directly and cumulatively.

The new Octavia Boulevard, one block away from the Project, opened in September, 2005. The 6-lane surface freeway ingress-egress that cuts through the Project area replaced the Central Freeway. The former freeway touchdown ramps carried 93,100 vehicles per day. (San Francisco Department of Parking & Traffic ["DPT"], "*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.)<sup>9</sup>

Only a few months after its opening, the DPT recognized major congestion at many intersections in the Project area, none of which appear anywhere in the DEIR, either as a baseline of "existing" conditions, or in an analysis of significant impacts on traffic from the Project. (DPT, "*Octavia Boulevard Operation, Six Month Report March 2, 2006*, p. 2.) For example, the Fell-Laguna intersection experienced a 92% increase in a.m. traffic and a daily 24-hour increase of 78%. (*Id.* at p. 3) "Recurrent congestion" was noted on Oak St. at Octavia Blvd. on weekdays and weekends, "with traffic backed up several blocks." (*Id.* at pp.3, 7 and 8.) Northbound congestion at Market Street caused by the no-right-turn lane onto the freeway often backs traffic onto Market for several blocks. (*Id.* at p. 4, 10) Increased congestion was also noted at the South Van Ness on-ramp. (*Id.* at pp. 6, 8) Queuing backed up for several blocks is also present on Page (96% increase in a.m. traffic, and 41% increase in 24-hour traffic), and Haight (270% increase in a.m. traffic and 112% increase in 24-hour traffic) (*Id.* at pp. 11-12). DPT noted nearly a year ago that the new Octavia Boulevard was "close to...capacity that we estimated when the new design was proposed" and represented only "about half the previous capacity of the elevated freeway structure. The current surface roadway can carry approximately 1,400 vehicles per direction per hour before congestion sets in." (*Id.* at p. 2.)

5.4

<sup>9</sup> The DEIR's LOS analysis was conducted before the opening of the new Octavia Boulevard, which has caused major increases in traffic congestion on that boulevard and surrounding streets.

None of this crucial information appears in the DEIR's analysis of "existing conditions" or of impacts from the Project.

The DEIR admits that its out-of-date LOS data is derived from pre-2004 sources (DEIR, III.C-12), which makes that data is useless and misleading, in spite of the disingenuous claim that it has been "adjusted." (*Id.*) In fact the DEIR contains no accurate and up-to date LOS analysis for any street in the Project Area and the cumulative area affected by the Project. For example, Laguna at Market is the scene of gridlocked queues in every commute hour, as are many other surrounding streets that will be directly affected by the thousands of person-trips generated by this Project.

5.4  
cont.

Since the DEIR does not accurately establish the existing conditions in the Project Area, it cannot accurately identify impacts from the Project. The spurious analysis refers to the Market-Octavia Transportation *Study* -- itself flawed by the same out-of-date pre-Octavia Boulevard data. The former freeway traffic that is now on Octavia Boulevard changed traffic on every street in the area. The DEIR observes that, "Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds," with "hot spot" air pollution potential. (DEIR, III.D-13 - 14) These are significant impacts requiring analysis and mitigation.

The DEIR also misstates the numbers of new and existing tenants who will own and drive cars. According to the San Francisco County Transportation Authority's *Countywide Transportation Plan*, July 2004, the commute mode of San Francisco residents is as follows: Drive Alone: 40.5%; Carpool: 10.8%; Transit: 31.1%; Walk: 9.4% Other: 3.6%; Work at Home: 4.6%. (*Id.* at p. 40) The most pronounced demographic in the past 35 years is the number of people commuting into and out of the city to work (as opposed to living and working in San Francisco). (*Id.*) 22.5% of San Francisco residents commute to other counties to work. 27% of workers in San Francisco commute into the city from other counties. Additionally, the city attracts more than 14 million visitors per year (*Id.* at p. 41).

Thus, if this commute pattern continues as the SFCTA predicts, **78.3% of the Project's 833+ tenants will commute by car, adding 3,715 person-trips by car per day in the immediate and cumulative areas.** (DEIR III.C-9, Table 2 says the Project will generate 4,745 person trips per day.)<sup>10</sup>

5.6

The Project's direct and cumulative impacts on Laguna, Haight, Market, Buchanan, Octavia, Webster, Gough, and other streets in the area, which are severely congested many hours of the day, must be analyzed and mitigated.

<sup>10</sup> The DEIR, without support, claims that 1,481 "peak hour" trips will be by car. (DEIR, III.C-10, Table 3)

#### 14. TRANSIT Impacts.

Though the Project repeats the myth that the area is “well-served” by transit (DEIR, III.C-4), the DEIR contains no data or substantial evidence to support this claim.

As with the Project’s traffic impacts, the DEIR does not accurately state the Project’s impacts on transit. According to the SFCTA, 31.1% of the Project’s estimated 4,745 person-trips will be by transit, adding up to 1,475 new transit passengers in the area per day, enough to fill 30 new buses to capacity. Yet the DEIR claims that the “proposed project would generate about 280 new transit trips during the p.m. peak hour.” (DEIR III.C-13) We are not told about the a.m. “peak hour” or any other time.

5.20

The DEIR concludes that “project-generated trips would not substantially increase the peak-hour capacity utilization of bus lines within a quarter mile radius of the project site...” (DEIR III.C-14) The conclusion is wrong both in fact and under the presumption that it need only analyze transit impacts within one-quarter mile of the Project. This large Project must be analyzed for its direct, indirect, and cumulative impacts on transit, beginning with an accurate description of existing conditions. (*E.g., San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61, 78-79) There is no accurate information, coherent analysis or proposed mitigation of the Project’s significant impacts on transit in the DEIR.

Muni is overcrowded and unreliable already. Studies for the Market-Octavia Project showed that, although the Project area is a “key transit node in San Francisco,” that in the area, “on-time performance is extremely poor,” with only four of 23 lines surveyed meeting the Proposition E standard that 65% of runs should be on time. (Nelson\Nygaard Consulting Associates, *San Francisco Planning Department Better Neighborhoods 2002 Market/Octavia Study Area Existing Conditions Report*, August 2001, at “Transit,” p. 1-1.) The study further notes that both bus and streetcar lines serving Market/Octavia have extremely poor on-time performance, with only one line, the F-Market inbound, meeting the Proposition E standard. Virtually every line experiences gaps of 25 minutes between trips. Some lines have gaps of one to two hours. (*Id.* at “Transit,” p. 1-2) Capacity on many lines exceeds Muni standards, and there is no room for more passengers to board. (*Id.* at “Transit,” p. 1-3)

5.21

A recent poll found that the biggest concern of San Francisco and bay Area residents was transportation. “Transportation dominated the survey, as it has every year over the past decade...traffic congestion, the condition of roads and bridges, and public transit” was the most important Bay Area problem, exceeding housing. (Gordon, Rachel: “Biggest Concern in Poll,” *San Francisco Chronicle*, March 1, 2007.) Yet the DEIR does not properly analyze or try to mitigate this Project’s direct, indirect, and cumulative impacts on traffic and transit.

**15. VISUAL/AESTHETIC IMPACTS: The Project Will Visually Degrade the Site and the Entire Area.**

The DEIR fails to accurately describe the Project setting, buildings on site and in the surrounding area, and the significant adverse direct, indirect, and cumulative visual and aesthetic impacts of the Project.

4.1

The DEIR falsely claims that the “proposed project would generally reflect, and be compatible with, the surrounding neighborhood’s existing medium-density residential land uses.” (DEIR I-7) The neighborhood is characterized by old Victorian, Edwardian and Deco style architectural structures, most of which do not exceed three stories in height (30 feet). The Project buildings would *all* be at least one story higher, and at 40 to 90 feet high, most would be two to seven stories higher than surrounding neighborhood buildings. The proposed buildings would be hard-edged, box-style modern architecture, jarringly different from all surrounding buildings and the character of neighborhood. The Project’s highest proposed buildings would be located at the bottom of the sloping parcel, causing a monolithic box effect, in direct conflict with design guidelines calling for stepped down structures conforming to slope. (DEIR, Figures 5 and 6)

4.2

The public view from Buchanan Street, now a vista stretching all the way across the Bay, would be completely obstructed, except for the corridor created by the new sidewalk through the middle of the parcel. The open view from residences on Buchanan would also be blocked by huge box structures, (DEIR, Figure 5), with open space replaced by views of large, sterile box structures filled with private space. The street-level views from Laguna, Haight and Hermann Streets would be of the ground floors of bulky, 90-foot structures, occupied by inaccessible, private residential space rather than the existing open public space. (DEIR, Figure 5).

4.3

The lateral views from the new sidewalk, cynically called “Waller Park,” would be of a corridor between the large residential structures and standing in their shadows. (DEIR, Figure 6)

The following examples typify the DEIR’s misstatements about the visual character of the surrounding area:

- **DEIR:** Claims present Zoning allows height of 105 feet at Laguna (DEIR Figure 9, II.A-14)

**FACT:** Present zoning is Public. The parcel across from the Project on Laguna is zoned RM-3, which permits a height of only 40 feet. In fact surrounding residential buildings are only 20 to 30 feet in height with few exceptions, including those on Laguna.

- **DEIR:** Claims that the “existing land use pattern” locates “taller buildings nearer Market Street and shorter buildings closer to the lower-scale residential uses along the site’s Haight, Hermann, and Buchanan Street frontages.” (DEIR III.A-19)

**FACT:** Buildings on surrounding streets step down to conform with the slope, and with few exceptions are two or three stories in height. The Project’s buildings

4.4



will be four to eight stories in height with the tallest buildings at the lowest points on the parcel. (DEIR III.A-19) The Project will obstruct views from every public vantage point and fill the entire area with box structures flattened into a monolithic effect, in violation of CEQA, the General Plan's Design Guidelines, and Planning Code §§101.1 and 311(c), requiring that structures step down structures to conform with sloping topography.

- **DEIR:** Figures 5, 6, 13, 14, 15, 16, and 17 depict buildings that will be 90 feet tall as only twice as tall as existing two story structures, and shows proposed buildings 40- to 50-feet tall as lower than existing two-story structures. (DEIR, Figures 5, 6, 13, 14, 15, 16, and 17 showing Buildings 1, 2, 3, 4 and 7 as either invisible or no higher than the two-story Woods Hall.) Figure 13 shows a 90-foot high building as 4 stories taller than a 3-story building. Figure 14 shows a 90-foot high building as only 5 stories. Figure 15 shows a 5-story building as 3 stories, and the 90 foot building has been deleted.

**FACT:** Every new building on the site will be several stories higher than surrounding neighborhood structures, which are mostly two to three stories high.

4.4  
cont.

The DEIR claims that the “proposed project would result in the removal of visual elements with neutral or low aesthetic value” and would “replace these elements with new infill mixed-use residential development between four and eight stories in height, while retaining and rehabilitating most of the visually prominent (and potentially historic) structures on the project site.” (DEIR III.B-6) In fact, the Project will demolish three of five historic structures and gut the remaining historic structures, leaving facades accessible only to private tenants. (DEIR II.A-21) The Project will remove mature trees and landscaping, open views and space, and the retaining wall that joins parts of the historic structures that it will demolish. The Project will replace these resources with large, bulky, high-rises (up to 90 feet in height), incompatible in bulk and scale with old surrounding structures.

4.5

The boxy modern structures would be architecturally incompatible with the distinctive historic buildings on site and the ornate Edwardian, Victorian and deco style structures on surrounding streets. The impacts would be two-fold: The destruction of the older character of the neighborhood, and the destruction of open space, public and private views on site and in the surrounding areas, some of which stretch across the San Francisco Bay. None of these impacts are identified or analyzed in the DEIR in violation of CEQA.

7.8

The DEIR also fails to analyze the cumulative impacts from installing a huge modern development in the middle of an old neighborhood and the readily foreseeable impacts of financial incentive for demolition of unique, visually interesting old structures and open space and their replacement with generic modern structures throughout the neighborhood and San Francisco.

4.6

The DEIR claims that because “street-level uses” would be “enlivened with new retail uses and generous amounts of glazing,” this would somehow mitigate the visual impacts of replacing historic structures with a huge development of 9-story boxes.

(DEIR III.B-6) Opinions about “uses” do not comply with CEQA’s requirements to analyze visual impacts from this Project and are not lawful mitigation. Incredibly, the DEIR concludes that “the majority of views of the project site from primary view corridors would not substantially change from existing conditions,” (DEIR, III.B-7) a statement plainly at odds even with the DEIR’s distorted visual simulations.

4.6  
cont.

The DEIR admits that the Project would remove “approximately 60 trees with an average trunk diameter of eight to ten inches,” but claims that the unidentified mature trees would be replaced by “extensive new landscaping,” and concludes that “changes to the existing vegetation would not adversely affect the existing visual character of the site.” (DEIR, III.B-6) In another section, the DEIR admits that the tree trunks range “from six inches to 36 inches” (three feet) in diameter, and that 27 of these trees are “significant,” meaning “greater than 12 inches in diameter or greater than 20 feet tall.” (DEIR III.G-2) The DEIR does not analyze the impacts of removing all these trees, but claims that obtaining tree removal permits “would create a less-than-significant impact to ‘landmark’ or ‘significant’ trees on the project site.” (DEIR III.G-2)

9.1

The DEIR is replete with opinions as conclusions, many of which are unsupported and conflict with the DEIR’s own diagrams:

- “While a noticeable change from existing conditions, the altered view from [Buchanan Street] would not obstruct a scenic vista nor damage scenic resources.” (DEIR III.B-14)
- “These new buildings on the project site would be larger than the buildings or structures they replace, and would be a visible new silhouette against the sky, but would be minimally intrusive, and generally in scale with other surrounding development.” (DEIR, III.B-14)
- “The proposed project would intensify development at the site, but would not substantially degrade or obstruct publicly accessible scenic views.” (DEIR, III.B-14)
- “[T]he partial loss of some long-range views, when taken together with replacement of surface parking by a new moderately scaled residential units, landscaping, and a publicly accessible open space, would not be considered significant in a highly urbanized context. Therefore, the project’s effect on the view from this location [Buchanan Street], while noticeable, would not constitute a substantial adverse change.” (DEIR, III.B-15)
- “Implementation of the proposed project would not result in a substantial adverse effect on scenic views of the area from public vantage points. Thus, impacts related to view would be considered less than significant.” (DEIR III.B-16)
- “Implementation of the proposed project would not substantially damage scenic resources, nor substantially degrade the existing visual character of the project site or its surroundings... Thus, impacts to visual quality would be considered less than significant.” (DEIR, III.B-16)
- “Intensified development on the project site, in combination with greater densities resulting from implementation of the [Market-Octavia] Plan, would not substantially degrade the existing visual character of the area, as the new

construction would be spread throughout an area which encompasses about 376 acres of land on 89 city blocks in the center of San Francisco.” (DEIR, III.B-17)

- “The scale of future development in the project vicinity would continue to increase, and newer buildings may be visible and certain lots may become occupied by infill development, intensifying urbanized views in the area. The draft [Market-Octavia] Plan EIR does not identify any significant impacts to visual and aesthetic resources resulting from implementation of the Plan... Therefore, while the project would result in changes to existing views immediately surrounding the project site, the proposed project would have no significant visual impacts, and no cumulative impacts resulting from the project would occur.” (DEIR, II.B-17)
- “Development associated with the proposed project in association with development that would occur under the Plan would not result in significant cumulative environmental impacts related to the existing visual character or quality of the area and its surroundings; obstruction of publicly accessible scenic views; and generation of light or glare, that would significantly affect other properties. Cumulative urban design and visual quality impacts would be less than significant.” (DEIR III.B-17)

These unsupported conclusions do not comply with CEQA’s requirements. This Project will implement wrenching visual changes that are incompatible with the site and all surrounding structures in architectural style, bulk and scale, and CEQA requires that they be analyzed and mitigated. The incursion of bulk, high-rise, density, hard-edged modern residential boxes in an established older neighborhood where they have never existed before will have obvious significant impacts on public and private views from every public and private vantage point in the area.

4.7

No analysis of visual impacts has been conducted, and mitigation of view impacts may not be deferred. (*Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1607-08; Guidelines §15070.) CEQA applies whether it is a one-story view obstruction or a nine-story blockage of every public view.

CEQA requires careful analysis and real mitigation of visual and aesthetic impacts, including regional and cumulative impacts occurring to areas beyond the Project’s boundaries. (*E.g.*, Guidelines §15126.2(a) and Appendix G; and *e.g.*, *Quail Botanical Gardens, supra*, 29 Cal.App.4th 1597, 1604-06 (replacing one-story structures with two-story homes has adverse effect on public views; and mitigations are insufficient where views would remain partially obstructed.) The DEIR’s unsupported opinions-as-conclusions do not comply with CEQA’s requirements.

4.8

**16. OPEN SPACE IMPACTS: The DEIR Fails to Identify, Analyze and Mitigate the Project’s Impacts on Open Space.**

Among many other misstatements, the DEIR claims that the Project would create “public open space where there is currently none.” (DEIR III.A-21) In fact, a large part of the entire parcel is presently open space. The Project will remove this large space

3.2

from public ownership and turn it over to private for-profit development. Since private residential use is inaccessible to the public, the DEIR's statement is plainly false. The Project admits that "the change in zoning would eliminate approximately 5.8 acres of P-zoned properties" in the dense, large Market-Octavia area, but claims that there are plenty of other P-zoned properties in that large area. The DEIR concludes that, although the site contains 19% of existing open space in the area, that the Project's elimination of that open space would be "considered to be a relatively small loss in light of the amount of P-zoned properties which would continue to be available for public use." (DEIR III.A-20) This disingenuous statement does not say where or what the other publicly-zoned properties are.

3.4

The DEIR claims that "Six parks and open spaces are located within ¼ mile of the project site." (DEIR III.A-3) In fact, there is little open space in the entire densely populated area. Neither Duboce Park nor Patricia's Green is within ¼ mile of the Project; nor can Patricia's Green, Rose-Page Mini-Park, or "Octavia Plaza" be seriously called parks, and all of these spaces are intensively used already. The following are the facts about the "parks" listed in the DEIR:

3.2

- Koshland Park: A small area with a children's plastic play structure and basketball hoop, and a small garden area located at Buchanan and Page Streets.
- Duboce Park: Well over ¼ mile from the Project site at Duboce near Steiner, it consists of a basketball court and heavily trafficked area of dog-soiled turf.
- Patricia's Green: A small median-strip well over ¼ mile from the Project area, terminating the freeway ingress-egress on the new Octavia Boulevard, and obstructing through traffic on Octavia Street, with palm trees at one end, faux-deco benches, a small patch of dog-soiled turf, and a children's play structure, all crammed into a median area surrounded by heavy traffic exiting and entering the new surface freeway turnoff.
- Rose Page Mini-Park: A minuscule back-yard sized area heavily trafficked by dog-walkers.
- Octavia Plaza: A small, triangular paved area at the entry/exit of the Freeway touchdown on the south side of Market Street at the Octavia freeway ramp.

Not one of the three "parks" (Koshland, Rose-Page Mini-Park, Octavia Plaza) within ¼ mile of the Project contains adequate open space to satisfy existing needs or General Plan requirements, much less to mitigate the loss of nearly 6 acres of public space that this Project will cause.

3.2

The DEIR claims that a new sidewalk through the middle of the Project area will be "Waller Park." Even if a sidewalk could lawfully be defined as open space or a park, that sidewalk will lie in a corridor that is shaded by 90-foot-high buildings.

11.6

The DEIR claims that "The change in zoning would also reduce the amount of publicly zoned land in the site's vicinity. However, other publicly zoned sites including nearby parks (e.g., Koshland Park, Duboce Park, Hayes Green, etc.) would not be affected by the proposed project and would continue to be available for public use."

(DEIR III.A-20) Thus, the DEIR excuses itself from advocating the elimination of open space by the Project, while not analyzing the impacts of the 833+ new residents on the already inadequate, overused public spaces in the area. This Project will remove nearly 20% of all public open space in the area, and that is a significant adverse impact that must be analyzed and mitigated under CEQA. 3.4

The DEIR disingenuously uses the condition of the public land *after* UC closed it as a baseline for comparing “existing” public access with the Project’s proposed new sidewalk: “The proposed project would allow a greater degree of public access to the site than exists currently, or had existed previously during its use as a school...” (DEIR III.A-20) In fact the grounds were publicly accessible state schools for over a century. 1.4

The DEIR improperly compares the *closed* public land with its new sidewalk to conclude that open space would be increased or enhanced by the Project, observing, “Public accessibility of the project site is currently limited, given that the project site buildings are vacant and locked.” (DEIR III.A-20).

The proper comparison must be to the actual uses of this Public land for the 150 years of public uses *before* UC closed it to accommodate this Project, weighed against the Project’s closure of the entire parcel to the public forever, except for the proposed sidewalk (“Waller Park”). Cumulative analysis must also weigh this heavy loss. In fact, there is little public open space in the area, and the public zoning of this land could (and should) be used as a fully accessible park, particularly in view of the drastic density rezoning of more than 2,000 parcels in the vicinity proposed by the Market and Octavia Plan. The proposed Project will further crowd and trample the little open space within ¼ mile of this parcel and violates requirements of open space, a direct and cumulative impact that the DEIR fails to analyze. 3.12

This Project violates CEQA by failing to identify existing open space conditions in the entire area and the impacts of removing the largest existing open space in the area from public use, to analyze the impacts of the Project on the minuscule public space areas within ¼ mile (which it misstates), and to propose meaningful alternatives to removing open space. Violations of open space requirements of the City’s General Plan and Planning Code are not even mentioned in the deeply flawed DEIR. (*See* also Gov. Code §65560.)

**17. IMPACTS ON HISTORIC RESOURCES: The DEIR Fails to Identify, Analyze, and Provide Meaningful Mitigation and Alternatives to Demolition and Destruction of Historic Resources.**

Any alteration of historic resources *or* their significance is a mandatory finding of significant impacts under CEQA. (Pub. Res. Code §21084.1; Guidelines §15064.5(b); 21065.5; 21001.) After identifying significant impacts on historic resources, the EIR must identify feasible measures to “mitigate significant adverse changes in the significance of historical resources,” and must insure that such mitigations are “fully enforceable.”

(Guidelines §§15064.1(b)(4); 15026.4; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 596-97; 54 Cal.Rptr.3d 366, 373-75.)

The State Office of Historic Preservation (OHP) has recognized that this entire site and all the structures on it are eligible for historic status, and that the Project would result in loss of the potential for eligibility for a historic district. (Letter from Michelle C. Messinger, Historian, and Milford Wayne Donaldson, State Historic Preservation Officer, to Paul Maltzer, March 14, 2006.)

The DEIR must analyze not only the direct impacts from demolishing old public buildings for generic modern private residential buildings, but must also analyze the impacts on the significance of those structures. The DEIR must also analyze the cumulative impacts from demolition of historic structures and the incentive for demolition to for-profit development that this Project foreseeably portends. Additionally, the DEIR must analyze the impacts on surrounding historic resources in the immediate and cumulative Project area.

7.8

The Project proposes to demolish three historic buildings that are eligible for landmark status, and to gut the remaining buildings and transform them into private residences, and alter the entire site, severing it from its historic significance. Even the lead agency concluded that all buildings on the Project site qualify as “historical resources’ for CEQA purposes,” and that the buildings and retaining wall “would contribute to a potential campus historic district that also qualifies as a ‘historical resource’ for CEQA purposes.” (DEIR III.E-11).

The DEIR observes that demolition of the historic structures “would alter” their “historical character,” and would constitute a significant impact to a historical resource because it would “eliminate significant, character-defining features” of the buildings, walls, tile roofs, windows, and other distinctive old features. (DEIR, III.E-13) The DEIR also notes that, “While the designs of proposed new residential buildings appear to be differentiated from the old, they may not be fully compatible with the historic buildings on the site in terms of materials, massing, scale, and design.” (DEIR, III.E-13-14) The DEIR admits that the new construction would not comply with four out of ten of the *Secretary of the Interior’s Standards for Rehabilitation*... because the new structure may impact the spatial relationships, including the internally-focused ‘quadrangle’ design that characterizes the existing campus.” (DEIR, III.E-14) Yet, the DEIR incredibly claims that the impacts of installing nearly six acres of modern boxes in the middle of smaller old houses and structures distinguished by Edwardian, Victorian and Deco styles would “be compatible with the existing neighborhood scale and urban form and would not impact the character-defining features of off-site resources.” (DEIR, III.E-17)

7.8

Again, unlawfully claiming the unadopted Market-Octavia Plan as authority, the DEIR concludes that where demolition of historic resources is proposed, the Market-Octavia Plan “requires that the new buildings on the site should be a distinct improvement over the previously demolished buildings,” and that “the loss of the existing historic buildings and structures on the project site, as well as the site itself as a potential

7.7

campus historic district, would not be cumulatively considerable in light of the absence of potential impacts to other historic resources in the larger Market and Octavia neighborhood. As such, the proposed project would have no significant cumulative impacts to historic resources” (DEIR III.E-19).

The DEIR’s analysis is unlawful under CEQA, because its conclusions are erroneous and because the Market-Octavia Plan does not govern this Project. Cumulative impacts refer to “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (Guidelines §15355(a).) A cumulative impact is “the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects.” (Guidelines §15355(b).) Under the DEIR’s flawed analysis and the Market-Octavia Plan, piecemealed destruction of every old structure in San Francisco (or anywhere else) could be implemented with no consideration of its impacts on the character of the surrounding area, neighborhood, or the entire City, and virtually every old structure could be demolished and replaced by generic modern boxes with a finding of “no impacts.”

7.7  
cont.

CEQA requires that unless the entire property is rendered useless, every historic building on this Project site must be preserved. (*E.g., Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal. App. 4th 587, 602-603; 54 Cal.Rptr.3d 366, 377-78.)

The DEIR further acknowledges that the proposed rezoning would enable *future demolition* to occur *on this site* that “could also demolish more of the historic resources on the project site than under the proposed project.” (DEIR, III.E-17). None of the DEIR’s proposed mitigations or alternatives except the No Project alternative would remove this possibility.

7.7

The DEIR finally admits that its proposed mitigation measures are ineffective and would not reduce the impacts to less than significant, concluding, “Only selection of a project alternative... would reduce the impacts of proposed project to a less-than-significant level.” (DEIR, III.E-14) Only the DEIR’s No Project alternative would guarantee preservation of the historic buildings and character of this site.

**18. The DEIR Fails to Analyze Impacts from Closing and Relocating UC Educational Facilities.**

The DEIR fails to describe, analyze or mitigate the impacts of UC’s closing and/or relocation of its Extension educational facilities, affecting the entire region, in direct violation of CEQA. (Pub. Res. Code §21080.09; Guidelines §15081.5). That analysis must identify and mitigate impacts to the community and region of the UC’s site selections, including accessibility of educational resources and enrollment, and the direct, indirect, and cumulative physical impacts of closing and/or relocating UC’s San Francisco-area Extension facilities, which provided valuable educational resources to working people throughout the region.

1.4

**19. GROWTH IMPACTS: The DEIR Fails to Identify and Mitigate the Impacts on the Community and Area of the Project's 39 Percent Population Explosion of 833 New People in One Square Block.**

The DEIR says that “it cannot be concluded that the project would directly or indirectly induce substantial population growth that could have adverse physical effects on the environment, and therefore the project’s population effects are considered less than significant.” (DEIR III.F-3) This conclusion is unsupported and contradicted by substantial evidence.

The Project would privatize and fill a significant public open space and educational facility with housing development and more than 833 new residents, increasing the population of the surrounding area by 39 percent. (DEIR, III.F-3) That increase will have significant adverse impacts on existing traffic, transit, parking, open space, and aesthetic resources, among others, that must be analyzed and mitigated. The proposed rezoning would set a precedent for similar demolition and density box development throughout the area and City. The cumulative impacts from that foreseeable growth must also be analyzed and mitigated.

The DEIR must also analyze and mitigate the Project’s direct and cumulative impacts on emergency, police, fire, sewers, water, and other public resources, locally and cumulatively. The DEIR must also analyze public safety issues, including seismicity. The DEIR must also analyze energy consumption of 450 new housing units, which, because of their bulk and density, consume huge amounts of energy for climate control and lighting.

The DEIR admits that the Bay area is in non-attainment status for air quality (DEIR, III.D-5, III.D-9, etc.), and that “The project would result in criteria air pollutant emissions from a variety of emissions sources, including stationary sources...and mobile on-road sources.” (DEIR, III.D-13) The DEIR observes that, “Project-related traffic could not only increase existing traffic volumes, but also cause existing non-project traffic to travel at slower, more polluting speeds,” with “hot spot” air pollution potential. DEIR, III.D-13 - 14. Yet, while admitting that although the new Octavia Boulevard freeway ramp, only 500 feet east of the Project, has a capacity of more than 100,000 vehicles per day, the DEIR claims that “it is not anticipated that residents of the proposed project would be adversely affected by diesel particulate emissions from the new freeway ramps,” and thus there would be no cumulative impacts either to the new residents or from the addition of more than 4,745 person-trips per day and 450 new market-rate units. (DEIR, III.D-15-16). The DEIR’s purpose is not to analyze the environment’s impacts on the Project or its 833 proposed new residents. The DEIR must analyze the Project’s impacts on the existing environment, and propose mitigations and alternatives to those impacts. The DEIR’s unsubstantiated conclusions of no impacts from the Project are contradicted by the DEIR’s own data.

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**20. The DEIR Does Not Analyze or Mitigate Parking, Traffic, Noise, Dust, Air Pollution, and Other Impacts from the Project's Proposed Construction.**

Even if the Project and rezoning were lawful, the Project proposes inflicting at least three *years* of heavy excavation and construction on a neighborhood still recovering from nearly a decade of major demolition and reconstruction of the Octavia Boulevard surface freeway ramp. The DEIR contains no analysis or mitigation of the Project's impacts from noise, traffic, ground shaking, excavation equipment, vehicle parking and traffic, on the community and the area.

5.41

**21. The DEIR Fails to Propose Meaningful Mitigations of Significant Impacts from the Project.**

The DEIR's conclusions of "No Impacts" are unsupported by substantial evidence. The DEIR fails to identify and mitigate significant impacts on parking, traffic, transit, historic resources, views, open space, and other impacts, in violation of CEQA.

1.19

**22. The DEIR Fails to Provide a Range of Alternatives to the Project.**

CEQA requires that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects..." (Pub. Res. Code §21002; 21081; and, *e.g.*, *Uphold Our Heritage v. Town of Woodside* (2007) 54 Cal.Rptr.3d 366, 374.) Only the No Project alternative proposed in the DEIR can meet this standard.

10.16

**23. The Project Misstates and Is Inconsistent with the Priority Policies Set Forth in the Planning Code §101.1.**

As a threshold matter, the City may not adopt any zoning ordinance, issue a permit for any project or adopt any legislation for a project that requires CEQA compliance, demolition, conversion or change of use, without first finding that the proposed project and legislation are consistent with all of the eight Priority Policies set forth in the Planning Code at §101.1.<sup>11</sup> Instead of analyzing the Project for consistency with these Policies, the DEIR claims that "the Planning Commission and/or Planning Department will consider whether, on balance, the proposed project is consistent with the Priority Policies." (DEIR, III.A-17) The deferral of this analysis is improper, as are the DEIR's misstatement of what these provisions say.

3.3

The proposed rezoning and the proposed Project and its uses conflict with these requirements as follows:

- (1) ***"That existing neighborhood-serving retail uses be preserved and enhanced."***

<sup>11</sup> The City may not adopt any legislation that conflicts with the Planning Code §101.1, because that provision was adopted with a voter-approved Ordinance, Proposition M, in 1986 (Cal. Elections Code §9217).

The Project will create a parking shortage and will drastically worsen the existing severe parking shortage throughout the area, damaging neighborhood-serving retail uses.

- **(2) “That existing housing and neighborhood character be conserved and protected.”**

The Project will clash in bulk, density, height, appearance and architectural style, with the older, smaller, less dense character of the existing housing and neighborhood by constructing incompatibly-styled huge boxes of boxy modern apartments that in no way harmonize with surrounding, older structures.

- **(3) “That the City’s supply of affordable housing be preserved and enhanced.”** The Project does nothing to preserve or enhance affordability of the City’s existing supply of housing. There is NO requirement of inclusionary “affordable” housing in this Project. The DEIR (II-5) claims that of 450 residential units, “15 percent of the units would be reserved for low or moderate income households” claiming compliance with the Planning Code §315 *et seq.* This dishonest charade fails to note that the Planning Code does not require on-site affordable housing, and allows several “options” for meeting its affordability requirements, including paying a fee that is a fraction of the cost of housing in San Francisco, and building “affordable” housing in some unspecified other place at some unspecified other time. Nothing in this Project demonstrates that the Project would provide any *on-site* “affordable” housing. Furthermore, even if residential use were lawful, the Government Code prohibits leasing this State-owned public land for housing, unless the Project includes a minimum of 50 percent affordable units on this site, including at least 25% allocated for moderate income persons; 12.5% for “low-income persons,” and 12.5% for “very low-income persons.” (Gov. Code §14671.2).

The lack of on-site affordability directly clashes with §101.1 by including *no* on-site affordable housing, thus encouraging demolition of existing housing in the area and region for density build-out rather than preserving and enhancing the supply of affordable housing in the Project area, greater neighborhood, and city.

- **(4) “That commuter traffic not impede Muni transit service or overburden our streets or neighborhood parking.”**

The DEIR (III.A-17) dishonestly misstates this section of the Planning Code, and the Project is clearly inconsistent with its mandate. The DEIR fails to properly analyze the direct, indirect, and cumulative impacts of this Project on commuter traffic and Muni service, and the Project will clearly overburden neighborhood parking, already experiencing a severe parking shortfall due to the removal of hundreds of public parking spaces for the new Octavia Boulevard and to construct bicycle lanes on Market Street.

- **(6) “That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.”**

- **(7) “That landmarks and historic buildings be preserved”**

The Project will demolish three historic buildings, gut the remaining buildings for “adaptive reuse” as private residences, and eliminate any possibility of eligibility of the site for historic district designation, disregarding the historic

character both on-site and in the surrounding area. (See also Planning Code §333(c)(1).)

- (8) ***“That our parks and open space and their access to sunlight and vistas be protected from development.”***

The existing pathetic small spaces of minuscule areas that this Project claims are “parks” will be further burdened by the Project’s 833 new residents, with the Project providing *no* new open space except for a sidewalk through the middle of huge boxes of private residences.

## **24. The Project Is Inconsistent with the General Plan.**

The following are examples (not inclusive) of the Project’s inconsistencies with the General Plan:

- ***Air Quality Element***

**Objective 1:** *“Adhere to state and federal air quality standards and regional programs.”*

**Objective 3:** *“Decrease the air quality impacts of development by coordination of land use and transportation decisions.”*

**Policy 3.1:** *“Take advantage of the high density development in San Francisco to improve the transit infrastructure...”*

The Project will cause further traffic congestion and increased emissions and degradation of air quality by inducing growth and not mitigating the Project’s traffic, transit and parking impacts.

- ***Commerce and Industry Element***

**Objective 6:** *“Maintain and strengthen viable neighborhood commercial areas easily accessible to city residents.”*

The Project directly conflicts with this objective by proposing residential development with grossly inadequate parking facilities, misstating the existing severe parking deficit and the Project’s impacts on it, eliminating neighborhood parking, curtailing and prohibiting parking for retail uses, providing no loading areas, reducing accessibility to parking facilities; and other anti-parking measures that will adversely affect neighborhood commercial areas and accessibility to them.

**Policy 6.9:** *“Regulate uses so that traffic impacts and parking problems are minimized.”*

The Project will cause severe parking impacts and traffic and transit impacts, and proposes no mitigations for its impacts.

- ***Environmental Protection Element***

**Objectives 9 - 11.2:** *“Reduce transportation-related noise.”*

The new Octavia Boulevard, 500 feet east of the Project, has already caused a severe increase in noise that is not addressed in the DEIR. The Project’s impacts on parking, traffic, and transit will increase transportation-related noise by causing more congestion and traffic. No noise measurement study

has been conducted on the new Octavia Boulevard. No analysis of existing traffic noise has been conducted, and no mitigations are proposed. The Project will bring nearly 1,000 new residents into the area, causing impacts on traffic and transit noise.

- **Housing Element**

**Objective 1:** *“To provide new housing, especially permanently **affordable housing**...and take into account the demand for **affordable housing** created by employment demand.”*

**Objective 1:** *“Retain the existing housing supply.”*

**Policy 2.1:** *“Discourage the demolition of sound existing housing.”*

**Objective 4:** *“Support **affordable housing** production by increasing site availability and capacity.”*

**Policy 4.1:** *“Actively identify and pursue opportunity sites for permanently **affordable housing**.”*

**Policy 4.2:** *“Include **affordable** units in larger housing projects.”*

**Policy 4.4:** *“Consider granting density bonuses and parking requirement exemptions for construction of **affordable housing** and senior housing.”*

**Objective 6:** *“Protect the affordability of existing housing.”*

The Project directly conflicts with all affordability objectives by requiring *no* affordable housing *on-site*. The Project encourages demolition by removing all regulation of density, bulk, setback, rear yard and parking in a very large new development. The Project does nothing to identify or support siting of affordable housing in the Project area. The Project creates a bad precedent by demolishing public open space to develop *market-rate* housing. The Project will reduce affordability of existing housing by encouraging market-rate density development throughout the Project area. The Project directly conflicts with these Policies.

**Policy 6.5:** *“Monitor and enforce the **affordability** of units provided as a condition of approval of housing projects.”*

**Objective 7:** *“Expand the financial resources available for permanently **affordable housing**.”*

**Policy 7.1:** *“Enhance existing revenue sources for permanently **affordable housing**.”*

The Project conflicts with all affordability policies by unlawfully proposing privatization of state-owned land for *market-rate* rental units.

**Objective 8:** *“Ensure equal access to housing opportunities.”*

The Project unlawfully conflicts with equal access provisions in the U.S. and state Constitutions and federal and state statutes by targeting housing opportunities on the basis of sexual orientation.

**Policy 8.1:** *“Encourage sufficient and suitable rental housing opportunities and emphasize permanently **affordable** rental units wherever possible.”*

**Policy 8.2:** *“Employ uniform definitions of **affordability** that accurately reflect the demographics and housing needs of San Franciscans.”*

**Policy 8.3:** *“Ensure affirmative marketing of **affordable housing**.”*

**Policy 8.4:** “Encourage greater economic integration within housing projects and throughout San Francisco.”

**Policy 8.5:** “Prevent housing discrimination.”

**Policy 8.9:** “Encourage the provision of new home ownership opportunities through new construction so that increased owner occupancy does not diminish the supply of rental housing.”

**Objective 9:** “Avoid or mitigate hardships imposed by displacement.”

**Policy 9.2:** “Offer displaced households the right of first refusal to occupy replacement housing units that are comparable in size, location, cost and rent control protection.”

**Policy 10.2:** “Aggressively pursue other strategies to prevent homelessness and the risk of homelessness by addressing its contributory factors.”

**Policy 11.1:** “Use new housing development as a means to enhance neighborhood vitality and diversity.” (“the design of all housing sites and related amenities [will] make a positive contribution to surrounding public space and to overall neighborhood vitality.”)

**Policy 11.2:** “Ensure housing is provided with adequate public improvements, services, and amenities.”

**Policy 11.3:** “Encourage appropriate neighborhood-serving commercial activities in residential areas, without causing **affordable** housing displacement.”

**Policy 11.5:** “Promote the construction of well-designed housing that enhances existing neighborhood character.” (“provide adequate on-site usable open space and relate the type, amount and location of open space to the types of households expected to occupy the building. (See Figure 9 ‘Residential Open Space Guidelines’ in the Recreation and Open Space Element, for more specific guidelines.)”)

**Policy 12.3:** “Encourage jurisdictions throughout the Bay Area to recognize their share in the responsibility to confront the regional **affordable** housing crisis.”

**The Project directly conflicts with all of the above Housing Policies by promoting density market-rate housing with *no* requirement of *on-site* affordable units, and by unlawfully leasing state-owned property for residential units at market rates.**

- **Recreation and Open Space Element**

**Objective 2:** “Develop and maintain a diversified and balanced citywide system of high quality open space.”

**Policy 2.1:** “Provide an adequate total quantity and equitable distribution of public open spaces throughout the City.”

**Policy 2.2:** “Preserve existing public open space.”

**Policy 2.3:** “Preserve sunlight in public open spaces.”

**Objective 4:** “Provide opportunities for recreation and the enjoyment of open space in every San Francisco neighborhood.”

**Policy 4.4:** *“Acquire and develop new public open space in existing residential neighborhoods, giving priority to areas which are most deficient in open space.”*

The Project will cause significant adverse impacts on existing open space. The Project proposes *no* high quality open space, and there is no high quality open space in the Project area. The Project will shade its “Waller park” sidewalk with high rise boxes. The Project will not provide any quality open space to the Project area or the city. The Project redefines “open space” as freeway touchdowns and sidewalks, a gross adulteration of the meaning of the term as described in the General Plan and Government Code.

**Policy 5:** *“Require private usable outdoor open space in new residential development.”*

The Project provides no private usable outdoor open space and removes nearly six acres of public open space.

**Policy 6:** *“Assure the provision of adequate public open space to serve new residential development.”* The Project removes nearly six acres of open public space.

**Figure 9:** *“Residential Open Space Guidelines”*

**Policy 7:** *“Provide open space to serve neighborhood commercial districts.”* The Project conflicts with all of the above Policies.

- **Transportation Element**

**Objective 1:** *“Meet the needs of all residents and visitors for safe, convenient and inexpensive travel within San Francisco and between the city and other parts of the region while maintaining the high quality living environment of the Bay Area.”*

By causing significant impacts on parking and traffic, the Project fails to meet the needs of most residents and visitors who choose to drive automobiles and need a place to park.

**Policy 1.6:** *“Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.”*

The Project punishes the vast majority of residents and visitors who drive automobiles by eliminating parking and causing increased congestion, which also adversely affects public transit.

**Policy 10.4:** *“Consider the transportation system performance measurements in all decisions for projects that affect the transportation system.”*

The DEIR includes no coherent or up-to-date performance measurements for traffic or transit.

**Policy 17.2:** *“Encourage collaboration and cooperation between property owners and developers to allow for the most efficient use of existing and new parking facilities.”*

The Project does not encourage efficient use of existing and new parking facilities. Rather, it causes severe parking impacts and deficits on site and in public streets and facilities in the area.

**Objective 20:** *“Give first priority to improving transit service throughout the city, providing a convenient and efficient system as a preferable alternative to automobile use.”*

The Project proposes no improvements to transit and will cause significant impacts on already overcrowded transit in the Project area.

**Policy 30.1:** *“Assure that new or enlarged parking facilities meet need, locational and design criteria.”*

The Project directly conflicts with this Policy by assuring that parking needs of residents and visitors will NOT be met.

**Policy 30.6:** *“Make existing and new accessory parking available to nearby residents and the general public for use as short-term or evening parking when not being utilized by the business or institution to which it is accessory.”*

The Project violates this provision.

**Objective 33:** *“Contain and lessen the traffic and parking impact of institutions on surrounding residential areas.”*

The Project’s parking is grossly inadequate for its uses, and the Project removes available parking near the Civic Center and throughout the Project area, introduces density development without adequate parking, and worsens a severe existing parking deficit.

**Policy 33.2:** *“Protect residential neighborhoods from the parking impacts of nearby traffic generators.”*

The Project does nothing to protect residential neighborhoods from nearby traffic generators, including the Project itself, makes no attempt to mitigate the loss of over 1,000 spaces caused by the new Octavia Boulevard, and will create severe parking impacts with density development throughout the area, while removing the Planning Code’s requirements to provide parking.

**Policy 34.1:** *“Regulate off-street parking in new housing so as to guarantee needed spaces...”*

The Project creates a severe parking shortfall by not guaranteeing needed spaces for new housing development.

**Policy 34.2:** *“Use existing street space to increase residential parking where off-street facilities are inadequate.”*

There are no available existing street spaces, the Project will remove street parking spaces during and after construction, and will have severe, lasting impacts on public parking in the area.

**Objective 35:** *“Meet short-term parking needs in neighborhood shopping districts consistent with preservation of a desirable environment for pedestrians and residents.”*

The Project provides no short-term parking for its retail and community facilities, and there is none in the area.

**Policy 35.1:** *“Provide convenient on-street parking specifically designed to meet the needs of shoppers dependent upon automobiles.”*

The Project will eliminate on-street parking and contains no parking adequate for residential and shopping use.

- **Urban Design Element**

**Objective 1:** *“Emphasis of the characteristic pattern which gives to the city and its neighborhoods an image, a sense of purpose, and a means of orientation.”*

**Policy 1.1:** *“Recognize and protect major views in the city, with particular attention to those of open space and water.”*

**Policy 1.3:** *“Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.”*

**Policy 1.4:** *“Protect and promote large-scale landscaping and open space that define districts and topography.”*

**Policy 1.7:** *“Recognize the natural boundaries of districts, and promote connections between districts.”*

**Policy 1.8:** *“Increase the visibility of major destination areas and other points for orientation.”*

**Objective 2:** *“Conservation of resources which provide a sense of nature, continuity with the past, and freedom from overcrowding.”*

**Policy 2.1:** *“Preserve in their natural state the few remaining areas that have not been developed by man.”*

**Policy 2.2:** *“Limit improvements in other open spaces having an established sense of nature to those that are necessary, and unlikely to detract from the primary values of the open space.”*

**Policy 2.4:** *“Preserve notable landmarks and areas of historic, architectural or aesthetic value, and promote the preservation of other buildings and features that provide continuity with past development.”*

**Policy 2.6:** *“Respect the character of older development nearby in the design of new buildings.”*

**Policy 2.7:** *“Recognize and protect outstanding and unique areas that contribute in an extraordinary degree to San Francisco’s visual form and character.”*

**Objective 3:** *“Moderation of major new development to complement the city pattern, the resources to be conserved, and the neighborhood environment.”*

**Policy 3.1:** *“Promote harmony in the visual relationships and transitions between new and older buildings.”*

**Policy 3.2:** *“Avoid extreme contrasts in color, shape and other characteristics which will cause new buildings to stand out in excess of their public importance.”*

**Policy 3.3:** *“Promote efforts to achieve high quality of design for buildings to be constructed at prominent locations.”*

**Policy 3.4:** *“Promote building forms that will respect and improve the integrity of open spaces and other public areas.”*

**Policy 3.5:** *“Relate the height of buildings to important attributes of the city pattern and to the height and character of existing development.”*

**Policy 3.6:** *“Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.”*



**Policy 3.7:** "Recognize the special urban design problems posed in development of large properties."

**Policy 3.8:** "Discourage accumulation and development of large properties, unless such development is carefully designed with respect to its impact upon the surrounding area and upon the city."

**Policy 3.9:** "Encourage a continuing awareness of the long-term effects of growth upon the physical form of the city."

**Objective 4:** "Improvement of the neighborhood environment to increase personal safety, comfort, pride and opportunity"

**Policy 4.1:** "Protect residential areas from the noise, pollution and physical danger of excessive traffic."

**Policy 4.10:** "Encourage or require the provision of recreation space in private development."

**Policy 4.15:** "Protect the livability and character of residential properties from the intrusion of incompatible new buildings."

The Project conflicts with all of the above Policies.

- **Community Safety Element**

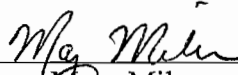
**Policy 2.9:** "Consider information about geologic hazards whenever City decisions that will influence land use, building density, building configurations or infrastructure are made."

## CONCLUSION

For the foregoing and other reasons, the DEIR and the Project are unlawful and must not be approved.

DATED: May 1, 2007

Errata Corrections: May 7, 2007

  
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Mary Miles

The San Francisco Neighborhood Network  
7 Fielding Street  
San Francisco, CA 94133

April 9, 2007

The San Francisco Planning Commission  
1660 Mission Street, 5th Floor  
San Francisco, CA 94103

Dear Commissioners:

Throughout the city, we are seeing plans for increased intensification of residential use, without a commensurate increase in public amenities and public space. For this reason, we are especially concerned about removal of existing public space.

3.2

We are writing to support the continued Public (P) zoning of the 55 Laguna Campus, formerly the home of UC Berkeley Extension.

We also support the creation of a Citizen Advisory Committee specifically to make proposals which maintain the public use of the site. This Committee would be established by resolution of the Board of Supervisors.

1.1

This site has been Public for 150 years. With 10's of thousands of new housing units being proposed for this area under the new Octavia and Market plan, our need for Public use and open space in this area will only increase. This location is our only opportunity to provide for future Public uses and open space.

Yours sincerely,



Michael Mullin  
The San Francisco Neighborhood Network

cc The Board of Supervisors  
The Landmark Preservation Advisory Board

PO Box 423978 // San Francisco, California 94142-3978 // 415 263 3996

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission Street, 5th Floor  
San Francisco, CA 94103-241

www.hayesvalleysf.org

RECEIVED

MAR 30 2007

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


March 27, 2007


Re: Comments on DEIR for 55 Laguna: Case No. 2004.0773E


Dear Mr. Maltzer,


Hayes Valley Neighborhood Association (HVNA) is pleased to provide comments on the Draft Environmental Impact Report for the 55 Laguna Mixed Use Project (formally known as the UC Extension Campus). While HVNA opposes the current development plans for the site, we support the overall concept of mixed-use redevelopment in our neighborhood, including both housing and community-serving facilities.

Our comments therefore focus on mitigating environmental impacts, rather than the precise use. As the DEIR will presumably cover most future iterations of the development proposal, these comments are intended in a constructive vein. In summary, our most serious concerns are as follows:

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 ■ **Market/Octavia Plan.** We believe that whatever happens at 55 Laguna must be consistent with the M/O Plan. However, as the Plan is still under deliberation, issues such as the level of affordable housing and community benefits remain unresolved. Further analysis and discussion of 55 Laguna must therefore be delayed until the Plan is adopted by the Board of Supervisors.
- 
5.1

 ■ **Impacts on Transit.** Inexplicably, the DEIR does not analyze traffic in the morning peak, when cut-through traffic to Octavia Boulevard causes long delays for Haight Street buses. The Final EIR must provide an AM peak hour analysis, and include mitigations, such as reduced parking or a ban on right turns from Haight to Octavia, to avoid further transit delays.
- 
1.3

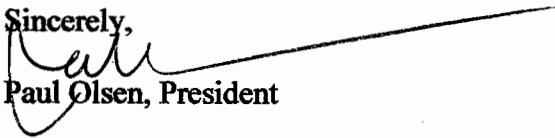
 ■ **Housing Affordability.** HVNA is disappointed that the DEIR does not include an analysis of the cumulative impact of market rate housing in the area – as we requested in June 2006. The Final EIR must include this analysis of housing costs and affordability.
- 
3.2

 ■ **Open Space.** The Final EIR must analyze the impact on nearby parks, including cumulative impacts. As we pointed out in our June 2006 scoping comments, Koshland Park, which is a half-block from the site, is already overburdened by

Many of our concerns have been raised numerous times throughout the planning process, including in our comments during the initial scoping for the DEIR in June 2006. We attach a copy of these comments for your convenience. While it is frustrating that these issues have been ignored to date, we look forward to them being addressed in the Final EIR.

Thank you for the opportunity to comment. HVNA is proud to explicitly support infill housing, mixed-use development, and community-serving facilities in our neighborhood. However, we do have concerns about the environmental impact of the currently proposed configuration at 55 Laguna. We look forward to a Final EIR that incorporates our concerns and requires the development to fully mitigate its impacts on the environment.

Sincerely,

  
Paul Olsen, President

  
Jason Henderson, Chair, Transportation &  
Planning Committee

cc: Planning Commissioners  
Supervisor Ross Mirkarimi  
Supervisor Tom Ammiano

## Detailed Comments on Draft EIR

### Compatibility with Existing Plans & Policy Consistency

Comment 1: HVNA supports the concept of urban infill and densification in our neighborhood, especially if it occurs within the guidelines of the forthcoming Market & Octavia Better Neighborhoods Plan (M & O Plan). Yet the M & O Plan is still under deliberation and outstanding issues such as the appropriate amount of affordable housing and community benefits remain unresolved in the plan. This leads to ambiguity, as displayed in the DEIR on page III A-22. Here, uncertainty about the consistency of the proposal with the M & O Plan is exemplified by consistency with 'P' (public)-zoning.

1.2

That the M & O Plan calls for the site to remain 'P' may imply that more public benefits or affordable housing must be included than currently proposed. We believe that whatever happens at 55 Laguna, it must be consistent with the M & O Plan. Thus, we urge that further analysis and discussion of 55 Laguna be delayed until the full set of policies and goals in the Market/Octavia plan are resolved at both the Planning Commission and Board of Supervisors.

1.2

Comment 2 (p I-8): the statement that the amount of P zoning is a "relatively small loss" is not justified. (On p. III A -17, the DEIR contradicts this, stating: "At 5.8 acres, the project site comprises approximately 19 percent of the P-zoned properties in the neighborhood.") Given expected population growth in the neighborhood, with development slated for parcels such as 1844 Market St and along Octavia Boulevard, the EIR needs to analyze the amount of P-zoned land that is available for future additions to public services/open space.

3.4

Comment 3: Depending on the number of spaces and units, the amount of parking may be above that allowed as-of-right under the current draft of the M & O Plan (p III C-15). Without justification, the DEIR then concludes (same page) that "the proposed project would be consistent with the Plan's proposed Planning Code parking requirements." The DEIR does not discuss either why a conditional use permit would be warranted, or how the proposed project complies with the more stringent policies for conditional-use parking levels set out in the M & O Plan.

5.34

Comment 4: As we outlined in our scoping comments in June of 2006, we believe the proposed project will impinge upon the city's "transit first" policy and goals, as well as negatively contribute to regional congestion, air pollution, and impact the jobs housing balance that ABAG, MTC, and BAAQMD seek to address. As we emphasized in our scoping letter, the parking, and not the concept of infill housing, is the concern here. In our original scoping letter we asked that the project be considered in this context but upon reviewing Ch. III A it is evident that little to none of this was considered.

5.35

The proposed development will be a block away from the new Central Freeway Ramp, which would be accessed by using Haight Street. HVNA is concerned that the development, as proposed, has too much parking that will attract auto-oriented

commuters seeking easy access to the freeway. This contributes to the transformation of San Francisco into a bedroom community for suburban office workers. Hence, the project, with its abundant parking, will negatively contribute to regional congestion, air pollution, and impact the jobs housing balance that ABAG, MTC, and BAAQMD are actively seeking to mitigate. For further comment on the negative transportation impacts, please see below.

5.35  
cont.

Comment 5: The EIR ignores the University of California's "Policy Guidelines for the Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices."<sup>1</sup> Among other things, these Guidelines require new University buildings to exceed the State's energy efficiency standards by at least 20% and require the University to "strive" to achieve a standard equivalent to LEED silver rating (and at a minimum to achieve equivalent of basic LEED certification). Given that the project is on UC property and its primary function is to generate revenue for UC, the EIR should analyze whether the project complies with UC's own standards, and propose mitigations where it does not.

1.14

Comment 6 (p. I-3 and elsewhere): The EIR should acknowledge that the Waller St right of way may be publicly owned. We attach a copy of a memorandum that suggests that the City of San Francisco may still own title to this land. It is therefore inappropriate to characterize this as a developer contribution to open space.

1.5

## Transportation

Comment 7: The DEIR inexplicably fails to analyze AM peak hour traffic. Given that the most significant traffic impacts at present are in the morning peak, due to "cut through" traffic using Haight St to access Octavia Boulevard and avoid backups on Oak Street, this omission is unacceptable. Eastbound Muni buses currently take 5-15 minutes to traverse the few blocks from Webster Street to Octavia Boulevard in the morning peak. This omission is not justified anywhere in the DEIR, despite our comments during the scoping process that AM peak hour impacts were a particular concern.

5.1

Consequently, the DEIR's findings of no significant transportation impacts are based on incomplete information, and we believe that they are mistaken. It states (p I-12): "Under existing plus project conditions, the net increase to traffic volumes associated with the project would result in minor delays at the study intersections, but are not expected to change the LOS at any of the study intersections. Therefore, the project would cause no significant traffic impacts." By extension, the DEIR concludes that there will be no impact on transit delays.

On the contrary, and keeping with comment 4, we believe that an AM peak hour analysis would find that the project would significantly worsen existing delays to Haight St transit services. At Laguna and Haight, the project would account for 30% of all traffic (p. III C-13). The project must therefore be required to mitigate its impacts on transit delays.

<sup>1</sup> [www.ucop.edu/ucophome/coordrev/policy/PP011706GreenBldgGuidelines.pdf](http://www.ucop.edu/ucophome/coordrev/policy/PP011706GreenBldgGuidelines.pdf)

HVNA believes that it would be inappropriate to mitigate automobile traffic delays on Haight Street, as through traffic should be encouraged to use Oak/Fell instead. However, as Haight Street is a transit preferential street, mitigation measures for increased transit delays in the AM peak are essential. These measures should include auto restrictions on Haight St (e.g. a ban on right turns onto Octavia, at least in the morning peak); transit signal priority; and making eastbound Haight Street two-way for transit between Octavia and Market, so that transit services do not need to make a time-consuming detour onto Page St. We asked for all of these mitigations to be considered in our June 2006 scoping comments, and none were.

Comment 8: Another mitigation measure to reduce AM peak hour traffic impacts would be to reduce the amount of residential parking – again see comment 3 and our June 2006 scoping comments. The EIR should also consider strategies for meeting the Dental School's transportation needs that do not involve construction of a parking garage that will be empty most of the time.

Comment 9: The DEIR's analysis of transit capacity impacts is inadequate. The DEIR states (p. C-III: 14) that there are no substantial impacts on Muni service. However, it acknowledges (same page, emphasis added): "The capacity utilization for all three line groups would remain similar to those under Existing conditions (i.e., would increase by no more than two percent), and in general would operate with available capacity to accommodate additional passengers **with the exception of the southbound lines.**"

5.22

Therefore, it appears that there will be capacity impacts on some southbound lines, and the DEIR fails to provide mitigation. The DEIR's suggestion that overloading on other southbound lines is acceptable because some southbound lines seven blocks apart operate below capacity is unacceptable. These lines are many blocks apart, serve different markets and need to be treated as such for purposes of environmental analysis.

Comment 10: According to the DEIR points out (p. III C-13), the proposed project will generate 79 new PM peak-hour vehicle trips at the Hermann/Laguna/Market/Guerrero intersection. What's more, the proposed pedestrian entrance on this corner will add large volumes of pedestrians. This is already an unsafe intersection for automobiles and pedestrians because of the proximity of the stop sign at Hermann and Laguna to the stop light at Laguna and Market. Automobiles traveling in both directions on Laguna often fail to realize that pedestrians crossing Laguna at Hermann have the right of way.

5.36

The EIR should analyze safety issues at this intersection, and proposed appropriate mitigation measures such as crosswalk improvements and bulbouts.

### Traffic Noise

Comment 11: The DEIR does not address noise. However, during the AM peak on Haight Street, there has been a significant increase in traffic noise since the Central Freeway ramp opened in September of 2005. This includes excessive honking, idling

11.1

motors, and squeaking breaks on the downhill of Haight St. Noise will only be exacerbated if the proposed development at 55 Laguna includes large amounts of parking, and a thorough discussion of traffic noise needs to be included in the DEIR – as we requested in June of 2006.

↑  
11.1  
cont.

### **Retaining Wall**

Comment 12: The DEIR identifies removal of the retaining wall on Laguna and Haight Streets as a significant adverse environmental effect. As pointed out elsewhere in the DEIR, the prison-like facade of the campus along Laguna and Haight Streets is a decades-old blight on the neighborhood that is fundamentally incompatible with the effort of the Market & Octavia Plan to promote a more active, pedestrian-friendly streetscape.

7.22

Although the wall is definitely a significant component of the old, inward-looking campus, the EIR should at least acknowledge that the preservation of the wall would itself have adverse environmental effects.

### **Geotechnical report**

Comment 13: The proposed project will require extensive excavation for foundations and subsurface parking yet there is no discussion of the underlying geology on the site in the DEIR. There is most likely a large amount of subsurface serpentine at the 55 Laguna site. The “Mint Hill” area is largely serpentine near the surface yet the DEIR does not refer to this at all. There are visible outcroppings of serpentine near the project site at the US Mint, and in private lots directly across from the project site (137 Buchanan, for example.) Also a description of shallow serpentine subsurface is described in a project report for the development proposed for Market and Buchanan, one block away from the proposed project site. The 55 Laguna site has obviously undergone extensive grading from its natural hillside contours.

11.7

Serpentine is a hazardous material and needs special handling in construction and transportation. The DEIR should report the historical land contouring and the extent of the naturally occurring serpentine. The boilerplate language for careful material handling and off loading is not adequate to understand the extent of the situation.

### **Climate Change**

Comment 14: The DEIR does not analyze emissions of carbon dioxide and other greenhouse gases from the project. Appropriate mitigations to reduce the project’s impact on global climate should include reduced parking and compliance with the University of California’s own “Policy Guidelines for the Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices” (see Comment 5).

6.1



## Alternatives Analysis

Comment 15: The EIR should acknowledge the adverse environmental effects associated with the "No Project" alternative: the blank facades along Laguna and Haight Streets, the pulses of traffic during commute hours caused by the site's use as a commuter parking lot, the lost opportunity to provide community-serving mixed uses at a prime location.

10.3

Comment 16: The EIR should acknowledge that the preservation alternative, by providing parking at an essentially 1:1 ratio, is inconsistent with the Market & Octavia Plan's parking policies and undermines that Plan's goal of increasing opportunities for transit- and pedestrian-oriented housing.

10.9

## Cumulative Impacts

Comment 17: HVNA is disappointed that the DEIR does not include an analysis of the cumulative impact of market rate housing in the area – as we requested in June 2006. Specifically, we asked for an analysis of what environmental impacts will occur if this largely market-rate project has a cumulative impact of increasing housing costs area-wide through gentrification. We believe there is precedent for such an analysis in the 2660 Harrison project which was deliberated recently, and would like to see this considered.

1.3

Comment 18: The DEIR also does not include a discussion of how 450 additional housing units will impact nearby parks. As we pointed out in our June 2006 scoping comments, Koshland Park, which is ½ block from the site, is overburdened by local users. While the 55 Laguna proposal by itself may not significantly impact this park, the cumulative impact of this development, 1844 Market, the Buchanan and Market proposal and the Octavia Boulevard parcels will put significant pressure on the limited park space in the neighborhood. Therefore, we urge that the DEIR include a thorough analysis of the pressures the development will have on parks, and the cumulative impact of that pressure.

3.2

Moreover, we suggest that the DEIR include an alternatives analysis that considers a scenario where a significantly greater portion of the 5.8-acre site is dedicated to park or greenspace, and other public uses. We also urge that parks be a central part of the discussion of mitigating environmental concerns. While HVNA supports infill and densification in our neighborhood, we do so only in a way that ensures adequate public benefit, including adequate parks and recreation.

10.19

## Comments on the Initial Study for Laguna Hill Project, June 5<sup>th</sup> 2006

Jason Henderson, Co Chair, Hayes Valley Neighborhood Association, Transportation & Planning Committee.

The Hayes Valley Neighborhood Association supports the decision by the Planning Department that an Environmental Impact Report is required for the proposal by AF Evans and Mercy to redevelop 55 Laguna ("Laguna Hill"). As you know, HVNA generally supports the concept of urban infill and densification in our neighborhood, especially if it occurs within the guidelines of the forthcoming Market-Octavia Better Neighborhoods Plan. However, we do have reservations about the particular configuration of the currently proposed project at 55 Laguna Street, and we do urge you to consider these reservations in the EIR. We therefore offer the following observations and comments about the scope of the forthcoming EIR.

4.1

### Compatibility with exiting zoning and plans (p.10)

The initial review for the proposal at 55 Laguna states that conflicts with existing adopted environmental plans and goals of the city or region are "not applicable." However, for several reasons, we disagree and urge that compatibility be thoroughly analyzed.

3.3

First, the proposed project may impinge upon the city's "transit first" policy and goals. It is likely that with the current proposed amount of parking, the project may have traffic impacts on Laguna and Haight Streets and the Haight Street buses. Currently automobile traffic during the weekday AM peak is causing delay on these vital transit routes, and this situation is not consistent with the transit first policy. HVNA strongly urges that the EIR for 55 Laguna include a thorough analysis of how the project will impact Laguna and Haight Streets, and more broadly, to ask whether the current proposal is compatible with the city's transit first policy. Specifically, auto trip generation and the amount of parking (including differing amounts for comparison) should be analyzed with respect to their impacts on the 6, 7, and 71 buses. We want to emphasize that the parking, and not the concept of infill housing, is the concern here. We urge the EIR to consider specific mitigation measures to avoid impacts on transit travel time, such as signal priority, queue jump lanes, and rerouting eastbound buses to remain on Haight Street rather than diverting to Page St.

Second, the proposed development will be a block away from the new Central Freeway Ramp, which would be accessed by using Haight Street. HVNA is concerned that the development, as proposed, has too much parking that will attract auto-oriented commuters seeking easy access to the freeway. This contributes to the transformation of San Francisco into a bedroom community for suburban office workers. Hence, the project could negatively contribute to regional congestion, air pollution, and impact the jobs housing balance that ABAG, MTC, and BAAQMD are actively seeking to mitigate. We therefore ask that as part of the EIR, some discussion and analysis of housing policies that discourage car commuting be included, and that a consideration be given to

mitigation measure requiring the housing to be reserved for or marketed to city employees, teachers in SF schools, and so on.

Third, the Market/Octavia Plan is planned to be adopted by the time that the EIR is completed. Scoping for the EIR should therefore consider this Plan, including the proposed parking controls and transit improvement projects, as part of city policy. It should discuss how the 55 Laguna proposal is consistent with the full set of policies and goals in the Market/Octavia plan.

3.3

### **Recreation, open space, public benefits**

Although mentioned in the section on Environmental Impacts (p. 13), the Initial Review does not include a discussion of how 450 additional housing units will impact nearby parks. In the utilities/public services section (p. 23) the IR states that the project will not substantially increase demand for schools, recreation, or other public facilities, but does not explain how recreation will not be affected.

11.4

Currently Koshland Park, which is ½ block from the site, is overburdened by local users. While the 55 Laguna proposal by itself may not significantly impact this park, the cumulative impact of this development, 1844 Market, and the Octavia Boulevard parcels will put significant pressure on the limited park space in the neighborhood. Therefore, we urge that the EIR include a thorough analysis of the pressures the development will have on parks, and the cumulative impact of that pressure. Moreover, we suggest that the EIR include an alternatives analysis that considers a scenario where a significantly greater portion of the 5.8 acre site is dedicated to park or greenspace, or other public uses. We also urge that parks be a central part of the discussion of mitigating environmental concerns. While HVNA supports infill and densification in our neighborhood, we do so only in a way that ensures adequate public benefit, including adequate parks and recreation.

3.2

### **Traffic Noise (p.16)**

The Initial Review states that the project would not increase substantially the ambient noise levels for adjoining areas. However, during the AM peak on Haight Street, there has been a significant increase in traffic noise since the Central Freeway ramp opened in September of 2005. This includes excessive honking, idling motors, and squeaking breaks on the downhill of Haight St. Noise will only be exacerbated if the proposed development at 55 Laguna includes large amounts of parking, and a thorough discussion of traffic noise needs to be included in the EIR.

11.1

### **Alternatives (p. 45)**

The IR states that alternatives will be analyzed, including a no project and a preservation alternative. We are pleased to see the preservation alternative. We would also encourage

10.14

an analysis of various reduced parking scenarios, such that more housing space can be created, while balancing preservation and public use through utilizing what would be otherwise parking space.

▲ 10.14  
| cont.

**Cumulative Impacts**

HVNA urges that the EIR include an analysis of the cumulative impact of market rate housing in the Hayes Valley-Octavia Boulevard area. How will this relate to the housing element of the General Plan and affordable housing goals in the city? What environmental impacts will occur if this largely market-rate project has a cumulative impact of increasing housing costs area-wide through gentrification? With the forthcoming Better Neighborhoods Plan, concern over loss of lower income housing and production-repair-distribution is also of concern. What impacts might this project have on that, and what are the broader environmental implications? These are questions we would like to see discussed in the EIR.

| 1.3

The Hayes Valley Neighborhood Association is proud to explicitly support infill housing and mixed use development in our neighborhood. However, as should be obvious, we do have concerns about the environmental impact of the currently proposed configuration at 55 Laguna. We welcome a thoroughly vetted EIR that provides thoughtful mitigations to our concerns regarding traffic impacts on transit, noise and broader city-and regional goals. We also welcome an EIR that adequately discusses the cumulative impact of development on local parks, and considers mitigations that allocate more public space than what is currently in the AF Evans and Mercy Housing proposal for 55 Laguna St.

## Waller Street Ownership Memorandum

### THE CITY OF SAN FRANCISCO SHOULD EXERCISE ITS OWNERSHIP RIGHTS OVER THE LAND FORMERLY COVERED BY THE CLOSED SECTION OF WALLER STREET BETWEEN BUCHANNAN AND LAGUNA STREETS

The Regents of The University of California, through their agent, A.F. Evans & Co., are seeking to eliminate the current Public Use (P) zoning classification on a tract of land containing approximately 5.8 acres located in the Hayes Valley neighborhood of San Francisco. The property is eligible for historic designation and has been in continuous public use since the early 1850's (nearly as long as California has been a state). If they can obtain the zoning change, The Regents plan to lease the entire tract to A.F. Evans & Co. for 75 years, allowing Evans to convert the land to a private real estate development. Running through the middle of this property is land over which Waller Street was formerly located prior to its closure in 1922. The Regents apparently believe they own the land where Waller Street formerly existed because their plans call for extensive excavation and construction within this area. A close examination of legal documents reveals the property is not owned by the Regents, and is actually owned by City of San Francisco.

1.5

On February 6, 1922 the San Francisco Board of Supervisors adopted a "Notice Resolution" directing the publication of its intent to close Waller Street from Laguna to Buchanan streets, and giving notice of a public hearing on the subject<sup>1</sup>(see Exhibit A attached). The Resolution stated in part<sup>2</sup>:

RESOLVED, That the public interest requires that Waller street from the westerly line of Laguna street to the easterly line of Buchanan street be closed. Be it further

RESOLVED, That it is the intention of the Board of Supervisors to close Waller street from the westerly line of Laguna street to the easterly line of Buchanan street. Said closing . . . shall be done and made in the manner and in accordance with the provisions of Section 2 of Chapter III of Article VI of the Charter, as amended, and the sections of said chapter and article following said Section 2. Be it further

RESOLVED, That the damage, cost and expense of said closing up of said part of Laguna street be paid out of the revenue of the City and county of San Francisco.

Nowhere in this resolution was there a "public interest" finding that the **land under** the closed part of Waller Street should be abandoned or given away. In fact, a thorough reading of the portion of the City Charter cited in the resolution (see Exhibit B attached) reveals no authority given to the Board of Supervisors to abandon or give away

<sup>1</sup> RESOLUTION No. 19667, San Francisco Clerk's Office.

<sup>2</sup> *Ibid.*

the land under a closed street<sup>3</sup>. In fact, Article VI Chapter II Section 27 of the Charter, entitled: "Procedure Relating to Closing of Streets", specifically states that where street closures were sought by property owners whose lands front the closed street, ". . . the land thertofore included within the roadway and sidewalks of said street [to be closed] shall thereafter be the property of the City and County."<sup>4</sup> (See Exhibit C attached.)

Two additions were made to the subsequent "Enabling Resolution" passed by the Board of Supervisors on March 27, 1922 (after the initial "Notice Resolution" had been published and the time for public hearing had passed). This version was signed by the Mayor on April 6, 1922<sup>5</sup> (see Exhibit D attached), and stated as follows (the additions are emphasized here in bold type, underlined):

Closing **and abandoning** a portion of Waller street from the westerly line of Laguna street to the easterly line of Buchanan street.

WHEREAS, This Board of Supervisors by Resolution No. 19,667 (New Series) declared its intention to close up a portion of Waller street from the westerly line of Laguna street to the easterly line of Buchanan street; and

WHEREAS, the notice of said Resolution and of said proposed closing of said portion of Waller street duly given by the Board of Public Works of this City and County by publication and posting in the manner provided by Section 3 of Chapter 3 of Article VI of the Charter of this City and County; and

WHEREAS, No objection or protest has been made against the closing up of said portion of Waller street as provided in the Charter; and

WHEREAS, It is the opinion of this Board that the public interest requires the closing up of said portion of Waller street

RESOLVED, That the said portion of Waller Street from the westerly line of Laguna street to the easterly line of Buchanan street is hereby closed **and abandoned** as a public street.

The legal effect of adding the words "abandoning" and "abandoned" within the March 27, 1922 "enabling resolution" must be construed in a manner consistent with the earlier "notice resolution" and with Article VI of the City Charter. When this analysis is done, it is clear that those words refer to abandoning the public's use of the street. They do not evidence a gift or abandonment of the land under the street. As stated above, Article VI of the Charter authorized only the closure of streets; not the abandonment or gift of land under the streets. In construing these words, one should also be cognizant of the constitutional prohibition against "the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever" (Cal. Const., Art. XVI, § 6). An abandonment of land under the street could constitute a gift of public

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<sup>3</sup> Charter of the City and County of San Francisco, 1919, p. 100-110. The San Francisco Law Library does not have the 1922 edition of the Charter; however the 1924 edition, which is the next edition it does have, contains the same language.

<sup>4</sup> *Ibid*, p. 96.

<sup>5</sup> RESOLUTION No. 19812, San Francisco Clerk's Office.

land to the adjacent property owners. It would be illogical to construe the words “abandoning” and “abandoned” in a manner that was not only unauthorized by the City Charter, but was specifically prohibited by the State Constitution.

On May 15, 1922, the adjacent land to the north, and part of the adjacent land to the south, of the closed portion of Waller Street was conveyed to the State of California<sup>6</sup> by its then owner, San Francisco Protestant Orphanage Society<sup>7</sup>. The conveyance was authorized by an earlier order of the Superior Court dated January 31, 1922<sup>8</sup>. Of significance is the fact that even though Waller Street had been closed 49 days before this conveyance, the orphanage society manifested no claim to the land under the closed portion of Waller Street. The Waller Street land was not included within this court-authorized conveyance to the State of California.

The first time the land under the closed portion of Waller Street was mentioned in a deed was on April 23, 1957, the date when the State of California conveyed the former San Francisco State College campus to the Regents of the University of California.<sup>9</sup> This deed, together with other documents relating to the property transfer, gives evidence that the parties to the transaction were aware of a defect in their claim of ownership to the Waller Street property. The conveyance to the Regents was authorized by the State Legislature<sup>10</sup> after an earlier Attorney General’s Opinion settled issues involving the form of consideration to be paid<sup>11</sup>. The statute only authorized the grant of “real property **belonging to the State** to the . . . Regents of the University of California . . .” (Emphasis supplied.) If the land under Waller Street was not owned by the State at that time, it could not be transferred to the Regents. On February 28, 1957 the Committee on Finance of The Regents adopted a resolution accepting the former San Francisco State College campus; however, this resolution only authorized acceptance of “**a grant deed** from the State of California, granting to The Regents of the University of California” the subject property<sup>12</sup> (emphasis added). The only property actually conveyed to the Regents by “Grant Deed” was the portion of the former San Francisco State College campus located to the north and south of the closed section of Waller Street<sup>13</sup>. The land under the closed section of Waller Street was not conveyed by a “grant deed”; it was “conveyed” by a “Quit Claim Deed”<sup>14</sup> --- a clear indication by the parties that they believed the legal title to the land under the closed street was at least in doubt.

An examination of San Francisco real estate and Board of Supervisors records reveals no deed from the City, or resolution by the Board of Supervisors, indicating the City’s intent to abandon or make a gift of the land under the closed part of Waller Street.

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<sup>6</sup> Apparently for the benefit and use of San Francisco State Teachers College (later, San Francisco State College).

<sup>7</sup> Vol. 505, P. 357-358, Records of San Francisco Recorder.

<sup>8</sup> Vol. 460, P. 172-174, Records of San Francisco Recorder.

<sup>9</sup> Book 7084 Page 402, Records of San Francisco Recorder.

<sup>10</sup> Chapter 10, Statutes of 1957

<sup>11</sup> Attorney General’s Opinions, 28 AGO 334, December 19, 1956

<sup>12</sup> Book 7084 Page 399, Records of San Francisco Recorder

<sup>13</sup> Book 7084 Page 397-398, Records of San Francisco Recorder

<sup>14</sup> Book 7084 Page 402-403, Records of San Francisco Recorder

It would appear therefore that the City of San Francisco continues to own this land, and that any ownership claim to this property by the Regents of the University of California is not valid.

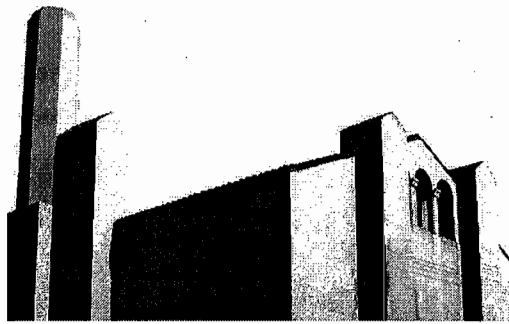
Ownership of the land under the closed part of Waller Street is of significance when analyzing the current plans of the Regents (through A.F. Evans & Co.) to provide "public space" as an inducement for the City to eliminate the current Public Use zoning from the entire property (including the former street). This "public space inducement" is largely confined to the area of the closed section of Waller Street. If this land is currently owned by the City and not the Regents, any such "public space inducement" is a fiction. If the Regents are sincere about establishing a "public space" within the proposed project, they should use their own land; not the land of the City.

The following photograph was obtained from the California State Archives. It was taken in 1929 by Frank R. Ray, a member of the faculty of San Francisco State College, and shows that even though Waller Street had been closed, its existence as a separate parcel of land continued for at least seven years thereafter.



**When Waller St. divided the  
campus in half. 1929.**





**RECEIVED**

MAY 01 2007

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
OPERATIONS

**Save the UC Berkeley Extension  
Laguna Street Campus**

April 30, 2007

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
Major Environmental Analysis Division  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Re: Comments on Draft Environmental Impact Report for the 55 Laguna Mixed Use Project;  
Planning Department Case No. 2004.0773E and State Clearing House No. 2005062084

Dear Mr. Maltzer:

On behalf of the Save the UC Berkeley Extension Laguna Street Campus, I hereby submit our comments on the Draft EIR (DEIR) for the 55 Laguna Mixed Use Project (Project). We are transmitting over 700 signatures on our petition to the Board of Supervisors requesting a Citizens Advisory Committee to evaluate the proposed privatization of the UC Berkeley Extension Laguna Street Campus. We assert the analysis in the DEIR of the effects of the Project on public land is deficient.

3.1

By reference, we concur will all comments on the adequacy of the DEIR, especially those relating to historic resources and public process, contained in the comment letter from New College of California to the Planning Department dated April 30, 2007. Members of this organization have assisted New College in preparing their comments in order to support the evaluation of a public use alternative—NOT to specifically endorse any aspects of their plan.

1.16

Further, we have attached additional information regarding the historic resources and public process issues.

Sincerely,

Cynthia Servetnick, AICP  
Co-Chair

cc: San Francisco Board of Supervisors  
San Francisco Planning Commission  
San Francisco Landmarks Preservation Advisory Board  
Mark Luellen, Historic Preservation Coordinator, San Francisco Planning Department  
Office of the City Attorney  
Mayor's Office of Economic and Workforce Development  
National Trust for Historic Preservation  
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer  
Leigh Jordan, Coordinator, Northwest Information Center  
San Francisco Historic Preservation Fund  
San Francisco Heritage  
San Franciscans for Preservation Planning  
San Francisco Preservation Consortium  
Susan Brandt-Hawley, Brandt-Hawley Law Group  
Mark Paez, Chair, Friends of 1800  
Arnie Lerner, AIA, Lerner + Associates  
Carol Roland, Principal, Rowland-Nawi Associates  
Vincent Marsh, Principal, Marsh and Associates  
Michael Mullin, AIA  
Paul Olsen, President, Hayes Valley Neighborhood Association  
Dennis Richards, President Duboce Triangle Neighborhood Association  
Rick Hauptman, President, North Mission Neighborhood Alliance  
Peter Lewis, Mission Dolores Neighborhood Association  
Vallie Brown, President, Lower Haight Neighborhood Association  
New College of California  
Gordon Schanck, University of California, Office of the President  
Kevin Hufferd, University of California, Berkeley  
Jack Robertson, A.F. Evans Development, Inc.  
Rich Sucre, Page and Turnbull, Inc.

## **Appendices**

- A. **San Francisco Preservation Consortium Appeal of Market and Octavia Neighborhood Plan EIR, April 25, 2007**
- B. **Petition to the Board of Supervisors Requesting a Citizens Advisory Committee to evaluate the proposed Privatization of the UC Berkeley Extension Laguna Street Campus as of April 30, 2007**
- C. **Correspondence Re: the Establishment of Citizens Advisory Committee to evaluate the proposed Privatization of the UC Berkeley Extension Laguna Street Campus**
- D. **Additional Information on preservation and public process Re: the proposed Privatization of the UC Berkeley Extension Laguna Street Campus**



Cynthia Servetnick <cynthia.servetnick@gmail.com>

# SFPC M-O Appeal Final Letter

Joe BUTLER <fjosephbutler@hotmail.com>

Thu, Apr 26, 2007 at 11:30 AM

25 April 2007

President Aaron Peskin and Supervisors  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689

Re: Appeal of the Planning Commission's Certification of the Market and Octavia Neighborhood Plan Final EIR and Findings to the Board of Supervisors

Dear President Aaron Peskin and Supervisors:

On behalf of the San Francisco Preservation Consortium, we hereby submit this appeal of the Planning Commission's certification of the Market and Octavia Neighborhood Plan Final EIR and Findings.

The EIR's discussion of resource impacts occurred without the benefit of a comprehensive up-to-date historic resources inventory of the many historical resources and potential historic districts in the Plan area.

Without such a survey, the EIR's conclusions that no mitigation measures are required to protect historical resources and that the Plan will have no significant impacts on such resources are not supported by substantial evidence.

The EIR's inadequacy cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that interim measures simply will not meet CEQA's thoughtful and effective mandates.

Lacking a completed Historic Resources Inventory of the Market and Octavia Neighborhood Plan Area, the environmental document is inadequate and contains insufficient information to reach correct conclusions and findings regarding historical resources.

Sincerely,

F. Joseph Butler, AIA, Chair  
San Francisco Preservation Consortium

cc: San Francisco Planning Commission  
Landmarks Preservation Advisory Board  
Dean Macris, Planning Director  
Paul Maltzer, Environmental Review Officer  
Dennis Herrera, City Attorney

San Francisco Historic Preservation Fund  
 Mayor's Office of Economic and Workforce Development  
 San Francisco Architectural Heritage  
 San Francisco Preservation Consortium  
 Duboce Triangle Neighborhood Association  
 Mission Dolores Neighborhood Association  
 Hayes Valley Neighborhood Association  
 San Francisco Victorian Alliance  
 Friends of 1800  
 Milford Wayne Donaldson, State Historic Preservation Officer  
 National Trust for Historic Preservation, Western Regional Office

>From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>  
 >To: "Joe BUTLER" <fjosephbutler@hotmail.com>  
 >Subject: SFPC M-O Appeal Final Letter  
 >Date: Thu, 26 Apr 2007 11:22:11 -0700

[Quoted text hidden]

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All:

Sat Apr 7, 2007 8:07 pm

At last Thursday night's Planning Commission meeting, Commissioner Sugaya showed a map of potential historic districts within the Market and Octavia Neighborhood Plan Area that was prepared by Page & Turnbull. While it was flashed on the screen for only a few minutes, I have recreated the boundaries of a potential Campus-Apartment Historic District that was shown per the attached map. I have also added some data on medium-density apartment buildings surrounding the UC Berkeley Extension Laguna St Campus.



Is this a potential Campus-Apartment Historic District? While buildings 1-5 shown on the map are contemporary to the campus, I would argue that buildings 1-3 relate more to the Market Street commercial corridor block. Buildings 4 and 5 are both 6 stories and contain 60 and 62 units respectively. Note the UC/AF Evans/open house proposal shows an 8-story 85 unit building on the site of the demolished Richardson Hall Annex on Laguna Street between Market and Waller Streets.

Both the National Register Nomination and the application for Local Landmark Designation prepared by the Friends of 1800 show the boundaries of the San Francisco State Teacher's College Historic District as the south side of Haight Street, the west side of Laguna Street, the north side of Hermann Street and the east side of Buchanan Street.

I am concerned that Page & Turnbull's research may be influenced by the UC/AF Evans/openhouse proposal to incorporate up to 450 mainly market-rate housing units with some retail and community space into the campus. Page & Turnbull did the Historic Resources Study for the Planning Department under CEQA; then became the preservation architect for the UC/AF Evans/openhouse project that will demolish two contributory buildings, alter and privatize most of the interiors, and relocate significant works of art; then got the contract for the Market and Octavia Area Plan Historic Resources Survey; then were asked not to evaluate the campus under the survey to avoid the appearance of a conflict of interest per the below email; and now have decided not to analyze the campus as it's own district, but to draw the line a bit wider and rename the district the "Campus-Apartment Historic District."

There will be an opportunity to discuss this matter at the public meeting on the Market and Octavia Area Plan Historic Resources Survey on Wednesday, 4/11/07 from 5:30 pm - 6:30 pm at the Ralph K. Davies Auditorium at Castro & Duboce.

This will no doubt be an important issue to address at the hearing on the application for Local Landmark Designation on Wednesday, 4/18/07 at approximately 1:30 pm in Room 400 City Hall.

'Hope you can come to both meetings express your support for the San Francisco State Teacher's College Historic District as originally

submitted to the Planning Department and the Landmarks Preservation Advisory Board.

Best,

Cynthia Servetnick, AICP, Co-Chair  
Save the UCBE Laguna Street Campus  
(415) 563-7336  
cynthia.servetnick@gmail.com  
[http://groups.yahoo.com/group/Save\\_UCBE\\_Laguna\\_St\\_Campus](http://groups.yahoo.com/group/Save_UCBE_Laguna_St_Campus)  
<http://www.petitiononline.com/UCBEsite/petition.html>

----- Forwarded message -----

From: Moses Corrette <Moses.Corrette@sfgov.org>  
Date: Oct 4, 2006 3:42 PM  
Subject: P&T / UC Laguna  
To: michael@michaelmullin.com, cynthia.servetnick@gmail.com, vincent.marsh@gmail.com

I wanted to inform you all that Page & Turnbull has been notified that their services for surveying the Market and Octavia Area Plan will not include the UC campus. Recognizing that they were hired by AF Evans, and that a second independent assessment is pending, it will not be necessary for P&T to create duplicate work. We hope that this will also remove the appearance of a conflict of interest between the City, AF Evans and Page & Turnbull.

While the Survey team is not involved with the environmental review or the proposed project itself, the Department did review the P&T report, and did not agree with the conclusions. In short, the Department's review found that the campus did constitute a district, and that several buildings that the P&T report (Richardson annex & Gym) were indeed contributors to the District.

Thank you, and feel free to call Rana Ahmadi at 558-5966 for questions about the Environmental Review, or if you have further questions or concerns about the Market & Octavia Survey, please give me a call.  
Moses Corrette

---

N. Moses Corrette, City Planner  
Historic Resources Survey  
Telephone 415.558.6295 Facsimile 415.558.6409

Planning Department  
City and County of San Francisco  
1660 Mission Street, Suite 500  
San Francisco, CA 94103

"Historic preservation is meant to preserve historic buildings, and not to create buildings that look old, but that are in effect new buildings."  
-National Park Service



**POTENTIAL CAMPUS—APARTMENT HISTORIC DISTRICT**

- 1 1900-1920 Market Street (APN 0872/001)**  
Zoning (NC3) Neighborhood Commercial, Moderate Scale  
Lot Area 6,155, 7 Stories, 87 Units, Built 1931
- 2 55 Hermann Street (APN 0872/012)**  
Zoning (RM3) Residential-Mixed, Medium Density  
Lot Area 6,577, 6 Stories, 43 Units, Built 1928
- 3 78 Buchanan Street (APN 0872/009)**  
Zoning (RM3) Residential-Mixed, Medium Density  
Lot Area 7,196, 6 Stories, 36 Units, Built 1929
- 4 300 Buchanan Street (APN 0851/013)**  
Zoning (RM2) Residential-Mixed, Moderate Density  
Lot Area 10,484, 6 Stories, 60 Units, Built 1931
- 5 50 Laguna Street (APN 0871/012)**  
Zoning (RM3) Residential-Mixed, Medium Density  
Lot Area 8,000, 6 Stories, 62 Units, Built 1928





Dear All,

Regarding the role and relevance of a Citizen Advisory Committee (CAC) for 55 Laguna, as I mentioned at the recent Lower Haight meeting, a CAC is typically designed to advise a governing body on policy actions carried out by an institution attached to our City government. More commonly, a CAC has an adjunct relationship with agencies or commissions such as, the Redevelopment Agency, Port Commission, or a regional body that possesses adjudicating authority.

As I stipulated at the neighborhood meeting and what remains unchanged, I still haven't seen or know of a municipal CAC that is a stand alone body legally enabled to compel a state property owner to consider or enforce land-use decisions that are administered by a private developer. Further, as it pertains to 55 Laguna, unless the City Attorney states otherwise, I don't believe a CAC can influence the decisions of residents or the private property owner where the residents or property owner themselves wouldn't have the first right of refusal to comply or override any decision proffered by the CAC -- thus calling into question the intent of the CAC itself.

What's core to this discussion is that a CAC can be made relevant if the project at 55 Laguna remained zoned "P" (public) - this means, however, a repudiation of the proposed project by UC/AF Evans. Unless the City is able to find alternative land as a swap for the 5.8 acre site or to compel UC to sell the land to San Francisco (which it hasn't to date), then what meaningful influence the City retains is centered on the zoning conversion question.

Unless there is a rejection of the AF Evans proposed housing element which requires rezone permission by the City from "public" to "private," then what remains are the open space and community benefit (e.g. community/recreation center) elements of the AF Evans plan. It's my belief that these elements could retain a "public" zoned designation -- this is a meaningful lever but not one that merits the creation of a CAC; perhaps the creation of a task force comprised of the host neighborhoods. Relative to the vision of bettering our neighborhoods who live around and near the perimeter of 55 Laguna, the community benefits package is a critical component of what makes this larger plan worthy of consideration.

There are various issues that remain unresolved, but, to the advantage of the City and the neighborhoods host to 55 Laguna, such as: our dueling opinion as to whether the City or UC holds title to Waller Street (we're pretty certain that we do); another key issue is to replace the Dental School. Aside from the above considerations, any effort to compel the UC and AF Evans to entertain alternative uses for 55 Laguna, whether it be: a college or university, less housing, more open space, more affordable housing, no zoning conversion, or anything that substantively reconfigures the proposal, then what's required is the participation of Assembly-member Mark Leno or Senator Carole Migden - we cannot effectively change this unless our state representative's assist.

As suggested, I'm more than happy to meet and discuss issues concerning the CAC. My office will coordinate the logistics. I also look forward to our ongoing collective meetings with representatives from Lower Haight, Hayes Valley, Duboce Triangle, Mint Hill, and Western Addition, regarding community benefits.

All the best,

Ross Mirkarimi

p.s. As a reminder: Comments for the 55 Laguna EIR will be received at the Planning Department until 5:00 p.m. on Tuesday May 1, 2007, deliver or

fax to:

Attn: 55 Laguna EIR  
Planning Department  
1650 Mission Street, Suite 400  
SF, CA 94103  
phone: (415) 575-9036  
new fax: (415) 558-6409.

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C-3

From: "Cynthia Servetnick" <cynthia.servetn...@gmail.com>

Date: Thu, 26 Apr 2007 21:06:21 -0700

Local: Thurs, Apr 26 2007 9:06 pm

Subject: Citizens Advisory Committees

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Supervisor Mirkarimi:

I am following up on the request for additional information on convening a Citizens Advisory Committee (CAC) on the reuse of the UC Berkeley Extension Laguna Street Campus (Campus) that you made at the Lower Haight Neighborhood Association meeting last Monday.

The Planning Department consulted with UC Berkeley and AF Evans, who hold an exclusive right to negotiate a long-term lease of the Campus, in preparing the below-cited development guidelines--the public was not involved in this process.

[www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/UCBE%20Framewo...](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/UCBE%20Framewo...)

Therefore, "Save the UC Berkeley Extension Laguna Street Campus" is calling for the Planning Department to convene a CAC representing interested established neighborhood groups within the Market & Octavia Plan (M-O Plan) area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines, and to evaluate the requested change to the existing Public zoning under the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project within the context of the M-O Plan.

Such a CAC would be charged with working with the Planning Department and UC Berkeley to evaluate the below-listed M-O Plan policies, make reuse recommendations, revise said development guidelines and ensure their implementation.

The basis for convening the CAC is the City's discretionary decision on whether to rezone the Campus from public to private use, the City's likely ownership of Waller Street between Buchanan and Laguna Streets, and the City's financial investment in the Campus via its appropriation to the Protestant Orphans Asylum and its forgoing the collection of taxes.

Per: [www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/06\\_Key\\_Infill ...](http://www.sfgov.org/site/uploadedfiles/planning/Citywide/pdf/06_Key_Infill...)  
the M-O Plan states:

**Policy:** Recognize the importance of public land and preserve it for future uses.

Publicly-zoned land is crucial to the functioning of a healthy city and neighborhood. Publicly-zoned lands provide opportunities for crucial facilities such as schools, firehouses, libraries, recreation centers, open space, city institutions and public utilities. Over time, acquiring public land has only become more difficult and more costly. When public land becomes surplus to one specific public use, the General Plan states that it should be reexamined to determine what other uses would best serve public needs. The Open Space Element of the General Plan states that public land designated as "surplus" should first be considered for open space. If not appropriate for open space, other public uses should be considered before the release of public parcels to private development. The Market and Octavia Neighborhood has many large and small public lands that should generally be retained for future public use even when there is no immediate public use foreseen.

Policy: Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space.

Policy: Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders.

The University of California, Berkeley officially closed the Laguna extension campus in late 2003. While a few activities continue, the site is largely vacant. The University has proposed to make the site available to a private developer through a long-term ground lease. The private developers have hosted a number of workshops with residents and proposed approximately 350-400 units of housing on the site, including about 19% inclusionary housing.

5.8 acres in size, the reuse of this site is the largest property under single ownership in the plan area. The site is surrounded by a mix of small-scale, 2- and 3-story walk-ups and a scattering of larger apartment buildings, with significant retail and cultural uses to the south along Market Street. Any new development on the site should be carefully organized around a comprehensive master plan that responds to the unique challenges of such a large site surrounded by a relatively fine-grained urban fabric within a cluster of historic buildings. This master plan should be developed through a series of collaborative workshops, which should include the prospective developers of the site, local residents and relevant city staff. As part of this master-planning process, consideration shall be given to the many needs that "publicly" zoned land can provide for a neighborhood; from open space to educational and other public-service uses. Any change to this "public" zoning must balance the important need for providing housing, especially affordable housing, with the public uses that could be provided. Ideally, a large portion of the site would continue to meet the "public" needs of the neighborhood. This proposal should be developed in keeping with the overall approach of the Market & Octavia Plan."

Per your request, I have cited the below examples of CACs convened to evaluate the reuse state or federal land in San Francisco.

The UCSF Community Advisory Group (CAG) was convened by the University to ensure the implementation of the 1996 Long Range Development Plan (LRDP) Goals and Objectives, serving as a community advisory body and sounding board for UCSF administration on LRDP-related issues, based on a city-wide perspective; and (2) to assist UCSF in strengthening communication links with the public on broader issues of community concern. Further, the CAG should contain independent voices and perspectives; represent the diversity of San Francisco; embody varied points of view, including critics; and bring a background of particular constituency to the table, while keeping in mind a city-wide perspective. The Planning Department worked closely with UCSF to, among other objectives, evaluate reuse options for the Parnassus Campus as Mission Bay Develops. See:

<http://chancellor.ucsf.edu/cag/contents.htm>  
<http://ucsfcr.ucsf.edu/cag.html>  
<http://ucsfcr.ucsf.edu/partnerships.html>

The Transbay Joint Powers Authority convened a CAC to advise them on the design, construction, operation and maintenance of an intermodal terminal and rail extension; and to collaborate with the San Francisco Redevelopment Agency and City departments to create an adjacent new

transit-oriented neighborhood. See:

<http://www.transbaycenter.org/TransBay/content.aspx?id=631>

The Mayor convened a CAC to advise the Navy and the Planning Department on the transfer of the Hunters Point Shipyard to the City. See:

<http://www.house.gov/pelosi/press/releases/Jan05/HuntersPoint011205.html>  
<http://www.bvhp-pac.org/>

The National Park Service convened a CAC which worked with San Franciscans to open the Fort Mason Center for public programming. See: [http://www.fortmason.org/pressroom/archives/lease\\_signing\\_05.shtml](http://www.fortmason.org/pressroom/archives/lease_signing_05.shtml)

Finally, SPUR convened a "Blue Ribbon Committee" which proposed a special bill, which became the **Burton** Act, for returning the Port to the City at no cost with the City assuming the debt. See: [http://www.spur.org/about\\_history.shtm](http://www.spur.org/about_history.shtm)

Thanks in advance for your thoughtful consideration of our request for a CAC on the reuse of the Campus.

Sincerely,

Cynthia Servetnick, AICP, Co-Chair  
Save the UCBE Laguna Street Campus  
(415) 563-7336  
[cynthia.servetn...@gmail.com](mailto:cynthia.servetn...@gmail.com)  
[http://groups.yahoo.com/group/Save\\_UCBE\\_Laguna\\_St\\_Campus](http://groups.yahoo.com/group/Save_UCBE_Laguna_St_Campus)  
<http://www.petitiononline.com/UCBEsite/petition.html>



Cynthia Servetnick <cynthia.servetnick@gmail.com>

C-4

## Mtg to discuss CAC on Reuse of UCBE Laguna St Campus

Cynthia Servetnick <cynthia.servetnick@gmail.com>

Fri, Apr 20, 2007 at 8:13 PM

To: Ross Mirkarimi <Ross.Mirkarimi@sfgov.org>

Cc: Regina Dick-Endrizzi <regina.dick-endrizzi@sfgov.org>, Tom.Ammiano@sfgov.org, Zach.Tuller@sfgov.org, John.Billovits@sfgov.org, l\_taback@pacbell.net, dcook@ellahillhutch.org, drichards@salesforce.com, mark\_paez@yahoo.com, gykramer@earthlink.net, michael@michaelmullin.com, ekbmail@yahoo.com, rj415@sbcglobal.net, rbhauptman@yahoo.com, sbhaigh@sbcglobal.net, Paul Quin <kboyz@rcn.com>, Peter Lewis <missiondna@earthlink.net>

Bcc: president@hayesvalleysf.org, ltlvbrown@earthlink.net

Supervisor Mirkarimi:

It was great to see you this evening at the art opening for R.A. McBride's "Left in the Dark: Portraits of San Francisco." Thanks for taking a few minutes to speak with Lavon Taback and me about potentially convening an expedited formal Citizens Advisory Committee (CAC) on the Reuse of the UC Berkeley Extension Laguna Street Campus.

We appreciate your agreeing to meet with us and your suggesting we coordinate with Supervisor Ammiano who may also wish to attend this meeting. We will contact your aide, Regina Dick-Endrizzi on Monday to arrange a mutually agreeable time.

As you are aware, folks have been talking about convening a CAC since the summer of 2005 when the subject was brought up at several meetings hosted by the Hayes Valley Neighborhood Association. Last fall, our group, Save the UCBE Laguna Street Campus, circulated a petition in favor of a CAC and we have since collected over 700 signatures.

We understand you have asked a group of neighbors to advise you on the reuse of the campus. Could you tell us how the group's members were selected, what authority the group has, how the group's suggestions would be implemented/enforced, how the recent survey was conducted, when/where the group meets, whether the Planning Department has been involved, and whether the group has considered options under Public zoning?

While the city cannot influence what UC does with the campus in accordance with its mission under Public zoning, the city can and should influence any future development of the property that involves rezoning. The purpose of the CAC would be to involve the public in land use and design guidelines recommendations.

We have outlined and attached a proposal for an expedited formal CAC process. We look forward to meeting with you for an hour to discuss it at your earliest convenience. The following individuals were invited, and have agreed, to attend:

Lavon Taback, Treasurer, Save the UCBE Laguna Street Campus  
Donald Cook, Administrator, Ella Hill Hutch Community Center  
Paul Quin, Board Member, National Association on HIV Over Fifty (NAHOF)  
Dennis Richards, Chair, Duboce Triangle Neighborhood Association  
Mark Paez, Chair, Friends of 1800

Gideon Kramer, Member, Mission Dolores Neighborhood Assoc./Safe Clean Green  
Michael Mullin, Member, Castro Area Planning + Action  
Ellen Brown, Lower Haight Resident  
Richard Johnson, Member, Hayes Valley Neighborhood Association  
Rick Hauptman, Chair, North Mission Neighborhood Alliance  
Stephen Haigh, Chair, Victorian Alliance

Sincerely,

Cynthia Servetnick, AICP  
Save the UCBE Laguna Street Campus  
(415) 563-7336  
[cynthia.servetnick@gmail.com](mailto:cynthia.servetnick@gmail.com)  
[http://groups.yahoo.com/group/Save\\_UCBE\\_Laguna\\_St\\_Campus](http://groups.yahoo.com/group/Save_UCBE_Laguna_St_Campus)  
<http://www.petitiononline.com/UCBEsite/petition.html>

The UC Berkeley Extension Laguna Street Campus (Save UCBE) group asserts the City of San Francisco (City) has a vested interest in the UC Berkeley Extension Laguna Street Campus (Campus) for the below reasons:

- The City gave \$30,000 to the Protestant Orphan Asylum Society to purchase the land and to construct an orphanage on the Campus in the early 1850s;
- The City has not collected taxes on the 5.8 acre Campus in over 150 years thereby contributing to its continued public use;
- The City initiated the abandonment of Waller Street where it formerly ran through the Campus, so as to assist further in the continued public use of the property which was then owned by the San Francisco State Normal School in 1921. Note: Warren Dewar, Esq., former Hayes Valley Neighborhood Association Board Member, submitted an analysis of the abandonment of Waller Street between Buchanan and Laguna Streets to the Planning Department and the Office of the City Attorney. Mr. Dewar concluded that title to said portion of Waller Street would revert to the City should the zoning be changed from Public to mixed-use;
- The Campus was transferred from San Francisco State College to the Regents of the University of California for "university purposes" in 1957. The proposed Project is inconsistent with then intent of the deed;
- The Campus, with its buildings, constitutes a resource of historical significance which is eligible for the National Register of Historic Places, the California Register of Historical Resources and Local Landmark designation. It should be preserved to the greatest extent possible and as a Certified Local Government Program (CLG) the City is responsible for the continued stewardship of this important historic resource;
- The City's Market and Octavia Neighborhood Plan (M-O Plan) EIR, there will be 19,555 new households within the entire Market and Octavia Neighborhood Plan Area by the year 2025, thus increasing dramatically the public's need for additional property zoned for public use; and
- The Campus is the largest development area within the M-O Plan.

The proposed revisions to the M-O Plan dated May 22, 2006 state, "Any subsequent change in the zoning of the UC Berkeley Laguna Campus should occur in the context of a focused community planning process that involves residents and other stakeholders." and further state "Any future reuse of the UC Berkeley Laguna Campus should balance the need to reintegrate the site with the neighborhood and to provide housing, especially affordable housing, with the provision of land for public uses such as education, community facilities, and open space."

Therefore, Save UCBE requests the Planning Department convene, a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed UC/AF Evans/openhouse 55 Laguna Mixed Use Project (Project) within the context of the M-O Plan.

The CAC should be advisory to the Landmarks Preservation Advisory Board (LPAB), the Planning Commission, and the Board of Supervisors (BOS) and should produce a Development Controls and Design Guidelines document for their adoption. The CAC should be composed of one member from each established neighborhood group within the M-O Plan area including, but not limited to:

Hayes Valley Neighborhood Association  
Hayes Valley Merchants Association  
Lower Haight Neighborhood Association  
Lower Haight Merchants Association  
Friends of 1800  
Lesbian, Bisexual, Gay and Transgender Center  
Duboce Triangle Neighborhood Association  
Castro Area Planning + Action  
North Mission Neighborhood Alliance  
Mission Dolores Neighborhood Association/Safe Clean Green  
San Francisco Housing Authority (SFHA) Hayes Valley Residents Organization

In addition, the Mayor, the President of the Board of Supervisors, the Planning Commission, the Landmarks Preservation Advisory Board (LPAB), and Supervisors Dufty, Mirkarimi and Daly (Districts 8, 5 and 6 respectively) should each be entitled to appoint one member of the CAC. Supervisor Mirkarimi should resolve any issues pertaining to neighborhood organization participation as he has taken the lead, with Supervisor Dufty's concurrence, in all matters pertaining to the Campus. Ideally, no more than 20 members should serve on the CAC.

Individuals affiliated with the AF Evans/openhouse team, who hold an exclusive right to negotiate with the University of California, or the New College of California/Global Citizen Center team, who presented an alternate Public Use/Open Space/ Preservation proposal to that was analyzed in the Project EIR, should be excluded from participation as voting members of the CAC. However, both teams should be encouraged to present their reuse proposals for the Campus to the CAC. Moreover, other entities wishing to present economically viable reuse proposals for the Campus to the CAC should be strongly encouraged to do so.

Save UCBE recommends the Planning Department cover all costs associated with the CAC. A group facilitator hired from outside the Planning Department should be retained to lead each CAC meeting. Group



decisions should be made by consensus and a variety of consensus-building techniques and activities should be used to structure group discussion. The CAC should hold open meetings during the evening at the Ella Hill Hutch Community Center in order to include the most diverse group of participants.

The CAC process should be expedited and preparation of the Final Development Controls and Design Guidelines document should not last longer than six months as the Planning Department has already issued a 32-page "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus" (Policy Guide) which, while developed without community input, provides a framework for development that can be modified by the CAC and reformatted as a Development Controls and Design Guidelines document. Approval of any project on the Campus should take into consideration the recommendations of the CAC's Final Development Controls and Design Guidelines. The CAC should continue to meet at key points throughout the project planning, design and development process to provide meaningful input to the City and the development team.

The CAC should solicit views of all citizens, agencies and other interested parties, particularly low and moderate income neighbors, so as to enable them to be meaningfully involved in important discussions at various stages of the Development Controls and Design Guidelines preparation and adoption process. The CAC should provide at least a thirty (30) day public comment period on the draft Development Controls and Design Guidelines document and should consider any comments received in writing and/or orally at a public hearing prior to the preparation of the final Development Controls and Design Guidelines document.

The CAC should vote for a member to serve as Chair, Vice-Chair and Secretary and should meet at least monthly during the preparation of the Development Controls and Design Guidelines document. All CAC meetings and community workshops should be conducted in an open manner, with freedom of access to all interested persons. Dates, times and locations of all meetings should be posted on the Planning Department's website in a manner consistent with the Sunshine Ordinance.

Finally, no CAC member should be permitted to participate in any committee proceeding or action in which any of the following has a direct or substantial financial interest: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective ownership, partnership or employment. Any actual or potential interest should be disclosed at the CAC meeting where the action is being taken.

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APR 25 2007

Lobelia Properties LLC

CITY & COUNTY OF S.F.

2001 Oak Street  
(415) 752.9297

TesW@aol.com

San Francisco CA 94117  
Fax (415) 752.4503

PLANNING DEPARTMENT

April 24, 2007

Planning Department  
ATTN: Paul Maltzer  
1650 Mission St., Suite 400  
San Francisco CA 94103

RE: 55 Laguna Mixed Use Project  
Case No. 2004.0773E

Dear Mr. Maltzer:

Lobelia Properties LLC owns a small apartment building located at 126-130 Laguna Street. I am writing to you as the managing member of the LLC, who frequently visits the property, and as a former resident at that location.

There are two particular sections of the Draft EIR that I will address in this letter, Transportation and Open Space.

**Transportation**

The draft EIR proposes approximately 450 apartment units, retention of the UC Dental School, and adding retail. Approximately 352 parking spaces would be provided. I calculate that 450 apartments could result in approximately 675 residents, at an average of 1.5 residents per apartment.

8.2

**1. LOS Study.**

a. The LOS Study was done prior to the Octavia Blvd.'s completion, and doesn't reflect the changes to traffic patterns. Vehicles that once could enter and exit the area on Waller St. at Market and Octavia now are greatly restricted. This is due to Octavia's being closed off at Waller, except for a one-way, single lane service street, only permitting a right turn at Market.

5.5

b. The Draft EIR states, on page 11-13 that "The primary vehicular entrance into the site would be along Laguna Street at Waller Street." The Draft EIR funnels approximately 200 vehicles onto Laguna Street, through two entrances and exits, which is already over-burdened with vehicles. I have traveled to this section of Laguna Street at various times of day and night, and during the evening peak traffic, vehicles are currently often backed up 1-2 blocks. The LOS Study does not adequately address the vehicle impacts.

5.7

By putting an additional 200+ vehicles on Laguna Street, the Draft EIR forces those seeking city or freeway access to travel north on Laguna to Haight, to turn right, to reach Octavia Blvd., or to travel south on Laguna, crossing Market, entering Guerrero Street, then turning left on DuBose to reach the Van Ness/Mission freeway entrances. These traffic impacts have not been fully addressed.

5.7  
cont.

c. The proposed Micah Way, at Laguna Street, ingress/egress is noted on Figure 3 Proposed Site Plan as emergency access only, but on page II-13 it states “Micah Way” would provide for vehicle ingress and egress...

5.42

d. The LOS Study fails to address the bottleneck that currently exists at Market/Hermann/Laguna Streets, where Hermann and Laguna traffic must stop at stop signs before proceeding into or across Market Street.

5.8

e. The LOS Study failed to take into account and address the impact of vehicular traffic on MUNI bus service. The study failed to include A.M. peak travel.

Currently, at A.M. and P.M. peak times, and at other times, MUNI buses crossing Octavia Blvd. are often delayed at least ten minutes, creating a 30% longer trip for many riders, a waste of bus fuel/power, and emission of diesel exhaust in the neighborhood.

5.1

Furthermore, several MUNI bus lines, such as the 6, 7 and 71, are already at ridership capacity during A.M. and P.M. peak times. The Draft EIR fails to propose any additions to MUNI bus or metro service.

f. The LOS Study doesn't seem to fully account for all the trips that approximately 675 residents would be making, nor the likely mix of travel modes.

The LOS Study uses Census Tract data to extrapolate trips generated and mode of travel, but the likely residents of the proposed project will be paying market rents and will likely have more varied, if not significantly different, travel than do current residents.

5.10

2. **Parking.** The Draft EIR LOS Study found that currently neighborhood streets are filled at only 93% of capacity. This seems laughable.

5.37

a. Residents of the proposed project may own more than one vehicle. If 20% of apartments have more than .75 vehicles, this adds approximately 68 additional vehicles seeking street parking.

5.38

- b. Residents will certainly have visitors, service providers, etc., who will need to drive, use MUNI, or walk, and the travel trips of these visitors, etc., have not been analyzed.

5.11

**Open Space**

- 1. **Waller Street.** The Draft EIR proposes that the section of Waller Street currently included in the plan be considered “open space.”

This section of Waller Street already belongs to the City of San Francisco and its use as open space should not be included in any calculation of open space requirements.

1.5

- 2. **Open Space Requirement.** Should the Draft EIR be approved, a minimum of 25% of the currently zoned P project area should be required as open space. This is similar to what the Planning Department’s own staff proposed in an earlier draft of how the project area might be re-used to benefit the city and neighborhood. 25% of 5.8 acres is 1.45 acres.

3.2

The open space should be required to be primarily in a single large square or rectangle open to the pedestrian public, and open to sunlight, air, and views. The Draft EIR considers the Waller Street as its primary open space, with two additional roadways as open space. The Draft EIR places buildings so close together that the spaces between them cannot qualify as open space.

3.2

Sincerely,



Teresa Welborn  
Managing Member

# Individuals

Commenter	Agency/Organization	Date	Comment Type
Elaine Adamson and Edward Gould	Individual	4/2/07	Letter
Dee Allen	Individual	2/24/07	Comment Card
Joan Ambrosio	Individual	3/3/07	Comment Card
Gail Baugh	Individual	2/24/07	Comment Card
John Boling	Individual	4/30/07	Letter
Gray Brechin	Individual	5/1/07	Email
Rob Bregoff	Individual	3/1/07	Email
Ellen Brown	Individual	5/1/07	Letter
Jo Brownold	Individual	4/22/07	Letter
Larry Burg	Individual	4/24/07	Letter
Henry Davis	Individual	4/19/07	Comment Card
Theodore Dillingham	Individual	2/24/07	Comment Card
Michael D'Spacio	Individual	2/26/07	Comment Card
David Dupree	Individual	5/2/07	Email
Edward Greninger	Individual	3/19/07	Letter
Fran Harris	Individual	4/27/07	Comment Card
Eliza Hemenway	Individual	2/26/07	Letter
Eliza Hemenway	Individual	4/19/07	Email
John Hix and Ron Saturno	Individual	5/1/07	Comment Card
Kelly Holt	Individual	4/19/07	Email
Robert Hood	Individual	3/15/07	Email
Renata LaRocque	Individual	2/24/07	Comment Card
Peter Lewis	Individual	4/30/07	Email
Sarah McCabe	Individual	3/11/07	Comment Card
Edith McMillan	Individual	3/15/07	Letter
Malana Moberg	Individual	4/18/07	Letter
Christopher Pederson	Individual	4/21/07	Letter
Maruis Phillips	Individual	2/8/07	Letter
Shawn Riney	Individual	4/30/07	Email
Cynthia Servetnick	Individual	4/5/07	Letter
Cynthia Servetnick	Individual	4/6/07	Email
Shenandoah Ryan [Smith]	Individual	3/15/07	Email
Shenandoah Smith	Individual	4/18/07	Email
John Stringer	Individual	3/12/07	Letter
Harris Taback	Individual	5/1/07	Letter
Lavon Taback	Individual	4/27/07	Comment Card

<b>Commenter</b>	<b>Agency/Organization</b>	<b>Date</b>	<b>Comment Type</b>
<b>Individuals (cont.)</b>			
James Waishill	Individual	2/24/07	Comment Card
Linda Walsh	Individual	4/27/07	Comment Card
Helene Whitson	Individual	3/8/07	Comment Card
Lisa Zahner	Individual	3/15/07	Letter

Dear Mr. Maltzer,

April 2, 2007

We are Elaine Adamson and Edward Gould and we approve of the draft EIR. We are 71 and 75 years old have lived in Noe Valley for 30 years where we raised our family. I have a chronic back problem and our home is becoming less accessible; also we are on the top of a hill. We have to find another place to live in the next 5 years. [ 1.6

Beside giving us accessibility, the proposed development at 55 Laguna is perfect for other reasons. That the Evans Co. is a community oriented private developer is a plus. Ed volunteers as an advocate for the homeless and we support groups providing low income housing, thus we are excited about being part of a project that is rental and has an affordable housing component. We love that families will live there, giving us an opportunity for intergenerational activities with neighbors and at the community center which will be open to residents and the local community. Increasing the population of renters and middle income people who work in SF, decreases their need to commute long distances. Hopefully many of these people will be city personnel in the fire, police departments, the school district and health care.

The fitness center will keep us in shape and when we eventually need assistance or to have our meals prepared we can buy into the LGBT senior program and never feel isolated or lonely. We are SF symphony and opera subscribers so this is the perfect location for us!

Other pluses for our city and for Hayes Valley neighborhood, is that all this will be done by the private sector, who will rehabilitate this closed campus, currently an eyesore for the surrounding area, create green housing, a park and a community garden open to the public at no cost to the taxpayer. Maintaining the facades of the historic old campus building will add to the charm of the development.

Besides 55 Laguna, other housing options for us might involve buying into one of SF's new luxury condos but this could present financial pressures and we would not fit well into that kind of environment. Likewise senior communities like the Sequoias or Towers, seem to us, more limited compared to the diversity we will have at 55 Laguna.

Please approve this project as soon as possible we do not have time to wait!!

  
Elaine Adamson

  
Edward Gould

806 Dolores St. SF, 94110 648-2128 [elned1@aol.com](mailto:elned1@aol.com)

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

REAL ESTATE GENTRIFICATION SUCKS ASS.

1.3

LIFE IN SAN FRANCISCO IS TOO SHORT FOR  
ANOTHER SET OF OVERPRICED, LUXURY  
CONDOMINIUMS. THIS CITY HAS ENOUGH OF  
THEM. SET ASIDE FOR SO-CALLED "YOUNG  
URBAN PROFESSIONALS". ENOUGH CONDOS  
& ██████████ NOT ENOUGH HIGHER LEARNING  
INSTITUTIONS FOR PUBLIC USE. SAVE THE  
U×C× BERKELEY EXTENSION & RE-OPEN IT  
SAVE THE BUILDING FOR ITS HISTORY. IT  
NEEDS TO PRESERVED FOR FUTURE GENERATION

*Please sign and date above. Print name and address on opposite side.*



**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 19, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- 7.29  The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- 7.30  That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- 7.31  That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- 1.1  That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

3.1 Pls. Keep the building  
public it is truly needed  
by our community

*Please sign and date above. Print name and address on opposite side.*

**RECEIVED**

APR 27 2007

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

Joan Ambrosio  
1096 Pine St  
SF, CA 94109

Place  
Stamp  
Here

(Print name and address above.)

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pc>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
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- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

3.1

I object to the loss of public use of this site. It should be preserved as a site for public education

*Paul Baerger* 2/24/07

Please sign and date above. Print name and address on opposite side.

GARBAUGH  
700 HAYES ST  
SF 94102

Place  
Stamp  
Here

*(Print name and address above.)*

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

**Re: Planning Department Case No. 2004.0773E**

Staple or tape below.

Paul Maltzer  
Director of the Planning Commission  
1650 Mission Street, Suite 100  
San Francisco, CA 94103

April 30, 2007

Dear Mr. Paul Maltzer,

I am a gay man who lives near the proposed AF Evans and the University of California project at 55 Laguna. While I object to transferring valued and irreplaceable historic buildings and land from public to private use, I stand strongly against efforts that discriminate.

2.1

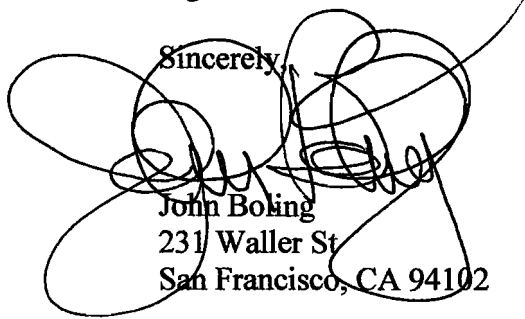
Housing for gay and lesbian seniors has become a significant social and political issue in the gay and lesbian communities. Certainly, Openhouse deserves praise for its efforts to provide housing for gay and lesbian seniors. However, AF Evans only went to local gay and lesbian leaders to garner their support for their 55 Laguna project when it met with significant local resistance.

Moli Steinert, executive director of Openhouse, and others will attempt to change language so that the AF Evans 55 Laguna project will appear to comply with Federal Fair Housing Act. However, AF Evans committing \$200,000 if Openhouse's raises \$200,000 for "pre-development of the project" is not a subtle deal for priority housing for gay and lesbian seniors.

I remember when deeds of gay and lesbian leaders like Senators Mark Leno and Carole Migden matched their words of equality for all. Public monies and property should be used to benefit all equally.

It is evident that AF Evans words and intent is to provide preferential treatment for a segment of the senior citizenry in order to advance their 55 Laguna project.

Sincerely,



John Boling  
231 Waller St  
San Francisco, CA 94102

BRANDT-HAWLEY LAW GROUP  
Environment/Preservation

Susan Brandt-  
Hawley  
Paige J.  
Swartley

Chauvet House PO Box 1659  
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Legal  
Assistants  
Sara Hews  
Shannen Jones

November 2, 2006

Law Clerk  
Rachel Howlett

President Dwight Alexander  
and Commissioners  
San Francisco Planning Commission  
Planning Department  
1660 Mission Street, Suite  
San Francisco, CA 94103

Re: Market and Octavia Neighborhood Plan EIR

Dear President Alexander and Commissioners:

On behalf of the San Francisco Preservation Consortium, composed of City neighborhood and historic preservation organizations, I would like to bring your attention to a material problem with the Market and Octavia Neighborhood Plan EIR. Fortunately, the problem can easily be remedied.

As I have not appeared before the Commission for quite awhile, as an introductory matter I will briefly note that my law practice focuses on historic preservation issues statewide. Among published CEQA cases handled by this office that involved historic resources are *Preservation Action Council v. City of San Jose* (2006), *Lincoln Place Tenants Association v. City of Los Angeles* (2005), *Architectural Heritage Association v. County of Monterey* (2004), *San Franciscans Upholding the Downtown Plan v. City of San Francisco* (2002), *Friends of Sierra Madre v. City of Sierra Madre* (2001), and *League for Protection of Oakland's Historic etc. Resources v. City of Oakland* (1997).

The Market and Octavia Neighborhood Plan EIR reviews the fascinating history of the Plan area, explains the various surveys of historic resources that have occurred in recent decades, and identifies buildings that have been honored with listing in the National Register of Historic Places the California Register of Historical Resources, and as City landmarks. The problem is that the EIR's discussion of resource impacts occurred

7.6

without the benefit of a comprehensive up-to-date survey of the many historical resources in the Plan area.

7.6

Without a survey, the EIR's analysis of historic resource impacts is without foundation and unless corrected will constitute a failure to proceed in the manner required by law. Similarly, our California Supreme Court held in *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4<sup>th</sup> 1215 that the Forest Practice Act and CEQA were violated because of a failure to collect adequate information regarding old-growth-dependent species; the failure to proceed in the manner required by law precluded adequate environmental analysis of the impacts of timber harvesting. A parallel scenario involving water resources was addressed in *Cadiz Land Company* (2000) 83 Cal.App.4<sup>th</sup> 74, where the Court of Appeal found that it was not possible to assess water supply impacts without full knowledge of the underlying water resources that would be affected.

Here, without a current survey the EIR's conclusions that *no mitigation measures are required* to protect historical resources and that the Plan will have *no significant impacts* on such resources are not supported by substantial evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4<sup>th</sup> 1099.) Relying on the City's broader plans and policies regarding historical preservation cannot ensure that significant impacts to resources will not occur, but the EIR so states in conclusory fashion. The analysis of the impacts of the "no project" alternative in Chapter 7 reasonably concedes that increased Plan area density may lead to impacts, and those impacts cannot be quantified or mitigated without a survey that lets this Commission, the public, and the Board of Supervisors know the scope and quality of Plan area resources.

This Commission is constantly confronted with hard choices in the implementation of the City's various specific plans despite guidance provided by zoning ordinances and the General Plan. Sometimes choices are made to allow important development to go forward despite admitted significant impacts to historical resources. CEQA assists the job of the planning staff and appointed and elected City boards and commissions by requiring environmental review and development of policies and mitigations to inform the hard choices. Here, the excellent Market and Octavia Neighborhood Plan has a gap that will lead to future uncertainty as well as the possible loss of unique historic resources that are integral to the Plan area's sense of place.

Without an historical resources survey in hand to inform analysis of the Plan's reasonably foreseeable impacts, the Commission does not yet know how best to define the Plan area zoning to assist in planning and its own future decisionmaking, nor whether the Plan should include mitigations to promote preservation; for example, requiring compliance with the *Secretary's Standards for Rehabilitation of Historic Resources* and minimizing incentives to make substantial alterations that impair historic integrity. Perhaps there are blocks in the Plan area containing yet-unsurveyed but qualified

historical resources that warrant retention of existing density and off-street parking requirements. These questions should be addressed now, at the Plan level.

The EIR's defect cannot be cured by interim policies and procedures to allow "extra scrutiny" for projects affecting vintage resources, for many reasons, including the fact that it simply does not meet CEQA's thoughtful and effective mandates. All relevant project information that is required for an adequate, complete EIR "must be in that formal report." (*Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706; *Galante Vineyards v. Monterey Peninsula Water Management District* (1997) 60 Cal.App.4<sup>th</sup> 1109, 1124.)

As mentioned at the outset of this letter, the good news is that the EIR defect will not be a difficult fix. My understanding is that a City survey of the historical resources in the Plan area is not only in process, it is expected to be complete this coming month. The Commission could simply require that the EIR's discussion of Environmental Setting and Impacts relative to historical resources be revised to include the results of the survey (which would most appropriately be an appendix to the EIR and to the Plan itself), describe the results, analyze the Plan's potential for significant impacts to the full panoply of identified resources, and suggest mitigation and alternatives if and when it appears that significant impacts may occur. The historical resources section of the EIR would then recirculate for public and agency comment.

Thank you for considering these comments in considering this important Plan.

Sincerely yours,

Susan Brandt-Hawley

cc: San Francisco Preservation Consortium  
San Francisco Board of Supervisors  
Landmarks Preservation Advisory Board  
Dean Macris  
San Francisco Historic Preservation Fund  
San Francisco Heritage  
Hayes Valley Neighborhood Association  
Mayor's Office of Economic and Workforce Development  
National Trust for Historic Preservation  
Office of the City Attorney





Gray Brechin  
<gbrechin@berkeley.edu>  
05/01/2007 12:28 PM

To Paul.Maltzer@sfgov.org, Leigh.kienker@sfgov.org  
Kay.Gulbengay@sfgov.org, LindaAvery@sfgov.org,  
cc sonya.banks@sfgov.org, mmessinger@parks.ca.gov,  
mwdonaldson@parks.ca.gov, charles chase  
bcc  
Subject Comments on 55 Laguna Draft EIR

Mr. Paul Maltzer, Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
(415) 558-6409 (Fax)

RE: Comments on the 55 Laguna Mixed Use Project Draft EIR  
Planning Department case no: 2004.0773E

Dear Mr. Maltzer:

I hold a Ph.D. in geography and an M.A. in art history from U.C. Berkeley where I am currently a Research Fellow in the Geography Department. I have lectured and taught extensively on land use issues. I worked as architectural historian for the Foundation for San Francisco's Architectural Heritage and served as the first director of the Mono Lake Committee. As a journalist and television producer, I have covered urban design and environmental issues. I am also the author of *Imperial San Francisco: Urban Power, Earthly Ruin* .

Further, I serve as the Project Scholar for the Living New Deal Project, a growing collaborative team documenting the cumulative impact of the New Deal public works projects on California and beyond. The project began in the fall of 2003 under the auspices of the California Historical Society with a seed grant from the Columbia Foundation. The Living New Deal Project is using the Internet to enlist the aid of teachers, students, librarians, historians, and others throughout the State to engage in a collective act of discovery that will serve as a model for a national inventory. I am also the vice president of the National New Deal Preservation Association. I have taught and taken classes at the UC Extension Center. Therefore, I am particularly interested in supporting the preservation of the former San Francisco State Teacher's College campus as a *public* educational facility.

Per the December 2004 Page & Turnbull Historic Resources Study, "The U.C.B. Laguna Extension campus qualifies under National Register Criterion A (Events) and Criterion C (Design/Construction). The four buildings remaining on the campus (Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall) are historically significant within the areas of education and architecture, with a period of significance -

1921 to 1957. As an early example of an urban campus, these properties have historical relevancy within the context of California's teacher education system and architectural significance as an excellent example of the Spanish Colonial Revival style in the City of San Francisco. Designed by the State Architect, the four buildings were undertaken by the City and State governments to promote higher education in California. In addition, the campus was the recipient of one of the earliest WPA projects funded in San Francisco. As part of the WPA, the Woods Hall Annex [Science Wing] received a mural painted by artist Reuben Kadish under the Federal Art Project program."

The Kadish fresco "A Dissertation on Alchemy" is by any measure an extraordinary work of art, but as a product of the FAP it is far more so. Federally sponsored art works were meant to be easily read, but Kadish's arcane iconography — like that of a complex Renaissance-inspired mural Kadish did with Philip Guston at the City of Hope in Duarte, California — would be a challenge to most art historians. Federal art projects were specifically commissioned for public spaces (such as the WPA-built Woods Hall Annex) and should not be privatized or — given its fragile condition and site-specific nature — moved. It should be restored in situ.

7.23

Kadish's mural is one of the most important federal art works in San Francisco, but because of its inaccessibility, it is also one of the city's least known and most neglected. I am also concerned about the public accessibility of the fine fresco of an angel on a lunette (apparently by Hebe Daum) in Richardson Hall and whether a mosaic by Maxine Albro on the exterior of Woods Hall at Buchanan and Haight Street may be extant under a coat of stucco. Though it is more recent, the vibrant barrel-vaulted stenciling by noted artist Larry Boyce on the ground floor of Richardson Hall's west wing also possesses considerable merit and should be publicly accessible.

Both the Draft EIR and the State Historic Preservation Officer (SHPO) found the Preservation/Adaptive Reuse Alternative to be environmentally superior. Therefore, I urge the Planning Commission to re-evaluate the proposed project which would not only demolish the Administration Wing of Richardson Hall and Middle Hall Gymnasium, but would also alter and privatize most of the historic interiors—all of which constitute significant unavoidable adverse effects on historic resources which may render the campus ineligible as a potential National Register Historic District after completion of the proposed project. Moreover, I particularly object to the rezoning of the campus which would have significant adverse impacts to historic resources that are similar to those of the proposed project.

10.12

Other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre

publicly-zoned National Register-eligible campus. In their letter to the San Francisco Planning and Urban Research Association written in February 2006, the Hayes Valley Neighborhood Association commented, "Development plans should have been preceded by a determination of the 'highest and best use' of this property. By highest and best use, we do not mean most profitable, but rather, what is most appropriate and useful in this densifying neighborhood. The decision to convert the entire site from public use to private housing was made unilaterally by UC Berkeley officials without involving surrounding communities or San Francisco city officials in the decision making. The future needs of the community and the city for publicly zoned land were not considered. Once public land is rezoned it will never again be available for public use."

I concur with the Hayes Valley Neighborhood Association, that development plans for the campus should have been preceded by a determination of the "highest and best use," and with the Market and Octavia Neighborhood Plan Revisions policy stating, "Any subsequent change in the zoning of the campus should occur in the context of a focused community planning process that involves residents and other stakeholders."

Therefore, I request the Planning Department convene a Citizens Advisory Committee representing interested established neighborhood groups within the Market and Octavia Neighborhood Plan area to determine the best use of the campus, to make recommendations regarding zoning and redevelopment guidelines for the campus, and to evaluate the requested change to the existing Public zoning for the campus under the proposed project within the context of the Market and Octavia Neighborhood Plan.

Sincerely,

Gray Brechin, Ph.D.  
Department of Geography  
U.C. Berkeley  
Berkeley, CA 94720  
510-642-5987

cc: San Francisco Board of Supervisors  
San Francisco Planning Commission  
San Francisco Landmarks Preservation Advisory Board  
Milford Wayne Donaldson, FAIA, State Historic Preservation Officer  
Charles Edwin Chase, AIA, Executive Director, SF Heritage

1.1

&nb! sp;

Neighbors-

This is an important issue for our neighborhood-the re-use of the 55 Laguna-former UC Extension campus. My position is that a mixed-use, partially public project would be suitable for the neighborhood, but I think that the current project needs some major adjustments before we should lend our support. Otherwise, we should oppose this project:

Ownership, or land lease ownership is a must. 450 rent control exempt, mostly market rate units will foster constant turnover. Tenants won't have incentives to stay long-term, thus, most won't invest energy in the neighborhood and solving neighborhood problems. Housing needs in the city are for first-time-buyer, below-market-rate, equity restricted units. We need housing for working and middle class families who can't afford the current \$800K prices for flats in our neighborhood.

1.3

Openings/stoops/windows. Eyes on the street. The current iteration of the project leaves blank walls facing Haight! Street resulting in increased street crime, graffiti, assaults along the Haight Street frontage. While I support the preservation of historic architecture on the site, these things could be integrated into the design of the project. We can preserve buildings, but still end the "fortress-like" quality of the existing buildings. Good planners know that blocks need "active edges" to foster safety on the sidewalk, and to integrate tenants into the existing neighborhood. Solid community center programming. We need a written commitment that there will be public services available needed by the neighborhood (day care, classes, ??).

2.6

Preserving the exterior of Woods and Richardson Halls, except for the addition of features necessary for integrating the projects into the surrounding neighborhoods, or adding retail space. It's my opinion that Middle Hall doesn't have a lot of architectural distinction thus is expendable if it gets in the way of a good site map.

7.18

These things are "musts" for me. Evans has hired some very good architects for this project, and there are some very good things about it, but I think we should demand these changes to the draft EIR to make sure we get the

best project for our neighborhood.

Rob

----- Original Message -----

Subject: [lowerhightorg] \*\*\*Please Comment on Local Landmark Designation and DEIR for UCBE Laguna St Campus  
From: "Cynthia Servetnick" <cynthia.servetnick@gmail.com>  
Date: Wed, February 21, 2007 10:00 pm  
To: lowerhightorg@googlegroups.com

#### IMPORTANT

Please send your comments to the Planning Commission, MEA and the LPAB regarding the UC! Berkeley Extension Laguna Street Campus Reuse Project Public Zoning Change, Draft EIR, Local Landmark Designation and National Register Nomination by emailing the below-listed parties at your earliest convenience, but no later than 5:00 pm, Monday, March 12, 2007.

dean.macris@sfgov.org, amit.ghosh@sfgov.org, john.billovits@sfgov.org, linda.avery@sfgov.org, paul.maltzer@sfgov.org, rana.ahmadi@sfgov.org, mark.luellen@sfgov.org, sonia.banks@!sfgov.org

All:

Following this email is the agenda for today's SF Landmarks Preservation Advisory Commission's (LPAB) hearing on the UC Berkeley Extension Laguna Street Campus Reuse Project (55 Laguna Mixed Use Project). Sincere apologies for the lack of notice.

#### LOCAL & NATIONAL REGISTERS

On behalf of the Friends of 1800, the LPAB will vote on the Local Landmark Designation of the UC Berkeley Extension Laguna Street Campus within the next two-three months. The Friends of 1800 have also submitted an application to the State Historic Preservation Office nominating the Campus to the National Register of Historic Places. The Friends of 1800 is a nonprofit organization dedicated to preserving significant historical buildings, landmarks and the architectural heritage of San Francisco. The Friends of 1800 is a member organization of the San Francisco Preservation Consortium. See: <http://www.friendsof1800.org/ADVOCACY/ucextension.html>

#### ENVIRONMENTAL IMPACT REPORT

The LPAB will be sending their comments on the Draft Environmental Impact Report (Draft EIR) for the proposed UC/AF Evans/openhouse

Project at the UC Berkeley Extension Laguna Street Campus to the SF Planning Department, which is also accepting public comments on said document, by 5:00 pm, Monday, March 12, 2007. Written comments may be sent to: Paul Maltzer, Environmental Review Officer, SF Planning Department, 1660 Mission Street, Suite 500, San Francisco, CA 94103. A copy of the Draft EIR titled, "55 Laguna Mixed Use Project" can be found at:

<http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

#### SIGNIFICANT UNAVOIDABLE EFFECTS:

The Draft EIR identifies significant unavoidable effects associated with historic resources in three areas: 1) the substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall); 2) the project site may not be eligible as a potential campus historic district after completion of the project; and 3) the rezoning of the project site would have significant impacts to historic resources that are similar to those of the proposed project.

#### MARCH 8th PUBLIC HEARING ON Draft EIR

The Planning Commission will hold a public hearing to receive comments on the Draft EIR on Thursday, March 8, 2007 in Room 400, City Hall. Call 558-6422 the week of the hearing for a recorded message for the exact time of hearing. (Note: A request has been made to the Planning Commission to hold the hearing at 6:00 pm, however no response has been received yet.) This is the only public process planned regarding the re-zoning and reuse of this 5.8-acre historic campus.

#### ADVOCACY EFFORTS

Save the UCBE Laguna Street Campus was founded to establish a Citizens Advisory Committee to determine the highest and best use of the campus and to promote the preservation of its historic and public resources. The group has drafted a petition calling for the Board of Supervisors to establish a Citizens Advisory Committee. Over 500 signatures have been collected. See:

<http://www.petitiononline.com/UCBEsite/petition.html> and  
[http://groups.yahoo.com/group/Save\\_UCBE\\_Laguna\\_St\\_Campus](http://groups.yahoo.com/group/Save_UCBE_Laguna_St_Campus)

Again, this is the only public process regarding the proposed UC/AF Evans/openhouse Project. Thanks in advance for participating in it.

Sincerely,

Cynthia Servetnick , AICP  
Co-Chair, Save the UC Berkeley Extension Laguna Street Campus  
[http://groups.yahoo.com/group/Save\\_UCBE\\_Laguna\\_St\\_Campus/](http://groups.yahoo.com/group/Save_UCBE_Laguna_St_Campus/)  
(Note: The above website contains a wealth of information on the Campus.)  
(415) 563-7336

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## SAN FRANCISCO LANDMARKS PRESERVATION ADVISORY BOARD

Notice of Meeting & Agenda  
Board Hearing Room - Room 400  
City Hall, 1 Dr. Carlton B. Goodlett Place  
Wednesday, February 21, 2007  
12:30 P.M.

### Regular Meeting

M. Bridget Maley, President  
Robert W. Cherny, Vice President  
Lily Chan, Courtney Damkroger, Ina Dearman,  
Karl Hasz, Alan Martinez, Johanna Street  
Board Members

Mark Luellen, Preservation Coordinator  
Sonya Banks, Executive Secretary/Recording Secretary

Landmarks Board Agendas are available on the Internet at  
<http://www.sfgov.org/planning> or as a recorded message at (! 415)  
558-6320

### LANDMARK DESIGNATION

#### 11. (B. MALEY)

55 LAGUNA STREET, 5.8-acre project site located north of Market Street on two city blocks 857, Lots 1 and 1a, and Block 870, Lots 1, 2, and 3, bounded by Haight Street to the north, Laguna Street to the east, Hermann Street to south, and Buchanan Street to the west in the Hayes Valley neighborhood of San Francisco at the former University of California Berkeley Extension Campus. Consideration of initiation of landmark designation and adoption of a resolution initiating designation of the former San Francisco State Teachers' College site.

### INFORMATIONAL PRESENTATION

#### 12. (R. AHMADI: 415/558-5966)

55 LAGUNA STREET, Assessor's Block 857, Lots 1 and 1a, and Block 870, Lots 1,2, and 3) in San Francisco's Hayes Valley Neighborhood. An informational presentation on the proposed project that will involve the demolition of some of the existing building, re! modeling of some of the existing buildings, and construction of seven new buildings ranging in height from three to eight stories on the former site of the University of California Berkeley Extension Campus. The proposed project would accommodate up to 450 residential units including approximately 85 units in the openhouse building, approximately 10,000 sq. ft. of community facility space, and up to 5,000 occupied sq. ft. of retail space.

**ACTION ! ITEM(S)**

13. (R. AHMADI: 415/558-5966)

55 LAGUNA STREET, Public Hearing to assist the Landmarks Preservation Advisory Board to prepare a comment letter on the Draft Environmental Impact Report. The project site is located at 55 Laguna Street in the Hayes Valley neighborhood of San Francisco on the two city blocks bounded by Haight Street to the north, Laguna Street to the east, Hermann Street to the south, and Buchanan Street to the west. The proposed project would include new construction as well as renovation of most of the! vacant buildings on the former University of California Berkeley Extension Campus to provide residential, community facility, retail space, open space and parking. The project site currently contains four buildings that were formerly occupied by educational uses, including Woods Hall, Woods Hall Annex, Richardson Hall and Middle Hall. The project site also contains the UCSF dental clinic that ! is currently in use.

The Planning Department has determined that all buildings on the project site which include Richardson Hall, Woods Hall, Woods Hall Annex and Middle Hall qualify as "historical resources" for CEQA purposes. These buildings as well as remnant landscape features and the retaining wall facing Laguna and Haight Streets would contribute to a potential historic campus district that also qualifies as a "historic resource" for CEQA purposes.

The project would renovate Woods Hall, Woods Hall Annex, and most of R! ichardson Hall to be used for residential and community facility space. Middle Hall would be demolished as would the Richardson Hall Administration wing, a small single-story portion of Richardson Hall located at the north end of the building. New infill construction would include the development of seven new residential buildings



ranging in height between three and eight stories. The tallest building, at a maximum height of 85 feet, would be built by an organization called open house, specifically for lesbian, gay, bisexual and transgender seniors (hereinafter referred to as the open house building). The dental clinic would remain unaltered and would continue in its current use.

The proposed project would accommodate up to 450 residential units including approximately 85 units in the open house building, approximately 10,000 sq. ft. of community facility space, and up to 5,000 occupied sq. ft. of retail space. The project would provide a variety of open spaces, including a privately owned, publicly accessible park, which would be located along the Waller Street alignment. The project would provide approximately 352 on-site parking spaces, including 51 spaces for the dental clinic and up to 10 spaces for a car share organization primarily within four below ground garages, and a small amount of above-ground parking.

The project would require a change in the zoning district from P (! Public) to RTO (Residential-Transit Oriented) and NCT-3 (Neighborhood Commercial Transit Moderate Scale Mixed-Use), new zoning classifications proposed for the vicinity of the project in the Market-Octavia Area Plan or Mixed-Use Special Use District. The dental clinic would remain in a P zoning district. The project would also require an adjustment in the height and bulk designations of the site from 40 X and 80-B to 40-X, 50-X and 85-X. The proposed project would also require an amendment to the San Francisco General Plan to allow the change from a public/institutional use designation to residential mixed-use designations, and to allow an increase in building heights.

NOTE: The Draft Environmental Impact Report (SCH No. 2005062084) was published on January 27, 2007. The Draft EIR identifies significant unavoidable effects associated with historic resources in three areas:

1) the substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall and the Laguna Street retaining wall); 2) the project site may not be eligible as a potential campus historic district after completion of the project; and 3) the rezoning of the project site would have significant impacts to historic resources that are similar to those of the proposed project.

The Planning Commission will hold a public hearing to receive comments on the Draft EIR on March 8, 2007. This hearing is intended to assist the Landmarks Board such that the Board may prepare written comments on the Draft EIR to submit to the Planning Department. Written comments on the Draft EIR will be accepted at the Planning Department

until 5:00 p.m. on March 12, 2007.

DISCUSSION

14. (B. MALEY)

The Landmarks Board will discuss the Planning Department's current CEQA Review Procedures for Historic Resources (Preservation Bulletin 16), the suggestions in the ! Planning Director's letter of January 12, 2007 date, the Department 's 311 procedures and any conflicts with the Planning Department's Preservation Bulletin 16, and immediate and future recommendations for revisions to the Bulletin.

[http://www.sfgov.org/site/planning\\_page.asp?id=55454](http://www.sfgov.org/site/planning_page.asp?id=55454)

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For more options, visit this group at

<http://groups.google.com/group/lowerhightorg?hl=en>

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83 Webster St.  
San Francisco, CA 94117

May 1, 2007

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

RE: 55 Laguna. Planning Department Case No. 2004.0773E

Dear Mr. Maltzer,

This letter is to provide my comments with regard to the Draft Environmental Impact Report ("EIR") for the 55 Laguna Mixed Use Project (hereinafter "the Site"), published on January 27, 2007.

I have lived in the Lower Haight for approximately 7 years, and have owned a home one block away from the Site for the past 4 years. In the summer of 2003 I took a class at the Site through the UC Extension, and am therefore familiar with the interior and exterior of the campus, both as a neighbor of the site and as a former UC Extension student.

My comments with regard to the Mixed Use Project by AF Evans/UC Regents are as follows:

**(1) Public open space should be preserved and expanded at the Site.** The current undeveloped areas of the site (which are now a series of paved parking lots) should be preserved and developed as outdoor parks and recreation areas. The surrounding communities are already in need of more public open space, and the addition of over 19,000 of new housing units under the Market Octavia Plan makes more public open space in the area an absolute requirement for the health of our city and neighborhoods. The space should be used in a manner similar to our other great San Francisco parks, such as Dolores Park, Duboce Park, and Alamo Square Park. Specifically, public open space can be used for more trees (benefiting overall air quality), open grassy areas, gardens, playgrounds, dog parks, tennis, basketball, outdoor presentations and movies, and other activities. The only public open spaces provided for in the proposed project is a strip of terraced grassy areas in the middle the Site, over what was formerly Waller Street (known as "Waller Park"). It is my understanding that the Waller Park area still belongs to the City of San Francisco and therefore the developer's inclusion of this space towards its 20% public open space requirement is disingenuous. The Waller Park area should certainly be maintained a public open space under an iteration of the Project, and the developers should also be required to dedicate an additional 20% of the project site to public open space (in the form of a park). One suggestion is to maintain the upper level parking lot as a park, which would

3.2  
1.5

provide the community with a level grassy lawn, garden space, playground, dog park, or a combination thereof. Creating open space at this upper level of the Site will also serve to preserve the view of downtown San Francisco and the Bay from Buchanan Street.

**(2) Historically significant structures should be preserved and utilized for public objectives, including education, community meeting and recreation spaces, performance space, art studios, and the like.** 7.24

**(3) Building heights should be limited to a maximum of 4 stories.** The proposed eight story openhouse building at the Site are simply too high in comparison to other structures in the neighborhood. While there are other large apartment buildings on Buchanan, Waller and Laguna, the majority of the surrounding neighborhood is made up of two and three story Victorian and Edwardian structures. If the Dental Clinic was removed and replaced with new housing, however, it would be more appropriate for a taller building to be constructed at that corner of the Site, given the height of the existing apartment buildings on the south side of Hermann St. 3.14

**(4) The proposed number of housing units proposed for the Site is excessive.** Given the significant number of new housing units which are expected to be constructed pursuant to the Market Octavia Plan, the number of units proposed at the Site is excessive. Especially given the 150-year history of public zoning for the Site, the need for public open space and community space should be put ahead of the need for housing. The reduced number of housing units in the Preservation Alternative is a better number, but should still be reduced to a lower number of units which is more in line with the low-density character of the Lower Haight, Mint Hill and Hayes Valley neighborhoods. 8.3

**(5) The Dental School should be demolished.** The Final EIR should include a Project Alternative for consideration that is similar to the Preservation Alternative, but which considers how the Site could be developed if the Dental School was demolished. The Dental School does not currently serve any immediate community need - as it does not provide for housing, recreation, or education for the neighboring communities. This building is not historically nor architecturally significant, and does not fully optimize nor utilize the .4 acres of space that it sits on. If this building were removed, housing could be developed on this .4 acre parcel, in exchange for more public open space (for example by not building the 82 proposed units at the top terrace area near Buchanan on Figure 26). 10.24

**(6) Preservation of the Haight and Laguna St. Walls should be more thoroughly analyzed and addressed in the Final EIR.** Page VI-5 of the EIR states that if the Preservation Alternative "would not create new openings in the Haight and Laguna Street retaining walls, further diminishing the visual change that would be apparent from the two corner viewpoints." This Preservation Alternative should be modified to clarify whether it is at least possible to create new openings in the Haight and Laguna Street retaining walls. I understand that even if the property is designated for landmark status, it is still possible to modify a historical structure assuming that a certificate of appropriateness can be obtained for the proposed modifications. Indeed, there is no reason why there can't be openings in the Haight and Laguna Street walls under the Preservation Alternative. This same comment applies to page VI-6, where the text of 10.13

the second full paragraph could be misinterpreted to imply that the "retention of the perimeter wall on Laguna St." and creating openings in that wall are mutually exclusive propositions. The wall can be retained to retain the "historic district's internally focused campus feeling," while still creating openings in part of the wall to create access to housing, shops, or other amenities.

10.13  
cont.

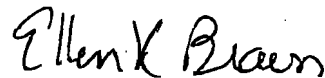
**(7) The Project should be designed so as to encourage the use of public transportation by reducing the number of parking spaces at the site.** Aside from the obvious environmental benefits of reducing pollution by reducing the number of cars in our city, traffic congestion in the area is already a significant issue that will only be exacerbated by proposed housing and parking spaces at the site. As noted in the Draft EIR, one of the major access points to the 101, 280, and 80 from Lower Haight, Mint Hill and Hayes Valley is by cutting across Market Street at Laguna and Hermann to Guerrero St. This "shortcut" already requires tedious delays and a sometimes dangerous path across Market Street with traffic coming from all directions. Under the proposed project plan and any alternative plan, the estimated increase of 154, 206, or 618 PM peak hour vehicular trips will increase traffic to unacceptable levels.

5.39

\* \* \*

Thank you for your consideration of these comments in the Final EIR.

Sincerely,



Ellen K. Brown

**RECEIVED**

**APR 25 2007**

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

4/22/07

Paul Maltzer, Environmental Review Officer  
SF Planning Department  
1660 Mission Street #500  
San Francisco, CA 94103

Dear Mr. Maltzer,

I'm writing in regard to plans for the University of California Extension site. This land is and has been zoned for public use, and has been used by public institutions for a century or more. It represents almost 20 percent of all the public space in the Octavia-Market neighborhood.

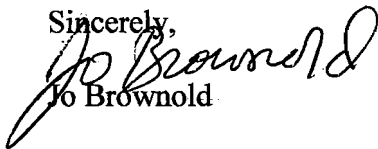
3.1

In addition, the Landmarks Preservation Advisory Board voted 6 to 1 in favor of the Local Landmark Designation for the campus.

7.1

In light of these facts, the plan put forward by the University and by the A.F. Evans corporation should not go forward.

Sincerely,



Jo Brownold

53A McCoppin St.  
San Francisco CA 94103

APR 25 2007

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

April 24, 2007

Comments on:  
**55 LAGUNA MIXED USE PROJECT**  
Draft Environmental Impact Report  
Planning Department **Case No. 2004.0773E**

I am a resident of the neighborhood, living directly across the street from the site for more than 26 years. Therefore I am familiar with traffic, usage and environmental patterns as they relate to this site. I am unaffiliated with any neighborhood groups.

Misleading description of retail plans:

Repeated references made are made to retail spaces at the corner of Laguna and Hermann streets. However, the spaces envisioned by AF Evans extend about halfway down the block, corresponding with the end of Richardson Hall Annex, which is about halfway down the first block of Laguna St. Therefore the use of the word "corner" is misleading. Extending retail down half a block at this already-congested intersection of three streets (including Market St.) with attendant delivery issues/customer parking attempts will only add to expected traffic congestion.

5.43

Understated traffic impacts:

The Draft EIR seems to downplay the effects of traffic, especially on Laguna St. (p. 17: conclusion: "Therefore, the project would cause no significant traffic impacts.")  
Densely settled areas generate other traffic besides just the residents' own coming and going. Delivery trucks, service trucks, City vehicles (garbage, DPW) and visiting friends add to the mix. Hayes Valley, Mint Hill and Lower Haight are getting congested on even their secondary streets many hours a day. With the general grid pattern in use, there are fewer priority streets (arterials) and so most "side streets" receive the dispersal of traffic. However, as more cars are added to the mix with proposed developments such as this, these side streets become more saturated with traffic, such that either stop signs or traffic lights will eventually be needed. With the expected increase brought about by the future housing development parcels along Octavia Boulevard, the development of the Sue Mills site on Waller St. (114 units with spaces for 85 cars; entry on Waller St., 1/2 block from Project site.) and the condominium development of the Market St. 76 gas station one block away, Laguna St. has seen, over the last 8 years or so, a tremendous increase in traffic and the subsequent congestion of the Laguna/Hermann/Market intersection. Vehicles seeking an alternative route (via Guerrero to South Van Ness on-ramp) to avoid the back-up at Oak (to just get onto Octavia Boulevard to proceed to the on-ramp), create a back-up along Laguna from Market almost to Page St. Large freight trucks and many medium-size delivery trucks and school buses ply Laguna, Haight and Buchanan streets Monday through Saturday on a constant basis. (Measurement should not take place on a Monday, as it is typically a lighter traffic day). It would be expected that vehicles turning left from Laguna into the Waller St. access point of the site and those exiting the site would create periodic traffic jams at the typically long San Francisco commute times (AM & PM), as they battle the queues of traffic in both directions.

5.9

Wind and traffic environmental impacts:

The analysis of air and wind patterns seems to be simplistic and largely relies on a cut-and-paste "standard" explanation, rather than a study of the unique wind patterns of Laguna St. Wind flow that would whisk away vehicle exhaust (including diesel emissions from the heavy truck traffic) is greatly reduced during much of the fall and winter months. In the late spring and summer afternoons and evenings winds originate from the west and northwest and flow is often straight down Laguna St. from the north. It would seem that the present wind tunnel effect will be exacerbated by the presence of openhouse's 8 stories directly opposite two 7-story buildings (16 and 50 Laguna St.)

6.4

Laguna St. is only a 2 lane street. It is interesting to note that on wide streets, such as 8<sup>th</sup> St., south of Mission, newly-erected apartment buildings are only 4 to 5 stories and 8<sup>th</sup> Street is 4 lanes wide! This allows for a better dispersal of vehicle emissions. With a greater increase of

6.3

traffic, the smell and presence of diesel fumes from the already high influx of trucks during the day will only increase on such a narrow street. These emissions are trapped somewhat between the Extension's retaining wall and the tall apartment buildings at 16 and 50 Laguna St. Inspection of the soot/carbon deposits on these buildings indicates the prevalence of relatively high diesel traffic volume.

▲  
6.3  
cont.

Building placements:

Placement of tall buildings opposite each other, such as the 8 story openhouse building opposite 16 and 50 Laguna St. (7 story) buildings obviously will result in the casting of shadows earlier in the afternoon as the sun sets in the west. This would probably be almost as much a problem with the "Preservation alternative," despite the set-back of the openhouse building.

The Project assumes that placing an 8-story building at the bottom of the slope somehow mitigates the impact of having such a tall building on the site, especially in relation to the higher elevation Buchanan St. side. But this does nothing to address the canyon effect created when this building is placed opposite the 16 and 50 Laguna buildings on the down-slope side of the site. The assertion that the 8-story openhouse building is "compatible in bulk and scale with these buildings" (p. I-10 and p. III-B6) does not indicate an aesthetically-pleasing situation, but only that there are buildings of similar size nearby. I cannot think of a situation in a nearby residential neighborhood that has a similar tall grouping existing in opposition to each other on a 2-lane street.

11.6

A similar observation can be made about the population density matching that of the surrounding neighborhood. The DEIR states: "The project's residential density would fall within the range of densities in the census blocks immediately surrounding the project site..." (p. III-F-3) Pleasing cityscapes are not about cramming as much housing into a given space--right to the property lines; rather it's about breaking up the pattern--somewhat like a musical piece that effectively uses pauses or silence to create drama. Utilization of the interior of the 5.8 acre lot as open space in a public use scenario would help to break up the persistent density model of development in San Francisco, where seemingly every square foot has to have mortar.

8.4

Neighborhoods should be composed of these deviations, with variations in age of buildings (through preservation) and open space maintained, such as in the interior of the Project site.

Preservation:

Every attempt should be made to preserve as much of the original campus buildings. Richardson Hall has exceptional character and is an asset to this neighborhood. Breaking off Richardson Hall impedes the continuity of the building as a whole. The annex has fine tile work on exterior windows. A range of buildings from different decades should be kept and maintained to give character to the City. When visitors from other parts of the world tour the City, they always remark on how San Francisco is unlike almost any other American city they have visited. Strong local preservation sentiments on the part of the citizenry have contributed greatly to insistence on preserving old movie theatres, Victorians, etc. These buildings deserve full preservation. Once they are gone, they are gone for good and generations after us will decry this destruction of history. Pretty soon our neighborhoods will lose their characteristic San Francisco feel and look just like areas in other cities which are rushing in with poorly-conceived infill projects. The idea of documenting their existence with photographs (p. I-21) seems ludicrous. It is an admission that they are valuable resources to keep. Document them because of their significance and then willingly destroy them!?

7.2

Recreation

The gymnasium at Middle Hall should be retained to provide sorely needed recreational/dance opportunities for the neighborhood. To destroy it would be a step backwards in providing sorely needed indoor physical activity space for the local community. In the March 2007 *American Journal of Public Health* there are 2 different articles that discuss findings on the relationship between the built environment and health. Not surprisingly, one article concluded that participants residing in areas with the highest density of recreational resources were more likely to report physical activity during a typical week than were individuals living with fewer

7.26



activity resources available nearby to them. The other article concludes that there is a strong association between neighborhood walkability in a densely built environment and increased walking for exercise, which is beneficial, especially for older people.

This has implications for the project which does not provide adequate recreational resources as discussed above, intends to demolish Middle Hall and its gymnasium, and aims to encourage driving by providing an excess of parking spaces. With an epidemic of obesity affecting our nation, we should be discouraging driving in such a dense neighborhood with excellent transit options, by severely limiting parking spaces.

The project's outdoor recreational spots as illustrated in the architectural renderings of the project site (as seen at AF Evan's site <http://www.55laguna.com/> ) shows what is identified as Waller Park. Where is the open space for all ages to engage in vigorous physical activity? The patch of greenery in the foreground is more suitable for a dog run and (as illustrated) a place to picnic. There is no indication of a sizable expanse of land on which children (a scarce species around here) or anybody can play/exercise in a sustained manner, with adequate room to move about.

### Conclusion

This project is all wrong for this location. First, the site should not have its public zoning changed.

The campus is composed of buildings worthy of being preserved and worthy of being reused for educational and recreational use. The present gym, which the developers want to demolish has accommodated dance courses and would be a great asset to the community. More traffic cannot be accommodated at the perimeter of this location. An abundance of housing is slated to be built in the immediate area, which means that open space will be needed even more for public use.

Please let's not repeat the development mistakes of the past, such as the removal of Victorians (and people) from the Western Addition or the demolition of the Fox Theater. And let's have citizens decide what appropriate uses can be envisioned with a site that should remain publicly zoned.

3.1

5.14

3.2

1.1

Thank you,

Larry Burg  
50 Laguna St. no. 504  
San Francisco, CA 94102-6245

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

RECEIVED AT CPC HEARING 1-19-07  
2004.07.28  
55 LAGUNA  
(L. KIRKNER)

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

3.1

IT WOULD BE A BETTER  
USE OF THIS PROPERTY  
FOR IT TO REMAIN FOR  
EDUCATIONAL USE.

Please sign and date above. Print name and address on opposite side.

ROV H. L. DAVIS SR  
762 FULTON ST.  
SF. CA. 94102

Place  
Stamp  
Here

HENRY DAVIS  
(Print name and address above.)

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

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THE community meetings

were unsuccessful with the

Neighborhood groups

- 11.7
- geologic questions regarding  
hazardous geology / stone  
to be excavated?

Please sign and date above. Print name and address on opposite side.

*Richard Hill*  
Theresa Hillingsway

Y. Dillingham  
124 Hermann St  
SAN FRANCISCO, CA  
94102

Place  
Stamp  
Here

*(Print name and address above.)*

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20EIR.pdf>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

2.9

the community  
should have room  
to gather and  
exchange ideas.

*Please sign and date above. Print name and address on opposite side.*

Michael D'Spacio

Place  
Stamp  
Here

*(Print name and address above.)*

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

**Re: Planning Department Case No. 2004.0773E**

Staple or tape below.

Paul  
Maltzer/CTYPLN/SFGOV  
05/02/2007 09:25 AM

To Leigh Kienker/CTYPLN/SFGOV@SFGOV  
cc  
bcc  
Subject Fw: Response to your Excellent Letter

FYI [I have no idea what he is referring to re my letter]

----- Forwarded by Paul Maltzer/CTYPLN/SFGOV on 05/02/2007 09:23 AM -----

Didpr@aol.com  
05/02/2007 06:19 AM

To Paul.Maltzer@sfgov.org  
matthew.Smith@sfweekly.com,  
cc matier&ross@sfchronicle.com,  
matierandross@sfchronicle.com, g.baugh@sbcglobal.net  
Subject Response to your Excellent Letter



Dear Paul,

While we have met only once, I believe that your letter best expresses the current situation concerning the 55 Laguna land grab. Here is my response added to the blog, however I'm not sure it entered the "system" completely. Something about my generational age and computer skills. Here it is and I request that, should you find it of value, please forward it to any peoples that might help the conversation and outcome concerning this jewel of a piece of property in our city.

Dear Preservationist,

I think you will agree that this is about the best written letter supporting the preservation of the four major buildings on what is now known as the UC-Berkeley Extension Site at 55 Laguna. It would be hard to argue with the scope of the evidence of historical value presented, however it is going to take more than sound reasoning and undisputed evidence to stop this misuse of property by the current development plans of AFEvans and the University of California Regents for maximum income unless it can be shown that their reasoning for this income is flawed. And it is.

7.25

The secrecy of the magnitude of this income and its distribution among the various component stakeholders has made their "trust me, it will help students" argument to the political forces at state and city level suspect as to integrity, certainly with the process, and probably as to motivation for public good as regards to lack of desire for full disclosure. This veil of secrecy should not be allowed to continue behind the closed doors of City Hall and AFEvans. The call for a Citizens Advisory Committee may not be the best way to gain public comment and influence, but it is the best that has been offered so far.

The site need not necessarily remain an educational facility. In fact, for the community, one single authority over the entire site may be the worst possible feature of the current plan. Each of the four remaining buildings has its different



characteristics that point toward different future uses for community benefit and income generation for the stakeholders. Hopefully, the current dispute over the transfer of title of Waller Street through the site will divide the site at least into two halves. AFEvans variety of commitments to various seekers of favor to encourage the political forces gathering to support the proposed half billion dollar project seem to be variable over the last three years.

To quote Ruthy Bennett's, project manager for the AFEvans current plan, commenting to me this evening at the Friends of the Planning Department fund raiser when asked to consider an alternative use for Middle Hall rather than tearing it down for undistinguished housing units, "It ain't gonna happen." She was quite dismissive without even knowing what the alternative that might be presented. Certainly this arrogance expresses in no uncertain terms the current thinking of AFEvans and the University of California Board of Regents. City of San Francisco and its citizens, be damned. Could this attitude be coming from a belief that the Board of Supervisors will back the money boys, because they are including the LGBT Community's legitimate needs as chips in this quite serious allocation of the last large piece of property in central San Francisco? How about some discussion and buzz about this in the currently silent press. Anyone interested at the San Francisco Chronicle, the San Francisco Business Times, or the SF Weekly? With a half a billion dollars to play with, the gloves are really coming off. Do you think the citizens of San Francisco should be dealt into this game--Matier & Ross, Mary Hush, and Matt Smith.

It behooves those who love this city and as the Mayor emphasized at the same event of Ruthy Bennett's comment, And I paraphrase broadly, San Francisco is at the hub of over 1.9 million new jobs in the Bay Area over the next 20 years. Meeting the needs of the citizens of the future will depend upon the decisions of today concerning what we do with our land resources, especially on the east side and in the center of our city. Please get involved and let the University of California that their inordinate desire to have their way with "their land" in San Francisco flies in the face of their true interests to help the students of tomorrow to be good citizens. Not everyone thinks that the lowest tuition and the highest paycheck trumps the real human values of our American heritage. You can make a difference. Make the press get off its duff. Call the politicians at city and state levels that a travesty of monumental proportions is occurring at 55 Laguna/UC-Berkeley Extension Site. Support those citizens who are awake and working tirelessly to get transparency into this process. Care that your beliefs in democracy and fair play need to be respected, honored and chosen over those of greed and privilege.

David L. Dupree

---

See what's free at [AOL.com](http://AOL.com).

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT  
FOR THE 55 LAGUNA MIXED USE PROJECT

MAR 19 2007

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

I. INTRODUCTION

My name is Edward Wm. Greninger. I am the owner of two adjacent properties at 127 and 133 Buchanan St., opposite the proposed Project. These properties are listed as Assessor's Parcel Numbers 869-007 and 869-006, respectively, and have been in the family for over 100 years.

In addition I attended grammar school at Frederic Burke, housed in Richardson Hall, when it was affiliated with then San Francisco State College as a teacher training school, and often played baseball in what is now the upper parking lot when it was an open field. I also played tennis on the courts at the north end of the lower field and shot a few baskets in the gym. My mother was secretary to the College librarian for a number of years. So my association with the property goes way back - back to the 1930s.

127 Buchanan is presently a vacant lot, which my family plans someday to develop. 133 is a three story, four-unit Edwardian apartment built in 1923 and in which I grew up. Both properties, and indeed the entire 869 block, as well as the adjacent 858 block are presently zoned RH3.

I am opposed to changing the zoning of the Project site from P, which it has been for about 150 years, to mainly NCT-3 and RTO, keeping only the dental clinic as P. This loss of 19% of public designated area in the Market and Octavia Plan (Pg. III A-20) is substantial and would, I believe, have a significant land use impact to neighborhood character in spite of the EIR's opinion to the contrary (Pg. IIIA-21). However, I will save my comments on this matter for another time and concentrate on some environmental impacts of the Project, which I feel are not adequately addressed in the EIR.

3.1  
3.4

II. ENVIRONMENTAL IMPACTS

According to Fig. 5, pg. II-9, Building 1 would not appear to be compatible aesthetically with the existing buildings on the opposite side of the street. The properties along Buchanan St. are a mix of Edwardian and Victorian styles as are many others in the neighborhood. In addition the neighborhood around the project, including my apartment, is eligible for listing as a historical district and the impact of the project on this area would be "significant and unavoidable." (Pp. III E-8 and E-14).

7.8

The view today is essentially open and free to downtown. On pg. III B-6 the EIR states that "... visual changes would not *substantially* degrade the existing visual character of the area, as the new buildings would be compatible in scale with adjacent and nearby development. Also, there would be no "*substantial* adverse affect on scenic views or vistas". (Pg. IIIB-7)." (Italics added). I disagree that "substantial" is not important.

4.10

The height designation of Building 1 would be changed from 40X to 50X (about 45 feet in height). On page III A-19 the EIR states: "The proposed *4 story buildings* on the project site would be approximately one story higher than the predominately *three-story buildings* along the site's perimeter streets such as Buchanan, Haight and Laguna Streets." (133 Buchanan is 33 feet in height). Again, the Plan says that rezoning would have no significant impacts to visual quality or urban design and would be compatible with existing neighborhood scale and urban form. (Pg. III B-16 Summary, and III E-16 italics added). In my opinion the planned buildings would substantially change and degrade the historical character of the neighborhood.

4.10  
cont.

Traffic noise is underestimated in the EIR since monitoring was apparently done in the evening or night and not during the morning or day. On page 17 it states that noise "... will not be analyzed further in the EIR." There is heavy traffic along Buchanan Street, coming up from Market after exiting the freeway at the Duboce off ramp and from Hayes Valley to access Market Street. Ever since Duboce was closed below the mint to Church Street, traffic has used Buchanan Street for access to Fell. The Octavia St. off ramp has not alleviated this traffic to any great extent.

11.1

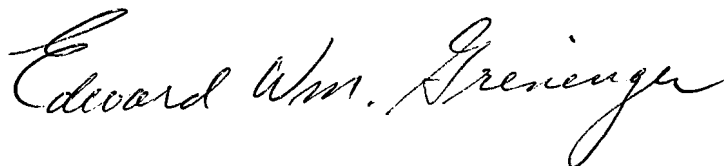
Pollution problems were not adequately addressed. By 2025 there will be 450 occupied units on 5.8 acres or 78 units/acre vs. 60 units/acre for the surrounding blocks. Thus there will be a higher density for the site than in the surrounding neighborhood (Pg. III A-19). Notwithstanding the EIR's conclusions that CO and ROG levels would be roughly half the significant threshold for these pollutants, even half is still considerable. I also believe the cars associated with this growth would constitute a significant impact not only to air pollution but also to noise levels in the area, since the 55 Laguna Plan alone would have 334 parking spaces. (Pg. II-7 Fig. 4)

6.5

Property values have not been considered. There is a mixed to low income development at Haight and Buchanan and another at Webster and Hermann. To add yet another such mixed development, would, in my opinion place an undue financial burden on property owners in the area, which is not experienced by other areas in the city.

1.3

I appreciate the opportunity to add my comments to the EIR report.



**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
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- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

3.1

Historically, the property in question  
has always served the public good,  
The public interest. UC Does not own  
the property. The proposal denies the public  
good, the public interest. The proposed project  
only serves UC, Mercy Evans & Those who  
Please sign and date above. Print name and address on opposite side.  
think they are entitled subsidized housing  
& those who can afford Top floor w/a view

**RECEIVED**

APR 27 2007

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

FRAN HARRIS

15 Hermann St. apt 307

S.F. Ca 94102

934 9035

(Print name and address above.)

Place  
Stamp  
Here

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

February 26, 2007

Paul Maltzer  
Environmental Review Officer  
SF Planning Department  
1660 Mission Street #500  
San Francisco, CA 94103

**RECEIVED**

MAR 01 2007

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

Dear Mr. Melzer,

Enclosed is a copy of my documentary film UNCOMMON KNOWLEDGE: Closing the Books at UC Berkeley Extension. The film takes place during the final months leading up to the closure of the UCBE campus in San Francisco. I had worked at the campus, so I had an insider's view of what was happening at the time.

The running time of UNCOMMON KNOWLEDGE is just under 30 minutes. I ask that you watch it, as my public comment on the rezoning issue.

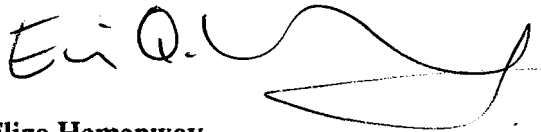
My request is that San Francisco City Hall rejects UC's proposal to change the zoning on the UC Berkeley Extension property and that Public Use zoning be preserved. The campus has a legacy of public use dating back over 150 years and the site is an integral part of San Francisco's history.

3.1

UNCOMMON KNOWLEDGE was completed a few months ago. It has not yet been released and the enclosed copy was burned on iDVD, which means it will not be compatible on all DVD players. I recommend you watch it on a computer or a newer model DVD player.

I have also sent a copy to Supervisor Maxwell and Supervisor Mirkarimi, and asked that they accept it as my public comment and share it with their fellow supervisors at San Francisco City Hall.

Sincerely,



Eliza Hemenway  
eliza@hemenwaydocs.com  
www.hemenwaydocs.com  
(415) 205-8280

April 19, 2007

Paul Maltzer, Environmental Review Officer  
SF Planning Department  
1660 Mission Street #500  
San Francisco, CA 94103

Dear Mr. Maltzer,

I submitted a DVD copy of my documentary, UNCOMMON KNOWLEDGE: Closing the Books at UC Berkeley Extension to the San Francisco Planning Department as my official public comment regarding the proposed re-zoning and private development of the UC Berkeley Extension campus at 55 Laguna Street, San Francisco. Unfortunately, the film was rejected as a public comment, and I was told that the Planning Department only accepts comments in written form, or orally at the public hearing.

I have spent the past three years making a documentary about the closure of the UCBE campus, and have researched this issue extensively. It is my conclusion that the 5.8-acre campus should continue its Public Use legacy, and continue to benefit the community of San Francisco as a public resource.

I also request that a Citizens Advisory Committee be formed to establish the best use of the property, which now sits empty.

1.1

I have reviewed the UC Regents proposal, and do not see how privately developing the campus fits with their education mission, and think that development of the campus is a mis-use of the public's trust. The State of California granted the property to UC Regents to be put to "university uses". A high-density profitable private development clearly is a violation of those terms.

Additionally, the entire campus has been zoned for Public Use and has a 150-year history of providing education to the entire community of San Francisco as well as the Bay Area. The proposed development would permanently end Public Use on the campus, and provide little back to the community at large. With these considerations in mind, I ask that you do not approve the EIR or re-zoning of this campus.

3.1

This is a resource that **all tax paying residents** of San Francisco have invested into for the past 150 years. In addition, this goes beyond the city of San Francisco, as property owned by UC Regents effecting all **tax-paying Californian's**. UC Regents received this campus over 50 years to fulfill their mandated community outreach, and as a publicly zoned property, they have not paid pay taxes on the site. This campus has been an investment by the taxpayers, and should continue to benefit the community at large by remaining in Public Use.

There are residents who are understandably concerned about the current state of the campus, and how the empty buildings impact the neighborhood. There have been

requests to rush to development on the property due to its current state of vacancy. I ask city hall to not rush to judgment, but be careful to determine the best use of this very valuable public resource, spanning two city blocks squared in the heart of the city.

The history of the campus shows that the property has sat empty once before, in the mid-1950's San Francisco State vacated it to move to the much larger Lake Merced campus. At that time, the campus sat empty for several years. In 1957 UC Regents claimed an urgent need for expanded quarters, and in response, the Governor of California, in an act of emergency legislation, transferred the campus to the UC Regents with one caveat, it was to be put to "**university uses.**" The proposed EIR clearly violates the terms under which UC received this property by the State of California.

1.17

UC Regents and A.F. Evans are proposing a private development that they claim benefits the community. Currently, the entire campus is zoned for the public, and historically, all 5.8 acres have benefited the community.

The plans laid out by UC Regents and the private developers they have engaged, A.F. Evans, are to primarily develop the site into high-density market rate housing. This housing would do little to benefit the community at large, especially the underserved in San Francisco. Out of the proposed 450 units, 85 are designated for LGBT seniors. From those 85 units, only 13 will be "affordable" the rest market rate. Out of the remaining 365 units, 304 will be one bedroom or studio apartments. Overwhelmingly, the housing will benefit wealthy, single adults and not address the desperate need for affordable housing for the working class, or housing for families in San Francisco. This is clearly not using this Public Use zoned campus in a way that benefits the community of San Francisco. The campus has been used for over 150 years to benefit the Bay Area community at large.

1.3

My film shows this history very clearly. The campus overflowed with students while it was San Francisco State University, to the extent they need to move to a larger campus. It was thriving during the 50 years UC Berkeley Extension made use of it. Over **15,000** Bay Area students took classes at the Laguna Street campus each year. The campus housed programs for The New Learning Clinic, which provided educational tutoring for inner city children, the Center for Learning in Retirement, which boasted over 300 members, artists, dancers, and **anyone** in the Bay Area wanting to take a class to enrich or improve their lives or careers. This would have continued had UC Regents not abruptly closed the campus to pursue a lucrative private development. This campus has been an enormous public resource to serving the entire Bay Area community.

This is not just a city issue. The Governor of California transferred this 5.8-acre campus to UC Regents. As a Land Grant University, UC Berkeley is mandated to provide higher education to the community at large, beyond matriculating students. UC Berkeley Extension is the outreach mission of the campus, and San Francisco is part of their service area. The 55 Laguna Street campus served to fulfill their mandated outreach mission. They have not only dramatically reduced the offerings to the community, but also closed the campus under arguably false pretenses.



UC neglected the infrastructure of the Laguna Street campus. Despite years of economic boom, renovations were limited to cosmetic upgrades while money was funneled into the rental of additional facilities around the Bay Area. UC representatives claimed the campus was too expensive to maintain and bring up to current seismic and disability codes and thus there was no alternative but to shut it down.

Email from Dean Sherwood, Dean of UC Berkeley Extension:

Subject: Important Announcement  
From: James E. Sherwood, Dean, UC Berkeley Extension  
To: All Employees  
Date: July 24, 2003

Good Afternoon,

As I have stated several times since my arrival here at UC Berkeley Extension, in order to ensure our future we will need to initiate significant change. The Strategic Plan highlights many of the changes to come. A year from now Extension will be a different place...and we will be even more different two years from now. Today comes the first of those changes, I have been officially informed by the Campus Administration that effective December 31, 2003, we will close the Laguna Street center. Consequently we must cease programming there as of the fall 2003 semester. **Given the financial realities facing [the] Campus, we simply cannot afford to make the numerous repairs, seismic and otherwise that are required for public buildings.** This closure is a significant undertaking, and we will need to work together to make the transition as smooth as possible. I can assure you that Extension will continue to offer a range of programming in San Francisco. I will keep you informed as information becomes available. I recognize that change of this magnitude is always unsettling however, with change comes opportunity as well as challenge. Hopefully in the end we will be a stronger, more vibrant organization.

\*\*\*

Since closing the campus, UC has been paying over **two million dollars a year** for rental space in San Francisco, while dramatically cutting programs. They have now spent well over **six million dollars** in rental space alone as the campus sits empty. Clearly, those funds could have gone toward maintenance of the campus. The buildings surrounding the campus are architecturally significant, and since the closure have sat empty and neglected. Just yesterday, the Landmarks Preservation Advisory Board voted 6 to 1 in favor of the Local Landmark Designation of the UC Berkeley Extension Laguna Street Campus.

7.1

My film shows the process in which the campus was shut down. It clearly depicts the history, vitality and vibrancy of the campus from the early 1800's through January 2004 when the doors were closed to the public. My film quotes historians, instructors, education specialists, students, community members, UCBE workers, Dean and the

developers. It shows that privately developing this property may seem profitable in the short run, but has a high cultural cost in the long run. The film also quotes high ranking operations staff who clearly illustrate how UC neglected the infrastructure of the campus and mismanaged this valuable public resource.

Having spend the past 3 years making a documentary about this campus, and exploring the issues extensively, my recommendation to the San Francisco Planning Department deny approval of the Draft EIR and to deny re-zoning of this property. I request city hall determines to keep the entire campus zoned for Public Use and form a Citizens Advisory committee to establish the best use of the property in order for it to continue its legacy of Public Use, truly benefiting the community.

3.1

I request the SF Planning Department consider the history of public use, the mismanagement of this valuable public resource, and the investment residents of San Francisco have made as tax-payers. This campus has been an investment of the city and should remain in **Public Use**.

Lastly, I would like to say that my documentary, UNCOMMON KNOWLEDGE: Closing the Books at UC Berkeley Extension is available for the Planning Department to view. I have mailed in a DVD copy, but if you need additional copies, or in VHS format, I am happy to send it in. I can be reached at [eliza@hemenwaydocs.com](mailto:eliza@hemenwaydocs.com).

Thank you for taking the time to read my comments.

Sincerely,

Eliza Hemenway

*John R. King*  
*Florida Avenue*

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT**

must be received by 5:00 pm, Monday, March 19, 2007

*May 1, 2007*

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

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5.13

I am also concerned about the  
impact of traffic with this  
and other large projects in the  
area (ie Svermills site) <sup>my neighbors</sup> [I think your  
(environmental) impact studies are FAULTY  
if NOT effective at all!!!

Please sign and date above. Print name and address on opposite side.

John Hix  
Ron Saturno  
628 Hayes Street  
San Francisco, CA  
94102-4130

(Print name and address above.)

RECEIVED

MAY 02 2007

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

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

Re: Planning Department Case No. 2004.0773E

94103+2414

Staple on tape below





Kelly Holt  
<kellholt@yahoo.com>  
04/19/2007 03:01 PM

To Leigh.Kienker@sfgov.org  
cc  
bcc  
Subject UCB Extension re-zoning

Dear Leigh Kienker,  
I am writing to you in regards to the UC Berkeley Extension site at 55 Laguna street. I strongly urge the SF Planning Department to retain Public Use zoning on the site, as it has been a valuable location for public education for more than 100 years.

3.1

With the alarming trend of universities--including public universities--to double as real estate profiteers at the expense of tax payers, this issue goes far beyond the particular extension building at 55 Laguna; To give the Univeristy of California the green light to abuse their non-profit status and venture into private housing development will send the wrong message. The University of California is not a private corporation that sould act as feudal lords or landowners; they are a public institution who are obligated to their citizens to provide higher educational services that benefit the people of California.

In closing, I ask that you please not allow the University of California to turn the historic campus into a private housing development. A Citizens Advisory Committee should be formed to establish the best use of the campus, in order that the land and its development be decided by the collective body of tax-paying Californians who have a collective stake in this public space.

Sincerely,  
Kelly Holt  
1543 17th Ave  
San Francisco, CA 94122

---

Do You Yahoo!?  
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>



sfhood@comcast.net

03/15/2007 11:07 AM

To rana.ahmadi@sfgov.org

cc

bcc

Subject Support AF Evans Development at 55 Laguna

History:

 This message has been replied to.

To the Commissioners:

I am in strong support of the AF Evans development at 55 Laguna for the following reasons: | 1.6

The development at 55 Laguna embodies all of the sustainable development and good urban planning policies that San Francisco prides itself on. It is an exemplary model of superior urban infill planning.

Currently, the site is not available to the surrounding community and is a blight to the neighborhood. It is routinely covered with trash, graffiti, and is a haven for criminal activity. This neighborhood desperately needs good market-rate housing and a healthy retail mix.

This development will help to bring people to walk the sidewalks, be present, and be the "eyes on the street" - which will help to deter the high vandalism and crime rate of this area.

The development will have 20% of the units affordable-to-low income households at 50% of the area median income. This is significantly higher than the City requirement, and will help to maintain our neighborhood's unique diversity.

The site will have a large, publicly accessible park to replace the asphalt parking lot currently on the site.

The density and size of the buildings all match the context of the surrounding area.

The historic buildings on site will be preserved and renovated for residential units.

The development will be "green" - ensuring that the entire development is environmentally sensitive, including the use of alternative energy sources, reuse and conservation of water and a design that focuses on bicycle use over cars.

The development will have a community center, which will be open to the public and retail at the corner of Hermann and Laguna, which will enliven the area.

The development will have a diversity of housing types, as well as a diversity of households including 80 units developed by openhouse focusing on the senior LGBT community

Most importantly, this development will bring much needed rental housing to our City.

I urge you to help move this project forward, so we can create a

development that will be a benefit to the local community, an asset to the greater citizenry of San Francisco and a model of urban infill design principles.

I urge the Planning Commission to support 55 Laguna and help bring this development to fruition.

Thank you

Robert Hood  
289 Hermann St.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
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must be received by 5:00 pm, Monday, March 12, 2007**

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3.1

Property that is Public  
cannot be transferred into  
Private without the consent  
of the Public - which has  
not been given

Please sign and date above. Print name and address on opposite side.



*Rebecca LaRocque*  
*350 Mission*  
*Drive 94065*

Place  
Stamp  
Here

*(Print name and address above.)*

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

**Re: Planning Department Case No. 2004.0773E**

Staple or tape below.

Fax to : 558-6409

*Peter Lewis*

*72 Landers Street, San Francisco, CA 94114, Ph. 863-3950*

*Email: [lapisisland@earthlink.net](mailto:lapisisland@earthlink.net) Web Site: <http://www.lapisisland.com>*

April 27, 2007

Paul Maltzer, Environmental Review Officer,  
San Francisco Planning Department,  
1650 Mission Street, San Francisco, CA 94102.

Re: 55 Laguna Project

Dear Mr. Maltzer:

As a citizen in the Mission Dolores neighborhood and an ex-teacher at the French American School, which used to be housed at the UC Extension Campus when I worked there, I strongly oppose changing the 55 Laguna Street Campus from public to private use. This land and the historic buildings on it were meant for public educational use, and I strongly believe should remain that way. The idea of privatizing it for profit and tearing down important historic buildings on the site goes against CEQA Law, and is simply wrong, if you support public education.

3.1

In addition, in reference to Openhouse's proposal for LGBT Senior Housing there, while on the surface it might sound like a good idea, we all know that the Fair Housing Act states that you can't discriminate based on sexual orientation. Yet that's exactly what you'd doing if you let this happen. I understand that Planning Commission President Alexander has asked for this preferential language to be omitted from the proposed development plans. Yet it's not enough to remove the language, since everyone knows that Openhouse specializes in housing specifically for that community. If the City wants to build senior housing, they should choose a non-profit organization that builds housing for everyone.

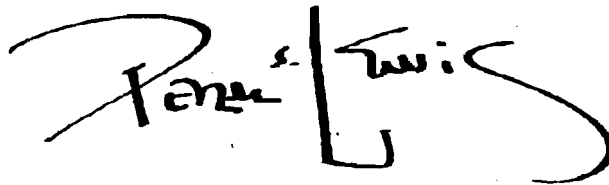
2.1

One of the great strengths of the many individual neighborhoods in the Upper Market area is the diversity. Everyone is welcome. I'd like to keep it that way.

Thank you.

Sincerely,

Peter Lewis



**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 19, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

7.3

It is an absolute no-brainer that  
residents of the neighborhood have a say  
in what happens to this property - and  
also that rare historic buildings must be  
preserved. *I've seen the plans for the proposed new property + if I have to look at that from my apt. window I will move.*

Sarah P McCabe 3/11/07

*Please sign and date above. Print name and address on opposite side.*

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
OPERATIONS

MAR 13 2007

RECEIVED

Sarah McCabe  
50 LAGUNA ST. #503  
SF, CA 94102



RECEIVED

MAR 14 2007

(Print name and address above.)

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

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.



RE HEARING 15 MARCH 2007  
55 LAGUNA PROJECT  
CASE # 2004, 17

PARTICULAR CONCERN RE N.E. CORNER OF INTERSECTION OF  
BUCHANAN & HERMAN STS. BLOCK 870/LOT 3

ALTHOUGH EIR 11-1 STATES THAT THIS "S.W. CORNER OF THE SITE  
IT IS ESSENTIALLY THE N.E. CORNER OF BUCHANAN & HERMAN STS  
AND IS WOEFULLY UNDERUTILIZED SINCE IT IS CURRENTLY USED AS  
U.C. BUCHANAN DENTAL CLINIC.

2.7

OTHER POINTS FOR YOU TO TAKE INTO CONSIDERATION:-

BUILT IN THE 1970s

OUT OF CHARACTER WITH THE SPANISH COLONIAL REVIVAL STYLE

WITH THE BUILDINGS WHOSE EXTERIORS WILL BE RETAINED

USAGE OF PARKING - WHAT HAPPENS TO CARS OF U.C. PERSONNEL

CURRENTLY MAKING USE OF THIS OFF-ROAD PARKING?

5.30

INAPPROPRIATENESS TO WHOLE SCHEME

PLEASE GIVE ALL THE ABOVE AS WELL AS MY 2 PAGE  
PREVIOUS COMMENTS YOUR CLOSEST ATTENTION & CONSIDERATION AND  
TO COMPLET THE INCLUSION OF THIS PARCEL TO PROVIDE A BETTER  
PROJECT FOR ALL CONCERNED.

(ADD: I MONITORED PLANNING ISSUES & THE VARIOUS PLANNING COMMISSIONS  
FOR MANY, MANY YEARS BUT NOW THAT I AM DISABLED I CAN  
ANY LAUDRIBUSLY POINT - CAN'T TALK OR BE PHYSICALLY  
PRESENT)

E. McMillan  
647 28th Ave  
San Francisco CA 94121

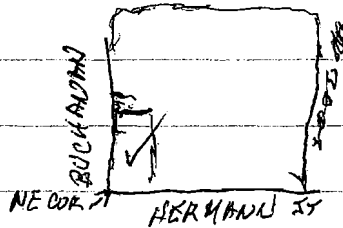
FOR HEARING 15 MARCH 2007

TO: HON. PLANNING COMMISSIONERS  
FROM: EDITH McMILLAN

RE: UC 55 LAGUNA  
CASE No. 2004077

NOTHING WRONG WITH DEVELOPMENT HOW IT IS IMPLEMENTED  
IS OF CONCERN AND NEEDS TO BE ADDRESSED TO LESSEN THE  
IMPACT ON THE NEIGHBORS, NEIGHBORHOOD & THE COMMUNITY AT LARGE

I URGE YOU TO INSIST THAT THE N.E. CORNER OF BUCHANAN  
AND HERMANN STS. BE INCLUDED IN THE DEVELOPMENT TO ALLOW FOR  
BETTER "SPACING" AND MOVEMENT THROUGHOUT THIS MASSIVE PROJECT



THIS CORNER IS CURRENTLY UNDER-<sup>UTILIZED</sup>UTILIZED BY A ONE (1)  
STORY DENTAL BUILDING. BY FREEING UP THIS CORNER FOR SOME  
USAGE OF THE EXTENSIVE DEVELOPMENT IT WOULD MITIGATE THE  
STRESS CAUSED BY THE ADDITIONAL PROPOSED BUILDINGS

INSTEAD OF "BUNCHING" THE BUILDINGS AS PROPOSED  
SHIFTING SOME OF THE PROJECT TO INCLUDE DEVELOPMENT  
OF THIS UNDER UTILIZED AREA WOULD AFFORD SOME DESPERATELY  
NEEDED OPEN SPACE. IT WOULD ALSO HELP WITH THE FLOW  
OF PEDESTRIAN TRAFFIC THROUGHOUT THE PROJECT.

PLEASE GIVE CAREFUL ATTENTION THAT THIS N.E. CORNER  
OF BUCHANAN & HERMANN STS WHEN INCLUDED WOULD ALLEVIATE  
THE STRESS PLACED ON THE OTHER AREAS OF THE PROJECT. BY  
SPECIFICALLY ELIMINATING & RETAINING THIS CORNER FOR FUTURE  
DEVELOPMENT CAUSES AN UNREASONABLE AND UNDUKE BURDEN  
ON THE CURRENT PROJECT DEVELOPMENT.

E. McMillan  
647 28th Ave  
San Francisco CA 94121

Pg 2

HON. PLANNING COMMISSIONERS

FOR HEARING 15 MARCH 07

RE: 2004.077 (53 LAGUNA)

BALANCING THE PRESSURES OF DEVELOPMENT RESULTS IN  
A PROJECT THAT THE NEIGHBORHOOD CAN ACCOMODATE

By INCLUDING THE N.E. CORNER OF BUCHANAN + HERMANN STS  
FOR A BETTER DISPERSAL OVER A GREATER AREA WOULD  
BE MORE FAVORABLE AND LESS INJURIOUS

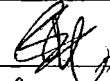
THIS CORNER COULD BE BETTER DEVELOPED NOW BY  
INCLUSION IN THIS CONTEMPLATED PROJECT AND MITIGATING  
BOTH INTERNAL + NEIGHBORHOOD PRESSURES.

PLEASE GIVE CAREFUL CONSIDERATION TO JUST HOW MUCH  
OF AN INTRUSION THIS IS TO THE NEIGHBORHOOD AND THAT A  
WIDER AREA OF DEVELOPMENT BY INCLUSION OF THIS N.E. CORNER  
WILL BE BENEFICIAL.

FOR A COMPREHENSIVE DEVELOPMENT IT IS NECESSARY  
TO INCLUDE THE WHOLE PROPERTY. V.L. DENIAL SHOULD NOT BE SEVERE  
BUT THE PROPOSED PROJECT SHOULD BE ALL INCLUSIVE

DO NOT APPROVE THE PROJECT AS CURRENTLY PROPOSED WITHOUT  
THE INCLUSION OF BLOCK 870/LOT 3 THE N.E. CORNER OF BUCHANAN AND  
HERMANN STS.

SINCERELY,



MRS. EDITH McMILLAN

647-28<sup>TH</sup> AVE

SAN FRANCISCO, CA 94121

P.S. ADDITIONAL COMMENTS ON  
SEPARATE ENCLOSED SHEET.

ENCL - 1

15 MARCH 2007

Ms. RAND AHMADI  
ENVIRONMENTAL PLANNER  
30 VAN NESS AVE, 4<sup>th</sup> FLOOR  
SUITE H150  
SAN FRANCISCO, CA. 94108

RECEIVED

MAR 16 2007

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
MEA

RE: 55 LAGUNA PROJECT  
2004.077 3E

By INCLUDING THE AREA CURRENTLY ALLOCATED TO U.C DENTAL CLINIC INTO THE DEVELOPMENT IT WOULD MITIGATE THE IMPACT ON THE NEIGHBORS.

RATIONALE: THE "ARCHITECTURE" IS OUT OF LINE WITH THE PROPOSED RETENTION - ESPECIALLY FACADES OF THE 1920S BUILDINGS

RATIONALE: THIS N.E. CORNER OF BUCHANAN + HERMANN STS IS UNDERUTILIZED.

RATIONALE: THE INCLUSION OF THIS PARCEL INTO THE DEVELOPMENT WOULD RESULT IN WIDER DISPERSAL AND THEREFORE IMPACT ON THE OTHER AREAS WOULD BE LESSENERD

RATIONALE: TO DEVELOP THE WHOLE TWO BLOCK AREA AS A UNIFIED WHOLE MAKES MORE SENSE AND RESULTS IN A BETTER PROJECT.

RATIONALE: IT ALSO DOESN'T MAKE SENSE TO RETAIN THIS SMALL ISOLATED CLINIC WHEN OTHER UC DENTAL + MEDICAL FACILITIES ARE AT PARNASSUS + MISSION BAY + A VAST SPREAD ON CALIFORNIA ST. (FORMER FIREMAN'S FUND) ENCOMPASSING LARGE AREAS IN SQUARE BLOCK AREAS.

DUE TO MOBILE DISABILITY I CANNOT BE AT PLANNING IN PERSON AND I THEREFORE ASK YOU TO PLEASE INCLUDE THE ABOVE IN YOUR EIR.

IT WAS REAL GOOD TALKING TO YOU.

SINCERELY,

EM

McMILLAN, 647-28<sup>th</sup> AVE  
SAN FRANCISCO, CA 94121

P.S. THIS IN ADDITION TO MY LETTER  
ADDRESSED TO THE PLANNING COMMISSION.  
cc: LINDA AVERY FROM PLANNING COMMISSION.





"Malana Moberg "  
<malanam@sbcglobal.net>  
04/18/2007 10:04 AM

To <sonya.banks@sfgov.org>  
<bridget@argsf.com>, <cherny@sfsu.edu>,  
cc <awmartinez@earthlink.net>, <cdamkroger@hotmail.com>,  
<jstreet@carey-sf.com>, <mark.luellen@sfgov.org>,  
bcc  
Subject Please support the Landmarking of UC Campus

Ms. Banks,

I strongly urge you to approve the designation of the UC Campus as a local landmark. I've attended classes there and loved the building and the history it represents to the city. It is imperative that we save these important structures in San Francisco. We should let "progress" destroy our history. I believe we can both move forward yet not forget where we can from. I 7.1

Thank you!

Malana

Malana Moberg  
Little House Committee  
Aquatic Park Neighbors  
2934 Larkin St.  
San Francisco, CA 94109  
415.922.5671

RECEIVED

APR 25 2007

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

Christopher Pederson  
201 Laguna St. # 9  
San Francisco, CA 94102

April 21, 2007

Paul Maltzer  
San Francisco Planning Department  
1660 Mission St., Fifth Floor  
San Francisco, CA 94103

Re: 55 Laguna Mixed Use Project Draft EIR (Case No. 2004.0773E)

Dear Mr. Maltzer:

The former UC Extension School site is an appropriate location for a mixed-use project including residential, retail, and neighborhood serving uses. The site's proximity to a wealth of public transit lines, the Civic Center, the Financial District, and a wide range of neighborhoods, including Hayes Valley, Lower Fillmore, the Mission, Duboce Triangle, and the Castro, make it an especially promising site for higher density residential development designed to minimize automobile dependency. The site's proximity to a freeway entrance, however, creates the risk that it will attract a disproportionate number of residents who commute to jobs outside San Francisco, thus squandering the environmental benefits of a more transit- and pedestrian-oriented development.

According to the California Energy Commission, "smart growth" land use decisions that concentrate higher density development close to transit corridors, when viewed cumulatively, are among the most promising strategies for reducing the State's greenhouse gas emissions over the long term. See California Energy Commission, 2006 Integrated Energy Policy Report Update (Jan. 2007), available at <http://www.energy.ca.gov/2006publications/CEC-100-2006-001/CEC-100-2006-001-CMF.PDF>. As recent reports by the International Panel on Climate Change (IPCC) demonstrate, climate change threatens to render most recent efforts to protect the environment entirely irrelevant unless we significantly reduce greenhouse gas emissions. It is therefore imperative that the EIR evaluate how the proposed project and the alternatives, including the no-project alternative, will affect greenhouse gas emissions.

6.1

The draft EIR does not adequately describe the environmental benefits that a genuinely transit- and pedestrian-oriented, higher density development could provide, foremost among them being significant reductions in automobile trips and vehicle miles traveled. Conversely, it does not evaluate the adverse environmental impacts caused by the no-project alternative – both the effects of the site's continued use as a remote commuter parking lot and the environmental opportunity costs of not taking full advantage of site's proximity to transit, major employment centers, and neighborhood commercial districts. It does not evaluate the adverse environmental effects of recent project modifications that increase the amount of parking provided on the site. It does not evaluate the adverse

10.21  
5.40  
10.4

environmental effects of the University's insistence that the project include an oversized parking garage for the Dental School. And it does not evaluate the adverse environmental effects of alternatives that involve significant reductions in the density of the proposed development.

▲  
10.4  
cont.

The draft EIR also does not evaluate strategies for minimizing non-transportation-related energy use on the site. Although the site will continue to be owned by the University of California, it nowhere mentions whether the development will comply with the University's "Policy Guidelines for Green Building Design, Clean Energy Standards, and Sustainable Transportation Practices." Among other things, these Guidelines require new buildings to exceed the State's energy efficiency standards by at least 20 percent and establish a goal that new buildings meet "silver" LEED standards.

11.5

The draft EIR is entirely inadequate in evaluating adverse environmental effects associated with the "preservation alternative." By providing parking at almost a 1:1 ratio, the preservation alternative is inconsistent with the strategy of the Market & Octavia Plan to reduce automobile dependence and its associated environmental ills by restricting parking supply.

10.10

The draft EIR, astonishingly, takes the position that changes to the blank, prison-like walls along Laguna and Haight Streets would be adverse environmental effects. Admittedly, those walls are a component of the old, inward-looking campus. But simply because they're old doesn't mean they're benign. The walls create an unpleasant, alienating pedestrian environment that is directly contrary to the urban design principles of the Market & Octavia Plan. They also serve as a magnet for graffiti and trash that even the most diligent landowner (which the University is not) would find challenging to control.

10.10

Although historic buildings on the site should be preserved, they can be maintained without excessive parking and without also perpetuating decades-old decisions to treat surrounding neighborhoods, at least architecturally, as hostile territory.

10.10

Finally, the EIR should evaluate what public neighborhood needs can appropriately be addressed on the site. Although, as explained above, the site is an appropriate location for higher density residential development, cities do not live by housing alone. The EIR, or the City through a separate process, should evaluate what public needs the site can effectively address.

1.1

Sincerely,

  
Christopher Pederson

RECEIVED

FEB 08 2007

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

PAUL MALTZER  
E. R. O.

CASE NO. 2004, 0793 E

ACCORDING TO PUBLISHED INFORMATION P.  
11. A-4 UNDER GENERAL  
PLAN HOUSING ELEMENT OBJECTIVE 11  
POLICY 11.7 QUOTE -

" WHERE THERE IS NEIGHBORHOOD  
SUPPORT, REDUCE OR REMOVE  
MINIMUM PARKING REQUIRE-  
MENTS FOR HOUSING, INCREASING  
THE AMOUNT OF LOT AREA AVAILABLE  
FOR HOUSING UNITS "

BUT IN THE TRANSPORTATION ELEMENT  
UNDER OBJECTIVE 1 POLICY 1.3  
IT STATES " GIVE PRIORITY TO PUBLIC  
TRANSIT AND OTHER ALTERNATIVES  
TO THE PRIVATE AUTOMOBILE AS  
THE MEANS OF MEETING S. F. TRANSPORTATION  
NEEDS, PARTICULARLY THOSE  
OF COMMUTERS " AND THEN

OBJECTIVE 34 POLICY 34.3  
" PERMIT MINIMAL OR REDUCED  
OFF-STREET PARKING FOR NEW  
BUILDINGS IN RESIDENTIAL  
& COMMERCIAL AREAS ADJACENT  
TO TRANSIT CENTERS & ALONG  
TRANSIT PREFERENTIAL STREETS."

QUESTION:

How can you ELIMINATE PARKING  
REQUIREMENTS INCREASE LOT SIZE  
WHILE AT THE SAME TIME GIVE  
PRIORITY TO PUBLIC TRANSIT OVER  
AUTOMOBILES WHILE REDUCING OFF-  
STREET PARKING IN & AROUND  
TRANSIT CENTERS AT THE SAME  
TIME AROUND THIS PROJECT AND  
IN THIS AREA.

5.23

PLEASE SEND YOUR RESPONSE  
TO MARVIS J PHILLIPS  
230 EDDY ST #1206  
SF CA 94102-6526

DRAFT MARKET & OCTAVIA  
AREA PLAN

OBJECTIVE # 5.2

DEVELOP & IMPLEMENT  
PARKING POLICIES FOR AREA'S  
WELL SERVED BY PUBLIC TRANSIT  
THAT ~~ENCOURAGE~~ ENCOURAGE  
TRAVEL BY PUBLIC TRANSIT  
AND ALTERNATIVE TRANSPORTATION  
MODES (AKIN TO GENERAL PLAN  
TRANSPORTATION ELEMENT OBJECTIVE  
#1 POLICY 1.3) AND REDUCE  
TRAFFIC CONGESTION.

POLICY 5.2.1

ELIMINATE MINIMUM OFF-  
STREET PARKING REQUIREMENTS  
AND ESTABLISH PARKING CAPS  
FOR RESIDENTIAL & COMMERCIAL  
PARKING.

(SIMILAR TO HOUSING ELEMENT  
OBJECTIVE 11 POLICY 11.7 WHICH  
ALSO SUPPORTING TRANSPORTATION  
ELEMENT OBJECTIVE 34 POLICY 34.1

5.23

PLEASE EXPLAIN HOW THE  
MARKET / OCTAVIA PLAN  
PARKING RESTRICTIONS & PROPOSALS  
REFLECT THE PLAN PRIORITIES  
OF THE GENERAL PLAN IN BOTH  
HOUSING & TRANSPORTATION ELEMENTS

THANK YOU, FOR YOUR ASSISTANCE

Sincerely,  
MARVIS J. PHILLIPS

Paul  
Maltzer/CTYPLN/SFGOV  
04/30/2007 03:12 PM

To Leigh Kienker/CTYPLN/SFGOV@SFGOV  
cc  
bcc  
Subject Fw: future of 55 Laguna

----- Forwarded by Paul Maltzer/CTYPLN/SFGOV on 04/30/2007 03:11 PM -----



"Shawn A. Riney"  
<sriney@fablaw.com>  
04/30/2007 01:52 PM

To <paul.maltzer@sfgov.org>  
cc  
Subject future of 55 Laguna

"The future of a proposed senior housing project in San Francisco -- which includes housing for LGBT seniors -- at the now-closed University of California, Berkeley extension campus at 55 Laguna will be in the hands of San Francisco's Planning Commission next month".

(from Lowerhaight.org's Google list serve)

I wish to join in the chorus of those seeking to have a proposed senior housing project, which would include housing for LGBT seniors at the mixed-use site of 55 Laguna as well.

Please duly note this email.

Thanks,

Shawn A. Riney  
Librarian  
1221 Broadway, 21st Floor  
Oakland, CA 94612  
tel 510.451.3300  
fax 510.451.1527  
[sriney@fablaw.com](mailto:sriney@fablaw.com)  
[www.fablaw.com](http://www.fablaw.com)



FITZGERALD ABBOTT & HEARDSLEY LLP  
ATTORNEYS AT LAW





"Cynthia Servetnick "  
<cynthia.servetnick@gmail.com>  
m>

04/06/2007 05:57 PM

To Leigh.kienker@sfgov.org

cc

bcc

Subject M-O Plan EIR and 55 Laguna Mixed Use EIR

Leigh,

Thanks for letting me know you are now the environmental planner for the 55 Laguna Mixed Use EIR.

I have attached an unsigned copy of the letter from New College of California to the Paul Maltzer and Dean Macris on said EIRs. I will forward a hard copy to them both. ] 1.19

Best,

Cynthia Servetnick



NCOC M-O Plan Letter 4-5-07.pdf

**Joint Environmental Review Chronology of the  
Market and Octavia Neighborhood Plan Program EIR and the  
55 Laguna Mixed Use Project EIR**

- December 17, 2002 Draft Market and Octavia Neighborhood Plan (M-O Plan) published.
- April 15, 2003 UC Berkeley Council of Deans directed Provost to realize the full potential of the UC Berkeley Extension Laguna Street Campus in San Francisco (Campus).
- October 7, 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus, San Francisco (RFQ) issued.
- October 14, 2003\* New College of California (NCOC) contacted UC Berkeley and was dissuaded from submitting qualifications as educational use was not deemed the highest and best use of the Campus. \*(Approximate date)
- November 4, 2003 Notice of Public Scoping Meeting for M-O Plan EIR published.
- November 10, 2003 RFQ submission deadline.
- November 18, 2003 Public Scoping Meeting for M-O Plan EIR held.
- November 30, 2003 RFQ developer selection date. AF Evans Development, Inc. (AF Evans) was selected.
- December 8, 2003 UC Berkeley Extension announced the closing of the Campus, the relocation of some programs to leased space in Downtown San Francisco and Downtown Berkeley, and the closure of some programs. The value of the Campus was estimated at +/- \$30 million.
- December 30, 2003 RFQ exclusive negotiation agreement execution date.
- January 23, 2004 Notice of Preparation of M-O Plan EIR published.
- May 2004 Page and Turnbull *Historic Resources Study of UC Berkeley Extension Laguna Street Campus* published.
- August 4, 2004 AF Evans submitted a complete Environmental Evaluation Application to the Planning Department for the 55 Laguna Mixed Use Project (Project) which proposed construction of seven new buildings and the adaptive reuse of two existing buildings for 491 dwelling units, 421 off-street parking spaces, 3,500 GSF of retail use, 12,000 GSF for a dental clinic, and 12500 GSF for community serving use.
- August 16, 2004 AF Evans hosted a community open house and distributed detailed descriptive handouts on the proposed Project.

- December 2004 The Planning Department issued a comprehensive 32-page *"Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus"* (Policy Guide) which included an "Illustrative Rezoning Concept" for the Campus. The Policy Guide evaluated the effects of the M-O Plan policies on the Campus and acknowledged the site is easily the largest development area within the entire M-O Plan area. The Policy Guide was developed by the Planning Department at the request of the AF Evans without public input.
- December 6, 2004 Following a series of meetings with community groups, AF Evans publicly circulated preliminary development plans.
- December 8, 2004 AF Evans made a preliminary presentation to the Landmarks Preservation Advisory Board (LPAB) per the LPAB's request.
- April 25, 2005 Hayes Valley Neighborhood Association (HVNA) "kicked-off" a series of six informational community meetings to discuss available reuse options for the Campus with the goal of prioritizing the preferred type of zoning and program elements.
- May 9, 2005 A citizen-sponsored petition was submitted to the Board of Supervisors (BOS) requesting a public scoping meeting be held on the proposed 5.8 acre 491-unit housing and retail project at 55 Laguna Street which would require a change from Public to mixed-use zoning.
- May 24, 2005 AF Evans met with NCOC to discuss a potential development partnership. No agreement could be reached.
- June 8, 2005 The BOS passed a resolution urging the Planning Department to hold a public scoping meeting for the environmental review of the proposed housing project at 55 Laguna Street.
- June 15, 2005 Notice of Preparation of an EIR and a Public Scoping Meeting for the 55 Laguna Mixed Use Project was published.
- June 25, 2005 M-O Plan Draft EIR published.
- June 29, 2005 Public Scoping Meeting for 55 Laguna Mixed Use Project EIR Held. NCOC discussed their alternate proposal for the reuse of the Campus under Public zoning.
- July 21, 2005 NCOC, at the community's request, held a public informational meeting on their alternate proposal for the reuse of the Campus under Public zoning.
- July 28, 2005 Public hearing on M-O Plan Draft EIR held.

- July 29, 2005 NCOOC submitted an economically viable alternate proposal for analysis in the 55 Laguna Mixed Use EIR which preserves all historic structures and does not require a zoning change.
- August 8, 2005 The AF Evans commented, via their attorney, on the M-O Plan Draft EIR, referenced the M-O Plan's discussion of the Project and requested the M-O Plan and EIR be revised to reflect the proposed zoning in the Policy Guide.
- August 23, 2005 NCOOC commented on the M-O Plan Draft EIR and included an environmental review chronology that demonstrated there was ample time to evaluate the impacts of the proposed Project within said EIR and further stated said Project would have significant adverse impacts on historic resources that cannot be mitigated.
- August 23, 2005 Extended public comment period on Draft M-O Plan EIR closed.  
*(Was July 29, 2005)*
- May 23, 2006 Pre-adoption hearing on M-O Plan held.
- May 24, 2006 Per the proposed Project EIR consultant's request, NCOOC submitted revisions to their economically viable concept plan for analysis as an alternative.
- May 25, 2006 The Planning Department issued an Historic Resources Evaluation Response Memorandum which disagreed with the May 1, 2004 Page and Turnbull Historic Resources Study of Campus. The Planning Department concluded the Campus constitutes an historic district under California Register criteria and that Richardson Hall Annex and Middle Hall Gymnasium are contributors to the district. They also concluded the proposed Project is not consistent with the Secretary of Interiors' Standards and is a significant impact.
- July 26, 2006 The Planning Department invited NCOOC to discuss their alternate proposal. NCOOC presented their economically viable concept plan and requested a Citizens Advisory Committee (CAC) representing interested established neighborhood groups within the M-O Plan area be convened to determine the best use of the Campus, to make recommendations regarding zoning and redevelopment guidelines for the Campus, and to evaluate the requested change to the existing Public zoning for the Campus under the proposed Project within the context of the M-O Plan. The Planning Department said such a CAC was not warranted.
- August 22, 2006 Application nominating the San Francisco State Teachers' College Historic District (Campus) to the National Register of Historic Places was submitted to the State Office of Historic Preservation (SHPO) by the Friends of 1800.
- September 26, 2006 Responses to Comments on the M-O Plan Draft EIR published.

- October 4, 2006 Planning Department stated that an additional survey of the Campus under the M-O Plan Historic Resource Survey Contract with Page and Turnbull (historic resources consultant) would not be prepared and would thus avoid the appearance of a conflict of interest between the Planning Department, the historic resources consultant and the AF Evans. Said historic resources consultant prepared a historic resource survey on behalf of the Planning Department for the 55 Laguna Street Mixed Use Project EIR. Said historic resources consultant was subsequently retained by AF Evans as their preservation architect. The Project proposes to demolish Richardson Hall Annex and Middle Hall Gymnasium which the Planning Department deemed contributors to the Campus historic district. The Project would also privatize and significantly alter most of the historic interiors. The relocation of significant works of art is proposed.
- October 26, 2006 The Planning Commission "kicked-off" a series of adoption hearings on the M-O Plan and related General Plan amendment, Planning Code text amendment, Zoning Map amendment and certification of the M-O Plan Final EIR.
- November 2, 2006 On behalf of the San Francisco Preservation Consortium, Susan Brandt-Hawley, Esq. commented on the adequacy of the M-O Plan EIR with regard to the incomplete historic resource surveys.
- January 27, 2007 55 Laguna Mixed Use Project Draft EIR published.
- February 21, 2007 LPAB Public Hearing on the 55 Laguna Mixed Use Project Draft EIR.
- March 14, 2007 The SHPO commented on the 55 Laguna Mixed Use Project Draft EIR and endorsed the preservation alternative.
- March 15, 2007 Planning Commission hearing date on 55 Laguna Mixed Use Project Draft EIR postponed to April 19, 2007 at the Commission's request to accommodate last minute changes in the M-O Plan and related Final EIR.
- April 2, 2007 Application for Local Landmark Designation of the of the Former San Francisco State Teacher's College/Campus submitted by the Friends of 1800 on behalf of the LPAB.
- April 5, 2007 Certification of M-O Plan Final EIR and adoption of findings scheduled.
- April 18, 2007 LPAB Public hearing on application for the Local Landmark designation of the Campus scheduled.
- April 19, 2007 55 Laguna Mixed Use Project Draft EIR public hearing scheduled.
- April 23, 2007 Public comment period on 55 Laguna Mixed Use Project Draft EIR closes.



RECEIVED

AUG 23 2005

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT  
ADMINISTRATION

NEW COLLEGE of CALIFORNIA

777 Valencia Street | San Francisco, CA 94110 | 415-437-3400 | www.newcollege.edu

August 23, 2005

Paul Maltzer, Environmental Review Officer  
San Francisco Planning Department  
Major Environmental Analysis Division  
30 Van Ness Ave. 4th Floor  
San Francisco, CA 94103-2414

Re: Case No. 2003.0347E—Market & Octavia Neighborhood Plan

Dear Mr. Maltzer:

Per the attached letter I sent you on July 29, 2005 regarding the Case No. 2004.0773E, the Laguna Hill Residential Project, we believe the City of San Francisco (City) has a compelling public interest in preserving the UC Berkeley Extension Campus at 55 Laguna Street (Laguna Campus) so the vital legacy of cultural, educational, aesthetic, and economic benefits of this historic site will be maintained and enriched for future... generations of San Franciscans.

The Laguna Campus is a unique educational and open space resource which cannot be replaced. The Laguna Hill Residential Project proposes the virtual disposition of the Laguna Campus, in the form of the demolition of Middle Hall, portions of Richardson Hall and most of the grounds, along with the 85-year commercial lease, is a discretionary action of the University of California that would negatively impact the City's cultural heritage. Therefore, New College of California submitted an alternate concept plan for the redevelopment of the Laguna Campus for analysis as a preservation/public use alternative in the Laguna Hill Residential Project EIR.

As the following Environmental Review Chronology shows, the Planning Department had ample time to evaluate the impacts of the proposed Laguna Hill Residential Project on the Market and Octavia Neighborhood Plan.

**Environmental Review Chronology: Market and Octavia Neighborhood Plan and Laguna Hill Residential Project**

- December 2002 Draft Market and Octavia Neighborhood Plan Issued
- October 2003 Request for Qualifications for Long-Term Ground Lease for Development of UC Berkeley Extension Laguna Street Campus Issued

AB-1

- November 2003 Market and Octavia Neighborhood Plan EIR Public Scoping Meeting Held
- January 2004 Market and Octavia Neighborhood Plan EIR Notice of Preparation Issued
- February 2004 Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan Issued<sup>2</sup>
- May 2004 Historic Resources Study prepared by Page & Turnbull Associates Completed<sup>3</sup>
- August 2004 Laguna Hill Residential Project Environmental Application No. 2004.0773E Submitted
- December 2004 A Policy Guide to Considering Reuse of the University of California Extension Laguna Street Campus (Policy Guide) Published<sup>4</sup>
- June 2005 Laguna Hill Residential Project EIR Public Scoping Meeting Held
- June 2005 Market and Octavia Neighborhood Plan DEIR Published
- July 2005 Market and Octavia Neighborhood Plan DEIR Public Hearing Held

AB-1

The proposed Laguna Hill Residential Project would have significant unavoidable impacts on historic resources, public, educational and cultural facilities, open space and recreation. Attachment G of the Summary of the Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan (Neighborhood Plan) states, "The reuse of this site is the single largest development opportunity in the plan area." The Neighborhood Plan also states, "This proposal should be developed in keeping with the overall approach of the Market and Octavia Plan." Yet, the Neighborhood Plan DEIR (DEIR) fails to address the impacts of the proposed Laguna Hill Residential Project on the neighborhood.

For example, DEIR §4.0, p. 4-89 states, "Koshland Park, on Page Street between Laguna and Buchanan Streets, includes over 37,000-square feet (0.85 acres) of recreational, educational and communal garden space in Hayes Valley." The Laguna Campus could potentially provide over three acres of open space to the neighborhood. However, the DEIR does not analyze the potential loss of this open space resource. No mitigation measures have been included because no significant impacts have been identified at the program or project levels.

AB-2

The December 2002 Draft Market and Octavia Neighborhood Plan Policy 1.1.6 states, "Preserve and enhance the role of cultural and educational institutions in the plan area. Major cultural institutions such as City Hall, the Opera House, Herbst Theatre, the SFGLBT Center, and the UC Berkeley Laguna Street Campus are vital assets to the neighborhood and will retain their role as major regional destinations." Again, the DEIR does not address the conflict between the aforementioned Neighborhood Plan policy and the proposed Laguna Hill Residential Project.

AB-3

On one hand, the DEIR completely fails to address the historic and architectural significance of the National Register-eligible Laguna Campus. The document manages to address the history of the site through 1935 and states, "A major institutional development in the Hayes Tract during this period was the Protestant Orphan Asylum, built on the block bound by Waller, Haight, Laguna and Buchanan Streets, on land granted by the city in 1853 and now the site of the University of California Berkeley Extension Center." DEIR §4.6, p. 4-139 However, Laguna Campus is not designated as an historic district in Figure 4-18, "Archeological and Historic Districts" DEIR §4.6, p. 4-148. On the other hand, the DEIR manages to incorporate the traffic impacts of the proposed Laguna Hill Residential Project and states, "Vehicle trips from a new 500-unit residential development proposed for the UC Extension site (at the intersection of Market/Laguna/Hermann Streets) were estimated and manually assigned to the 2025 without Plan traffic volumes." DEIR §4.7, p. 4-207

AB-4

AB-5

The DEIR clearly anticipates the development of the proposed Laguna Hill Residential Project and states, "The UC Berkeley Extension Campus is located on the block bounded by Buchanan, Haight, Laguna, and Hermann Streets. This site is proposed for redevelopment into approximately 500 residential units, some retail space, and community-serving uses. The existing dental clinic on the campus would remain." DEIR §4.2, p. 4-36, but fails to analyze the impacts of said proposed development and zoning change in the context of the implementation of the Neighborhood Plan.

AB-6

The attached letter from Paul Olsen, Hayes Valley Neighborhood Association (HVNA) President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005 states:

*The Planning Department projects that approximately 4400 new housing units will be built in the Market/Octavia area by the year 2025, with most of the units centered along the Market Street corridor between Van Ness and Church Streets. This figure does not include any housing that could be built at the site of the former Laguna Extension campus because, at the time of the Market/Octavia community planning meetings we assumed that UC Berkeley would continue with its educational mission at its Laguna Extension site.*

AB-7

*Although HVNA has always supported building housing in our neighborhood, we cannot view building housing on empty freeway parcels and on smaller infill sites in the same way that we view the redevelopment of a large, public educational institution that has closed. The UC site is not just another infill project, but is a project of such large proportion that its redevelopment will go a long way toward defining the neighborhood. The former site of the UC Berkeley Laguna Extension has provided a valuable public resource for our city for the past 150 years. In considering how we want to redevelop this property we must consider how the loss of this valuable public resource will affect our community and city as a whole.*



*Our community believes that retaining a substantial portion of the former UC Extension Laguna campus for educational purposes is the best possible land use for this site, as people living along the densely populated Market Street corridor will need a public area dedicated to serving the community's educational, cultural and recreational needs. If housing is built over this entire site now, all future opportunities to use this site for educational purposes will be forever lost.*

AB-7

The attached letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005 states:

*Our six-meeting series produced consensus on the following general issues:*

*Retaining some portion of the site for educational use. Community support for retaining educational use was so widespread that we can conclude that the community would like to see a significant portion of the campus used for this purpose. Some important comments on this issue that were presented at several of the meetings included:*

*If we build housing over this entire site now, we will forever lose the opportunity to use this site for educational purposes.*

AB-8

*Communities need more than housing and retail to thrive. In order to create a vibrant, community we need to retain public space that serves the community's educational and cultural needs.*

*Educational and cultural institutions cannot compete for space in the open real estate market.*

*The neighborhood's density is expected to increase significantly over the next 20 years. (The Planning Department projects that by the year 2025 the population of the Market/Octavia Plan area will increase by 9,875 people which represents 11.7% of the projected growth of the entire city. The Department also projects there will be an increase of 5,960 new households in the Market/Octavia Plan area by 2025, which will represent 14.5% of the projected growth of the entire city. The vast majority of this population will be centered along Market Street between Van Ness and Church Streets.) A neighborhood with this level of density needs to retain a significant amount of public space for educational and cultural purposes.*

*Historic preservation of existing buildings was an overwhelming winner in the urban design category, with "preserving all buildings for re-use" receiving the most support. Support to preserve the existing buildings seems to have grown after our forum on historic preservation.*

*Providing "reduced" parking to "no" parking, along with City CarShare was a runaway winner. The community is very concerned that a high-density housing development that provides a great deal of parking will generate a great deal of traffic in a neighborhood that is trying to reduce traffic and create a pedestrian-friendly environment.*

*Creating a walkable, pedestrian-oriented environment.*

*On the issue of "housing," opinion seemed fairly evenly divided, with significant support expressed for "no housing," along with wide support for ideas that would include housing as a component of the site. We suspect that a significant portion of the community that favored "no housing" was concerned about the parking and traffic problems that a large, densely populated housing development could present.*

AB-8

*Since most people chose to express their priorities by supporting the predominantly broad, generalized categories, we were not able to get a good read on priorities for the range of specific programs discussed at our "brainstorming" meeting. We also realize that, except for overwhelming support to retain a portion of the site for educational purposes, we have just begun to examine and discuss other specific programs for the site, and that we need to continue to investigate additional options.*

*Both our Board and committee would like to reiterate the one overriding principle that had tremendous appeal to the vast majority of community members: the idea that this site should be used to provide a public benefit to the larger community and bring together and serve all elements of our diverse neighborhood and city in a way that celebrates diversity, stimulates learning, and promotes and reinforces a sense of community. Housing and retail alone cannot create this kind of dynamic interplay.*

We concur with HVNA regarding goals for the reuse of the Laguna Campus. We therefore request a comprehensive environmental analysis of the impacts of the Laguna Hill Residential Project be incorporated into the EIR for the Neighborhood Plan so that the Planning Commission and Board of Supervisors can understand the impacts of potential loss of the Laguna Campus within the context of the Neighborhood Plan when they vote on whether to certify the EIR.

AB-9

Sincerely,



Martin Hamilton  
President

cc: Jack Robertson, A.F. Evans Development, Inc.  
Allen Meacham, University of California, Office of the President  
Jeff Bond, University of California, Berkeley  
Jane Graf, Mercy Housing California  
Supervisor Bevan Dufty  
Supervisor Ross Mirkarimi  
Michael Farrah, Mayor's Office  
Charles Edwin Chase, San Francisco Architectural Heritage  
Mark Ryser, San Franciscans for Preservation Planning  
Susan Brandt-Hawley, Brandt-Hawley Law Group  
Arnie Lerner, AIA, Lerner + Associates Architects  
Vincent Marsh, Co-Chair, Friends of 1800  
Mark Paez, Co-Chair, Friends of 1800  
Paul Olsen, HVNA  
Patricia Walkup, HVNA

- Attachments: 1) Letter from Martin Hamilton to Paul Maltzer, Environmental Review Officer, Planning Department dated July 29, 2005
- 2) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Supervisors Dufty and Mirkarimi dated July 25, 2005
- 3) Letter from Paul Olsen, HVNA President and Patricia Walkup, Co-Chair HVNA Transportation & Planning Committee to Jeff Bond, UC Berkeley dated July 25, 2005
- 4) Summary of Proposed Revisions to the Public Review Draft of the Market and Octavia Neighborhood Plan, Appendix G

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<sup>1</sup> The RFQ states, "The Campus is seeking to realize a mix of uses including: Retention or replacement of the UCSF Dental Clinics; Market rate, but affordable housing for UC students, faculty and staff; Market rate, but affordable housing for the general public; Neighborhood serving retail space; and Associated open space and parking necessary to support the proposed project."

<sup>2</sup> The revisions include changes to Element 6, New Development on Key Sites which states, "Add a new section iii that discusses the opportunity presented by the redevelopment of the UC Berkeley Laguna Street Campus."

<sup>3</sup> The Historic Resources Report was requested by the Planning Department in conjunction with the environmental review of the Laguna Hill Residential Project.

<sup>4</sup> The Policy Guide states, "This document is intended to provide clarity and guidance to the public, UC Berkeley, and the prospective developers on the relevant policies, planning goals, and urban design standards that should be used to design and evaluate a project and related improvements at this site." Further, "The potential re-use of the

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UCBE site was not contemplated by the Draft Market & Octavia Neighborhood Plan (Neighborhood Plan) and rezoning effort currently underway. This document extends the principles and policies of the Neighborhood Plan to the site. It identifies relevant policies, planning goals, and urban design standards for consideration by the public, UC Berkeley and prospective developers. They can be used to design and evaluate a project and related improvements at this site and to provide other relevant historical, socioeconomic and procedural information.”

**Letter AB – Martin Hamilton, New College of California**

**AB-1**

See Response to Comment N-1 regarding the UC Extension site. The Plan does not make recommendations for land use changes on the UC Extension site. The property owners have applied to the City for an independent EIR for the proposed rezoning/redevelopment proposal. The impacts of the proposed development are taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the specific proposal was not conducted as it is not part of this Plan. The decision on whether to approve or disapprove the proposal for the UC Extension site will be made by the Planning Commission and the Board of Supervisors independent of the Market and Octavia Neighborhood Plan decision.

**AB-2**

See Response to Comment L-9 regarding the impacts on public parks.

**AB-3**

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

**AB-4**

The following historical information about the University of California Berkeley Extension Campus is taken from the Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings. The documentation accompanying the NOP concluded that the UC Extension is a historical resource under the California Environmental Quality Act.<sup>42</sup>

All of the former UC Extension buildings on the site were constructed between 1924 and 1935 as the campus of the San Francisco State Teachers College, which conveyed the property to the

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<sup>42</sup> City and County of San Francisco, Planning Department, *Case No. 2004.0773E - Laguna Hill Residential Project, Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meetings*, June 2005.

University of California when it relocated to its current campus on 19th Avenue in the 1960s. The buildings generally exhibit the Spanish Colonial Revival style of architecture with red tile roofs and stucco siding. Woods Hall, constructed in 1926, is a two-story L-shaped building located at the northwestern corner on the upper terrace of the site along Buchanan and Haight Streets. Attached to Woods Hall is Woods Hall Annex, constructed in 1935, located along Haight Street and positioned on the lower terrace. Richardson Hall, constructed between 1924 and 1930, is a one and two-story, L-shaped building located on the lower terrace of the site at the corner of Hermann and Laguna Streets. The Laguna Street elevation of Richardson Hall is a two-story auditorium and an attached single-story administration building. Middle Hall, originally built as a gymnasium in 1924 with classroom and office space added later, is a one-and-a-half to two-and-a-half-story building located behind (east of) the west wing of Woods Hall. The Dental Clinic was constructed in the 1970s, and is currently occupied by the UCSF Dental School.

The project site contains four buildings that were built between 1924 and 1935, including Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall, which generally exhibit the Spanish Colonial Revival style of architecture. These buildings have been the subject of a Draft Historic Resources Evaluation (HRE) that analyzes the potential historical and architectural significance of these buildings. The HRE suggests that some or all of the buildings may be eligible for listing in the California Register of Historical Resources, and are thus considered to be historic resources under CEQA (CEQA Guidelines Section 15064.5).<sup>43</sup>

**AB-5**

Comment regarding the inclusion of the residential trip generation from the proposed Laguna Hill Residential project in the DEIR transportation analysis is noted.

**AB-6**

See Response to Comment N-1 and AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

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<sup>43</sup> Ibid.

### 3.0 Written Comments and Responses

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#### AB-7

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

#### AB-8

Comment letter from the Hayes Valley Neighborhood Association regarding the UC Extension site is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.

#### AB-9

Comment regarding the concurrence of the New College of California concurrence with the Hayes Valley Neighborhood Association letters is noted. See Response to Comment AB-1 regarding the UC Extension site and the analysis approach used in the DEIR.



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ORANGE COUNTY, SACRAMENTO,  
WALNUT CREEK, CENTURY CITY  
TOKYO, LONDON, BEIJING,  
SHANGHAI, HONG KONG,  
SINGAPORE, BRUSSELS

August 8, 2005

Writer's Direct Contact  
415/268-6171  
SVettel@mofocom

City & County of S.F.  
Dept. of City Planning

By Telefacsimile and Mail

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

AUG 08 2005

OFFICE OF  
ENVIRONMENTAL REVIEW

Re: Comments on the Draft Environmental Impact Report for the Market and Octavia  
Neighborhood Plan; Planning Department Case No. 2003.0347E and State  
Clearinghouse No. 2004012118

Dear Mr. Maltzer:

I am writing on behalf of AF Evans Development, Inc. and Mercy Housing California ("Evans/Mercy"). Evans/Mercy, along with the Regents of the University of California ("UC"), are project sponsors of the proposed Laguna Hill Project ("Project"). The Project is intended to redevelop the UC Extension Laguna Street Campus at 55 Laguna Street (all of Blocks 857 and 870), and create an overall development that will accommodate approximately 450 units of housing, a continued presence of the existing UC dental clinic, retail and community uses. The Project site is located in the proposed Market and Octavia Neighborhood Plan Area ("Plan"). Evans/Mercy submits the following comments on the Draft Environmental Impact Report for the Market and Octavia Neighborhood Plan ("DEIR").

The 55 Laguna Street property currently has height limits of 40 feet along Haight and Buchanan Streets and 80 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. In December 2004, the Planning Department released its "Policy Guide to Considering Reuse of the University of California Berkeley Extension Laguna Street Campus." The Policy Guide (at page 19, copy attached) recommends height limits of 30-45 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets. However, Figure 4-4 in the DEIR indicates that the entire Project location is in a proposed height district of "30-40 Feet", and the draft Market and Octavia Neighborhood Plan more specifically indicates a proposed height district of 40 feet for the Project's location. (Plan at p. 30). This significantly lower height limit is also inconsistent with statements elsewhere in the DEIR that recognizes the cumulative

N-1



MORRISON | FOERSTER

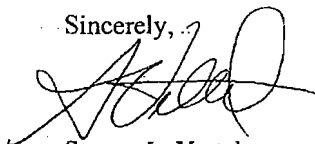
Paul Maltzer  
August 8, 2005  
Page Two

development in the Plan area may include Evans/Mercy's proposed redevelopment of the Project site.

We believe the two connected blocks containing the Project should not be significantly downzoned as part of the Market and Octavia Neighborhood Plan, particularly while their redevelopment consistent with the Policy Guide is being considered. Rather, current Planning Department policy, as reflected in the Policy Guide, should be carried forward in the DEIR. Accordingly, we request the Market and Octavia Neighborhood Plan EIR evaluate a project alternative that includes height limits at the Project site of up to 50 feet along Haight and Buchanan Streets and 65-85 feet in the southwest quadrant of the Project site along Hermann and Laguna Streets.

Evans/Mercy appreciates the opportunity to comment on the Market and Octavia Neighborhood Plan DEIR. Please feel free to call if you have any questions or concerns.

Sincerely,

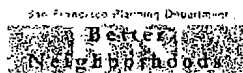


Steven L. Vettel

cc: Sarah Zahn  
Ramie Dare

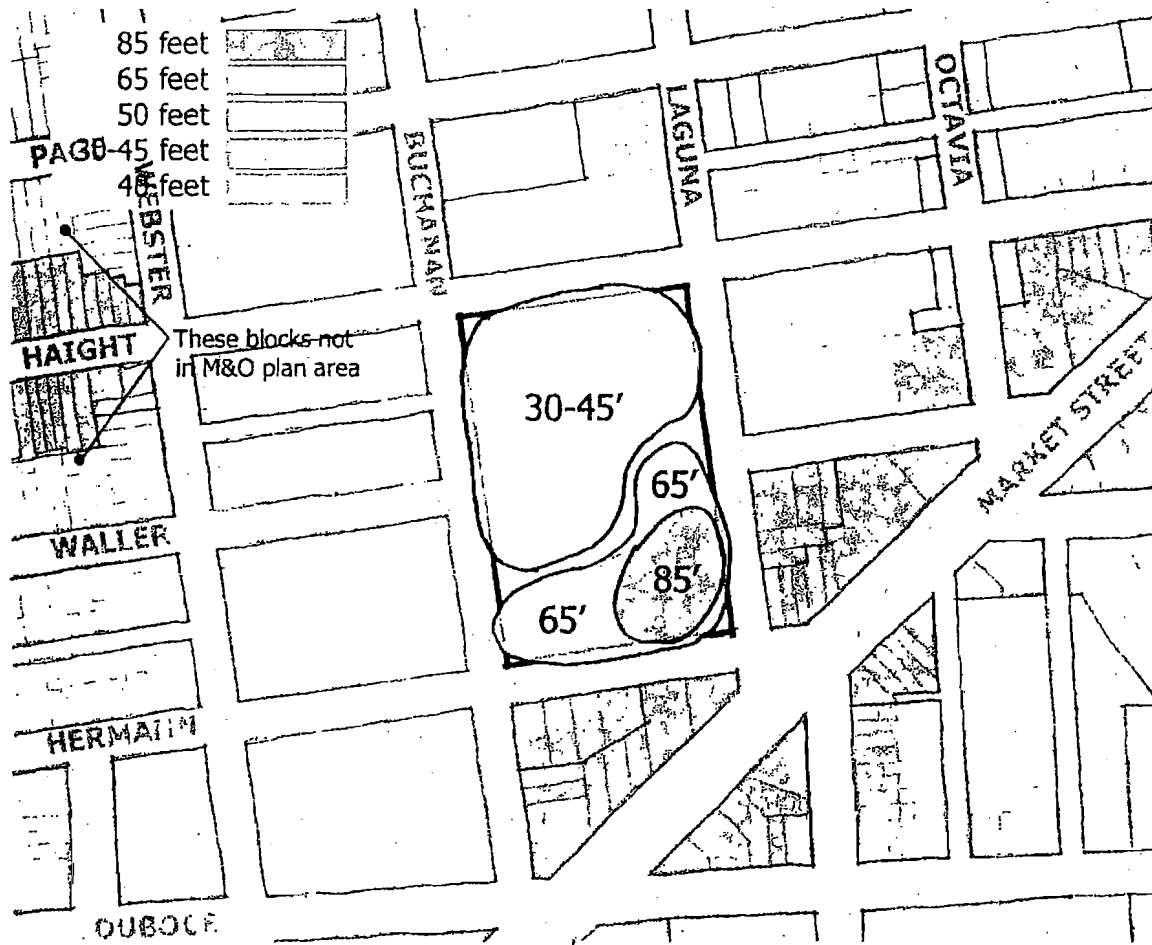
N-1

A POLICY GUIDE TO CONSIDERING  
REUSE OF THE UNIVERSITY OF CALIFORNIA BERKELEY EXTENSION  
LAGUNA STREET CAMPUS



San Francisco Planning Department  
Better Neighborhoods Program  
December 2004

## ILLUSTRATIVE URBAN FORM CONCEPT



### Illustrative Urban Form Concept:

Allowable heights should tier off height districts developed for the Draft Market & Octavia Plan. Again, because of the peculiarities of this site such as large lot size, prevalence of significant historic structures and significant topography more flexibility in allowable heights may be appropriate for this site. The generalized urban form concept above represents one possible mix and orientation of heights in the context of the larger neighborhood. Taller buildings are grouped toward the perimeter of the site, toward Market Street, along Buchanan and Laguna Streets. For example, the adaptive reuse of Richardson Hall or a new structure at the southeast corner of the site could have ground floor retail with residential uses above, requiring greater height than the more strictly residential areas on other parts of the site. Boundaries of these height districts and the allowable heights themselves may shift depending on the extent of ongoing institutional uses (such as the UC Dental Clinic), community facilities, and publicly accessible open spaces at the site.

Please note: some height districts proposed in the Draft Market & Octavia plan (specifically 30/40 foot districts on some mid-block alleys) are not shown in the diagram above for clarity.

Letter N – Steven L. Vettel, Morrison Foerster LLP

N-1

Comment regarding the requested height changes is noted. The Planning Department has reviewed all of the requested changes for height and zoning designations and made a determination that this requested change would not be incorporated into the Plan. Any requests for additional changes to specific properties will be addressed independent of the process for adoption of the Plan.

The Plan recommends continuation of a P or Public zone, which is the designation for publicly owned land used for park or other public purposes, for the site. However, a policy guide for development of the property was prepared by the Planning Department in December 2004 to provide a framework for development on the site in anticipation that a private proposal could come forward. An independent proposal for the redevelopment of the UC site at 55 Laguna Street is currently under consideration at the Planning Department. The proposed development includes 500 housing units on the site and would require a zone change to implement. An independent EIR is being prepared for this proposed rezoning/redevelopment proposal. The Policy Guide for Reuse of the UC Extension Campus will serve as the framework for the Planning Department in their review of this proposal. The Policy Guide recommended lower heights on the parcels, to integrate them with surrounding historic structures and the topography of the site, than are currently being proposed under this independent proposal.

The impacts of the proposed project were taken into account as part of the cumulative transportation analysis for the *Market and Octavia Neighborhood Plan*, but a comprehensive environmental analysis of the proposal was not conducted as it is not part of this Plan.



# PLANNING DEPARTMENT

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

<b>MAIN NUMBER</b> (415) 558-6378	<b>DIRECTOR'S OFFICE</b> PHONE: 558-6411  4TH FLOOR FAX: 558-6426	<b>ZONING ADMINISTRATOR</b> PHONE: 558-6350  5TH FLOOR FAX: 558-6409	<b>PLANNING INFORMATION</b> PHONE: 558-6377  MAJOR ENVIRONMENTAL FAX: 558-5991	<b>COMMISSION CALENDAR</b> INFO: 558-6422  INTERNET WEB SITE <a href="http://SFGOV.ORG/PLANNING">SFGOV.ORG/PLANNING</a>
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## MEMORANDUM: Historic Resource Evaluation Response

**MEA Planner: Rana Ahmadi**

**Project Address: 55 Laguna Street**

Block: 870 Lots: 1, 2, 3

Block: 857 Lots: 1, 1A

Case No.: 2004.0773E

Date of Review: May 25, 2006

**Planning Department Reviewer:**

Mark Luellen

415.558.6478

mark.luellen@sfgov.org

### Preparer / Consultant

Name: Rich Sucre

Company: Page & Turnbull, Inc.

Address: 724 Pine Street

Phone: 415.362.5154

Fax:

Email:

### Owner / Project Sponsor

Name: Ruthy Bennett

Company: A.F. Evans Development, Inc./

Mercy Housing California

Address: 100 Bush Street, Suite 925

Phone: 510.267.4676

Fax:

Email:

### PROPOSED PROJECT

Demolition

Alteration

#### Project Description:

The proposal is to construct 450 residential units on the existing University of California, Berkeley Extension Campus, which comprises two city blocks in the Hayes Valley Neighborhood. The project includes the construction of seven new buildings, ranging in height from three to eight stories, on the existing surface parking lots within the campus. The project would convert three former classroom buildings (Woods Hall, Woods Halls Annex and Richardson Hall) to residential units. A portion of Richardson Hall (the Administration Wing) would be demolished, as would the existing gymnasium/classroom building (Middle Hall). The project will also include up to 5,000 of retail space located within the Laguna and Hermann Street frontages of Richardson Hall; a community facility located in Richardson Hall; and underground parking containing 314 parking spaces. A publicly accessible park and walkway will be located along the Waller Street alignment. The existing Dental Building, located in the southwest corner of the campus, would remain unaltered and continue its present use.

### Pre-Existing Historic Ratings / Surveys

- Woods Hall / Woods Hall Annex is listed in the 1976 Citywide Architectural Survey with a rating of "3" (on a scale of "-2" to "5", with "5" being the most significant).
- Woods Hall / Woods Hall Annex is assigned a California Historical Resource Code of "7N1", which indicates that the property "needs to be reevaluated" and "may become eligible for [National Register] with restoration or when meets other specific conditions."
- Richardson Hall is listed in the 1976 Citywide Architectural Survey with a rating of "3".
- Middle Hall does not have any pre-existing ratings.
- The campus as a whole does not have any pre-existing ratings.

### Historic District / Neighborhood Context

The project site is in the Hayes Valley neighborhood of San Francisco and is surrounded by primarily residential and institutional land uses. Multi-family residential buildings ranging from two to seven stories in height are the predominant uses on the streets immediately surrounding the project site. Institutional uses in the immediate vicinity include the Walden House Adolescent facility, located along Haight Street across from the Woods Hall Annex; the University of California, San Francisco AIDS Health Project building, located to the east of the project site on Laguna Street across from Richardson Hall; and the U.S. Mint, which sits atop a rocky promontory at the intersection of Buchanan and Hermann Streets to the northwest. Commercial uses in the project vicinity primarily occur along Market Street, about a half block from the southeastern corner of the project site. The site is located within a P (Public) Zoning District and within 80-B and 40-X Height and Bulk Districts. The site is not a contributor to a historic district, although it is adjacent to two potential historic districts identified in the 1996 Hayes Valley Survey (see item no. 6, below).

**1.) California Register Criteria of Significance:** **Note,** a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. *(This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.)*

- **Event:** or Yes No Unable to determine
- **Persons:** or Yes No Unable to determine
- **Architecture:** or Yes No Unable to determine
- **Information Potential:**  Further investigation recommended.

**District or Context** Yes, may contribute to a potential district or significant context

**If Yes, Period of significance:** 1921-1955

Notes: The Planning Department concurs with the December 2005 Page & Turnbull Historic Resource Evaluation (HRE) regarding the application of the California Register criteria to the project site. Specifically, the Department concurs that the campus as a whole, and Richardson Hall, Woods Hall, and Woods Hall Annex individually, are significant under Criterion 1 (Events) and Criterion 3 (Architecture). Under Criterion 1, the campus and individual buildings and are representative of broad patterns of events relating to the history of state normal schools in California. Additionally, Woods Hall Annex is significant under Criterion 1 as an example of an early WPA project in San Francisco. Under Criterion 3, the campus and individual buildings are architecturally significant because they embody the characteristics of the Spanish Colonial Revival architectural style and are the work of a master architect, State Architect George B. McDougal.

Although the Page & Turnbull report does not specifically make this finding, the Planning Department finds that campus comprises a potential historic district and that Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall are contributors to that district, as are the extant landscape features from the period of significance, including the concrete retaining wall facing Laguna Street.

**2.) Integrity** is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

<b>location,</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>setting,</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>design,</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>feeling,</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>materials,</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks	<b>association.</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks
<b>workmanship</b>	<input checked="" type="checkbox"/> Retains	<input type="checkbox"/> Lacks			

Notes: The Planning Department partly concurs with the Page & Turnbull HRE regarding the integrity of the project site. The Department agrees that Woods Hall, Woods Hall Annex, and Richardson Hall (both the Classroom wing and the Administration Wing) retain sufficient integrity to be eligible for listing in the California Register.

However, the Department disagrees that Middle Hall and the campus as a whole do not retain sufficient integrity to be eligible for listing in the California Register. While Middle Hall does not appear to be individually eligible for listing, it retains enough of the character-defining features of the Spanish Colonial Revival style of architecture to contribute to the campus district. Although the east façade, which was the most elaborate, has been replaced with a classroom addition, the other facades have not been heavily altered. In addition, while portions of the interior have been remodeled, the original gymnasium, including its character-defining steel trusses and multi-lite steel-sash windows, survive. Likewise, although the setting of the campus has been compromised through the introduction of three surface parking lots and the loss of several wood-frame buildings, the campus as a whole still retains its character-defining quadrangle design and conveys its historic association as a self-contained campus.

**3.) DETERMINATION Whether the property is an "historical resource" for purposes of CEQA**

<input type="checkbox"/> No Resource Present (Go to 6. below)	<input checked="" type="checkbox"/> Historical Resource Present (Continue to 4.)	<input type="checkbox"/> Category A (1/2)
		<input checked="" type="checkbox"/> Category B
		<input type="checkbox"/> Category C

**4.) If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior's Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property's inclusion in any registry to which it belongs).**

- The project appears to meet the Secretary of the Interior's Standards. (go to 6. below)  
(Optional)  See attached explanation of how the project meets standards.
- The project is **NOT** consistent with the Secretary of the Interior's Standards and is a significant impact as proposed. (Continue to 5. if the project is an alteration)

As detailed in the Page & Turnbull HRE, the project is not, on the whole, consistent with the Secretary of the Interior's Standards for Rehabilitation, specifically Standards 1, 2, 5, 9, and 10. The Planning Department concurs that the proposed demolition of the Richardson Hall Administration Wing will result in the removal of historically significant portions of the building and will not be in compliance with Rehabilitation Standards 1, 2, 5, and 9. The Planning Department also concurs that the project does not comply with Standard 10 because the new construction planned for the site will dramatically and permanently alter the setting around each of the remaining buildings.

The Planning Department disagrees that the proposed demolition of Middle Hall is consistent with the Rehabilitation Standards. As discussed above, although altered, Middle Hall retains sufficient integrity to contribute to the campus district. The demolition of the original portion of the building would therefore not comply with Standards 1, 2, 5, and 9. The Planning Department further finds that the new construction would not comply with Standards 1, 2, 9 (in addition to 10) because new construction will impact the spatial relationships, including the quadrangle design, that characterize the existing campus.

---

**5.) Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project's adverse effects.**

In order to avoid a significant adverse impact, the following character-defining features should be retained: Woods Hall, Woods Hall Annex, Richardson Hall (Classroom Wing and Administration Wing), the original portion of Middle Hall, and the campus quadrangle form. The existing parking lots and landscaping are not character-defining features and their removal would not cause a significant impact. To mitigate the adverse effects of the project, the original portion of Middle Hall and Richardson Hall Administration Wing, the quadrangle form, and the concrete retaining wall should be retained.

---

**6.) Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.**

Yes  No  Unable to determine

Properties near the perimeter of the campus may be visually affected by any changes to the campus. This area contains a number of historical resources, including portions of two potential historic districts identified in the 1996 Hayes Valley Survey. Located to the east and the west of the project site, these districts have a period of significance that extends from 1870 to 1913, with a theme of Victorian-era and Edwardian-era architecture in San Francisco. Within these potential districts, two groups of buildings, located on Buchanan and Laguna Streets, respectively, have been determined eligible for listing in the National Register by consensus through the Section 106 process and are listed in the California Register. In addition, there are two City Landmarks located near the perimeter of the campus (201 Buchanan Street, Landmark No. 47; and 198 Haight Street, Landmark No. 164), and the U.S. Mint on Hermann Street is individually listed in the National Register.



The project will not have an adverse effect on these off-site historical resources because the visual impact of changes to the campus will not be detrimental to the historic districts or individual resources. The new construction is compatible with the existing neighborhood scale and urban form and will not impact the character-defining features of the off-site resources.

---

**PRESERVATION COORDINATOR REVIEW**

Signature \_\_\_\_\_  
Mark Luellen, Preservation Coordinator

Date: \_\_\_\_\_

cc: S. Banks, Recording Secretary, Landmarks Preservation Advisory Board  
V. Byrd, Historic Resource Impact Review File



shenandoah smith  
<mazeofglory@yahoo.com>  
03/15/2007 11:01 AM

To Linda.avery@sfgov.org, rana.ahmadi@sfgov.org  
cc  
bcc  
Subject 55 Laguna

This letter is in regards to the 55 Laguna building site. I reside at 560 Haight St. and our condominium building of 18 units would like to see the Laguna site utilized for housing and mixed use space.

1.6

The current situation of the campus to the Haight St. corridor is not efficient. The campus does not actively use pedestrians passageways and leaves most of the surrounding streets with tall fortress walls for graffiti and mischievous activity. The parking lot acreage is left vacant and current residents and shoppers look for metered spaces. The campus acts like a plug blocking the Lower Haight from Octavia-Market St. traffic and does not encourage pedestrians IN, ON or AROUND it being PRIVATE.

The real estate should be given a deadline for ending the vacancy. Improvements should have a clause to keep developers to the promised standards.

Our community and neighborhood would benefit from the revitalization of the 55 Laguna real estate location.

Thank you for your time.  
Shenandoah Ryan

---

Be a PS3 game guru.  
Get your game face on with the latest PS3 news and previews at Yahoo! Games.  
<http://videogames.yahoo.com/platform?platform=120121>



shenandoah smith  
<mazeofglory@yahoo.com>  
04/18/2007 10:57 AM

To Leigh.kienker@sfgov.org  
cc  
bcc  
Subject 55 Laguna No to Historic Site

This letter is in regards to NOT approving the 55 Laguna St. Campus as a historic site. My name is Shenandoah Ryan and I am a resident at 560 Haight St. I am representing our HOA with 18 Units in our building around 36 constituents.

We would like to see the 55 Laguna St. property utilized immediately. We are against forming another committee and leaving the property as a continual hazard to the area. The property is currently best suited for housing, green space, retail and a pedestrian friendly modern architectural design. Please do not delay in the renewal of this property site do NOT approve it as historic.

We the resident's of this neighborhood are ready for change based on safety and immediate development of the site. The 560 HOA, for the Theater Lofts, is in agreement that the designation of this site as "historic" is in conflict with the reintegration of this site into the neighborhood. Please do NOT approve another committee agenda.  
Thank you for your time in advance.

7.27

---

Do You Yahoo!?  
Tired of spam? Yahoo! Mail has the best spam protection around  
<http://mail.yahoo.com>

**Law Office of John E. Stringer**

Office-259 Oak Street  
San Francisco, CA 94102  
Phone (415)934-1827  
Fax (415)934-0899  
Email: nolojes@aol.com

3-12-07 (sent via FAX only)

Rana Ahmadi  
City and County of San Francisco  
Planning Department  
San Francisco, CA 94102

Re: Eliza Hemenway, Public Comment

Dear Ms Ahmadi:

Bay Area documentary film maker Eliza Hemenway has retained my office to ensure that her most recent film, "Uncommon Knowledge, Closing the Books at UC Extension" is included as a valid and legal comment as part of the record in the upcoming public hearing on rezoning and developing the UC Extension-55 Laguna Street property.

The CCSF Planning Department has been resistive of including Ms Hemenway's film as legitimate public comment. There is no legal reason the film is not legitimate public comment. The film is topical, historic and contains legitimate and timely comment from former UC-Extension employees.

1.18

I understanding the Planning Department has forwarded my client's demand to the City Attorney's Office. In my view this is simply an governmental delay to ensure the film is not included in the official record and would, in my view, be an effort to aid the developers of the project.

Please take immediate action to resolve this matter.

Thank you for your assistance.

Sincerely,



John E. Stringer

LAW OFFICES  
**HARRIS B. TABACK**  
LAW CHAMBERS BUILDING  
345 FRANKLIN STREET, SUITE 102  
SAN FRANCISCO, CA 94102  
TELEPHONE (415) 241-1400  
FACSIMILE (415) 565-0110

May 1, 2007

To: The Planning Department

Executive Director: Paul Maltzer

Dear Mr. Maltzer:

I would like to join many of my neighbors and concerned San Franciscans and comment on the proposed development project at the former UC Extension site at 55 Laguna. It is my understanding that because of the environmental impact report that was done, the proposed A.F. Evans housing development is considered environmentally inferior to the New College proposal and that the EIR's summary about open space, highest and best use of the property and education are far more environmentally sound than the proposed housing project. This EIR stands in agreement with many concerned citizens who view the property as an important historic public resource and should remain so and appreciated by the city and the planning department. The economic benefits of public use are vital to San Francisco's future as a world class city and destination and the city should not forgo the longstanding heritage that the property represents in California state and American history due to its status as the city's public education birthplace and Work Projects Administration site.

10.25

3.1

Your consideration of my views is greatly appreciated. I strongly urge your support of the EIR's recommendations.

Best Regards,

LAW OFFICES OF HARRIS B. TABACK

By:   
HARRIS B. TABACK

HBT:lav

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 19, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

The Draft EIR identifies significant unavoidable effects associated with historic resources. I am concerned about: *(Please check issues of concern to you.)*

- The substantial alteration or demolition of existing structures which qualify as historic resources under CEQA (Administration Wing of the Richardson Hall, Middle Hall Gymnasium and the Laguna Street retaining wall).
- That the campus may not be eligible as a potential National Register Historic District after completion of the project.
- That the rezoning of the campus would have significant impacts to historic resources that are similar to those of the proposed project.
- That, other than environmental review under CEQA, there has been no public process to determine the highest and best use of this 5.8 acre publicly-zoned National Register-eligible campus. A Citizens Advisory Committee representing the neighborhood groups that comprise the Market-Octavia Plan should be convened by the Planning Department to address this issue.

7.21 | Please DAVE  
|  
| Historic Buildings  
|  
3.1 | and keep "P"  
|  
| zoning  
|

*Jaron Taback*

Please sign and date above. Print name and address on opposite side.

RECEIVED

APR 27 2007

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

\_\_\_\_\_  
LAVON TABACK  
\_\_\_\_\_  
466 WALLER  
\_\_\_\_\_  
SF CA  
\_\_\_\_\_  
94117

Place  
Stamp  
Here

(Print name and address above.)

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
DRAFT ENVIRONMENTAL IMPACT REPORT  
must be received by 5:00 pm, Monday, March 12, 2007**

See: <http://www.sfgov.org/site/uploadedfiles/planning/55%20Laguna%20Mixed%20Use%20DEIR.pdf>

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1.1

EF Eben's "community process" was a complete sham which presupposed their reuse was the only possible option.

*James B. Washel 2-24-07*  
Please sign and date above. Print name and address on opposite side.



**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
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It would be a significant loss to Hayes Vly and nearby neighborhoods to have UCB Laguna St campus changed so ~~significantly~~ much. The beauty of the interiors should be saved. I would like to have the community involved in planning the future use. Such a spacious area should be used for community. I think it will be

Please sign and date above. Print name and address on opposite side.

1.1

**RECEIVED**

APR 27 2007

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

LINDA WALSH

53 Landers #3

San Fran 94114

Place  
Stamp  
Here

(Print name and address above.)

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

Re: Planning Department Case No. 2004.0773E

Staple or tape below.

**COMMENTS on the 55 LAGUNA MIXED USE PROJECT  
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The Buchanan/Haight/Laguna/Kerrmann site has served education and the public for 150 years. There is no reason that it cannot continue to do so. The site enhanced the educational process which took place there, from the gym-vaulting in Richardson Hall to the Hadish mural in Woods. There is no earthly reason why it and private developers should make a profit from our public space. *Kelene Whitton 2-24-07*

Please sign and date above. Print name and address on opposite side.

*Let the public speak - Citizens Advisory Board*

HELENE WHITSON  
1824 OAKLAND ST 946  
BERKELEY, CA 94709  
MAY 2007 PA 1 T



(Print name and address above.)

RECEIVED

MAR 08 2007

CITY & COUNTY OF S.F.

PLANNING DEPARTMENT

Mr. Paul Maltzer, Environmental Review Officer  
OF Planning Department  
660 Mission Street, Suite 500  
San Francisco, CA 94103

Re: Planning Department Case No. 2004.0773E

Staple or tape below.





"Lisa Zahner"  
<lisazahner@hotmail.com>  
03/15/2007 09:47 AM

To rana.ahmadi@sfgov.org, linda.avery@sfgov.org  
cc.  
bcc  
Subject Support for 55 Laguna

To the Commissioners:

I am in strong support of the AF Evans development at 55 Laguna for the following reasons:

The development at 55 Laguna embodies all of the sustainable development and good urban planning policies that San Francisco prides itself on. It is an exemplary model of superior urban infill planning. ] 1.6

Currently, the site is not available to the surrounding community and is a blight to the neighborhood. It is routinely covered with trash, graffiti, and is a haven for criminal activity. This neighborhood desperately needs good market-rate housing and a healthy retail mix.

Additionally:

This development will help to bring people to walk the sidewalks, be present, and be the "eyes on the street" - which will help to deter the high vandalism and crime rate of this area.

The development will have 20% of the units affordable-to-low income households at 50% of the area median income. This is significantly higher than the City requirement, and will help to maintain our neighborhood's unique diversity. The site will have a large, publicly accessible park to replace the asphalt parking lot currently on the site.

The density and size of the buildings all match the context of the surrounding area.

The historic buildings on site will be preserved and renovated for residential units.

The development will be "green" - ensuring that the entire development is environmentally sensitive, including the use of alternative energy sources, reuse and conservation of water and a design that focuses on bicycle use over cars.

The development will have a community center, which will be open to the public and retail at the corner of Hermann and Laguna to enliven the street.

The development will have a diversity of housing types, as well as a diversity of households including 80 units developed by openhouse focusing on the senior LGBT community

Most importantly, this development will bring much needed rental housing to our City.

I urge you to help move this project forward, so we can create a development that will be a benefit to the local community, an asset to the greater citizenry of San Francisco and a model of urban infill design principles.

I urge the Planning Commission to support 55 Laguna and help bring this development to

fruition.

Thank you,

Lisa Zahner

## Project Sponsor Comments

<b>Commenter</b>	<b>Agency/Organization</b>	<b>Date</b>	<b>Comment Type</b>
J. Kevin Hufferd	University of California, Berkeley	4/13/07	Letter



REAL ESTATE INITIATIVE  
FACILITIES SERVICES  
200 A & E BUILDING, # 1380

BERKELEY, CALIFORNIA 94720-1380

April 13, 2007

Paul Maltzer  
Environmental Review Officer  
San Francisco Planning Department  
1660 Mission St., 5<sup>th</sup> Floor  
San Francisco, CA 94103-2414

Dear Mr. Maltzer:

Thank you for the opportunity to review the Draft EIR for the 55 Laguna Mixed Use Project. The comments below constitute the consolidated comments of the University of California on the document.

Comments on Project Objectives:

The University of California’s objectives for use of its 55 Laguna property are not adequately described, nor do we agree with the assessment of the ability of the alternatives to satisfy University objectives. The DEIR correctly notes our fiduciary responsibility to the UC Regents, UC students and the people of California to receive a fair market return on University assets. However, our overriding objective is to ensure that we are making the highest and best use of University assets in furtherance of the mission of the University. The University will need to find that the transfer of the property to A.F. Evans Development, Inc. for the purposes of developing the proposed project best serves the mission of the University, or will reconsider other possible University reuse alternatives for the property.

2.2

Comments on Project Description:

The UCSF Dental Clinic is not part of the 55 Laguna Mixed Use Project proposed by A.F. Evans Development, Inc. The property to be conveyed to the developer excludes the Dental Clinic and thus the clinic amounts to an existing adjacent land use. The DEIR is unclear on this relationship at numerous points in the document. The DEIR should be revised to clearly reflect the fact that the UCSF Dental Clinic is not part of the 55 Laguna Project or site that will be ground leased to AF Evans. For example, the first sentence of the first paragraph under “Project Setting” on page I-1 says “The 5.8 acre project site is located...” The last sentence of that paragraph states “The land owner is the Regents of the University California, who propose to ground lease the project site to the project sponsors...”

2.3

These two sentences, taken together, are incorrect and misleading. The two blocks bounded by Laguna, Haight, Buchanan, and Hermann Streets total approximately 5.8 acres. The University of California proposes to ground lease approximately 5.3 acres of this 5.8 acre area to A.F. Evans Development, Inc. The 5.3 acre area constitutes the “project site”. The definition of the “project site” should be corrected everywhere else in the DEIR, including its exhibits, where it is ambiguous or confusing.

The Dental Clinic is an existing public use operated by UCSF that will remain at its current location indefinitely. Its purpose is to provide training for UCSF dental students and to serve the neighboring community and particularly those of modest incomes or whose dental care is otherwise under-served. The Dental Clinic is a public /community-

2.4



servicing use. The zoning of its site is not proposed to be changed from its current “P” zoning, and its site should be included in any analysis of the amount of public/community-servicing space in the immediate area.

▲ 2.4  
cont.

Comments on the DEIR Analysis of Historic Resources on the 55 Laguna Site:

The DEIR needs to provide a better explanation of the basis for the Planning Department’s conclusion that the site qualifies as an historic district. The findings in the Page and Turnbull report do not support the finding that the site constitutes a quadrangle or campus quad as asserted in the DEIR. Over time a variety of buildings have occupied the interior portions of the site, and the site has been substantially altered. The site’s dramatic topography does not lend itself to functioning as a true quad. The site is broken up into separate usable spaces and tiers, and certain of these spaces and tiers were fenced off from one another some years ago. The interior has never functioned as a true campus quad and in recent years the interior areas have served as surface parking lots. The site is not currently internally focused as asserted in the DEIR other than to be served by the existing parking lots (rather than interior courts and pedestrian gathering spaces).

7.16

It is not clear why the alterations to the existing buildings that are proposed as part of the Project would render the site ineligible as a district, when the previous alterations that destroyed much of the site did not render it ineligible. In essence this process appears to be an attempt to create a district and reestablish a development focused inward, away from the neighborhood by means of the CEQA process. This contradicts what the DEIR otherwise identifies as positive impacts from opening the site up to greater public access, on pages III.A-18 and 19. The City will need to balance its historic preservation goals against its neighborhood integration goals.

7.17

We believe that the proposed project best balances historic and neighborhood objectives by preserving the potentially historic structures, but removing the walls that provide a blank face to the surrounding neighborhood, and converting to more active and integrated uses those portions of the property now devoted to surface parking.

Alternatives Analysis:

The DEIR does not adequately characterize the “No Project Alternative” and “Preservation Alternative” and the impacts associated with those alternatives.

No Project Alternative

The analysis in the DEIR does not fully describe the No Project Alternative. If the Project is not approved, the site would likely remain unoccupied in the short run while the University reassesses its viability for alternative possible long-term University uses. It is anticipated that parking for University staff, faculty and students at current or greater levels would continue during the short run, as the site is currently under-utilized as a parking facility. The existing buildings have substantial seismic and building code deficiencies that make interim reuse problematic. The site is increasingly vandalized, and until the property is developed for reuse it may be necessary to further secure it with fencing and other devices, further isolating it from the community.

10.1

If the City does not approve the Project and instead retains the “P” zoning on the site and proceeds with landmark designation, it will increase the relative value of the site for University uses as opposed to a private housing development. The University would take this situation into consideration in reassessing the property for long-term University use. The University has not fully examined possible reuse alternatives should the project fail, but possible University-related uses could include housing, and offices for administrative support functions. Such University uses would be entitled and approved by the UC Regents, not the City (after appropriate CEQA

10.2  
▼

reviews). The impacts associated with such University development could be the same as or greater than those described in the DEIR for the Project.

The existing buildings on the project site are not in compliance with UC's seismic and accessibility standards, and may prove to be functionally obsolete and cost prohibitive for long-term reuse by the University. The No Project alternative would not eliminate the impact to historic resources, as the University would not reuse the buildings in their current form, and may need to substantially alter or demolish some or all of the buildings in order to create a more useable site for the University.

10.2  
cont.

Preservation Alternative

The analysis of the Preservation Alternative does not address the inconsistency of preservation of the large, unbroken retaining walls and the City's planning objectives to integrate the property into the fabric of the surrounding neighborhood. The preservation alternative would result in a significant land use impact by virtue of creating an inwardly-focused largely impermeable development. The analysis of the Preservation Alternative does not address the land use impact that would result from the lack of integration of the site into the neighborhood and the effect it would have of dividing the surrounding neighborhood by maintaining and enhancing an unbroken block development. The analysis should discuss the benefits of Project in terms of land use, visual quality, publicly accessible open space, transit-oriented housing and integration with the neighborhood, and acknowledge that that these benefits would be substantially diminished or lost with the Preservation Alternative.

10.6

The Preservation Alternative would **not** achieve most of UC's objectives and the DEIR does not provide any factual basis for asserting that it would. The preservation alternative would result in a substantial reduction in the possible return on the property. The value of the property has already been reduced by the reduction in allowable density due to the level of preservation proposed by the project sponsor. The preservation alternative would reduce the possible return on the property even further by cutting the number of market rate units by 25 percent. The preservation alternative would substantially reduce the revenues generated by the project and could bring the project's financial viability into question. As a result it would jeopardize the community benefits the project proposes, such as the affordable housing, the community center, the historic rehab, and the public open space. Additionally, as noted in our earlier comments regarding the University's objectives, an insufficient return from the project would cause the University to re-evaluate whether the proposed project would continue to best serve the mission of the University and whether the University should, instead, re-use the site for its own purposes.

10.7

We trust these issues will be adequately addressed in the final EIR. Thank you again for the opportunity to comment on the draft document.

Sincerely,



J. Kevin Hufferd  
Project Manager  
University of California, Berkeley

T: 510-643-5314  
F: 510-642-9442  
E: khufferd@cp.berkeley.edu

April 13, 2007  
Maltzer Letter

Page 4

Cc: Members of the San Francisco Planning Commission  
Allen Meacham, UCOP  
Elisabeth Gunther, UC General Counsel

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## ATTACHMENT 2

### Transcript of DEIR Public Hearing (April 19, 2007)

Commenter	Agency/Organization	Date	Comment Type
Elaine Adamson	Individual	4/19/07	Public Hearing Testimony
Planning Commissioner Alexander	San Francisco Planning Commission	4/19/07	Public Hearing Testimony
Planning Commissioner Antonini	San Francisco Planning Commission	4/19/07	Public Hearing Testimony
Ruthy Bennett	Individual	4/19/07	Public Hearing Testimony
Tamara Colby	Individual	4/19/07	Public Hearing Testimony
C. Whitefeather Daniels	Individual	4/19/07	Public Hearing Testimony
Martin Hamilton	Individual	4/19/07	Public Hearing Testimony
Francisco Herrera	Individual	4/19/07	Public Hearing Testimony
Richard Johnson	Individual	4/19/07	Public Hearing Testimony
Robin Levitt	Individual	4/19/07	Public Hearing Testimony
Adam Millard-Ball	Individual	4/19/07	Public Hearing Testimony
Paul Olsen	Individual	4/19/07	Public Hearing Testimony
Jane See	Individual	4/19/07	Public Hearing Testimony
Cynthia Servetnick	Individual	4/19/07	Public Hearing Testimony
Planning Commissioner Sugaya	San Francisco Planning Commission	4/19/07	Public Hearing Testimony
Lavon Taback	Individual	4/19/07	Public Hearing Testimony
Lana Tamasaki	Individual	4/19/07	Public Hearing Testimony

**San Francisco Planning Commission**

**Meeting**

**April 19, 2007**

**Commission Chambers  
City Hall  
1 Dr. Carlton B. Goodlett Place  
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San Francisco, California  
~000~**

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Official Reporter: Adrian Edler

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P R O C E E D I N G S

April 19, 2007

San Francisco, California

MS. AVERY: The Planning Commission is back in session.

Just as a reminder, please turn off all pagers, cell phones, any electronic devices that may sound off during these proceedings. Thank you.

Commissioners, you're now on Item Number 18, Case Number 2004.0773E.

COMMISSIONER SUGAYA: Finally.

MS. AVERY: 55 Laguna Mixed Use Project.

This is a public hearing on the draft environmental impact report.

MR. GHOSH: Ghosh. Before the program starts with the actual item before you, I'd just like to give you a quick summary of the project itself, which is outside of the DEIR that you will be hearing in a few minutes.

We have been working very closely with Supervisor ~~McGreenys~~ (phonetic)Mirkarimi on the development of the project itself. And a couple of issues have come up that I wanted to brief you on. As you recall, this project is in the Market Octavia Plan that you just approved. The Market Octavia Plan, when it considered the site as a publically zoned site, but, as you recall, its EIR did analyze as part of its context and as part of the cumulative impacts an expected housing development program in the future. And it did, in general terms, look at a dense mixed use housing for the area that would be appropriate.

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Its expectations were that all the Market Octavia policies and objectives and guidelines would be met by any project that would be contemplated there.

This project now is a specific development of those ideas. And this EIR that you will be hearing is kind of the next step in the analysis of what was done in the Market Octavia Project. So that's its relationship with the plan that you've already approved.

The issues that have come up are: one, relating to the ownership of Waller Street. In working with the Real Estate Department, the City now believes that Waller Street may actually be owned by the City, or something to that effect, but there is some lack of clarity about who owns title to Waller Street. And with that in mind, if you would look at the project and how you would really structure the project in terms of how it meets the Market Octavia policies and guidelines, how it relates to the rest of the community. And especially how it deals with public benefits and infrastructure support, you might want to engage, and the Department would like to engage with the fringes of the project's details as proposed to date. But that, again, as I reminded you, is not before you. We will be working with the project sponsors and the Supervisor's Office to deal with those details.

The second issue that came up is the issue of what kind of a community facility could be programmed within the confines of the project proposal. You will see that the project is looking at about 10,000 square feet for

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community facilities area. And the programming and the support for that program still needs to be worked out. And to that end, the City, working with the project sponsor, wants to conclude, first of all begin, and then conclude a quick analysis of what could happen in those regards. That would require a short study that needs to be initiated, and we are in the process of doing that, working with the project sponsor. And the results of that would give you some more information when the project comes before you as to how to program the community facilities that has been contemplated within the project.

With that as background, I would now like you to listen to the public comment on draft EIR.

Ms. Kienker?

MS. KIENKER: Okay, thank you. Good evening, Commissioners, President Alexander. I'm Lee Kienker, Planning Department staff for the major environmental analysis section.

The item before you is a public hearing on the draft environmental impact report, or draft EIR, for Case Number 2004.0773E, the 55 Laguna Mixed Use Project.

This hearing is part of the environmental review process required by the California Environmental Quality Act, or CEQA. There will be no decision this evening to approve or disapprove the project. At a later point in time that decision would follow final EIR certification. Tonight's only action on this case is

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to conduct a public hearing on the draft EIR, to receive comments from the public and yourselves on the adequacy and accuracy of the EIR, and we ask this to be the focus of the comments.

Yesterday the Marks Preservation Advisory Board voted 6 to 1 to recommend landmark designation for the 55 Laguna site. That would be brought to you separately within 60 days time. Information related to landmarking will be incorporated into the EIR as we program information. However, landmark designation is a separate process and nothing about this hearing prejudices the other process or vice versa.

The public should note that staff is not here to answer questions or comments this evening. Comments will be transcribed and responded to in writing in a document entitled, not very cleverly, 'Comments and Responses.' That document will address all the comments received and note corresponding revisions to the EIR before those changes and clarifications become part of the final EIR.

We ask all of those who wish to speak to please do so slowly and clearly, state your name and address so we can send you the comments and responses document.

The written comment period for the EIR began on January 27th, and will continue until May 1st, because of the Department's move. And those who wish to comment in writing still should check the website and make sure you

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have the proper contact information for that. After hearing, after comments from the public, then we will take comments and questions from the Commissioners.

That concludes my presentation. And I ask that you please open the public hearing on the draft EIR. Thank you.

COMMISSIONER ALEXANDER: Thank you. Now open the public hearing.

COMMISSIONER SUGAYA: A quick question to staff?

COMMISSIONER ALEXANDER: Sure, Commissioner Sugaya.

COMMISSIONER SUGAYA: Could you go back into your presentation, did you have something written that you were reading from?

MS. KIENKER: Yes.

COMMISSIONER SUGAYA: There was a statement that you said, "Nothing about this particular process has anything to do I think with the landmarking process." Or I don't know how you phrased that. Could you go back to that sentence?

MS. KIENKER: Certainly. I wrote that the processes are separate, and that this hearing does not prejudice that, that process doesn't prejudice this one. They are parallel tracks.

COMMISSIONER SUGAYA: All right.

COMMISSIONER ALEXANDER: C. Whitefeather Daniels?

MS. DANIELS: Two minutes. Commissioners, it's very nice of you

to stay so late to hear all of us. I would like to talk as one of the few people who live in the neighborhood. We already have an affordable neighborhood. That was a very bad neighborhood that our neighborhood got together. I already have elder seniors living in my building, and in most of the larger buildings, who are paying \$700 and \$800 rent.

The people in the neighborhood are not against open house. We are against destroying a jewel that was owned by the City for almost a hundred, over a hundred and fifty years, a hundred and fifty years where we subsidized the streets, the sewers, the lights, everything. And we feel that this is an unlawful commission, not commission, but the -- I'm sorry, I'm a little nervous -- the environmental impact studies' unlawful because, number one, it didn't include the 1,900 people that are going to be moving in half a block away. We already have traffic jams that go all the way up Laguna in the morning, because you can't turn right on -- you have to turn right onto Octavia, you can't turn right off of Market onto the freeway. This was not considered. I don't think that that's fair, that this should be separate from all the other houses that are being put in there.

Weather was not considered. That sounds funny, but we have a lot of sun. These buildings, the way they are situated, will block all the sun.

Also, there was no public process. The public process from Evans was a different story every time. First we had mercy housing, now we have open house, who we don't dispute. But we do dispute sticking all those people in this

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little area, it's the only open area. It's belonged to the City for a hundred, over a hundred and fifty years, it's a hundred and fifty-three years.

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[Bell sounded.]

COMMISSIONER ALEXANDER: Thank you.

MS. DANIELS: So I hope that you will not approve the IRA, but ask for another one.

COMMISSIONER ALEXANDER: Thank you.

MS. DANIELS: Thank you.

COMMISSIONER ALEXANDER: Russell Cow; followed by Cynthia Servetnick; Francisco Herrera. Are any of you speaking?

MS. SERVETNICK: Good evening, Commissioners. I'm Cynthia Servetnick, with UC Berkeley Extension Laguna Street Campus. Let's see, we believe that the project should have been under -- the CEQA review of the proposed project should have been undertaken prior to the execution of the exclusive right to negotiate between AF Evans and UC Berkeley to enter into a long term lease. And with the baseline for this project should be considered the time when UC Extension was actually operating on the site.

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It's been mentioned that this is a 5.8 acre campus, it's been public for 150 years, that Waller Street may in fact be owned by the City should the zoning change. And the CEQA process so far has been the only public process that we've had to talk about the impacts of the virtual disposition of public land

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and the change of zoning.

We are advocating for a citizens advisory committee to be convened representing established neighborhood groups within the Market Octavia area plan to evaluate proposed changes in zoning, what should be, and what design guidelines should be on this site.

We also feel that a comprehensive analysis of the cumulative effects of the Market Octavia Plan and this project, as they relate to each other, has not been done. It should be done in this EIR. It wasn't done in Market Octavia. We'd like to see all of the feasible mitigation measures pertaining to historic preservation within the UC Berkeley long range development plan incorporated.

[Bell sounded.]

COMMISSIONER ALEXANDER: Thank you. Francisco Herrera followed by Martin Hamilton and Lana Tamasaki (phonetic).

MR. HERRERA: Buenos noches, good evening, Commissioners. My name is Francisco Herrera. I work as assistant to the President for Community Relations with New College of California. I'm a resident of the Mission, been living here for over 22 years.

I'm here to tell you that this re-zoning idea is really a bad idea. Please do not re-zone. We work with -- we're facing a situation of violence with youth throughout our city, a need for education. New College has been providing

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not just educational programs, but rehabilitation programs for kids coming out of jail. We've been developing radio programs that transmit to over 300,000 people in the Bay Area, and through Pacifica network throughout the country, through the internet throughout the world. We've been creating programs where students are working in the community in mental health, in public law. We've been creating a space for education. And, frankly, this is a project that will destroy an educational campus that already exists so there can be 400 apartments for the rich, 13 of which or 14 of which are going to go to gay elderly, or lesbian transgender elderly. And so it was mercy housing, now it's open house, when open house doesn't want to be used by A.F. Evans ~~(phonetic)~~, it will be another group.

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You know, what we need is to maintain an educational space. New College is ready and willing to pay market price for this land in public use zoning, within using a conditional use purpose. We want a citizen advisory committee to be established.

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Thank you for your time. Please do not re-zone this area. It's education versus housing for the rich.

COMMISSIONER ALEXANDER: Martin Hamilton? As I call your name, if you'd line up along the wall, it takes more time to have everybody walking in and out of the seats.

MR. HAMILTON: Okay. Martin Hamilton. I'm President of New

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College California, and I'm here to let you know that I spoke to UC Berkeley before they put it out to the bid, to suggest that I would be interested in using their property.

COMMISSIONER ALEXANDER: Okay. Could you focus your comments on the EIR, please?

MR. HAMILTON: Right. I'm for the highest and best use of this property. New College is very interested in continuing looking at it, and we would like the public, an open public process, so that all the neighborhoods adjacent to it, both the Mission and the Western Addition could be more involved in this decision.

So I appreciate, and we're very interested. And then we have our own plan that's in, it's in the draft that you've looked at, I'm sure.

Can I put this?

So this is our -- a little picture of our draft. It's in the document.

Okay, thank you.

COMMISSIONER ALEXANDER: Thank you. Go ahead.

MS. TAMASAKI: Hello. My name is Lana Tamasaki. I used to be a student of UC Berkeley Extension until the time it closed. There I met many students from all over the Bay Area who congregated there, even people as far as Santa Rosa, and actually even a gentleman who had come from San Luis Obispo to take classes there. So the future of this public institution is not only a

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local San Francisco matter, but it concerns all the residents of California.

The building itself is a wonderful structure, made with very thick concrete walls, which is an oddity amidst the local plywood dominated architecture. It would be a shame to replace this building with plywood made condos that will be old and dated within ten years.

And what would San Francisco be without the Victorian houses, if they were replaced by condos. It can become a San Francisco landmark if it retains public use and not change the zoning. It's architecture, a mixture of Art Deco and California and Spanish elements could not exist anywhere else but in California. There are so few architectural styles that could be characterized truly American, and it's a great loss to let a building like that get destroyed.

Most important, this building is a breeding ground of a wonderful school community, that included high school kids to senior citizens, and people from all walks of life. If you retain its public use, maybe another school community like that will be created. Public buildings provide the framework for our collective memory, and are the enclosure for our common experiences.

There will always be need for more housing and there will always be developers who will want to make more profit. But public use buildings like this one, of such beauty and in the center of the city with close access to highways, are hard to replace. And if its public use is retained and becomes an educational facility again, it would help many more people to afford housing than the 13 people that

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will get the below market rate apartments that the developer proposes.

And I would like to say that I'm not affiliated with New College, but I would like to --

[Bell sounding.]

COMMISSIONER ALEXANDER: Thank you. Lavon Tabak (phonetic), followed by Adam Millard-Ball, Robin Levitt, and Paul Olson.

MS. TABAK: Good evening, Commissioners. I'm Lavon Tabak, I live at 466 Waller, which is near the 55 Laguna property.

And I would like to underscore some of the earlier comments that you heard regarding the need for a citizens advisory committee. I understand that this process was overlooked, or was neglected during the EIR process. So we would really advocate at this time that the Planning Commission appoint a citizens advisory committee to come up with alternatives in the area of highest and best use of the property. You've heard about the history of it, you've heard about the beauty of it, and the City ownership of it, and the citizens advisory committee would work along those lines as well.

I might add that we are not the only people who support a citizens advisory committee. There are many others in the neighborhood who do. And I would like to submit to the Commission the signatures that our group has gathered in favor of a citizens advisory committee, so that it can be part of the record. And that's what I'd like to do now. Thank you.

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COMMISSIONER ALEXANDER: Thank you.

MR. MILLARD-BALL: Thank you, Commissioners. I'm Adam Millard-Ball, I live three blocks from the project site at 229 Lilly. I'm also a board member of Hayes Valley Neighborhood Association. And I'd like to emphasize I'm not speaking about the merits of the project here. I want to focus my comments on the merits of the DEIR. And these comments are meant in the spirit of ensuring the growth fully mitigates its impacts, the growth pays for growth.

And there's three main issues I'd like to talk about: transit, open space, and housing affordability. And first of all, on transit, the issue I have with the EIR is that it only looks at the PM and ~~P (phonetic)~~ impacts, as anyone who has driven along here knows the impacts from the morning peak with the traffic trying to get onto the freeway. And this isn't so much an issue for the auto traffic. Haight Street is not an auto priority street, it's a transit street. And so we think that the final EIR should look at the impacts on transit, and specifically ways to mitigate that, such as bans on right turns on Octavia, a transit signal priority, and so on. Reducing the amount of parking on the project would also be a great mitigation.

Secondly, on open space. There isn't much about that at all in the DEIR. And the Costland Park that's adjacent to the site, it's overburdened right now. And so again, obvious mitigation is to increase the amount of open space

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on the site. And that doesn't necessarily mean fewer units, it just means more publically open space.

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And finally, on affordable housing, I'd like a final EIR to include analysis of the cumulative impact on housing affordability.

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I'd like to emphasize none of these comments we're bringing up right now at the eleventh hour, these are all issues we'd asked to be raised in our initial scoping comments back in June 2006. And it's kind of frustrating these haven't been addressed. But we'd like to ask you to make sure that these get done, the A and P analysis, the transit mitigations, the open space, and the housing affordability. Thank you.

COMMISSIONER ALEXANDER: Thank you. Robin Levitt, followed by Paul Olson, and Richard Johnson.

MR. LEVITT: Good evening, Commissioners, nice to see you again. Robin Levitt. I live at 225 Lilly Street, three blocks from the project. And I won't take up too much of your time, it's late.

I just want to second what Adam just said, and refer you to this letter that was sent to you by the Hayes Valley Neighborhood Association regarding the draft EIR.

I'm particularly concerned about the traffic analysis. There was no analysis done of the A.M. peak, which is really critical. The Haight Street buses are getting backed up now in that block. And this project will add much more

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traffic to that area. Laguna is backed up, and so forth. And as Adam said, one of the ways to mitigate this would be to reduce the parking on the project.

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So I just want to second Adam's comments, and hope that you'll consider that when you consider this draft EIR. Thank you very much.

COMMISSIONER ALEXANDER: Thank you. Paul Olson, followed by Richard Johnson.

MR. OLSON: I'm watching the countdown, I'm sorry. Good evening, Commissioners. Paul Olson, I'm the President of the Hayes Valley Neighborhood Association. I live a block and a half away from the proposed development.

Thank you for all of your efforts and your very long day. We also appreciate the continuance that keeps you here at eleven o'clock tonight when you could have heard this awhile back. We certainly appreciate that you passed the Market Octavia Plan so we can now consider this development within the context of that plan.

As has been mentioned, we did previously submit a letter to you, and I'm not going to reiterate what's in that letter.

It is important to note, as Mr. Ghosh pointed out, that there was no specific environmental review of the effects of this proposal included within the Market Octavia Plan. So it's very important that when you look at both this

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proposal and the Market Octavia Plan you marry the two of them together so that nothing is missed.

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One major impact found in the Market Octavia Plan is the need for publically zoned space. This site currently has approximately 17 percent of all the publically zoned space within the Market Octavia boundaries. The need for publically zoned space itself, whether for education, parks, open space, recreation centers, community centers, etcetera, is an environmental impact. The proposed 10,000 square feet of community space the developers are offering is woefully inadequate in this regard.

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Beyond that, the aforementioned parking and traffic issues, the muni (phonetic) impacts, asbestos concerns from the soil type of any kind of construction, are all major environmental impacts that need to be considered.

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Thank you very much.

MR. JOHNSON: Hi, Commissioners. My name is Richard Johnson, I also live a block and a half from the neighborhood, and have been involved in the neighborhood for about 16 years in rebuilding the Hayes Valley Lower Haight Western addition.

There are actually three or four issues that I think need to be readdressed in this EIR. First is the air quality. I feel they skimmed over that very quickly. 94102 was recently brought up as outside the southeast sector as one of the highest asthmatic rates. I, as someone who has seen the completion

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of Octavia Boulevard, also fought for it, now see the effects of the addition of car pollution, also air particulates that land on my car, it definitely gets dirtier at a faster rate.

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The other issues that I'd like to do is to address the fact of open house. I am supportive of the process, but also I think you need to be aware of the politics. There are very few people I look around that are supporting the open house that actually live in the neighborhood. I think you should look at this as a neighborhood issue. Marcy is probably about the only one I know of that's come to our meetings on a regular basis.

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The other issue is about public space. It woefully plays down the reduction of public space that's going to be taken out of our neighborhood. This is one of the few areas that is remaining of open space. I listen to the same commission give the merits of preserving a private stairway which looks for private people to maintain that wealth. We need to keep this in the public realm.

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It's a sad statement if you, as the Planning Department, go the woe and the way of selling our education facilities to the highest dollar. We already have that in our education, and our research has been compromised. And I think that you should stop and prevent this, and especially with the additional knowledge of Waller Street could be technically owned by the City of San Francisco.

[Bell sounding.]

COMMISSIONER ALEXANDER: Thank you.

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MR. JOHNSON: Thank you very much.

COMMISSIONER ALEXANDER: Michael Mullen? Ruthy Bennett, followed by Lane Adamson, and Jane See.

MS. BENNETT: President Alexander and the Commissioners, good evening. My name is Ruthy Bennett. I am with A.F. Evans, the developer, with 55 Laguna. Thank you very much for staying so late, I'm impressed with your stamina.

I just want to say a few comments about the draft EIR. Very quickly, we think the EIR is adequate. We are very proud of the work that was done with the community with the Planning Department to create the project, and what we believe is a complete EIR. You've heard a lot about the project and the benefits. I think you know we've submitted a letter about the community benefits, and we don't need to go over that now.

But just to let you know that A.F. Evans has worked for three years with the community, with a number of supervisors, and we're now bringing in an outside consultant to work with the community and to survey the community needs, and to understand what the programming could be for the community center. We've made a number of changes, which I think you all know about, in terms of the project.

So we are, although very tired, quite excited about the project, and we're glad to get to this point. We were delayed a little bit a couple of weeks ago

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and we're excited to get to this point, public comment being heard, and then the comments and responses.

Just to let you know, we've had a number of people who were here who couldn't stay, they had to go. We also have a number of people who are still here, and in the interest of time and exhaustion, we'll just have two speakers who will sort of sum up our comments so we can get home at a reasonable-ish hour.

Thank you very much.

COMMISSIONER ALEXANDER: Thank you. Next speaker, please?

MS. ADAMSON: My name is Elaine Adamson, and I speak for myself and my husband, Edward Gould. We emphatically approve the draft EIR. We are over 70 years old, and for 30 years we've lived in San Francisco on the second floor of a hilly house in a hilly neighborhood in Noe\_y (phonetic) Valley. We need more accessible housing. And eventually we plan to buy into the senior program of open house, as it is open it is available to all the residents of the community. We have no grandchildren, and a small family, so we look forward to the intergenerational opportunities with the families in the project and in the Noey Valley -- the Hayes Valley neighborhood at the community center and in the park. We also go to symphony and opera, we're subscribers, so we like easy access to that as well.

For the whole community and for the City new construction in San

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Francisco seems to be towards luxury expensive apartments. 55 Laguna will increase the population of renters and middle income and lower income people who currently, if they work in San Francisco, have to commute long distances. We need to bring these people back to the city, especially those that are city personnel working in fire, police, school districts, health care.

San Francisco and the Hayes community neighborhood will gain, because this project costs the city nothing. It will be done by the private sector, who will rehabilitate this empty closed-up former campus, and besides providing housing it gives the gift to the city and the community of a park, a community center, a community garden, and it has an open public street running through it.

[Bell sounding.]

COMMISSIONER ALEXANDER: Thank you. Jane See?

MS. SEE: Hello, Commissioners. Thank you, again, for staying so late. I'm also a neighbor, and I live at Scott and Waller Street, approximately four blocks from the project site. And I am a great supporter of this project. I'm familiar with the developer's work, the architect design team's work, as well as open house's intentions and work throughout the years as they've been trying to get this project off the ground.

I think Elaine said a lot of the great points about this project. I, as an enthusiastic supporter and neighbor, am very excited mostly about the fact that this project site has been vacant for years now, and is really quite a blighted

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area. The thing I look forward most to is the fact that this draft EIR will be a project that will actually -- it means we're getting closer to the actual fact that there may be something here on this project site.

I think that the idea of the park and the community center as it's in development and planning from the architects drawings that are in the EIR, I think you can see a sensitivity to the design that will keep the intention of the historic structures, not just make cardboard new construction, but actually integrate those two things.

I'm really excited again about the opening up of the walls around this sort of fortress project site that are existent currently. And I think the architects, again, and design team, along with open house. And A.F. Evans really will work in the interim to actually push this project forward in a way that would be in the best interests of the neighbors in the community, and integrate fully this project.

So, again, with all my support I'd like to back this project. I'd also like to just take this time to acknowledge the supporters that are here, and who have stayed. So if everybody could stand up who doesn't get a chance to speak tonight.

And hopefully I've done an adequate job with Elaine in helping to support the project.

COMMISSIONER ALEXANDER: Okay, thank you.

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Is there anyone else desiring to make comment?

MS. COLBY: Honorable Commissioners, my name is Tamara Colby. I am co-chair of Save the UC Berkeley Extension Campus.

Tonight I have for you some comments on the draft EIR that were given to us from members of the community. Many of them could not be here tonight because they didn't know what time the item was going to be. So there are 17 comments there.

Most of our comments here have to do with irreversible impacts associated with historic resources. It's late. The project will alter Richardson Hall, Middle Hall gymnasium, and Laguna Street retaining wall. The project may eliminate the building's eligibility for the National Register of Historic Districts.

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We also want to point out that since this EIR was done without considering the Market Octavia Plan it doesn't evaluate the changes -- how the change of zoning from public use to private use will impact the need for public resources and services, like open space, recreation, education, and social services.

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We all know that the Market Octavia Plan is going to be huge. It's going to allow a lot of new housing units upwards in the area of, you know, thousands. And so we need to question, were these two EIRs done properly? Do we evaluate all the impacts? And allow for the necessary public spaces that provide ways for people to learn and connect. I think that's really essential for a

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good society to have public places, because it helps people connect, and they learn to be tolerant.

I really think that this campus has a history of building connections in the community and building tolerance for everyone.

Thank you very much.

COMMISSIONER ALEXANDER: Thank you.

Is there anyone else desiring to comment?

[No audible response.]

COMMISSIONER ALEXANDER: Seeing none.

The public hearing is closed.

Written comments will be received by the Planning Commission until five o'clock on April 24th -- I'm sorry, May 1st.

[Applause.]

COMMISSIONER ALEXANDER: Yes, Commissioner comments. I just have one, I had one comment for staff, as I look at the write-up here and I'm sitting down reading this. And this one sentence sticks out to me, which says, 'The tallest building at the maximum height of 85 feet would be built by an organization called open house, specifically for lesbian, gay, bisexual, and transgender seniors.' Well, that would be a violation of the Fair Housing Act. So we shouldn't put that in our documents.

MS. COLBY: Okay. I just take your comments sitting.

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COMMISSIONER ALEXANDER: I understand, I'm just letting you know. So that should not appear in any document that we have because that housing will open to anyone regardless, because that's what the law says.

Commissioner Sugaya?

COMMISSIONER SUGAYA: Yeah, not to prolong things. But instead of making comment now, which I assume would go on the record and be part of the response to comments, I'll just submit them separately in written form.

COMMISSIONER ALEXANDER: Commissioner Antonini?

COMMISSIONER ANTONINI: Very briefly. Yeah, I did think that there were, you know, some alternatives were presented as they should be in the draft EIR, the no project, the preservation alternative, and the New College of California alternative, which I thought were handled pretty well, as far as the various alternatives, which is what this sort of document should do. That's it.

COMMISSIONER ALEXANDER: No other Commissioner comments?

[No audible response.]

COMMISSIONER ALEXANDER: Call the next item.

MS. AVERY: Thank you. Commissioners, you are now on Commissioners Questions and Matters.

( A D J O U R N E D )

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# **ATTACHMENT 3**

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## **Project Sponsor's Open Space Calculations**

## Open Space Calculations

NCT-3 Zone: Buildings 1, 7, 8, 9		Zoning	Private per Unit	Ratio	Common per Unit	
		NCT-3	80.00	x1.33	106.40	
		Senior:	40.00	x1.33	53.40	
<b>NCT-3 Unit Type</b>	Number of Units With Private Open Space	Total sf Private Open Space Provided	# Units requiring Common open	Total sf required Common Open Space	Open Space In Courtyards (w/o B-1 Courtyards per section 135(g))	Total Common Open Space: Waller Park, & Misc. In NCT-3 Zone *
125 Family	14	1,107	111	11,827	11,750	14,185
79 Senior	6	348	73	2,920	2,068	
<b>RTO Zone: Buildings 2, 4, 5, 6, 10, 11</b>			Private per Unit	Ratio <td>Common per Unit</td> <td></td>	Common per Unit	
		Zoning	100.00	x1.33	133.00	
		RTO				
<b>RTO Unit Type</b>	Number of Units With Private Open Space	Total sf Private Open Space Provided	# Units requiring Common open	Total sf required Common Open Space	Total sf Common Open Space Provided (w/o B-6 courtyard per section 135(g))	Total Common Open Space: Waller Park, Community Garden & Misc. In RTO Zone *
209 Family	74	7,445	135	17,955	14,177	18,796
<b>PROJECT TOTAL:</b>	<b>94</b>	<b>8,900</b>	<b>319</b>	<b>32,702</b>	<b>27,995</b>	<b>32,981</b>
						TOTAL EXCESS COMMON OPEN SPACE SF RTO ZONE
						15,078
						13,256

### \* Size of Common Space Outside of Courtyards

Waller Park At Buchanan	10,695
Waller Park At Lindhardt	12,175
Community garden	5,237
Miscellaneous	3,124
Roof Deck at Community Center	1,750
<b>Total</b>	<b>32,981</b>

## **ATTACHMENT 4**

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# AM Peak-Hour Intersection Turning Movement Count Summary

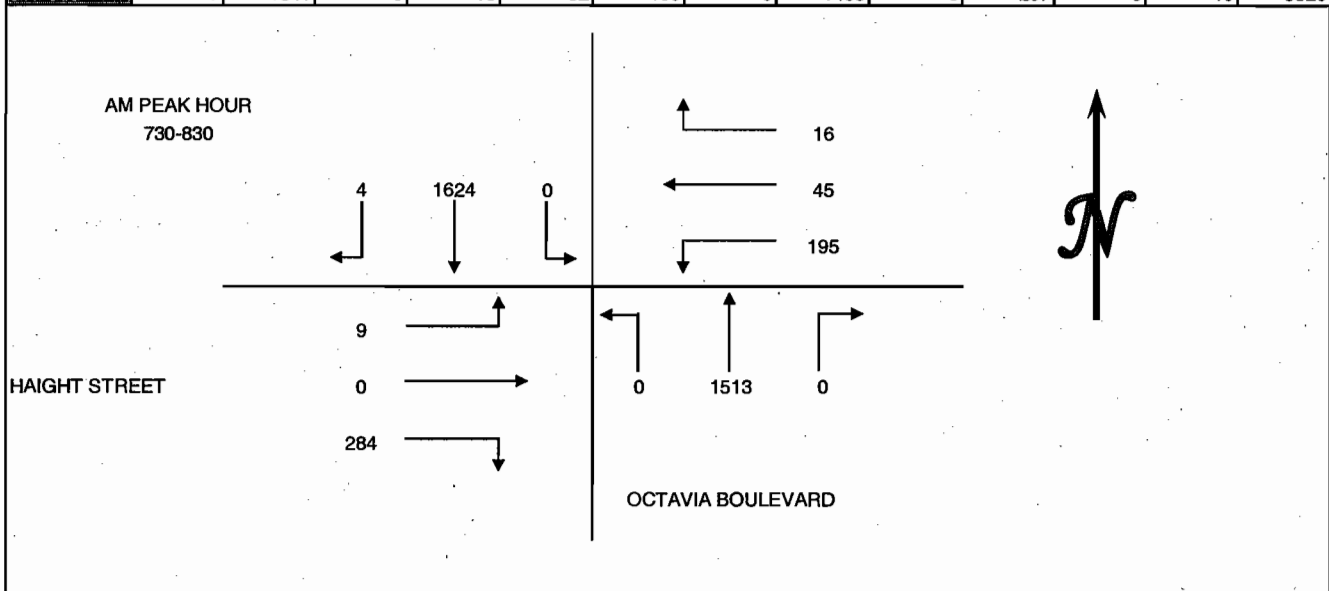
# WILTEC

Phone: (925) 706-9911 Fax: (925) 706-9914

## INTERSECTION TURNING MOVEMENT COUNT SUMMARY

CLIENT: ESA  
 PROJECT: SAN FRANCISCO TRAFFIC COUNTS  
 DATE: THURSDAY, JUNE 7, 2007  
 PERIOD: 7:00 AM TO 9:00 AM  
 INTERSECTION: N/S OCTAVIA BOULEVARD  
 E/W HAIGHT STREET  
 CITY: SAN FRANCISCO

15 MIN COUNTS													
PERIOD	1 SBRT	2 SBTH	3 SBLT	4 WBRT	5 WBTH	6 WBLT	7 NBRT	8 NBTH	9 NBLT	10 EBRT	11 EBTH	12 EBLT	TOTAL
7:00-7:15	2	377	0	4	11	43	0	366	0	31	0	3	837
7:15-7:30	0	370	0	3	7	44	0	358	0	35	0	1	818
7:30-7:45	0	394	0	2	7	41	0	382	0	60	0	1	887
7:45-8:00	1	431	0	8	12	57	0	400	0	76	0	4	989
8:00-8:15	1	380	0	1	10	39	0	359	0	69	0	1	860
8:15-8:30	2	419	0	5	16	58	0	372	0	79	0	3	954
8:30-8:45	2	357	0	4	14	50	0	327	0	81	0	3	838
8:45-9:00	2	385	0	5	12	43	0	350	0	68	0	3	868
HOURLY TOTALS													
PERIOD	1 SBRT	2 SBTH	3 SBLT	4 WBRT	5 WBTH	6 WBLT	7 NBRT	8 NBTH	9 NBLT	10 EBRT	11 EBTH	12 EBLT	TOTAL
7:00-8:00	3	1572	0	17	37	185	0	1506	0	202	0	9	3531
7:15-8:15	2	1575	0	14	36	181	0	1499	0	240	0	7	3554
7:30-8:30	4	1624	0	16	45	195	0	1513	0	284	0	9	3690
7:45-8:45	6	1587	0	18	52	204	0	1458	0	305	0	11	3641
8:00-9:00	7	1541	0	15	52	190	0	1408	0	297	0	10	3520



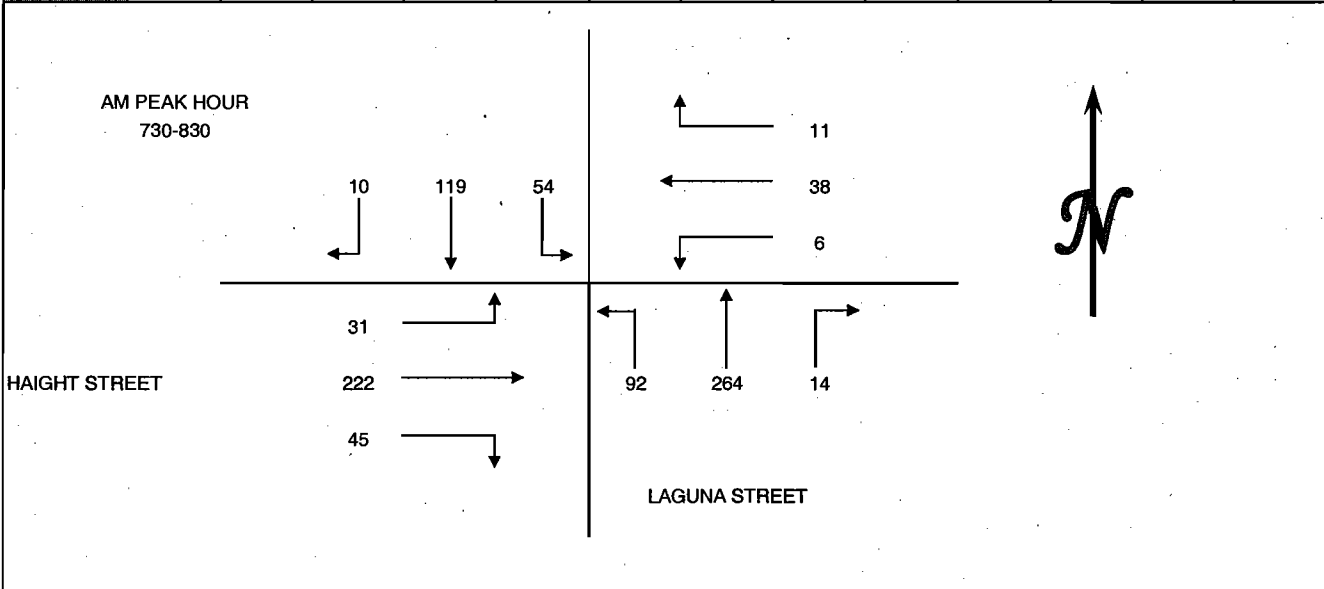
# WILTEC

Phone: (925) 706-9911 Fax: (925) 706-9914

## INTERSECTION TURNING MOVEMENT COUNT SUMMARY

CLIENT: ESA  
 PROJECT: SAN FRANCISCO TRAFFIC COUNTS  
 DATE: THURSDAY, JUNE 7, 2007  
 PERIOD: 7:00 AM TO 9:00 AM  
 INTERSECTION: N/S LAGUNA STREET  
 E/W HAIGHT STREET  
 CITY: SAN FRANCISCO

15 MIN COUNTS													
PERIOD	1 SBR	2 SBRH	3 SBL	4 WBR	5 WBRH	6 WBL	7 NBR	8 NBRH	9 NBL	10 EBR	11 EBRH	12 EBL	TOTAL
7:00-7:15	4	18	10	3	5	0	6	37	8	5	50	6	152
7:15-7:30	1	17	7	3	8	4	6	44	20	10	58	3	181
7:30-7:45	3	30	13	2	10	1	3	64	17	9	61	7	220
7:45-8:00	0	32	16	3	8	3	3	63	28	12	53	11	232
8:00-8:15	4	20	12	3	6	2	4	72	24	11	54	5	217
8:15-8:30	3	37	13	3	14	0	4	65	23	13	54	8	237
8:30-8:45	3	18	9	4	8	5	2	60	38	9	42	9	207
8:45-9:00	3	29	12	3	15	2	4	76	23	9	46	13	235
HOURLY TOTALS													
PERIOD	1 SBR	2 SBRH	3 SBL	4 WBR	5 WBRH	6 WBL	7 NBR	8 NBRH	9 NBL	10 EBR	11 EBRH	12 EBL	TOTAL
7:00-9:00	8	97	46	11	31	8	18	208	73	36	222	27	785
7:15-8:15	8	99	48	11	32	10	16	243	89	42	226	26	850
7:30-8:30	10	119	54	11	38	6	14	264	92	45	222	31	906
7:45-8:45	10	107	50	13	36	10	13	260	113	45	203	33	893
8:00-9:00	13	104	46	13	43	9	14	273	108	42	196	35	896



# WILTEC

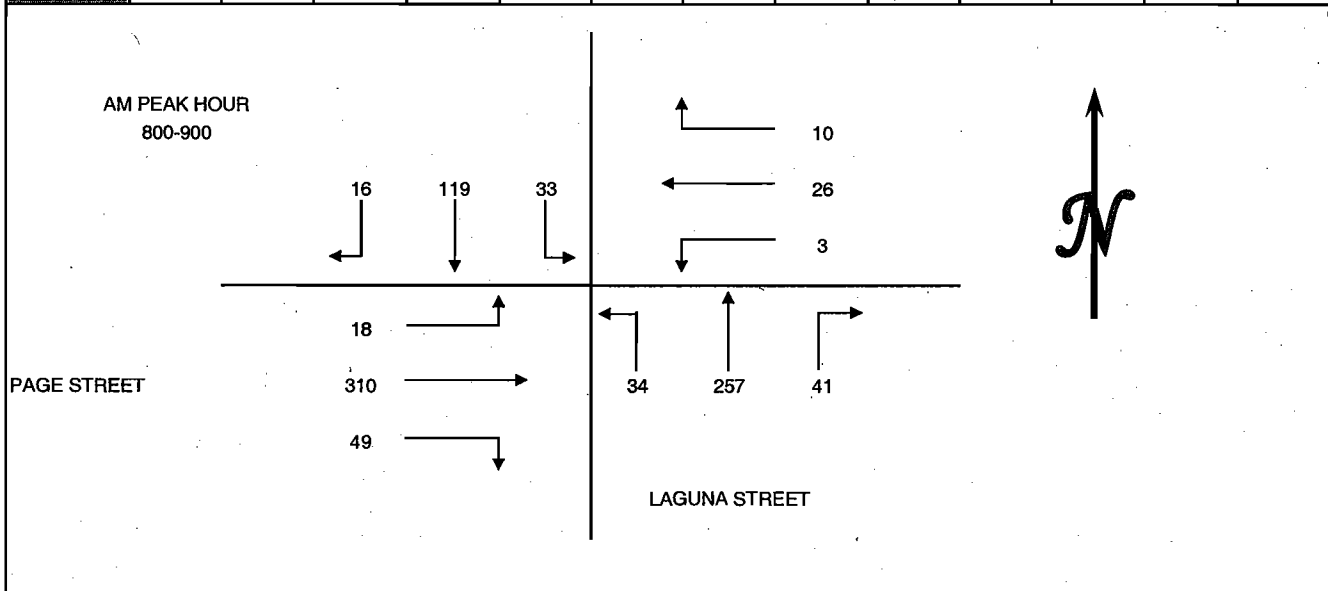
Phone: (925) 706-9911 Fax: (925) 706-9914

## INTERSECTION TURNING MOVEMENT COUNT SUMMARY

CLIENT: ESA  
 PROJECT: SAN FRANCISCO TRAFFIC COUNTS  
 DATE: THURSDAY, JUNE 7, 2007  
 PERIOD: 7:00 AM TO 9:00 AM  
 INTERSECTION: N/S LAGUNA STREET  
 E/W PAGE STREET  
 CITY: SAN FRANCISCO

15 MIN COUNTS													
PERIOD	1 SBRT	2 SBTH	3 SBLT	4 WBRT	5 WBTH	6 WBLT	7 NBRT	8 NBTH	9 NBLT	10 EBRT	11 EBTH	12 EBLT	TOTAL
7:00-7:15	4	27	16	1	3	3	9	33	6	4	38	0	144
7:15-7:30	2	19	13	1	3	4	8	35	7	5	45	4	146
7:30-7:45	3	36	12	1	3	0	12	53	9	5	68	3	205
7:45-8:00	2	34	11	1	5	3	10	69	10	13	63	2	223
8:00-8:15	6	26	4	6	3	1	9	60	12	13	73	3	216
8:15-8:30	2	37	11	2	9	1	8	65	4	10	88	3	240
8:30-8:45	2	23	8	1	5	1	10	55	10	8	62	4	189
8:45-9:00	6	33	10	1	9	0	14	77	8	18	87	8	271

HOURLY TOTALS													
PERIOD	1 SBRT	2 SBTH	3 SBLT	4 WBRT	5 WBTH	6 WBLT	7 NBRT	8 NBTH	9 NBLT	10 EBRT	11 EBTH	12 EBLT	TOTAL
8:00-9:00	11	116	52	4	14	10	39	190	32	27	214	9	718
7:15-8:15	13	115	40	9	14	8	39	217	38	36	249	12	790
7:30-8:30	13	133	38	10	20	5	39	247	35	41	292	11	864
7:45-8:45	12	120	34	10	22	6	37	249	36	44	286	12	868
8:00-9:00	16	119	33	10	26	3	41	257	34	49	310	18	916



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Impact Analysis Report  
Level Of Service

Intersection	Base			Future			Change in
	LOS	Del/ Veh	V/ C	LOS	Del/ Veh	V/ C	
# 1 Haight St and Laguna St	B	13.0	0.559	B	13.0	0.559	+ 0.000 V/C
# 2 Haight St and Octavia Blvd	B	19.2	0.810	B	19.2	0.810	+ 0.000 D/V
# 3 Page St and Octavia Blvd	D	52.3	1.048	D	52.3	1.048	+ 0.000 D/V
# 4 Page St and Laguna St	B	13.4	0.555	B	13.4	0.555	+ 0.000 V/C

Level of Service Computation Report  
 2000 HCM 4-Way Stop Method (Base Volume Alternative)

\*\*\*\*\*  
 Intersection #1 Haight St and Laguna St  
 \*\*\*\*\*

Cycle (sec): .100 Critical Vol./Cap.(X): 0.559  
 Loss Time (sec): 0 (Y+R=4.0 sec) Average Delay (sec/veh): 13.0  
 Optimal Cycle: 0 Level of Service: B  
 \*\*\*\*\*

Street Name:	Laguna Street						Haight Street					
	North Bound			South Bound			East Bound			West Bound		
Approach:	L	T	R	L	T	R	L	T	R	L	T	R
Movement:												
Control:	Stop Sign			Stop Sign			Stop Sign			Stop Sign		
Rights:	Include			Include			Include			Include		
Min. Green:	0	0	0	0	0	0	0	0	0	0	0	0
Lanes:	0	0	1! 0 0	0	0	1! 0 0	0	0	1! 0 0	0	0	1! 0 0

Volume Module: >> Count Date: 7 Jun 2007 << 7:30-8:30

Base Vol:	92	264	14	55	119	10	31	224	45	6	38	11
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	92	264	14	55	119	10	31	224	45	6	38	11
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96	0.96
PHF Volume:	96	275	15	57	124	10	32	233	47	6	40	11
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
Reduced Vol:	96	275	15	57	124	10	32	233	47	6	40	11
PCE Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
MLF Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Final Volume:	96	275	15	57	124	10	32	233	47	6	40	11

Saturation Flow Module:

Adjustment:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Lanes:	0.25	0.71	0.04	0.30	0.65	0.05	0.10	0.75	0.15	0.11	0.69	0.20
Final Sat.:	171	492	26	196	424	36	69	498	100	68	428	124

Capacity Analysis Module:

Vol/Sat:	0.56	0.56	0.56	0.29	0.29	0.29	0.47	0.47	0.47	0.09	0.09	0.09
Crit Moves:	****			****			****			****		
Delay/Veh:	14.6	14.6	14.6	10.7	10.7	10.7	13.1	13.1	13.1	9.4	9.4	9.4
Delay Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
AdjDel/Veh:	14.6	14.6	14.6	10.7	10.7	10.7	13.1	13.1	13.1	9.4	9.4	9.4
LOS by Move:	B	B	B	B	B	B	B	B	B	A	A	A
ApproachDel:	14.6			10.7			13.1			9.4		
Delay Adj:	1.00			1.00			1.00			1.00		
ApprAdjDel:	14.6			10.7			13.1			9.4		
LOS by Appr:	B			B			B			A		
AllWayAvgQ:	1.2	1.2	1.2	0.4	0.4	0.4	0.9	0.9	0.9	0.1	0.1	0.1

Note: Queue reported is the number of cars per lane.  
 \*\*\*\*\*



Level of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #2 Haight St and Octavia Blvd

Cycle (sec): 90 Critical Vol./Cap.(X): 0.810
Loss Time (sec): 8 (Y+R=5.0 sec) Average Delay (sec/veh): 19.2
Optimal Cycle: 90 Level of Service: B

Table with columns for Street Name (Octavia Boulevard, Haight Street), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control, Rights, Min. Green, and Lanes.

Table with columns for Volume Module: >> Count Date: 7 Jun 2007 << 7:30-8:30, Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, PHF Volume, Reduct Vol, Reduced Vol, PCE Adj, MLF Adj, Final Volume.

Table with columns for Saturation Flow Module: Sat/Lane, Adjustment, Lanes, Final Sat.

Table with columns for Capacity Analysis Module: Vol/Sat, Crit Moves, Green Time, Volume/Cap, Uniform Del, IncremntDel, InitQueueDel, Delay Adj, Delay/Veh, User DelAdj, AdjDel/Veh, LOS by Move, HCM2kAvgQ.

Note: Queue reported is the number of cars per lane.

Level of Service Computation Report
2000 HCM Operations Method (Base Volume Alternative)

Intersection #3 Page St and Octavia Blvd

Cycle (sec): 90 Critical Vol./Cap.(X): 1.048
Loss Time (sec): 7 (Y+R=5.0 sec) Average Delay (sec/veh): 52.3
Optimal Cycle: 90 Level Of Service: D

Table with columns for Street Name (Octavia Boulevard, Page Street), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Permitted), Rights (Include), and Lanes.

Table for Volume Module showing Count Date (7 Jun 2007 << 7:30-8:30) and various adjustment factors like Base Vol, Growth Adj, User Adj, PHF Adj, etc.

Table for Saturation Flow Module showing Sat/Lane, Adjustment, Lanes, and Final Sat. values.

Table for Capacity Analysis Module showing Vol/Sat, Crit Moves, Green Time, Volume/Cap, Uniform Del, etc.

Note: Queue reported is the number of cars per lane.

Level of Service Computation Report
2000 HCM 4-Way Stop Method (Base Volume Alternative)

Intersection #4 Page St and Laguna St

Cycle (sec): 100 Critical Vol./Cap.(X): 0.555
Loss Time (sec): 0 (Y+R=4.0 sec) Average Delay (sec/veh): 13.4
Optimal Cycle: 0 Level of Service: B

Table with columns for Street Name (Laguna Street, Page Street), Approach (North Bound, South Bound, East Bound, West Bound), Movement (L, T, R), Control (Stop Sign), Rights (Include), Min. Green, and Lanes.

Table for Volume Module showing Count Date (7 Jun 2007) and various volume adjustments (Base Vol, Growth Adj, Initial Bse, User Adj, PHF Adj, etc.) for each movement.

Table for Saturation Flow Module showing Adjustment, Lanes, and Final Sat. values for each movement.

Table for Capacity Analysis Module showing Vol/Sat, Crit Moves, Delay/Veh, Delay Adj, AdjDel/Veh, LOS by Move, ApproachDel, Delay Adj, ApprAdjDel, LOS by Appr, and AllWayAvgQ values.

Note: Queue reported is the number of cars per lane.

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# **ATTACHMENT 5**

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## **Greenhouse Gas (GHG) Calculation Worksheet**

Carbon Dioxide Emissions Inventory

Transportation Emissions

Trips <sup>1</sup>	4,746	VMT <sup>2</sup>	38,971	CO <sub>2</sub> emissions	6324.04 tons/year <sup>2</sup>	CH <sub>4</sub> rate <sup>4</sup>	0.0445	1,734 grams	1,851 grams	NO <sub>2</sub> rate <sup>8</sup>	0.0475	1.85 kg/day	1,851 grams	CO <sub>2</sub> -equiv. emissions	6,570 tons/year
Daily Vehicle Trips, Project				CH <sub>4</sub> Emissions (tons/year)	0.0019 tons/day	NO <sub>2</sub> Emissions (tons/year)	0.0019 tons/day	0.7466 tons/year						7.89 tons/person/year	
Project Population	833			Alternative methodology											

Bay Area (on-road trans. only) <sup>5</sup>	36,300,000 tons/year	Proj. % of Bay Area Tot. SF (total) <sup>5</sup>	6,700,000 tons/year
.....	0.02%	.....	0.10%

<sup>1</sup> From Project Transportation Analysis

<sup>2</sup> From URBEMIS 2007

<sup>3</sup> Alternative calculation of CO<sub>2</sub> from California ARB, "Proposed Methodology to Model Carbon Dioxide Emissions and Estimate Fuel Economy." Fleet average for 2010 (project; latest year available), in grams per mile. <http://www.atb.ca.gov/mssi/online/downloads/dubs/co2final.pdf>

<sup>4</sup> Calif. Climate Action Registry (CCAR) Protocol ver 2.2; rate in grams/mile; assumes 60% cars, 35% light trucks, 5% heavy diesel trucks

<sup>5</sup> BAAQMD, "Source Inventory of Bay Area Greenhouse Gas Emissions," Nov. 2006. All figures are for CO<sub>2</sub>-equivalent emissions. [http://www.baaqmd.gov/pbr/ghg\\_emission\\_inventory.pdf](http://www.baaqmd.gov/pbr/ghg_emission_inventory.pdf)

Natural Gas Emissions	Land Uses	Usage <sup>6</sup>	Usage (cu. ft.)	CO <sub>2</sub> rate <sup>7</sup>	CO <sub>2</sub> rate <sup>8</sup>	CO <sub>2</sub> Emissions (tons/year)	CH <sub>4</sub> rate <sup>6</sup>	CH <sub>4</sub> rate <sup>7</sup>	CH <sub>4</sub> Emissions (tons/year)	NO <sub>2</sub> rate <sup>6</sup>	NO <sub>2</sub> rate <sup>7</sup>	NO <sub>2</sub> Emissions (tons/year)	CO <sub>2</sub> -equivalent Emissions (tons/year)
Residential, Single-Family (units)	0	6665	0	52.78	119,599	0	0.0059	13	0.00	0.0001	0.2	0.0	0
Residential, Multi-Family (units)	450	4011.5	1,805,175	52.78	119,599	1,295	0.0059	13	0.14	0.0001	0.2	0.0	1,299
Retail/Shopping (square feet)	5,000	2.9	14,500	52.78	119,599	10	0.0059	13	0.00	0.0001	0.2	0.0	10
Office (square feet)	10,000	2	20,000	52.78	119,599	14	0.0059	13	0.00	0.0001	0.2	0.0	14
Total						1,320			0.15			0.00	1,324
						1.58			0.00			0.00	1.59

<sup>6</sup> URBEMIS 2007. For residential, in cu. ft./unit/month; for commercial, in cu. ft./sq. ft./month

<sup>7</sup> CCAR Protocol ver 2.2; rate in kg/million BTU

<sup>8</sup> Rate in lbs/million std cu. ft. (@ 2.2lb/kg x 1,030 MM BTU/MM cu. ft.)

**Note: In general, include the following population-based Energy Consumption and Landfill Gas only for Residential Projects**

Electricity Consumption (population-based; per person)

CEC 2000 emissions from power generation, both in-state and imported (Adjusted to Reflect CO<sub>2</sub>-Equivalency)

106.3 million tons/year<sup>3</sup>

33,871,648 California population, 2000 census

3.1 CO<sub>2</sub>-equivalent tons/person/year

<sup>9</sup> Division by 0.9072 to convert metric tons to short tons

Solid Waste (population-based; per person)

BAAQMD Source Inventory, Nov. 2006

3.1 million tons/year CO<sub>2</sub>-equivalent from landfills (2002)

11.5 million tons/year CO<sub>2</sub>-equivalent from landfill combustion (2002)

14.6 million tons/year CO<sub>2</sub>-equivalent from solid waste total (2002)

6,772,000 Bay Area population, 2002

2.2 tons/year/person (2002)

CO<sub>2</sub>-equivalent Emissions (Landfills)

1,796 tons/year

Total CO <sub>2</sub> -equivalent Emissions (tons/year)	Transport.	Heating	Electricity	Landfill	Total
6,570	6,570	1,324	2,618	1,796	12,309
7,894 Subtotal (direct)					7,894
total (2002), which is 65,200,000 tons/year <sup>5</sup> (mobi./htg. only)					4,414 Subtotal (indirect)

0.014% of Bay Area Total (2002), which is 85,400,000 tons/year<sup>5</sup>

Tons per person per year	Total
14.8	14.8

Percent of Project Emissions	Total
53.4%	53.4%
10.8%	10.8%
21.3%	21.3%
14.6%	14.6%
100.0%	100.0%

# **ATTACHMENT 6**

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## **Water/Wastewater Demand Calculation Worksheet**

**San Francisco Water Demand**

Identify if project is in Bayside or Oceanside drainage (check box)

Bayside	<input checked="" type="checkbox"/>
Oceanside	<input type="checkbox"/>

*Residential*

Population  (Units x persons per unit)  
 Gal./Person/Day /a/ 62  
 Water Use 51,646 gallons per day  
 18,850,790 gallons per year  
 57.9 acre-feet per year

*Commercial* 770 gallons per day  
 (from next sheet) 281,050 gallons per year  
 0.9 acre-feet per year

Total Water Use 52,416 gallons per day  
 19,131,840 gallons per year  
 58.7 acre-feet per year

**Wastewater** 95% of water use assumed /a/  
 49,795 gallons per day  
 17,908,251 gallons per year

Bayside 67,000,000 gallons per day  
 Oceanside 17,000,000 gallons per day  
 Percent increase **0.074%**

/a/ San Francisco PUC, Urban Water Management Plan, Dec. 2005; p. 40.

Citywide Existing dry weather flow

Southeast (mgd) 67  
 Oceanside (mgd) 17  
 Total 84,000,000 gallons per day  
 Percent of total **0.059%**



**Commercial Water Use (San Francisco)**

	Calculated /a/ Square Feet	Employees	Employees (if provided)	GED	Gallons/day
Agricultural, Mining		0		93.8	0
Transp., Comm., Utilities		0		22.8	0
Construction				19.1	0
Manufacturing		0		80.1	0
Wholesale Trade		0		58.7	0
Retail Trade	5,000	14		53.9	770
F.I.R.E.		0		18.3	0
Services		0		55.8	0
Government		0		18.3	0
<b>TOTAL</b>					<b>770</b>

GED - Gallons per employee per day; Source: SFPUC, "City and County of San Francisco, Retail Water Demands and Conservation Potential"; Nov. 2004

/a/ Based on employee density in SF Planning Department, "Transportation Impact Analysis Guidelines," Oct. 2002



A RAINFALL RATE OF  $i = 2.9216$  IN/HR WAS USED BASED ON SAN FRANCISCO RAINFALL RATE TABLE 1941 FOR A 5-YEAR STORM WITH A TIME OF CONCENTRATION OF 6 MINUTES.

TOTAL STORMWATER DEMAND: 12.45 CFS

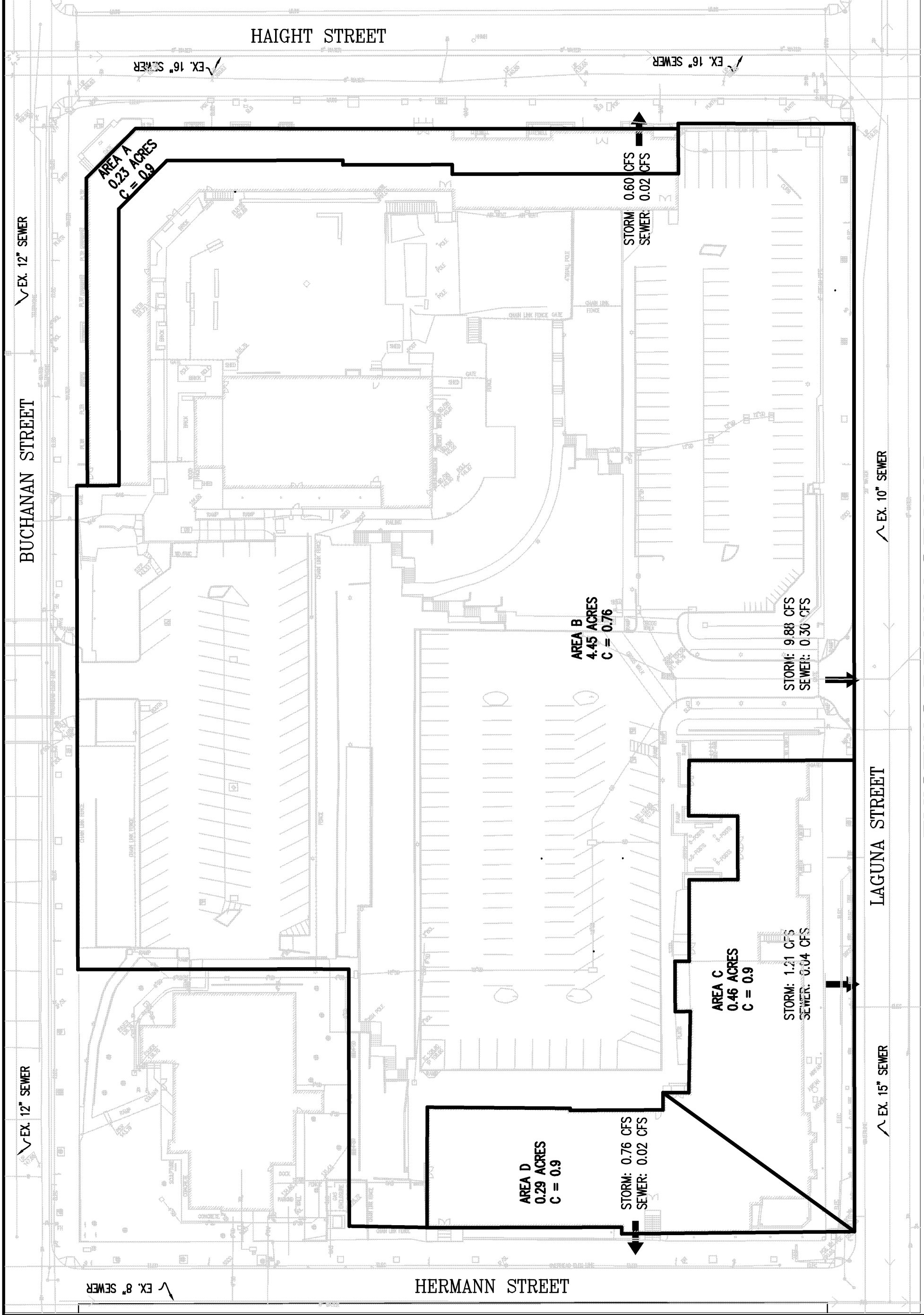
TOTAL WASTEWATER DEMAND: 0.38 CFS

**LEGEND**

- CFS CUBIC FEET PER SECOND
- C RUNOFF COEFFICIENT
- EX. EXISTING
- ↑ DRAINAGE AREA
- ↓ OUTLET POINT

**Luk and Associates**

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Land Planning  
Land Surveying  
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Hercules, CA 94547  
Phone (510) 724-3388  
Fax (510) 724-3383  
Email: aluk@lukassociates.com



**EXISTING DRAINAGE MAP**

SCALE: 1" = 50'

PLOT DATE: OCTOBER 17, 2007

FILE NAME: 25061-10\PRELIMINARY\DRAINAGE\_MAP.DWG



A RAINFALL RATE OF  $i = 2.9216$  IN/HR WAS USED BASED ON SAN FRANCISCO RAINFALL RATE TABLE 1941 FOR A 5-YEAR STORM WITH A TIME OF CONCENTRATION OF 6 MINUTES.

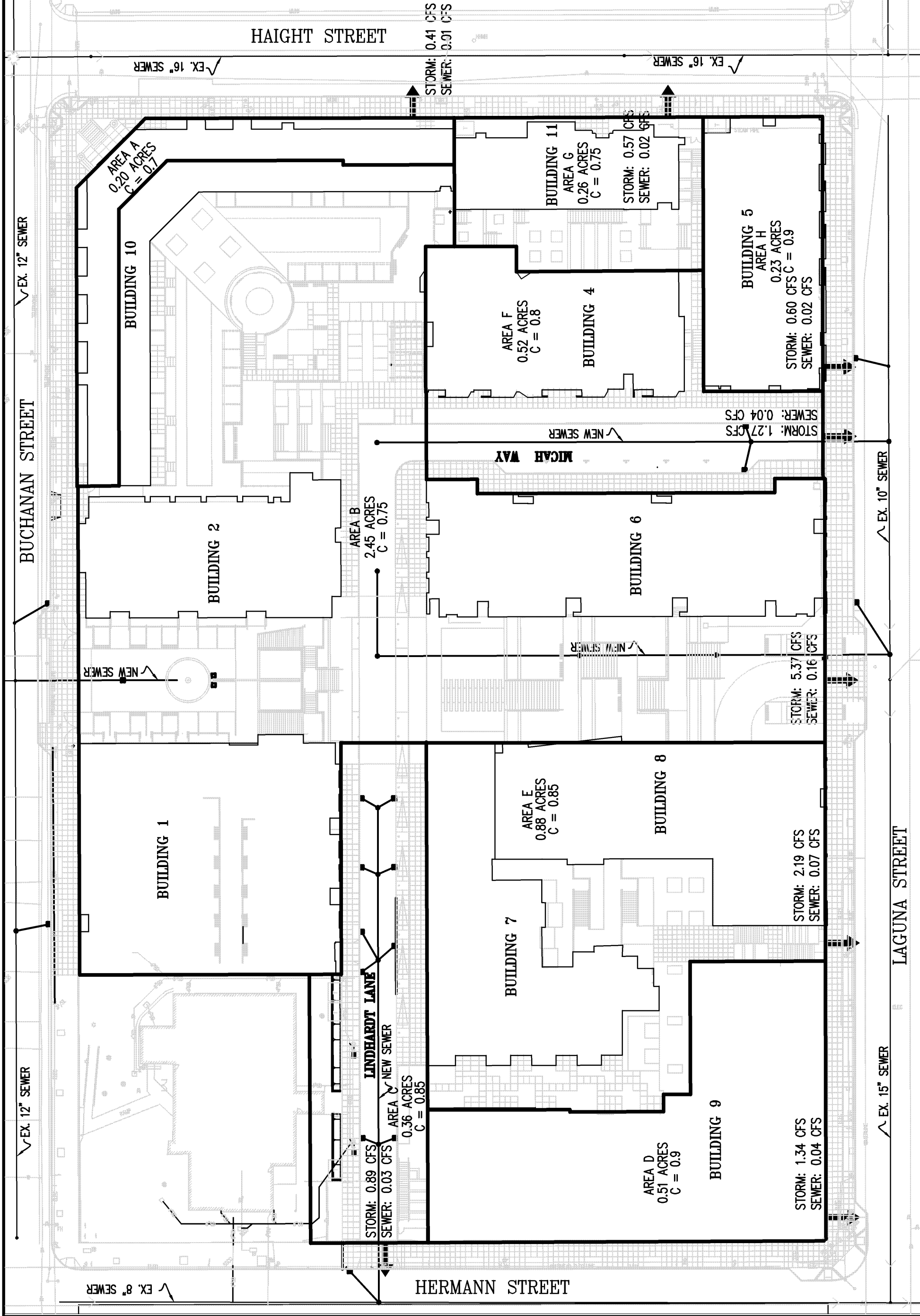
TOTAL STORMWATER DEMAND: 12.59 CFS  
 TOTAL WASTEWATER DEMAND: 0.39 CFS

**LEGEND**

- CFS CUBIC FEET PER SECOND
- C RUNOFF COEFFICIENT
- EX. EXISTING
- EXISTING SEWER LINE
- NEW SEWER LINE
- DRAINAGE AREA
- OUTLET POINT

**Luk and Associates**

Civil Engineering  
 Land Planning  
 Land Surveying  
 738 Alfred Nobel Drive  
 Hercules, CA 94547  
 Phone (510) 724-3388  
 Fax (510) 724-3383  
 Email: aluk@lukassociates.com



**PROPOSED DRAINAGE MAP**

FILE NAME: 25061-10\PRELIMINARY\DRAINAGE\_MAP.DWG

SCALE: 1" = 50'

PLOT DATE: OCTOBER 17, 2007

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# **ATTACHMENT 7**

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## **National Register Nomination Form**

**United States Department of the Interior  
National Park Service**

**National Register of Historic Places  
Registration Form**

This form is for use in nominating or requesting determinations for individual properties and districts. See instructions in *How to Complete the National Register of Historic Places Registration Form* (National Register Bulletin 16A). Complete each item by marking "x" in the appropriate box or by entering the information requested. If any item does not apply to the property being documented, enter "N/A" for "not applicable." For functions, architectural classification, materials, and areas of significance, enter only categories and subcategories from the instructions. Place additional entries and narrative items on continuation sheets (NPS Form 10-900a). Use a typewriter, word processor, or computer, to complete all items.

**1. Name of Property**

historic name San Francisco State Teacher's College

other names/site number University of California, Extension Center

**2. Location**

street & number 55 Laguna Street N/A  not for publication

city or town San Francisco N/A  vicinity

state California code CA county San Francisco code 075 zip code 94102

**3. State/Federal Agency Certification**

As the designated authority under the National Historic Preservation Act of 1986, as amended, I hereby certify that this  nomination  request for determination of eligibility meets the documentation standards for registering properties in the National Register of Historic Places and meets the procedural and professional requirements set forth in 36 CFR Part 60. In my opinion, the property  meets  does not meet the National Register Criteria. I recommend that this property be considered significant  nationally  statewide  locally. (  See continuation sheet for additional comments.)

\_\_\_\_\_  
Signature of certifying official/Title Date

California Office of Historic Preservation  
State or Federal agency and bureau

In my opinion, the property  meets  does not meet the National Register criteria. (  See continuation sheet for additional comments.)

\_\_\_\_\_  
Signature of commenting or other official Date

\_\_\_\_\_  
State or Federal agency and bureau

**4. National Park Service Certification**

I hereby certify that this property is:

entered in the National Register  
 See continuation sheet.

determined eligible for the  
National Register  
 See continuation sheet.

determined not eligible for the  
National Register

removed from the National  
Register

other (explain): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of the Keeper

Date of Action

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**5. Classification**

**Ownership of Property**

(Check as many boxes as apply)

- private
- public-local
- public-State
- public-Federal

**Category of Property**

(Check only one box)

- building(s)
- district
- site
- structure
- object

**Number of Resources within Property**

(Do not include previously listed resources in the count.)

Contributing	Noncontributing	
4	1	buildings
		sites
1		structures
1		objects
6	1	Total

**Name of related multiple property listing**

(Enter "N/A" if property is not part of a multiple property listing.)

N/A \_\_\_\_\_

**Number of contributing resources previously listed in the National Register**

0 \_\_\_\_\_

**6. Function or Use**

**Historic Functions**

(Enter categories from instructions)

Education \_\_\_\_\_

College \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Current Functions**

(Enter categories from instructions)

Vacant \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Description**

**Architectural Classification**

(Enter categories from instructions)

Spanish Colonial Revival \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Materials**

(Enter categories from instructions)

foundation concrete \_\_\_\_\_

roof Mission tile \_\_\_\_\_

walls stucco \_\_\_\_\_

\_\_\_\_\_

other \_\_\_\_\_

\_\_\_\_\_

**Narrative Description**

(Describe the historic and current condition of the property on one or more continuation sheets.)

SEE CONTINUATION SHEET SECTION 7 (attached)

**8. Statement of Significance**

**Applicable National Register Criteria**

(Mark "x" in one or more boxes for the criteria qualifying the property for National Register listing)

- A Property is associated with events that have made a significant contribution to the broad patterns of our history.
- B Property is associated with the lives of persons significant in our past.
- C Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
- D Property has yielded, or is likely to yield information important in prehistory or history.

**Criteria Considerations**

(Mark "X" in all the boxes that apply.)

Property is:

- A owned by a religious institution or used for religious purposes.
- B removed from its original location.
- C a birthplace or a grave.
- D a cemetery.
- E a reconstructed building, object, or structure.
- F a commemorative property.
- G less than 50 years of age or achieved significance within the past 50 years.

**Narrative Statement of Significance**

(Explain the significance of the property on one or more continuation sheets.)

SEE CONTINUATION SHEET SECTION 8 (attached)

**Areas of Significance**

(Enter categories from instructions)

Education

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**Period of Significance**

1924-1957

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**Significant Dates**

N/A

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**Significant Person**

(Complete if Criterion B is marked above)

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**Cultural Affiliation**

N/A

---



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**Architect/Builder**

George McDougall, State Architect

California Office of the State Architect

**9. Major Bibliographical References**

SEE CONTINUATION SHEET SECTION 9 (attached)

(Cite the books, articles, and other sources used in preparing this form on one or more continuation sheets.)

**Previous documentation on file (NPS):**

- preliminary determination of individual listing (36 CFR 67) has been requested.
- previously listed in the National Register
- previously determined eligible by the National Register
- designated a National Historic Landmark

**Primary Location of Additional Data**

- State Historic Preservation Office
- Other State agency
- Federal agency
- Local government
- University
- Other



San Francisco State Teacher's College

Name of Property

recorded by Historic American Buildings Survey

# \_\_\_\_\_

recorded by Historic American Engineering

Record # \_\_\_\_\_

San Francisco, California

County and State

Name of repository:

\_\_\_\_\_

**10. Geographical Data**

**Acreage of Property** 5.86 acres (2 city blocks)

**UTM References**

(Place additional UTM references on a continuation sheet)

	Zone	Easting	Northing		Zone	Easting	Northing
1	—	_____	_____	3	—	_____	_____
2	—	_____	_____	4	—	_____	_____

See continuation sheet.

**Verbal Boundary Description**

(Describe the boundaries of the property on a continuation sheet.)

**SEE CONTINUATION SHEET SECTION 10 (attached)**

**Boundary Justification**

(Explain why the boundaries were selected on a continuation sheet.)

**SEE CONTINUATION SHEET SECTION 10 (attached)**

**11. Form Prepared By**

name/title Carol Roland\_\_\_\_\_

organization Roland Nawi Associates\_\_\_\_\_ date September 4, 2007\_\_\_\_\_

street & number 956 Fremont Way\_\_\_\_\_ telephone (916) 441-6063\_\_\_\_\_

city or town Sacramento\_\_\_\_\_ state CA\_\_\_ zip code 95818\_\_\_\_\_

**Additional Documentation**

Submit the following items with the completed form:

**Continuation Sheets**

**Maps**

A **USGS map** (7.5 or 15 minute series) indicating the property's location.

A **Sketch map** for historic districts and properties having large acreage or numerous resources.

**Photographs**

Representative **black and white photographs** of the property.

**Additional items**

(Check with the SHPO or FPO for any additional items)

**Property Owner**

(Complete this item at the request of the SHPO or FPO.)

name Regents, University of California; Real Estate Services Group\_\_\_\_\_

street & number 111 Franklin Street\_\_\_\_\_ telephone (510) 987-9632\_\_\_\_\_

city or town Oakland\_\_\_\_\_ state CA\_\_\_ zip code 94607\_\_\_\_\_

San Francisco State Teacher's College

San Francisco, California

Name of Property

County and State

a benefit in accordance with the National Historic Preservation Act, as amended (16 U.S.C. 470 *et seq.*).

**Estimated Burden Statement:** Public reporting burden for this form is estimated to average 18.1 hours per response including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding this burden estimate or any aspect of this form to the Chief, Administrative Services Division, National Park Service, P.O. Box 37127, Washington, DC 20013-7127; and the Office of Management and Budget, Paperwork Reductions Project (1024-0018), Washington, DC 20503.

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National Park Service

**National Register of Historic Places**  
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San Francisco State Teacher's College  
San Francisco County, California

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**DESCRIPTION:**

The San Francisco State Teacher's College is a college campus historic district located on two city blocks in the Hayes Valley neighborhood of San Francisco, California. The district consists of a self-contained complex of educational buildings located within the larger context of an urban residential neighborhood. The district consists of five buildings, four of which contribute to the historic significance of the district. The buildings are sited on a steep terraced hill between Buchanan and Laguna Streets. The four contributing buildings are Richardson Hall, Woods Hall, Woods Hall Annex, and Middle Hall. The buildings are arranged around the periphery of the site with the central area of the campus now occupied by parking lots. There are modern concrete stairs and walk ways which link the upper and lower levels of the site. The buildings were designed by the California State Architect between 1924 and 1935. They are all designed in the Spanish Colonial Revival style that enjoyed great popularity in the 1920s and 1930s. The buildings are reinforced concrete with red Mission tile roofs and industrial windows. The buildings varying in size, but are all large institutional buildings that contain public entry spaces, classroom wings and, in some cases, specialized facilities, such as a gym, an administration/registration area, an auditorium, that were used to support the educational function of the campus. In the 1930s the WPA commissioned a number of murals to decorate the interior and exterior of the buildings. Two of these murals, by recognized Bay Area artists, remain in Richardson Hall and Woods Hall Annex. The buildings were designed to turn "inward" toward an interior open "courtyard". Although this open area contained a circulation system that allowed students to move from one level of the site to another between buildings, it was never fully developed as a landscaped campus quadrangle. There are two major, well articulated, entrances to the campus, one at the northwest and one at the southeast corners of the campus. Otherwise relatively blank building elevations run along the exterior edge of the site with a high retaining wall, a contributing element of the historic district, along Laguna Street. The period of significance of the district is from 1924 when the first State Teacher's College building was constructed until 1957 when San Francisco State College transferred the campus to the University of California for use as an Educational Extension Center. During the entire period from 1924-1957 the buildings housed one of the primary teacher training institutions in the state. The property retains a historic appearance consistent with its period of significance.

The four historic Teacher's College buildings dominate the property by virtue of their size and stylistic coherency. They retain their original location, design, materials, workmanship, feeling and association. They continue to reside in an external neighborhood setting that is very similar in appearance to that which existed at the time that the campus was constructed. This area of Hayes Valley consists of a mix of Victorian flats and 1920s and 1930s apartment buildings immediately adjacent to the campus. The San Francisco Mint building to the south of the campus also was constructed in the 1930s. Internally, the campus setting consists of a number of parking lots that date from the occupancy of the campus by the University of California Extension Service (1957 and later). Although these parking lots represent an intrusion into the central portion of the campus, this area never achieved the quality of a coherent

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designed landscape during the period of significance. There are only a small number of interior campus photographs from this period (1920-1930) and two Sanborn Maps (1913 and 1948) which document other structures on the campus. These show the interior campus area to have consisted of a jumble of temporary buildings and shelters in what originally may have been intended as a campus quadrangle. Some of these buildings dated from the immediate post-1906 earthquake period and others appear to have been added later on an as-needed basis.

In the 1970s, the University of California constructed a Modernist style Dental School Building in the southwest corner of the campus. This building is smaller in size and massing than the historic buildings, with the exception of Middle Hall, and due to the slope and terracing of the site, it is not a visually intrusive element. It does not alter the relationship among the historic buildings. It does not contribute to the historic district.

Although the complex is not nominated under Criterion C, the Teacher's College is notable as an expression of the prevailing architectural ideal of a college campus. The architectural form of the campus was derived from the monastery; a cloistered learning environment that fostered a community of scholars. It physically turned away from the outside world and at the same time promoted an internal environment of contemplation and study. In this regard the San Francisco campus embraces the basic conventions of college planning and architecture. The exterior elevations of the buildings and the retaining walls enhance the complexes self-enclosed quality. In contrast, the buildings engage each other on the interior of the campus with siting, courtyard openings, and tiers of large windows. At both the northwest and southwest corners of the campus enclave there are large and clearly demarcated entrances that provide a transition between the learning environment and the outside world.

Richardson Hall (Contributing)

Richardson Hall was constructed between 1924 and 1930. L-shape in plan, Richardson Hall consists of two separate wings: a loosely connected administration wing on the north and the training school wing on the south. The two wings are joined by a large auditorium in the southeast corner of the building. While the administration wing is rendered entirely in the Spanish Colonial Revival style, the training school wing combines a dominant Spanish Colonial Revival aesthetic with elements of the Moderne style which was gaining popularity in the 1930s, particularly in the rendering of institutional buildings. These Moderne references are found in the venting stacks on the south elevation of the auditorium, in the pilasters on the courtyard walls, and in the window grid of the bell tower. These variations in style reflect the different dates of construction of the two wings. The administration wing was constructed in 1924 and the training school wing in 1930.

The entire building is constructed of poured-in-place reinforced concrete finished in buff-colored stucco with cast concrete detailing. The combination hip and gable roof is clad in terracotta Mission roof tiles. Both wings are punctuated by chimneys that provide rhythm to the overall composition

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The south facade is the primary public face of Richardson Hall along Hermann Street. Terraced up the steep hill, the eastern section of this facade is much higher than the western part. The main public entrance to the building occupies the easternmost bay. The entrance is flanked by a pair of chamfered columns and surmounted by a portico capped by a pair of sculpted figures. The figures flank a book and a lantern, symbolizing learning. A well-executed sculpture of an owl resides over the entry. Its presence may refer to Athena. To the right of the entry is a grille in-filled with glass block. Above the entrance is a deeply recessed tripartite window located within a gable roofed pavilion.

The administration wing, built 1924, is linked to the later training school wing by means of a small gable-roofed connector. Although the connection between the two wings is small, Richardson Hall has historically always been treated as a single building with a unified purpose and function. Architecturally it reads as a single building, particularly on the street elevation, where its continuity is reinforced by the ground level retaining wall which runs along the entire east façade to the corner of Laguna and Hermann Streets.

Sited on a slope the administrative wing is one-story on the interior courtyard side and two-story on the eastern or street side. With an H-plan the wing is subdivided into three sections; a central hip roofed pavilion flanked on both sides by gable roofed wings. The two-story wings are set back from the retaining wall that surrounds the campus on Laguna Street, creating a narrow concrete balcony area facing the street. The central portion of the street facade is composed of seven bays with a band of five tall rectangular window openings. These are flanked on either side by pairs of semi-circular window openings. The rectangular openings are separated by cast cement plaster ornament consisting of a narrow projecting sill and simple capitals. They are fitted with awning sash and the arched openings contain multi-light wood casement sash. The gable-roofs are articulated by a large arched window opening surrounded by decorative brick molding and surmounted by faience tile panels.

The west façade of the administration wing is oriented toward the interior of the campus. The two gable end wings form a small planted courtyard. The courtyard is partially covered by a wood frame canopy. Glazed metal crash doors have replaced the original doors. These are flanked with modern side lights. The canopy and doors date from the 1960s or 1970s. Both gable end walls are punctuated by arched windows surrounded by brick molding with a faience tile panel at the top of the arch.

The south façade of the administration wing also faces a small-planted courtyard and is partially obscured by the small gable roofed connector that links it with the training school wing. The gabled connector is articulated by three rectangular window openings fitted with wood casement windows with fixed light transoms above.

The interior of the administration wing consists of a large lobby, office, a kitchen, lounge and several smaller offices. The most prominent feature of the lobby is a modern wood front desk hidden behind pocket doors. To the south of the lobby are several offices and the corridor connecting the administration

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wing with the training school wing. Ceilings are covered with acoustic tile. The connector between the administration wing and the training school may have been the location of a large WPA mural by Hebe Daum Stackpole which has either been covered or removed.<sup>1</sup>

The training school wing was added to the building in 1930 and is L-shape in plan with an east wing that faces Laguna Street, a south wing that opens onto Hermann and an auditorium located at the interface between the two wings. The north and west facades of the building are oriented toward the interior of the campus. The east classroom wing has a hip roof while the south wing shares a gable roof with the auditorium.

The street façade of the east wing runs along Laguna Street and is visible above the retaining wall at the second level. The second-story facade is punctuated by a grid arrangement of large steel industrial windows with awning sash. These windows end at the projecting gable end of the auditorium.

The south façade of Richardson Hall contains the primary entrance to the building and to the southeast portion of the campus. The entry is a visual focal point of the building. On the upper story the wall steps back in order to create an exterior balcony. The second floor level is articulated with grilles in-filled with glass blocks.

The north and west facades face the interior of the campus and feature an asymmetrical arrangement of openings and decorative features combining elements of the Spanish Revival and Moderne. Perhaps the most important element is the three-story "belfry" which houses mechanical and venting equipment. A tall tower structure, it is decorated on the lower walls with a geometrical cast concrete grille which repeats a pattern found in the central gable of Woods Hall across the campus. The opening at the top of the tower has a strongly modern feeling and aesthetic. The north façade also features an original porthole window, an arcade, and two large multi-light steel industrial windows with awning sash. The window bays are demarcated by flat plaster piers capped by stylized capitals. Both of the courtyard elevations feature deeply recessed windows and have a strong rhythmic pattern articulated by projecting plaster piers and shallow arcades. The west elevation has a small one-story addition at the northwestern corner. The second-story projects slightly beyond the first floor.

The training school interior consists of circulation areas, classrooms, offices and the auditorium. The first floor has double-loaded corridors that extend the length of the building. This area is the most significant portion of the interior, featuring barrel and groin-vaulted ceilings and decorative plaster wall treatments designed in a Spanish Revival motif. A niche fresco above a double door was executed by Jack Moxom for the WPA in the 1930s. Elaborately stenciled ceilings in the hallway were done circa 1980 by Larry Boyce, considered a master of Victorian stenciling techniques. These were decorative additions to the

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<sup>1</sup> Based on interviews with Stackpole conducted by the Smithsonian, this is the area that best fits her description of the location of the mural.

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building which have artistic merit in their own right, but were not a part of the State Architect's plan for the building.

The auditorium has a gable roof. The auditorium is a dramatic windowless mass perched atop the tall retaining wall at the intersection of the south and east wings. Its varied profile is partially attributed to the clustered utility stacks that rise up from the basement to above the roofline. Treated as abstract sculptural elements, the chamfered profile of the stacks are one of the more pronounced Moderne elements of the building.

On the interior the auditorium is a double-height space which slopes down toward a small stage. The auditorium has a curved concrete partial-height wall and unique red-velvet seating which appears to be original. The interior was remodeled sometime in the 1950s.

**Integrity:**

The building retains a high level of integrity. The only notable alteration to the exterior is the remodeled opening to the administrative wing on the courtyard side of the building. This consists of a wood frame canopy and glazed doors as described above. A metal crash door also has been inserted into the courtyard side of the bell tower. Richardson Hall has not been compromised by alteration of exterior roofing materials, cladding, fenestration or major decorative details. A high degree of workmanship in exterior detailing and sculpture continue to convey the skilled craftsmanship that was applied to the finishes and decorative elements of the building.

The major internal public spaces retain substantial integrity of materials. In Richardson Hall this includes the primary entry off of Hermann Street and the circulation spaces, including the corridors and stairwells, and a major WPA mural installation. An important mural by Hebe Stackpole with a mosaic component by Maxine Albro is no longer visible, although it may remain behind paint and plaster. The most observable alterations in primary public spaces occur in the administrative wing and the auditorium. In the administration wing reception area partial walls and a long reception desk have been inserted within the existing architectural volume. While visually intrusive, these do not represent structural alterations. In the auditorium the finishes of the side and back walls appear to have been altered in the 1950s to create a more modern aesthetic. Throughout the building, doors from the corridors into the classrooms have been replaced, although the openings appear in most cases to be original. The configuration of classroom space has been minimally altered with original partitions, fenestration, plaster walls and even radiators and shelves, still in place. Ceilings have been covered with acoustic tile and floors with carpeting. Cement floors in public spaces and stairs are intact.

Woods Hall (Contributing)

Woods Hall was built in 1926. The building wraps around the corner of Haight and Buchanan Streets at



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the northwest corner of the campus. The site is relatively level along Buchanan, but on Haight is steeply sloped. The exterior elevations are very austere on the street side and function to focus the building inward toward the courtyard and campus. It is a two-story-over-basement building. Woods Hall has two main wings linked by an elaborate entrance pavilion. The building is surmounted by a combination hip and gable roof clad in red terracotta tile. The concrete walls are covered in stucco. Woods Hall is designed in the Spanish Colonial Revival style with restrained cast concrete ornament.

The entry pavilion is sited at a forty-five degree angle at the corner of Haight and Buchanan. The entry is the building's primary architectural statement and functionally serves as a connector between the north and west wings. The entry pavilion is set back from the street and partially screened behind a concrete wall surmounted by two terra cotta urns. These urns are an important element which emphasize the portal and shape its relationship to the street. The wall conceals a short run of stairs and a modern handicapped-accessible ramp. The entry itself is deeply recessed within a barrel-vaulted vestibule. Pairs of Tuscan pilasters surmounted by plain friezes and molded spring lines flank the vestibule entrance. These moldings visually support the semi-circular arched barrel vault contained within the pediment gable.

The doors into the building are glazed with cast metal frame. The doors are set behind cast metal screens decorated with a profusion of abstract floral motifs culminating in a crest composed of an open book. The entry gable was the location of a WPA marble mosaic done by Maxine Albro. This mosaic, which is covered or has been removed, reflected the floral motif with the open book that is found in the entry gates.

The exterior street facades of Woods Hall are quite simple, consisting primarily of stucco-finished concrete walls punctuated by small casement windows on the upper level and wood-frame double hung windows on the lower level. These are deeply punched into the walls. At the sidewalk level there is a series of retaining walls and grates that allow light into the basement windows. The north wing connects into the neighboring Woods Hall Annex on the east.

Contrasting with the almost defensive character of the north and west facades are the amply fenestrated south and east facades that face toward the inner courtyard. The facades of both wings are relatively similar and modestly treated. Both have stucco-finished concrete walls articulated by a regular grid of door and window openings on the first and second floors. The windows are mostly wood awning sash. There are some replacement aluminum windows at the south end of the building, primarily on the secondary south façade.

The angled entry pavilion's rear elevation is the most prominent feature on the courtyard side of the building. The gable end is occupied by an arched opening, technically called an aedicule, which is inset with a geometric grid, a motif later repeated in the belfry of Richardson Hall. Pilasters frame the opening. Casement windows are found at both the first and second floor levels.

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The interior of Woods Hall is primarily composed of classrooms and offices with an embellished formal entry and single-loaded corridors. The lobby is the most architecturally important interior space of Woods Hall. Octagonal in plan, this double-height space retains its original exposed roof rafters and purlins. The ornamental cast-iron entry gate and the large barrel vault of the main entry are clearly visible from the octagonal lobby. This space was decoratively treated with an applied canvas mural by Bay Area artist, John Emmett Gerrity. Completed as a WPA commission, the mural covered all eight walls of the octagonal space.<sup>2</sup>

The classrooms of Woods Hall open off the long hallways of each wing. In addition to classrooms, the interior contains a series of offices.

**Integrity:**

Woods Hall retains a high level of exterior integrity. It has not been compromised by alterations to roofing materials, cladding, fenestration or major decorative details. The exceptional front entry details which include a partial wall with urns on the landing, metal gates and metal frame and glazed doors are intact. Metal fire exit doors have replaced the original doors on the primary courtyard entry of the building. There are no window replacements on major elevations of the building, with aluminum frame replacements largely restricted to the south façade, a secondary elevation of the building. The building demonstrates a high degree of workmanship in exterior detailing. The cast-iron grillwork at the entry and the detailing of the aedicule on the courtyard side of the entry pavilion are fine examples of intricate workmanship. The major alteration to the exterior is the removal or covering of Maxine Albro's mosaic mural on the entry gable.

The major internal public spaces retain substantial integrity. The entry pavilion retains its beamed ceiling and displays fine examples of molded plaster work. The chandelier is a replacement. There is loss of the WPA Gerrity eight panel mural; canvas attached to the wall surface, it has most likely been removed. Interior plaster walls are generally intact, as are cement floors in public spaces and stairs.

The corridor spaces and classrooms have been altered by dropped acoustic tile ceilings, modern light fixtures and carpeted floors. However, the configuration of classroom space has been minimally altered with original partitions, fenestration, plaster walls and even radiators and shelves, still in place.

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<sup>2</sup>Smithsonian Archives of American Art. "Oral History Interview with John Emmett Gerrity," Berkeley, California, January 20, 1965, 3.

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Woods Hall Annex (Contributing)

Built in 1935, Woods Hall Annex maintains the Spanish Colonial Revival style of the earlier buildings on the campus. It is connected to Woods Hall at the east elevation of that building, but has historically been considered a separate building. This may be due to the long period of time that separated the construction of the buildings, the fact that the Annex was constructed by the WPA, and the specialized function of the building, which was to serve as a science teacher training facility. The building was constructed by the WPA as a part of the federal government's depression era public works program. This was at a time when there were no state funds for school construction. A plaque on the front of the building acknowledges the association with the WPA. The Annex has plaster-covered concrete exterior walls and a side gable roof clad in terracotta tile. Similar to other buildings on the campus, the walls that face the street are sparsely fenestrated, while the south wall, facing the courtyard, is amply fenestrated with full-height windows which allow light into the classrooms along this side of the building.

The most important architectural feature of the north elevation on Haight Street is the projecting entry pavilion. This entry pavilion features a cast stone arch supported by two Romanesque columns. The main entry is flanked on either side by cast-metal light fixtures. The original doors have been replaced by contemporary metal doors. The second level is largely blank with the exception of four window openings fitted with wood casement windows. Concrete retaining walls and grates provide light and air to basement windows below grade. Part of the north façade is now obscured by olive and ficus trees.

Facing the interior courtyard, the south façade of the building responds to the steep slope of the site. The entry on this side has a large transom window. Directly above the entry is a large steel multi-light industrial window that projects outward from the wall on concrete brackets. A grid of regularly spaced fenestration dominates the rest of the south façade.

The first and second floors contain distinctive interior architectural features and materials. The main, first floor, corridor is embellished with ample cornice moldings and door/window surrounds executed in stucco in the Spanish Colonial Revival mode. The main corridor has several niches originally used as water fountains. These feature marble bases, tile backing and arched moldings above. The north wall of the main corridor has an ornate cornice molding running the length of the building. This feature is interrupted by a large arched opening flanked by square piers. Midway along the north wall of the corridor the main entry is capped by a lobed niche.

The main corridor on the second floor is not as elaborately finished as the first floor, although it has some distinctive materials and features including chamfered ceiling moldings, a running cornice molding, large square piers and small arched water fountain niches with ceramic tile backing, marble base and an eyebrow molding. The second floor corridor also has an arched barrel vault midway along its length.

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The main entry stair is the most important public space in the building. It features a wide first floor landing with built-in concrete benches and a large arched window which provides a view out over the entire campus. At the second floor landing there is an important WPA mural, titled "A Dissertation on Alchemy," painted in 1935 by muralist Reuben Kadish. This is one of two extant WPA murals at the site. It is considered one of the best examples of Kadish's work.<sup>3</sup>

Along the south wall on both floors are classrooms. Like classrooms in other buildings they retain their original plan but have undergone alterations to floor coverings and ceilings height.

**Integrity:**

Woods Hall Annex retains a high level of exterior integrity. It has not been compromised by alterations to roofing materials, cladding, fenestration or major decorative details. The front entry details continue to exhibit a high degree of workmanship. Metal fire exit doors have replaced the original doors on the primary courtyard entry of the building. There are no window replacements.

The major internal public spaces retain substantial integrity. The entry stair retains its decorative features at both landing levels. The first floor landing remains an impressive architectural space providing views and a sense of large architectural volume. The Kadish mural is an important decorative element which not only enhances the building, but has artistic merit in its own right.

The classrooms have been altered by dropped acoustic tile ceilings, modern light fixtures and carpeted floors. However, the configuration of classroom space has been minimally altered with original partitions, fenestration, plaster walls and even radiators and shelves, still in place. The corridors feature corbelled arches and inset tiled fountains that remain intact.

**Middle Hall** (Contributing)

Middle Hall, the first building constructed on the campus in 1924, is a gymnasium that originally incorporated some office and classroom spaces on the second level. It is designed in the Spanish Colonial Revival Style with stucco finished concrete walls, small recessed fenestration and a gabled terracotta tile roof. Similar to other buildings on the campus, grade changes on the site led to the building's distinctive form with the west façade being one-and-a-half stories. Middle Hall is both smaller and less elaborate in design and plan than the other campus buildings. The only building within the Teacher's College complex that does not abut the street, it forms an L with Woods Hall, creating a sheltered courtyard space between the two buildings.

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<sup>3</sup> Smithsonian Archives of American Art. "Oral History interview with Hebe Daum Stackpole and Jack Moxom.

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On the south elevation the building has two levels. The first level has a central arched entryway which is flanked by projecting buttresses and is surmounted by a decorative plaster medallion. A double concrete stair with concrete balustrades provides access to the second level. The second level is dominated by a bank of three industrial steel windows. A wide balcony runs the full-length of the upper elevation. It is surrounded by a low concrete wall with intermittent curved iron openings.

The fenestration on the north façade of Middle Hall is similar to the front elevation with three groups of steel sash industrial windows centered on the façade. This wall also has a mural dating from the 1980s. The west facade features a shed roof addition at the upper level that was not part of the original design. There are three steel industrial windows centered on the gable above it.

The east end of the building houses a "pavilion" with classrooms that have a separate entry on the upper courtyard level. Originally a staircase led from the gymnasium to the first floor level, but it has been removed. This wing of the building does not have direct access into the gym.

The interior of Middle Hall consists of a large gymnasium and a series of classrooms and offices. The gymnasium occupies the principal volume of space within the building. The space is characterized by open steel trusses, wood paneling, and multi-light steel sash windows are still in place. Following the acquisition of the Lake Merced campus of the college, the gymnasium was converted into a library. As part of recent renovations, two new computer classrooms were added on the second floor level. The classrooms, like those in other buildings have been altered with dropped acoustic tile ceilings and floor coverings.

**Integrity:**

Middle Hall retains a high level of exterior integrity. It has not been compromised by alterations to roofing materials, cladding, fenestration or major decorative details. The front entry (south elevation) details continue to exhibit notable workmanship. A small shed roof plaster clad addition has been made on the west façade of the building. This appears to have replaced a free standing structure of approximately the same size and configuration that is shown on the 1948 Sanborn Map. This addition has a Mission tile roof. It is both small and unobtrusive and does not affect the overall integrity of the building.

The principal change on the interior is the removal of the internal stair to the classrooms, described above. Classroom spaces display the same alterations and retention of original features as in other buildings.

Dental Clinic (Non-Contributing)

The Dental Clinic, located at the northeast corner of the campus, is a modern building that is not associated with the San Francisco State Teacher's College. It was constructed circa 1970. It is a two and

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one-half story structure of stucco and wood. Architecturally the building makes some attempt to reference the Spanish Colonial Revival style of the campus buildings. The Clinic is sited in the location of the 1913 Normal School building which was demolished sometime after 1957.

WPA Murals

In addition to constructing one of the campus buildings, the WPA made the Teacher's College a central focus for art in public places. The college was the location of several architectural mural projects executed under the auspices of the Works Progress Administration (WPA) during the Great Depression of the 1930s.

Of the several murals that were completed on the campus, two are still extant, one by Reuben Kadish and one by Jack Moxon, both well-known Bay Area artists of the period.

The Kadish mural in Wood's Hall Annex is divided into six panels, each portraying alchemy and science through a series of figures and symbols. The central panel portrays a large shattered egg shape entity with a highly stylized spiral emitting from its interior. Kadish had originally planned a mural portraying the splitting of the atom and this central form may be a more abstract reworking of that idea which had been considered too radical by WPA officials. In its composition and color the work shows the strong influences of David Siqueros, with whom Kadish studied, as well as the influence of European Surrealism.<sup>4</sup> Kadish, like many artists of the 1930s, had strong leftist political leanings and produced a number of controversial works including a politically charge work at the City of Hope tuberculosis center in San Francisco.

Moxom's fresco portrays a single angel with large wings that fill the recessed wall space above a door. Executed using traditional fresco technique, the angel references a subject matter associated with the Spanish Revival style of the building. However, it has a robustness, especially in the round face and outsized feet, that draws on the Mexican muralists of the period. According to Moxom, in a 1965 interview, this angel may have been one of several that he painted in the door niches of Richardson Hall.<sup>5</sup> He also may have painted a mural in the library of Richardson Hall.<sup>6</sup>

While not separate elements within the District, the murals are an important embellishment of the buildings of which they are a part. Both extant murals exhibit a high level of integrity.

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<sup>4</sup> Ibid., 20.

<sup>5</sup> Ibid., 12.

<sup>6</sup> Ibid.

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Campus Landscape

Surrounding the entire campus is a concrete city sidewalk and a series of border plantings, including olive, ficus and bottlebrush trees. On the east street elevation there is a high concrete retaining and privacy wall. This was built in the 1920s or early 1930s as a part of the Teacher's College building construction. Two large asphalt parking lots occupy the upper and lower terraces. These were constructed after 1957 to accommodate parking for the Extension Service. Internally the campus contains a series of modern paths and staircases that provide circulation between the upper and lower terraces. It is probable that this circulation system was installed concurrent with the parking lots in order to create a functional system for moving people from the parking area to and from the buildings.

On the upper terrace, an informal courtyard space is located in a small alcove formed by Woods and Middle Halls. Although poorly maintained, some of the original trees are still in place. In addition, a series of stepped courtyards are formed along the southern face of Woods Hall and the Woods Hall Annex down to the parking lot that occupies the northeastern corner of the campus. The upper and lower terraces are separated by an ivy-covered sloped area. Plantings in the center of the campus include a Canary Palm known as the "Sacred Palm." Named by San Francisco State students in the early 1940's, the tree signified a place to gather and represents a visual and conspicuous landmark on the campus. There are other large, healthy trees located on the campus, including two large ficus trees as well as olive and oak located on the lower south end parking lot against Richardson Hall.

During much of the history of the campus, buildings from the post-1906 earthquake period continued to occupy space within the campus. At the time that construction began on the first campus building designed by the State Architect's Office, one facility that had served the Normal School from 1906-1924 was retained. This was a U-shape masonry building in the approximate location of the current Dental Building. This building appears on both the 1913 and 1948 Sanborn Maps, and continued to function into the 1950s. The other temporary buildings were wood frame with wood cladding and are designated as "classrooms" on the Sanborn Maps. These buildings were constructed on an ad hoc basis in the period between 1913-1948. Both in form and appearance these buildings suggest an early version of "module units" that are often used today to expand the capacity of overcrowded schools. They were not a part of the State Architect's plans for the campus. They were sited to take advantage of available open space, without apparent regard for any coherent campus plan. The buildings were poorly designed, rudimentary in materials and construction. These are all factors which suggest that the buildings were viewed as a temporary expedient to deal with a constant rise in enrollments at the San Francisco campus. They were recognized by students and faculty alike as fire hazards and were the subject of one of the first student protests in the history of the school.

The presence of these temporary buildings, occupying much of the campus open-space, prevented the realization of any coherent central campus landscape plan. Although the parking lots are not scenic, they

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were not created at the expense of removing a planned landscape. They do not alter the physical, visual or architectural relationship among the campus buildings that contribute to the historic district.

Two isolated elements within the landscape of the campus contribute to the district. These contributing elements are the wall along Laguna Street (structure) and the Sacred Palm on the interior courtyard (object).

**Historic District Integrity**

The college campus designed by the State Architect in San Francisco as a part of the state initiated building program for the Teacher's Colleges retains its historic appearance. Very few alterations have occurred. The most apparent building alteration is the modification of the courtyard entry to the administrative wing of Richardson Hall. This consists of a wood-frame awning which projects over introduced glass doors and sidelights. These changes were made in the 1950s-1960s. Fire compliant metal crash doors have been installed at several locations on campus as well. All but two of the five known WPA murals in the buildings were removed or covered in the 1950s. Otherwise the major character defining features of the buildings remain and the campus continues to clearly convey the site plan, architecture, and feeling of an academic institution.

The San Francisco State Teacher's College campus was planned and developed by the Office of the State Architect between 1924 and 1935 as an integrated complex of educational buildings intended to meet the educational goals and daily pedagogic needs of the faculty and students. The property continues to convey its historic use as an institution of higher learning and teacher training through its overall campus plan, its architectural coherency, the integrity of the individual buildings within the district, and its decorative detailing that express educational themes in the form of statuary and murals. The complex at 55 Laguna Street is immediately recognizable as an educational campus and each of the individual buildings continues to clearly express original function through retention of classroom layout, organization of space, special program spaces and detailing. The historic district contains a significant concentration of structures that are united by plan, design and physical development.

The San Francisco Teacher's College campus retains its historic integrity. The campus plan is fully intact with all of the original buildings present. The only non-contributing building on the campus is the Dental Clinic circa 1970. This building replaced an early Normal School building and is modest in size. It is located at the southwest corner of the campus. It does not intrude on the historic building complex and in mass, volume, and height it does not detract from the historic buildings.

All of the buildings retain their integrity of location and setting. None of the buildings have been moved and no new building(s), other than the Dental Clinic, have been added to the campus. The relationship among the buildings, both physically and visually, has been maintained over time. The setting and the relationship of the campus to the surrounding neighborhood has remained consistent over time. Hayes



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Valley is predominantly a residential neighborhood made up of flats and apartment buildings constructed between the late Victorian period and the 1930s. Hayes Valley was not affected by the fire of 1906 and retains the mixture of Victorians and 1920s buildings that were present at the time the campus was constructed. Exemplary of this admixture is a large and imposing Victorian on Buchanan Street and a multi-story 1930s apartment complex at the corner of Buchanan and Haight, both directly across the street from the campus. The Moderne elements in the design of Richardson Hall resonate with the stark Federal Modernism of the nearby Federal Mint, designed in the 1930s by G. Stanley Underhill.

All of the individual buildings retain integrity of materials and overall the campus presents an appearance similar to that which existed in the period of significance ( 1924-1957). No building within the complex has been compromised by an alteration of exterior roofing materials, cladding, fenestration or major decorative details. All of the buildings, as indicated in the individual building integrity discussions above, have undergone only minor changes. The largest changes have occurred in secondary classroom spaces and many of those changes may be reversible. In terms of materials and workmanship, the largest loss occurred in the 1950s with the removal or covering of the WPA murals by Hebe Daum Stackpole and Jack Moxom in Richardson Hall and the murals by Maxine Albro and John Gerrity at Woods Hall.

The most significant landscape change on the campus is the introduction of parking lots which replaced landscaping and wood frame classrooms that were in the center of the campus. The parking lots occupy the central campus both at the upper and lower levels of the site. However, they do not appear to have destroyed the integrity of an executed internal campus landscape or circulation pattern. From very early in the history of the campus, enrollment far exceeded the projections on which the campus plan was based. Constant student pressure impelled administrators to retain some of the "temporary" buildings that occupied the interior of the campus. Over the forty eight years that the campus served as a teacher training and college facility the center of the campus might best be described as a hodgepodge of landscape features, paths and structures installed and retained on an ad-hoc and utilitarian basis.

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**SIGNIFICANCE:**

The Laguna Street campus of San Francisco State Teacher's College is significant under Criterion A of the National Register of Historic Places for its association with the development of formal teacher training in California and as one of the few surviving examples of the Teacher's Colleges that formed the basis of California's State College and University system. The Teacher's Colleges were the direct descendants of the Normal Schools established in the 19<sup>th</sup> century in California and the immediate forerunners of the State Colleges. They were heirs to the national Normal School Movement, a major effort to create uniform educational standards for teacher training and require college level certification for teachers throughout the country. California established Normal Schools in the 1870s, eventually supporting eight institutions throughout the state. In 1921, the State Legislature recognized the importance of these institutions by granting them collegiate status. The establishment of the Teacher's Colleges, in addition to raising Normal School training to a collegiate level, also marked the beginning of a multi-faceted public higher education system in California that culminated in the 1960s with the State's Master Plan for Higher Education.<sup>1</sup> In addition to enhancing the status of the Normal Schools, the legislature undertook an ambitious program of funding for new buildings to provide adequate facilities for instruction, educational study, and experimentation. The State Architect's Office was charged with undertaking this program of facility development. This was particularly important to the newly named San Francisco State Teacher's College which had been struggling since the earthquake of 1906 to provide teacher training in a jumble of temporary buildings on the former Protestant Orphanage property at Haight and Laguna Streets in the city. The four buildings designed and built by the California State Architect and the WPA between 1924 and 1935 physically embody a major achievement in the development of California teacher education. From 1924 until 1957, the period of significance, the San Francisco State Teacher's College functioned at the Laguna Street campus to educate a substantial number of California teachers, and the majority of teachers in the Bay Area. The San Francisco Normal School and the subsequent Teacher's College was a leader in educational theory, program innovation and child development. Of the several campuses built during this first phase of public college development throughout the state, San Francisco State is one of only two campuses that survives in its original setting.<sup>2</sup>

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<sup>1</sup> Two of the Normal Schools/State Teacher's Colleges eventually became a part of the University of California system; at Los Angeles and Santa Barbara. Normal Schools that became State Teacher's Colleges and later State Colleges and University's include, in addition to San Francisco, San Diego, Fresno, San Jose, Chico and Humboldt. The San Diego, Fresno, San Jose, Chico State and Humboldt Colleges were developed on the same site as the previous Teacher's College.

<sup>2</sup> The campus at Santa Barbara, which includes buildings that were purchased, as well as buildings designed by the State Architect, is the only other stand-alone Teacher's College Campus remaining. The 1920s-30s campuses at Chico State and San Diego State Universities remain partially intact, but the core Teacher's College buildings exist within the context of the larger modern campuses that were developed in the 1950s and 1960s. The San Diego Teacher's College core of buildings has been placed on the National Register of Historic Places. The Chico State complex has not been evaluated for historic significance. Fresno State University retains at least one on the buildings constructed in the 1920-1930 period of Teacher College campus development. Humboldt State retains

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The Normal School Movement

Until the early 19<sup>th</sup> century there were no formal educational training programs or standards for entering the teaching profession. In urban areas, teachers were recruited from the ranks of secondary schools and among college graduates. However, in many rural and frontier areas, teachers had only rudimentary education themselves before taking up the profession of teaching. In general, secondary teachers were drawn from among the graduates of liberal arts colleges and were not considered to need any specialized training in pedagogy until late in the 19<sup>th</sup> century.

The term "Normal" school is derived from the French "ecole normal" and implies the implementation of standardized teaching norms. It was the objective of the normal school movement to improve the quality of teacher training and to establish standards and norms for elementary school education. Less directly, but also important, were the objectives of raising the status of the teaching profession, increasing salaries and providing a means for "respectable" employment for women of modest means and financial resources.<sup>3</sup> Many reformers also wished to introduce European educational innovations, such as the kindergarten, into American schools through specialized training of teachers. The earliest programs geared to preparing individuals, primarily women, as teachers were established in private secondary schools. The first public Normal School program was instituted in Massachusetts in 1839.

A number of educational reformers took up the cause of improving the quality and increasing the quantity of American teachers. Important figures in the history of American education such as Henry Barnard and Horace Mann strongly advocated for the expansion of normal school education, particularly to meet the needs of elementary schools.

Normal Schools in California

The first normal school west of the Mississippi was established in St. Louis in 1857. In California public concern regarding the lack of professionally trained teachers led to a call for the establishment of New England style normal schools to prepare teachers for the public schools. The first effort in San Francisco in this direction was the establishment of Minns Evening Normal School.<sup>4</sup> The evening school, which met once a week, was under the direction of the San Francisco School System which required prospective and practicing teachers to attend. However, many teachers, educators and reformers felt that this was a first, but insufficient, effort and they continued to call for the establishment of a full-time program that could adequately prepare teacher's for their task.

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three of the original Teacher's College buildings, but these will be extensively altered or demolished under the campus development plan.

<sup>3</sup> Roland, Carol. "The Kindergarten Movement in California: a Study in Class and Social Feminism." Unpublished Ph.D. dissertation, University of California, Riverside, 1980, 102.

<sup>4</sup> Merlino, Maxine, "A History of the California State Normal Schools: Their Origin, Growth, and Transformation into Teachers Colleges," unpublished Ed.D. dissertation, University of Southern California, 1962, 169.

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With the support of the State Superintendent of Schools, Andrew Jackson Moulder, notable educational figures such as John Swett, and educational advocacy groups such as the California State Teacher's Institute, the California legislature passed an enabling bill in May, 1862. This bill provided for free teacher education in the State.<sup>5</sup> This legislation set up a state board with the authority to accept buildings, furniture and facilities from the San Francisco Board of Education in order to establish a normal school at San Francisco and also granted the authority to award diplomas and certificates.

San Francisco was a natural choice for the first state supported normal school given the precedent of the Minns program and the fact that the city had the largest school district in the state at the time. The local school district provided facilities for instruction in existing buildings but made no move to provide the San Francisco Normal School with its own building or campus. This situation continued from 1862 to 1871 by which time the pressure of enrollment and the often inadequate conditions of the temporary buildings led to action to provide a permanent facility. This decision resulted in a fierce competition among several cities to secure the State Normal School. In 1871 the State Superintendent of Schools selected San Jose as the site of the first permanent campus. This decision was both a response to the heavy lobbying campaign of the city, and a reflection of the view that a Bay Area location might leave the Normal School overshadowed by the "State University" at Berkeley.<sup>6</sup>

However, teacher-training courses continued to be taught in San Francisco as a part of the publicly funded Girls' High School under the auspices of Principal, John Swett. Swett was a noted California educator and strong supporter of the Normal School Movement as well as of increased professional opportunities for women.<sup>7</sup> The program was geared to prepare its graduates to embark on a post-graduation career in elementary teaching. However, the program experienced some problems combining the classical high school curriculum with the more vocationally oriented normal school training. Although it graduated a number of young women, the program operated somewhat at odds with a more general trend toward raising teacher training to the post-secondary level. The Girl's High School program was terminated in 1874.<sup>8</sup>

The 1880s saw a significant expansion of the normal school system. Population growth and expansion within the state placed increasing pressures on local school systems and created an increasing demand to make teacher training more accessible in some of the rural areas of the state. In 1881 a Southern California Normal School was established in Los Angeles. In 1887 a school was opened in Chico on land donated by General George Bidwell.<sup>9</sup> At first these institutions were viewed as branches of the school at

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<sup>5</sup>Ibid.,44.

<sup>6</sup> Ryan, Edwin. "History of Manual Training Teacher Education in California State Normal Schools." Unpublished Ed.D dissertation, University of California, Los Angeles, 1964.

<sup>7</sup> Roland.

<sup>8</sup> Ryan, 47.

<sup>9</sup>Merlino, 90.,

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San Jose, but by 1887 legislation was passed making each an independent school under the direct governance of the State Board.

In 1899 two more normal schools were added to the state system, one in San Diego and one in San Francisco. Although the San Francisco School Board displayed a somewhat apathetic attitude toward the re-establishment of a normal school within the city, the State legislature provided authorization and funding and the school was opened in rented quarters in July, 1899. With limited funding, the San Francisco Normal School struggled with inadequate physical facilities for its first several years.

The leadership of the San Francisco Normal School was placed in the hands of Frederick Burk. Burk was an important educational figure in California who enjoyed a national reputation. He graduated from the University of California in 1883 with a Bachelor of Letters degree. He taught in both public and private schools to finance his post graduate work at Stanford, receiving his M.A. in 1892. In 1896 he began studies for the Ph.D. under the tutelage of G. Stanley Hall in Massachusetts. When he returned to California he served as Superintendent of Schools for Santa Barbara in 1898-1899. He then accepted an offer to become President of San Francisco State Normal School shortly after the Legislature authorized its creation. He served as President until his death in 1924.

Undeterred by the "old, barren-looking" facilities that were provided, Burk saw new opportunities in the urban location of the school.<sup>10</sup> San Francisco had excellent secondary schools from which the Normal School could draw recent graduates. Long an advocate of more stringent entry standards for normal schools, Burk instituted admissions standards equivalent to those of the University of California. In this regard he was a pioneer both in the state and country.

Burk and his faculty also made substantial curriculum changes to the San Francisco school's program. Arguing that the normal school was:

...a technical school, ranking in character with schools of medicine, engineering, law and trade-learning... Thus the San Francisco Normal School stands for a sharp distinction between general or academic scholarship and technical or professional training special to teachers...<sup>11</sup>

Burk introduced courses on educational philosophy and its practical application in the classroom. San Francisco Normal School taught no general academic courses. They pioneered in introducing seminar based classes and practice teaching into the program.<sup>12</sup>

San Francisco Normal School quickly established itself as a center of educational debate and a progressive voice promoting higher standards for both teachers and students. Among the state's normal

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<sup>10</sup>Ibid, 173.

<sup>11</sup> Ibid, 175.

<sup>12</sup> Ibid, 186

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school facilities, San Francisco and Los Angeles took on more prominent roles as research institutions. San Francisco began publishing a series of bulletins based on faculty research and observation. In 1912 it launched a more widely circulated series of monographs on educational issues. Between 1910 and 1913 it initiated experiments regarding individual differences and the learning process. San Francisco Normal School also introduced the concept of evaluating student achievements within a specific area without regard to age or accomplishment in other subjects. In 1914 they introduced the first post-graduate course and in 1917 they added special elementary and secondary diplomas in music, physical education and playground athletics.<sup>13</sup> In addition to training large numbers of teachers in the Bay Area, San Francisco Normal School was a center of educational innovation and debate both within the state and in the larger professional educational world.

Many of the ideas pioneered at San Francisco Normal School, particularly those related to professional standards and excellence, and training curriculum were embodied in a series of major education and government policy debates from 1900 to 1919. The debates centered around defining the proper role and future of the normal schools. This debate began with a report prepared for the Governor of California that summarized the status of the five State Normal School campuses. This study revealed wide differences in orientation, curriculum and standards among the campuses.<sup>14</sup> This in turn led to several years of discussion regarding Normal School governance, the relationship of the schools to the University of California, and the proper balance between general academic education and professional training in the normal school curriculum. In the words of educational historian, Maxine Merlino, these debates "...gradually impelled the normal schools to become teachers colleges and also provided the initial impulse which transformed the Los Angeles Normal School into the southern branch of the state university."<sup>15</sup> This debate came to a head in 1919 when the legislature appointed a special committee to investigate "the problem of meeting the needs and furnishing support for the schools and educational institutions of the state." The report, commonly known as the *Jones Report*, recommended that the normal schools be transformed into teachers colleges with full collegiate status. This recommendation was passed into legislation in May, 1921. This action elevated teacher education to the post-secondary level and was the culmination of a long reform effort. It also functioned to create eight acknowledged collegiate level institutions which eventually became the California State University system.<sup>16</sup> In keeping with its change in status, the San Francisco Normal School changed its name to San Francisco State Teacher's College and, again, in 1935 to San Francisco State College.

The Campus Building Program and the Development of the San Francisco Teacher's College

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<sup>13</sup> Ibid, 312.

<sup>14</sup> Ibid, 211.

<sup>15</sup> Ibid.

<sup>16</sup> The Los Angeles Normal School was the only one of the normal schools to become part of the University of California.

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In addition to advocating for collegiate status, normal school administrators, students, and supporters had long worked for better and more adequate physical facilities for teachers-in-training. As a part of the state legislation in 1921 funding was allocated for the construction of improved campuses. For the first time training facilities were conceived to include more than a single, often overcrowded, building. The new campus plans developed by the Office of the State architect included specialized spaces designed to facilitate programs, such as kindergarten departments, elementary school programs, and observation and laboratory spaces.

The 1920s and 1930s were a period of intensive construction of new teacher college facilities in California. During this period the campus at Chico was developed with a large classroom building, library and other facilities. Similar accommodations were built at San Diego, Fresno, Santa Barbara, Humboldt and San Jose. At the same time the State Architect undertook the construction of the core UCLA campus in Westwood. This campus building represented a huge commitment of state funds to higher education, and indirectly a new level of support for elementary and secondary education in the state.

State Architect George B. McDougall initiated a Master Plan for the San Francisco campus which was to be developed in phases as funding became available.<sup>17</sup> McDougall worked closely with Fredrick Burk to insure that the physical plan of the college would facilitate and support the teacher training functions of the institution. The proposed new campus of the State Teachers' College was described as being "beautiful, imposing, healthful, and efficient." The new campus was planned to eventually accommodate 800 student teachers and 400 elementary school students."<sup>18</sup>

This "beautiful and imposing" campus was in direct contrast with the situation that existed in 1921. The site of the San Francisco Normal School was originally occupied by the Protestant Orphan Asylum. Founded in 1851, the Protestant Orphan Asylum was the first orphanage established on the West Coast. Although Hayes Valley did not burn in the fire that swept through much of the south part of the city following the earthquake of 1906, the masonry Orphan Asylum was badly damaged by the quake itself. In 1906, after briefly re-locating to Oakland, the San Francisco Normal School moved into the surviving auxiliary buildings on the Orphanage grounds where it resumed operations. Sometime prior to 1913 a masonry U-plan building was erected on the corner of Hermann and Buchanan Streets to accommodate the need for classroom space. Other wood frame structures were also hurriedly put up to accommodate classes as the need arose.<sup>19</sup>

At San Francisco the new building program was particularly important, finally removing the school from the small and make-shift quarters it had been operating in for nearly fifteen years. The Richardson Hall building expanded classroom training facilities with an entire wing dedicated to the training school. It also contained a kindergarten department, enhanced in the 1930s by Hebe Stackpole's murals of small

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<sup>17</sup> Page and Turnbull, 28.

<sup>18</sup> Ibid.

<sup>19</sup> San Francisco Sanborn Map 1913.

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children in various situations of play and learning. It was fitting that this building was initially named for Frederick Burk, long-time president of the school and a strong and persistent advocate for better facilities. Middle Hall, with its fully equipped gymnasium, enhanced the special certificate programs offered at San Francisco in athletics and physical education teaching. Wood's Hall and Woods Hall Annex provided facilities for math and science programs. The new buildings and program specific facilities played an important role in San Francisco State Teacher's College retaining its intellectual leadership in the field of education and in its remaining one of the most important and respected teacher training programs in the state.

However, situated in the most populous urban area in California, San Francisco Teacher's College experienced problems that were unique to its setting and location. Despite an aggressive building program, enrollment constantly exceeded the capacity of the campus. The 800 student limit of the campus was exceeded before construction of the complex could be completed. As a result, an older post-earthquake building was retained at the corner of Hermann and Buchanan throughout the campuses operation as the Teacher's College. In addition, a series of ad hoc, temporary frame buildings were erected to try to accommodate student enrollment. These buildings were generally poorly built, using cheap materials, and were frequently referred to as "shacks." The Depression followed by World War II brought a halt to the state's building program (the last building constructed as part of the campus plan in 1935 was undertaken by the WPA). The "temporary" buildings continued in use despite becoming increasingly dilapidated. They were widely viewed as hazards and were the object of one of San Francisco State's earliest protests in 1938.

Also unique to this campus, San Francisco State Teacher's College was a center of intense WPA activity in the city. Besides constructing the Woods Hall Annex building under the WPA program, the campus was extensively decorated with WPA murals. At least five murals, executed by San Francisco artists, Rueben Kadish, Jack Moxom, Phebe Stackpole, Maxine Albro and John Gerrity, are known to have been executed. In a 1960s Smithsonian interview with Jack Moxon claimed that there is another mural in the library or study space in Richardson Hall that he completed.<sup>20</sup> Along with WPA murals at the Rincon Annex Post Office, Coit Tower, and San Francisco City College, the Teacher's College murals are part of the legacy of the WPA in San Francisco. Out of favor for a number of years after World War II, WPA art work has been increasingly recognized both as a representation of an important historic government program and as works of art. The San Francisco Teacher's College murals are important in both of these regards. Although the artists who produced these works are not as well known as some who worked for the WPA, they are representative of the San Francisco and Los Angeles art communities that existed in the 1920s and 1930s, and they all had established regional reputations. The association of the mural work with the Teacher's College fulfilled a number of goals of the public arts program of the New Deal. It exposed an urban student population to works of art in their daily environment, and implicitly it functioned to heighten the aesthetic awareness of those who would be teaching in the public schools.

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<sup>20</sup> Smithsonian Archives of American Art, Interview with Hebe Daum Stackpole and Jack Moxom. The Turnbull report on 55 Laguna Street attributes the niche fresco to Hebe Stackpole, but in this extended oral history interview with both Stackpole and Moxom, the angel is clearly attributed to the later.



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It is quite possible that these murals are independently eligible for listing in the National Register under Criterion C under a separate WPA context. However, time constraints did not allow the development of this context within the current scope of work.

The lack of funding to continue constructing new buildings, however, was not the only factor in limiting the campus' growth. By the late 1930s school administrators had begun a campaign to acquire one of the last large parcels of land in San Francisco near Lake Merced at the western edge of the city. Acquisition and development of the western campus began in the 1940s. For nineteen years the school maintained both a "downtown" campus at 55 Laguna and the larger campus at Lake Merced. In 1957 all operations were consolidated at the Lake Merced campus. The downtown campus was transferred to the University of California, which used it as an extension program site until 2001.

The Laguna Street campus of the San Francisco State Teacher's College represents an important period in the development of teacher and higher education in California. It symbolizes the achievement of the goals of the 19<sup>th</sup>-century normal school movement including collegiate status for teacher training, increased state government support and involvement in higher education and for enhanced college facilities. In large part because the major post-1945 development of San Francisco State was undertaken at the Lake Merced campus, the Laguna Street campus continues to exemplify the teacher's college phase in the development of the state's system of higher education in a relatively pristine setting. It is one of the only campuses of this period which continues to clearly exemplify the Spanish style central court yard plan that characterized all of the Teacher's College campuses designed by the State Architect in the 1920s and 1930s.<sup>21</sup>

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<sup>21</sup> The other two campuses in which the courtyard arrangement is still identifiable are Santa Barbara and San Diego.



1 of 100 DOCUMENTS

**SAVE THE LAGUNA STREET CAMPUS, Plaintiff and Appellant, v. CITY AND COUNTY OF SAN FRANCISCO et al., Defendants and Respondents; A. F. EVANS DEVELOPMENT, INC., et al., Real Parties in Interest and Respondents.**

A124531

**COURT OF APPEAL OF CALIFORNIA, FIRST APPELLATE DISTRICT,  
DIVISION FIVE**

*2010 Cal. App. Unpub. LEXIS 3886*

**May 25, 2010, Filed**

**NOTICE:** NOT TO BE PUBLISHED IN OFFICIAL REPORTS. *CALIFORNIA RULES OF COURT, RULE 8.1115(a)*, PROHIBITS COURTS AND PARTIES FROM CITING OR RELYING ON OPINIONS NOT CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED, EXCEPT AS SPECIFIED BY *RULE 8.1115(b)*. THIS OPINION HAS NOT BEEN CERTIFIED FOR PUBLICATION OR ORDERED PUBLISHED FOR THE PURPOSES OF *RULE 8.1115*.

**PRIOR HISTORY:** [\*1]

San Francisco City and County Super. Ct. No. CPF-08-508277.

**JUDGES:** SIMONS, J. We concur: JONES, P. J., NEEDHAM, J.

**OPINION BY:** SIMONS

**OPINION**

This case arises under the California Environmental Quality Act (CEQA), *Public Resources Code section 21000 et seq.*<sup>1</sup> A. F. Evans has proposed to construct a development, known as the 55 Laguna Mixed Use Project (the Project), on the site of the former University of California, Berkeley Extension campus. The Project would include approximately 440 residential units in new

buildings and rehabilitated historic buildings, as well as retail, community, and open space. It would also result in the demolition of an historic building, a portion of a second historic building, and a retaining wall along Laguna Street. Acting through the Board, City approved certification of an environmental impact report (EIR), which concluded that the Project would have significant unmitigated impacts on historic resources at the site. Nevertheless, City found that alternatives to the Project were infeasible and that overriding considerations warranted approval of the Project. Appellant petitioned the superior court for a writ of mandate, alleging violations of CEQA. The court denied the petition. [\*2] On appeal, appellant contends City violated CEQA by finding infeasible an alternative to the Project that would have avoided demolition of historic structures on the site. We conclude City's finding is supported by substantial evidence, reject appellant's other contentions, and affirm the judgment denying appellant's petition.<sup>2</sup>

<sup>1</sup> All further undesignated section references are to the Public Resources Code.

The parties are plaintiff and appellant Save the Laguna Street Campus (appellant); defendants and respondents City and County of San Francisco (City) and the Board of Supervisors of the City and County of San Francisco (the Board);

and real parties in interest and respondents A. F. Evans Development, Inc. (A. F. Evans), a nonprofit organization called "openhouse" (openhouse), and The Regents of the University of California (Regents).

<sup>2</sup> This court gave permission to The San Francisco Preservation Consortium (amicus) to file an amicus curiae brief in support of appellant.

#### FACTUAL AND PROCEDURAL BACKGROUND

The Project is proposed to be located on 5.8 acres north of Market Street in the Hayes Valley neighborhood, on two city blocks bounded by Haight Street to the north, Laguna Street to the [\*3] east, Hermann Street to the south, and Buchanan Street to the west. Regents own the land and propose to lease the site to the Project developers.

The Project site contains four historic structures built in the 1920's and 1930's in the "Spanish Colonial Revival style of architecture" (Woods Hall, Woods Hall Annex, Richardson Hall, and Middle Hall) during the site's use by the San Francisco State Teacher's College. The site also contains substantial surface parking lot space, and a newer building occupied by the University of California, San Francisco Dental School (which is not part of the Project). The EIR prepared by City for the Project explains that the site "has been in some form of public use for over 150 years, for such uses as a Protestant Orphan Asylum (1854-1867); the State Normal School (1867-1899); San Francisco State Normal School (1899-1921); San Francisco State Teacher's College (1921-1935); San Francisco State College (1935-1957); the University of California, Berkeley Extension, San Francisco (1957-2002); and [the French-American International School] (1973-2003)."

As of January 7, 2008, the Project site is a designated historic district in the National Register of Historic [\*4] Places. The four historic buildings qualify as historical resources, and Woods Hall, Woods Hall Annex, and Richardson Hall (with the exception of its administration wing) are designated as City landmarks.

The Project would consist of a mixed-use development including approximately 430,800 square feet of residential space in approximately 440 units, up to 5,000 square feet of retail space, approximately 10,000 square feet of community facility space, and approximately 127,360 square feet of mostly

underground parking. A. F. Evans would develop approximately 330 of the units as rental housing and approximately 110 of the units would be developed by openhouse as senior housing, "welcoming" to the lesbian, gay, bisexual, and transgender (LGBT) senior community.<sup>3</sup> Between 15 percent and 20 percent of the A. F. Evans units would be affordable housing under City's inclusionary housing ordinance, the final percentage depending on the availability of tax-exempt bond financing. The 440 residential units would occupy seven new buildings as well as rehabilitated Woods Hall, Woods Hall Annex, and Richardson Hall.<sup>4</sup> The retail and community space would occupy portions of Richardson Hall. Most of [\*5] the new buildings would replace the current surface parking lots. But the Project would require the demolition of the administration wing of Richardson Hall (one-fourth of the building) to accommodate the openhouse development. The Project would also involve demolition of Middle Hall to, according to the EIR, "accommodate a proposed residential building fronting Buchanan Street[, Building 2], and stepping down the interior slope of the site."<sup>5</sup> Finally, the Project would result in the demolition of the retaining wall along Laguna Street between Waller and Haight Streets to accommodate a new building facing Laguna Street.<sup>6</sup>

<sup>3</sup> The Board's April 2008 findings under CEQA refer to 330 A. F. Evans units and 110 openhouse units. The EIR refers to 365 A. F. Evans units and 88 openhouse units.

<sup>4</sup> At a March 2008 hearing before the Board, counsel for A. F. Evans and openhouse asserted that the Project preserves 83 percent of the existing historic square footage.

<sup>5</sup> In its opening brief, appellant states that the demolition of Middle Hall is to accommodate a new residential building, but in its reply brief, appellant asserts that the demolition of Middle Hall is solely for the purpose of creating open [\*6] space, an assertion also made by amicus. However, neither appellant nor amicus argue that the EIR's description of the reasons for demolition of Middle Hall is in error.

<sup>6</sup> The Board's April 2008 findings under CEQA refer to the destruction of "the retaining walls along Laguna and Haight Streets," without further explanation. Appellant does not contend the EIR is in error on this issue.

On January 27, 2007, City's Planning Commission (the Commission) published the draft EIR (DEIR) for the Project. The public comment period ran from January 27 through May 2; on April 19, the Commission held a public hearing on the DEIR; and on November 29, City published a document entitled "'55 Laguna Street Mixed Use Project [DEIR] Comments and Responses.'" The Planning Department prepared the EIR, consisting of the DEIR, comments received during the review process, additional information that became available, and the DEIR comments and responses.

The EIR acknowledges the Project would have significant adverse impacts to historical resources. The EIR describes three alternatives to the Project: a "no project" alternative, a "preservation" alternative, and a "New College of California/Global Citizen Center [\*7] Concept Plan" (New College Plan). The preservation alternative would renovate and reuse all four historic buildings and add six new buildings, for a total of up to 332 residential units. The New College Plan envisions reuse of the four historic buildings and use of newly constructed buildings by "a private, non-profit educational institution in partnership with a non-profit green business organization," such as New College of California in partnership with the Global Citizen Center.

On December 13, 2007, seven months after the May 2 close of the public comment period and two weeks after the November 29 release of the comments and responses regarding the DEIR, appellant submitted to the Commission two axonometric <sup>7</sup> drawings of another preservation alternative prepared by architect Alan Martinez. Appellant referred to the design as the "Modified Preservation Alternative" (MPA). Although the drawings lacked floor plans, building dimensions, and other relevant details, appellant asserted that the MPA contemplated the construction of 450 residential units, the retention of Middle Hall for community use, and the retention of the Richardson Hall Annex for use by the seniors in the openhouse [\*8] building.

<sup>7</sup> An axonometric drawing is one "prepared by the projection of objects on the drawing surface so that they appear inclined with three sides showing and with horizontal and vertical distances drawn to scale but diagonal and curved lines distorted." (Merriam-Webster's Collegiate Dict., 11th ed., 2003, p. 87.)

On January 17, 2008, the Commission certified the

EIR and found that the Project will result in impacts to historical resources that cannot be reduced to a level of insignificance with mitigation measures: the demolition of Middle Hall, the administration wing of Richardson Hall, and the Laguna Street retaining wall; the potential ineligibility of the site to continue as a listed historic district; and similar negative impacts to historical resources from rezoning of the site. On February 6, 2008, appellant appealed the Commission's certification to the Board. Appellant also requested that "the pro forma for the entire Project be re-evaluated by an independent economic consultant."

An independent real estate economic consulting firm, Seifel Consulting, Inc. (Seifel), reviewed A. F. Evans's pro forma, including an estimate of the costs of constructing the MPA and the revenues [\*9] and returns that could be realized were the MPA implemented. On February 25, 2008, Seifel issued a report (Seifel Report) stating its conclusions. Seifel concluded that A. F. Evans's cost and revenue estimates were reasonable and that the MPA was financially infeasible because it would not provide enough returns to support financing, primarily due to the higher cost of the "mid-rise" construction required by the MPA.

In a letter to City dated February 26, 2008, Martinez disputed the A. F. Evans cost estimates, but he did not dispute that the MPA would require construction of taller buildings. On March 4, the Board held a public hearing on appellant's appeal of the January 17 certification of the EIR. Martinez spoke and criticized the preservation alternative in the EIR. He stated, "The opportunity of this site was really that the State could have asked for a rezoning of whatever height limits they wanted and that gave them a great opportunity to shape the buildable area on this site. I think [if] a serious preservation alternative had been done they would have asked for increased height limits in certain areas that didn't impact the surrounding area and that could have given them enough [\*10] bulk to do what they wanted to do." At the end of the hearing, the Board affirmed certification of the EIR.

In a letter dated April 8, 2008, the date of the Board's hearing on adoption of its CEQA findings, architect Arnie Lerner purported to provide a "peer review" of the MPA "cost estimate." However, the letter and an attachment provided only estimates for a few items, such as the cost of retaining Middle Hall, rather than an estimate of total costs.

On April 8, 2008, the Board adopted its CEQA findings (CEQA Findings). The Board found that "the Project provides the best balance between satisfaction of the project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the EIR." The CEQA Findings addressed the three alternatives discussed in the EIR, as well as the MPA. With regard to the MPA, the Board relied on the Seifel Report to find the MPA economically infeasible because it "requires equity investments that are unsupportable given private equity underwriting requirements." The Board found that if the mitigation measures proposed in the EIR were adopted, all environmental impacts of the Project, except impacts to historic resources, [\*11] would be avoided or reduced to an insignificant level. The Board concurred in the Commission's finding that the Project will result in specified impacts to historical resources that cannot be reduced to a level of insignificance with mitigation measures. Nevertheless, the Board found that the Project has substantial benefits to City, including the provision of rental housing (some of which would be affordable), senior housing and services welcoming to the LGBT community, a community center, publicly accessible open space, reintegration of the site into the surrounding neighborhood, retail space, adaptive reuse of three City landmarks, and fiscal benefits to City. The Project is also consistent with City policy in favor of public transit and the Project is "a nationally recognized LEED ND (leadership in energy and environmental design for neighborhood developments) pilot project." The Board found these benefits "outweigh the unavoidable adverse environmental effects to historic resources." On April 15, the Board approved various other actions in furtherance of the Project including, for example, general plan and zoning amendments and the approval of a special use district.

In April 2008, [\*12] appellant filed a petition for writ of mandate requesting, among other things, that City be directed to set aside and void all Project approvals and to comply with CEQA and other legal requirements. In May 2008, appellant filed an amended petition seeking the same relief. The trial court denied the petition and entered judgment against appellant.

## DISCUSSION

### I. Summary of Relevant CEQA Requirements

"CEQA is a comprehensive [statutory] scheme

designed to provide long-term protection to the environment." (*Mountain Lion Foundation v. Fish & Game Com.* (1997) 16 Cal.4th 105, 112 (*Mountain Lion*)). Its purpose is to ensure that public agencies regulating activities that may affect the environment give primary consideration to preventing environmental damage. (*Architectural Heritage Assn. v. County of Monterey* (2004) 122 Cal.App.4th 1095, 1100 (*Architectural Heritage*)). Pursuant to section 21083, regulatory guidelines regarding the application of CEQA have been promulgated in *California Code of Regulations, title 14, section 15000 et seq.* (hereafter Guidelines).<sup>8</sup> (*Architectural Heritage, at p. 1100 & fn. 2.*)

<sup>8</sup> Courts should give great weight to the Guidelines except when a provision is clearly [\*13] unauthorized or erroneous under CEQA. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn. 2 (*Laurel Heights*)).

The "heart of CEQA" is the EIR. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (*Goleta Valley*); *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 978 (*California Native Plant*)). "The EIR, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision making process to public scrutiny. [Citations.]" (*Planning & Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 910.) "A [\*14] public agency must prepare an EIR or cause an EIR to be prepared for any project that it proposes to carry out or approve that may have a significant effect on the environment. [Citations.] The EIR must describe the proposed project and its environmental setting, state the objectives sought to be achieved, identify and analyze the significant effects on the environment, state how those impacts can be mitigated or avoided, and identify alternatives to the project, among other requirements. [Citations.]" (*Federation of Hillside and Canyon Associations v. City of Los Angeles* (2004) 126 Cal.App.4th 1180, 1197.) A significant impact is a substantial, or potentially substantial, adverse physical change in the environment, including adverse changes to objects of historic significance. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 945; see also § 21084.1 ["A project that may cause a substantial adverse

change in the significance of an historical resource is a project that may have a significant effect on the environment.".)<sup>9</sup>

9 Section 21068 defines a "[s]ignificant effect on the environment" as "a substantial, or potentially substantial, adverse change in [\*15] the environment." Guidelines section 15382 further defines a "[s]ignificant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance." (See also *Citizens for Responsible & Open Government v. City of Grand Terrace* (2008) 160 Cal.App.4th 1323, 1333.)

"CEQA requires that an EIR, in addition to analyzing the environmental effects of a proposed project, also consider and analyze project alternatives that would reduce adverse environmental impacts. [Citations.]" (*In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1163.) According to the Guidelines: "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range [\*16] of potentially feasible alternatives that will foster informed decisionmaking and public participation. An EIR is not required to consider alternatives which are infeasible." (Guidelines, § 15126.6, subd. (a); see also *In re Bay-Delta etc.*, at p. 1163.) As defined by statute, "'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." (§ 21061.1; see also Guidelines, § 15364.)

Feasibility is also important at the project approval stage. (*California Native Plant, supra*, 177 Cal.App.4th at p. 981.) "CEQA contains a 'substantive mandate' requiring public agencies to refrain from approving projects with significant environmental effects if 'there are *feasible* alternatives or *mitigation measures*' that can substantially lessen or avoid those effects. [Citations.]" (*County of San Diego v. Grossmont-Cuyamaca*

*Community College Dist.* (2006) 141 Cal.App.4th 86, 98, quoting *Mountain Lion, supra*, 16 Cal.4th at p. 134; see also § 21002; *California Native Plant*, at p. 978.) While "potentially feasible" alternatives should be included in the EIR, at the project approval stage [\*17] the issue is whether the alternatives are "actually feasible." (*California Native Plant*, at p. 981; see also *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal.4th 341, 368-369.) Any finding of infeasibility must be supported by substantial evidence. (§ 21081.5; Guidelines, § 15091, subd. (b).)

"As relevant here, a project with significant environmental impacts may be approved only if the decisionmaking body finds (1) that identified mitigation measures and alternatives are infeasible and (2) that unavoidable impacts are acceptable because of overriding considerations. [Citations.]" (*California Native Plant, supra*, 177 Cal.App.4th at p. 982.) A public agency's statement of overriding considerations is "an express written determination that the project's benefits outweigh any potential environmental harm. [Citations.]" (*Id.* at p. 983.) Under section 21081, subdivision (b), the agency must find "that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment." "While the mitigation and feasibility findings typically focus on the feasibility of specific proposed alternatives [\*18] and mitigation measures, the statement of overriding considerations focuses on the larger, more general reasons for approving the project, such as the need to create new jobs, provide housing, generate taxes, and the like. [Citation.]" (*Concerned Citizens of South Central L.A. v. Los Angeles Unified School Dist.* (1994) 24 Cal.App.4th 826, 847.) The public entity's statement of overriding considerations must be supported by substantial evidence. (*California Native Plant*, at p. 983.)

On appeal from denial of appellant's petition for writ of mandate, this court reviews City's actions, not the trial court's decision. (*California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 185.) We independently review the administrative record to determine whether City prejudicially abused its discretion by failing to proceed in a manner required by law, or by rendering a decision unsupported by substantial evidence. (§ 21168.5; *California Native Plant, supra*, 177 Cal.App.4th at p. 984.) This court determines de novo whether City employed the correct procedures under CEQA. (

*California Native Plant*, at p. 984.) On the other hand, we apply the "highly deferential" [\*19] substantial evidence standard of review to City's factual determinations. (*Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 572.) Guidelines section 15384, subdivision (a), defines "substantial evidence" as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." To support a fair argument, "substantial evidence includes fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact," but not "argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." (§ 21080, subd. (e)(1) & (2); see also Guidelines, § 15384.) "The agency is the finder of fact and we must indulge all reasonable inferences from the evidence that would support the agency's determinations and resolve all conflicts in the evidence in favor of the agency's decision." [Citation.] That deferential review standard flows from the fact that 'the agency has the discretion [\*20] to resolve factual issues and to make policy decisions.' [Citation.]" (*California Native Plant*, at p. 985.) The decision of the lead agency is "presumed correct," and the party seeking a writ of mandamus "bear[s] the burden of proving otherwise." (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 674 (*San Franciscans*)).

## II. Substantial Evidence Supports City's Finding That the MPA Is Infeasible

In this case, City found that the preservation alternative discussed in the EIR and the MPA are infeasible on economic grounds. In particular, City accepted the conclusion of an independent economic consulting firm, Seifel, that the preservation alternative and the MPA did not have high enough profit potential to attract the type of equity investment necessary to fund the development. Appellant contends the Seifel Report does not constitute substantial evidence to support the finding that the MPA is infeasible.<sup>10</sup> We disagree.

<sup>10</sup> Appellant fails to present any reasoned argument that City erred in finding that the preservation alternative is infeasible. Appellant

merely asserts that the reasoning applicable to the MPA also applies to the preservation [\*21] alternative, and that the California Department of Parks and Recreation Office of Historic Preservation sent a letter to City in support of the preservation alternative. However, the Seifel Report indicates that the problem with the preservation alternative is lack of enough units to produce sufficient revenue, not higher construction costs, which is the problem with the MPA.

### A. The Seifel Report

A. F. Evans retained Seifel "to provide an independent financial evaluation of the proposed residential development and three project alternatives for 55 Laguna Street in San Francisco." Appellant does not dispute Seifel's qualifications to advise City on the issue of economic feasibility. According to the firm's statement of qualifications, Seifel is "an economic consulting firm providing strategic real estate and urban economic advisory services to public agencies, institutional investors and developers . . . . Seifel has specialized expertise in the areas of public-private development transactions, redevelopment and other public financing techniques, affordable housing feasibility and funding, and fiscal and economic impact analysis." Seifel has experience working with numerous San Francisco [\*22] agencies and other public entities statewide, and on projects in numerous San Francisco neighborhoods. The firm identifies "real estate economics" as the "foundation" for its work and explains: "It is a technical discipline that provides insight into the real estate market through tools such as site analysis, market research, financial feasibility, and highest and best use studies. [Seifel] combine[s] insight into the real estate market with a well-honed foundation in cash flow modeling, asset valuation, and other analytical methods."

The Seifel Report, dated February 25, 2008, scrutinized the cost estimates in A. F. Evans's pro forma for the Project (referred to in the report as the "preferred project") and the alternatives. The Seifel Report summarized the cost estimates as follows: "A. F. Evans[s] construction costs for the preferred and preservation alternatives are based on estimates from Cahill Contractors[, Inc.,] completed in Fall 2007. The cost estimates for the [MPA] are based on an extrapolation from these estimates based on differences

in anticipated construction costs due to changes in construction type and complexity associated with historic rehabilitation." A. F. Evans [\*23] estimated that the "hard" construction costs for the MPA would be \$ 401 per square foot, as compared to \$ 330 per square foot for the preferred project. A. F. Evans's estimates were for its construction costs, excluding the separately financed units to be built by openhouse.

The Seifel Report concluded that A. F. Evans's costs estimates were reasonable: "These hard costs are within the range of other projects that we have reviewed and the construction costs reported in the 2006 San Francisco Inclusionary Housing Study. This Study surveyed a variety of development projects citywide in 2006 and found that average construction costs" were "about [20] percent higher, for midrise construction."<sup>11</sup> Mid-rise construction contemplates buildings made out of concrete rather than wood frame structures. This largely accounted for the higher cost of the MPA: "The 21 percent increase in hard costs/sf between the [MPA] and the preferred project is reasonable given the greater amount of historic rehabilitation that would be accomplished and the higher cost of midrise construction, which is . . . substantially more expensive than wood frame construction." The report also concluded it was reasonable [\*24] that the construction costs of Cahill Contractors, Inc. (Cahill), were about 10 percent higher than those in the study, given the "complex site grading work and historic rehabilitation of existing structures."

11 Appellant asserts that the conclusion that mid-rise construction is more expensive is unsupported, but appellant fails to acknowledge the Seifel Report's reliance on the 2006 San Francisco Inclusionary Housing Study.

The Seifel Report then proceeded to explain the difficulties A. F. Evans faced in obtaining financing for the Project. As explained in the report, the amount of a traditional commercial loan is based on the revenue the project "could currently be expected to generate, as if it were already constructed and operating at stabilized occupancy." However, all three of the relevant development proposals--A. F. Evans's preferred project, the preservation alternative, and the MPA--lack a sufficient potential revenue stream to support total development costs. For example, A. F. Evans's preferred project "has a total development cost of \$ 171.0 million, and after taking into account contributions from

openhouse and tax credits, it would require a construction loan of \$ 157.8 [\*25] million, which is substantially more than the capitalized value of \$ 118 million." A. F. Evans plans to overcome this obstacle by finding an equity investor "able to guarantee the difference between the construction [loan] and the potential value of the project." The Seifel Report explains the investor's motivation: "The equity investor receives a fee and a share of project profits in exchange for its guarantee. When the project converts from a construction loan to a permanent loan (projected to occur in 2015), the equity investor must also contribute the difference between the outstanding construction loan and the maximum supportable permanent loan. This difference is estimated to be \$ 30.2 million for the preferred project, \$ 37.4 million for the preservation alternative and \$ 63.2 million for the [MPA]. The investor would look to recover this investment when the project is sold. The scale of the guarantee and the subsequent cash investment in the project limits the potential pool of investors to large, established equity investors." (Fn. omitted.)

The Seifel Report also explains the difficulty in financing either of the preservation alternatives: "We spoke to several institutional [\*26] equity investors in order to confirm the terms of this type of financing structure, their underwriting considerations and the returns required for them to pursue the investment. The investors would typically look for this type of project to require equity of no more than 15 to 20 percent of the value of the construction loan. . . . [T]he preferred project is within this range, but the alternatives require equity of 30 to 33 percent of the construction loan, making it unlikely that investors would underwrite these investments." The report further explains: "Given the size and [the] risk of this project, investors stated that they would require an internal rate of return in the high teens to low twenties on their equity investment in exchange for their involvement in the project. . . . [P] [T]he preferred project is the only project alternative with sufficient proceeds from the sale of the development to produce the required returns. While the financial performance of the preservation [alternative and the MPA] could improve if operating expenses were lower, our analysis indicates that net operating income would not likely change enough to result in a project that institutional investors [\*27] and/or lenders would consider funding given stated underwriting standards." The Seifel Report concludes: "In summary, Seifel . . . concurs with the developer that the preferred project is



the only financially viable development program. Our analysis demonstrates that even the preferred project is challenged to meet investor hurdle rates given the risks associated with a project of this complexity. The three alternatives require equity investments that are unsupported given private underwriting requirements."

The Board's CEQA Findings describe the Seifel Report and explain the reasoning underlying the conclusion that the MPA is infeasible. The findings rely on the Seifel Report to find the MPA economically infeasible because the MPA "requires equity investments that are unsupported given private equity underwriting requirements." The findings conclude: "Because the [MPA] is financially infeasible and is unlikely to be implemented, it would not provide to . . . City the significant benefits of the proposed project . . . , but may result in the property remaining vacant for an indefinite period of time, resulting in continuing deterioration of the three City landmarks on the site and [\*28] continuing safety and security problems for neighbors."

#### B. Appellant's Contentions

Appellant bears the burden of demonstrating that the Seifel Report, on which the finding of infeasibility is based, is "clearly inadequate or unsupported." (*Laurel Heights, supra*, 47 Cal.3d at p. 409, fn. 12; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1467-1468 (*Save Round Valley*); *State Water Resources Control Bd. Cases* (2006) 136 Cal.App.4th 674, 795.)<sup>12</sup> As noted previously, appellant does not contend Seifel was unqualified to perform the economic analysis reflected in the report. Neither does appellant dispute Seifel's analysis of the difficulty of securing financing for the Project or Seifel's statements regarding the equity percentage and returns required by the type of equity investor needed to finance the Project. Instead, appellant questions the A. F. Evans cost estimates for the MPA, which estimates were accepted as reasonable in the Seifel Report. As support, appellant points to a February 26, 2008 letter submitted by Martinez, reporting on an informal survey he conducted regarding construction costs. Martinez wrote: "I have recently questioned several architects [\*29] and developers for the hard construction costs for multiunit residential projects and have come up with a range of answers from a low of \$ 180 per square foot to a high of about \$ 270 per square foot." Regarding the cost estimate for the MPA in the Seifel Report, the Martinez letter states: "The statement that the [MPA]

would have a higher per square foot construction cost is unsubstantiated in [the Seifel Report], and is only supported by A. F. Evans[s] claim that it is true. Recent experience shown by the projects [in Martinez's informal survey] has been that all-concrete construction (even type 1) now can be cheaper than wood or steel frame construction so an appeal to higher expense due to a difference in type of construction is simply not true anymore." The Martinez letter concludes, "The type of construction shown in the [MPA] is not so remarkably different from the construction shown in [A. F. Evans's] preferred [project] to justify a claim of a higher per square foot construction cost, and even if it was a different type of construction that in itself would not now justify a claim of higher construction costs."

12 These cases are in the context of review of findings in an EIR, [\*30] which are also reviewed for substantial evidence.

The Martinez letter fails to undermine the Seifel Report. The letter fails to acknowledge the Seifel Report's reliance on construction costs reported in the 2006 San Francisco Inclusionary Housing Study, which appears to be more reliable than Martinez's informal survey of "several" architects and developers. The Martinez letter does not state that any of the projects he surveyed involved historical preservation and rehabilitation, which the Seifel Report explains accounts in part for Cahill's higher cost estimates. Finally, the Martinez letter does not indicate he has any expertise in estimating construction costs or provide a reasoned explanation for his assertion that the MPA, which requires buildings of greater height, would not be more expensive.<sup>13</sup> (See *San Franciscans, supra*, 102 Cal.App.4th at p. 695, fn. 23 [witness testimony that expert underestimated value of commercial rental space and that alternate tenants were available did not undermine expert opinion regarding economic infeasibility of preservation alternatives].) In any event, this court is obligated to resolve conflicts in the evidence in favor of City, including conflicting [\*31] expert opinions. (*Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317; see also *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1397 (*Irrigated Residents*) ["When the evidence on an issue conflicts, the decisionmaker is 'permitted to give more weight to some of the evidence and to favor the opinions and estimates of some of the experts over the others.' [Citation.]; *Laurel Heights, supra*, 47 Cal.3d at p. 409 ["It is also well established

that '[d]isagreement among experts does not make an EIR inadequate.' [Citation.]")<sup>14</sup>

13 Elsewhere in its briefs, appellant disputes that the MPA would include taller buildings, but appellant cites to nothing in the record supporting its position and fails to explain how the MPA could preserve all of the historic structures and include as many units as A. F. Evans's proposal without taller buildings. In fact, Martinez, who conceived of the MPA, told the Board that a "serious preservation alternative" would involve "increased height limits."

14 Appellant also quotes a letter submitted to City from Lerner + Associates asserting that historic preservation tax credits would provide a "net gain of about \$ 450,000 [\*32] to the project [developer] per" the Seifel Report. However, that does not undermine the Seifel Report or its conclusions; the Seifel Report states those credits are factored into the A. F. Evans cost estimates. Appellant also cites to testimony from Cynthia Servetnick, who holds a degree in architecture, that it is "common sense" that the A. F. Evans cost estimates for the MPA are wrong. That assertion obviously does little to undermine the Seifel Report.

Appellant cites language from *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1181, that "The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project." That quotation supports the Board's finding of infeasibility; the Seifel Report concluded not just that the MPA is more expensive, but also that financing for the MPA would be unattainable. (See also *Save Round Valley*, *supra*, 157 Cal.App.4th at p. 1461.) This case bears some similarity to *San Franciscans*, which involved [\*33] a redevelopment project planned for the site of the former Emporium store in downtown San Francisco. (*San Franciscans*, *supra*, 102 Cal.App.4th at p. 666.) An independent expert considered various alternatives to the proposed project, which alternatives included more preservation and rehabilitation of the former store. (*Id.* at pp. 693-694.) The expert's analysis showed that the preservation alternatives were more costly and provided

lower projected income streams and profitability, which decreased the availability of private investment sources and required more financing with public resources. (*Id.* at p. 694.) The expert concluded the developer's preferred project was the only economically feasible option because it was the only option in which the increased tax revenues generated by the project would be sufficient to cover the entire public investment. (*Ibid.*) In concluding that the infeasibility findings were supported by substantial evidence, the *San Franciscans* decision stated: "The [c]ity and its agencies made every effort to mitigate the environmental impacts of the [p]roject as much as possible, requiring numerous changes and amendments that ultimately resulted in a proposal that [\*34] preserves the most significant architectural and historic elements of the Emporium Building while revitalizing a major downtown area at a cost the [c]ity could afford." (*Id.* at p. 695.)

City found that redevelopment of the 55 Laguna Street campus requires a similar balancing of preservation and profitability, and substantial evidence supports City's finding that the MPA is infeasible on economic grounds.<sup>15</sup>

15 Because we conclude City's finding on feasibility is supported by substantial evidence, we reject appellant's challenge to the Board's statement of overriding considerations. Appellant's only argument on the issue is that it was improper for the Board to adopt a statement of overriding considerations where there were feasible alternatives to the Project.

#### C. Additional Arguments Regarding Feasibility Made by Amicus

Amicus presents a string of additional arguments regarding City's finding that the MPA is infeasible, none of which are raised by appellant on appeal and none of which appear to have been presented to City below.<sup>16</sup> Amicus's arguments are calculated to raise doubts about the conclusion in the Seifel Report that the MPA would be more expensive because of the greater amount [\*35] of rehabilitation and because the taller buildings would be more expensive to construct.<sup>17</sup>

16 This court normally does not address arguments presented only in an amicus curiae brief. (See, e.g., *Neilson v. City of California City* (2005) 133 Cal.App.4th 1296, 1310-1311, fn. 5.)

Moreover, this court normally does not address grounds that were not presented to the lead agency during the administrative CEQA compliance process. (*State Water Resources Control Bd. Cases, supra, 136 Cal.App.4th at pp. 794-795.*) Because amicus's contentions plainly fail to show the infeasibility finding is unsupported by substantial evidence, we need not determine whether we should decline to consider amicus's arguments on either of those grounds.

17 Amicus also asserts that an additional alternative was presented to City in an April 8, 2008, letter from architect Arnie Lerner. Amicus characterizes this alternative as a "'low tech' proposal simply to retain Middle Hall, instead of tearing it down for open space." In fact, the Lerner letter only purports to be a cost estimate for the MPA, not yet another alternative. Amicus cites to no other portion of the record supporting its assertion that Lerner presented a [\*36] separate alternative to City.

Amicus also contends that the Seifel Report fails to include tax-exempt bonds, associated with the affordable housing component of the A. F. Evans development, as a source of funds for the MPA. In fact, the Seifel Report describes tax-exempt bonds as a funding source for the preferred project, the preservation alternative, and the MPA. Amicus has not shown that the feasibility calculations in the Seifel Report fail to account for tax-exempt bond financing, or that any omissions could have affected the report's conclusions.

On the rehabilitation issue, amicus points out that Cahill's estimates show that rehabilitation is actually less expensive than new construction. However, amicus cites to nothing in the record showing that each square foot of additional rehabilitation under the MPA would translate into one fewer square foot of necessary new construction. Thus, amicus has not shown that the MPA would not result in some overall additional rehabilitation work without a corresponding decrease in new construction. In any event, according to the Seifel Report, the higher cost of the MPA is primarily due to the higher cost of mid-rise construction.

On the mid-rise [\*37] construction issue, amicus asserts that Cahill indicated that construction of a taller

building would cost only \$ 1 million more because, in estimating the cost of the preservation alternative, Cahill included a notation "Note--[openhouse] building not included[.] Add \$ 1,000,000 premium for high[-]rise." <sup>18</sup> However, that notation is too lacking in context or explanation to undermine the Seifel Report's analysis, particularly where that analysis is supported by a study of San Francisco construction costs. <sup>19</sup> Moreover, the Cahill notation is, at most, conflicting evidence that cannot justify overturning City's finding of infeasibility. (*California Native Plant, supra, 177 Cal.App.4th at p. 985.*)

18 At oral argument, appellant argued that, in estimating the cost of the MPA, the Seifel Report should have used a Cahill estimate of the cost of mid-rise construction for the preservation alternative. We understand this to be a reference to the \$1 million "premium for high[-]rise" notation discussed herein. Appellant has provided no record citation for a Cahill estimate of the cost of mid-rise construction for the preservation alternative, which (aside from the openhouse building) includes [\*38] only buildings three to four stories tall.

19 Like appellant, amicus ignores that the Seifel Report cites to the 2006 San Francisco Inclusionary Housing Study as support for its conclusion that the A. F. Evans cost estimates are reasonable.

Finally, amicus argues it was improper for A. F. Evans to estimate for the MPA across the board construction cost increases of over 20 percent, where not all of the new buildings in the MPA are significantly higher than those in the Project. Amicus asserts that only one of the buildings in the MPA "is significantly taller than the four-story buildings that [A. F. Evans] plans for the campus." Our analysis of this argument is impeded by the lack of detail in the MPA, submitted by appellant in an untimely fashion, seven months after the May 2007 close of the public comment period. <sup>20</sup> The axonometric sketch that constitutes the MPA lacks any building heights or other details, and A. F. Evans necessarily was required to assign building dimensions and allocate the residential units in order to come up with a cost estimate. Subsequently, Martinez, who conceived of the MPA, accepted the assumption that the MPA would require concrete construction, and he did [\*39] not argue that such construction would be limited to one building or

provide details regarding building heights in order to undermine the A. F. Evans cost estimate.

20 The Board's CEQA Findings assert that City was not required to address the MPA. The findings cite to section 15207 of the Guidelines, which provides that a "lead agency need not respond to late comments" to an EIR. Because we conclude substantial evidence supports City's finding of infeasibility, we need not consider whether City could have declined to address the MPA.

Moreover, the one building (building B-4) in the MPA that amicus admits is significantly taller than any of the buildings in the Project as proposed by A. F. Evans would contain nearly 40 percent of the units to be constructed by A. F. Evans under the MPA. Accordingly, a substantial increase in the cost of constructing that building alone would have a significant impact on the overall construction cost. This is important because the Seifel Report concludes that the Project as proposed is already "challenged to meet investor hurdle rates given the risks associated with a project of this complexity." The report explains that investors would typically look for [\*40] a project of this type to require equity of "no more than 15 to 20 percent of the value of the construction loan." The Project as proposed will require equity of 19 percent of the value of the loan, so any significant increase to the construction cost is likely to render the Project financially infeasible under the Seifel Report's analysis. The Seifel Report projects the MPA will require equity of 33 percent of the value of the construction loan. Accordingly, even if its analysis is imperfect, amicus has not shown that any flaws affect the fundamental conclusion that the MPA is financially infeasible.

The Seifel Report is the type of expert opinion that can provide substantial evidence for City's infeasibility finding. (See *San Franciscans*, *supra*, 102 Cal.App.4th at pp. 694-695 [relying on opinion of independent real estate valuation expert to support the city's finding of economic infeasibility of alternatives].) As explained by the California Supreme Court, "the issue is not whether the studies are irrefutable or whether they could have been better." (*Laurel Heights*, *supra*, 47 Cal.3d at p. 409.) Amicus has not shown that the Seifel Report is so "clearly inadequate or unsupported" [\*41] that it cannot constitute substantial evidence in support of City's

finding of infeasibility. (*Id.* at p. 409, fn. 12.)<sup>21</sup>

21 Respondents fail to address any of the specific contentions made by Amicus regarding the Seifel Report, asserting that this court is not required to "inquire into the purely factual basis of the infeasibility findings at issue here in order to determine the validity of those findings." Respondents are mistaken. If the conclusions in the Seifel Report lack factual support, the report would not constitute substantial evidence. (§ 21080, subd. (e)(1) & (2); see also *Laurel Heights*, *supra*, 47 Cal.3d at p. 409, fn. 12 ["A clearly inadequate or unsupported study is entitled to no judicial deference."].)

### III. Appellant's Contention That the EIR Must Be Recirculated

Appellant contends the EIR must be recirculated with evaluation of the MPA. However, appellant fails to provide any authority that City is obligated to recirculate the EIR to include discussion of a late-presented alternative that the lead agency has found to be infeasible.

Guidelines section 15088.5, subdivision (a), provides in part that "A lead agency is required to recirculate an EIR when significant new information [\*42] is added to the EIR after public notice is given of the availability of the draft EIR for public review . . . but before certification." (See also § 21092.1.) The Guidelines specify that "[s]ignificant new information" (Guidelines, § 15088.5, subd. (a)) includes a disclosure that "[a] *feasible* project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it" (Guidelines, § 15088.5, subd. (a)(3), italics added). The Guidelines also state that new information is *not* significant unless failure to recirculate would deprive the public of an opportunity to comment "upon a substantial adverse environmental effect of the project or a *feasible* way to mitigate or avoid such an effect (including a *feasible* project alternative) that the project's proponents have declined to implement." (Guidelines § 15088.5, subd. (a), italics added.) Because we have upheld City's determination that the MPA was not a feasible alternative, City was not required to recirculate the EIR under section 15088.5, subdivision (a) of the Guidelines.<sup>22</sup> (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*

(2007) 40 Cal.4th 412, 447.) [\*43] Appellant has identified no other authority supporting the proposition that City was required to recirculate the EIR with discussion of the MPA.<sup>23</sup>

22 We need not consider whether City actually "added" new information about the MPA to the EIR before certification. (Guidelines, § 15088.5, subd. (a).)

23 "CEQA requires that governmental agencies consider reasonable alternatives. It is not limited to alternatives proposed and justified by objectors [to an EIR]." (*Citizens of Goleta Valley v. Board of Supervisors*, supra, 197 Cal.App.3d at p. 1178.) The discussion of alternatives in the EIR must be sufficient "to allow informed decision making." (*Laurel Heights*, supra, 47 Cal.3d at p. 404.) In this case, the EIR discussed a "no project" alternative, a housing development alternative that preserved all historic buildings, and an educational development alternative that preserved all historic buildings. (Cf. *Laurel Heights*, at p. 404 ["The EIR prepared by [the University of California, San Francisco,] contains no analysis of any alternative locations."].) Appellant does not argue that the EIR is flawed because the MPA (or its equivalent) should have been included in the original EIR; that is, [\*44] appellant does not contend that the EIR does not discuss an adequate range of alternatives.

Also on point is the California Supreme Court's decision in *Goleta Valley*, supra, 52 Cal.3d 553. There, the court concluded that the decision of a county board of supervisors to reject as infeasible certain alternatives to a resort hotel project was supported by substantial evidence. (*Id.* at p. 559.) In addition to concluding that the findings were supported by the evidence in the record, the court concluded that, because the objector to the project suggested the additional alternatives after expiration of the comment period, the lead agency did not err in making administrative findings that the additional alternatives were infeasible, rather than analyzing the late-presented alternatives in a supplemental EIR. (*Id.* at pp. 569-570.) The same reasoning is applicable in this case, where the MPA was not presented to City until seven months after close of the comment period.

### III. The EIR's Cumulative Impact Analysis

"[A] cumulative impact of a project is an impact to

which that project contributes and to which other projects contribute as well. . . ." (*Sierra Club v. West Side Irrigation Dist.* (2005) 128 Cal.App.4th 690, 700.) [\*45] The Guidelines define "[c]umulative impacts" as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." (Guidelines, § 15355.) "Proper cumulative impact analysis is vital 'because the full environmental impact of a proposed project cannot be gauged in a vacuum. One of the most important environmental lessons that has been learned is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant when considered individually, but assume threatening dimensions when considered collectively with other sources with which they interact.' [Citations.] '[C]onsideration of the effects of a project or projects as if no others existed would encourage the piecemeal approval of several projects that, taken together, could overwhelm the natural environment and disastrously overburden the man-made infrastructure and vital community services. This would effectively defeat CEQA's mandate to review the actual effect of the projects upon the environment.' [Citation.]" (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214-1215.)

Section [\*46] 15130, subdivision (b)(1)(B) of the Guidelines provides that, in describing cumulative impacts, an agency may rely on and incorporate into an EIR a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or areawide conditions contributing to the cumulative impact. The DEIR and EIR state that they "analyze[] the cumulative impacts of the proposed project in light of the policies and principles established in the Market and Octavia . . . Neighborhood Plan, which is the current tool for guiding development within this area, as well as the Plan's potential impacts to historic resources as identified in the Neighborhood Plan Draft EIR." Appellant contends the EIR's cumulative impact analysis is flawed because the Market and Octavia Neighborhood Plan (Neighborhood Plan) and the Neighborhood Plan EIR had not been adopted or certified when the DEIR was published on January 27, 2007. Instead, the Neighborhood Plan EIR was certified by the Planning Commission on April 5, 2007, prior to certification of the EIR on January 17, 2008.<sup>24</sup>

24 It is unclear [\*47] when the Neighborhood Plan was adopted, but the Neighborhood Plan EIR is the document with the information relevant to the cumulative impacts analysis.

The draft Neighborhood Plan EIR stated that "no significant impacts to historical resources from the proposed plan have been identified that could combine with past, present or future impacts" and, thus, "the cumulative impacts resulting from the [Neighborhood] Plan would be less than significant." The final Neighborhood Plan EIR was certified in April 2007 with "no significant revisions" to the draft. Relying on the Neighborhood Plan EIR, the DEIR and EIR conclude there are no significant cumulative impacts to historic resources. The DEIR and EIR reason: "The Draft EIR for the [Market and Octavia] Area Plan did not identify any significant impacts to historic resources resulting from implementation of the Plan. Since no significant impacts to historic resources were identified as part of implementation of the Area Plan, the significant impacts to historic resources associated with the proposed project would not combine with other potential impacts to historic resources in the Market and Octavia neighborhood to form a significant adverse [\*48] cumulative impact. In other words, the loss of the existing historic buildings and structures on the project site, as well as the site itself as a potential campus historic district, would not be cumulatively considerable in light of the absence of potential impacts to other historic resources in the larger Market and Octavia neighborhood. . . ."

Even if the DEIR violated section 15130, subdivision (b)(1)(B) of the Guidelines by relying on an uncertified Neighborhood Plan EIR, the document had been certified, without any significant changes, by the time the EIR was certified. Appellant has not shown that the DEIR's reliance on the draft Neighborhood Plan EIR provides a basis to invalidate the cumulative impact analysis in the EIR. This is particularly true where appellant has not identified any prejudice resulting from the DEIR's citation to the uncertified Neighborhood Plan EIR. (See *Irritated Residents, supra*, 107 Cal.App.4th at p. 1391 ["[A] prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." [Citation.]].) City's finding [\*49] of no significant cumulative impacts is supported by substantial evidence. (See *Gray v. County of Madera (2008)* 167 Cal.App.4th 1099, 1128.)

#### DISPOSITION

The trial court's judgment is affirmed. Costs to respondents.

SIMONS, J.

We concur.

JONES, P.J.

NEEDHAM, J.