



# SAN FRANCISCO PLANNING DEPARTMENT

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## Planning Commission Draft Motion

HEARING DATE: April 7, 2011

*Hearing Date:* April 7, 2011  
*Case No.:* **2006.0848E**  
*Project Address:* **25-35 Dolores Street**  
*Zoning:* RTO (Residential Transit Oriented) District  
40-X Height and Bulk District  
*Block/Lot:* 3535/069  
*Project Sponsor:* 35 Dolores LLC  
c/o David Silverman of Reuben & Junius, LLP  
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San Francisco, CA 94104  
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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED PROJECT AT 25-35 DOLORES STREET, WHICH INCLUDES PROPOSED DEMOLITION OF TWO CONTIGUOUS WAREHOUSES AND CONSTRUCTION OF A FOUR STORY TALL, APPROXIMATELY 62,030 GROSS SQUARE FOOT BUILDING WHICH WOULD CONTAIN FORTY-SEVEN DWELLING UNITS AND 40 PARKING SPACES IN A BASEMENT GARAGE ON AN APPROXIMATELY 19,600 SQUARE-FOOT LOT, LOT 069 IN ASSESSOR'S BLOCK 3534.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2006.0848E, 25-35 Dolores Street Residential Project (hereinafter "Project"), based upon the following findings:

1. The City and County of San Francisco, acting through the Planning Department (hereinafter "Department") fulfilled all procedural requirements of the California Environmental Quality Act (Cal. Pub. Res. Code Section 21000 *et seq.*, hereinafter "CEQA"), the State CEQA Guidelines (Cal. Admin. Code Title 14, Section 15000 *et seq.*, hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31").
  - A. The Department determined that an Environmental Impact Report (hereinafter "EIR") was required and provided public notice of that determination by publication in a newspaper of general circulation on April 9, 2009.
  - B. On July 14, 2010, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site by Department staff on July 14, 2010.
  - D. On July 14, 2010, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on July 14, 2010.
2. The Commission held a duly advertised public hearing on said DEIR on September 2, 2010 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 13, 2010.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 61-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Comments and Responses document, published on March 16, 2011, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report has been prepared by the Department, consisting of the Draft Environmental Impact Report, any consultations and comments received during the review process, any additional information that became available, and the Summary of Comments and Responses all as required by law.
  5. Project Environmental Impact Report files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, and are part of the record before the Commission.
  6. On April 7, 2011, the Commission reviewed and considered the Final Environmental Impact Report and hereby does find that the contents of said report and the procedures through which the Final Environmental Impact Report was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code.
  7. The project sponsor has indicated that the presently preferred alternative is Alternative B, Preservation Alternative, described in the Final Environmental Impact Report.
  8. The Planning Commission hereby does find that the Final Environmental Impact Report concerning File No. 2006.0848E, 25-35 Dolores reflects the independent judgment and analysis of the City and County of San Francisco, is adequate, accurate and objective, and that the Comments and Responses document contains no significant revisions to the DEIR, and hereby does CERTIFY THE COMPLETION of said Final Environmental Impact Report in compliance with CEQA and the CEQA Guidelines.

9. The Commission, in certifying the completion of said Final Environmental Impact Report, hereby does find that the project described in the Environmental Impact Report would have the following unavoidable significant environmental impacts that could not be mitigated to a level of non-significance:

- A. Will have a project-specific significant effect on the environment of demolition of a historic architectural resources;

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of April 7, 2011.

Linda Avery  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: [Date]



# COMMENTS & RESPONSES

## 25-35 Dolores Street Residential Project

PLANNING DEPARTMENT  
CASE NO. 2006.0848E

STATE CLEARINGHOUSE NO. 2009042012

Draft EIR Publication Date:	JULY 14, 2010
Draft EIR Public Hearing Date:	SEPTEMBER 2, 2010
Draft EIR Public Comment Period:	JULY 14, 2010 – SEPTEMBER 7, 2010
Final EIR Certification hearing Date:	APRIL 7, 2011



SAN FRANCISCO  
PLANNING  
DEPARTMENT

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# SAN FRANCISCO PLANNING DEPARTMENT

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March 16, 2011

To: Members of the Planning Commission and  
Interested Parties

From: Bill Wycko, Environmental Review Officer

Re: Attached Comments and Responses to Draft Environmental Impact Report  
Case No. 2006.0848E: 25-35 Dolores Street

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The attached Comments and Responses document, responding to comments made on the Draft Environmental Impact Report (DEIR) for the 25-35 Dolores Street Project, is presented for your information. This document, along with the DEIR, will be considered by the Planning Commission during a public meeting on April 7, 2011, at which time the Commission will determine whether to certify the EIR as complete and adequate.

We are sending this Comments and Responses document to you for your review prior to the public meeting. The Commission does not conduct a hearing to receive comments on the Comments and Responses document, since no such hearing is required by the California Environmental Quality Act (CEQA). Interested parties may, however, write to the Commission members or to the President of the Commission at 1650 Mission Street, Suite 400, San Francisco, CA 94103, and express opinions 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 by Wednesday, April 6, 2011, the day before the Planning Commission meeting on April 7, 2011, at which time EIR certification will be determined.

Please note that if you receive a copy of the Comments and Responses document in addition to the DEIR published on July 14, 2009, you will technically have a copy of the Final EIR. Thank you for your interest in this project.

If you have questions about the attached Comments and Responses document, or about this process, please call **Chelsea Fordham** at (415) 575-9071 or e-mail her at [chelsea.fordham@sfgov.org](mailto:chelsea.fordham@sfgov.org).

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City and County of San Francisco  
Planning Department

## **25-35 Dolores Street Project**

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## **COMMENTS AND RESPONSES**

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## **Planning Department Case No. 2006.0848E**

State Clearinghouse No. 2009042012

March 16, 2011

Draft EIR Publication Date: July 14, 2010

Draft EIR Public Hearing Date: September 2, 2010

Draft EIR Public Review Period: July 14, 2010 to September 13, 2010

Final EIR Certification Hearing Date: April 7, 2011



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**25-35 Dolores Street Project  
Draft Environmental Impact Report**

**COMMENTS AND RESPONSES**

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## A. INTRODUCTION

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This document contains public comments received on the Draft Environmental Impact Report (DEIR) prepared for the proposed 25-35 Dolores Street Project, and responses to those comments. Also included are staff-initiated text changes and revisions to correct errors found in the DEIR.

Following this introduction, Section B contains a list of all persons and organizations who submitted written comments on the DEIR and who testified at the public hearing on the DEIR held on September 2, 2010.

Section C contains all substantive comments made at the DEIR public hearing before the Planning Commission on September 2, 2010, and comment letters received during the DEIR public review period from July 14, 2010 to September 13, 2010. All comment letters and the transcript of the public hearing on the 25-35 Dolores Street Project are presented in their entirety in Appendices 1 and 2, respectively.

The comments and responses (C&R) component of the environmental review process is intended to respond to comments on the adequacy of the approach and analysis in a DEIR in accordance with the California Environmental Quality Act (CEQA). Comments regarding the merits of and concerns about the project should be directed to the Planning Commission to assist with its decision making on whether or not to approve the project, a decision that will be made at a public hearing subsequent to certification (determination of adequacy under CEQA) of the Final EIR. Some comments do not pertain to physical environmental issues, but, in some instances, responses are included to provide additional information for use by decision makers.

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 noted in the responses and in Section E, DEIR Revisions. Deletions of the DEIR text are shown with ~~striketrough~~ and

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additions are shown with double underline, except where text is indicated as entirely new to allow for ease of reading.

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## **B. LIST OF PERSONS COMMENTING**

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The following individuals submitted written comments during the public comment period July 14, 2010 through September 13, 2010, and/or provided oral testimony at the public hearing on September 2, 2010, on the 25-35 Dolores Street Project DEIR.

### **San Francisco Planning Commission**

Michael Antonini, Planning Commissioner (oral comments, Planning Commission Public Hearing, September 2, 2010)

### **Historic Preservation Commission**

Historic Preservation Commission (written comments, September 9, 2010)

### **Public Agencies**

Milford Wayne Donaldson, FAIA, State Historic Preservation Officer, Office of Historic Preservation (written comments, August 17, 2010)

### **Associations**

San Francisco Community Recyclers – Sue Hestor (written comments, September 13, 2010; oral comments, Planning Commission Public Hearing, September 2, 2010).

Mission Dolores Neighborhood Association – Peter Lewis (written comments, August 30, 2010)

### **Groups and Individuals**

Sarah Brant, resident (written comments, undated and August 31, 2010)

Nick Cianci, residents (written comments, August 31, 2010)

Josh DeClercq, resident (written comments, August 31, 2010)

Stephanie DeClercq, resident (written comments, August 31, 2010)

James DeVinny, resident (written comments, September 7, 2010)

Toby Levy, Levy Design Partners, Inc., project architect (written comments, September 2, 2010; oral comments, Planning Commission)

B. LIST OF PERSONS COMMENTING

Bill Lightner, project sponsor (written comments, September 2, 2010; oral comments, Planning Commission Public Hearing September 2, 2010).

Manfred MacKeben, resident (written comments, August 31, 2010)

Stuart McFaul, (written comments, August 31, 2010; oral comments, Planning Commission Public Hearing September 2, 2010).

William J. Luhr, resident (written comments, August 29, 2010)

Mary Elizabeth Phillips, resident (written comments, August 31, 2010)

Dominique Sevi, resident (written comments, September 13, 2010)

Jay Tobin (oral comments, Planning Commission Public Hearing September 2, 2010).

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## C. COMMENTS AND RESPONSES

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All comments received are presented herein by direct quotation, and edited to delete repetition and non-substantive material only. When necessary, minor edits have been made to the public hearing transcript for clarification. Editorial changes to the comments are indicated by square brackets ([ ]).

Comments and responses are organized according to the order of topic areas as they appear in the DEIR and Initial Study (Notice of Preparation).

Each comment is numbered and followed by a corresponding numbered response. The name of the commenter follows each comment in italic font and parentheses, e.g., (*John Smith, written comments*). In some cases, comments that are substantively similar have been grouped and addressed with a single response, or in other cases comments from individual commenters may be divided among several topic areas.



## COMPATABILITY WITH ZONING, PLANS, AND POLICIES

### Comment #1

“This is one of the first projects that is coming through. It basically has nothing in it of consequence, because it is tiered from an area plan EIR—in this case Market-Octavia. Not nothing, but it is very little. And I would like to direct my comments to the policy issues in the *Market-Octavia Plan* and the RTO zoning, because I think they should be considered in the EIR as well.

“The RTO zoning added density and reduced parking. And the areas where that was done—in Eastern Neighborhoods and in Market-Octavia—were the areas that had the densest transit, and we said we should build the densest housing there.

“But the City also has the densest transit, as it happens, where we have freeway access. This is one of them. And every time we say we’re going to densify the area, and at the same time the developer comes and says, ‘We are going to go to the max possible, or close to the max possible, using a CU to have parking’—and there happens to be really good freeway access—you have a dichotomy that we have blinders on that we are not seeing.

“That is definitely the case on Rincon Hill; it is definitely the case for projects in the Market and 10<sup>th</sup> Street corridor. And we have to confront the situation that when you have really expensive market-rate housing in desirable areas—that you have in this case—and freeway access—you are creating an attractive area for people to do reverse commutes, particularly down the Peninsula. And that is not discussed.

“It was not discussed in the *Market-Octavia EIR*, or the *Eastern Neighborhoods EIR*, or in this EIR. And those policy issues should come up in an EIR. They don’t come up in the staff reports on the project.

“And where are you going to discuss what is the cumulative impact of how many projects are asking to max out or exceed the parking requirements? Put it in the EIR, and what are the impacts?

“What is the relationship between a straight shot down Guerrero, over Duboce, up Dolores, onto the freeway systems for 280 and 101. But 280 is particularly attractive.

“And so if this project that you have a worst situation—what is a market-rate project? If you have a below market rate, there’s not those incentives.” (*Sue Hestor, oral comments*)

### Response #1

As described in more detail in Response #43, the 25-35 Dolores Street DEIR does not tier off from the Market-Octavia Plan EIR. Instead the 25 – 35 Dolores Street EIR and Initial Study analyze all potential CEQA impacts. While some information from the *Market-Octavia Neighborhood Plan EIR* was presented in the 25–35 Dolores Street DEIR, the former document was cited, consistent with Section 15148 of the *CEQA Guidelines*.

The comment asserts that the EIR for the proposed project should address the effects of future residents driving to jobs outside of San Francisco using regional freeways, and implies that this

would be contrary to the intent of the *Market-Octavia Area Plan* and the RTO zoning applicable to the project site.

A travel demand analysis of the project, summarized on pages 31–37 of the Initial Study (DEIR Appendix 1), was performed by a transportation consultant in accordance with the Planning Department’s *2002 Transportation Impacts Analysis Guidelines For Environmental Review*. The demand analysis indicated that the project would not have the potential to result in a significant impact, and no transportation impact study was required. The demand analysis determined that the proposed project would generate about 408 person trips on a weekday daily basis. Of those trips, nearly half, or 197, would be transit trips, and another 71 trips would be by walking or other modes. These results indicate that project residents would rely on public transit to a large degree, in keeping with the policy intentions of the *Market-Octavia Area Plan*. It should be noted that the *Market-Octavia Area Plan* identifies the neighborhood’s accessibility to the regional freeway system as one of the distinct “opportunities for change sensitive to existing patterns.”<sup>1</sup> Furthermore, the Market & Octavia Plan Framework explicitly calls for a balance between different transportation modes. While it is acknowledged that the Plan is intended to increase transit use and reduce dependence on cars, it is also intended to accommodate a certain degree of automobile use. The breakdown of the travel demand summarized above demonstrates a balance between travel modes.

Additionally, it is beyond the scope of the EIR for the proposed project to evaluate all of the potential ramifications of the planning objectives and policies set forth in the *Market-Octavia Area Plan*, including the adopted Planning Code parking requirements. The purpose of the present EIR is to evaluate the proposed project’s impacts, including potential conflicts with the *Market-Octavia Area Plan* and the rest of the General Plan. As discussed on page 32, the DEIR concluded that the project would not substantially conflict with the land-use plan or policy, with the exception of the demolition of a historical resource. The project’s potential traffic impacts were evaluated on pages 31 to 37 of the Initial Study, which concluded that the project would not have a significant individual or cumulative impact on intersection operations, transit demand, pedestrian

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<sup>1</sup> San Francisco Planning Department, *Market & Octavia – An Area Plan of the General Plan of the City and County of San Francisco (Market-Octavia Area Plan)*, effective May 30, 2008, page 1. Available online at <http://www.sfplanning.org/index.aspx?page=2529>, accessed January 11, 2011.

circulation, bicycles, parking, traffic hazards, construction traffic, emergency vehicle access, or adopted policies, plans, or programs supporting alternative transportation. The proposed project's traffic and circulation impacts would therefore be less than significant under CEQA.

The *Market Octavia Plan and EIR* addressed cumulative conditions for parking and accounted for the secondary environmental effect of proposed projects in the district. An analysis of the number of projects city-wide that have requested conditional use authorizations to the Planning Code for parking is beyond the scope of this study.

Regarding a market-rate project; 41 units would be sold at a price determined by the project sponsor to be one that would enable the project to be filled in a timely fashion, taking into account the availability of other residential units in the project area, so as to generate the revenue necessary to make the project financially viable. These units would be considered market-rate units. The DEIR notes, on pages S-2 and 14 of the DEIR, that six of the 47 proposed residential units (12 percent) would be below market rate (BMR) units, in compliance with the city's Affordable Housing Program. Moreover, it is not possible to demonstrate that project residents of below-market-rate housing would necessarily work in San Francisco rather than commute to jobs elsewhere in the region.

## LAND USE AND LAND USE PLANNING

### Comment #2

"I have heard a summary of the Draft EIR and believe that it supports the appropriateness of the project.

"I am not associated with the property owner or developer in any way, but as a longtime neighborhood resident I support the project and I encourage the Planning Department to approve it. In such a Residential, Transit-Oriented Use District, it is appropriate to have residential projects that are high-density. A zoning variance to allow for the reduced rear yard also makes sense for this type of development and in this higher-density neighborhood.

"The economic viability of the neighborhood has been stagnant for several years and the area needs the economic boost that a large scale residential project can provide. The current state of the site is a blight on the neighborhood. As a citizen, I expect my City's planning department to act in the best interest of the neighborhood and expedite the project in a timely manner." (*William J. Luhr, written comments*)

### Response #2

These comments express general support for the proposed project. They do not address the scope or adequacy of the EIR. The comments will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

# AESTHETICS

## Height

### Comment #3

“Additionally, these buildings presently keep the ‘line’ of the street with their outline and height, allowing significant openness and light to this block, which is, again, an important neighborhood ‘entry’ block in San Francisco. To build from one story to four stories (from 25 feet to [40] feet)—even behind the current façade, such as proposed by Alternative C—would be a significant physical blight on the line of the street. Again, I am thankful that Alternative A and B both address these issues. I hope that these issues are truly considered, as I notice in the report there are no photos of the whole street and the line and character created in current block by the buildings in their current state and fashion.” (*Sarah Brant, written comments*)

### Response #3

The Initial Study considered the proposed change in height (from 25 feet to 40 feet) on the project site and found it less than significant (see Appendix A of DEIR, pages 23 to 25). In particular, the Initial Study (page 24) found that “[t]he proposed project would be similar in height to the buildings in the immediate vicinity, and would be smaller than the tallest building on the project block.” For example, one lot south of 35 Dolores Street (i.e., about 40 feet away) is a four-story building and next to it is a six-story building. At the north end of the block (about 25 feet away), there is another four-story building. A four-story building is located on the southwest corner of Dolores Street and 14<sup>th</sup> Street, about a half-block away from the project. Another four-story building is located on the west side of Dolores Street in the block to the south of the project block. The majority of the buildings on the block to the south of the project block are three stories or taller. The Initial Study (page 24) concluded that “[t]he proposed project would not be the tallest structure in the immediate neighborhood, and it would not be particularly prominent, or aesthetically inconsistent with the visual character of the existing neighborhood.”

As discussed on page 24 of the Initial Study, the proposed project, at four stories, would be visible along the adjacent segment of Dolores Street. Most views of the project at street-level vantage points, including public sidewalks, would be screened by intervening buildings, including the four- to six-story buildings on the east side of Dolores Street in the project block, and the mature palm trees along the Dolores Street median. The project would not substantially

alter views to the north and south along Dolores Street. Based on these considerations and others set forth on pages 22 to 25 of the Initial Study, the Initial Study concluded that the effect of the proposed project on views from street-level vantage points would be less than significant. As stated under Objective 1.1 of the *Market-Octavia Area Plan*, the RTO district in which the project is located is intended to encourage moderate-density, multi-family residential infill in scale with existing development.<sup>2</sup>

Regarding the degree of openness and light on the block, the proposed project would not substantially increase the amount of shadow in the project area. Dolores Street has a width of about 108 feet, including the sidewalks, and a landscaped median dotted with palm trees runs the entire length from Market Street to San Jose Avenue. The project would cast shadows on the sidewalk and part of the street during morning hours. The shadows would be comparable to other four-story buildings in the vicinity, and less than those cast by the six-story building on the same project block. As concluded on page 61 of the Initial Study, the proposed project would shade adjacent properties, but would not increase the total amount of shading in the neighborhood above levels which are common and generally accepted in urban areas. The distance between the project site and Duboce and Dolores Parks would prevent any project-related shadows on parks. The proposed project would not exceed 40 feet, and therefore Section 295 of the Planning Code would not apply and the proposed project would not be considered to have a significant impact related to shadows.

While neither the Initial Study nor the DEIR included a photo of the entire project block, as suggested in the comment, the visual impacts of the project and its overall compatibility in relation to the entire block, as well as adjacent blocks, and the description of existing conditions on the block were evaluated in the DEIR on pages 7 to 12 and 22 to 25 of the Initial Study. Additionally, a project needs to substantially change the existing visual character of an area or substantially block views for a finding of significant visual impacts, and the DEIR concluded that the proposed project would have no substantial, demonstrable visual impact.

The comments about the alternatives are noted, and with the exception of the height concern—addressed above—they do not address the scope or adequacy of the EIR. The comments will be

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<sup>2</sup> Ibid, *Market-Octavia Area Plan*, page 8.

transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

**Comment #4**

“How will I be compensated for the eye sore of the construction?” (*Dominique Sevi, written comments*)

**Response #4**

Project construction would require approximately 15 months to complete. CEQA generally does not consider short-term aesthetic impacts from construction to constitute a significant impact, nor does it provide for the compensation of private individuals for exposure to such effects. Response #3 describes the heights of nearby buildings which would screen views of the project site from nearby residences during construction. The concern expressed in the comment will be considered by decision-makers in their determination whether to approve, modify, or disapprove the proposed project.

## CULTURAL AND PALEONTOLOGICAL RESOURCES

### Comment #5

“My office is concerned that the City of San Francisco may be setting a disturbing precedent with the demolition of the resources at 25-35 Dolores Street. Within the DEIR the buildings were determined eligible for the California Register by the Planning Department’s preservation specialist while the Frederick Knapp Architects Report concluded that the two buildings retained their integrity as historic resources.

“The City of San Francisco has a legal obligation to comply with CEQA’s procedural and substantive mandates, and moreover, as a lead agency, ‘to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.’ (Public Resources Code 21001(c)). The California Appellate courts have held that a demolition is an adverse impact that cannot be mitigated below a level of significance. *League for Protection of Oakland’s Architectural and Historical Resources v. City of Oakland* (1st Dist. 1997)52 Cal. App. 4th 896 [60 Cal. Rptr. 2d 821].

“My office is concerned that the Planning Department’s use of the Historic American Building Survey (HABS) documentation as a mitigation measure sets a dangerous precedent and is a misuse of the HABS standards. As the DEIR states, HABS documentation ‘would reduce the Impact CP-1 [demolition], but not to a less-than significant level.’ For the purposes of CEQA HABS documentation is clearly inadequate as mitigation for demolition of a historic resource. (*Milford Wayne Donaldson, Office of Historic Preservation, written comments*)

“The current plan for Historical ‘Preservation’ in the proposed model is truly insufficient.

“The buildings in question are lovely, historical, original buildings from the early 1900s with unique character details. The distinctive character also defines the street in many ways—this first (and therefore gateway) block of the Historic Dolores Street District and Corridor. Every day I see tourist buses turn down this block towards Mission Dolores. To suggest that these buildings will somehow be ‘preserved’ by offering to capture through drawings the original plans and by taking photos or video of these buildings before the buildings and their wonderful façade are destroyed is far from being enough from a historical preservation perspective. To salvage what is deemed ‘feasible’ and then offer these materials to some other entity? I don’t understand how that preserves really anything in practical terms and thus I cannot understand why the planners have not looked at a way to integrate the existing building façade, etc. into the plans for the new building.” (*Sarah Brant, written comments*)

### Response #5

It is acknowledged in the DEIR (on page 43 and elsewhere) that completing HABS level II documentation would not mitigate the impact to the historic resource to a less-than-significant level, and that the impact from demolition of the buildings would remain a significant and unavoidable impact. The purpose of CEQA is to evaluate a project as proposed by an applicant



and disclose all potential environmental effects that would be associated with its implementation. As noted in the first comment, the lead agency is also obligated to identify alternatives to the project that would avoid or substantially reduce one or more significant impacts associated with the project as proposed. The EIR complies with these requirements by disclosing that demolition of the buildings at 25–35 Dolores Street would be a significant, unmitigable impact. The DEIR identifies mitigation that would lessen the impact, but as noted by the commenters, the mitigation would not reduce the impact to a less-than-significant level. The DEIR discloses this information on pages S-3 and 43.

The DEIR evaluates two alternatives designed to avoid or reduce the impact. Alternative B, the Preservation Alternative, and Alternative C, the Partial Preservation Alternative, would reduce the impacts to a less-than-significant level. These alternatives are described on pages 59 to 63 of the EIR. Additional graphics illustrating the alternatives have been included in the EIR, as described on pages C&R.61 to C&R.63.

The EIR fulfills its intended function as mandated by CEQA, by disclosing to the public and decision-makers all potential adverse environmental effects that would result from implementation of the project. It will be up to the decision-makers to determine whether to approve, modify, or disapprove the proposed project or one of the alternatives to the project. The comments presented above will be considered by the decision-makers, along with the DEIR, as part of this process.

#### **Comment #6**

“The HPC concurs that both 25 and 35 Dolores Street are eligible for the National Register and California Register under criteria 1 and 3 as described in the Historic Resource Evaluation prepared by Frederic Knapp and that the proposed project poses a significant unavoidable impact to an individual resource that cannot be mitigated to a less-than-significant level.” (*Historic Preservation Commission, written comments*)

#### **Response #6**

The comment expresses concurrence with the conclusions presented on page 43 of the DEIR. The comment will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

**Comment #7**

“The project’s proximity to the Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District should be discussed in the DEIR. Primarily, how the project addresses the setting and the historic Dolores Street median.” (*Historic Preservation Commission, written comments*)

**Response #7**

The Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District is a large, contiguous district generally bounded by 14th, 15th, and Market Streets on the north; Dolores Street on the east; 20th Street on the south; and Church and Sanchez Streets on the west.<sup>3</sup> Dolores Street is a wide boulevard that forms the district’s eastern boundary. The project site is adjacent to the district to the east of the Dolores Street median, and is thus situated just outside the district.

Dolores Street, the eastern boundary of the historic district, marks the eastern boundary of the fire that followed the 1906 earthquake and that occurred within the larger Mission Dolores neighborhood. The historic district contains buildings that survived the 1906 earthquake and fires as well as those built during the subsequent reconstruction period. This historic district contains 409 properties total, 248 of which are considered contributing structures. The properties within the district generally consist of small cottages, ecclesiastical buildings, and two- to three-story flats, apartment buildings, and residential-over-commercial buildings. The existing buildings at 25-35 Dolores Street, which are not associated with the 1906 earthquake and fire or subsequent reconstruction, have been in industrial use since they were built in 1917-1918, and are not typical of the types of buildings that contribute to the 1906 Fire Survivors and Reconstruction District.

The historic district’s most prominent landmarks include the Mission Dolores chapel and cemetery, the Dolores Street landscaped median from Market to 20th Streets, and Mission Dolores Park.<sup>4</sup> The proposed project would not involve alterations to the Dolores Street median; therefore, no impacts would occur to the historic Dolores Street landscaped median.

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<sup>3</sup> A map of the district can be found in Carey & Co., Inc., *Revised Mission Dolores Neighborhood Survey, Volume 2 of 2, San Francisco, California*, November 11, 2009, Appendix C, page 2. Available online at [http://www.sfplanning.org/ftp/files/Preservation/MDNS\\_Vol\\_2.pdf](http://www.sfplanning.org/ftp/files/Preservation/MDNS_Vol_2.pdf), accessed January 11, 2011.

<sup>4</sup> Carey & Co., Inc., *Revised Mission Dolores Neighborhood Survey, Volume 1 of 2, San Francisco, California*, November 11, 2009, page 93. Available online at [http://www.sfplanning.org/ftp/files/Preservation/MDNS\\_Vol\\_1.pdf](http://www.sfplanning.org/ftp/files/Preservation/MDNS_Vol_1.pdf), accessed January 11, 2011..

For the reasons discussed above, the project would not have a significant impact on the Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District.

### **Comment #8**

"The DEIR should discuss the cumulative impact on the loss of auto-related structures in the neighborhood.

"The DEIR should include an additional mitigation measure that requires additional research on auto-related structures within the neighborhood." (*Historic Preservation Commission, written comments*)

### **Response #8**

The DEIR states on page 41 that the two existing buildings on the project site could be contributing properties to a potential local automobile-themed historic district, the Van Ness Avenue automobile-themed sales and repair historic district, based on their age, design, and history, should one be defined and established. If so, the buildings would then be eligible for the California Register as contributing properties, and hence historical resources under *CEQA Guidelines* Section 15064.5. However, the Planning Department has determined that the project site is too far afield to be considered part of this potential auto-themed historic district.<sup>5</sup>

The nearest auto theme district proximate to the project site is the Civic Center Auto Repair District between Fell Street, Van Ness Avenue, Hickory and Franklin Streets; located approximately one-half mile from the site and within portions of the *Market Octavia Plan* area. However, the project site is also too far afield from this district for the loss of these structures to have an impact on this district.

A windshield survey<sup>6</sup> of the Mission Dolores neighborhood did not produce a significant amount of auto-related structures to form a meaningful auto-themed district. Regarding additional mitigation measure requiring additional research on auto-related structures within the neighborhood, CEQA does not require mitigation for impacts that are less than significant. Because the cumulative loss would be less-than-significant, this impact would not require

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<sup>5</sup> N. Moses Corrette, Historic Resources Survey Coordinator, City Planning Department, e-mail to Chelsea Fordham, January 30, 2010. This e-mail is available for public review in Project File No. 2006.0848E at the Planning Department, 1650 Mission Street, Suite 400, San Francisco.

<sup>6</sup> Michael Smith, Preservation Planner, January 7, 2011.

mitigation measures. The City Planning Commission will consider the suggestion at the hearing for project approval.

**Comment #9**

“While we understand that both buildings have been identified as historic resources, the majority of our board feels that they don’t represent a high level of integrity.

“Yet, since our mission statement clearly states that we strongly support historic preservation, we’ve decided to take a neutral position on the possible demolition and leave this important decision in your hands. In doing so, we will fully respect any conclusion you and the HPC come up with.” (*Peter Lewis, Mission Dolores Neighborhood Association, written comments*)

**Response #9**

These comments do not address the scope or adequacy of the EIR. The comments will be transmitted to the City Planning Commission and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

## TRANSPORTATION AND CIRCULATION

### Traffic

#### Comment #10

"It is stunning that this project has no transportation discussion, which is the sine qua non of SF environmental documents for projects of this size. Particularly when it is not an isolated project but is in an area where other similar projects are proposed.

"There should be a discussion in this EIR of the cumulative transportation—particularly traffic—issues for this stretch of Market and the streets running into Market. At present westbound pm traffic on Market Street slows down perceptibly during not only the peak hour but also often extending until and sometimes beyond 7pm.

"The statement at p.33 (Initial Study) lists LOS E & F intersections at Market and every intersection from Sanchez to Octavia. Except Market/Dolores. And Market/Noe. I believe the 2299 Market and Trader Joes project push Market/Noe intersection into that level. The conclusion that the impact on the already E&F levels cannot be mitigated on those intersections would not extend to Market/Dolores.

"Has the Department and this EIR analyzed this and concluded that even though there are three new projects at/near the Dolores/Market Street intersection (including a second grocery store) there will be no additional traffic impacts from this project and other cumulative development in this area?" (*Sue Hestor, written comments*)

#### Response #10

An evaluation of the project's travel demand was performed and is summarized on pages 31 to 37 of the Initial Study. Consistent with Section 15063(c)(3) of the *CEQA Guidelines*, the Initial Study was used to identify the effects determined not to be significant and focus the EIR on the effects determined to be significant. As summarized on pages 31 to 37 of the Initial Study, the traffic and transportation effects of the proposed project were determined to be less than significant. On that basis, the issue of traffic was focused out of the EIR from further consideration.

Travel demand of the proposed project was calculated using information in the 2002 *Transportation Impacts Analysis Guidelines for Environmental Review (SF Guidelines)* developed by the San Francisco Planning Department, as indicated on page 32 of the Initial Study, and the proposed project would add 20 vehicle trips to the intersections surrounding the project blocks during the PM peak hour. Because project-generated traffic would be a small part of existing conditions, and because those 20 vehicle trips would be dispersed among intersections in the

area, they were determined to not substantially increase traffic volumes at these intersections. As stated on page 33 of the Initial Study, cumulative traffic growth would occur from other developments in San Francisco, including implementation of the *Market-Octavia Area Plan*. The traffic analysis conducted for the *Market-Octavia Plan EIR* evaluated the stretch of Market Street in the vicinity of the project, including the intersections of Dolores/Market, Market/Octavia/McCoppin, Market/Sanchez/15th, Market/Church/14th, and Market/Guerrero/Laguna. The intersection of Market/Dolores/Clinton Park operates at Levels of Service (LOS) A (i.e., free-flowing conditions) during the weekday PM peak hour.<sup>7</sup> As noted in the comment, and in the Initial Study, cumulative traffic growth would occur from other developments in San Francisco, including implementation of the Market and Octavia Neighborhood Plan, as well as from the proposed project. Intersections in the project vicinity that would operate at LOS E or F under cumulative conditions include Hayes/Gough, Market/Octavia/McCoppin, Market/Sanchez/15<sup>th</sup>, Market/Church/14<sup>th</sup>, Market/Guerrero/Laguna, and Duboce/Mission/101 off-ramp.<sup>8</sup> The cumulative conditions evaluated by the *Market-Octavia Plan EIR* did include recently developed projects, as well as those that are anticipated by the Planning Department for future development. These conditions would occur with or without the proposed project. The proposed project would make a small contribution to the total 2025 Cumulative volumes at these intersections (less than 1 percent), and was determined to not considerably contribute to poor intersection operating conditions.

The Initial Study concluded that the 20 vehicle trips generated during the PM peak hour by the proposed residential uses (plus two employee trips) would travel through the intersections surrounding the project block, but would not substantially increase traffic volumes at these intersections. The proposed project would result in an increase in the average delay per vehicle at these intersections, but the increase would not be substantial or noticeable, and the proposed project would not change the LOS at the intersections. Therefore, both the project-level and the cumulative impacts of the project were determined to be less than significant. For this reason,

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<sup>7</sup> San Francisco Planning Department, *Market and Octavia Neighborhood Plan Final EIR*, State Clearinghouse No. 2004012118, April 5, 2007, Table 4-20. Available online at [http://www.sf-planning.org/ftp/files/MEA/2003.0347E\\_Market\\_Octavia\\_Neighborhood\\_Plan\\_TOC\\_Ch.4.pdf](http://www.sf-planning.org/ftp/files/MEA/2003.0347E_Market_Octavia_Neighborhood_Plan_TOC_Ch.4.pdf), accessed January 19, 2011.

<sup>8</sup> Ibid.

there was no need to impose traffic mitigation requirements on the project or to provide further analysis of traffic impacts in the EIR.

**Comment #11**

“Please do not omit from your analysis the impacts from cars on bicyclists and [on] pedestrians who have to cross two very wide streets—Dolores and Market. This is separate from Level E & F.” (*Sue Hestor, San Francisco Community Recyclers, written comments*)

**Response #11**

The transportation analysis performed for the proposed project did consider an analysis of impacts on pedestrians and bicycles, which is summarized on page 35 of the Initial Study. As reported therein, both sidewalks and crosswalks in the vicinity of the project currently operate at acceptable levels of service and, with up to 13 PM peak-hour walk trips, the project would not substantially change the existing pedestrian conditions or result in any significant impacts on pedestrian conditions, including impacts to pedestrian safety.

Similarly, the project’s impacts on bicycles would be less than significant. Although Market Street, 14th Street, and Clinton Park are designated Citywide Bicycle Routes, bicycle traffic in the vicinity of the project site is relatively low. While the proposed project would result in an increase in the number of vehicles in the vicinity of the project site, this increase would not be substantial enough to affect bicycle travel or safety in the area, and project impacts on bicycles would be less than significant.

**Transit**

**Comment #12**

“Will any additional public transit lines be added to support the increase of residents in this small area?” (*Dominique Sevi, written comments*)

**Response #12**

As discussed on page 33 of the Initial Study, the project site is already well served by public transit, with MUNI providing service in the immediate vicinity. Eight MUNI lines pass within two blocks of the project site, including the 22–Fillmore, 26–Valencia, and 37–Corbett bus lines, the J, K, L, and M Muni Metro (light rail) lines, and the F–Market Historic Streetcar service. The Church Street Muni Metro station is approximately one and one-half blocks to the west of the

project site, while the nearest BART station (Civic Center) is approximately one mile northeast of the project site on Market Street. The proposed project would generate approximately 34 transit trips during the weekday PM peak hour, which would be distributed over the transit lines serving the area. The transportation consultant for the project concluded that the increase in transit demand associated with the project would not noticeably affect transit services in the area or affect acceptable transit operations. Because project impacts on public transit would be less-than-significant, there would be no need to provide additional public transit lines to serve the area.

## Parking

### Comment #13

“Density and Parking Congestion.

“Even if this were the only building ‘knock-down and build up’ in the works in this area, I would still be concerned about congestion on this block because, despite City Car Share and Zipcar, 47 residential units will most certainly result in people looking for more than 40 parking spaces. I am not sure how many of you have tried to park in this area, but after 6pm it is a lesson in practicing patience and stress-management. And although I do not have to try to fight for parking myself, I am a frequent walker, and I [have] been scared by incredible instances of road rage and distracted parking-seeking drivers on the corner particularly of 14th and Dolores. This proposed project, in its current form, only worsens this problem. Additionally, this is not the only project in this neighborhood or even on this block. There is another large complex attempting to be developed just one block away, on the corner of 15th and Dolores, as well as on our very same block (on Dolores between Market and 14th). These projects may seem significant density and parking congestion-wise in and of themselves, but they represent an enormous influx of people, cars, parking woes, limit of street parking for those already living in the area, and, frankly, scarier drivers. I hope you will consider the proposed alternatives as at least slightly better in the amount of impact they will have on these issues.” *(Sarah Brant, written comments)*

### Response #13

The amount of parking permitted for a project is governed by Sections 151.1 and 157 of the Planning Code, which reflects the policies in the *Market-Octavia Area Plan*.

As discussed on page 33 of the Initial Study, parking supply is not considered to be a part of the permanent physical environment in San Francisco. Parking conditions are not static, as parking supply and demand varies day to night, day to day, 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.



Parking deficits are considered 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. Environmental documents should, however, address the secondary physical impacts that could be triggered by a social impact (*CEQA Guidelines* Section 15131 (a)). The social inconvenience of parking deficits, such as having to hunt for scarce parking spaces, is not an environmental impact, but there may be secondary physical environmental impacts, such as increased traffic congestion at intersections, air quality impacts, safety impacts, or noise impacts caused by congestion. 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, may induce many drivers to seek and find alternative parking facilities, shift to other modes of travel, or change their overall travel habits. 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 transportation analysis accounts for potential secondary effects, such as cars circling and looking for a parking space in areas of limited parking supply, by assuming that all drivers would attempt to find parking at or near the project site and then seek parking farther away if convenient parking is unavailable. While it is acknowledged that there may be an incremental increase in the number of drivers searching for a parking, the proposed project would provide 40 offstreet parking spaces and result in a demand of 61 spaces, resulting in a shortfall of 21 spaces. As noted above, some of this shortfall would be expected to be reduced by drivers shifting to other transportation modes. The transportation analysis concluded that the potential secondary effects from the parking supply shortfall, including potential safety hazards to pedestrians, would not be significant. Improvement Measures 1 and 2, on page 98 of the Initial Study, would encourage alternate modes of travel and car-sharing would reduce these less-than-significant transportation impacts.

The commenter's request to consider the alternatives to the proposed project is noted; it will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project or one of the alternatives to the project.

**Comment #14**

“14th Street is a very small one-way street, and it was never designed for a loading dock of the Whole Foods food. There’s probably about eight spaces on the whole street on that side now.” (*Jay Tobin, oral comments*)

**Response #14**

The proposed project would not include a loading dock or off-street loading spaces, either on 14<sup>th</sup> Street or Dolores Street, and 14<sup>th</sup> Street would not be used by delivery or service vehicles serving the project. As discussed on pages 35 and 36 of the Initial Study, the number of delivery and service vehicles generated by the proposed 47 dwelling units would be relatively low. Deliveries would include residents moving in or out, for which spaces could be reserved through the San Francisco Metropolitan Transportation Authority (SFMTA), and residential deliveries using standard delivery services like FedEx or UPS, which already deliver packages in the area and would not contribute additional loading trips. The project’s delivery and service trips could be met at the curb on Dolores Street, where the building’s pedestrian and garage entrances would be located. The transportation analysis concluded that the project’s loading impacts, including secondary impacts, would not be significant.

## AIR QUALITY

### Comment #15

"How will the ... climate control and quality inside my apartment building, since for a prolonged period of time, I will not be able to keep my windows open." (*Dominique Sevi, written comments*)

### Response #15

As discussed on page 43 of the Initial Study, construction related air quality impacts from demolition, excavation, grading and other construction activities may cause wind-blown dust that could contribute particulate matter into the local atmosphere.

To address the hazard of wind-blown dust, the San Francisco Board of Supervisors approved a series of amendments to the San Francisco Building and Health Codes generally referred hereto as the Construction Dust Control Ordinance (Ordinance 176-08, effective July 30, 2008) with the intent of reducing the quantity of dust generated during site preparation, demolition and construction work in order to protect the health of the general public and of onsite workers, minimize public nuisance complaints, and to avoid orders to stop work by the DBI.

The Ordinance requires that all site preparation work, demolition, or other construction activities within San Francisco that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures whether or not the activity requires a permit from DBI. The Director of DBI may waive this requirement for activities on sites less than one half-acre that are unlikely to result in any visible wind-blown dust. The dust-control measures, described in more detail on pages 44 to 46 of the Initial Study, require frequent watering sufficient to suppress airborne dust, covering of inactive stockpiles, and wet sweeping or vacuuming of adjacent streets and sidewalks. For projects over one-half acre the Ordinance requires the project sponsor to prepare a Dust Control Plan, subject to approval by the San Francisco Health Department, with additional dust control measures.

Additionally, as discussed on page 87 of the Initial Study, the fill in portions of the site is underlain by serpentinite. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. In the absence of proper controls, the asbestos could become airborne during excavation and the

handling of excavated materials. The project sponsor would be required to ensure that the construction contractors would comply with the asbestos ATCM to prevent airborne (fugitive) dust containing asbestos from migrating beyond property boundaries during excavation and handling of excavated materials. The measures implemented would protect the workers themselves as well as the public. The California Air Resources Board (CARB) adopted the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, which became effective in the BAAQMD on November 19, 2002.<sup>9</sup> The ATCM protects public health and the environment by requiring the use of best available dust mitigation measures to prevent off-site migration of asbestos-containing dust from road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in areas of ultramafic rock<sup>10</sup>, serpentine<sup>11</sup>, or asbestos.<sup>12</sup> The BAAQMD implements this regulation in the Bay Area. The implementation of **Mitigation Measure M-AQ-1** would include requirements for the project sponsor to prepare a Soils Management Plan (SMP) and compliance with the Asbestos ATCM.

Therefore, the impacts to air quality from construction activities were determined to be less than significant.

#### **Comment #16**

“Will trucks be running with motors on?” (*Dominique Sevi, written comments*)

#### **Response #16**

The project is proposed for residential use and would not have any commercial truck deliveries. Additionally, in 2005, CARB approved a regulatory measure to reduce emissions of toxic and

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<sup>9</sup> California Air Resources Board, Regulatory Advisory, *Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*, July 29, 2002.

<sup>10</sup> Ultramafic rocks are formed in high temperature environments well below the surface of the earth.

<sup>11</sup> Serpentine is a naturally occurring group of minerals that can be formed when ultramafic rocks are metamorphosed during uplift to the earth’s surface. Serpentinite is a rock consisting of one or more serpentine minerals, formed when ultramafic rocks metamorphose. This rock type is commonly associated with ultramafic rock along faults such as the Hayward fault. Small amounts of chrysotile asbestos, a fibrous form of serpentine minerals are common in serpentinite.

<sup>12</sup> Asbestos is a term used for several types of naturally occurring fibrous materials found in many parts of California.

criteria pollutants by limiting the idling of new heavy-duty diesel vehicles. The regulations generally limit idling of commercial motor vehicles (including buses and trucks) within 100 feet of a school or residential area for more than five consecutive minutes or periods aggregating more than five minutes in any one hour.<sup>13</sup> Therefore, the construction trucks for the proposed project would be required to limit their idling time to five minutes.

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<sup>13</sup> There are 12 exceptions to this requirement (e.g., emergency situations, military, adverse weather conditions, etc.), including: when a vehicle's power takeoff is being used to run pumps, blowers, or other equipment; when a vehicle is stuck in traffic, stopped at a light, or under direction of a police officer; when a vehicle is queuing beyond 100 feet from any restricted area; or when an engine is being tested, serviced, or repaired.

## NOISE

### Comment #17

“Strong Potential for Noise-Related Issues. We realize that we live in a city and the noise from construction is an urban reality. However, given the close proximities of the two properties, we are concerned that the loss of the wall—with no proper sound barrier being provided—will make construction-related noise a major problem for 55 Dolores residents, who[se] ages range from a newborn infant to a 94-year-old retiree who has lived here for over 40 years.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

“Third concern that is an EIR concern is noise problems. Given the close proximit[y] of our two properties—we are literally cheek by jowl—loss of the brick wall, with no proper sound barrier, could make construction-related noise a major problem for us. Our building residents range in age from a newborn infant to a 94-year-old retiree who has lived there for over 40 years.” (*Stuart McFaul, oral comments*)

“How will the noise pollution be addressed, ... since for a prolonged period of time, I will not be able to keep my windows open.

“How will I be compensated for the noise pollution?” (*Dominique Sevi, written comments*)

### Response #17

Temporary construction noise is regulated in San Francisco, as it is in most California cities, by ordinance. The San Francisco Noise Ordinance requires that noise levels from individual pieces of construction equipment, other than impact tools, not exceed 80 dBA at a distance of 100 feet from the source. Impact tools, such as jackhammers, must have both the intake and exhaust muffled to the satisfaction of the Director of the Department of Public Works (DPW) or the Director of Building Inspection (DBI). If the noise from the construction work would exceed the ambient noise levels at the property line of the site by five dBA, the work must not be conducted between 8:00 PM and 7:00 AM, unless the Director of DPW or the Director of DBI authorizes a special permit for conducting the work during that period. Improvement Measure 3 (see page 98 of the Initial Study), proposes to minimize the disruption of traffic flow by limiting truck movement to the hours between 9:00 AM and 3:30 PM, would also have the secondary effect of somewhat reducing construction noise.

The Initial Study concluded that construction-related increases in noise and vibration resulting from project construction would not be considered a significant impact because of the temporary and intermittent nature of construction, and because the contractor would be required to comply with the City's Noise Ordinance. If neighboring residents believe that the construction contractor is violating the Noise Ordinance, they should notify staff at the Department of Building Inspection, and an inspector will follow up on the complaint. While it is acknowledged that those living adjacent to the project site may experience annoyance and inconvenience as a result of project construction noise, the temporary construction noise would not be considered a significant impact. There is no provision under CEQA or the City's Noise Ordinance for compensation of residents for exposure to temporary construction noise.

## PUBLIC SERVICES

### **Comment #18**

“This planning—this loading dock, with trucks on 14th Street waiting to get in there—is going to hamper the Fire Department. The Fire Department leaves up on the other side of Market Street; comes out of there—it is probably three times a day, let's say—or two times, without exaggeration—any time, day or night, with these trucks.

“This loading dock with trucks right there waiting is going to hamper this Fire Department. I don't know if the Fire Department is aware of this loading dock for Whole Foods.

“And that's my main concern in mind. 14th Street is a very small street, not designed for this. It is just not designed for it. (*Jay Tobin, oral comments*)

### **Response #18**

The proposed project would not have a loading dock, either on 14<sup>th</sup> Street or on Dolores Street, as stated on page 14 of the DEIR and illustrated on the site plan, Figure 3 (page 10) of the DEIR. As discussed on pages 35 and 36 of the Initial Study, the number of delivery and service vehicles generated by the proposed 47 dwelling units would be relatively low. Deliveries would include residents moving in or out, for which spaces could be reserved through the San Francisco Metropolitan Transportation Authority (SFMTA), and residential deliveries using standard delivery services like FedEx or UPS, which already deliver packages in the area and would not contribute additional loading trips. The project's delivery and service trips could be met at the curb on Dolores Street, where the building's pedestrian and garage entrances would be located. The limited loading activity that would be generated by the project would not be expected to interfere with traffic flow or with Fire Department activities, either on 14<sup>th</sup> Street or on Dolores Street.



## GEOLOGY AND SOILS

### Comment #19

“Strong Potential for Damage to the 55 Dolores Building and Property Infrastructure. As you can see from the photos included at the end of this letter [see Appendix 1 of this C&R document], 55 Dolores Street and the building occupying the 23-35 Dolores Street property are almost literally joined in some sections. The existing brick wall of the 23-35 Dolores property acts as the fence bordering the entry gate, front pathway, and front terrace and rear terrace walls of 55 Dolores Unit #1. Nothing in the current plan provides for an adequate solution to replace this wall that will ensure the building and property infrastructure of 55 Dolores remains whole.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

“The first issue is that there is a strong potential for damage to our building—55 Dolores Street—in the property infrastructure.

“As you might see from the exhibits included at the end of the thicker letter, 55 Dolores Street and the building in question are almost literally joined in some sections.

“This has been in place for over 50 years, since the property at 55 Dolores was constructed. The existing brick wall that is the wall of the building at 23-35 Dolores is actually the fence that borders the property of 55 Dolores. It borders our entry gate, our front pathway, the front terrace, and rear terrace walls of the property.

“Nothing in the current plan provides an adequate solution to replace this wall, that ensures that the building and the infrastructure of 55 Dolores remains whole.” (*Stuart McFaul, oral comments*)

### Response #19

As noted on page 23 of the DEIR, the project would require approval by the Department Building Inspection (DBI) for demolition and building permits. As a part of this approval process, DBI would verify that project design plans (which are not finalized at this time) comply with all applicable *California Building Code* requirements, including adequate structural design, seismic safety, performance requirements for exterior walls, and many other code requirements developed to ensure building stability and occupant safety. These requirements will also apply to any potential effects development of the project would have on the adjacent property at 55 Dolores Street. Therefore, DBI review would ensure that 55 Dolores does not withstand structural damage from the proposed construction of 25 -35 Dolores Street.

Additionally, the project architect has indicated that the property at 55 Dolores Street would be structurally supported during demolition and excavation, and the project contractors would

remove the existing wall in sections, supporting the existing structures as they went along. Because the project site is underlain with groundrock, dirt movement is not anticipated. Other neighboring structures, where they are directly adjacent to the existing buildings at the project site, would be supported the same way.

## BIOLOGICAL RESOURCES

### Comment #20

"In the interest of full disclosure, I work for the City & County of San Francisco, Department of Public Works, in Urban Forestry Permitting and Policy, but I would like to submit my personal comments on the project's draft EIR from my perspective as an arborist certified by the International Society of Arboriculture and as a longtime resident of the Mission. These points are explained in more detail later, but to summarize, I recommend:

- "• Designation of a critical root zone, in which no work will be performed
- "• Expansion of the size of the tree protection zone
- "• Tunneling under, rather than trenching through, any roots within the tree protection zone
- "• The project's request for a variance to allow a 25 percent rear yard setback should be denied
- "• Creating a written schedule of inspections by the project arborist and DPW's Urban Forester
- "• Detailed restrictions on landscaping within the tree protection zone
- "• Bonding the tree

"The San Francisco Board of Supervisors adopted criteria for the designation and protection of landmark trees because it recognized that specific trees contribute substantially to the City's health and character due to their age, size, species, location, and/or historical association. The project at 25-35 Dolores Street has the potential to negatively impact one of the few officially designated landmark trees in San Francisco. The project sponsor has engaged the services of a consulting arborist to create a tree protection plan, signifying that they will endeavor to have a 'less than significant' impact on the tree during the course of construction. Indeed, if care is taken during and after construction, the project has the potential to improve the long-term prospects of this very special tree by allowing it more space in which to settle into old age, both above- and belowground. I wish to emphasize the importance, both symbolic and tangible, of this landmark tree. And I appreciate the opportunity to suggest a few modifications to the project which should minimize the potential for community conflict related to this beloved tree and which will also greatly enhance the tree's chances for continuing to live past the development of 25-35 Dolores Street, hopefully for another century or more.

"This particular tree, a coast live oak (*Quercus agrifolia*) was designated as a landmark tree after being nominated by the Director of the Department of Public Works in 2006, endorsed by the owner of the property on which the tree is located, recommended by the Urban Forestry Council, and ultimately approved for protected status by the Board of Supervisors in 2007. One of the few tree species native to San Francisco, coast live oak is nonetheless relatively rare in San Francisco and this individual most likely predates the development around it. It was probably a juvenile tree around the time of the 1906 earthquake. It is of a size rarely seen in an urban environment with a trunk circumference of twelve feet (measured 4'-6" from the ground), a height of over 35 feet and a canopy that extends over four separate lots. The top of the tree is visible above the roof of 25-35 Dolores, viewed from Dolores Street at Market.

"As a native climax species, *Quercus agrifolia* is the backbone of Bay Area coastal habitat. Local and migrating birds flock to this tree and it is a key larval food plant for the California sister butterfly (*Adelpha*

*californica*). This individual tree is a remnant of the endemic-rich Franciscan Region of the California Floristic Province, which has been nearly eradicated by development.

“All trees are sensitive to the impacts of development, but *Quercus agrifolia* is especially so. In ‘Patterns of Structural Failures in Urban Trees: Coast Live Oak (*Quercus agrifolia*),’ the authors analyzed data from the California Tree Failure Report Program (CTFRP) and discovered that failures of coast live oak were the most frequently reported of any hardwood species in the CTFRP database. They conclude that the most common pattern in these failures was ‘a root or low trunk failure of a naturally occurring tree growing in a residential site... suggesting that human site and soil modification can have a negative impact on the health of these remnant trees of native origin. Site grade changes, both cutting and filling, were frequently associated with the failures of native oaks. Coast live oak in particular has the highest frequency of grade change associated with failure.’ In addition to grade changes, compaction and saturation of soil were also frequently associated with root failure in coast live oak. (Roger Edberg and Allison Berry, ‘Patterns of Structural Failures in Urban Trees: Coast Live Oak (*Quercus agrifolia*),’ *Journal of Arboriculture* 25 (1999): 48-49, 52-53.)

“The project sponsor engaged the services of Tree Management Experts to create a tree protection plan to reduce the potential for negative impacts to the tree during demolition and construction. The tree protection plan calls for a tree protection zone which would extend 17’ from the trunk of the tree and in which work related to demolition, construction, and storage of materials would either be disallowed or, if required, restricted and supervised by the project arborist. The size of the tree protection zone is based on the dripline (canopy radius) of the coast live oak tree. An alternate method often used to calculate the tree protection zone uses the trunk diameter (at 4’-6” from the ground) and a multiplier based on the age of the tree and the tolerance of the species for construction. Using this method, the tree protection zone should extend 30’ from the tree, rather than the 17’ currently recommended by the project arborist. The project arborist rightly surmises in his report ‘It may be that there are literally no roots’ under the project site, due to the historic lack of permeable rear yard setback and that the presence or absence of roots can only be determined after demolition.

“I propose that, upon completion of demolition, the project arborist and DPW’s Urban Forester jointly inspect the tree roots and determine a critical root zone, in which no further work and no storage will be allowed, and also enlarge the size of the tree protection zone beyond the currently recommended 17’ if they determine that doing so would significantly benefit the landmark tree.

“The tree protection plan also calls for supervision by the project arborist of any trenching or grading involved in construction or landscape installation. Ideally, there would be no trenching or grading within the tree protection zone, but, when developing a site in a dense urban environment, these may not be feasible to avoid altogether. I suggest that no trenching or grading, either during construction or landscape installation, be allowed within the critical root zone determined by the project arborist and Urban Forester. Any underground services which must be located within the tree protection zone should be installed by tunneling under the tree roots with a boring machine, rather than trenching.

“The project should supply a written schedule of inspections at critical points during demolition, construction, and landscape installation to be conducted by both the project arborist and the Urban Forester in addition to the joint inspection at completion of demolition.” (*James DeVinny, written comments*)

### **Response #20**

The comment recommends additional protection measures for the coast live oak (*Quercus agrifolia*) landmark tree that is located adjacent to the project site, in the back yards of 20 and

30 Rosemont Place. As noted in the comment, implementation of a Tree Protection Plan would be required during construction of the proposed project. The requirements of the Tree Protection Plan are set forth in Mitigation Measure M-BI-1 on pages S-9 and S-10 of the DEIR (Mitigation Measure 3 on pages 96 and 97 of the Initial Study). Mitigation Measure M-BI-1 would reduce the potential impact of the proposed project to the landmark and adjacent trees to a less-than-significant level. A professional Certified Arborist would be on the site while any work within the Tree Protection Zone (TPZ) occurred to ensure adequate protection of the oak tree, and would have authority to require warranted protection measures that became apparent as work in the vicinity of the tree occurred. The Tree Protection Plan must be reviewed and approved by the Department of Public Works-Bureau of Urban Forestry (DPW-BUF) prior to its implementation, and may be subject to modification and enhancement by the DPW-BUF. Additionally, Mitigation Measure M-BI-1 has been updated to reflect the recommendations articulated in the comment that were deemed feasible by DPW-BUF in Draft EIR Revisions, beginning on page C&R.59 of this Comments and Responses document.<sup>14</sup> With revisions to the mitigation measure, the proposed project's potential impact to the landmark and adjacent trees would remain less than significant, as it would incorporating Mitigation Measure M-BI-1 without revisions.

Revisions include:

- Reassessment of the TPZ radius after demolition of 25-35 Dolores Street at the discretion of the project arborist and DPW-BUF, at a minimum of 17 feet based on truck diameter;
- Prohibiting trenching and grading within the TPZ and mandating the use of tunneling should landscape work be required within the TPZ;
- Bonding the landmark tree during construction and up to a period of five years as determined by the Project Arborist and DPW-BUF;
- In addition to DPW-BUF review of the Arborist Report and Tree Protection Plan, DPW-BUF would review proposed rear yard landscaping plans to ensure the landscaping would not impact the landmark tree; and
- DPW-BUF would also review and monitor landscape activities, in addition to demolition, excavation and construction activities.

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<sup>14</sup> Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry, email communication to Chelsea Fordham, Environmental Planner, November 30, 2010. This correspondence is on file and available for public review by appointment at the Planning Department, 1650 Mission Street, Suite 400, San Francisco, as part of project file 2006.0848E.

Other measures noted by the commenter, including a written schedule of inspections by DPW-BUF, were deemed infeasible at this stage of project review; however it should be noted that DPW-BUF will review all landscaping plans and monitor all activity and can mandate restrictions deemed necessary for the health of the tree. Additionally, communication from DPW-BUF stated that the measures in Mitigation Measure M-BI-1 for a DPW-BUF monitor to be on site during the demolition, construction, and landscape activities of the proposed project are adequate to ensure that inspections are performed.<sup>15</sup> Additionally, the Mitigation Monitoring and Reporting Program (MMRP) would be approved as part of the project entitlements, and would provide specifications when inspections should be performed and who is the responsible agency for implementing and monitoring of the mitigation measures. The additional recommendations provided in the comment will be considered by the Planning Commission, which may impose additional conditions of approval on the project incorporating these recommendations.

**Comment #21**

“The Zoning Administrator has determined that a 35 percent rear yard setback is required for the project. The project plans to request a variance from this requirement to allow a 25 percent rear yard setback, which is what the current designs have been based on. It should be noted that the rear yard design may need to be altered, depending on the size of the critical root and tree protection zones as determined after demolition. The current design calls for significant grading within 30’ of the landmark tree, which would be within a tree protection zone based on the landmark tree’s trunk diameter, as opposed to the dripline. I believe that granting this variance will not allow for adjustments which may need to be made to the critical root and tree protection zones, and suggest that the project’s request for a variance be denied.”  
(*James DeVinny, written comments*)

**Response #21**

The comment recommending denial of the variance will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

Please see Response #20 and modification to Mitigation Measure M-BI-1 in Draft EIR Revisions beginning on page C&R.59, which discuss modification to the Tree Protection Zone (TPZ) during construction and landscaping activities for additional response to these comments. With

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<sup>15</sup> Carla Short, Urban Forester, Department of Public Works, Bureau of Urban Forestry, November 30, 2010. Ibid

implementation of the revised Mitigation Measure M-BI-1, the impact of the proposed project on the landmark and adjacent trees would remain less than significant, as it would incorporate Mitigation Measure M-BI-1 without revision. The determination regarding a variance is a discretionary action on the part of the decision-makers and not within the scope of environmental analysis.

**Comment #22**

Native oaks are notoriously sensitive to changes in summer moisture and to the companion plants placed around them. Irrigation of any kind within the dripline of a native oak will cause it to decline and eventually die, unless this irrigation is temporary and used to mitigate construction-related disturbance to the roots. Incompatible plantings will likewise stress the landmark oak. The San Francisco Public Works Code grants DPW jurisdiction over all protected trees, including landmark trees. Given this, the project should submit detailed landscape design and planting plans for approval by DPW's Urban Forester and should include detailed landscape restrictions in the Homeowners Association Bylaws.

"Trees impacted negatively by development will often not exhibit symptoms of stress or decline for several years after construction. I believe the project could further demonstrate its commitment to preserving the nearby trees by bonding the landmark tree for the duration of construction and an additional five years after the completion of landscape installation. The amount of the bond should be based on an appraised value determined by the project arborist and the Urban Forester and should be released only after inspection by both at the end of the post-construction five year period.

"The San Francisco Public Works Code directs the Urban Forester to issue fines equal to a tree's value for failure to adequately protect trees during construction. Considering the size of the landmark oak and the rarity of this species, such a fine would be considerable. California Penal Code sections 384a and 622 make it a criminal offense to harm a tree on someone else's land, punishable by a fine of up to \$1,000 and six months in jail. Additionally, California Civil Code section 3346 and California Code of Civil Procedure section 733 provide that the owner of an injured tree is entitled to up to three times the tree's value in damages. In light of the possible legal and financial consequences to the project, I believe that these measures would not only benefit the landmark tree and the neighborhood that cherishes it, but are also in the best interest of the owner and developer of 25-35 Dolores Street.

"Thank you for your consideration." (*James DeVinny, written comments*)

**Response #22**

The comment recommends that the landscape plans be reviewed by DPW's Urban Forester and bonding the landmark tree adjacent to the project site for a period of five years in order to ensure its long-term health and protection. As noted in Response #20, these requirements have been incorporated into Mitigation Measure M-BI-1 as indicated in Draft EIR Revisions, beginning on page C&R.59. As noted in the comment, existing state and City code provide for the assessment of fines for failure to adequately protect trees during construction. These fines can be issued to the project sponsor if the requirements of Mitigation Measure M-BI-1 are not adequately

implemented in order to ensure the protection of the landmark tree. Please see Responses #20 and 21 for additional response to these comments. As noted in Response #20, the Planning Commission may impose additional conditions of approval on the project incorporating this recommendation.

**Comment #23**

“Strong Potential for Disturbance of Wildlife.

“Before the City undergrounded the telephone wires on the first block of Dolores several years back, the palm trees down the center of this first block of Dolores were teeming with our city’s feral parrot population. This block was in several birding books and tour books, and I would often see people standing for hours on the sidewalk with binoculars just to watch the parrots in their long-residing habitat. The project undertaken by the City—which lasted really very little time in comparison to this project—was, of course, loud and tar-smelly and dusty and messy—as construction is, no matter how many tarps are put on things—and I saw first-hand how the great disturbance resulted in the fleeing of that flock. It is only in the past year that any of the parrots have begun to return. This project in its present proposal would greatly disturb them again and in a greater fashion.” (*Sarah Brant, written comments*)

**Response #23**

The proposed project does not proposed any work in the median of the Dolores Street, which is where the parrots are being reported to be located. However, construction activities may result in temporary disturbance to the roosting or impermanent resting habitat for feral parrots and other birds habituated in the project vicinity. Some of these birds, including parrots, are not native species. Native parrots do not currently exist in North America, however, as in San Francisco, imported parrots are seen regularly. They usually occur in small flocks, establishing feral populations where exotic trees and shrubs have been incorporated into site landscaping to create suitable habitat. Many parrot species occurring in urban areas are either escaped pets or the escapees from captivity, such as zoos. Parrots are generally long-lived, and a single escape or series of escapes may create a local population that persists for many years without ever reproducing in the wild. This EIR does not seek to reach any conclusions regarding the reproduction or source of the parrots mentioned in the comment.

Bird nesting is protected under the federal Migratory Bird Treaty Act (MBTA), which may occur in the project area. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, and seabirds. As described above, construction activities could result in disturbance to bird nesting. To reduce potential for effects on nesting birds from construction activities, construction should occur outside the bird nesting season (January 15 to August 15). Bird nesting season is generally



recognized to be from March 15 to August 15 in most areas of California, but can begin as early as January 15<sup>th</sup> in the San Francisco area. If construction during bird nesting cannot be fully avoided, preconstruction nesting surveys should be conducted prior to work in order to comply with the MBTA. The MBTA makes it unlawfully to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in 50CFR 10, including their nests, eggs, or young. Pursuant to the MBTA, the project sponsor will conduct preconstruction bird nesting surveys within seven days of the start of construction (i.e. active ground disturbance). If active nests are located during the preconstruction bird nesting survey, the project sponsor is required to contact the California Department of Fish and Game for guidance on obtaining and complying with a Section 1081 Agreement, which may include setting up and maintaining a line-of-site buffer area around the active nest and prohibiting construction activities within the buffer; modifying construction activities; and/or removing or relocating active nests.

**Comment #24**

“Additionally, the trees behind the proposed property are home to an enormous variety of birds. While I see evidence that the City is concerned about protecting the trees themselves (which is good, because they are magnificent solid mature pine trees that have been there certainly longer than our most senior resident—who remembers them being quite grown when she moved in more than 40 years ago), I see nothing in this plan addressing the wildlife that calls those trees and its peaceful surroundings home. I wonder what the plan for this small ecosystem [is.] Any construction, especially as significant as this, and especially one that grows in height as this does so near those trees, will certainly significantly impact these birds and the other wildlife in those trees.” (*Sarah Brant, written comments*)

**Response #24**

Please see Response to #23, which defines the requirement for the project to comply with the Migratory Bird Treaty Act (MTBA). The MBTA will require that if construction will occur during the bird nesting season, that the project sponsor will conduct preconstruction bird nesting surveys within seven days of the start of construction (i.e. active ground disturbance). If active nests are located during the preconstruction bird nesting survey, the project sponsor is required to contact the California Department of Fish and Game for guidance on obtaining and complying with a Section 1081 Agreement.

## HAZARDS AND HAZARDOUS MATERIALS

### Comment #25

"We understand that there is serpentine rock on the site. Therefore, we expect the developers to take all precautions necessary to make sure that our neighbors in the area are completely protected from any possible hazards from the known asbestos in that rock." (*Peter Lewis, Mission Dolores Neighborhood Association, written comments*)

### Response #25

As correctly noted in the comment, fill on the project site is underlain by either very stiff clay with sand or serpentinite and shale, which is discussed on page 72 of the Initial Study. Serpentinite commonly contains naturally occurring chrysotile asbestos (NOA), a fibrous mineral that can be hazardous to human health if it becomes airborne. In the absence of proper controls, the asbestos could become airborne during excavation and the handling of excavated materials. On-site workers and the public could be exposed to the airborne asbestos unless appropriate control measures are implemented.

As discussed on pages 46 to 47 and 86 to 87 of the Initial Study, the project sponsor would be required to ensure that the project construction contractors would comply with the Asbestos Airborne Toxic Control Measure (ATCM)<sup>16</sup> to prevent airborne (fugitive) dust containing asbestos from migrating beyond property boundaries during excavation and handling of excavated materials. The measures implemented would protect the workers themselves as well as the public.

The California Air Resources Board (CARB) adopted the Asbestos ATCM for Construction, Grading, Quarrying, and Surface Mining Operations, which became effective in the Bay Area Air Quality Management District (BAAQMD) on November 19, 2002. The ATCM protects public health and the environment by requiring the use of best available dust mitigation measures to prevent off-site migration of asbestos-containing dust from road construction and maintenance activities, construction and grading operations, and quarrying and surface mining operations in

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<sup>16</sup> California Air Resources Board, Regulatory Advisory, *Asbestos Airborne Toxic Control Measure for Construction, Creating, Quarrying, and Surface Mining Operations*, July 29, 2002.

areas of ultramafic rock, serpentine, or asbestos. The BAAQMD implements this regulation in the Bay Area.

The Initial Study acknowledged that the disturbance of NOA soils on the site would result in a potentially significant air quality impact during construction. The project sponsor has agreed to implement Mitigation Measure 2 of the Initial Study, pages 94 to 96, called Mitigation Measure M-AQ-1 in the DEIR, pages S-8 and S-9, which specifies the necessary steps for implementing a Soils Management Plan (SMP) prepared for the site. The SMP would incorporate the BAAQMD requirements for completion of an Asbestos Dust Mitigation Plan permit application with BAAQMD prior to any site excavation. With implementation of these measures, the construction-related air quality impacts of the proposed project would be less than significant and the neighboring residents would be protected from airborne asbestos hazards.

#### **Comment #26**

“Potential for chemical and dust-related problems for 55 Dolores residents and other neighbors.

“The building in question was a paint shop and repair shop for a long time before it sat empty and abandoned, and according to the report, testing of the soil, etc. has concluded that there are indeed elevated levels of toxins produced and contained in the building. However, the report does not focus any attention on the impact of these toxins on the surrounding properties. For example, while I see that there is talk of the contaminated groundwater and soil, there is no mention in the report of the significant winds that take place throughout the year on this first block of Dolores. More than the other Dolores blocks, the first block of Dolores experiences particularly aggressive winds, as any resident here can attest. I do not see a sufficient plan in the Asbestos, Dust Suppression or Surface Water Runoff parts of the report to ensure that this important issue has been adequately recognized or addressed. With several elderly residents as well as a new-born residing at 55 Dolores Street, the health issues related to such a project could be quite alarming and I hope the commission will look into this further before proceeding with any of the proposed alternatives, much less the proposed project as is.” (*Sarah Brant, written comments*)

“The fourth issue is toxic chemical problems. 23-35 Dolores was a paint and repair shop. The EIR has concluded that there are elevated levels of toxins produced and contained in the building.” (*Stuart McFaul, oral comments*)

#### **Response #26**

The commenters raise two separate concerns related to the potential for hazardous materials to adversely affect neighbors of the project. The first is related to the potential for soil and groundwater contaminants to adversely affect neighboring properties. The second relates to

wind-blown dust, naturally occurring asbestos, and other contaminants; this is addressed later in this response.

There were three subsurface investigations on the project site. The first of which was conducted in 1996, with seven soil borings, five of which were terminated upon encountering bedrock at depths of 2 to 10 feet below the ground surface (bgs) upon encountering bedrock and “drilling refusal.” The borings were taken at locations of potential hazardous materials release and groundwater was not encountered. Analytical results of the collected soil samples indicated no elevated concentrations of petroleum-based contaminants including Total Petroleum Hydrocarbons as gasoline (TPHg); benzene, toluene, ethylbenzene, and total xylenes (BTEX), or volatile organic compounds (VOCs).

The second investigation, a Phase I Environmental Site Assessment (ESA) found no evidence that prior activities, which involved storage and use of various hazardous substances and petroleum products, had resulted in contamination of the site’s soil or groundwater or represented a significant environmental concern.

The third investigation, a geotechnical study conducted in 2006, involved three borings drilled from inside the existing buildings to depths ranging from approximately 5.5 to 20.5 feet bgs, which did not encounter groundwater. Samples were analyzed for asbestos, lead, total petroleum hydrocarbons as diesel (TPHd) and motor oil (TPHmo). The samples collected showed that the shallow fill material does contain elevated lead at concentrations that warrant special handling and waste profiling prior to excavation and disposal. Therefore, Mitigation Measure M-HZ-2 was included in the EIR, pages S-4 to S-6 and 50 to 52, which requires the project sponsor to enter into a voluntary remedial action plan with the San Francisco Department of Public Health (SFDPH), including preparation of a Site Mitigation Plan, which would reduce impacts associated with potential hazardous materials release to a less-than-significant level. Additionally, Mitigation Measure M-HZ-1, page S-11, (identified as Mitigation Measure 4 in the Initial Study) would require sampling and abatement of potential hazardous building materials on site pursuant to existing regulations prior to demolition. Mitigation Measure M-HZ-1 would reduce impacts associated with PCB, mercury, lead, and other potential toxic building substances located within the structures to a less-than-significant level.

Subsurface investigation revealed serpentinite bedrock underneath the shallow fill that contains approximately 10 to 20 percent chrysotile asbestos, which poses potential health risks. Mitigation

Measure M-AQ-1, pages S-8 and S-9 (Mitigation Measure 2 in the Initial Study), which calls for preparation of a Soil Management Plan, would mitigate impacts related to asbestos to a less-than-significant level. The Soil Management Plan contains dust control provisions to reduce exposure during excavation, grading, loading, and transporting of excavated materials, as well as instituting a site-specific health and safety plan developed by a certified industrial hygienist that would include air sampling and monitoring to evaluate the amount of airborne dust particles generated during excavation, grading, loading, and transportation. The DEIR found that Mitigation Measures M-HZ-1, M-HZ-2, and M-AQ-1 would reduce impacts related to accidental release of asbestos and other hazardous materials into the environment to a less-than-significant level.

**Comment #27**

“Are there heavy amounts of pesticides being used for insect control?”

“Will chemicals be sprayed?”

“What type[s] of paint and building materials are being used and how will that change my quality of living, as it is bound to?” (*Dominique Sevi, written comments*)

**Response #27**

The information requested in the comment is not known at this point in the development review process. However, it is not expected that the proposed project would result in exposure of neighboring residents to toxic chemicals. Pesticide use is regulated through State and federal laws designed to protect public health, worker safety, and the environment. These laws are enforced by the Environmental Health Section of the San Francisco Department of Public Health. A detailed construction materials plan has not yet been developed, but will be required prior to issuance of a building permit, and will be subject to the toxic chemicals controls of the Department of Public Health. In addition, if neighbors have reason to believe that air pollutants are being emitted from the site, they can register a complaint by phone (at 800-334-6367) with the Bay Area Air Quality Management District, which will send inspectors to investigate. Development of the proposed project would be subject to all applicable laws and regulations governing the use of toxic chemicals, and would not be expected to adversely affect the health or quality of life of the neighboring residents.

## ALTERNATIVES

### Comment #28

“There is language in the DEIR (pp. 60, 63) stating that the two preservation alternatives ‘would partially meet the project sponsor’s objectives.’ I am writing to state for the record that neither alternative meets our objectives. Indeed, both alternatives fail to meet at least two of the three criteria that all need to be met in order to allow your approval of a preservation alternative instead of the proposed project. (Please see DEIR at page 57.)

“1. They are not feasible.

“2. They would not attain most of the project sponsor’s objectives.

“Neither the Preservation nor the Partial Preservation Alternative is feasible.

“The law takes into account both economic and technical factors when defining "feasibility" (Section 21061.1 of the Public Resources Code).

- “• The Preservation Alternative is not economically feasible. The residential spaces generated will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the market. Consequently, their finished market value will be less than the combined cost of acquiring the buildings, their structural upgrade and other construction costs.

- “• The Partial-Preservation Alternative is not economically feasible.

- “– This alternative contemplates the marriage of a new three-floor building set back twenty feet from two floors built within the preserved facades of the existing buildings. This solution imposes unreasonably high costs on the project.

- “– With only 23 units, the finished value of the project will be less than the combined cost of acquiring the buildings, reinforcing their facades and other construction costs.

- “• The technical difficulties involved with shoring the unreinforced brick facades and excavating a subterranean garage will be daunting and the attendant costs prohibitive, exacerbating the infeasibility of both alternatives.

“Neither alternative attains the Project Sponsor’s objectives.

- “• Contrary to the assertions set forth at DEIR pages 60 and 63, I do not believe either preservation alternative represents a ‘high-quality residential building with associated parking.’

- “– These buildings are industrial and out of character with the surrounding multi-family residential buildings. My opinion is reflected by the *Market Octavia Plan*, which prohibits new commercial uses on this site.

- “– The buildings cover 95% of the lot and contribute little to the rear yard residential pattern.

- “– These buildings are not suitable for conversion to residential use.

- “– The loft spaces produced by the preservation alternative will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the residential market.
- “– The partial preservation alternative is an exercise in ‘facadism.’
- “– A parking garage is infeasible under both alternatives and would not be built.
- “• Because the alternatives are not economically feasible they cannot be economically justified - and cannot be financed. Without economic justification they will not be built, development will not occur and the sponsor’s objectives will not be met.” (*Bill Lightner, written comments*)

“In sum, I wish to propose a correction to the draft EIR, and secondly make a comment regarding the preservation alternatives.

“The correction is that—regarding Pages 60 and 63—that states that the project sponsor's objectives would be partially met by providing quality housing and parking therefore. I wish to correct that, because I don't believe that—from my personal standards—that these are as qualitative a project as a new project.

“The first that Toby described to you would be a loft project, and essentially chopping up an old building with slivers of live-work spaces that don't meet that marketplace, and [that] I wouldn't be proud to build.

“Secondly, the project that sets back and builds a new building to me is just an exercise in facade-ism—and again, not something that I wish to represent my name as a native San Franciscan.

“So I don't like either project as preservation alternatives. And moreover, the parking would be infeasible—I think as Toby was about to say. Any parking underneath this structure is going to require excavation, and excavating under the existing building would be technically infeasible and too expensive.

“The comment adds to the point of infeasibility. With the technical difficulties of doing the garage, we have a very high expense with regard to the preservation alternatives, and neither project, as proposed—either 18 or 23 units—would meet our economic feasibility thresholds.” (*Bill Lightner, oral comments*)

“While I was directed by Planning staff to prepare two preservation alternatives, I believe it is the architect’s role is to help determine whether these alternatives meet three important criteria (See DEIR, page 57).

- “1. Are they feasible?
- “2. Would they reduce or eliminate any of the project’s significant impacts?
- “3. Would attain most of the project sponsor’s objectives?

“Neither the Preservation nor the Partial Preservation Alternative is Feasible

“According to the DEIR, the law takes into account both economic and technical factors when defining ‘feasibility’ (Section 21061.1 of the Public Resources Code).

- “• The Preservation Alternative is not economically feasible. The residential spaces generated in this alternative will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the market. Consequently, their finished market value will be less than the combined cost of acquiring the buildings, their structural upgrade and other construction costs. Other factors to consider follow:
  - “– Fitting the units within the two warehouses would require removing some sections at the rear to provide light and air into the units.

- “– The low trusses limited the use of the interior space and in general allowed for only loft like units with open sleeping areas.
- “– The resulting 18 units would not meet the code-required and neighborhood-desired ‘family units.’
- “– Given the buildings’ relationship to the street, universal accessibility would require substantial alteration of their façades.
- “• The Partial-Preservation Alternative is not economically feasible. Attempting to align three floors of new residential space set back twenty feet from the two residential floors that can be built adjacent to the facades of these buildings imposes unreasonably high costs on the project. Moreover, with only 23 units, the finished value of the project will be less than the combined cost of acquiring the buildings, reinforcing their facades and other construction costs.
- “• The technical difficulties involved with shoring the unreinforced brick facades and excavating a subterranean garage will be daunting and the attendant cost prohibitive, exacerbating the infeasibility of both alternatives.

“Neither alternative attains the sponsor’s objectives.

- “• Because the alternatives are not economically feasible they cannot be economically justified - and cannot be financed. Without economic justification they will not be built, development will not occur and the sponsor’s objectives will not be met.

“My Perspective

- “• As reflected by the *Market Octavia Plan*, which prohibits new commercial uses on this site, these industrial buildings are out of character with the surrounding multi-family residential buildings. “–In addition to their commercial facades, the existing buildings cover 95% of the lot and contributes little to the rear yard residential pattern.
- “• These industrial buildings are not suitable for conversion to residential use. While anything may be possible if money is no object, these preservation schemes are certainly more costly and less desirable than new residential construction.”

“My analysis concluded that these garage buildings are not suitable for conversion to residential use.”  
(*Toby Levy, FAIA, written comments, and as presented to the Historic Preservation Commission*)

“We were asked by staff to look at two alternatives—the preservation alternatives and an adaptive re-use or partial preservation alternative. Although we concluded that these projects were do-able, we also concluded they were very costly, difficult to execute, and also would not meet the project sponsor's objectives.

“This (indicating) is the building in question. What happened is basically the structure itself, as well as the permitted uses on the site, are a challenge. The permitted uses on the site are actually as a result of the Market-Octavia plan, and are strictly residential. And as you can see, this is a commercial building; these (indicating) are the plans, and it covers roughly 95 percent of the lot.

“The two different buildings are also a step up the street, and therefore make their levels difficult to deal with in the adaptive re-use.

“The buildings themselves are brick walls on shallow foundations, and their trusses, the bottom [quarter] of which—the wood trusses—are actually at 11 feet. In the preservation alternative—which this is—you can see that slipping things within it are difficult.



“We looked at a scheme that actually used the building, took out this shed in back, and actually removed the last 25 percent of the building, and basically chopped the building up just to put units in front of it.

“The challenges, of course, are the light and air that it produces, but we did get 18 loft-like studio units, none of which are [of] the size to be two-bedroom units.

“Also, accessibility making this project is also making it difficult, as I said, because of the stepped [floor], and also trying not to do further damage to the exterior facade.

In the adaptive re-use scenario, the picture of which is contained in the EIR, we actually looked at keeping the front and the two side walls of the building as much as we could. This permitted us to have as many as 23 one- and two-bedroom units. We assumed that the building would be set back in sort of porches, to provide a sort of use to the building, and access to the building with basically a very efficient scheme.

“This also has trouble. We would essentially just be leaving you with a front and side brick walls, for better or for worse—as someone would call facade-ism.

“In both cases, because it was a comparison we did include the—assume the .75 parking places, and digging under a brick building and providing parking would be difficult.” (*Toby Levy, FAIA, oral comments*)

#### **Response #28**

These comments assert that neither the Preservation Alternative nor the Partial Preservation Alternative is economically feasible and that neither attains the project sponsor’s objectives.

According to *CEQA Guidelines* Section 15126.6(a), CEQA requires an evaluation of a reasonable range of potentially feasible alternatives to the project that would feasibly attain most of the project objectives and would avoid or substantially lessen any of the project’s significant environmental impact(s). As noted in the comment, an EIR is not required to consider alternatives that are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination, and must publicly disclose its reasoning for selecting those alternatives. The DEIR complies with these requirements in identifying two alternatives, in addition to the CEQA-mandated No-Project Alternative, that would avoid or substantially lessen the significant impact to historical architectural resources identified for the proposed project, and were determined to meet some of the project sponsors objectives. Additionally, the DEIR states that Alternatives B and C could be financially prohibitive. However, a cost analysis that these alternatives were economically infeasible was not prepared for the DEIR.

While the commenters are correct that a lead agency need not consider alternatives that are not feasible, economics are one factor among several in the determination of feasibility (*CEQA Guidelines* Section 15126.6(f)(1)). CEQA recognizes that alternatives might be more costly or might not obtain all project objectives (*CEQA Guidelines* Section 15123.6(b)). The comments will be

transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project or one of the alternatives. The project sponsor could provide the Planning Commission with additional information demonstrating the economic infeasibility of the alternatives.

**Comment #29**

“• We want to improve the neighborhood. These are the only commercial buildings on a block of residential buildings and they physically divide an established residential community. New residential construction will repair the fabric of the neighborhood, preserving industrial facades will not.

“– A new project would produce a ‘high-quality residential building with associated parking. It would repair the streetscape, provide more and larger units, including eight three bedroom units, add greenery in both the front and rear yards and have less impact on the surrounding residential neighborhood in terms of their exposure and on street parking.” (*Bill Lightner, written comments*)

“• We want to improve the neighborhood. These are the only commercial buildings on a block of residential buildings, and they physically divide an established residential community. New residential construction will repair the fabric of the neighborhood, preserving industrial facades will not.

“• A new project would be able to provide more and larger units, including 8 three bedroom units, green both the front and rear yards and have less impact on the surrounding residential neighborhood in-terms of their exposure and on street parking.

“• Replacing these garage buildings with a new residential building will enhance the neighborhood and meet zoning objectives, preserving them will not.” (*Toby Levy, FAIA, written comments, and as presented to the Historic Preservation Commission*)

“So it does little for the neighborhood; it doesn't provide the 40 percent two bedrooms. Nor does it meet any sort of reknitting of the neighborhood fabric.” (*Toby Levy, FAIA, oral comments*)

**Response #29**

These comments express general support for the proposed project, which consists of replacement—not conversion—of the existing industrial buildings with a new four-story residential building compatible with other development in the area, and opposition to the preservation alternatives. Conversion of the existing building to residential use would be principally permitted by the projects site’s RTO zoning. As noted in Response #28, CEQA Section 15126.6(b) recognizes that alternatives might not attain all of a project sponsor’s objectives. The comments do not address the scope or adequacy of the EIR. The comments will be transmitted to

the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

**Comment #30**

“We do not want to impede the developer from pursuing their project. However, we request pursuing solutions that maintain the existing brick wall that borders 55 Dolores Street. The solutions could range from approving the Alternative Plans noted in the EIR (we first prefer Alternative B: Preservation Alternative or, at worst, Alternative C: Partial Preservation Alternative) to ensuring the developer redrafts the development plan to ensure the brick wall is reinforced and kept in place.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

**Response #30**

The comment expresses preference for Alternative B or Alternative C. The comment does not address the scope or adequacy of the EIR, and therefore only requires acknowledgement in this C&R document. The comment will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project. Regarding preservation and reinforcement of the brick wall bordering the property, please see Response #19.

**Comment #31**

“Given the alternatives provided in the DEIR my office would prefer the adoption of Alternative B: Preservation Alternative, or another similar alternative. Although Alternative B, ‘could be financially prohibitive,’ this alternative would not demolish the resources and would also restore them in compliance with the Secretary of the Interior’s Standards. With CEQA’s stated purpose to, ‘Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible,’ (CEQA Guidelines 15002 (a) (3)) we encourage the Planning Department to adopt Alternative B or a similar preservation alternative for the 25-35 Dolores Street project.” (*Milford Wayne Donaldson, Office of Historic Preservation, written comments*)

“Clearly Alternative A is the best alternative to address these significant [historical resource] concerns, then Alternative B and even, a tiny bit—Alternative C.

“I understand the need for additional housing in San Francisco—as a public school teacher, I see firsthand the impact that the housing market has had on families trying to stay in San Francisco. However, it is my strong belief that the Alternatives A and B (or even C, though it does not seem to sufficiently mitigate several significant environmental and historical impacts) would be important alternatives to consider in keeping San Francisco a livable, historically and presently vibrant city. San Francisco is a city known for its far-sightedness in preserving and building on rather than on top of its

historical architecture and its concern for the City's animal (and human) inhabitants. I hope you will take these concerns of this important first block of Dolores into consideration during your deliberations." (*Sarah Brant, written comments*)

**Response #31**

The comments express preference for Alternatives B or C in the EIR. Regarding whether or Alternative C sufficiently mitigates historical impacts please see Response #34, below. The comments will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project or one of the alternatives to the project.

**Comment #32**

"Developer's submission at DEIR hearing

"The statements are conclusory and not supported by adequate facts. There are many examples of creative conversions of buildings of this age. Sure, they may not generate the profit the developer wants or expected when he purchased this site at the height of the real estate boom. The inflated real estate values during that boom, nearly bankrupted this country and [have] caused great economic stress to our people. That should not be the CEQA basis for rejecting an alternative." (*Sue Hestor, San Francisco Community Recyclers, written comments*)

**Response #32**

The comment appears to address the project applicant's assertion that the alternatives would not be economically feasible. This assertion is addressed above in Response #28. The DEIR does not reject any of the alternatives evaluated. The comments will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project or one of the alternatives to the project.

**Comment #33**

"All of the alternatives need to be further developed and include elevations and floor plans. The additional plans and information that were submitted by the project architect at the hearing should also be included in the DEIR to begin to address the issue of the alternatives being further developed." (*Historic Preservation Commission, written comments*)

**Response #33**

As provided in Section 15126.6(d) of the *CEQA Guidelines*, an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison

with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than significant effects of the project as proposed. A conceptual front elevation of Alternative C was provided in the DEIR on page 62 and a floor plan for the second and third floors is on page C&R.63 and will be included in the EIR.

Because the proposed project would result in a significant and unavoidable impact to historical architectural resources, the two alternatives evaluated in the DEIR were selected to reduce or avoid this impact. The descriptions of these alternatives provide information about the fundamental design characteristics of the buildings, their height, square footage, number of residential units, rear yards, off-street parking spaces, and more. They also provided information on the degree to which the existing buildings would be preserved. The descriptions provided sufficient information to permit a reasoned comparison of the alternatives with the proposed project and to support the conclusions regarding their comparative impacts. Additionally, floor plans of Alternatives B and C are incorporated into the DEIR as indicated under Draft EIR Revisions, pages C&R.61 to C&R.63

**Comment #34**

“The Commission questions whether Alternative C (the partial preservation alternative) reduces the project’s impact to less than significant.” (*Historic Preservation Commission, written comments*)

**Response #34**

The Historic Resource Evaluation Response (HRER) prepared by Planning Department preservation staff identified the character-defining features of the project buildings that needed to be retained in order to avoid a significant adverse effect on the historic resource. Section 5 of the HRER determined that the front façade of 25 Dolores Street and its character-defining details should be retained and visible in order to preserve the character-defining features of the building.<sup>17</sup>

As stated in the DEIR, page 63, “[the] Partial Preservation Alternative would reduce the proposed project’s significant and unavoidable historical architectural resources impact identified in this

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<sup>17</sup> San Francisco Planning Department, *Historic Resource Evaluation and Response, 25–35 Dolores Street, Case No. 2007.0848E*, January 31, 2008.

EIR to a less-than-significant level, as the original material, form, and architecturally historical character-defining features of the façade would be retained. The Planning Department’s preservation specialist determined that, with the set back and height as described, the new addition would not overwhelm the existing building and [the] alternative would meet the Secretary of the Interior’s Standards.”

**Comment #35**

“I think to the extent that I read over the draft environmental impact report, I think the alternatives were presented and evaluated as required in such a report—that being the partial preservation alternative and various other alternatives.

“And I think that it is complete and accurately done. I do not think that it is incumbent in an environmental impact report to evaluate an entirely different project, as some speakers have mentioned. But alternatives to the project as presented—that being no alternative, and the various other ones that were presented—is what is required.

“But I find it to be complete and accurate as written.” (*Commissioner Antonini, oral comments*)

**Response #35**

These comments express the opinion that DEIR adequately evaluates the proposed project and the alternatives to the project. The comments are acknowledged and will be transmitted to the decision-makers, and may be considered in their determination whether to approve, modify, or disapprove the proposed project.

## OTHER

### Comment #36

“Strong Potential for Security Problems for 55 Dolores. With the destruction of the building at 23-35 Dolores Street and loss of the wall that acts as fence for the property, 55 Dolores residents face the strong possibility of our building security being threatened. In the past several years, we have had many attempted break-ins; the current fences and security gates now provide the level of protection we require. Loss of this vital perimeter wall could potentially lead to an increase in break-in attempts.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

“The second issue are [*sic*] security issues. With the destruction of the 23-35 Dolores Street building, we lose an important wall that threatens our building security. We have already experienced several break-in attempts, and are afraid that the loss of the wall could potentially lead to an increase in break-ins.” (*Stuart McFaul, oral comments*)

### Response #36

Private security is not an environmental issue subject to review under CEQA. The proposed project will incorporate standard security measures for apartment buildings in San Francisco. It should also be noted that the proposed building would be built to the southern property line. Thus, the brick wall that currently separates 35 Dolores Street from 55 Dolores Street would be replaced with a new wall from the proposed building, as described further in Response #19. The comments will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project or one of the alternatives to the project.

### Comment #37

“Strong Potential for Vermin Issues. Rat traps have had to be regularly placed and checked at 55 Dolores due to the rats nesting within the building located at 23-35 Dolores Street. In the past, these rats have been found on a recurring basis on the 55 Dolores grounds. With the destruction of the 23-35 Dolores building, we are extremely concerned about the rats that will be displaced to seek new nesting places within our property.

“These solutions that maintain the existing brick wall would ensure the continued safety, security, and physical health of the residents of 55 Dolores. It is vital for us to ensure that 55 Dolores Street is shored properly and is guaranteed that the developers of 23-35 Dolores Street maintain the existing wall or

provide a new wall of similar height, provide a sound barrier and ensure rodent control throughout the project.

“If such an accommodation can be made and agreed upon by the developer prior to final construction approval, we would like the developer to guarantee this in writing, copying the members of the commission and the residents of 55 Dolores.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

“Is a rodent/rat and insect problem being address in a safe manner—not one that includes heavy pesticide use—since the auto garages are vast spaces which have not been actively occupied for some time and there will be animals being displaced from construction.” (*Dominique Sevi, written comments*)

### **Response #37**

Any potential issues related to vermin would be under the purview of the San Francisco Department of Public Health (SFPDH). Complaints regarding rodents can be registered with SFPDH by calling (415) 252-3805. For the purposes of CEQA review, the proposed project does not appear to raise risks associated with vermin beyond the typical levels in an urban area.

As noted in Response #36, the existing brick wall bordering 55 Dolores Street would be replaced with a new wall from the proposed project. As noted in Response #19, the project would be required to comply with all applicable California Building Code requirements, including adequate structural design, seismic safety, performance requirements for exterior walls, and many other code requirements developed to ensure the building stability and occupant safety.

Regarding noise, as discussed on page 41 of the Initial Study, the project would be required to comply with Title 24 of the California Code of Regulations, which would ensure that noise levels would not exceed interior noise limits or significantly increase ambient noise levels in the project vicinity. Operation of the proposed project would not significantly affect interior or exterior noise levels at 55 Dolores Street.

### **Comment #38**

“Basically I’m opposed to any of the conditional use authorization for density greater than one unit per 600 square feet, or any—less than the 75 square feet for parking.” (*Jay Tobin, oral comments*)

### **Response #38**

These comments express opposition to the project as proposed. The comments will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project.



**Comment #39**

"If you choose to approve the demolition of the historic garages, MDNA has come to an agreement with Lightner Properties that there will be no more than 37 units on the site." (*Peter Lewis, Mission Dolores Neighborhood Association, written comments*)

**Response #39**

The comment does not address the scope or adequacy of the EIR. The comment will be transmitted to the decision-makers and may be considered in their determination whether to approve, modify, or disapprove the proposed project. This EIR evaluates the project as proposed by the project sponsor, but would also adequately address the impacts of a smaller project.

**Comment #40**

"We oppose any possible demolition unless financing for the project is fully secured beforehand." (*Peter Lewis, Mission Dolores Neighborhood Association, written comments*)

**Response #40**

Financing for the proposed project, as suggested in the comment, is beyond the scope of an environmental review document and is not required to be discussed in the EIR. The comment will be transmitted to, and considered by, the decision-makers as part of their deliberations on the project, and does not require additional analysis under CEQA.

## GENERAL COMMENTS ABOUT THE ADEQUACY OF THE DEIR

### Comment #41

“For the past decade, I have resided at 55 Dolores Street, next door to the Residential Project planned for 25-35 Dolores Street. My neighbors and I are long-term residents of this neighborhood and/or street, and I remain concerned for several reasons if this project were to go through in its current proposed state, and so I wanted to write to you.” (*Sarah Brant, written comments*)

“We are concerned that the current Environmental Impact Report and development plan do not take into account the potential negative impact upon the building and residents located at 55 Dolores Street.” (*Stuart McFaul, Nick Cianci, Manfred MacKeben, Mary Elizabeth Phillips, Sarah Brant, Josh DeClercq, Stephanie DeClercq, written comments*)

“We are concerned that the current EIR and development plan don't take into account potential negative impact upon the building and residents located at 55 Dolores Street. The letters that we have inside, that are being distributed to you right now, elucidate these in greater detail, but these are the five issues that we would like the Commission to take into consideration.” (*Stuart McFaul, oral comments*)

“I am writing to you today to ask for these concerns to be addressed in the final draft EIS of the 35-25 Dolores Street project.

“I am still concerned, and feel that it not had been addressed: the impacts to neighboring houses, specifically, located on 14th street, between Dolores and Market, but closer to Dolores (636 14th street Apartment Building).” (*Dominique Sevi, written comments*)

### Response #41

The comments express general concern about the potential impacts of the proposed project on the adjacent apartment building at 55 Dolores Street and other nearby residences. Although the comments assert that the DEIR does not take into account such impacts, they do not identify specific concerns or specific areas where they perceive the DEIR to be deficient. However, a variety of specific concerns about impacts to the residents have been raised in previous comments and address in the responses to those comments. Please refer to the following responses addressing specific concerns. Response #19 addresses concerns about structural integrity being compromised if the brick wall separating 55 Dolores Street from 35 Dolores Street is removed. Response #26 addresses the potential for wind-blown dust, asbestos, and toxic chemicals to adversely affect the residents at 55 Dolores Street. Response #36 addresses concerns

about reduced security at the property. Response #37 addresses a concern about rats infesting the building and noise adversely affecting residents. While the residents at 55 Dolores Street and other adjacent properties would be most affected by the proposed project due to their close proximity, the responses cited above would also apply to concerns about other buildings in the project vicinity.

#### **Comment #42**

"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." (*Milford Wayne Donaldson, Office of Historic Preservation, written comments*)

#### **Response #42**

The specific environmental issues raised by the commenter are addressed in Responses #5 and #31.

#### **Comment #43**

"This DEIR appears to rely on and tier from—without exactly and clearly saying so—the *Market-Octavia Neighborhood Plan* EIR.

"If the department is tiering from the *Market-Octavia EIR* it should be said so clearly and upfront.

"This evasion of context is more evident when what this site has been until very recently is set out. S&C Ford operated on both sides of Dolores at Market. This is the eastern part of the site, in two buildings, of S&C Ford. The DEIR acknowledges, kind of in passing, that the western part of the S&C Ford site at 2001 Market is also proposed for development and is undergoing environmental review—housing and a large grocery (Whole Foods) store. The two projects together will occupy the entire west side and much of the east side of this stretch of Dolores near Market.

"The map on p. 8 is insulting. It labels this site only although the other S&C Ford site is right across Dolores, but isn't even mapped/indicated. To help the Commissioners and the public understand the context of this particular part of the development underway in—at least the upper market area from Castro to Octavia Boulevard—it would be helpful to understanding the development (environmental) context to at least show in that or a similar map the other projects underway (including approved and those in environmental review) in that area. This would also include the project across Market at Buchanan (1960 Market), the 2299 Market project (Market and Noe, the proposed conversion of small retail to a Trader Joe's on the north side of Market east of Noe Street. These are just the cases of which I am aware. To the extent that MEA is aware of others, please include and map them.

"The reason why all of these projects should be set out is cumulative impact analysis. Something that CEQA mandates. Returning to the issue of the S&C Ford sites, which were formerly in a single ownership, please set out when each of the sites were sold and to what owners. The 25-35 Dolores Initial

study was issued on 4/1/09. But by that date the 2001 Market Street site was already proposed for housing and the supermarket.

“If this EIR is relying on information from the *Market-Octavia EIR*, please set out how the impacts of each of the projects listed above were included in that analysis. The discussion on Initial Study p. 32 is focused on this project, not on cumulative development. In particular the former double site S&C Ford site.” (*Sue Hestor, San Francisco Community Recyclers, written comments*)

### **Response #43**

The 25–35 Dolores Street EIR does not tier off of the *Market-Octavia Neighborhood Plan EIR*, as tiering is defined under CEQA. “Tiering” refers to using the analysis of general matters contained in a broader EIR (such as the *Market-Octavia Neighborhood Plan EIR*) with later EIRs and negative declarations on specific projects (such as the 25-35 Dolores Street DEIR), incorporating by reference the general discussions from the broader EIR, and concentrating the project-specific EIR or negative declaration solely on the issues specific to the later project.<sup>18</sup> Instead the 25 – 35 Dolores Street EIR and Initial Study analyze all potential CEQA impacts and is not considered a tiered EIR. While some information from the *Market-Octavia Neighborhood Plan EIR* was presented in the 25–35 Dolores Street DEIR, the former document was cited, consistent with Section 15148 of the *CEQA Guidelines*. This is distinct from tiering, as defined in Section 15152 of the Guidelines. While it may have been feasible to tier the present EIR from the former EIR, a lead agency is not required to do so.

The map on page 8 of the DEIR is a standard project site location map, which provides a project locations general citywide and regional context. It is not intended to show cumulative impacts or map other new or proposed development in the project area, but merely to identify the location of the project in the regional and local context. Although the two sites were associated with the same business (S&C Ford) at one point in time, the 2001 Market Street project identified by the commenter is unrelated to the proposed project. However, the DEIR does include analyses of cumulative impacts and, where appropriate, identifies other specific development projects that were considered in the analysis. For example, growth identified from implementation of the *Market-Octavia Neighborhood Plan* was included in the analysis of cumulative traffic impacts, as stated on page 33 of the Initial Study.

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<sup>18</sup> CEQA Guidelines Section 15152.

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## D. DRAFT EIR REVISIONS

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Below are revisions to the DEIR. Revisions have been made in response to public comments that have been made on the DEIR, as well as those initiated by Planning Department staff. Changes made in response to comments are listed in Section 1 below; staff-initiated changes are listed in Section 2 below. Deletions to the DEIR text are shown with ~~striketrough~~ and additions are shown with double underline, except where text is indicated as entirely new in order to allow for ease of reading.

### 1. CHANGES IN RESPONSE TO COMMENTS

On page S-9, last row, third column of the table, to page S-10, of the DEIR, the following text is changed:

**M-BI-1 (Tree Protection Plan).** A Tree Protection Plan was prepared for the proposed project to state specific measures, which if applied before construction, can reasonably be expected to preserve the health of the adjacent landmark tree and the other six trees. Below is a summary of measures outlined in the Tree Protection Plan:

- Establish a Tree Protection Zone (TPZ) that would have a minimum of a 17-foot-wide area at the rear or east end of the project site. However, the TPZ size will be reassessed after demolition of 25 – 35 Dolores based upon the trunk diameter to determine if an expansion of the tree protection zone would be beneficial to the tree.
- Demolition procedures within the TPZ should follow these measures outlined below:
  - Excavator is to be operated only from on top of the existing concrete floor; and
  - Use an excavator with a small enough arm to clear overhead limbs; and
  - Use an excavator with a large enough arm to pull out masonry, concrete and footing without needing to use open soil; and
  - Have a Project Arborist on site to direct footing pulling; and
  - If a significant root is discovered, use the Project Arborist to determine whether a section of the footing should be abandoned; and
  - In the event that either limb or root damage occurs, use the Project Arborist to correct or repair the damage, if possible, and to provide a written report; and
  - Clean exposed soil by hand; and

- Upon completion of demolition, immediately install chain link fencing at the perimeter of the TPZ to protect the exposed soil from possible compaction.
- Construction-phase impacts should be managed within the TPZ as follows:
  - Install and maintain construction fencing to prevent entry to the TPZ; and
  - Install 4-inch depth wood chip mulch over all exposed soil areas within the TPZ; and
  - Prohibit placement of any vehicle within the TPZ; and
  - Do not store materials, excavation tailing or debris within the TPZ, unless placed on ¾ inch or thicker plywood root buffer; and
  - ~~If No~~ trenching or grading will be allowed to take place within the TPZ, ~~use the Project Arborist to review what is proposed and to be an on site specialist during that aspect of the work.~~ during construction activities. If work needs to be conducted during construction within the TPZ, tunneling will be required. Additionally, the project arborist will review any proposed tunneling within the TPZ and be on site during that aspect of the work. If for any reason tunneling cannot be used for work conducted in the TPZ, work should be stopped and the project arborist should contact DPW-BUF.
- Landscape design and installation should be managed within the TPZ as follows:
  - Allow the Project Arborist to work cooperatively in landscape design and design review to insure that tree impacts are minimized; and
  - Allow the Project Arborist to be present when fence construction is taking place; and
  - ~~Allow the Project Arborist to be on site~~ No trenching or grading will be allowed to take place within the TPZ during landscape installation, trenching and any other excavation or new plant installation within the TPZ. If work needs to be conducted during landscape installation within the TPZ, tunneling will be required. Additionally, the project arborist will review any proposed tunneling within the TPZ and be on site during that aspect of the work. If for any reason tunneling cannot be used for work conducted in the TPZ, work should be stopped and the project arborist should contact DPW-BUF.
- The landmark tree should be bonded during construction and up to five years after completion of construction activities in order to ensure that construction does not result in stress or decline of the landmark tree. The amount of bonding should be based on an appraised value determined by the project arborist and DPW-BUF and should be released after inspections at the end of the post-construction period.

The Arborist Report and Tree Protection Plan and would be reviewed by the Bureau of Urban Forestry in the Department of Public Works (DPW-BUF) to verify that the specified protections would be adequate to protect the landmark tree and the other six adjacent trees. Additionally, the proposed rear yard landscaping plans for 25-35 Dolores would be reviewed by DPW-BUF in order to ensure that the landscaping would not impact the landmark tree. DPW-~~The Bureau of Urban Forestry (BUF)~~ would also monitor the project site during demolition, excavation, ~~and construction, and landscape~~ activities in order to ensure that the protection measures outlined in

the Tree Protection Plan are being implemented and adequate, and that the landmark tree and other adjacent trees are not damaged.

Page 59 of the DEIR, under B Alternative B: Preservation Alternative, Description, the following sentence is added to the end of the first paragraph:

Figure 10, page 59a, illustrates the site plan of Alternative B.

Figure 10, page C&R. 62, is added to the DEIR on new page 59a.

Page 60 of the DEIR, under C Alternative C: Partial Preservation Alternative, Description, first paragraph, fourth line, is changed:

... set back 20 feet from the Dolores Street property line (~~See Figures 9b and 10, pages 61a and 62~~). The original trusses would ...

Figure 9b, page C&R. **Error! Bookmark not defined.**, is added to the DEIR on new page 61a.

## 2. STAFF-INITIATED CHANGES

Page ii of the DEIR, List of Figures, last two lines are changed:

Figure 9	Proposed Project Section.....	21
<u>Figure 10</u>	<u>Preservation Alternative – Schematic Site Plan.....</u>	<u>59a</u>
<u>Figure 11</u>	<u>Partial Preservation Alternative – 2nd and 3rd Floor Plan.....</u>	<u>61a</u>
Figure <del>10</del> <u>12</u>	Partial Preservation Alternative – <u>Elevation.....</u>	62

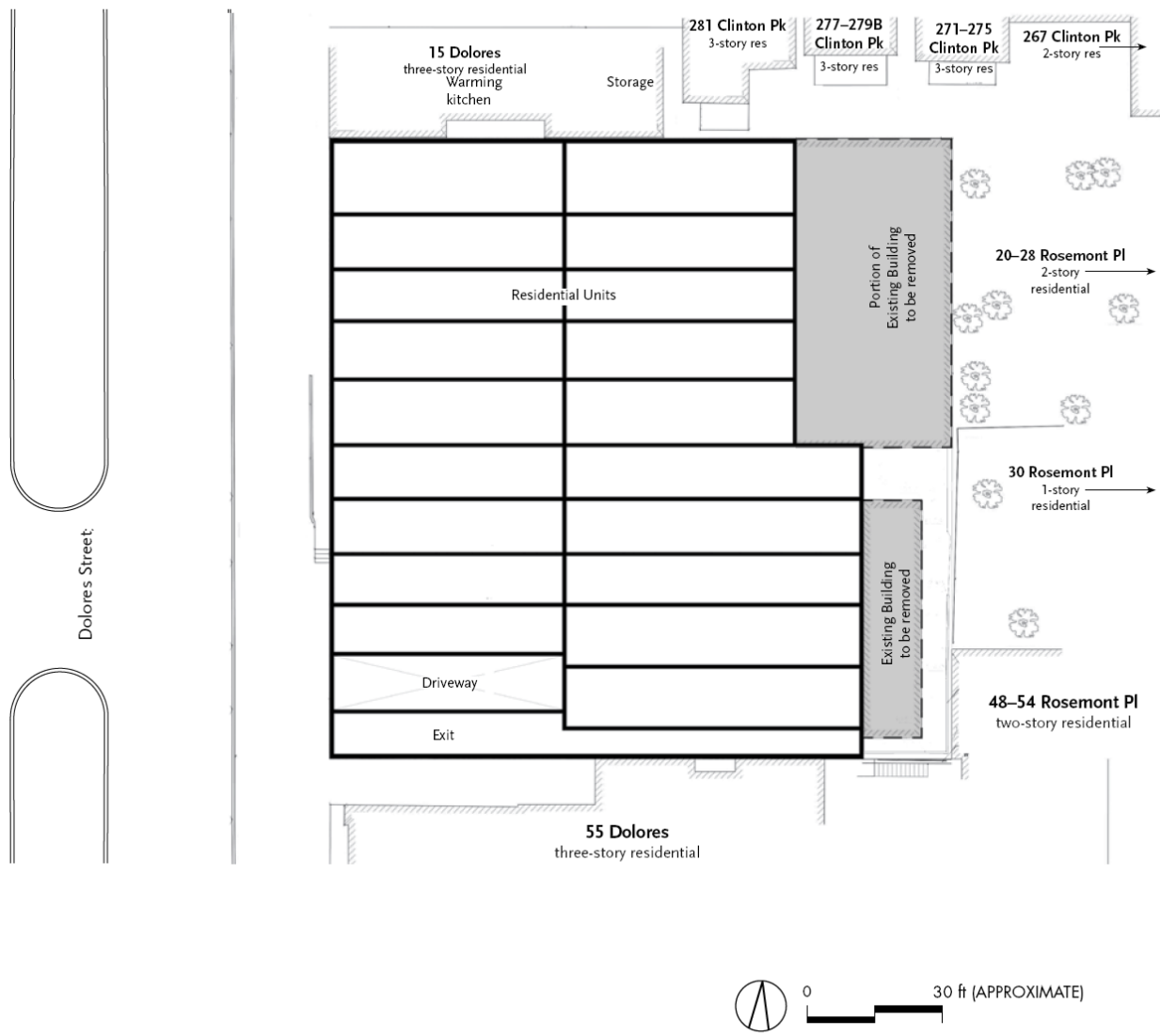
Page 46 of the DEIR, second paragraph, next to last line, is changed to:

... ment plan (~~or site mitigation plan~~) on pages 94 to 96 of the Initial Study, which would reduce the impact ...

Page 62, Figure 12 of the DEIR, title is changed to:

Partial Preservation Alternative – Elevation      Figure 12

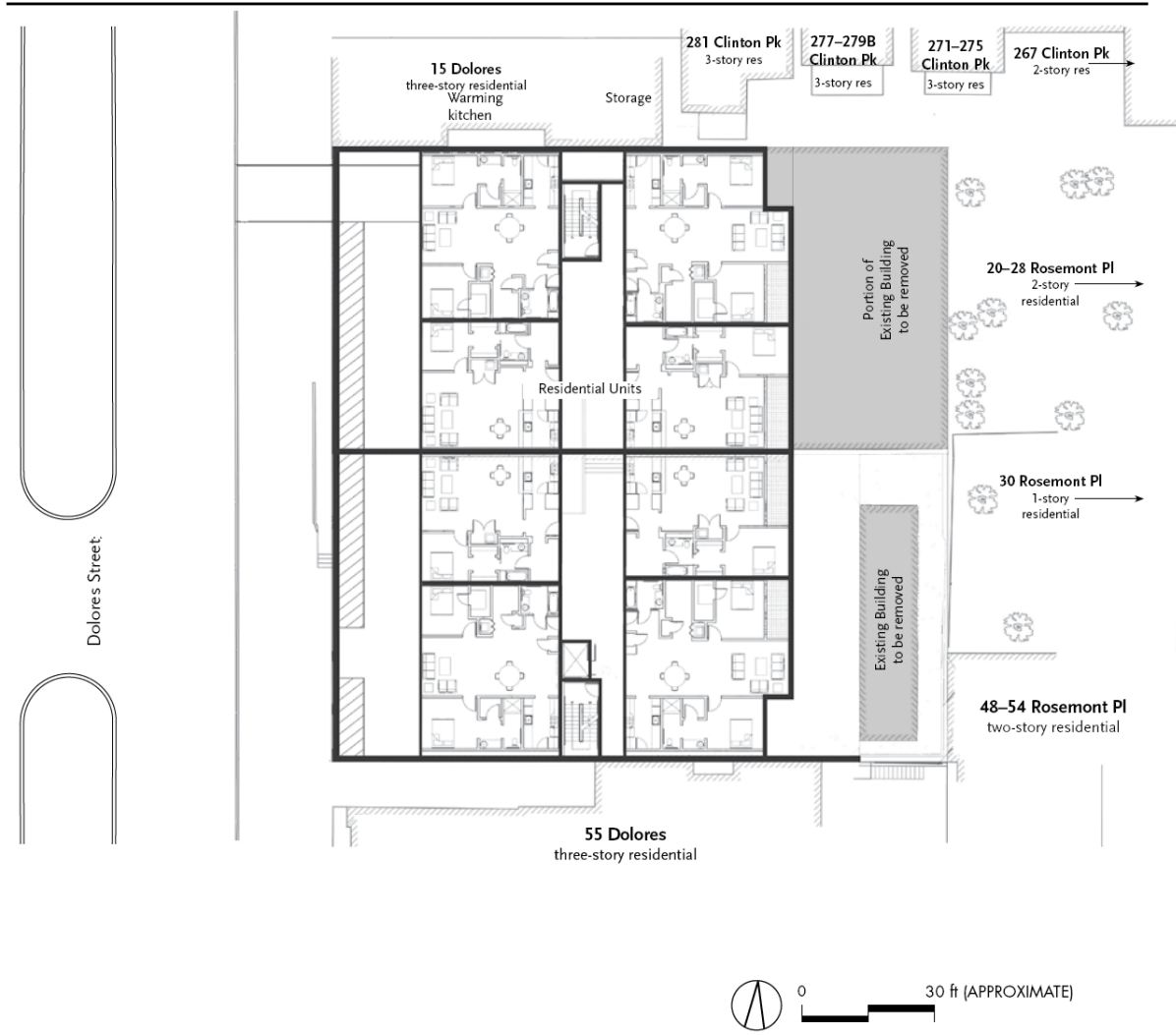




Source: Levy Design Partners, Inc.

3-4-11

Preservation Alternative—Schematic Site Plan Figure 10



Source: Levy Design Partners, Inc.

3-4-11

Partial Preservation Alternative—2nd and 3rd Floor Plan Figure 11

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**APPENDICES:**

1. Comment Letters
  2. Transcript of DEIR Public Hearing
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Appendix 1:  
**COMMENT LETTERS**

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# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: September 9, 2010  
 TO: Mr. Bill Wycko, Environmental Review Officer  
 FROM: Historic Preservation Commission  
 CC: Linda Avery, Historic Preservation Commission Secretary  
 Tina B. Tam, Preservation Coordinator  
 Chelsea Fordham, Environmental Planner  
 RE: Review & Comment of DEIR, Case # 2006.0848E – 25 – 35 Dolores Street

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The HPC appreciates the opportunity to participate in review of this environmental document. On August 18, 2010, the Historic Preservation Commission (HPC) held a public hearing and took public comment on the Draft Environmental Impact Report (DEIR) for the proposed demolition of the warehouses located at 25 and 35 Dolores Street and new construction of the four-story, 47-unit residential building. After discussion, the HPC arrived at the comments below:

### EVALUATION & IMPACTS

- The HPC concurs that both 25 and 35 Dolores Street are eligible for the National Register and California Register under criteria 1 and 3 as described in the Historic Resource Evaluation prepared by Frederic Knapp and that the proposed project poses a significant unavoidable impact, individually and cumulatively, that cannot be mitigated to a less-than-significant level. } 6
- The project's proximity to the Mission Dolores Neighborhood 1906 Fire Survivors and Reconstruction Historic District should be discussed in the DEIR. Primarily, how the project addresses the setting and the historic Dolores Street median. } 7
- The DEIR should discuss the cumulative impact on the loss of auto-related structures in the neighborhood. } 8

### ALTERNATIVES

- All of the alternatives need to be further developed and include elevations and floor plans. The additional plans and information that were submitted by the project architect at the hearing should also be included in the DEIR to begin to address the issue of the alternatives being further developed. } 33
- The Commission questions whether Alternative C (the partial preservation alternative) reduces the project's impact to less than significant. } 34

### MITIGATION MEASURES

- The DEIR should include an additional mitigation measure that requires additional research on auto-related structures within the neighborhood. } 8



**OFFICE OF HISTORIC PRESERVATION  
DEPARTMENT OF PARKS AND RECREATION**

1725 23<sup>rd</sup> Street, Suite 100  
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(916) 445-7000 Fax: (916) 445-7053  
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**RECEIVED**



AUG 24 2010

CITY & COUNTY OF S.F.  
PLANNING DEPARTMENT

August 17, 2010

Bill Wycko  
Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103-2479

- Sent via email and United States Postal Service -

Draft Environmental Impact Report for 25-35 Dolores Street Residential Project

Dear Mr. Wycko,

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 Draft Environmental Impact Report (DEIR) issued under the California Environmental Quality Act (CEQA).

My office is concerned that the City of San Francisco may be setting a disturbing precedent with the demolition of the resources at 25-35 Dolores Street. Within the DEIR the buildings were determined eligible for the California Register by the Planning Department's preservation specialist while the Frederick Knapp Architects Report concluded that the two buildings retained their integrity as historic resources.

The City of San Francisco has a legal obligation to comply with CEQA's procedural and substantive mandates, and moreover, as a lead agency, "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." (Public Resources Code 21001(c)). The California Appellate courts have held that a demolition is an adverse impact that cannot be mitigated below a level of significance. *League for Protection of Oakland's Architectural and Historical Resources v. City of Oakland* (1<sup>st</sup> Dist. 1997) 52 Cal. App. 4<sup>th</sup> 896 [60 Cal. Rptr. 2d 821].

My office is concerned that the Planning Department's use of the Historic American Building Survey (HABS) documentation as a mitigation measure sets a dangerous precedent and is a misuse of the HABS standards. As the DEIR states, HABS documentation "would reduce the Impact CP-1 [demolition], but not to a less-than-significant level." For the purposes of CEQA HABS documentation is clearly inadequate as mitigation for demolition of a historic resource.

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Bill Wycko  
Page 2

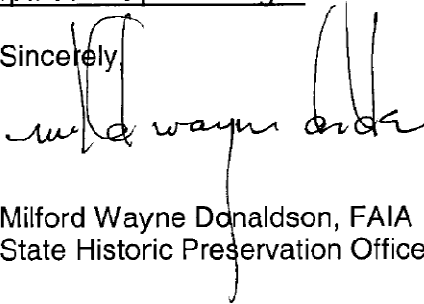
Given the alternatives provided in the DEIR my office would prefer the adoption of *Alternative B: Preservation Alternative*, or another similar alternative. Although *Alternative B*, "could be financially prohibitive," this alternative would not demolish the resources and would also restore them in compliance with the Secretary of the Interior's Standards. With CEQA's stated purpose to, "Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible, (CEQA Guidelines 15002 (a) (3)) we encourage the Planning Department to adopt Alternative B or a similar preservation alternative for the 25-35 Dolores Street project.

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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 Ronald Parsons, Historian I, CEQA Coordinator Local Government Unit at (916) 445-7016 or at [rparsons@parks.ca.gov](mailto:rparsons@parks.ca.gov).

Sincerely,



Milford Wayne Donaldson, FAIA  
State Historic Preservation Officer

SUE C. HESTOR  
Attorney at Law  
870 Market Street, Suite 1128 · San Francisco, CA 94102  
(415) 362-2778 · FAX (415) 362-8048

September 13, 2010

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

2006.0848E - 25-35 Dolores Street DEIR

Dear Ms. Fordham:

I am submitting these comments on behalf of myself and San Francisco Community Recyclers which operates the Market Street Recycling Center.

This DEIR appears to rely on and tier from - without exactly and clearly saying so - the Market-Octavia Neighborhood Plan EIR. It is stunning that this project has no transportation discussion, which is the sine qua non of SF environmental documents for projects of this size. Particularly when it is not an isolated project but is in an area where other similar projects are proposed.

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**IF THE DEPARTMENT IS TIERING FROM THE MARKET-OCTAVIA EIR IT SHOULD BE SAID SO CLEARLY AND UPFRONT.**

This evasion of context is more evident when WHAT this site has been until VERY recently is set out. S&C Ford operated on both sides of Dolores at Market. This is the eastern part of the site, in two buildings, of S&C Ford. The DEIR acknowledges, kind of in passing, that the western part of the S&C Ford site at 2001 Market is also proposed for development and is undergoing environmental review - HOUSING and a LARGE GROCERY (Whole Foods) STORE. The two projects TOGETHER will occupy the entire west side and much of the east side of this stretch of Dolores near Market.

} 43

The map on p. 8 is insulting. It labels THIS SITE ONLY although the OTHER S&C FORD site is right across Dolores, but isn't even mapped/indicated. To help the Commissioners and the public understand the CONTEXT of this particular part of the development underway in - at least the upper market area from Castro to Octavia Boulevard - it would be helpful TO UNDERSTANDING THE DEVELOPMENT (ENVIRONMENTAL) CONTEXT to at least SHOW in that or a similar map the OTHER projects underway (including approved and those in environmental review) in that area. This would also include the project across Market at Buchanan (1960 Market), the 2299 Market project (Market and Noe, the proposed conversion of small retail to a Trader Joe's on the north side of Market east of Noe Street. These are just the cases of which I am aware. To the extent that MEA is aware of others, please include and map them.

The reason why ALL of these projects should be set out is CUMULATIVE IMPACT ANALYSIS. Something that CEQA mandates.

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Returning to the issue of the S&C FORD sites, which were formerly in a single ownership, please set out when each of the sites were sold and to what owners. The 25-35 Dolores Initial study was issued on 4/1/09. But by THAT DATE the 2001 Market Street site was already proposed for housing and the supermarket.

There should be a discussion IN THIS EIR of the CUMULATIVE transportation - particularly TRAFFIC - issues for this stretch of Market and the streets running into Market. At present westbound pm traffic on Market Street slows down perceptibly during not only the peak hour but also often extending until and sometimes beyond 7pm.

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If this EIR is relying on information from the Market-Octavia EIR, please set out how the impacts of each of the projects listed above were included in THAT analysis. The discussion on Initial Study p. 32 is focused on THIS project, not on cumulative development. In particular the former DOUBLE SITE S&C FORD site.

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The statement at p.33 (Initial Study) lists LOS E & F intersections at Market and every intersection from Sanchez to Octavia. Except Market/Dolores. And Market/Noe. I believe the 2299 Market and Trader Joes project push Market/Noe intersection into that level. The conclusion that the impact on the already E&F levels cannot be mitigated on those intersections would not extend to Market/Dolores.

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Has the Department and this EIR analyzed this AND concluded that even though there are THREE new projects at/near the Dolores/Market Street intersection (including a SECOND grocery store) there will be NO additional traffic impacts from this project and other cumulative development in this area?

Please do not omit from your analysis the impacts from CARS on bicyclists AND AN PEDESTRIANS who have to cross TWO very wide streets - Dolores and Market. This is separate from Level E & F.

11

Developer's submission at DEIR hearing

The statements are conclusory and not supported by adequate facts. There are many examples of creative conversions of buildings of this age. Sure, they may not generate the profit the developer wants or expected when he purchased this site at the height of the real estate boom. The inflated real estate values during that boom, nearly bankrupted this country and has caused great economic stress to our people. That should not be the CEQA basis for rejecting an alternative.

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Respectfully submitted,

Sue C. Hestor

**Mission Dolores Neighborhood Association**  
72 Landers Street, San Francisco, CA 94114, Ph. 863-3950  
Web Site: <http://www.missiondna.org> Email: [missiondna@earthlink.net](mailto:missiondna@earthlink.net)

August 30, 2010

**Re: 25-35 Dolores Street – DEIR – September 2, 2010 - Item # 10,  
2006.0848E**

Dear President Miguel and Planning Commissioners:

It is our understanding that the Historic Preservation Commission will be reviewing the DEIR for 25-35 Dolores Street on September 2nd. Therefore, after reviewing the document and meeting with the project sponsor several times, we'd like to outline our position below.

1. While we understand that both buildings have been identified as historic resources, the majority of our board feels that they don't represent a high level of integrity. } 9
2. Yet, since our mission statement clearly states that we strongly support historic preservation, we've decided to take a neutral position on the possible demolition and leave this important decision in your hands. In doing so, we will fully respect any conclusion you and the HPC come up with. } 25
3. We understand that there is serpentine rock on the site. Therefore, we expect the developers to take all precautions necessary to make sure that our neighbors in the area are completely protected from any possible hazards from the known asbestos in that rock. } 39
4. If you choose to approve the demolition of the historic garages, MDNA has come to an agreement with Lightner Properties that there will be no more than 37 units on the site. } 40
5. We oppose any possible demolition unless financing for the project is fully secured beforehand.

If you have any questions, please let me know.

Thank you very much.

Respectfully yours, Peter Lewis, President

Sarah Brant  
55 Dolores Street #4  
San Francisco, CA 94103

Dear SF Planning Commission,

I am sorry not to be able to attend the meeting scheduled – I have a lot to say but unfortunately, as a teacher, I cannot come to a 1:30pm public comment meeting. I did, however, write a letter to the Commissioner before concerning this project because I have been a resident of this street for a long time and I care deeply about what happens to this block.

For the past decade, I have resided at 55 Dolores Street, next door to the Residential Project planned for 25-35 Dolores Street. My neighbors and I are long-term residents of this neighborhood and/or street, and I remain concerned for several reasons if this project were to go through in its current proposed state, and so I wanted to write to you.

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#### THE ISSUES

In addition to the health, privacy, and safety issues put forth by our building in our apartment building's group letter, I have additional concerns to be voiced, having read the Environmental Impact Report. These include the following:

1. The current plan for Historical "Preservation" in the proposed model is truly insufficient. The buildings in question are lovely, historical, original buildings from the early 1900s with unique character details. The distinctive character also defines the street in many ways – this first (and therefore gateway) block of the Historic Dolores Street District and Corridor. Every day I see tourist buses turn down this block towards Mission Dolores. To suggest that these buildings will somehow be "preserved" by offering to capture through drawings the original PLANS and by taking photos or video of these buildings before the buildings and their wonderful façade are DESTROYED is far from being enough from a historical preservation perspective. To salvage what is deemed "feasible" and then offer these materials to some other entity? I don't understand how that preserves really anything in practical terms and thus I cannot understand why the planners have not looked at a way to integrate the existing building façade, etc. into the plans for the new building. Clearly Alternative A is the best alternative to address these significant concerns, then Alternative B and even, a tiny bit – Alternative C. Additionally, these buildings presently keep the "line" of the street with their outline and height, allowing significant openness and light to this block, which is, again, an important neighborhood "entry" block in San Francisco. To build from ONE story to FOUR stories (from 25 feet to forty feet) - even behind the current façade, such was proposed by Alternative C - would be a significant physical blight on the line of the street. Again, I am thankful that Alternative A and B both address these issues. I hope that these issues are truly considered, as I notice in the report there are no photos of the whole street and the line and character created in current block by the buildings in their current state and fashion.
2. Strong Potential for Disturbance of Wildlife. Before the City undergrounded the telephone wires on the first block of Dolores several years back, the palm trees down the center of this first block of Dolores were teeming with our city's feral parrot population. This block was in several

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birding books and tour books, and I would often see people standing for hours on the sidewalk with binoculars just to watch the parrots in their long-residing habitat. The project undertaken by the City – which lasted really very little time in comparison to this project – was, of course, loud and tar-smelly and dusty and messy – as construction is, no matter how many tarps are put on things – and I saw first-hand how the great disturbance resulted in the fleeing of that flock. It is only in the past year that ANY of the parrots have begun to return. This project in its present proposal would greatly disturb them AGAIN and in a greater fashion. Additionally, the trees behind the proposed property are home to an enormous variety of birds. While I see evidence that the City is concerned about protecting the trees themselves (which is good, because they are magnificent solid mature pine trees that have been there certainly longer than our most senior resident – who remembers them being quite grown when she moved in more than 40 years ago), I see nothing in this plan addressing the wildlife that calls those trees and its peaceful surroundings home. I wonder what the plan for this small ecosystem are. Any construction, especially as significant as this, and especially one that grows in height as this does so near those trees, will certainly significantly impact these birds and the other wildlife in those trees.

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3. Potential for chemical and dust-related problems for 55 Dolores residents and other neighbors. The building in question was a paint shop and repair shop for a long time before it sat empty and abandoned, and according to the report, testing of the soil, etc. has concluded that there are indeed elevated levels of toxins produced and contained in the building. However, the report does not focus any attention on the impact of these toxins on the surrounding properties. For example, while I see that there is talk of the contaminated groundwater and soil, there is no mention in the report of the significant winds that take place throughout the year on this first block of Dolores. More than the other Dolores blocks, the first block of Dolores experiences particularly aggressive winds, as any resident here can attest. I do not see a sufficient plan in the Asbestos, Dust Suppression or Surface Water Runoff parts of the report to ensure that this important issue has been adequately recognized or addressed. With several elderly residents as well as a new-born residing at 55 Dolores Street, the health issues related to such a project could be quite alarming and I hope the commission will look into this further before proceeding with ANY of the proposed alternatives, much less the proposed project as is.

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4. Density and Parking Congestion.

Even if this were the only building “knock-down and build up” in the works in this area, I would still be concerned about congestion on this block because, despite City Car Share and Zipcar, 47 residential units will most certainly result in people looking for more than 40 parking spaces! I am not sure how many of you have tried to park in this area, but after 6pm it is a lesson in practicing patience and stress-management. And although I do not have to try to fight for parking myself, I am a frequent walker, and I been scared by incredible instances of road rage and distracted parking-seeking drivers on the corner particularly of 14<sup>th</sup> and Dolores. This proposed project, in its current form, only worsens this problem. Additionally, this is not the only project in this neighborhood or even on this block! There is another large complex attempting to be developed just one block away, on the corner of 15<sup>th</sup> and Dolores, as well as on our very same block! (on Dolores between Market and 14<sup>th</sup>). These projects may seem significant density and parking congestion-wise in and of themselves, but they represent an enormous influx of people, cars, parking woes, limit of street parking for those already living in the area, and, frankly, scarier drivers. I hope you will consider the proposed alternatives as at least slightly better in the amount of impact they will have on these issues.

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CONCLUSION:

I understand the need for additional housing in San Francisco – as a public school teacher, I see first-hand the impact that the housing market has had on families trying to stay in San Francisco. However, it is my strong belief that the Alternatives A and B (or even C, though it does not seem to sufficiently mitigate several significant environmental and historical impacts) would be important alternatives to consider in keeping San Francisco a livable, historically and presently vibrant city. San Francisco is a city known for its far-sightedness in preserving and building ON rather than ON TOP OF its historical architecture and its concern for the City's animal (and human) inhabitants. I hope you will take these concerns of this important first block of Dolores into consideration during your deliberations. I thank you for your time and attention.

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Sincerely yours,

Sarah Brant  
Over a Decade of Residence at 55 Dolores Street, #4



Bill Wycko, Environmental Review Officer  
23-35 Dolores Street Residential Project (2006.0848E)  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

September 7, 2010

Mr. Wycko,

In the interest of full disclosure, I work for the City & County of San Francisco, Department of Public Works, in Urban Forestry Permitting and Policy, but I would like to submit my personal comments on the project's draft EIR from my perspective as an arborist certified by the International Society of Arboriculture and as a longtime resident of the Mission. These points are explained in more detail later, but to summarize, I recommend:

- Designation of a critical root zone, in which no work will be performed
- Expansion of the size of the tree protection zone
- Tunneling under, rather than trenching through, any roots within the tree protection zone
- The project's request for a variance to allow a 25 percent rear yard setback should be denied
- Creating a written schedule of inspections by the project arborist and DPW's Urban Forester
- Detailed restrictions on landscaping within the tree protection zone
- Bonding the tree

The San Francisco Board of Supervisors adopted criteria for the designation and protection of landmark trees because it recognized that specific trees contribute substantially to the City's health and character due to their age, size, species, location, and/or historical association. The project at 25-35 Dolores Street has the potential to negatively impact one of the few officially designated landmark trees in San Francisco. The project sponsor has engaged the services of a consulting arborist to create a tree protection plan, signifying that they will endeavor to have a 'less than significant' impact on the tree during the course of construction. Indeed, if care is taken during and after construction, the project has the potential to improve the long-term prospects of this very special tree by allowing it more space in which to settle into old age, both above- and below-ground. I wish to emphasize the importance, both symbolic and tangible, of this landmark tree. And I appreciate the opportunity to suggest a few modifications to the project which should minimize the potential for community conflict related to this beloved tree and which will also greatly enhance the tree's chances for continuing to live past the development of 25-35 Dolores Street, hopefully for another century or more.

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This particular tree, a coast live oak (*Quercus agrifolia*) was designated as a landmark tree after being nominated by the Director of the Department of Public Works in 2006, endorsed by the owner of the property on which the tree is located, recommended by the Urban Forestry Council, and ultimately approved for protected status by the Board of Supervisors in 2007. One of the few tree species native to San Francisco, coast live oak is nonetheless relatively rare in San Francisco and this individual most likely predates the development around it. It was probably a juvenile tree around the time of the 1906 earthquake. It is of a size rarely seen in an urban environment with a trunk circumference of twelve feet (measured 4'-6" from the ground), a height of over 35 feet and a canopy that extends over four separate lots. The top of the tree is visible above the roof of 25-35 Dolores, viewed from Dolores Street at Market.

As a native climax species, *Quercus agrifolia* is the backbone of Bay Area coastal habitat. Local and migrating birds flock to this tree and it is a key larval food plant for the California sister butterfly (*Adelpha californica*). This individual tree is a remnant of the endemic-rich Franciscan Region of the California Floristic Province, which has been nearly eradicated by development.

All trees are sensitive to the impacts of development, but *Quercus agrifolia* is especially so. In "Patterns of Structural Failures in Urban Trees: Coast Live Oak (*Quercus agrifolia*)," the authors analyzed data from the California Tree Failure Report Program (CTFRP) and discovered that failures of coast live oak were the most frequently reported of any hardwood species in the CTFRP database. They conclude that the most common pattern in these failures was "a root or low trunk failure of a naturally occurring tree growing in a residential site... suggesting that human site and soil modification can have a negative impact on the health of these remnant trees of native origin. Site grade changes, both cutting and filling, were frequently associated with the failures of native oaks. Coast live oak in particular has the highest frequency of grade change associated with failure." In addition to grade changes, compaction and saturation of soil were also frequently associated with root failure in coast live oak. (Roger Edberg and Allison Berry, "Patterns of Structural Failures in Urban Trees: Coast Live Oak (*Quercus agrifolia*)," *Journal of Arboriculture* 25 (1999): 48-49, 52-53.)

The project sponsor engaged the services of Tree Management Experts to create a tree protection plan to reduce the potential for negative impacts to the tree during demolition and construction. The tree protection plan calls for a tree protection zone which would extend 17' from the trunk of the tree and in which work related to demolition, construction, and storage of materials would either be disallowed or, if required, restricted and supervised by the project arborist. The size of the tree protection zone is based on the dripline (canopy radius) of the coast live oak tree. An alternate method often used to calculate the tree protection zone uses the trunk diameter (at 4'-6" from the ground) and a multiplier based on the age of the tree and the tolerance of the species for

construction. Using this method, the tree protection zone should extend 30' from the tree, rather than the 17' currently recommended by the project arborist. The project arborist rightly surmises in his report "It may be that there are literally no roots" under the project site, due to the historic lack of permeable rear yard setback and that the presence or absence of roots can only be determined after demolition.

I propose that, upon completion of demolition, the project arborist and DPW's Urban Forester jointly inspect the tree roots and determine a critical root zone, in which no further work and no storage will be allowed, and also enlarge the size of the tree protection zone beyond the currently recommended 17' if they determine that doing so would significantly benefit the landmark tree.

The tree protection plan also calls for supervision by the project arborist of any trenching or grading involved in construction or landscape installation. Ideally, there would be no trenching or grading within the tree protection zone, but, when developing a site in a dense urban environment, these may not be feasible to avoid altogether. I suggest that no trenching or grading, either during construction or landscape installation, be allowed within the critical root zone determined by the project arborist and Urban Forester. Any underground services which must be located within the tree protection zone should be installed by tunneling under the tree roots with a boring machine, rather than trenching.

The Zoning Administrator has determined that a 35 percent rear yard setback is required for the project. The project plans to request a variance from this requirement to allow a 25 percent rear yard setback, which is what the current designs have been based on. It should be noted that the rear yard design may need to be altered, depending on the size of the critical root and tree protection zones as determined after demolition. The current design calls for significant grading within 30' of the landmark tree, which would be within a tree protection zone based on the landmark tree's trunk diameter, as opposed to the dripline. I believe that granting this variance will not allow for adjustments which may need to be made to the critical root and tree protection zones, and suggest that the project's request for a variance be denied.

The project should supply a written schedule of inspections at critical points during demolition, construction, and landscape installation to be conducted by both the project arborist and the Urban Forester in addition to the joint inspection at completion of demolition.

Native oaks are notoriously sensitive to changes in summer moisture and to the companion plants placed around them. Irrigation of any kind within the dripline of a native oak will cause it to decline and eventually die, unless this irrigation is temporary and used to mitigate construction-related disturbance to the roots. Incompatible plantings will likewise stress the landmark oak. The San Francisco

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Public Works Code grants DPW jurisdiction over all protected trees, including landmark trees. Given this, the project should submit detailed landscape design and planting plans for approval by DPW's Urban Forester and should include detailed landscape restrictions in the Homeowners Association Bylaws.

Trees impacted negatively by development will often not exhibit symptoms of stress or decline for several years after construction. I believe the project could further demonstrate its commitment to preserving the nearby trees by bonding the landmark tree for the duration of construction and an additional five years after the completion of landscape installation. The amount of the bond should be based on an appraised value determined by the project arborist and the Urban Forester and should be released only after inspection by both at the end of the post-construction five year period.

The San Francisco Public Works Code directs the Urban Forester to issue fines equal to a tree's value for failure to adequately protect trees during construction. Considering the size of the landmark oak and the rarity of this species, such a fine would be considerable. California Penal Code sections 384a and 622 make it a criminal offense to harm a tree on someone else's land, punishable by a fine of up to \$1,000 and six months in jail. Additionally, California Civil Code section 3346 and California Code of Civil Procedure section 733 provide that the owner of an injured tree is entitled to up to three times the tree's value in damages. In light of the possible legal and financial consequences to the project, I believe that these measures would not only benefit the landmark tree and the neighborhood that cherishes it, but are also in the best interest of the owner and developer of 25-35 Dolores Street.

Thank you for your consideration.

James DeVinny  
ISA Certified Arborist W-8100A

August 31, 2010

Stuart McFaul  
55 Dolores Street #1  
San Francisco, CA 94103

Dear SF Planning Commission,

This letter is being written on behalf of the residents at 55 Dolores Street re: [Report 2006.0848E: Proposed Development at 23-35 Dolores Street](#). Its Environmental Impact is scheduled to be discussed at the Planning Commission Meeting on Thursday, Sept 2, 2010.

**We would appreciate this letter being entered into the record. In addition, we will be bringing this original letter plus ten copies for distribution at the meeting. We also respectfully request the opportunity to speak at the hearing regarding this issue.**

THE ISSUES

**We are concerned that the current Environmental Impact Report and development plan do not take into account the potential negative impact upon the building and residents located at 55 Dolores Street.** These include the following:

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1. Strong Potential for Damage to the 55 Dolores Building and Property Infrastructure. As you can see from the photos included at the end of this letter, 55 Dolores Street and the building occupying the 23-35 Dolores Street property are almost literally joined in some sections. The existing brick wall of the 23-35 Dolores property acts as the fence bordering the entry gate, front pathway, and front terrace and rear terrace walls of 55 Dolores Unit #1. Nothing in the current plan provides for an adequate solution to replace this wall that will ensure the building and property infrastructure of 55 Dolores remains whole.

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2. Strong Potential for Security Problems for 55 Dolores. With the destruction of the building at 23-35 Dolores Street and loss of the wall that acts as fence for the property, 55 Dolores residents face the strong possibility of our building security being threatened. In the past several years, we have had many attempted break-ins; the current fences and security gates now provide the level of protection we require. Loss of this vital perimeter wall could potentially lead to an increase in break-in attempts.

} 36

3. Strong Potential for Noise-Related Issues. We realize that we live in a city and the noise from construction is an urban reality. However, given the close proximities of the two properties, we are concerned that the loss of the wall – with no proper sound barrier being provided – will make construction-related noise a major problem for 55 Dolores residents, who ages range from a newborn infant to a 94-year-old retiree who has lived here for over 40 years.

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4. Strong Potential for Vermin Issues. Rat traps have had to be regularly placed and checked at 55 Dolores due to the rats nesting within the building located at 23-35 Dolores Street. In the past, these rats have been found on a recurring basis on the 55 Dolores grounds. With the destruction of the 23-35 Dolores building, we are extremely concerned about the rats that will be displaced to seek new nesting places within our property.

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POSSIBLE SOLUTIONS

We do not want to impede the developer from pursuing their project. However, **we request pursuing solutions that maintain the existing brick wall that borders 55 Dolores Street.** The solutions could range from approving the Alternative Plans noted in the EIR (we first prefer Alternative B: Preservation Alternative or, at worst, Alternative C: Partial Preservation Alternative) to ensuring the developer redrafts the development plan to ensure the brick wall is reinforced and kept in place.

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These solutions that maintain the existing brick wall would ensure the continued safety, security, and physical health of the residents of 55 Dolores. It is vital for us to ensure that 55 Dolores Street is shored properly and is guaranteed that the developers of 23-35 Dolores Street maintain the existing wall or provide a new wall of similar height, provide a sound barrier and ensure rodent control throughout the project.

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If such an accommodation can be made and agreed upon by the developer prior to final construction approval, we would like the developer to guarantee this in writing, copying the members of the commission and the residents of 55 Dolores.

Thank you.

Sincerely,

*The Residents of 55 Dolores Street, San Francisco, CA*

Stuart McFaul, 55 Dolores Street, Unit #1  
Nick Cianci, 55 Dolores Street, Unit #1  
Manfred MacKeben, 55 Dolores Street, Unit #2  
Mary Elizabeth Phillips, 55 Dolores Street, Unit #3  
Sarah Brant, 55 Dolores Street, Unit #4  
Josh DeClercq, 55 Dolores Street, Unit #5  
Stephanie DeClercq, 55 Dolores Street, Unit #5



Front elevation of 23-35 Dolores and 55 Dolores Street. Note that the entryway gate for 55 Dolores is attached to the wall of 23-35 Dolores Street.

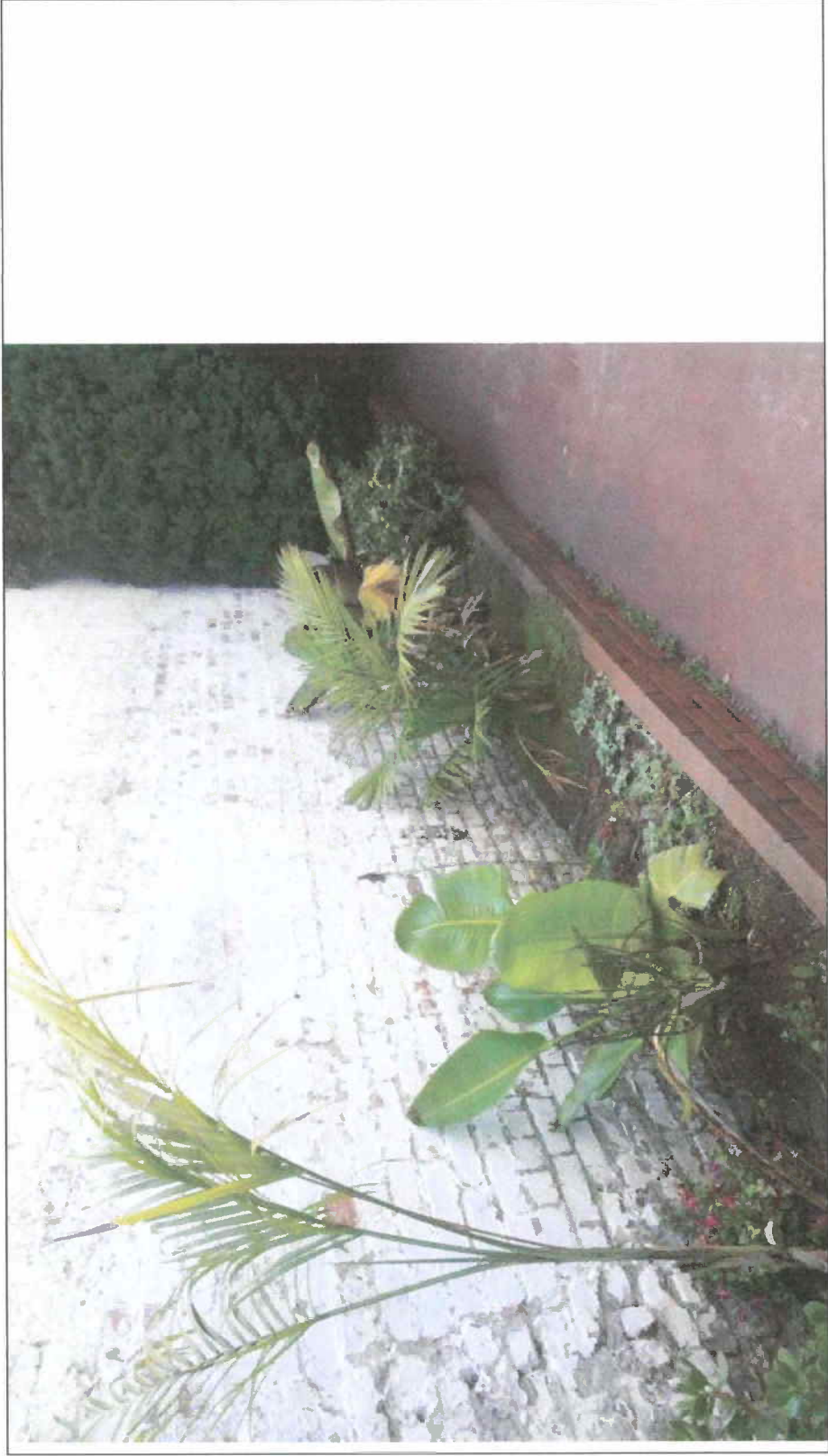


Another view of the entryway gate for 55 Dolores Street.





The wall of the current building occupying 23-35 Dolores Street acts as the fence boundary for 55 Dolores Street. Here is the wall as the fence for the entry pathway. The vegetation within the planters has been here since the building was constructed in the mid-1900's.



Another view of the entry path and wall.



As you get closer to the building, you can see how closely the 55 Dolores building abuts the exiting wall. The existing abutment is even tighter in the rear yard area.



The brick wall currently acts as one of the terrace walls for 55 Dolores, Unit #1. You can see where the current terrace fence is actually affixed to the 23-35 Dolores brick wall. Loss of this wall will certainly negatively impact the security and privacy for 55 Dolores residents.





As one gets deeper into the 55 Dolores property, the abutment of the 23-35 Dolores building becomes tighter and tighter. Loss of the wall will certainly require some form of reconstruction for the terrace of Unit #1.



The rear terrace of 55 Dolores, Unit #1 currently enjoys the privacy and security afforded by the wall. Loss of the wall will “open up” the entire side of the property, leaving it open to potential security problems.



Another view of the rear terrace wall. As you can see from the photograph, the 23-35 wall and 55 Dolores building are literally “joined” at this point. **We are greatly concerned about possible damage to 55 Dolores Street if the wall is eliminated.**

# RECEIVED AT XERO HEARING 8-18-10  
2006.0848E  
25-35 DOLORES ST.  
(C. FARRINGTON)

90 South Park  
San Francisco CA 94107

415 777 0561 tel  
415 777 5117 fax

LEVY DESIGN PARTNERS INC

**Presentation to Historic Preservation Commission Regarding Draft E.I.R., 25-35 Dolores Street Residential Project  
By Architect Toby Levy, FAIA**

**Alternatives Assessment**

While I was directed by Planning staff to prepare two preservation alternatives, I believe it is the architect's role is to help determine whether these alternatives meet three important criteria (See DEIR, page 57).

1. Are they feasible?
2. Would they reduce or eliminate any of the project's significant impacts?
3. Would attain most of the project sponsor's objectives?

**Neither the Preservation nor the Partial Preservation Alternative is Feasible**

According to the DEIR, the law takes into account both economic and technical factors when defining "feasibility" (Section 21061.1 of the Public Resources Code).

- **The Preservation Alternative is not economically feasible.** The residential spaces generated in this alternative will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the market. Consequently, their finished market value will be less than the combined cost of acquiring the buildings, their structural upgrade and other construction costs. Other factors to consider follow:
  - Fitting the units within the two warehouses would require removing some sections at the rear to provide light and air into the units.
  - The low trusses limited the use of the interior space and in general allowed for only loft like units with open sleeping areas.
  - The resulting 18 units would not meet the code-required and neighborhood-desired "family units."
  - Given the buildings' relationship to the street, universal accessibility would require substantial alteration of their façades.
- **The Partial-Preservation Alternative is not economically feasible.** Attempting to align three floors of new residential space set back twenty feet from the two residential floors that can be built adjacent to the facades of these buildings imposes unreasonably high costs on the project. Moreover, with only 23 units, the finished value of the project will be less than the combined cost of acquiring the buildings, reinforcing their facades and other construction costs.
- **The technical difficulties** involved with shoring the unreinforced brick facades and excavating a subterranean garage will be daunting and the attendant cost prohibitive, exacerbating the infeasibility of both alternatives.



**Neither alternative attains the sponsor's objectives.**

- We want to improve the neighborhood. These are the only commercial buildings on a block of residential buildings, and they physically divide an established residential community. New residential construction will repair the fabric of the neighborhood, preserving industrial facades will not.
- Because the alternatives are not economically feasible they cannot be economically justified – and cannot be financed. Without economic justification they will not be built, development will not occur and the sponsor's objectives will not be met.

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**My Perspective**

- As reflected by the Market Octavia Plan, which prohibits new commercial uses on this site, these industrial buildings are out of character with the surrounding multi-family residential buildings.
  - In addition to their commercial facades, the existing buildings cover 95% of the lot and contributes little to the rear yard residential pattern.
- These industrial buildings are not suitable for conversion to residential use. While anything may be possible if money is no object, these preservation schemes are certainly more costly and less desirable than new residential construction.
- A new project would be able to provide more and larger units, including 8 three bedroom units, green both the front and rear yards and have less impact on the surrounding residential neighborhood in-terms of their exposure and on street parking.
- Replacing these garage buildings with a new residential building will enhance the neighborhood and meet zoning objectives, preserving them will not.

29

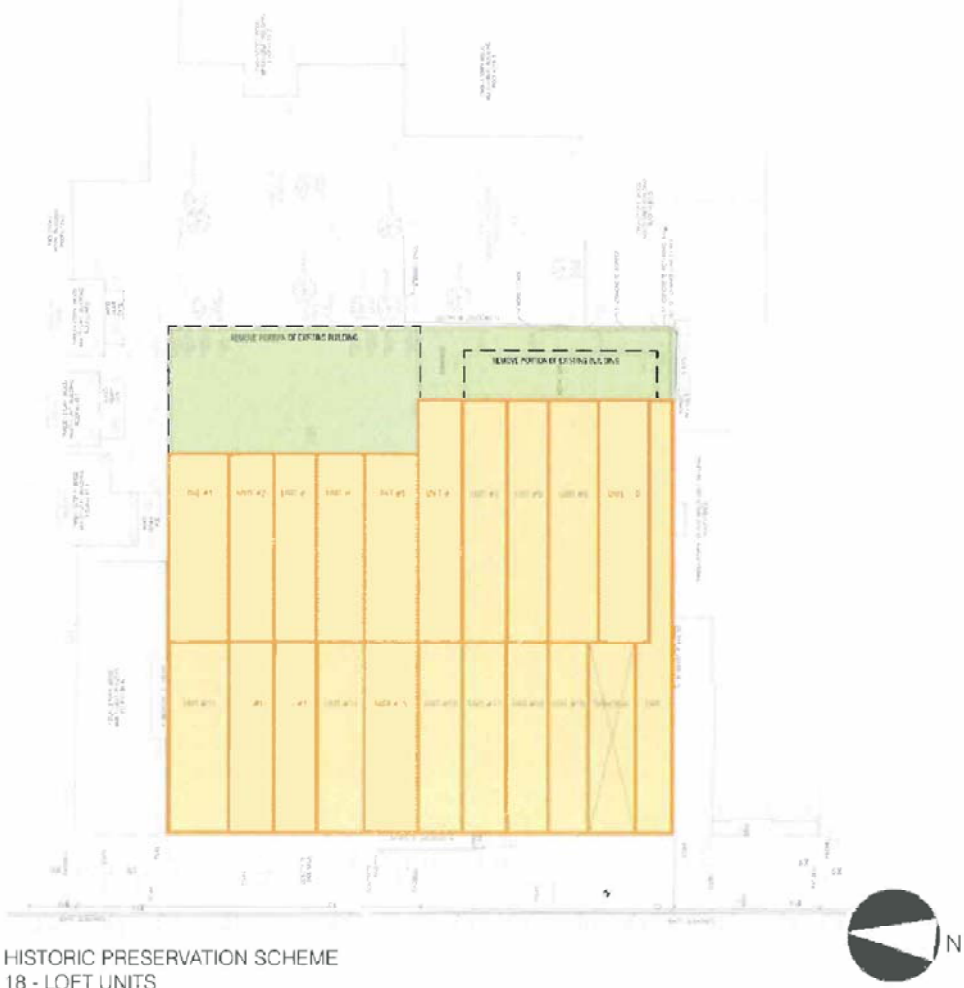


EXISTING SITE AT 25-35 DOLORES



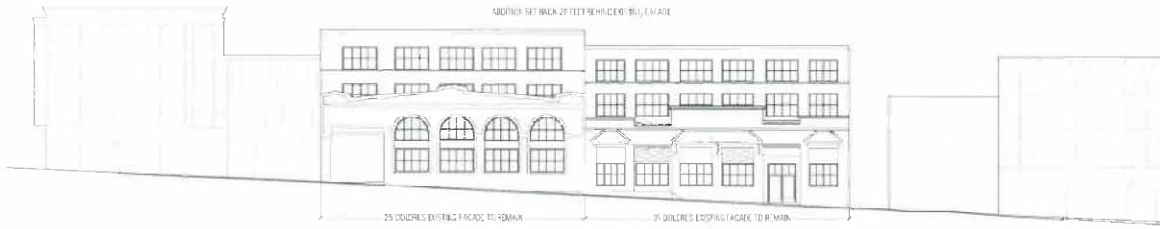
LEVY DESIGN PARTNERING INC.  
300 MARKET STREET, SAN FRANCISCO, CA 94102

## 35 DOLORES STREET SAN FRANCISCO, CA



LEVY DESIGN PARTNERS INC.  
ARCHITECTURAL, ENVIRONMENTAL, PLANNING & INTERIOR

**35 DOLORES STREET**  
SAN FRANCISCO, CA



ADAPTIVE REUSE 2ND & 3RD FLOOR PLAN  
23 UNITS



LEVY DESIGN PARTNERS INC  
REGISTERED ARCHITECTS (CA) AND REGISTERED ENGINEERS

**35 DOLORES STREET**  
SAN FRANCISCO, CA



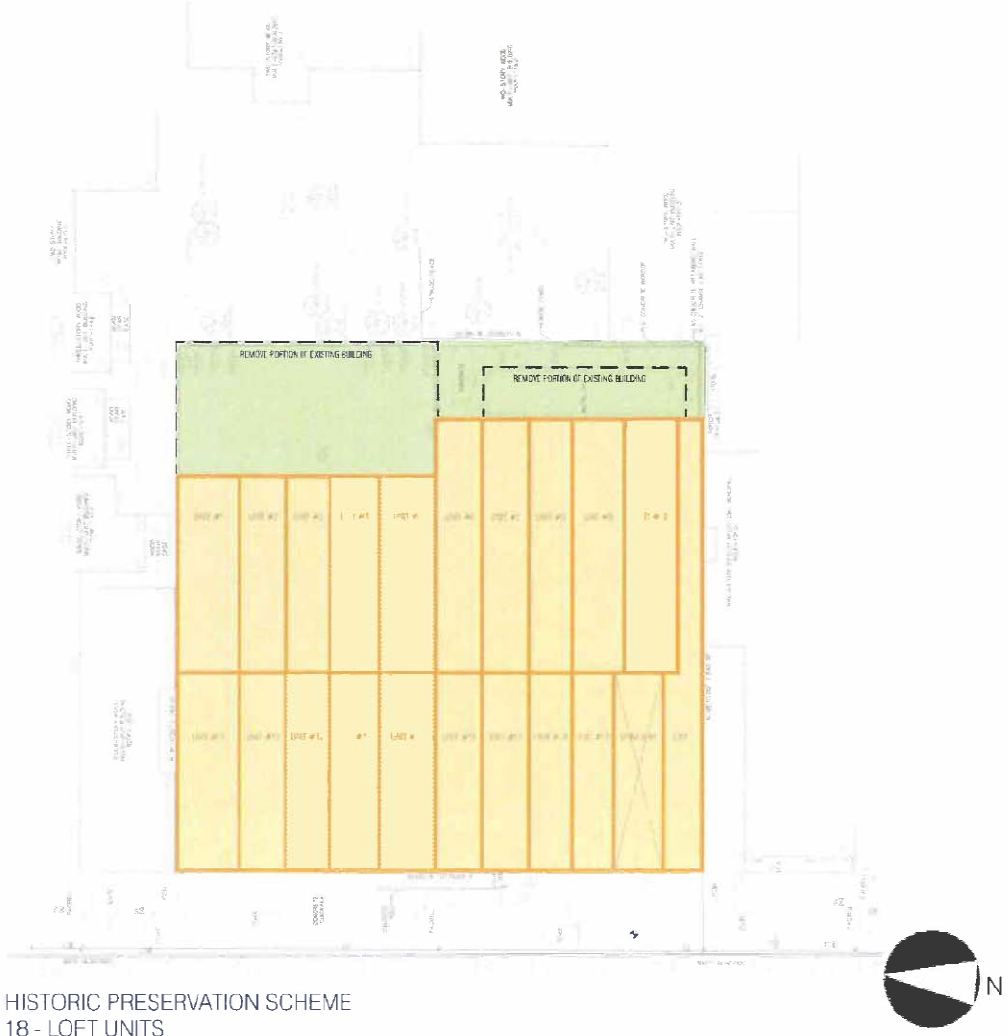
EXISTING SITE AT 25-35 DOLORES



LEVY DESIGN PARTNERS INC  
10 BETH HALL SAN FRANCISCO, CA 94104 (415) 774-3111

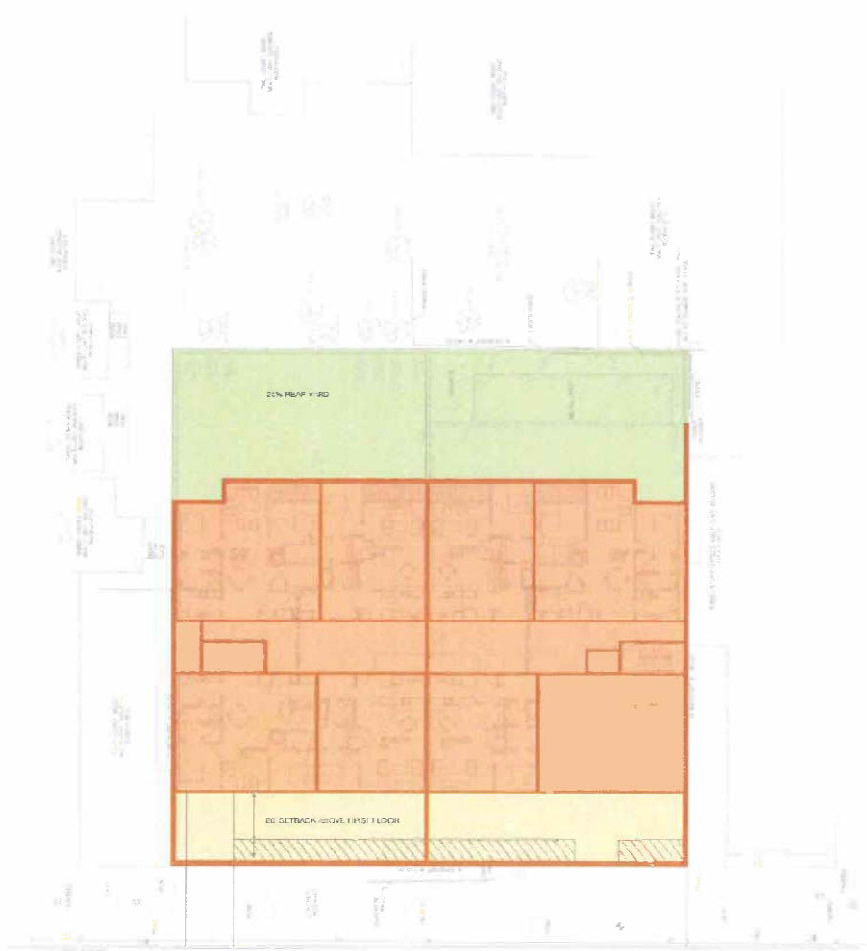
**35 DOLORES STREET**  
SAN FRANCISCO, CA





LEVY DESIGN PARTNERING INC.  
HEALTHY AND SUSTAINABLE COMMUNITIES

**35 DOLORES STREET**  
SAN FRANCISCO, CA



ADAPTIVE REUSE 2ND & 3RD FLOOR PLAN  
23 UNITS



LEVY DESIGN PARTNERS INC.  
ARCHITECTS PLANNERS ENGINEERS INTERIORS

**35 DOLORES STREET**  
SAN FRANCISCO, CA

**Presentation to Historic Preservation Commission Regarding Draft E.I.R., 25-35  
Dolores Street Residential Project  
By Architect Toby Levy**

Alternatives Assessment

The architect's role is to help determine whether the preservation alternatives meet three important criteria (See DEIR, page 57).

1. Are they feasible?
2. Would they reduce or eliminate any of the project's significant impacts?
3. Would attain most of the project sponsor's objectives?

Neither the Preservation nor the Partial Preservation Alternative is Feasible

The law includes takes into account both economic and technological factors when defining feasibility (Section 21061.1 of the Public Resources Code).

- The Preservation Alternative is not economically feasible. The residential spaces generated in this alternative will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the market. Consequently, their finished market value will be less than the combined cost of acquiring the buildings, their structural upgrade and other construction costs.
- The Partial-Preservation Alternative is not economically feasible. Attempting to align three floors of new residential space set back twenty feet from the two residential floors that can be built adjacent to the facades of these buildings imposes unreasonably high costs on the project. Moreover, with only 23 units, the finished value of the project will be less than the combined cost of acquiring the buildings, reinforcing their facades and other construction costs.
- The technical difficulties involved with shoring the facades and excavating a subterranean garage will be daunting and the attendant cost prohibitive, exacerbating the infeasibility of both alternatives.

28

Neither alternative attains most of the sponsor's objectives.

- We want to improve the neighborhood. These are the only commercial buildings on a block of residential buildings, and they physically divide an established residential community. New residential construction will repair the fabric of the neighborhood, preserving industrial facades will not.

29



To: Planning Commission  
From: William Lightner, Jr., Project Sponsor for 25-35 Dolores Street  
Date: September 2, 2010  
Re: Draft E.I.R., 25-35 Dolores Street Residential Project

### **Historic Preservation Alternatives Assessment**

There is language in the DEIR (pp. 60, 63) stating that the two preservation alternatives “would partially meet the project sponsor’s objectives.” I am writing to state for the record that neither alternative meets our objectives. Indeed, both alternatives fail to meet at least two of the three criteria that all need to be met in order to allow your approval of a preservation alternative instead of the proposed project. (Please see DEIR at page 57.)

1. **They are not feasible.**
2. **They would not attain most of the project sponsor’s objectives.**

1. **Neither the Preservation  
nor the Partial Preservation Alternative is feasible.**

The law takes into account both economic and technical factors when defining “feasibility” (Section 21061.1 of the Public Resources Code).

- **The Preservation Alternative is not economically feasible.** The residential spaces generated will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the market. Consequently, their finished market value will be less than the combined cost of acquiring the buildings, their structural upgrade and other construction costs.
- **The Partial-Preservation Alternative is not economically feasible.**
  - This alternative contemplates the marriage of a new three-floor building set back twenty feet from two floors built within the preserved facades of the existing buildings. This solution imposes unreasonably high costs on the project.
  - With only 23 units, the finished value of the project will be less than the combined cost of acquiring the buildings, reinforcing their facades and other construction costs.
- **The technical difficulties** involved with shoring the unreinforced brick facades and excavating a subterranean garage will be daunting and the attendant costs prohibitive, exacerbating the infeasibility of both alternatives.

2. Neither alternative attains the Project Sponsor's objectives.

- Contrary to the assertions set forth at DEIR pages 60 and 63, I do not believe either preservation alternative represents a "high-quality residential building with associated parking."
  - These buildings are industrial and out of character with the surrounding multi-family residential buildings. My opinion is reflected by the Market Octavia Plan, which prohibits new commercial uses on this site.
  - The buildings cover 95% of the lot and contribute little to the rear yard residential pattern.
  - These buildings are not suitable for conversion to residential use.
  - The loft spaces produced by the preservation alternative will have substandard light and air, will be very narrow and overly tall, will be punctured by the existing trusses, and will therefore have little appeal to the residential market.
  - The partial preservation alternative is an exercise in "facadism."
  - A parking garage is infeasible under both alternatives and would not be built.

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- We want to improve the neighborhood. These are the only commercial buildings on a block of residential buildings and they physically divide an established residential community. New residential construction will repair the fabric of the neighborhood, preserving industrial facades will not.

29

- A new project would produce a "high-quality residential building with associated parking. It would repair the streetscape, provide more and larger units, including eight three bedroom units, add greenery in both the front and rear yards and have less impact on the surrounding residential neighborhood in terms of their exposure and on street parking.

- Because the alternatives are not economically feasible they cannot be economically justified – and cannot be financed. Without economic justification they will not be built, development will not occur and the sponsor's objectives will not be met.

28

575 14<sup>th</sup> Street, #1  
San Francisco, CA 94103  
August 29, 2010

**RECEIVED**

SEP 01 2010

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

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

RE: Planning Department Case  
No. 2006.0848E

Dear Mr. Wycko,

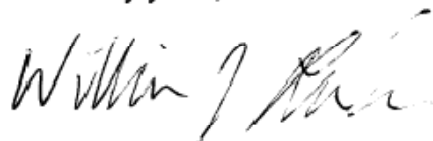
I am writing in order to submit a public comment regarding the Draft Environmental Impact Report for 25-35 Dolores Street Residential Project. I have heard a summary of the Draft EIR and believe that it supports the appropriateness of the project.

I am not associated with the property owner or developer in any way, but as a longtime neighborhood resident I support the project and I encourage the Planning Department to approve it. In such a Residential, Transit-Oriented Use District, it is appropriate to have residential projects that are high-density. A zoning variance to allow for the reduced rear yard also makes sense for this type of development and in this higher-density neighborhood.

The economic viability of the neighborhood has been stagnant for several years and the area needs the economic boost that a large scale residential project can provide. The current state of the site is a blight on the neighborhood. As a citizen, I expect my City's planning department to act in the best interest of the neighborhood and expedite the project in a timely manner.

2

Sincerely yours,



William J. Luhr

Hello,

I am writing to you today to ask for these concerns to be addressed in the final draft EIS of the 35-25 Dolores Street project.

I am still concerned, and feel that it not had been addressed: the impacts to neighboring houses, specifically, located on 14th street, between Dolores and Market, but closer to Dolores (636 14th street Apartment Building).

How will the noise pollution be addressed, as well as climate control and quality inside my apartment building, since for a prolonged period of time, I will not be able to keep my windows open.

Is a rodent/rat and insect problem being address in a safe manner- not one that includes heavy pesticide use- since the auto garages are vast spaces which have not been actively occupied for some time and there will be animals being displaced from construction.

Are there heavy amounts of pesticides being used for insect control?

Will chemicals be sprayed?

What type of paint and building materials are being used and how will that change my quality of living, as it is bound to?

Will any additional public transit lines be added to support the increase of residents in this small area?

How will I be compensated for the noise pollution?

How will I be compensated for the eye score of the construction?

Will trucks be running with motors on?

Thank you for your time,  
I await your responses,

Dominique Sevi

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Appendix 2:  
TRANSCRIPT OF  
DRAFT EIR PUBLIC HEARING

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**In The Matter Of:**

*In re: 23-35 DOLORES STREET*

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**PUBLIC HEARING PROCEEDINGS**

*Vol. 1*

*September 2, 2010*

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**MERRILL CORPORATION**

**Legalink, Inc.**

135 Main Street  
4th Floor  
San Francisco, CA 94105  
Phone: 415.357.4300  
Fax: 415.357.4301



BEFORE THE PLANNING COMMISSION  
CITY AND COUNTY OF SAN FRANCISCO

---oOo---

In re: )  
 )  
23-35 Dolores Street ) Item 2006.0848E  
 )  
 )  
 )  
 )

PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT REPORT

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Thursday, September 2, 2010

City Hall  
Planning Commission Hearing Room, 4th Floor  
One Carlton B. Goodlett Place  
San Francisco, California 94102

Reported by:  
GEORGE SCHUMER, CSR 3326

(01-430475)

PUBLIC HEARING PROCEEDINGS - 9/2/2010

<p style="text-align: right;">Page 2</p> <p>1 COMMISSION MEMBERS PRESENT:                  2 CHRISTINA R. OLAGUE, VICE-PRESIDENT                  3 MICHAEL ANTONINI                  4 KATHRIN MOORE                  5 HISASHI B. SUGAYA</p> <p>6 --o0o--</p> <p>7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 MS. CHELSEA FORDHAM: Good afternoon,                  2 Vice-President Olague, and members of the commission. I'm                  3 Chelsea Fordham, from the major environmental analysis                  4 section of the Planning Department.                  5 This hearing is to receive comments on the draft                  6 environmental impact report for Case 2006-0848E, 25-35                  7 Dolores Street residential project. The proposed project                  8 includes demolition of two contiguous one-story commercial                  9 garages, and new construction of a four-story,                  10 62,030-square-foot 47-unit residential building. The two                  11 existing contiguous garages were built on the site in 1917                  12 through 1918, and are historic resources.                  13 This hearing is not to consider approval or                  14 disapproval of the project. That hearing will follow the                  15 final EIR certification. Comments today should be                  16 directed to the adequacy and accuracy of the information                  17 contained in the draft EIR.                  18 Commenters should speak slowly and clearly, so                  19 that the court reporter can produce an accurate                  20 transcript. Also, commenters should state their name and                  21 address, so they can be properly identified, and so that                  22 they can be sent a copy of the comments and responses                  23 document when completed.                  24 Staff is not here to answer comments today.                  25 Comments will be transcribed and responded to in a</p>
<p style="text-align: right;">Page 3</p> <p>1 SAN FRANCISCO, CALIFORNIA THURSDAY, SEPTEMBER 2, 2010                  2 2:25 p.m.                  3 --o0o--                  4 PROCEEDINGS                  5 SECRETARY IONIN: Moving on to Item 10, Case                  6 2006.0848E for 23-35 Dolores Street, public hearing on the                  7 draft environmental impact report. Please note that                  8 written comments will be accepted at the Planning                  9 Department's offices until the close of business on                  10 September 7, 2010.                  11 DIRECTOR RAHAM: Before Ms. Fordham gets started,                  12 I wanted to introduce you to her. She has not been before                  13 the Commission.                  14 Chelsea Fordham has actually been with the                  15 department for two and a half years, and is one of the                  16 many staff that work in the background that you don't                  17 often see doing this work.                  18 Prior to joining the department she worked at PMC                  19 in Oakland, and at Humboldt Water Resources in Arcata, and                  20 she has a Bachelor of Science in ecology and evolutionary                  21 biology from UC-Santa Cruz. So we welcome Chelsea to the                  22 Commission, and we really appreciate her work in the                  23 Department.                  24 COMMISSIONER SUGAYA: Welcome. But you can't                  25 believe anything from someone who comes from a Slug.</p>	<p style="text-align: right;">Page 5</p> <p>1 comments and responses document, which will respond to all                  2 verbal and written comments received, and make revisions                  3 to the draft EIR as appropriate.                  4 After hearing comments from the general public,                  5 we'll take comments on the draft EIR by the Planning                  6 Commission. Public comment period for this project began                  7 July 14, and extends until September 7, 2010. The                  8 Historic Preservation held a hearing on the draft EIR on                  9 August 18, 2010.                  10 This concludes the presentation on this matter,                  11 and unless the commissioners have a question, I will                  12 respectfully suggest that the public hearing be opened.                  13 VICE-PRESIDENT OLAGUE: Thank you. We may have                  14 questions for you after the public comment.                  15 We have four speaker cards: Stuart McFaul, Jay                  16 Tobin, Toby Levy, and Bill Lightner.                  17 MR. STUART McFAUL: Good afternoon.                  18 My name is Stuart McFaul; I reside at 55 Dolores                  19 Street, Unit No. 1. This is the building that's directly                  20 adjacent to the property in question, and I'm here                  21 representing the tenants of 55 Dolores Street.                  22 I have two letters from them. One is from the                  23 residents in general, and the other one is from one of the                  24 residents in particular, who wanted to have an individual                  25 representing her.</p>

1 I'll try to keep my remarks as brief as possible  
 2 today. I appreciate your time.  
 3 We are concerned that the current EIR and  
 4 development plan don't take into account potential  
 5 negative impact upon the building and residents located at  
 6 55 Dolores Street. The letters that we have inside, that  
 7 are being distributed to you right now, elucidate these in  
 8 greater detail, but these are the five issues that we  
 9 would like the Commission to take into consideration.  
 10 The first issue is that there is a strong  
 11 potential for damage to our building -- 55 Dolores  
 12 Street -- in the property infrastructure.  
 13 As you might see from the exhibits included at  
 14 the end of the thicker letter, 55 Dolores Street and the  
 15 building in question are almost literally joined in some  
 16 sections.  
 17 This has been in place for over 50 years, since  
 18 the property at 55 Dolores was constructed. The existing  
 19 brick wall that is the wall of the building at 23-35  
 20 Dolores is actually the fence that borders the property of  
 21 55 Dolores. It borders our entry gate, our front pathway,  
 22 the front terrace, and rear terrace walls of the property.  
 23 Nothing in the current plan provides an adequate  
 24 solution to replace this wall, that ensures that the  
 25 building and the infrastructure of 55 Dolores remains

1 Street, which -- that building has two residential units  
 2 and a doctor's office.  
 3 Basically I'm opposed to any of the conditional  
 4 use authorization for density greater than one unit per  
 5 600 square feet, or any -- less than the 75 square feet  
 6 for parking.  
 7 14th Street is a very small one-way street, and  
 8 it was never designed for a loading dock of the Whole  
 9 Foods food. There's probably about eight spaces on the  
 10 whole street on that side now.  
 11 This planning -- this loading dock, with trucks  
 12 on 14th Street waiting to get in there -- is going to  
 13 hamper the Fire Department. The Fire Department leaves up  
 14 on the other side of Market Street; comes out of there --  
 15 it is probably three times a day, let's say -- or two  
 16 times, without exaggeration -- any time, day or night,  
 17 with these trucks.  
 18 This loading dock with trucks right there  
 19 waiting is going to hamper this Fire Department. I don't  
 20 know if the Fire Department is aware of this loading dock  
 21 for Whole Foods.  
 22 And that's my main concern in mind. 14th Street  
 23 is a very small street, not designed for this. It is just  
 24 not designed for it. Thank you.  
 25 MS. TOBY LEVY: Commissioners, my name is Toby

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1 whole.  
 2 The second issue are security issues. With the  
 3 destruction of the 23-35 Dolores Street building, we lose  
 4 an important wall that threatens our building security.  
 5 We have already experienced several break-in attempts, and  
 6 are afraid that the loss of the wall could potentially  
 7 lead to an increase in break-ins.  
 8 Third concern that is an EIR concern is noise  
 9 problems. Given the close proximities of our two  
 10 properties -- we are literally cheek by jowl -- loss of  
 11 the brick wall, with no proper sound barrier, could make  
 12 construction-related noise a major problem for us. Our  
 13 building residents range in age from a newborn infant to a  
 14 94-year-old retiree who has lived there for over 40 years.  
 15 The fourth issue is toxic chemical problems.  
 16 23-35 Dolores was a paint and repair shop. The EIR has  
 17 concluded that there are elevated levels of toxins  
 18 produced and contained in the building.  
 19 What we don't see in the plan --  
 20 (Timer rings)  
 21 VICE-PRESIDENT OLAGUE: Thank you.  
 22 I read off all the names already. I'll read them  
 23 again: Jay Tobin, Toby Levy, Bill Lightner.  
 24 MR. JAY TOBIN: Good afternoon, Commissioners.  
 25 My name is Jay Tobin. I'm the owner of 636 14th

1 Levy. I'm the architect for the project, and I'm only  
 2 here to speak today about the historic implications, and  
 3 what might not have been included in the EIR. When I get  
 4 done, I would like to distribute some additional  
 5 information to you.  
 6 We were asked by staff to look at two  
 7 alternatives -- the preservation alternatives, and an  
 8 adaptive re-use or partial preservation alternative.  
 9 Although we concluded that these projects were do-able, we  
 10 also concluded they were very costly, difficult to  
 11 execute, and also would not meet the project sponsor's  
 12 objectives.  
 13 This (indicating) is the building in question.  
 14 What happened is basically the structure itself, as well  
 15 as the permitted uses on the site, are a challenge. The  
 16 permitted uses on the site are actually as a result of the  
 17 Market-Octavia plan, and are strictly residential. And as  
 18 you can see, this is a commercial building; these  
 19 (indicating) are the plans, and it covers roughly 95  
 20 percent of the lot.  
 21 The two different buildings are also a step up  
 22 the street, and therefore make their levels difficult to  
 23 deal with in the adaptive re-use.  
 24 The buildings themselves are brick walls on  
 25 shallow foundations, and their trusses, the bottom cord of

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1 which -- the wood trusses -- are actually at 11 feet. In  
2 the preservation alternative -- which this is -- you can  
3 see that slipping things within it are difficult.

4 We looked at a scheme that actually used the  
5 building, took out this shed in back, and actually removed  
6 the last 25 percent of the building, and basically chopped  
7 the building up just to put units in front of it.

8 The challenges, of course, are the light and air  
9 that it produces, but we did get 18 loft-like studio  
10 units, none of which are the size to be two-bedroom units.

11 Also, accessibility making this project is also  
12 making it difficult, as I said, because of the stepped,  
13 and also trying not to do further damage to the exterior  
14 facade.

15 In the adaptive re-use scenario, the picture of  
16 which is contained in the EIR, we actually looked at  
17 keeping the front and the two side walls of the building  
18 as much as we could. This permitted us to have as many as  
19 23 one- and two-bedroom units. We assumed that the  
20 building would be set back in sort of porches, to provide  
21 a sort of use to the building, and access to the building  
22 with basically a very efficient scheme.

23 This also has trouble. We would essentially just  
24 be leaving you with a front and side brick walls, for  
25 better or for worse -- as someone would call facade-ism.

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1 In both cases, because it was a comparison we did  
2 include the -- assume the .75 parking places, and digging  
3 under a brick building and providing parking would be  
4 difficult.

5 So it does little for the neighborhood; it  
6 doesn't provide the 40 percent two bedrooms. Nor does it  
7 meet any sort of reknitting of the neighborhood fabric.  
8 And I will give you my supports. (Timer rings)

9 VICE-PRESIDENT OLAGUE: Thank you.

10 MR. BILL LIGHTNER: I'm Bill Lightner, Lightner  
11 Property Group -- the project sponsor -- and I have handed  
12 to you a written statement of what I have to say today.

13 In sum, I wish to propose a correction to the  
14 draft EIR, and secondly make a comment regarding the  
15 preservation alternatives.

16 The correction is that -- regarding Pages 60 and  
17 63 -- that states that the project sponsor's objectives  
18 would be partially met by providing quality housing and  
19 parking therefor. I wish to correct that, because I don't  
20 believe that -- from my personal standards -- that these  
21 are as qualitative a project as a new project.

22 The first that Toby described to you would be a  
23 loft project, and essentially chopping up an old building  
24 with slivers of live-work spaces that don't meet that  
25 marketplace, and I wouldn't be proud to build.

1 Secondly, the project that sets back and builds a  
2 new building to me is just an exercise in facade-ism --  
3 and again, not something that I wish to represent my name  
4 as a native San Franciscan.

5 So I don't like either project as preservation  
6 alternatives. And moreover, the parking would be  
7 infeasible -- I think as Toby was about to say. Any  
8 parking underneath this structure is going to require  
9 excavation, and excavating under the existing building  
10 would be technically infeasible and too expensive.

11 The comment adds to the point of infeasibility.  
12 With the technical difficulties of doing the garage, we  
13 have a very high expense with regard to the preservation  
14 alternatives, and neither project, as proposed -- either  
15 18 or 23 units -- would meet our economic feasibility  
16 thresholds.

17 Thank you.

18 VICE-PRESIDENT OLAGUE: Is there any additional  
19 public comment?

20 MS. SUE HESTER: Good afternoon, Commissioners.  
21 Sue Hester, speaking for myself.

22 This is one of the first projects that is coming  
23 through. It basically has nothing in it of consequence,  
24 because it is tiered from an area plan EIR -- in this case  
25 Market-Octavia. Not nothing, but it is very little. And

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1 I would like to direct my comments to the policy issues in  
2 the Market-Octavia plan and the RTO zoning, because I  
3 think they should be considered in the EIR as well.

4 The RTO zoning added density and reduced parking.  
5 And the areas where that was done -- in eastern  
6 neighborhoods and in Market-Octavia -- were the areas that  
7 had the densest transit, and we said we should build the  
8 densest housing there.

9 But the City also has the densest transit, as it  
10 happens, where we have freeway access. This is one of  
11 them. And every time we say we're going to densify the  
12 area, and at the same time the developer comes and says,  
13 "We are going to go to the max possible, or close to the  
14 max possible, using a CU to have parking" -- and there  
15 happens to be really good freeway access -- you have a  
16 dichotomy that we have blinders on that we are not seeing.

17 That is definitely the case on Rincon Hill; it is  
18 definitely the case for projects in the Market and 10th  
19 Street corridor. And we have to confront the situation  
20 that when you have really expensive market-rate housing in  
21 desirable areas -- that you have in this case -- and  
22 freeway access -- you are creating an attractive area for  
23 people to do reverse commutes, particularly down the  
24 Peninsula. And that is not discussed.

25 It was not discussed in the Market-Octavia EIR.

1 or the eastern neighborhoods EIR, or in this EIR. And  
2 those policy issues should come up in an EIR. They don't  
3 come up in the staff reports on the project. And where  
4 are you going to discuss what is the cumulative impact of  
5 how many projects are asking to max out or exceed the  
6 parking requirements?

7 Put it in the EIR, and what are the impacts?  
8 What is the relationship between a straight shot down  
9 Guerrero, over Dubocc, up Dolores, onto the freeway  
10 systems for 280 and 101. But 280 is particularly  
11 attractive.

12 And so if this project that you have a worst  
13 situation -- what is a market-rate project? If you have a  
14 below market rate, there's not those incentives.

15 VICE-PRESIDENT OLAGUE: Is there any additional  
16 public comment? Seeing none, public comment is closed.  
17 Commissioner Antonini?

18 COMMISSIONER ANTONINI: I think to the extent  
19 that I read over the draft environmental impact report, I  
20 think the alternatives were presented and evaluated as  
21 required in such a report -- that being the partial  
22 preservation alternative and various other alternatives.

23 And I think that it is complete and accurately  
24 done. I do not think that it is incumbent in an  
25 environmental impact report to evaluate an entirely

1 CERTIFICATE OF REPORTER

2  
3 I, George Schumer, a duly authorized shorthand  
4 reporter, do hereby certify:

5  
6 That the foregoing transcript constitutes a true,  
7 full and correct transcript of my shorthand notes taken as  
8 such reporter of the proceedings herein, and reduced to  
9 typewriting under my supervision and control to the best  
10 of my ability.

11 In witness whereof, I have subscribed my name.

12 DATED: \_\_\_\_\_

13 \_\_\_\_\_  
14 George Schumer, CSR 3326

1 different project, as some speakers have mentioned. But  
2 alternatives to the project as presented -- that being no  
3 alternative, and the various other ones that were  
4 presented -- is what is required.

5 But I find it to be complete and accurate as  
6 written.

7 SECRETARY IONIN: Okay? Commissioners, Item 11  
8 has been withdrawn. We are now at Item 12.

9 (Item concluded, 2:45 p.m.)  
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