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730 STANYAN STREET DEVELOPMENT PROJECT

Response to Comments on the FONSI

1. Introduction

1.1 Purpose

This document contains public comments received on the Combined Finding of No Significant Impact and Notice of Intent to Request Release of Funds (FONSI/NOIRROF) published, posted and mailed by the Mayor's Office of Housing and Community Development (MOHCD) on January 11, 2018, and the responses to those comments for 730 Stanyan Project (project). This document serves as evidence of MOHCD's consideration of the comments received and of MOHCD's responses to those comments.

Although the Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) regulations do not require response to comments on a Draft Environmental Assessment (EA), U.S. Department of Housing and Urban Development (HUD) regulations (24 CFR § 58.43(c)) require responsible entities to consider the comments of the public and make modifications, if appropriate, in response to the comments, before it completes its environmental certification and before the recipient submits its RROF.

MOHCD received 21 comments on the FONSI/NOIRROF. The comments are attached to this response at Appendix A. This document responds to all substantive comments on the FONSI and the EA on which the FONSI is based.

1.2 Environmental Review Process

MOHCD, acting for HUD, is the responsible entity for implementing NEPA requirements for the Proposed Action. The Proposed Action is the approval of HUD funding for the proposed project. MOHCD intends to request the release of an estimated \$16,000,000 in Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended to undertake the project known as the Stanyan Street Development project. Approval of HUD funding is subject to NEPA and HUD NEPA regulations at 24 CFR Part 58.

MOHCD, as the responsible entity for programs subject to 24 CFR Part 58, prepared an EA for the 730 Stanyan Street Development project using the HUD recommended format. The EA was prepared in accordance with HUD guidelines and in compliance with the standards articulated in

24 CFR §§58.40(a) through (f) as well as CEQ Regulations.¹ Other regulatory requirements addressed under the Proposed Action include the following:

- Section 106 of the National Historic Preservation Act
- Section 7 of the Endangered Species Act
- Executive Order 11988 - Floodplain Management
- Executive Order 11990 - Wetland Protection
- Executive Order 12898 – Environmental Justice
- All statutes and regulations listed at 24 CFR Parts 58.5 and 58.6
- Compliance with applicable state and local codes, ordinances, and regulations

MOHCD, in accordance with 24 CFR §58.43(g), made a finding that the project was not an action that would result in a significant impact on the quality of the human environment and proceeded as required by Part 58 to dissemination of the finding as required by 24 CFR §58.43. As permitted by 24 CFR §58.43, MOHCD disseminated the FONSI at the same time it disseminated the NOIRROF as required by 24 CFR §58.70.

The combined notice was published on January 11, 2018 on MOHCD’s Environmental Review website at <http://sfmohcd.org/environmental-reviews>, posted via a legal notice in the *San Francisco Examiner*, and mailed to 2,001 recipients.²

The comment period for the FONSI and NOIRROF ended on February 11, 2018. The Director of MOHCD as Certifying Officer held the public comment period open for 30 days.

¹ 24 CFR §58.40 requires the responsible entity to ensure the following elements are considered when preparing the EA:

- (a) Determine existing conditions and describe the character, features and resources of the project area and its surroundings; identify the trends that are likely to continue in the absence of the project.
- (b) Identify all potential environmental impacts, whether beneficial or adverse, and the conditions that would change as a result of the project.
- (c) Identify, analyze and evaluate all impacts to determine the significance of their effects on the human environment and whether the project will require further compliance under related laws and authorities cited in §58.5 and §58.6.
- (d) Examine and recommend feasible ways in which the project or external factors relating to the project could be modified in order to eliminate or minimize adverse environmental impacts.
- (e) Examine alternatives to the project itself, if appropriate, including the alternative of no action.
- (f) Complete all environmental review requirements necessary for the project’s compliance with applicable authorities cited in §§58.5 and 58.6.

² This list consisted of federal, state, regional and local agencies, and private groups, representatives of Native American groups, and individuals within a two to three-block radius of the project site (which covers a radius of approximately 600 feet to 1,375 feet from the project site).

During the 30-day comment period, MOHCD received timely comments from 21 residents and organizations. There are no revisions to the EA as a result of comments presented during this period.

1.3 Document Organization

Following this introduction, Section 2 contains any changes to the Project Description or Project EA since publication of the FONSI, Section 3 contains a list of all persons and organizations who submitted written comments on the FONSI/NOIRROF. The comments received are reproduced in Appendix A. Section 4 contains a summary of the comments received on the EA and responds to those comments.

2. Modifications to the 730 Stanyan Project

2.1 Modifications to the Project Description

There are no substantive changes to the project as described on page 2 of the EA. In response to several comments requesting parking for the project, during the planning process MOHCD and the project developer will consider potential parking options during the City planning and entitlement processes; however, no on-site or off-site changes are proposed at this time.

2.2 Modifications to the Project EA

There are no changes required to the project EA published with the FONSI/NOIRROF on January 11, 2018.

3. Comments on the FONSI

This section documents the comments on the FONSI/NOIRROF that were submitted by organizations and individuals during the public review period (January 11 through February 11, 2018). During this period, comments could be submitted by letter and email. All of the comments received and the responses to those comments are presented in Section 4 of this Response to Comments document. A list of all comment letters received is presented in Section 3.1. In total, 21 letters were received.

3.1 List of Comment Letters Received

The comment letters received on the FONSI/NOIRROF are grouped and numbered in Table 3-1, below. The following organizations and individuals submitted written comments on the FONSI/NOIRROF during the public review period.

**TABLE 3-1
COMMENT LETTERS**

Letter	Author	Media	Date
1	Cole Valley improvement Association	Letter	1/23/2018
2	Cook, Catherine	Email	1/10/2018
3	Crosina, Lisa	Email	1/21/2018
4	Dwyer, Vivian	Email	2/09/2018
5	Gupta, Serena	Email	1/15/2018
6	Jennings, Alyssa	Email	2/11/2018
7	Kobernick, Phillip	Email	1/11/2018
8	Kunka, Emily	Email	1/12/2018
9	Madrid, Steven	Email	2/11/2018
10	Mitchell, Mary	Email	1/11/2018
11	Moliski, Bill	Email	1/14/2018
12	Charity, Charity	Email	1/11/2018
13	Rodgers, Deborah	Email	1/22/2018
14	Sauer, Anne	Email	1/11/2018
15	Smith, Corey	Email	1/11/2018
16	Snider, Issac	Email	1/20/2018
17	Sullivan, Mike	Email	1/11/2018
18	Sutherland, Shelly	Email	2/01/2018
19	Vladimer, Mike	Email	1/21/2018
20	Warshauer, Matthew	Email	1/16/2018
21	Weaver, Robert	Email	1/11/2018

4. Responses to Public Comments

4.1 Introduction

During the comment period, 21 comment letters were submitted by the public as listed in Table 3-1. Each written comment letter is designated with a number in the upper right-hand corner of the document based on the alphabetical order of last name. Within each written comment letter, individual comments are labeled with a number in the margin. All comment letters can be found in Appendix A.

This section presents responses to substantive issues raised in comments received on the FONSI/NOIRROF during the review period related to environmental effects of the 730 Stanyan Street Development project.

4.2 Master Response to Comments

Master responses in this section address issues raised in multiple comment letters.

Master Response 1: Parking

A number of comments requested that the project include on-site or off-site parking. Some comments stated that the neighborhood does not have adequate parking or that parking for the project would be needed to avoid significant impact to the local community.

The City's General Plan, zoning, and design guidelines govern development within the City and give an indication of the City's goals related to transportation. The City's General Plan, Transportation Element, supports a movement towards transit, ridesharing, bicycling and walking and away from single-occupant automobile use and long-term parking. Examples include but are not limited to the following excerpts:

A basic assumption of the Transportation Element is that a desirable living environment and a prosperous business environment cannot be maintained if traffic levels continue to increase in any significant way. A balance must be restored to the city's transportation system, and various methods must be used to control and reshape the impact of automobiles on the city. These include improving and promoting public transit, ridesharing, bicycling and walking as alternatives to the single-occupant automobile; limiting the city's parking capacity, especially long-term parking in commercial areas; directing major traffic movements to certain routes; and limiting the vehicular capacity of the city's streets and highways.

Policy 1.3: Give priority to public transit and other alternatives to the private automobile as the means of meeting San Francisco's transportation needs, particularly those of commuters.

Policy 2.5: Provide incentives for the use of transit, carpools, vanpools, walking and bicycling and reduce the need for new or expanded automobile and automobile parking facilities.

Policy 11.2: Continue to favor investment in transit infrastructure and services over investment in highway development and other facilities that accommodate the automobile.

Policy 12.1: Develop and implement strategies which provide incentives for individuals to use public transit, ridesharing, bicycling and walking to the best advantage, thereby reducing the number of single occupant auto trips.

Policy 36.3: Permit minimal or reduced off-street parking supply for new buildings in residential and commercial areas adjacent to transit centers and along transit preferential streets.

Policy 36.4: Where parking demand is greatest in city neighborhoods, consider wide-scale transit improvements as an alternative to additional parking garages as part of a balanced solution.

The EA considers the project's *Conformance with Plans/Compatible Land Use and Zoning/Scale and Urban Design* on page 33 and 34 of the EA. The analysis assumes that the project will obtain a waiver/approval for any off-street parking requirements. MOHCD and the project developer will consider potential parking options during the City planning and entitlement processes; however, no on-site or off-site changes are proposed at this time.

Lack of parking is not in and of itself considered an environmental impact. Deference is given to the local agencies standards and priorities in terms of private vehicle use vs. other methods of transportation. The local jurisdiction would evaluate environmental impacts pursuant to the California Environmental Quality Act (CEQA). Senate Bill (SB) 743, (signed by Governor Brown on September 27, 2013, and which became effective on January 1, 2014)³ amended CEQA by adding Section 21099 regarding analysis of parking impacts for urban infill projects.⁴ Under CEQA, the project would not be considered to result in significant environmental effects related to parking if it meets the following criteria:

- The project is in a transit priority area;⁵
- The project is on an infill site;⁶ and
- The project is residential, mixed-use residential, or an employment center.⁷

The project meets each of the above three criteria because it is (1) located within a transit priority area as mapped and maintained by the Metropolitan Transportation Commission⁸; (2) located on an infill site that is already developed with a McDonald's restaurant; and (3) would be a

³ California Legislative Information, "Senate Bill No. 743," 2013. Available at http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743, accessed August 17, 2016.

⁴ See CEQA Section 21099(d).

⁵ CEQA Section 21099(a)(7) defines a "transit priority area" as an area within 0.5 mile of an existing or planned major transit stop. A "major transit stop" is defined in CEQA Section 21064.3 as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

⁶ CEQA Section 21099(a)(4) defines an "infill site" as a lot located within an urban area that has been previously developed, or a vacant site where at least 75 percent of the perimeter of the site adjoins, or is *separated* only by an improved public right-of-way from, parcels that are developed with qualified urban uses.

⁷ CEQA Section 21099(a)(1) defines an "employment center" as a project located on property zoned for commercial uses with a floor area ratio of no less than 0.75 and located within a transit priority area.

⁸ Metropolitan Transportation Commission, Transit Priority Areas (2017). Available at: <http://opendata.mtc.ca.gov/datasets/transit-priority-areas-2017?geometry=-128.773%2C36.246%2C-115.842%2C39.284>

residential space with mixed-use/residential amenities.⁹ As such, the project would not be considered to have a significant environmental impact using State/local standards.

Master Response 2: Design and Development

A number of comments related to specific design features of the project. Comments were received regarding the proposed building height and whether the height would be consistent with the existing neighborhood character. Commenters stated a preference for specific uses on the ground floor including commercial development. One commenter requested the height of the ground floor use.

Building Height

With respect to comments addressing community character and building height, community character is subjective and can be expected to change over time. The City's General Plan, zoning, and design guidelines govern development within the City and give an indication of the future goals of the neighborhood in terms of general design and height. While some neighboring structures range in height, the use of the site as proposed under the preferred alternative is consistent with zoning as discussed in EA section *Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design* on pages 33 to 34. The project site is designated as 50-x, which limits buildings to 50 feet in height. The project is proposed to have a maximum height of 50 feet and thus is consistent with the 50-x zoning standard. The project will be consistent with the City's goals regarding height and development of the project site.

While the 5-story project is the preferred alternative, the 7-story is consistent under the City's Affordable Housing Bonus Program (AHBP) and potentially consistent under the California State Density Bonus Law . The AHBP will have an approval process and specific design guidelines as follows to address neighborhood compatibility:

All AHBP projects would be evaluated for consistency with the AHBP Design Guidelines. In recognition that some projects utilizing the AHBP would be taller or of differing mass than the surrounding context, the AHBP Design Guidelines would clarify how projects should both maintain their size and be designed to be compatible with their neighborhood context.¹ Specific design guidelines would address ground floor design, tops of buildings, sidewalk articulation, and architectural character. Also, the AHBP Design Guidelines would articulate existing design principles from neighborhood- or district-specific design guidelines that would be applied to all AHBP projects. These fundamental design principles would address such things as building massing and articulation, ground floors, and streets ...

Because the project is 100 percent affordable housing, it could apply for the AHBP.

⁹ San Francisco Planning Department, *Eligibility Checklist: CEQA Section 21099 – Modernization of Transportation Analysis*, 1629 Market Street (2015-005848ENV), June 7, 2016.

San Francisco Development Approval Process

The EA was prepared in order to assess the purchase of the site and subsequent development of affordable housing consistent with City zoning and height restrictions. The development application for the project has not yet been submitted to the San Francisco Planning Department. Development of the site will require San Francisco Planning Department and Department of Building Inspection review and approval. Final ground floor uses (either commercial or residential amenities or a combination of the two) and other details such as first floor height will be determined during this process and submitted with design plans to the City to ensure consistency with local guidelines and regulations. The EA evaluates both commercial and residential amenities for ground floor development and the allowable height for the site.

4.3 Individual Responses to Comments

This section provides individual responses to the comments contained in each comment letter.

Letter 1: Cole Valley Improvement Association

- 1-1 The comment states the project should consider all four income levels from the Regional Housing Need Plan.
- The Proposed Action is identified as affordable housing but does not identify specific income levels for the project. This will be determined at a future date during City planning/entitlement processes. The representation of various income levels within the affordable housing spectrum would not have an effect on the environmental findings of the EA.
- 1-2 The comment questions the determination of the finding of no impact for neighborhood character, and states that the project should be 3-4 stories to preserve neighborhood character.
- Refer to *Master Response 2: Design and Development* which addresses both building height and the City approval process.
- 1-3 The comment states a preferred land use of the ground floor for commercial use.
- The commenter's preference is noted. Commercial use was evaluated within the EA as an option for ground floor development and thus would not change the environmental findings of the EA. Also refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project.
- 1-4 The comment states that on-site parking is vital.
- Refer to *Master Response 1: Parking* which addresses project site parking demand and supply.

1-5 The comment provides suggestion on interim use of the site; however, there is no proposed interim use of the site at this time.

Letter 2: Cook, Catherine

2-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 3: Crosina, Lisa

3-1 The comment states that the project would have a significant negative impact on the neighborhood due to lack of existing parking and should include additional parking.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.

Letter 4: Dwyer, Vivian

4-1 The comment requests clarification regarding the height of the commercial space under the two alternatives and highlights the nature of the project site with respect to the aesthetics and design.

The height of the commercial or residential amenity ground floor space would be determined at a later date but would not affect the overall building height. The maximum building heights of the project, have been considered to evaluate potential environmental impacts. Refer to *Master Response 2: Design and Development*, which addresses project height, design, approval, and development.

4-2 The comment expresses concern that the Haight Street Transit Improvement and Public Realm project be considered with design of the project, particularly with respect to bulb outs, bus stops, and blockage of site access.

The referenced project is separate from the 730 Stanyan Project and thus outside of the scope of the EA. The 730 Stanyan Project does not change the street design for bus lines. Refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project, which would ensure consistency for loading zones, drop-off, and driveways once a project design is proposed.

4-3 The comment states that the project should consider parking spaces for car-share and guest parking, loading and unloading and recycling collection.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.

4-4 The comment states the EA should consider impacts on transit and pedestrians.

The EA provides a description of the transportation services located in proximity to the project on page 3 and 4 which would serve both pedestrians generated by, or visiting the project site. Specifically, and in closest proximity, the project site is served by five local Muni bus lines (Lines 7, 33, 37, 43, 66), along with the San Francisco Municipal Transportation Agency (SFMTA) Muni Metro Carl Street and Stanyan Street Station (N-Judah Line), all located less than 0.25 miles. The increase in ridership by the project would be incremental. In addition, Muni has shuttle trains on the N-Judah (service began in 2016)¹⁰ that provide added service from near the project (Carl & Hillway is crossroads from which it heads downtown). There are no changes required to the project EA.

4-5 The comment states a preferred land use of the ground floor.

Refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project.

Letter 5: Gupta, Serena

5-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 6: Jennings, Alyssa

6-1 The comment states support for the City's purchase and development of the project site for affordable housing.

The comment is noted. It should be noted that the project site has not yet been purchased; this is a component of the Proposed Action.

6-2 The comment states that the project should consider parking spaces.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.

¹⁰ San Francisco Municipal Transportation Agency. 2016. Morning Commute Shuttles Reduce N Judah Pass-Ups 63 Percent. Available at: <https://www.sfmta.com/blog/morning-commute-shuttles-reduce-n-judah-pass-ups-63-percent>.

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- 6-3 The comment expresses concern that a five-story building is too high for the space and would not fit the aesthetic or historic nature of the neighborhood.
- Refer to *Master Response 2: Design and Development* which addresses both building height and the City permitting, review, and approval process that would ensure development consistency with land use and compatibility. In addition, the EA considered impacts to historic resources (EA page 17 to 19), and found the project would not result in an adverse effect historic properties or to a potential historic district.
- 6-4 The comment states support for a land use of the ground floor for commercial/retail.
- Refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project.

Letter 7: Kobernick, Philip

- 7-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 8: Kunka, Emily

- 8-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 9: Madrid, Steven

- 9-1 The comment states that the project should consider parking spaces.
- Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.
- 9-2 The comment expresses a preference for the project to target not just the lowest income group for affordable housing, and should prioritize housing for families.
- The Proposed Action does not identify a final income level for the project. This will be determined during the permitting and application process with the SF Planning and would not affect environmental issues.
- 9-3 The comment expresses concern that a five-story building is too high for the space.
- Refer to *Master Response 2: Design and Development* which addresses both building height and the City permitting, review, and approval process that would ensure development consistency with land use and compatibility.

9-4 The comment states support for a land use of the ground floor for commercial uses, and an interim land use.

Refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project. No interim use is proposed.

Letter 10: Mitchell, Mary

10-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 11: Moliski, Bill

11-1 The comment states that the project should consider parking spaces.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.

Letter 12: Pitcher-Cooper, Charity

12-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 13: Rodgers, Deborah

13-1 The comment states that the project should include parking spaces.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply.

Letter 14: Sauer, Anne

14-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 15: Smith, Corey

15-1 The comment states support for maximum development of the project site; the comment is noted.

Letter 16: Snider, Isaac

16-1 The comment states support for demolishing the McDonalds's and affordable housing, and requests that parking be considered under the analyses.

With respect to the comment on parking refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply. With respect to the comment of support; the comment is noted.

Letter 17: Sullivan, Mike

17-1 The comment states support for maximum development of the project site.

 The comment is noted.

Letter 18: Sutherland, Shelly

18-1 The comment states support for development of the project site with affordable housing.

 The comment is noted.

Letter 19: Vladimer, Mike

19-1 The comment states support for maximum development of the project site.

 The comment is noted.

Letter 20: Warshauer, Matthew

20-1 The comment states a preferred land use of the ground floor for commercial uses.

 Refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project.

20-2 The comment states support for maximum development of the project site.

 The comment is noted.

Letter 21: Weaver, Robert

21-1 The comment requests clarification on the purpose for the income group of the affordable housing.

 The Proposed Action does not identify a final income level for the project. This will be determined during the permitting and application process with the San Francisco Planning Department (SF Planning).

21-2 The comment states the analysis does not adequately address secondary effects with respect to the increased population, for issues such as pollution, garbage,

noise, and congestion, and that the project is out of character with the neighborhood.

With respect to the projected impact on the environment, the EA addresses each of the topics presented, refer to the EA, specifically *Clean Air* on pages 7 to 11, *Noise* on pages 20 to 24, *Solid Waste Disposal/ Recycling* on page 42 to 44, and *Transportation and Accessibility* on page 48. With respect to project scale and design refer to *Master Response 2: Design and Development*, which addresses the design and land use approval process for the project.

21-3 The comment states that parking be considered under the analyses, and that the project would have impacts on schools.

Refer to Section 2.1 of this Response to Comments document above, which addresses changes to the project along with *Master Response 1: Parking* which addresses project site parking demand and supply. With respect to the projected impact on schools, the EA addresses this topic, specifically, refer to *Educational and Cultural Facilities* on pages 40 and 41.

21-4 The comment states the large scale of this project will have effects on future development.

The environmental effects related to height, traffic and other environmental concerns were evaluated within the EA, specifically refer to *Transportation and Accessibility* on page 48, and *Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design* on pages 33 and 34.

21-5 The comment provides a summary of previously responded comments; no additional response is needed.