

File No. 170750 Committee Item No. 5  
Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 24, 2017

Board of Supervisors Meeting Date \_\_\_\_\_

#### Cmte Board

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| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
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#### OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Reso No. 19860 022317   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Motion No. 19938 061517 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Motion No. 19939 061517 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Motion No. 19940 061517 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | PLN Reso No. 19941 061517   |
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Completed by: Erica Major Date July 19, 2017  
Completed by: \_\_\_\_\_ Date \_\_\_\_\_

1 [General Plan Amendments - One Oak Street Project]

2  
3 **Ordinance amending the General Plan by revising the height and bulk designations for**  
4 **the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street**  
5 **Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the**  
6 **Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting**  
7 **findings under the California Environmental Quality Act; making findings of**  
8 **consistency with the General Plan as proposed for amendment, and the eight priority**  
9 **policies of Planning Code, Section 101.1; and adopting findings of public necessity,**  
10 **convenience, and welfare under Planning Code, Section 340.**

11 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
14 **Board amendment additions** are in double-underlined Arial font.  
15 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
16 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. Findings.

20 (a) The One Oak Street project (Assessor's Block 0836, Lots 001 and 005, referred to  
21 herein as the "Project") is planned for an approximately 0.43 acre site located at the western  
22 corner of the Van Ness Avenue, Oak Street and Market Street intersection. The easternmost  
23 portion of the building site, at 1500 Market Street, is currently occupied by an existing three-  
24 story, 2,750-square-foot commercial building, built in 1980. Immediately west of the 1500  
25 Market Street building is an existing 47-car surface commercial parking lot. The westernmost  
portion of the site at 1540 Market Street is occupied by a four-story, 48,225-square-foot  
commercial office building, built in 1920.

1 (b) The Project would demolish existing improvements and construct a 40-story  
2 residential building with ground floor retail space and three levels of underground parking at  
3 One Oak Street. The proposed building would include 304 dwelling units, approximately  
4 4,110 square feet of retail, and 136 vehicular parking spaces.

5 (e) On February 23, 2017, in Resolution No. 19860, the Planning Commission initiated  
6 this legislation in accordance with Planning Code Section 340. This Resolution is on file with  
7 the Clerk of the Board of Supervisors in File No. 170750.

8 (f) On June 15, 2017, in Motion No. 19938, the Planning Commission certified as  
9 adequate and complete the One Oak Street Final Environmental Impact Report (the "FEIR"  
10 found in Planning Case No. 2009.0159E) in accordance with the California Environmental  
11 Quality Act ("CEQA", California Public Resources Code Sections 21000 et seq.) and  
12 Administrative Code Chapter 31. Said Motion is on file with the Clerk of the Board of  
13 Supervisors in File No. 170750 and is incorporated herein by reference. Copies of the FEIR  
14 and Motion No. 19938 are on file with the Clerk of the Board of Supervisors in File No. 170750  
15 and are incorporated herein by reference. In addition, other documents, reports, and records  
16 related to the FEIR and Project approvals are on file with the Planning Department custodian  
17 of records, and located at 1650 Mission Street, Fourth Floor, San Francisco, California,  
18 94103. The Board of Supervisors treats these additional Planning Department records as part  
19 of its own administrative record and incorporates such materials by reference herein.

20 (g) At the same hearing, in Motion No. 19939, the Planning Commission adopted  
21 CEQA Findings, including a Mitigation Monitoring and Reporting Program. In accordance with  
22 the actions contemplated herein, this Board has reviewed the FEIR and the record as a  
23 whole, and adopts and incorporates by reference, as though fully set forth herein, the CEQA  
24 Findings pursuant to CEQA. A copy of said Motion No. 19939 is on file with the Clerk of the  
25 Board of Supervisors in File No. 170750 and is incorporated herein by reference.

1 Findings pursuant to CEQA. A copy of said Motion No. 19939 is on file with the Clerk of the  
2 Board of Supervisors in File No. 170750 and is incorporated herein by reference.

3 (h) On June 15, 2017, in Resolution No. 19941, the Planning Commission adopted  
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
5 City's General Plan as proposed for amendment and eight priority policies of Planning Code  
6 Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on  
7 file with the Clerk of the Board of Supervisors in File No. 170750 and is incorporated herein by  
8 reference.

9 (i) In this same Resolution, the Planning Commission in accordance with Planning  
10 Code Section 340 determined that this ordinance serves the public necessity, convenience,  
11 and general welfare. The Board of Supervisors adopts as its own these findings.

12 (j) This ordinance is companion legislation to an ordinance that revises the Zoning  
13 Map for the One Oak Street project. That ordinance is on file with the Clerk of the Board of  
14 Supervisors in File No. 170751.

15  
16 Section 2. The General Plan is hereby amended by revising the Market and Octavia  
17 Area Plan as follows:

18 Revise Map 3 to reclassify the height limit of the eastern 15 feet of Assessor's Block  
19 0836, Lot 001 from 400' tower/120' podium to 120', and a 4'-7.5" wide area located 28'-3" from  
20 the western edge of Assessor's Block 0836, Lot 005 from 120' to 400' tower/120' podium as  
21 described below:

22

Description of Property	Height Districts to be Superseded
Assessor's Block 0836, Lot 001 (eastern 15 feet)	400' Tower / 120' Podium

1 2 3	Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120'
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5	Description of Property	Height Districts Hereby Approved
6 7	Assessor's Block 0836, Lot 001 (eastern 15 feet)	120'
8 9 10	Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	400' Tower/120' Podium

11  
12 Section 3. The General Plan is hereby amended by revising the Downtown Area Plan  
13 as follows:

14 Revise Map 5 to reclassify the height and bulk of the same Assessor's Block and Lots  
15 from 150-S and 120-F to 120-R-2 and 120/400-R-2 as described below:

17	Description of Property	Height Districts to be Superseded
18 19	Assessor's Block 0836, Lot 001 (eastern 15 feet)	150-S
20 21 22	Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120-F

24 25	Description of Property	Height & Bulk Districts Hereby Approved

Assessor's Block 0836, Lot 001 (eastern 15 feet)	120-R-2
Assessor's Block 0836, Lot 005 (4'-7.5" wide area located 28'-3" from western edge)	120/400-R-2

Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By:   
ANDREA RUIZ ESQUIDE  
Deputy City Attorney

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**LEGISLATIVE DIGEST**

[General Plan Amendments - One Oak Street Project]

**Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340.**

Existing Law

State law requires cities and counties to prepare and adopt a "comprehensive, long-term" General Plan for the development of the city or county. This comprehensive General Plan, once adopted, has been recognized by the courts as the "constitution" for land development in the areas covered. There are seven mandatory General Plan elements, which must be included in every plan: land use, circulation, housing, conservation, open space, noise and safety. There is also authority in the law to add additional optional elements if a local jurisdiction so wishes, along with express authority that the General Plan may "address any other subjects which, in the judgment of the legislative body, relate to the physical development of the county or city." General plans may be adopted in any format deemed appropriate or convenient by the local legislative body, including combining the elements.

San Francisco's General Plan contains the following elements: Land Use Index, Housing, Commerce And Industry, Recreation And Open Space, Transportation, Urban Design, Environmental Protection, Community Facilities, Community Safety, Arts and Air Quality. In addition, it contains several area plans, such as the Downtown, Glen Park, Hunters Point Shipyard, Market and Octavia, Mission, and Western Shoreline Area Plans. These elements and plans are amended from time to time to reflect changed circumstances.

Amendments to Current Law

This Ordinance would amend the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness / Oak Street / Market Street Intersection, Assessor's Block 0836 Lots 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan.

Specifically, the Ordinance would revise Map 3 of the Market and Octavia Area Plan to reclassify the height limit of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and a 4'-7.5" wide area located 28'-3" from the western edge of

FILE NO. 170750

Assessor's Block 0836, Lot 005 from 120' to 400' tower/120' podium. The Ordinance would also revise Map 5 of the Downtown Plan to reclassify the height and bulk of the same Assessor's Block and Lots from 150-S and 120-F to 120-R-2 and 120/400-R-2.

Background Information

These General Plan map amendments are necessary to implement the project proposed at 1540 Market Street (a.k.a. One Oak Project).

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# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19860

HEARING DATE: FEBRUARY 23, 2017

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

*Project Name:* 1540 Market Street (a.k.a One Oak)  
General Plan

*Case Number:* 2009.0159GPAMAP

*Project Sponsor:* Steve Kuklin, 415.551.7627  
Build  
315 Linden Street  
steve@bldsf.com  
San Francisco, CA 94102

*Staff Contact:* Tina Chang, AICP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197

*Reviewed by:* Mark Luellen, Northeast Team Manager  
[mark.luellen@sfov.org](mailto:mark.luellen@sfov.org), 415-558-6697

**RESOLUTION TO INITIATE AN AMENDMENT TO THE GENERAL PLAN TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL, INCLUDING AN AMENDMENT TO MAP 3 OF THE MARKET AND OCTAVIA AREA PLAN AND MAP 5 OF THE DOWNTOWN AREA PLAN OF THE GENERAL PLAN RECLASSIFY THE HEIGHT LIMIT OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005.**

### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco mandates that the Planning Commission shall periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the General Plan consists of goals, policies and programs for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the General Plan shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

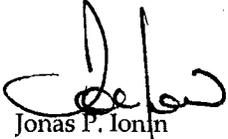
WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 2, 3, 4, and 5, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for the property at Assessor's Block 0836, Lots 2, 3, 4, and 5.

WHEREAS, on November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting a.) approval of a Downtown Project

Resolution No. 19860  
February 23, 2017

Case No.: 2009.0159GPA  
1540 Market Street

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on February 23, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Hillis, Richards, Fong, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: None

ADOPTED: February 23, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 19938

HEARING DATE: June 15, 2017

*Case No.:* 2009.0159E  
*Project Address:* 1500-1540 Market Street (One Oak Street)  
*Zoning:* C-3-G - DOWNTOWN  
120-R-2 and 120/400-R-2 Height and Bulk Districts  
Van Ness & Market Downtown Special Use District  
*Block/Lot:* Block 836, Lots: 001,002, 003, 004, and 005  
*Project Sponsor:* Steve Kuklin, Build Inc.  
315 Linden Street  
San Francisco, CA 94102  
(415)-551-7627  
*Staff Contact:* Diane Livia - (415) 575-8758  
diane.livia@sfgov.org

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ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT WITH 310 RESIDENTIAL UNITS, APPROXIMATELY 4,025 GROSS SQUARE FEET OF COMMERCIAL SPACE, AND IMPROVEMENTS TO PORTIONS OF THE ADJACENT OAK STREET AND VAN NESS AVENUE PUBLIC RIGHTS-OF-WAY CREATING AN APPROXIMATELY 14,000-GROSS SQUARE FOOT PUBLIC PLAZA. THE PROJECT WOULD INCLUDE PRIVATE VEHICULAR PARKING IN AN ON-SITE GARAGE AND BICYCLE PARKING IN THE BUILDING MEZZANINE AND ALONG PUBLIC SIDEWALKS. A NEW ENCLOSURE WOULD BE PROVIDED AROUND THE EXISTING STREET-LEVEL ELEVATOR THAT PROVIDES ACCESS TO THE MUNI METRO-VAN NESS STATION CONCOURSE. WIND CANOPIES WOULD BE INSTALLED IN THE PLAZA AND ON SIDEWALKS TO ENSURE ACCEPTABLE WIND CONDITIONS IN PUBLIC AREAS ADJACENT THE PROJECT SITE.

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2009.0159E, the "One Oak Project" at 1500 - 1540 Market Street and various other parcels, above (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 June 17, 2015.

- B. The Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice 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 in a newspaper of general circulation on November 16, 2016. Notice was mailed to the Department's list of persons requesting such notice and to property owners and occupants within a 300-foot radius of the site on November 18, 2016.
  - C. The Department posted notices of availability of the DEIR and of the date and time of the public hearing near the project site by Department staff on November 18, 2016.
  - D. The Department mailed or otherwise delivered copies of the DEIR 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 on November 16, 2016.
  - E. The Department filed Notice of Completion with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on Thursday, January 5, 2017 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 January 10, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 55-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 Comments and Responses document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. The Department has prepared a Final Environmental Impact Report (hereinafter "FEIR") consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  5. The Department has made available project EIR files for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On June 15, 2017, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR 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 the Revised Project, analyzed in Chapter 2 of the Comments and Responses document, and as further refined as described

Motion No. 19938  
Hearing Date: June 15, 2017

CASE NO. 2009.0159E  
1500 – 1540 Market Street

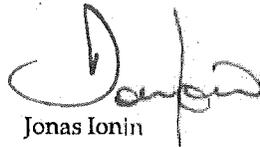
in the various proposed approvals for the One Oak Street project, as detailed in revisions to the DEIR and other staff reports.

8. The Planning Commission hereby does find that the FEIR concerning File No. 2009.0159E 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 FEIR in compliance with CEQA and the CEQA Guidelines.

The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR, in combination with past, present, and reasonably foreseeable future development in the project vicinity would contribute considerably to cumulative construction-related transportation impacts, denoted in the DEIR as Impact C-TR-7. Despite implementing Mitigation Measure M-C-TR-7 the project may not feasibly reduce effects to a less-than-significant level.

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.



Jonas Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Koppel, Melgar, Moore, Richards

NOES:

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Affordable Housing (Sec. 415)       | <input checked="" type="checkbox"/> First Source Hiring (Admin. Code) |
| <input checked="" type="checkbox"/> Transit Impact Dev't Fee (Sec. 411) | <input checked="" type="checkbox"/> Better Streets Plan (Sec. 138.1)  |
| <input checked="" type="checkbox"/> Childcare Fee (Sec. 414)            | <input checked="" type="checkbox"/> Public Art (Sec. 429)             |

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## Planning Commission Motion No. 19939 CEQA Findings

HEARING DATE: June 15, 2017

*Case No.:* 2009.0159E  
*Project Address:* 1540 Market Street (a.k.a One Oak)  
*Current Zoning:* C-3-G (Downtown General)  
120/400-R-2, 120-R-2 Height and Bulk Districts  
Van Ness & Market Downtown Residential Special Use District  
*Block/Lot:* 0836, Lots 001, 002, 003, 004 and 005  
*Project Sponsor:* Steve Kuklin, 415.551.7627  
Build, Inc.  
315 Linden Street  
[steve@blsf.com](mailto:steve@blsf.com)  
San Francisco, CA 94102  
*Staff Contact:* Tina Chang -- (415) 575-9197  
[Tina.Chang@sfgov.org](mailto:Tina.Chang@sfgov.org)

ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE PROJECT AT 1540 MARKET STREET TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING UP TO 310 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 372 BICYCLE PARKING SPACES (310 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS, INCLUDING A HEIGHT RECLASSIFICATION.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 002, 003, 004, and 005 of Assessor's Block 0836 of the current project site, but did not include the easternmost lot on the block (Lot 001). On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes to the proposed project. For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption Waiver for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of the Project. These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, However, that Octavia BMR Project is an independent project subject to its own independent environmental review under CEQA.

On November 16, 2016, the Planning Department published a notice of the availability (NOA) of a Draft Environmental Impact Report (DEIR) for the One Oak Street Project and the date of the Planning Commission's public hearing on the DEIR in a newspaper of general circulation and posted the notice in the Planning Department offices, and on November 18, 2016, caused the notice to be posted at four locations on and near the project site and mailed the NOA to property owners and tenants within 300 feet of the project site and to over 90 organizations and individuals requesting such notice. The NOA identified a public comment period on the DEIR from November 16, 2016, through January 10, 2017. A Notice of Completion was filed with the State Secretary for Resources via the State Clearinghouse on November 17, 2016. Copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it on November 18, 2016.

On January 5, 2017 the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 55 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 clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, The Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document, all as required by law. The Responses to Comments document was distributed to the Commission and all parties who commented on the DEIR, and made available to others at the request of Planning Department staff.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this Motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") pursuant to this Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings attached hereto as Attachment A as set forth in this Motion No. 19939.

**Motion No. 19939**  
**Hearing Date: June 15, 2017**

**CASE NO. 2009.0159E**  
**1540 Market Street**

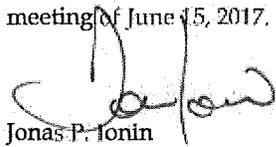
On June 15, 2017 the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Maps 3 and 5; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that same hearing the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Zoning Map Amendment. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

MOVED, that the Planning Commission hereby adopts findings under the California Environmental Quality Act, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, and adopts the MMRP attached as Attachment B, based on the findings attached to this Motion as Attachment A as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYS: Commissioner Koppel

ABSENT: Commissioner Fong

DATE: June 15, 2017

ACTION: Adoption of CEQA Findings



## SAN FRANCISCO PLANNING DEPARTMENT

# ATTACHMENT A TO MOTION NO. 19939

## California Environmental Quality Act Findings

### PREAMBLE

In determining to approve the project described in Section I, below, the ("Project"), the San Francisco Planning Commission (the "Commission") makes and adopts the following findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I(c), below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

These findings are organized as follows:

**Section I** provides a description of the proposed project at 1540 Market Street, the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.

**Section II** lists the Project's less-than-significant impacts that do not require mitigation.

**Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

**Section IV** identifies one significant impact that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures. The Final EIR identified a mitigation measure to address this impact, but implementation of the mitigation measure will not reduce the impact to a less than significant level.

Sections III and IV set forth findings as to the mitigation measures identified in the Final EIR. (The Draft EIR and the Comments and Responses document (the "RTC document") together comprise the Final EIR, or "FEIR.") Attachment B to the Planning Commission Motion contains the Mitigation Monitoring and Reporting Program ("MMRP"), which provides a table setting forth each mitigation measure listed in the Final Environmental Impact Report that is required to reduce a significant adverse impact and is deemed

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feasible, identifies the parties responsible for carrying out the measure and reporting on its progress, and presents a schedule for implementation of each measure listed.

**Section V** evaluates the alternatives to the proposed project that were analyzed in the EIR and the economic, legal, social, technological and other considerations that support the approval of the Project and discusses the reasons for the rejection of the Project Alternatives, or elements thereof.

**Section VI** sets forth the Planning Commission's Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

The Mitigation Monitoring and Reporting Program (MMRP) for the mitigation measures that have been proposed for adoption is attached with these findings as **Attachment B** to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091 and 15097. Attachment B provides a table setting forth each mitigation measure identified in the FEIR that would reduce a significant adverse impact and has been adopted as a condition of approval of the Project. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures adopted as conditions of approval is set forth in Attachment B.

These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report ("Draft EIR" or "DEIR") or the Responses to Comments ("RTC") document, with together comprise the Final EIR, are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## **I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND**

### **A. Project Description**

The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The surface parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of 2016, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements would be constructed as part of the proposed Project.

The proposed One Oak Street Project would demolish all existing structures on the project site at 1500-1540 Market Street including 47 existing valet-operated on-site commercial parking spaces and construct a new 310 unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface parking garage containing 136 spaces for residents. Bicycle parking accommodating 310 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (Assessor Block 0836/01) to the western portion of the project site (Assessor Block 0836/05), which would not result in any increased development potential.

## B. Project Objectives

The FEIR discusses several project objectives identified by the Project Sponsor. The objectives are as follows:

- ▶ to increase the City's supply of housing in an area designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ to create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ to permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ to realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.
- ▶ to construct a high-quality project with enough residential floor area to produce a return on investment sufficient to attract private capital and construction financing.
- ▶ to encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ to improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

- ▶ to provide adequate parking and vehicular and loading access to serve the needs of project residents and their visitors.

### **C. Project Approvals**

The Project requires the following Board of Supervisors approvals:

- ▶ Approval of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 3 of the Market and Octavia Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005
- ▶ Approval of a General Plan amendment to revise Map 5 of the Downtown Area Plan to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ If required, adoption of the proposed Oak Plaza into the City's Plaza Program, pursuant to SF Administrative Code Section 94.3.
- ▶ If required, approval of a Street Encroachment Permit for improvements (including retail kiosks) within the proposed Oak Plaza and wind canopies in the public right of way (at Oak Plaza and at the northeast corner of Polk and Market Streets).

The Project requires the following Planning Commission approvals:

- ▶ Initiation Hearing of the *San Francisco General Plan (General Plan)* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the *Downtown Area Plan* and amendment to Height and Bulk Map HT07 to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, between Lot 001 and Lot 005.
- ▶ Certification of the Final EIR and adoption of CEQA Findings and adoption of a Mitigation Monitoring and Reporting Program.
- ▶ *General Plan* referral to allow construction in the Oak Street right-of-way, and installation of proposed wind canopies within Oak Street Plaza and the public right-of way.
- ▶ Approval of the project under Planning Code Section 309, including exceptions with regard to ground-level winds and maximum lot coverage.
- ▶ Approval of a conditional use authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and 303.

- ▶ Approval of an In-Kind Improvements Agreement under Planning Code Section 424.3(c) for community improvements for the Complete Streets infrastructure portion of the Van Ness and Market Downtown Residential Special Use District Neighborhood Infrastructure Fee.
- ▶ Recommendation of an ordinance amending the Zoning Map to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 120/400-R-2 to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-R-2 to 120/400-R-2 on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 3 of the *Market and Octavia Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 400' Tower/120' Podium to 120' on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120' to 400' Tower/120' Podium on Lot 005.
- ▶ Recommendation of a *General Plan* amendment to revise Map 5 of the *Downtown Area Plan* to exchange Height and Bulk District designations on Assessor's Block 0836 within the Project site, by reclassifying approximately 668 square feet of designated height zoning from 150-S to 120-R-2 on Lot 001, and reclassifying an equivalent area of approximately 668 square feet from 120-F to 120/400-R-2 on Lot 005.
- ▶ Determination under Planning Code Section 295 that net new project shadow being cast on Patricia's Green, Page and Laguna Mini Park, and the future 11<sup>th</sup> and Natoma Streets Park would not adversely affect the use of the parks.

The Project requires the following Historic Preservation Commission approvals:

- ▶ A Permit to Alter would be required for the proposed retail kiosks at 11 Van Ness Avenue. If the proposed kiosks are determined to constitute as a Minor Permit to Alter, review is delegated to Planning Department Staff and would not need to be reviewed by the Historic Preservation Commission. If the work is determined to constitute as a Major Permit to Alter, a hearing before the Historic Preservation Commission may be required.

Department of Public Works (DPW)

- ▶ Approval of changes in public rights-of-way and conversion of a portion of Oak Street into a pedestrian plaza. This approval may proceed under the City's newly adopted Plaza Program, San Francisco Administrative Code Sections 94.1-94.7.
- ▶ Permit for planting of street trees.
- ▶ Approval of subdivision map and condominium map applications.
- ▶ Approval of a lot line adjustment.
- ▶ Approval of a Street Space Permit from the Bureau of Street Use and Mapping for use of a public street space during project construction.
- ▶ Approval of a Memorandum of Understanding (MOU) regarding the maintenance and availability of curbside loading zones on Oak Street and Market Street.
- ▶ Street Encroachment Permit, to be approved by the Director of Public Works, and by the Board of Supervisors if required by the Director, for wind canopies in the public right of way to be located at Oak Plaza and at the corner of Market and Polk streets and for improvements (including retail kiosks) within the proposed Oak Plaza.

*Actions by Other City Departments and State Agencies*

- ▶ Demolition, grading, building and occupancy permits (Department of Building Inspection)
- ▶ Approval of Planning Code variances under Planning Code Section 305 related to dwelling unit exposure and garage entrance width and an elevator penthouse height exemption under Planning Code Section 260(b)(1)(B). (Zoning Administrator)
- ▶ Approval of the recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Muni-Zone-of-Influence; approval of Oak Plaza conversion; approval of Special Traffic Permit from the Department of Parking and Traffic for use of a public street space during project construction; approval of the passenger loading (white) zone on the south side of the proposed Oak Street shared street pursuant to the SFMTA Color Curb program (San Francisco Municipal Transportation Agency)
- ▶ Approval of recladding of the existing Muni Metro elevator; approval of ADA and Title 24 access solution during temporary closure of station elevator, if necessary; approval of foundation, shoring and dewatering systems as they relate to the Bart-Zone-of-Influence (Bay Area Rapid Transit).
- ▶ Approval of the proposed Oak Plaza design by the Civic Design Review Committee and approval of the wind canopies design at the project site and at the corner of Market and Polk streets by the Visual Arts Committee; approval of 1 percent Art Fee for art canopies or other art pieces within the Plaza (San Francisco Arts Commission)

- ▶ Recommendation to the Planning Commission that shadow would not adversely affect open spaces under Commission jurisdiction (San Francisco Recreation and Park Commission and General Manager)
- ▶ Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance) (San Francisco Department of Public Health)
- ▶ Recommendation of conditions of approval for residential development proposals under Administrative Code Chapter 116 (San Francisco Entertainment Commission)

#### **D. Environmental Review**

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the project that occupied Lots 2, 3, 4, and 5 of Assessors Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012.

The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E). For the sake of clarity, a Notice of Preparation was published for the current proposal on June 17, 2015, which incorporated information from the prior Notice of Preparation for the site and described the revisions to the project. The NOP was accompanied by an Initial Study ("IS") that fully analyzed some environmental topics, supporting preparation of a focused EIR. Publication of the NOP initiated a 30-day public review and comment period that began on June 17, 2015 and ended on July 17, 2015.

On November 16, 2016, the Department published the Draft Environmental Impact Report (hereinafter "DEIR"), including the NOP and IS, 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.

Notices of availability of the DEIR and of the date and time of the public hearing were posted near the Project Site on November 18, 2016.

On November 18, 2016, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to adjacent property owners and tenants, and to government agencies, the latter both directly and through the State Clearinghouse.

Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.

The Commission held a duly advertised public hearing on the DEIR on January 5, 2017, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017.

The Department prepared responses to comments on environmental issues received during the 55 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 clerical errors in the DEIR. This material was presented in the RTC document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.

The Planning Commission recognizes that minor changes have been made to the Project and additional evidence has been developed after publication of the DEIR. Specifically, as discussed in the RTC document, after publication of the DEIR, the Project Sponsor has proposed Project refinements that are described in Chapter 2 of the RTC document. The Project refinements constitute minor Project changes which include (i) selection of the project variant as the preferred project, (ii) reduction in project parking spaces, (iii) specifying that the existing Market Street loading zone would not be used for proposed project loading, (iv) addition of retail kiosks in the proposed Oak plaza, and (v) other minor revisions to clarify or address more accurately specific details of the proposed project or setting described in the DEIR.

A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the RTC document all as required by law. The IS is included as Appendix A to the DEIR and is incorporated by reference thereto. As described in the FEIR, the refinements discussed above would result in either no changes to the impact conclusions or a reduction in the severity of the impact presented in the DEIR.

Under section 15088.5 of the CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, § 15088.5, subd. (a).)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

Here, the FEIR includes supplemental data and information that was developed after publication of the DEIR to further support the information presented in the DEIR. None of this supplemental information affects the conclusions or results in substantive changes to the information presented in the DEIR, or to the significance of impacts as disclosed in the DEIR. Nor does it add any new mitigation measures or alternatives that the project sponsor declined to implement. The Planning Commission finds that none of the changes and revisions in the FEIR substantially affects the analysis or conclusions presented in the DEIR; therefore, recirculation of the DEIR for additional public comments is not required.

Project EIR 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, Suite 400, and are part of the record before the Commission.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

## **E. Content and Location of Record**

The record upon which all findings and determinations related to the adoption of the proposed Project are based include the following:

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the IS;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented to the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP; and,

- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

The public hearing transcripts and audio files, a copy of all letters regarding the FEIR received during the public review period, the administrative record, and background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, 4th Floor, San Francisco. The Planning Department, Jonas P. Ionin, is the custodian of these documents and materials.

## **F. Findings about Environmental Impacts and Mitigation Measures**

The following Sections II, III and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures identified in the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings.

In making these findings, the Commission has considered the opinions of staff and experts, other agencies, and members of the public. The Commission finds that (i) the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; (ii) the significance thresholds used in the FEIR are supported by substantial evidence in the record, including the expert opinion of the City staff; and (iii) the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project. Thus, although, as a legal matter, the Commission is not bound by the significance determinations in the FEIR (see Public Resources Code, Section 21082.2, subdivision (e)), the Commission finds them persuasive and hereby adopts them as its own.

These findings do not attempt to describe the full analysis of each environmental impact contained in the FEIR. Instead, a full explanation of these environmental findings and conclusions can be found in the FEIR, and these findings hereby incorporate by reference the discussion and analysis in the FEIR supporting the determination regarding the project impact and mitigation measures designed to address those impacts. In making these findings, the Commission ratifies, adopts and incorporates in these findings the determinations and conclusions of the FEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings, and relies upon them as substantial evidence supporting these findings.

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which to the extent feasible are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR. Accordingly, in the event a mitigation measure recommended in the FEIR has inadvertently been omitted in these findings or the MMRP, such mitigation measure that is deemed feasible and should have been included in the MMRP but was inadvertently omitted is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in these findings or the MMRP fails to accurately reflect the mitigation measures in the FEIR due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR shall

control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR.

In Sections II, III and IV below, the same findings are made for a category of environmental impacts and mitigation measures. Rather than repeat the identical finding to address each and every significant effect and mitigation measure, the initial finding obviates the need for such repetition because in no instance is the Commission rejecting the conclusions of the FEIR or the mitigation measures recommended in the FEIR for the Project.

These findings are based upon substantial evidence in the entire record before the Planning Commission. The references set forth in these findings to certain pages or sections of the EIR or responses to comments in the Final EIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## **II. LESS-THAN-SIGNIFICANT IMPACTS**

The FEIR finds that implementation of the Project would result in less-than-significant impacts in the following environmental topic areas: Land Use and Land Use Planning, Population and Housing, Greenhouse Gas Emissions, Recreation, Utilities and Services Systems, Public Services, Biological Resources, Geology and Soils, Hydrology and Water Quality, Hazards and Hazardous Materials, Mineral and Energy Resources, Agriculture and Forest Resources, and Wind and Shadow.

Note: Senate Bill (SB) 743 became effective on January 1, 2014. Among other things, SB 743 added § 21099 to the Public Resources Code and eliminated the requirement to analyze aesthetics and parking impacts for certain urban infill projects under CEQA. The proposed Project meets the definition of a mixed-use residential project on an infill site within a transit priority area as specified by Public Resources Code § 21099. Accordingly, the FEIR did not discuss the topic of Aesthetics, which is no longer considered in determining the significance of the proposed Project's physical environmental effects under CEQA. The FEIR nonetheless provided renderings illustrating the proposed project for informational purposes. Similarly, the FEIR included a discussion of parking for informational purposes. This information, however, did not relate to the significance determinations in the FEIR.

## **III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION AND THE DISPOSITION OF THE MITIGATION MEASURES**

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this section concern 8 potential impacts and mitigation measures proposed in the IS and/or FEIR. These mitigation measures are included in the MMRP. A copy of the MMRP is included as Attachment B to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential cultural and paleontological resources, air quality, and noise impacts identified in the IS and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project Sponsor will be required to incorporate mitigation measures identified in the IS and/or FEIR into the Project to mitigate or to avoid significant or potentially significant environmental

impacts. Except as otherwise noted, these mitigation measures will reduce or avoid the potentially significant impacts described in the IS and/or Final EIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Downtown Project Authorization under Planning Code Section 309 and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

The following mitigation measures would be required to reduce 16 impacts identified in the Initial Study and/or FEIR to a less-than-significant level:

#### **Impacts on Cultural and Paleontological Resources**

- **Impact CP-2:** Construction activities for the proposed project could cause a substantial adverse change in the significance of archaeological resources and human remains, if such resources are present within the project site. With implementation of Mitigation Measure M-CP-2 (Archeological Testing, Monitoring, Data Recovery and Reporting), Impact CP-2 is reduced to a less-than-significant level.
- **Impact CP-3:** Construction activities of the proposed project could affect a unique paleontological resource or a unique geologic feature. With implementation of Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact CP-3 is reduced to a less-than-significant level.
- **Impact C-CP-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not result in a cumulatively considerable contribution to significant cumulative impacts on cultural resources. With implementation of Mitigation Measure M-CP-2 (Archaeological Testing, Monitoring, Data Recovery and Reporting) and Mitigation Measure M-CP-3 (Paleontological Resources Monitoring and Mitigation Program), Impact C-CP-1 is reduced to a less-than-significant level.

#### **Impacts on Air Quality**

- **Impact AQ-2:** The proposed project's construction activities would generate toxic air contaminants, including diesel particulate matter, which would expose sensitive receptors to substantial pollutant concentrations. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality), Impact AQ-2 is reduced to a less-than-significant level.
- **Impact AQ-4:** The proposed project would generate toxic air contaminants, including diesel particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of Mitigation Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact AQ-4 is reduced to a less-than-significant level.
- **Impact C-AQ-1:** The proposed project, in combination with past, present, and reasonably foreseeable future projects in the project area would contribute to cumulative air quality impacts. With implementation of Mitigation Measure M-AQ-2 (Construction Air Quality) and Mitigation

Measure M-AQ-4 (Best Available Control Technology for Diesel Generators), Impact C-AQ-1 is reduced to a less-than-significant level.

#### Impacts from Noise

- **Impact NO-2:** Project demolition and construction would temporarily and periodically increase ambient noise and vibration in the project vicinity compared to existing conditions. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact NO-2 is reduced to a less-than-significant level.
- **Impact C-NO-1:** Construction of the proposed project, in combination with other past, present, and reasonably foreseeable future projects in the site's vicinity, would not result in a cumulatively considerable contribution to significant temporary or periodic increases in ambient noise or vibration levels in the project vicinity above levels existing without the proposed project. With implementation of Mitigation Measure M-NO-2 (General Construction Noise Control Measures), Impact C-NO-1 is reduced to a less-than-significant level.

#### IV. SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there is a significant cumulative impact that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. Specifically, the FEIR identifies one significant and unavoidable cumulative construction related transportation impact. The Planning Commission finds that, although a mitigation measure has been included in the FEIR and MMRP to address this impact, this impact would remain significant and unavoidable even with mitigation.

Thus, the following significant impact on the environment, as reflected in the FEIR, is unavoidable. But, as more fully explained in Section VI, below, under Public Resources Code Section 21081(a)(3) and (b), and CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Planning Commission finds that this impact is acceptable for the legal, environmental, economic, social, technological and other benefits of the Project. This finding is supported by substantial evidence in the record of this proceeding.

The FEIR identifies the following impact for which no feasible mitigation measures were identified that would reduce this impact to a less than significant level:

##### **Impact on Transportation and Circulation – Impact C-TR-7**

The proposed Project in combination with past, present, and reasonably foreseeable future development in the project's vicinity would contribute considerably to significant cumulative construction-related transportation impacts. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement one mitigation measure, as follows:

- Mitigation Measure M-C-TR-7 (Cumulative Construction Coordination)

The Commission finds that, for the reasons set forth in the FEIR, although implementation of Mitigation Measure M-C-TR-7 would reduce the Project's contribution to cumulative transportation and circulation impacts during the construction phase of the Project, this impact would nevertheless remain significant and unavoidable.

## V. EVALUATION OF PROJECT ALTERNATIVES

### A. Alternatives Analyzed in the FEIR

This section describes the alternatives analyzed in the Project FEIR and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that generally reduce or avoid potentially significant impacts of the Project. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative and the Podium-only Alternative. Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR. The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives. The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

### B. Reasons for Selecting the Project

The Proposed Project would meet the Project Sponsor's Objectives, and would provide numerous public benefits, including the following:

- ▶ Build a substantial number of residential dwelling units within a transit rich neighborhood designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- ▶ Create a welcoming public plaza and shared street that calms vehicular traffic, encourages pedestrian activity, consistent with the City's Better Streets Plan and celebrates the cultural arts.
- ▶ Permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.
- ▶ Contribute to the development of permanently affordable housing in the City through the payment of an in lieu fee under the City's Inclusionary Housing Ordinance. Additionally, the fee could potentially be used for the development of affordable housing in the vicinity of the project pursuant to a letter agreement and conditions imposed by the Mayor's Office of Housing and Community Development (MOHCD) (including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA), will be directed towards the future development of 72 permanently affordable housing units on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project") within 1/3 mile of the project site.
- ▶ Realize the uses at intensities envisioned in the *Market and Octavia Neighborhood Plan* while incorporating feasible means to reduce project winds on public areas.

- ▶ Create a residential building with ground floor retail and public open space generally consistent with the land use, housing, open space and other objectives and policies of the Market & Octavia Area Plan.
- ▶ Encourage and enliven pedestrian activity by developing ground-floor retail and public amenity space that complements existing uses and serves neighborhood residents and visitors, and responds to future users who will be accessing the site and future Bus Rapid Transit (BRT) stations in the area.
- ▶ Improve the architectural and urban design character of the project site by replacing existing utilitarian structures and a surface parking lot with a prominent residential tower that provides a transition between two planning districts.

### C. Evaluation of Project Alternatives

CEQA provides that alternatives analyzed in an EIR may be rejected if “specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible . . . the project alternatives identified in the EIR.” (CEQA Guidelines § 15091(a)(3).) The Commission has reviewed each of the alternatives to the Project as described in the FEIR that would reduce or avoid the impacts of the Project and finds that there is substantial evidence of specific economic, legal, social, technological and other considerations that make these Alternatives infeasible, for the reasons set forth below.

In making these determinations, the Planning Commission is aware that CEQA defines “feasibility” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors.” The Commission is also aware that under CEQA case law the concept of “feasibility” encompasses (i) the question of whether a particular alternative promotes the underlying goals and objectives of a project, and (ii) the question of whether an alternative is “desirable” from a policy standpoint to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.

Three alternatives were considered as part of the FEIR’s overall alternatives analysis, but ultimately rejected from detailed analysis. Those alternatives are as follows:

- **Off-site Alternative.** This alternative was rejected because the Project Sponsor does not have control of another site that would be of sufficient size to develop a mixed-use project with the intensities and mix of uses that would be necessary to achieve most of the basic Project objectives listed in the FEIR.
- **Code Compliant with Tower Alternative.** An alternative that would consider project development of the site compliant with the site’s existing Height and Bulk districts by shifting the placement of a 400-foot-tall tower eastward so that the tower would be located entirely outside of the existing 120-R-2 Height and Bulk District at the western end of the project site and entirely within the existing 120/400-R-2 Height and Bulk District (a shift eastward of 4 feet, 7.5 inches) was not considered for further analysis because such an alternative would not improve, and could worsen, wind impacts from the less-than-significant impact identified for the proposed project, and furthermore, would reduce the amount of public open space offered under the proposed project, while offering no environmental advantages over the proposed project.

- **Lower Podium-Only Alternative.** An alternative that would include a lower podium only was considered but rejected because such an alternative would fail to meet key project objectives and would fail to reduce to a less-than-significant level the proposed project's significant and unavoidable transportation impact related to construction traffic.
- **Lower Podium with Tower Alternative.** An alternative that would include a lower podium with tower was considered but rejected because such an alternative would not substantially reduce environmental impacts as compared to the proposed project.

The following alternatives were fully considered and compared in the FEIR:

**1. No Project Alternative**

Under the No Project Alternative, the Project Site would foreseeably remain in its existing condition. The existing commercial buildings and 47-car surface parking lot on the project site would remain, and the proposed 499,580 combined square feet residential building with ground floor retail, and approximately 14,000 square foot neighborhood serving public plaza would not be constructed. Because no directed in lieu fee would be provided, no offsite below market rate units would be provided. No improvements would be made to the existing Muni Van Ness station elevator. The project site would not be rezoned to shift the existing 120/400-R-2 Height and Bulk District from the easternmost portion of the building site (Lot 1) to the westernmost portion (Lot 5).

This alternative would not preclude development of another project on the project site should such a proposal be put forth by the project sponsor or another entity. However, it would be speculative to set forth such an alternative project at this time.

The Planning Commission rejects the No Project Alternative as unreasonable and infeasible because it would fail to meet the Project Objectives and the City's policy objectives for the following reasons:

- 1) The No Project Alternative would not meet any of the Project Sponsor's objectives;
- 2) The No Project Alternative would be inconsistent with key goals of the General Plan with respect to housing production. With no new housing created here and no construction, the No Project Alternative would not increase the City's housing stock of both market rate and affordable housing, would not create new job opportunities for construction workers, and would not expand the City's property tax base.
- 3) The No Project Alternative would leave the Project Site physically unchanged, and thus would not result in the redevelopment of an underutilized site (consisting of underdeveloped commercial buildings and a surface parking lot), creation of a residential project with ground floor retail that provides a substantial number of new residential dwelling units and affordable housing through the payment of a directed in lieu fee, in immediate proximity to mass transit and jobs within the Downtown Core.

For the foregoing reasons, the Planning Commission rejects the No Project Alternative as infeasible.

## 2. Podium-only Alternative

The Podium-only Alternative would comply with the existing height and bulk limits by reducing the height of the proposed building to include the podium only, thus not requiring the legislative amendments required for the proposed project to shift the existing Height and Bulk District 120/400-R-2 designation from Lot 1 to the western half of Lot 5 on Assessor's Block 0836. Under this alternative, a new 12-story residential building measuring 120 feet tall (136 feet tall including a mechanical penthouse) would be constructed within the building site.

In plan, this alternative would resemble the site plan and corresponding floor level plans of the proposed project. However, the Podium-only Alternative would contain 119 dwelling units (191 fewer units than under the proposed project), consisting of 35 studio units, 36 one-bedroom units, and 48 two-bedroom units. No three-bedroom units would be constructed. Like the proposed project, this alternative would also provide for approximately 4,025 gsf of ground-floor retail/restaurant uses. Parking uses would total 53,308 gsf (6,782 gsf less than the proposed project). The alternative would provide 59 residential parking spaces, as compared to 136 spaces with the proposed project. Like the proposed project, the Podium-only Alternative would provide two carshare spaces, one off-street truck loading space, and two service vehicle loading spaces. The number of bicycle parking spaces would total 127 (119 Class 1 and 8 Class 2 spaces), fewer spaces than with the proposed project (366 spaces consisting of 310 Class 1 and 62 Class 2 spaces). This alternative would also include the same right of way improvements as the proposed project, including the construction of the proposed Oak Plaza and wind canopies.

Construction activities associated with the Podium-only Alternative would be similar to those described for the proposed project. Accordingly, as with the proposed project, the Podium-only Alternative would result in a considerable contribution to a significant and unavoidable cumulative impact related to transportation (construction traffic), and the same less-than-significant impacts related to other transportation subtopics, air quality, wind and shadow, and cultural resources impacts as the proposed project. Additionally, this alternative meets many but not all of the Project Sponsor's objectives. Specifically, while this alternative provides the ability to redevelop the underutilized site, it reduces the number of residential units by roughly 62%.

The Planning Commission rejects the Podium-only Alternative because it would not eliminate the significant unavoidable impact of the proposed Project and it would not meet the Project Objectives or City policy objectives for reasons including, but not limited to, the following:

- 1) The Podium-only Alternative would limit the Project to 119 dwelling units; whereas the proposed Project would provide up to 310 units to the City's housing stock and maximize the creation of new residential units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City.
- 2) The Podium-only Alternative would not fulfill the objective of the Market & Octavia Plan to increase housing density by eliminating density maximums close to transit (Policy 2.2.1) and to encourage the development of slender residential towers above the base height along the Market Street corridor (Policy 1.2.8).
- 3) The Podium-Only Alternative would also reduce the Project's in lieu fee contribution under the City's Inclusionary Housing Program by approximately \$11.9 million, thus reducing the

project's inclusionary housing fee and the potential directed fee contribution toward the development of permanently affordable housing units and potentially delaying the production of those units. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the affordable housing stock whenever possible to address a shortage of housing in the City.

- 4) The Podium-only Alternative would create a project that would not fully utilize this site for housing production, thereby not fully satisfying General Plan policies such as Housing Element Policies 1.1 and 1.4, among others. The alternative would not further the City's housing policies to create more housing, particularly affordable housing opportunities as well as the proposed Project does, and would not remove all significant unavoidable impacts.

For the foregoing reasons, the Planning Commission rejects the Podium-only Alternative as infeasible.

## **VI. STATEMENT OF OVERRIDING CONSIDERATIONS**

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, one impact related to Transportation and Circulation will remain significant and unavoidable. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs this significant and unavoidable impact and is an overriding consideration warranting approval of the Project. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the Commission will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the record, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Planning Commission specifically finds that there are significant benefits of the Project to support approval of the Project in spite of the unavoidable significant impact, and therefore makes this Statement of Overriding Considerations. The Commission further finds that, as part of the process of obtaining Project approval, significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All mitigation measures identified in the FEIR/IS and MMRP are adopted as part of the Approval Actions described in Section I, above.

Furthermore, the Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the following specific overriding economic, technological, legal, social and other considerations.

The Project will have the following benefits:

1. The Project would add up to 310 dwelling units (approximately 57 studios, 100 1-bedroom units, 138 2-bedroom units, and 15 3-bedroom units), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes

the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.

2. The Project would increase the stock of permanently affordable housing by paying an in lieu fee. Further, subject to a letter agreement and certain conditions imposed by the Mayor's Office of Housing and Community Development (including the requirement for independent environmental review of the Octavia BMR Project under CEQA), such fee would potentially be "directed" and used to fund the creation of approximately 72 new residential units affordable to low-income households at the Octavia BMR Project, within 0.3 mile of the project site. In addition to the directed in lieu fee, the project would also pay approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, would fund additional affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing underdeveloped commercial structures and surface parking lot with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the surface parking lot and its replacement with active street frontages will improve pedestrian and neighborhood safety. By including a ground floor retail use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street". The Project would include an inviting public plaza and significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
4. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity, and with that envisioned for the site under the Planning Code and General Plan.
5. The Project's iconic and attractive design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
6. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of a surface commercial parking lot with private residential underground parking will bring the site into greater conformity with current Planning Code and urban design principles.
7. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
8. The Project adds approximately 4,110 gross square feet of neighborhood serving retail and restaurant space in an area with a growing residential and workplace population, consistent with the policies of the Downtown Area Plan and Market & Octavia Area Plan.

9. The Project will include a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, which would activate the streetscape, serve to calm traffic on the street and build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.
10. The Project includes a massing scheme and wind reduction elements, including wind canopies, to avoid the creation of any net new hazardous wind conditions on any nearby public sidewalks or seating areas and would reduce hazardous wind hours over current conditions.
11. The Project provides approximately 310 Class 1 secure indoor bicycle parking spaces and 62 Class 2 sidewalk bike rack spaces, both in excess of the number required by the Planning Code, encouraging residents and visitors to access the site by bicycle.
12. The Project promotes a number of Downtown Area Plan Objectives and Policies, including Policy 5.1, which encourages the provision of space for commercial activities; and Policies 7.1 and 7.2, which further the Objective of expanding the supply of housing in and adjacent to Downtown. The Project also promotes several Market and Octavia Area Plan Objectives and Policies, including Objectives 2.3 and 2.4, which encourage increasing the existing housing stock, including affordable units.
13. The Project promotes a number of City urban design and transportation policies, including: reducing curb cuts; slowing vehicular traffic; providing street trees, landscaping, seating, bike racks and other street furniture for public use and enjoyment; widening sidewalks, using high-quality materials; activating the street frontage; maximizing ground floor transparency; and providing adequate lighting.
14. The Conditions of Approval for the Project include all the mitigation measures set forth in the FEIR to mitigate the Project's potentially significant impact to insignificant levels except for its cumulative construction impact on Transportation and Circulation which would remain significant and unavoidable even with the implementation of mitigation measures. The Conditions of Approval also include all the improvement measures set forth in the FEIR to further reduce the magnitude of less-than-significant effects.
15. The Project will create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

Having considered the above, the Planning Commission finds that the benefits of the Project outweigh the unavoidable adverse environmental effects identified in the FEIR and/or IS, and that those adverse environmental effects are therefore acceptable.

MITIGATION MONITORING AND REPORTING PROGRAM FOR One Oak Street Project (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<b>MITIGATION MEASURE</b>				
<i>Cultural Resources Mitigation Measures</i>				
<p><b>Mitigation Measure M-CP-2: Archaeological Testing, Monitoring, Data Recovery, and Reporting.</b></p> <p>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archeological research design and treatment plan (<i>WSA Final Archaeological Research Design Treatment Plan for the 1510-1540 Market Street Project</i>, February 2012) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail.</p> <p>All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means</p>	Project sponsor	Prior to commencement of demolition and soil-disturbing activities.	Retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.	



**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
 One Oak Street Project  
 (Includes Text for Adopted Mitigation Measures and Improvement Measures)**

MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p>with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <p>A) The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><i>Archeological Monitoring Program.</i> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>▪ The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>▪ The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected</li> </ul>	<p>Project sponsor and archaeological consultant in consultation with the ERO.</p>	<p>Project sponsor, archeological consultant, and ERO shall meet prior to commencement of soils-disturbing activities. If ERO determines that archeological monitoring is necessary, monitor throughout all soils-disturbing activities. Considered complete on ERO's approval of AMP; submittal of report regarding findings of AMP; and ERO's finding that AMP has been implemented.</p>	<p>If required, archeological consultant to prepare AMP in consultation with the ERO.</p> <p>Project sponsor, archeological consultant, archeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO.</p>	

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<p>resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</p> <ul style="list-style-type: none"> <li>▪ The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</li> <li>▪ The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>▪ If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</li> </ul> <p>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p>				

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<p><i>Archeological Data Recovery Program.</i> The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</p> <p>The scope of the ADRP shall include the following elements:</p> <ul style="list-style-type: none"> <li>▪ <i>Field Methods and Procedures.</i> Descriptions of proposed field strategies, procedures, and operations.</li> <li>▪ <i>Cataloguing and Laboratory Analysis.</i> Description of selected cataloguing system and artifact analysis procedures.</li> <li>▪ <i>Discard and Deaccession Policy.</i> Description of and rationale for field and post-field discard and deaccession policies.</li> <li>▪ <i>Interpretive Program.</i> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>▪ <i>Security Measures.</i> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>▪ <i>Final Report.</i> Description of proposed report format and</li> </ul>	<p>Archaeological consultant in consultation with the ERO.</p>	<p>If there is a determination by the ERO that an ADRP is required. .</p>	<p>If required, prepare an ADRP with ERO consultation and approval.</p>	

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<p>distribution of results.</p> <ul style="list-style-type: none"> <li>▪ <i>Curation.</i> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><i>Human Remains and Associated or Unassociated Funerary Objects.</i> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</p>	<p>Project sponsor and archeological consultant in consultation with the San Francisco Coroner, Native American Heritage Commission and Most Likely Descendent.</p>	<p>In the event human remains and/or funerary objects are encountered project sponsor's construction contractor to contact archeological consultant and ERO. Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p>	<p>Archeological consultant/ archeological monitor/project sponsor or contractor to contact San Francisco County Coroner and implement regulatory requirements regarding discovery of Native American human remains, if applicable.</p>	

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<p><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</p> <p>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archeological consultant in consultation with ERO.</p> <p>Project sponsor and archeological consultant to distribute FARR.</p>	<p>If applicable, after completion of archeological data recovery, inventorying, analysis and interpretation.</p> <p>Upon completion and ERO approval of the FARR.</p>	<p>If applicable, archeological consultant to submit a FARR to ERO for approval.</p> <p>Archaeological consultant to provide ERO with written confirmation of distribution.</p>	
<p><b>Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program</b></p> <p>The project sponsor shall retain the services of a qualified paleontological consultant having expertise in California paleontology to design and implement a Paleontological Resources Monitoring and Mitigation Program. The PRMMP shall include a description of when and where construction monitoring would be required; emergency discovery procedures; sampling and data recovery procedures; procedure for the preparation, identification, analysis, and curation of fossil specimens and data recovered; preconstruction coordination procedures; and procedures for reporting the results of the monitoring program.</p> <p>The PRMMP shall be consistent with the Society for Vertebrate Paleontology</p>	<p>Project sponsor to retain appropriately qualified consultant to prepare PRMMP, carry out monitoring, and reporting, if required.</p>	<p>Prior to and during construction.</p>	<p>ERO to approve final PRMMP.</p>	

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<p>Standard Guidelines for the mitigation of construction-related adverse impacts to paleontological resources and the requirements of the designated repository for any fossils collected. During construction, earth-moving activities shall be monitored by a qualified paleontological consultant having expertise in California paleontology in the areas where these activities have the potential to disturb previously undisturbed native sediment or sedimentary rocks. Monitoring need not be conducted in areas where the ground has been previously disturbed, in areas of artificial fill, in areas underlain by non-sedimentary rocks, or in areas where exposed sediment would be buried, but otherwise undisturbed.</p> <p>The consultant's work shall be conducted in accordance with this measure and at the direction of the City's ERO. Plans and reports prepared by the consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Paleontological monitoring and/or data recovery programs required by this measure could suspend construction of the proposed project for as short a duration as reasonably possible and in no event for more than a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce potential effects on a significant paleontological resource as previously defined to a less-than-significant level.</p>	<p>The project paleontological consultant to consult with the ERO as indicated.</p>	<p>Prior to and during construction, if required. Considered complete on approval of final documentation by ERO.</p>	<p>Consultant shall provide brief monthly reports to ERO during monitoring or as identified in the PRMMP, and notify the ERO immediately if work should stop for data recovery during monitoring. The ERO to review and approve the final documentation as established in the PRMMP.</p>	
<i>Transportation and Circulation Mitigation Measures</i>				
<p><b>Mitigation Measure M-C-TR-7: Cumulative Construction Coordination</b></p> <p>If construction of the proposed project is determined to overlap with nearby project(s) as to result in temporary construction-related transportation impacts, the project sponsor or its contractor(s) shall consult with City departments such as the SFMTA and Public Works through ISCOTT, and other interdepartmental meetings as deemed necessary by the SFMTA, Public Works, and the Planning Department, to develop a Coordinated Construction Management Plan. The Coordinated Construction Management Plan shall address construction-related vehicle routing, detours, and maintaining transit,</p>	<p>Project sponsor and project construction contractor(s) and Planning Department.</p>	<p>Prior to, and as a condition of, building permit issuance.</p>	<p>Develop and obtain Planning Department approval of a Coordinated Construction Management Plan.</p>	

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<p>bicycle, vehicle, and pedestrian movements in the vicinity of the construction area for the duration of the construction period overlap. Key coordination meetings would be held jointly between project sponsors and contractors of other projects for which City departments determine impacts could overlap. The Coordinated Construction Management Plan shall consider other ongoing construction in the project vicinity, including development and transportation infrastructure project, and shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Restricted Construction Truck Access Hours – Limit construction truck movements to the maximum extent feasible to the hours between 9:00 AM and 4:30 PM, or other times if approved by the SFMTA, to minimize disruption to vehicular traffic, including transit during the AM and PM peak periods.</li> <li>• Construction Truck Routing Plans – Identify optimal truck routes between the regional facilities and the project site, taking into consideration truck routes of other development projects and any construction activities affecting the roadway network.</li> <li>• Coordination of Temporary Lane and Sidewalk Closures – The project sponsor shall coordinate lane closures with other projects requesting concurrent lane and sidewalk closures through the ISCOTT and interdepartmental meetings process above, to minimize the extent and duration of requested lane and sidewalk closures. Lane closures shall be minimized especially along transit and bicycle routes, so as to limit the impacts to transit service and bicycle circulation and safety.</li> <li>• Maintenance of Transit, Vehicle, Bicycle, and Pedestrian Access – The project sponsor/construction contractor(s) shall meet with Public Works, SFMTA, the Fire Department, Muni Operations and other City agencies to coordinate feasible measures to include in the Coordinated Construction Management Plan to maintain access for transit, vehicles, bicycles and pedestrians. This shall include an assessment of the need for temporary transit stop relocations or</li> </ul>	<p>Project sponsor and project construction contractor(s)</p>	<p>Throughout all phases of construction to the extent applicable.</p>	<p>Implement measures of the Coordinated Construction Management Plan.</p>	

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<p>other measures to reduce potential traffic, bicycle, and transit disruption and pedestrian circulation effects during construction of the project.</p> <ul style="list-style-type: none"> <li>• Carpool, Bicycle, Walk and Transit Access for Construction Workers – The construction contractor shall include methods to encourage carpooling, bicycling, walk and transit access to the project site by construction workers (such as providing transit subsidies to construction workers, providing secure bicycle parking spaces, participating in free-to-employee and employer ride matching program from <a href="http://www.511.org">www.511.org</a>, participating in emergency ride home program through the City of San Francisco (<a href="http://www.sferh.org">www.sferh.org</a>), and/or providing transit information to construction workers).</li> <li>• Construction Worker Parking Plan – The location of construction worker parking shall be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking shall be discouraged. The project sponsor shall provide on-site parking to the extent feasible once the below-grade parking garage is usable.</li> <li>• Project Construction Updates for Adjacent Businesses and Residents – To minimize construction impacts on access for nearby institutions and businesses, the project sponsor shall provide nearby residences and adjacent businesses with regularly-updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and lane closures. At regular intervals to be defined in the Coordinated Construction Management Plan, a regular email notice shall be distributed by the project sponsor that shall provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</li> </ul>				

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<i>Noise Mitigation Measures</i>				
<p><b>Mitigation Measure M-NO-2: General Construction Noise Control Measures</b></p> <p>To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor and/or its construction contractors shall undertake the following:</p> <ul style="list-style-type: none"> <li>The project sponsor shall require the general contractor to ensure that equipment and trucks used for project construction utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible).</li> <li>The project sponsor shall require the general contractor to locate stationary noise sources (such as compressors) as far from adjacent or nearby sensitive receptors as possible, to muffle such noise sources, and to construct barriers around such sources and/or the construction site, which could reduce construction noise by as much as 5 dBA. To further reduce noise, the contractor shall locate stationary equipment in pit areas or excavated areas, if feasible.</li> <li>The project sponsor shall require the general contractor to use impact tools (e.g., jack hammers, pavement breakers, and rock drills) that are hydraulically- or electrically-powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically-powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used, along with external noise jackets on the tools, which could reduce noise levels by as much as 10 dBA.</li> <li>The project sponsor shall include noise control requirements in specifications provided to construction contractors. Such requirements could include, but not be limited to, performing all work in a manner that minimizes noise to the extent feasible; use of equipment with effective mufflers; undertaking the most noisy</li> </ul>	<p>Project sponsor and project construction contractor(s).</p>	<p>Prior to, and as a condition of building permit issuance.</p> <p>Implement measures throughout all phases of construction.</p>	<p>Submit contract documents incorporating identified practices along with documentation designating a Noise Disturbance Coordinator and protocol for noise complaints to Planning Dept. and DBI..</p>	

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<p>activities during times of least disturbance to surrounding residents and occupants, as feasible; and selecting haul routes that avoid residential buildings inasmuch as such routes are otherwise feasible.</p> <ul style="list-style-type: none"> <li>• Prior to the issuance of building permits, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and Department of Building Inspection (DBI) a list of measures to respond to and track complaints pertaining to construction noise. These measures shall include (1) a procedure and phone numbers for notifying DBI, the Department of Public Health, and the Police Department (during regular construction hours and off-hours); (2) a sign posted on-site describing noise complaint procedures and a complaint hotline number that shall be answered at all times during construction; (3) designation of an on-site construction complaint and enforcement manager for the project; and (4) notification of neighboring residents and non-residential building managers within 300 feet of the project construction area at least 30 days in advance of extreme noise-generating activities (defined as activities generating noise levels of 90 dBA or greater) about the estimated duration of the activity.</li> </ul>				
<i>Air Quality Mitigation Measures</i>				
<p><b>Mitigation Measure M-AQ-2: Construction Air Quality</b></p> <p>The project sponsor or the project sponsor's Contractor shall comply with the following:</p> <p>A. <i>Engine Requirements.</i></p> <ol style="list-style-type: none"> <li>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall have engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and have been retrofitted with an ARB Level 3 Verified Diesel</li> </ol>	<p>Project sponsor and construction contractor(s) shall prepare and implement Construction Emissions Minimization Plan.</p>	<p>Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan, and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>	<p>Project sponsor/contractor to submit a Construction Emissions Minimization Plan. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase.</p>	

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<p>Emissions Control Strategy. Equipment with engines meeting Tier 4 Interim or Tier 4 Final off-road emission standards automatically meet this requirement.</p> <ol style="list-style-type: none"> <li>2. Where access to alternative sources of power are reasonably available, portable diesel engines shall be prohibited.</li> <li>3. Diesel engines, whether for off-road or on-road equipment, shall not be left idling for more than two minutes, at any location, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment (e.g., traffic conditions, safe operating conditions). The Contractor shall post legible and visible signs in English, Spanish, and Chinese, in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</li> <li>4. The Contractor shall instruct construction workers and equipment operators on the maintenance and tuning of construction equipment, and require that such workers and operators properly maintain and tune equipment in accordance with manufacturer specifications.</li> </ol> <p><i>B. Waivers.</i></p> <ol style="list-style-type: none"> <li>1. The Planning Department's Environmental Review Officer or designee (ERO) may waive the alternative source of power requirement of Subsection (A)(2) if an alternative source of power is limited or infeasible at the project site. If the ERO grants the waiver, the Contractor must submit documentation that the equipment used for onsite power generation meets the requirements of Subsection (A)(1).</li> <li>2. The ERO may waive the equipment requirements of Subsection (A)(1) if: a particular piece of off-road equipment with an ARB Level 3 VDECS is technically not feasible; the equipment would not produce desired emissions reduction due to expected</li> </ol>		<p>The Plan shall be kept on site and available for review. A sign shall be posted at the perimeter of the construction site indicating the basic requirements of the Plan and where copies of the Plan are available to the public for review.</p>	<p>For off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>Considered complete upon ERO/Planning Department review and approval of Construction Emissions Minimization Plan or alternative measures that achieve the same emissions reduction.</p>	

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<p>operating modes; installation of the equipment would create a safety hazard or impaired visibility for the operator; or, there is a compelling emergency need to use off-road equipment that is not retrofitted with an ARB Level 3 VDECS. If the ERO grants the waiver, the Contractor must use the next cleanest piece of off-road equipment, according to Table M-AQ-2, below.</p> <p><b>Table M-AQ-2: Off-Road Equipment Compliance Step-down Schedule</b></p> <table border="1" data-bbox="226 727 884 930"> <thead> <tr> <th>Compliance Alternative</th> <th>Engine Emission Standard</th> <th>Emissions Control</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Tier 2</td> <td>ARB Level 2 VDECS</td> </tr> <tr> <td>2</td> <td>Tier 2</td> <td>ARB Level 1 VDECS</td> </tr> <tr> <td>3</td> <td>Tier 2</td> <td>Alternative Fuel*</td> </tr> <tr> <td colspan="3">* Alternative fuels are not a VDECS</td> </tr> </tbody> </table> <p>How to use the table: If the ERO determines that the equipment requirements cannot be met, then the project sponsor would need to meet Compliance Alternative 1. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 1, then the Contractor must meet Compliance Alternative 2. If the ERO determines that the Contractor cannot supply off-road equipment meeting Compliance Alternative 2, then the Contractor must meet Compliance Alternative 3.</p> <p><i>C. Construction Emissions Minimization Plan.</i></p> <p>Before starting on-site construction activities, the Contractor shall submit a Construction Emissions Minimization Plan (Plan) to the ERO for review and approval. The Plan shall state, in reasonable detail, how the Contractor will meet the requirements of Section A.</p> <p>1. The Plan shall include estimates of the construction timeline by phase, with a description of each piece of off-road equipment required for every construction phase. The description may include, but is not limited to: equipment type, equipment</p>	Compliance Alternative	Engine Emission Standard	Emissions Control	1	Tier 2	ARB Level 2 VDECS	2	Tier 2	ARB Level 1 VDECS	3	Tier 2	Alternative Fuel*	* Alternative fuels are not a VDECS						
Compliance Alternative	Engine Emission Standard	Emissions Control																	
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<p>manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed, the description may include: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, the description shall also specify the type of alternative fuel being used.</p> <p>2. The ERO shall ensure that all applicable requirements of the Plan have been incorporated into the contract specifications. The Plan shall include a certification statement that the Contractor agrees to comply fully with the Plan.</p> <p>3. The Contractor shall make the Plan available to the public for review on-site during working hours. The Contractor shall post at the construction site a legible and visible sign summarizing the Plan. The sign shall also state that the public may ask to inspect the Plan for the project at any time during working hours and shall explain how to request to inspect the Plan. The Contractor shall post at least one copy of the sign in a visible location on each side of the construction site facing a public right-of-way.</p> <p>D. <i>Monitoring.</i></p> <p>After start of Construction Activities, the Contractor shall submit quarterly reports to the ERO documenting compliance with the Plan. After completion of construction activities and prior to receiving a final certificate of occupancy, the project sponsor shall submit to the ERO a final report summarizing construction activities, including the start and end dates and duration of each construction phase, and the specific information required in the Plan.</p>				

<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project            (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
MEASURES ADOPTED AS CONDITIONS OF APPROVAL	Responsibility for Implementation	Schedule	Monitoring/Reporting Actions and Responsibility	Status/Date Completed
<p><b>M-AQ-4: Best Available Control Technology for Diesel Generators</b></p> <p>The project sponsor shall ensure that the backup diesel generator meet or exceed one of the following emission standards for particulate matter: (1) Tier 4 certified engine, or (2) Tier 2 or Tier 3 certified engine that is equipped with a California Air Resources Board(ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS). A non-verified diesel emission control strategy may be used if the filter has the same particulate matter reduction as the identical ARB verified model and if the Bay Area Air Quality Management District (BAAQMD) approves of its use. The project sponsor shall submit documentation of compliance with the BAAQMD New Source Review permitting process (Regulation 2, Rule 2, and Regulation 2, Rule 5) and the emission standard requirement of this mitigation measure to the Planning Department for review and approval prior to issuance of a permit for a backup diesel generator from any City agency.</p>	Project sponsor	Prior to, and as a condition of building permit issuance.	<p>Project sponsor shall submit documentation to the Planning Department verifying best available control technology for all installed diesel generators on the project site.</p> <p>Considered complete upon submittal of documentation to the Planning Department.</p>	
<b>IMPROVEMENT MEASURES FOR THE ONE OAK STREET PROJECT</b> <i>(Improvement measures are not required under CEQA. The EIR identifies Improvement Measures to avoid or reduce the less-than-significant impacts of the proposed project. The decision-makers may adopt these Improvement Measures as conditions of approval.)</i>				
<i>Transportation and Circulation Improvement Measures</i>				
<p><b>Improvement Measure I-TR-B: Loading Operations Plan</b></p> <p>As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA prior to receiving the final certificate of occupancy. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised as necessary and feasible to more appropriately respond to changes in street or circulation conditions.</p>	Project sponsor	Prior to, and as a condition of, certificate of occupancy issuance.	Develop and obtain Planning Department and SFMTA approval of a Loading Operations Plan.	

<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project</b> (Includes Text for Adopted Mitigation Measures and Improvement Measures)				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for Implementation</b>	<b>Schedule</b>	<b>Monitoring/Reporting Actions and Responsibility</b>	<b>Status/Date Completed</b>
<p>The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facility, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:</p> <ul style="list-style-type: none"> <li>• Commercial loading for the project should be accommodated on-site and within planned on-street commercial loading spaces on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions.</li> <li>• Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets.</li> <li>• Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management.</li> <li>• All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities. (Information on SFMTA temporary signage permit process available online at <a href="https://www.sfmta.com/services/streets-sidewalks/temporary-signage">https://www.sfmta.com/services/streets-sidewalks/temporary-signage</a>)</li> <li>• Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on</li> </ul>	<p>Project sponsor or building management representative</p>	<p>Implementation of this improvement measure is ongoing and enforceable during the life of the project.</p>		

<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project            (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for            Implementation</b>	<b>Schedule</b>	<b>Monitoring/Reporting            Actions and            Responsibility</b>	<b>Status/Date            Completed</b>
<p>weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.</p> <ul style="list-style-type: none"> <li>• The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules.</li> <li>• Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&amp;Rs and Rules &amp; Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.</li> <li>• The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am).</li> <li>• Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via Oak</li> </ul>				



<b>MITIGATION MONITORING AND REPORTING PROGRAM FOR            One Oak Street Project            (Includes Text for Adopted Mitigation Measures and Improvement Measures)</b>				
<b>MEASURES ADOPTED AS CONDITIONS OF APPROVAL</b>	<b>Responsibility for            Implementation</b>	<b>Schedule</b>	<b>Monitoring/Reporting            Actions and            Responsibility</b>	<b>Status/Date            Completed</b>
<p><u>Construction Worker Parking Plan</u> – As part of the Construction Management Plan that would be developed by the construction contractor, the location of construction worker parking could be identified as well as the person(s) responsible for monitoring the implementation of the proposed parking plan. The use of on-street parking to accommodate construction worker parking could be discouraged. The project sponsor could provide on-site parking once the below grade parking garage is usable.</p> <p><u>Project Construction Updates for Adjacent Businesses and Residents</u> – As an improvement measure to minimize construction impacts on access to nearby institutions and businesses, the project sponsor would provide nearby residences and adjacent businesses with regularly updated information regarding project construction, including construction activities, peak construction vehicle activities (e.g., concrete pours), travel lane closures, and parking lane and sidewalk closures. The project sponsor could create a web site that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries or concerns.</p>				
<p><i>Wind Improvement Measure</i></p>				
<p><b>Improvement Measure I-W-1: Wind Reduction Features</b></p> <p>To reduce ground-level wind speeds and project comfort criteria exceedances in areas used for public gathering, such as MUNI transit stops and crosswalk entrances, the Project Sponsor is encouraged to install, or facilitate installation of, wind reduction measures that could include but are not limited to structures, canopies, wind screens and landscaping as feasible. In so doing, the Project Sponsor would coordinate with the Planning Department and representatives of responsible City agencies or third parties, as may be warranted by the specific nature and location of the improvement, as applicable.</p>	<p>Project sponsor</p>	<p>Install, wind reduction features prior to issuance of a certificate of occupancy.</p>	<p>Project sponsor to coordinate with the Planning Department and other responsible agencies to determine the locations and types of wind reduction features to be implemented.</p>	



# SAN FRANCISCO PLANNING DEPARTMENT

Subject to: (Select only if applicable)

- Affordable Housing (Sec. 415)
- First Source Hiring (Admin. Code)
- Transit Impact Dev't Fee (Sec. 411)
- Better Streets Plan (Sec. 138.1)
- Childcare Fee (Sec. 414)
- Public Art (Sec. 429)

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## Planning Commission Motion No. 19940

HEARING DATE: JUNE 15, 2017

*Case No.:* 2009.0159EGPAMAPDNXCVAVARK  
*Project Address:* 1540 Market Street (a.k.a. One Oak)  
*Zoning:* C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District  
*Block/Lot:* 0836, Lots 001, 002, 003, 004 and 005  
*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102  
*Staff Contact:* Tina Chang, AICP, LEED AP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197  
*Reviewed by:* Mark Luellen, Northeast Team Manager  
[mark.luellen@sfov.org](mailto:mark.luellen@sfov.org), 415-558-6697

ADOPTING FINDINGS, WITH THE RECOMMENDATION OF THE GENERAL MANAGER OF THE RECREATION AND PARK DEPARTMENT, IN CONSULTATION WITH THE RECREATION AND PARK COMMISSION, THAT NET NEW SHADOW ON PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, AND THE PROPOSED 11<sup>TH</sup> AND NATOMA PARK DESIGNATED FOR ACQUISITION BY THE RECREATION AND PARK COMMISSION BY THE PROPOSED PROJECT AT 1540 MARKET STREET WOULD NOT BE ADVERSE TO THE USE OF PATRICIA'S GREEN, PAGE AND LAGUNA MINI-PARK, OR THE PROPOSED 11<sup>TH</sup> AND NATOMA PARK AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

### PREAMBLE

Under Planning Code Section ("Section") 295, a building permit application for a project exceeding a height of 40 feet cannot be approved if there is any shadow impact on a property under the jurisdiction of the Recreation and Park Department, unless the Planning Commission, upon recommendation from the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, makes a determination that the shadow impact will not be significant or adverse.

On February 7, 1989, the Recreation and Park Commission and the Planning Commission adopted criteria establishing absolute cumulative limits for additional shadows on fourteen parks throughout San Francisco (Planning Commission Resolution No. 11595).

Patricia's Green is a 0.41 acre park located in the Western Addition neighborhood along the former Central Freeway parcel where Octavia Boulevard splits into two lanes flanking the park to the east and west. The park is bounded by Hayes Street to the north and Fell Street to the south. Patricia's Green is characterized by a picnic seating area, a circular plaza, grassy areas, and a children's play area. The neighborhood immediately surrounding Patricia's Green is characterized by residential buildings of two to five stories in height, as well as ground floor retail and restaurant uses.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Patricia's Green (with no adjacent structures present) is approximately 66,622,661 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,034,236 square-foot hours, or approximately 18.06 percent of the TAAS.

Page Laguna Mini Park is a 0.15 acre park 6 located in the Western Addition Neighborhood of San Francisco on Assessor's Block 0852 / Lot 015. It is located mid-block with residences east and west and is bounded by Page Street to the north and Rose Street to the south. Page Laguna Mini Park is enclosed by fences—one along Rose Street and another which bisects the site from east to west. The mini park has two entrances on Page and Rose Streets, respectively which are connected by a meandering serpentine path creating a pedestrian connection between the two streets. The mini park features two fixed benches, a designated community gardening area and several trees ranging in size from small shrubbery to deciduous trees with larger canopies.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on Page and Laguna Mini Park (with no adjacent structures present) is approximately 24,402,522 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 12,098,693 square-foot hours, or approximately 49.58 percent of the TAAS.

On an annual basis, the Theoretically Available Annual Sunlight ("TAAS") on the proposed 11<sup>th</sup> and Natoma Park (with no adjacent structures present) is approximately 72,829,287 square-foot-hours of sunlight. Existing structures in the area cast shadows on that total approximately 14,449,512 square-foot hours, or approximately 19.480 percent of the TAAS.

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 1) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-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 clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental

Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

On June 15, 2017, the Recreation and Park Commission conducted a duly noticed public hearing at a regularly scheduled meeting and, in consultation with their General Manager, recommended that the

Planning Commission find that the shadows cast by the Project on Patricia's Green, Page and Laguna Mini-Park, and the proposed park at 11<sup>th</sup> and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11<sup>th</sup> and Natoma Streets.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCJAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The Planning Commission has reviewed and considered reports, studies, plans and other documents pertaining to the Project.

The Planning Commission has heard and considered the testimony presented at the public hearing and has further considered the written materials and oral testimony presented on behalf of the Project Sponsor, Department staff, and other interested parties.

#### FINDINGS

Having reviewed the materials identified in the recitals above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The foregoing recitals are accurate, and also constitute findings of this Commission.
2. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of Patricia's Green, for the following reasons:
  - a. The proposed project would reduce the annual available insolation by about 0.22 percent (a reduction of 148,200 square foot hours of sunlight). This results in a total shadow load of 12,182,435 square foot hours and a reduction of the available insolation by 18.28 percent.
  - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon Patricia's Green from the Project would occur in the early mornings from February 17 through April 5, and again from September 8 through

October 25, when observed park usage is relatively sparse compared to later morning, midday peak and afternoon times. At these times, the southwest portion of the park would continue to be unshaded by existing and project shadow and would be available to those park users seeking sunlight..

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 28 minutes.
4. The additional shadow cast by the Project, while numerically significant, would not be adverse, and is not expected to interfere with the use of the Page and Laguna Mini Park, for the following reasons:
- a. The proposed project would reduce the annual available insolation by about 0.04 percent (a reduction of 9,576 square foot hours of sunlight). This results in a total shadow load of 12,108,269 square foot hours and a reduction of the available insolation by 49.62 percent.
  - b. Although the additional shadow cast by the proposed project has a numerically significant effect, the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon Page and Laguna Mini Park from the Project would occur in the early mornings from May 19 through July 26, when observed park use would be considered low.
  - d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 15 minutes.
5. The additional shadow cast by the Project would be numerically insignificant, and therefore would not be adverse, and is not expected to interfere with the use of the proposed 11<sup>th</sup> and Natoma Park, for the following reasons:
- a. The proposed project would reduce the annual available insolation by about 0.004 percent (a reduction of 2,838 square foot hours of sunlight). This results in a total shadow load of 14,452,350 square foot hours and a reduction of the available insolation by 19.844 percent.
  - b. The additional shadow cast by the proposed project has a numerically insignificant effect, and the magnitude of the additional shadow amounts to a reasonable and extremely small loss of sunlight for a park in an area slated for increased building heights and residential density.
  - c. The net new shadow cast upon the proposed 11<sup>th</sup> and Natoma Park from the Project would occur in the early evenings from June 9 through July 5.

- d. The net new shadow cast is relatively small in area and the average daily duration of the net new shadow is approximately 18 minutes.
  
6. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19943, which are incorporated by reference as though fully set forth herein.
  
7. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19943 which are incorporated by reference as though fully set forth herein.
  
8. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
  
9. A determination by the Planning Commission and the Recreation and Park Commission to allocate net new shadow to the Project does not constitute an approval of the Project.

Motion No. 19940  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCVAVARK  
1540 Market Street

DECISION

That based upon the Record, the submissions by the Project Sponsor, the staff of the Planning Department, the recommendation of the General Manager of the Recreation and Park Department, in consultation with the Recreation and Park Commission, and other interested parties, the oral testimony presented to the Planning Commission at the public hearing, and all other written materials submitted by all parties, the Planning Commission hereby DETERMINES, under Shadow Analysis Application No. 2009.0159EGPAMAPDNXCVAVARK, that the net new shadow cast by the Project on Patricia's Green, Page and Laguna Mini Park, and the proposed park at 11<sup>th</sup> and Natoma Streets will not be adverse to the use of Patricia's Green, Page and Laguna Mini-Park, or the proposed park at 11<sup>th</sup> and Natoma Streets.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on June 15, 2017.



Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYES: Commissioner Koppel

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission

### General Plan Amendment Resolution No. 19941

HEARING DATE: JUNE 15, 2017

*Project Name:* 1540 Market Street (a.k.a One Oak)  
*Case Number:* 2009.0159EGPAMAPDNXCUA VARK  
*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102

*Staff Contact:* Tina Chang, AICP, LEED AP  
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RESOLUTION RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE AN AMENDMENT TO THE GENERAL PLAN TO FACILITATE THE CONSTRUCTION OF A MIXED-USE BUILDING CONTAINING APPROXIMATELY 304 DWELLING UNITS AND GROUND FLOOR RETAIL, INCLUDING AN AMENDMENT TO MAP 3 OF THE MARKET AND OCTAVIA AREA PLAN AND MAP 5 OF THE DOWNTOWN AREA PLAN OF THE GENERAL PLAN TO CHANGE THE HEIGHT AND BULK OF A PORTION OF ASSESSOR'S BLOCK 0836, LOTS 001 AND 005; MAKE AND ADOPT FINDINGS, INCLUDING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1 AND FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

#### PREAMBLE

WHEREAS, Section 4.105 of the Charter of the City and County of San Francisco authorizes the Planning Commission to propose ordinances regulating or controlling the height, area, bulk, set-back, location, use or related aspects of any building, structure or land for Board of Supervisors' consideration and periodically recommend to the Board of Supervisors for approval or rejection proposed amendments to the General Plan; and

WHEREAS, the Planning Code and associated zoning maps implement goals, policies, and programs of the General Plan for the future physical development of the City and County of San Francisco that take into consideration social, economic and environmental factors; and

WHEREAS, the General Plan and associated zoning maps shall be periodically amended in response to changing physical, social, economic, environmental or legislative conditions; and

WHEREAS, on February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner, for a previous iteration of the

project that occupied Lots 2, 3, 4, and 5 of Assessor's Block 0836 but did not include the easternmost lot on the block (Lot 1) within the project site. On August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 1 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E).

WHEREAS, On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications requesting approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Elevator Penthouse Height Exemption, pursuant to 260(b)(1)(B).; h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 1, 2, 3, 4 and 5, ("Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site (the "Octavia BMR Project"), amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA ;

WHEREAS, the Project is located on the Market Street transit corridor, and responds to the transit-rich location by proposing increased housing and employment on the Project site; and

WHEREAS, the project site is located within the Hub Plan Area currently being studied by the Planning Department and is consistent with the proposed heights and bulks associated with the Market and Octavia Plan Area, as well as those currently envisioned for the Hub Project; and

WHEREAS, the Project would address the City's severe need for additional housing for low income households, by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project; subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA; and

WHEREAS, the proposed General Plan and Zoning Map Amendments would not result in increased development potential from what is permitted under the existing height and bulk district; and

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Case No.: 2009.0159GPA

Hearing Date: June 15, 2017

WHEREAS, the Project proposes neighborhood-serving amenities, such as new ground floor retail and proposes new publicly accessible open space; and

WHEREAS, the City Attorney's Office drafted a Proposed Ordinance, attached hereto as Exhibit [ ] to make the necessary amendments to Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan to implement the Project. The Office of the City Attorney approved the Proposed Ordinance as to form; and

WHEREAS, on November 16, 2016, the Planning Department published a Draft Environmental Impact Report ("DEIR") for public review (Case No. 2009.0159E). The DEIR was available for public comment until January 10, 2017. On January 5, 2017, the Commission conducted a duly noticed public hearing to solicit comments regarding the DEIR. On June 1, 2017, the Department published a Comments and Responses document, responding to comments made regarding the DEIR prepared for the Project. Together, the Comments and Responses document and DEIR comprise the Final EIR ("FEIR"). On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to certify the FEIR through Motion No. 19938; and

WHEREAS, on June 15, 2017, the Commission adopted the FEIR and the mitigation and improvement measures contained in the Mitigation Monitoring and Reporting Program ("MMRP"), attached as Attachment B of the CEQA Findings Motion No. 19939; and

WHEREAS, on June 15, 2017, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings.

WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Planning Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Planning Department, Jonas Ionin (Commission Secretary) as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

The Commission has reviewed the proposed General Plan Amendment Ordinance; and

RESOLVED, that the Planning Commission hereby recommends that the Board of Supervisors approve the proposed General Plan Amendment Ordinance, and adopts this resolution to that effect.

## FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments and the record as a whole, including all information pertaining to the Project in the Planning Department's case files, this Commission finds, concludes, and determines as follows:

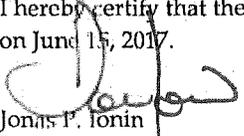
1. The Commission finds that the General Plan amendments, Zoning Map Amendments and the associated Project at 1540 Market Street to be a beneficial development to the City that could not be accommodated without the actions requested.
2. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
3. The Project would add up to 304 dwelling units (54 studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%)), to the City's housing stock on a currently underutilized site. The City's important policy objective as expressed in Policy 1.1 of the Housing Element of the General Plan is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project would not displace any housing because the existing structures on the project site are commercial buildings and a surface parking lot.
4. The Project would address the City's severe need for additional housing for low income households by providing a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units within 0.3 miles of the project site, amounting to 24 percent of the 304 unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA..
5. The Project proposes neighborhood-serving amenities, such as new ground floor retail, and pedestrian safety improvements to surrounding streets; proposes new publicly accessible open space; and would incorporate sustainability features into the Project.
6. The Project would revitalize the Project Site and the surrounding neighborhood.

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7. The Project would create temporary construction jobs and permanent jobs in the retail sector and for building operations. These jobs would provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.
8. The General Plan Amendments are necessary in order to approve the Project.
9. **General Plan Compliance.** The Project is, on balance, consistent with the Objectives and Policies of the General Plan, for the reasons set forth in the findings in the Downtown Project Authorization, Motion No. 19943, which are incorporated by reference as though fully set forth herein.
10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies, for the reasons set forth in the Downtown Project Authorization, Motion No. 19943 which are incorporated by reference as though fully set forth herein.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. Based on the foregoing and in accordance with Section 340, the public necessity, convenience and general welfare require the proposed General Plan Amendment.

I hereby certify that the foregoing RESOLUTION was ADOPTED by the San Francisco Planning Commission on June 15, 2017.

  
Jonnis P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NOES: Commissioner Koppel

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- Affordable Housing (Sec. 415)
- First Source Hiring (Admin. Code)
- Transit Impact Dev't Fee (Sec. 411)
- Better Streets Plan (Sec. 138.1)
- Childcare Fee (Sec. 414)
- Public Art (Sec. 429)

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Information:  
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## Planning Commission Motion No. 19943

HEARING DATE: JUNE 15, 2017

*Case No.:* 2009.0159EGPAMAPDNXCUA VARK  
*Project Address:* 1540 Market Street (aka One Oak )  
*Zoning:* C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District  
*Block/Lot:* Block 0836; Lots 001, 002, 003, 004 and 005  
*Project Sponsor:* Steve Kuklin, Build Inc.  
 315 Linden Street  
 San Francisco, CA 94102  
[steve@bldsf.com](mailto:steve@bldsf.com), 415.551.7627  
*Staff Contact:* Tina Chang, AICP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197  
*Reviewed by:* Mark Luellen, Northeast Team Manager  
[mark.luellen@sfov.org](mailto:mark.luellen@sfov.org), 415-558-6697

ADOPTING FINDINGS RELATED TO THE APPROVAL OF A SECTION 309 DETERMINATION OF COMPLIANCE AND REQUEST FOR EXCEPTIONS FOR LOT COVERAGE PER PLANNING CODE SECTION 249.33(b)(5) AND REDUCTION OF GROUND-LEVEL WIND CURRENTS PER PLANNING CODE SECTION 148 TO DEMOLISH AN EXISTING THREE-STORY, 2,750 SQUARE-FOOT COMMERCIAL BUILDING, A FOUR-STORY, 48,225 SQUARE FOOT COMMERCIAL BUILDING, AND REMOVAL OF A SURFACE PARKING LOT TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING WITH 304 DWELLING UNITS, APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE, 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2), AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied the property at Assessor's Block 0836, Lots 002, 003, 004, and 005 but did not include the easternmost lot on the block (Lot 001) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-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 clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolution No.'s 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUIAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Commission Secretary, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159EGPAMAPDNXCUIAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

**MOVED**, that the Commission hereby approves the Downtown Project Authorization requested in Application No. 2009.0159EGPAMAPDNXCUIAVARK, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

#### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project Site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005, an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor research and development space and offices on the upper floors. The building also houses the San Francisco New Conservatory Theater. Further north along the west side of

Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way (Oak Plaza); construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it. Some of the streetscape improvements for Oak Plaza are included within the Project being approved pursuant to Motion No.'s 19940, 19943, and 19944. At a later date, the Project Sponsor will additionally seek approval of an In-Kind Fee Waiver

Agreement pursuant to Planning Code Sections 421.3(d) and 424.3(c), to provide certain additional public realm improvements within Oak Plaza. Additional improvements subject to the In-Kind Fee Waiver Agreement include: (a) improvements within the existing Oak Street sidewalk along the northern side, including retail kiosks, above ground planters, street lighting, movable seating, waterproofing at the 25 Van Ness basement, and new sidewalk paving; (b) pavers and improvements within the Oak Street roadway; and (c) specialty electrical connections and fixtures for the theatrical lighting, audio/visual, and power for the performance area and the public wireless services in the Plaza. These additional public realm improvements are subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 76 meetings and outreach discussions, including roughly 328 participants, between January 2015 and May 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

**General Community Engagement:** The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over

time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U; including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

**Arts and Culture Stakeholder Engagement:** In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of

the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Floor Area Ratio.** Pursuant to Section 123, 249.33 and 424 of the Planning Code, Projects in the C-3-G Zoning District and the Van Ness and Market Residential Special Use District have a base floor area ratio (FAR) of 6.0:1 and may reach an FAR of 9.0:1 with payment into the Van Ness and Market Affordable Housing Fund as set forth in Sections 249.33 and 424. To exceed a floor area ratio of 9.0:1, all such projects must contribute to the Van Ness and Market Neighborhood Infrastructure Fund.

*The Project Site has a lot area of approximately 18,219 square feet. As shown in the conceptual plans, the Project includes 499,539 square feet of development, of which 432,746 square feet would count towards FAR. Since the Project exceeds a FAR of 9.0:1, the Project would make a payment pursuant to Section 249.33 to the Van Ness and Market Affordable Housing Fund for the Floor Area exceeding the base FAR ratio of 6.0:1 up to a ratio of 9.0:1 and to the Van Ness and Market Neighborhood Infrastructure Fund pursuant to Section 424 for any Floor Area exceeding an FAR of 9.0:1.*

- B. **Rear Yard Requirement.** Within the Van Ness and Market Downtown Residential Special Use District pursuant to Planning Code Section 249.33(b)(5), Rear Yard requirements do not apply. Rather, lot coverage is limited to 80 percent at all residential levels.

*The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the landscaped podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. Accordingly, the Project does not comply with the Code's lot coverage requirements on the first residential floor up through level 12, and as such, requires an exception under Planning Code Section 309. A 309 exception may be granted so long as the "building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided." While lot coverage requirements are technically not met, the Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to the*

*new mid-block open space currently under construction as part of the 1554 Market Street project immediately to the west of the Project Site. See Section 7, below, for 309 findings.*

- C. **Residential Open Space.** Planning Code Section 135 requires that private usable open space be provided at a ratio of 36 square feet per dwelling unit or that 48 square feet of common usable open space be provided per dwelling unit. However, common usable open space for mixed-use, residential and non-residential projects may be used to count against requirements contained in both Section 135 and 138. Further, projects within the Van Ness and Market Downtown Residential Special Use District may elect to meet up to 40 percent of the open space requirements off-site if the space is within the Special Use District or within 900 feet of the project site and meets standards described in Section 249.33 indicated below.

*The Project complies with the requirements of Section 135 and 249.33. The Project includes 304 dwelling units and provides at least 36 square feet of private open space for 74 units through private balconies. Therefore approximately 11,012 square feet of common open space is required for the remaining 230 units (230 units x 47.88 = 11,012). In all, the Project provides approximately 11,056 square feet of common open space of which 3,058 square feet is located off-site within the public right-of-way, and is incorporated into the proposed Oak Plaza. The remaining 7,998 square feet of common open space is located within the sponsor's private property, within the front ground-level setback, within a solarium at the third level, and a terrace at the 14<sup>th</sup> level.*

*As permitted by Section 249.33(4)(C)(v), the Project is electing to meet a portion (approximately 22 percent) of its open space requirement off-site as part of the proposed Oak Plaza and in the form of streetscape improvements with landscaping and pedestrian amenities that result in additional space beyond the pre-existing sidewalk width and conform to the Market and Octavia Area Plan. The Plaza would additionally be characterized as an unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the floor area devoted to food or beverage service. The portions qualified to meet the Project's open space requirement consist of two sidewalk bulb-out areas on the north and south sides of Oak Street. These areas will be integrated into a larger, contiguous Plaza that also includes improvements to the pre-existing sidewalks on both sides of Oak Street and Van Ness Avenue, plus the Oak Street roadway, and the sponsor's private property, subject to review and approval of an In-Kind Fee Waiver Agreement for those improvements that exceed the required Project improvements pursuant to the Planning Code. The qualified off-site open space areas must meet the following standards:*

Be within the SUD or within 900 feet of the project site;

*As noted above, the proposed off-site open space will be located within the shared public way within the Oak Street right-of-way fronting the project site. Thus, the proposed off-site open space will be within the SUD and within 900 feet of the Project Site.*

Be in such locations and provide such ingress and egress as will make the area convenient, safe, secure and easily accessible to the general public;

*The proposed open space includes a sidewalk widening along the north and south sides of Oak Street, resulting in additional space beyond the pre-existing sidewalk width and immediately adjacent to the Project Site, where security would be present. Accordingly, the open space would provide a convenient, safe, secure and easily accessible public area for the enjoyment of the general public.*

Be appropriately landscaped;

*Underground utilities render street trees and other underground plantings infeasible on the south side of Oak Street. However, the open space would be landscaped appropriately for its intended use and, to the degree feasible, with above-ground planters on the south side of Oak Street, and in-ground street trees within a continuous planter along the north side of Oak Street.*

Be protected from uncomfortable winds;

*The Plaza features wind canopies that would protect pedestrians from hazardous wind conditions in the open space, and would reduce hazardous wind conditions near the site compared to existing conditions.*

Incorporate ample seating and, if appropriate, access to limited amounts of food and beverage service, which will enhance public use of the area;

*The open space would include movable tables and chairs as well as fixed seating collocated with planters on the south side of Oak Street, and within the open space area on the north side of Oak Street. In addition, four "micro-retail" kiosks would be located on the northern sidewalk to activate the Plaza with neighborhood-serving retail uses, potentially serving limited food and beverages.*

Be well signed and accessible to the public during daylight hours;

*The privately owned, publicly accessible open space will have signage indicating that the space is publicly accessible during the day. The streetscape improvements that will satisfy Planning Code requirements as permitted by Section 249.33(4)(C)(v) within the public right-of-way will be open to members of the public 24 hours a day.*

Be well lighted if the area is of the type requiring artificial illumination;

*The open space will be within the public right of way and well-lit with regularly spaced street lights on the north side of Oak Street. In addition, project lighting on the canopy supports, and foot lighting under planters would be provided within the privately-owned portions of the public open space and in the public right-of-way.*

Be designed to enhance user safety and security;

*The proposed ground-floor restaurant / café and micro-kiosks located on the north side of Oak Street would provide essential "eyes" on the proposed Plaza from early morning to late evening. In addition, 24-hour security and valet staff associated with building operations would collectively help ensure user safety and security with the open space and Plaza.*

Be of sufficient size to be attractive and practical for its intended use; and

*The Project would add approximately 3,058 square feet of open space within the existing right-of-way, and would improve the existing sidewalks, and street envisioned to become a shared public way. In total, the Plaza would consist of publicly accessible open space of approximately 16,050 square feet, of which 13,932 square feet would be in the public right-of-way, and approximately 2,118 square feet would be on the sponsor's private property. The public realm would be improved with quality paving materials, landscaping and other pedestrian amenities including seating, lighting, bicycle parking,*

*kinetic wind-based artwork, and micro-retail kiosks (subject to partial In-Kind fee waivers for improvements that exceed required Project improvements pursuant to the Planning Code).*

Have access to drinking water and toilets if feasible.

*The open space would be adjacent to retail space envisioned to become a restaurant / café. Patrons of the restaurant / café would have access to toilets and water. SFMTA also operates two public toilets which are located at the concourse level of the MUNI/Van Ness station, which is directly adjacent to the public plaza.*

- D. **Public Open Space.** New buildings in the C-3-G Zoning District must provide public open space at a ratio of one square feet per 50 gross square feet of all uses, except residential uses, institutional uses, and uses in a predominantly retail/personal services building pursuant to Planning Code Section 138. This public open space must be located on the same site as the building or within 900 feet of it within a C-3 district.

*Ground floor retail space in the C-3 Districts that is less than 5,000 sq. ft. is excluded from gross floor area and is therefore not required to provide the associated publicly accessible open space. The Project includes approximately 4,110 square feet of ground floor retail space, and thus the provision of public open space is not required. However, the Project proposes to provide approximately 1,438 square feet of privately owned public open space within the front setback, and furthermore intends to provide approximately 3,058 square feet (or 22 percent of its open space requirements), off-site within the Oak Street public right-of-way as described under item C., "Residential Open Space" above.*

- E. **Streetscape Improvements.** Planning Code Section 138.1 requires that when a new building is constructed in the C-3 District and is on a lot that is greater than half an acre in area and contains 250 feet of total lot frontage pedestrian elements in conformance with the Better Streets Plan shall be required.

*The Project is located on an assemblage of five lots that measure 18,219 square feet, approximately 0.42 acres and contains approximately 434.33 linear feet of frontage. Due to planned improvements within the Van Ness Avenue and Market Street rights-of-way, physical widenings along these two frontages are not possible. However, the Project proposes streetscape improvements that include sidewalk widenings, landscaping and seating elements along both the northern and southern portions of Oak Street. Therefore, the Project complies with Planning Code Section 138.1.*

- F. **Exposure.** Planning Code Section 140 requires all dwelling units in all use districts to face onto a public street at least 20 feet in width, side yard at least 25 feet in width or open area which is unobstructed and is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor. The proposed Special Use District caps the horizontal dimension to which the open space must expand at each subsequent floor to 65 feet.

*Eighteen of the 304 dwelling units do not meet exposure requirements per Section 140. Therefore, a variance from dwelling unit exposure is required and being sought as part of the Project for a total of 18 units that do not comply with the exposure requirements of the Code.*

- G. Active Frontages – Loading and Driveway Width.** Section 145.1(c)(2) limits the width of parking and loading entrances to no more than one-third the width of the street frontage of a structure, or 20 feet, whichever is less.

*The Project includes a single entrance for both parking and off-street loading. Vehicular access is not provided along the Project's Van Ness Avenue or Market Street frontages. Rather all vehicular parking and loading is directed to Oak Street where a combined off-street parking and loading entrance of 24-feet is provided. The project sponsor's traffic engineer and valet consultant have indicated that an entrance narrower than 24' would likely lead to automobile queuing outside of the drop-off area, potentially contributing to automobile, bicycle and pedestrian conflicts on the proposed sidewalk and shared public way/plaza. Since this dimension exceeds the 20-feet permitted by the Planning Code, a variance is required.*

- H. Street Frontage in Commercial Districts: Active Uses.** Planning Code Section 145.1(c)(3) requires that within Downtown Commercial Districts, space for "active uses" shall be provided within the first 25 feet of building depth on the ground floor.

*The ground floor space along the Van Ness Avenue, Market Street, and Oak Street have active uses with direct access to the sidewalk within the first 25 feet of building depth, except for space allowed for parking and loading access, building egress, and access to mechanical systems, which are specifically exempt from the active use requirement. Therefore, the Project complies with Section 145.1(c)(3).*

- I. Street Frontage in Commercial Districts: Ground Floor Transparency.** Planning Code Section 145.1(c)(6) requires that within Downtown Commercial Districts, frontages with active uses that are not residential or PDR must be fenestrated with transparent windows and doorways for no less than 60 percent of the street frontage at the ground level and allow visibility to the inside of the building.

*The Project complies with the Ground Floor Transparency requirements of the Planning Code. Approximately 78.0 percent of the Project's frontage on Market Street, and 84.1 percent of the Project's frontage along Oak Street are fenestrated with transparent windows and doorways. Therefore, the Project complies with Section 145.1(c)(6). Note that due to the curvature of the façade, the Van Ness Avenue frontage is incorporated within the Market Street and Oak Street transparency calculations because there is no definitive building frontage on Van Ness Avenue.*

- J. Shadows on Public Open Spaces.** Planning Code Section 147 seeks to reduce substantial shadow impacts on public plazas and other publicly accessible open spaces other than those protected under Section 295. Consistent with the dictates of good design and without unduly restricting development potential, buildings taller than 50 feet should be shaped to reduce substantial shadow impacts on open spaces subject to Section 147. In determining whether a shadow is substantial, the following factors shall be taken into account: the area shaded, the shadow's duration, and the importance of sunlight to the area in question.

*The shadow analysis determined that the Project would not cast shadow on any public plazas or other publicly accessible open spaces other than those protected under Section 295. Therefore, the requirements of Section 147 do not apply to the Project.*

- K. **Ground Level Wind.** Planning Code Section 148 requires that new construction in Downtown Commercial Districts will not cause ground-level wind currents to exceed pedestrian comfort levels. This standard requires that wind speeds not exceed 11 miles per hour in areas of substantial pedestrian use for more than 10 percent of the time year-round, between 7:00 AM and 6:00 PM. The requirements of this Section apply either when preexisting ambient wind speeds at a site exceed the comfort level and are not being eliminated as a result of the project, or when the project may result in wind conditions exceeding the comfort criterion.

*Fifty-seven (57) test points were selected by Planning Department staff to measure wind speeds around the Project Site. Under existing conditions (without the Project) 37 of the 57 test points exceed the Planning Code's comfort criterion at grade level more than 10 percent of the time, with average wind speeds at approximately 12.6 miles per hour (mph). With the Project, the comfort criterion would be exceeded at 45 of 57 points more than 10 percent of the time (representing a net increase of 8 test points), with average wind speeds increasing slightly to 13.9 mph from 12.6 mph, a 1.3 mph increase compared to existing conditions.*

*Exceptions from the comfort criterion may be granted through the 309 process, but no exception may be granted where a project would cause wind speed to reach or exceed the hazard level of 26 mph for a single hour of the year. Under existing conditions, 7 of the 57 test points exceed the hazard level. These seven locations collectively exceed the hazard criterion for a duration of 83 hours annually. With the proposed Project, there is no increase in the total number of locations where the hazard criterion is exceeded. However, the Project would decrease the total duration of hazardous wind conditions from 83 hours under existing conditions to 80 hours, or three fewer hours of hazardous wind conditions compared to existing conditions.*

*The Project Sponsor requests a Section 309 exception because the Project would not eliminate the existing locations meeting or exceeding the Planning Code's comfort criterion. Exceptions from the comfort criterion may be granted pursuant to Section 309. Taken as a whole, the Project does not substantially change wind conditions. The proposed tower was re-designed through a lengthy process of iterative wind testing. After nearly two years of wind sculpting, the Planning Department and the Project Sponsor concluded that the 400-foot-tall tower cannot be sculpted in a manner that would eliminate all 37 existing comfort exceedances or the 8 new comfort exceedances caused by the Project without unduly restricting the site's high-rise development potential or causing new hazardous conditions. On the other hand, the Project's redesign would reduce three wind hazard hours compared to existing conditions. The Project will include wind canopies in the public right of way at the proposed Oak plaza and the corner of Market and Polk Streets to lessen the wind conditions in the vicinity. (See Section 7, below, for 309 findings.)*

- L. **Parking.** Planning Section 151.1 principally permits up to one car for each four dwelling units (0.25 ratio) and up to one car for each two dwelling units (0.5 ratio) as a Conditional Use in

the Van Ness & Market Downtown Residential Special Use District. Parking for the proposed retail use shall not exceed 7% of gross floor area for that use.

*The Project contains 304 dwelling units. Thus, a total of 76 spaces are principally permitted ( $304 \times 0.25 = 76$ ) for the dwelling units and a maximum of 152 spaces ( $304 \times 0.5 = 152$ ) may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces for the residential use, requiring a Conditional Use Authorization for the 60 ( $136 - 76 = 60$ ) spaces in excess of the principally permitted 76 parking spaces. An additional space would be principally permitted for the 4,110 square foot retail space, but the Project proposes no parking for this commercial use.*

- M. Off-Street Freight Loading.** Planning Code Section 152.1 requires that projects in the C-3 District that include between 200,001 and 500,000 square feet of residential development must provide two off-street freight loading spaces. Pursuant to Section 153, two service vehicles may be substituted for each off-street freight loading space provided that a minimum of 50 percent of the required number of spaces are provided for freight loading.

*The Project includes 499,539 square feet of development (432,746 square feet that counts towards Floor Area Ratio), requiring two off-street loading spaces. One off-street freight loading space is provided and the second required loading space is substituted with two service vehicle spaces as permitted by Section 153 of the Planning Code. Accordingly, the Project complies with Section 152.1 of the Planning Code. Access to all freight loading spaces is from Oak Street.*

- N. Bicycle Parking.** For buildings with more than 100 dwelling units, Planning Code Section 155.2 requires 100 Class 1 spaces plus one Class 1 space for every four dwelling units over 100, and one Class 2 space per 20 units. For Eating and Drinking uses, 1 Class 1 space is required for every 7,500 square feet of Occupied Floor Area and one Class 2 space is required for every 750 square feet of Occupied Floor Area.

*The Planning Code would require the Project to provide 151 Class 1 ( $100 \text{ units} \times 1 \text{ stall} = 100 + 204 \times 1 \text{ stall} / 4 \text{ units} = 151 \text{ stalls for Residential Uses}$ , and  $1 \text{ stall} / 7,500 \text{ square feet of Occupied Floor Area} = 0 \text{ spaces for Retail Uses}$ ). In addition, the Project would require 20 Class 2 spaces ( $304 \text{ units} \times 1 \text{ stall} / 20 \text{ units} = 15 \text{ stalls for Residential Uses}$ , plus  $4,110 \text{ square feet} \times 1 \text{ stall} / 750 \text{ square feet} = 5 \text{ stalls for Retail Eating and Drinking Uses}$ ). The Project complies with Section 155.2 because it provides 304 Class 1 and 62 Class 2 bicycle parking spaces, significantly exceeding the Code requirements. All Class 1 spaces would be located at the second level, accessible from a dedicated bike elevator, and the Class 2 spaces would be located on sidewalks adjacent to the Project, and on the north side of Oak Street.*

- O. Car Share.** Planning Code Section 166 requires two car share parking spaces for residential projects with 201 dwelling units plus an additional parking space for every 200 dwelling units over 200. The required car share parking spaces may be provided on the building site or on another off-street site within 800 feet of the building site.

*The Project requires a total of two car share spaces, which are to be provided off-site at the 110 Franklin Street parking lot within 180 feet of the Project. Should the 110 Franklin Street property be developed, the Project Sponsor shall be responsible for relocating the car share spaces on-site or off-site*

*within 800 feet of the Project Site without disrupting continuity of the available of the car share spaces. Therefore, the Project complies with Planning Code Section 166.*

- P. **Transportation Demand Management (TDM) Plan.** Pursuant to Planning Code Section 169 and the TDM Program Standards, any development project resulting in 10 or more dwelling units, or 10,000 occupied square feet or more of any use other than residential shall be required to comply with the City's TDM Program, and shall be required to finalize a TDM Plan prior to Planning Department approval of the first Building Permit or Site Permit. Development projects with a development application filed or an environmental application deemed complete on or before September 1, 2016 shall be subject to 50% of the applicable target, as defined in the TDM Program Standards.

*The Project would include 304 residential units with total of 136 vehicle parking spaces (0.45 spaces per unit), and 4,110 gross square feet of ground-floor retail/restaurant use. Because less than 10,000 gross square feet of retail/restaurant uses are proposed, the retail/restaurant use is not subject to the TDM Program. Therefore, the 136 residential parking spaces are used to calculate the TDM Program target points. The target points take into account the proposed parking rate compared to the neighborhood parking rate, and are calculated as follows: base target of 13 points, plus an additional 12 points for each additional 10 parking spaces over 20 parking spaces (thus, 136 minus 20 = 116 spaces, divided by 10 = 12 points), for a total of 25 points. Because the proposed Project's development and environmental applications were completed before September 4, 2016, it is only required to meet 50 percent of its applicable target, or 13 points. The project sponsor has preliminarily identified the following TDM measures from TDM Program Standards: Appendix A to meet the 13 target points.*

- **Parking-1: Unbundled Parking, Location D – 4 points** (residential neighborhood parking rate less than or equal to 0.65, and all spaces leased or sold separately from the retail or purchase fee).
- **Parking-4: Parking Supply, Option D – 4 points** (residential parking less than or equal to 70 percent, and greater than 60 percent of the neighborhood parking rate).
- **Active-1: Improve Walking Conditions, Option A – 1 point** (streetscape improvements consistent with Better Streets Plan).
- **Active-2: Bicycle Parking, Option B – 2 points** (exceeding Planning Code required Class 1 and Class 2 bicycle parking).

*Active 5A: Bicycle Repair Station – 1 point* (bicycle repair station within a designated, secure area within the building, where bicycle maintenance tools and supplies are readily available on a permanent basis).

- **Delivery-1: Delivery Supportive Services – 1 point** (provide staffed reception area for receipt of deliveries and temporary parcel storage, including clothes lockers and refrigerated storage).

*In addition to the TDM measures identified above, the Project Sponsor has voluntarily offered to provide an additional 12 points of TDM measures, for a total of 25 points, if the Conditional Use authorization for 136 parking spaces is granted and the Project Sponsor elects to build the Project as a for-sale condominium with the additional 60 spaces in excess of the 76 principally permitted spaces.*

- **Active-4: Bike Share Membership – 2 points** (offer bike share membership to each unit and/or employee, at least once annually, for the life of the Project or a shorter period should a bike sharing program cease to exist. 2 points are achieved since the project is located within 1,000 feet of a bike share station.).
- **Active-5B: Bicycle Maintenance Services – 1 point** (provide bicycle maintenance services to each unit and/or employee, at least once annually, for 40 years).
- **CShare-1C: Car-Share Parking, Option C – 3 points** (provide car-share memberships to each unit, and provide car-share parking as required by the Planning Code).
- **Family-1: Family TDM Amenities – 1 point** (provide amenities that address particular challenges that families face in making trips without a private vehicle).
- **Info-1: Multimodal Wayfinding Signage – 1 point** (provide multimodal wayfinding signage in key location to support access to transportation services and infrastructure).
- **Info-2: Real Time Transportation Display – 1 point** (provide real time transportation information screen in a prominent location on-site).
- **Info-3C: Tailored Transportation Services, Option C – 3 points** (provide individualized, tailored marketing and communication campaigns to encourage alternative transportation modes).

The Project Sponsor could choose to revise the selected TDM measures to exceed the target points prior to issuance of a Site Permit, or to further reduce the parking supply to meet or exceed the target point requirement, but would not be required to do so.

- Q. **Height and Bulk.** The Project falls within the 120/400-R-2, 120-R-2 Height and Bulk Districts. In such Districts, no bulk limitations exist below 120 feet in height, with maximum height of 400 feet in height for any tower in the 120/400-R-2 Height and Bulk District. However, portions of buildings above 120 feet and between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. Additionally, floors may not exceed a maximum average floor area of 10,000 square feet.

The Project proposes a tower of 400 feet in height, with various features such as mechanical structures, and parapets extending above the 400-foot height limit in accordance with the height exemptions allowed through Planning Code Section 260(b). The tower would also include a 26-foot elevator penthouse which would be required to meet state or federal laws and regulations, and which would require an elevator penthouse height exemption from the Zoning Administrator per Planning Code Section 260(b)(1)(B). The Project would necessitate approval of legislative map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential. However, the Height and Bulk Districts within which the Project exists remains the same. The maximum diagonal dimension for the project is 144 feet whereas the maximum plan length is 90 feet, 4 inches. The average floor area of the tower is 9,637 square feet, therefore the Project complies Sections 260 and 270 of the Planning Code.

- R. **Shadows on Public Sidewalks (Section 146).** Planning Code Section 146(a) establishes design requirements for buildings on certain streets in order to maintain direct sunlight on public sidewalks in certain downtown areas during critical use periods. Section 146(c) requires that other buildings, not located on the specific streets identified in Section 146(a), shall be shaped to reduce substantial shadow impacts on public sidewalks, if it can be done without unduly creating an unattractive design and without unduly restricting development potential.

*Section 146(a) does not apply to construction on Oak Street, Van Ness Avenue, or the north side of Market Street, and therefore does not apply to the Project. With respect to Section 146(c), the Project would replace a surface commercial parking lot and underutilized commercial buildings with a 40-story residential structure. Although the Project would create new shadows on sidewalks and pedestrian areas adjacent to the site, the Project's shadows would be limited in scope and would not increase the total amount of shading above levels that are commonly accepted in urban areas. The Project is proposed at a height that is consistent with the zoned height for the property and could not be further shaped to reduce substantial shadow effects on public sidewalks without creating an unattractive design and without unduly restricting development potential. Therefore, the Project complies with Section 146.*

- S. **Shadows on Parks (Section 295).** Section 295 requires any project proposing a structure exceeding a height of 40 feet to undergo a shadow analysis in order to determine if the project would result in the net addition of shadow to properties under the jurisdiction of the Recreation and Park Department or designated for acquisition by the Recreation and Park Commission.

*A technical memorandum was prepared by Prevision Design dated April 19, 2017, analyzing the potential shadow impacts of the project to properties under the jurisdiction of the Recreation and Parks Department.*

Patricia's Green

*A shadow analysis was conducted and determined that the Project would cast an additional 0.22% of shadow on Patricia's Green per year. On days of maximum shading, new shadows would be present for approximately 35 minutes between 8:00 am and be gone prior to 8:45 am. The shadow analysis found that new shading from the Project would fall on various portions of Patricia's Green, affecting areas containing grass, fixed benches, picnic tables with fixed seating, play areas, and a pedestrian plaza. To eliminate all new shading on Patricia's Green, the proposed residential tower would need to be reduced in height by approximately 150 feet, resulting in the elimination of approximately 116 residential units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on Patricia's Green will not be adverse to the use of that park.*

Page and Laguna Mini Park

*It is anticipated that the Project would cast an additional 0.04% of shadow on the Page and Laguna Mini Park. The days of maximum shading due to the proposed Project would occur on June 21<sup>st</sup>, when new shadows would be present for approximately 22 minutes and be gone prior to 7:15am. Shading would occur on the northern and southern ends of the Park. To eliminate all new shading on Page and Laguna Mini Park, the proposed residential tower would need to be reduced in height by approximately 85 feet, resulting in the elimination of approximately 62 residential units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on Page and Laguna Mini Park will not be adverse to the use of that park.*

Proposed Park at 11<sup>th</sup> and Natoma Street

*The new shadow on the proposed park at 11<sup>th</sup> and Natoma Street that is designated for acquisition by the Recreation and Park Commission generated by the Project would be present only in the early evening between June 9 and July 5, and cast an additional 0.004% of shadow on the proposed park. Project-generated new shadows would fall in a narrow band in the southwest portion of the Park, with new shadow occurring around 7:15 pm with an average duration of approximately 18 minutes. Since the park at 11<sup>th</sup> and Natoma Streets has not yet been developed and no future programming information has been developed or approved, the possible features affected and qualitative impacts of project-generated shadow on such features are undetermined. To eliminate all shading on the proposed park at 11<sup>th</sup> and Natoma, a 12-foot reduction of the width of the tower (reducing bulk along the southwestern corner) would be required, resulting in the elimination of approximately 50 to 70 dwelling units. At a duly noticed, regularly scheduled meeting on June 15, 2017, the Recreation and Park Commission, in consultation with their General Manager, recommended that the Planning Commission find that the shadows cast by the Project on the proposed park at 11<sup>th</sup> Street and Natoma Street will not be adverse to the use of that park.*

- T. **Anti-Discriminatory Housing Policy (Administrative Code Section 1.61).** Projects proposing ten dwelling units or more must complete an Anti-Discriminatory Housing Affidavit indicating that the Project Sponsor will adhere to anti-discriminatory practices.

*The Project Sponsor has completed and submitted an Anti-Discriminatory Housing Policy affidavit confirming compliance with anti-discriminatory practices.*

- U. **Inclusionary Affordable Housing Program (Section 415).** **Inclusionary Affordable Housing Program.** Planning Code Section 415 sets forth the requirements and procedures for the Inclusionary Affordable Housing Program. Under Planning Code Section 415.3, the current percentage requirements apply to projects that consist of ten or more units. Pursuant to Planning Code Section 415.5, the Project must pay the Affordable Housing Fee ("Fee"). This Fee is made payable to the Department of Building Inspection ("DBI") for use by the Mayor's Office of Housing and Community Development for the purpose of increasing affordable housing citywide. The applicable percentage is dependent on the number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was first submitted on February 26, 2009 and subsequently revised on August 27, 2012; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site

requirement of 20%. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos. 161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

*The Project Sponsor has submitted an 'Affidavit of Compliance with the Inclusionary Affordable Housing Program: Planning Code Section 415,' to satisfy the requirements of the Inclusionary Affordable Housing Program through payment of the Fee, in an amount to be established by the Mayor's Office of Housing and Community Development. The applicable percentage is dependent on the total number of units in the project, the zoning of the property, and the date that the project submitted a complete Environmental Evaluation Application. A complete Environmental Evaluation Application was submitted on February 26, 2009 and subsequently revised on August 27, 2012; therefore, pursuant to Planning Code Section 415.3 the Inclusionary Affordable Housing Program requirement for the Affordable Housing Fee is at a rate equivalent to an off-site requirement of 20%.*

- V. **Public Art (Section 429).** In the case of construction of a new building or addition of floor area in excess of 25,000 sf to an existing building in a C-3 District, Section 429 requires a project to include works of art costing an amount equal to one percent of the construction cost of the building.

*The Project would comply with this Section by dedicating one percent of the Project's construction cost to a kinetic wind sculpture located in the proposed plaza that is being developed by two NASA-based scientists in close coordination with the San Francisco Arts Commission. The sculpture is designed to respond to the fluidity and power of the Project site's wind conditions while simultaneously defusing its energy to enhance pedestrian-level comfort in the surrounding public realm.*

- W. **Signage (Section 607).** Currently, there is not a proposed sign program on file with the Planning Department. Any proposed signage will be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.

7. **Exceptions Request Pursuant to Planning Code Section 309.** The Planning Commission has considered the following exceptions to the Planning Code, makes the following findings and grants each exception to the entire Project as further described below:

- a. **Section 249.33: Lot Coverage.** Within the Van Ness and Market Downtown Residential Special Use District, Rear Yard requirements do not apply pursuant to Planning Code Section 249.33. Rather, lot coverage is limited to 80 percent at all residential levels. However, exceptions pursuant to Section 309 may be permitted. The criteria for granting a rear yard exception in the C-3 districts is set forth in Section 134(d): "C-3 Districts, an exception to the rear yard requirements of this Section may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration

assure adequate light and air to windows within the residential units and to the usable open space provided."

*The Project proposes a lot coverage of 84.9 percent on the first residential floor up through level 12 and lot coverage of 53 percent above the podium on tower levels 14 through 41 (there is no level 13), for an average of 61 percent lot coverage. The Project meets the intent of the lot coverage requirement of providing light and air to all units as well as open space toward the rear of the building, which would also contribute to a new mid-block open space being constructed by the 1554 Market Street project immediately to the west of the Project Site. Despite the overall lot coverage exceedance, the Project provides adequate exposure, air and light to all units and open space. Units fronting Market Street, Van Ness Avenue and Oak Street all possess substantial frontage overlooking City Streets, particularly along Van Ness and Market Street -- two of the widest streets in the entire City. Furthermore, units oriented toward Van Ness Avenue are set back an additional 28 feet or more from the public right-of-way. Units also benefit from the curved building shape and projecting bay windows that allow the majority of units to have exposures in multiple directions with views along the street frontage, rather than harshly perpendicular to the opposing buildings. Similarly, ground floor and podium rooftop open spaces benefit significantly from the curved façade of the tower which reduces shadow on streets, sidewalks and open space throughout the day as the sun moves around the building. Several units located along the western property line will face a mid-block landscaped courtyard at the adjacent 1554 Market Street project. While these units do not technically meet the requirements of Section 140 for Unit Exposure, the adjacent courtyard provides a nicely landscaped view with opposing exposures in excess of 70 feet between building faces (slightly more than the public-right-of-way exposure on Oak Street). The courtyard exposure provides light and air to these units and the solarium below.*

- b. **Section 148: Ground-Level Wind Currents.** In C-3 Districts, buildings and additions to existing buildings shall be shaped, or other wind-baffling measures shall be adopted, so that the developments will not cause ground-level wind currents to exceed more than 10 percent of the time year-round, between 7:00 a.m. and 6:00 p.m., the comfort level of 11 miles per hour equivalent wind speed in areas of substantial pedestrian use and seven miles per hour equivalent wind speed in public seating areas.

When preexisting ambient wind speeds exceed the comfort level, or when a proposed building or addition may cause ambient wind speeds to exceed the comfort level, the building shall be designed to reduce the ambient wind speeds to meet the requirements. An exception may be granted, in accordance with the provisions of Section 309, allowing the building or addition to add to the amount of time that the comfort level is exceeded by the least practical amount if (1) it can be shown that a building or addition cannot be shaped and other wind-baffling measures cannot be adopted to meet the foregoing requirements without creating an unattractive and ungainly building form and without unduly restricting the development potential of the building site in question, and (2) it is concluded that, because of the limited amount by which the comfort level is exceeded, the limited location in which the comfort level is exceeded, or the limited time during which the comfort level is exceeded, the addition is insubstantial.

Section 309(a)(2) permits exceptions from the Section 148 ground-level wind current requirements. No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour (mph) for a single hour of the year.

*Independent consultants analyzed ground-level wind currents in the vicinity of the Project Site by working with Department staff to select 57 test points throughout public areas in the general vicinity of the Project Site. A wind tunnel analysis, the results of which are included in a technical memorandum prepared by BMT Fluid Mechanics, was conducted using a scale model of the Project Site and its immediate vicinity. The study concluded that the Project would not result in any substantial change to the wind conditions of the area.*

**Comfort Criterion**

*Under existing conditions, 37 of the 57 locations tested currently exceed the pedestrian comfort level of 11 mph at grade level more than 10% of the time. Average wind speeds measured close to 11.8 mph.*

*With the Project, 45 of 57 locations tested exceeded the pedestrian comfort level of 11 mph more than 10% of the time. Average wind speeds, increased by 1.3 mph to approximately 13.9 mph from 12.6 mph. Under the Cumulative scenario, which takes into account other planned projects in the vicinity, average wind speeds increase to 14.4 mph, with 46 of 57 points that exceed comfort criterion.*

*In conclusion, the Project does not result in substantial change to the wind conditions. However, since comfort exceedances are not entirely eliminated by the Project, an exception is required under Planning Code Section 309. The tower has been substantially reshaped through a rigorous and iterative series of wind tests and wind canopies have been added to further diffuse pedestrian-level winds in the surrounding area. The Project could not be designed in a manner that could eliminate all 37 of the existing comfort exceedances or the 8 comfort exceedances caused by the Project, without unduly restricting the site's development potential, resulting in an ungainly building form or creating new hazard exceedances.*

**Hazard Criterion**

*The Wind Study indicated that the project does not cause any net new hazardous conditions. Therefore, the Project would comply with the hazard criterion of Section 148. Overall, the Project would decrease the total duration of existing hazardous wind conditions from 83 hours to 80 hours with the Project, an improvement of three fewer hours of hazardous wind conditions.*

8. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

**HOUSING ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

**Policy 1.8**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.*

*The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.*

**Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on*

*Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.*

**OBJECTIVE 5:**

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

**Policy 5.4**

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.*

**OBJECTIVE 7:**

**SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.**

*In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review of the "Octavia BMR Project", will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable*

*Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

**OBJECTIVE 11:**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.4**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

*The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, and kiosks within the Plaza (subject to the approval of an In-Kind Fee Waiver Agreement). The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION**

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

**OBJECTIVE 3:**

**MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

**Policy 3.1**

Promote harmony in the visual relationships and transitions between new and older buildings.

**Policy 3.6**

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.*

*The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.*

*The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement). The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.*

*The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400- feet tall.*

## **COMMERCE AND INDUSTRY ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

#### **Policy 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

#### **Policy 1.2**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

#### **Policy 1.3**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement) within the proposed Oak plaza. Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.*

## **TRANSPORTATION ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

#### **Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular*

*speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.*

**Policy 1.3:**

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

**Policy 1.6:**

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

**Policy 2.1:**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

**Policy 11.3:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.*

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**Policy 1.1**

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

*The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the*

*immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

Facilitate conversion of underused industrial and commercial areas to residential use.

*The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement) within the proposed plaza, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

*The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.*

**OBJECTIVE 18:**

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

**Policy 18.3:**

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

**Policy 18.5:**

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

*The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.*

**MARKET AND OCTAVIA PLAN**

**Objectives and Policies**

**OBJECTIVE 1.1:**

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

**Policy 1.1.2:**

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

**Policy 1.1.5:**

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. *Additionally, subject to the approval of an In-Kind Fee Waiver Agreement, the proposed streetscape improvements would also include several retail kiosks on the north side of Oak Street, as well as movable seating and sidewalk replacement along Van Ness Avenue.* Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.

**OBJECTIVE 1.2:**

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

**Policy 1.2.2:**

Maximize housing opportunities and encourage high- quality commercial spaces on the ground floor.

**Policy 1.2.5:**

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

*The Project is located within an existing high- density urban context and would transform underutilized retail/ office buildings and parking lot into high- density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.*

**OBJECTIVE 2.2:**

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

**Policy 2.2.2:**

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

**Policy 2.2.4:**

Encourage new housing above ground- floor commercial uses in new development and in expansion of existing commercial buildings.

*The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix the following dwelling unit mix: 54 studio units (18%), 96 one-bedroom units (32%); 135 two-bedroom units (44%); 16 three-bedroom units (5%) and 3 four-bedroom units (1%), which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.*

**OBJECTIVE 2.3:**

PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.

*The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.*

**OBJECTIVE 4.1:**

**PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.**

**Policy 4.1.1:**

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

*The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

**OBJECTIVE 5.1:**

**IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.**

**Policy 5.1.2:**

Restrict curb cuts on transit- preferential streets.

**OBJECTIVE 5.2:**

**DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.**

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

**OBJECTIVE 5.3:**

**ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.**

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*Market Street and Van Ness Avenue are considered transit-preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street-level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.*

9. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies in that:

- A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project would improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH. This represents approximately 24% of*

*the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, including independent environmental review, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.*

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on-site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely*

*used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.*

*In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.*

10. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.
12. The Commission hereby finds that approval of the Downtown Project Authorization and Request for Exceptions would promote the health, safety and welfare of the City.

Motion No. 19943  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCUIAVARK  
1540 Market Street

### DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Downtown Project Authorization Application No. 2014-000362ENVGAMAPDNXCUIAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2017 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

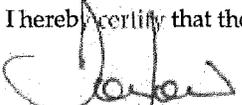
The Planning Commission has reviewed and considered the FEIR and the record as a whole and incorporates by reference herein the CEQA Findings contained in Motion No. 19939 and MMRP, included as Attachment B. All required mitigation and improvement measures identified in Attachment B of Motion No. 19939 are included as conditions of approval.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Section 309 Determination of Compliance and Request for Exceptions to the Board of Appeals within fifteen (15) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed OR the date of the decision of the Board of Appeals if appealed to the Board of Appeals. For further information, please contact the Board of Appeals in person at 1650 Mission Street, Room 304, San Francisco, CA 94103, or call (415) 575-6880.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion constitutes conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards

NAYS: Commissioner Koppel

Motion No. 19943  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCJAVARK  
1540 Market Street

ABSENT: Commissioner Fong

ADOPTED: June 15, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Downtown Project Authorization and Request for Exceptions** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to Planning Code Sections 309, 134, 249.33(b)(5), and 148, on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. 2009-0159EGPAMAPDNXCUIAVARK and subject to conditions of approval reviewed and approved by the Commission on June 15, 2017 under Motion No. 19943. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 15, 2017 under Motion No. 19943.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19943 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference the Downtown Project Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

## CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Downtown Project Authorization.

## Conditions of Approval, Compliance, Monitoring, and Reporting

### PERFORMANCE

- 1. Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) become effective. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 2. Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to do so, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 3. Diligent Pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since the date that the Planning Code text amendment(s) and/or Zoning Map amendment(s) became effective.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
- 4. Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.  
*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*
6. **Floor Area Ratio.** Pursuant to the Floor Area Ratio limits (FAR) per Sections 123, 249.33(b)(6)(B), and 424, the Project is required to make a payment to the Van Ness and Market Residential Special Use District Affordable Housing Fund for floor area that exceeds the base FAR of 6.0:1 and up to a maximum FAR of 9.0:1. For portions of the Project that exceed an FAR of 9.0:1, the Project must contribute to the Van Ness and Market Neighborhood Infrastructure Fee; provided, however, that the Project Sponsor may elect to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver from the payment of the Van Ness and Market Neighborhood Infrastructure Fee from the Planning Commission, subject to the rules and requirements set forth in Section 424.3.  
*For information about compliance, contact the Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
7. **Market Octavia Community Improvements Fund.** The Project is subject to the Market and Octavia Community Improvements Fee, as applicable, pursuant to Planning Code Section 421. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of these fees to off-set certain improvements within the Plaza.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
8. **Market Octavia Affordable Housing Fee.** The Project is subject to the Market and Octavia Affordable Housing Fee, as applicable, pursuant to Planning Code Section 416.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
9. **Market and Octavia – Van Ness & Market Street Affordable Housing and Neighborhood Infrastructure Fee.** The Project is subject to the Market and Octavia – Van Ness & Market Affordable Housing Fee and Neighborhood Infrastructure Fee, as applicable, pursuant to Planning Code Section 424.3. The Project Sponsor has requested an In-Kind Fee Waiver for a portion of the Neighborhood Infrastructure fees to off-set certain improvements within the Plaza.  
*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*
10. **Improvement and Mitigation Measures.** Improvement and Mitigation measures described in the MMRP attached as **Attachment B** of the CEQA Findings contained in Motion No. 19939 associated with the Subject Project are necessary to avoid potential significant impacts and further reduce less-than-significant impacts of the Project and have been agreed to by the Project Sponsor. Implementation of the Improvement and Mitigation measures is a condition of Project approval.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org).*

## **ENTERTAINMENT COMMISSION – NOISE ATTENUATION CONDITIONS**

**Chapter 116 Residential Projects.** The Project Sponsor shall comply with the “Recommended Noise Attenuation Conditions for Chapter 116 Residential Projects,” which were recommended by the Entertainment Commission at a hearing held for the project on November 1, 2016. These conditions state:

11. **Community Outreach.** Project Sponsor shall include in its community outreach process any businesses located within 300 feet of the proposed project that operate between the hours of 9PM and 5AM. Notice shall be made in person, written or electronic form.
12. **Sound Study.** Project sponsor shall conduct an acoustical sound study, which shall include sound readings taken when performances are taking place at the proximate Places of Entertainment, as well as when patrons arrive and leave these locations at closing time. Readings should be taken at locations that most accurately capture sound from the Place of Entertainment to best of their ability. Any recommendation(s) in the sound study regarding window glaze ratings and soundproofing materials including but not limited to walls, doors, roofing, etc. shall be given highest consideration by the project sponsor when designing and building the project.
13. **Design Considerations.**
  - a. During design phase, project sponsor shall consider the entrance and egress location and paths of travel at the Place(s) of Entertainment in designing the location of (a) any entrance/egress for the residential building and (b) any parking garage in the building.
  - b. In designing doors, windows, and other openings for the residential building, project sponsor should consider the POE's operations and noise during all hours of the day and night.
14. **Construction Impacts.** Project sponsor shall communicate with adjacent or nearby Place(s) of Entertainment as to the construction schedule, daytime and nighttime, and consider how this schedule and any storage of construction materials may impact the POE operations.
15. **Communication.** Project Sponsor shall make a cell phone number available to Place(s) of Entertainment management during all phases of development through construction. In addition, a line of communication should be created to ongoing building management throughout the occupation phase and beyond.

## **DESIGN – COMPLIANCE AT PLAN STAGE**

16. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping (including roof deck landscaping), and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378,*

17. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the Site Permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

18. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the architectural addendum to the Site Permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

19. **Lighting Plan.** The Project Sponsor shall submit an exterior lighting plan to the Planning Department prior to Planning Department approval of the architectural addendum to the site permit application.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

20. **Streetscape Plan.** Pursuant to Planning Code Section 138.1, the Project Sponsor shall continue to work with Planning Department staff, in consultation with other City agencies, to refine the design and programming of the Streetscape Plan so that the plan generally meets the standards of the Better Streets Plan and all applicable City standards. The Project Sponsor shall complete final design of all required street improvements, including procurement of relevant City permits, prior to issuance of first architectural addenda, and shall complete construction of all required street improvements prior to issuance of first temporary certificate of occupancy.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

21. **Open Space Provision - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall continue to work with Planning Department staff to refine the design and programming of the public open space so that the open space generally meets the standards of the Downtown Open Space Guidelines in the Downtown Plan of the General Plan.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

22. **Open Space Plaques - C-3 Districts.** Pursuant to Planning Code Section 138, the Project Sponsor shall install the required public open space plaques at each building entrance including the standard City logo identifying it; the hours open to the public and contact information for

building management. The plaques shall be plainly visible from the public sidewalks on **Market, Van Ness Avenue and Oak Streets** and shall indicate that the open space is accessible to the public. Design of the plaques shall utilize the standard templates provided by the Planning Department, as available, and shall be approved by the Department staff prior to installation. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

23. **Signage.** The Project Sponsor shall develop a signage program for the Project which shall be subject to review and approval by Planning Department staff. All subsequent sign permits shall conform to the approved signage program. All exterior signage shall be designed to compliment, not compete with, the existing architectural character and architectural features of the building. *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org).*

24. **Transformer Vault.** The location of individual project PG&E Transformer Vault installations has significant effects to San Francisco streetscapes when improperly located. However, they may not have any impact if they are installed in preferred locations. Therefore, the Planning Department recommends the following preference schedule in locating new transformer vaults, in order of most to least desirable:

- a. On-site, in a basement area accessed via a garage or other access point without use of separate doors on a ground floor façade facing a public right-of-way;
- b. On-site, in a driveway, underground;
- c. On-site, above ground, screened from view, other than a ground floor façade facing a public right-of-way;
- d. Public right-of-way, underground, under sidewalks with a minimum width of 12 feet, avoiding effects on streetscape elements, such as street trees; and based on Better Streets Plan guidelines;
- e. Public right-of-way, underground; and based on Better Streets Plan guidelines;
- f. Public right-of-way, above ground, screened from view; and based on Better Streets Plan guidelines;
- g. On-site, in a ground floor façade (the least desirable location).

*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*

25. **Overhead Wiring.** The Property owner will allow MUNI to install eyebolts in the building adjacent to its electric streetcar line to support its overhead wire system if requested by MUNI or MTA.

*For information about compliance, contact San Francisco Municipal Railway (Muni), San Francisco Municipal Transit Agency (SFMTA), at 415-701-4500, [www.sfmta.org](http://www.sfmta.org)*

26. **Noise, Ambient.** Interior occupiable spaces shall be insulated from ambient noise levels. Specifically, in areas identified by the Environmental Protection Element, Map1, "Background Noise Levels," of the General Plan that exceed the thresholds of Article 29 in the Police Code, new developments shall install and maintain glazing rated to a level that insulate interior occupiable areas from Background Noise and comply with Title 24.

*For information about compliance, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

27. **Noise.** Plans submitted with the building permit application for the approved project shall incorporate acoustical insulation and other sound proofing measures to control noise.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

28. **Odor Control Unit.** In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application to implement the project shall include air cleaning or odor control equipment details and manufacturer specifications on the plans. Odor control ducting shall not be applied to the primary façade of the building.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

#### **PARKING AND TRAFFIC**

29. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.25 parking spaces per dwelling unit, as principally permitted parking. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, which was authorized under Motion No. 19944. However, if the Project changes from an ownership project to a rental project, the Project shall reduce the accessory parking amount to no more than the 0.25 ratio to dwelling units that is principally permitted. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

30. **Off-street Loading.** Pursuant to Planning Code Section 152.1, the Project shall provide 1 off-street loading space, and spaces for two service vehicles, which may be used to substitute an off-street loading space.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

31. **Car Share.** Pursuant to Planning Code Section 166, no less than two car share spaces shall be made available, at no cost, to a certified car share organization for the purposes of providing car share services for its service subscribers. The car share spaces will be located off-site on a surface parking lot at 110 Franklin Street. Should the property at 110 Franklin Street no longer be available for such use, the Project Sponsor shall relocate the car share spaces on-site or at an off-site location within 800 feet of the Project Site without disrupting continuity of service, pursuant to Planning Code Section 166.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

32. **Bicycle Parking (Mixed-Use: New Commercial/Major Renovation and Residential).** Pursuant to Planning Code Sections 155.1, 155.4, and 155.5, the Project shall provide no fewer than 151 Class 1 spaces (151 stalls for Residential Use, 0 stalls for Retail Use) and 20 Class 2 spaces (15 stalls for Residential Use, 5 stalls for Retail Use).

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

33. **Managing Traffic During Construction.** The Project Sponsor and construction contractor(s) shall coordinate with the Traffic Engineering and Transit Divisions of the San Francisco Municipal Transportation Agency (SFMTA), the Police Department, the Fire Department, the Planning Department, and other construction contractor(s) for any concurrent nearby Projects to manage traffic congestion and pedestrian circulation effects during construction of the Project.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

34. **Transportation Demand Management (TDM).** Pursuant to Planning Code Section 169, the Project shall finalize a TDM Plan prior to the issuance of the first Building Permit or Site Permit to construct the project and/or commence the approved uses. The Property Owner, and all successors, shall ensure ongoing compliance with the TDM Program for the life of the Project, which may include providing a TDM Coordinator, providing access to City staff for site inspections, submitting appropriate documentation, paying application fees associated with required monitoring and reporting, and other actions.

Prior to the issuance of the first Building Permit or Site Permit, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property to document compliance with the TDM Program. This Notice shall provide the finalized TDM Plan for the Project, including the relevant details associated with each TDM measure included in the Plan, as well as associated monitoring, reporting, and compliance requirements.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

## PROVISIONS

35. **Anti-Discriminatory Housing.** The Project shall adhere to the requirements of the Anti-Discriminatory Housing policy, pursuant to Administrative Code Section 1.61.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

36. **First Source Hiring.** The Project shall adhere to the requirements of the First Source Hiring Construction and End-Use Employment Program approved by the First Source Hiring

Administrator, pursuant to Section 83.4(m) of the Administrative Code. The Project Sponsor shall comply with the requirements of this Program regarding construction work and on-going employment required for the Project.

*For information about compliance, contact the First Source Hiring Manager at 415-581-2335, [www.onestopSF.org](http://www.onestopSF.org)*

37. **Transportation Sustainability Fee.** The Project is subject to the Transportation Sustainability Fee (TSF), as applicable, pursuant to Planning Code Section 411A.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

38. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A. Portions of the Market Octavia and Van Ness Market Community Improvements Funds allocated to Child Care paid by the Project would be credited toward payment of the Child Care Fee.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org)*

**Affordable Units.** The following Inclusionary Affordable Housing Requirements are those in effect at the time of Planning Commission action. In the event that the requirements change, the Project Sponsor shall comply with the requirements in place at the time of issuance of first construction document. This requirement is subject to change under pending legislation to modify Planning Code Section 415 which is currently under review by the Board of Supervisors (Board File Nos.161351 and 170208). The proposed changes to Section 415, which may include but are not limited to modifications to the amount of inclusionary housing required onsite or offsite, the methodology of fee calculation, and dwelling unit mix requirements, will become effective after approval by the Board of Supervisors.

39. **Requirement.** Pursuant to Planning Code Section 415.5, the Project Sponsor must pay an Affordable Housing Fee at a rate equivalent to the applicable percentage of the number of units in an off-site project needed to satisfy the Inclusionary Affordable Housing Program Requirement for the principal project. The applicable percentage for this project is twenty percent (20%). The Project Sponsor shall pay the applicable Affordable Housing Fee at the time such Fee is required to be paid.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

40. **Other Conditions.** The Project is subject to the requirements of the Inclusionary Affordable Housing Program under Section 415 et seq. of the Planning Code and the terms of the City and County of San Francisco Inclusionary Affordable Housing Program Monitoring and Procedures Manual ("Procedures Manual"). The Procedures Manual, as amended from time to time, is incorporated herein by reference, as published and adopted by the Planning Commission, and as required by Planning Code Section 415. Terms used in these conditions of approval and not otherwise defined shall have the meanings set forth in the Procedures Manual. A copy of the

Procedures Manual can be obtained at the Mayor's Office of Housing and Community Development ("MOHCD") at 1 South Van Ness Avenue or on the Planning Department or Mayor's Office of Housing and Community Development's websites, including on the internet at:

<http://sf-planning.org/Modules/ShowDocument.aspx?documentid=4451>.

As provided in the Inclusionary Affordable Housing Program, the applicable Procedures Manual is the manual in effect at the time the subject units are made available for sale or rent.

*For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, [www.sf-planning.org](http://www.sf-planning.org) or the Mayor's Office of Housing and Community Development at 415-701-5500, [www.sf-moh.org](http://www.sf-moh.org).*

- a. The Project Sponsor must pay the Fee in full sum to the Development Fee Collection Unit at the DBI for use by MOHCD prior to the issuance of the first construction document.
- b. Prior to the issuance of the first construction permit by the DBI for the Project, the Project Sponsor shall record a Notice of Special Restriction on the property that records a copy of this approval. The Project Sponsor shall promptly provide a copy of the recorded Notice of Special Restriction to the Department and to MOHCD or its successor.
- c. If project applicant fails to comply with the Inclusionary Affordable Housing Program requirement, the Director of DBI shall deny any and all site or building permits or certificates of occupancy for the development project until the Planning Department notifies the Director of compliance. A Project Sponsor's failure to comply with the requirements of Planning Code Sections 415 et seq. shall constitute cause for the City to record a lien against the development project and to pursue any and all other remedies at law.

## OPERATION

41. **Garbage, Recycling, and Composting Receptacles.** Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works at 415-554-5810, <http://sfdpw.org>*
42. **Sidewalk & Streetscape Maintenance.** The Project Sponsor shall maintain the main entrance to the building and all sidewalks abutting the subject property, and the shared street that will be provided as part of the Project, in a clean and sanitary condition in compliance with the Department of Public Works Streets and Sidewalk Maintenance Standards.  
*For information about compliance, contact Bureau of Street Use and Mapping, Department of Public Works, 415-695-2017, <http://sfdpw.org>*

43. **Noise Control.** The premises shall be adequately soundproofed or insulated for noise and operated so fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

*For information about compliance with the fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health at (415) 252-3800, [www.sfdph.org](http://www.sfdph.org)*

*For information about compliance with the construction noise, contact the Department of Building Inspection, 415-558-6570, [www.sfdbi.org](http://www.sfdbi.org)*

*For information about compliance with the amplified sound including music and television contact the Police Department at 415-553-0123, [www.sf-police.org](http://www.sf-police.org)*

44. **Odor Control.** While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

*For information about compliance with odor or other chemical air pollutants standards, contact the Bay Area Air Quality Management District, (BAAQMD), 1-800-334-ODOR (6367), [www.baaqmd.gov](http://www.baaqmd.gov) and Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

45. **Notices Posted at Bars and Entertainment Venues.** Notices urging patrons to leave the establishment and neighborhood in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood, shall be well-lit and prominently displayed at all entrances to and exits from the establishment.

*For information about compliance, contact the Entertainment Commission, at 415 554-6678, [www.sfgov.org/entertainment](http://www.sfgov.org/entertainment)*

46. **Lighting.** All Project lighting shall be directed onto the Project site, including the proposed Oak Plaza, and immediately surrounding sidewalk area only, and designed and managed so as not to be a nuisance to adjacent residents. Nighttime lighting shall be the minimum necessary to ensure safety, but shall in no case be directed so as to constitute a nuisance to any surrounding property.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

47. **Community Liaison.** Prior to issuance of a building permit to construct the Project and implement the approved use, the Project Sponsor shall appoint a community liaison to deal with the issues of concern to owners and occupants of nearby properties. The Project Sponsor shall provide the Zoning Administrator with written notice of the name, business address, and telephone number of the community liaison. Should the contact information change, the Zoning Administrator shall be made aware of such change. The community liaison shall report to the Zoning Administrator what issues, if any, are of concern to the community and what issues have not been resolved by the Project Sponsor.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

#### MONITORING - AFTER ENTITLEMENT

48. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

49. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*

50. **Monitoring.** The Project requires monitoring of the conditions of approval in this Motion. The Project Sponsor or the subsequent responsible parties for the Project shall pay fees as established under Planning Code Section 351(e) (1) and work with the Planning Department for information about compliance.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

*Subject to: (Select only if applicable)*

- Affordable Housing (Sec. 415)
- Transit Impact Dev't Fee (Sec. 411)
- Childcare Fee (Sec. 414)
- First Source Hiring (Admin. Code)
- Better Streets Plan (Sec. 138.1)
- Public Art (Sec. 429)

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## Planning Commission Motion No. 19944

HEARING DATE: JUNE 15, 2017

*Case No.:* 2009.0159EGPAMAPDNXCUAVARK  
*Project Address:* 1540 Market Street (a.k.a. One Oak)  
*Zoning:* C-3-G (Downtown General)  
 120/400-R-2, 120-R-2 Height and Bulk Districts  
 Van Ness & Market Downtown Residential Special Use District

*Block/Lot:* 0836, Lots 001, 002, 003, 004 and 005

*Project Sponsor:* Steve Kuklin, 415.551.7627  
 Build, Inc.  
 315 Linden Street  
 steve@bldsf.com  
 San Francisco, CA 94102

*Staff Contact:* Tina Chang, AICP, LEED AP  
[tina.chang@sfgov.org](mailto:tina.chang@sfgov.org), 415-575-9197

*Reviewed by:* Mark Luellen, Northeast Team Manager  
[mark.luellen@sfovc.org](mailto:mark.luellen@sfovc.org), 415-558-6697

ADOPTING FINDINGS AUTHORIZING A CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 151.1 TO ALLOW ACCESSORY OFF-STREET PARKING EXCEEDING PRINCIPALLY PERMITTED AMOUNTS, IN CONNECTION WITH A PROPOSAL TO CONSTRUCT A 40-STORY, 400-FOOT-TALL RESIDENTIAL BUILDING OVER GROUND-FLOOR COMMERCIAL INCLUDING APPROXIMATELY 4,110 SQUARE FEET OF GROUND FLOOR RETAIL, APPROXIMATELY 11,056 SQUARE FEET OF PRIVATE COMMON OPEN SPACE AND PUBLIC OPEN SPACE; 366 BICYCLE PARKING SPACES (304 CLASS 1, 62 CLASS 2) AND UP TO 136 VEHICULAR PARKING SPACES WITHIN THE VAN NESS AND MARKET DOWNTOWN RESIDENTIAL SPECIAL USE DISTRICT, DOWNTOWN-GENERAL (C-3-G) ZONING DISTRICT AND 120/400-R-2 AND 120-R-2 HEIGHT AND BULK DISTRICTS AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

## PREAMBLE

On February 26, 2009, Stephen Miller of Reuben & Junius, LLP filed an Environmental Evaluation application on behalf of CMR Capital, LLC, the previous property owner for a previous iteration of the project that occupied Assessor's Block 0836, Lots 002, 003, 004, and 005, but did not include the easternmost lot on the block (Lot 1) within the project site, and on August 27, 2012, John Kevlin of Reuben & Junius, LLP filed a revision to the Environmental Evaluation application on behalf of CMR Capital, LLC. The current project sponsor, One Oak Owner, LLC, submitted updated project information to the Planning Department to add Lot 001 and to address changes in the project under the same Planning Department Case Number (Case No. 2009.0159E) after acquiring the site in 2014.

On November 18, 2015 and December 9, 2016 Steve Kuklin of Build, Inc., on behalf of One Oak Owner, LLC ("Project Sponsor") filed applications that added Block 0836 Lot 001 into the project area, and requested approval of a.) a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code; b.) a Zoning Map Amendment; c.) a General Plan Amendment to change 668 square feet of the eastern 15 feet of Assessor's Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and an equivalent 668 square feet, 4'-7.5" wide area located 28'-3" from the western edge of Assessor's Block 0836, Lot 005 from 120-R-2 to 120/ 400-R-2; d.) a Conditional Use Authorization for on-site parking in excess of the amount principally permitted pursuant to Planning Code Section 303; e.) Variances for Dwelling Unit Exposure and Maximum Parking/Loading Entrance Width pursuant to Planning Code Sections 140 and 145.1(c)(2); f.) an Exemption for Elevator Penthouse Height, pursuant to 260(b)(1)(B); and h.) an In-Kind Fee Waiver Agreement for public realm improvements pursuant to Planning Code Sections 421.3(d) and 424.3(c). These approvals are necessary to facilitate the construction of a mixed-use project located at 1540 Market Street, Assessor Block 0836, Lots 001, 002, 003, 004 and 005, (hereinafter "Project"). The Project proposes to build an approximately 400-foot tall building containing approximately 304 dwelling units with a directed in-lieu contribution to facilitate the development of approximately 72 Below Market Rate dwellings units (the "Octavia BMR Project") within 0.3 miles of the project site, amounting to 24 percent of the 304-unit Project, subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under CEQA.

On November 1, 2016, in accordance with the Entertainment Commission's guidelines for review of residential development proposals under Administrative Code Chapter 116, a hearing was held for the Project, and the Entertainment Commission made a motion to recommend the standard "Recommended Noise Attenuation Conditions for Chapter 116 Projects." The Entertainment Commission recommended that the Planning Department and/or Department of Building Inspection adopt these standard recommendations into the development permit(s) for this Project.

On January 5, 2017, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on January 10, 2017. The Department prepared responses to comments on environmental issues received during the 45-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 clerical errors in the DEIR.

On February 23, 2017, the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street Project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; and making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1;" and (2) Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1," respectively.

On June 1, 2017, the Planning Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the public review process, any additional information that became available, and the Responses to Comments document all as required by law.

On June 15, 2017, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on June 15, 2017 by adoption of its Motion No. 19938.

At the same Hearing and in conjunction with this motion, the Commission made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") by its Motion No. 19939. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 19939.

On June 15, 2017, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; and (2) the ordinance amending the Zoning Map HT07 to rezone portions of Lots 001 and 005 on Assessor's Block 0836. At that meeting the Commission Adopted (1) Resolution No. 19941 recommending that the Board of Supervisors approve the requested General Plan Amendment; and (2) Resolution No. 19942 recommending that the Board of Supervisors approve the requested Planning Code Map Amendments.

On June 15, 2017, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the Downtown Project Authorization application, Conditional Use application, and Variance and Elevator Exemption application 2009.0159EGPAMAPDNXCUAVARK. At the same hearing the Commission determined that the shadow cast by the Project would not have any adverse effect on Parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department, Jonas P. Ionin, is the custodian of records; all pertinent documents are located in the File for Case No. 2009.0159GPAMAPDNXCUAVARK, at 1650 Mission Street, Fourth Floor, San Francisco, California.

**MOVED**, that the Commission hereby approves the Conditional Use Authorization requested in Application No. 2009.0159GPAMAPDNXCUAVARK, subject to the conditions contained in "EXHIBIT A" of this motion, based on the following findings:

#### **FINDINGS**

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.
2. **Site Description and Present Use.** The Project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood, within the Market and Octavia Plan Area.

The Project's building site is made up of five contiguous privately owned lots within Assessor's Block 0836, Lots 001, 002, 003, 004, and 005), an 18,219-square-foot (sf) trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west at 1546-1564 Market Street. The building site measures about 177 feet along its Oak Street frontage, 39 feet along Van Ness Avenue, 218 feet along Market Street, and 167 feet along its western interior property line. The existing street address of the project parcels is referred to as 1500-1540 Market Street. The easternmost portion of the building site, 1500 Market Street (Lot 001), is currently occupied by an existing three-story, 2,750 square foot commercial building, built in 1980. This building is partially occupied by a limited-restaurant retail use doing business as "All Star Café" on the ground floor and also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing 47-car surface commercial parking lot, on Lots 002, 003, and 004. The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion

of the building site at 1540 Market Street, Lot 005, is occupied by a four-story, 48,225 square foot commercial office building, built in 1920. As of June 2017, this building is partially occupied.

In addition to the building site, the Project site also includes surrounding areas within the adjacent public rights-of-way in which streetscape improvements including the public plaza would be constructed as part of the proposed Project.

3. **Surrounding Properties and Neighborhood.** The Project site occupies a central and prominent position at the intersection of Market Street and Van Ness Avenue, two of the City's widest and most recognizable thoroughfares. The Project Site is located at an important transit node: rail service is provided underground at the Van Ness Muni Metro Station as well as via historic streetcars that travel along Market Street. Bus and electric trolley service is provided on Van Ness Avenue and Market Street. The Project is located in an urban, mixed-use area that includes a diverse range of residential, commercial, institutional, office, and light industrial uses. Offices are located along Market Street and Van Ness Avenue, while most government and public uses are located to the north in the Civic Center.

The Project is located within the southwestern edge of downtown in the C-3-G (Downtown Commercial, General) District, characterized by a variety of retail, office, hotel, entertainment, and institutional uses, and high-density residential. West of Franklin Street, a block from the Project Site, is an NC-3 Moderate-Scale Neighborhood Commercial District that comprises a diverse mix of residential, commercial, and institutional uses. South of Market Street, and west of 12th Street, are the WSOMA Mixed Use, General and Production, Distribution and Repair (PDR) Districts.

The adjacent building immediately to the west of the Project Site along Market Street is 1546 Market Street, a three-story office over a ground-floor retail building built in 1912. Further west along Market Street is 1554 Market Street, a one-story retail building built in 1907. 55 Oak Street, a one-story automotive repair building built in 1929, is at the rear of the same lot. These three buildings were recently demolished and are currently being developed as a 120-foot, 12-story building, 110 dwelling unit building with ground floor retail. The southwestern corner of the Project block is occupied by a six-story apartment building over ground-floor retail at 1582 Market Street, built in 1917. The northwestern corner of the project block is occupied by a surface parking lot. However, a Preliminary Project Assessment application and associated letter has been issued for a proposed 31-story, 320-foot tall mixed-use project containing Institutional and Residential uses. At the western edge of the Project block, 22 Franklin Street, located mid-block between Oak and Market Streets, another new residential project is currently under construction.

To the northwest of the project site along the north side of Oak Street is the Conservatory of Music at 50 Oak Street, a five-story Neoclassical building built in 1914. Immediately to the west of that building is a modern addition to 50 Oak Street. The Conservatory building houses studio, classroom, office, and performance space. Immediately to the north of the project site is 25 Van Ness Avenue, an eight-story Renaissance Revival building built in 1910. The building currently has ground-floor research and development space and offices on the upper floors. The building also houses the San Francisco New Conservatory Theater. Further north along the west side of

Van Ness Avenue is 77 Van Ness Avenue, an eight-story residential building with ground-floor retail, built in 2008.

Immediately to the east of the Project Site is Van Ness Avenue, the major north-south arterial in the central section of San Francisco that runs between North Point and Market Streets. Between Market and Cesar Chavez Streets, Van Ness Avenue continues as South Van Ness Avenue. Van Ness Avenue is part of U.S. 101 between Lombard Street and the Central Freeway (via South Van Ness Avenue). In the vicinity of the Project, Van Ness Avenue has three travel lanes in each direction separated by a center median, and parking on both sides of the street. However, most of the center medians have been removed as part of the Van Ness Bus Rapid Transit (BRT) project and Van Ness Avenue will be reduced to two travel lanes in each direction. Along the east side of Van Ness Avenue, across from the Project Site to the northeast, is 30 Van Ness Avenue (also known as 1484-1496 Market Street), a five-story office over ground-floor retail building. The building was originally built in 1908, but its façade was extensively remodeled around 1960.

Market Street, a roadway that includes two travel lanes and a bicycle lane in each direction, serves as the Project's southern boundary. Historic streetcars use the center-running tracks and transit stops within the Market Street roadway. On the south side of Market Street at the southeast corner of Market Street and 11th Street (due east of the Project Site) is 1455 Market Street, a 22-story office building over ground-floor commercial, built in 1979. This building terminates eastward views along Oak Street. At the southeast corner of Market Street and Van Ness Avenue, diagonally across the intersection of Market Street and Van Ness Avenue, is One South Van Ness Avenue, an eight-story office building over ground-floor commercial (Bank of America), built in 1959. At the southwest corner of Market Street, across Market Street from the project site, is 10 South Van Ness Avenue, a one-story car dealership. The Property Owners of the 10 South Van Ness Avenue site have submitted development applications proposing the construction of a mixed-use project containing two 400-foot residential towers and ground floor retail space.

4. **Project Description.** The proposed One Oak Street Project would demolish all existing structures on the Project Site at 1500-1540 Market Street including 47 existing valet-operated on-site parking spaces and construct a new 304-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse measured from roof level) with approximately 4,110 square feet ground-floor commercial space, one off-street loading space, two off-street service vehicle spaces, and a subsurface valet-operated parking garage containing 136 spaces for residents. Bicycle parking accommodating 304 Class 1 and 62 Class 2 spaces would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The Project would also include the following: construction of a public plaza and shared public way within the Oak Street right-of-way (Oak Plaza); construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds. In addition, the existing on-site Muni elevator will remain in its current location, and a new weather protective enclosure will be constructed around it. Some of the streetscape improvements for Oak Plaza are included within the Project being approved pursuant to Motion No. 19940, 19943, and 19944. At a later date, the Project Sponsor will additionally seek approval of an In-Kind Fee Waiver

Agreement pursuant to Planning Code Sections 421.3(d) and 424.3(c), to provide certain additional public realm improvements within Oak Plaza. Additional improvements subject to the In-Kind Fee Waiver Agreement include: (a) improvements within the existing Oak Street sidewalk along the northern side, including retail kiosks, above ground planters, street lighting, movable seating, waterproofing at the 25 Van Ness basement, and new sidewalk paving; (b) pavers and improvements within the Oak Street roadway; and (c) specialty electrical connections and fixtures for the theatrical lighting, audio/visual, and power for the performance area and the public wireless services in the Plaza. These additional public realm improvements are subject to the Planning Commission's separate and future approval of the Project Sponsor's In-Kind Fee Waiver Agreement.

The Project would necessitate approval of Planning Code Map amendment to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the Project Site (a portion of Assessor Block 0836/001) to the western portion of the Project Site (a portion of Assessor Block 0836/005), which would not result in any increased development potential.

5. **Community Outreach and Public Comment.** To date, the Department has received 21 letters of support for the Project from organizations and individuals. The San Francisco Housing Action Coalition, ArtSpan, New Conservatory Theatre Center, San Francisco Opera, San Francisco Symphony, San Francisco Unified School District Arts Center, Bo's Flowers, trustee for property at 110 Franklin Street, project sponsor for the property at 22-24 Franklin Street, project sponsor for the property at 10 South Van Ness, project sponsor for the property at 45 Franklin Street, project sponsor for the property at 1554 Market Street, and property owners for the commercial and residential portions of Fox Plaza have submitted letters expressing support for the Project and associated improvements. The Civic Center Community Benefit District, the Department of Real Estate, Walk SF, and SF Parks Alliance expressed support specifically for the proposed public realm improvements proposed via an In-Kind Agreement with the Project Sponsor. Comments received as part of the environmental review process will be incorporated into the Environmental Impact Report.

According to the Project Sponsor, extensive and lengthy community engagement has been conducted for the Project and the associated Oak Plaza public improvements. The Project Sponsor team has held over 88 meetings and outreach discussions, including roughly 340 participants, between January 2015 and June 2017. Given the important civic location of the Project, which includes transforming the southern end of Oak Street into a new public plaza and shared public way, outreach activities have included a wide range of institutional, arts and cultural stakeholders, in addition to neighborhood groups, neighboring property owners and businesses.

**General Community Engagement:** The Project team has solicited public input through a series of meetings including a public pre-application meeting, small group meetings, and individual meetings with various residents, property owners and business owners. In addition to design presentations, the Project Sponsor team distributed Project Fact Sheets outlining the Project's program, circulation, residential unit counts, parking ratio, public realm improvements, Zoning Map revisions, and affordable housing commitments, etc. The design and program evolved over

time based on specific stakeholder feedback over the course of the project sponsor's extensive community outreach.

In response to early feedback from the Hayes Valley Neighborhood Association (HVNA), the Project Sponsor proposed to develop 72 units of 100% affordable housing at Parcels R, S & U, including 16 very low-income, service-supported, Transitional Aged Youth ("TAY") housing units on one of the sites, all within 1/3 mile of the proposed Project (collectively, the "Octavia BMR Project") through a nonprofit affiliate of the Project Sponsor or as a turn-key residential development for an affordable housing developer with the Project Sponsor retaining ownership of the ground floor commercial space.

After extensive negotiations, the Mayor's Office of Housing and Community Development (MOHCD) requested that both the residential and commercial components of the Octavia BMR Project be retained by the affordable housing owner/operator to maintain the project's financial feasibility and procurement of the developer of MOHCD's Parcel U be handled through its traditional non-profit developer RFP process. To facilitate this arrangement, the Project Sponsor voluntarily terminated its exclusive negotiating rights to Parcels R & S, and offered MOHCD its preliminary designs, so that MOHCD could prepare an RFP for circulation in 2017. In exchange, MOHCD agreed to "direct" the Project's Section 415 affordable housing in-lieu fee toward the development of the Octavia BMR Project, subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. The Octavia BMR Project RFP is expected to be released by MOHCD on June 15, 2017. MOHCD estimates that a non-profit developer will be selected by early 2018, and that the Octavia BMR Project could commence construction as early as mid to late 2019, which means that the Octavia BMR units could be delivered during the same period that One Oak's market rate units are occupied by new residents.

Additionally, the Project Sponsor recently revised their project description to eliminate the use of the existing Market Street freight loading area as part of the Project, based on concerns voiced by the SFBC and other cycling advocates. In addition, the Project Sponsor has agreed to implement new improvement measures included in the attached MMRP that would actively discourage use of the existing loading zone. The Project Sponsor has also reduced the proposed parking from 155 spaces to 136 spaces, in response to public comments. In addition, if the 136 spaces are approved and constructed, the Project Sponsor will nearly double the TDM measures required by law by achieving 100 percent of the target points, rather than the currently required 50 percent. The Project Sponsor's outreach often included detailed discussions regarding the long-term stewardship of the proposed plaza, daytime activation, nighttime public safety, public market kiosks, and physical changes proposed for streets, Muni access, public parking and loading spaces in the area, as well as the voluntary formation of a Community Facilities District (CFD), into which the owners at One Oak will contribute approximately \$300,000 annually dedicated to operations and maintenance of the Plaza for 100 years, conditioned upon final approval of an In-Kind Agreement fee waiver.

**Arts and Culture Stakeholder Engagement:** In addition to outreach to the general community, the Project team has been working with numerous arts, cultural, and educational institutions of

the neighborhood with the intent to activate the proposed public plaza & shared public way with small and large performing arts events. The design intent is for Oak Plaza to serve as a public "front porch" for both Hayes Valley and the Civic Center/performing arts district, inviting and exposing residents, daytime workers, students, and visitors to the district's cultural richness through public performances and potential ticket sales at a box office kiosk. Through one-on-one meetings and a brain-storming workshop, Build Public, an independent, non-profit organization focused on creating and maintaining new public spaces, has been working closely with representatives of these institutions to design the plaza in such a way that caters to their specific needs for public performing space. Feedback from this engagement addressed potential stage and seating capacity and configuration, sound amplification, adjacent traffic noise mitigation, lighting, audio and electrical hookup locations, permitting of events, and parking and loading.

A partial list of the outreach conducted between January 26, 2015 and May 15, 2017 is provided as an enclosure to this case report.

6. **Planning Code Compliance:** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

- A. **Parking.** Pursuant to Section 151.1, residential uses in the Van Ness and Market Special Use District may provide up to 0.25 spaces per dwelling unit as a principally permitted accessory use, and up to 0.5 spaces per dwelling unit with a Conditional Use authorization. In addition, under Section 151.1, commercial parking is principally permitted in an area equivalent to 7% of the gross floor area of the Project's non-residential uses.

*The Project contains 304 dwelling units. Thus, a total of 76 spaces would be principally permitted and up to 152 spaces may be permitted with Conditional Use Authorization. The Project proposes 136 parking spaces (which equates to a 0.45 parking ratio) for the residential use which exceeds the principally permitted amount. The Project would not provide any parking for the proposed 4,110-sf retail/restaurant use. Therefore, a Conditional Use Authorization would be required to provide the 60 parking spaces in excess of the 76 spaces principally permitted for the Project, if the Project is developed as a for-sale condominium project after final entitlements. In the event the Project Sponsor elects to construct a condominium project utilizing the additional spaces authorized by this Conditional Use Authorization, the Project Sponsor will voluntarily provide an additional 12 TDM points in its TDM program, as set forth in the Project Section 309 Authorization pursuant to Motion No. 19943. If the proposed Project is developed as a multi-family rental project after entitlements, the maximum parking in the project will be provided at a ratio of 0.25 spaces per dwelling unit, and the Project shall only be required to provide TDM measures consistent with applicable law.*

7. **Planning Code Section 303(c)** establishes criteria for the Planning Commission to consider reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:

- A. The Proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

*The Project will replace an existing 47-space commercial surface parking lot and 19 publicly owned on-street parking spaces (a total of 66 existing surface parking spaces) with a residential high rise tower with 3 underground levels of residential parking for 136 cars and 2 van loading spaces.*

*Accordingly, if the Project is approved, there would be a net increase of 70 new parking spaces within the Project area, equivalent to a 0.23 "net" parking ratio, well within the 0.25 ratio otherwise principally permitted for new residential uses. The replacement of 66 surface level parking spaces available to general users with 136 underground residential parking spaces limited solely to project residents will bring the site into greater conformity with the Planning Code and would greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. In addition, because the proposed 136 spaces would be located on three underground levels and only be accessed by valet operators using two car elevators, retrieval times will be substantially longer than valet operations at a conventional ramped garage, effectively discouraging daily use. Since future residents will have extraordinary walking, bicycling and high-frequency public transit access to local, Central Business District and regional jobs and services, there is reason to assume that residents will not use cars for daily commuting purposes.*

*The Project Sponsor has stated that it is requesting this Conditional Use Authorization to provide up to 136 spaces in order to ensure the Project's financial viability as a for-sale, high-rise condominium with over 50% two-, three-, and four bedroom units. The Project's 0.45 parking ratio would be the lowest ratio ever proposed or built for a high-rise condominium project greater than 25 stories in San Francisco, with almost half as much parking as the lowest comparable condominium tower. According to a survey prepared by the Mark Company, a leading condominium market research company, of all San Francisco residential high-rise condominium developments greater than 25-floors in height (built or approved over the past ten years) provide an average 1.04 parking ratio. Shorter condominium buildings including 13 to 25 story high-rises and under 13 story low-rise and mid-rise buildings have average parking ratios of 0.92 and 0.78, respectively. Institutional real estate investors and commercial lenders for condominium projects of this size require detailed, independent and professional market studies to substantiate a developer's financial underwriting and ultimately, their own decision whether to invest in a high-rise condominium project. They rely on these studies as part of their fiduciary obligations to their own investors. As described in a letter from the Mark Company, the lowest parking ratio that the current market can support for high-rise condominium projects in San Francisco is not less than one space for every 2-bedroom or larger unit. Anything lower than this ratio could adversely impact sales and absorption rates, undermining the financial returns necessary to attract private capital for this project. The proposed 0.45 ratio only provides parking for 88% of the 2-, 3- and 4-bedroom units included in the Project. According to the Project Sponsor, they are willing to accept this risk, but they cannot reduce the ratio further without jeopardizing their ability to attract the investors and lenders necessary to provide capital and construction loans for the proposed condominium Project, thereby making the Project infeasible to build.*

*Since this market constraint is limited to the financing of high-rise condominiums, the Project Sponsor has agreed to restrict the Project's parking ratio to no more than 0.25 spaces per dwelling unit in the event the Project is financed and built as a high-rise rental project. For this reason, the Planning Department's support for this Conditional Use Authorization to provide parking more than the principally permitted 0.25 ratio would not set a precedent for other high-rise rental towers within the Van Ness and Market SUID to receive similar increases above the 0.25 ratio.*

*In further support of the Project Sponsor's concerns regarding the financial viability of its high-rise condominium project, the Project is targeted in part to families, with over 50% two bedroom, three bedroom and four bedroom units, and includes a children's playroom, among many other family-friendly amenities. Families with children generally have a greater need for parking because they require flexibility due to dual commutes, school, child care, urgent care, grocery shopping and other trips with small children, babies and their attendant equipment (required car seats, strollers, diaper bags, and the like). Marketing data for condominiums support a minimum parking ratio of 1 parking space for each 2 bedroom or larger unit due to family needs. As noted above, the requested 136 parking spaces could serve, at most, only 88% of the large units (2+ bedrooms), below the likely demand from families residing within the Project. Thus, the requested 136 parking spaces do not represent an excessive amount of off-street parking necessary to support the Project's family-oriented residential units.*

*The provision of adequate on-site parking is consistent with the concerns of neighboring businesses and institutions. Adjacent arts and educational institutions, such as the French American International School, Conservatory of Music, and the New Conservatory Theater, have all expressed concern that an under-supply of on-site resident parking at the Project will force residents to compete with their patrons, staff and students for a dwindling supply of publicly accessible parking in the immediate vicinity, thereby threatening the operation and survival of their institutions.*

*The Project as a whole is desirable because it would replace the existing 47 space surface parking lot and underdeveloped commercial structures on the site with a residential high-rise tower, ground floor retail, and a public plaza that are more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood. The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and commercial buildings and replacing them with a beautifully designed residential building.*

*Thus, the proposed uses are desirable and compatible with the neighborhood, and strongly encouraged by the Market and Octavia Area Plan. Accordingly, parking in excess of principally permitted amounts would be compatible with the existing zoning of the Project, as well as the character of the neighborhood, because, unlike the existing surface parking lot on the Project site, it would be located entirely underground, freeing the ground floor of the building for occupation by active uses. All parking and loading would be accessed by a single service entrance from Oak Street. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project, and to the contrary, the Project will include substantial streetscape improvements including a public plaza.*

- B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity or injurious to property, improvements

or potential development in the vicinity, with respect to aspects including but not limited to the following:

*Other than passenger drop-offs at the Conservatory of Music, the only reason for passenger vehicles to drive down this section of Oak Street today is to access the abundant commercial surface parking currently available on this block, which currently includes 40 metered public street spaces and 3 commercial parking lots providing 183 spaces. The nature of this type of commercial parking is generally short-term occupancy with high turnover rates. However, future residential projects such as 1554 Market Street (currently under construction), the proposed Project, and the French American School's proposed project at 98 Franklin are likely to remove most, if not all, of the existing commercial parking lot spaces on this block of Oak Street and replace them with hundreds of new residences, and additional retail and institutional uses. Furthermore, the Planning and Public Works Departments are proposing additional street parking reductions on this block as part of the HUB Area Plan. The transition from commercial surface parking lots and public metered spaces to underground residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis that found the existing metered spaces average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours – this estimated trip generation is irrespective of the amount of parking provided on-site. Moreover, the CEQA Transportation Analysis for the proposed Project concluded that on-site parking of up to 155 spaces would have no significant environmental impact. The proposed parking has since been reduced to 136 spaces.*

*Notably, permanent residents are also more likely to know the roadways and efficient vehicular routes to and from their building, and are generally more safety conscious when driving through their neighborhood, whereas visitors seeking public parking in the neighborhood often circulate around multiple blocks due to unfamiliarity with the one-way street patterns, and/or the absence of available parking at or near their destination.*

*Lastly, but perhaps most importantly, the One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, a proposed widening of the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. As a result, the proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

- C. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

*Planning and SFMTA restrictions prohibit curb cuts or parking along the Van Ness Avenue and Market Street frontages. Therefore, all parking, passenger loading, move-ins, freight loading and deliveries are required to be located on or accessed from Oak Street. Due to the awkward size and shape of the site, it is impractical to provide a ramp to access below-grade parking without eliminating most of the ground floor lobby and retail space. Therefore, the 136 underground parking spaces proposed by the Project Sponsor would be accessed via two car elevators, which would be the only access points for vehicle storage. Safety and insurance requirements dictate that the car elevators be operated solely by trained valet personnel. Wait times for valet service, particularly during peak hours, will be inconvenient. This inconvenience will serve as a strong disincentive for residents to frequently use private vehicles. Furthermore, the location of the proposed parking underground would further allow the Project to provide an active pedestrian ground floor with significant streetscape improvements which would calm traffic and minimize conflicts with pedestrians in the surrounding area.*

*Additionally, the proposed size, shape and arrangement of the Project is consistent with the existing site-layout and the character of the surrounding neighborhood. The Project site is trapezoidal in shape and relatively small (18,219 square feet), with only 39 feet of frontage on Van Ness Avenue. By design, the building has been shifted roughly 28 feet west from the Van Ness Avenue property line to create a generous public plaza and pedestrian thoroughfare fronting the building at this important transit-rich corner. Accordingly, the proposed Project would likely promote, rather than impede, development potential in the vicinity by increasing the housing supply and customer base, and creating an attractive residential tower with neighborhood-serving public plaza and ground floor retail uses which would continue the pattern of active ground floor retail along the Market and Van Ness Street frontages.*

- D. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

*In general, the Project would provide a sufficient, but not excessive, amount of off-street parking. The Project would provide 136 off-street parking spaces in an underground garage, which exceeds the number of spaces principally permitted and therefore is the subject of this Conditional Use authorization. Because all of the Project's on-site parking is accessible exclusively by valet (other than one space for vehicles designed exclusively for use by disabled drivers which a valet cannot operate), the Project will provide 2 required car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. The proposed on-site parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Given the proximity of the Project Site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will prioritize walking, bicycle travel, or transit use over private automobile travel.*

*Oak Street is a unique roadway on the Project block, running one-way westbound for only one block between Van Ness Avenue and Franklin Street. Inbound vehicular traffic can only enter Oak Street from southbound Van Ness Avenue. Outbound trips must travel westbound on Oak Street, with a forced right turn at Franklin Street heading northbound. Buyers who intend to regularly commute by car to and from the South Bay would be better served by alternative residential choices in SOMA, Transbay or other freeway accessible areas with more convenient vehicular access and greater parking*

*supply. In addition, the vehicles will only be accessible by valet via two car elevators, which will further discourage frequent use of vehicles for shorter trips. However, the amount of parking proposed by the Project would support the economic viability of the Project and ensure that the neighborhood parking will not be overburdened by the addition of new residents. Thus, the Project would provide an adequate, but not excessive amount of parking to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

- E. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

*The additional parking requested pursuant to this Conditional Use request will not generate noxious or offensive noise, glare, or dust. Since all of the Project's parking is below grade, it will have no effect on glare or other visual qualities above grade. As required by building, health and safety codes, the underground parking garage area will include a Carbon Monoxide exhaust system to expel potentially noxious vehicle emissions from the building. Garage exhaust would be discharged in compliance with all Building Code requirements and will meet or exceed all code required separation clearances between garage exhaust and exterior and interior uses. In order to ensure any significant noxious or offensive odors are prevented from escaping the premises once the project is operational, the building permit application would include air cleaning or odor control equipment details and manufacturer specifications on the plans. Additionally, plans submitted with the building permit application for the approved project would incorporate acoustical insulation and other sound proofing measures to control noise.*

- F. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

*All parking for the Project is located within a subterranean garage and would not be visible from the public right-of-way. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project. All parking and loading would be accessed by a single service entrance from Oak Street. To create more pedestrian interest in the surrounding vicinity and therefore calm traffic along the street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating (subject to the approval of an In-Kind Fee Waiver Agreement), performance spaces, and quality materials. Up-lights would highlight the art canopies and street trees, and foot-lighting would surround the base of the precast planters. The landscaping would consist of decorative, drought and wind-tolerant, native trees and shrubs.*

*With respect to the design of the proposed garage, substantial effort has been expended to ensure that the parking entrance and the valet reception area are as attractive as the main residential lobby. In-lieu of a typical roll-down utility/security door, a decorative custom steel lattice screen is proposed to enclose and secure the parking entrance. The decorative screen would secure the garage, while maintaining the valet staff's 24-hour surveillance of the public realm. At the rear of the Valet reception area, matching door enclosures at the two car elevators and the on-site freight loading bay would conceal those elements and reduce noise emanating from the Valet reception area. Signage would be tasteful and attractive, and would be subject to the review and approval of the Planning Department pursuant to the provisions of Article 6 of the Planning Code.*

- G. Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan.

*The additional 60 underground parking spaces proposed under this Conditional Use would comply with the applicable provisions of the Planning Code and would not adversely affect the General Plan. The Project Site is well-served by transit and commercial services, allowing residents to commute, shop, and easily reach amenities and jobs by walking, transit, and bicycling. The Project would provide a merely sufficient, rather than excessive, amount of parking to accommodate the parking needs of the future residents of the Project, without unduly burdening the neighborhood parking supply, while still supporting and encouraging walking, bicycle travel and public transit use. Overall, the proposed Project will promote many General Plan objectives, as described in further detail below.*

8. **Planning Code Section 151.1** establishes criteria for the Commission to consider when reviewing any request for accessory parking in excess of what is permitted by right. On balance, the Project complies with the criteria of Section 151.1, in that:

- a. For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allows more space above-ground for housing, maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

*The residential parking proposed does not exceed 0.5 space per unit, thus this requirement is not applicable. Nonetheless, all parking is below grade (with the exception of one van-accessible space for persons with disabilities) and accessed by mandatory valet via two car elevators to discourage use of vehicles for commuting or daily errands and one level will have mechanical stackers.*

- b. Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.

*The requested parking will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. The parking spaces will be accessed from a single curb cut on Oak Street and vehicle movement associated with the underground garage will not unduly impact pedestrians, transit service, bicycle movement or the overall traffic movement in the vicinity. The CEQA transportation analysis completed for the Project confirmed that the proposed on-site parking would have no significant environmental impact. Furthermore, in order to create more pedestrian interest in the surrounding vicinity and therefore calm traffic along Oak Street, the Project will include a publicly accessible open space plaza with planters, street trees, art canopies, movable seating (subject to the approval of an In-Kind Fee Waiver Agreement), performance spaces, and quality materials. Given the proximity of the Project site to employment opportunities and retail services in the immediate vicinity and the Downtown Core, it is expected that residents will opt to prioritize walking, bicycle travel, or transit use over private automobile travel. In addition, the parking will be accessible only by valet via two car elevators, thus discouraging frequent use of vehicles for shorter trips. Furthermore, Oak Street is a lightly travelled local service street and there are no transit routes or bicycles routes on this block of Oak*

*Street. The Project will also eliminate a 47-space surface commercial parking lot and 19 public street parking spaces. The transition from public parking to residential parking on this stretch of Oak Street will greatly reduce or eliminate traffic hazards, pedestrian conflicts, and unnecessary vehicular circulation in the neighborhood. The Project Sponsor commissioned Fehr & Peers to perform a parking count analysis at the existing Oak Street metered parking spaces and found that they average 3.5 vehicle trips per space during the active hours between 7am and 9pm. In comparison, the proposed Project is expected to generate an average of 1.7 to 2.4 vehicle trips per unit during the same active hours, irrespective of the amount of parking provided on-site.*

- c. Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal.

*The Project design is not degraded by the proposed parking because all parking is below grade (with the exception of one van-accessible space for persons with disabilities), the single parking entrance is integrated into the architectural design of the Project, and the more prominent Market Street and Van Ness Avenue frontages have no curb cuts or parking entrances. Thus, the ground floor will be occupied by active uses, as anticipated by the Code. The amount of parking being requested, in and of itself, would not degrade the overall urban design quality or quality of streetscape improvements of the Project.*

- d. Excess accessory parking does not diminish the quality and viability of existing or planned streetscape enhancements.

*All proposed parking will be below grade, thus permitting active uses and streetscape improvements to be located on the ground floor. Furthermore, the planned streetscape enhancements are primarily located on Market Street and in Oak Plaza, which is located to the east of the garage entrance, such that the parking does not diminish the quality and viability of the planned streetscape enhancements.*

- e. All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in the Code.

*All parking for the Project will meet the active use and architectural screening requirements in Section 145.1.*

- f. In granting approval for such accessory parking above that permitted by right, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit, when the following findings are made by the Commission:

- i. That the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood.

- ii. That these localized transportation impacts may be lessened for the neighborhood by the provision of car-share memberships to residents.

*The Project includes the construction of residential condominiums and includes the provision of 2 car-share spaces, pursuant to Planning Code Section 166, at an off-site publicly accessible lot located at 110 Franklin Street. The off-site location is within 180 feet of the One Oak site and will provide car-share members with convenient, independent access to the vehicles. Should this off-site location no longer be available, the Project Sponsor shall relocate the car-share spaces on-site or at an off-site location within 800 feet of the Project Site, pursuant to Section 166 of the Planning Code. The Project would not encourage additional private automobile use, nor create localized transportation impacts for the neighborhood, given that 66 existing high-trip-generating publicly accessible parking spaces are being removed from the block by the Project. Moreover, the Project Sponsor has proposed voluntary TDM measures to be implemented if the Project Sponsor elects to construct the additional spaces authorized by this Conditional Use Authorization, exceeding Planning Code requirements, that would include payment of annual membership fees to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the Project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per dwelling unit.*

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

## **HOUSING ELEMENT**

### **Objectives and Policies**

#### **OBJECTIVE 1:**

**IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.**

#### **Policy 1.8**

Promote mixed use development, and include housing, particularly permanently affordable housing, in new commercial, institutional or other single use development projects.

*The Project supports this Policy. The proposed Project would construct a significant amount of new housing units within an existing urban environment that is in need of more access to housing. The Project would replace the existing 47 space surface public parking lot and underdeveloped commercial structures on the site with a [304] unit residential high-rise tower with ground floor retail that is more consistent and compatible with the intended uses of the zoning district, the Market and Octavia Plan and the Van Ness and Market Residential Special Use District. This new development will greatly enhance the character of the existing neighborhood. By developing and maintaining space dedicated to retail use within the building, the Project will continue the pattern of active ground floor retail along the Market and Van Ness frontages. The Project will also include substantial public realm improvements via a public plaza (Oak Plaza), further activating the ground floor and greatly enhancing the pedestrian environment at the Project site and its surrounding neighborhood.*

*The Property is an ideal site for new housing due to its central, Downtown/Civic Center location, and proximity to public transportation. Additionally, the Project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), and thus will be providing substantial funds towards the development of permanently affordable housing within the City. Working together with the MOHCD, the Project Sponsor voluntarily relinquished valuable development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100% below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the Project. In exchange, MOHCD agreed to "direct" the Project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U) (collectively, "the Octavia BMR Project"), subject to the satisfaction of certain conditions, including compliance with CEQA and certain future discretionary approvals for both the One Oak Project and the Octavia BMR Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals including independent environmental review under CEQA, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund additional BMR housing.*

#### **Policy 1.10**

Support new housing projects, especially affordable housing, where households can easily rely on public transportation, walking and bicycling for the majority of daily trips.

*The Project supports this Policy. It is anticipated that because of the central location of the Project, most residents would either walk, bike, or use public transportation for daily travel. The Project has frontage on Market Street and Van Ness Avenue directly on top of the Van Ness MUNI metro station and adjacent to the Van Ness Bus Rapid Transit Stop. The Project is less than half a mile from the Civic Center BART Station, allowing connections to neighborhoods throughout the City, the East Bay, and the Peninsula. Additionally, the Project provides 366 bicycle parking spaces (304 Class 1, 62 Class 2) with a convenient, safe bike storage room on the second level [with both independent and valet access via a dedicated bike elevator], encouraging bicycles as a mode of transportation. As discussed above, the Project will be providing a significant amount of new market rate housing, and funding the construction of permanently affordable housing within 1/3 mile of the Project site via a directed in lieu fee subject to a letter and the conditions set forth therein from the Mayor's Office of Housing and Community Development, including the requirement for an independent environmental review of the Octavia BMR Project under the CEQA. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network (MUNI, BART, Golden Gate Transit and SamTrans), is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private*

*automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use.*

**OBJECTIVE 5:**

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

**Policy 5.4**

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*The Project supports this Policy. The Project would create 304 dwelling units, of which 54 (18%) are studios, 96 (32%) are one bedrooms, 135 (44%) are two bedrooms, 16 (5%) are three bedrooms and 3 (1%) are four-bedroom units.*

**OBJECTIVE 7:**

**SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.**

*In compliance with this policy, the Project would secure funding for permanently affordable housing by paying a "directed" in-lieu fee under the City's Affordable Inclusionary Housing Ordinance, pursuant to a letter with MOHCD, which, subject to the satisfaction of certain conditions, including independent environmental review under CEQA, will be used to fund the future production of approximately 72 100% below market rate (BMR) housing units, including approximately 16 BMR units of TAY housing, within a 1/3 mile of the Project. This represents approximately 24% of the total market-rate units at the proposed Project. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay approximately an additional \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

**OBJECTIVE 11:**

**SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.**

**Policy 11.1**

Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

**Policy 11.2**

Ensure implementation of accepted design standards in project approvals

**Policy 11.3**

Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

**Policy 11.4**

Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

**Policy 11.6**

Foster a sense of community through architectural design, using features that promote community interaction.

*The Project supports these policies. The Project would create 304 dwelling units in the immediate vicinity of existing residential and office buildings. The Project's design upholds the Planning Department's storefront transparency guidelines by ensuring that at least 60 percent of the non-residential active frontages are transparent (meeting Planning Code requirements), better activating Van Ness Avenue, Market Street and Oak Street. Additionally, the Project provides publicly accessible open space in the form of improved streetscape improvements beyond the existing sidewalk and within the private property line directly adjacent to the proposed Project, which will be activated with the 304 residential units, ground-floor retail space, and kiosks within the Plaza (subject to the approval of an In-Kind Fee Waiver Agreement). The Project would also visually enhance the immediate neighborhood and the surrounding Downtown area by removing the existing surface parking lot and underutilized commercial buildings and replacing them with a beautifully designed residential building. In addition, the replacement of a surface public parking lot with below grade private accessory parking spaces will bring the site into greater conformity with current Planning Code and urban design principles.*

**URBAN DESIGN ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

**EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION**

**Policy 1.3**

Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

**OBJECTIVE 3:**

**MODERATION OF MAJOR NEW DEVELOPMENT TO COMPLEMENT THE CITY PATTERN, THE RESOURCES TO BE CONSERVED, AND THE NEIGHBORHOOD ENVIRONMENT.**

**Policy 3.1**

Promote harmony in the visual relationships and transitions between new and older buildings.

### Policy 3.6

Relate the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction.

*The Project meets the aforementioned objectives and policies by employing design that both relates to existing development in the neighborhood while also emphasizing a pattern that gives its neighborhoods an image and means of orientation. The Project Site is located in a neighborhood of mid- to high-rise, mixed-use buildings both residential and commercial in nature. A cohesive design or pattern does not exist; however, the Project is located at the heart of the Hub, which harkens back to a well-known neighborhood near the intersections of Market Street with Valencia, Haight and Gough Streets. This Project is consistent with the design and land use goals of those proposed in the Hub Area Plan as well as those articulated in the Market and Octavia Area Plan.*

*The building's form is characterized by a 120-foot podium and tower portion above that rises to 400-feet tall, excluding the parapet and elevator shaft. The tower form has been shaped by wind mitigation efforts in addition to zoning requirements and a desire for an iconic sculptural, yet simple curved form. The focus of the tower is on the diagonal "cuts" at the base, amenity, and parapet levels. These cuts are designed to expose the residential character of the tower both in scale and materiality. The façades provide an elegant "tapestry" with recessed windows, subtle faceting, materiality, and scale reminiscent of older residential towers and the historic white masonry buildings of the Civic Center district, particularly the adjacent 25 Van Ness building (a historic former Masonic Temple). The size and location of the openings vary in relation to site factors (wind, sun, and views) and the interior layout to reflect the natural rhythms of a residential neighborhood.*

*The Plaza, created by pulling the tower away from Van Ness Avenue, will be both an important public space along the Market St. corridor, and a neighborhood and building amenity. It is conceived as an outdoor living room with formal and informal events, cafe dining, and retail kiosks (subject to the approval of an In-Kind Fee Waiver Agreement). The raised planters and seating elements create cues for pedestrian circulation and programmatic zoning. The plantings draw from California's rich flora with a few, non-native additions proven to thrive in urban conditions. Led by artists Dan Goods and David Delgado, the overhead wind mitigating element has evolved into a kinetic art sculpture that celebrates the "Invisible River" of wind flowing around the tower and through the plaza.*

*The scale of the building is consistent with heights permitted by the zoning district in which the Project is located and with other buildings proposed in the vicinity, including the project at 1500 Mission Street, which will include a residential tower that also rises to 400-feet tall.*

## COMMERCE AND INDUSTRY ELEMENT

### Objectives and Policies

#### OBJECTIVE 1:

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**Policy 1.1**

Encourage development which provides substantial net benefits and minimizes undesirable consequences. Discourage development that has substantial undesirable consequences that cannot be mitigated.

**Policy 1.2**

Assure that all commercial and industrial uses meet minimum, reasonable performance standards.

**Policy 1.3**

Locate commercial and industrial activities according to a generalized commercial and industrial land use plan.

*The Project Supports these Objectives and Policies. The Project would add up to 4,110 square feet of new commercial space intended to serve residents in the building and surrounding neighborhood, and would also include retail kiosks within the proposed Oak plaza (subject to the approval of an In-Kind Fee Waiver Agreement). Retail is encouraged and principally permitted on the ground floor of buildings in the Downtown –General District, and is thus consistent with activities in the commercial land use plan.*

**TRANSPORTATION ELEMENT**

**Objectives and Policies**

**OBJECTIVE 1:**

MEET THE NEEDS OF ALL RESIDENTS AND VISITORS FOR SAFE, CONVENIENT, AND INEXPENSIVE TRAVEL WITHIN SAN FRANCISCO AND BETWEEN THE CITY AND OTHER PARTS OF THE REGION WHILE MAINTAINING THE HIGH QUALITY LIVING ENVIRONMENT OF THE BAY AREA.

**Policy 1.2:**

Ensure the safety and comfort of pedestrians throughout the city.

*A primary objective of the proposed Project is to create a pedestrian-oriented environment at the Project Site that greatly enhances the pedestrian experience and encourages walking as a principal means of transportation. Proposed improvements to the sidewalks would improve pedestrian safety, including the construction of a public plaza, generous sidewalks and other traffic calming measures to reduce vehicular speed. In addition to the creation of a public plaza, the Project would redesign the streetscapes throughout the site in an aesthetically pleasing, unified manner, featuring the placement of public amenities such as seating for comfort, bicycle racks, light fixtures and street trees to enhance the pedestrian experience. The Project tower is set back approximately 17'-8" and the ground floor is set back approximately 28'-0" from the Van Ness property line, providing a generous 43'-10" wide open space. Wind canopies will be placed around the base of the building tower, providing protection to pedestrians against the neighborhood's windy conditions. A wind canopy will also be constructed in Fox Plaza to protect pedestrians against ground level wind conditions. A Traffic Impact Study projected that at peak hours, up to approximately 1,200 pedestrians would pass through the intersection of Van Ness and Market Street. The proposed open space provided by the Project directly across the Van Ness Bus Rapid Transit boarding island will help*

*create a pedestrian-friendly environment for the significant increase in pedestrians, particularly during peak hours.*

**Policy 1.3:**

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

**Policy 1.6:**

Ensure choices among modes of travel and accommodate each mode when and where it is most appropriate.

*The Project would promote Objective 1 and its associated policies by providing for an amount of parking which is sufficient to meet the needs of the future residents so as to not overburden the surrounding neighborhood parking. However, the parking that is being provided will not generate substantial traffic that would adversely impact pedestrian, transit, or bicycle movement. Because the proposed Project is located at one of the most transit-rich intersections in San Francisco, providing connections to all areas of the City and to the larger regional transportation network, is adjacent to the Market Street bikeway, and within a short walking distance of the Central Market, SOMA and Downtown employment centers, a substantial majority of trips generated by the proposed project should be by transit, bicycle or foot, reducing the impact of automobile traffic on MUNI transit service. In addition, a wide range of neighborhood services are located within a short walking distance of the Project site, further reducing the need for private automobile trips. Additionally, the Project's parking will only be accessible by valet via two car elevators, further discouraging daily use. Thus, the Project would provide a merely sufficient rather than excessive amount of parking in order to accommodate the parking needs of the future residents of the Project and the neighborhood, while still supporting and encouraging walking, bicycle travel and public transit use.*

**OBJECTIVE 2:**

USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT.

**Policy 2.1:**

Use rapid transit and other transportation improvements in the city and region as the catalyst for desirable development, and coordinate new facilities with public and private development.

**Policy 2.2:**

Reduce pollution, noise and energy consumption.

*The Project would promote Objective 2 and its associated policies by constructing a residential building with ground floor retail in the Downtown Core, which is among the most transit rich areas of the City. The Project would provide 0.45 parking spaces per dwelling, a lower ratio than the maximum amount conditionally permitted under the Code, and will not provide any parking for the proposed retail uses, and all of these parking spaces would be located underground, with the exception of one van-accessible space for persons with disabilities, and thus would be less intrusive from an urban design standpoint.*

**OBJECTIVE 11:**

ESTABLISH PUBLIC TRANSIT AS THE PRIMARY MODE OF TRANSPORTATION IN SAN FRANCISCO AND AS A MEANS THROUGH WHICH TO GUIDE FUTURE DEVELOPMENT AND IMPROVE REGIONAL MOBILITY AND AIR QUALITY.

**Policy 11.3:**

Encourage development that efficiently coordinates land use with transit service, requiring that developers address transit concerns as well as mitigate traffic problems.

*The Project is located within a neighborhood rich with public transportation and the people occupying the building are expected to rely heavily on public transit, bicycling, or walking for the majority of their daily trips. The project includes bicycle parking for 366 bicycles (304 Class 1, 62 Class 2). Within a few blocks of the Project Site, there is an abundance of local and regional transit lines, including MUNI bus lines, MUNI Metro rail lines and BART, Golden Gate Transit and SamTrans. Additionally, such transit lines provide access to AC Transit (Transbay Terminal) and CalTrain.*

**DOWNTOWN AREA PLAN**

**Objectives and Policies**

**OBJECTIVE 1:**

MANAGE ECONOMIC GROWTH AND CHANGE TO ENSURE ENHANCEMENT OF THE TOTAL CITY LIVING AND WORKING ENVIRONMENT.

**Policy 1.1**

Encourage development which produces substantial net benefits and minimizes undesirable consequences. Discourage development which has substantial undesirable consequences which cannot be mitigated.

*The Project would bring additional housing into a neighborhood that is well served by public transit in a central Downtown/Civic Center location. The Project would not displace any housing because the existing uses at the Project Site are a surface public parking lot and two commercial buildings. The Project would improve the existing character of the neighborhood by removing the existing surface public parking lot and provide substantial public realm benefits with the development of a public plaza and related streetscape improvements that would enhance the pedestrian experience both at the Project site and the surrounding neighborhood. The proposed retail space is consistent and compatible with the existing retail uses in the neighborhood and is also consistent with the pedestrian-friendly uses in the immediate neighborhood and the downtown core. Additionally, the Project would create a more pedestrian-friendly environment in the immediate neighborhood by providing publicly accessible open space improvements directly fronting the Van Ness Bus Rapid Transit boarding platform. The Project therefore creates substantial net benefits for the City with minimal undesirable consequences.*

**OBJECTIVE 7:**

EXPAND THE SUPPLY OF HOUSING IN AND ADJACENT TO DOWNTOWN.

**Policy 7.1**

Promote the inclusion of housing in downtown commercial developments.

**Policy 7.2**

Facilitate conversion of underused industrial and commercial areas to residential use.

*The Project would demolish a surface parking lot and two commercial buildings and construct a 304-unit residential building within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 square feet of ground floor retail space as well as retail kiosks within the proposed plaza (subject to the approval of an In-Kind Fee Waiver Agreement), which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. The Project would further greatly enhance the public realm by including a public plaza and significant streetscape improvements.*

**OBJECTIVE 16:**

CREATE AND MAINTAIN ATTRACTIVE, INTERESTING URBAN STREETSCAPES.

**Policy 16.4**

Use designs and materials and include amenities at the ground floor to create pedestrian interest.

*The Project would promote Objective 16 by including a ground floor retail use and a public plaza which would promote pedestrian traffic in the vicinity. The retail space and the public plaza would increase the usefulness of the vicinity surrounding the Project Site to pedestrians and serve to calm the speed of traffic on the street. The Project would provide floor-to-ceiling, transparent windows in the proposed retail space, along with outdoor seating associated with the retail, inviting pedestrians. The sidewalk area surrounding the Project Site would be improved with bicycle racks, landscaping, seating, high quality materials and protective wind canopies that will be artfully sculpted. In general, the Project would increase the usefulness of the area surrounding the Project Site to pedestrians and bicyclists by creating an area of respite for those waiting for transit and / or are passing through.*

**OBJECTIVE 18:**

ENSURE THAT THE NUMBER OF AUTO TRIPS TO AND FROM DOWNTOWN WILL NOT BE DETRIMENTAL TO THE GROWTH OR AMENITY OF DOWNTOWN

**Policy 18.3:**

Discourage new long-term commuter parking spaces in and around downtown. Limit long-term parking spaces serving downtown to the number that already exists.

**Policy 18.5:**

Discourage proliferation of surface parking as an interim use; particularly where sound residential, commercial, or industrial buildings would be demolished.

*The Project would not conflict with Objective 18 of the Downtown Plan, because it does not propose any new long-term commuter parking, or any new long-term parking. Instead, the Project would serve the needs of future residents at the Project. In addition, the Project will bring the site into greater conformity with the Downtown Plan by removing surface parking lot and replacing it with a high rise residential building with ground floor retail and a public plaza.*

## MARKET AND OCTAVIA PLAN

### Objectives and Policies

#### OBJECTIVE 1.1:

CREATE A LAND USE PLAN THAT EMBRACES THE MARKET AND OCTAVIA NEIGHBORHOOD'S POTENTIAL AS A MIXED- USE URBAN NEIGHBORHOOD

#### Policy 1.1.2:

Concentrate more intense uses and activities in those areas best served by transit and most accessible on foot.

#### Policy 1.1.5:

Reinforce the importance of Market Street as the city's cultural and ceremonial spine.

*The Project will reinforce the importance of Market Street as the City's cultural and ceremonial spine, as well as its position as the front porch to the Civic Center Performing and Cultural Arts District, by including approximately 4,110 square feet of active ground floor retail uses, and creating approximately 16,050 square feet of enhanced public realm improvements, including a publicly accessible pedestrian plaza that would activate the public realm along Market Street and Van Ness Avenue. The proposed streetscape improvements would include a shared-public-way along Oak Street, and new widened sidewalks on both sides of Oak Street, with new bike racks, public seating, planters and street trees, public art, and performance areas. Additionally, subject to the approval of an In-Kind Fee Waiver Agreement, the proposed streetscape improvements would also include several retail kiosks on the north side of Oak Street, as well as movable seating and sidewalk replacement along Van Ness Avenue. Thus, the Project will provide ground-floor activities that are public in nature and contribute to the life of the street.*

#### OBJECTIVE 1.2:

ENCOURAGE URBAN FORM THAT REINFORCES THE PLAN AREA'S UNIQUE PLACE IN THE CITY'S LARGER URBAN FORM AND STRENGTHENS ITS PHYSICAL FABRIC AND CHARACTER.

#### Policy 1.2.2:

Maximize housing opportunities and encourage high- quality commercial spaces on the ground floor.

#### Policy 1.2.5:

Mark the intersection of Van Ness Avenue and Market Street as a visual landmark.

*The Project is located within an existing high- density urban context and would transform underutilized retail/ office buildings and parking lot into high- density housing and ground-floor retail that has a multitude of transportation options. The Project includes a mix of one-, two-, three- and four- bedroom units, and approximately 4,110 square feet of ground floor retail.*

#### OBJECTIVE 2.2:

ENCOURAGE CONSTRUCTION OF RESIDENTIAL INFILL THROUGHOUT THE PLAN AREA.

**Policy 2.2.2:**

Ensure a mix of unit sizes is built in new development and is maintained in existing housing stock.

**Policy 2.2.4:**

Encourage new housing above ground- floor commercial uses in new development and in expansion of existing commercial buildings.

*The proposed Project includes 304 dwelling units and approximately 4,110 square feet of ground floor retail that wraps around the ground floor along Market Street, Van Ness Avenue and Oak Street. The Project includes a mix of one-, two-, three-, and 4-bedroom units, which helps maintain the diversity of the City's housing stock. The Project would demolish a surface parking lot and two underutilized commercial buildings and construct a beautifully designed 304-unit residential building at the intersection of Market and Van Ness Streets within a transit rich neighborhood and easy commuting distance of downtown jobs. The Project would also include approximately 4,110 sq. ft. of ground floor retail space, which would provide services to the immediate neighborhood, and would create pedestrian-oriented, active uses on Market and Van Ness Streets. By adding a high-quality public plaza and streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, the proposed Project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.*

**OBJECTIVE 2.3:**

**PRESERVE AND ENHANCE EXISTING SOUND HOUSING STOCK.**

*The Project would not conflict with Objective 2.3 because no housing currently exists at the Project site; therefore, development of the Project will not displace any existing housing.*

**OBJECTIVE 4.1:**

**PROVIDE SAFE AND COMFORTABLE PUBLIC RIGHTS OF WAY FOR PEDESTRIAN USE AND IMPROVE THE PUBLIC LIFE OF THE NEIGHBORHOOD.**

**Policy 4.1.1:**

Widen sidewalks and shorten pedestrian crossings with corner plazas and boldly marked crosswalks where possible without affecting traffic lanes. Where such improvements may reduce lanes, the improvements should first be studied.

*The One Oak Project has proposed pro-active measures to calm traffic, improve walkability and pedestrian safety in the neighborhood, consistent with and in support of the City's Vision Zero policy. The Project includes slow street improvements, a raised table crosswalk at the Van Ness Avenue entrance to Oak Street, widened sidewalks on both the south and north sides of Oak Street, enhanced shared-public-way surface treatments to identify the street as part of the pedestrian realm, additional plaza and street lighting, 62 public Class-2 bike parking spaces, widening the crosswalk from the new BRT Platform to the site, and a new Muni elevator enclosure. The proposed Project has earned conditional GreenTRIP Platinum Certification from TransForm – a California 501(c)(3) public interest organization ([www.transformca.org](http://www.transformca.org)) – for the Project's safety improvements and transportation amenities. The proposed Project will be the first condominium project in San Francisco to meet GreenTRIP Platinum requirements.*

**OBJECTIVE 5.1:**

IMPROVE PUBLIC TRANSIT TO MAKE IT MORE RELIABLE, ATTRACTIVE, CONVENIENT, AND RESPONSIVE TO INCREASING DEMAND.

**Policy 5.1.2:**

Restrict curb cuts on transit- preferential streets.

**OBJECTIVE 5.2:**

DEVELOP AND IMPLEMENT PARKING POLICIES FOR AREAS WELL SERVED BY PUBLIC TRANSIT THAT ENCOURAGE TRAVEL BY PUBLIC TRANSIT AND ALTERNATIVE TRANSPORTATION MODES AND REDUCE TRAFFIC CONGESTION.

**Policy 5.2.3:**

Minimize the negative impacts of parking on neighborhood quality.

**OBJECTIVE 5.3:**

ELIMINATE OR REDUCE THE NEGATIVE IMPACT OF PARKING ON THE PHYSICAL CHARACTER AND QUALITY OF THE NEIGHBORHOOD.

**Policy 5.3.1:**

Encourage the fronts of buildings to be lined with active uses and, where parking is provided, require that it be setback and screened from the street.

*Market Street and Van Ness Avenue are considered transit- preferential streets. Accordingly, all off-street parking and loading access is being directed to Oak Street. All parking will be located below grade, with the exception of one van-accessible space for persons with disabilities, improving the Project's urban design by minimizing street frontages devoted to vehicular uses and also bringing the site into greater conformity with the Market and Octavia Plan by removing the surface parking lot. The street - level design of the Project provides mostly active uses including 4,110 square feet of retail along Market Street, Van Ness Avenue and Oak Street.*

10. **Planning Code Section 101.1(b)** establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the Project complies with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.

*The Project supports this policy. The proposed 304 residential units will house approximately 550 to 700 new residents that will patronize new and existing neighborhood-serving retail uses. In addition, the proposed project would add approximately 3,210-sf of net new retail/restaurant space, replacing the existing 900-sf donut shop with a 4,110-sf restaurant/retail space, increasing future opportunities for resident employment in the service sector. The Project would further enhance neighborhood-serving retail by adding an approximately 16,050 square foot public pedestrian plaza which could strengthen nearby neighborhood retail uses by attracting pedestrians and passersby and broadening the consumer base and demand for existing neighborhood-serving retail services.*

- B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

*The Project would improve the existing character of the neighborhood by providing more pedestrian-friendly uses, including publicly accessible open space immediately adjacent to the site and across from the Van Ness Bus Rapid Transit platform. No housing would be displaced because the existing structures contain offices and retail uses. The proposed retail space presents an opportunity for small business owners, helping to preserve the cultural and economic diversity of our neighborhoods. The Market and Van Ness intersection is generally characterized as an area lacking positive neighborhood character, whereas the nearby Hayes Valley neighborhood is generally recognized as a desirable neighborhood, characterized by a mix of residential, cultural, and retail uses. By adding new housing, neighborhood-serving retail space, and a high-quality public plaza in accordance with the Market and Octavia Area Plan Design Standards, the proposed project would build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection. The Project would further improve the existing character of the neighborhood by removing the surface public parking lot.*

- C. That the City's supply of affordable housing be preserved and enhanced,

*There is currently no housing on the site, therefore, no affordable housing would be lost as part of this Project. The Project enhances the City's supply of affordable housing by contributing to the Inclusionary Housing Fund and directing the contribution to the development of 72 permanently Below Market Rate units on Octavia Boulevard Parcels "R", "S" and "U", subject to a letter agreement and the conditions set forth therein from the MOH, including independent environmental review under CEQA. This represents approximately 24% of the total market-rate units at the proposed Project. Accordingly, although the Octavia BMR Project is a separate project requiring further approvals, its proximity to the project site and the conveyance of the development rights to MOHCD for use as affordable housing sites represents a significant contribution to the development of affordable housing in the Project's immediate neighborhood. In addition to the Planning Code Section 415 affordable housing fees "directed" to the Octavia BMR Project, the Project will also pay project would pay an additional approximately \$6.1 million in Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, will fund the construction of new, permanently affordable BMR housing elsewhere in the City.*

- D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

*The Project would not impede MUNI transit service or overburden local streets or parking. The Project is located along a major transit corridor that would promote rather than impede the use of MUNI transit service. Future residents and employees of the Project could access both the existing MUNI rail and bus services as well as the BART system. The Project also provides a sufficient amount off-street parking for future residents so that neighborhood parking will not be overburdened by the addition of new residents and building users. The project would also eliminate an existing 47-space surface commercial parking lot, reducing a potential source of vehicle trips to and from the site. The entrance to the proposed automobile and bicycle drop-off area would be located on Oak Street where no transit lines exist. The proposed project would also provide enhanced pedestrian access to the MUNI Metro Van Ness Station and the new Van Ness BRT Station to be located at the intersection of Van Ness and Market by constructing a high-quality pedestrian plaza and a new weather protected enclosure for the MUNI Metro Station elevator.*

- E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

*The Project would not displace any industrial or service sectors and does not include commercial office development. Further, the proposed ground-floor retail space provides future opportunities for resident employment and ownership.*

- F. That the City achieves the greatest possible preparedness to protect against injury and loss of life in an earthquake.

*The Project will be consistent with the City's goal to achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake. The building will be constructed in compliance with all current building codes to ensure a high level of seismic safety. In addition, the proposed Project would replace two older buildings, built in 1920 and 1980, that do not comply with current seismic safety standards.*

- G. That landmarks and historic buildings be preserved.

*There are no landmarks or historic buildings on-site.*

- H. That our parks and open space and their access to sunlight and vistas be protected from development.

*The Project would cast approximately 23 minutes of shadow onto Patricia's Green during the dates of maximum shading, particularly during morning hours. It was observed that the park is most intensely used during lunch hours. Accordingly, the additional shading on Patricia's Green was determined not to create a significant and unavoidable impact, nor adversely impact the use of the park. The Project would cast approximately 22 minutes of shadow onto Page and Laguna Mini Park during the dates of maximum shading, particularly during morning hours. It was observed that the intensity of the park usage was very low. Accordingly, the additional shading on Page and Laguna Mini Park was determined not to create a significant and unavoidable impact, nor adversely impact the use of the Park.*

*In addition, the proposed project will create a new publicly accessible open space on Oak Street and on a portion of the project site, substantially enhancing public open space. The requested shift of designated height zones due to the shift of the tower to the west is to allow greater open space and access to sunlight at this important civic intersection fronting Van Ness Avenue and Market Street.*

11. The Commission made and adopted environmental findings by its Motion No. 19939, which are incorporated by reference as though fully set forth herein, regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting the CEQA findings.
12. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

Motion No. 19944  
Hearing Date: June 15, 2017

CASE NO. 2009.0159EGPAMAPDNXCUAVARK  
1540 Market Street

13. The Commission hereby finds that approval of Conditional Use Authorization would promote the health, safety and welfare of the City.

**DECISION**

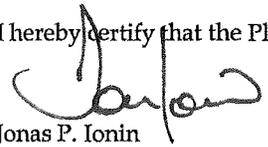
That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby **APPROVES Conditional Use Authorization Application No. 2009.0159EGPAMAPDNXCJAVARK** subject to the following conditions attached hereto as "EXHIBIT A" in general conformance with plans on file, dated May 15, 2016 and stamped "EXHIBIT B", which is incorporated herein by reference as though fully set forth.

**APPEAL AND EFFECTIVE DATE OF MOTION:** Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion if not appealed (After the 30- day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554- 5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

**Protest of Fee or Exaction:** You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission's adoption of this Motion constitutes conditional approval of the development and the City hereby gives **NOTICE** that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission **ADOPTED** the foregoing Motion on June 15, 2017.

  
Jonas P. Ionin  
Commission Secretary

- AYES: Commissioners Hillis, Johnson, Melgar, Moore, Richards
- NAYS: Commissioner Koppel
- ABSENT: Commissioner Fong
- ADOPTED: June 15, 2017

## EXHIBIT A

### AUTHORIZATION

This authorization is for a **Conditional Use Authorization** relating to a Project that would demolish an existing four-story office building at 1540 Market Street, a three-story retail building at 1500 Market Street (d.b.a. All Star Cafe) and an approximately 47-space commercial surface parking lot to construct a 40-story, 400-foot tall, 304-unit residential building containing approximately 4,110 square feet of ground floor retail pursuant to **Planning Code Sections 303 and 151.1** on Assessor's Block 0836, Lots 001, 002, 003, 004, and 005 within the C-3-G, Downtown-General Zoning District and the proposed 120-R-2 and 120/400-R-2 Height and Bulk Districts; in general conformance with plans dated May 15, 2017, and stamped "EXHIBIT B" included in the docket for Case no. **2009-0159EGPAMAPDNXCUAVARK** and subject to conditions of approval reviewed and approved by the Commission on **June 15, 2017** under Motion No. 19944. The proposed Project includes a proposed Zoning Map amendment to allow for a height swap between parcels 001 and 005, and a General Plan Amendment amending Map 3 of the Market and Octavia Area Plan and Map 5 of the Downtown Area Plan to ensure consistency with the proposed Zoning Map amendment. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

### COMPLIANCE WITH OTHER REQUIREMENTS

The Conditions of Approval set forth in Exhibit A of Motion No. 19943, Case No. **2009-0159EGPAMAPDNXCUAVARK** (Downtown Project Authorization under Planning Code Section 309) apply to this approval, and are incorporated herein as though fully set forth, except as modified herein. Further the Project requires variances that require approval from the Zoning Administrator from Sections 140, for units that do not meet exposure requirements, and Section 145.1, for a combined parking / loading entrance exceeding 20-feet in width.

### RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on June 15, 2017 under Motion No. 19944.

### PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. 19944 shall be reproduced on the Index Sheet of construction plans submitted with the Site or Building permit application for the Project. The Index Sheet of the construction plans shall reference to the Downtown Project Authorization and any subsequent amendments or modifications.

### SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not

affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. "Project Sponsor" shall include any subsequent responsible party.

### **CHANGES AND MODIFICATIONS**

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Downtown Project Authorization.

### **PARKING MAXIMUM**

Pursuant to Planning Code Section 151.1, the Project shall provide no more than a ratio of 0.25 parking spaces per dwelling unit, as principally permitted parking. With 304 dwelling units, a maximum of 76 spaces is principally permitted per Planning Code Section 151. An additional 76 parking spaces (for a total of up to 152 parking spaces) may be permitted with a Conditional Use Authorization. The Project Sponsor may provide up to 136 off-street parking spaces, as authorized under Motion No. 19944. However, if the Project changes from an ownership project to a rental project, the Project shall reduce the accessory parking amount to no more than the 0.25 ratio to dwelling units, which is principally permitted. The Project must also comply with Building Department requirements with respect to parking spaces for persons with disabilities.

*For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, [www.sf-planning.org](http://www.sf-planning.org)*



# SAN FRANCISCO PLANNING DEPARTMENT

## DRAFT Planning Commission Motion NO. M-XXXXX

HEARING DATE: June 15, 2017

*Hearing Date:* June 15, 2017  
*Case No.:* 2009.0159E  
*Project Address:* 1500-1540 Market Street (One Oak Street)  
*Zoning:* C-3-G - DOWNTOWN  
120-R-2 and 120/400-R-2 Height and Bulk Districts  
Van Ness & Market Downtown Special Use District  
*Block/Lot:* Block 836, Lots: 001,002, 003, 004, and 005  
*Project Sponsor:* Steve Kuklin, Build Inc.  
315 Linden Street  
San Francisco, CA 94102  
(415)-551-7627  
*Staff Contact:* Diane Livia – (415) 575-8758  
diane.livia@sfgov.org

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

Reception:  
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415.558.6409

Planning  
Information:  
415.558.6377

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED MIXED USE PROJECT WITH 310 RESIDENTIAL UNITS, APPROXIMATELY 4,025 GROSS SQUARE FEET OF COMMERCIAL SPACE, AND IMPROVEMENTS TO PORTIONS OF THE ADJACENT OAK STREET AND VAN NESS AVENUE PUBLIC RIGHTS-OF-WAY CREATING AN APPROXIMATELY 14,000-GROSS SQUARE FOOT PUBLIC PLAZA. THE PROJECT WOULD INCLUDE PRIVATE VEHICULAR PARKING IN AN ON-SITE GARAGE AND BICYCLE PARKING IN THE BUILDING MEZZANINE AND ALONG PUBLIC SIDEWALKS. A NEW ENCLOSURE WOULD BE PROVIDED AROUND THE EXISTING STREET-LEVEL ELEVATOR THAT PROVIDES ACCESS TO THE MUNI METRO-VAN NESS STATION CONCOURSE. WIND CANOPIES WOULD BE INSTALLED IN THE PLAZA AND ON SIDEWALKS TO ENSURE ACCEPTABLE WIND CONDITIONS IN PUBLIC AREAS ADJACENT THE PROJECT SITE.**

MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the final Environmental Impact Report identified as Case No. 2009.0159E, the "One Oak Project" at 1500 – 1540 Market Street and various other parcels, above (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 June 17, 2015.
  - B. The Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice 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 in a newspaper of general circulation on November 16, 2016; this notice was mailed to the Department's list of persons requesting such notice.
  - C. The Department posted notices of availability of the DEIR and of the date and time of the public hearing near the project site by Department staff on November 16, 2016.
  - D. The Department mailed or otherwise delivered copies of the DEIR 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 on November 16, 2016.
  - E. The Department filed Notice of Completion with the State Secretary of Resources via the State Clearinghouse on November 17, 2016.
2. The Commission held a duly advertised public hearing on said DEIR on Thursday, January 5, 2017 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 January 10, 2017.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 55-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 Comments and Responses document, published on June 1, 2017, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. The Department has prepared a Final Environmental Impact Report (hereinafter "FEIR") consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document all as required by law.
  5. The Department has made available project EIR files for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.
  6. On June 15, 2017, the Commission reviewed and considered the information contained in the FEIR and hereby does find that the contents of said report and the procedures through which the FEIR 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 the Revised Project, analyzed in Chapter 2 of the Comments and Responses document, and as further refined as described in the various proposed approvals for the One Oak project, as detailed in revisions to the DEIR and other staff reports.
8. The Planning Commission hereby does find that the FEIR concerning File No. 2009.0159E 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 FEIR in compliance with CEQA and the CEQA Guidelines.

The Commission, in certifying the completion of said FEIR, hereby does find that the project described in the EIR, in combination with past, present, and reasonably foreseeable future development in the project vicinity would contribute considerably to cumulative construction-related transportation impacts, denoted in the DEIR as Impact C-TR-7. Despite implementing Mitigation Measure M-C-TR-7 the project may not feasibly reduce effects to a less-than-significant level.

9. The Planning Commission reviewed and considered the information contained in the FEIR prior to approving the Project.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of June 15, 2017.

Jonas Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:



# SAN FRANCISCO PLANNING DEPARTMENT

**MEMO**

DATE: June 1, 2017  
TO: Members of the Planning Commission and Interested Parties  
FROM: Lisa Gibson, Environmental Review Officer  
Re: **Attached Responses to Comments on Draft Environmental Impact Report Case No. 2009.0159E, 1500 Market St. (One Oak)**

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

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**415.558.6378**

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Planning  
Information:  
**415.558.6377**

Attached for your review please find a copy of the Responses to Comments document for the Draft Environmental Impact Report (EIR) for the above-referenced project. **This document, along with the Draft EIR, will be before the Planning Commission for Final EIR certification on June 15, 2017.** The Planning Commission will receive public testimony on the Final EIR certification at the June 15, 2017 hearing. Please note that the public review period for the Draft EIR ended on January 10, 2017; any comments received after that date, including any comments provided orally or in writing at the Final EIR certification hearing, will not be responded to in writing.

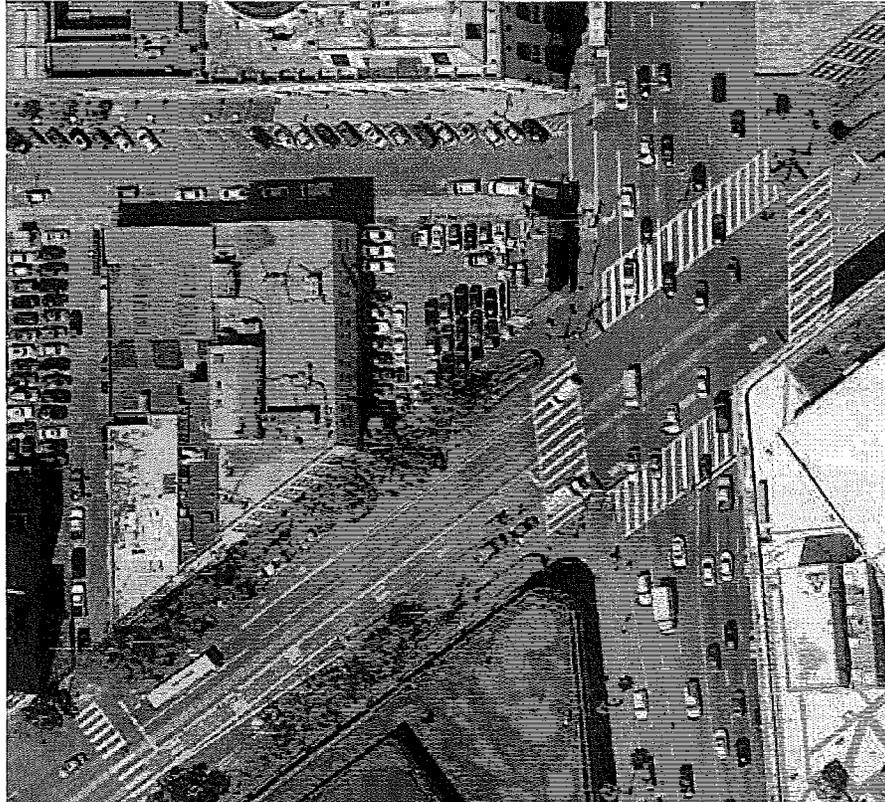
The Planning Commission does not conduct a hearing to receive comments on the Responses to Comments document, and no such hearing is required by the California Environmental Quality Act. Interested parties, however, may always write to Commission members or to the President of the Commission at 1650 Mission Street and express an opinion on the Responses to Comments document, or the Commission's decision to certify the completion of the Final EIR for this project.

Please note that if you receive the Responses to Comments document in addition to the Draft EIR, you technically have the Final EIR. If you have any questions concerning the Responses to Comments document or the environmental review process, please contact Diane Livia at 415-575-8758 or [diane.livia@sfgov.org](mailto:diane.livia@sfgov.org).

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

# ONE OAK STREET PROJECT

(1500-1540 MARKET STREET)



CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT: CASE NO. 2009.0159E

STATE CLEARINGHOUSE NO. 2012102025

DRAFT EIR PUBLICATION DATE: NOVEMBER 16, 2016

DRAFT EIR PUBLIC HEARING DATE: JANUARY 5, 2017

DRAFT EIR PUBLIC COMMENT PERIOD: NOVEMBER 16, 2016 -  
JANUARY 10, 2017

FINAL EIR CERTIFICATION HEARING: JUNE 15, 2017



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**



# SAN FRANCISCO PLANNING DEPARTMENT

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DATE: June 1, 2017  
TO: Members of the Planning Commission and Interested Parties  
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Re: **Attached Responses to Comments on Draft Environmental Impact Report Case No. 2009.0159E, 1500 Market St. (One Oak)**

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

# ONE OAK STREET PROJECT

(1500-1540 MARKET STREET)

CITY AND COUNTY OF SAN FRANCISCO  
PLANNING DEPARTMENT: CASE NO. 2009.0159E  
STATE CLEARINGHOUSE NO. 2012102025

DRAFT EIR PUBLICATION DATE: NOVEMBER 16, 2016

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JANUARY 10, 2017

FINAL EIR CERTIFICATION HEARING: JUNE 15, 2017



SAN FRANCISCO  
PLANNING  
DEPARTMENT

# ONE OAK STREET PROJECT RESPONSES TO COMMENTS

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**ATTACHMENTS**

- Attachment A: Planning Commission Hearing Transcript
- Attachment B: Comment Letters on the DEIR

# 1. INTRODUCTION

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## A. PURPOSE OF THIS RESPONSES TO COMMENTS DOCUMENT

The purpose of this Responses to Comments (RTC) document is to present comments submitted on the Draft Environmental Impact Report (DEIR) for the proposed One Oak Project, to respond in writing to comments on environmental issues, and to revise the DEIR as necessary to provide additional clarity, including presenting changes to the proposed project that have occurred since publication of the DEIR to ensure that environmental impacts associated with the revised project are adequately addressed and evaluated as part of the Final EIR. Pursuant to the California Environmental Quality Act (CEQA), Public Resource Code Section 21091(d)(2)(A) and (B), the Planning Department has considered the comments received on the DEIR, evaluated the issues raised, and provided written responses that address each substantive environmental issue that has been raised. In accordance with CEQA, the responses to comments focus on clarifying the project description and addressing significant environmental effects associated with the proposed project. “Significant effects on the environment” means substantial, or potentially substantial, adverse changes in any of the physical conditions within the area affected by the project. Economic or social changes alone are not considered a significant effect on the environment.<sup>1</sup> Therefore, this document focuses primarily on responding to comments that relate to physical environmental issues in compliance with CEQA.<sup>2</sup> In addition, this RTC document includes text changes to the DEIR initiated by Planning Department staff. The reasons for the text changes related to the description of the proposed project’s program and operational characteristics are also presented.

No significant new information that warrants recirculation of the DEIR is: 1) provided in the comments received on the DEIR, or 2) reflected in the changes to the proposed project as described in RTC Chapter 2, Revisions and Clarifications to the Project Description. The comments do not identify, nor do the revisions to the project result in, any new significant environmental impacts, or substantial increase in the severity of previously identified environmental impacts, or feasible project alternatives or mitigation measures that are considerably different from those analyzed in the DEIR that would clearly lessen the significant environmental impacts of the project, but which the project sponsor has not agreed to implement.

The San Francisco Planning Department is the lead agency under CEQA responsible for administering the environmental review of projects within the City and County of San Francisco. The DEIR together with this RTC document constitute the Final EIR for the project in fulfillment

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<sup>1</sup> *CEQA Guidelines*. Section 15382.

<sup>2</sup> *CEQA Guidelines*. Sections 15382; 15064(c); and 16064(d).

of CEQA requirements, consistent with CEQA Guidelines Section 15132. The Final EIR has been prepared in compliance with the *CEQA Guidelines*<sup>3</sup> and Chapter 31 of the San Francisco Administrative Code. This EIR is an informational document for use by: (1) governmental agencies (such as the San Francisco Planning Department) and the public to aid in the planning and decision-making process by disclosing the physical environmental effects of the project and identifying possible ways of reducing or avoiding the potentially significant impacts; and (2) the City Planning Commission, other Commissions/ Departments and the Board of Supervisors prior to their decision to approve, disapprove, or modify the project. If the Planning Commission, Board of Supervisors, or other city entities approve the proposed project, they would be required to adopt CEQA findings and a mitigation monitoring and reporting program (MMRP) to ensure that mitigation measures identified in the Final EIR are implemented.

## **B. ENVIRONMENTAL REVIEW PROCESS**

The San Francisco Planning Department prepared the DEIR for the One Oak Street (1500-1540 Market Street) Project in accordance with CEQA, the *CEQA Guidelines* in Title 14 of the California Code of Regulations, and Chapter 31 of the San Francisco Administrative Code. The DEIR was published on November 16, 2016. The DEIR identified a 56-day public comment period from November 16, 2016 to January 10, 2017 to solicit public comment on the adequacy and accuracy of information presented in the DEIR. Paper copies of the DEIR were made available for public review at the following locations: (1) the San Francisco Planning Department, 1650 Mission Street, and the Planning Information Center, 1660 Mission Street; and (2) the San Francisco Main Library, 100 Larkin Street. The Planning Department also distributed notices of availability of the Draft EIR, published notification of its availability in a newspaper of general circulation in San Francisco, and posted notices of availability at locations around the project site.

Comments on the DEIR were made in written form during the public comment period and as oral testimony received at the public hearing on the DEIR before the Planning Commission on January 5, 2017. A court reporter was present at the public hearing to transcribe the oral comments verbatim and provide a written transcript.

The comments received during the public review period are the subject of this Responses to Comments document, which addresses all substantive written and oral comments on the DEIR. Under *CEQA Guidelines* Section 15201, members of the public may comment on any aspect of the project. Further, *CEQA Guidelines* Section 15204(a) states that the focus of public review should be “on the sufficiency of the [DEIR] in identifying and analyzing the possible impacts on

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<sup>3</sup> *Title 14, California Code of Regulations, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act.*

the environment and ways in which the significant effects of the project might be avoided or mitigated.” In addition, “when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.” *CEQA Guidelines* Section 15088 specifies that the lead agency is required to respond to the comments on the major environmental issues raised in the comments received during the public review period. Therefore, this RTC document is focused on the sufficiency and adequacy of the DEIR in disclosing the significance of the environmental impacts of the proposed project that were evaluated in the DEIR; because a number of revisions were made to the project and the project variant since publication of the DEIR, the significance of these changes is also discussed in RTC Chapter 2, Revisions and Clarifications to the Project Description.

The San Francisco Planning Department distributed this RTC document for review to the San Francisco Planning Commission as well as to the agencies, neighborhood organizations, and persons who commented on the DEIR. The Planning Commission will consider the adequacy of the Final EIR – consisting of the DEIR and the RTC document – in complying with the requirements of CEQA. If the Planning Commission finds that the Final EIR is adequate, accurate and complete and complies with CEQA requirements, it will certify the Final EIR and will then consider the associated MMRP, and the requested approvals for the revised project.

Consistent with *CEQA Guidelines* Section 15097, the MMRP is designed to ensure implementation of the mitigation measures identified in the Final EIR and adopted by decision-makers to mitigate or avoid the project’s significant environmental effects. CEQA also requires the adoption of findings prior to approval of a project for which a certified EIR identifies significant environmental effects (*CEQA Guidelines* Sections 15091 and 15092). Because this EIR identifies one significant adverse impact that cannot be mitigated to less-than-significant levels, the Commission must adopt findings that include a Statement of Overriding Considerations for this significant unavoidable impact (*CEQA Guidelines* Section 15093[b]) if the revised project would be approved. The project sponsor would be required to implement the MMRP as a condition of project approval.

## C. DOCUMENT ORGANIZATION

This RTC document consists of the following chapters:

**Chapter 1, Introduction**, discusses the purpose of the RTC document, the environmental review process for the EIR, and the organization of the RTC document.

**Chapter 2, Revisions and Clarifications to the Proposed Project**, summarizes changes to the description of the proposed project, as described in DEIR Chapter 2, that the sponsor has initiated since publication of the DEIR. Chapter 2 also analyzes whether these revisions to the project

would result in any new or more severe significant environmental impacts not already discussed in the DEIR.

**Chapter 3, Public Agencies, Organizations, and Individuals Commenting on the DEIR,** presents the names of persons who provided comments on the DEIR during the public comment period. This chapter includes three tables: Public Agencies Commenting on the DEIR, Organizations Commenting on the DEIR, and Individuals Commenting on the DEIR. Commenters are listed in alphabetical order within each category. These lists also show the commenter code (described below) and the format (i.e., public hearing transcript, letter, or email) and date of each set of comments.

**Chapter 4, Responses to Comments,** presents the comments excerpted verbatim from the public hearing transcript and written correspondence. Comments are organized by environmental topic and, where appropriate, by subtopic. They appear as single-spaced text and are coded in the following way:

- Comments from agencies are designated by “A-” and an acronym of the agency’s name.
- Comments from non-governmental organizations are designated by “O-” and an acronym of the organization’s name.
- Comments from individuals are designated by “I-” and the commenter’s last name

In cases where a commenter has spoken at the public hearing and submitted written comments, or has submitted more than one letter or email, the commenter’s last name, or the acronym or abbreviation of the organization name represented by the commenter, is followed by a sequential number by date of submission. A final number at the end of the code keys each comment to the order of the bracketed comments within each written communication or set of transcript comments. Thus, each discrete comment has a unique comment code. The coded comment excerpts in Chapter 4 tie in with the bracketed comments presented in Attachments A and B of this Responses to Comments document, described below.

Preceding each group of comments is a summary of issues raised by specific topic. Following each comment or group of comments on a topic are the Planning Department’s responses. In some instances the responses may result in revisions or additions to the DEIR. Text changes are shown as indented text, with new text underlined and deleted material shown as ~~strikethrough~~ text.

**Chapter 5, DEIR Revisions,** is a complete presentation of text changes to the DEIR as a result of a response to comments and/or staff-initiated text changes identified by Planning Department staff to update, correct, or clarify the DEIR text. Staff-initiated text changes are identified by an asterisk (\*) in the margin. These changes and minor errata do not result in significant new information with respect to the proposed project, including the level of significance of project

## 1. Introduction

impacts or any new significant impacts. Therefore, recirculation of the DEIR pursuant to CEQA Guidelines Section 15088.5 is not required.

**Attachments A and B** present, respectively, a complete transcript of the Planning Commission hearing and a copy of the written correspondence received by the Planning Department in their entirety, with individual comments bracketed and coded as described above. An additional code points the reader to the topic and subtopic in Chapter 4 in which the bracketed comment appears and the response that addresses it.

This RTC document will be consolidated with the DEIR as its own chapter, and upon certification of the EIR the two documents will together comprise the project's Final EIR. The revisions to the EIR's text called out in Chapter 5, DEIR Revisions, of the RTC document will be incorporated into the DEIR text as part of publishing the consolidated Final EIR.

## **2. REVISIONS AND CLARIFICATIONS TO THE PROJECT DESCRIPTION**

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Since publication of the DEIR, the project sponsor has initiated revisions to the proposed project as it was described in DEIR Chapter 2, Project Description. This RTC section summarizes these current revisions to the proposed project (collectively, the “revised project”) and analyzes whether such revisions would result in any change to the environmental effects reported in the Initial Study and DEIR, and evaluates whether such changes could result in any new significant environmental impacts not already discussed in the DEIR. This section also identifies the project variant as the project sponsor’s preferred project and summarizes design refinements for the variant.

See RTC Section 5, DEIR Revisions, pp. 5.18-5.29, which presents the specific text changes to the DEIR Project Description that are necessitated by the sponsor’s revisions to the proposed project and the project variant.

### **A. SUMMARY OF REVISIONS TO THE PROPOSED PROJECT**

The revisions include the following: (1) specifying that the project sponsor has selected the project variant described in the DEIR and presenting design refinements for the selected variant; (2) reducing the number of project parking spaces; and (3) actively discouraging the use of the existing Market Street loading zone for project operations. The revisions also include minor text revisions to the EIR Project Description.

#### **Project Sponsor Selection of the Project Variant and Variant Design Refinements**

The DEIR Project Description is revised to update the EIR by specifying that the project sponsor has selected the Muni Station Elevator and Emergency Access Variant to be presented for approval. This variant is substantially the same as the proposed project, is described in the EIR on p. 2.30, and is evaluated in tandem with the proposed project in EIR Chapter 4, Environmental Setting and Impacts. The variant was included in the EIR description of the proposed project as an option that the sponsor or decision-maker may select. However, for the purposes of this section, the selected project variant and additional updated information about the variant presented below are referred to as the “preferred project” to distinguish it from the proposed project and variant as they were described in the DEIR.

In addition to retaining the Muni elevator within the project site and not implementing the proposed Franklin Street contraflow fire lane, the preferred project includes additional detail and updated information about the proposed Oak Plaza that was not included in the DEIR.

## 2. Revisions and Clarifications to the Project Description

### Muni Elevator

The existing Muni elevator is currently incorporated into the existing 1500 Market Street building (All-Star Café) and conveys passengers between the street level and the concourse level of the Van Ness Muni Metro station. The proposed project called for relocation of the elevator off site to One South Van Ness Avenue, as described on EIR p. 2.26. The project sponsor has selected the project variant as the preferred project, with no relocation of this elevator, described on EIR p. 2.30. As such, the elevator would not be relocated off site to One South Van Ness Avenue. Under the preferred project, the elevator would remain in its current location, and would be enclosed in a new freestanding structure (housing the elevator and its overrun) within the proposed Oak Plaza.

### No Franklin Street Fire Lane

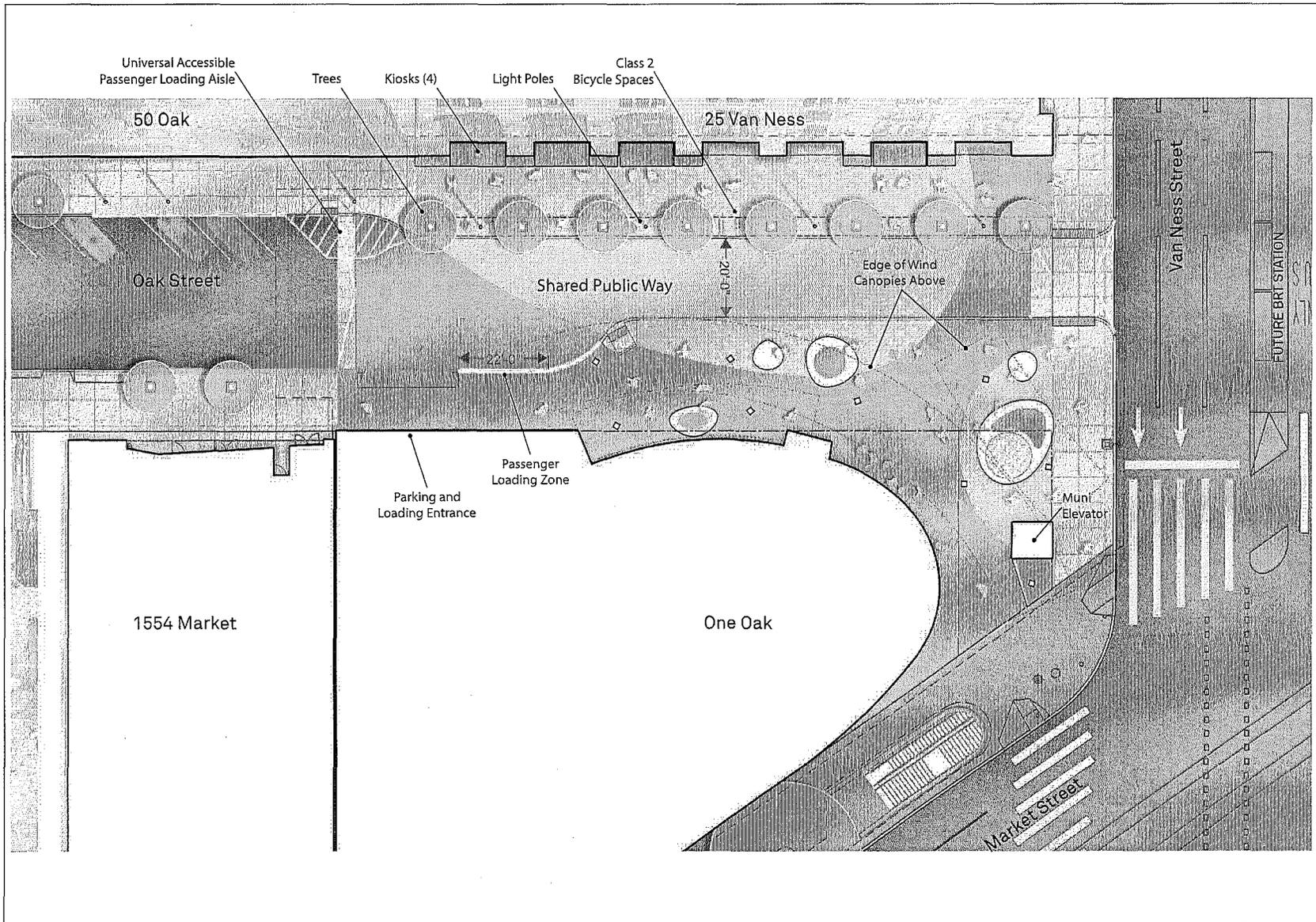
The proposed project included creation of a dedicated southbound fire lane along the east side of Franklin Street south of Oak Street, as described on EIR pp. 2.26-2.28 (see Figure 2.14: Proposed Site Plan and Surroundings, on EIR p. 2.23). The project sponsor has selected the project variant that does not provide for a fire lane on Franklin Street, described on EIR p. 2.30, as the preferred project and as such, no Franklin Street fire lane would be constructed. Instead, under the preferred project, Oak Street would continue to function as the primary east-west emergency vehicle access corridor, as it does under existing conditions, providing access for fire trucks to Market Street.

### Design Refinements for Oak Plaza

In its selection of the variant as the preferred project, the project sponsor has provided updated details and design refinements for Oak Plaza, in conformity with the *Better Streets Plan* and in response to input from the Department of Public Works. See new **Figure 2.17: Revised Oak Plaza, Plan**, and new **Figure 2.18: Revised Oak Plaza, Rendering**, shown on the following pages. Revised features for Oak Plaza under the preferred project are described below.

### *North Sidewalk*

As described for both the proposed project and variant in the DEIR, the north sidewalk was to be 15 feet wide, as under existing conditions. Under the preferred project, the north sidewalk would be widened by 5.5 feet to accommodate a zone for street trees, seating, and lighting along the curb line.

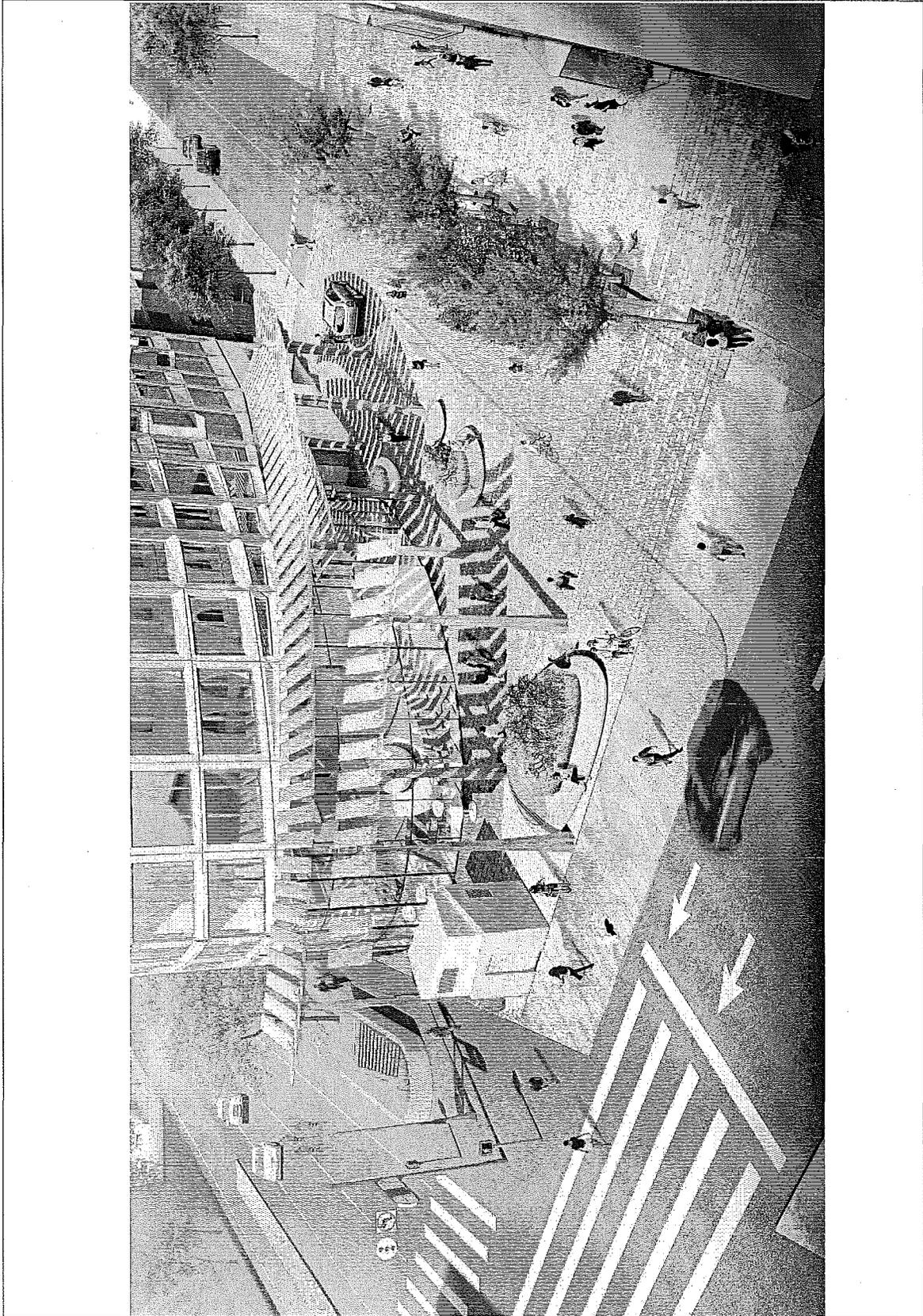


Source: SCB/Snhetta (2017)

# ONE OAK PROJECT

2009.0159E

(NEW) FIGURE 2.17: REVISED OAK PLAZA, PLAN



Source: SCB/Sneheta (2017)

**ONE OAK PROJECT**

2009.0159E

(NEW) FIGURE 2.18: REVISED OAK PLAZA, RENDERING

## 2. Revisions and Clarifications to the Project Description

### *Shared Street*

As described for both the proposed project and variant in the DEIR, the Oak Street roadway for the shared public way, or shared street, would be 14 feet wide, with an additional 6 feet of horizontal clearance to provide for emergency access. Under the preferred project, the shared street would be 20 feet wide extending westward from the Van Ness Avenue curb line by about 180 feet, at which point it would widen further to accommodate a new universal accessible passenger loading aisle with a curb ramp fronting the residential lobby entrance on the south side of Oak Street. Vehicles entering Oak Street would turn right from southbound Van Ness Avenue onto a tabled crosswalk ramping up 6 inches, flush with the Van Ness Avenue sidewalk, then ramp back down 4 inches onto the shared street. Vehicles would continue westbound along the shared street for approximately 202 feet, at which point they would ramp down 2 inches to the existing Oak Street roadway at the western edge of the project site. As described for the proposed project and variant, the entire shared street would be raised 2 inches above street level, while the pedestrian-only plaza would be raised another 4 inches from the shared street, distinguished by a 4-inch curb. Both the pedestrian plaza and the shared street would be distinguished by a distinctive paving pattern, with existing asphalt paving remaining along the vehicle-only Oak Street roadway to the west.

At the west end of the shared street, new pavement striping and a curb ramp would be provided to convert the easternmost existing diagonal parking space fronting 50 Oak Street into a universal accessible passenger loading aisle.

### *Pedestrian Plaza*

Under the preferred project, the south sidewalk along Oak Street would be widened from 15 feet to 27.5 feet. The widened sidewalk, together with the publicly accessible, private open space provided at the east end of the building site, would combine to form a pedestrian plaza along the east and north sides of the proposed building. The central plaza area could accommodate flexible uses such as performances by members of neighboring cultural institutions, farmers markets, and other events. The plaza areas would be furnished with custom precast concrete planters with small ornamental trees and plants. The planters would also serve as seating for pedestrians. The proposed plaza would be managed by a non-profit stewardship entity specifically organized for plaza management, and the maintenance and operating expenses would be funded by a Community Facilities District.

### *Revised Oak Plaza Wind Canopy Design*

The design of the Oak Plaza wind canopies has been revised under the preferred project. See new Figure 2.17 on RTC p. 2.4. The revised canopies under the preferred project would consist of

## 2. Revisions and Clarifications to the Project Description

three freestanding pergola-like structures comprised of perforated metal blades, each forming a broad, wing-like “V,” suspended along a central spine supported by vertical columns. In plan view, the blade coverage would be up to 75 percent porous, including the spaces between the blades. Two of the canopies would generally follow the curve of the tower base, while the third canopy would have an opposing converse curvature, rising in height from 18 feet above the Oak Street lobby entrance to 30 feet at the Market Street property line.

### *Passenger Loading*

As described for the proposed project and variant in the DEIR, a 60-foot-long passenger loading zone would be provided along the south side of the proposed Oak Street near the One Oak Street lobby entrance to accommodate three vehicles. Under the preferred project, to maximize sidewalk space for pedestrians, the passenger loading zone would be reduced to 22 feet in length to accommodate one vehicle on the south side of the proposed Oak Street shared public way near the One Oak residential lobby entrance.

### *Retail Kiosks*

The revised project would include four retail kiosks as part of the street furniture of the proposed Oak Plaza. The kiosks would be located along the southern façade of the 25 Van Ness Avenue building (the existing building along the north side of the proposed Oak Plaza across from the project site). The kiosks would occupy four of the existing seven recessed archways, occupying the recessed area within the archways and extending 3 to 4 feet into the immediately adjacent proposed plaza. The kiosks would be approximately 9-11 feet in height. They would not be attached to the 25 Van Ness building, but would be anchored to the sidewalk. They may receive electrical power and water through either the sidewalk or the basement of the 25 Van Ness building.

### **Reduction in Project Parking Spaces**

The project sponsor has revised the project and the project variant to reduce the number of parking spaces provided from 155 spaces as previously described and analyzed in the DEIR (a 0.50 parking rate), to 136 spaces as currently proposed (a 0.44 parking rate).

Response TR-7, on RTC pp. 4.38-4.39, identifies Transportation Demand Management (TDM) measures to meet the required 13 TDM target points for the proposed project which now includes 136 parking spaces.<sup>1</sup> It also includes additional TDM measures, totaling 12 points that the project sponsor voluntarily offers in response to commenter’s concerns, for a total of 25 points, in the

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<sup>1</sup> Per Section 169.3(e) of the TDM Ordinance, because the project’s development and environmental application was submitted before September 4, 2016, the proposed project is subject to 50 percent of its applicable target.

## 2. Revisions and Clarifications to the Project Description

event that the requested conditional use authorization for parking in excess of 0.25 is granted and the Project Sponsor elects to build the additional spaces authorized by the Conditional Use authorization. The project sponsor may elect to further reduce parking from 136 spaces to 77 spaces (a 0.25 parking rate), in which event the revised project would include a correspondingly lower point value of TDM measures (a 10 point reduction from those identified for the project with 136 parking spaces).

### **Existing Market Street Loading Zone**

The DEIR Project Description identified the existing recessed loading zone along Market Street as serving the proposed residential and commercial uses under proposed project or variant (see DEIR p. 2.22). The use of the existing Market Street loading zone was intended to supplement loading options for the proposed project or variant. However, its use is not required to satisfy Planning Code loading requirements.

In response to public comments on the DEIR, the project sponsor has revised the DEIR Project Description to specify that the existing Market Street loading zone would not be used for proposed project loading. In addition, the project sponsor has agreed to implement new improvement measures that would actively discourage use of the loading zone. (See Response TR-5 in Section 4.C, Transportation and Circulation, on RTC pp. 4.30-4.34.)

### **Other Minor Revisions**

The sponsor has introduced a number of minor revisions to clarify or address more accurately specific details of the proposed project or setting described in the DEIR. The revisions to the Project Description include the following:

- Revising a project objective pertaining to the proposed pedestrian plaza;
- Revising the reported number of parking spaces within the existing surface parking lot on the project site that would be eliminated by the proposed project, from 30 to 47 and clarifying that these existing 47 spaces are valet spaces;
- Modifying text to describe uses on the upper floors of the existing All Star Café; and
- Clarifying and revising project approvals from several agencies that were not included in the DEIR.

These revisions are reflected in text changes in the Project Description in RTC Section 5, DEIR Revisions, pp. 5.18-5.35.

## **B. ENVIRONMENTAL EFFECTS OF THE REVISED PROJECT**

Section 15088.5 of the State CEQA Guidelines requires recirculation of an EIR when “significant new information” is added to the EIR after publication of the DEIR but before certification. The CEQA Guidelines state that information is “significant” if “the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project proponents have declined to implement.” Section 5088.5 further defines “significant new information” that triggers a requirement for recirculation as including, but not limited to, identification of a new significant impact, a substantial increase in the severity of an impact (unless mitigation is adopted to reduce the impact to a less-than-significant level), or identification of a new feasible alternative or mitigation measure that would lessen the environmental impacts of the proposed project that the project sponsor is unwilling to adopt. CEQA Guidelines Section 15088.5(b) states that recirculation is not required if “new information in the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.”

The current revisions and clarifications to the proposed project would not result in any new significant impacts that were not already identified in the DEIR, nor would these changes increase the severity of any the project’s impacts identified in the DEIR. Mitigation measures identified in the DEIR and the Initial Study would continue to be required in order to reduce or avoid significant environmental impacts. No new or modified measures would be required to mitigate the significant impacts identified for the proposed project in either the Initial Study or DEIR.

### **Land Use**

The revised project would be substantially the same as the proposed project described in the DEIR with respect to the land use program, character, and intensity. The project’s land use impacts are described and evaluated in EIR Section 4.B, Land Use and Land Use Planning. As described for the proposed project, the revised project would not disrupt or divide the surrounding community or adversely affect the existing character of the vicinity. No new significant impact related to Land Use would result from the revised project.

The number of residential units and the amount of ground floor commercial space identified in the DEIR’s Project Description would remain the same with the revisions to the project. The residential parking under the proposed project is ancillary to the residential use and, as such, the reduction of parking under the revised project would not change the residential land use character or density under the proposed project.

## 2. Revisions and Clarifications to the Project Description

Restricting and discouraging the project's residential and commercial loading activities to Oak Street and excluding these activities within the Market Street loading zone would not divide an established community nor adversely affect the existing character of the vicinity.

The addition of the retail kiosks to Oak Plaza would not substantially change or alter the use or description of the proposed project. These changes would not disrupt or divide the surrounding community or adversely affect the existing character of the vicinity, a less-than-significant Land Use impact.

For these reasons, as with the proposed project described in the DEIR, the revised project would not result in significant Land Use impacts.

### **Transportation**

#### Muni Station Elevator and Emergency Access Variant

The transportation and circulation impacts of the Muni Station Elevator and Emergency Access Variant were described and evaluated in EIR Section 4.C, Transportation and Circulation, in tandem with those of the proposed project so that this option could be available for selection by the decision-makers or project sponsor. These effects now relate to the preferred project component of the revised project.

The revised project would include the same amount of residential and restaurant/retail land uses as the proposed project and variant described in the DEIR. Therefore, trip generation, mode split, trip distribution, and loading demand would not change from the DEIR, and the revised project would result in the same transportation impacts identified in the DEIR.

#### *Continued Operation of Muni Station Elevator Onsite*

The proposed re-location of the onsite Muni elevator under the proposed project is described on EIR p. 2.26. Under the project variant (now the preferred project), the Muni elevator would continue operation in its current location and no elevator would be constructed at One South Van Ness. As such there would be no change to elevator access to the station and no operational impact related to access to the Muni station. As discussed on EIR p. 4.C.67, construction of a new elevator within the project site would require a period of about four months during which elevator access to the Van Ness station would not be possible. Muni riders would be advised that the elevator would not be available (e.g., via Muni Alerts) and would be directed to use the Muni Civic Center station elevator (about 0.45 mile to the east). The EIR concludes that the proposed project or its variant's construction-related transportation impacts would be less than significant.

## 2. Revisions and Clarifications to the Project Description

### *Elimination of Proposed Franklin Street Contraflow Fire Lane*

The proposed Franklin Street fire lane is described on EIR p. 2.26. Under the project variant, now the preferred project, no Franklin Street contraflow fire lane would be constructed.

- **Pedestrian Conditions:** As discussed on EIR pp. 4.C.53-4.C.54, the project variant would not include the proposed Franklin Street fire lane, and instead SFFD fire trucks would continue to travel eastbound within the westbound travel lane on Oak Street to access Market Street east of Franklin Street, as under existing conditions. Fire truck access through the shared street would not substantially affect pedestrians, as pedestrian-only areas protected from vehicular traffic would be provided as part of the Oak Plaza and shared street design.
- **Loading:** Under the variant, the elimination of two on-street commercial loading spaces on Franklin Street necessitated by the proposed contraflow fire lane, as discussed on EIR p. 4.C.56, would not occur.
- **Emergency Vehicle Access:** Under the variant, the changes to emergency vehicle access, as called for under the proposed contraflow fire lane and discussed on EIR pp. 4.C.60-4.C.61, would not occur. As discussed on EIR p. 4.C.62, emergency vehicle access conditions associated with the project variant would be the same as under existing conditions. As with existing conditions, emergency service providers under the variant/preferred project would continue to have access onto Oak Street and across the proposed Oak Plaza to access Van Ness Avenue and Market Street.
- **Construction:** Under the variant, the construction activities necessitated by the proposed contraflow fire lane, as discussed on EIR p. 4.C.66-4.C.67, would not occur.
- **Parking:** Under the variant, the elimination of 18 on-street parking spaces (two on Oak Street west of Franklin Street and 16 spaces on Franklin Street between Oak and Page/Market streets) and a passenger loading/unloading zone, as necessitated by the contraflow fire lane in the proposed project and discussed on EIR p. 4.C.72, would not occur.

### *Design Refinements for the Proposed Oak Plaza*

As discussed below, the design refinements for Oak Plaza under the preferred project would not result in a significant impact related to Transportation and Circulation.

- **Trip Generation:** The retail kiosks along the north side of Oak Plaza under the preferred project would be approximately 90 square feet each and are intended to serve and activate the proposed Oak Plaza public open space. In themselves, they would not be destinations that would generate substantial new vehicle trips because at approximately 90 square feet each, the kiosks could serve only small-scale retail needs of the immediate neighborhood (e.g., a flower stand or coffee stand).
- **Pedestrian Circulation:** The kiosks and customers would reduce the passable area of the existing 15-foot-wide sidewalk along the north side of Oak Street. Under the preferred project, the north sidewalk would be widened by 5.5 feet to accommodate a street furniture zone for tree plantings, seating, lighting, etc., along the curb line. With the

## 2. Revisions and Clarifications to the Project Description

projection of the kiosks into the Oak Street sidewalk (3-4 feet), a 10- to 11-foot-wide unobstructed pedestrian “throughway zone” would be provided between the kiosks and the street furniture zone, exceeding the applicable standards of the *Better Streets Plan*, which calls for a 6-foot-wide sidewalk pedestrian throughway zone for commercial streets such as Oak Street.<sup>2</sup>

- **Emergency Access:** The modifications to Oak Street to create the Oak Plaza public open space and shared street would also comply with the applicable standards of San Francisco Fire Code, Section 503.2.1, which requires a minimum of 20 feet of unobstructed roadway and a vertical clearance of not less than 13 feet, 6 inches for existing roadways.<sup>3</sup> No part of the canopies, kiosks, or plaza furniture would be within or overhang the 20-foot-wide shared street and emergency access zone (San Francisco Fire Code, Section 5.01). In addition, the canopies would not interfere with fire protection for the building, as the proposed new building would be a “Type I-A” building (i.e., a fire-resistive non-combustible high-rise building) and would not require truck ladder operations. As such the design refinements for Oak Plaza would not obstruct emergency vehicle access.
- **Passenger Loading:** The reduction of passenger loading spaces adjacent to the project site from three spaces to one space under the preferred project would not result in insufficient passenger loading. If the passenger loading space were occupied, passenger drop-offs and pick-ups could also be conducted adjacent to the project driveway, within the planned two-space commercial loading zone directly west of the project site, or within the existing four passenger loading/unloading spaces on the north side of Oak Street. Passenger drop-offs and pick-ups could also be accommodated within the shared street. The 20-foot width of the shared street would allow one-way westbound through-traffic to bypass vehicles that are stopped briefly to load or unload passengers.

For these reasons, the project sponsor’s selection of the Muni Station Elevator and Emergency Access Variant and current design refinements to Oak Plaza would not create new or substantially more severe significant impacts than identified in the DEIR. Where different from the proposed project, impacts of the variant would be reduced.

### Parking Reduction

The reduction in the number of project parking spaces from the 155 spaces described in the DEIR to 136 spaces under the revised project and variant would not result in any new significant impact. As discussed on EIR p. 4.A.1, CEQA Section 21099(d) provides that parking impacts of a residential project on an infill site located within a transit priority area shall not be considered significant impacts on the environment. Accordingly, parking is not considered in determining if a project has the potential to result in significant environmental effects. As with the proposed project as described in the EIR, any secondary effects of drivers searching for parking would be

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<sup>2</sup> San Francisco Planning Department, et al., *Better Streets Plan, Summary of Sidewalk Guidelines*, December 7, 2010, p. 101

<sup>3</sup> *San Francisco Fire Code*, Section 503.2.1. Available online at, <http://sf-fire.org/501-street-widths-emergency-access>

## 2. Revisions and Clarifications to the Project Description

offset by a reduction in vehicle trips due to some drivers, aware of constrained parking conditions in the area, shifting to other forms of transportation.

### Market Street Loading Zone

The proposed project and project variant as described in the DEIR, contemplated using the existing recessed Market Street loading zone to supplement loading options for the proposed project. In response to public concern for potential conflicts that could result from vehicles crossing the bicycle lane to access the Market Street loading zone, the project sponsor has revised the proposed project to eliminate Improvement Measures I-TR-B and I-TR-C, which would have facilitated the access and use of the existing Market Street loading zone, as described in the DEIR. (This revision is shown on RTC pp. 5.32-5.34.) This revision to the EIR regarding the Market Street loading zone would instead leave the loading zone in its current condition (including leaving the existing flexible bollards and signage in place) and would implement improvement measures that call for building management to actively discourage the use of the loading zone for building operations.

- **Bicycles:** Eliminating Improvement Measures I-TR-B and I-TR-C, and revising Improvement Measure I-TR-D to actively discourage the use of the Market Street loading zone by building residents and for building operations, would serve to reduce use of the existing Market Street loading zone. As such, existing conditions with respect to loading activity within the Market Street Loading Zone, would be maintained to the extent feasible and enforceable by building management. These revisions would reduce the potential for conflicts between bicycles within the westbound bicycle lane and vehicles crossing the bicycle lane in order to access the Market Street loading zone.
- **Loading:** Adequate freight loading for the revised project would be provided by the loading spaces within the proposed building. Adequate passenger loading for the proposed project would be provided along Oak Street north of the building. As with the proposed project, the revised project does not rely on the use of the Market Street loading zone to satisfy any Planning Code loading requirements, and all freight and passenger loading operations would be accommodated from Oak Street under the revised project. Although these changes would reduce the building's options for loading somewhat, it would not create a deficit of loading spaces. As with the proposed project described in the DEIR, this change would not result in a significant impact related to loading.

### Retail Kiosks in Oak Plaza

The retail kiosks along north side of the Oak Plaza under the revised project would be approximately 90 square feet each and are intended to serve and activate the proposed Oak Plaza public open space. In themselves, they would not be destinations that would generate substantial new vehicle trips because at approximately 90 sq. ft. each, the kiosks could serve only small-scale retail needs of the immediate neighborhood (e.g., a flower stand or coffee stand). The kiosks and customers would reduce the passable area of the existing 15-foot-wide sidewalk along the north

## 2. Revisions and Clarifications to the Project Description

side of Oak Street. However, under the revised project, the north sidewalk would be widened with a 5.5-foot sidewalk bulb-out fronting the kiosks, and a 10- to 11-foot-wide passable pedestrian zone would remain. As such, the retail kiosks would not obstruct pedestrian circulation within the sidewalk on the north side of Oak Street.

### Conclusion

For these reasons the revised project would not result in any significant impact related to Transportation and Circulation.

### **Wind and Shadow**

The revised project would not entail any changes to the location, height, massing, and configuration of the proposed building. As with the wind canopies that are described and illustrated on EIR pp. 2.24-2.25, the redesigned wind canopies under the revised project and variant would serve to buffer and disperse strong winds that may occur within Oak Plaza, and enhance the safety and comfort of plaza users and passers-through. Wind and shadow impacts of the revised project would be substantially the same as those reported in the DEIR. The redesigned canopies would provide similar protection to the public from strong winds as provided by the previous design within and around the proposed Oak Plaza.<sup>4</sup> Wind conditions, in terms of the total numbers of hazard exceedance locations and hours per year, would not materially deteriorate as a result of the redesigned canopies. Wind conditions in the vicinity of the proposed project would remain suitable for the pedestrian environment in accordance with the hazard criterion specified in Section 148 of the San Francisco Planning Code. As such no new significant impact related to wind and shadow would result.

### **Cultural Resources**

The 25 Van Ness building is rated Category I “Significant” under San Francisco Planning Code Article 11. As a resource that is included in a local register of historical resources, 25 Van Ness is presumed to be an historical resource for the purposes of CEQA (CEQA Guidelines, Section 15064.5). The kiosks would occupy four recessed archways of 25 Van Ness along its Oak Street frontage and would be partially within the 25 Van Ness property line. As such, the kiosks would be subject to review and approval of a Permit to Alter under Planning Code Article 11. Approval of the kiosks under a Permit to Alter requires that the Historic Preservation Commission, or the Planning Department on behalf of the Historic Preservation Commission, determine that the

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<sup>4</sup> BMT Fluid Dynamics, *One Oak Street Project, Wind Microclimate Studies*, Correspondence Reference: 431906/RC/070, May 31, 2017.

## 2. Revisions and Clarifications to the Project Description

alteration is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards).<sup>5</sup>

CEQA Guidelines Section 15064.5(b)(3) provides that a project that conforms to the Secretary's Standards "shall be considered mitigated to a level of less-than-significant impact on the historical resource." As such, review and approval of an Article 11 Permit to Alter only upon a determination that the kiosks would comply with the Secretary's Standards, would ensure the kiosks would have a less-than-significant impact on the 25 Van Ness building historical resource. No new significant impact related to Cultural Resources (as described and analyzed in the Initial Study, EIR Appendix A) would occur under this revised project.

### **Conclusion**

For these reasons, the proposed changes to the DEIR described above and in RTC Section 5 do not present significant new information with respect to the proposed project, would not result in any new significant environmental impacts or present new feasible alternatives or mitigation measures, and would not result in a substantial increase in the severity of a significant impact identified in the DEIR. Therefore, recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

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<sup>5</sup> San Francisco Historic Preservation Commission Motion No. 0289, October 5, 2016.

### 3. PUBLIC AGENCIES, ORGANIZATIONS, AND INDIVIDUALS COMMENTING ON THE DEIR

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Public agencies, non-governmental organizations, and individuals submitted written comments (letters and emails) on the One Oak Street Project DEIR, which the City received during the public comment period from November 16, 2016 to January 10, 2017. In addition, the Planning Commission held a public hearing about the DEIR on January 5, 2017, and Commissioners, organizations, and individuals made oral comments at that hearing. Tables 3.1 through 3.3, below, list the commenters' names, along with the corresponding commenter codes used in Chapter 4, Responses to Comments, to denote each set of comments, the comment format, and the comment date. This Responses to Comments document codes the comments in three categories:

- Comments from agencies are designated by "A-" and the acronym of the agency's name.
- Comments from organizations are designated by "O-" and an acronym of the organization's name. In cases where several commenters from the same organization provided comments, the acronym is followed by the commenter's last name.
- Comments from individuals are designated by "I-" and the commenter's last name

Within each of the three categories, commenters are listed in alphabetical order. In cases where commenters spoke at the public hearing and submitted written comments, or submitted more than one letter or email, comment codes end with a sequential number.

**Table 3.1: Public Agencies and Commissions Commenting on the DEIR**

Commenter Code	Name of Person and Agency Submitting Comments	Comment Format	Comment Date
A-BOS-Avalos	Jeremy Pollock, Legislative Aide, on Behalf of Supervisor John Avalos	DEIR Hearing	January 5, 2017
A-CPC-Melgar	Commissioner Myrna Melgar, San Francisco Planning Commission	DEIR Hearing	January 5, 2017
A-CPC-Moore	Commissioner Kathrin Moore, San Francisco Planning Commission	DEIR Hearing	January 5, 2017
A-CPC-Richards	Commissioner Vice President Dennis Richards, San Francisco Planning Commission	DEIR Hearing	January 5, 2017
A-DOT-Maurice	Patricia Maurice, District Branch Chief, Local Development - Intergovernmental Review, California Department of Transportation	Letter	January 17, 2017

3. Public Agencies, Organizations, and Individuals  
Commenting on the DEIR

**Table 3.2: Organizations Commenting on the DEIR**

Commenter Code	Name of Person and Organization Submitting Comments	Comment Format	Comment Date
O-CBC	Dave Snyder, Executive Director, California Bicycle Coalition	Letter	January 5, 2017
O-CHNA	Marlayne Morgan, President, Cathedral Hill Neighbors Association	Email	January 4, 2017
O-HANC	Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council	Letter	January 9, 2017
O-HVNA-Anderson	Bob Anderson, Hayes Valley Neighborhood Association	DEIR Hearing	January 5, 2017
O-HVNA-Baugh	Gail Baugh, President, Hayes Valley Neighborhood Association	DEIR Hearing	January 5, 2017
O-HVNA-Warshell	Jim Warshell, Hayes Valley Neighborhood Association	DEIR Hearing; Submission of Newspaper Article	January 5, 2017
O-HVNA-Henderson1	Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association	Letter	January 4, 2017
O-HVNA-Henderson2	Jason Henderson, Hayes Valley Neighborhood Association	DEIR Hearing	January 5, 2017
O-HVNA-Henderson3	Jason Henderson, Hayes Valley Neighborhood Association	Email	January 7, 2017
O-HVNA-Welborn	Tess Welborn, Hayes Valley Neighborhood Association	DEIR Hearing	January 5, 2017
O-LC1	Tom Radulovich, Executive Director, Livable City	DEIR Hearing	January 5, 2017
O-LC2	Tom Radulovich, Executive Director, Livable City	Letter	January 10, 2017
O-MPNA1	Moe Jamil, Chair, Middle Polk Neighborhood Association	Letter	January 4, 2017
O-MPNA2	Moe Jamil, Middle Polk Neighborhood Association	DEIR Hearing	January 5, 2017
O-SC	Howard Strassner, Member, San Francisco Group Executive Committee, Sierra Club	Letter	January 10, 2017
O-WSF	Cathy DeLuca, Policy and Program Director, Walk San Francisco	Letter	January 10, 2017

3. Public Agencies, Organizations, and Individuals  
Commenting on the DEIR

**Table 3.3: Individuals Commenting on the DEIR**

Commenter Code	Name of Individual Submitting Comments	Comment Format	Comment Date
I-Bregoff	Rob Bregoff	Email	January 4, 2017
I-Fraser	Justin Fraser	Email	January 5, 2017
I-Hestor1	Sue C. Hestor	Letter	January 4, 2017
I-Hestor2	Sue C. Hestor	Letter	January 10, 2017
I-Hong	Dennis Hong	Email	January 10, 2017
I-Judith	Judith	DEIR Hearing	January 5, 2017
I-McManus	Brad McManus	Email	January 9, 2017
I-Schweitzer	Daniel Schweitzer	Email	January 5, 2017
I-Sullivan	Andrew Sullivan	Email	January 4, 2017
I-Vaughan	Sue Vaughan	Email	January 10, 2017
I-Weinzimmer	David Weinzimmer	Email	January 9, 2017
I-Yamamoto	Jiro Yamamoto	DEIR Hearing	January 5, 2017

## 4. COMMENTS AND RESPONSES

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### INTRODUCTION

Chapter 4, Comments and Responses, summarizes the substantive comments received on the Draft Environmental Impact Report (DEIR) and presents the responses to those comments.

Comments have been assigned unique comment codes, as described on RTC p. 1.4, and organized by topic. Comments related to a specific DEIR analysis or mitigation measure are included under the relevant topical section. Within each topical section, similar comments are grouped together under subheadings designated by the topic code and a sequential number. For example, the first group of comments in Subsection 4.B, Land Use and Land Use Planning, coded as “LU,” is organized under heading LU-1. The order of the comments and responses in this section is shown below, along with the prefix assigned to each topic code.

Section 4 Subsection	Topic	Topic Code
4.A	Land Use and Land Use Planning	LU
4.B	Transportation and Circulation	TR
4.C	Wind	WI
4.D	Shadow	SH
4.E	Population and Housing	PH
4.F	Cultural Resources	CR
4.G	Construction	CO
4.H	Cumulative Effects	CU
4.I	Aesthetics	AE
4.J	General Environmental Comments	GE

Each comment is presented verbatim, except for minor typographical corrections, and concludes with the commenter’s name and, if applicable, title and affiliation; the comment source (i.e., public hearing transcript, letter, or email); the comment date; and the comment code. **Boldface**, *italicized*, and CAPITALIZED text from the original written comments is reproduced in the comment excerpts. Photos, figures, and other attachments submitted by commenters and referenced in individual comments are presented in RTC Attachment B: Comments Letters on the DEIR; they are not reproduced as part of the comments in this chapter. For the full text of each comment in the context of each comment letter or email, the reader is referred to RTC Attachment B.

#### 4. Comments and Responses

Following each comment or group of comments, a comprehensive response is provided to address physical or environmental issues raised in the comments and to clarify or augment information in the DEIR, as appropriate. The responses provide clarification of the DEIR text and may also necessitate revisions or additions to the DEIR. Revisions to the DEIR are shown as indented text. New text is underlined, and deleted material is shown with ~~striketrough~~ text.

Revisions to the DEIR called for, and presented in, responses to comments in this chapter are also presented in Chapter 5, DEIR Revisions.

## A. LAND USE AND LAND USE PLANNING

The comments and corresponding responses in this section relate to the topic of Land Use, evaluated in EIR Section 4.B.

### COMMENT LU-1: REQUEST FOR LAND USE MAP

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#### “Two maps must be added to One Oak/1500 Market DEIR

“The first map needed in the EIR is in **Land Use and Land Use Planning, 4.B.1**. Land Use was scoped out of the EIR in the Notice of Preparation process. As a result the EIR fails to provide information on changes to the underlying Market/Octavia Area Plan and the adjacent Western SoMa Area Plan itself part of the Eastern Neighborhoods Area Plan. Map #1 provides needed context for the EIR.

#### “Map #1

“A map showing the boundaries of the **Market/Octavia Area Plan** PLUS the boundaries of the **Eastern Neighborhoods Area Plan** with its **5 sub-area Plans** (including the **Western SoMa Area Plan**). The M/O plan should show sub-area **Van Ness & Market Downtown Residential Special Use District**.

“Provide on this map the boundaries of the **proposed Central SoMa Area Plan, The Hub**, and all other Plans that amend these Area Plans. This includes the **5M plan** at 5th & Market which amended part of the Eastern Neighborhood Area Plan. PLUS any other **proposed Map Amendments** to either Market/Octavia or the Eastern Neighborhoods Plan, including that proposed on THIS block in a pending PPA. ALSO the proposed Area Plan changes for the 1500 Mission project.

“This map is necessary

- To understand various discussions in the DEIR
- Show the changes/proposed changes to Market/Octavia Plan and Eastern Neighborhoods Plan
- Show how close the Mission Area Plan is to the boundary of the area analyzed in this EIR.

“For each Plan please provide the date of City adoption of that Plan (I believe 4/17/08 for M/O and 12/19/08 for EN.) Also provide the dates for the analysis of area covered by the Area Plan in the community planning effort or its EIR. Western SoMa was the most recent of the Area Plans.

“For each of the areas and sub-areas provide the amount of **residential parking REQUIRED** by projects in that area, if parking is required at all.” (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-3]*)

### RESPONSE LU-1: REQUEST FOR LAND USE MAP

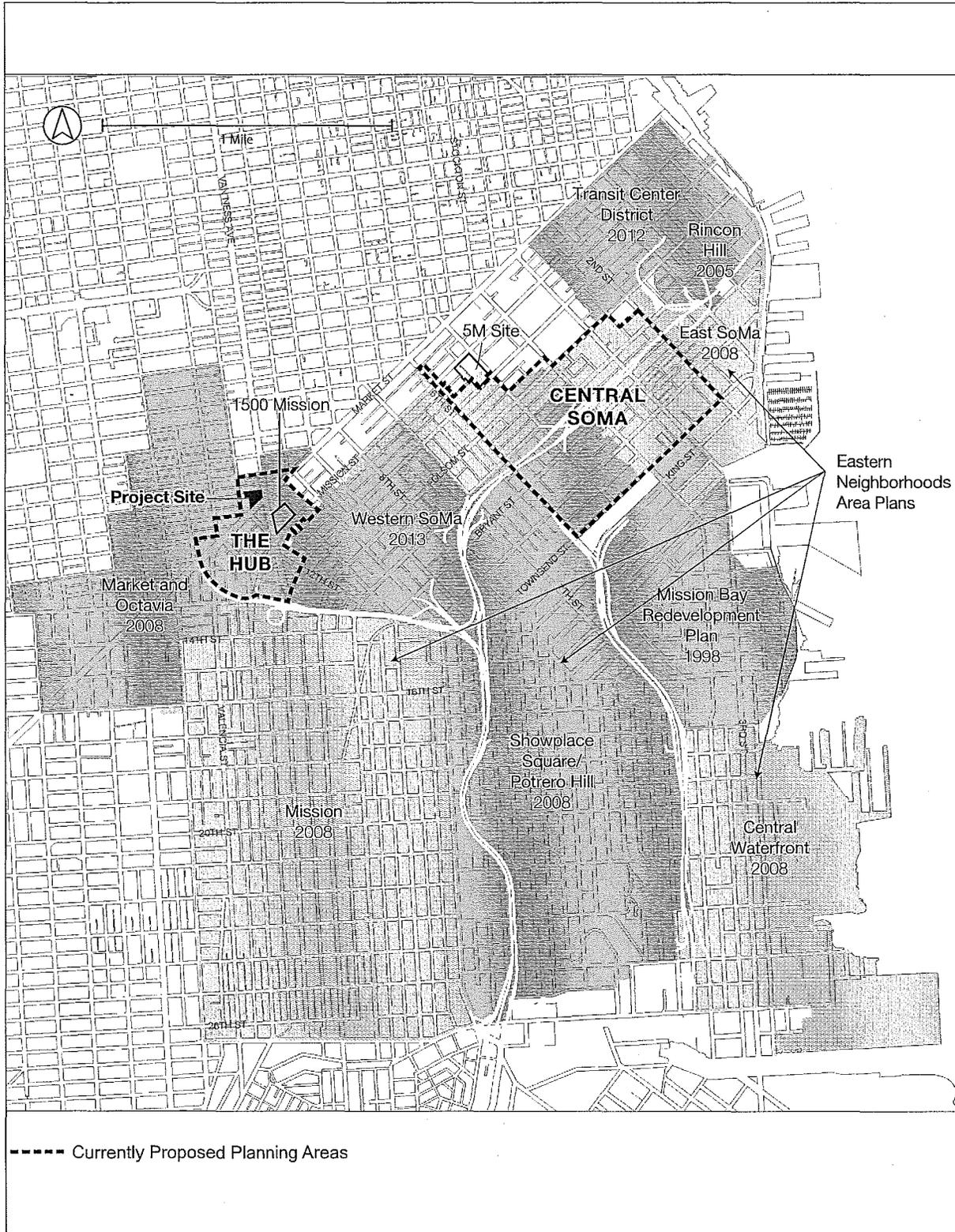
The comment requests that the EIR provide a new land use map that includes the boundaries of various existing area plans and zoning districts (including the *Market and Octavia Neighborhood Area Plan*, the *Western SoMa Plan*, and the Van Ness and Market Downtown Residential Special Use District), the proposed *Central SoMa Area Plan* and the proposed Market Street Hub Project pertaining to the project site, as well as provide other details about these districts (dates of adoption, parking requirements).

The Land Use topic was eliminated in the Notice of Preparation/Initial Study from further consideration in the EIR because the Notice of Preparation/Initial Study concluded that the proposed project would not result in any significant impacts related to dividing an established community and adversely affecting the character of the site and vicinity; however, the topic was included in the EIR for context and informational purposes.

**Figure RTC-1: Area Plans and Planning Areas Near the Oak Street Project Site**, shows the recently adopted area plans, including the Market & Octavia Area Plan (adopted in 2008), the four Eastern Neighborhoods plans (Mission, Showplace Square/Potrero Hill, Central Waterfront, East SoMa) (adopted in 2008), the Western SoMa Plan (adopted in 2013), Rincon Hill Plan (updated plan adopted in 2005), and Transit Center District Plan (adopted in 2012). The figure also shows the area of the proposed Central SoMa Plan and the area covered by the proposed Hub planning effort. The nearby-proposed (1500 Mission Street Project, Case No. 2014-000362ENV) site is also shown, as is the approved 5M Project site. Each of these plans contains parking maximums, rather than parking minimums.

The Hub Project “is not included in the cumulative impact analysis in the EIR because at this point, it is in its planning stages and is considered speculative” (EIR p. 4.A.13; see also RTC Section 4.H, Foreseeable Projects, pp. 4.92-4.95). However, a description of the proposed Hub Project is provided on EIR p. 3.9 for informational purposes. The provisions of the MO Plan and the Van Ness and Market Downtown Residential Special Use District that are applicable to the project site are discussed on EIR pp. 3.2-3.4.

The EIR’s analysis of Land Use is adequate under CEQA because a sufficient description of existing uses was provided to establish that the addition of the proposed uses would not result in a significant land use impact applying the applicable significance thresholds. The inclusion of the requested additional details about the MO Plan, the *Western SOMA Plan*, the Van Ness and Market Downtown Residential Special Use District, the proposed *Central SoMa Area Plan*, required residential parking in the area, and the proposed Hub Project is not necessary for an



**ONE OAK PROJECT**

**FIGURE RTC-1: AREA PLANS AND PLANNING AREAS NEAR THE ONE OAK PROJECT SITE**

4. Comments and Responses  
A. Land Use and Land Use Planning

adequate disclosure of the environmental impacts of the proposed project. The comment does not provide substantial evidence that a significant cumulative impact related to Land Use would result, or that inclusion of the additional information would change any of the conclusions of the EIR, or is otherwise necessary for the adequacy of the EIR under CEQA.

As discussed in EIR Chapter 3, Plans and Policies, on p. 3.1, the focus of the EIR is on the adverse physical environmental impacts that may result from a conflict with plans and policies. To the extent that such impacts may result, they are analyzed in the specific topical sections in EIR Chapter 4, Environmental Setting and Impacts, and in the Initial Study (EIR Appendix A).

## B. TRANSPORTATION AND CIRCULATION

The comments and corresponding responses in this section relate to the topic of Transportation and Circulation, evaluated in EIR Section 4.C. For ease of reference these comments are grouped into the following transportation-related issues that the comments raise:

- TR-1: Transportation Setting
- TR-2: Vehicle Miles Traveled and Traffic Impacts
- TR-3: Transit Impacts
- TR-4: Pedestrian Impacts
- TR-5: Bicycle Impacts
- TR-6: Loading Impacts
- TR-7: Improvement Measure I-TR-A, TDM Plan
- TR-8: Project Parking Supply
- TR-9: Project Alternatives with Less or No Parking

A corresponding response follows each grouping of comments.

### COMMENT TR-1: TRANSPORTATION SETTING

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#### “Two maps must be added to One Oak/1500 Market DEIR...”

“The second map gives necessary context to the transportation analysis in **DEIR 4.C**. It shows the real world context of freeway access, particularly in light of the excessive residential parking provided in both the One Oak/1500 Market Street and the 1500 Mission Street projects. They are located in a transit rich area that ALSO has extremely short distances to the regional freeway system.

“**Map #2** Provide a map showing the location of the FREEWAYS plus freeway ramps/access just south and west of One Oak/1500 Market. This should include the exit route in front of 1650 Mission that turns north on South Van Ness and goes north on Van Ness adjacent to Project site. The route ONTO US 101 goes south on Van Ness adjacent to project site. **DEIR 4.C.2** states that **project site is accessible by local streets with connections to and from these regional freeways. This is I-80, US Highway 101 and I-280.** Show it. There is an increasing amount of reverse commuting INTO San Francisco at the end of the work day - so that the City provides HOUSING *particularly for the Peninsula*. There are currently 18 lanes of traffic into San Francisco from the South. The DEIR should be amended to state that those same freeways allow people to EXIT San Francisco to go to work. **Reverse commuting is a FACT.**

“The mini-map on **DEIR 2.3** does not provide much useful information.

4. Comments and Responses  
B. Transportation and Circulation

“The reverse-commute pattern from Silicon Valley has dumped demand for fairly high end housing into the area of 1500 Mission and One Oak/1500 Market. **Map #2** will help explain why excessive residential parking at One Oak/1500 Market and 1500 Mission can affect use of nearby freeways by those residents.

“The "Google buses" which go past this site began in the very recent past, long after adoption of the M/O and EN Area Plans. Discuss how those Area plans were designed to accommodate the **demand for San Francisco housing based mostly on San Francisco employment and residents**. In 2017 San Francisco is producing housing for Silicon Valley, which encourages employees from Mountain View, Cupertino, Menlo Park and other places on the Peninsula to LIVE in San Francisco but WORK on the Peninsula by PROVIDING FREE DIRECT BUSES INTO SAN FRANCISCO RESIDENTIAL AREAS. Since these are not low income employees, the demand is for rather high-end housing. THERE ARE FREEWAY CONNECTIONS RIGHT THERE for those who may want to drive at least part of the time.

“A MAP of the freeway access and ramps will help understand travel patterns and possible impacts. And direct attention to the excessive parking provided in this "TRANSIT RICH" area. There is a freeway off ramp AT THE CORNER to the right of the Planning Department. There is an on ramp at South Van Ness and 13th. There is a Central Freeway ramp BEHIND the Planning Department. (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-4]*)

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#### RESPONSE TR-1: TRANSPORTATION SETTING

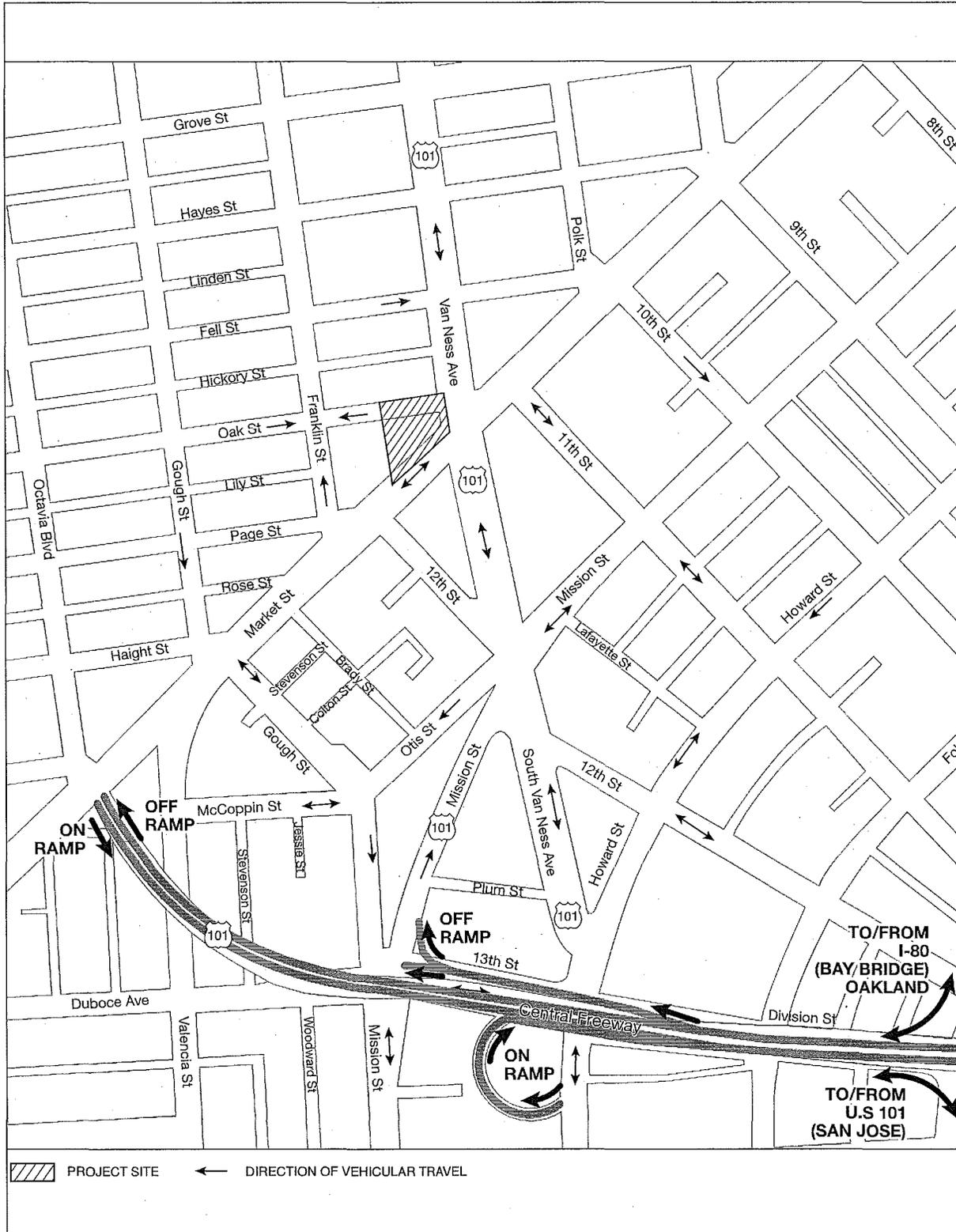
The comment requests a map presenting the nearby freeways access ramps. **Figure RTC-2: Regional Freeway Facilities**, presented on the next page, identifies the regional freeway connections in the vicinity of the project site. The project site is about 1,600 feet east of the U.S. 101 ramps at Octavia Boulevard, 1,900 feet north of the U.S. 101 off-ramp at Mission Street, and 2,200 feet north of the U.S. 101 on-ramp at South Van Ness Avenue. Access between the project site and the freeway facilities is described on EIR pp. 4.C.1-4.C.2, and therefore the EIR text does not need to be amended to state that the freeway ramps are used to enter and exit San Francisco.

See also Response LU-1: Request for Additional Land Use Map, RTC pp. 4.4-4.6, regarding area plans in the project vicinity.

#### COMMENT TR-2: VEHICLE MILES TRAVELED (VMT) AND TRAFFIC IMPACTS

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“...I am really interested in getting a more thorough application of the VMT as a measurement tool to not just this project, but as Commissioner Richards was talking about, that helps in general.



Source: SCB/Snehettia (2016)

**ONE OAK PROJECT**

**FIGURE RTC-2: REGIONAL FREEWAY FACILITIES**

4. Comments and Responses  
B. Transportation and Circulation

“Because I do think it could be a really great tool for us on the local level to apply and come up with our own measurement methodologies and benchmarks when it comes to transit hubs. And I'm thinking because we've been getting so much correspondence about the Balboa Reservoir, for example, this is a tool that we could use. And I think that we're just barely using it as it -- you know. So I think, this is really interesting, but I would like a little bit deeper analysis.”  
*(Commissioner Myrna Melgar, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Melgar-2])*

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“I'm very grateful to Hayes Valley Neighborhood Association to do such a thorough overview of issues that do come into mind when reading the Draft EIR. I'm in full support of the observations that have been shared, including the challenges that Mr. Radulovich posed in terms of auto capacity reduction and a number of other traffic related issues.” *(Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-1])*

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**“TR-1 and C-TR-1 (VMT and Traffic Impacts):** The DEIR uses the Governor’s Office of Planning and Research’s new approach of analyzing traffic impacts through changes to vehicle miles traveled (VMT). While this is a useful proxy for many environmental impacts of a development’s effect on traffic, it relies heavily on selecting the correct criteria for measurement.

“The OPR guidelines were amended at a late stage so that “a project that generates greater than 85 percent of regional per capita VMT, but less than 85 percent of city-wide per capita VMT, would still be considered to have a less than significant transportation impact”. [OPR Revised Proposal for Implementing SB 743, page III:23] The intent is clear that this change is to avoid penalizing projects that incrementally improve VMT outside of metropolitan centers.

“There is no indication that OPR intended to favor the converse interpretation: that a project has a less than significant transportation impact if it exceeds 85 percent of city-wide per capita VMT so long as it generates less than 85 percent of regional per capita VMT. Indeed, if this converse interpretation were to be adopted (in which per capita VMT for San Francisco becomes irrelevant), it is hard to imagine how any project in San Francisco could be found to create a significant traffic-based impact when compared to a VMT per capita level based on a region that stretches from Cloverdale and Vacaville to Gilroy. **Incorrectly, the DEIR assumes that this converse interpretation holds true and for this reason the DEIR is not adequate.** [DEIR page 4.C.35 note 23]

“The DEIR Traffic Analysis should have assessed the project’s impact based on San Francisco VMT figures and not purely regional VMT. It is important that new projects contribute to San Francisco’s positive effect on regional VMT, rather than promote a regression to the mean. To this end:

- The DEIR Traffic Analysis should be reworked to assess the net impact of the project on VMT within the study area.
- The analysis should account for the reasonably foreseeable high rate of commuting trips by private vehicle from the project site to and from the Peninsula and South Bay.

4. Comments and Responses  
B. Transportation and Circulation

“The analysis should include a more comprehensive examination of traffic flow and the impact of vehicle trips to and from the project site on nearby transit, bike and car traffic. This is compatible with the state’s revised traffic analysis guidelines, as any disruption to the many busy commuter routes is likely to cause significant environmental impact.” (*Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-5]*)

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“**TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. The transportation data used in the DEIR is uninformative about present day trip distribution and underestimates car commuting to the South Bay. The location of One Oak is a unique transportation corridor of citywide importance. It has exceptionally high transit, pedestrian, and bicycle traffic that will be negatively impacted by car circulation to and from One Oak. The relationship between VMT and local car circulation and impacts on pedestrians, bicycles, and transit must be thoroughly studied, understood, and mitigated.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-2]*)

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“TR-I and Chapter 4.C-1: VMT and Traffic Impacts

“The One Oak DEIR dismisses the very real traffic circulation and safety impacts of the project. The LCW (2016) *One Oak Transportation Impact Study*, which is the basis for the DEIR analysis, uses antiquated and inadequate methods for analysis of traffic impacts. The DEIR’s reliance on the regional-scale threshold of significance for VMT results in inadequate analysis because **the location provides a unique transportation corridor that needs to be thoroughly studied.**

“Nine important Muni bus lines, five Muni light rail lines, and one Muni streetcar line traverse the corridor, carrying almost 14,000 passengers in the weekday am peak hour and 13,500 in the weekday pm peak hour (DEIR, Table 4.C.3.)<sup>1</sup>. Every weekday there are thousands of cyclists using Market Street, with 1,400 in the two- hour pm peak period alone (DEIR, 4.C.22).

“Car and transit capacity is strained at this location. At the Market and Van Ness Intersection, 3,700 motor vehicles cross in every direction in the am peak hour, and almost 4,000 traverse the intersection in the pm peak hour (LCW, 2016, Figures 7a and 7b). At peak times cars frequently block crosswalks and also accelerate at yellow light phases. Transit capacity, as demonstrated in the capacity utilization metric exhibited in Table 4.C.3 in the DEIR, is at capacity or approaching capacity.

“The Market and Van Ness intersection is a top “Vision Zero” location identified by the city as a priority to make safer for pedestrians and cyclists. The SFMTA plans to invest considerable resources in Van Ness Bus Rapid Transit well as the Mission 14 bus as part of Muni Forward. Bicycle and pedestrian conditions are to be addressed in Vision Zero, the San Francisco Bicycle Plan, and Better Market Street Plans. All of these will involve reducing roadway capacity for automobiles and trucks, meaning less room to add additional cars from One Oak and other nearby new development. Most transportation demand from development like One Oak must be oriented towards walking and bicycling. The DEIR acknowledges none of this.

4. Comments and Responses  
B. Transportation and Circulation

“The DEIR lacks a detailed analysis of the site’s circulation and traffic safety impacts, ostensibly because the site is located in TAZ 588 (see attachment 1) [*For attachment 1, see the complete copy of Letter O-HVNA1 presented in RTC Attachment B.*], with daily per capita VMT (3.5 miles per day) that is lower than the regional per capita VMT threshold. TAZ 588 is a five city block triangle bounded by Oak Street to the North, Market Street to the South, Gough to the West, and Van Ness to the East. This TAZ, like the Market and Octavia Better Neighborhoods Plan, is characterized by mostly older, pre-automobile era buildings and rental housing, with low rates of car ownership and buildings with little to no parking. In the Market and Octavia Plan Area, per capita daily VMT is roughly 4 miles.<sup>2</sup>

“The LCW transportation study shows that cars are still the biggest mode share of the project, adding 131 new car trips in the am peak, and 171 car trips in the pm weekday peak (LCW, 2016, Table 11, p. 53). This is despite being in a dense, transit rich location, suitable for utilitarian cycling, walkable, and near an array of urban services and jobs. It is a substantial increase in car trips over existing conditions, in a very congested part of the city with 1,400 cyclists on Market in the afternoon peak time and tens of thousands of transit passengers.

“The analysis says nothing about how car trips generated by One Oak will circulate, nor how the excess parking (0.5:1 (155 spaces) is accentuating these car trips. Even if the car trips were at a per capita VMT of 3 or 4 miles per day, this would be a significant impact on the immediate area. **This is a part of the city where the tolerance for more VMT is zero, and this needs to be considered.**

“The inadequacy of the analysis is aggravated by the trip distribution discussion (LCW, 2016, p.54). **Based on data from 1990**, LCW’s transportation report downplays the volume of car traffic that would likely go to Silicon Valley using the nearby 101 Freeway. **Using 1990 data does not reflect two tech booms and the internet-based economy to the South of the City.** Based on existing patterns of development in this part of San Francisco, a substantial portion of the residents of One Oak will be employed in high-paying tech jobs in Silicon Valley. This means more commuting to Silicon Valley, with the largest mode share by car. **1990 data is inadequate for this analysis.**

“The analysis fails to consider the negative impact on VMT by Transportation Network Companies (TNCs) like Uber or Lyft. It does not consider the localized swarming of TNC’s that will occur the One Oak site, and TNC’s are omitted from the city’s transportation analysis despite upwards of 45,000 operating in the city on a daily basis. Lack of understanding of TNC impacts on cyclists, pedestrians, and transit means the DEIR is inadequate in identifying impacts and necessary mitigation.

**“The DEIR circulation and safety analysis is wholly inadequate and needs a thorough revision that includes more accurate, up-to-date data and methods, and that captures TNCs. The DEIR must include a fine-grained analysis of One Oak’s VMT impacts on cyclists, pedestrians, and public transit in the immediate vicinity of the project.**

“In addition, the way the city currently considers the VMT thresholds of significance is inappropriate. Right now the city defines the threshold of significance at 15 percent less than the regional per capita VMT (17.2 miles per day x 0.15 = 14.6 miles per day). Since the VMT in TAZ 588 is below the regional threshold (14.6 miles per day), it is assumed no significant impact

and so no further analysis is required. This does not adequately reflect the impacts new car trips will have on the immediate area, or on the city, which will be significant.

**“The DEIR should be using the new VMT metric in a more useful and beneficial way that acknowledges that car trips, even short local car trips, are a significant environmental impact.** Instead of a regionally defined threshold (14.6 miles per day), the significance threshold of daily per capita VMT should reflect the Market and Octavia neighborhoods (4 miles per day) in which this project is located.

“It should be noted that the State’s CEQA guidelines recommend but do not require the regional VMT as the benchmark. The city can use VMT analysis more robustly if it lowers the threshold to neighborhood-scale such as Market and Octavia.

**“THE DEIR must analyze how parking impacts VMT. The DEIR must analyze One Oak with residential off-street parking alternatives of 0.25:1 and zero parking.**

“Additionally, the DEIR does not discuss the VMT **impacts of valet parking** for residents. With excess parking above what is permitted (155 spaces instead of 73) and easy access to cars via Valet and two elevators, there could be much more driving because of the ease of access to cars by residents (*see valet parking discussion below*).

“The DEIR TR-1 impact section also proposes a TDM mitigation focused on reducing VMT but does not ever state what the project’s per capita daily VMT will be. The success or failure of the TDM cannot be evaluated because proper data about VMT is not provided by the DEIR. Without proper data, it is not possible to know how to mitigate and how to evaluate the TDM strategies, whatever they might be.

“A project within a low per capita daily VMT TAZ can still have significant impacts locally. The DEIR needs to analyze the impacts of additional cars from the One Oak Project on this corridor and benchmarked against the per capita VMT in the Market Octavia Plan area. **Standards MUST be appropriate to the site.** Concomitantly a detailed transportation analysis should be undertaken that analyzes an off-street residential parking scenario of zero parking, and compared with residential parking ratios of 0.25:1 (73 spaces) and 0.5:1 (155 spaces).

“The DEIR needs finer-grained, higher resolution analysis of VMT and localized circulation impacts. **Mitigation in the form of wide, safe cycle tracks, wider and safer crosswalks and sidewalks, stringer transit lane separation or enforcement must be included in the study. Elimination of private automobiles and TNCs from Market Street between 10th Street and Franklin Street must also be analyzed and part of the DEIR mitigations.**

**“If the off street residential parking is permitted at One Oak, mitigation should include restricting the operation of the valet and elevators. Cars should not be allowed access or egress to One Oak on weekdays between 7am-9am peak hours and between 4pm and 7pm peak hours to limit the impacts of peak car trips on the surrounding area.**

“Off-Street Parking Ratios

“The One Oak Project is in an area of the Market and Octavia Plan where the permitted parking is 0.25:1 but zero parking is also permitted. If the project follows the rules, it would have no more

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than 73 parking spaces. Yet the DEIR for One Oak includes a residential off-street parking ratio that is double what is permitted as of right (0.5:1, or 155 parking spaces).

“The project sponsor has ignored repeated requests by the adjacent community to consider a building with zero parking. In January of 2015 HVNA explicitly objected to excess parking in a letter to Build, Inc. Two Initial Study letters, available from the planning department, asked for reduced parking, and the public comments at several “HUB” planning meetings included requests to develop One Oak with zero parking.

“One Oak’s residential parking at 0.5:1 is excessive and no compelling reason has been given to justify allowing it to be doubled from 73 to 155 spaces. The One Oak DEIR discusses residential off-street parking without considering alternatives with less parking. There is considerable evidence, based on the groundbreaking work of Professor Donald Shoup, that parking generates car trips.<sup>3</sup> The SFMTA acknowledges this: <https://www.sfmta.com/aboutsfmta/blog/growing-case-new-approach-sfs-parking-problem>. The Market and Octavia Better Neighborhood Plan acknowledges this and permits zero parking throughout the plan for that reason.

“The project also proposes valet parking without analyzing how valet parking might increase VMT and other traffic impacts. **An analysis of valet parking must be part of the DEIR.** Residents might order their cars in advance and easily access them. Residents will also find it easy to drop their cars off and not have to worry about queues or waiting times. The LCW Transportation study suggests Oak Street loading zones will be used by Valets to store cars as residents come and go. New Apps and other methods will be used by residents to have easy access to their cars. **The valet renders parking stackers and dependently-accessible parking a useless deterrent to driving.**

“The DEIR must include analysis of transportation impacts with zero parking. The DEIR must include revised transportation analysis methods that are responsive to the sensitivity of parking provision (not the 2002 SF Planning approach, which ignores the impacts of off street parking in residential buildings). The analysis must also include the impacts of valet parking on VMT and trip generation.

“The DEIR must also acknowledge that based on the planning department’s own estimate, the current foreseeable projects in the “Hub” are estimated at ***1,682 parking spaces***. Like One Oak many of these future projects will be requesting a CU for more than the permitted parking, This geographically-small, transit rich, bicycle and pedestrian neighborhood will be overwhelmed with more cars. The DIER analysis must include cumulative impacts of all of this potential future parking on VMT, and on pedestrian, bicycle, and transit systems in the area.

“The City is currently studying the Hub, but this DEIR shows One Oak does nothing the Hub promises, and is completely unlinked to that Hub study.”

[Footnotes cited in the comment:]

<sup>1</sup> Figures for peak am and pm Muni ridership calculated by adding inbound and outbound ridership columns in table 4.C.3.

<sup>2</sup> Foletta and Henderson (2016) Low Car(bon) Communities, pp. 64-65 (based on SFCTA SFChamp model)

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<sup>3</sup> Shoup (2005) *The High Cost of Free Parking*

*(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-9])*

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“I’m going to speak to the inadequacy of this EIR...

“So first of all, on the transportation impacts, we believe that there needs to be a deeper and thorough analysis of VMT. Even though you’ve selected a metric that lets you come in under the regional threshold of significance, we think that this project is such a unique location at a very high traffic intersection that you should dive deeper into -- even if the car trips are three miles per capita per day, if you look at the transportation study, you’re generating hundreds of car trips from this development at a very constrained intersection. So even if those car trips are short, they’re causing problems. They’re interacting with pedestrians, with cyclists; they’re slowing down transit. So this needs a deeper analysis.” *(Jason Henderson, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Henderson2-1])*

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**“TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. As noted above, it only analyzes a single alternative with excess parking, and neglects to analyze any alternative with parking within principally-permitted amounts. The transportation analysis used in the DEIR relies on both inadequate methods and outdated data. It relies on a trip-generation methodology that does not account for the amount of parking, or the presence of or absence of other TDM measures, when estimating auto trips. It does not use current trip-distribution patterns, and underestimates commutes to the South Bay. VMT and Traffic must be adequately analyzed, using both a sufficient range of alternatives, a methodology based on sufficient evidence, including the Planning Department’s own substantial body of evidence connecting amounts of parking and other TDM measures with travel behavior, and current data on trip distribution.” *(Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-2])*

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**“TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. The transportation data used in the DEIR is uninformative about present day trip distribution and underestimates car commuting to the South Bay, **increased congestion on all nearby streets and on the Central Freeway, exacerbated air quality issues, and increased emissions of greenhouse gases.** The location of One Oak is a unique transportation corridor of citywide importance. It has exceptionally high transit, pedestrian, and bicycle traffic that will be negatively impacted by car circulation to and from One Oak. The relationship between VMT and local car circulation and impacts on pedestrians, bicycles, and transit must be thoroughly studied, understood, and mitigated. The DEIR proposes transportation demand management (TDM) to reduce per capita daily VMT, but no information is provided to benchmark VMT in the project. Since VMT is not adequately analyzed, understanding the success of failure of TDM is not possible;” *(Sue Vaughan, Email, January 10, 2017 [I-Vaughan-2])*

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## RESPONSE TR-2: VEHICLE MILES TRAVELED AND TRAFFIC IMPACTS

The comments cite concerns related to the methodology used to assess impacts of the proposed project on vehicle miles traveled (VMT), including project-specific detailed analysis, effects of parking on VMT, and thresholds of tolerance for additional VMT. The comments allege that the VMT analysis in the EIR is inadequate for misapplication of the VMT metric. The comments also raise concerns regarding methodologies used to estimate project travel demand, additional vehicle trips generated by the proposed project, including transportation network company (TNC) vehicles, as well as impacts on cyclists, pedestrians, and transit.

As indicated on EIR p. IV.C.26, California Senate Bill 743 requires the California Office of Planning and Research (OPR) to establish criteria for determining the significance of transportation impacts that shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The statute calls for OPR, in developing the criteria, to recommend potential metrics including VMT. VMT is a measure of the amount and distance that a project causes potential residents, tenants, employees, and visitors to drive, including the number of passengers within a vehicle. The San Francisco Planning Commission replaced automobile delay (vehicular level of service or LOS) with VMT criteria via Resolution 19579, which was adopted at the Planning Commission hearing on March 3, 2016. This is discussed in more detail on EIR pp. 4.C.26 and 4.C.34-4.C.36.

Attachment F of the March 3, 2016, staff report (Methodologies, Significance Criteria, Thresholds of Significance, and Screening Criteria for Vehicle Miles Traveled and Induced Automobile Travel Impacts, which includes an appendix from the San Francisco County Transportation Authority) provides the Planning Department's methodology, analysis and recommendations for the VMT analysis.<sup>1</sup> The Department's approach to VMT analysis under CEQA is based on a screening analysis which compares development-estimated VMT to the regional average, as recommended by OPR in a technical advisory that accompanied its January 2016 draft CEQA guidelines implementing Senate Bill 743. As recommended by OPR, the Planning Department uses maps illustrating areas that exhibit low levels of existing and future VMT to screen out developments that may not require a detailed VMT analysis.<sup>2</sup> The Planning Department relies on the San Francisco Chained Activity Model Process (SF-CHAMP) model

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<sup>1</sup> San Francisco Planning Department, Executive Summary, Resolution Modifying Transportation Impact Analysis, Hearing date: March 3, 2016.

<sup>2</sup> State of California, Governor's Office of Planning and Research, Revised Proposal on Updates to the CEQA Guidelines on Evaluation Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013), January 20, 2016., pages III.20-21 (use of screening thresholds).

runs prepared by the San Francisco County Transportation Authority to estimate VMT within different geographic locations (i.e., Traffic Analysis Zones, or TAZs) throughout San Francisco.

As described on EIR p. 4.B.23, for residential projects, a project would generate substantial additional VMT if it exceeds the regional household VMT per capita minus 15 percent. For office projects, a project would generate substantial additional VMT if it exceeds the regional VMT per employee minus 15 percent. For retail projects, the Planning Department uses a VMT efficiency metric approach: a project would generate substantial additional VMT if it exceeds the regional VMT per retail employee minus 15 percent. This approach is consistent with CEQA Section 21099 and the thresholds of significance for other land uses recommended in the Office of Planning and Research's proposed transportation impact guidelines. For mixed-use projects, each proposed land use is evaluated independently, per the significance criteria described above.

As documented in the Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA ("proposed transportation impact guidelines"),<sup>3</sup> a 15 percent threshold below existing development is "both reasonably ambitious and generally achievable." It is also noted that the threshold is set at a level that acknowledges that a development site cannot feasibly result in zero VMT without substantial changes in variables that are largely outside the control of a developer (e.g., large-scale transportation infrastructure changes, social and economic movements, etc.).

#### **VMT and Use of SF-CHAMP Model**

One rationale for using the SF-CHAMP maps to screen out projects, instead of a project-by-project detailed VMT analysis, is because most development projects are not of a large enough scale and/or contain unique land uses to substantially alter the VMT estimates from SF-CHAMP. SF-CHAMP is not sensitive to site-level characteristics for a development project (e.g., the amount of parking provided for a development). The amount of parking provided for a development, as well as other project-specific transportation demand management (TDM) measures, could result in VMT that differs from the SF-CHAMP estimation. As part of the "Shift" component of the Transportation Sustainability Program, the City adopted a citywide TDM Program (effective March 2017). For the TDM Program, staff prepared the TDM Technical Justification document<sup>4</sup>, which provides the technical basis for the selection of and assignment of points to individual TDM measures in the TDM Program. As summarized in the TDM Technical Justification document, a sufficient amount of research indicates that more parking is linked to

<sup>3</sup> State of California, Governor's Office of Planning and Research, Revised Proposal on Updates to the CEQA Guidelines on Evaluation Transportation Impacts in CEQA, Implementing Senate Bill 743 (Steinberg, 2013), January 20, 2016.

<sup>4</sup> San Francisco Planning Department, Transportation Demand Management Technical Justification, June 2015. Available online at: [http://default.sfplanning.org/plans-and-programs/emerging\\_issues/tsp/TDM\\_Technical\\_Justification.pdf](http://default.sfplanning.org/plans-and-programs/emerging_issues/tsp/TDM_Technical_Justification.pdf)

more driving and that people without dedicated parking are less likely to drive. However, at this time, there is not sufficient data to quantify the specific relationship between parking supply and VMT for a development project in San Francisco. Instead, various data collection and literature review resources were used in formulating the point value assigned to any given proposed development or the Parking Supply measure in comparison to other TDM measures in the menu. The TDM point assignment is not a surrogate for the effects of a development project's parking supply for purposes of the VMT analysis under CEQA. CEQA discourages public agencies from engaging in speculation. Therefore, the quantified VMT estimates in CEQA documents for a development currently do not directly account for the effect on VMT of a development project's parking supply. The project would comply with the City's TDM Program, and Implementation of a Transportation Demand Management (TDM) Plan was included in the EIR as an improvement measure (Improvement Measure I-TR-A: Travel Demand Management Plan, pp. 4.C.44-4.C.45).

#### **VMT and For-Hire Vehicles**

SF-CHAMP estimates VMT from private automobiles and taxis, the latter of which is a type of for-hire vehicle. The observed data within SF-CHAMP is from the years with the latest data available, 2010-2012. Since that time, the prevalence of for-hire vehicles has increased in San Francisco and elsewhere. This growth is primarily a result of the growth in transportation network companies. Transportation network companies (TNCs) are similar to taxis in that drivers take passengers to and from destinations typically using a distance-based fare system. SF-CHAMP estimates the probability of driving based on auto ownership, household income, and other variables. To the extent that people previously would have traveled in another for-hire vehicle (i.e., taxi), now travel using a transportation network company service, this would be accounted for in previous household travel surveys.

To date, there is limited information as to how the introduction/adoption of transportation network companies affects travel behavior (e.g., whether people using these services are making trips they would not otherwise make, or substituting a transportation network company ride for a trip they would make by another mode). The Census Bureau and other government sources do not currently include transportation network company vehicles as a separate travel mode category when conducting survey/data collection (e.g., American Community Survey, Decennial Census, etc.). Thus, little can be determined from these standard transportation industry travel behavior data sources. Further, the transportation network companies are private businesses and generally choose not to disclose specifics regarding the number of vehicles/drivers in their service fleet, miles driven with or without passengers, passengers transported, etc. Thus, based on the information currently available it is currently difficult, if not impossible, to document how transportation network company operations quantitatively influence overall travel conditions in San Francisco or elsewhere. Thus, for the above reasons, the effects of for-hire vehicles as it relates to transportation network companies on VMT is not currently estimated in CEQA

documents, except to the extent those trips are captured in taxi vehicle trip estimates for a development.

### **The Effect of Valet-Assisted Parking**

Valet-assisted vehicle parking is included as part of the proposed project primarily due to the physical constraints of the project site, and not as a convenience for residents. Regardless of the method of vehicle parking and retrieval (i.e., valet-assisted or self-park), residents with parking spaces would have accessibility to their vehicle at all times. However, wait times for valet service, particularly during peak hours, would likely be inconvenient. This inconvenience may serve as a disincentive for residents to use private vehicles. Overall, the provision of valet-assisted parking is unlikely to have a significant effect on a resident's decision to drive. Specifically, provision of valet-assisted parking at the project site is unlikely to result in more driving, because trip purpose and destination characteristics (i.e., distance, availability of parking, etc.), the key parameters affecting travel time and cost of the trip, would primarily determine the mode of travel for the resident. Providing valet-assisted parking at the destination, rather than within a residential building, would more likely affect the resident's decision to drive; however, this would not be affected whether the proposed project includes valet-assisted parking or not.

### **Project Travel Demand**

Project travel demand, including the number of project-generated vehicle trips, was estimated based on the methodology requirements in the San Francisco *Transportation Impact Analysis Guidelines for Environmental Review (SF Guidelines)*. Consistent with the *SF Guidelines*, the mode split information for the new residential uses was based on the 2008-2013 American Community Survey data for census tract 168.02 in which the project site is located, while mode split information for the restaurant/retail uses was based on information contained in the *SF Guidelines* for employee and visitor trips to the C-3 district. The trip distribution data for the residential uses was based on the 1990 Census, while the trip distribution information for the restaurant/retail uses was based on the *SF Guidelines*. Because intersection vehicle delay and level of service is no longer a factor in determining significant impacts pursuant to CEQA (i.e., replaced with VMT criteria, as described above), the distribution of the project-generated vehicle trips to the roadway network does not affect the VMT impact analysis. The assessment of traffic safety hazards and impacts on transit operations, however, considered the impact of all project-generated vehicle trips. The more residents may drive to the South Bay, as opposed to other parts of San Francisco, the East Bay, or the South Bay, would not affect the assessment, as the impact of all project-generated vehicles was considered, regardless of their destination. It should be noted that the Planning Department's last update to the *SF Guidelines* was in 2002. Since that time, the Department has instituted various updates to the conditions, data, and methodology within that document. These updates are recorded in various memos, resolutions, and emails. The

Department intends to update the guidelines comprehensively. For this effort, substantial data collection and analysis is currently underway, primarily at newer development sites, which will result in the creation of new trip generation rates, mode split, and loading demand rates. With this data, the Department hopes to quantify the effects of for-hire vehicles and the amount of parking and VMT and update the effects delivery companies and for-hire vehicles have on a development's commercial and passenger loading demand.

### **VMT Methodology**

The commenters' disagreement over the methodology used for assessing VMT impacts in this EIR is noted. However, a lead agency has substantial discretion in determining the appropriate threshold of significance to evaluate the severity of a particular impact. Where an agency's methodology is challenged, the standard of review for a court reviewing the selected methodology is the "substantial evidence" standard, meaning the court must give deference to the lead agency's decision to select particular significance thresholds, including the threshold for traffic impacts. This EIR's use of VMT as a significance threshold consistent with established City standards is founded on substantial evidence. Accordingly, further study is not required.

Impact TR-1, on EIR pp. 4.C-41-4.C.45, and Impact C-TR-1, on EIR pp. 4.C.77-4.C.78, present the assessment of the impact of the proposed project on VMT for existing and cumulative conditions, respectively. The project site is located within an area of the City where the existing and projected future cumulative VMT are more than 15 percent below the regional VMT thresholds, and therefore the proposed project's land uses (residential and retail/restaurant) would not generate a substantial increase in VMT. Furthermore, the project site's transportation features, including sidewalk widening, on-street commercial loading spaces and passenger loading/unloading zones, and curb cuts, fit within the general types of projects that would not substantially induce automobile travel. Therefore, the proposed project would not exceed the project-level thresholds for VMT and induced automobile travel under existing conditions, and would not result in a cumulatively considerable contribution to VMT impacts.

### **Pedestrian and Bicycle Safety**

As noted in a comment, both Market Street and Van Ness Avenue are high injury streets for bicyclists and pedestrians, and are the focus of the City's efforts in implementing Vision Zero. The City adopted Vision Zero as a policy in 2014, committing to build better and safer streets, educate the public on traffic safety, enforce traffic laws, and adopt policy changes that saves lives. Impact TR-3: Pedestrian Impacts (EIR pp. 4.C.51-4.C.54), and Impact TR-5: Bicycle Impacts (EIR pp. 4.C.54-4.C.55) present a qualitative discussion of the impacts of the proposed project related to pedestrian and bicyclist safety. TNC vehicles, and their operation within the general traffic flow, were considered in the assessment of impacts on pedestrians and bicyclists.

As described in these sections, while the proposed project and variant would result in an increase in pedestrians, bicyclists, and vehicles, this increase would not be substantial enough to affect non-motorized travel modes and transit in the vicinity. In addition, the proposed project and variant would not include any features that would result in a traffic hazard or in a significant impact on pedestrians or bicyclists. Nor would the proposed project features conflict or preclude implementation of any Vision Zero safety improvement projects on Market Street or Van Ness Avenue. See Response TR-4: Pedestrian Impacts, RTC pp. 4.25-4.26, and Response TR-5: Bicycle Impacts, RTC pp. 4.30-4.34, for additional discussion of pedestrian and bicycle impacts, respectively.

The proposed project and variant would not result in significant transportation impacts on VMT, transit, pedestrians, bicyclists, loading, or emergency vehicle access, and therefore mitigation measures are not required (the proposed project and variant could contribute to cumulative construction-related transportation impacts, and therefore Mitigation Measure M-C-TR-7: Cumulative Construction Coordination, is identified on EIR pp. 4.C.88-4.C.89). In response to comments that the project should include mitigation to sidewalks, crosswalks, and bicycle facilities in the area, it is noted that the Van Ness Bus Rapid Transit (BRT) project, currently under construction, will improve transit and pedestrian facilities at the adjacent intersection of Van Ness Avenue/South Van Ness Avenue/Market Street. In addition, the proposed Better Market Street project includes implementing various improvements for pedestrians, bicyclists, and transit along the Market Street corridor between Octavia Boulevard and The Embarcadero. Thus, the Better Market Street project is intended to address many of the concerns raised in the comments, as well as in the comments that suggest eliminating private autos and TNC vehicles from Market Street between 10th and Franklin streets. The proposed project and variant would not preclude implementation of any of the Better Market Street improvements.

#### **Transportation Demand Management**

Implementation of a Transportation Demand Management (TDM) Plan was included in the EIR as an improvement measure (Improvement Measure I-TR-A: Travel Demand Management Plan, pp. 4.C.44-4.C.45), and not as a mitigation measure. See Response TR-7: TDM Plan, RTC p. 4.38-39, regarding the project's compliance with the recently legislated TDM Ordinance. Also, see Response TR-8: Project Parking Supply, RTC p. 4.42-4.44, regarding the proposed project parking supply, and Response TR-9: Project Alternatives with Less or No Parking, RTC p. 4.48-4.51, regarding the need to analyze the project with less parking.

### COMMENT TR-3: TRANSIT IMPACTS

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**“Modernizing Environmental Review on Transportation - DEIR 4.C.** The rapid changes in rather anarchic vehicle and bus traffic in San Francisco has resulted in environmental reviews that fail to capture the reality of how vehicles and buses move on City Streets - particularly south of Market and Van Ness. The traffic impedes Muni surface vehicles.

**“Muni operates on City streets through traffic.** The use of VMT and screen-lines far away from Van Ness the Market and Van Ness intersection results in a lack of information on the effect of traffic congestion on Van Ness and Market that affects Muni bus operations. Real observations from people traveling through the Van Ness corridor shows the obstructions public transit, especially Muni buses on surface streets face. Muni uses an out-dated cellular network that feeds GPS bus location into a NextBus system that projects the time the next bus will arrive on various lines.

“Updating this system is underway by MTA.

“To adequately understand the impediments to Muni buses, it is necessary that information - beyond the location of particular Muni buses - be fed into a single mapping system for as many public vehicles as possible.

“GPS systems are used to locate individual vehicles by a variety of vehicles. The City should use its approval power to require that the vehicles operate by systems over which the City or state has approval power use any GPS "transponder" to feed their exact location into a single mapping system maintained for the benefit of the Muni. It could enable Muni operators and planners to understand IN REAL TIME what obstructions, what wandering vehicles, are obstructing traffic, making illegal maneuvers, creating congestion and otherwise affecting surface public transit operations. It could allow more efficient transit operation.” (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-8]*)

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“NON-PRIVATE vehicles that travel on City streets, including Van Ness, Market, Mission, the south of Market, and which affect MUNI public transit surface operations, should be required to continually transmit GPS location information include -

- So-called "google" buses that dump tech workers from the Peninsula onto Van Ness, Mission and other streets to housing.
- Licensed taxis
- Shuttle bus systems authorized when they seek Planning approval, e.g. CPMC
- Shuttle buses that roam SF streets with absolutely no approval - eg mostly empty AAU buses
- Uber and Lyft vehicles
- regional transit buses (SamTrans, Golden Gate Transit)

“Where the City does not currently have power to require vehicles to transmit location information, the MTA and CTA can pursue it. This includes UCSF which operates its own bus system and should be asked.

“San Francisco could pursue with the California PUC requiring that Uber and Lyft, and any similar operator, provide the City with the ability to track the impacts of their vehicles. Their operation on City streets, particularly in the area used for cumulative analysis around this Project and in the south of Market, has increased dramatically since the original NOP was issued. These vehicles have no one monitoring or tracking their operations.

“I have personally seen Uber and Lyft vehicles stop in the middle of traffic lanes to pick up or drop off a passenger. They make illegal turns at intersections. They make illegal U turns on Market and Mission. Since they have proliferated so rapidly, the transportation analysis, particularly the VMT, does not take Uber and Lyft into account.

“Many of these vehicles, INCLUDING MUNI, Regional Transit and many private buses, use a GPS and a transponder sends a signal to a tower/satellite that maps out where each vehicle is at any given time. A major improvement to environmental review and Muni operations would be for the CTA and MTA to fund a mapping system AND REQUIRE THAT VEHICLES send information into one City system. It would help Muni operations by providing REAL TIME information on the location of congestion so that traffic "police" could help unjam traffic and Muni can operate at its best.” (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-9]*)

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### RESPONSE TR-3: TRANSIT IMPACTS

The comment raises concerns regarding transit impact methodology related to transit capacity utilization and operations (i.e., transit delay) and impacts on Muni buses, particularly south of Market Street and on Van Ness Avenue. The comment also states that the City should obtain real time data from vehicles equipped with transponders to track and manage traffic (including illegal turns) and transit operations.

Transit impacts of the proposed project are presented in the EIR in Impact TR-3, pp. 4.C.51-4.C.54, for existing plus project conditions and in Impact C-TR-3, pp. 4.C.83-4.C.84, for 2040 cumulative conditions. The transit impact assessment follows the methodologies in the *SF Guidelines*. It includes a qualitative assessment of the impacts of the project and variant on Muni capacity in terms of ridership and capacity utilization, and qualitatively assesses the impact of the project vehicle trips on transit operations (i.e., delay to transit vehicles). Impact TR-2, on EIR pp. 4.C.45-4.C.51, presents the transit impact analysis for existing plus project conditions, while Impact C-TR-2, on EIR pp. 4.C.78 -4.C.84, presents the transit impact analysis for cumulative conditions.

As stated on EIR p. 4.C.13, the Muni capacity utilization analysis is conducted at the maximum load point (MLP) of the transit route, which represents the location along the route where transit ridership is greatest. There are 15 Muni routes serving the project vicinity: nine bus routes, five light rail lines, and the F Market & Wharves historic streetcar. For the east-west bus routes the MLPs are located to the east of the project site (generally at or east of Van Ness Avenue), and for

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the north-south bus routes the MLP is located to the north of the project site. The MLP for the J Church and N Judah lines is at the intersection of Duboce/Church, while the MLP for the K Ingleside, L Taraval, and M Ocean View routes is at the Van Ness station. The addition of project trips to the MLP is a conservative analysis, as some riders may exit the transit vehicle prior to the MLP or get on after the MLP, where transit ridership is lower. The capacity utilization analysis was conducted for the north/south and east/west bus routes and rail lines serving the project site, as well as for the Southwest screenline of the Muni downtown screenlines. Therefore, the analysis was conducted for the routes directly serving the project site, and adequately analyzes capacity utilization impacts.

The impact of the proposed project and variant on operations of nearby transit routes is presented on EIR pp. 4.C.50-4.C.51. The proposed project and variant do not include any driveways on Van Ness Avenue or Market Street that would interfere with transit service on these streets (i.e., the 47 Van Ness and 49 Van Ness-Mission on Van Ness Avenue, and the 6 Parnassus, 7 Haight-Noriega, and F Market & Wharves historic streetcar on Market Street). The vehicular access to the site is proposed to be from Oak Street for both parking and loading as well as passenger pick-up/drop-off, and the main pedestrian access is also on Oak Street. Under cumulative conditions, with completion of the Van Ness BRT project, buses on Van Ness Avenue and South Van Ness Avenue will run in an exclusive median transit-only lane and would not be subject to congestion within adjacent mixed-flow travel lanes; therefore, vehicles accessing Oak Street via Van Ness Avenue southbound would not impact transit operations. In addition, because vehicular access to and from Market Street is restricted (e.g., left turn prohibitions, forced turns), the proposed project and variant would not add a substantial number of vehicles to Market Street. Therefore, the proposed project and variant would not conflict with or delay transit vehicles as to result in a significant transit impact under either existing plus project or cumulative conditions.

As described on EIR pp. 4.C.73-4.C.76, a number of cumulative projects would enhance the transit network in the project vicinity, including implementation of transit-only lanes and other enhancements. These include the ongoing Van Ness BRT project on Van Ness Avenue and South Van Ness Avenue described above, and the Muni Forward project on Mission Street that will complete and upgrade the transit-only lane network for bus routes on Mission Street. Transit-only lanes currently exist on Market Street east of 12th Street/Van Ness Avenue, and the proposed Better Market Street project will further enhance transit operations in the vicinity of the project site through various transportation and streetscape improvements.

The suggestion that the City should track vehicles over which it has approval power in real time is noted, and will be forwarded to SFMTA for consideration. However, this suggestion does not alter the adequacy of the methodology utilized in this EIR's transit impact analysis. As noted in Response TR-2: Vehicle Miles Traveled and Traffic Impacts, on RTC pp. 4.16-4.21, a lead agency is vested with substantial discretion in determining the appropriate threshold of

significance to evaluate the severity of a particular impact. This EIR adequately provides supporting evidence and explanation of the methodology to accurately analyze impacts and to support its conclusions. Accordingly, further study is not required.

Also see Response TR-2 for a response to concerns about impacts related to VMT and updates to the transportation impact methodologies.

#### **COMMENT TR-4: PEDESTRIAN IMPACTS**

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“I am still also not very clear about pedestrian circulation, increased safety for people who are using transit, who are crossing on bicycle, and on slower modes of moving across the intersection. The sidewalks in front of the project in question today are far too narrow to accommodate the increased pedestrian -- safe increased pedestrian movement, particularly if loading is not being moved to Oak Street, and, particularly, if we continue to not constructively address how we deal with the random unregulated patterns of Uber and Lyft regarding pickup and delivery of passengers. (*Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-4]*)

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#### **RESPONSE TR-4: PEDESTRIAN IMPACTS**

The comment notes that the sidewalks adjacent to the project site are too narrow to accommodate increased pedestrians, particularly if loading is not being moved to Oak Street, and particularly in light of unregulated passenger loading drop-offs provided by transportation network companies such as Uber and Lyft. The comment requests clarification about pedestrian circulation around the project site and safety for persons using transit and crossing the intersection.

The impacts of the proposed project on pedestrians are discussed in Impact TR-3 on EIR p. 4.C.51-4.C.54. The pedestrian analysis includes a quantitative level of service analysis of the effects of project-generated pedestrian trips on the Market Street sidewalk adjacent to the project site, and a qualitative discussion of the increased pedestrian volumes and proposed changes to the immediate pedestrian network and their potential to result in hazardous pedestrian conditions. The proposed project includes reconfiguration of Oak Street adjacent to the project site to provide a shared street and add a pedestrian plaza that would increase the pedestrian-only area at the intersection of Van Ness Avenue/Market Street/Oak Street.

As described on EIR pp. 4.C.18-4.C.19, the sidewalks adjacent to the project site are 15 feet wide on Oak Street and Van Ness Avenue, and between 15 and 25 feet wide on Market Street. The existing sidewalk widths adjacent to the site currently meet the minimum and recommended sidewalk widths specified in the Better Streets Plan (minimum of 12 feet, and recommended

width of 15 feet for a commercial thoroughfare). However, a stairway and escalator for the Muni Van Ness station is located on the section of Market Street where the sidewalk is 25 feet wide, which reduces the width of walkway area at this location to 9 feet.

The majority of the pedestrian trips would be added to the Oak Street sidewalk, from where project-generated pedestrians would be distributed along Market Street and Van Ness Avenue. The quantitative pedestrian LOS analysis was conducted at the most-constrained sidewalk location adjacent to the project site (i.e., between the building at the property line and the Muni Van Ness station stairway). With the addition of the project-generated pedestrians, the pedestrian LOS at this location would be LOS C, reflecting acceptable pedestrian walking conditions.

Thus, the new pedestrian trips would be accommodated on the existing pedestrian network and would not substantially affect the pedestrian conditions on sidewalks and crosswalks in the project vicinity. The proposed project would add pedestrian trips to nearby crosswalks, but would not introduce new hazardous design features to the intersections. Impact TR-3 concludes that the additional pedestrian trips would not substantially affect pedestrian levels of service and that the improvements along Oak Street under the proposed project and variant would not create hazardous conditions or interfere with pedestrian accessibility in the area. Increased pedestrian activity is expected due to planned Van Ness BRT operations, but sidewalk area is expected to be adequate since, as noted above, the proposed project would add a pedestrian plaza that would increase the pedestrian-only area at the intersection of Van Ness Avenue/Market Street/Oak Street which would be adjacent to the southbound BRT platform within the Van Ness Avenue median.

The proposed project would provide on-site loading spaces accessed via Oak Street as well as a passenger loading/unloading zone on Oak Street. The existing Market Street commercial loading zone would not be used for project loading, and use would be actively discouraged. See Response TR-6: Loading Impacts, on RTC pp. 4.36-4.37, for a response to concerns about passenger loading.

#### **COMMENT TR-5: BICYCLE IMPACTS**

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“All of that [concerns for pedestrian circulation loading, bicycle safety] will have a direct impact here, particularly crossing over the dedicated bike lanes is something which is already enough of a threat, but it has not been put forward as a traffic measure, but which we're bringing it into the context of a discussion on EIR and protecting pedestrians, bicycles, et cetera.” (*Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-5]*)

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“Some other things that came to mind here as well, I've had the occasion to be down at that intersection recently several times and I do understand that that loading zone is not used. So it's an existing condition because it's physically there, but it isn't being used. And I think that we need to understand if we actually reactivate it -- because there's nothing to unload to there right now. You can't -- the donut shop doesn't unload donuts. There's nothing there to unload. There's an empty lot. So if we were to reactivate that, what's it really going to have? What's the impact going to be specifically on cyclists?”

“I was at the Planning Department last night, and I had to drive my car, unfortunately, but it was late; I could park it in front. And when I went home in the dark, I tried to make a turn on Duboce from Valencia, and I have to tell you, at night, when there's bicyclists coming down Valencia and it's raining and you're trying to make a turn to understand where cars are coming at you, it's harrowing. You know, I almost hit a bicyclist making that right turn. So I project what I -- my experience last night into this intersection with that loading zone, not far from that corner, on a rainy night, when it's dark, and I see the same kind of things happening. So I really think we need to look at the impact of bicyclists on that loading zone -- the loading zone on the impact of a cyclist.” *(Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-2])*

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**“TR-4 (Bicycle Impacts):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, especially on Market Street. It ignores hazards to bicycling from on-street loading and wind. New analysis is needed of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully-separated, wide cycle tracks on Market Street and other bicycle infrastructure must be considered. *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-4])*

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“TR-4 Hazardous Conditions for Bicyclists

“The DEIR fails to consider that the proposed on-street loading zone on Market Street and the impacts of winds will have a hazardous impact in bicycles. The impacts of the loading zones and winds are described below using the same sub headings of the DEIR summary table.

**“TR-5: Loading Demand & Impact on Bicycles**

“The DEIR for One Oak discusses a 130-foot recessed loading zone on westbound Market Street but **mischaracterizes the loading zone as an existing condition**. The loading zone has been inactive for at least a decade, with very few trucks using the zone. **On page 47 of the LCW transportation report it is noted that no trucks currently use the loading zone**. Meanwhile cycling has increased dramatically on Market Street, and notably, in a physical environment where this loading zone has been inactive. Today during weekday pm peak commute hours, 1,400 cyclists use this part of Market Street, and existing conditions are such that these 1,400 cyclists do NOT presently cross paths with delivery trucks or TNCs. **The activation of this loading zone will be a significant change to the physical environment and present hazards to cyclists. The**

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**DEIR needs to analyze this.** *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-10])*

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“The DEIR proposes removing bicycle-safety measures (flexible bollards or “safe-hit” posts) on Market Street in order to make truck deliveries and loading easier for trucks on Market Street. It fails to discuss the negative impact this will have on the 1,400 cyclists using Market during the weekday pm commute.

“The 130-foot loading zone must be considered a new loading zone because it will go from inactive to active, and will be a very real change to the physical environment. The loading zone will present new hazards to incumbent cyclists on Market Street, and will further degrade conditions for cyclists if safe-hit posts are removed.

“The Draft EIR should be revised to analyze an alternative with no loading on Market Street, and a shift of all loading to the Oak Street side of the project. It should also analyze more creative loading strategies, such as loading further off site (westward on Oak and on Franklin) and deploying the use of human-powered push carts and cargo bicycles to service One Oak.

“The curb for the inactive loading zone must be repurposed to wider sidewalks and fully separated cycle tracks for pedestrian and bicycle safety, and this should be analyzed as mitigation for One Oak.” *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-12])*

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“The other issue is that loading zone. That loading zone is, I think, mischaracterized. We're talking about the one on Market Street. It's characterized as an existing condition, but the reality is it's a physical change of the built environment, because it's been, for ten years, not really used. Your own transportation report says "No trucks have been observed using that loading zone." So in the meantime, over the past decade, you've seen an increase in cycling. So the incumbent cyclists are now going to have vehicles all day long crossing that bike lane. That is a change to the physical environment. That is a significant change.

“The EIR ignores it. In fact, it even says, "Oh, well, we'll make it easier for the delivery vehicles by removing soft-hit posts." That's insane. Okay, so we got the bicycle impacts and we got the, loading -- the wind and the loading on bicycles.” *(Jason Henderson, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Henderson2-3])*

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**“Loading Demand (TR-5):** Curb loading, including delivery vehicles, TNCs, and taxi trips, are a significant source of conflicts with the safety and access of pedestrians and cyclists. Additionally, the volume of curb loading vehicles has increased significantly in recent years and continues to increase, as noted by SFMTA and others. The DEIR must identify stronger mitigations for loading impacts created by the project, including mitigation measures to reduce loading along Market Street and re-orient loading to the Oak Street side of the project.” *(Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-4])*

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"I've read through parts of the EIR. I'm a daily bicycle commuter that often cycles along Market St at that intersection. I'm very concerned that the effects on cycling in the area have not been fully addressed.

"1) Putting a loading zone on Market St would be a huge hazard to cyclists. That is a main thoroughfare and would impact the bike lane on Market St." (*Justin Fraser, Email, January 5, 2017 [I-Fraser-1]*)

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"Also, I think that loading zones -- you know, regardless of the parking number, loading zones are really critical to maintain in terms of safety. There's so much loading, double space, and just illegal loading and unloading which really impedes bicycles, especially, and also normal transit and cars, which Van Ness, of course, is going to have the bike -- the bus lanes, special bus lanes.

"I would also -- so I would move the loading zone to someplace, I guess, off Market. It sounds like Oak, maybe, and I would make sure that there is a loading zone. Sometimes loading zones are entitled, but then white zones are taken away because the pressure to put parking meters on those spaces and get revenue is just too tempting for the relevant agency.

"I would suggest that you have the developer add city bike memberships in lieu of parking. That's a way to encourage more of the bike share, and that would be a great place to have a bike share. And if it was subsidized by the developer by providing free bike share memberships to their residents that would be great." (*Judith, DEIR Hearing Transcript, January 5, 2017 [I-Judith-2]*)

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"Another concern of mine is the proposed loading zone for cars on Market St. There are already plenty mixing zones and conflict areas for bikes and cars in that area. Just east of Van Ness on Market, there is a dangerous area where cars turn right and bikes proceed straight through the intersection. Just past the proposed location at Market and Rose St, there is another dangerous mixing zone between cars and bikes. In fact, this area is a de facto loading zone for TNCs already. If there is yet another dangerous mixing zone in between these two, I will really fear for the safety of the cyclists that pass through here every evening on their commute home from work, on such an important cycling corridor here on Market St.

"At a time when confidence is low in our Vision Zero 2024 progress, we need to be making the right decisions that will make our streets safer. I urge you to do anything that you can to support the separated bike lane on Market St from the Better Market project, especially when developers are coming in and threatening its viability with projects like this. Lives are at stake!" (*Brad McManus, Email, January 9, 2017 [I-McManus-2]*)

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**"TR-4 (Bicycle Impacts):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, especially on Market Street. It ignores hazards to bicycling from on-street loading and wind. New analysis is needed of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully-separated, wide cycle tracks on Market

Street and other bicycle infrastructure must be considered;” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-3]*)

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“I’m also concerned about the loading zone. This is west of Van Ness, and that area is where the main bike lane is for people riding from downtown through the western part of the City. And, of course, with vision zero, the intent is to decrease the number of injuries and fatalities, and with the increase in the amount of automobiles emanating from that building and using that as a loading zone, one might imagine for people using cabs and other TNCs, that there will be significantly more traffic interactions with bicyclists, and that will lead to more injuries.” (*Jiro Yamamoto, DEIR Hearing Transcript, January 5, 2017 [I-Yamamoto-2]*)

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#### **RESPONSE TR-5: BICYCLE IMPACTS**

The comments raise concerns regarding the existing recessed commercial loading zone on Market Street adjacent to and west of the proposed project site, particularly its characterization and potential conflicts between vehicles accessing the loading zone and bicyclists traveling in the westbound bicycle lane on Market Street. The comments also object to the two improvement measures in the DEIR related to facilitating truck access to the existing commercial loading zone on Market Street, and state that a project design that does not rely on use of the existing zone on Market Street should have been analyzed.

As described on EIR p. 4.C.23, there is an existing recessed commercial loading zone adjacent to the project site that extends to the west of the site to the intersection of Market Street/12th Street. This existing loading zone is about 130 feet in length, and has a “No Standing Except Trucks with at least 6 Wheels, 30 Minutes at All Times” restriction. The westbound bicycle lane adjacent to the loading zone is buffered with striping and flexible bollards for the portion of the zone adjacent to the project site. As stated on EIR p. 4.C.23, no trucks were observed parking within this zone during field surveys conducted for this project; however, trucks have been observed at other times, and this curb area is indeed an existing commercial loading zone. The existing loading zone is lightly used because the project block has vacant lots, surface parking lots, and underutilized buildings, and because existing uses on the block are served by on-street loading spaces on Oak (i.e., All Star Café) and Franklin streets (i.e., ground-floor retail and residential uses at 20 Franklin/1580-1598 Market Street).

The DEIR contemplated the use of the existing Market Street recessed commercial loading zone to supplement the loading options for the proposed project. However, the proposed project does not rely on the Market Street loading zone to satisfy any Planning Code Requirement for loading. The proposed project is designed to provide pedestrian, bicycle, vehicle, and loading access to the building via Oak Street, and includes on-site loading spaces to accommodate delivery and service

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vehicles with driveway access from Oak Street, as well as a passenger loading/unloading zone (e.g., for taxis, TNC vehicles) adjacent to the project site on Oak Street. The proposed project loading demand would be accommodated within the proposed facilities on Oak Street. However, because residential move-in and move-out activities are occasionally conducted via large moving vans, the DEIR acknowledged that these activities could be conducted from the existing recessed commercial loading zone on Market Street and connect with the building elevators via a service corridor.

In response to concerns raised in the comments that residents and retail tenants at the proposed project would use the existing Market Street loading zone for deliveries, move-ins and passenger loading, thereby creating potential conflicts with bicyclists, the project sponsor has committed to implement measures prohibiting all project-related loading operations at the Market Street commercial loading zone, and these actions have been incorporated into Improvement Measure I-TR-B: Loading Operations Plan (see below). Building management would prohibit any project-related loading operations, including residential deliveries, retail deliveries, passenger loading and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management would be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces. In addition, the project sponsor would require retail tenants to use the on-site loading spaces, and would include within its leases, vendor contracts, and governing documents (i.e., Covenants, Conditions & Restrictions and Rules & Regulations) written prohibitions against any and all project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.

Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street, and Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street, p. 4.C.58, were included in the DEIR to facilitate use of the existing zone by trucks serving the planned and proposed new uses on the block, including the proposed project. However, because the proposed project and variant would not require use of this zone to accommodate project operations and would actively manage all building loading operations via Oak Street (including freight/service vehicle and passenger loading/unloading), these improvement measures have been deleted from the EIR. In addition, Improvement Measure I-TR-D: Loading Operations Plan, pp. 4.C.58-4.C.59, has been re-designated as I-TR-B and expanded to exclude the use of this zone by the proposed project residential and retail/restaurant uses. Revised Improvement Measure I-TR-B could be a condition of approval and included in the proposed project's Mitigation Monitoring and Reporting Program.

In response to the comments, the text on EIR pp. 4.C.58-4C.59 has been revised as follows (deleted text is shown as ~~strikethrough~~ and new text is underlined):

While the loading impacts of the proposed project or its variant would be less than significant, **Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street, Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street, and Improvement Measure I-TR-B: Loading Operations Plan**, presented below, ~~is~~ are identified to further reduce the proposed project's or its variant's less-than-significant impacts related to loading. The Planning Commission may consider adopting ~~this~~ these improvement measures as a condition of project approval.

**Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street**

~~As an improvement measure to ensure that deliveries destined to the ground-floor restaurant and retail uses are able to be accommodated within the existing recessed commercial loading bay on Market Street, the SFMTA could revise the existing use restriction from a "No Standing Except Trucks with at Least 6 Wheels, 30 Minutes at All Times" to a "No Standing Except Trucks Loading/Unloading, 30 Minutes at All Times".~~

**Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street**

~~As an improvement measure to ensure that trucks would be able to pull in fully to the existing recessed commercial loading bay on Market Street adjacent to the project site, the placement of the flexible safety bollards separating the existing bicycle lane from the adjacent travel lane could be reviewed to determine if one or more of the bollards could be removed.~~

**Improvement Measure I-TR-DB: Loading Operations Plan**

As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA prior to receiving the final certificate of occupancy. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised as necessary and if feasible to more appropriately respond to changes in street or circulation conditions.

The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facilities, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:

- Commercial loading for the project should be accommodated on-site and, within planned on-street commercial loading spaces ~~along Market Street and on-street freight loading/drop-off spaces~~ on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions.
- Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets.

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- Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management.
- All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, if necessary, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities.<sup>36</sup>
- Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.
- The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules.
- Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&Rs and Rules & Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.
- The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am).
- Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via Oak Market Street, and bins should be returned into the building. At no point should trash bins, empty or loaded, be left on Market Street or Oak Street on the sidewalk, roadway, or proposed pedestrian plaza.

Implementation of **Improvement Measures I-TR-B, I-TR-C, and I-TR-BD** would not result in any secondary transportation-related impacts.

[Footnote 36 on EIR p. 4.C.59:]

<sup>36</sup> Information on SFMTA temporary signage permit process available online at <https://www.sfmta.com/services/streets-sidewalks/temporary-signage>

With the proposed project changes to the ground-floor access to the building, as described above, and operations of the building as incorporated into the Loading Operations Plan, the potential for conflicts between the proposed project activities and bicyclists riding westbound within the bicycle lane on Market Street would be reduced. In addition, as described on EIR p. 4.C.76, the ongoing Better Market Street project proposes redesign of Market Street between Octavia Boulevard and The Embarcadero to provide various transportation and streetscape improvements to better serve transit riders; provide safer bicycle facilities; improve pedestrian accessibility, safety, and mobility; accommodate commercial vehicle and passenger loading; and support planned growth along the corridor. The Better Market Street project is developing and analyzing a number of alternatives and variants that provide options on accommodating the competing needs. These alternatives will include removal of all or some commercial vehicle and passenger loading zones on Market Street, with new zones created on adjacent cross-streets. Thus, the Better Market Street analysis will consider existing and future needs for these zones in developing the designs to improve bicycle facilities on Market Street, while accommodating existing and new development. The proposed project's loading operations on Oak Street would not conflict with the Better Market Street project.

Also see Response TR-6: Loading Impacts, RTC pp. 4.36-4.37, and Response WI-2: Wind Impacts on Bicyclists, RTC pp. 4.64-4.67.

#### **COMMENT TR-6: LOADING IMPACTS**

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“I think the adequacy of the EIR as well needs to understand the changes in the retail landscape. Yesterday morning I had to go to a meeting, but what was in my driveway? An Amazon car delivering to the nextdoor neighbor. I didn't even know they delivered by car. I thought they just delivered by truck.

“But, you know, so many things are happening that's overtaking our ability to understand them, changes in retail, on demand meals. When I go home tonight, I'm going to have Munchery, and they're going to deliver it to my house because I'm not going to cook. I'll probably take an Uber home.

“So, I mean, all this stuff is happening, and I'm not sure we're really getting a real understanding of it as it pertains to this really sensitive site. With this many units and this many people and this demand, I'm really having to stretch, trying to understand how we're going to accommodate it.

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“The other issue, the one that we had on -- I think it was 39 1st Street, the loading and unloading of people moving in and out needs to be considered, that maybe it's not an EIR thing; I think it's a project-specific thing, but I'll go out on a limb here. Without an ability to have people drive their U-Haul van in, unload it, put it in an elevator, get it up to their unit on Floor 30, to have them down on the street carrying stuff in, lamps and stuff, you know, from the street in and trying to get it through the lobby or some other way, just really doesn't make much sense. So I know there's a big loading area there, but I'm assuming that that's really more for bigger trucks. But we'll have to see. So I think that's -- that's an issue.

“I think we need to be creative around all these things I mentioned about where the world is going as it pertains to this project and other projects in the, neighborhood, and get really creative, because maybe the model of having the delivery happen right at your site no longer works.

“The post office uses rhino boxes where they'll deliver it to a rhino box and have to go get it. So, I mean, we need to think about be creative here and maybe take a different lens.” (*Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-3]*)

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**“TR-5 (Loading Demand):** The DEIR analysis of loading demand is inadequate and does not reflect present-day trends in retail delivery and transportation network companies (TNCs). The DEIR must discuss stronger mitigation for loading impacts for residential online shopping and TNC passengers and re-orient all loading to the Oak Street side of the project.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-5]*)

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“The DEIR for One Oak underestimates the volume of daily deliveries to One Oak and the methodology for estimating deliveries must be updated to reflect change. The DEIR and LCW Report suggest One Oak’s 700 residents will receive approximately 27 deliveries per day (based on the antiquated SF Transportation Guidelines of 2002) (see page 69, LCW Report). If there are 700 residents in One Oak, and each receives one delivery per month, on business days only (22 days), that amounts to almost 32 deliveries per day. This does not acknowledge the rapid proliferation of internet retail goods and household items, as well as food deliveries to residential buildings.

“The Draft EIR needs to update the calculation of delivery to reflect present-day reality, and to reveal how many delivery trucks and vehicles will potentially **cross and impede** the Market Street bike lane. This includes analyzing deliveries at similar existing towers. This must also include a cumulative analysis of deliveries for 1554 Market, which is sharing the loading zone on Market Street.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-11]*)

**“TR-5 (Loading Demand):** The DEIR analysis of loading demand is inadequate and does not reflect present-day trends in retail delivery and transportation network companies (TNCs). The 2 DEIR must discuss stronger mitigation for loading impacts for residential online shopping and TNC passengers and re-orient all loading to the Oak Street side of the project;” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-4]*)

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## RESPONSE TR-6: LOADING IMPACTS

The comments raise general concerns about the changing environment due to deliveries of products (e.g., meals) and services (e.g., Uber), the frequency of loading events and calculation of loading demand, and the need for loading mitigation measures.

The impact of the proposed project and variant on loading is presented in Impact TR-5, on EIR pp. 4.C.55-4.C.57, and includes discussion of truck and service vehicle loading demand, accommodation of loading demand, move-in and move-out activities, and passenger loading/unloading activities. The proposed project and variant includes loading spaces with access from Oak Street to accommodate the freight deliveries and service vehicle demand, residential move-in and move-out activities, as well as a passenger loading/unloading zone adjacent to the project site on Oak Street to accommodate taxis and TNC vehicles. The proposed project would not utilize the existing on-street commercial loading zone on Market Street.

The *SF Guidelines* methodology for estimating truck and service vehicle loading demand assesses whether the peak loading demand could be accommodated within the proposed facilities, and considers the loading demand for the nine-hour period between 8 AM and 5 PM. The loading demand does not take into account delivery trips that occur during the early morning (i.e., trash removal) or in the evening (e.g., pizza delivery). These types of delivery trips are typically not accommodated on-site and generally occur outside of the peak commute periods when the number of pedestrians, bicyclists, transit and other vehicles is lowest. Nor does the loading demand estimate account for taxis and TNC vehicles, which would be accommodated within the proposed passenger loading/unloading zone on Oak Street.

The comment’s [*O-HVNA-Henderson1-11*] calculation of 32 deliveries per day is incorrect in that it assumes that each delivery is delivered in a separate vehicle, whereas in buildings with multiple units, such as the proposed project, multiple residents are served with one delivery trip (e.g., UPS delivers multiple packages to one building address at one time). As stated on EIR p. 4.C.56, the project loading demand of 28 delivery/service vehicle trips per day corresponds to a peak demand for two loading spaces, which would be accommodated within the proposed project’s on-site loading supply. The proposed project and variant would not result in a significant loading impact, and therefore mitigation measures are not required.

4. Comments and Responses  
B. Transportation and Circulation

In response to the comment regarding use of the existing truck loading bay on Market Street by project-generated vehicles and conflicts with bicyclists within the westbound bicycle lane, Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street, and I-TR-C: Removal of Flexible Bollards on Market Street, have been eliminated from further consideration, and Improvement Measure I-TR-D: Loading Operations Plan, has been redesignated as I-TR-B and expanded to further manage project-generated loading activities, as described in Response TR-5, RTC pp. 4.30-4.34. Improvement Measure I-TR-B: Loading Operations Plan sets forth periodic review of loading operations by the SFMTA and the Planning Department to ensure that improvement measures are working.

Residential move-in and move-out activities are described on EIR p. 4.C.56, and, for move-ins or move-out conducted via smaller trucks, would occur via the on-site loading space with access from Oak Street. Larger moving trucks would be accommodated within on-street commercial loading and/or general parking spaces on Oak Street. As provided in Improvement Measure I-TR-D, all move-in and move-out activities would be scheduled with building management, who would request a reserved curbside permit from the SFMTA in advance of move-in or move-out activities involving larger trucks (e.g., cross-country moving trucks), if necessary.

**COMMENT TR-7: IMPROVEMENT MEASURE I-TR-A, TDM PROGRAM**

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“The other one is Commissioner Melgar included me in TDMs mentioned in the DEIR. I'd love to see the TDM applied. So if you have .5 parking spaces or .25 or none, what are the other things on the menu of 20-odd something things need to do to get to the acceptable number? I believe, it's 28 or whatever. What do they have to do? What's it going to look like? So maybe that's a project-specific thing, but it would really help us understand viability of what the parking ratio could look like.” (*Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-7]*)

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“The DEIR proposes transportation demand management (TDM) to reduce per capita daily VMT, but no information is provided to benchmark VMT in the project. Since VMT is not adequately analyzed, understanding the success or failure of TDM is not possible.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-3]*)

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“I have one additional comment or suggestion regarding the Draft EIR. I think it would be good to add the TDM proposal by SFMTA-Planning-SFCTA as a informational item. You could then analyze the project with 0 parking, 0.25:1, and 0.5:1 parking ratios and compare the proposed TDM point system.

“It seems this TDM calculation/methodology would be something incorporated into EIRs - no?”  
*(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Email, January 7, 2017 [O-HVNA-Henderson3-1])*

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#### **RESPONSE TR-7: IMPROVEMENT MEASURE I-TR-A, TDM PROGRAM**

The comments request additional information regarding the Transportation Demand Management (TDM) Plan for the proposed project. Improvement Measure I-TR-A: TDM Plan, EIR pp. 4.C.44-4.C.45, outlines the types of measures that could be included in the TDM Plan. The measure follows the outline of the City’s TDM Ordinance, which, at the time of publication of the *One Oak Project Draft EIR*, was recommended for approval by the Planning Commission and was being forwarded for legislative action to the Board of Supervisors. On February 7, 2017, the Board of Supervisors approved legislation for the TDM Ordinance, and the proposed project would be subject to its requirements. In order to ensure consistency of the project TDM Plan with the TDM Ordinance as ultimately approved by the Board of Supervisors, Improvement Measure I-TR-A did not include details about the plan, however, stated on EIR p. 4.C.44. that if the Planning Code amendments are legislated by the Board of Supervisors, the proposed project would be subject to the requirements of the TDM program. Because, the TDM Ordinance is now law, the following describes the project’s conformity with the recently adopted requirements.

The proposed project would include 310 residential units with total of 136 vehicle parking spaces (0.44 spaces per unit), and 4,025 gsf of ground-floor retail/restaurant uses . Because less than 10,000 gsf of retail/restaurant uses are proposed, the retail/restaurant use is not subject to the TDM Program. Therefore, the 136 residential parking spaces were used to calculate the TDM Program target points. The project’s parking rate of 0.44 spaces per unit is below the neighborhood parking rate of 0.65 per unit for the Traffic Analysis Zone (TAZ) in which it is located. The target points take into account the proposed parking rate compared to the neighborhood parking rate, and are calculated as follows: base target of 13 points, plus an additional 12 points for each additional 10 parking spaces over 20 parking spaces (thus, 136 minus 20 = 116 spaces, divided by 10 = 12 points), for a total of 25 points. However, per Section 169.3 (e) of the TDM Ordinance, because the proposed project had its development application and environmental application completed before September 4, 2016, it is subject to 50 percent of its applicable target. Therefore, the proposed project’s target points are 13 points. The project sponsor would be required to finalize its TDM measures prior to issuance of the building or site permit for the project. However, the project sponsor has preliminarily identified the following TDM measures from TDM Program Standards: Appendix A to meet the 13 target points.

- **Parking-1: Unbundled Parking, Location D – 4 points** (residential neighborhood parking rate less than or equal to 0.65, and all spaces leased or sold separately from the retail or purchase fee).

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- **Parking-4: Parking Supply, Option D – 4 points** (residential parking less than or equal to 70 percent, and greater than 60 percent of the neighborhood parking rate).
- **Active-1: Improve Walking Conditions, Option A – 1 point** (streetscape improvements consistent with *Better Streets Plan*).
- **Active-2: Bicycle Parking, Option B – 2 points** (exceeding *Planning Code* required Class 1 and Class 2 bicycle parking).  
**Active 5A: Bicycle Repair Station – 1 point** (bicycle repair station within a designated, secure area within the building, where bicycle maintenance tools and supplies are readily available on a permanent basis).
- **Delivery-1: Delivery Supportive Services – 1 point** (provide staffed reception area for receipt of deliveries and temporary parcel storage, including clothes lockers and refrigerated storage).

In addition to the TDM measures identified above, in response to commenter's concerns regarding the amount of proposed parking, the project sponsor has voluntarily offered to provide additional TDM measures representing 12 additional points for a total of 25 points in the event that the requested conditional use authorization for parking in excess of 0.25 is granted and the Project Sponsor elects to build the additional spaces authorized by the conditional use authorization.

- **Active-4: Bike Share Membership – 2 points** (offer bike share membership to each unit and/or employee, at least once annually, for 40 years).
- **Active-5B: Bicycle Repair Services – 1 point** (provide bicycle repair services to each unit and/or employee, at least once annually, for 40 years).
- **CShare-1C: Car-Share Parking, Option C – 3 points** (provide car-share memberships to each unit, and provide car-share parking as required by the *Planning Code*).
- **Family-1: Family TDM Amenities – 1 point** (provide amenities that address particular challenges that families face in making trips without a private vehicle).
- **Info-1: Multimodal Wayfinding Signage – 1 point** (provide multimodal wayfinding signage in key location to support access to transportation services and infrastructure).
- **Info-3C: Tailored Transportation Services, Option C – 3 points** (provide individualized, tailored marketing and communication campaigns to encourage alternative transportation modes).
- **Info-2: Real Time Transportation Display – 1 point** (provide real time transportation information screen in a prominent location on-site).

The project sponsor could choose to revise the selected TDM measures to exceed the target points prior to issuance of a Site Permit, or to further reduce the parking supply to meet or exceed the target point requirement, but would not be required to do so; therefore, alternative parking supply ratios for the proposed project and associated TDM target points are not presented.

### COMMENT TR-8: PROJECT PARKING SUPPLY

“And most of my comments have now been made redundant, based on Commissioner Richard's excellent presentation earlier. If any of you don't have the article, I have a copy of it for you that he referenced, and Mr. Radulovich's statements which make many of the points as to the adequacy of this EIR that I had intended on making. [See Attachment B: DEIR Hearing Transcript, last page, for the newspaper article referenced in this comment.]

“Not exploring zero parking is something that makes this inadequate, especially since this is the flagship first major development of The Hub where 1,682 additional parking spaces are now estimated to be in this general area. As we all know, it's one of the most traffic-choked areas in the City. And not exploring that option is faulty in the EIR, let's say. Not to have challenged the .5 request when no compelling reason to justify, doubling from the entitled .25 is further an error in the EIR that needs to be rectified. And that basically covers most of my points.

“This is, you know, the densest, most transit- rich environment in the City. The Hub is supposed to be evaluating comprehensive impacts of the entirety of the development, but this EIR for One Oak is setting the worst possible example, requesting .5, ignoring the .25 as of right, and not even considering the zero option.

“There is a very famous saying, "If not now, when?" You could sort of amend that, "If not here, where?" We should be looking at zero very, very seriously.

“It's interesting, there was a very interesting broadcast by the sponsors of Park Merced talking about their incentives to people to not own cars, and over 90 percent of people offered the incentives took them. If that can work in Park Merced, which is a much more car-dependent, limited, transit area, then we should be certainly looking at it very, very aggressively here.” (Jim Warshall, Hayes Valley Neighborhood Association, *DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Warshall-1]*)

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“The study carefully counted the number of vehicles for residential and commercial use entering and leaving the project garage. **The study should have also considered** that the existence of valets to park the cars will generate additional non residential users for the garage using both the driveway and the vacated residential spaces in the garage and that this will increase the total number of vehicles entering and leaving the garage during every hour. This use is typical in the upper eastside of Manhattan where all of the apartment house garages welcome non-resident short and long term parking.” (*Howard Strassner, Member, San Francisco Group Executive Committee, Sierra Club, Letter, January 10, 2017 [O-SC-2]*)

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“**At the same time, Walk SF is concerned with the Draft EIR's lack of analysis of the impacts that the proposed parking will have on the safety of people walking and on sustainable transportation more holistically.** The project sponsor is requesting permission to build up to 0.5 spaces per dwelling unit subject to criteria and procedures for a Conditional Use authorization, rather than building the as-of- right ratio of 0.25 spaces per unit.

4. Comments and Responses  
B. Transportation and Circulation

“Despite the City’s many efforts, there has not been a significant reduction in serious and fatal traffic collisions since the City adopted Vision Zero in 2014. To make progress, every planning decision the City makes must analyze opportunities to make our streets safer. Making sure the environmental review process assesses a development project’s traffic safety impacts is a crucial piece of this puzzle.

“The One Oak Street project is located at the corner of two high-injury corridors – the 12% of San Francisco’s streets where over 70% of severe and fatal crashes occur. People traveling along these corridors are already more likely to be involved in crashes than people on other city streets. **We are extremely concerned that the addition of 150 parking spaces to this already dangerous area will make the streets even more dangerous.**

“Supporting our concern is research showing that more parking leads to more driving. The Planning Department’s own June 2016 Technical Justification document for its Transportation Demand Management Program highlighted the following research findings:

- Areas with more parking are associated with more overall vehicular traffic than areas with less parking.
- Individuals who have dedicated parking at their origins or destinations are more likely to drive than those who don’t have dedicated parking.

“More vehicle trips mean more opportunities for vehicle-pedestrian conflict. Because more parking leads to more trips, more parking is therefore associated with an increased danger for people walking.

“Our concern over the project’s rate of parking also stems from expected changes to allowed parking ratios for the geographic area in which the project is located. The Planning Department’s Market Street Hub Project will likely cap the amount of permissible parking for future projects in this area at 0.25 spaces/unit, with no ability to request higher ratios (as is allowed currently). If the Planning Department’s analysis led them to recommend this as a final parking maximum, we think it’s important that the EIR includes an analysis of similar factors that the Planning Department examined to reach this recommended rate.

“**Therefore, we believe strongly that the EIR should analyze the safety impacts of One Oak Street’s proposed parking on people walking, biking, driving, and taking transit.** More specifically, we’d like to see the EIR analyze the impacts of the proposed parking rate (0.5) compared to the as-of-right parking rate (0.25), compared to zero parking, and set forth recommendations and mitigations that would stymie new automobile trip generation in this already vehicle-congested, transit-rich area of the City. If the proposed amount of parking is found to have substantial safety and environmental impacts, mitigations should include reducing the parking ratio and other measures deemed significant to reduce single occupancy vehicle use.

“We urge you to revisit the EIR analysis for the One Oak Street project to ensure that the project is consistent with the City’s Vision Zero and environmental/mode shift goals.” *(Cathy DeLuca, Policy and Program Director, Walk San Francisco, Letter, January 10, 2017 [O-WSF-2])*

4. Comments and Responses  
B. Transportation and Circulation

“2) There’s way too much parking allowed. It looks like it’s 1 space for every 2 condos which is more than what zoning allows. Adding cars to that very transit rich area would have a negative impact on safe cycling and walking in that area.” (*Justin Fraser, Email, January 5, 2017 [I-Fraser-2]*)

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“As a daily bike commuter, I am distressed to learn of the One Oak project. The City is committed to Vision Zero - eliminating traffic fatalities on its streets by 2024 - yet there are provisions in this project that cannot co-exist with the Vision Zero goal.

“In particular, this structure offers one parking space per two condos which does not help direct our city to a less car dependent future. How can it be that this development requests double the normal amount of parking spaces with its proximity to the Van Ness Muni station?” (*Brad McManus, Email, January 9, 2017 [I-McManus-1]*)

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“I am unable to make it to the public commenting period. I’d like to share my belief that since this intersection is: 1) A huge transit hub, 2) Located on a main bike route, and 3) Already difficult and dangerous to navigate with a car, the new building going up should have no parking spots (similar to the building going up at Church & Market where the Home restaurant used to be).” (*Daniel Schweitzer, Email, January 5, 2017 [I-Schweitzer-1]*)

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“**XVI. Transportation and Traffic** – the projects conflicts with current zoning for the area because the project sponsor is seeking a conditional use permit to increase the amount of parking included in the project. In seeking a conditional use permit to increase the amount of parking – in fact, in adding parking at all – the project conflicts with the city’s Transit First Policy. Page 2-20 of the DEIR also notes that vehicles leaving One Oak Street would travel westbound on Oak toward Franklin (and presumably Gough). Both Franklin and Gough are already highly congested. Has this project been evaluated as a part of the larger plan to build housing and add parking and increase VMT?” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-13]*)

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“To get to vision zero, we got to do some changes. Increasing parking at that area would be a bad idea.” (*Jiro Yamamoto, DEIR Hearing Transcript, January 5, 2017 [I-Yamamoto-3]*)

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## RESPONSE TR-8: PROJECT PARKING SUPPLY

The comments raise concerns regarding the amount of vehicle parking spaces that would be provided as part of the proposed project, and its impacts on the adjacent streets with respect to pedestrian safety. The comments also recommend that the project be revised to provide a lower ratio of vehicle spaces per unit (e.g., 0.25 space per unit which represents the maximum principally permitted under the Planning Code without a conditional use authorization) or zero parking.

4. Comments and Responses  
B. Transportation and Circulation

As noted in RTC Chapter 1, Introduction, and RTC Chapter 2, Revisions and Clarifications to the Project Description, in response to comments on the DEIR, the project sponsor revised the number of vehicle parking spaces for the 310 residential units from 155 to 136 spaces, a reduction of 19 spaces. As stated on EIR p. 4.C.70, under Planning Code Section 151, the proposed project would be permitted to provide up to one parking space for each four units (i.e., 77 spaces), while up to 0.5 space per unit would be permitted subject to criteria and procedures for a Conditional Use authorization (i.e., up to 155 parking spaces). The proposed project would provide 136 parking spaces (i.e., 0.44 space per unit) and would require a Conditional Use authorization from the Planning Commission for the parking spaces in excess of the 77 spaces permissible as-of-right. The proposed project would eliminate a surface parking lot with space for up to 47 vehicles. The proposed project vehicular access to the project parking garage and on-site loading area would be on Oak Street, which is not designated as a Vision Zero High Injury Network street.

EIR pp. 4.C.68-4.C.73 present the parking discussion related to the proposed on-site parking supply, changes to on-street parking spaces due to project streetscape improvements, and parking demand compared to the proposed supply. As stated on EIR p. 4.C.68, San Francisco does not consider parking supply as part of the permanent physical environment and therefore does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The Planning Department acknowledges, however, that parking conditions may be of interest to the public and the decision-makers; therefore, parking is analyzed for informational purposes. The potential impacts of the proposed parking supply, with respect to creating hazardous conditions or significant delays affecting transit, bicycles, or pedestrians are presented in Impact TR-2 (EIR pp. 4.C.45-4.C.51) for transit impacts, Impact TR-3 (EIR pp. 4.C.51-4.C.54) for pedestrian impacts, and Impact TR-4 (EIR pp. 4.C.54-4.C.55) for bicycle impacts. Proposed project transit, pedestrian, and bicycle impacts were determined to be less than significant. The impact assessment discussion would not change if the number of on-site parking spaces were to be decreased, and the impact determination would remain less than significant. No mitigation measures are required.

Because parking supply is not considered with regard to physical environmental impacts as defined by CEQA, the absence of an analysis of less or no parking at the project site does not render the EIR insufficient because parking is not considered an environmental impact. Reducing the amount of parking provided as part of the proposed project and variant would not change any impact determination related to the transportation impact criteria listed on EIR pp. 4.C.29-4.C.30, and transportation impacts of the proposed project, with the exception of cumulative construction impacts, would be less than significant.

A comment asserts that the existence of valets would generate additional non-residential users parking in the driveway and vacated residential spaces of the project parking garage. The use of

the proposed project garage would be limited to building residents, as described on EIR p. 2.20. Vacant residential parking spaces of the proposed project would not be available to the public.

Also, please see Response TR-9: Project Alternatives with Less or No Parking, RTC pp. 4.48-4.51, regarding the need to analyze alternatives with no parking at the project site.

#### **COMMENT TR-9: PROJECT ALTERNATIVES WITH LESS OR NO PARKING**

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“Supervisor Avalos asked me to pass on a few comments. And I think it reiterated a lot of what's been said already. I think there's serious concerns about the parking in this project. I think this is such a crucial hub for the transportation system, I think we need to be very careful in analyzing every new parking space that goes in in this area. And I think the fact that this -- the EIR doesn't study a zero parking alternative is totally inadequate and needs to be reanalyzed.” (*Jeremy Pollock, Legislative Aide, on Behalf of Supervisor John Avalos, DEIR Hearing Transcript, January 5, 2017 [A-BOS-Avalos-1]*)

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“So some of the commenters raised some issues, and I had to go back into the DEIR to see what the project sponsor's goals were for the project. And the last bullet is to provide adequate parking and vehicular unloading access to serve the needs of project residents and their visitors. I get that. Makes sense.

“But when you're looking at it through the lens of what we're doing here to understand the study, it says that the EIR needs to be adequate, accurate, and objective, and need not be exhaustive, but the sufficiency of an EIR needs to be reviewed in light of what's reasonably feasible.

“I think what's reasonably feasible is a no parking alternative, a conforming parking alternative at .25 as well as the project sponsor's .5. So I don't think it's objective if we don't look at those other alternatives.” (*Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-1]*)

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“I'm here to talk about the adequacy and the completeness of the EIR/EIS for this project. This project is in an area called The Hub. The Hub is the intersection of Van Ness and Market.

“If you look at all of the proposed projects that are either under construction now or proposed for building, the amount of development in this area will increase several fold. We'll have many, many more residents living here; we'll have many, many more offices there. It's also a very important place in the City's transportation network. Market Street's perhaps the most important transit street in the City. It's certainly one of the most important, if not the most important pedestrian streets and cycling streets.

“Van Ness is also a very important transit street. If you work or live in the area as I do, you'll know that there's not a lot of room on the streets for more cars. So as we look at developing this area, we really need to add net zero new automobile trips for two reasons.

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B. Transportation and Circulation

“One, it's already too congested. Two, in order to do the things that we need to do to make the area safer for walking and for cycling and to move transit vehicles through this area and accommodate ever larger numbers of people who need to move by those sustainable modes, we might end up with less road space. Better Market Street would close -- reduce the automobile capacity on Market and the Van Ness BRT project is already reducing the automobile capacity on Van Ness Avenue.

“So you have tools in your toolbox available to you. You can use current knowledge. You can use research that this department has done to make this project the best it can be. It's a smart place to put development, but that development can not then destroy the very assets, that transportation richness that is the reason for developing in that area in the first place.

“So one of the take-aways from all the TDM research is adding more parking to your project increases automobile trips. The most potent tool in your toolbox for managing transportation demand, according to your own research, is reduced parking. So therefore this EIR/EIS should include a zero parking alternative. Zero parking alternative will do two things.

“One, it will reduce the number of automobile trips coming into the area. The second thing it does is it reduces the number of conflicts created by automobile circulation. So cars coming into or out of a parking garage, all of those right turns, all of those maneuvers do every time we have a right turn and it endangers pedestrians and cyclist. So all of those automobile movements actually have a big impact on the movement, safe movement of transportation, walking, cycling, and transit.

“So this project's asked for .5. That's double the amount of as of right. They should get no more than the as of right and a zero parking alternative should be studied. Now, we say this with every EIR/EIS that comes up, you know in areas where no parking is, required, and where no parking is actually desirable.

“You need to study that alternative in your EIR. If you don't, your EIR is not adequate. You can't look at those different alternatives and say which one is the best for walking, cycling, transit if you only analyze one and the one you analyze isn't even conforming. So those alternatives need to be added to this one, and as of right and a zero parking alternative for it to be complete.”  
(Tom Radulovich, *Livable City, DEIR Hearing Transcript, January 5, 2017 [O-LC1-1]*)

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“The proposed project is a 310-unit, 40-story residential tower with ground floor retail, atop a new residential parking garage. It is located at the corner of Market Street and Van Ness Avenue at the edge of Downtown San Francisco. Market and Van Ness are two of the most significant public transit corridors in San Francisco, with well over a hundred thousand transit trips per day passing nearby on numerous surface transit lines. Market and Van Ness are both significant walking corridors, and Market Street is the City's most-used street by people on bikes. The City has identified both Market and Van Ness as high-injury corridors -- the 5% of city streets where over half of the city's traffic deaths and serious injuries occur.

“The proximity of the site to frequent transit, and convenient walking and cycling access to Downtown and Civic Center jobs, make it a good site for high-density, transit-oriented housing, as identified in the Market and Octavia Plan. However its location at the intersection of

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important, and congested, streets in the City's walking, cycling, and transit networks makes it imperative that the project reduce and mitigate its negative environmental impacts to the greatest extent possible.

"The California Environmental Quality Act (CEQA) Guidelines (Section 15126.6(a)) state that an environmental impact report must describe and evaluate a reasonable range of alternatives to the proposed project that would feasibly attain most of the project's basic objectives, yet would avoid or substantially reduce significant adverse environmental effects of the project. Providing the public and policymakers with a reasonable range of feasible alternatives fosters informed decision-making and public participation.

"CEQA also requires that an EIR's factual conclusions be supported by substantial evidence. However substantial evidence assembled by the Planning Department and available to both planners and the public suggests does not support certain factual conclusions of the DEIR's transportation analysis.

"The Draft Environmental Impact Report (DEIR) is inadequate. It provides inadequate analysis of impacts under CEQA, does not describe and analyze a reasonable range of alternatives, and does not adequately identify mitigations for certain adverse environmental impacts of the project. Specifically, the DEIR does not adequately analyze the following alternatives and impacts (presented in order of Table S-1: *Summary of Impacts*):

**Alternatives analyzed.** The project is at the western end of the Downtown Commercial (C-3) zoning district, and within the Van Ness and Market Special Use District. C-3 districts, like the adjacent districts, require no parking. The Van Ness and Market Special Use District principally permits up to .25 parking spaces per unit, with additional parking (up to 3 spaces for every four units) only with Conditional Use Authorization, subject to certain findings being made by the Planning Commission.

"C-3 and adjacent districts contain hundreds of buildings – market-rate condominiums, market-rate apartments, affordable condominiums and apartments, and commercial buildings of all kinds - with no parking at all, and with parking at or below the current principally-permitted amounts. The Planning Department's research for its Transportation Demand Management (TDM) ordinance notes the reduced supply of off-street parking correlates with the area's generally low rates of automobile use and vehicle miles travelled (VMT), and concludes that reducing parking is an effective, and likely the most effective, means of changing travel behavior and reducing vehicle miles travelled.

"According to the Planning Code (Section 150), the Code's parking off-street parking provisions are "intended to require facilities where needed but discourage excessive amounts of automobile parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of walking, cycling, and public transit as alternatives to travel by private automobile." The maximum amount of parking principally permitted – .25 spaces per dwelling unit – was established by the Market and Octavia Plan to further those purposes. To approve excess parking, the Planning Commission must find affirmatively, in addition to other criteria, that "Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall

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traffic movement in the district.” In order to conclude that, the Planning Commission must be able to compare a project containing excess parking with the principally permitted project.

“DEIR analyzed a single ‘build’ alternative, which contains double the amount of parking principally permitted. Based on substantial evidence available gathered by the Planning Department, a project with less parking than the single alternative analyzed – either the maximum permitted as-of-right, or zero parking – would have significantly reduced transportation impacts under CEQA. These as-of-right alternatives would both reduce the number of auto trips generated by the project, and reduce conflicts with walking and cycling created by turning automobiles, since less off-street parking results in fewer vehicles accessing garages. In a district with hundreds of such buildings and where such buildings are principally permitted, these alternatives would be both feasible and reasonable. Therefore the EIR must analyze an alternative or alternatives with a principally-permitted amount of parking – zero spaces, and 25 spaces per unit.” (*Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-1]*)

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“The study listed all of the driving limitations of the streets surrounding the project. But, the study should also have considered the tortuous path and the multiple conflicts with transit, pedestrians and bicyclist as each vehicle negotiates the driving limitations to approach or leave the garage especially when crossing Market Street or Van Ness is required.

“The study should have considered that the shared pedestrian/vehicle space is also the approach for music students approaching their conservatory and that a typical shared pedestrian/vehicle space is in a parking lot (see Stonestown) where the of number spaces per aisle is limited to reduce the number of vehicles traversing the shared way during any hour. The study should have also considered that a few vehicles will turn right off Van Ness, each hour, looking for a nearby on street or off-street parking space.

“The short length of shared pedestrian/vehicle space that is part of this project provides room for useful pedestrian and social amenities in front of the project. However googling, shared spaces and maximum vehicles, indicates that the number vehicles traversing a shared space should be less than 100 per hour. However, the study shows 110 vehicles per hour entering the garage during the PM peak plus: deliveries, valet parking additions, and vehicles seeking nearby parking. This total makes the shared space much less than ideal. Therefore, the study should have considered an alternate project with a garage with only 73 parking spaces, the maximum allowed per the planning code for this use. Studying this alternate is also essential to provide the Planning Commission and the Board of Supervisors sufficient information to decide whether or not a Conditional Use for 155 spaces is “necessary and useful.” In addition, less parking leads to less driving and San Francisco has to reduce driving as a method of meeting the carbon reduction requirements of AB 32 and SB 375.

“Unfortunately Planning continues to analyze parking demand and then thankfully appropriately concludes that parking demand is not an environmental impact.” (*Howard Strassner, Member, San Francisco Group Executive Committee, Sierra Club, Letter, January 10, 2017 [O-SC-3]*)

**“Add Alternative with NO PRIVATE PARKING or drastically reduced parking.**

“The Proposed project has 155 parking spaces for 310 dwelling units. Providing valet parking - even if parking stacked - will provide a service that accommodates higher-income persons who want to drive to work at least part of the week using the nearby freeways.

“Inclusion of a **No Parking Alternative**, or one which SEVERELY limits parking to various car sharing modalities, is needed so that the Planning Commission can consider approving a project that uses this *transit rich site* for residents who are not dependent on, or own, private automobiles. (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-5]*)

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**RESPONSE TR-9: PROJECT ALTERNATIVES WITH LESS OR NO PARKING**

The comments generally state that the alternatives described and analyzed in Chapter 6, Alternatives, of the EIR are inadequate, and that range of alternatives should include some with less residential parking and/or no parking.

As described above in Response TR-8, San Francisco does not consider parking supply as part of the permanent physical environment and therefore does not consider changes in parking conditions to be environmental impacts as defined by CEQA. The potential impacts of the proposed parking supply, with respect to creating hazardous conditions or significant delays affecting transit, bicycles, or pedestrians were assessed in the EIR, and impacts were determined to be less than significant. Thus, mitigation measures or an alternative to lessen or avoid significant impacts due to the provision of on-site parking are not required. However, the Planning Commission could adopt an alternative consisting of the proposed project or variant with no changes other than a reduction in on-site parking, if desired, pursuant to its conditional use authority.

As summarized on EIR p. 6.1, CEQA Guidelines Section 15126.6(a) states that an EIR must describe and evaluate a reasonable range of alternatives to the proposed project that would feasibly attain most of the proposed project’s basic objectives, and would avoid or substantially lessen any identified significant adverse environmental impacts of the proposed project. The range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those potentially feasible alternatives necessary to foster informed public participation and an informed and reasoned choice by the decision-making body (CEQA Guidelines Section 15126.6(f)). Therefore, not every conceivable alternative must be addressed, nor do infeasible alternatives need to be considered. CEQA generally defines “feasible” to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. The following factors may also be taken into consideration when assessing the feasibility of alternatives: site suitability; economic viability; availability of infrastructure; General Plan consistency; other

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plans or regulatory limitations; jurisdictional boundaries; and the ability of the proponent to attain site control (CEQA Guidelines Section 15126.6(f)(1)). An EIR need not consider an alternative whose impact cannot be reasonably ascertained and whose implementation is remote and speculative. Furthermore, CEQA does not require analysis of every imaginable alternative but rather it gives agencies the flexibility to eliminate certain alternatives that either do not reduce environmental impacts or do not further the project's main objectives. A lead agency may eliminate an alternative from detailed consideration in the EIR either because of its "inability to avoid significant environmental impacts" (CEQA Guidelines, § 15126.6, subd. (c)) or because it would not achieve primary project objectives.

An alternative that does not include any residential parking spaces was not considered, because the purposes of alternatives is to lessen or avoid significant impacts, and in this instance a reduced or no parking alternative does not address CEQA's guidance to examine alternatives that lessen or avoid identified significant impacts. Further, alternatives should also achieve most of the project objectives. The project sponsor has indicated that such an alternative would not achieve the primary project objectives, which include providing parking to serve the needs of the project residents and achieving a viable project. Accordingly, based on the project sponsor's analysis of market conditions and advice from marketing professionals, the project sponsor believes that providing no residential parking would result in a non-viable project.

One comment states that a project alternative that includes a garage with only 73 parking spaces should have been included because the shared pedestrian/vehicle space is less than ideal. This comment is an opinion on the merits of the project, and not germane to the environmental analysis. The comment states that typical shared pedestrian/vehicle spaces, such as parking lots, are designed to limit the number of vehicles that pedestrians encounter, while the proposed project's shared public way would have too many vehicles accessing Oak Street. The proposed project's shared public way on Oak Street would function differently from a shared pedestrian/vehicle space such as a parking lot, and therefore the comparison and conclusion in the comment are not appropriate for the proposed project.

The easternmost end of the Oak Street roadway within the project site would be narrowed from about 39 feet (including existing parking lanes on the north and south sides) to a 20-foot-wide vehicle-pedestrian shared public way at its narrowest point across a public pedestrian plaza extending westward from the Van Ness Avenue curb line by about 202 feet. Vehicles would turn right from southbound Van Ness Avenue onto Oak Street, onto a tabled crosswalk ramping up 6 inches, flush with the Van Ness Avenue sidewalk, and back down 4 inches onto the shared public way. Vehicles would continue along the shared public way for approximately 180 feet, at which point they would ramp down 2 inches to the existing Oak Street roadway at the western edge of the shared public way near the western edge of the project site. The entire shared public way would be raised 2 inches above street level, while the pedestrian-only plaza would be raised

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another 4 inches from the shared street (i.e., the plaza would be at the same level as the sidewalk). Both the pedestrian plaza and the shared public way would be distinguished from the vehicle-only Oak Street roadway to the west of the shared public way by a distinctive paving pattern. Each end of the shared public way (at Van Ness Avenue to the east, and midblock) would contain a pedestrian crosswalk. In addition, the existing 15 foot wide sidewalks on either side of Oak Street would be maintained on the north side of the street and on the south side west of the project site, and substantially widened adjacent to the site.

Thus, the design of the shared public way narrows the vehicular path from Van Ness Avenue in order to discourage vehicles, slow vehicular traffic, and identify the space as a shared pedestrian realm, and identifies pedestrian-only portions of Oak Street. Furthermore, the proposed project would result in the removal of an existing surface parking lot accommodating up to 47 vehicles on the project site that has access via Oak Street, as well as 24 existing on-street parking spaces. This would further reduce the number of vehicles accessing Oak Street. Due to the one-way street system and the median on Van Ness Avenue, vehicular access to and from the project site may be somewhat roundabout, however, the sidewalks on the project block (i.e., on Market and Oak Streets, and on Van Ness Avenue) are complete and meet the *Better Streets Plan* requirements, adjacent intersections have pedestrian countdown signals, and continental crosswalks are provided at intersections. Both Market Street and Van Ness Avenue have a high level of pedestrian, transit, and bicycle activity, although not at levels that would be affected by changes in the proposed project parking supply.

One comment noted that the project is located within the Hub, which is the intersection of Market and Van Ness Avenue. As discussed in EIR p. 4.A.13, The Hub Project “is not included in the cumulative impact analysis in the EIR because at this point, it is in its planning stages and is considered speculative” (see also RTC Section 4.I, Cumulative Effects, p. 4.91). However, a description of the proposed Hub Project is provided on EIR p. 3.9 for informational purposes. The project site is within the Market Street Hub project area, which is the high density core of the Market and Octavia Plan Area. Study and development of proposals are currently underway by the Planning Department, which proposes to study changes to the public realm and to the current zoning designations in the area. In March 2017 the Draft Market Street Hub Public Realm Plan, which sets forth a vision for how streets, alleys and open spaces could be designed, was published. Legislation of related zoning changes that have yet to be determined, but could potentially include reductions in the maximum permitted parking, is anticipated to be implemented in 2019, at the earliest, following environmental review of that proposal.

The proposed project’s travel demand was based on the number of residential units and square footage of the restaurant/retail space, and is not affected by the number of on-site vehicle parking spaces. Reducing the number of on-site parking spaces would not be likely to result in any increased environmental effects or cause adverse safety impacts, and, as described above in

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Response to Comment TR-8: Project Parking Supply, RTC p. 4.42, significance determinations for all transportation impact topics would remain the same as the proposed project and variant. Accordingly, per CEQA Guidelines Section 15126.6(a), a no parking or reduced parking alternative is not required as part of this EIR because such alternatives would not avoid or substantially lessen any identified significant adverse environmental impacts of the proposed project.

Also, see Response TR-8 regarding the proposed on-site parking supply.

## C. WIND

The comments and corresponding responses in this section relate to the topic of Wind, evaluated in EIR Section 4.D. For ease of reference, these comments are grouped into the following wind-related issues:

- WI-1: Wind Methodology Approach and Reduction Methods (Canopies)
- WI-2: Wind Impacts on Bicyclists
- WI-3: EIR Wind Section Tables

A corresponding response follows each group of comments.

### COMMENT WI-1: WIND METHODOLOGY APPROACH AND REDUCTION METHODS (CANOPIES)

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“I have one other question, one other comment that might not be something current EIRs can answer, but I'd like to put that in as the project moves forward. It's triggered by a comment from the public speaker about the interference of construction beyond property line.

“The question I'm asking here, as wind mitigation we are hearing about wind foils as wind detractors These particular wind foils extend over the public right-of-way or over the -- or are in the public realm, and I am wondering how much the public realm is served by the need for public -- by privately necessitated wind mitigation.

“I question that I am looking at sidewalks having wind foils on them, particularly when in San Francisco we mostly like to walk on sunny sidewalks when the sun is there. I just pulled that as a question, but I'd like that to go forward as a comment on the particular configuration regarding wind mitigation for this project.” *(Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-6])*

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**“W-1 (Wind Impacts):** Aside from the missing data mentioned above, **the analysis of wind impacts in the DEIR entirely ignores the effects of the project and any proposed mitigation measures on key groups such as seniors, people with disabilities and cyclists. For this reason, the DEIR is inadequate in its current form.** *(Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-2])*

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“The project is also located on two of the city’s major transit arteries, within three blocks of City Hall and close to many city offices and arts venues. The surrounding sidewalks and streets are used regularly by many people with limited mobility. Again, this group includes many Haight Ashbury residents. Despite this setting, **Section 4.D of the DEIR contains no analysis of the effect of increased wind on seniors and disabled people.**

“We are particularly alarmed to see that the summarized wind study results on page 4.D.18 indicate that the project will create wind exceeding the hazard criteria for even able-bodied people at test point 57 (in the western crosswalk across Market Street at Van Ness Avenue. This is a heavily used pedestrian crosswalk near multiple transit stops across the city’s major artery. Where a project causes a wind speed rated as a hazard this is deemed a significant impact under CEQA, and the San Francisco Planning Code Section 148 stipulates that “No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.” The project clearly causes winds to reach hazard level at test point 57 where they do not do so currently. **For this reason, the DEIR inadequately analyses the additional hazard created by the development and must be amended to find the wind impact to be significant.**

“The DEIR states that the project results in “no net increases in the number of test points that would exceed the hazard criteria” [4.D.17] and uses this “no net increase” criterion to conclude that “the proposed project would not alter wind in a manner that substantially affects public areas.” By inventing this “net increase” standard, the DEIR wrongly interprets SF Planning Code Section 148 as exempting projects that create hazard-level winds in some places and reduce them in others. This interpretation would allow any developer to create new wind hazards and offset them by choosing sufficient testing points in areas where wind is reduced. This is plainly not the intent of either CEQA or the San Francisco Planning Code.

**“C-W-1 (Cumulative Wind Impacts):** The DEIR improperly evaluates the cumulative wind impacts of One Oak and other existing and proposed developments. While the report does analyze the effect of the project in combination with these other buildings via a form of regression analysis, the DEIR does not directly compare cumulative configurations with and without the proposed project. A direct comparison of configurations that differ only in the presence of the proposed project is required in order for the DEIR to adequately assess whether the project contributes to significant cumulative wind impacts. **The cumulative wind impact section of the DEIR must therefore be rewritten, and if necessary additional wind tunnel analysis must be performed.**” (*Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-4]*)

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“The DEIR improperly turns the cumulative impacts analysis for wind on its head. The DEIR considers One Oak Project in the context of other future projects but then improperly subtracts out its impact. Since the cumulative impact of this and other buildings creates a significant impact for pedestrians and Muni passengers, the EIR must find the cumulative wind impacts significant and provide mitigation.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-14]*)

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#### **“Wind Study Regulatory Framework DEIR 4.D.3**

“Reliance on a regulatory framework for C-3-G sites refers to Planning Code Section 148, which was adopted in 1985 as part of the Downtown Plan. The emphasis of that plan was on development in the eastern end of the C-3, specifically in C-3-O and expansion into the C-3-

O(SD). The major wind study done for the C-3-G/Market & Van Ness area - the winds coming down the Hayes Street hill pouring onto Van Ness, Hayes, towards Market Street - was done MUCH LATER by Environmental Review for the Redevelopment Agency. The wind study was done for the proposed federal building at 10th & Market. THAT wind study was the first real study that focused on the wind impacts IN THIS AREA. There was no significant development pending or approved in the C-3-G area in the 1980s when the Downtown Plan was fresh.

“Since that time, bicycle lanes have been added and become a significant mode of travel. Pedestrian volumes are increasing. Interplay between shadows and wind has not been revisited since the Downtown Plan. The amount of development, specifically including dense residential buildings, has increased dramatically. The gusting patterns as winds come over hills and hit very tall buildings, with the complication of afternoon fog, has not been revisited.

“Ironically the impact of winds - and terrain - was noted in the 1/1/17 Chronicle in relation to a wine appellation for the **Petaluma Gap** -

To approve an AVA, the Tax and Trade Bureau requires evidence that the area in question is geographically distinct from its immediate surroundings. Consider Healdsburg’s Russian River and Dry Creek valleys: Though adjacent, the former gets shrouded in fog, the latter pounded relentlessly by sun, and as a result they grow different grape varieties.

“When people talk about **Petaluma Gap**, the wind is the first thing that comes up,” said Doug Cover, a home winemaker in Petaluma who drafted the petition on behalf of the Winegrowers Alliance. Even the AVA’s name is a reference to what’s called the **wind gap**. “The major cooling influence isn’t the fog, like a lot of people think, but the **wind tunnel**.”

**Wind blows in from the Pacific Ocean and funnels through this low-lying gap, nestled among coastal mountain ranges, until it hits Sonoma Mountain. A powerful wind continues to channel south toward San Pablo Bay. As in Santa Barbara’s Santa Rita Hills, the wind pattern runs west to east, as opposed to north to south — rare for California.**

“As wind pours east over the Hayes Street hill (and other hills as you travel north on Van Ness) tall BUILDINGS create the wind tunnels that accelerate winds and impacts to pedestrians and bicycles. Here development of tall buildings at both 1500 Mission and 1500 Market (One Oak) is happening simultaneously. Wind impacts of BOTH must be considered together.

**“Market and Polk Wind Canopy**

“When has the public and commission discussed the Market and Polk Wind Canopy - **DEIR 2.28?** In conjunction with either the Fox Plaza addition, or the 10th & Mission project. Where is the analysis of the impacts of THIS particular canopy? Although approved many years ago, the Fox Plaza addition has not been built. Is it coming soon? What are the impacts on bicyclists and pedestrians from the erection of this canopy?” (*Sue C. Hestor, Letter, January 10, 2017*  
[I-Hestor2-10])

“3. **Canopy at Fox Plaza:** What purpose does the new Canopy at the Fox Plaza do?”

“4. **Canopies at One Oak:** Will the new proposed canopies along Oak and Van Ness survive this windy corner? Many residents agree this has to be one of the windiest corners in the City, even in the DEIR the studies show this.” (*Dennis Hong, Email, January 10, 2017 [I-Hong-5]*)

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“It also underestimates negative impacts of wind hazards on seniors, on adjacent buildings, and on how the proposed wind canopies will deflect winds.” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-6]*)

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### **RESPONSE WI-1: WIND METHODOLOGY APPROACH AND REDUCTION METHODS (CANOPIES)**

Comments express concern for the City’s implementation of wind testing to demonstrate compliance with Planning Code Section 148 in considering the net wind hazard increase of a project.

As described in the “Regulatory Framework” discussion in Section 4.D, Wind, of the EIR, the City uses the Section 148 hazard criterion as a significance threshold for CEQA purposes. In addition, because the project site is located within the C-3 zoning district, the proposed project design must comply with Section 148 in order to obtain a project approval. Section 148 establishes a hazard criterion, which is a 26 mph equivalent wind speed for a single 1-hour period averaged over a year.<sup>5</sup> Under Section 148, new buildings and additions may not cause wind speeds that meet or exceed this hazard criterion. This hazard criterion is used to determine significant effects on wind patterns pursuant to CEQA, and an exceedance of this criterion is considered a significant impact pursuant to CEQA. Under Section 148, no exception may be granted for buildings that result in winds that exceed the hazard criterion.

The City applies Section 148 regarding wind hazards by considering the total hazard exceedances at wind study test points that are caused by a project rather than the emergence of any new individual exceedance at a wind study test point. The City has consistently applied this approach in other environmental documents (for recent examples, see the *150 Van Ness Avenue Community Plan Exemption*, Case No. 2013.0973E, and the *5M Project Final EIR*, Case No. 2011.0409E

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<sup>5</sup> The comfort criteria are based on wind speeds that are measured for one minute and averaged. In contrast, the hazard criterion is based on wind speeds that are measured for one hour and averaged. Because the original wind data were collected at one-minute averages (i.e., a measurement of sustained wind speed for one minute collected once per hour), the 26-mph hourly average is converted to a one-minute average of 36 mph, which is used to determine compliance with the 26-mph one-hour hazard criterion in the Planning Code.

Wind test points are selected by the City pursuant to test protocols agreed to by the Planning Department in accordance with Section 148(c) of the Planning Code, which calls for Environmental Planning to establish procedures and methodologies for implementing Section 148. In analyzing wind impacts under CEQA, as well as for the purpose of confirming compliance with Section 148, City staff with expertise in wind studies select a number of points surrounding the project site for study. The locations selected are those publicly accessible areas where, in the experience of the Planning Department staff, pedestrians are likely to sit, stand, or traverse, such as a seating area, a transit stop, or a sidewalk corner where they might await a traffic signal change. The wind study for this project, and all wind studies undertaken under Section 148, included locations on and along sidewalks, existing and future locations of transit stops, locations in the proposed plaza where persons might be seated, sidewalk corners where persons would congregate to wait for a traffic signal change, as well as transitory spaces in crosswalks near the site. Typically, the locations selected by the City in wind studies do not include crosswalks, but in this instance, four crosswalks in the immediate vicinity were included in order to have a more comprehensive understanding of the wind in the area.

The EIR wind analysis concludes that the proposed project would not exceed the hazard criterion as defined by Planning Code Section 148. This conclusion is based on no net increases in the number of test points that would exceed the hazard criterion in the Project Scenario compared to the number of points exceeding the criterion under existing conditions. Further, the EIR notes that the duration of hazardous winds would be reduced from 83 hours annually under existing conditions to 80 hours annually under the project scenario. Accordingly, the EIR concludes that the proposed project's impacts on winds would be less than significant. As such, the requested mitigation measures are not required under CEQA.

See Response WI-2 on RTC pp.4.64-4.67 for a discussion of wind effects on bicyclists.

Also, see the discussion of cumulative wind impacts below, on RTC pp. 4.59-4.60.

#### **Wind Impacts on Seniors**

Comments suggest that the City's criterion is insufficient because it does not distinguish among potential pedestrians to analyze impacts that might specifically apply to seniors, the infirm, or the disabled.

The EIR's significance criterion for wind impacts does not include special considerations for specific population groups that may be affected, either seniors or frail or smaller persons. No special analysis of wind effects on these subpopulations is provided or required in this EIR. Planning Code controls and review processes regulate the physical environment to reduce adverse

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effects. Note, however, that in developing the criteria under Section 148, a range of ages, heights, and weights were included in wind tunnel trials as test subjects.<sup>6</sup>

To date, there are no specific widely accepted standard criteria for the assessment of wind effects specifically for seniors. However, international criteria, known as the Lawson Criteria,<sup>7</sup> used by government agencies in other parts of the world establish a threshold wind speed at which persons would be expected to become destabilized. Under the Lawson Criteria, a wind speed greater than 15 meters per second occurring once a year (equivalent to a mean-hourly wind speed of 33.5 mph) is classified as having the potential to destabilize the less able members of the public (such as the elderly, and children), as well as cyclists. In the absence of standalone criteria specific to seniors, the Lawson Criteria could be a useful point of comparison for considering the impact of wind on seniors. By comparison, San Francisco's Section 148 hazard criterion for 26 miles per hour averaged over one hour is lower, and therefore more protective, than the Lawson threshold applicable to the elderly.

A lead agency is vested with substantial discretion in determining the appropriate threshold of significance used to evaluate the severity of a particular impact, as stated in the CEQA Guidelines (see CEQA Guidelines, Section 15064(b)). This EIR's use of a significance threshold consistent with established City standards is founded on substantial evidence. Accordingly, further study is not required.

City decision-makers may consider special concerns related to wind impacts on senior residents, independent of the environmental review process under CEQA, as part of their deliberations on whether to approve, modify, or disapprove the proposed project and variant.

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<sup>6</sup> A 1989 scientific journal article discusses the development of the provisions of San Francisco's Planning Code Section 148. This 1989 article cites the results of wind tunnel experiments conducted in 1976, as one of the bases for the criteria developed for the San Francisco wind ordinance in the 1980s. These experiments involved about 40 men and women between the ages of 19 and 62 who were generally shorter than 5 feet, 10 inches and lighter than 154 pounds. The results of the 1976 wind tunnel experiments led to a conclusion that strong winds are likely to result in greater impacts on seniors than on younger people. See E. Arens, D. Ballanti, C. Bennett, S. Guldman, and B. White, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," *Building and Environment*, Volume 24, No. 4, pp. 297-303 (1989). See also J.C.R. Hunt, E.C. Poulton, and J.C. Mumford, "The Effects of Wind on People," *Building and Environment*, Volume 11, pp. 15-28 (1976). A copy of these documents is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.0159E.

<sup>7</sup> BMT Fluid Mechanics, *One Oak Street Project – Wind Microclimate Studies*, April 26, 2017.

### Wind Canopies

Comments express concern for the amount of space and secondary effects (shadow) the proposed wind canopies would cause, including the use of the public realm for such features, effects on pedestrian safety and comfort, and effects on cyclists.

The wind canopies are included as part of the proposed project, located within the Oak Street right-of-way on the project site and at the northeast corner of Polk Street and Market Street. These project features are intended to slow and deflect ground-level wind speeds to enhance pedestrian safety and comfort in accordance with the requirements of Planning Code Section 148. Planning Code Section 148 requires that “wind baffling measures” be included to reduce the wind-related impacts of a proposed project. The dimensions and structure of the Oak Plaza wind canopies are described on EIR p. 2.25. The Oak Street wind canopies are illustrated on EIR p. 2.24. The Market Street wind canopy is described on EIR p. 2.30.

Since publication of the DEIR, the project sponsor has refined the design for the Oak Plaza wind canopies. The revised Oak Street canopies are described on RTC p. 2.5-2.6 and illustrated on RTC p. 2.4, as part of the revised project described in RTC Section 2. As with the wind canopies that are described and illustrated on EIR pp. 2.24 -2.25, the redesigned wind canopies under the revised project and variant would serve to buffer and disperse strong winds that may occur within Oak Plaza, and enhance the safety and comfort of plaza users and passers-through. The wind canopies under the revised project are expected to meet or exceed the performance of the formerly proposed wind canopies.

The effects of implementing the canopies are considered in the EIR. The wind canopies would be engineered to withstand the winds in the area and would be composed of porous elements that would diffuse wind that strikes them, rather than shed or redirect wind towards pedestrians or cyclists. The canopies would be installed on sidewalks or in public plazas and would not be in street rights-of-way; therefore, they would not physically impede bicycles or emergency vehicles.

As such, the wind canopies proposed as part of the project are wind baffling measures necessitated by Planning Code Section 148 for the purposes of enhancing pedestrian safety and comfort. These features would also serve as public art sculptures, which are intended to further enhance the public realm. The installation of the canopies would require approvals set forth on EIR p. 2.35, including approval by the Board of Supervisors of a Major Encroachment Permit. In addition, the canopies would be designed to meet San Francisco Fire Code Section 5.01 for emergency access, which requires a minimum vertical clearance of 13 feet, 6 inches. The proposed canopy at Market and Polk Streets would improve wind conditions at that intersection from existing conditions even without implementation of the proposed project, thus enhancing pedestrian safety and comfort at that location.

The proposed wind canopies would create new shadow on streets and sidewalks. As discussed on EIR p. 4.E.21-4.E.22, the canopies' shadow impact on comfort would be offset by the enhancement of comfort resulting from the wind-diffusing effects of the wind canopies.

### **Cumulative Wind Impacts**

Comments express concern for the methodology employed to assess the cumulative wind impacts of the proposed project, in particular, the regression analysis testing that was undertaken. As is typical and sufficient for wind analyses in San Francisco EIRs, the EIR for the proposed project tested a cumulative scenario that included the proposed project together with reasonably foreseeable projects in the vicinity. In addition, the regression analysis tested additional cumulative test configuration combinations in the wind tunnel, to investigate the relative contribution to cumulative wind from the proposed project in relation to other foreseeable projects in the vicinity. This supplemental analysis is not customarily tested, but was undertaken in addition to, rather than instead of, the standard cumulative scenario model testing that includes reasonably foreseeable projects in the project vicinity.

As discussed on EIR pp. 4.D.21-4.D.25, the regression analysis under the Additional Cumulative Wind Analysis tested various cumulative configurations. Removal of foreseeable projects at 30 Van Ness Avenue and 10 South Van Ness Avenue resulted in substantial improvements in cumulative wind conditions. By testing the project configurations in the above manner, the data led to the conclusion that both 30 Van Ness Avenue and 10 South Van Ness Avenue contribute considerably to the significant wind hazards of the Cumulative Scenario. This may be due to the details available and reflected in the modeling of foreseeable projects at these sites. Typically, the more detailed the models, the more accurate test outcomes may be available. While not entirely conclusive, these data support a reasonable inference that the proposed project and variant would not contribute considerably to increases in total hazard exceedance hours and the total number of exceedance locations under the Cumulative Scenario.

The EIR also notes that reasonably foreseeable projects at 30 Van Ness Avenue and 10 South Van Ness Avenue were conceptual at the time wind tunnel tests were conducted, so the modeling was based on a preliminary massing scheme allowable under existing height and bulk controls. Actual building designs for these sites will differ from those modeled for this analysis. These and other reasonably foreseeable cumulative projects within the C-3 District must each comply with Planning Code Section 148, which prohibits a project from creating a net new number of locations with wind speeds that exceed its hazard criterion. Under Section 148, no exception may be granted for buildings that result in increases in the total number of test point locations that exceed the wind hazard criterion and result in an increase of wind hazard hours compared to existing conditions at the time of testing. Section 148 is a rigorous performance standard, the future adherence to which is mandatory under the Planning Code for each proposed new building.

At the time that each future project is seeking approval, a model of its then-current design would be submitted for wind analysis and it would be modeled in the context of the then-existing baseline setting of buildings, including newer buildings that have already complied with Section 148. By contrast, the City's cumulative wind methodology does not model reasonably foreseeable buildings that each meet the Section 148 performance standard. As such, this cumulative impact analysis represents a conservative disclosure of cumulative impacts (i.e., one that may overstate, rather than understate, the magnitude of cumulative wind impacts) as it is presumed that all future buildings in the C-3 District, the specific designs for which are unknowable at this time, would each have to comply with Section 148.

#### **COMMENT WI-2: WIND IMPACTS ON BICYCLISTS**

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"And I think Supervisor Avalos also agrees with the concerns about the wind analysis. I think, you know, anyone who has biked around, you know, from City Hall here to Market Street on a summer afternoon knows that the wind is really disturbing in the afternoon coming down Polk Street, and especially up Market Street.

"I think looking at the cumulative impacts that were projected from all the other development going on is also very concerning. The wind canopies are -- it's encouraging to see that being considered, but how those affect the bike lane, I think, is not at all analyzed, and this EIR needs to be considered. And I think the -- looking at the cumulative bicycle impacts doesn't seem to adequately take into account the Better Market Street Plan.

"And if we establish a fully separated bicycle track along the length of Market Street, we'll -- we should see a significant increase in bike traffic. Anyone biking westbound on Market during rush hour already knows that it's a very crowded bike lane already. And I think if we added additional crowding to that when you are in a constrained space of a separated raised cycle track and you have significant wind impacts, I think that definitely has some potential to create hazardous conditions, and this EIR does not study them. So I think that is all my points. *(Jeremy Pollock, Legislative Aide, on Behalf of Supervisor John Avalos, DEIR Hearing Transcript, January 5, 2017 [A-BOS-Avalos-2])*

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"I'm not going to belabor the points that Commissioners Richards and Moore made so well. I also would like a more thorough analysis of the impact of wind on bicycles, and also the affordable housing component." *(Commissioner Myrna Melgar, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Melgar-1])*

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"I am writing to bring your attention to one particular issue in the draft EIR of the One Oak project that is worth your consideration: it does not consider wind impacts on bicyclists.

"As anyone who pedals along Market Street near Polk Street is aware, wind impacts from tall buildings can pose a significant challenge to comfortable and safe pedaling. Strong wind at that

location will blow people several feet sideways into the next lane. It's strong enough to sometimes cause crashes. Will the new tall building in this windy area have similar, or worse effects? We don't know, and we should. The Planning Commissioners should be made aware, through the Environmental Impact Report, of the effect of wind on bicycling safety and comfort.

"Please revise the Draft Environmental Impact Report to consider wind impacts on bicyclists so that appropriate mitigation measures can be taken, if necessary." (*Dave Snyder, Executive Director, California Bicycle Coalition, Letter, January 5, 2017 [O-CBC-1]*)

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"The project location is adjacent to the city's primary bike-commuting route (Route 50, along Market Street and used by many residents in the Haight Ashbury) so the effect on cyclists is particularly important to study. However, **neither Section 4.C nor Section 4.D of the DEIR provides any analysis of the effect of wind on cyclists**, such as the increased risk of cyclists being blown into vehicle traffic, or the potential reduction in bike usage due to people avoiding increasingly frequent street-level winds." (*Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-3]*)

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"I am here to talk about something that I think was omitted from the DEIR, and that is a study of wind on bicycling. I have some questions that were not addressed in the DEIR. Basically, what is the effect of wind on the bicycle, on bicycles in general? There is an estimated 1,400 cyclists that travel through Market and Van Ness on a daily basis of peak hours, Monday through Friday.

"You know, my question is what happens when people are going through the intersection? Where does the wind go once it bounces off the buildings? None of this has been studied or represented in the DEIR. Will the winds be deflected onto Market Street? There's a major lane there, as I said, and is the wind going to now hit the cyclists as they're coming through?

"I think that, you know, Market and Van Ness is one of the windiest areas in the City. The effect of the winds on cyclists is not really understood by the City. And the goal of the City is to increase the San Francisco Bay, making it safer and more accessible for more residents to cycle in San Francisco.

"The Market and Octavia Plan, the Better Neighborhoods Plan and The Better Market Street Plan and the SFMTA strategic vision is to increase cycling within San Francisco, especially, on Market Street. The DEIR has no discussion of wind mitigation for cyclists, so, in my estimation, it's a real omission from the DEIR itself, which renders it inadequate in that area.

"In Danville, California, cyclists were ignored on an EIR examining housing development. The EIR was challenged, and the decision was directed towards bicyclists, that they must be included in the plan. And I would ask that that be true for this area as well.

"For myself, as a resident in the area and also a cyclist, I have commuted in the City for over 20 years and have done a lot of long distance cycling and cross-country trips, I know what wind can do to people when they're trying to cycle on a bicycle. It can really stop them from wanting to do it if the wind is too strong. And it is also very dangerous, given the amount of traffic and the congestion. And as a person that lives on Van Ness, it is congested constantly." (*Bob Anderson,*

*Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Anderson-1])*

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**“W-1 (Wind Impacts):** The DEIR wind analysis completely ignores bicycling. It also underestimates negative impacts of wind hazards on seniors, on adjacent buildings, and on how the proposed wind canopies will deflect winds. Without understanding wind impacts on bicycling, appropriate mitigation, such as wide, safe, separated cycle tracks, are omitted.”  
*(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-6])*

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“W-1: Wind Impacts on Bicycles:

“The One Oak Project Draft EIR needs to be revised to include a thorough analysis of impacts on bicyclists. The DEIR contains an extensive discussion of potential impacts of wind on pedestrians and public transit passengers waiting for buses at nearby bus stops, but it completely omits analysis of the impact of wind on the thousands of cyclists using Market Street and other nearby streets. Thus, the DEIR fails as informational document.

“The existing conditions, especially in spring and summer afternoons, are both uncomfortable and hazardous to cyclists. The DEIR provides no acknowledgement of this. Nor does it elaborate on how One Oak wind impacts will make conditions more hazardous for cyclists. The EIR should find that the increased wind a significant impact. The One Oak DEIR needs to analyze the following:

- impacts of wind on bicycles, especially down-wash winds
- impact of One Oak downwash wind and wind canopies on bicyclists on Market Street and surrounding streets.
- impact of the proposed canopies deflecting wind directly into Market Street and into bike lanes on Market Street and Polk Street.
- adequate mitigations to make cycling safe and comfortable on Market Street, such as fully-separated cycle tracks and other infrastructure that make it less likely a cyclist collides with motor vehicles or buses when wind conditions are hazardous for bikes. Mitigation must include restricting private cars on Market between 10th Street and Franklin Street.

“Market and Van Ness is probably one of the windiest intersection in the city. The City does not understand wind impacts on cycling, because the EIR does not even address these impacts. Consequently, the DEIR does not analyze how the increased wind might deter from other citywide goals seeking to increase bicycle mode share and make cycling safer. The Market and Octavia Better Neighborhoods Plan, the Better Market Street Plan, and the SFMTA’s strategic plans all seek to increase cycling, especially on Market Street. This DEIR does not analyze how these citywide goals might be undermined by wind hazards from One Oak.

“Failure to analyze the wind impacts and identify them as significant, means that the DEIR fails to even consider possible mitigation. The DEIR has no discussion of wind mitigation to cyclists. This is a major omission rendering this part of the DEIR inadequate. The EIR must include a

thorough discussion of wind impacts on cyclists -- especially on the busiest cycling corridor in the city.” (Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-14])

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“There is precedent for revising an EIR based on an EIR ignoring safety impacts on cyclists. In Danville CA, bicycles were ignored in an EIR for the proposed Magee Ranch development. The EIR was appealed and a decision directed the town of Danville to analyze bicycle safety. The decision document is attached at the end of this comment letter. [For the decision document referenced in the comment, see the copy of this letter presented in RTC Attachment B.]

**“Mitigation for wind impacts on bicyclists must be considered. These must include substantially wider, fully separated cycle tracks on Market Street between 10th Street and Franklin to make room for error and sudden gusts pushing cyclists off-course. The mitigation must also consider restricting private cars and TNCs on Market Street between 10th Street and Franklin Street in order to reduce collisions in windy situations.”**  
(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-16])

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“The bicycle impacts are a glaring omission from this document. And we're supposed to be a city that is encouraging a higher mode split. The SFMTA is targeting about 9 percent by 2018 with a longer term goal of 20 percent at some point. You're not going to get that if you're not discussing the livability and the hazard conditions towards cyclists.

“So on two points, the wind study, which was thorough on pedestrians and on the impacts at bus stops, doesn't mention bicycling at all. And that's -- you got to go back and understand the physics and how turbulent winds affect bicycling.” (Jason Henderson, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Henderson2-2])

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**“Bicycle Impacts (TR-4):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, principally on Market Street. It ignores hazards to bicycling from curb loading vehicles and wind, and proposes no mitigations for these hazards. An analysis of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully separated bicycle lanes of adequate width on Market Street must be considered, along with other bicycle access improvements. Project alternatives with principally-permitted amounts of parking will reduce auto trips in the vicinity, which would further mitigate impacts on bicycling, but such alternatives were not studied.” (Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-3])

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**“Wind Impacts (W-1):** The DEIR wind analysis ignores the impact of wind on people on bikes, and does not address the cumulative wind impact of the project and other proposed projects in the vicinity. Exacerbating wind impacts on people walking and cycling both directly impacts safety

and livability of residents, visitors, and commuters, and could worsen traffic impacts by reducing the appeal of sustainable, human-powered modes of transport.” (Tom Radulovich, Executive Director, *Livable City, Letter, January 10, 2017 [O-LC2-5]*)

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“3) It looks like there was some analysis of the affects of wind changes, but it doesn’t look like it was done with cyclists in mind. How will this project change wind patterns that affect cycling?” (Justin Fraser, Email, January 5, 2017 [I-Fraser-3])

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“**W-1 (Wind Impacts):** The DEIR wind analysis completely ignores bicycling.” (Sue Vaughan, Email, January 10, 2017 [I-Vaughan-5])

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“Without understanding wind impacts on bicycling, appropriate mitigation, such as wide, safe, separated cycle tracks, are omitted.” (Sue Vaughan, Email, January 10, 2017 [I-Vaughan-7])

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“I’m concerned about the EIR and the impact of wind blast on single track vehicles, primarily bicyclists, but, however, scooters as well and motor-cyclists.

“As you probably know from your own experiences riding a bicycle, should you be pushed from the side by a blast of wind, you’ll veer. And considering the amount traffic in that area, it could easily lead to a crash. So I think that was not particularly examined in the EIR.” (Jiro Yamamoto, DEIR Hearing Transcript, January 5, 2017 [I-Yamamoto-1])

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## **RESPONSE WI-2: WIND IMPACTS ON BICYCLISTS**

Comments express concern for the wind impact of the proposed project on bicyclists. Comments assert that the proposed project would cause hazardous wind impacts on cyclists and that the EIR must analyze safety impacts on bicyclists and identify mitigation, such as installing a separate bicycle lane. One comment asserts that there is legal precedent for requiring that an EIR analyze impacts on cyclists.

As discussed at greater length in Response WI-1 above, the City has established comfort and hazard criteria for use in evaluating the wind effects of proposed buildings. The wind hazard criterion that is defined in Planning Code Section 148 is used by the Planning Department as a significance threshold in the CEQA environmental review process to assess the environmental impact of projects throughout San Francisco and is therefore the basis of the analysis in this EIR. Planning Code Section 148 criteria are based on pedestrian-level wind speeds that include the effects of wind turbulence; these are referred to as “equivalent wind speeds,” defined in the Planning Code as “an hourly mean wind speed adjusted to incorporate the effects of gustiness or turbulence on pedestrians.” As such, the City’s established methodology is based on a proposed

project's effect on pedestrian safety and comfort and does not explicitly include any criteria specifically applicable to cyclists. The Planning Code Section 148 criteria were derived from studies that analyzed the effect of wind on pedestrians.<sup>8</sup> The comments appear to disagree with the methodology used in this EIR, and suggest different thresholds of significance that, in the commenters' views, should have been used to assess the severity of wind impacts on bicyclists. However, none of the comments offer an alternative methodology or scientific studies supporting a different methodology or threshold of significance.

As discussed above, the City's CEQA wind testing protocols are established under Planning Code Section 148. Some of the sidewalk pedestrian test points, as well as test points within the crosswalks, that were studied in the EIR may serve as proxies to inform the degree of impacts on cyclists in the bike lane near these points.

With respect to wind impacts on bicyclists, the City and County of San Francisco has adopted no significance threshold for wind impacts on bicyclists, and consequently the EIR is not required to analyze, evaluate, and mitigate such impacts. To date, there is no specific widely accepted industry standard criteria for the assessment of wind effects on bicyclists. There are, however, international criteria, known as the Lawson Criteria,<sup>9</sup> used by government agencies in other parts of the world (such as the London Borough of Tower Hamlets (Canary Wharf), The City of London, and The City of Westminster) to establish a threshold wind speed at which cyclists would be expected to become destabilized. When conducting Lawson Criteria wind studies, test points are commonly positioned in key areas of substantial pedestrian use and activity, such as on public sidewalks, building main entrances, bus-stops and drop-off areas, benches in outdoor parks, and outdoor dining areas, etc. Positioning test points on bicycle lanes or roads within a study area is relatively uncommon when carrying out a Lawson wind microclimate assessment. Thus, the selection of test points for Lawson Criteria wind studies is very similar to the selection of the test points analyzed in the One Oak Street study, except that the One Oak Street wind study also included test points in the crosswalks of the street.

Under the Lawson Criteria, pedestrian safety is determined for the 'able-bodied' and for the 'general public' (including elderly, cyclists and children). The safety criteria are based on the exceedance of threshold wind speeds, either the mean-hourly value or the equivalent wind speed

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<sup>8</sup> See E. Arens, D. Ballanti, C. Bennett, S. Guldman, and B. White, "Developing the San Francisco Wind Ordinance and its Guidelines for Compliance," *Building and Environment*, Volume 24, No. 4, pp. 297-303 (1989). See also J.C.R. Hunt, E.C. Poulton, and J.C. Mumford, "The Effects of Wind on People," *Building and Environment*, Volume 11, pp. 15-28 (1976). A copy of these documents is available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.0159E.

<sup>9</sup> BMT Fluid Mechanics, *One Oak Street Project – Wind Microclimate Studies*, April 26, 2017.

(which takes into account the turbulence intensity) – whichever is greater – occurring once per year:

- A wind speed greater than 15 meters-per-second occurring once a year is classified as having the potential to destabilize the less able members of the public such as the elderly, and children, as well as cyclists. This wind speed threshold equates to a mean-hourly wind speed of 33.5 mph.
- Able-bodied users are those determined to experience distress when the wind speed exceeds 20 meters-per-second once per year. This wind speed threshold equates to a mean-hourly wind speed of 44.7 mph.

In absence of standalone criteria for wind hazards specific to bicyclists, the Lawson Criteria could serve as a useful reference point of comparison for considering the impact of wind on bicyclists. By comparison, San Francisco's Section 148 hazard criterion for impacts on the general population (26 miles per hour averaged over one hour) is lower, and therefore more protective, than the Lawson threshold applicable to bicyclists.

As discussed in Response WI-I, RTC p. 4.57, a lead agency has discretion in determining the appropriate threshold of significance used to evaluate the severity of a particular impact and does not violate CEQA when it chooses to apply a significance threshold that is founded on substantial evidence. This EIR's use of a significance threshold consistent with established City standards is founded on substantial evidence. Accordingly, no further study is required.

One comment states that there is precedent for revising an EIR based on an EIR's safety impacts on cyclists. The precedent referenced is *SOS-Danville Group v. Town of Danville CA1/1*, No. A143010, 2015 Cal. App. Unpub. LEXIS 6527 (Cal. App. 1st Dist. Sept. 11, 2015), which is an unpublished opinion of the California Court of Appeal. Per California Rule of Court, rule 8.115(a), parties and courts are prohibited from citing or relying upon opinions not certified for publication or ordered published; in other words, such unpublished opinions cannot be cited as binding, precedential, or even persuasive authority by a party or a court. As such, the case cited does not establish any precedent for revising a San Francisco EIR based on an allegation that it ignored safety impacts on cyclists. Furthermore, the case cited by the commenter is not applicable to the proposed project. In *SOS-Danville Group v. Town of Danville CA1/1*, the issue before the court concerned the potential impact of increased vehicular traffic on bicycle use on the existing roadway system, and the court found the EIR inadequate because it failed to support, with substantial evidence, its finding that the project would have no significant impact on bicycle safety. By contrast, hazardous traffic and access conditions for bicyclists under the proposed project are analyzed under Impact TR-4 on EIR pp. 4.C.54-4.C.55. The comment does not present substantial evidence that the proposed project would result in hazardous traffic conditions for bicyclists. No mitigation measures (such as providing a physically separated bicycle lane) are required under CEQA.

The conclusions of the EIR with respect to wind impacts on pedestrians are supported by substantial evidence in the record. The comments do not present substantial evidence that the proposed project would cause a significant wind impact under CEQA. Therefore, further study is not required.

### COMMENT WI-3: EIR WIND SECTION TABLES

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**“Request for reissue of material and extension of comment period:** The “Wind Comfort Analysis Results” presented on pages 4.D.10–11 and 4.D.15–16 of the DEIR are truncated at all four margins and therefore **the DEIR’s summary of wind analysis results fails to present key data from which any reader is expected to draw conclusions. These data must be reissued in a readable format and the comment period extended or reopened in order to permit genuine public review.** Simply correcting this data in the final EIR will not allow the public sufficient opportunity to evaluate the adequacy of this analysis and have their comments addressed.” (*Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-1]*)

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### RESPONSE WI-3: EIR WIND SECTION TABLES

A comment notes that some of the information presented in Table 4.D.2: Wind Comfort Analysis Results, EIR pp. 4.D.10-4.D.11, and Table 4.D.3: Wind Hazard Analysis Results, EIR pp. 4.D.15-4.D.16, was cut off at the edges of the pages of the *One Oak Street Project Draft EIR* on the Environmental Planning Department’s website and in the PDF version on CD. This was due to a production error when the table pages were converted to a PDF. In the printed, bound copies of the DEIR and in the CD version sent to individuals as part of the EIR distribution process, the table pages are complete and the data fully visible. For the reader’s convenience, Tables 4.D.2 and 4.D.3 are presented in RTC Chapter 5, DEIR Revisions, on pp. 5.36-5.39

The comment requests that the public review period be extended to give the public adequate time to review Tables 4.D.2 and 4.D.3 in their entirety. The comment period for the *One Oak Street Project Draft EIR* was 56 days (considerably longer than the 45-day comment period required by the San Francisco Administrative Code), affording the public ample time to contact the Planning Department and request the tables or a corrected copy of the DEIR before the public comment period ended. Planning Department contact information and instructions for obtaining a paper copy, either by calling or emailing the Planning Department or by going to the Planning Information Counter, are provided in the Notice of Public Hearing and Availability of the EIR and in EIR Chapter 1, Introduction, on p. 1.8. In addition, Tables 4.D.2 and 4.D.3 were excerpted from the *One Oak Street Project Wind Microclimate Study*, which was also available for public review upon request, as noted in footnote 1 on p. 4.D.1.

4. Comments and Responses  
C. Wind

All wind study test points and wind hazard exceedances under the Existing Scenario at particular test point locations are presented in Figure 4.D.2: Wind Hazard Results – Existing Scenario, EIR p. 4.D.14. All wind study test points, wind hazard exceedances, and hours of wind hazard increase under the Existing Scenario at particular test point locations are presented in Figure 4.D.3: Wind Hazard Results – Project Scenario, EIR p. 18, and Figure 4.D.4: Wind Hazard Results – Cumulative Scenario, EIR p. 4.D.19.

All wind hazard exceedances are described by test point in the text under the Existing, Project, and Cumulative scenarios on EIR pp. 4.D.13-4.D.21. All wind comfort exceedances are described in the EIR text by test point under the Existing Scenario and Project Scenario on EIR pp. 4.D.9-4.D.13, and on 4.D.17-4.D.20 for the Cumulative Scenario (for informational purposes, as the wind hazard criterion, not the wind comfort criterion, is the significance threshold for wind impacts).

The comment provides no substantial evidence that the cut-off table pages on the website version precluded meaningful public review of the DEIR.

## D. SHADOW

The comments and corresponding responses in this section relate to the topic of Shadow, evaluated in EIR Section 4.E.

### COMMENT SH-1: ADEQUACY OF SHADOW ANALYSIS

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“The one issue that was not mentioned by HVNA is the issue of concerns for shadow on Patricia's Green and Koshland Park. I, myself, am very concerned that as we are not increasing the number of neighborhood parks in these already congested neighborhoods, that the overlay of The Hub, which came much later than the Hayes Valley Market/ Octavia Plan, creates additional pressure on this park which is really the one and foremost commuter gathering space.

“So I would support a cautionary comment that the EIR is very cognizant of the effect on it. At this moment this particular park is not a protected park under Prop M -- Prop K, actually, and I would appreciate that there will be additional study on what that really means to this growing neighborhood.” *(Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-2])*

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“I think shadow on Brady Park, which is in the Market/Octavia Plan, not a park yet, should be looked at. What's the impact there going to be if that does become a park?” *(Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-4])*

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“S-1 (Shadows): DEIR does not adequately analyze shadow impacts on Patricia's Green and Koshland Park. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks.” *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-7])*

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#### “S-1: Shadows

“The DEIR for One Oak discusses that there will be brief shadows in the early morning on Patricia's Green during March and September. It also discusses morning shadows on Koshland Park playground during Late June. The DEIR suggests these are less than significant, based on historic uses of parks. However, with increased density and residential development in Hayes Valley, these parks are experiencing rapidly increasing use, and much of this also takes place in the morning. For example, exercise and meditation are common in Koshland in summer mornings. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks. The DEIR's analysis of shadows is inadequate.” *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-17])*

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“S-1 (Shadows): DEIR does not adequately analyze shadow impacts on Patricia’s Green and Koshland Park. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks;” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-8]*)

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## **RESPONSE SH-1: ADEQUACY OF SHADOW ANALYSIS**

Comments express concern for shadow on Patricia’s Green and on Koshland Park, cast by the proposed project and from future projects in the area. Comments assert the EIR is inadequate for failing to consider changing usage patterns of Patricia’s Green in the morning. A comment also concerns shadow on Brady Park, which is a planned park that may be developed in the future as identified in the *Market and Octavia Neighborhood Area Plan*.

### **Patricia’s Green**

Since publication of the DEIR, the shadow figures and shadow calculations relied upon for the DEIR’s analysis of the proposed project’s shadow impacts on Recreation and Park Commission properties have been updated to reflect the results of a recent separate shadow study, prepared by independent consultant PreVision Design for the separate review of the proposed project under Planning Code Section 295.<sup>10</sup> These changes update the EIR based on more recent, refined, and precise data. The conclusions of the revised and updated shadow analysis are substantially consistent with those of the DEIR, and as such the impacts of the proposed project’s shadow would remain less than significant. See RTC pp. 5.49-5.52, which summarizes the results of the updated shadow study.

The *Market and Octavia Neighborhood Area Plan* envisioned Patricia’s Green as a small urban plaza defined by the streetwalls of the buildings that front it to the east and west (the Freeway Parcels). The area around Patricia’s Green is expected to continue growing in population with the construction of new infill buildings in the area, adding to the population of park users throughout the day and to the cumulative shadow load on the park. Building shadow (particularly early morning and late afternoon shadow) within such open spaces is an expected and accepted occurrence in such a dense urban setting and was anticipated at the time Patricia’s Green was adopted in the *Market and Octavia Neighborhood Plan*. As shown in EIR Table 4.E.2 (as revised on RTC p. 5.56 to report updated results from subsequent shadow analysis), under cumulative conditions, shadow from the proposed project would amount to 0.22 percent of the total sunlight on Patricia’s Green, compared to 16.46 percent of the total available sunlight shaded by cumulative projects (in particular, with the addition of buildings within the adjacent Freeway

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<sup>10</sup> Prevision Design, Shadow Analysis Report for the Proposed One Oak Street Project Per SF Planning Code Section 295 Standards, April 19, 2017.

Parcels). Note, however, that all project shadow on Patricia's Green throughout the day and year would be entirely subsumed by shadow from the foreseeable development of the Freeway Parcels to their allowable height and massing, particularly those parcels along the east side of Octavia Street. At no time would the proposed project create shadow on Patricia's Green that extends beyond the shadow from the Freeway Parcels developments.

The comments do not provide substantial evidence of changes in park usage (activities, location, and time) nor of how such new uses would be substantially affected by project shadow.

#### **Koshland Park**

Since publication of the DEIR, the shadow figures and shadow calculations relied upon for the DEIR's analysis of the proposed project's shadow impacts on Recreation and Park Commission properties have been updated to reflect the results of a recent separate shadow study, prepared by independent consultant PreVision Design for the separate review of the proposed project under Planning Code Section 295 (see RTC Chapter 5, DEIR Revisions, p. 5.40-5.58, that shows the specific revisions to the DEIR Shadow Section necessitated by this additional shadow analysis). These changes update the EIR based on more recent, refined, and precise data. The PreVision shadow study found that project shadow would not reach Koshland Park at any time of the day or year. The EIR has therefore been revised to update the DEIR text to eliminate Koshland Park from analysis in the EIR, and the corresponding text and figure changes are shown on RTC pp. 5.40-5.49. No new significant impact is identified by these changes. Rather, the revised study shows improved shadow conditions under the proposed project from those of the DEIR, since the less-than-significant impact identified in the DEIR for Koshland Park is eliminated with the subsequent analysis.

#### **Brady Park**

The site of the proposed Brady Park would be located at Brady Street midway between Market Street and Otis Street. As a future park, it is not part of the existing affected recreational setting of the proposed project. In addition, as it is located about 550 feet due south of the project site, it would not be shaded by the proposed project at any time of the day or year.

## E. POPULATION AND HOUSING

The comments and corresponding response in this section relate to the topic of Population and Housing, evaluated in Section E.2 of the Notice of Preparation/Initial Study (Appendix A to the EIR).

### COMMENT PH-1: BELOW MARKET RATE UNITS AND HOUSING AFFORDABILITY

**“PH-1 and C-PH-1 (Impact of Market-Rate Housing on Demand for BMR Housing):** The Draft EIR fails to adequately analyze the environmental impact caused by the project’s generation, both individually and cumulatively, of further unmet demand for below-market-rate housing in the immediate vicinity and across San Francisco.

“The proposed development would create 320 new market rate units and zero BMR units. Rather than include BMR units, the developer proposes to pay a fee that might be used by the Mayor’s Office of Housing and Community Development to fund some BMR housing at an unknown date and location. The DEIR references a communication by the developer that the in-lieu fee might fund an “Octavia BMR Project” on former freeway parcels between Haight and Oak, to be overseen by MOHCD and built by a non-profit. This is purely aspirational and there are significant reasons to doubt whether a BMR project will ever be built at this site, and whether the in-lieu fee will fund it.

“Given this, the correct approach for analysis would be to assume that the proposed project will increase the supply of market rate housing in the neighborhood and do nothing to increase the supply of BMR housing. To accurately assess the impact on housing and population, the EIR must analyze the following areas that are not adequately addressed:

- How the addition of these 320 market rate units will affect local housing prices and housing affordability.
- The additional demand for affordable housing that will be created by this extra market-rate housing. (Other studies have shown that each 100 new market rate units creates demand for 30 or more BMR units.)
- The expected impact of the proposed project’s market rate housing on gentrification and displacement in nearby neighborhoods, causing a rise in commute distances and VMT by displaced low-income households
- The true BMR impact of this additional market rate housing, as measured by San Francisco’s Residential Nexus study. The DEIR fails to identify whether the nexus is closer to the 12 percent/ 20 percent on site/off-site requirements pre-Prop C (2015) or if the nexus is closer to the 25 percent/ 33 percent onsite/off-site ratio established by Prop C.”

*(Rupert Clayton, HANC Housing and Land Use Chair, Haight Ashbury Neighborhood Council, Letter, January 9, 2017 [O-HANC-6])*

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“I’m one of several speakers from HVNA, and I will devote my time to the issue of below market rate housing in the Draft EIR. To reaffirm our letter now in your hands, this project does not include any BMR units; instead, moving those units to one of the parcels on Octavia Boulevard without any language to guarantee that those BMR units will be built. In addition, the proposed BMRs on Octavia Boulevard, which may be -- including the transitional age youth complex on Parcel U, yet the BMR's proposed may not be in kind, as per the housing required by the Market/Octavia Plan for family housing as well as single persons.

“Kindly consider carefully to require specific BMR units for the One Oak site, as there is no guarantee that similar BMR units will be included in another development. 38 Dolores, built by Prado Developers, promised BMRs on site, only to pay the fee instead after the project was entitled. So far, no affordable housing has been built within the area as a result of the in lieu fee payment.

“Also note that developers are selling entitled properties to other developers. We've experienced these new developers changing entitled properties without community engagement -- 555 Fulton Street, Avalon Bay's development which Build Inc. Sold to Avalon Bay, and that closed street level retail on Laguna and Oak, and we're still awaiting other retail on Oak at Octavia.

“In a successful development at the UC Regents Campus at 55 Laguna, we devoted ten years in collaboration with different developers and numerous agencies for the new apartment complex that also includes on-site BMRs, community gardens, the new Haight Street Art Center, and a new Waller Street walkway.

“HVNA's participation in this EIR process and future entitlement for the One Oak Street development is to embrace this development with BMRs on site, with the outcome that provides a livable neighborhood for the project residents, as well as those who already live, work, and pass through this area.” (*Gail Baugh, President, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Baugh-1]*)

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**“Below Market Rate Housing and CEQA:** The DEIR omits discussion and analysis of the environmental impact of market rate housing on below market rate housing (BMR) and on gentrification and displacement. The DEIR also omits a discussion of the environmental impacts of the proposed off-site housing on Octavia Boulevard, which should be part of the analysis.” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-8]*)

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“Impact of Market Rate Housing on demand for BMR Housing.

**“The DEIR must consider the impact that market rate housing has on demand for below market rate housing, and the related environmental impacts.**

“The current proposal for One Oak has no onsite affordable housing and the DEIR points out that the project sponsor intends to pay an in-lieu fee, with no guarantee that any affordable housing gets built in the vicinity of the Market and Octavia Plan Area. The DEIR includes a vague

expression by the project sponsor for a desire to direct the in-lieu fee to an “Octavia BMR Project” on former freeway parcels (between Haight and Oak) which would be overseen by MOH and built by a non-profit. But this is not guaranteed.

“All of this raises important issues not addressed in the DEIR and making it inadequate. The following analysis must be part of the revised DEIR.

- The physical impact of new market rate development on local housing prices and housing affordability.
- demand for affordable housing created by market-rate housing, and environmental impacts
- The extent in which market rate housing cause gentrification and displacement, leading to increased longer-distance commuting by lower income households, specifically the impact of One Oak.
- Using the city’s nexus study, the true BMR impact of the market rate housing. The DEIR does not describe if the nexus is closer to the 12 percent/ 20 percent on site/off site requirements pre-Prop C (2015) or if the nexus is closer to the 25 percent/ 33 percent onsite/ off site ratio established by Prop C.

“The One Oak project’s affordable housing proposal is coming in far short of the actual need that is created by the project, and this needs to be acknowledged and analyzed in the DEIR.

“There is precedent in considering market rate housing impacts on BMR, including a November 2016 CEQA appeal of the 1515 South Van Ness project. The appeal asked what is the environmental impact of displacement in the Mission caused by market rate housing proposed by Lennar Corp.

“The One Oak Project DEIR must consider the nexus of how many BMR are needed due to proliferation of market-rate housing, and then consider the environmental consequences of the BMR demand.

“The DEIR must consider the environmental impact of zero parking on housing affordability, especially since parking adds considerable cost to housing production.”

**“The DEIR must include analysis of the proposal for the off-site BMR on Octavia.** There is much uncertainty about this scheme. The intent is to direct in lieu fee to Octavia BMR Project on parcels R, S, and U (between Haight and Oak) which would be overseen by MOH and built by a non-profit. The project sponsor claims this might bring up to 72 BMR units. Yet is the project sponsor expected to finance all of the units, or just a portion? How will the 72 units reflect the Market and Octavia unit size requirements? Will these 72 units be micro units? If so, that does not reflect the proper unit-mix required in the Market and Octavia Plan.” *(Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-18])*

“The below market rate housing issue is also something very important to us, and I think it does speak to CEQA, or CEQA can speak to that. There is precedent. There is discussion in the City about the relationship between market rate housing, what demands it has on BMRs, and how that

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affects the built environment, how people might end up commuting longer distances and so on.”  
*(Jason Henderson, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Henderson2-4])*

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“I'm also with the Hayes Valley Neighborhood Association and wish to follow up on some of the points about the below market rate housing.

“There's no guarantee that below market rate housing would be built in the vicinity of this project. And when the Market/Octavia Plan was produced many years ago, many of us were around and participated in it. The idea was that we were allowing many new market rate housing units to be built in the Market/Octavia area with lower and moderate income housing too.

“So we feel very strongly that below market rate housing must be attached to this project and the consideration must be included in this DEIR. There's no guarantee right now that any affordable housing would be built in this plan area in the current DEIR.

“And a vague plan to put in 72 units on three tiny parcels over where the freeway was doesn't guarantee -- well, first, it doesn't obviously guarantee any units, but it doesn't guarantee that the units will be of comparable size and condition to the One Oak project.

“Besides that -- so obviously a full discussion of any below market rate units should be included in this EIR. This also does not include any discussion about the gentrification and displacement. It doesn't include any discussion about where connecting the City's Nexus Study which shows that -- the BMR impact of market rate housing. So what -- what Nexus Study are they using? Are they using -- I mean, which percentages? Are they using the 12 percent on-site and the 20 percent off-site, or are they using the Prop C 25 percent on-site or 33 percent off-site?

“These defects have to be fixed to get this EIR to be comprehensive. We need to know what size the BMR units would be, make sure that they're comparable to the One Oak unit sizes, and also reflect the Market/Octavia unit sizes and mix.

“Please take these comments and get -- and request that the EIR be re -- fixed.” *(Tess Welborn, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Welborn-1])*

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“Request specifically includes comments on cumulative displacement and housing, including excessive parking in this transit-rich area with heavy traffic GOING STRAIGHT ONTO and EXITING FREEWAYS. Provision of significant amounts of residential parking in BOTH projects encourages occupancy by middle and upper income people who drive to work out of San Francisco instead of using public transit.” *(Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-2])*

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**“Discuss effect on housing costs of approved Van Ness corridor projects with excessive parking.**

“Van Ness - Highway 101 - has a high volume of traffic, including trucks. As BRT lanes are added, vehicle traffic becomes more constrained. As new of market rate residential projects are approved, developers request more and more parking because the units sell for more money. If Planning appears to accommodate each request for parking AND FOR MAXIMUM PARKING, the cost of development sites goes up. The sales price ASSUMES approval of the maximum amount of parking. Housing prices go up. **“Has the City done a study of what effect eliminating parking on this transit corridor would have on housing prices? How much do prices increase when the maximum amount of parking, versus ZERO residential parking, is provided?”** (Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-6])

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**“5. Housing / Occupancy in the proposed Residential Tower**, nice job with the distribution of Studios, One Bed Room, and etc. What provisions are being made to accommodate the relocation of these business and residents at the One Oak site?

“a. I noticed that the affordable housing requirements - MOHCD will provide up to 72 affordable BMR units - known as the "Octavia BMR Project" - page 2.12. What measures are in place to make sure this happens so it does not slip thru the cracks? I think this step needs to be closely monitored making sure this happens and does not get lost in the process. Is there a table showing how many type of units will be provided such as; number of studios, one bedroom, two bedroom, three bedroom units? I believe there should be more three bedrooms units for families. Is here a time line for this to happen?” (Dennis Hong, Email, January 10, 2017 [I-Hong-7])

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**“Below Market Rate Housing and CEQA:** The DEIR omits discussion and analysis of the environmental impact of market rate housing on below market rate housing (BMR) and on gentrification and displacement. **The DEIR also omits a discussion of the environmental impacts of the proposed off-site housing on Octavia Boulevard, which should be part of the analysis.**” (Sue Vaughan, Email, January 10, 2017 [I-Vaughan-9])

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**“XIII. Population and housing** – this neighborhood in the City has some tall office buildings, auto dealers, a Goodwill (slated for transformation into housing), a few other retail outfits, and increasing number of tall, market-rate and luxury housing buildings, but traditionally, the people who have lived in this part of the city, have been low- to moderate-income. Has the DEIR assessed displacement? Will there be pressure on lower-income people to leave? Where will there be efforts by residential property owners in the neighborhood to evict lower-income tenants and replace them with higher income tenants? Lower-income tenants who lose their homes are unlikely to be able to find replacement housing here in transit-rich and walkable San Francisco, and in all likelihood they will be forced to relocate to far-flung suburbs, perhaps far from their places of work and without robust mass transit, making them more car dependent and increasing VMT;” (Sue Vaughan, Email, January 10, 2017 [I-Vaughan-12])

## **RESPONSE PH-1: BELOW MARKET RATE UNITS AND HOUSING AFFORDABILITY**

### **Economic and Social Effects under CEQA**

Several comments express concern for the proposed project's impact on affordable housing, displacement of residents or existing business in the surrounding area, and/or neighborhood gentrification.

The proposed project would replace the existing surface parking lot and two buildings containing office and commercial uses with the construction of a new residential building with approximately 4,000 sq. ft. of retail use. There are no existing residential uses on the proposed project site. The Notice of Preparation/Initial Study (EIR Appendix A, p. 54) concluded that the proposed project would not displace any housing units nor create the demand for additional housing.

The comments regarding the project's impact on affordable housing demand, displacement of residents or businesses in the surrounding area, the impact of eliminating parking on housing prices, and/or neighborhood gentrification do not provide substantial evidence or analysis linking those economic and/or social issues to physical environmental impacts of the proposed project. The comments provide only general assertions that impacts may arise, but do not identify any environmental impacts that may result from the proposed project that require further study or mitigation under CEQA. As such, no further analysis is required.

Sections 15126 and 15126.2 of the CEQA Guidelines require that EIRs must identify and discuss a proposed project's "significant environmental effects." Furthermore, Section 15382 defines "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." Section 15382 states further that "[a]n economic or social change by itself shall not be considered a significant effect on the environment," but a "social or economic change related to a physical change may be considered in determining whether the physical change is significant."

Section 15131 of the CEQA Guidelines states generally that "[e]conomic or social information may be included in an EIR or may be presented in whatever form the agency desires"; however, Section 15131(a) of the CEQA Guidelines states that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment," unless those effects are part of a chain of cause and effect between the project and a physical change. Furthermore, "[e]conomic or social effects of a project may be used to determine the significance of physical changes caused by the project."

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The CEQA Guidelines clarify that social or economic impacts alone shall not be treated as significant effects on the environment. Evidence of social or economic impacts (e.g., rising property values, increasing rents, changing neighborhood demographics, etc.) that do not contribute to, or are not caused by, physical impacts on the environment are not substantial evidence of a significant effect on the environment. In short, social and economic effects are only relevant under CEQA if they would result in or are caused by an adverse physical impact on the environment. With those important limitations in mind, those public comments related to socioeconomic issues, including gentrification, tenant displacement, and housing affordability, are briefly discussed here. Decision makers may consider these and other issues in their deliberations on approval of the proposed project, but they are not necessarily CEQA issues.

The proposed project would not cause the displacement of residents or the loss of residential units. Rather, the proposed project would create 310 new market-rate residential units on the project site and would support the construction of new affordable residential units in the neighborhood. As described in EIR Chapter 2, Project Description, on p. 2.12, the proposed project is subject to the City's Inclusionary Affordable Housing Program (Planning Code Section 415), the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33).<sup>11</sup>

Additionally, the EIR analyzes the impact of the proposed project on the existing character of the built environment and on the land use character of the neighborhood Section 4.B, Land Use and Land Use Planning on EIR pp. 4.B.1-4.B.9. The EIR concludes that the proposed project would not divide an established community and would not be inconsistent with the varied mix of land uses in the area and with the City's vision for future building heights in the area. As such, the EIR concludes that the proposed project would not have a significant impact related to Land Use.

By accommodating housing consistent with regional growth projections and, in particular, by increasing the supply of both market-rate and affordable BMR housing where none exists today, the proposed project would provide some relief from the housing market pressures on the City's existing housing stock. However, the public's perceptions of the causal relationship between new market rate housing and housing affordability in general is a source of controversy as indicated by the comments received on this EIR. While there is a consensus among housing experts that a chronic shortage of new housing in general, and new affordable BMR housing in particular, is

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<sup>11</sup> Working together with the Mayor's Office of Housing and Community Development (MOHCD), the project sponsor has voluntarily relinquished development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100 percent below market rate (BMR) housing, including approximately 16 BMR units of transitional aged youth ("TAY") housing, within a 1/3 mile of the proposed project. In exchange, MOHCD agreed to "direct" the project's Section 415 in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S & U).

contributing to the on-going displacement of lower-income residents in San Francisco, public opinions differ on many of the underlying causes.

The City's Office of the Controller – Office of Economic Analysis determined that new market-rate housing in San Francisco has the effect of lowering, rather than raising, housing values and rents at the local and citywide level.<sup>12</sup> The analysis further determined that locally imposing limits on market-rate housing in the city would, in general, place greater upward pressure on city housing prices, and reduce affordable housing resources to a greater extent than if no limit on market rate housing were imposed. In addition, the Office of Economic Analysis indicates that at the regional scale, producing more market-rate housing will decrease housing price escalation, and reduce displacement pressures, although this effect would be enhanced by the production of more subsidized BMR housing in addition to market-rate housing. However, at the local level, market rate housing may not necessarily have the same effect as at the regional scale, due to a mismatch between demand and supply.<sup>13</sup>

An increase in private real estate investment and higher income residents may accelerate neighborhood gentrification, potentially increasing the likelihood of displacement of low-income tenants in existing rental properties in the general area. However, as discussed above, the proposed project would reduce this social effect through the payment of the in lieu fee under Planning Code Section 415 which, subject to a letter agreement and conditions imposed by the MOHCD, will be directed towards the future development of the Octavia BMR Project located within 1/3 mile of the project site. Furthermore, in addition to the payment of the in-lieu fee under Section 415 of the Planning Code, the proposed project will also pay the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33), which would fund the production of additional affordable BMR housing within the City.

In sum, CEQA prohibits the finding of significant impacts that are not based on substantial evidence of a proposed project's adverse physical changes to the environment. The social and economic concerns related to affordable housing, neighborhood gentrification and tenant displacement are being addressed through the City's rent control, planning and policy development processes. As discussed above, there is no evidence that the proposed project would result in potential social and economic effects that would indirectly result in significant effects to the physical environment and are therefore beyond the scope of this EIR. Changes to the physical

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<sup>12</sup> City and County of San Francisco, City Office of the Controller – Office of Economic Analysis, *Potential Effects of Limiting Market-Rate Housing in the Mission*, September 10, 2015.

<sup>13</sup> Berkeley Institute of Governmental Studies (IGS), *Housing Production, Filtering and Displacement: Untangling the Relationships*, May 2016.

environment directly caused by the proposed project are addressed in the appropriate environmental topics in this EIR and the accompanying Initial Study.

#### **Provision of Below Market Rate Units under the Proposed Project**

Several comments express concern for the provision of Below Market Rate (BMR) units under the proposed project. Such comments are related to social and economic issues and are not comments about the adequacy and accuracy of the analysis of physical environmental impacts in the EIR. However, for informational purposes, further information and clarification about this aspect of the proposed project are provided here.

As discussed in EIR Chapter 2, Project Description, on p. 2.12, to meet its affordable housing requirements under the City's Inclusionary Affordable Housing Program (Planning Code Section 415) the project sponsor would pay an inclusionary housing in-lieu fee. The Mayor's Office of Housing and Community Development acknowledged in a letter to the project sponsor that the project sponsor relinquished certain exclusive negotiating rights the sponsor held to acquire and develop Parcels R and S in the former Central Freeway right-of-way for market-rate housing in order to allow those parcels to be used in the development of 100 percent affordable housing, and that the project sponsor also agreed to share with any future non-profit developer chosen by MOHCD all of its pre-development work products related to Parcels R and S. In consideration of the sponsor's relinquishment of those exclusive negotiating rights, MOHCD stated that if certain conditions are fulfilled, including compliance with CEQA and certain future discretionary approvals, for both the One Oak Project and the potential development of 72 affordable BMR units located on former Central Freeway Parcels R, S, and U, within 0.3 mile of the project site (collectively, "the Octavia BMR Project"), MOHCD intends to direct the in-lieu affordable housing fees required for the proposed project pursuant to Planning Code Section 415 to the development of the Octavia BMR Project by a non-profit selected by MOHCD and subject to its own approval separate from the proposed project.

The proposed project is not conditioned upon the approval of the Octavia BMR project. Rather, the One Oak Project would be required, as a condition of its approval, to pay an in-lieu inclusionary housing fee which does not require its use at any particular site. As such, the proposed One Oak Project does not include the Octavia BMR project as part of the proposed project. The Octavia BMR Project is a separate and independent project that would pursue its own independent environmental review under CEQA and project approvals. As such, it is not necessary, and would be speculative, to analyze the environmental impacts of the proposed Octavia BMR Project as part of the proposed project in this EIR. Similarly, because the Octavia BMR Project is a separate project which will pursue its own independent approvals, a discussion of the sizing and unit mix of the Octavia BMR units is also unnecessary and speculative.

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In addition to the affordable housing requirements applicable to the One Oak Project pursuant to Planning Code Section 415, and because the proposed project is located in the Van Ness & Market Downtown Residential Special Use District and exceeds the base 6:1 FAR limitation, it would be required to pay to the City's Citywide Affordable Housing Fund an additional fee as required by Planning Code Section 249.33(b)(6)(B) for the increment of FAR between 6:1 and 9:1, to be administered in accordance with Planning Code Section 415. Furthermore, because the proposed project is within the Market and Octavia Area Plan, it would also be required to pay the Market & Octavia Inclusionary Housing Fee, which would be used to fund additional affordable housing pursuant to Planning Code Section 416.

Several comments request clarification regarding the in-lieu fee percentage applicable to the proposed project under Planning Code Section 415. As noted above, such comments are beyond the scope of this EIR because they do not relate to the adequacy and accuracy of the analysis of physical environmental impacts of the proposed project. However, further information and clarification is provided here for informational purposes only. As noted above, the proposed project is subject to the provisions of the City's Inclusionary Housing Ordinance (Planning Code Section 415) in addition to the Market-Octavia Affordable Housing Fee (Planning Code Section 416) and the Van Ness & Market Special Use District Affordable Housing Fee (Planning Code Section 249.33). Section 415 provides a graduated scale of inclusionary requirements, depending on the date of the filing of complete Environmental Evaluation Applications (EEA). The EEA for the One Oak project was filed before January 1, 2013 and the project is therefore subject to a 20 percent inclusionary in-lieu fee. As noted in the discussion above, in addition to paying the inclusionary fee pursuant to Section 415, the project sponsor has relinquished its development rights at Parcels R and S on Octavia Boulevard and assigned them, along with preliminary designs and entitlement applications, to MOHCD to allow the future production of 100 percent below market rate (BMR) housing, including approximately 16 units of transitional aged youth ("TAY") housing, within a 1/3 mile of the project. In exchange, the MOHCD agreed to "direct" the project's Section 415 inclusionary in-lieu fee toward the production of housing on three Octavia Boulevard Parcels (R, S, and U). In addition to the Section 415 affordable housing fees pursuant to the proposed project's directed fee agreement with MOHCD, the project would also pay Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees. These additional affordable housing fees, in turn, would fund additional BMR housing.

One comment suggests that the provision of parking makes housing less affordable. Under the TDM Ordinance, the project would be required to offer the parking at the site as a separate option (unbundled) for residents and therefore the cost of parking would not be reflected in the cost of each unit.

## F. CULTURAL RESOURCES

The comments and corresponding response in this section relate to the topic of Cultural Resources, evaluated in Section E.3 of the Notice of Preparation/Initial Study (Appendix A to the EIR).

### COMMENT CR-1: NATIVE AMERICAN CONSULTATION

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#### *Cultural Resources*

“There is no Native American consultation documented in the DEIR or the Initial Study. In accordance with CEQA, we recommend that the San Francisco Planning Department conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.” (*Patricia Maurice, District Branch Chief, California Department of Transportation, Letter, January 17, 2017 [A-DOT-1]*)

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### RESPONSE CR-1: NATIVE AMERICAN CONSULTATION

The comment recommends that the Planning Department conduct Native American consultation for the proposed project.

Assembly Bill 52 (AB 52) (Chapter 532, Statutes of 2014), effective July 1, 2015, amended CEQA by adding Public Resources Code Section 21704, which establishes a new category of cultural resources to be considered under CEQA, called “tribal cultural resources.” AB 52 also amended CEQA by adding Section 21080.3.1, which establishes a new procedure for notification and consultation with California Native American tribes that are culturally affiliated with the geographic area of the proposed project. AB 52 Section 11(c) states, “This act shall apply only to a project that has a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015.” A Notice of Preparation for the proposed project was filed with the State Clearinghouse on June 17, 2015. As such, the requirement for Native American Consultation under AB 52 does not apply to the proposed project.

## G. CONSTRUCTION

The comments and corresponding response in this section relate generally to project construction. The environmental impacts of construction are discussed and evaluated in the EIR and the Notice of Preparation/Initial Study (Appendix A to the EIR) under various environmental topics (in particular, Transportation and Circulation, Noise and Vibration, Air Quality, Geology and Soils, Hazards and Hazardous Materials, and Hydrology and Water Quality).

### COMMENT CO-1: PROJECT CONSTRUCTION

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**“Construction Impacts (various):** The project alternative studied proposes significant excavation to create a large underground parking garage. Project alternatives with less parking – either the maximum principally permitted, or zero – would reduce the amount of soil excavated by the project. This would in turn reduce various environmental effects of the project – reduced congestion, noise, and air quality impact from trucks removing soil, less potential exposure of workers and the public to contaminated soil, less dust, and reduced excavation impact on groundwater and adjacent buildings and public transit lines. Such reduced construction impacts are both significant and quantifiable.” *(Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-6])*

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**“8. CONSTRUCTION:** One of my major concerns with these projects is the use of Best Practices with the construction work. All too often this fails, for example all the work being done with the Transit Center; Dust control, hours of construction operation, noise, vibration, control of vehicle traffic, pedestrian safety, staging of material, the list goes on. The construction issues need to be better controlled. This area is one of the city's busiest and windiest intersection in town. One of the most recent projects that had sort of a magic touch to this issue was DPR's - Construction of the Chinese Hospital up in Chinatown had some unique control of this issues.” *(Dennis Hong, Email, January 10, 2017 [I-Hong-9])*

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“...I haven't had a chance to review the EIR yet, but I'm very familiar with the area. And I just have a few comments based on some previous studies of other documents.

“One of the things is the construction, ... because this is such a congested area and because I use transit and also drive on this area regularly and have noticed that there's been a lot encroachment by construction projects on public right of ways -- and I think that because there is so much going on in this area, you should really limit all construction to the lot line and not allow them to push pedestrians into the street, to push bike lanes into car lanes and things like that.

“So strict adherence to the lot line for any construction. This has not been to adhered to on Van Ness; this has not been adhered to on 9th. There's just too much encroachment on public right-of-way.” *(Judith, DEIR Hearing Transcript, January 5, 2017 [I-Judith-1])*

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## **RESPONSE CO-1: PROJECT CONSTRUCTION**

### **Impacts from Project Construction**

Comments express concern with the various impacts resulting from project construction (including impacts related to transportation, noise and vibration, air quality, and exposure to hazardous materials).

Project construction (foundation, excavation, duration and phasing) is described on EIR pp. 2.32-2.33. The comments do not raise any specific issue regarding the EIR's description of anticipated construction activities and its evaluation of project construction transportation impacts under Impact TR-7 on EIR pp. 4.C.62-4.C.68. Construction activities would differ day to day and by construction phase. Overall, because construction activities would not be permanent and must be conducted in accordance with City requirements, the proposed project and variant's construction-related transportation impacts were determined to be less than significant. The EIR identifies Improvement Measure I-TR-E: Construction Measures, pp. 4.C.67-4.C.68, that would further reduce the less-than-significant impacts related to potential conflicts between construction activities, transit, and autos. Elements of Improvement Measure I-TR-E include developing a construction management plan for transportation and providing construction updates for adjacent businesses and residents. City decision-makers may choose to include this improvement measure as a condition of approval for the proposed project.

However, the EIR identifies several foreseeable projects in the vicinity of the project site, the construction periods of which could overlap with the proposed project's construction. As such, the EIR discloses that the proposed project and variant, in combination with past, present, and reasonably foreseeable future development in the vicinity, would contribute considerably to cumulative construction-related transportation impacts. The EIR identifies Mitigation Measure C-TR-7: Cumulative Construction Coordination, pp. 4.C.87-4.C.89, which would reduce, but not avoid, a significant cumulative transportation impact of project construction. The EIR concludes that this impact would remain significant and unavoidable.

The comments do not raise any specific issues regarding the description and analysis of construction noise and vibration impacts of the proposed project presented in the Initial Study (IS) (included in the EIR as Appendix A) on pp. 77-81. The IS concludes that construction of the proposed project could result in a significant project-level construction noise impact (Impact NO-2, IS pp. 77-81) as well as in a cumulatively considerable contribution to a significant temporary increase in noise (Impact C-NO-2, IS pp. 85-86). The IS identifies Mitigation Measure M-NO-2: General Construction Noise Control Measures (pp. 79-80) to ensure that

project construction noise would be reduced to the maximum extent feasible. The IS concludes that with implementation of this mitigation, the impact of construction noise under the proposed project would be reduced to a less-than-significant level and would not result in a cumulatively considerable contribution to cumulative construction noise impacts.

The comments do not raise any specific issues regarding the description and analysis of air quality impacts of the proposed project presented in the IS on pp. 97-101. The IS concludes that construction of the proposed project would generate toxic air contaminants that could expose sensitive receptors to substantial pollutant concentrations (Impact AQ-2, pp. 97-101) as well as in a cumulatively considerable contribution to a significant air quality impact (Impact C-AQ-1, p. 106). The IS identifies Mitigation Measure M-AQ-2: Construction Air Quality (pp. 99-101) to reduce construction emissions on nearby sensitive receptors to a less-than-significant level and to reduce the proposed project's contribution to cumulative air quality impacts to a less-than-significant level. As such, no alternative that would reduce air quality is required under CEQA.

CEQA Guidelines Section 15091(d) requires that a public agency approving a project for which an EIR has been certified (in this case, the San Francisco Planning Commission and the Board of Supervisors) adopt a Mitigation Monitoring and Reporting Program (MMRP). The MMRP will include the mitigation measures identified in the EIR that are adopted to avoid or lessen a significant environmental impact. An MMRP specifies the implementation, monitoring, and reporting duties of the project sponsor, contractors, and various public agencies with monitoring and enforcement purview over the construction and operation of the proposed project. The City and County of San Francisco enforces the adopted MMRP as conditions of project approval. The EIR also identifies improvement measures. The Planning Commission and Board of Supervisors may also adopt the improvement measures as conditions of approval to lessen impacts found to be less than significant. A violation of conditions of approval constitutes a violation of the Planning Code. Adopted conditions of approval have the force of law and are enforceable with consequences for non-compliance. The Planning Department's code enforcement process does not affect the City Attorney's Charter authority to bring its own civil enforcement action.

The IS, on pp. 148-152, discloses the presence of hazards and hazardous materials on and in the vicinity of the project site, based on an Environmental Site Assessment (ESA) conducted for the property. The ESA did not document any acutely hazardous materials within the project site. The abatement of hazardous materials that may be released during construction is regulated by federal, state, and local regulations. The NOP/IS concludes that compliance with these regulations would ensure that implementation of the proposed project would not create a significant hazard to the public or the environment.

### **Limiting Construction Activities to the Project Site**

A comment suggests that construction activities should be limited to the lot lines of the project site. Given the constraints of this and most other sites in this densely developed urban area, it is infeasible to confine project construction activities to the lot lines of their sites and out of public rights-of-way, as could be accomplished within a large suburban or rural site with yards and setbacks that are accessible from the street.

The EIR, on p. 4.C.64, describes and discloses how construction staging would occur within the adjacent sidewalk and parking lane on Oak Street, which would be closed during the construction period. As noted above, construction-related impacts of the project, including any construction that would occur outside the lot lines of the project, are adequately discussed and analyzed in EIR Section 4.C, Transportation and Circulation. Accordingly, the comment does not relate to the adequacy or accuracy of the EIR. However, for informational purposes and the reader's convenience, the description of construction staging is excerpted below.

Based on information obtained from the project sponsor, construction staging would occur within the adjacent parking lane on Oak Street. The Oak Street sidewalk adjacent to the project site would be closed during the construction period, and pedestrian traffic would need to be shifted to the sidewalk on the north side of the street. No complete sidewalk closures are anticipated on Market Street. Construction activities may require temporary travel lane closures, which would be coordinated with the City in order to minimize the impacts on local traffic, transit, pedestrians and bicyclists. Construction activities, such as delivery of large construction equipment and oversized construction materials that would require one or more temporary lane closures on Market Street, would need to be conducted on weekend days when pedestrian, transit and traffic activity is lower. Prior to construction, the project contractor would work with Muni's Street Operations and Special Events Office to coordinate construction activities and reduce any impacts to transit operations on Van Ness Avenue or Market Street. Any temporary sidewalk or traffic lane closures would be required to be coordinated with the City in order to minimize impacts on traffic. In general, lane and sidewalk closures are subject to review and approval by SFMTA's TASC for permanent travel lane and sidewalk closures, and the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT) for temporary sidewalk and travel lane closures. Both TASC and ISCOTT are interdepartmental committees that include Public Works, SFMTA, Police Department, Fire Department, and Planning Department representatives.

While the project construction-related transportation impacts would be less than significant, the EIR identifies Improvement Measure I-TR-C (originally I-TR-E in the DEIR) on EIR p. 4.C.67 to further reduce the less-than-significant impacts related to potential conflicts between construction activities, pedestrians, transit, and autos within public rights-of-way. In addition, the EIR conservatively identifies a significant cumulative construction-related transportation impact, acknowledging several foreseeable projects with construction periods that could overlap with that

of the proposed project, and identifies Mitigation Measure M-C-TR-7: Cumulative Construction Coordination, on EIR p. 4.C.88-4.C.89. That mitigation measure would require the project sponsor or contractor to coordinate with various City departments to develop and implement coordinated plans to minimize cumulative construction-related transportation impacts for the duration of construction overlap. With this mitigation, however, the EIR concludes the proposed project would continue to contribute considerably to a significant cumulative construction-related transportation impact.

As discussed on RTC p. 2.2, the Franklin Street contraflow lane is no longer under consideration and therefore construction activities are expected to be slightly less disruptive under both project and cumulative conditions.

As discussed on RTC p. 2.2, the relocation of the Muni elevator to an off-site location is no longer under consideration and therefore construction activities are expected to be slightly less disruptive under both project and cumulative conditions.

#### **Construction Impact of a Reduced Parking Alternative**

A comment asserts that a reduced parking alternative would reduce various construction impacts of the proposed project with regard to excavation, truck traffic, soil removal, noise, etc. A reduced parking alternative is not expected to substantially reduce the amount of excavation. Although a reduced parking alternative would require a somewhat smaller subsurface garage, such an alternative would still require over-excavation down to the Colma Formation layer (approximately 35-40 feet below ground surface) on which to support a full-site mat foundation (see EIR p. 2.32).

The EIR analyzes Alternative B: Podium-Only Alternative (EIR pp. 6.7-6.18) that would reduce parking provided within the project site and would reduce construction-related impacts. The EIR concludes that this alternative would reduce a considerable contribution to a significant and unavoidable cumulative construction-related transportation impact (Impact C-TR-7 (EIR pp. 4.C.87-4.C.89)). The EIR concludes that the Podium-Only Alternative would reduce this impact of the proposed project by reducing the construction duration (from 32 months under the proposed project, to 26 months under the alternative). However, the EIR concludes that the Podium-Only Alternative would not reduce the contribution to a significant construction-related transportation impact to a less-than-significant level.

See Response TR-9: Project Alternatives with Less or No Parking, on RTC pp. 4.48-4.51, which describes why analysis of a reduced parking alternative is not necessary in the EIR.

## H. CUMULATIVE EFFECTS

The comment and corresponding response in this section relate to the cumulative projects listed in Section 4.A, Chapter Introduction, and evaluated in the topical sections in Chapter 4, Environmental Setting and Impacts.

### COMMENT CU-1: FORESEEABLE PROJECTS

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“Another point, although not as much EIR-related, but as my own concern, The Hub itself is an abstract concept which I would have liked to see studied in a programmatic EIR together with overriding policies and principals which look at the transformation at this important point of the City. That has never occurred.

“I’ve raised the same question when we very recently reviewed 1500 Mission Street, a project that will be part of The Hub, and other projects slightly to through the south and to the west, a shared vision on what that means in reducing automobile capacity, potentially even reconfiguring the geometries on Van Ness on one of the most unfortunate intersections in the City of San Francisco. Van Ness and Market is a missed opportunity to really have a hub that deals with exciting new building forms, but makes the street itself more important than the transit investment that we have put to intersect at that particular intersection.” *(Commissioner Kathrin Moore, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Moore-3])*

“And I do agree with Commissioner Moore. We just looked at 1500 Mission Street last week -- last meeting in December. Before that we had the Tower Car Wash site. I know the Honda site's going to be coming. I know the carpet store on Otis and Mission is coming.

“When you put all this together, what does it look like? I mean, we have a Central SoMa EIR which I'm reading right now; it's almost like we kind of need a Hub EIR. When you put all this together, show me what it looks like. I don't want to make decisions in isolation. So this .5 parking and a Honda .5 parking and -- you know, it's all coming together. So I'd like to see how this all fits together.” *(Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-5])*

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“I guess, two trailing points. We have a plan EIR for Market/Octavia, which we could use. But when you're looking at increasing heights around The Hub, you're really changing things. So that[s] why I think the adequacy with the plan EIR may not actually cover all these projects coming, especially if we're making changes midstream. So that's why I'm talking about kind of a hub understanding.” *(Commission Vice President Dennis Richards, San Francisco Planning Commission, DEIR Hearing Transcript, January 5, 2017 [A-CPC-Richards-6])*

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4. Comments and Responses  
H. Cumulative Effects

“There are 2 DEIRs out for development on blocks diagonally across Market and Van Ness/South Van Ness at virtually the same time:

**“Comments and Responses on TWO DEIRs should be coordinated**

“**1500 Mission St** - southern half of AB 3506 2014-000362 - City office building, dense market rate housing, on-site inclusionary housing, Planning Code and height increase, parking. **DEIR hearing 12/15/16, Comment DL 1/4/17.**

“**One Oak Street/1500 Market St** - eastern portion of AB 836 2009.015E - Dense market rate housing, Planning Code and height increase, parking. **DEIR hearing 1/15/17, Comment DL 1/10/17.**

“The issues of wind, traffic, transit, impacts on pedestrians, changes in the General Plan and Planning Code TO THE SAME Van Ness & Market Downtown Residential Special Use District - part of the Market/Octavia Area Plan - have EXTREMELY similar impacts, including cumulative impacts. Market and Van Ness. Mission and South Van Ness. DIAGONAL BLOCKS. Sites about 400' apart.

“The deadline for DEIR comments are less than a week apart. There is no rational reason why public comments on the 2 DEIRs that have applications to BOTH projects should not be considered by both.

“This specifically includes issues related to transportation and parking, winds, comments on cumulative displacement and housing, including excessive parking in this transit-rich area with heavy traffic GOING STRAIGHT ONTO FREEWAYS. The high parking allowance for residences encouraging occupancy by middle and upper income people who drive instead of using public transit.

“Environmental Review is ignoring these issues unless comments on issues relevant to both sites are considered in BOTH Comments and Responses/FEIRs.” *(Sue C. Hestor, Letter, January 4, 2017 [I-Hestor1-1])*

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“There are 2 DEIRs out at virtually the same time for separate developments on blocks diagonally across Market and Van Ness/South Van Ness:

“**1500 Mission St** - southern half of AB 3506 2014-000362 - City office building, dense market rate housing, on-site inclusionary housing, Planning Code and height increase, parking. **DEIR published 11/9/16. Hearing 12/15/16, Comment DL 1/4/17.**

“**One Oak Street/1500 Market St** - eastern portion of AB 836 2009.015E - Dense market rate housing, Planning Code and height increase, parking. **DEIR published 11/16/16. Hearing 1/15/17, Comment DL 1/10/17.**

“Please coordinate the Comments and Responses on the TWO separate DEIRs.

“The issues of wind, traffic, impacts on pedestrians, changes in the General Plan and Planning Code to THE SAME Van Ness & Market Downtown Residential Special Use District - part of the Market/Octavia Area Plan - have EXTREMELY similar impacts, especially cumulative impacts.

Market and Van Ness. Mission and South Van Ness. **DIAGONAL BLOCKS.** Sites about 400' apart." (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-1]*)

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"Please provide a list of residential projects that have been approved in the area along Van Ness - from Bay Street south to the Central Freeway. Starting with date before time studied in the Market/Octavia Area Plan. Number of dwelling units, number of parking spaces. One block on either side of Van Ness/South Van Ness (Polk - Franklin area) and similar area around South Van Ness. This new housing is in a transit rich area, attractive to **people who do not own a car.** Providing parking increases the probability that residents will use their cars and thereby increase the traffic problems along Van Ness, and on the intersecting streets with Muni lines. *Bay. Chestnut. Lombard. Union. Pacific. Jackson. Washington. Clay. Sacramento. California. Pine. Bush. Sutter. Post. Geary. O'Farrell. Eddy. Turk. Golden Gate. McAllister. Grove. Hayes. Market. Mission. Folsom.*

**"Cumulative Projects List - DEIR 4.A.7-11**

"There has been a recent proposal for a major project with a substantial increase in height and by the French-American school. It is at the west end of **THIS BLOCK** at the SE corner of Franklin and Oak. Please describe the project that has applied for a PPA. How would addition of that project affect the wind and transportation analyses?" (*Sue C. Hestor, Letter, January 10, 2017 [I-Hestor2-7]*)

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"...I have been a resident of San Francisco for more than 70 Plus years and as requested I'm making my comments to this One Oak Project. Not sure how this fits in with the original DEIR (1500 Market Street) But I had been waffling back in forth with both of these two projects and as I understand it now, it is combined into one Project - as the One Oak. With that said, I will focus in on this Case #2009-0159E. I think this is a better choice." (*Dennis Hong, Email, January 10, 2017 [I-Hong-1]*)

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**"5. The Foreseeable Projects (Cumulative Land Use chart-??)** just down the street the 1500 Mission Street-2014-000362ENV shows projects in this area will vary around - 40 Months (3.5 years) ??????. During this period a lot of major construction work will take place.

"Figure 13 map shows a number of projects in this area. Can this map or table include a few other projects with construction time tables? Each of the foreseeable projects shown for the One Oak does an excellent job with each of these foreseeable projects description (page 41-45). I do not know what qualifies for the listing of these projects. I believe there are a few other projects in this area of development. Can the following projects be listed as well on pages 39-45: **a.** 30 Van Ness-2015-010013ENV, **b.** 30 Otis -2015-010013ENV, **d.** 1629 Market-2015-00584ENV, **e.** 200-214 Van Ness-2015-012994ENV, **f.** 101 Polk-20111.0702E, **g.** 35 Lafayette-2013.0113E, **h.** The Market Street Hub-2015-000940ENV, may cover some of these sites. This is a very limited area and will be getting a lot of major projects. That's why I think time lines for all this work is important. I have not had the opportunity to review the DEIR for Central SoMa Plan; Case # 2011.1356E, but should this be massaged with the One Oak Project? Additionally, see my notes

under construction use of /best practices. All these cumulative projects needs to be monitored closely and do a good job with communicating all this work with the community.

“a. In addition to these projects can a project time lines be shown for each of these projects. Can these be shown on a Table format?” (*Dennis Hong, Email, January 10, 2017 [I-Hong-6]*)

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“**Air quality and, VII, greenhouse gas** emissions – There is a tremendous amount of development now underway and/or in the pipeline in San Francisco and the region. To my knowledge, the cumulative impacts of VMT generated by these projects has not been assessed and MITIGATED. The totality of VMT generated by all the projects -- and concomitant air quality degradation and greenhouse gas emissions generated -- for the area should be assessed and MITIGATED. I note that the appendix of the DEIR lists several large projects near One Oak with a total of 776 parking spaces proposed, in addition to the 153 sought by the project sponsor of One Oak Street. Those projects are: 1546-1564 Market Street (28 off-street parking spaces), 150 Van Ness (218 off-street parking spaces), 1500-1580 Mission Street (309 parking spaces), 1601 Mission Street (93 parking spaces), 1 Franklin Street (18 off-street parking spaces), 1699 Market Street (97 below grade parking spaces), and Central Freeway Parcel T (13 parking spaces).” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-11]*)

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## **RESPONSE CU-1: FORESEEABLE PROJECTS**

### **Cumulative Projects in the Project Vicinity**

Comments express concern for other proposed and/or approved projects in the vicinity of the proposed project site, including the adjacent 1546-1554 Market Street project, 1500 Mission Street project, the Tower Car Wash site (at 1601 Mission Street), the San Francisco Honda site (at 10 South Van Ness), and a French American School project at the southeast corner of Franklin and Oak streets. A comment requests that residential projects along Van Ness Avenue, from Bay Street to the Central Freeway, be included in the cumulative analysis and that the number of units and parking spaces be provided.

CEQA Guidelines Section 15355 requires that an EIR discuss cumulative impacts of a project. Cumulative impacts are two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. In conformity with CEQA Guidelines, cumulative impact analysis in San Francisco generally may employ a list-based approach or a projections approach, depending on which approach best suits the individual resource topic being analyzed.

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H. Cumulative Effects

A list-based approach refers to “a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside of the control of the agency” (CEQA Guidelines, Section 15130(b)(1)(A)). For topics such as shadow and wind, the analysis typically considers large, individual projects that are anticipated in the project area and the extent of the affected setting where possible similar impacts may arise and combine with those of the proposed project. The cumulative analyses in the Wind and Shadow sections each use a different list of nearby projects that is appropriately tailored to the particular environmental topic based on the potential for combined localized environmental impacts. (EIR p. 4.A.6)

The 1500 Mission Street project, the 1601 Mission Street project, and the 10 South Van Ness project are “projects not yet under construction but for which Planning Department Environmental Evaluation Applications have been filed, and/or projects that the Department has otherwise determined are reasonably foreseeable within the general vicinity of the project” (EIR pp. 4.A.6-4.A.7). They are projects that are within a 1,500-foot radius of the project site and could interact with the proposed project to alter ground-level wind conditions. As such, they are included in the cumulative list of projects for the purposes of the Wind analysis. See the “Cumulative Impact Evaluation” discussion in EIR Section 4.D, Wind, pp. 4.D.17-4.D.25. The Cumulative shadow analysis considers reasonably foreseeable projects that would have the potential to reach the same parks affected by the proposed project. See RTC Chapter 5, DEIR Revisions, on RTC p. 5.52-5.58.

No Environmental Evaluation Application was filed for the French American School project at the time the DEIR was published (application 2016-015922ENV for the property was opened on January 31, 2017). It is therefore not included in the cumulative list nor incorporated into the cumulative analysis and is considered speculative.

Regarding the request for construction timing for cumulative projects, the particular start times for these projects are unknown at this time and would be subject to numerous factors. As such, providing this information in an EIR would be speculative,

The Transportation section cumulative analysis employs a projections-based approach. The transportation analysis relies on a citywide growth projection model that also encompasses anticipated transportation projects as well as many of the larger, individual projects in the vicinity. It applies a quantitative growth factor to account for other growth that may occur in the area (EIR p. 4.A.6). As such, existing and anticipated residential projects along Van Ness Avenue, from Bay Street to the Central Freeway, are included in the citywide growth projection model for the cumulative transportation analysis, and therefore any changes in traffic volumes resulting from their construction would be accounted for in the analysis results. The comment does not provide substantial evidence that a significant cumulative impact related Transportation

4. Comments and Responses  
H. Cumulative Effects

would result or that identifying these distant residential projects would change any of the conclusions of the EIR or is otherwise necessary for the adequacy of the EIR under CEQA.

It is not necessary to provide a list of these projects as the comment requests. (See Response TR-8: Project Parking Supply, RTC pp. 4.42-4.44, which addresses the issue of residential parking as a trip generator.)

Cumulative loading impacts are localized and the EIR's analysis of loading considers cumulative conditions with construction of the adjacent 1546-1554 Market Street project, as well as with the potential elimination of the existing Market Street loading bay along Market Street under the Better Market Street Project (see EIR pp. 4.C.85-4.C.86). Likewise, the Transportation section considers the contribution of the proposed project and variant to cumulative construction impacts of foreseeable cumulative projects in the area, the construction of which may overlap with project construction (in particular, 22 Franklin Street, 1546-1554 Market Street, 1500 Mission Street, 10 South Van Ness Avenue, and 1601 Mission Street, and streetscape improvements under the Van Ness BRT).

#### **The Hub Project**

Comments express concern that the proposed project is not being studied in the context of the proposed development and street improvements to be studied under the Hub Project (an update to the *Market and Octavia Area Plan*) programmatic EIR.

The EIR notes that at the time of publication of the DEIR on November 16, 2016, no Environmental Evaluation Application had been filed for the Hub Project. As such the Hub Project "is not included in the cumulative impact analysis in the EIR because at this point, it is in its planning stages and is considered speculative" (EIR p. 4.A.13). The EIR acknowledges and summarizes the anticipated features of the Hub Project, as well as identifies reasonably foreseeable future projects within the Hub Project boundaries. However, potential policies and regulatory requirements under the future Hub Project that could further alter the physical conditions in the area and contribute to cumulative impacts are not known at this time.

The future Hub Project EIR would include the proposed One Oak Street Project, if approved, as an existing condition or a reasonably foreseeable future cumulative project (if construction of the One Oak Project has not begun at the time a Notice of Preparation for the Hub Project is published, or within a reasonable time before publication of the Hub Project DEIR).

#### **Coordination of Responses to Comments with the 1500 Mission Street Project**

Comments request that responses to comments for the *One Oak Street Project EIR* be coordinated and consolidated with those of the 1500 Mission Street Project.

There is no requirement under CEQA that the review of these projects be consolidated as the comment requests. As described above, the 1500 Mission Street project was included and considered as part of the cumulative context as a reasonably foreseeable future project for the proposed project cumulative analyses. The comments do not identify any specific inconsistency with the EIR for the 1500 Mission Street Project EIR. Before publication of the One Oak Street Project DEIR, the Planning Department reviewed the One Oak Street Project EIR for consistency with the analyses and conclusions of the *1500 Mission Street Project EIR*. Likewise, the Planning Department has reviewed the *One Oak Street Project EIR Responses to Comments* document for consistency with the responses and conclusions of the *1500 Mission Street Project EIR Responses to Comments* document and, to the extent relevant, finds no inconsistencies.

#### **Cumulative Air Quality and Greenhouse Gas Emissions**

A comment expresses concern for the cumulative greenhouse gas and air quality impacts of the proposed project.

The topic of Air Quality is, by its nature, a cumulative impact. (See Notice of Preparation/Initial Study [EIR Appendix A], Air Quality Impacts on p. 106.) Emissions from past, present, and future projects contribute to the region's adverse air quality and greenhouse gas emissions on a cumulative basis. No single project by itself would be sufficient in size to result in a significant air quality impact. The project-level thresholds for criteria air pollutants are based on levels by which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. Therefore, because the proposed project's construction (Impact AQ-1) and operational (Impact AQ-3) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

Likewise, the topic of Greenhouse Gas emissions is, by its nature, a cumulative impact. (See Notice of Preparation/Initial Study [EIR Appendix A], Greenhouse Gas Emissions, pp. 107-109.) CEQA Guidelines Section 15183.5 allows for public agencies to analyze and mitigate GHG emissions as part of a larger plan for the reduction of GHGs and describes the required contents of such a plan. Accordingly, San Francisco has prepared Strategies to Address Greenhouse Gas Emissions (GHG Reduction Strategy), which presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's Qualified GHG Reduction Strategy in compliance with CEQA Guidelines. Therefore, proposed projects that are consistent with the City's Greenhouse Gas Reduction Strategy would not exceed San Francisco's applicable GHG threshold of significance. Because the proposed project would comply with the City's Greenhouse Gas Reduction Strategy, it would result in a less-than-significant impact with respect to GHG emissions.

## I. AESTHETICS

The comments and corresponding response in this section relate to aesthetics.

### COMMENT AE-1: AESTHETICS

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“1. **CEQA:** Even though current CEQA does not require images renderings and etc. of the proposed project. I disagree with this CEQA issue only because all too often words, black and white elevations describing the design does not present what it will look like when finished. I believe all too often some projects fail because of this missing link. This DEIR does an excellent job with this issue and is a positive Plus for its justification and uniqueness to the blighted area. Granted, design, color and materials are personal, but I studied and practiced both architecture and urban design, now retired. To add just one link to this presentation would be to insert this rendering in to an existing aerial photograph - to me that would be a spot on. So lets get started.”  
*(Dennis Hong, Email, January 10, 2017 [I-Hong-3])*

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#### “6. Project Aesthetics and Architectural Design:

“a. I like unique design for this site. It would be interesting how the 1546-1564 project would blend in with this One Oak project.

“b. The renderings does an excellent job with communicating what this will look like, vs black and white elevations. (Just a simple CEQA issue. I believe this issue is being currently reviewed with CEQA and may soon be a requirement down the road). Figures 2.9 thru Figure 2.15 does an excellent with it's presentation.

“c. The public open space is another positive to this project.” *(Dennis Hong, Email, January 10, 2017 [I-Hong-8])*

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“**Aesthetics** – the project would substantially degrade the visual character of the neighborhood by blocking the views of office tenants in nearby buildings and of residential tenants in parts of the city at higher elevations. For example, employees at One South Van Ness now have expansive views of the city as they ascend and descend escalators in the building. North-facing views might be partially or entirely blocked by this project;” *(Sue Vaughan, Email, January 10, 2017 [I-Vaughan-10])*

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## **RESPONSE AE-1: AESTHETICS**

### **Project Design**

Comments express support for the design of the proposed project tower and proposed Oak Plaza as well as for the inclusion of architectural renderings in the EIR.

For informational purposes, EIR Chapter 2, Project Description, presents three renderings (Figure 2.11: Tower Rendering from the South Side of Market Street, Looking West, on p. 2.18; Figure 2.12: Podium Rendering from Southeast Corner of Van Ness Avenue, Looking Northwest, on p. 2.19; and Figure 2.15: Proposed Plaza Rendering, on p. 2.24) that show views of the proposed project.

As noted on EIR p. 1.2, the proposed project is subject to Public Resources Code Section 21099(d). That provision applies to certain projects, such as the proposed project, that meet the defined criteria for an infill site within a transit priority area. It eliminates the environmental topic of Aesthetics (as well as the Transportation subtopic of parking) from impacts that can be considered in determining the significance of physical environmental effects of such projects under CEQA. Accordingly, this EIR does not include a discussion and analysis of the environmental issues under the topic of Aesthetics. Likewise, this Responses to Comments document construes comments related to Aesthetics to be comments on the merits of the proposed project.

Although Aesthetics impacts are not part of the EIR analysis under Public Resources Code Section 21099(d), comments about the design of the proposed project continue to be issues that may be considered by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

### **Private Views**

A comment also expresses concern for the impact of the proposed project on private views.

Changes to private views resulting from the proposed project, although a concern of those affected, would not be considered to substantially degrade the existing visual character of the environment as CEQA is applied in San Francisco. This was so even before enactment of Public Resources Code Section 21099(d).

## J. GENERAL ENVIRONMENTAL COMMENTS

The comments and corresponding responses in this section relate to general environmental comments. For ease of reference, these comments are grouped into the following EIR-related issues:

- GE-1: General Comments on the Adequacy of the EIR
- GE-2: General Comments in Opposition to or Support of the Proposed Project

A corresponding response follows each group of comments.

### COMMENT GE-1: GENERAL COMMENTS ON THE ADEQUACY OF THE EIR

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“The Hayes Valley Neighborhood Association (HVNA), based on our longstanding support for the Market and Octavia Better Neighborhoods Plan, has the following concerns regarding the proposed One Oak Street Project, because the Draft Environmental Impact Report (DEIR) is inadequate. It fails as an informational document and does not adequately analyze the following issues (presented in order of Table S-1: *Summary of Impacts*):” (*Jason Henderson, Chair, Transportation and Planning Committee, Hayes Valley Neighborhood Association, Letter, January 4, 2017 [O-HVNA-Henderson1-1]*)

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“So really this needs to get a second look. It's not about the project itself; it's about the adequacy of the environmental study. And we hope that you agree, and we'd be happy to talk further about these comments.” (*Jason Henderson, Hayes Valley Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-HVNA-Henderson2-5]*)

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“The One Oak Project is a significant project at a very important crossroads in our City. We are keen to that the inadequacies of the Draft EIR are corrected in the final version. If you have any questions about our comments, please don't hesitate to contact us.” (*Tom Radulovich, Executive Director, Livable City, Letter, January 10, 2017 [O-LC2-7]*)

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“The Sierra Club appreciates your electronic publishing of the SEIR to save paper, printing and mailing cost; however we have a comment on the format: a massive document like this **should be published similar to Amazon Kindle** so that a commenter/reviewer can move directly from the index to the sections of concern, similar to how one would insert labeled place marks with a paper EIR.” (*Howard Strassner, Member, San Francisco Group Executive Committee, Sierra Club, Letter, January 10, 2017 [O-SC-1]*)

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“First of all I fully support this project. This DEIR is very comprehensive and covers just about all the issues and has done an excellent job. Thank you for the opportunity to review and comment on this Project. Here are my thoughts and comments.” (*Dennis Hong, Email, January 10, 2017 [I-Hong-2]*)

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“I have the following concerns regarding the proposed One Oak Street Project, because the DEIR is inadequate. It fails as an informational document and does not adequately analyze the following issues, already pointed out in a letter submitted by Jason Henderson (my own additions to his comments are in **bold**):” (*Sue Vaughan, Email, January 10, 2017 [I-Vaughan-1]*)

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### **RESPONSE GE-1: GENERAL COMMENTS ON THE ADEQUACY OF THE EIR**

Comments generally assert that the EIR does not adequately address environmental analysis and disagree with the conclusions reached in the EIR. Other comments assert that the EIR is adequate.

EIR adequacy is defined in CEQA Guidelines Section 15151, Standards for Adequacy of an EIR, which states:

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Disagreement with the conclusions of the EIR and general assertions of EIR inaccuracy and inadequacy do not provide substantial evidence that the EIR is inadequate or that the EIR must be recirculated. However, more specific comments regarding the accuracy or adequacy of the environmental analysis and mitigation measures under specific environmental topics, where necessary, are addressed elsewhere in this Responses to Comments document under the following environmental topics: Land Use and Land Use Planning; Transportation and Circulation; Wind; Shadow; Population and Housing; Aesthetics; Cultural Resources; Construction, Cumulative Effects.

The San Francisco Planning Commission will consider the adequacy and accuracy of the DEIR, based on the administrative record as a whole (including all comments submitted on the DEIR and responses to them) when it is asked to certify the EIR as adequate and complete. If the

Planning Commission certifies the EIR, its findings and additional information provided in the Responses to Comments document will be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project.

**COMMENT GE-2: GENERAL COMMENTS IN OPPOSITION TO OR SUPPORT OF THE PROPOSED PROJECT**

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“Due to the excellent analysis provided by HVNA, Cathedral Hill Neighbors Association (CHNA) also strongly urges the Commission to eliminate off street parking and Market Street loading, to provide BMR units on site and to mitigate shadow impacts through community benefits.” *(Marlayne Morgan, President, Cathedral Hill Neighbors Association, Email, January 4, 2017 [O-CHNA-1])*

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“We are in full support of the comment letter provided to this commission by Hayes Valley Neighborhood Association earlier today. As a fellow neighborhood organization of the Van Ness corridor, we stand together with Hayes Valley in the interest of making this project better for our community and our environment.

“1 Oak set precedent for other large tower projects in the vicinity in light of the Hub rezoning. The comments and requests detailed in the letter provided by Hayes Valley Neighborhood Association raise thoughtful and important points related to the relationship this project will have with the physical environment.

“We are confident that the project sponsor and the Planning Department can address the noted concerns in the Draft EIR by further analysis with detailed mitigation combined with potential modifications to the project to address community concerns and reduce environmental impacts.

“Such modifications could include (1) removal of the off-street parking (2) removal of any loading on Market Street (3) inclusion of on-site BMR units (4) construction of off-site BMR units simultaneously with the market-rate units and (5) contributions toward community benefits such as additional affordable housing units or other appropriate measures to mitigate shadow impacts on public parks.” *(Moe Jamil, Chair, Middle Polk Neighborhood Association, Letter, January 4, 2017 [O-MPNA1-1])*

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“I essentially agree with the other public commenters here. Also, I made a note in our letter of some – you know, what we think is easy fixes by the project sponsor on this, things like additional mitigation for shadows, maybe, perhaps, additional affordable housing, some other types of community benefits. And we think that that’s really the high road to take here.

“I think that the department did a great job of what was presented to them by the sponsor, so perhaps changing what is presented to them can kind of fix all this. And I think that’s the easy way, rather than having long delays and enforcing the department to do all this additional work, where, really, just meet the community where the community is. And we’re not – not trying to,

you know, stop an entire project. Actually, we say it's a great idea, but here are some small tweaks to it to make it even better. So that I'd submit." (*Moe Jamil, Middle Polk Neighborhood Association, DEIR Hearing Transcript, January 5, 2017 [O-MPNA2-1]*)

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"Walk San Francisco is excited about many aspects of the One Oak Street project, especially the Oak Street plaza that will provide much-needed public space for the many people who live in, visit, or work in the neighborhood. Such a plaza will encourage people to walk more, which will help the City reach its environmental, mode-shift and Vision Zero goals." (*Cathy DeLuca, Policy and Program Director, Walk San Francisco, Letter, January 10, 2017 [O-WSF-1]*)

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"This development could sell out easily with zero parking. Inflicting the traffic generated by 150+ parking spaces harms the commutes of the tens of thousands of cyclists, pedestrians, and MUNI riders who pass this location.

"Is there a location in SF that is more transit-friendly than Van Ness and Market? Does the City owe developers parking at the expense of others?"

"SF needs to start thinking more like London, less like Fresno." (*Rob Bregoff, Email, January 4, 2017 [I-Bregoff-1]*)

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**"2. TRAFFIC and Vision 0:**

"A. At times Grove Street between Van Ness and Franklin becomes very busy. Can something be done to calming the Franklin and Grove cross walk and also the Van Ness and Grove cross walk. Only because they intersect with two very busy streets. With the meridian in the center of Van Ness Ave., this helps limit the traffic going north from entering Oak St.. In Figure 2.2 it shows Oak Street as a one way, but all along I thought this was a two way. If so it's confusion on my part. What are the traffic improvements at Oak and Van Ness Ave. as shown in Fig 2.2.

"B. Nice job with widening the curb/s at Oak and Van Ness as shown in Figure 2.2 page 24.

"C. I think the garage entry and exit on Oak to the new building may need some extra attention, or it just may be me, only because Franklin is a fast and busy street, trying to turn right from Franklin in to Oak and getting into the garage can cause some vehicle congestion.

"D. Will the existing Commuter Shuttle bus stop across the street in front of 10 South Van Ness remain?"

"E. I was unable to reconcile the pedestrian and vehicle traffic safety issue in the DEIR. Was this issue considered at: - Market Street at Van Ness/South Van Ness?"

"2. **Elevators:** I like the two proposed elevators to the underground station at OSVN, I think this will get more use than just one one existing elevator at Oak Street and Van Ness. But then maybe the new occupants of One Oak will use two proposed ones as well as the existing one. But crossing this street takes courage. I tried to understand the variant and the written description of

how this proposal would work and how these elevators would be used. I.E., One at Oak and the two proposed ones at the corner of OSVN.” (*Dennis Hong, Email, January 10, 2017 [I-Hong-4]*)

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“9. **In Conclusion:** As I mentioned earlier, I fully support this project. This semi blighted area needs this project so developers can continue to develop in this area. Let’s call it a new gateway to further develop this part of town.” (*Dennis Hong, Email, January 10, 2017 [I-Hong-10]*)

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“I’d also love to see some public bathrooms. If they’re not going to do any BMR on-site, that would be a great place and a great building to have some public bathrooms that pedestrians could use, that transit people could use, because we’re not putting bathrooms underground anymore, and that really makes that area not that great for families to use. It would really – and we know that the City is doing some temporary bathrooms a few blocks away. That’s an ongoing cost. It would be great to just have some public bathrooms available and provided by the building, as a lot of churches do in the City now.” (*Judith, DEIR Hearing Transcript, January 5, 2017 [I-Judith-3]*)

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“I am writing to SUPPORT the One Oak project. This is a perfect design for a location that is right on top of a major transit hub and walking distance to City Hall. If anything, it should be taller! San Francisco urgently needs housing, especially along transit corridors.

“Please approve it immediately, without any additional delays. Please do not consider for one minute the concerns about shadows and wind – this is a dense urban environment and such effects are completely acceptable given the benefits of additional housing and activation of this neighborhood.” (*Andrew Sullivan, Email, January 4, 2017 [I-Sullivan-1]*)

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“I wanted to leave my public comment that I am very surprised and dismayed to see that there will be no below market rate housing provided on site at One Oak, and that the development is seeking to provide excess parking above what is permitted. I would expect that a building that is at the very center of the city and region’s transit infrastructure would provide parking BELOW the permitted number rather than above, and providing more parking seems to be an unnecessary and strong impact on the surrounding streets as well as greenhouse gas emissions.

“I am excited to see larger developments coming to San Francisco, and would love to see this building well-integrated into the surrounding neighborhood, and supporting a dense, walkable and transit- and bike-friendly environment.” (*David Weinzimmer, Email, January 9, 2017 [I-Weinzimmer-1]*)

**RESPONSE GE-2: GENERAL COMMENTS IN OPPOSITION TO OR  
SUPPORT OF THE PROPOSED PROJECT**

A number of comments express support for, opposition to, or concern about the proposed project (or particular aspects thereof) based on its merits. Comments may include suggestions for modifying the proposed project, such as reducing project parking, including the required Below Market Rate housing units on site, and including public restrooms.

These comments, in themselves, do not raise specific environmental issues about the adequacy or accuracy of the EIR's coverage of physical environmental impacts that require a response in this Responses to Comments document under CEQA Guidelines Section 15088.

However, to the extent that comments expressing support, opposition to, or concern about the proposed project (or particular aspects thereof) may be based on concerns about impacts related to the topics of Land Use and Land Use Planning, Transportation and Circulation, Wind, Shadow, Population and Housing, Construction, Cumulative Effects, and Aesthetics, specific responses are provided in the corresponding sections of this RTC document.

Although general comments in opposition to, or in support of, the proposed project (or particular aspects thereof) do not raise specific issues concerning the adequacy or accuracy of the EIR's coverage of environmental impacts under CEQA, such comments, including recommendations for modifications to the proposed project, may be considered and weighed by the decision-makers as part of their decision to approve, modify, or disapprove the proposed project. This consideration is carried out independent of the environmental review process.

## 5. DEIR REVISIONS

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This chapter presents text changes for the *One Oak Street Project Draft Environmental Impact Report* initiated by Planning Department staff. Some of these changes are revisions identified in the responses in Chapter 3, Comments and Responses, and others are staff-initiated text changes that add minor information or clarification related to the project and correct minor inconsistencies and errors. The text revisions clarify, expand, or update the information presented in the Draft EIR. The revised text does not provide new information that would result in any new significant impact not already identified in the EIR or any substantial increase in the severity of an impact identified in the EIR. In addition to the changes called out below, minor changes may be made to the Final EIR to correct typographical errors and small inconsistencies.

Throughout the text and table revisions in this section, new text is underlined and deletions are shown in ~~striketrough~~. Staff-initiated text changes are distinguished from changes called out in the responses by an asterisk (\*) in the left margin. EIR figures and tables included in this section are marked with “(New)” or “(Revised)” before their title.

### SUMMARY CHAPTER

- \* The first complete paragraph on p. S.2 has been revised, as follows (new text is underlined):

An optional scheme that would relocate the existing Muni elevator north into the proposed Oak Plaza is also being studied in this EIR as a variant to the proposed project. This variant would not include the proposed contraflow fire lane. Since publication of the Draft EIR, the project sponsor has indicated that this variant is now the preferred project. Additionally, in its selection of the variant as the preferred project, the project sponsor has provided updated details and design refinements for Oak Plaza, in conformity with the *Better Streets Plan* and in response to input from the Department of Public Works.
- \* In Table S.1: Summary of Impacts of Proposed Project Identified in the EIR, several changes have been made to the Improvement Measures listed for Impact TR-5 on pp. S.7-S.9 (new text is underlined and deletions are shown in ~~striketrough~~). The revisions are shown on pp. 5.2-5.4.
- \* In Table S.2, Summary of Significant Impacts of Proposed Project Identified in the Initial Study, Mitigation Measure M-CP-2: Archaeological Testing, Monitoring, Data Recovery, and Reporting, on pp. S.17-S.22, has been replaced with an updated measure (new text is underlined and deletions are shown in ~~striketrough~~). The revisions are shown on RTC pp. 5.6-5.17.

(Revised) Table S.1: Summary of Impacts of Proposed Project Identified in the EIR [Excerpt]

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<i>Legend: NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</i>			
<b>Transportation and Circulation [Excerpt]</b>			
<p><b>TR-5:</b> The loading demand for the proposed project or its variant would be accommodated within the proposed on-site loading facilities, and would not create potentially hazardous conditions or significant delays for traffic, transit, bicyclists, or pedestrians.</p>	LTS	<p><b>Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street</b>                      As an improvement measure to ensure that deliveries destined to the ground floor restaurant and retail uses are able to be accommodated within the existing recessed commercial loading bay on Market Street, the SFMTA could revise the existing use restriction from a “No Standing Except Trucks with at Least 6 Wheels, 30 Minutes at All Times” to a “No Standing Except Trucks Loading/Unloading, 30 Minutes at All Times”.</p> <p><b>Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street</b>                      As an improvement measure to ensure that trucks would be able to pull in fully to the existing recessed commercial loading bay on Market Street adjacent to the project site, the placement of the flexible safety bollards separating the existing bicycle lane from the adjacent travel lane could be reviewed to determine if one or more of the bollards could be removed.</p> <p><b>Improvement Measure I-TR-DB: Loading Operations Plan</b>                      As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA <u>prior to receiving the final certificate of occupancy</u>. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised <u>as necessary and</u> if feasible to more appropriately respond to changes in street or circulation conditions.</p> <p>The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facilities, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and</p>	NA

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		<p>pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:</p> <ul style="list-style-type: none"> <li>Commercial loading for the project should be accommodated on-site <u>and</u>, within <u>planned</u> on-street commercial loading spaces <del>along Market Street and on-street freight loading/drop-off spaces</del> on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions.</li> <li>Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets.</li> <li><u>Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management.</u></li> <li>All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. <u>For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, if necessary, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities.</u><sup>1</sup></li> <li>Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be</li> </ul>	

<sup>1</sup> Information on SFMTA temporary signage permit process available online at <https://www.sfmta.com/services/streets-sidewalks/temporary-signage>

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		<p>restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.</p> <ul style="list-style-type: none"> <li>• The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules.</li> <li>• <u>Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&amp;Rs and Rules &amp; Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.</u></li> <li>• The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am).</li> <li>• Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via <u>Oak Market Street</u>, and bins should be returned into the building. At no point should trash bins, empty or loaded, be left on <del>Market Street</del> or Oak Street on the sidewalk, roadway, or proposed pedestrian plaza.</li> </ul>	

**Table S.2: Summary of Significant Impacts of Proposed Project Identified in the Initial Study [Excerpt]**

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<i>Legend: NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</i>			
<b>Cultural and Paleontological Resources [Excerpt]</b>			
<p><b>CP-2:</b> Construction activities for the proposed project could cause a substantial adverse change in the significance of archaeological resources and human remains, if such resources are present within the project site.</p>	<p>S</p>	<p><b>Mitigation Measure M-CP-2: Archaeological Testing, Monitoring, Data Recovery, and Reporting.</b></p> <p>Based on a reasonable presumption that pre-historic and historic archaeological resources may be present within the project site, the following measures shall be undertaken, consistent with the MO Plan EIR mitigation measures to avoid any potentially significant adverse effect from the proposed project on buried cultural resources:</p> <p>a. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California prehistoric and urban historical archaeology. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer. All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the Environmental Review Officer for review and comment, and shall be considered draft reports subject to revision until final approval by the Environmental Review Officer.</p> <p>Predicting the location of potentially significant subsurface archaeological resources is never completely accurate; therefore, the possibility remains that important resources may be encountered in locations that have not been tested, and may become apparent during the course of construction. The Archaeological consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure, or if archaeological resources are encountered during construction.</p> <p>b. Due to the potential for intact cultural resources within and beneath the fill layer underlying the existing building and parking lot on the property, the archaeological consultant shall undertake an archaeological testing program prior to and coinciding with mass excavation on the site. The archaeological testing</p>	<p>LTSM</p>

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		<p>shall include the following measures:</p> <ol style="list-style-type: none"> <li>1. A systematic core sampling program shall be undertaken prior to excavation activity on the site to address uncertainties about prehistoric period archaeological sensitivity of the geological strata that underlie the project site. A hydraulic coring device, or "Geoprobe," utilizing a dual wall system to improve recovery will be used to obtain six core samples extending to the maximum depth of disturbance across the footprint of the area that will be impacted by mass excavation or pile driving (if a pile foundation system is required).</li> <li>2. Testing for historic period resources includes mechanical excavation of test trenches and areal excavations in two specific areas of the project site identified in the ARD/TP that have the most potential to contain intact archaeological deposits and features that would be disturbed by excavation and construction activities.</li> </ol> <p>e. If potentially significant cultural resources are encountered during the testing program, the archaeological consultant shall determine if redirection of construction excavation is needed, and shall evaluate the significance of the find and discuss appropriate mitigation(s) in consultation with EP and the project sponsor. In consultation with EP, the project archaeological consultant shall develop avoidance measures or other appropriate mitigation, including data recovery, as needed. If data recovery is the preferred mitigation alternative, the consultant shall develop an Archaeological Data Recovery Plan (ADRP) for submittal to EP for review and approval. Once approved the consultant shall implement the measures in the plan to recover any potentially significant data. The ADRP will reference the prehistoric and historic contexts and research design in the ARD/TP and will provide a detailed data recovery plan. The data recovery plan will include the following procedures:</p> <ol style="list-style-type: none"> <li>1. Determination of the structure and stratigraphic integrity, the date of the deposition, and the range and quantity of associated artifacts, if possible;</li> </ol>	

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		<ol style="list-style-type: none"> <li>2. An appropriate portion of each feature will be excavated manually to assess its content and integrity;</li> <li>3. A detailed profile of the feature will be produced, and each layer investigated for contents and temporal affiliation;</li> <li>4. The field crew will produce plans to scale, take digital photographs, and map all features and deposits using WSA's Trimble Geo XT GPS Data Logger, which provides sub-meter accuracy;</li> <li>5. Diagnostic artifacts will be removed, bagged, and catalogued; and</li> <li>6. Soil color and texture samples will be recovered and soil profiles will be drawn, if applicable.</li> </ol> <p>d. Based on the results of the archaeological testing program, if EP, in consultation with the project archaeologist, determines that an archaeological monitoring program shall be implemented, the project archaeologist shall prepare an Archaeological Monitoring Plan (AMP) that will provide guidance to the archaeological monitor and the construction manager as to the procedures that are to be followed in the event that previously unknown or unanticipated buried cultural resources are encountered during excavation. In general, the AMP will include the following guidelines and recommendations:</p> <ol style="list-style-type: none"> <li>1. Construction work should be stopped until the project archaeologist has had an opportunity to evaluate the significance of the find and discuss appropriate mitigation(s) in consultation with the construction manager, the archaeological monitor, and EP. At that time, it will also be determined if redirection of construction excavation is needed;</li> <li>2. Upon observing what is reasonably believed to be a cultural deposit or feature, the archaeological monitor shall immediately request the equipment operator to stop excavation and shall notify the construction manager, who shall direct that all construction activity stop within 25 ft. of the resource in order to permit an examination of the find. The archaeological monitor is not</li> </ol>	

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		<p>permitted to direct other movements of earth moving machinery.</p> <p>3. If the archaeological monitor determines that the cultural object or feature is potentially significant, the archaeological monitor must then immediately notify the project archaeological consultant who shall initiate appropriate consultations with the construction manager and EP to determine the appropriate avoidance or mitigation measures. All information needed, including soil color or type, elevation, location, photographs, sketch maps, etc., shall be gathered as quickly as conditions permit to allow a final determination of the significance of the find.</p> <p>4. EP and the project archaeological consultant shall develop avoidance measures or other appropriate mitigation, and may include data recovery. If potentially significant cultural resources are identified during construction monitoring and it is decided that data recovery is the preferred mitigation alternative, the project archaeological consultant shall develop an ADRP per the criteria outlined above in measure 3, for submittal to EP for review and approval, and shall implement the measures in the approved plan to recover any potentially significant data found during construction.</p> <p>e. In the unlikely event that human remains are encountered during implementation of archaeological testing, the remains must be treated in accordance with the requirements of CEQA Section 15064.5 and Section 7050.5(b) of the California Health and Safety Code, which states:</p> <p>In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section</p>	

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		<p>27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p> <p>1. The county coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours, who then assigns a Native American Most Likely Descendant (MLD) to the Project. The MLD, or in lieu of the MLD, the NAHC, has responsibility to provide guidance as to the ultimate disposition of any Native American remains.</p> <p>2. In the event the remains are determined to be non-Native American, under CEQA Section 15064.5 (a) (4), the City and County of San Francisco, as lead agency, may determine that the remains constitute an historical resource. As such, the remains may have the potential to provide essential information on Gold Rush era and later 19th century diet, disease, mortality, and internment practices, among other important research topics.</p> <p>f. Upon completion of archaeological testing and monitoring, a draft Final Archaeological Resources Report (FARR) documenting the results of implementing the ARD/TP shall be prepared by the project archaeologist and submitted to EP for review. The content of the FARR shall be consistent with the City of San Francisco Guidelines. A final draft of the FARR shall be produced in response to comments provided by EP.</p> <p>g. Exposure of sub-surface archaeological deposits increases the risks of looting and destruction of valuable and spatially sensitive archaeological information.<sup>2</sup></p>	

<sup>2</sup> William Self Associates, *Draft ARD/TP for 1510-1540 Market Street*.

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
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		<p>Consequently, prior to site preparation and excavation, a security fence shall be erected around the project parcel. Once surface hardscapes have been removed and archaeological testing begins, a security guard shall be employed to provide security during those periods when the site is otherwise unoccupied. It shall be the security guard's responsibility to insure that no unauthorized excavations occur and no cultural material is removed from the site.</p> <p>h. Upon the completion of the final report on archaeological investigations, the collection will be transferred to an appropriate facility for permanent curation where it will be available for study by researchers in the future. This facility will meet the standards set forth in <i>Curation of Federally Owned and Administered Archaeological Collections</i>.<sup>3</sup> In addition to the artifacts, soil samples, etc., the facility will also receive copies of field notes and drawings, special studies, and the final report. The designated repository for the San Francisco Bay Area is the Archaeological Collections Facility at Sonoma State University.</p> <p><u>Based on a reasonable presumption that archeological resources may be present within the project site, the following measures shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources. The project sponsor shall retain the services of an archaeological consultant from the rotational Department Qualified Archaeological Consultants List (QACL) maintained by the Planning Department archaeologist. The project sponsor shall contact the Department archeologist to obtain the names and contact information for the next three archeological consultants on the QACL. The archeological consultant shall undertake an archeological testing program as specified herein. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required pursuant to this measure. The archeological consultant's work shall be conducted in accordance with this measure and with the requirements of the project archeological research design and treatment plan (WSA Final Archaeological Research Design Treatment Plan for the 1510-1540</u></p>	

<sup>3</sup> 36 CFR 79, as cited in William Self Associates, *Draft ARD/TP for 1510-1540 Market Street*, p. 74.

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend: NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</i></p>			
		<p><u>Market Street Project, February 2012) at the direction of the Environmental Review Officer (ERO). In instances of inconsistency between the requirement of the project archeological research design and treatment plan and of this archeological mitigation measure, the requirements of this archeological mitigation measure shall prevail.</u></p> <p><u>All plans and reports prepared by the consultant as specified herein shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until final approval by the ERO. Archeological monitoring and/or data recovery programs required by this measure could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</u></p> <p><u>Consultation with Descendant Communities: On discovery of an archeological site<sup>4</sup> associated with descendant Native Americans, the Overseas Chinese, or other potentially interested descendant group an appropriate representative<sup>5</sup> of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archeological field investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</u></p>	

<sup>4</sup> By the term “archeological site” is intended here to minimally include any archeological deposit, feature, burial, or evidence of burial.

<sup>5</sup> An “appropriate representative” of the descendant group is here defined to mean, in the case of Native Americans, any individual listed in the current Native American Contact List for the City and County of San Francisco maintained by the California Native American Heritage Commission and in the case of the Overseas Chinese, the Chinese Historical Society of America. An appropriate representative of other descendant groups should be determined in consultation with the Department archeologist.

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</p>			
		<p><u>Archeological Testing Program.</u> The archeological consultant shall prepare and submit to the ERO for review and approval an archeological testing plan (ATP). The archeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archeological resource(s) that potentially could be adversely affected by the proposed project, the testing method to be used, and the locations recommended for testing. The purpose of the archeological testing program will be to determine to the extent possible the presence or absence of archeological resources and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archeological testing program, the archeological consultant shall submit a written report of the findings to the ERO. If based on the archeological testing program the archeological consultant finds that significant archeological resources may be present, the ERO in consultation with the archeological consultant shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archeological testing, archeological monitoring, and/or an archeological data recovery program. No archeological data recovery shall be undertaken without the prior approval of the ERO or the Planning Department archeologist. If the ERO determines that a significant archeological resource is present and that the resource could be adversely affected by the proposed project, at the discretion of the project sponsor either:</p> <ul style="list-style-type: none"> <li>A) <u>The proposed project shall be re-designed so as to avoid any adverse effect on the significant archeological resource; or</u></li> <li>B) <u>A data recovery program shall be implemented, unless the ERO determines that the archeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</u></li> </ul> <p><u>Archeological Monitoring Program.</u> If the ERO in consultation with the archeological consultant determines that an archeological monitoring program shall be implemented the archeological monitoring program shall minimally include the following provisions:</p>	

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend: NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</i></p>			
		<ul style="list-style-type: none"> <li>• <u>The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the AMP reasonably prior to any project-related soils disturbing activities commencing. The ERO in consultation with the archeological consultant shall determine what project activities shall be archeologically monitored. In most cases, any soils- disturbing activities, such as demolition, foundation removal, excavation, grading, utilities installation, foundation work, driving of piles (foundation, shoring, etc.), site remediation, etc., shall require archeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</u></li> <li>• <u>The archeological consultant shall advise all project contractors to be on the alert for evidence of the presence of the expected resource(s), of how to identify the evidence of the expected resource(s), and of the appropriate protocol in the event of apparent discovery of an archeological resource;</u></li> <li>• <u>The archeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archeological consultant and the ERO until the ERO has, in consultation with project archeological consultant, determined that project construction activities could have no effects on significant archeological deposits;</u></li> <li>• <u>The archeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</u></li> <li>• <u>If an intact archeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archeological monitor shall be empowered to temporarily redirect demolition/excavation/pile driving/construction activities and equipment until the deposit is evaluated. If in the case of pile driving activity (foundation, shoring, etc.), the archeological monitor has cause to believe that the pile driving activity may affect an archeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archeological consultant shall immediately notify the ERO of the</u></li> </ul>	

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</p>			
		<p><u>encountered archeological deposit. The archeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archeological deposit, and present the findings of this assessment to the ERO.</u></p> <p><u>Whether or not significant archeological resources are encountered, the archeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</u></p> <p><u>Archeological Data Recovery Program. The archeological data recovery program shall be conducted in accord with an archeological data recovery plan (ADRP). The archeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the ADRP will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the historical property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resources if nondestructive methods are practical.</u></p> <p><u>The scope of the ADRP shall include the following elements:</u></p> <ul style="list-style-type: none"> <li>• <u>Field Methods and Procedures. Descriptions of proposed field strategies, procedures, and operations.</u></li> <li>• <u>Cataloguing and Laboratory Analysis. Description of selected cataloguing system and artifact analysis procedures.</u></li> <li>• <u>Discard and Deaccession Policy. Description of and rationale for field and post-field discard and deaccession policies.</u></li> </ul>	

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</p>			
		<ul style="list-style-type: none"> <li>• <u>Interpretive Program.</u> Consideration of an on-site/off-site public interpretive program during the course of the archeological data recovery program.</li> <li>• <u>Security Measures.</u> Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities.</li> <li>• <u>Final Report.</u> Description of proposed report format and distribution of results.</li> <li>• <u>Curation.</u> Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities.</li> </ul> <p><u>Human Remains and Associated or Unassociated Funerary Objects.</u> The treatment of human remains and of associated or unassociated funerary objects discovered during any soils disturbing activity shall comply with applicable State and Federal laws. This shall include immediate notification of the Coroner of the City and County of San Francisco and in the event of the Coroner's determination that the human remains are Native American remains, notification of the California State Native American Heritage Commission (NAHC) who shall appoint a Most Likely Descendant (MLD) (Pub. Res. Code Sec. 5097.98). The archeological consultant, project sponsor, ERO, and MLD shall have up to but not beyond six days of discovery to make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, Sec. 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. Nothing in existing State regulations or in this mitigation measure compels the project sponsor and the ERO to accept recommendations of an MLD. The archeological consultant shall retain possession of any Native American human remains and associated or unassociated</p>	

Impact	Level of Significance before Mitigation	Mitigation and Improvement Measures	Level of Significance after Mitigation
<p><i>Legend:</i> NI = No Impact; LTS = Less than Significant; LTSM = Less than Significant with mitigation; S = Significant; SU = Significant and unavoidable; SUM = Significant and unavoidable with mitigation; NA = Not Applicable</p>			
		<p><u>burial objects until completion of any scientific analyses of the human remains or objects as specified in the treatment agreement if such as agreement has been made or, otherwise, as determined by the archeological consultant and the ERO.</u></p> <p><u><i>Final Archeological Resources Report.</i> The archeological consultant shall submit a Draft Final Archeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archeological resource and describes the archeological and historical research methods employed in the archeological testing/monitoring/data recovery program(s) undertaken. Information that may put at risk any archeological resource shall be provided in a separate removable insert within the final report.</u></p> <p><u>Once approved by the ERO, copies of the FARR shall be distributed as follows: California Archaeological Site Survey Northwest Information Center (NWIC) shall receive one (1) copy and the ERO shall receive a copy of the transmittal of the FARR to the NWIC. The Environmental Planning division of the Planning Department shall receive one bound, one unbound and one unlocked, searchable PDF copy on CD of the FARR along with copies of any formal site recordation forms (CA DPR 523 series) and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources. In instances of high public interest in or the high interpretive value of the resource, the ERO may require a different final report content, format, and distribution than that presented above.</u></p>	

\* Also in Table S.2, the following change has been made to item 2 in “A. Engine Requirements” in Mitigation Measure M-AQ-2: Construction Air Quality, on p. S.27 (new text is underlined):

2. Where access to alternative sources of power are reasonably available, portable diesel engines shall be prohibited.

\* On p. S.31, the third sentence of the paragraph under “No Project Alternative” has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The existing ~~30-car~~ surface parking lot accommodating 47 vehicles at the central portion of the project site would also remain in place.

\* The following revisions have been made to the Parking and Loading information shown in Table S.3: Comparison of Characteristics and Significant Impacts of the Proposed Project to the Alternatives, p. S.32 (new text is underlined and deletions are shown in ~~striketrough~~):

**(Revised) Table S.3: Comparison of Characteristics and Significant Impacts of the Proposed Project to the Alternatives [Excerpt]**

	Proposed Project	Alternative A: No Project (Existing Conditions)	Alternative B: Podium-only
<b>Parking and Loading</b>			
Surface Parking Spaaes (Vehicles)	None	<del>30</del> 47	None
Residential Spaces	<del>155</del> 136	None	59
Carshare Spaces	2	None	2
Off-Street Truck Loading Spaces	1	None	1
Service Vehicle Loading Spaces	2	None	2

\* On p. S.34, the following change has been made to the fifth complete sentence of the paragraph at the top of the page (new text is underlined and deletions are shown in ~~striketrough~~):

The alternative would provide fewer residential parking spaces than the proposed project (59 as compared to ~~155~~ 136 spaces).

\* On p. S.34, the following change has been made to the last sentence of the next-to-last paragraph (new text is underlined and deletions are shown in ~~striketrough~~):

As with the proposed project or its variant, this alternative would have less-than significant project-level and cumulative-level wind and shadow impacts, but its effects would be reduced and, unlike the proposed project or its variant, it would not cast shadow on Patricia’s Green, or Page and Laguna Mini Park, ~~or Keshland Park~~ during the times of day covered under Planning Code Section 295.

**CHAPTER 1, INTRODUCTION**

\* The following text change has been made to the second paragraph on p. 1.1 (new text is underlined):

An optional scheme that would relocate the existing Muni elevator north into the proposed Oak Plaza is also being studied in this EIR as a variant to the proposed project. This variant would not include the proposed contraflow fire lane. Since publication of the Draft EIR, the project sponsor has indicated that this variant is now the preferred project.

- \* The last two paragraphs on p. 1.4 have been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

On February 26, 2009, a previous project sponsor submitted an Environmental Evaluation Application to the Planning Department for ~~a previous proposal within the project site (then, the “1510-1540 Market Street Project”), and subsequently revised the Environmental Evaluation Application on August 27, 2012.~~ The previous project (a 37-story, 435-foot-tall, 258-unit residential tower with ground-floor retail and 69 parking spaces in two basement levels) occupied Lots 2, 3, 4, and 5 but did not include the easternmost lot on the block (Lot 1) within the project site. The Planning Department published a Notice of Preparation for the previous iteration of the project on October 10, 2012. That proposal project did not advance and the project was subsequently revised, as described below.

The current project sponsor, One Oak Owner, LLC, has submitted ~~a revised Environmental Evaluation Application~~ updated information to the Planning Department for the currently proposed project under the same Planning Department Case Number as that assigned to the ~~previously proposed~~ previous iteration of the project (Case No. 2009.0159E). The current proposal includes Lot 1 in the project site. For the sake of clarity, a Notice of Preparation was published for the current proposal, which incorporated information from the prior NOP for the site and described the revisions to the project. The environmental review process for this project includes a number of steps: ~~publication and circulation for public comment of a Notice of Preparation/Initial Study (NOP/IS); publication of a Draft EIR for public review and comment; preparation and publication of responses to public and agency comments on the Draft EIR; and certification of the Final EIR.~~

- \* On p. 1.5, the third sentence of the paragraph after the bulleted list has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The number of residential parking spaces would be reduced from 160 spaces as previously proposed to ~~155~~ 136 spaces.

## CHAPTER 2, PROJECT DESCRIPTION

As discussed in RTC Section 2, Revisions and Clarifications to the DEIR Project Description, since publication of the Draft EIR the project sponsor has initiated revisions to the proposed project as described in DEIR Chapter 2, Project Description. The corresponding revisions to the text, tables, and figures in DEIR Chapter 2 are shown below.

- \* The first three paragraphs on p. 2.1 have been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The proposed One Oak Street Project consists of the demolition of all existing ~~structures~~ features on the project site at 1500-1540 Market Street, including removal of a valet-operated surface parking lot accommodating 47 vehicles, and the construction of a new 310-unit, 40-story residential tower (400 feet tall, plus a 20-foot-tall parapet, and a 26-foot-tall elevator penthouse (measured from the 400-foot roof level) with ground-floor commercial space, one off-street loading space, and a subsurface parking garage for residents. Bicycle parking would be provided for residents on the second-floor mezzanine and for visitors in bicycle racks on adjacent sidewalks. The proposed project would also include the following: construction of a public plaza and shared street (where slow-moving vehicles and pedestrians may share a roadway) within the Oak Street right-of-way; construction of several wind canopies within the proposed plaza and one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds; relocation of the existing Van Ness Muni station elevator entrance from the eastern end of the project site to the ground floor of the existing One South Van Ness building at the southeast corner of South Van Ness Avenue and Market Street, approximately 170 feet from its current location, with two elevators provided at the new location compared to one existing; and creation of a southbound contraflow fire lane exclusively for emergency vehicles along the east side of Franklin Street between Market Street and Oak Street that would shift the three existing northbound travel lanes on Franklin Street to the west.

An optional scheme that would ~~relocate~~ retain the existing Muni elevator in its current location or relocate it 20 feet north into the proposed Oak Plaza is also being studied in this EIR as a variant to the proposed project. This variant would not include the proposed contraflow fire lane. Since publication of the Draft EIR, the project sponsor has indicated that it has selected this variant as the preferred project.

The proposed project would necessitate approval of legislative text and map amendments to shift the existing Height and Bulk District 120/400-R-2 designation at the eastern end of the project site (Assessor Block 0836/01) to the western ~~end~~ portion of the project site (Assessor Block 0836/05).

- \* The following changes are made to the second bulleted item in the list under “B. Project Sponsor’s Objectives” on pp. 2.1-2.2 (new text is underlined and deletions are shown in ~~strikethrough~~):

The project sponsor seeks to achieve the following objectives by undertaking the One Oak Street Project:

- to increase the City’s supply of housing in an area designated for higher density due to its proximity to downtown and accessibility to local and regional transit.
- to create a welcoming public plaza and shared street that calms vehicular traffic, and encourages pedestrian activity, consistent with the City’s *Better Streets Plan*, and celebrates the cultural arts.
- to permit a more gracious and engaging street-level experience for pedestrians, transit users, and future residents.

- \* The second paragraph under “Building Site” on p. 2.5 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The easternmost portion of the building site, 1500 Market Street (Lot 1), is currently occupied by an existing three-story, 2,750-sq.-ft. commercial building, built in 1980. This building is partially occupied by a convenience retail use (“All Star Café”) on the ground floor and offices on the upper floors. The building also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing ~~30-car~~ valet-operated surface parking lot accommodating 47 vehicles (on Lots 2, 3, and 4). The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street (Lot 5) is occupied by a four-story, 48,225-sq.-ft. commercial office building, built in 1920. As of 2016, this building is ~~currently~~ partially occupied.

- \* Table 2.1: Summary of Proposed Project Uses, p. 2.7, the following change has been made to the number of spaces shown for the Resident Parking Garage, under Parking, Loading and Bicycle Spaces (new text is underlined and deletions are shown in ~~striketrough~~):

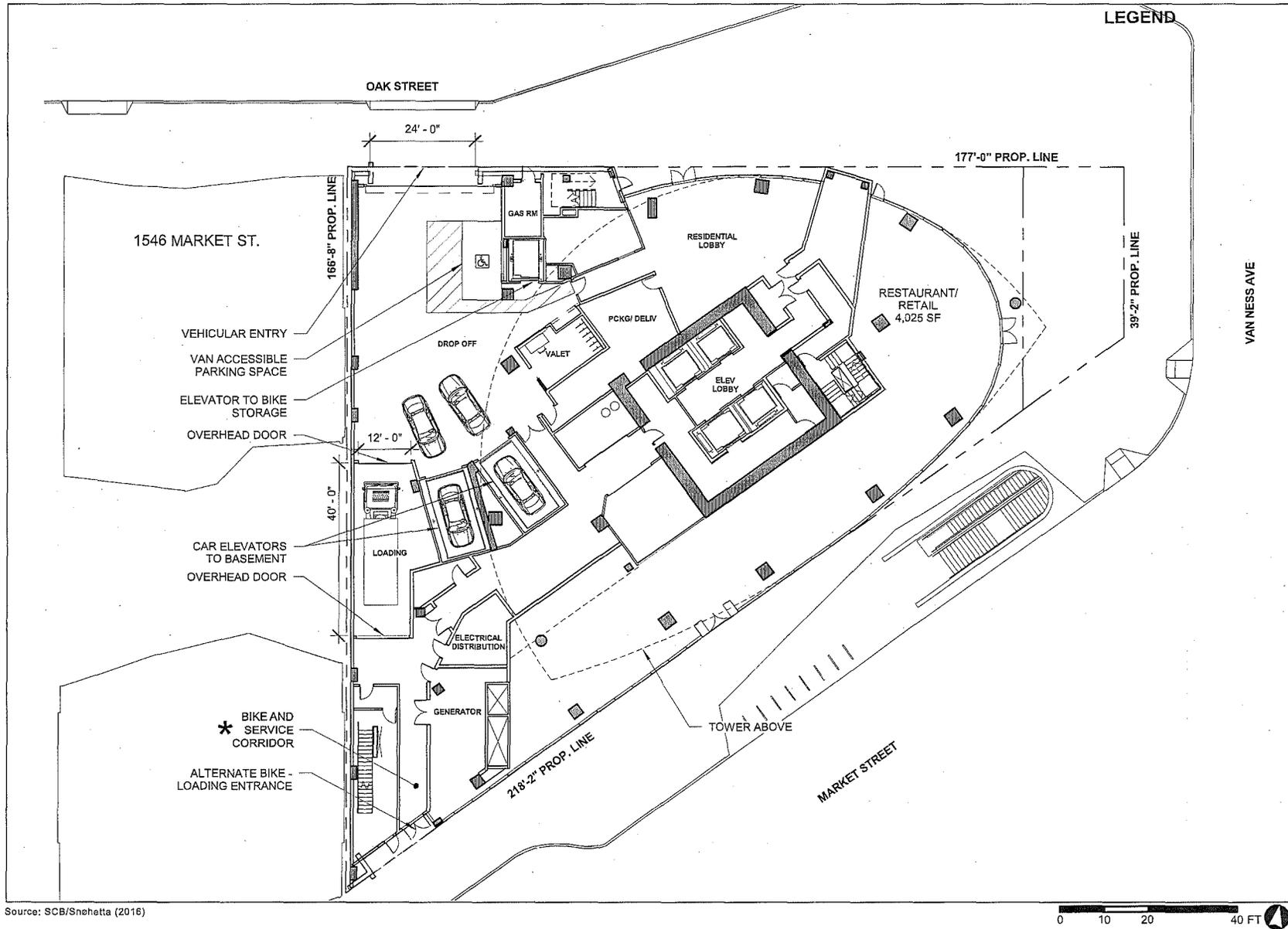
**(Revised) Table 2.1: Summary of Proposed Project Uses [Excerpt]**

<b>PARKING, LOADING, AND BICYCLE SPACES</b>	
Resident Parking Garage	<del>155</del> <u>136</u> spaces
Carshare	2 spaces
Truck Loading	1 space
Service Vehicle Loading Spaces	2 spaces
Bicycle Spaces	370 spaces
Class 1 <sup>b</sup>	310 spaces
Class 2	60 spaces

[Note b in Table 2.1]

b. Class 1 Bicycle Parking Spaces are “Facilities which protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain (Planning Code Section 155.1(a)). Class 1 bicycle parking would be provided in the building interior. Class 2 bicycle parking would be provided on racks along the building’s Oak Street frontage subject to MTA approval.

- \* Figure 2.3: Proposed Ground Floor Plan, on p. 2.8, has been revised to change the label for “Loading and Bike Corridor” to “Bike and Service Corridor.” The revised figure is shown on the following page.
- \* On p. 2.12, the following change has been made to the second sentence of the first complete paragraph (new text is underlined and deletions are shown in ~~striketrough~~):
- The proposed publicly accessible open space area at the ground level of the building site (~~Lots 1-5~~) and a portion of the proposed Oak Plaza within the Oak Street right-of-way has ~~has~~ been designed to satisfy the requirements for common open space for building residents under Planning Code Sections 135, 138, and 249.33.
- \* On p. 2.20, the following revisions have been made to the first paragraph under “Parking Garage” (new text is underlined and deletions are shown in ~~striketrough~~):



Source: SCB/Snehetta (2016)

# ONE OAK PROJECT

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(REVISED) FIGURE 2.3: PROPOSED GROUND FLOOR PLAN

\* Note: Revised to change the label from "Loading Bike Corridor" to "Bike and Service Corridor".

The entrance to the proposed 60,090-gsf subsurface parking garage would be located at the northwest corner of the project site (see **Figure 2.3** on p. 2.8). Vehicles would access the garage from westbound Oak Street, and vehicles exiting the garage would travel westbound on Oak Street toward Franklin Street. The proposed parking garage would contain ~~155~~ 136 accessory parking spaces for building residents in a three-level below-grade garage accessed by two car elevators (see **Figure 2.13: Proposed Basement Garage Plan, Level B1**). All of the 136 vehicle parking spaces are accessed through the use of valet.

- \* The following change has been made to the last sentence of the second paragraph under “Parking Garage” on p. 2.20 (new text is underlined and deletions are shown in ~~striketrough~~):

Two carshare spaces would be provided for residents and the general public within 800 feet of the building site ~~in~~ at the 110 Franklin Street parking lot.

- \* The following change has been made to the third sentence under “Bicycle Parking” on p. 2.20 (new text is underlined and deletions are shown in ~~striketrough~~):

Residents would also have the option of taking their bicycles to the bicycle storage room via ~~the freight/loading~~ an entrance on Market Street (southwest corner of the project site), along a service corridor, through a vehicle queuing area in the garage, and into a designated valet room.

- \* The paragraph under “Loading” on p. 2.20, continuing on p. 2.22, has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The proposed project would include one on-site truck loading space ~~on~~ within the ground floor and two on-site service vehicle loading spaces within the first below-grade level of the project garage. The on-site truck loading space would be accessed from Oak Street, and would be 13 feet wide by ~~45~~ 35 feet in length, with a 12-foot vertical clearance (see **Figure 2.13** on p. 2.21), and would be used for move-ins and large deliveries for both residential and retail uses. ~~These~~ The two on-site service vehicle loading spaces located within the first below-grade level of the garage would be used for smaller move-ins and deliveries, and would primarily to accommodate vehicles serving the building (e.g., utility repair) ~~rather than for active loading/unloading activities or for those service trips that require frequent access to the service.~~ The on-site service vehicle loading spaces would be 8 feet wide by 20 feet in length, with a 12-foot vertical clearance. Valet operators would access these two spaces via the car elevator.

- \* The discussion of loading in the first full paragraph on p. 2.22 has been revised, as shown below, to remove the reference to the existing Market Street loading zone (new text is underlined and deletions are shown in ~~striketrough~~). This loading zone is within the public right-of-way and therefore under the jurisdiction of the SFMTA. However, in response to public concern, use of this existing on-street loading zone would be actively discouraged under the proposed project and variant. (See also Response TR-5: Bicycle Impacts, on RTC pp. 4.30-4.34, which calls for text changes to Transportation Improvement Measures in order to discourage the use of the existing Market Street loading zone.)

Small package deliveries would use either the proposed on-street passenger loading/unloading zone area near the proposed project's residential lobby entrance doors along the south side of Oak Street, or the planned on-street commercial loading zone on the south side of Oak Street directly west of the project site (i.e., the planned commercial loading zone for the adjacent approved 1546-1564 Market Street project), or the on-site truck loading bay in the garage. Such deliveries would be stored in the package storage room immediately adjacent to the valet office. Residents would pick up stored packages from the front desk attendant who would have direct access to the package storage room. There is an existing 130-foot long, on-street recessed commercial loading bay on Market Street at the western edge of the project site which, under the proposed project, would also serve the project site.

Freight deliveries would reach the upper floors via one of the four elevators accessible from the following locations: from both the on-site truck loading space through a corridor just south of the truck loading space accessed by an overhead door; from the on-street loading zone on the south side of Oak Street through the garage area into a service corridor directly east of the car elevators; and from the on-site service vehicle loading spaces through the first level basement parking area. All on-street and on-site freight loading and deliveries would be accessed via Oak Street and the service corridor at the southwestern corner of the building site to bring deliveries from the on-site loading zone to the retail spaces. The existing on-street loading zone on Market Street would not be used as part of the proposed project and, furthermore, the project sponsor has agreed to implement measures to prohibit all project-related retail and residential loading operations for passengers, move-ins or deliveries from occurring in the existing Market Street commercial loading zone.

- \* The following text change has been made to the two paragraphs under "Project Variant" on p. 2.30 (new text is underlined and deletions are shown in ~~strikethrough~~):

An optional scheme, the Muni Station Elevator and Emergency Access Variant (project variant), is also studied in this EIR. Since publication of the DEIR, the project sponsor has indicated that it has selected this variant as the preferred project. The project variant is substantially the same as the proposed project with respect to building form and dimensions, land use character and residential and commercial program, ground-level plans (i.e., pedestrian access, vehicular access, loading), second floor plans (i.e., bicycle parking), and below-grade level plans (vehicle parking, service vehicle loading), as described above.

However, two aspects of the project variant differ from the proposed project: re-cladding and/or relocation of the existing Muni Van Ness station elevator at in Oak Plaza rather than relocation to the One South Van Ness building, and no provision of a Franklin Street contraflow fire lane. These variations, described below, are analyzed at a sufficient level of detail in this EIR so that either or both would be available for selection by the decision-makers and/or project sponsor as part of a project approval action. In all other respects the features of the project variant would be substantially the same as those of the proposed project.

- \* The second sentence of the paragraph under "Onsite Muni Van Ness Station Elevator" on p. 2.30 has been revised as follows to delete the reference to Figure 2.17: Project Variant, Basement Plan,

(deletions are shown in ~~strike through~~), and Figure 2.17, on p. 2.31, has been deleted. Since the elevator under the revised variant remains in its existing location, this figure is no longer necessary to show a new connection between the elevator and the Muni station.

The single elevator would remain within Lot 1 and would be located in Oak Plaza at or near the existing Muni station elevator (see ~~Figure 2.17: Project Variant, Basement Plan~~).

- \* The following new text has been added after the last paragraph on p. 2.30 (new text is underlined). This change also introduces two new figures that have been added to Chapter 2: Figure 2.17: Revised Oak Plaza, Plan, and new Figure 2.18: Revised Oak Plaza, Rendering.

#### Design Refinements for Oak Plaza

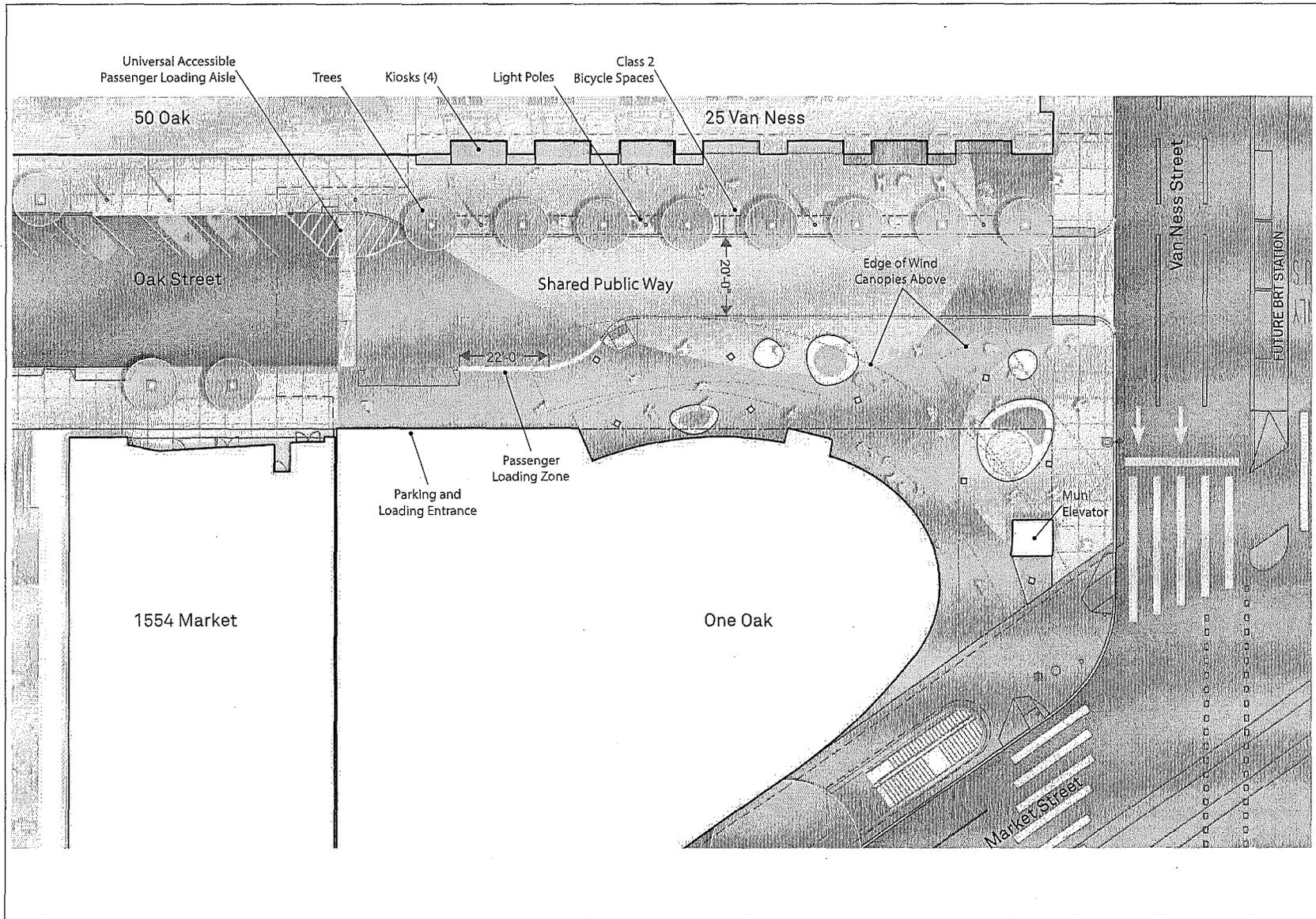
In its selection of the variant as the preferred project, the project sponsor has provided updated details and design refinements for Oak Plaza, in conformity with the Better Streets Plan and in response to input from the Department of Public Works. See new Figure 2.17: Revised Oak Plaza, Plan, and new Figure 2.18: Revised Oak Plaza, Rendering, shown on the following pages. Revised features for Oak Plaza under the preferred project are described below.

#### North Sidewalk

As described for both the proposed project and variant in the DEIR, the north sidewalk was to be 15 feet wide, as under existing conditions. Under the preferred project, the north sidewalk would be widened by 5.5 feet to accommodate a zone for street trees, seating, and lighting along the curb line.

#### Shared Street

As described for both the proposed project and variant in the DEIR, the Oak Street roadway for the shared public way, or shared street, would be 14 feet wide, with an additional 6 feet of horizontal clearance to provide for emergency access. Under the preferred project, the shared street would be 20 feet wide extending westward from the Van Ness Avenue curb line by about 180 feet, at which point it would widen further to accommodate a new universal accessible passenger loading aisle with a curb ramp fronting the residential lobby entrance on the south side of Oak Street. Vehicles entering Oak Street would turn right from southbound Van Ness Avenue onto a tabled crosswalk ramping up 6 inches, flush with the Van Ness Avenue sidewalk, then ramp back down 4 inches onto the shared street. Vehicles would continue westbound along the shared street for approximately 202 feet, at which point they would ramp down 2 inches to the existing Oak Street roadway at the western edge of the project site. As described for the proposed project and variant, the entire shared street would be raised 2 inches above street level, while the pedestrian-only plaza would be raised another 4 inches from the shared street, distinguished by a 4-inch curb. Both the pedestrian plaza and the shared street would be distinguished by a distinctive paving pattern, with existing asphalt paving remaining along the vehicle-only Oak Street roadway to the west.

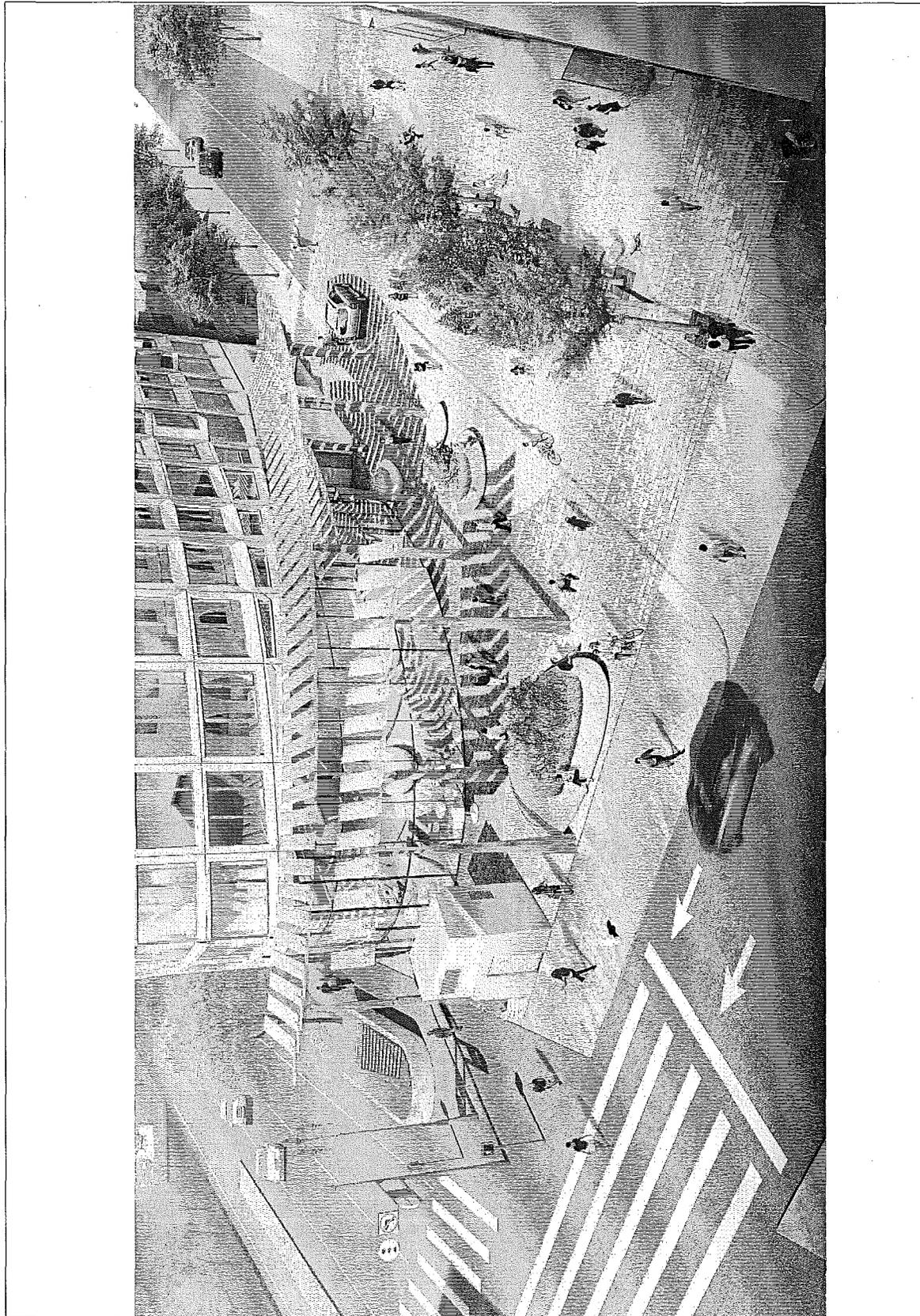


Source: SCB/Snohetta (2017)

# ONE OAK PROJECT

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(NEW) FIGURE 2.17: REVISED OAK PLAZA, PLAN



Source: SCB/Sinhetta (2017)

**ONE OAK PROJECT**

2009.0159E

(NEW) FIGURE 2.18: REVISED OAK PLAZA, RENDERING

At the west end of the shared street, new pavement striping and a curb ramp would be provided to convert the easternmost existing diagonal parking space fronting 50 Oak Street into a universal accessible passenger loading aisle.

#### Pedestrian Plaza

Under the preferred project, the south sidewalk along Oak Street would be widened from 15 feet to 27.5 feet. The widened sidewalk, together with the publicly accessible, private open space provided at the east end of the building site, would combine to form a pedestrian plaza along the east and north sides of the proposed building. The central plaza area could accommodate flexible uses such as performances by members of neighboring cultural institutions, farmers markets, and other events. The plaza areas would be furnished with custom precast concrete planters with small ornamental trees and plants. The planters would also serve as seating for pedestrians. The proposed plaza would be managed by a non-profit stewardship entity specifically organized for plaza management, and the maintenance and operating expenses would be funded by a Community Facilities District.

#### Revised Oak Plaza Wind Canopy Design

The design of the Oak Plaza wind canopies has been revised under the preferred project. The revised canopies under the preferred project would consist of three freestanding pergola-like structures comprised of perforated metal blades, each forming a broad, wing-like "V," suspended along a central spine supported by vertical columns. In plan view, the blade coverage would be up to 75 percent porous, including the spaces between the blades. Two of the canopies would generally follow the curve of the tower base, while the third canopy would have an opposing converse curvature, rising in height from 18 feet above the Oak Street lobby entrance to 30 feet at the Market Street property line.

#### Passenger Loading

As described for the proposed project and variant in the DEIR, a 60-foot-long passenger loading zone would be provided along the south side of the proposed Oak Street near the One Oak Street lobby entrance to accommodate three vehicles. Under the preferred project, to maximize sidewalk space for pedestrians, the passenger loading zone would be reduced to 22 feet in length to accommodate one vehicle on the south side of the proposed Oak Street shared public way near the One Oak residential lobby entrance.

#### Retail Kiosks

The revised project would include four retail kiosks as part of the street furniture of the proposed Oak Plaza. The kiosks would be located along the southern facade of the 25 Van Ness Avenue building (the existing building along the north side of the proposed Oak Plaza across from the project site). The kiosks would occupy four of the existing seven recessed archways, occupying the recessed area within the archways and extending 3 to 4 feet into the immediately adjacent proposed plaza. The kiosks would be approximately 9-11 feet in height. They would not be attached to the 25 Van Ness building, but would be anchored to the sidewalk. They may receive electrical power and water through either the sidewalk or the basement of the 25 Van Ness building.

- \* The fourth sentence of the second paragraph under "Construction Phasing and Duration" on p. 2.32 has been revised, as follows (new text is underlined):

## 5. DEIR Revisions

If relocating the elevator to One South Van Ness Avenue is not feasible, under the Onsite Muni Van Ness Station Elevator Variant, construction or re-cladding of the onsite Muni elevator would require a period of about two to four months, which would occur concurrently with base building construction.

- \* The sentence under “Project Approvals” on p. 2.33 has been revised, as follows (new text is underlined):
  - The project as currently proposed requires approvals, including the following, which may be reviewed in conjunction with the project’s requisite environmental review, but may not be granted until such required environmental review is completed.
- \* The first bulleted item in the list of approvals by the Planning Commission on p. 2.34 has been revised as follows (new text is underlined):
  - Initiation Hearing of the *San Francisco General Plan (General Plan)* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the Downtown Area Plan and amendment to Height and Bulk Map HT07 to shift the Height and Bulk District 120/400-R-2 designation from Lot 1 to Lot 5 on Assessor’s Block 0836 and reclassify Lot 1 on Assessor’s Block 0836 to 120-R-2.
- \* The following bulleted item has been added to the list of approvals by the Planning Commission on p. 2.34 (new text is underlined):
  - Approval of a conditional use authorization for parking exceeding principally permitted amounts pursuant to Planning Code Section 151.1 and 303.
- \* The following bulleted item has been added to the list of approvals by Zoning Administrator on p. 2.34 (new text is underlined):
  - Approval of an elevator penthouse height exemption under Planning Code Section 260(b)(1)(B).
- \* The bulleted items in the list of approvals by the Board of Supervisors on p. 2.35 have been revised as follows (new text is underlined and deletions are shown in ~~strike through~~):
  - Approval of a *General Plan* amendment to revise Map 3 of the *Market and Octavia Area Plan* and Map 5 of the Downtown Area Plan to shift the Height and Bulk District 120/400-R-2 designation from Lot 001 to Lot 005 on Assessor’s Block 0836 and reclassify Lot 001 on Assessor’s Block 0836 to 120-R-2.
  - If required, ~~a~~Adoption of the proposed Oak Plaza into the City’s Plaza Program, pursuant to SF Administrative Code Section 94.3.
  - If required, ~~a~~Approval of a Street Plaza-Encroachment Permit Application for improvements (including retail kiosks) within the proposed Oak Plaza and wind canopies in the public right of way (at Oak Plaza and at the northeast corner of Polk and Market streets).

## 5. DEIR Revisions

- \* In the bulleted items in the list of approvals by the Department of Public Works on p. 2.35, the second item has been deleted and the third and ninth items have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):
  - ~~Approval of a Major Encroachment Permit.~~
  - If required, aApproval of a Street Plaza Encroachment Permit.
  - Street Encroachment Permit, to be approved by the Director of Public Works, and by the Board of Supervisors if required by the Director, for a wind canopyies in the public right of way to be located at (at Oak Plaza and at the corner of Market and Polk streets) and for improvements (including retail kiosks) within the proposed Oak Plaza.
  
- \* The first bulleted item on p. 2.36, part of the list of approvals by the Municipal Transportation Agency, has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):
  - Approval by SFMTA of (1) the replacement and relocation of the existing Muni Metro elevator ~~by SFMTA to (1)~~ a new location at or north of the existing location adjacent to the plaza, (2) re-cladding of the existing Muni Metro elevator, or ~~(2 3)~~ (3) a new location within the footprint of the One South Van Ness building.
  
- \* The following bulleted item has been added to the end of the list of approvals by the SFMTA on p. 2.36 (new text is underlined):
  - Approval of the passenger loading (white) zone on the south side of the proposed Oak Street shared street pursuant to the SFMTA Color Curb program.
  
- \* The second bulleted item under “Bay Area Rapid Transit (BART)” on p. 2.36, part of the list of approvals, has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):
  - Approval of (1) the replacement and relocation of the existing Muni Metro elevator to ~~(1)~~ a new location at or north of the existing location adjacent to the plaza, (2) re-cladding of the existing Muni Metro elevator, or ~~(2 3)~~ (3) a new location within the footprint of the One South Van Ness building.
  
- \* The following approval has been added after the TASC approval on p. 2.36 (new text is underlined):

**Department of Public Health**

  - Approval of project compliance with San Francisco Health Code Article 22A (the Maher Ordinance).

**SECTION 4.C, TRANSPORTATION AND CIRCULATION**

- \* The following revision has been made to the third sentence of the last paragraph on p. 4.C.1 (new text is underlined):

Immediately west of the 1500 Market Street building is an existing ~~30-car~~ surface parking lot accommodating 47 vehicles.

- \* A new sentence has been added to Note “c” in Table 4.C.8: Off-Street Public Parking Supply and Utilization – Weekday Midday and Evening Conditions, on p. 4.C.25, as follows (new text is underlined):

**(Revised) Table 4.C.8: Off-Street Public Parking Supply and Utilization – Weekday Midday and Evening Conditions [Excerpt]**

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*Notes:*

- <sup>a</sup> Midday period between 1 and 3 PM, and evening period between 7 and 9 PM.
  - <sup>b</sup> Facilities close at 7 PM.
  - <sup>c</sup> Parking occupancy of more than 100 percent indicates that more vehicles than the striped number of self-park spaces were observed, and generally represent valet operations at the facility. The maximum number of vehicles that could be accommodated within the surface parking lot on the project site is 47 vehicles.
- 

- \* The first sentence of the first complete paragraph on p. 4.C.31 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The proposed project would also include construction of a three-level, subsurface parking garage with ~~155~~ 136 vehicle parking spaces.

- \* The fourth paragraph on p. 4.C.31 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The proposed project would include one truck loading space on the ground floor and two service vehicle spaces within the first below-grade level of the project garage. The truck loading space would be accessed from Oak Street, and would be 13 feet wide by ~~45~~ 35 feet in length, with a 12-foot vertical clearance, and would be used for move-ins and large deliveries for both residential and retail uses. The two on-site service vehicle loading spaces would be provided within the first below-grade level of the parking garage, and would be 8 feet wide and 20 feet long with a 12-foot vertical clearance. The service vehicle spaces would be used for smaller move-ins and deliveries, and would primarily to accommodate vehicles serving the building (e.g., for utility repair), rather than for active loading/unloading activities or for those service trips that require frequent access to the vehicle, but could also be used for resident move-ins and move-outs. Valet operators would access these two spaces via the car elevator.

- \* The first complete paragraph on p. 4.C.32 has been deleted, as follows (deletions are shown in ~~striketrough~~):

~~In addition, the existing on-street recessed commercial loading bay on Market Street, which is about 130 feet in length, at the western edge of the project site could also serve the project site. The proposed project includes a service corridor for access from Market Street to the elevators and trash storage rooms.~~

- \* The fourth sentence of the second paragraph under “Proposed Project Travel Demand” on p. 4.C.38 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

Immediately west of the 1500 Market Street building is an existing ~~30-car~~ surface parking lot accommodating 47 vehicles.

- \* The first two paragraphs on p. 4.C.56 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The new uses associated with the proposed project would generate about 28 delivery/service vehicle-trips to the project site per day, which corresponds to a demand for two loading spaces during the peak hour of loading activities and one space during the average hour of loading activities. The loading demand would be generally split between the residential and restaurant uses, and would be accommodated on-site. In addition, trucks serving the project site would be able to use the ~~existing on-street recessed commercial loading bay on Market Street and the~~ planned on-street commercial loading space to the west of the project site for the 1546-1554 Market Street building. ~~The existing commercial loading zone on Market Street would not be utilized as part of the proposed project, as the on-site loading spaces and the planned on-street commercial loading zone on Oak Street would be used to accommodate project loading demand. In addition, the project sponsor has agreed to implement measures to prohibit all project-related retail and residential loading operations from occurring within the existing on-street commercial loading zone on Market Street.~~

As part of implementation of the Franklin Street fire lane, two on-street metered commercial loading spaces on Franklin Street adjacent to the 20 Franklin Street building would be removed. Trucks making deliveries to the residential and ground-floor retail uses would need to use the existing ~~recessed commercial loading bay~~ zone on Market Street directly east of the building. Because a physically separated contraflow fire lane would be provided directly adjacent to the curb on the east side of Franklin Street, and because of the high volume of vehicles on northbound Franklin Street throughout the day, it is not anticipated that the removal of the on-street commercial loading spaces would result in double-parking along Franklin Street. As noted in “Loading Conditions” on p. 4.C.23, the existing on-street ~~recessed commercial loading bay~~ zone on Market Street is about 130 feet in length, has a “No Standing Except Trucks with at Least 6 Wheels, 30 Minutes at All Times” restriction, and is able to accommodate about three trucks. ~~Since it is anticipated that many deliveries to the restaurant and retail project site would occur via smaller trucks, two improvement measures are identified below to facilitate accommodation of all project loading/unloading activities on Market Street.~~

- \* The following revisions have been made to the paragraph under “Residential Move-In and Move-Out Activities” on p. 4.C.56 (new text is underlined and deletions are shown in ~~strikethrough~~):

Residential move-in and move-out activities are anticipated to occur from the on-site loading dock accessed at the northwest edge of the proposed project, ~~from the recessed commercial loading bay on Market Street (accessed via a service corridor between Market Street and the elevator core)~~ and from the planned 40-foot-long commercial loading and passenger loading/unloading zone on the south side of Oak Street in front of the 1546-1564 Market Street site (access between the elevator core and Oak Street would be via the garage entry/loading area). The project sponsor anticipates that move-in and move-out activities would occur Monday through Friday, throughout the day, with the exception of the morning and evening peak periods; on Saturdays between 11:00 AM and 7:00 PM; and on Sundays between 8:00 AM and ~~3~~ 4:00 PM. ~~Because move-in and move-out activities typically entail multiple hours of activity and could occur via large trucks that can occupy the majority of the recessed commercial loading bay on Market Street, an improvement measure is identified below to ensure that the existing recessed commercial loading bay on Market Street is available throughout the day for commercial loading/unloading activities on Market Street.~~

- \* The following revisions have been made to the paragraph under “Trash, Recycling, and Compost Pick-up” on p. 4.C.57 (new text is underlined and deletions are shown in ~~strikethrough~~):

Trash, recycling, and compost for residential, retail, and restaurant uses would be stored on-site within a trash/recycling/compost room on the ground floor, which would be accessed via ~~an internal corridor to Market~~ Oak Street. Trash, recycling, and compost chutes on each floor would lead into the ground-floor trash/recycling/compost room. For pick-up, ~~the property management company would cart the trash, recycling, and compost to a designated small staging area adjacent to the vehicle elevator on the southwest corner of the project site on Market Street, and the trash collection company personnel would retrieve the trash containers by accessing the building from Market Street or from Oak Street via the garage/loading area. The same protocol would be in place for the variant.~~

- \* The first complete paragraph on p. 4.C.58 and Improvement Measures I-TR-B through I-TR-D that follow on pp. 4.C.58-4.C.59 have been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

While the loading impacts of the proposed project or its variant would be less than significant, ~~**Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street, Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street, and Improvement Measure I-TR-D: Loading Operations Plan,**~~ is ~~are~~ identified to further reduce the proposed project’s or its variant’s less-than-significant impacts related to loading. The Planning Commission may consider adopting this ~~these~~ improvement measures as a condition of project approval.

**Improvement Measure I-TR-B: Revision of Truck Restrictions on Market Street**

~~As an improvement measure to ensure that deliveries destined to the ground-floor restaurant and retail uses are able to be accommodated within the existing recessed commercial loading bay on Market Street, the SFMTA could revise the existing use restriction from a “No Standing Except Trucks with at Least 6 Wheels, 30 Minutes at All Times” to a “No Standing Except Trucks Loading/Unloading, 30 Minutes at All Times”.~~

**Improvement Measure I-TR-C: Removal of Flexible Bollards on Market Street**

As an improvement measure to ensure that trucks would be able to pull in fully to the existing recessed commercial loading bay on Market Street adjacent to the project site, the placement of the flexible safety bollards separating the existing bicycle lane from the adjacent travel lane could be reviewed to determine if one or more of the bollards could be removed.

#### **Improvement Measure I-TR-DB: Loading Operations Plan**

As an improvement measure to reduce potential conflicts between driveway operations, including loading activities, and pedestrians, bicycles, and vehicles on Oak and Market streets, the project sponsor could prepare a Loading Operations Plan, and submit the plan for review and approval by the Planning Department and the SFMTA prior to receiving the final certificate of occupancy. As appropriate, the Loading Operations Plan could be periodically reviewed by the sponsor, the Planning Department, and the SFMTA and revised as necessary and if feasible to more appropriately respond to changes in street or circulation conditions.

The Loading Operations Plan would include a set of guidelines related to the operation of the Oak Street driveways into the loading facilities, and large truck curbside access guidelines, and would specify driveway attendant responsibilities to ensure that truck queuing and/or substantial conflicts between project loading/unloading activities and pedestrians, bicyclists, transit and autos do not occur. Elements of the Loading Operations Plan may include the following:

- Commercial loading for the project should be accommodated on-site and, within planned on-street commercial loading spaces along Market Street and on-street ~~freight loading/drop-off~~ spaces on Oak Street. Loading activities should comply with all posted time limits and all other posted restrictions.
- Double parking or any form of illegal parking or loading should not be permitted on Oak or Market streets. Working with the SFMTA Parking Control Officers, building management should ensure that no project-related loading activities occur within the Oak Street pedestrian plaza, or within the Market Street bicycle lanes, or upon any sidewalk, or within any travel lane on either Market, Franklin, or Oak streets.
- Building management should direct residents to schedule all move-in and move-out activities and deliveries of large items (e.g., furniture) with building management.
- All move-in and move-out activities for both the proposed project and the adjacent 1546-1554 Market Street residential project should be coordinated with building management for each project. For move-in and move-out activities that would require loading vehicles larger than 40 feet in length, if necessary, building management should request a reserved curbside permit for Oak Street from the SFMTA in advance of move-in or move-out activities.<sup>36</sup>
- Reserved curb permits along Oak Street should be available throughout the day, with the exception of the morning and evening peak periods on weekdays, or 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza, whichever is later, to avoid conflicts with commercial and passenger loading needs for adjacent land uses and the proposed pedestrian plaza. Weekend hours should not be restricted, with the exceptions that if events are planned on weekend days at adjacent land uses on the

project block or within the pedestrian plaza, reserved curb permits should be granted for 60 minutes following the end of any scheduled events at any adjacent land uses on the project block of Oak Street or at the proposed pedestrian plaza.

- The granted hours of reserved curbside permits should not conflict with posted street sweeping schedules.
- Building management should implement policies which prohibit any project-related loading operations, including passenger loading, residential deliveries, retail deliveries, and move-in and move-out activities, from occurring within the existing commercial loading zone on Market Street. To achieve this, building management should be instructed to proactively direct residents and retail tenants to utilize the on-site loading spaces and the Oak Street loading zones. In addition, building management should include within its leases, vendor contracts, and governing documents (i.e., CC&Rs and Rules & Regulations), written prohibitions against project-related loading and unloading operations from occurring within the existing commercial loading zone on Market Street. These operations include, but are not limited to, residential deliveries, move-in and move-out activities, and passenger pick-up and drop-off activities.
- The HOA should make commercially reasonable efforts to request of the service provider that all trash, recycling and compost pick-up activity should be scheduled to occur only during non-AM and PM peak hours (9 am to 3:30 pm and 6 pm to 7 am).
- Trash bins, dumpsters and all other containers related to refuse collection should remain in the building at street level until the arrival of the collection truck. Refuse should be collected from the building via Oak Market Street, and bins should be returned into the building. At no point should trash bins, empty or loaded, be left on ~~Market Street or~~ Oak Street on the sidewalk, roadway, or proposed pedestrian plaza.

Implementation of **Improvement Measures I-TR-B, I-TR-C, and I-TR-BD** would not result in any secondary transportation-related impacts.

[Footnote 36 on EIR p. 4.C.59:]

<sup>36</sup> Information on SFMTA temporary signage permit process available online at <https://www.sfmta.com/services/streets-sidewalks/temporary-signage>

- \* On p. 4.C.69, the first sentence of the first paragraph under “Project Parking” has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The proposed project would provide ~~455~~ 136 vehicle parking spaces (including ~~six~~ three ADA spaces) for the 310 residential units.

- \* The third sentence of the second paragraph under “Off-Street Parking Requirements under the Planning Code” on p. 4.C.70 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The proposed project or its variant would include ~~455~~ 136 parking spaces, all of which would be accessible via the valet operator.

- \* The following revisions have been made to Table 4.C.19: Proposed Project New Parking Supply and Demand, on p. 4.C.71 (new text is underlined and deletions are shown in ~~strikethrough~~):

**(Revised) Table 4.C.19: Proposed Project New Parking Supply and Demand**

Analysis Period/Land Use	Supply	Demand	(Shortfall)/Surplus
<b>Midday</b>			
Residential	<del>155</del> <u>136</u>	321	( <del>166</del> ) ( <u>185</u> )
Restaurant/Retail	0	13	(13)
Midday Total	<del>155</del> <u>136</u>	334	( <del>179</del> ) ( <u>198</u> )
<b>Overnight</b>			
Residential	<del>155</del> <u>136</u>	402	( <del>247</del> ) ( <u>266</u> )

Sources: SF Guidelines 2002; LCW Consulting, 2016

- \* The following revisions have been made to the second sentence of the paragraph under "Overnight Demand" on p. 4.C.71 (new text is underlined and deletions are shown in ~~strikethrough~~):

During the overnight period, the 310 residential units would generate a parking demand for about 402 spaces, which, compared to the proposed supply of ~~155~~ 136 parking spaces, would result in an unmet parking demand of ~~247~~ 266 parking spaces.

- \* The following revision has been made to the third sentence of the first paragraph on p. 4.C.72 (new text is underlined and deletions are shown in ~~strikethrough~~):

Overall, the proposed project or its variant would result in an unmet parking demand during the midday of about ~~179~~ 198 parking spaces.

- \* The third sentence of the first complete paragraph on p. 4.C.84 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

For example, the proposed project would eliminate an existing off-street parking facility (~~30 parking spaces accommodating 47 vehicles~~), while the approved 1546-1554 Market Street Project would replace an existing auto repair shop and other commercial uses, and both projects would provide limited on-site parking for the residential uses (~~155~~ 136 spaces for the 310 residential units for the proposed project, and 28 spaces for the 109 residential units for the approved 1546-1554 Market Street Project), and no parking for the commercial uses.

## SECTION 4.D, WIND

- \* Owing to a production error, some of the information presented in Table 4.D.2: Wind Comfort Analysis Results, on pp. 4.D.10-4.D.11, and Table 4.D.3: Wind Hazard Analysis Results, on pp. 4.D.15-4.D.16, was cut off at the margins in the PDF of the One Oak Street Project Draft EIR on the Environmental Planning Department's website. The tables were printed correctly in the paper copies of the EIR. However, for the reader's convenience, Tables 4.D.2 and 4.D.3 are shown on the following pages.

Table 4.D.2: Wind Comfort Analysis Results

Location Number	Comfort Criterion (mph)	Existing Conditions Configuration			Proposed Project Configuration				Cumulative Configuration				
		Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Speed Change Relative to Project (mph)	Exceeds
1	11	20	47%	e	20	46%	0	e	19	42%	-1	-1	e
2	11	16	31%	e	16	31%	0	e	16	28%	0	0	e
4	11	17	36%	e	17	36%	0	e	14	24%	-3	-3	e
5	11	16	33%	e	17	35%	1	e	15	29%	-1	-2	e
6	11	14	23%	e	18	41%	4	e	19	43%	5	1	e
7	11	9	4%		10	5%	1		10	8%	1	0	
9	11	14	21%	e	12	13%	-2	e	11	11%	-3	-1	e
10	11	10	6%		11	9%	1		9	6%	-1	-2	
11	11	8	3%		13	18%	.5	p	16	32%	8	3	p
12	11	7	1%		14	25%	7	p	12	15%	5	-2	p
13	11	8	2%		13	17%	5	p	15	24%	7	2	p
14	11	10	5%		10	6%	0		11	10%	1	1	
15	11	9	3%		11	11%	2	p	11	11%	2	0	p
16	11	8	2%		13	21%	5	p	12	12%	4	-1	p
17	11	8	1%		9	2%	1		11	9%	3	2	
18	11	12	13%	e	17	38%	5	e	12	14%	0	-5	e
19	11	12	15%	e	12	13%	0	e	12	16%	0	0	e
20	11	11	8%		10	7%	-1		11	9%	0	1	
21	11	10	7%		10	5%	0		11	10%	1	1	
22	11	9	4%		7	1%	-2		8	2%	-1	1	
23	11	10	8%		12	13%	2	p	11	9%	1	-1	
24	11	10	6%		10	5%	0		13	21%	3	3	p
25	11	12	13%	e	16	32%	4	e	13	18%	1	-3	e
26	11	10	8%		11	10%	1		12	15%	2	1	p
27	11	12	15%	e	15	27%	3	e	19	41%	7	4	e
28	11	13	18%	e	15	28%	2	e	19	45%	6	4	e
29	11	17	37%	e	18	38%	1	e	23	51%	6	5	e
30	11	13	18%	e	12	16%	-1	e	17	38%	4	5	e
31	11	11	11%	e	9	4%	-2	e	13	17%	2	4	e
32	11	13	17%	e	11	11%	-2	e	15	26%	2	4	e
33	11	14	25%	e	13	20%	-1	e	18	39%	4	5	e
40	11	17	36%	e	17	37%	0	e	15	29%	-2	-2	e
43	11	13	20%	e	15	29%	2	e	12	13%	-1	-3	e
50	11	14	23%	e	14	24%	0	e	14	23%	0	0	e
52	11	14	21%	e	13	20%	-1	e	12	16%	-2	-1	e
53	11	15	29%	e	16	34%	1	e	17	35%	2	1	e
54	11	14	25%	e	15	27%	1	e	19	43%	5	4	e
56	11	15	28%	e	20	47%	5	e	16	32%	1	-4	e
57	11	11	10%	e	17	34%	6	e	18	38%	7	1	e
58	11	11	11%	e	18	37%	7	e	20	46%	9	2	e
61	11	17	35%	e	17	36%	0	e	16	34%	-1	-1	e
70	11	10	7%		13	20%	3	p	10	7%	0	-3	
71	11	10	5%		13	20%	3	p	12	12%	2	-1	p
72	11	10	7%		14	25%	4	p	12	13%	2	-2	p

Location Number	Comfort Criterion (mph)	Existing Conditions Configuration			Proposed Project Configuration				Cumulative Configuration				
		Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Exceeds	Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Exceeds	Wind Speed exceeded 10% of time (mph)	Percentage of Time Wind Speed Exceeds 11 mph	Speed Change Relative to Existing (mph)	Speed Change Relative to Project (mph)	Exceeds
85	11	14	25%	e	14	24%	0	e	13	18%	-1	-1	e
92	11	13	19%	e	14	25%	1	e	19	42%	6	5	e
97	11	16	26%	e	16	30%	0	e	17	33%	1	1	e
101	11	11	10%		12	16%	1	p	12	17%	1	0	p
105	11	19	44%	e	19	43%	0	e	19	44%	0	0	e
111	11	19	41%	e	17	35%	-2	e	17	33%	-2	0	e
112	11	20	43%	e	21	45%	1	e	21	42%	1	0	e
113	11	15	29%	e	15	28%	0	e	15	26%	0	0	e
114	11	12	16%	e	13	16%	1	e	10	7%	-2	-3	-
115	11	10	7%		10	7%	0		8	2%	-2	-2	
116	11	11	11%	e	10	8%	-1	-	11	11%	0	1	e
117	11	15	27%	e	13	20%	-2	e	24	56%	9	11	e
118	11	12	15%	e	12	14%	0	e	15	28%	3	3	e
		Average	Average	Sum	Average	Average	Average	Sum	Average	Average	Average	Average	Sum
		12.6	17.7%	37	13.9	22.5%	+1.2	45	14.4	24.1%	+1.8	+0.6	46
				Existing, e				Existing, e					Existing, e
								New, due to proposed project, p					New, due to proposed project, p
								New, at new location, n					New, at new location, n
								Eliminated by Proposed Project, -					Eliminated by Proposed Project, -

Note: In the "Exceeds" column, an "e" indicates that the measured wind speed exceeds the wind hazard criterion, a blank indicates that the measured wind speed does not exceed the wind hazard criterion, and a "-" indicates that an exceedance is eliminated.

Source: BMT 2016

Table 4.D.3: Wind Hazard Analysis Results

Location Number	Hazard Criterion (mph)	Existing Scenario			Project Scenario				Cumulative Scenario				
		Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Hours Change Relative to Project	Exceeds
1	36	47	30	e	46	27	-3	e	46	20	-10	-7	e
2	36	36	0		36	0	0		34	0	0	0	
4	36	39	3	e	39	3	0	e	25	0	-3	-3	-
5	36	36	1	e	38	1	0	e	27	0	-1	-1	-
6	36	22	0		30	0	0		37	1	1	1	p
7	36	14	0		15	0	0		19	0	0	0	
9	36	26	0		24	0	0		22	0	0	0	
10	36	18	0		22	0	0		19	0	0	0	
11	36	15	0		22	0	0		29	0	0	0	
12	36	12	0		22	0	0		25	0	0	0	
13	36	12	0		19	0	0		27	0	0	0	
14	36	16	0		17	0	0		20	0	0	0	
15	36	14	0		22	0	0		17	0	0	0	
16	36	15	0		32	0	0		26	0	0	0	
17	36	13	0		13	0	0		18	0	0	0	
18	36	22	0		30	0	0		15	0	0	0	
19	36	29	0		27	0	0		20	0	0	0	
20	36	24	0		22	0	0		18	0	0	0	
21	36	19	0		16	0	0		16	0	0	0	
22	36	14	0		11	0	0		9	0	0	0	
23	36	17	0		22	0	0		15	0	0	0	
24	36	15	0		14	0	0		21	0	0	0	
25	36	23	0		36	0	0		18	0	0	0	
26	36	20	0		15	0	0		17	0	0	0	
27	36	18	0		27	0	0		34	0	0	0	
28	36	19	0		23	0	0		36	0	0	0	
29	36	36	0		32	0	0		45	24	24	24	p
30	36	20	0		20	0	0		34	0	0	0	
31	36	17	0		14	0	0		17	0	0	0	
32	36	23	0		22	0	0		23	0	0	0	
33	36	22	0		22	0	0		47	22	22	22	p
40	36	33	0		34	0	0		25	0	0	0	
43	36	23	0		29	0	0		23	0	0	0	
50	36	27	0		27	0	0		28	0	0	0	
52	36	28	0		25	0	0		25	0	0	0	
53	36	26	0		29	0	0		34	0	0	0	
54	36	24	0		24	0	0		40	4	4	4	p
56	36	23	0		36	0	0		32	0	0	0	
57	36	18	0		38	1	1	p	35	0	0	-1	
58	36	17	0		31	0	0		45	14	14	14	p
61	36	29	0		28	0	0		29	0	0	0	
70	36	16	0		22	0	0		14	0	0	0	
71	36	14	0		31	0	0		30	0	0	0	
72	36	19	0		30	0	0		25	0	0	0	
85	36	33	0		33	0	0		23	0	0	0	

Location Number	Hazard Criterion (mph)	Existing Scenario			Project Scenario				Cumulative Scenario				
		Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Exceeds	Wind Speed Exceeded 1 Hour per Year (mph)	Hours per Year Wind Speed Exceeds Hazard Criteria	Hours Change Relative to Existing	Hours Change Relative to Project	Exceeds
92	36	27	0		27	0	0		51	45	45	45	p
97	36	38	1	e	37	1	0	e	38	2	1	1	e
101	36	16	0		20	0	0		21	0	0	0	
105	36	50	40	e	50	41	1	e	49	32	-8	-9	e
111	36	40	4	e	29	0	-4	-	29	0	-4	0	-
112	36	40	4	e	42	6	2	e	36	0	-4	-6	-
113	36	32	0		31	0	0		27	0	0	0	
114	36	22	0		23	0	0		16	0	0	0	
115	36	19	0		19	0	0		13	0	0	0	
116	36	23	0		21	0	0		17	0	0	0	
117	36	23	0		19	0	0		48	42	42	42	p
118	36	24	0		20	0	0		24	0	0	0	
		Average	Sum	Sum	Average	Sum	Sum	Sum	Average	Sum	Sum	Sum	Sum
		23.8	83	7	26.4	80	-3	7	27.2	206	+123	+126	10
			Existing, e	7			Existing, e	6				Existing, e	3
							New, or increased time, p	1				New, or increased time, p	7
							New, at new location, n	0				New, at new location, n	0
							Eliminated by Proposed Project, -	1				Eliminated by Proposed Project, -	4

## SECTION 4.E, SHADOW

### Updated Shadow Analysis

Since publication of the DEIR, the shadow figures and shadow calculations relied upon for the DEIR's analysis of the proposed project's shadow impacts on Recreation and Park Commission properties have been updated to reflect the results of a recent separate shadow study, prepared by independent consultant PreVision Design for the separate review of the proposed project under Planning Code Section 295. This more recent shadow study includes a more precise modeling of existing grade conditions between the project site and Koshland Park / Page and Laguna Mini Park, as well as a recent consensus as to the precise boundaries and area measurement for Patricia's Green.

- \* Accordingly, the footnote at the end of the last sentence of the first paragraph on EIR p. 4.E.1 has been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

The analysis, calculations and shadow diagrams have been prepared by an independent shadow consultant and are the primary sources of information included in this section.<sup>1</sup>

[Revised Footnote]

<sup>1</sup> ESA, Technical Memorandum: Evaluation of Potential Proposition K Shadows for the Proposed One Oak Street High Rise Project, San Francisco, CA, November 2016. Prevision Design, Shadow Analysis Report for the Proposed One Oak Street Project Per SF Planning Code Section 295 Standards, April 19, 2017.

These changes update the EIR based on more recent and precise data. They do not change any of the analysis and conclusions as to the significance of impacts. Elimination of Koshland Park from Shadow Analysis

The Section 295 Shadow Memorandum by Prevision found that Koshland Park is outside of the maximum reach of the proposed project shadow (throughout the year and day, one hour after sunrise and one hour before sunset). Koshland Park has therefore been eliminated from analysis in the EIR, and the corresponding text and figure changes are shown below.

- \* The bulleted item under the "Recreation and Park Commission" approval at the top of p. 2.34 has been revised, as follows (deletions are shown in ~~striketrough~~):
- Joint determination with the Planning Commission that the project would have no adverse shadow impact on Patricia's Green, Page and Laguna Mini Park, ~~Koshland Park~~, and Hayes Valley Playground, or other parks subject to Section 295 of the Planning Code.
- \* The first sentence of the second paragraph on EIR p. 4.E.1 and the associated footnote have been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

~~Two~~ Three publicly accessible outdoor open spaces within Hayes Valley are potentially within reach of the proposed project's shadow: Patricia's Green; and Page and Laguna Mini Park, ~~and Koshland Park.~~<sup>2</sup>

[Revised Footnote]

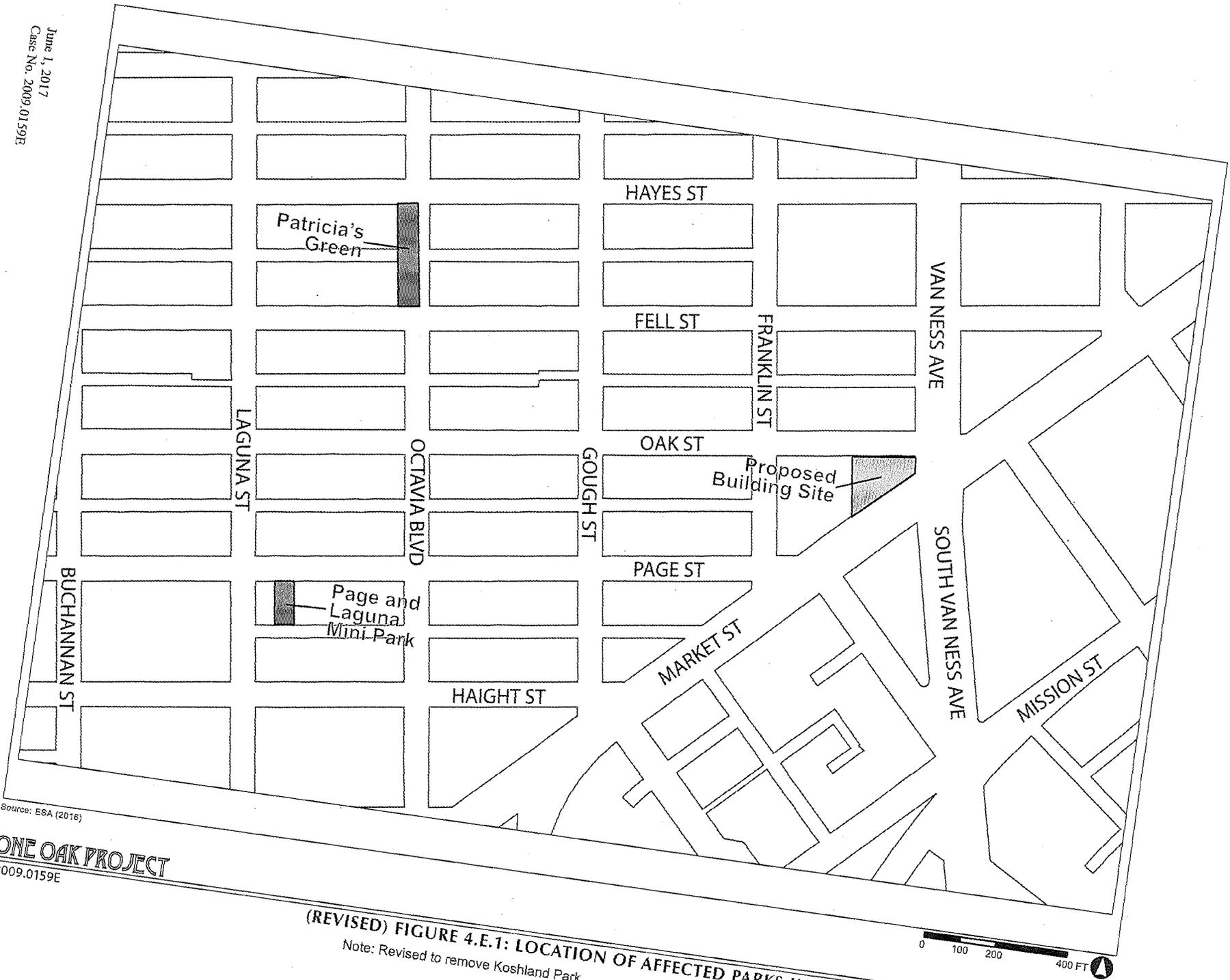
<sup>2</sup> This determination was made based on ~~the Planning Department's~~ Prevision Design's shadow fan, discussed under "Approach to Analysis" on p. 4.E.11. The shadow fan shows the maximum reach of project shadow throughout the entire day and entire year. Hayes Valley Playground, a Recreation and Park Commission property at Hayes and Buchanan streets, and Koshland Park, a Recreation and Park Commission property at Page and Buchanan streets, ~~are~~ is not within the reach of project shadow under Planning Code Section 295. ~~It was~~ They are therefore eliminated from further review of shadow impacts.

- \* Figure 4.E.1: Location of Affected Parks in relation to the Proposed Project, on EIR p. 4.E.2, has been revised to remove Koshland Park. The revised figure is shown on the following page.
- \* On EIR p. 4.E.5, the second and third paragraphs have been deleted to remove reference to Koshland Park, and the fourth paragraph has been revised to introduce (Revised) Figure 4.E.2: Page and Laguna Mini Park, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

#### **Koshland Park**

~~Koshland Park, located approximately 1,900 feet southwest of the project site on Lot 026 of Assessor's Block 0851, has an area of approximately 36,200 sq. ft. (see **Figure 4.E.2: Koshland Park and Page and Laguna Mini Park**). This neighborhood park at the corner of Buchanan and Page Streets contains a grass area, a play structure with a sand pit, a half basketball court, and a community garden. Located on a hilltop site, Koshland Park's main entrance is near the mid-point of the lot and is at the grade of Buchanan Street, at an elevation of approximately 160 feet above sea level (asl). The park is graded to provide a children's playground and a grass and landscaped area generally at this level, with a steep northern slope, landscaped with large trees, that ends at a retaining wall that, in turn, slopes downward along Page Street to the park's lowest point, at an elevation of approximately 125 feet asl. The eastern portion of the park slopes steeply down to the north and east where it runs into retaining walls at the property lines. Terraces with community garden plots are accessible via a mid-block Page Street entrance, as well as from the main entrance on Buchanan Street.~~

~~Adjacent residential buildings to the east cast shadow on the park in the early mornings throughout the year. Buildings to the south east shadows on the park in mid-day throughout the year.~~



Source: ESA (2016)

**ONE OAK PROJECT**  
2009.0159E

**(REVISED) FIGURE 4.E.1: LOCATION OF AFFECTED PARKS IN RELATION TO PROPOSED PROJECT**  
Note: Revised to remove Koshland Park.

**Page and Laguna Mini Park**

Page and Laguna Mini Park, located in Hayes Valley approximately 1,550 feet southwest of the project site on Lot 015 of Assessor’s Block 0852 (see ~~Figure 4.E.2~~). See (Revised) Figure 4.E.2: Page and Laguna Mini Park. This fenced, 6,600-square-foot landscaped linear park has a curving central walkway and a community garden. The park fronts on Page Street, which is lined with mature street trees primarily at the west side of the park.

- \* Figure 4.E.2: Koshland Park and Page and Laguna Mini Park, on EIR p. 4.E.6, has been revised to remove Koshland Park from the figure title and to present only Page and Laguna Mini Park, as shown on the following page.
- \* The following revisions have been made to the first complete paragraph on p. 4.E.10 (new text is underlined and deletions are shown in ~~striketrough~~):

The Planning Commission and the Recreation and Park Commission have not established Absolute Cumulative Limits for new shadow on Patricia’s Green, and Page and Laguna Mini Park, ~~and Koshland Park~~. This EIR analyzes the proposed project’s shadow impacts on the ~~three~~ two affected parks that are subject to the provisions of Planning Code Section 295.

- \* The first paragraph and footnote 5 on EIR p. 4.E.11 have been revised, as follows (new text is underlined and deletions are shown in ~~striketrough~~):

**Shadow Fan**

In order to determine whether any properties under the jurisdiction of the Recreation and Park Commission could be potentially be affected by project shadow, ~~the Planning Department PreVision Design, an independent shadow consultant,~~ prepared a “shadow fan” diagram. The shadow fan is a tool that plots the maximum potential reach of project shadow over the course of a year (from one hour after sunrise until one hour before sunset for the spring and fall equinoxes and summer and spring solstices) relative to the location of nearby open spaces, recreation facilities, and publicly accessible parks. The shadow fan accounts for topographical variation but does not account for existing shadows cast by existing buildings. The shadow fan is used by the Planning Department as the basis for initially identifying which open spaces, recreation facilities, and parks merit further study. Those that are outside the maximum potential reach of project shadow do not require further study.<sup>5</sup>

[Revised Footnote]

<sup>5</sup> ~~San Francisco Planning Department, One Oak Street Project Shadow Fan, Case File No. 2009.0159K. PreVision Design, Shadow Analysis Report for the Proposed One Oak Street Project Per SF Planning Code Section 295 Standards, April 19, 2017.~~

- \* The fourth full sentence on EIR p. 4.E.12 has been revised to remove reference to Koshland Park, as follows (deletions are shown in ~~striketrough~~):

To date, ACL standards have been established for fourteen (14) downtown parks. An ACL standard has not been adopted for Patricia’s Green, ~~Koshland Park~~ or Page and Laguna Mini-Park.



Source: Property Information Map, San Francisco Planning Department (2016)



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### (REVISED) FIGURE 4.E.2: PAGE AND LAGUNA MINI PARK

Note: Revised to present the current figure from the Prevision Design shadow study.

- \* The analysis of impacts on Page and Laguna Mini Park and Koshland Park, on EIR pp. 4.E.17-4.E.20, has been revised to remove reference to Koshland Park, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

**Page and Laguna Mini Park and ~~Koshland Park~~**

Shadow from the proposed project would also reach Page and Laguna Mini Park ~~and Koshland Park, both of which are~~ is subject to Section 295. The net new project shadow from the proposed project that would reach ~~these~~ this parks would be limited in area and time of occurrence during the day and year. For the purpose of this EIR analysis under CEQA, the full extent and duration of that new shadow can therefore be adequately described by the times and dates of occurrence and an image and the area of the largest shadow. A full quantitative evaluation of year-round shadow, including the calculation of the existing shadow baseline (such as that performed for Patricia's Green), ~~would be~~ has been ~~part of a separate future supplemental analysis prepared for the Recreation and Park Commission and Planning Commission to evaluate conformity with the quantitative criteria of Section 295.~~

New shadow from the proposed high-rise building at One Oak Street also would reach Page and Laguna Mini Park, ~~and Koshland Park~~ during the times of day regulated by Proposition K (see **Figure 4.E.4: Maximum ~~Extent of New Project Shadow on Page and Laguna Mini Park and on Koshland Park, 7:00 AM on June 27 21~~**).

Because project shadow would be limited on ~~both~~ Page and Laguna Mini Park ~~and Koshland Park~~, the time and date of the most extensive shadow coverage is used to illustrate the shadow effects for purposes of CEQA analysis.

Page and Laguna Mini Park

Page and Laguna Mini Park lies approximately 1,550 feet to the west and south of the project site. The largest net new project shadow would occur at 7:00 AM (less than 10 minutes after the first hour after sunrise) one week after the summer solstice. At this time, Page and Laguna Mini Park would be largely almost entirely in shadow (81.2 percent) from existing adjacent buildings to the east of the park, except for a triangular area at the northern (front) end of the park, occupied by plantings and a pathway adjacent to the Page Street sidewalk, and another smaller planted area within the southwestern portion of the park. Persons seeking a sunlight open space would generally not be using the park at this time. Net new project shadow would entirely cover the sunlit triangular area at the northern end of the park (~~645~~ 622 sq. ft.). At this time shadow from the project would be approximately ~~9.89.5~~ percent of the park area. By 7:15 AM, the project shadow would ~~rapidly recede westward while moving northward, have receded~~ entirely off of the park, and would leave the park area along Page Street in sunlight. Existing shadow from adjacent buildings to the east of the park would continue to cover most of the rest of the park. New shadow from the proposed project would recur on the park for approximately 15 minutes on successive days for up to four weeks before and four weeks after the summer solstice. Shadow from the proposed project would not reach Page and Laguna Mini Park at other times of year. As with early morning park uses observed for Patricia's Green, early morning use of Page and Laguna Mini Park is less than that observed later in the morning. ~~is assumed to be sparse, and typical early morning park uses would be exercise and dog walking, uses that are not particularly sensitive to shadow. As shown by Figure 16, within the 30 minute observation periods, the Page Laguna Mini Park had very low levels of observed usage. During five of six visits, no~~

park visitors were observed to be present. On one occasion a single user was seen walking through the park. As such, intensity of observed use of this park would be considered low.

#### Koshland Park

Koshland Park is approximately 1,900 feet to the west and south of the project site. As with Page and Laguna Mini Park, the largest net new project shadow would occur at 7:00 AM one week after the summer solstice. At this time Koshland Park would be mostly in sunlight, except for an area of existing shadow in the eastern end of the park (9,838 sq. ft.) that would be shadowed by adjacent buildings to the east of the park. Net new project shadow (9,448 sq. ft.) would cover the central children's play area sunlit triangular area at the northern end of the park. At this time the project's net new shadow would be approximately 26.1 percent of the park area. By 7:15 AM, project shadow would rapidly recede westward while moving northward, entirely off of the park, and would leave the central children's play area in sunlight. Existing shadow from adjacent buildings to the east of the park would continue to cover the eastern end of the park. New shadow would recur on the park for approximately 15 minutes on successive days for up to four weeks before and four weeks after the summer solstice. Shadow from the proposed project would not reach Koshland Park at other times of year. As with early morning park uses observed for Patricia's Green, early morning use of Koshland Park is assumed to be sparse, and typical early morning park uses would be exercise and dog walking, uses that are not particularly sensitive to shadow.

#### Conclusion

Due to the distances of Page and Laguna Mini Park and Koshland Park from the proposed new construction on the project site, small changes in the sun's position in the sky over the course of a day (in both its elevation above the horizon and in its apparent southward motion in the sky) would result in rapid changes in the movement of project shadow on the ground. Net new project shadow would begin in the early morning at 7:00 AM, and would be brief in duration, lasting 15 minutes, and would occur at a time of day when park usage would typically be low. For these reasons, the proposed project or variant would have a less-than-significant impact on Page and Laguna Mini Park and Koshland Park. No mitigation measures are necessary.

- \* Figure 4.E.4: Maximum Extent of New Project Shadow on Page and Laguna Mini Park and Koshland Park, 7:00 AM on June 27, on EIR p. 4.E.18, has been revised to remove Koshland Park from the figure title, present only Page and Laguna Mini Park, and to use the updated shadow projection diagram provided by PreVision. The revised figures is shown on the following page.



-  Existing (current) Shadows
-  New Shading by Proposed Project
-  Shadow profiles from 30 Van Ness Avenue
-  Parks & Open Spaces
-  Page and Laguna Mini Park

Source: Prevision Design (2017)



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(REVISED) FIGURE 4.E.4 MAXIMUM NEW PROJECT SHADOW ON PAGE AND LAGUNA MINI PARK  
7:00 AM ON JUNE 21

Note: Revised to remove Koshland Park, and present the current figure from the Prevision Design shadow study.

- \* The first full paragraph on EIR p. 4.E.22 has been revised to remove reference to Koshland Park, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

**Figure 4.E.5: Foreseeable Projects** shows the location of the Freeway Parcels projects and foreseeable 400-foot-tall projects in the vicinity of the project site. Shadow from foreseeable development of the Freeway Parcels would shade Patricia's Green but would not reach ~~Koshland Park~~ or Page and Laguna Mini Park at any time. Shadow from foreseeable 400-foot-tall projects in the vicinity of the project site would reach Patricia's Green, ~~Koshland Park~~, and Page and Laguna Mini Park. As discussed below, these foreseeable projects were considered for their potential to create new shadow that would combine with project shadow on Patricia's Green, ~~Koshland Park~~, and Page and Laguna Mini Park.

- \* The analysis of cumulative impacts on Page and Laguna Mini Park and Koshland Park, on EIR pp. 4.E.28-4.E.29, has been revised to remove reference to Koshland Park, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

#### ~~Koshland Park and Page and Laguna Mini Park~~

##### Freeway Parcels

Shadow from the Freeway Parcel projects would not reach Page and Laguna Mini Park or ~~Koshland Park~~ at any time of the day or year. As such, shadow from the proposed project on these parks would not combine with other foreseeable projects.

##### Foreseeable 400-Foot-Tall Projects

Reasonably foreseeable development of 400-foot-tall buildings at or near the intersection of Van Ness Avenue and Market Street, like the proposed project, could add shadow to ~~Koshland Park and Page and Laguna Mini Park~~, but only for limited amounts of time in the mornings, similar to the One Oak Street project shadows described above. These high-rise projects are 30 Van Ness Avenue, 10 South Van Ness Avenue, and 1500 Mission Street. The shadow effects are described below:

- **30 Van Ness Avenue** is a conceptual design. ~~The building would cast shadow onto the northeastern corner of Koshland Park at 6:48 AM, one hour after sunrise, on the summer solstice; however, that shadow would leave the park by 7:00 AM. The early morning shadow pattern would occur on the park for several weeks. The resulting shadow coverage of Koshland Park might range up to 20,000 sfh. This shadow on Koshland Park would occur at some of the same times and dates as the shadow from the One Oak project. However, shadow from the One Oak project would occur on the southeastern corner of the Park at 6:48 AM. The shadows from the One Oak and 30 Van Ness Avenue projects would remain separated as they move northward across the park and shorten, at the same time. Shadow from the 30 Van Ness Avenue project would leave the park before the shadow from the One Oak project. Shadow from the 30 Van Ness Avenue project would not reach far enough south to touch Page and Laguna Mini Park.~~
- **10 South Van Ness Avenue** would ~~cast shadow onto Page Street near the northeastern corner of Koshland Park in the early morning at the end of August; the shadow also would occur in the same vicinity for several weeks before and after that date. Although no example of the building shadow reaching onto the park was found,~~

the potential would exist, especially because there would be two towers to cast shadow. Shadow from the 10 South Van Ness Avenue project would reach well beyond Page and Laguna Mini Park during the same interval of weeks and same time of day. At that time, Page and Laguna Mini Park is almost entirely shadowed, but potential exists for small sunlit areas of the park to be shadowed by the project. shadow would cover up to 17 percent of Page and Laguna Mini Park for three weeks in August (and for the corresponding weeks in late April through early May) within the first 15 minutes of the day. 10 South Van Ness would not shade Page and Laguna Mini-Park on the same days as shadow from the proposed project around the Summer Solstice.

- **1500 Mission Street** would have one high-rise tower with a height of 250 feet and one with a height of 400 feet. The 1500 Mission Street project would cast shadow in the direction of both Koshland Park and Page and Laguna Mini Park, but shadow from the 1500 Mission Street project would not reach either that property.

As with shadows from the proposed project, shadows from these foreseeable projects 10 South Van Ness would reach Koshland Park and Page and Laguna Mini Park in the early morning hours when the parks are already largely in shadow from existing buildings. As such, park usage at these times is expected to be sparse and characterized by uses that do not rely on access to sunlight. For these reasons, the proposed project would not contribute to a significant cumulative shadow impact resulting from existing and foreseeable projects.

#### Updated Project Shadow Analysis for Patricia's Green

As mentioned above, the shadow impacts of the proposed project on Patricia's Green have been updated to reflect a recent consensus as to the precise boundaries and area measurement for Patricia's Green. They do not change any of the conclusions or analysis as to the proposed project's shadow impacts on Patricia's Green.

- \* Accordingly, the first sentence on EIR p. 4.E.3 has been revised to reflect the recent consensus as to the precise boundaries area measurements of the park, as reflected in the Prevision Design shadow study (new text is underlined and deletions are shown in ~~strikethrough~~):

Patricia's Green is an approximately ~~18,736~~ 17,903-square-foot (sq. ft.) urban park on the 400 block of Octavia Street, in Hayes Valley, in the Western Addition neighborhood of San Francisco.

- \* Accordingly, the quantitative impact evaluation for Patricia's Green, beginning at the bottom of EIR p. 4.E.13 and ending with the "Conclusion" paragraph on EIR p. 4.E.17, has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

#### **Patricia's Green**

Patricia's Green is about ~~18,736~~ 17,903 sq. ft. in area, and has an annual available sunlight of ~~69,722,662~~ 66,622,661 square-foot-hours (sfh). As shown in **Table 4.E.1: Patricia's Green Shadow Summary, Existing-plus-Project**, existing shadow coverage of Patricia's Green is ~~44,779,907~~ 12,034,236 sfh, which comprises ~~21.20~~ 18.06 percent of the total annual available sunlight on Patricia's Green. The proposed project would add

~~136,972~~ 148,200 sfh of net new shadow over the course of a year, comprising ~~0.20~~ 0.22 percent of the total theoretical sunlight on Patricia's Green. Existing shadow and project shadow would total ~~14,916,880~~ 12,182,435 sfh, comprising ~~21.40~~ 18.28 percent of the park's total annual available sunlight.

**(Revised) Table 4.E.1: Patricia's Green Shadow Summary, Existing-plus-Project**

Shadow Scenarios	Shadow (sfh)		Percent of Available Sunlight	
Existing Setting Baseline	14,779,907	<u>12,034,236</u>	21.2%	<u>18.06%</u>
Proposed Project	<del>136,972</del>	<u>148,200</u>	0.2%	<u>0.22%</u>
<b>Total</b>	<del>14,916,880</del>	<u>12,182,435</u>	<del>21.4%</del>	<u>18.28%</u>

**Shadow**

*Note:* sfh – square foot hours

*Source:* ESA 2016 Prevision Design 2017

For most of the year, the project shadow would not reach Patricia's Green at any time of the day. Project shadow would reach the southern end of the park in the early mornings (beginning around 8:15 ~~8:00~~-AM) during two ~~six~~ seven-week periods, beginning around September-20<sup>th</sup> ~~8<sup>th</sup>~~ around the fall equinox (and beginning on ~~March 3<sup>rd</sup>~~ February 17<sup>th</sup> around the corresponding period around the spring equinox) and sweep northward across the park within 45 ~~zero to 47~~ minutes. Shadow would move entirely off of the park by 9:00 ~~8:45~~ AM. During this period, project shadow on the park would generally last approximately 15 ~~to 30~~ on average 28 minutes a day. Over the next ~~six~~ seven weeks, the proposed project's shadow would begin the day incrementally further north than it had the day before.

During this 4-week period, ~~s~~Shadow from the proposed project would reach its maximum area of coverage at 8:30 AM on ~~October 11~~ October 4/March 8, when it would cover an area of 9,183 ~~9,604~~ sq. ft. in the central and northern portions of the park (see **Figure 4.E.3: Maximum Extent of New Project Shadow on Patricia's Green, 8:30 AM on ~~October 11 4 / March 2 8~~ (Revised Figure)**). At this time, shadow from existing buildings would cover 6,660 ~~3,046~~ sq. ft., comprising 36 ~~17~~ percent of the park's area. Net new project shadow would cover an additional 49 ~~54~~ percent of the park's area at this time, leaving 15 ~~29~~ percent of the park in sunlight at that time.

As discussed above, annual project shadow would comprise 0.22 percent of the currently available annual sunlight for the park. New project shadow would occur in the early morning. As they are receding, shadows caused by the project would not displace any park users who wished to avoid shadow. Somewhat fewer users were also observed in the park in the morning observations (when the new shadow would be present) relative to times later in the day, with approximately half the users walking through the park. At these times, the southwest portion of the park would continue to be unshaded by existing and project shadow and would be available to those park users seeking sunlight. For these reasons, project shadow on Patricia's Green would have no substantial effect on outdoor recreation facilities, and no mitigation measures are necessary.

Project shadow on the park would decrease in size and duration with each successive day and would end around October 25, when project shadow would begin the day at the northern edge of the park and sweep northward away from the park.

During the last week in September and the first and second weeks in October, beginning around 8:15 AM, project shadow would reach parts of the children's play area that are currently in sunlight and would last up to 30 minutes. After which period shadow would begin the day farther north of the children's play area in the grass and sculpture areas, and would not affect the children's playground structure.

By November 1, project shadow would begin the day entirely outside of the park to its north and would not enter the park as shadow would sweep northward away from the park later that morning. With each successive day, project shadow would begin the day farther north than it did the previous day, until the winter solstice on December 21. At that point, the pattern described above would be reversed, and project shadow would begin the day incrementally farther south than it did the previous day. Around February 9 (the solar equivalent day corresponding to November 1), project shadow would begin the day just north of the park before sweeping northward away from the park.

Leading up to the spring equinox, the sequence described above would occur week by week in reverse sequence, over the four week interval from February 28<sup>th</sup> through March 21<sup>st</sup>. The week of February 28<sup>th</sup>, project shadow would first begin on the central part of the park and then begin farther south each day, increasing in area each day. During the next three weeks, project shadow would have shifted far enough south to cast some shadow on the children's play area. Finally, the last shadow on the park would occur on March 21<sup>st</sup> when the shadow would be the same as described for September 20<sup>th</sup>, above. Project shadow would no longer reach the park from March 28<sup>th</sup> and June 21<sup>st</sup>.

Due to the distance between Patricia's Green and the proposed new construction on the project site, small changes in the sun's position in the sky over the course of a day (in both its elevation above the horizon and in its apparent southward motion in the sky) would result in rapid changes in the movement of project shadow on the ground. For this reason, project shadow on the park is limited in duration, beginning at the start of the day and lasting for no more than 45 minutes over a six week period around the spring and fall equinoxes.

As part of field observations undertaken in a 45 minute visit to the park between 7:30 and 8:15 AM in the month of August, eleven people were observed within the park.<sup>10</sup> Of those, seven were walking their dogs on the grass, three were pedestrians crossing the park on their way elsewhere, and one was a City worker painting a table. No person was engaged in passive use of the park (i.e., sitting or standing) and no children were seen. Several observations from subsequent short visits indicate substantial late morning and mid-day use of the park, with this use extending well into the late afternoon.

On a similar later visit, between 10:30 and 11:00 AM, an interval that is three hours later in the day than the first visit, about 12 park users were observed. In contrast to uses of the park observed earlier in the morning (mostly pedestrians in transit), later morning uses of the park had become increasingly passive uses. Approximately half of the observed park users were sitting and standing in the north plaza and several more were in the sculpture area, while one was sitting near the children's play area. Several pedestrians crossed the park on their way elsewhere. No person was sitting on the newly planted grass and no children were seen. A larger number of pedestrians were seen walking along the Hayes, Fell, and Octavia Street sidewalks, but they were not included in the user counts.

### Conclusion

~~As discussed above, based on field observations undertaken as part of the Shadow Technical Memorandum, during the early morning around the fall and spring equinoxes when the proposed project would shade Patricia's Green, the population of the park is relatively sparse, and the users of the park observed at that time were not engaged in activities that are dependent on sunlight, such as active play in the children's area. Rather, they were engaged in activities such as dog walking or crossing the park. For these reasons, project shadow on Patricia's Green would not substantially affect outdoor recreation facilities. Therefore, the impact is less than significant, and no mitigation measures are necessary.~~

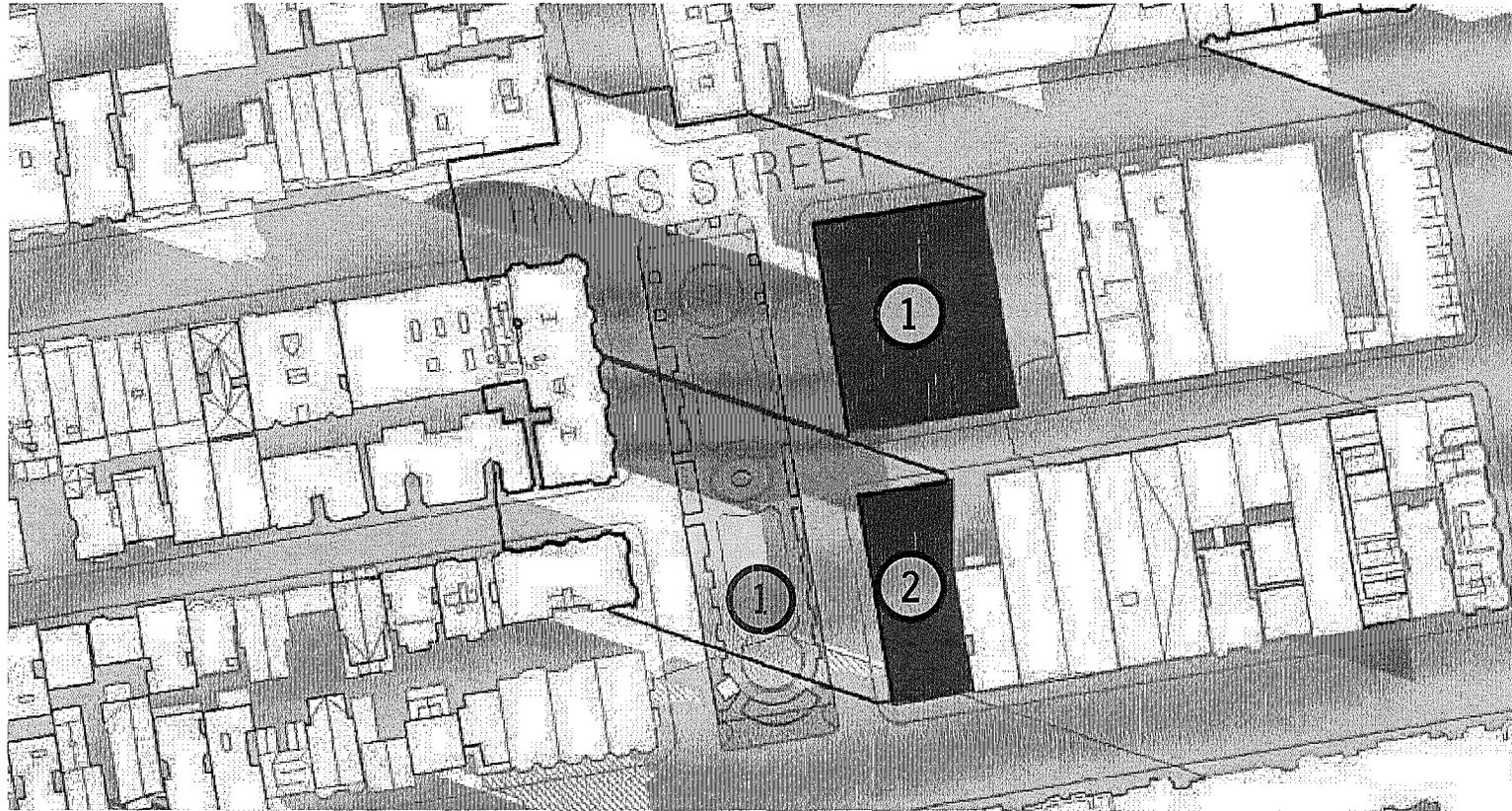
- \* DEIR Figure 4.E.3: Maximum Extent of New Project Shadow on Patricia's Green, 8:30 AM on October 11/March 2, on EIR p. 4.E.15, has been revised to use the updated shadow projection diagram provided by PreVision, as shown on the following page.

### Updated Cumulative Shadow Analysis for Patricia's Green

As mentioned above, the shadow impacts of the proposed project on Patricia's Green have been updated to reflect a recent consensus as to the precise boundaries and area measurement for Patricia's Green. They do not change any of the conclusions or analysis as to the proposed project's contribution to cumulative shadow impacts on Patricia's Green.

- \* Accordingly, DEIR Figure 4.E.5: Foreseeable Projects, on EIR p. 4.E.23, has been revised to use the updated map of foreseeable projects provided by PreVision, as shown on the following page.
- \* Accordingly, the quantitative cumulative impact evaluation for Patricia's Green, beginning with the first complete paragraph on EIR p. 4.E.24 and ending with the last full paragraph on EIR p. 4.E.26 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

~~The Shadow Technical Memorandum has modeled and quantified potential shadow from the Freeway Parcel development in order to assess the contribution of the proposed project to cumulative development to understand the amount shadow that would be attributable to the proposed project relative to that of the Freeway Parcels. Because detailed plans for future projects on the Central Freeway parcels are not available, they are conservatively represented by simplified bulk models of lot-line buildings at specified maximum heights for each of five of the Central Freeway parcels (Parcels K, L, M, N, and O). Buildings on these parcels within 50-X Districts are modeled at heights of 59 feet above grade (including an additional five feet in height allowable if used to create more generous ground-floor commercial ceiling heights under Policy 1.2.2, plus four foot parapets which are exempt from height controls).~~



-  Existing (current) Shadows
-  New Shading by Proposed Project
-  Shadow profiles from reasonably foreseeable development sites
-  Parks & Open Spaces
-  Patricia's Green
-  Freeway Parcels
-  Parcel K
-  Parcel L

Source: Prevision Design (2017)



## ONE OAK PROJECT

2009.0159E

(REVISED) FIGURE 4.E.3 MAXIMUM NEW PROJECT SHADOW ON PATRICIA'S GREEN  
8:30 AM ON OCTOBER 4 / MARCH 8

Note: Revised to present the current figure from the Prevision Design shadow study.



- |  |   |   |
|--|---|---|
|  Proposed Project |  Parks & Open Spaces |  Cumulative Projects |
| ① Patricia's Green   | ① 455 Fell Street   | ⑦ 30 Otis Street  |
| ② Page/Laguna Mini Park  | ② 300 Octavia Street  | ⑧ 915 Minna   |
| ③ Koshland Park  | ③ 350 Octavia Street  | ⑨ 949 Natoma  |
| ④ Brady Park   | ④ 1629 Market Street  | ⑩ Parcel K  |
| ⑤ 11th/Natoma Site   | ⑤ 10 South Van Ness   | ⑪ Parcel L  |
|  | ⑥ 1500 Mission Street   | ⑫ 30 Van Ness Avenue  |

Source: Prevision Design (2017)

## ONE OAK PROJECT

2009.0159E

### (REVISED) FIGURE 4.E.5 FORESEEABLE PROJECTS

Note: Revised to present the current figure from the Prevision Design shadow study.

The PreVision Section 295 shadow report considers shadows from other projects in the vicinity of the proposed project that are considered by the Planning Department to be “reasonably foreseeable” and could also potentially shade the parks or open spaces affected by the proposed project. These projects are included in this report in order to determine the cumulative shadow impact that would result from these projects combined with the proposed project. The cumulative condition projects considered by this study include the following (with building heights noted):

- 455 Fell Street, approximately 50 feet
- 300 Octavia Street (Parcel M), approximately 55 feet
- 350 Octavia Street (Parcel N), approximately 55 feet
- 1629 Market Street, approximately 85 feet
- 10 South Van Ness Avenue, approximately 400 feet
- 1500 Mission Street, approximately 420 feet
- 30 Otis Street, approximately 283 feet
- 915 Minna, approximately 40 feet
- 949 Natoma, approximately 40 feet
- Parcel K (no active application) Site Massing, 59 feet
- Parcel L (no active application) Site Massing, 59 feet
- 30 Van Ness Avenue (no active application), 420 feet

**Table 4.E.2: Patricia’s Green Shadow Summary, Existing-plus-Project-plus-Freeway Parcel Projects Cumulative**, quantifies the relative contribution of existing shadow, project shadow, and foreseeable Freeway Parcel shadow to total park shadow. As shown in the table, existing shadow coverage of the park is ~~14,779,907~~ 12,034,236 sfh, which comprises ~~21.20~~ 18.06 percent of the total annual available sunlight on Patricia’s Green. The proposed project would add ~~136,972~~ 148,200 sfh of new shadow over the course of a year, comprising ~~0.20~~ 0.22 percent of the total theoretical sunlight on Patricia’s Green. Shadow from ~~the Freeway Parcels development~~ cumulative projects would cause new shadow on the park that would total ~~7,530,207~~ 10,814,758 sfh of additional new shadow, comprising ~~10.80~~ 16.24 percent of the total annual available sunlight on Patricia’s Green.

**(Revised) Table 4.E.2: Patricia's Green Shadow Summary, Existing-plus-Project-plus-Freeway Parcel Projects Cumulative**

Shadow Scenarios	Shadow (sfh)	Percent of Available Sunlight
Existing Shadow	14,779,907 <u>12,034,236</u>	21.2% <u>18.06%</u>
Proposed Project	136,972 <u>148,200</u>	0.2% <u>0.22%</u>
Freeway Parcel	-7,530,207 <u>10,814,758</u>	10.8% <u>16.24%</u>
<u>Cumulative Projects</u>		
<b>Total Shadow</b>	<b>22,447,086 <u>22,997,194</u></b>	<b>32.2% <u>34.52%</u></b>

Note: sfh – square foot hours

Source: ESA Prevision

Total shadow on Patricia's Green, including existing, proposed project, and Freeway Parcel cumulative projects, would amount to 22,447,086 22,997,194 sfh, comprising 32.20 34.52 percent of the total available sunlight on Patricia's Green. Due to the close proximity of the Freeway Parcels to Patricia's Green (in particular, Parcels K and L immediately to the east of the park), substantial shadow from these projects would remain on the park through mid-morning throughout the year, to be replaced by afternoon shade from existing buildings and from development of Freeway Parcel O southwest of the park.

Under cumulative conditions, shadow from the proposed project would amount to 0.22 percent of the total sunlight on Patricia's Green, compared to 16.46 percent of the total available sunlight shaded by cumulative projects (in particular, with the addition of buildings within the adjacent Freeway Parcels). Note, however, that all project shadow on Patricia's Green throughout the day and year would be entirely subsumed by shadow from the foreseeable development of the Freeway Parcels to their allowable height and massing, particularly those parcels along the east side of Octavia Street. At no time would the proposed project create shadow on Patricia's Green that extends beyond the shadow from the Freeway Parcels developments.

#### Foreseeable 400 Foot Tall Projects in the Vicinity of the Proposed Project

The *Market and Octavia Area Plan* established height districts for parcels in the immediate vicinity of the Market Street and Van Ness Avenue intersection with building height limits of 400 feet. A building 400 feet in height on these parcels would be tall enough to cast a shadow that could reach Patricia's Green between the hours of one hour after sunrise and one hour before sunset. As with the proposed project, shadow from a 400-foot tall building at this intersection could reach the park only in the early morning. At certain times of the year, as with the proposed project, shadow from a 400-foot tall building in the vicinity of the project site could cast a shadow up to a half mile and reach Patricia's Green one hour after sunrise. Some shadow from these buildings that would otherwise reach Patricia's Green would be intercepted by existing lower intervening buildings. There are three such buildings currently under review or reasonably likely to be in the foreseeable future. The locations of these project sites are shown on

**Figure 4.E.5** on p. 4.E.23.

- 30 Van Ness Avenue is a design concept. The building modeled is assumed to have one 400-foot tall tower that would be located at a distance of approximately 1,450 feet from the southeast corner of Patricia's Green. At that distance, shadow from the

400-foot tower would reach beyond the park. Depending upon the shape and placement of the tower on the site, nearby buildings that include high-rise towers, such as 1455 Market Street and 10th and Market Street, could block a substantial fraction of the sunlight that would cross the 30 Van Ness Avenue site and be directed toward the park. If not intercepted by existing buildings closer to the Patricia's Green, some shadow from the 30 Van Ness Avenue project may reach the park within the first hour after one hour after sunrise, for less than 15 minutes a day over several weeks in September. The shadows from the 30 Van Ness Avenue project might reach Patricia's Green on the same dates as the One Oak project shadows, although the two shadows would fall at different times of day and on different parts of the park.

- 10 South Van Ness Avenue is a conceptual design. The project proposes two 400-foot-tall towers that could be located at distances of approximately 1,400 feet to 1,600 feet from the southeast corner of Patricia's Green. At those distances, shadow from both 400-foot towers would reach well onto the park. The shadow from the towers could reach the park within the first hour after one hour after sunrise, for less than an hour a day over eight or more weeks in October and November. The shadows from the 10 South Van Ness project could reach Patricia's Green on the same October dates and times as the One Oak project shadows, although the two shadows would fall on different parts of the park. Given the design uncertainties, a precise single estimate of shadow coverage is not possible. The shadow coverage of the current design likely could range into the hundreds of thousands of square-foot hours, especially because there would be two towers casting shadow. However, project shadow coverage could vary widely in response to modest changes in the height, orientation, location, or shapes of the project towers.
- 1500 Mission Street would have one high-rise tower with a height of 250 feet and one with a height of 400 feet. The project would be approximately 1,800 feet from the southeast corner of Patricia's Green. At that distance, shadow from the 250-foot tower would not reach the park, but shadow from the 400-foot tower would, for much less than a half hour a day during the first hour after one hour after sunrise, over an interval of four weeks from late October through mid-November. Shadows from the 1500 Mission Street project could reach Patricia's Green on the same date in October, but not at the same time, as the One Oak project shadows.

For each of the three 400-foot-tall projects above, digital models were obtained of the towers and their potential to reach the park at any of the defined sun-sampling times. These were then tested in the context of existing intervening buildings that could block new project shadow from reaching the building, or from reaching the park. However, as these projects are still in conceptual stages of design, their shadow impacts were not quantified. For these reasons, the estimated values of shadow coverage are not incorporated into the spreadsheets and the summary information. Rather, the potential shadow coverage is discussed qualitatively for each of these projects that could produce new shadow on the park. Since these projects were modeled as potential massing volumes without design refinements, they represent a worst-case scenario for cumulative shadow.

- \* Additionally, the last paragraph on EIR p. 4.E.27 has been revised, as follows (new text is underlined and deletions are shown in strikethrough):

However, the proposed project's incremental shadow effect on Patricia's Green, when viewed in the context of past projects, current projects, and probable future projects, would not be cumulatively considerable. As shown above in **Table 4.E.2**, shadow from the proposed project would comprise ~~0.20~~ 0.22 percent of the annual available sunlight resource of the park. Together, shadow from existing projects (~~14,779,907 gsf~~ 12,034,236 sfh), the proposed project (~~136,972~~ 148,200 sfh), and the Freeway-Pareel cumulative projects (~~7,530,207 gsf~~ 10,814,758 sfh) would total ~~22,447,086~~ 22,997,194 sfh. As a portion of the total shadow on Patricia's Green, the proposed project's contribution to this cumulative total would comprise ~~0.64~~ 0.64 percent. The incremental effect of the proposed project would not be cumulatively considerable in relation to total shadow resulting from past, present, and foreseeable projects.

## CHAPTER 6, ALTERNATIVES

- \* The following revisions have been made to Table 6.1: Comparison of Characteristics and Significant Impacts of the Proposed Project to the Alternatives, p. 6.2 (new text is underlined and deletions are shown in ~~strikethrough~~):

**(Revised) Table 6.1: Comparison of Characteristics and Significant Impacts of the Proposed Project to the Alternatives [Excerpt]**

	Proposed Project	Alternative A: No Project (Existing Conditions)	Alternative B: Podium-only
<b>Parking and Loading</b>			
Surface Parking Spaces (Vehicles)	None	<del>30</del> <u>47</u>	None
Residential Spaces	<del>155</del> <u>136</u>	None	59
Carshare Spaces	2	None	2
Off-Street Truck Loading Spaces	1	None	1
Service Vehicle Loading Spaces	2	None	2

- \* The last sentence of the first paragraph under "Description" on p. 6.4 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The existing ~~30-car~~ surface parking lot accommodating 47 vehicles at the central portion of the project site would also remain in place.

- \* The following revisions have been made to the first sentence of the last paragraph on p. 6.4 (new text is underlined and deletions are shown in ~~strikethrough~~):

Under the No Project Alternative, the proposed 310-unit, 40-story, 400-foot-tall (plus a 20-foot-tall parapet), 499,580-gross-square-foot residential building, which would include 4,025 gsf of ground-floor retail/restaurant space and an approximately 60,090-gsf subsurface parking garage with ~~155~~ 136 spaces for residents, would not be constructed.

- \* The third sentence of the paragraph under "Transportation and Circulation" on p. 6.5 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The existing ~~30-space~~ surface parking lot accommodating 47 vehicles in the central portion of the project site would continue to operate and would continue to be accessed from a curb cut along Oak Street.

- \* The sixth sentence of the paragraph under “Building and Use Program” on p. 6.8 has been revised, as follows (new text is underlined and deletions are shown in ~~strikethrough~~):

The alternative would provide 59 residential parking spaces, as compared to ~~155~~ 136 spaces with the proposed project.

- \* The third sentence of the first paragraph under “Loading Impacts” on p. 6.13 has been revised, as follows (deletions are shown in ~~strikethrough~~):

Similar to the proposed project or its variant, trucks serving the project site would be able to use ~~the existing on-street recessed commercial loading bay on Market Street and the~~ planned on-street commercial loading space to the west of the project site for the 1546 Market Street building.

- \* The following revisions have been made to Table 6.3: Comparison of Vehicle Parking Supply and Demand, Proposed Project and Podium-only Alternative, on p. 6.14 (new text is underlined and deletions are shown in ~~strikethrough~~):

**(Revised) Table 6.3: Comparison of Vehicle Parking Supply and Demand, Proposed Project and Podium-only Alternative**

Project/Alternative and Period	Supply	Demand	(Shortfall)/Surplus
<b>Midday</b>			
Proposed Project	<del>155</del> <u>136</u>	334	( <del>179</del> <u>198</u> )
Podium-only Alternative	59	134	(75)
<b>Overnight</b>			
Proposed Project	<del>155</del> <u>136</u>	402	( <del>247</del> <u>266</u> )
Podium-only Alternative	59	150	(91)

Source: SF Guidelines 2002, LCW Consulting, 2016

- \* The last sentence of the paragraph under “Shadow” on pp. 6.16-6.17, part of the Podium-only Alternative discussion, has been revised, as follows:

Shadow under this alternative would not reach Patricia’s Green, or Page and Laguna Mini Park, ~~or Koshland Park~~ during the times of day covered under Planning Code Section 295.

**ATTACHMENT A: PUBLIC HEARING TRANSCRIPT COMMENTS**

**In The Matter Of:**  
*S.F. PLANNING COMMISSION*  
*1500-1540 MARKET/OAK*

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*PROJECT*  
*January 5, 2017*

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*CLARK REPORTING & VIDEO CONFERENCING*  
*2140 SHATTUCK AVE. STE. 405*  
*BERKELEY, CA 94704*  
*510.486.0700*

SAN FRANCISCO PLANNING COMMISSION MEETING

---o0o---

REVIEW OF DRAFT EIR FOR 1500-1540 MARKET STREET

ONE OAK

Thursday, January 5, 2017

12:00p.m.

---o0o---

TRANSCRIPT OF PROCEEDINGS

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CLARK REPORTING & VIDEO CONFERENCING

2140 SHATTUCK AVENUE, SUITE 407

BERKELEY, CA 94704

(510) 486-0700

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COMMISSIONERS IN ATTENDANCE:

- RODNEY FONG, Commission President
- DENNIS RICHARDS, Commission Vice-President
- JOEL KOPPEL, Commissioner
- MYRNA MELGAR, Commissioner
- KATHERIN MOORE, Commissioner

## PROJECT

3

1           CLERK: Commissioners, that will place  
2 us on Item 8 for Case No. 2009.0160 E, at 1550 through  
3 1540 Market Street, also known as One Oak Street. This  
4 is also a Draft Environmental Impact Report. Please  
5 note that written comments will be accepted at the  
6 planning department until 5:00 P.M. on January 10th,  
7 2017.

8           MICHAEL JACINTO: Good afternoon, and Happy New  
9 Years, Commissioners. I'm Michael Jacinto, Planning  
10 Staff. The purpose of today's hearing is to take public  
11 comment on the adequacy, accuracy and completeness of  
12 the Draft Environmental Impact Report for the proposed  
13 project at 1500 1540 Market Street also referred to as  
14 the One Oak Street project. No commission approval  
15 action is requested at this time.

16           The project site is located at the intersection  
17 of Market and Oak Streets at Van Ness Avenue in the  
18 southwest portion of the City's downtown Civic Center  
19 neighborhoods. As described in the Draft EIR, the  
20 proposal entails demolition of a surface parking lot,  
21 demolition of the existing 1500 Market Street Building  
22 containing commercial retail use, otherwise also known  
23 as All Star Donuts, as well as the demolition of the  
24 1540 Market Street Building that accommodates office  
25 space.

## PROJECT

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1           The proposed project includes construction of  
2 a 400-foot tall, 40-story residential tower with ground  
3 floor commercial space, 310 residential units, a  
4 subterranean garage with 155 parking spaces, off-street  
5 loading, and resident bicycle parking in the building's  
6 mezzanine.

7           Immediately adjacent to the site, within the  
8 Oak Street right-of-way, the project would develop a  
9 publicly accessible plaza that would include seating,  
10 planters, and installation of wind canopies that have  
11 been designed to reduce pedestrian level winds near the  
12 project site.

13           Commissioners, the Planning Department  
14 conducted an Initial Study in 2015 to determine whether  
15 the proposed project may result in significant affects  
16 on the environment. Based on the Initial Study's  
17 findings, the Planning Department prepared this EIR that  
18 studies, in depth, the topics of traffic and  
19 circulation, wind shadow, and cumulative impacts. The  
20 EIR finds one significant impact related to the  
21 cumulative construction traffic that may not be reduced  
22 to a level of insignificance even with the mitigation  
23 measures implemented during the project construction  
24 phase.

25           The Planning Department published this draft

PROJECT

5

1 EIR on November 16th, 2016. It has a 55-day public  
2 review period that ends on January 10th, 2017. For  
3 those who are interested in commenting on the Draft EIR  
4 in writing, comment letters should be addressed to the  
5 environmental review officer and sent to 1650 Mission  
6 Street, Suite 400, San Francisco by 5:00 p.m. on  
7 January 10th.

8 Members of the public who intend to comment at  
9 this hearing today, please state your name for the  
10 record and address your comments to the adequacy and  
11 completeness of the EIR. Comments on the merits of the  
12 project can be made at the time the proposed project  
13 is presented to the Commission for approval of its  
14 entitlements.

15 All comments will be transcribed and responded  
16 to in a Response to Comments document. When this has  
17 been completed, the Planning Department will provide  
18 copies of the Response to Comments document to those  
19 who have commented on the Draft EIR. We will then  
20 return to this Commission to request certification of  
21 the Draft -- the EIR.

22 Commissioners, this concludes my  
23 presentation. If you have any questions, I'm  
24 available. Thank you.

25 PRESIDENT FONG: Thank you. So opening up to

PROJECT

1 public comment, a number of speaker cards.  
2 Gail Baugh, Tom Radulovich, and Jim Warshell.

3 GAIL BAUGH: Hi. My name is Gail Baugh, and  
4 I'm President of the Hayes Valley Neighborhood  
5 Association. I'm one of several speakers from HVNA,  
6 and I will devote my time to the issue of below market  
7 rate housing in the Draft EIR. To reaffirm our letter  
8 now in your hands, this project does not include any BMR  
9 units; instead, moving those units to one of the parcels  
10 on Octavia Boulevard without any language to guarantee  
11 that those BMR units will be built. In addition, the  
12 proposed BMRs on Octavia Boulevard, which may be --  
13 including the transitional age youth complex on  
14 Parcel U, yet the BMR's proposed may not be in kind, as  
15 per the housing required by the Market/Octavia Plan for  
16 family housing as well as single persons.

O-HVNA-  
Baugh

1  
(PH-1)

17 Kindly consider carefully to require specific  
18 BMR units for the One Oak site, as there is no guarantee  
19 that similar BMR units will be included in another  
20 development. 38 Dolores, built by Prado Developers,  
21 promised BMRs on site, only to pay the fee instead after  
22 the project was entitled. So far, no affordable housing  
23 has been built within the area as a result of the  
24 in lieu fee payment.

25 Also note that developers are selling entitled

PROJECT

1 properties to other developers. We've experienced these  
2 new developers changing entitled properties without  
3 community engagement -- 555 Fulton Street, Avalon Bay's  
4 development which Build Inc. Sold to Avalon Bay, and  
5 that closed street level retail on Laguna and Oak, and  
6 we're still awaiting other retail on Oak at Octavia.

1  
(PH-1)  
cont'd

7 In a successful development at the UC Regents  
8 Campus at 55 Laguna, we devoted ten years in  
9 collaboration with different developers and numerous  
10 agencies for the new apartment complex that also  
11 includes on-site BMRs, community gardens, the new  
12 Haight Street Art Center, and a new Waller Street  
13 walkway.

14 HVNA's participation in this EIR process and  
15 future entitlement for the One Oak Street development is  
16 to embrace this development with BMRs on site, with the  
17 outcome that provides a livable neighborhood for the  
18 project residents, as well as those who already live,  
19 work, and pass through this area. Thank you.

20 CLERK: I'll take this opportunity to  
21 remind members of the public that the public comment  
22 period for this item is for the accuracy and adequacy  
23 of the Environmental Impact Report, not necessarily the  
24 project itself.

25 TOM RADULOVICH: Noted. Tom Radulovich, with

## PROJECT

8

1 Livable City. / I'm here to talk about the adequacy and  
2 the completeness of the EIR/EIS for this project. This  
3 project is in an area called The Hub. The Hub is the  
4 intersection of Van Ness and Market.

5 If you look at all of the proposed projects  
6 that are either under construction now or proposed for  
7 building, the amount of development in this area will  
8 increase several fold. We'll have many, many more  
9 residents living here; we'll have many, many more  
10 offices there. It's also a very important place in the  
11 City's transportation network. Market Street's perhaps  
12 the most important transit street in the City. It's  
13 certainly one of the most important, if not the most  
14 important pedestrian streets and cycling streets.

15 Van Ness is also a very important transit  
16 street. If you work or live in the area as I do,  
17 you'll know that there's not a lot of room on the  
18 streets for more cars. So as we look at developing this  
19 area, we really need to add net zero new automobile  
20 trips for two reasons.

21 One, it's already too congested. Two, in order  
22 to do the things that we need to do to make the area  
23 safer for walking and for cycling and to move transit  
24 vehicles through this area and accommodate ever larger  
25 numbers of people who need to more by those sustainable

O-LC1  
1  
(TR-9)  
cont'd

PROJECT

1 modes, we might end up with less road space. Better  
2 Market Street would close -- reduce the automobile  
3 capacity on Market and the Van Ness BRT project is  
4 already reducing the automobile capacity on Van Ness  
5 Avenue.

1  
(TR-9)  
cont'd

6 So you have tools in your toolbox available to  
7 you. You can use current knowledge. You can use  
8 research that this department has done to make this  
9 project the best it can be. It's a smart place to put  
10 development, but that development can not then destroy  
11 the very assets, that transportation richness that is  
12 the reason for developing in that area in the first  
13 place.

14 So one of the take-aways from all the TDM  
15 research is adding more parking to your project  
16 increases automobile trips. The most potent tool in  
17 your toolbox for managing transportation demand,  
18 according to your own research, is reduced parking. So  
19 therefore this EIR/EIS should include a zero parking  
20 alternative. Zero parking alternative will do two  
21 things.

22 One, it will reduce the number of automobile  
23 trips coming into the area. The second thing it does is  
24 it reduces the number of conflicts created by  
25 automobile circulation. So cars coming into or out of

PROJECT

1 a parking garage, all of those right turns, all of those  
2 maneuvers we do every time we have a right turn and it  
3 endangers pedestrians and cyclists. So all of those  
4 automobile movements actually have a big impact on the  
5 movement, safe movement of transportation, walking,  
6 cycling, and transit.

1  
(TR-9)  
cont'd

7 So this project's asked for .5. That's double  
8 the amount of as of right. They should get no more than  
9 the as of right and a zero parking alternative should  
10 be studied. Now, we say this with every EIR/EIS that  
11 comes up, you know in areas where no parking is,  
12 required, and where no parking is actually desirable.

13 You need to study that alternative in your EIR.  
14 If you don't, your EIR is not adequate. You can't look  
15 at those different alternatives and say which one is the  
16 best for walking, cycling, transit if you only analyze  
17 one and the one you analyze isn't even conforming. So  
18 those alternatives need to be added to this one, and as  
19 of right and a zero parking alternative for it to be  
20 complete. Thank you.

21 JIM WARSHELL: Hello. My name is Jim Warshell,  
22 and I'm also with Hayes Valley Neighborhood Association.  
23 And most of my comments have now been made redundant,  
24 based on Commissioner Richard's excellent presentation  
25 earlier. If any of you don't have the article, I have a

O-HVNA-  
Warshell  
1  
(TR-8)

## 2017 AND BEYOND

## TRANSPORTATION

# Don't build parking garages — they won't be necessary

By Edward Church

City leaders in Des Moines, Iowa, are among leaders in several cities across the nation that are rethinking the future of parking downtown. "They're saying, 'Don't build parking lots, don't build garages, you aren't going to need them,'" said Councilman Skip Moore, citing city planners at national conferences across the country. And Altamonte Springs, Fla., solves its "last mile" problem, connecting popular destinations with public transit, by subsidizing Uber rides. It's cheaper than building more parking garages.

The costs are even higher in the Bay Area, where we could be housing people instead of housing cars. As urban planner Donald Shoup writes in his now-classic book, "The High Cost of Free Parking," parking spaces in San Francisco cost more than \$34,000 each to build (in 2011), and take up 330 square feet of space. That is about the space needed for an apartment micro-unit. In the housing-starved Bay Area, that trade-off should be made explicit.

Parking standards are also under review in the planning bible that determines what will be built by real-estate developers in our state, the California Environmental Quality Act. CEQA assumes a predictable increase in car use when buildings go up, but the debate rages on around how much parking is adequate.

Those assumptions need to be completely re-thought in state and local discussions.

Three significant pressures are align-

ing that should give pause to investors in automobile parking garages. Garages are typically financed on a 30-year payback, either by cities or private investors. But they could find themselves holding the un-payable backend of a 30-year note, when folks stop driving within the next 15 years.

**The first pressure**, already evident, is from Millennials, who are simply not interested in driving. In part, this is based in the embracing of social media connectivity that makes connectivity via car unnecessary or burdensome. With fewer driver's licenses and auto purchases among young adults comes decreased need for that parking garage space.

**The second pressure** is the technological advancement toward autonomous vehicles. As these vehicles are converted into "robot taxis," which can be hailed with a tap on a cell phone app, the need for ownership of person-

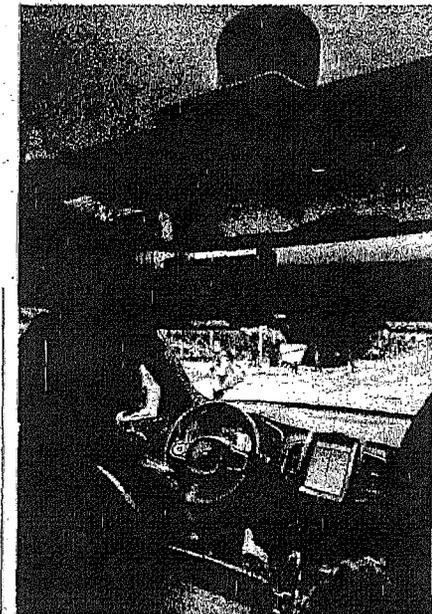
al cars will decline, taking with it the need for parking.

Automated mobility services could capture two-thirds of the entire U.S. mobility market by 2030. And given that currently private cars may need as many as four spaces, for the combined destinations involving home, work and shopping, the entire market for parking garages will take a drastic hit. The Smart Cities Council argues that current thinking by cities on the impact of autonomous cars does not take parking into account.

**The third pressure** has to do with what must happen, as the first pressure has to do with what people want, and the second with what is emerging. Every expert on climate change agrees that to avoid global meltdown we have to drastically reduce the use of fossil fuels. That is, we have to stop using gasoline-powered cars.

So, within the next 15 years, there will be more reliance on transport by foot, bicycle and public transit. There will be more on-demand autonomous electric vehicles, which will circulate among users and spend relatively little time parked. Consequently, the demand for public parking garages will plummet.

The least that cities and real estate developers should do if they feel they need to build parking garages would be



Santiago Mejia / The Chronicle 2016

**The adoption of autonomous vehicles will reduce personal car ownership and the need for parking garages.**

to design structures that can be easily converted into commercial, residential or other uses.

But the better advice is: Don't build them, because they won't be needed. And adopt local regulations that require justifying new parking, especially in cities served by transit. Otherwise, we all will be stuck with the bill.

*Edward Church is the executive director of the nonprofit Institute for Environmental Entrepreneurship in Berkeley. church@enviroinstitute.org A version of this commentary was published in GreenBiz.com. To comment, submit your letter to the editor at <http://bit.ly/SFChronicleletters>.*

PROJECT

1 copy of it for you that he referenced, and  
2 Mr. Radulovich's statements which make many of the  
3 points as to the adequacy of this EIR that I had  
4 intended on making.

1  
(TR-8)  
cont'd

5 Not exploring zero parking is something that  
6 makes this inadequate, especially since this is the  
7 flagship first major development of The Hub where 1,682  
8 additional parking spaces are now estimated to be in  
9 this general area. As we all know, it's one of the most  
10 traffic-choked areas in the City. And not exploring  
11 that option is faulty in the EIR, let's say. Not to  
12 have challenged the .5 request when no compelling  
13 reason to justify, doubling from the entitled .25 is  
14 further an error in the EIR that needs to be rectified.  
15 And that basically covers most of my points.

16 This is, you know, the densest, most transit-  
17 rich environment in the City. The Hub is supposed to be  
18 evaluating comprehensive impacts of the entirety of  
19 the development, but this EIR for One Oak is setting  
20 the worst possible example, requesting .5, ignoring the  
21 .25 as of right, and not even considering the zero  
22 option.

23 There is a very famous saying, "If not now,  
24 when?" You could sort of amend that, "If not here,  
25 where?" We should be looking at zero very, very

PROJECT

1 seriously.

2 It's interesting, there was a very  
3 interesting broadcast by the sponsors of Park Merced  
4 talking about their incentives to people to not own  
5 cars, and over 90 percent of people offered the  
6 incentives took them. If that can work in Park Merced,  
7 which is a much more car-dependent, limited, transit  
8 area, then we should be certainly looking at it very,  
9 very aggressively here.

10 Thank you, again, Commissioner Richards, and I  
11 appreciate all of your considerations on this.

12 MOE JAMIL: Good afternoon, Commissioners.  
13 Happy New Year. Moe Jamil, Middle Polk Neighborhood  
14 Association. We submitted a letter last night standing  
15 with Hayes Valley on this issue as a fellow of Van Ness  
16 Corridor Neighborhood Association. You know, in  
17 interest of your long agenda, I will keep my comments  
18 brief.

19 I essentially agree with the other public  
20 commenters here. Also, I made a note in our letter of  
21 some -- you know, what we think is easy fixes by the  
22 project sponsor on this, things like additional  
23 mitigation for shadows, maybe, perhaps, additional  
24 affordable housing, some other types of community  
25 benefits. And we think that that's really the high road

1  
(TR-8)  
cont'd

O-MPNA2

1  
(GE-2)

PROJECT

1 to take here.

2 I think that the department did a great job of  
3 what was presented to them by the sponsor, so perhaps  
4 changing what is presented to them can kind of fix all  
5 this. And I think that's the easy way, rather than  
6 having long delays and enforcing the department to do  
7 all this additional work, where, really, just meet the  
8 community where the community is. And we're not -- not  
9 trying to, you know, stop an entire project. Actually,  
10 we say it's a great idea, but here are some small  
11 tweaks to it to make it even better. So that I'd  
12 submit. Thank you.

1  
(GE-2)  
cont'd

13 PRESIDENT FONG: Is there any other public  
14 comment?

15 BOB ANDERSON: Hi. My name is Bob Anderson.  
16 I'm with the Hayes Valley Neighborhood Association. I  
17 also am a resident of 77 Van Ness, which is right about  
18 50 yards away from the development and right in the  
19 middle of The Hub and near Market and Van Ness. I do  
20 have some letters, if I could give to the Commissioners,  
21 so they have an understanding of what it is we're  
22 talking about here.

O-HVNA-Anderson

23 I am here to talk about something that I think  
24 was omitted from the DEIR, and that is a study of  
25 wind on bicycling. I have some questions that were not

1  
(WI-2)

PROJECT

1 addressed in the DEIR. Basically, what is the effect of  
2 wind on the bicycle, on bicycles in general? There is  
3 an estimated 1,400 cyclists that travel through Market  
4 and Van Ness on a daily basis of peak hours, Monday  
5 through Friday.

1  
(WI-2)  
cont'd

6 You know, my question is what happens when  
7 people are going through the intersection? Where does  
8 the wind go once it bounces off the buildings? None of  
9 this has been studied or represented in the DEIR. Will  
10 the winds be deflected onto Market Street? There's a  
11 major lane there, as I said, and is the wind going to  
12 now hit the cyclists as they're coming through?

13 I think that, you know, Market and Van Ness is  
14 one of the windiest areas in the City. The effect of  
15 the winds on cyclists is not really understood by  
16 the City. And the goal of the City is to increase the  
17 San Francisco Bay, making it safer and more accessible  
18 for more residents to cycle in San Francisco.

19 The Market and Octavia Plan, the Better  
20 Neighborhoods Plan and The Better Market Street Plan  
21 and the SFMTA strategic vision is to increase cycling  
22 within San Francisco, especially, on Market Street. The  
23 DEIR has no discussion of wind mitigation for cyclists,  
24 So, in my estimation, it's a real omission from the DEIR  
25 itself, which renders it inadequate in that area.

PROJECT

1           In Danville, California, cyclists were ignored  
2 on an EIR examining housing development. The EIR was  
3 challenged, and the decision was directed towards  
4 bicyclists, that they must be included in the plan. And  
5 I would ask that that be true for this area as well.

1  
(WI-2)  
cont'd

6           For myself, as a resident in the area and also  
7 a cyclist, I have commuted in the City for over 20 years  
8 and have done a lot of long distance cycling and  
9 cross-country trips, I know what wind can do to people  
10 when they're trying to cycle on a bicycle. It can  
11 really stop them from wanting to do it if the wind is  
12 too strong. And it is also very dangerous, given the  
13 amount of traffic and the congestion. And as a person  
14 that lives on Van Ness, it is congested constantly.  
15 Thank you very much.

16           PRESIDENT FONG: Next public comment speaker.  
17 I'm sorry, there's -- come on up.

18           There's another speaker card. Jiro Yamamoto.

19           TESS WELBORN: Hello. My name is Tess Welborn.  
20 And belated welcome to the new Commissioners. Thank you  
21 for being with us. / I'm also with the Hayes Valley  
22 Neighborhood Association and wish to follow up on some  
23 of the points about the below market rate housing.

O-HVNA-Welborn

1  
(PH-1)

24           There's no guarantee that below market rate  
25 housing would be built in the vicinity of this project.

PROJECT

1 And when the Market/Octavia Plan was produced many years ago, many of us were around and participated in it. The idea was that we were allowing many new market rate housing units to be built in the Market/Octavia area with lower and moderate income housing too.

2  
3  
4  
5  
6 So we feel very strongly that below market rate housing must be attached to this project and the consideration must be included in this DEIR. There's no guarantee right now that any affordable housing would be built in this plan area in the current DEIR.

7  
8  
9  
10  
11 And a vague plan to put in 72 units on three tiny parcels over where the freeway was doesn't guarantee -- well, first, it doesn't obviously guarantee any units, but it doesn't guarantee that the units will be of comparable size and condition to the One Oak project.

12  
13  
14  
15  
16  
17 Besides that -- so obviously a full discussion of any below market rate units should be included in this EIR. This also does not include any discussion about the gentrification and displacement. It doesn't include any discussion about where connecting the City's Nexus Study which shows that -- the BMR impact of market rate housing. So what -- what Nexus Study are they using? Are they using -- I mean, which percentages? Are they using the 12 percent on-site and

1  
(PH-1)  
cont'd

PROJECT

1 the 20 percent off-site, or are they using the Prop C  
2 25 percent on-site or 33 percent off-site?

1  
(PH-1)  
cont'd

3 These defects have to be fixed to get this EIR  
4 to be comprehensive. We need to know what size the BMR  
5 units would be, make sure that they're comparable to the  
6 One Oak unit sizes, and also reflect the Market/Octavia  
7 unit sizes and mix.

8 Please take these comments and get -- and  
9 request that the EIR be re -- fixed. Thank you.

10 JIRO YAMAMOTO: Good afternoon, Commissioners.

I-Yamamoto  
1  
(WI-2)

11 My name is Jiro Yamamoto. I'm speaking on behalf of  
12 myself. I'm concerned about the EIR and the impact of  
13 wind blast on single track vehicles, primarily  
14 bicyclists, but, however, scooters as well and motor-  
15 cyclists.

16 As you probably know from your own experiences  
17 riding a bicycle, should you be pushed from the side by  
18 a blast of wind, you'll veer. And considering the  
19 amount traffic in that area, it could easily lead to a  
20 crash. So I think that was not particularly examined in  
21 the EIR.

22 I'm also concerned about the loading zone.  
23 This is west of Van Ness, and that area is where the  
24 main bike lane is for people riding from downtown  
25 through the western part of the City. And, of course,

2  
(TR-5)

PROJECT

18

1 with vision zero, the intent is to decrease the number  
2 of injuries and fatalities, and with the increase in the  
3 amount of automobiles emanating from that building and  
4 using that as a loading zone, one might imagine for  
5 people using cabs and other TNCs, that there will be  
6 significantly more traffic interactions with bicyclists,  
7 and that will lead to more injuries.

2  
(TR-5)  
cont'd

8 To get to vision zero, we got to do some  
9 changes. Increasing parking at that area would be a bad  
10 idea. Thank you.

3  
(TR-8)  
cont'd

11 JASON HENDERSON: We start the clock, all  
12 right. Good afternoon, Commissioners, and thank you for  
13 taking our comments. I'm going to speak to the  
14 inadequacy of this EIR. My name is Jason Henderson,  
15 from the Hayes Valley Neighborhood Association.

O-HVNA-  
Henderson  
1  
(TR-2)

16 So first of all, on the transportation impacts,  
17 we believe that there needs to be a deeper and thorough  
18 analysis of VMT. Even though you've selected a metric  
19 that lets you come in under the regional threshold of  
20 significance, we think that this project is such a  
21 unique location at a very high traffic intersection that  
22 you should dive deeper into -- even if the car trips are  
23 three miles per capita per day, if you look at the  
24 transportation study, you're generating hundreds of car  
25 trips from this development at a very constrained

PROJECT

1 intersection. So even if those car trips are short,  
2 they're causing problems. They're interacting with  
3 pedestrians, with cyclists; they're slowing down  
4 transit. So this needs a deeper analysis.

1  
(TR-2)  
cont'd

5 The bicycle impacts are a glaring omission from  
6 this document. And we're supposed to be a city that is  
7 encouraging a higher mode split. The SFMTA is targeting  
8 about 9 percent by 2018 with a longer term goal of  
9 20 percent at some point. You're not going to get that  
10 if you're not discussing the livability and the hazard  
11 conditions towards cyclists.

12 So on two points, the wind study, which was  
13 thorough on pedestrians and on the impacts at bus stops,  
14 doesn't mention bicycling at all. And that's -- you got  
15 to go back and understand the physics and how turbulent  
16 winds affect bicycling.

2  
(WI-2)

17 The other issue is that loading zone. That  
18 loading zone is, I think, mischaracterized. We're  
19 talking about the one on Market Street. It's  
20 characterized as an existing condition, but the reality  
21 is it's a physical change of the built  
22 environment, because it's been, for ten years, not  
23 really used. Your own transportation report says "No  
24 trucks have been observed using that loading zone." So  
25 in the meantime, over the past decade, you've seen an

3  
(TR-5)

PROJECT

20

1 increase in cycling. So the incumbent cyclists are now  
2 going to have vehicles all day long crossing that bike  
3 lane. That is a change to the physical environment.  
4 That is a significant change.

3  
(TR-5)  
cont'd

5 The EIR ignores it. In fact, it even says,  
6 "Oh, well, we'll make it easier for the delivery  
7 vehicles by removing soft-hit posts." That's insane.  
8 Okay, so we got the bicycle impacts and we got the,  
9 loading -- the wind and the loading on bicycles.

10 The below market rate housing issue is also  
11 something very important to us, and I think it does  
12 speak to CEQA, or CEQA can speak to that. There is  
13 precedent. There is discussion in the City about the  
14 relationship between market rate housing, what demands  
15 it has on BMRs, and how that affects the built  
16 environment, how people might end up commuting longer  
17 distances and so on.

4  
(PH-1)

18 So really this needs to get a second look.  
19 It's not about the project itself; it's about the  
20 adequacy of the environmental study. And we hope that  
21 you agree, and we'd be happy to talk further about  
22 these comments.

5  
(GE-1)

23 Thank you. Have a good afternoon.

24 JEREMY POLLOCK: Good afternoon, Commissioners,  
25 Jeremy Pollock, Legislative Aide to Supervisor John

PROJECT

A-BOS-Avalos

1     Avalos. / Supervisor Avalos asked me to pass on a few  
2     comments. And I think it reiterated a lot of  
3     what's been said already. I think there's serious  
4     concerns about the parking in this project. I think  
5     this is such a crucial hub for the transportation  
6     system, I think we need to be very careful in analyzing  
7     every new parking space that goes in in this area.  
8     And I think the fact that this -- the EIR doesn't study  
9     a zero parking alternative is totally inadequate and  
10    needs to be reanalyzed.

1  
(TR-9)

11           And I think Supervisor Avalos also agrees with  
12    the concerns about the wind analysis. I think, you  
13    know, anyone who has biked around, you know, from  
14    City Hall here to Market Street on a summer  
15    afternoon knows that the wind is really disturbing in  
16    the afternoon coming down Polk Street, and especially  
17    up Market Street.

2  
(WI-2)

18           I think looking at the cumulative impacts  
19    that were projected from all the other development going  
20    on is also very concerning. The wind canopies are --  
21    it's encouraging to see that being considered, but how  
22    those affect the bike lane, I think, is not at all  
23    analyzed, and this EIR needs to be considered. And I  
24    think the -- looking at the cumulative bicycle  
25    impacts doesn't seem to adequately take into account

PROJECT

1 the better Market Street Plan.

2 And if we establish a fully separated  
3 bicycle track along the length of Market Street, we'll  
4 -- we should see a significant increase in bike traffic.  
5 Anyone biking westbound on Market during rush hour  
6 already knows that it's a very crowded bike lane  
7 already. And I think if we added additional crowding to  
8 that when you are in a constrained space of a separated  
9 raised cycle track and you have significant wind  
10 impacts, I think that definitely has some potential to  
11 create hazardous conditions, and this EIR does not  
12 study them. So I think that is all my points. Thank  
13 you.

14 PRESIDENT FONG: Is there any additional  
15 public comment?

16 JUDITH: Hello, my name is Judith, and I  
17 haven't had a chance to review the EIR yet, but I'm very  
18 familiar with the area. And I just have a few comments  
19 based on some previous studies of other documents.

20 One of the things is the construction,  
21 because this is such a congested area -- I guess my  
22 clock can start.

23 Because this is such a congested area and  
24 because I use transit and also drive on this area  
25 regularly and have noticed that there's been a lot

2  
(WI-2)  
cont'd

I-Judith

1  
(CO-1)

PROJECT

1 encroachment by construction projects on public right of  
2 ways -- and I think that because there is so much going  
3 on in this area, you should really limit all  
4 construction to the lot line and not allow them to push  
5 pedestrians into the street, to push bike lanes into car  
6 lanes and things like that.

1  
(CO-1)  
cont'd

7 So strict adherence to the lot line for any  
8 construction. This has not been to adhered to on Van  
9 Ness; this has not been adhered to on 9th. There's  
10 just too much encroachment on public right-of-way.

11 Also, I think that loading zones -- you know,  
12 regardless of the parking number, loading zones are  
13 really critical to maintain in terms of safety. There's  
14 so much loading, double space, and just illegal loading  
15 and unloading which really impedes bicycles, especially,  
16 and also normal transit and cars, which Van Ness, of  
17 course, is going to have the bike -- the bus lanes,  
18 special bus lanes.

2  
(TR-5)

19 I would also -- so I would move the loading  
20 zone to someplace, I guess, off Market. It sounds like  
21 Oak, maybe, and I would make sure that there is a  
22 loading zone. Sometimes loading zones are entitled, but  
23 then white zones are taken away because the pressure to  
24 put parking meters on those spaces and get revenue is  
25 just too tempting for the relevant agency.

PROJECT

1 I would suggest that you have the developer add  
2 city bike memberships in lieu of parking. That's a way  
3 to encourage more of the bike share, and that would be  
4 a great place to have a bike share. And if it was  
5 subsidized by the developer by providing free bike share  
6 memberships to their residents, that would be great.

2  
(TR-5)  
cont'd

7 I'd also love to see some public bathrooms. If  
8 they're not going to do any BMR on-site, that would be  
9 a great place and a great building to have some public  
10 bathrooms that pedestrians could use, that transit  
11 people could use, because we're not putting bathrooms  
12 underground anymore, and that really makes that area  
13 not that great for families to use. It would really --  
14 and we know that the City is doing some temporary  
15 bathrooms a few blocks away. That's an ongoing  
16 cost. It would be great to just have some public  
17 bathrooms available and provided by the building, as a  
18 lot of churches do in the City now. Thanks.

3  
(GE-2)

19 PRESIDENT FONG: Any additional public comment?  
20 Okay, not seeing any, public comment is closed.

21 And, Commissioner Moore.

22 COMMISSIONER MOORE: I'm very grateful to Hayes  
23 Valley Neighborhood Association to do such a thorough  
24 overview of issues that do come into mind when  
25 reading the Draft EIR. I'm in full support of the

A-CPC-Moore  
1  
(GE-1)

PROJECT

1 observations that have been shared, including the  
2 challenges that Mr. Radulovich posed in terms of auto  
3 capacity reduction and a number of other traffic  
4 related issues.

1  
(GE-1)  
cont'd

5 The one issue that was not mentioned by  
6 HVNA is the issue of concerns for shadow on  
7 Patricia's Green and Koshland Park. I, myself, am very  
8 concerned that as we are not increasing the number of  
9 neighborhood parks in these already congested  
10 neighborhoods, that the overlay of The Hub, which  
11 came much later than the Hayes Valley Market/  
12 Octavia Plan, creates additional pressure on this park  
13 which is really the one and foremost commuter  
14 gathering space.

2  
(SH-1)

15 So I would support a cautionary comment that  
16 the EIR is very cognizant of the effect on it. At this  
17 moment this particular park is not a protected park  
18 under Prop M -- Prop K, actually, and I would appreciate  
19 that there will be additional study on what that really  
20 means to this growing neighborhood.

21 Another point, although not as much EIR-  
22 related, but as my own concern, The Hub itself is an  
23 abstract concept which I would have liked to see studied  
24 in a programmatic EIR together with overriding policies  
25 and principals which look at the transformation at this

3  
(CU-1)

PROJECT

1 important point of the City. That has never occurred.

3  
(CU-1)  
cont'd

2 I've raised the same question when we very  
3 recently reviewed 1500 Mission Street, a project that  
4 will be part of The Hub, and other projects slightly  
5 to through the south and to the west, a shared vision on  
6 what that means in reducing automobile capacity,  
7 potentially even reconfiguring the geometries  
8 on Van Ness on one of the most unfortunate intersections  
9 in the City of San Francisco. Van Ness and Market is a  
10 missed opportunity to really have a hub that deals with  
11 exciting new building forms, but makes the street itself  
12 more important than the transit investment that we have  
13 put to intersect at that particular intersection.

14 I am still also not very clear about  
15 pedestrian circulation, increased safety for people who  
16 are using transit, who are crossing on bicycle, and on  
17 slower modes of moving across the intersection. The  
18 sidewalks in front of the project in question today are  
19 far too narrow to accommodate the increased pedestrian  
20 -- safe increased pedestrian movement, particularly if  
21 loading is not being moved to Oak Street, and,  
22 particularly, if we continue to not constructively  
23 address how we deal with the random unregulated  
24 patterns of Uber and Lyft regarding pickup and  
25 delivery of passengers.

4  
(TR-4)

PROJECT

1 All of that will have a direct impact here,  
2 particularly crossing over the dedicated bike lanes is  
3 something which is already enough of a threat, but it  
4 has not been put forward as a traffic measure, but  
5 which we're bringing it into the context of a discussion  
6 on EIR and protecting pedestrians, bicycles, et cetera.

5  
(TR-5)

7 Those would be my comments at the moment.  
8 Thank you.

9 PRESIDENT FONG: Commissioner Richards.

A-CPC-  
Richards

10 COMMISSIONER RICHARDS: So some of the  
11 commenters raised some issues, and I had to go back into  
12 the DEIR to see what the project sponsor's goals were  
13 for the project. And the last bullet is to provide  
14 adequate parking and vehicular unloading access  
15 to serve the needs of project residents and their  
16 visitors. I get that. Makes sense.

1  
(TR-9)

17 But when you're looking at it through the lens  
18 of what we're doing here to understand the study, it  
19 says that the EIR needs to be adequate, accurate, and  
20 objective, and need not be exhaustive, but the  
21 sufficiency of an EIR needs to be reviewed in light of  
22 what's reasonably feasible.

23 I think what's reasonably feasible is a no  
24 parking alternative, a conforming parking alternative at  
25 .25 as well as the project sponsor's .5. So I don't

PROJECT

1 think it's objective if we don't look at those other  
2 alternatives.

1  
(TR-9)  
cont'd

3           Some other things that came to mind here as  
4 well, I've had the occasion to be down at that  
5 intersection recently several times and I do understand  
6 that that loading zone is not used. So it's an existing  
7 condition because it's physically there, but it isn't  
8 being used. And I think that we need to understand if  
9 we actually reactivate it -- because there's nothing to  
10 unload to there right now. You can't -- the donut shop  
11 doesn't unload donuts. There's nothing there to unload.  
12 There's an empty lot. So if we were to reactivate that,  
13 what's it really going to have? What's the impact going  
14 to be specifically on cyclists?

2  
(TR-5)

15           I was at the Planning Department last night,  
16 and I had to drive my car, unfortunately, but it was  
17 late; I could park it in front. And when I went home in  
18 the dark, I tried to make a turn on Duboce from  
19 Valencia, and I have to tell you, at night, when  
20 there's bicyclists coming down Valencia and it's  
21 raining and you're trying to make a turn to understand  
22 where cars are coming at you, it's harrowing. You know,  
23 I almost hit a bicyclist making that right turn. So I  
24 project what I -- my experience last night into this  
25 intersection with that loading zone, not far from that



PROJECT

1 corner, on a rainy night, when it's dark, and I see the  
2 same kind of things happening. So I really think we  
3 need to look at the impact of bicyclists on that loading  
4 zone -- the loading zone on the impact of a cyclist.

2  
(TR-5)  
cont'd

5 I think the adequacy of the EIR as well needs  
6 to understand the changes in the retail landscape.  
7 Yesterday morning I had to go to a meeting, but what was  
8 in my driveway? An Amazon car delivering to the  
9 nextdoor neighbor. I didn't even know they delivered by  
10 car. I thought they just delivered by truck.

3  
(TR-6)

11 But, you know, so many things are happening  
12 that's overtaking our ability to understand them,  
13 changes in retail, on demand meals. When I go home  
14 tonight, I'm going to have Munchery, and they're going  
15 to deliver it to my house because I'm not going to  
16 cook. I'll probably take an Uber home.

17 So, I mean, all this stuff is happening, and  
18 I'm not sure we're really getting a real understanding  
19 of it as it pertains to this really sensitive site.  
20 With this many units and this many people and this  
21 demand, I'm really having to stretch, trying to  
22 understand how we're going to accommodate it.

23 The other issue, the one that we had on -- I  
24 think it was 91st Street, the loading and unloading of  
25 people moving in and out needs to be considered, that

## PROJECT

30

1 maybe it's not an EIR thing; I think it's a  
2 project-specific thing, but I'll go out on a limb here.  
3 Without an ability to have people drive their U-Haul van  
4 in, unload it, put it in an elevator, get it up to their  
5 unit on Floor 30, to have them down on the street  
6 carrying stuff in, lamps and stuff, you know, from the  
7 street in and trying to get it through the lobby or some  
8 other way, just really doesn't make much sense. So I  
9 know there's a big loading area there, but I'm assuming  
10 that that's really more for bigger trucks. But we'll  
11 have to see. So I think that's -- that's an issue.

12 I think we need to be creative around all these  
13 things I mentioned about where the world is going as  
14 it pertains to this project and other projects in the,  
15 neighborhood, and get really creative, because maybe the  
16 model of having the delivery happen right at your site  
17 no longer works.

18 The post office uses rhino boxes where they'll  
19 deliver it to a rhino box and have to go get it. So, I  
20 mean, we need to think about be creative here and  
21 maybe take a different lens.

22 I think shadow on Brady Park, which is in the  
23 Market/Octavia Plan, not a park yet, should be looked  
24 at. What's the impact there going to be if that does  
25 become a park?

3  
(TR-6)  
cont'd

4  
(SH-1)

PROJECT

31

1           And I do agree with Commissioner Moore. We  
2 just looked at 1500 Mission Street last week -- last  
3 meeting in December. Before that we had the Tower Car  
4 Wash site. I know the Honda site's going to be coming.  
5 I know the carpet store on Otis and Mission is coming.

6           When you put all this together, what does it  
7 look like? I mean, we have a Central SoMa EIR which I'm  
8 reading right now; it's almost like we kind of need a  
9 Hub EIR. When you put all this together, show me what  
10 it looks like. I don't want to make decisions in  
11 isolation. So this .5 parking and a Honda .5 parking and  
12 -- you know, it's all coming together. So I'd like to see  
13 how this all fits together.

14           PRESIDENT FONG: Commissioner Moore.

15           COMMISSIONER MOORE: I have one other question,  
16 one other comment that might not be something current  
17 EIRs can answer, but I'd like to put that in as the  
18 project moves forward. It's triggered by a comment from  
19 the public speaker about the interference of  
20 construction beyond property line.

21           The question I'm asking here, as wind  
22 mitigation we are hearing about wind foils as wind  
23 detractors. These particular wind foils extend over the  
24 public right-of-way or over the -- or are in the public  
25 realm, and I am wondering how much the public realm is

5  
(CU-1)

A-CPC-Moore

6  
(WI-1)

PROJECT

1 served by the need for public -- by privately  
2 necessitated wind mitigation.

6  
(WI-1)  
cont'd

3 I question that I am looking at sidewalks  
4 having wind foils on them, particularly when in San  
5 Francisco we mostly like to walk on sunny sidewalks when  
6 the sun is there. I just pulled that as a question,  
7 but I'd like that to go forward as a comment on the  
8 particular configuration regarding wind mitigation for  
9 this project.

10 PRESIDENT FONG: Commissioner Melgar.

A-CPC-Melgar

11 COMMISSIONER MELGAR: Thank you. I'm not going  
12 to belabor the points that Commissioners Richards and  
13 Moore made so well. I also would like a more thorough  
14 analysis of the impact of wind on bicycles, and also  
15 the affordable housing component. / I am really  
16 interested in getting a more thorough application of  
17 the VMT as a measurement tool to not just this project,  
18 but as Commissioner Richards was talking about, that  
19 helps in general.

1  
(WI-2)

20 Because I do think it could be a really  
21 great tool for us on the local level to apply and come  
22 up with our own measurement methodologies and benchmarks  
23 when it comes to transit hubs. And I'm thinking because  
24 we've been getting so much correspondence about the  
25 Balboa Reservoir, for example, this is a tool that we

2  
(TR-2)

PROJECT

33

1 could use. And I think that we're just barely using it  
2 as it -- you know. So I think, this is really  
3 interesting, but I would like a little bit deeper  
4 analysis.

2  
(TR-2)

5 PRESIDENT FONG: Commissioner Richards.

A-CPC-Richards

6 COMMISSIONER RICHARDS: I guess, two trailing  
7 points. We have a plan EIR for Market/Octavia, which we  
8 could use. But when you're looking at increasing  
9 heights around The Hub, you're really changing things.  
10 So that's why I think the adequacy with the plan EIR  
11 may not actually cover all these projects coming,  
12 especially if we're making changes midstream. So that's  
13 why I'm talking about kind of a hub understanding.

6  
(CU-1)

14 The other one is Commissioner Melgar included  
15 me in TDMs mentioned in the DEIR. I'd love to see the  
16 TDM applied. So if you have .5 parking spaces or .25 or  
17 none, what are the other things on the menu of 20-odd  
18 something things need to do to get to the acceptable  
19 number? I believe, it's 28 or whatever. What do they  
20 have to do? What's it going to look like? So maybe  
21 that's a project-specific thing, but it would really  
22 help us understand the viability of what the parking  
23 ratio could look like.

7  
(TR-7)

24 PRESIDENT FONG: Okay, I think that concludes  
25 Commissioner's comments.

PROJECT

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REPORTER CERTIFICATE

I, Jill Anne Stephenson, Shorthand Reporter No. 8759 in and for the State of California, do hereby certify that the forgoing is a full, true and correct transcript of the proceedings taken to the best of my ability by me, a duly certified shorthand reporter.

I further certify that I am not interested in the outcome of said action, nor connected with, nor related to any of the parties in said action, nor to their respective counsel.

IN WITNESS WHEREOF, I have hereunto set my Hand this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_

**ATTACHMENT B: DRAFT EIR COMMENT LETTERS**

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**DEPARTMENT OF TRANSPORTATION**

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SCH # 2012102025

GTS # 04-SF-2016-00062

SF101189

SF-101-PM R5.103

Mr. Michael Jacinto  
Planning Department  
City and County of San Francisco  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**One Oak Street (2009.0159E) – Draft Environmental Impact Report**

Dear Mr. Jacinto:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the One Oak Street project. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans *Strategic Management Plan 2015-2020* includes targets to reduce Vehicle Miles Travelled (VMT), in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Environmental Impact Report (DEIR).

***Project Understanding***

The proposed infill project would demolish all structures at 1500-1540 Market Street and construct a 310-unit, 40-story residential tower with ground floor commercial space, an off-set loading space, and subsurface parking garage with 155 spaces. Resident bicycle parking would be provided on a second floor mezzanine; visitor bicycle parking would be provided on racks on adjacent sidewalks. The project would also include construction of a public plaza within the Oak Street right-of-way; wind canopies within the plaza and the sidewalk at the northeast corner of the Market and Polk streets to reduce pedestrian-level winds; relocation of the existing Van Ness Avenue Muni station to the ground floor of the existing One South Van Ness building; and a southbound contra-flow fire lane for emergency vehicle use on the east side of Franklin Street between Market & Oak streets. The passenger vehicle and loading entry would be on Oak Street.

The project site is located at 1500-1540 Market Street, bound by Market Street to the south, Oak Street to the north, US 101 (Van Ness Avenue) to the east, and adjacent properties to the west. The average daily VMT per capita for the project's Transportation Analysis Zone is substantially below the regional average daily VMT for both proposed uses: residential and retail.

Mr. Jacinto, City and County of San Francisco  
January 17, 2017  
Page 2

The project area—characterized by mixed-use places, high jobs-housing ratios, high levels transit service, and pedestrian supportive environments—can best be described as Urban Core, according to the Caltrans *Smart Mobility Framework*.

***Lead Agency***

As the Lead Agency, San Francisco (the City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities, and Lead Agency monitoring should be fully discussed for all proposed mitigation measures.

***Cultural Resources***

There is no Native American consultation documented in the DEIR or the Initial Study. In accordance with CEQA, we recommend that the San Francisco Planning Department conduct Native American consultation with tribes, groups, and individuals who are interested in the project area and may have knowledge of Tribal Cultural Resources, Traditional Cultural Properties, or other sacred sites.

1  
(CR-1)

***Encroachment Permit***

Please be advised that any work or traffic control that encroaches onto US 101 requires a Caltrans-issued Encroachment Permit. Traffic-related mitigation measures should be incorporated into the construction plans prior to the Encroachment Permit process. To apply, a completed Encroachment Permit application, environmental documentation, and five (5) sets of plans clearly indicating State right-of-way must be submitted to the following address:

David Salladay, District Office Chief  
Office of Permits, MS 5E  
California Department of Transportation, District 4  
P.O. Box 23660  
Oakland, CA 94623-0660

See the following website for more information: <http://www.dot.ca.gov/trafficops/ep/index.html>

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or [jesse.schofield@dot.ca.gov](mailto:jesse.schofield@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



O-CBC

1017 L Street, #288  
Sacramento, CA 95814  
916-778-0746  
info@calbike.org

January 5, 2017

Lisa Gibson  
Acting Environmental Review officer  
San Francisco Planning Department  
Lisa.gibson@sfgov.org

RE: Comments on the Adequacy of One Oak Street Project Draft Environmental Impact Report and Mitigations

Dear Ms. Gibson:

I am writing to bring your attention to one particular issue in the draft EIR of the One Oak project that is worth your consideration: it does not consider wind impacts on bicyclists.

As anyone who pedals along Market Street near Polk Street is aware, wind impacts from tall buildings can pose a significant challenge to comfortable and safe pedaling. Strong wind at that location will blow people several feet sideways into the next lane. It's strong enough to sometimes cause crashes. Will the new tall building in this windy area have similar, or worse effects? We don't know, and we should. The Planning Commissioners should be made aware, through the Environmental Impact Report, of the effect of wind on bicycling safety and comfort.

Please revise the Draft Environmental Impact Report to consider wind impacts on bicyclists so that appropriate mitigation measures can be taken, if necessary.

Sincerely,

A handwritten signature in black ink that reads "David H. Snyder".

Dave Snyder  
Executive Director

1  
(WI-2)

# O-CHNA

**From:** Marlayne Morgan [<mailto:marlayne16@gmail.com>]

**Sent:** Wednesday, January 04, 2017 10:31 PM

**To:** Moe Jamil

**Cc:** Rodney Fong; Richards, Dennis (CPC); Rich Hillis; Kathrin Moore; Johnson, Christine (CPC); Koppel, Joel (CPC); Secretary, Commissions (CPC); Rahaim, John (CPC); Gibson, Lisa (CPC); Jason M Henderson; Gail Baugh

**Subject:** Re: 1 Oak Draft EIR Item 8 on Agenda

Dear President Fong and Commissioners:

I apologize for the last minute nature of these comments. Due to the excellent analysis provided by HVNA, Cathedral Hill Neighbors Association (CHNA) also strongly urges the Commission to eliminate off street parking and Market Street loading, to provide BMR units on site and to mitigate shadow impacts through community benefits. 1  
(GE-2)

One Oak, as the first major new project in the Hub, has the opportunity to shape future development in this area.

Regards,

Marlayne Morgan, President  
Cathedral Hill Neighbors Association

**HAIGHT ASHBURY NEIGHBORHOOD COUNCIL**

January 9, 2017

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*Merchant Liaison*

To: Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103  
lisa.gibson@sfgov.org

From: Rupert Clayton  
Housing and Land Use Chair  
Haight Ashbury Neighborhood Council  
landuse@hanc-sf.org

Re: Planning Department Case No. 2009.0159E,  
State Clearinghouse No. 2012102025

Dear Ms. Gibson,

The Haight Ashbury Neighborhood Council has the following serious concerns about the adequacy of the Draft Environmental Impact Report for the proposed One Oak Street Project.

**Request for reissue of material and extension of comment period:** The “Wind Comfort Analysis Results” presented on pages 4.D.10–11 and 4.D.15–16 of the DEIR are truncated at all four margins and therefore the DEIR’s summary of wind analysis results fails to present key data from which any reader is expected to draw conclusions. These data must be reissued in a readable format and the comment period extended or reopened in order to permit genuine public review. Simply correcting this data in the final EIR will not allow the public sufficient opportunity to evaluate the adequacy of this analysis and have their comments addressed. 1  
(WI-3)

**W-1 (Wind Impacts):** Aside from the missing data mentioned above, the analysis of wind impacts in the DEIR entirely ignores the effects of the project and any proposed mitigation measures on key groups such as seniors, people with disabilities and cyclists. For this reason, the DEIR is inadequate in its current form. 2  
(WI-1)

The project location is adjacent to the city’s primary bike-commuting route (Route 50, along Market Street and used by many residents in the Haight Ashbury) so the effect on cyclists is particularly important to study. However, neither Section 4.C nor Section 4.D of the DEIR provides any analysis of the effect of wind on cyclists, such as the increased risk of cyclists being blown into vehicle traffic, or the potential reduction in bike usage due to people avoiding increasingly frequent street-level winds. 3  
(WI-2)

The project is also located on two of the city’s major transit arteries, within three blocks of City Hall and close to many city offices and arts venues. The surrounding sidewalks and streets are used regularly by many people with limited mobility. Again, this group includes many Haight Ashbury residents. Despite this setting, **Section 4.D of the DEIR contains no analysis of the effect of increased wind on seniors and disabled people.**

4  
(W-1)

We are particularly alarmed to see that the summarized wind study results on page 4.D.18 indicate that the project will create wind exceeding the hazard criteria for even able-bodied people at test point 57 (in the western crosswalk across Market Street at Van Ness Avenue. This is a heavily used pedestrian crosswalk near multiple transit stops across the city’s major artery. Where a project causes a wind speed rated as a hazard this is deemed a significant impact under CEQA, and the San Francisco Planning Code Section 148 stipulates that “No exception shall be granted and no building or addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard level of 26 miles per hour for a single hour of the year.” The project clearly causes winds to reach hazard level at test point 57 where they do not do so currently. **For this reason, the DEIR inadequately analyses the additional hazard created by the development and must be amended to find the wind impact to be significant.**

The DEIR states that the project results in “no net increases in the number of test points that would exceed the hazard criteria” [4.D.17] and uses this “no net increase” criterion to conclude that “the proposed project would not alter wind in a manner that substantially affects public areas.” By inventing this “net increase” standard, the DEIR wrongly interprets SF Planning Code Section 148 as exempting projects that create hazard-level winds in some places and reduce them in others. This interpretation would allow any developer to create new wind hazards and offset them by choosing sufficient testing points in areas where wind is reduced. This is plainly not the intent of either CEQA or the San Francisco Planning Code.

**C-W-1 (Cumulative Wind Impacts):** The DEIR improperly evaluates the cumulative wind impacts of One Oak and other existing and proposed developments. While the report does analyze the effect of the project in combination with these other buildings via a form of regression analysis, the DEIR does not directly compare cumulative configurations with and without the proposed project. A direct comparison of configurations that differ only in the presence of the proposed project is required in order for the DEIR to adequately assess whether the project contributes to significant cumulative wind impacts. **The cumulative wind impact section of the DEIR must therefore be rewritten, and if necessary additional wind tunnel analysis must be performed.**

**TR-1 and C-TR-1 (VMT and Traffic Impacts):** The DEIR uses the Governor’s Office of Planning and Research’s new approach of analyzing traffic impacts through changes to vehicle miles traveled (VMT). While this is a useful proxy for many environmental impacts of a development’s effect on traffic, it relies heavily on selecting the correct criteria for measurement.

5  
(TR-2)

The OPR guidelines were amended at a late stage so that “a project that generates greater than 85 percent of regional per capita VMT, but less than 85 percent of city-wide per capita VMT, would still be considered to have a less than significant transportation impact”. [OPR Revised Proposal for Implementing SB 743, page III:23] The intent is clear that this change is to avoid penalizing projects that incrementally improve VMT outside of metropolitan centers.

There is no indication that OPR intended to favor the converse interpretation: that a project has a less than significant transportation impact if it exceeds 85 percent of city-wide per capita VMT so long as it generates less than 85 percent of regional per capita VMT. Indeed, if this converse interpretation were to be adopted (in which per capita VMT for San Francisco becomes irrelevant), it is hard to imagine how any project in San Francisco could be found to create a significant traffic-based impact when compared to a VMT per capita level based on a region that stretches from Cloverdale and Vacaville to Gilroy. **Incorrectly, the DEIR assumes that this converse interpretation holds true and for this reason the DEIR is not adequate.** [DEIR page 4.C.35 note 23]



The DEIR Traffic Analysis should have assessed the project's impact based on San Francisco VMT figures and not purely regional VMT. It is important that new projects contribute to San Francisco's positive effect on regional VMT, rather than promote a regression to the mean. To this end: (TR-2) cont'd

- The DEIR Traffic Analysis should be reworked to assess the net impact of the project on VMT within the study area.
- The analysis should account for the reasonably foreseeable high rate of commuting trips by private vehicle from the project site to and from the Peninsula and South Bay.
- The analysis should include a more comprehensive examination of traffic flow and the impact of vehicle trips to and from the project site on nearby transit, bike and car traffic. This is compatible with the state's revised traffic analysis guidelines, as any disruption to the many busy commuter routes is likely to cause significant environmental impact.

**PH-1 and C-PH-1 (Impact of Market-Rate Housing on Demand for BMR Housing):** The Draft EIR fails to adequately analyze the environmental impact caused by the project's generation, both individually and cumulatively, of further unmet demand for below-market-rate housing in the immediate vicinity and across San Francisco. (PH-1)

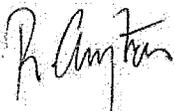
The proposed development would create 320 new market rate units and zero BMR units. Rather than include BMR units, the developer proposes to pay a fee that might be used by the Mayor's Office of Housing and Community Development to fund some BMR housing at an unknown date and location. The DEIR references a communication by the developer that the in-lieu fee might fund an "Octavia BMR Project" on former freeway parcels between Haight and Oak, to be overseen by MOHCD and built by a non-profit. This is purely aspirational and there are significant reasons to doubt whether a BMR project will ever be built at this site, and whether the in-lieu fee will fund it.

Given this, the correct approach for analysis would be to assume that the proposed project will increase the supply of market rate housing in the neighborhood and do nothing to increase the supply of BMR housing. To accurately assess the impact on housing and population, the EIR must analyze the following areas that are not adequately addressed:

- How the addition of these 320 market rate units will affect local housing prices and housing affordability.
- The additional demand for affordable housing that will be created by this extra market-rate housing. (Other studies have shown that each 100 new market rate units creates demand for 30 or more BMR units.)
- The expected impact of the proposed project's market rate housing on gentrification and displacement in nearby neighborhoods, causing a rise in commute distances and VMT by displaced low-income households
- The true BMR impact of this additional market rate housing, as measured by San Francisco's Residential Nexus study. The DEIR fails to identify whether the nexus is closer to the 12 percent/ 20 percent on site/off-site requirements pre-Prop C (2015) or if the nexus is closer to the 25 percent/ 33 percent onsite/off-site ratio established by Prop C.

We look forward to reading the department's responses and reanalysis in the Final EIR.

Sincerely,



Rupert Clayton  
HANC Housing and Land Use Chair



January 4<sup>th</sup>, 2017

Lisa Gibson  
Acting Environmental Review officer  
San Francisco Planning Department  
[Lisa.gibson@sfgov.org](mailto:Lisa.gibson@sfgov.org)

**RE: Comments on the Adequacy of One Oak Street Project Draft Environmental Impact Report and Mitigations**

Dear Ms. Gibson

The Hayes Valley Neighborhood Association (HVNA), based on our longstanding support for the Market and Octavia Better Neighborhoods Plan, has the following concerns regarding the proposed One Oak Street Project, because the Draft Environmental Impact Report (DEIR) is inadequate. It fails as an informational document and does not adequately analyze the following issues (presented in order of Table S-1: *Summary of Impacts*):

1  
(GE-1)

**TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. The transportation data used in the DEIR is uninformative about present day trip distribution and underestimates car commuting to the South Bay. The location of One Oak is a unique transportation corridor of citywide importance. It has exceptionally high transit, pedestrian, and bicycle traffic that will be negatively impacted by car circulation to and from One Oak. The relationship between VMT and local car circulation and impacts on pedestrians, bicycles, and transit must be thoroughly studied, understood, and mitigated. The DEIR proposes transportation demand management (TDM) to reduce per capita daily VMT, but no information is provided to benchmark VMT in the project. Since VMT is not adequately analyzed, understanding the success of failure of TDM is not possible.

2  
(TR-2)  
3  
(TR-7)

**TR-4 (Bicycle Impacts):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, especially on Market Street. It ignores hazards to bicycling from on-street loading and wind. New analysis is needed of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully-separated, wide cycle tracks on Market Street and other bicycle infrastructure must be considered.

4  
(TR-5)

**TR-5 (Loading Demand):** The DEIR analysis of loading demand is inadequate and does not reflect present-day trends in retail delivery and transportation network companies (TNCs). The

5  
(TR-6)  
↓

DEIR must discuss stronger mitigation for loading impacts for residential online shopping and TNC passengers and re-orient all loading to the Oak Street side of the project.

5  
(TR-6)  
cont'd

**W-1 (Wind Impacts):** The DEIR wind analysis completely ignores bicycling. It also underestimates negative impacts of wind hazards on seniors, on adjacent buildings, and on how the proposed wind canopies will deflect winds. Without understanding wind impacts on bicycling, appropriate mitigation, such as wide, safe, separated cycle tracks, are omitted.

6  
(WI-2)

**S-1 (Shadows):** DEIR does not adequately analyze shadow impacts on Patricia’s Green and Koshland Park. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks.

7  
(SH-1)

**Below Market Rate Housing and CEQA:** The DEIR omits discussion and analysis of the environmental impact of market rate housing on below market rate housing (BMR) and on gentrification and displacement. The DEIR also omits a discussion of the environmental impacts of the proposed off-site housing on Octavia Boulevard, which should be part of the analysis.

8  
(PH-1)

Below is a detailed elaboration of why the One Oak DEIR is inadequate:

**TR-I and Chapter 4.C-1: VMT and Traffic Impacts**

The One Oak DEIR dismisses the very real traffic circulation and safety impacts of the project. The LCW (2016) *One Oak Transportation Impact Study*, which is the basis for the DEIR analysis, uses antiquated and inadequate methods for analysis of traffic impacts. The DEIR’s reliance on the regional-scale threshold of significance for VMT results in inadequate analysis because **the location provides a unique transportation corridor that needs to be thoroughly studied.**

9  
(TR-2)

Nine important Muni bus lines, five Muni light rail lines, and one Muni streetcar line traverse the corridor, carrying almost 14,000 passengers in the weekday am peak hour and 13,500 in the weekday pm peak hour (DEIR, Table 4.C.3.)<sup>1</sup>. Every weekday there are thousands of cyclists using Market Street, with 1,400 in the two- hour pm peak period alone (DEIR, 4.C.22).

Car and transit capacity is strained at this location. At the Market and Van Ness Intersection, 3,700 motor vehicles cross in every direction in the am peak hour, and almost 4,000 traverse the intersection in the pm peak hour (LCW, 2016, Figures 7a and 7b). At peak times cars frequently block crosswalks and also accelerate at yellow light phases. Transit capacity, as demonstrated in the capacity utilization metric exhibited in Table 4.C.3 in the DEIR, is at capacity or approaching capacity.

The Market and Van Ness intersection is a top “Vision Zero” location identified by the city as a priority to make safer for pedestrians and cyclists. The SFMTA plans to invest considerable resources in Van Ness Bus Rapid Transit well as the Mission 14 bus as part of

<sup>1</sup> Figures for peak am and pm Muni ridership calculated by adding inbound and outbound ridership columns in table 4.C.3.



Muni Forward. Bicycle and pedestrian conditions are to be addressed in Vision Zero, the San Francisco Bicycle Plan, and Better Market Street Plans. All of these will involve reducing roadway capacity for automobiles and trucks, meaning less room to add additional cars from One Oak and other nearby new development. Most transportation demand from development like One Oak must be oriented towards walking and bicycling. The DEIR acknowledges none of this.

9  
(TR-2)  
cont'd

The DEIR lacks a detailed analysis of the site's circulation and traffic safety impacts, ostensibly because the site is located in TAZ 588 (see attachment 1), with daily per capita VMT (3.5 miles per day) that is lower than the regional per capita VMT threshold. TAZ 588 is a five city block triangle bounded by Oak Street to the North, Market Street to the South, Gough to the West, and Van Ness to the East. This TAZ, like the Market and Octavia Better Neighborhoods Plan, is characterized by mostly older, pre-automobile era buildings and rental housing, with low rates of car ownership and buildings with little to no parking. In the Market and Octavia Plan Area, per capita daily VMT is roughly 4 miles.<sup>2</sup>

The LCW transportation study shows that cars are still the biggest mode share of the project, adding 131 new car trips in the am peak, and 171 car trips in the pm weekday peak (LCW, 2016, Table 11, p. 53). This is despite being in a dense, transit rich location, suitable for utilitarian cycling, walkable, and near an array of urban services and jobs. It is a substantial increase in car trips over existing conditions, in a very congested part of the city with 1,400 cyclists on Market in the afternoon peak time and tens of thousands of transit passengers.

The analysis says nothing about how car trips generated by One Oak will circulate, nor how the excess parking (0.5:1 (155 spaces) is accentuating these car trips. Even if the car trips were at a per capita VMT of 3 or 4 miles per day, this would be a significant impact on the immediate area. **This is a part of the city where the tolerance for more VMT is zero, and this needs to be considered.**

The inadequacy of the analysis is aggravated by the trip distribution discussion (LCW, 2016, p.54). **Based on data from 1990**, LCW's transportation report downplays the volume of car traffic that would likely go to Silicon Valley using the nearby 101 Freeway. **Using 1990 data does not reflect two tech booms and the internet-based economy to the South of the City.** Based on existing patterns of development in this part of San Francisco, a substantial portion of the residents of One Oak will be employed in high-paying tech jobs in Silicon Valley. This means more commuting to Silicon Valley, with the largest mode share by car. **1990 data is inadequate for this analysis.**

The analysis fails to consider the negative impact on VMT by Transportation Network Companies (TNCs) like Uber or Lyft. It does not consider the localized swarming of TNC's that will occur the One Oak site, and TNC's are omitted from the city's transportation analysis despite upwards of 45,000 operating in the city on a daily basis. Lack of understanding of TNC

<sup>2</sup> Foletta and Henderson (2016) Low Car(bon) Communities, pp. 64-65 (based on SFCTA SF-Champ model)

impacts on cyclists, pedestrians, and transit means the DEIR is inadequate in identifying impacts and necessary mitigation.

9  
(TR-2)  
cont'd

**The DEIR circulation and safety analysis is wholly inadequate and needs a thorough revision that includes more accurate, up-to-date data and methods, and that captures TNCs. The DEIR must include a fine-grained analysis of One Oak's VMT impacts on cyclists, pedestrians, and public transit in the immediate vicinity of the project.**

In addition, the way the city currently considers the VMT thresholds of significance is inappropriate. Right now the city defines the threshold of significance at 15 percent less than the regional per capita VMT (17.2 miles per day x 0.15 = 14.6 miles per day). Since the VMT in TAZ 588 is below the regional threshold (14.6 miles per day), it is assumed no significant impact and so no further analysis is required. This does not adequately reflect the impacts new car trips will have on the immediate area, or on the city, which will be significant.

**The DEIR should be using the new VMT metric in a more useful and beneficial way that acknowledges that car trips, even short local car trips, are a significant environmental impact.** Instead of a regionally defined threshold (14.6 miles per day), the significance threshold of daily per capita VMT should reflect the Market and Octavia neighborhoods (4 miles per day) in which this project is located.

It should be noted that the State's CEQA guidelines recommend but do not require the regional VMT as the benchmark. The city can use VMT analysis more robustly if it lowers the threshold to neighborhood-scale such as Market and Octavia.

**THE DEIR must analyze how parking impacts VMT. The DEIR must analyze One Oak with residential off-street parking alternatives of 0.25:1 and zero parking.**

Additionally, the DEIR does not discuss the VMT impacts of valet parking for residents. With excess parking above what is permitted (155 spaces instead of 73) and easy access to cars via Valet and two elevators, there could be much more driving because of the ease of access to cars by residents (*see valet parking discussion below*).

The DEIR TR-1 impact section also proposes a TDM mitigation focused on reducing VMT but does not ever state what the project's per capita daily VMT will be. The success or failure of the TDM cannot be evaluated because proper data about VMT is not provided by the DEIR. Without proper data, it is not possible to know how to mitigate and how to evaluate the TDM strategies, whatever they might be.

A project within a low per capita daily VMT TAZ can still have significant impacts locally. The DEIR needs to analyze the impacts of additional cars from the One Oak Project on this corridor and benchmarked against the per capita VMT in the Market Octavia Plan area. **Standards MUST be appropriate to the site.** Concomitantly a detailed transportation analysis



should be undertaken that analyzes an off-street residential parking scenario of zero parking, and compared with residential parking ratios of 0.25:1 (73 spaces) and 0.5:1 (155 spaces).

9  
(TR-2)  
cont'd

The DEIR needs finer-grained, higher resolution analysis of VMT and localized circulation impacts. **Mitigation in the form of wide, safe cycle tracks, wider and safer crosswalks and sidewalks, stringer transit lane separation or enforcement must be included in the study. Elimination of private automobiles and TNCs from Market Street between 10<sup>th</sup> Street and Franklin Street must also be analyzed and part of the DEIR mitigations.**

**If the off street residential parking is permitted at One Oak, mitigation should include restricting the operation of the valet and elevators. Cars should not be allowed access or egress to One Oak on weekdays between 7am-9am peak hours and between 4pm and 7pm peak hours to limit the impacts of peak car trips on the surrounding area.**

### Off-Street Parking Ratios

The One Oak Project is in an area of the Market and Octavia Plan where the permitted parking is 0.25:1 but zero parking is also permitted. If the project follows the rules, it would have no more than 73 parking spaces. Yet the DEIR for One Oak includes a residential off-street parking ratio that is double what is permitted/as of right (0.5:1, or 155 parking spaces).

The project sponsor has ignored repeated requests by the adjacent community to consider a building with zero parking. In January of 2015 HVNA explicitly objected to excess parking in a letter to Build, Inc. Two Initial Study letters, available from the planning department, asked for reduced parking, and the public comments at several "HUB" planning meetings included requests to develop One Oak with zero parking.

One Oak's residential parking at 0.5:1 is excessive and no compelling reason has been given to justify allowing it to be doubled from 73 to 155 spaces. The One Oak DEIR discusses residential off-street parking without considering alternatives with less parking. There is considerable evidence, based on the groundbreaking work of Professor Donald Shoup, that parking generates car trips.<sup>3</sup> The SFMTA acknowledges this: <https://www.sfmta.com/about-sfnta/blog/growing-case-new-approach-sfs-parking-problem>. The Market and Octavia Better Neighborhood Plan acknowledges this and permits zero parking throughout the plan for that reason.

The project also proposes valet parking without analyzing how valet parking might increase VMT and other traffic impacts. **An analysis of valet parking must be part of the DEIR.** Residents might order their cars in advance and easily access them. Residents will also find it easy to drop their cars off and not have to worry about queues or waiting times. The LCW Transportation study suggests Oak Street loading zones will be used by Valets to store cars as residents come and go. New Apps and other methods will be used by residents to have easy

<sup>3</sup> Shoup (2005) *The High Cost of Free Parking*



access to their cars. **The valet renders parking stackers and dependently-accessible parking a useless deterrent to driving.**

9  
(TR-2)

The DEIR must include analysis of transportation impacts with zero parking. The DEIR must include revised transportation analysis methods that are responsive to the sensitivity of parking provision (not the 2002 SF Planning approach, which ignores the impacts of off street parking in residential buildings). The analysis must also include the impacts of valet parking on VMT and trip generation.

The DEIR must also acknowledge that based on the planning department's own estimate, the current foreseeable projects in the "Hub" are estimated at 1,682 parking spaces. Like One Oak many of these future projects will be requesting a CU for more than the permitted parking. This geographically-small, transit rich, bicycle and pedestrian neighborhood will be overwhelmed with more cars. The DIER analysis must include cumulative impacts of all of this potential future parking on VMT, and on pedestrian, bicycle, and transit systems in the area.

The City is currently studying the Hub, but this DEIR shows One Oak does nothing the Hub promises, and is completely unlinked to that Hub study.

#### TR-4 Hazardous Conditions for Bicyclists

10  
(TR-5)

The DEIR fails to consider that the proposed on-street loading zone on Market Street and the impacts of winds will have a hazardous impact in bicycles. The impacts of the loading zones and winds are described below using the same sub headings of the DEIR summary table.

#### **TR-5: Loading Demand & Impact on Bicycles**

The DEIR for One Oak discusses a 130-foot recessed loading zone on westbound Market Street but **mischaracterizes the loading zone as an existing condition**. The loading zone has been inactive for at least a decade, with very few trucks using the zone. **On page 47 of the LCW transportation report it is noted that no trucks currently use the loading zone.** Meanwhile cycling has increased dramatically on Market Street, and notably, in a physical environment where this loading zone has been inactive. Today during weekday pm peak commute hours, 1,400 cyclists use this part of Market Street, and existing conditions are such that these 1,400 cyclists do NOT presently cross paths with delivery trucks or TNCs. **The activation of this loading zone will be a significant change to the physical environment and present hazards to cyclists. The DEIR needs to analyze this.**

The DEIR for One Oak underestimates the volume of daily deliveries to One Oak and the methodology for estimating deliveries must be updated to reflect change. The DEIR and LCW Report suggest One Oak's 700 residents will receive approximately 27 deliveries per day (based on the antiquated SF Transportation Guidelines of 2002) (see page 69, LCW Report). If there are 700 residents in One Oak, and each receives one delivery per month, on business days only (22 days), that amounts to almost 32 deliveries per day. This does not acknowledge the rapid proliferation of internet retail goods and household items, as well as food deliveries to residential buildings.

11  
(TR-6)

The Draft EIR needs to update the calculation of delivery to reflect present-day reality, and to reveal how many delivery trucks and vehicles will potentially **cross and impede** the Market Street bike lane. This includes analyzing deliveries at similar existing towers. This must also include a cumulative analysis of deliveries for 1554 Market, which is sharing the loading zone on Market Street.

11  
(TR-6)  
cont'd

The DEIR proposes removing bicycle-safety measures (flexible bollards or “safe-hit” posts) on Market Street in order to make truck deliveries and loading easier for trucks on Market Street. It fails to discuss the negative impact this will have on the 1,400 cyclists using Market during the weekday pm commute.

12  
(TR-5)

The 130-foot loading zone must be considered a new loading zone because it will go from inactive to active, and will be a very real change to the physical environment. The loading zone will present new hazards to incumbent cyclists on Market Street, and will further degrade conditions for cyclists if safe-hit posts are removed.

The Draft EIR should be revised to analyze an alternative with no loading on Market Street, and a shift of all loading to the Oak Street side of the project. It should also analyze more creative loading strategies, such as loading further off site (westward on Oak and on Franklin) and deploying the use of human-powered push carts and cargo bicycles to service One Oak.

The curb for the inactive loading zone must be repurposed to wider sidewalks and fully separated cycle tracks for pedestrian and bicycle safety, and this should be analyzed as mitigation for One Oak.

**W-1: Wind Impacts on Bicycles:**

13  
(WI-2)

The One Oak Project Draft EIR needs to be revised to include a thorough analysis of impacts on bicyclists. The DEIR contains an extensive discussion of potential impacts of wind on pedestrians and public transit passengers waiting for buses at nearby bus stops, but it completely omits analysis of the impact of wind on the thousands of cyclists using Market Street and other nearby streets. Thus, the DEIR fails as informational document.

The existing conditions, especially in spring and summer afternoons, are both uncomfortable and hazardous to cyclists. The DEIR provides no acknowledgement of this. Nor does it elaborate on how One Oak wind impacts will make conditions more hazardous for cyclists. The EIR should find that the increased wind a significant impact. The One Oak DEIR needs to analyze the following:

- impacts of wind on bicycles, especially down-wash winds
- impact of One Oak downwash wind and wind canopies on bicyclists on Market Street and surrounding streets.



- impact of the proposed canopies deflecting wind directly into Market Street and into bike lanes on Market Street and Polk Street.
- adequate mitigations to make cycling safe and comfortable on Market Street, such as fully-separated cycle tracks and other infrastructure that make it less likely a cyclist collides with motor vehicles or buses when wind conditions are hazardous for bikes. Mitigation must include restricting private cars on Market between 10<sup>th</sup> Street and Franklin Street.

13  
(WI-2)  
cont'd

Market and Van Ness is probably one of the windiest intersection in the city. The City does not understand wind impacts on cycling, because the EIR does not even address these impacts. Consequently, the DEIR does not analyze how the increased wind might deter from other citywide goals seeking to increase bicycle mode share and make cycling safer. The Market and Octavia Better Neighborhoods Plan, the Better Market Street Plan, and the SFMTA's strategic plans all seek to increase cycling, especially on Market Street. This DEIR does not analyze how these citywide goals might be undermined by wind hazards from One Oak.

Failure to analyze the wind impacts and identify them as significant, means that the DEIR fails to even consider possible mitigation. The DEIR has no discussion of wind mitigation to cyclists. This is a major omission rendering this part of the DEIR inadequate. The EIR must include a thorough discussion of wind impacts on cyclists – especially on the busiest cycling corridor in the city.

14  
(WI-1)

The DEIR improperly turns the cumulative impacts analysis for wind on its head. The DEIR considers One Oak Project in the context of other future projects but then improperly subtracts out its impact. Since the cumulative impact of this and other buildings creates a significant impact for pedestrians and Muni passengers, the EIR must find the cumulative wind impacts significant and provide mitigation

15  
(WI-1)

There is precedent for revising an EIR based on an EIR ignoring safety impacts on cyclists. In Danville CA, bicycles were ignored in an EIR for the proposed Magee Ranch development. The EIR was appealed and a decision directed the town of Danville to analyze bicycle safety. The decision document is attached at the end of this comment letter.

16  
(WI-2)

**Mitigation for wind impacts on bicyclists must be considered. These must include substantially wider, fully separated cycle tracks on Market Street between 10<sup>th</sup> Street and Franklin to make room for error and sudden gusts pushing cyclists off-course. The mitigation must also consider restricting private cars and TNCs on Market Street between 10<sup>th</sup> Street and Franklin Street in order to reduce collisions in windy situations.**

**S-1: Shadows**

17  
(SH-1)

The DEIR for One Oak discusses that there will be brief shadows in the early morning on Patricia's Green during March and September. It also discusses morning shadows on Koshland Park playground during Late June. The DIER suggests these are less than significant, based on historic uses of parks. However, with increased density and residential development in Hayes Valley, these parks are experiencing rapidly increasing use, and much of this also takes place in

the morning. For example, exercise and meditation are common in Koshland in summer mornings. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks. The DEIRs analysis of shadows is inadequate.

17  
(SH-1)  
cont'd

**Impact of Market Rate Housing on demand for BMR Housing.**

18  
(PH-1)

**The DEIR must consider the impact that market rate housing has on demand for below market rate housing, and the related environmental impacts.**

The current proposal for One Oak has no onsite affordable housing and the DEIR points out that the project sponsor intends to pay an in-lieu fee, with no guarantee that any affordable housing gets built in the vicinity of the Market and Octavia Plan Area. The DEIR includes a vague expression by the project sponsor for a desire to direct the in-lieu fee to an "Octavia BMR Project" on former freeway parcels (between Haight and Oak) which would be overseen by MOH and built by a non-profit. But this is not guaranteed.

All of this raises important issues not addressed in the DEIR and making it inadequate. The following analysis must be part of the revised DEIR.

- The physical impact of new market rate development on local housing prices and housing affordability.
- demand for affordable housing created by market-rate housing, and environmental impacts
- The extent in which market rate housing cause gentrification and displacement, leading to increased longer-distance commuting by lower income households, specifically the impact of One Oak.
- Using the city's nexus study, the true BMR impact of the market rate housing. The DEIR does not describe if the nexus is closer to the 12 percent/ 20 percent on site/off site requirements pre-Prop C (2015) or if the nexus is closer to the 25 percent/ 33 percent on-site/off site ratio established by Prop C.

The One Oak project's affordable housing proposal is coming in far short of the actual need that is created by the project, and this needs to be acknowledged and analyzed in the DEIR.

There is precedent in considering market rate housing impacts on BMR, including a November 2016 CEQA appeal of the 1515 South Van Ness project. The appeal asked what is the environmental impact of displacement in the Mission caused by market rate housing proposed by Lennar Corp.

The One Oak Project DEIR must consider the nexus of how many BMR are needed due to proliferation of market-rate housing, and then consider the environmental consequences of the BMR demand.



The DEIR must consider the environmental impact of zero parking on housing affordability, especially since parking adds considerable cost to housing production.

18  
(PH-1)  
cont'd

**The DEIR must include analysis of the proposal for the off-site BMR on Octavia.** There is much uncertainty about this scheme. The intent is to direct in lieu fee to Octavia BMR Project on parcels R, S, and U (between Haight and Oak) which would be overseen by MOH and built by a non-profit. The project sponsor claims this might bring up to 72 BMR units. Yet is the project sponsor expected to finance all of the units, or just a portion? How will the 72 units reflect the Market and Octavia unit size requirements? Will these 72 units be micro units? If so, that does not reflect the proper unit-mix required in the Market and Octavia Plan.

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# O-HVNA-Henderson1 Attachment 1

Attachment 1: TAZ 588



# O-HVNA-Henderson1

## Attachment 2

Filed 9/11/15 SOS-Danville Group v. Town of Danville CA1/1

### NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

SOS-DANVILLE GROUP,

Plaintiff and Appellant,

v.

TOWN OF DANVILLE et al.,

Defendants and Appellants;

SUMMERHILL HOMES, LLC, et al.,

Real Parties in Interest and  
Appellants.

A143010

(Contra Costa County  
Super. Ct. No. MSN13-1151)

This case concerns the Town of Danville's (Town) approval of the Magee Ranch Residential Project (Project), which would develop 69 single-family homes in an agricultural area south of Diablo Road in Danville. SOS-Danville Group (plaintiff) filed a petition for a peremptory writ of mandate and complaint for declaratory relief challenging the approval, as well as the Town's certification of the final environmental impact report (EIR) for the Project.

The petition was granted in part and denied in part. The trial court found for plaintiff on two issues. First, it concluded the EIR failed to properly address the Project's impacts on bicycle safety in violation of the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.; CEQA). Second, it held the proposed development was inconsistent with the Town's general plan in violation of the Planning and Zoning Law (Gov. Code, § 65000 et seq.). The resulting judgment enjoined the

Town as well as the real parties in interest (Real Parties)<sup>1</sup> from issuing any development permits or undertaking any construction activities in connection with the Project.

The Town and Real Parties (collectively defendants) now appeal, arguing the trial court's findings regarding CEQA and the Planning and Zoning Law were in error. Plaintiff has filed a cross-appeal, arguing the trial court erred in rejecting its claim that, in approving the project, the Town improperly determined the zoning density of the parcels at issue. We affirm the trial court's judgment as to plaintiff's CEQA claim, but reverse as to the Planning and Zoning Law claim. We also find unavailing plaintiff's cross-appeal.

## **I. BACKGROUND**

### ***A. The General Plan***

The Project is governed by Danville's 2010 General Plan (General Plan). The General Plan includes a land use map, which indicates four basic land use types for areas within Danville: residential, commercial, public, and open space. The General Plan further breaks down each of these land use types into more specific designations. For example, open space includes general open space areas, agricultural open space areas, and parks and recreation areas. Descriptions of the specific designations in the General Plan set forth the range of permitted densities, consistent zoning districts, and narratives addressing general characteristics, among other things. According to the General Plan, "Specific zoning districts must correspond with land use map designations and the geographic extent of these designations on the land use map, even if they vary from actual existing conditions."

The General Plan also describes 14 special concern areas, one of which—the Magee Ranch—encompasses the Project site. According to the General Plan: "The Special Concern Areas require consideration of planning issues that are unique to a particular geographic area within the Town. The Special Concern Areas text presented

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<sup>1</sup> The real parties are SummerHill Homes LLC, the project developer (SummerHill Homes), and Magee Investment Company and Teardrop Partners, L.P., who own the Project site.

[in the General Plan] identifies land use policies not shown on the Land Use Map or reflected in other parts of the General Plan.”

In 1999, after the operative General Plan was adopted, a Danville citizen’s group circulated an initiative petition for its amendment, which became known as Measure R. Measure R would have required voter approval for a wide range of rezonings and land use approvals affecting open space and agricultural land, including conversion of two or more acres of contiguous open space to any nonopen space use. The Town’s council introduced a competing petition, Measure S, which provides open space land use designations may only be amended by (1) a vote of the people, or (2) a 4/5 vote of the Town’s council if the council finds the amendment is required by state or federal law or is necessary to avoid an unconstitutional taking. Unlike Measure R, Measure S does not require voter approval to authorize zoning changes consistent with the General Plan. Both measures were approved by the voters, but because Measure S received more votes, it was enacted while Measure R was not.

**B. *The Project Site***

The Project site is about 410 acres and is located on a portion of the Magee Ranch that has been subdivided several times over the last 60 years. The property is generally characterized by open grass-covered hills with scattered trees. It is currently used for beef cattle operations and horse ranches, and is surrounded by single-family residential neighborhoods. Public and private open space areas are also located in the vicinity.

About 201 acres of the site has been designated rural residential and zoned A-2 (general agriculture). According to the General Plan, the density for rural residential areas is one unit per five acres, and the designation is used for “transitional areas between lower density single family development and significant agricultural or open space resources.” While the rural residential designation “permits large lot, ‘ranchette’ type development,” the General Plan states “clustering is encouraged to permit the development of suitable building sites and preservation of open space areas.” According to the General Plan, the rural residential designation is consistent with A-2 and P-1 (planned unit development district) zoning. Lots zoned A-2 must be no smaller than five

acres. According to the General Plan, P-1 zoning “allows flexible development standards which are created and implemented on a project-by-project and site-by-site basis,” and “may allow for the retention of a greater portion of the land as open space and create more flexible project designs that would not otherwise be permitted by conventional zoning.”

Another 199 acres of the site has been designated agricultural open space in the General Plan. The agricultural open space designation is applied to land currently under Williamson Act<sup>2</sup> contract or in agricultural use, and thus the General Plan does not set forth a density range for these areas. In the event a Williamson Act contract is not renewed, the General Plan encourages continued agricultural use and states the underlying zoning density—either one unit per 20 acres or one unit per five acres—would apply. While the General Plan lists only A-2 zoning as consistent with the agricultural open space designation, the agricultural open space within the Project site is currently zoned A-4, which allows for densities of one unit per 20 acres.<sup>3</sup>

As noted above, the General Plan designates the Magee Ranch as a special concern area. According to the General Plan, the Magee Ranch special concern area “contains some of the most spectacular and unique scenery in Danville,” and the General Plan “strongly supports retention of this character and protection of the views and vistas from the road.” The Plan also states: “Despite the A-2 (General Agricultural) zoning on much of the site, subdivision of this Special Concern Area into five-acre ‘ranchette’ sites . . . is strongly discouraged. Such development . . . could substantially diminish the

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<sup>2</sup> The Williamson Act establishes a mechanism for saving agricultural land by allowing counties to create agricultural preserves and then to enter into contracts with landowners within those preserves. (Gov. Code, § 51200 et seq.) A Williamson Act contract obligates the landowner to maintain the land as agricultural for 10 or more years, with resulting tax benefits. (Gov. Code, §§ 51240–51244.) Absent contrary action, each year the contract renews for an additional year, so that the use restrictions are always in place for the next nine to 10 years. (*Id.*, § 51244.)

<sup>3</sup> As to the remaining 10 acres of the Project site, five have been designated general open space and zoned P-1, and the other five have been designated “Residential - Single Family - Low Density” and zoned A-2.

visual qualities of the area. On the other hand, transferring allowable densities to a limited number of areas within the ranch would enable the bulk of the site to be set aside as permanent open space.”

### ***C. Project Review and Approval***

SummerHill Homes submitted its application to develop the Project in 2010. The initial application proposed the development of 85 single-family lots, most of which would range from 10,000 to 22,000 square feet. The homes would be clustered on the flatter portions of the site, preserving approximately 291 acres as permanent open space. The application proposed rezoning the Project site from A-4 (agricultural preserve) and A-2 (general agriculture) to P-1 (planned unit development district). During the review period, the Project was reduced from 85 to 69 units and the amount of land preserved as open space was increased to 373 acres (91 percent of the Project site).

SummerHill Homes asserted a General Plan amendment was unnecessary because its proposal was consistent with the General Plan’s description of the Magee Ranch special concern area. Likewise, the Town maintained the Project did not trigger the approval requirements of Measure S, asserting Measure S did not apply to rezonings or other land use decisions that are consistent with the General Plan. The Town explained that P-1 zoning “permits density under the base zoning (in this instance one unit per five acres) to be clustered or located to the least sensitive areas of the property,” and that the General Plan’s discussion of the Magee Ranch special concern areas specifically encouraged such development.

The final EIR for the Project was submitted in April 2013. The EIR dismissed concerns the Project would pose increased traffic hazards to bicyclists along Diablo Road. The report explained that while the Project would add traffic to the road, it would not change existing conditions for cyclists, and physical constraints limited the feasibility of widening for future bicycle facilities. Those constraints included narrow roadways and shoulders, existing drainages, and the close proximity of trees and telephone poles.

In June 2013, the Town’s council unanimously certified the final EIR and approved the Project, including the request to rezone the site to P-1.

#### ***D. Procedural History***

About a month after the project was approved, plaintiff filed a petition for writ of mandate and complaint for declaratory relief alleging three causes of action. First, plaintiff asserted the Town violated CEQA, arguing the EIR was inadequate because, among other things, it failed to disclose or adequately mitigate the Project's significant bicycle safety impacts. Second, plaintiff asserted the Town violated the Planning and Zoning Law because the Project was inconsistent with the General Plan. According to plaintiff, the Project called for the rezoning of the entire Project site to P-1, but P-1 is not an allowable zoning for land designated as agricultural open space under the General Plan. Third, plaintiff sought a judicial declaration of the allowable zoning classification on land designated as agricultural open space in the General Plan. According to the complaint, there was a disagreement among the parties about how such property should be zoned upon the expiration of a Williamson Act contract. Plaintiff asserted the land should revert to A-4 zoning if that zoning had been applied, but was ineffective while the contract was in operation. The Town claimed the zoning should revert to whatever had been in effect prior to the establishment of the contract, even if the property had since been rezoned.

Defendants demurred to the third cause of action for declaratory relief, and the trial court sustained the demurrer with leave to amend. Plaintiff filed an amended petition, and defendants again demurred. The trial court then severed the CEQA and Planning and Zoning Law causes of action for a separate trial. On June 25, 2014, the trial court tried the CEQA and Planning and Zoning Law causes of action and heard oral argument on the demurrer on the claim for declaratory relief.

The trial court later issued an order regarding the first two claims for relief. The trial court rejected all of plaintiff's CEQA claims, except the one dealing with bicycle safety. The court also found for plaintiff on its Planning and Zoning Law claim, concluding the Project was inconsistent with the General Plan. The trial court reasoned that, in approving the Project, the Town changed the General Plan's description of agricultural open space to include P-1 zoning as a consistent zoning category, and it did

so without putting the issue to a popular vote as required by Measure S. The trial court also issued a separate order sustaining the Town's demurrer to plaintiff's remaining claim for declaratory relief without leave to amend.

The trial court entered judgment, issuing a peremptory writ of mandate ordering the Town to rescind its actions in approving the Project and certifying the EIR. The court also permanently enjoined defendants from undertaking any construction activities or issuing any construction or development permits in connection with the Project.

## II. DISCUSSION

### A. CEQA

"CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 390.) The EIR is "the heart of CEQA" (Cal. Code Regs., tit. 14, § 15003, subd. (a)), and its purpose is "to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project" (Pub. Resources Code, § 21061).

In this case, plaintiff asserted the Town violated CEQA because its analysis of the Project's traffic impacts was inadequate in several respects. The trial court rejected all of plaintiff's CEQA claims except those pertaining to bicycle safety. The court stated:

"The [EIR] appears to be based on the assumption that because the existing conditions are dangerous for bicycles, any added danger would not be a significant impact; but it does not provide any statistics about actual or projected numbers, or severity, of accidents. Nor does the response mention the possibility of any mitigation measure, other than a vague reference to the 'limit[ed] feasibility' of widening the road to create a bicycle lane. It should have explained the extent to which that feasibility is limited, not just *why* it is limited. The response also should have addressed at least some of the mitigation possibilities raised in the comments."

Defendants argue the trial court erred in finding the Project would have a significant impact on bicycle safety because there was substantial evidence to the contrary.<sup>4</sup> They also challenge the trial court's finding that the Town failed to adequately respond to public comments regarding bicycle safety. In a CEQA action, our inquiry "shall extend only to whether there was a prejudicial abuse of discretion," which is established "if the [Town] has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence." (Pub. Resources Code, § 21168.5.) We review the Town's action, not the trial court's decision, and in that sense we conduct an independent review. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 427.) We conclude substantial evidence does not support the Town's finding that the Project would have no significant impact on bicycle safety, and we therefore need not and do not address whether the Town adequately responded to public comments on the issue.<sup>5</sup>

An agency must find a project may have a significant effect on the environment where, among other things, "[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." (Cal. Code Regs., tit. 14, § 15065, subd. (a)(4).) A project's environmental effects are determined by comparison to existing baseline conditions. (Cal. Code Regs., tit. 14, § 15125, subd. (a).)

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<sup>4</sup> Defendants also argue CEQA imposes no categorical requirement that an EIR analyze and discuss potential project impacts on bicycle safety. However, their own draft EIR states a project impact would be considered significant if the Project caused unsafe conditions for pedestrians and cyclists. Thus, the EIR itself accepts the premise that bicycle safety is a "reasonably foreseeable indirect physical changes in the environment which may be caused by the project." (Cal. Code Regs., tit. 14, § 15064, subd. (d).) Moreover CEQA requires an agency to find a project may have a significant impact where there is substantial evidence the project will cause substantial adverse effects on human beings. (Cal. Code Regs., tit. 14, § 15065, subd. (a)(4).)

<sup>5</sup> Defendants argue plaintiff waived its substantial evidence challenge by failing to lay out all of the evidence favorable to the Town in its response brief. But defendants' authority merely requires an "appellant" challenging an EIR to disclose evidence favorable to the other side. (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1266.) In this case, plaintiff is the respondent. In any event, we find plaintiff's discussion of the evidence sufficient.

When an agency concludes a particular environmental effect of a project is not significant, the EIR must contain a brief statement indicating the reasons for that conclusion. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1112–1113 (*Amador*)). However, a detailed analysis is not necessary. (*Ibid.*)

Notwithstanding the above requirements, “the agency’s conclusion that a particular effect of a project will not be significant can be challenged as an abuse of discretion on the ground the conclusion was not supported by substantial evidence in the administrative record.” (*Amador, supra*, 116 Cal.App.4th at p. 1113.) In the CEQA context, substantial evidence means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached. Whether a fair argument can be made that the project may have a significant effect on the environment is to be determined by examining the whole record before the lead agency. Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.” (Cal. Code Regs., tit. 14, § 15384, subd. (a).)

In this case, the final EIR addressed the significance of the Project’s impacts on bicycle safety in response to various comments submitted by the public. Specifically, the EIR stated: “Diablo/Blackhawk Road is a popular route used by bicyclists. However, portions of the roadway are narrow and do not have bike lanes. This route is not a designated Bike Route in the Town’s General Plan. Given the narrow right-of-way along Diablo/Blackhawk, both vehicles and bicyclists should use caution. While the project would add traffic to Diablo/Blackhawk Road, it would not significantly change existing conditions for cyclists. In addition, the physical constraints along Diablo/Blackhawk Road (i.e., narrow roadways and shoulders, existing drainages, the close proximity of trees and telephone poles) limit the feasibility of widening for future bicycle facilities.”

Relying on *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, defendants contend the final EIR's short discussion of bicycle safety alone constitutes substantial evidence the Project would not have a significant impact. But the EIR in *Clover Valley Foundation v. City of Rocklin* contained factual statements addressing why the impacts at issue were not significant. (*Id.* at p. 244.) Here, the only pertinent facts set forth in the final EIR are that the roadways at issue are already dangerous for cyclists, the Project would increase traffic on those roadways, and widening the roadways would be difficult. ~~While the final EIR concludes the Project would not change existing conditions, it does not explain why or point to any facts or evidence that would support the conclusion.~~

Defendants further argue the draft EIR's discussion of traffic impacts and the traffic study on which that discussion is based provide additional support for the finding of no significance. Again we disagree. ~~The underlying traffic study does not offer any conclusions regarding the impact of the Project on bicycle safety.~~ It merely notes Diablo and Blackhawk Roads have narrow shoulders and higher vehicle speeds and thus should be used only by advanced cyclists. The study does state the Project would result in approximately one additional bike trip during the "AM, school PM, and PM peak hours," but it does not discuss the impact of increased traffic on cyclists who already use the roads, including the thousands of recreational cyclists who use Diablo Road to access Mount Diablo. The study also states the General Plan calls for public access easements to be provided where appropriate and the Project's plan includes a paved trail that connects portions of the site. However, as defendants concede, even with these trails, cyclists would still need to use portions of Diablo and Blackhawk Roads.

Nor does the draft EIR offer substantial evidence concerning the Project's impacts on bicycle safety. Defendants argue we should infer the draft EIR concludes the Project would not have a significant impact on bicycle safety. They point out the draft EIR states the Project's main entrance had the potential to provide an unsafe condition for pedestrians, but it does not contain a similar finding with respect to cyclists. Defendants are essentially arguing the EIR's failure to discuss an impact constitutes substantial

evidence that impact is not significant. The position is untenable, especially since the EIR is intended “to demonstrate to an apprehensive citizenry that the agency has in fact analyzed and considered the ecological implications of its action.” (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.) For similar reasons, we find unpersuasive defendants’ contention that their consultants would have called out bicycle safety issues in their traffic study if they had observed them during their onsite observations.<sup>6</sup>

A finding of no significant impact is further undermined by public comments concerning bicycle safety on Diablo Road. For example, an executive board member of the Valley Spokesmen Bicycle Club stated the road is a major attraction for cyclists because it is a route to Mount Diablo State Park. He also observed the road is narrow with many curves and is therefore a safety concern for bicycle travel, and concluded “adding additional traffic to this inadequate road will have significant impact on the safety of bicycle travel.” A local planning commissioner expressed similar concerns. Defendants dismiss these comments, arguing increased accident rates and the effect of automobile traffic on bicycle safety are not matters susceptible to proof by lay observation. But the comments were relevant to establish baseline conditions on Diablo Road, and it is logical to assume additional traffic caused by the Project has the potential to make these conditions worse.

Defendants argue plaintiff has not offered studies or expert testimony concerning the effect of the Project on bicycle safety. But defendants have pointed to no authority requiring a CEQA petitioner to introduce such evidence in this context. The pertinent question is whether substantial evidence supports a finding of no significant impact.

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<sup>6</sup> In their reply brief, defendants also rely on the testimony of Tai Williams, the Town’s community development director, at a city council hearing. Williams stated the traffic consultants conducted field observations, during which they investigated bicycle safety issues, and “the conclusion was that no additional studies were warranted.” In other words, Williams asserted if there had been something worth studying, the consultants would have studied it. However, as discussed above, CEQA requires something more than an absence of discussion to support a finding of no significant impact.

While an EIR need not analyze speculative impacts (*Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 876–877), the record indicates the Project’s potential impacts on bicycle safety rise above conjecture. Cycling conditions on Diablo Road are already problematic, and it is undisputed the Project would add more traffic. Moreover, there is no indication the Town has conducted a “thorough investigation” or determined that impacts on cyclists are “too speculative for evaluation.” (Cal. Code Regs., tit. 14, § 15145.)

Defendants further argue no prejudice resulted from the EIR’s discussion, or lack thereof, of the Project’s impacts on bicycle safety. “An omission in an EIR’s significant impacts analysis is deemed prejudicial if it deprived the public and decision makers of substantial relevant information about the project’s likely adverse impacts. . . .

Insubstantial or merely technical omissions are not grounds for relief.” (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439, 463.)

Notwithstanding the contents of the EIR, defendants argue the Town and the public had ample opportunity to consider the Project’s impacts on bicycle safety. Defendants assert various individuals aired their concerns regarding bicycle safety and potential mitigation measures at public hearings on the Project and, as a result, any additional discussion of bicycle safety would not have added significantly to the public’s understanding. We disagree. That members of the public raised the issue of bicycle safety at public hearings does not excuse the Town’s failure to determine whether the Project might have a significant impact on cyclists. Moreover, it is unclear how the Town could have made a considered judgment regarding the feasibility of various mitigation options when it declined to examine the scope or severity of the underlying bicycle safety problem.

Accordingly, we affirm the trial court’s determination that the Town violated CEQA by failing to adequately investigate bicycle safety and discuss it in the EIR.

**B. Planning and Zoning Law**

Defendants claim the trial court erred in finding the Project is inconsistent with the General Plan in violation of the Planning and Zoning Law. We agree.

The Planning and Zoning Law provides every city and county must adopt a “comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries which in the planning agency’s judgment bears relation to its planning.” (Gov. Code, § 65300.) A general plan is essentially the “ ‘constitution for all future developments’ ” within a city or county. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570.) Its elements must comprise “an integrated, internally consistent and compatible statement of policies.” (Gov. Code, § 65300.5.)

The propriety of local decisions affecting land use and development depends on their consistency with the general plan. (*Citizens of Goleta Valley v. Board of Supervisors, supra*, 52 Cal.3d at p. 570.) “[A] governing body’s conclusion that a particular project is consistent with the relevant general plan carries a strong presumption of regularity that can be overcome only by a showing of abuse of discretion.” (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 357.) Courts will find an abuse of discretion if a governing body “did not proceed legally, or if the determination is not supported by findings, or if the findings are not supported by substantial evidence. [Citation.] As for this substantial evidence prong, it has been said that a determination of general plan consistency will be reversed only if, based on the evidence before the local governing body, ‘ . . . a reasonable person could not have reached the same conclusion.’ ” (*Families Unafraid to Uphold Rural etc. County v. Board of Supervisors* (1998) 62 Cal.App.4th 1332, 1338.)

“Because policies in a general plan reflect a range of competing interests, the governmental agency must be allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes. [Citations.] A reviewing court’s role ‘is simply to decide whether the city officials considered the applicable policies and the extent to which the proposed project conforms with those policies.’ ” (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 142.) “Moreover, state law does not require precise conformity of a proposed project with the land use designation for a site, or an

exact match between the project and the applicable general plan. [Citations.] Instead, a finding of consistency requires only that the proposed project be ‘*compatible* with the objectives, policies, general land uses, and programs specified in’ the applicable plan. (Gov. Code, § 66473.5, italics added.) The courts have interpreted this provision as requiring that a project be ‘“in agreement or harmony with”’ the terms of the applicable plan, not in rigid conformity with every detail thereof.” (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 678.) Because the question of substantial compliance with a general plan is one of law, we need not give deference to the conclusion of the trial court on this issue. (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 96.)

In this case, the trial court held the Project was inconsistent with the General Plan. The court’s focus was on the 199 acres of agricultural open space on the Project site which would be rezoned from A-4 to P-1 to accommodate the Project’s cluster development. The court acknowledged the General Plan’s discussion of the Magee Ranch special concern area encouraged transferring densities and cluster development on the Project site, but stated: “[I]t is unclear whether such transferring and clustering should (or could) occur on the agricultural-designated portion of the site. . . . So the language of the [special concern area section] can be interpreted reasonably to mean that the non-agricultural portions of the site should be cluster developed, leaving the agricultural portion as open space.” The court then held: “The Town, in effect, changed the [General Plan]’s designation and description of agricultural land to add P-1 as a consistent zoning category. And it did so without complying with Measure S—either by putting the issue to a popular vote, or by the Council voting (at least 4/5) to make the change.” Even if Measure S did not exist, reasoned the court, the agricultural open space land use designation could not be changed without completing a comprehensive planning study and then amending the General Plan. The court concluded the Town should have first changed the land use designation for the Project site to some other category that expressly allows P-1 zoning.

We agree with the trial court that the General Plan's description of agricultural open space, specifically its failure to list P-1 zoning as a consistent zoning district, is problematic for the Town. The General Plan states "zoning districts must correspond with land use map designations." Here, 199 acres of the Project site have been designated agricultural open space, a designation which, according to one section of the General Plan, is consistent with only one type of zoning district: A-2. Yet the Town is trying to rezone the area to P-1 to allow for cluster development. We also agree with the trial court that the General Plan's description of the Magee Ranch special concern area is ambiguous. The General Plan's discussion of the Magee Ranch could reasonably be construed to mean that any cluster development in the area should be concentrated only on land designated as rural residential, which is consistent with P-1 zoning, and not on land designated as agricultural open space, which is not.

However, because the Planning and Zoning Law does not require the Project to be in precise conformity with the General Plan, and since the Town's actions are reviewed under the deferential abuse of discretion standard, we find the trial court's decision was in error. Ultimately, this case turns on the tension between the General Plan's description of agricultural open space and its more specific guidance on the development of the Magee Ranch special concern area. The former ostensibly prohibits P-1 zoning on the 199 acres of agricultural open space on the Project site, while the latter arguably allows it. There are various ways to harmonize these two sections. As we must review the Town's decisions for an abuse of discretion, we need not determine which construction is the most reasonable. Rather, we need only determine whether a reasonable person could agree with the Town's proposed construction. Here, we cannot say that the Town's interpretation of the General Plan is unreasonable.

As an initial matter, we observe the Project effectuates many of the policies described in the General Plan's discussion of the Magee Ranch special concern area. This portion of the General Plan supports retention of the scenic character of the Magee Ranch, encourages development proposals that transfer the allowable number of homes to the least sensitive and obtrusive parts of the site, discourages subdivision of the area into

five-acre ranchette sites, and promotes the conservation of open space and the development of wildlife corridors. The administrative record indicates the Project would have minimal impacts on the views from surrounding roads, all homes proposed by the Project would be clustered in flat and unobtrusive portions of the site, and 91 percent of the Project's 410 acres would be preserved as open space, which would include trail connections to other open space areas and preserve wildlife corridors through the site.

Further, the General Plan states, "The Special Concern Areas text . . . identifies land use polices not shown on the Land Use Map or reflected in other parts of the General Plan," suggesting we should defer to the more specific guidance set forth in the special concern area text. Plaintiff argues this statement is irrelevant since nothing in the special concern area section calls for the provisions of that section to overrule other parts of the General Plan. Plaintiff further argues the special concern area policies are akin to a zoning overlay district, which should be applied in addition to more general zoning requirements. Defendants counter plaintiff's position is contradicted by the plain text of the General Plan, including its statement that the development of special concern areas "may result 'in more specific land use designations or policies that are specifically directed at these areas.'" Neither party's position is entirely without merit. Ultimately, the General Plan is ambiguous as to whether the special concern area policies should prevail over or merely augment other General Plan requirements, including those set forth in the land use map. Since we review the Town's decisions for an abuse of discretion, we must defer to its interpretation of the General Plan on this point. (See *Las Virgenes Homeowners Federation, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 310 [review of land use map insufficient to determine consistency with general plan where local area wide plan provided extensions and refinement of county wide policy].)

The parties also disagree about whether the General Plan's special concern area guidance actually encourages cluster development on agricultural open space in the Magee Ranch. The guidance states: "The [General] Plan designates a majority of Magee Ranch, including most of the hillside areas, for agricultural use. Application of the Williamson Act to retain these areas for grazing is strongly supported. . . . [N]early half

of the site has been designated for rural residential uses, with maximum densities of one unit per five acres. . . . [P]roposals which transfer the allowable number of homes to the least sensitive and obtrusive parts of the site are encouraged. . . . [¶] . . . Despite the A-2 (General Agricultural) zoning on much of the site, subdivision of this Special Concern Area into five-acre 'ranchette' sites . . . is strongly discouraged. . . . On the other hand, transferring allowable densities to a limited number of areas within the ranch would enable the bulk of the site to be set aside as a permanent open space.”

Plaintiff focuses on the statement that much of the Magee Ranch has been zoned A-2. Plaintiff argues it is this area that the caution against subdivision into five-acre lots and a preference for clustering is aimed. Plaintiff asserts development on the A-2 land is consistent with the General Plan since this land has been designated rural residential, a land use designation for which P-1 zoning is also allowed. On the other hand, the portion of the Magee Ranch designated as agricultural open space is zoned A-4. Plaintiff contends division of this 199-acre area into five-acre ranchettes would have hardly been expected since the General Plan states these lands should remain under Williamson Act contract.

Defendants counter the General Plan encourages cluster development on agricultural open space within the Magee Ranch, pointing out the text at issue also generally refers to areas designated for agricultural use. Defendants contend the only way to implement the special concern area policies is to develop on agricultural open space since this designation has been applied to all of the flattest, least obtrusive portions of the Magee Ranch. According to defendants, the remainder of the property, including substantially all of the lands designated as rural residential, consists of steeply sloped and environmentally sensitive lands on which the General Plan discourages development. As to the fact that 199 acres of the Project site is zoned A-4, the Town argues this land could be rezoned to A-2 without change to the General Plan since this zoning district is consistent with the agricultural open space designation. Indeed, as defendants point out, the General Plan lists A-2 as the only allowable zoning for land designated as agricultural open space.

Again, we find neither plaintiff's nor defendants' interpretation is unreasonable. The text of the General Plan does not expressly state whether cluster development should be limited to those areas of the Magee Ranch that have been designated rural residential. As the trial court acknowledged, the language at issue is ambiguous. The ambiguity appears to be the result of an attempt to satisfy competing interests. The General Plan discourages proposals that would increase the development of the Magee Ranch and supports retention of areas for grazing and agricultural use, but at the same time, it encourages development proposals that would cluster development on flat and unobtrusive areas, almost all of which appear to have been designated agricultural open space. As the case law makes clear, balancing such competing interests is the province of the local governing body. (*Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th at p. 142.) As the Town's interpretation of the special concern area text is not unreasonable, we decline to second-guess it.

In sum, the General Plan's discussion of the Magee Ranch special concern area suggests defendants are correct and the entire Project site, including the areas designated as agricultural open space, may be cluster developed and zoned P-1. We concede the General Plan is not a model of clarity, and as a result, it is reasonably susceptible to other interpretations. However, as the Town has broad discretion to construe the terms of the General Plan, we need not determine whether an alternative interpretation is more reasonable. Accordingly, we cannot agree with the trial court's determination that the Project is inconsistent with the General Plan, and we reverse the court's judgment in favor of plaintiff on the Planning and Zoning Law claim.

### ***C. Plaintiff's Cross-appeal***

Plaintiff's cross-appeal is somewhat convoluted but it appears to concern a disagreement about the maximum development potential for the areas of the Project site previously bound by a Williamson Act contract. Defendants maintain the maximum density allowed in these areas is one unit per five acres, which may be clustered to allow a smaller area of higher density residential development while leaving a larger contiguous area as undeveloped open space. Clustering aside, plaintiff argues the maximum density

should be limited to one unit per 20 acres. The trial court found for the Town on this issue. So do we.<sup>7</sup>

The General Plan states that in the event a Williamson Act contract is not renewed, “the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply upon contract expiration.” According to defendants, this provision reflects an intent to place property in the position it held prior to the commencement of a Williamson Act contract. Thus, the Town uses the density permitted under the zoning that was in effect before the Williamson Act contract was entered to determine the maximum potential density of a property. In this case, the Town found that, before it was bound by a Williamson Act contract, 199 acres of agricultural land on the Project site was zoned A-2, allowing for densities of up to one unit per five acres. Plaintiff counters the meaning of “underlying zoning density” is the density the current zoning would entail if a Williamson Act contract was not in effect. Since the property was zoned A-4 prior to the termination of the Williamson Act contracts, plaintiff contends the density allowed for the property is one unit per 20 acres, the maximum density permitted under A-4 zoning.

We defer to the Town’s interpretation. As discussed in more detail above, the Town’s reading of its own General Plan is entitled to a “strong presumption of regularity,” and will only be set aside upon a showing of abuse of discretion. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors*, *supra*, 91 Cal.App.4th at p. 357.) We will not disturb the Town’s interpretation, so long as it is reasonable, even if plaintiff’s interpretation is more reasonable. (See *Families Unafraid to Uphold Rural etc. County v. Board of Supervisors*, *supra*, 62 Cal.App.4th at p. 1338.) The term “underlying zoning” is ambiguous and thus susceptible to more than one reasonable interpretation. We cannot conclude no reasonable person would agree with

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<sup>7</sup> As defendants point out, plaintiff’s standing to bring a cross-appeal is questionable since the trial court granted plaintiff all the relief it sought. However, plaintiff’s cross-appeal can also be construed as an alternative ground for affirming the judgment in its favor on the Planning and Zoning Law claim. If we were to affirm this aspect of the judgment, plaintiff’s cross-appeal would be moot. As we reverse, we address the additional arguments raised in plaintiff’s cross-appeal.

the Town's assertion that the "underlying zoning" for a Williamson Act property is its previous zoning.

Plaintiff argues the current printed version of the General Plan does not reflect the drafter's intent. Specifically, it contends the reference to "one unit per five acres" was illegally added to the General Plan without public discussion or a vote by the Town's council. The argument is unpersuasive. As an initial matter, the allegedly unauthorized amendments to the General Plan are included in both the formatted version of the plan used today, as well as the unformatted version circulated immediately after the plan's adoption in 1999. Contrary to plaintiff's suggestion, the Town need not prove the current text is consistent with the legislative history. As a matter of law, we must presume the General Plan is valid and that its text reflects the intent of the Town's council. (See Evid. Code, § 664.) The burden is on plaintiff to prove facts establishing its invalidity. (*City of Corona v. Corona etc. Independent* (1953) 115 Cal.App.2d 382, 384.) Plaintiff has fallen far short of meeting its burden here. Its contentions are based on a few ambiguous excerpts from the Town council's summary of actions, in addition to speculation about whether certain proposed revisions to the General Plan were rejected or adopted by the Town's council.<sup>8</sup>

As defendants point out, plaintiff's argument also fails on procedural grounds. Because plaintiff declined to raise this issue during the administrative process, defendants were denied an opportunity to present testimony rebutting plaintiff's allegations of impropriety. Further, this case was brought over a decade after the expiration of the 90-day statute of limitations for actions attacking a legislative body's decision to adopt or

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<sup>8</sup> To the extent plaintiff is contending the Town's interpretation of the General Plan is inconsistent with the legislative history, its argument also fails. Courts refer to legislative history only where statutory text is ambiguous and its plain meaning does not resolve a question of statutory interpretation. (*Long Beach Police Officers Assn. v. City of Long Beach* (1988) 46 Cal.3d 736, 741.) In this case, we need not look to the legislative history since we must defer to the Town's reasonable interpretation of ambiguous provisions of the General Plan. (See *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors*, *supra*, 87 Cal.App.4th at p. 142.)

amend a general plan (Gov. Code, § 65009, subd. (c)(1)(A)), and plaintiff has yet to point to any authority which would permit the tolling of the statute of limitations.

Plaintiff also contends that, even if the current language of the General Plan was approved by the Town council, it is illogical and self-contradictory. Plaintiff asserts that if, as defendants have argued in the past, A-4 zoning applies only to land currently bound by a Williamson Act contract, then A-4 zoning—and the one-unit-per-20-acre density with which it is associated—would never apply upon the termination of a Williamson Act contract. According to plaintiff, this would render superfluous the reference to “one unit per 20 acres” in the General Plan’s statement that “ ‘the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply upon [Williamson Act] contract expiration.’ ” But the General Plan indicates A-4 zoning may apply to more than land bound by Williamson Act contract. In fact, it states A-2 is the only zoning consistent with the agricultural open space designation, which is generally used for Williamson Act land. Moreover, since Williamson Act contracts can run for decades (the parcels at issue here were placed under contract over 45 years ago), it is entirely possible that historical zoning districts, other than A-4, required a one-unit-per-20-acre density.

### III. DISPOSITION

The trial court’s judgment is affirmed in part and reversed in part. ~~We affirm as to the trial court’s finding that defendants violated CEQA by failing to determine whether the Project’s impacts on bicycle safety were significant.~~ We also affirm the trial court’s determination that “underlying zoning,” as that term is used in the General Plan, refers to a property’s prior zoning. However, we reverse as to the trial court’s determination that defendants violated the Planning and Zoning Law. The parties shall bear their own costs on appeal.

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Margulies, J.

We concur:

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Humes, P.J.

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Dondero, J.

# O-HVNA-Henderson3

-----Original Message-----

From: Jason M Henderson [mailto:Jhenderson@sonic.net]

Sent: Saturday, January 07, 2017 7:37 AM

To: Jacinto, Michael (CPC); Gibson, Lisa (CPC)

Subject: TDM Idea

Dear Lisa and Michael

I have one additional comment or suggestion regarding the Draft EIR. I think it would be good to add the TDM proposal by SFMTA-Planning-SFCTA as a informational item. You could then analyze the project with 0 parking, 0.25:1, and 0.5:1 parking ratios and compare the proposed TDM point system.

1  
(TR-7)

It seems this TDM calculation/methodology would be something incorporated into EIRs - no?

Thanks

-jh

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Jason Henderson  
San Francisco CA  
94102



January 10 2017

Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
Lisa.gibson@sfgov.org

**RE: Comments on Draft Environmental Impact Report and Mitigations for the One Oak Street Project**

Dear Ms. Gibson,

On behalf of Livable City, I wish to submit the following comments on the Draft Environmental Impact Report and Mitigations for the One Oak Project.

The proposed project is a 310-unit, 40-story residential tower with ground floor retail, atop a new residential parking garage. It is located at the corner of Market Street and Van Ness Avenue at the edge of Downtown San Francisco. Market and Van Ness are two of the most significant public transit corridors in San Francisco, with well over a hundred thousand transit trips per day passing nearby on numerous surface transit lines. Market and Van Ness are both significant walking corridors, and Market Street is the City's most-used street by people on bikes. The City has identified both Market and Van Ness as high-injury corridors – the 5% of city streets where over half of the city's traffic deaths and serious injuries occur.

The proximity of the site to frequent transit, and convenient walking and cycling access to Downtown and Civic Center jobs, make it a good site for high-density, transit-oriented housing, as identified in the Market and Octavia Plan. However its location at the intersection of important, and congested, streets in the City's walking, cycling, and transit networks makes it imperative that the project reduce and mitigate its negative environmental impacts to the greatest extent possible.

The California Environmental Quality Act (CEQA) Guidelines (Section 15126.6(a)) state that an environmental impact report must describe and evaluate a reasonable range of alternatives to the proposed project that would feasibly attain most of the project's basic objectives, yet would avoid or substantially reduce significant adverse environmental effects of the project. Providing the public and policymakers with a reasonable range of feasible alternatives fosters informed decision-making and public participation.

CEQA also requires that an EIR's factual conclusions be supported by substantial evidence. However substantial evidence assembled by the Planning Department and available to both planners and the public suggests does not support certain factual conclusions of the DEIR's transportation analysis.

The Draft Environmental Impact Report (DEIR) is inadequate. It provides inadequate analysis of impacts under CEQA, does not describe and analyze a reasonable range of alternatives, and does not adequately identify mitigations for certain adverse environmental impacts of the project. Specifically, the DEIR does not

1  
(TR-9)

adequately analyze the following alternatives and impacts (presented in order of Table S-1: *Summary of Impacts*):

**Alternatives analyzed.** The project is at the western end of the Downtown Commercial (C-3) zoning district, and within the Van Ness and Market Special Use District. C-3 districts, like the adjacent districts, require no parking. The Van Ness and Market Special Use District principally permits up to .25 parking spaces per unit, with additional parking (up to 3 spaces for every four units) only with Conditional Use Authorization, subject to certain findings being made by the Planning Commission.

C-3 and adjacent districts contain hundreds of buildings – market-rate condominiums, market-rate apartments, affordable condominiums and apartments, and commercial buildings of all kinds - with no parking at all, and with parking at or below the current principally-permitted amounts. The Planning Department’s research for its Transportation Demand Management (TDM) ordinance notes the reduced supply of off-street parking correlates with the area’s generally low rates of automobile use and vehicle miles travelled (VMT), and concludes that reducing parking is an effective, and likely the most effective, means of changing travel behavior and reducing vehicle miles travelled.

According to the Planning Code (Section 150), the Code’s parking off-street parking provisions are “intended to require facilities where needed but discourage excessive amounts of automobile parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of walking, cycling, and public transit as alternatives to travel by private automobile.” The maximum amount of parking principally permitted – .25 spaces per dwelling unit – was established by the Market and Octavia Plan to further those purposes. To approve excess parking, the Planning Commission must find affirmatively, in addition to other criteria, that “Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district.” In order to conclude that, the Planning Commission must be able to compare a project containing excess parking with the principally permitted project.

DEIR analyzed a single ‘build’ alternative, which contains double the amount of parking principally permitted. Based on substantial evidence available gathered by the Planning Department, a project with less parking than the single alternative analyzed – either the maximum permitted as-of-right, or zero parking – would have significantly reduced transportation impacts under CEQA. These as-of-right alternatives would both reduce the number of auto trips generated by the project, and reduce conflicts with walking and cycling created by turning automobiles, since less off-street parking results in fewer vehicles accessing garages. In a district with hundreds of such buildings and where such buildings are principally permitted, these alternatives would be both feasible and reasonable. Therefore the EIR must analyze an alternative or alternatives with a principally-permitted amount of parking – zero spaces, and 25 spaces per unit.

**TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. As noted above, it only analyzes a single alternative with excess parking, and neglects to analyze any alternative with parking within principally-permitted amounts. The transportation analysis used in the DEIR relies on both inadequate methods and outdated data. It relies on a trip-generation methodology that does not account for the amount of parking, or the presence of or absence of other TDM measures, when estimating auto trips. It does not use current trip-distribution patterns, and underestimates commutes to the South Bay. VMT and Traffic must be adequately analyzed, using both a sufficient range of alternatives, a methodology based on sufficient evidence, including the Planning Department’s own substantial body of evidence connecting amounts of parking and other TDM measures with travel behavior, and current data on trip distribution.

**Bicycle Impacts (TR-4):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, principally on Market Street. It ignores hazards to bicycling from curb loading vehicles and wind, and proposes no mitigations for these hazards. An analysis of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully separated bicycle lanes of adequate width on Market Street must be considered, along with other bicycle access improvements. Project alternatives with principally-permitted amounts of parking will reduce auto trips in the vicinity, which would further mitigate impacts on bicycling, but such alternatives were not studied.

3  
(WI-2)

**Loading Demand (TR-5):** Curb loading, including delivery vehicles, TNCs, and taxi trips, are a significant source of conflicts with the safety and access of pedestrians and cyclists. Additionally, the volume of curb loading vehicles has increased significantly in recent years and continues to increase, as noted by SFMTA and others. The DEIR must identify stronger mitigations for loading impacts created by the project, including mitigation measures to reduce loading along Market Street and re-orient loading to the Oak Street side of the project.

4  
(TR-5)

**Wind Impacts (W-1):** The DEIR wind analysis ignores the impact of wind on people on bikes, and does not address the cumulative wind impact of the project and other proposed projects in the vicinity. Exacerbating wind impacts on people walking and cycling both directly impacts safety and livability of residents, visitors, and commuters, and could worsen traffic impacts by reducing the appeal of sustainable, human-powered modes of transport.

5  
(WI-2)

**Construction Impacts (various):** The project alternative studied proposes significant excavation to create a large underground parking garage. Project alternatives with less parking – either the maximum principally permitted, or zero – would reduce the amount of soil excavated by the project. This would in turn reduce various environmental effects of the project – reduced congestion, noise, and air quality impact from trucks removing soil, less potential exposure of workers and the public to contaminated soil, less dust, and reduced excavation impact on groundwater and adjacent buildings and public transit lines. Such reduced construction impacts are both significant and quantifiable.

6  
(CO-1)

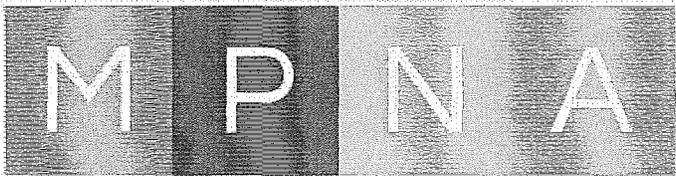
The One Oak Project is a significant project at a very important crossroads in our City. We are keen to that the inadequacies of the Draft EIR are corrected in the final version. If you have any questions about our comments, please don't hesitate to contact us.

7  
(GE-1)

Sincerely,



Tom Radulovich  
Executive Director



Middle Polk Neighborhood Association

January 4, 2017

(by e-mail only)

Planning Commission  
City and County of San Francisco

RE: 1 Oak Draft Environmental Impact Report Comments

Dear President Fong, Vice President Richards, and Commissioners:

We are in full support of the comment letter provided to this commission by Hayes Valley Neighborhood Association earlier today. As a fellow neighborhood organization of the Van Ness corridor, we stand together with Hayes Valley in the interest of making this project better for our community and our environment.

1 Oak set precedent for other large tower projects in the vicinity in light of the Hub rezoning. The comments and requests detailed in the letter provided by Hayes Valley Neighborhood Association raise thoughtful and important points related to the relationship this project will have with the physical environment.

We are confident that the project sponsor and the Planning Department can address the noted concerns in the Draft EIR by further analysis with detailed mitigation combined with potential modifications to the project to address community concerns and reduce environmental impacts.

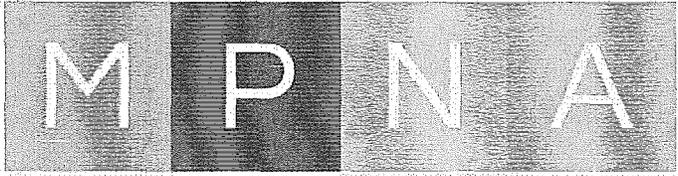
Such modifications could include (1) removal of the off-street parking (2) removal of any loading on Market Street (3) inclusion of on-site BMR units (4) construction of off-site BMR units simultaneously with the market-rate units and (5) contributions toward community benefits such as additional affordable housing units or other appropriate measures to mitigate shadow impacts on public parks.

Best Regards,

/s/ Moe Jamil  
Chair, Middle Polk Neighborhood Association

PO Box 640918  
San Francisco, CA 94164-0918  
<http://www.middlepolk.org>

1  
(GE-2)



Middle Polk Neighborhood Association

Cc: John Rahaim, Director, Planning Department  
Lisa Gibson, Acting Environmental Review Officer, Planning Department  
Marlayne Morgan, President, Cathedral Hill Neighbors Association  
Jason Henderson, Chair, Hayes Valley Neighborhood Association  
Gail Baugh, President, Hayes Valley Neighborhood Association

Attachments: Letter to Lisa Gibson, Acting Environmental Review Officer, San Francisco Planning Department, from Jason Henderson, Chair, Hayes Valley Neighborhood Association, Dated January 4, 2017



**SAN FRANCISCO GROUP**

c/o Sue Vaughan, 2120 Clement #10, San Francisco CA 94121

DRAFT January 10, 2017

Lisa Gibson  
Acting Environmental Review Officer  
Planning Department, 1660 Mission Street  
San Francisco CA 94103-2414

Re: One Oak DEIR Comments, Case No. 2009.0159E

Dear Ms. Gibson,

Thank you for the opportunity to comment on the subject SEIR. The Sierra Club appreciates your electronic publishing of the SEIR to save paper, printing and mailing cost; however we have a comment on the format: A massive document like this **should be published similar to Amazon Kindle** so that a commenter/reviewer can move directly from the index to the sections of concern, similar to how one would insert labeled place marks with a paper EIR.

1  
(GE-1)

Sierra Club comments are as follows:

The study carefully counted the number of vehicles for residential and commercial use entering and leaving the project garage. **The study should have also considered** that the existence of valets to park the cars will generate additional non residential users for the garage using both the driveway and the vacated residential spaces in the garage and that this will increase the total number of vehicles entering and leaving the garage during every hour. This use is typical in the upper eastside of Manhattan where all of the apartment house garages welcome non-resident short and long term parking.

2  
(TR-8)

The study listed all of the driving limitations of the streets surrounding the project. **But, the study should also have considered** the tortuous path and the multiple conflicts with transit, pedestrians and bicyclist as each vehicle negotiates the driving limitations to approach or leave the garage especially when crossing Market Street or Van Ness is required.

3  
(TR-9)

**The study should have considered that** the shared pedestrian/vehicle space is also the approach for music students approaching their conservatory and that a typical shared pedestrian/vehicle space is in a parking lot (see Stonestown) where the of number spaces per aisle is limited to reduce the number of vehicles traversing the shared way during any hour. **The**

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**study should have also considered** that a few vehicles will turn right off Van Ness, each hour, looking for a nearby on street or off-street parking space.

3  
(TR-9)  
cont'd

The short length of shared pedestrian/vehicle space that is part of this project provides room for useful pedestrian and social amenities in front of the project. However googling, shared spaces and maximum vehicles, indicates that the number vehicles traversing a shared space should be less than 100 per hour. However, the study shows 110 vehicles per hour entering the garage during the PM peak plus: deliveries, valet parking additions, and vehicles seeking nearby parking. This total makes the shared space much less than ideal. Therefore, **the study should have considered** an alternate project with a garage with only 73 parking spaces, the maximum allowed per the planning code for this use. Studying this alternate is also essential to provide the Planning Commission and the Board of Supervisors sufficient information to decide whether or not a Conditional Use for 155 spaces is “necessary and useful.” In addition, less parking leads to less driving and San Francisco has to reduce driving as a method of meeting the carbon reduction requirements of AB 32 and SB 375.

Unfortunately Planning continues to analyze parking demand and then thankfully appropriately concludes that parking demand is not an environmental impact.

Another member may be commenting on other aspects of this project

Thank you for your consideration,

Howard Strassner, Member SF Group Executive Committee of the Sierra Club  
419 Vicente, San Francisco CA 94116, 661-8786, (h,w)  
email: ruthow1@gmail.com



January 10, 2017

Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

**Re: Comments on One Oak Street Project Draft EIR**

Dear Ms. Gibson:

Walk San Francisco is excited about many aspects of the One Oak Street project, especially the Oak Street plaza that will provide much-needed public space for the many people who live in, visit, or work in the neighborhood. Such a plaza will encourage people to walk more, which will help the City reach its environmental, mode-shift and Vision Zero goals.

1  
(GE-2)

**At the same time, Walk SF is concerned with the Draft EIR’s lack of analysis of the impacts that the proposed parking will have on the safety of people walking and on sustainable transportation more holistically.** The project sponsor is requesting permission to build up to 0.5 spaces per dwelling unit subject to criteria and procedures for a Conditional Use authorization, rather than building the as-of-right ratio of 0.25 spaces per unit.

2  
(TR-8)

Despite the City’s many efforts, there has not been a significant reduction in serious and fatal traffic collisions since the City adopted Vision Zero in 2014. To make progress, every planning decision the City makes must analyze opportunities to make our streets safer. Making sure the environmental review process assesses a development project’s traffic safety impacts is a crucial piece of this puzzle.

The One Oak Street project is located at the corner of two high-injury corridors —the 12% of San Francisco’s streets where over 70% of severe and fatal crashes occur. People traveling along these corridors are already more likely to be involved in crashes than people on other city streets. **We are extremely concerned that the addition of 150 parking spaces to this already dangerous area will make the streets even more dangerous.**

Supporting our concern is research showing that more parking leads to more driving. The Planning Department’s own June 2016 Technical Justification document for its Transportation Demand Management Program highlighted the following research findings:

- Areas with more parking are associated with more overall vehicular traffic than areas with less parking.
- Individuals who have dedicated parking at their origins or destinations are more likely to drive than those who don’t have dedicated parking.

More vehicle trips mean more opportunities for vehicle-pedestrian conflict. Because more parking leads to more trips, more parking is therefore associated with an increased danger for people walking.



Our concern over the project's rate of parking also stems from expected changes to allowed parking ratios for the geographic area in which the project is located. The Planning Department's Market Street Hub Project will likely cap the amount of permissible parking for future projects in this area at 0.25 spaces/unit, with no ability to request higher ratios (as is allowed currently). If the Planning Department's analysis led them to recommend this as a final parking maximum, we think it's important that the EIR includes an analysis of similar factors that the Planning Department examined to reach this recommended rate.

**Therefore, we believe strongly that the EIR should analyze the safety impacts of One Oak Street's proposed parking on people walking, biking, driving, and taking transit.** More specifically, we'd like to see the EIR analyze the impacts of the proposed parking rate (0.5) compared to the as-of-right parking rate (0.25), compared to zero parking, and set forth recommendations and mitigations that would stymie new automobile trip generation in this already vehicle-congested, transit-rich area of the City. If the proposed amount of parking is found to have substantial safety and environmental impacts, mitigations should include reducing the parking ratio and other measures deemed significant to reduce single occupancy vehicle use.

We urge you to revisit the EIR analysis for the One Oak Street project to ensure that the project is consistent with the City's Vision Zero and environmental/mode shift goals.

Sincerely,



Cathy DeLuca  
Policy & Program Director

2  
(TR-8)  
cont'd

I-Bregoff

Sent from my iPhone

On Jan 4, 2017, at 6:19 PM, Rob <[rb@3-page.com](mailto:rb@3-page.com)> wrote:

This development could sell out easily with zero parking. Inflicting the traffic generated by 150+ parking spaces harms the commutes of the tens of thousands of cyclists, pedestrians, and MUNI riders who pass this location.

1  
(GE-2)

Is there a location in SF that is more transit-friendly than Van Ness and Market? Does the City owe developers parking at the expense of others?  
SF needs to start thinking more like London, less like Fresno.

Rob Bregoff  
Associate Transportation Planner  
Caltrans  
(For identification only)

# I-Fraser

-----Original Message-----

From: Justin Fraser [mailto:[justin@missionwebworks.com](mailto:justin@missionwebworks.com)]  
Sent: Thursday, January 05, 2017 11:11 AM  
To: Gibson, Lisa (CPC)  
Subject: Comments on the Draft EIR for the One Oak project

Hello,

I'm writing to make some comments on the Draft EIR for the One Oak project. I'm unable to attend the Planning Commission meeting today.

I've read through parts of the EIR. I'm a daily bicycle commuter that often cycles along Market St at that intersection. I'm very concerned that the effects on cycling in the area have not been fully addressed.

1  
(TR-5)

1) Putting a loading zone on Market St would be a huge hazard to cyclists. That is a main thoroughfare and would impact the bike lane on Market St.

2) There's way too much parking allowed. It looks like it's 1 space for every 2 condos which is more than what zoning allows. Adding cars to that very transit rich area would have a negative impact on safe cycling and walking in that area.

2  
(TR-8)

3) It looks like there was some analysis of the affects of wind changes, but it doesn't look like it was done with cyclists in mind. How will this project change wind patterns that affect cycling?

3  
(WI-2)

Sincerely,  
Justin

Justin Fraser  
1019 Shotwell St  
SF 94110  
415-205-2834

SUE C. HESTOR

Attorney at Law

870 Market Street, Suite 1128 San Francisco, CA 94102

office (415) 362-2778 cell (415) 846-1021

hestor@earthlink.net

January 4, 2017

Chelsea Fordham  
Environmental Review  
1650 Mission St #400  
San Francisco CA 94103

**Comment on 1500 Mission St Project DEIR 2014-000362 - part One**

I submit the following comment on the 1500 Mission Street DEIR.

There are 2 DEIRs out for development on blocks diagonally across Market and Van Ness/South Van Ness at virtually the same time:

1  
(CU-1)

**Comments and Responses on TWO DEIRs should be coordinated**

**1500 Mission St** - southern half of AB 3506 2014-000362 - City office building, dense market rate housing, on-site inclusionary housing, Planning Code and height increase, parking. **DEIR hearing 12/15/16, Comment DL 1/4/17.**

**One Oak Street/1500 Market St** - eastern portion of AB 836 2009.015E - Dense market rate housing, Planning Code and height increase, parking. **DEIR hearing 1/15/17, Comment DL 1/10/17.**

The issues of wind, traffic, transit, impacts on pedestrians, changes in the General Plan and Planning Code TO THE SAME Van Ness & Market Downtown Residential Special Use District - part of the Market/Octavia Area Plan - have EXTREMELY similar impacts, including cumulative impacts. Market and Van Ness. Mission and South Van Ness. DIAGONAL BLOCKS. Sites about 400' apart.

The deadline for DEIR comments are less than a week apart. There is no rational reason why public comments on the 2 DEIRs that have applications to BOTH projects should not be considered by both. This specifically includes issues related to transportation and parking, winds, comments on cumulative displacement and housing, including excessive parking in this transit-rich area with heavy traffic GOING STRAIGHT ONTO FREEWAYS. The high parking allowance for residences encouraging occupancy by middle and upper income people who drive instead of using public transit.

Environmental Review is ignoring these issues unless comments on issues relevant to both sites are considered in BOTH Comments and Responses/FEIRs.

Sue C. Hestor

cc: Michael Jacinto  
Lisa Gibson  
Market-Octavia Area Plan CAC  
Eastern Neighbors Area Plan CAC

SUE C. HESTOR

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hestor@earthlink.net

January 10, 2017

Michael Jacinto  
Environmental Review  
1650 Mission St #400  
San Francisco CA 94103

**Comment on One Oak Street/1500 Market St Project DEIR 2009.0159E**

I submit the following comments on the One Oak St/1500 Market St DEIR.

There are 2 DEIRs out at virtually the same time for separate developments on blocks diagonally across Market and Van Ness/South Van Ness:

**1500 Mission St** - southern half of AB 3506 2014-000362 - City office building, dense market rate housing, on-site inclusionary housing, Planning Code and height increase, parking. **DEIR published 11/9/16. Hearing 12/15/16, Comment DL 1/4/17.**

**One Oak Street/1500 Market St** - eastern portion of AB 836 2009.015E - Dense market rate housing, Planning Code and height increase, parking. **DEIR published 11/16/16. Hearing 1/15/17, Comment DL 1/10/17.**

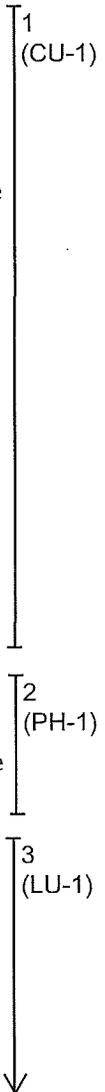
Please coordinate the Comments and Responses on the TWO separate DEIRs.

The issues of wind, traffic, impacts on pedestrians, changes in the General Plan and Planning Code to THE SAME Van Ness & Market Downtown Residential Special Use District - part of the Market/Octavia Area Plan - have EXTREMELY similar impacts, especially cumulative impacts. Market and Van Ness. Mission and South Van Ness. DIAGONAL BLOCKS. Sites about 400' apart.

Request specifically includes comments on cumulative displacement and housing, including excessive parking in this transit-rich area with heavy traffic GOING STRAIGHT ONTO and EXITING FREEWAYS. Provision of significant amounts of residential parking in BOTH projects encourages occupancy by middle and upper income people who drive to work out of San Francisco instead of using public transit.

**Two maps must be added to One Oak/1500 Market DEIR**

The first map needed in the EIR is in **Land Use and Land Use Planning, 4.B.1.** Land Use was scoped out of the EIR in the Notice of Preparation process. As a result the EIR fails to provide information on changes to the underlying Market/Octavia Area Plan and the adjacent Western SoMa Area Plan itself part of the Eastern Neighborhoods Area Plan. Map #1 provides needed context for the EIR.



### Map #1

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(LU-1)  
cont'd

A map showing the boundaries of the **Market/Octavia Area Plan** PLUS the boundaries of the **Eastern Neighborhoods Area Plan** with its **5 sub-area Plans** (including the **Western SoMa Area Plan**). The M/O plan should show sub-area **Van Ness & Market Downtown Residential Special Use District**.

Provide on this map the boundaries of the **proposed Central SoMa Area Plan, The Hub**, and all other Plans that amend these Area Plans. This includes the **5M plan** at 5th & Market which amended part of the Eastern Neighborhood Area Plan. PLUS any other **proposed** Map Amendments to either Market/Octavia or the Eastern Neighborhoods Plan, including that proposed on THIS block in a pending PPA. ALSO the proposed Area Plan changes for the 1500 Mission project.

This map is necessary

- To understand various discussions in the DEIR
- Show the changes/proposed changes to Market/Octavia Plan and Eastern Neighborhoods Plan
- Show how close the Mission Area Plan is to the boundary of the area analyzed in this EIR.

For each Plan please provide the date of City adoption of that Plan (I believe 4/17/08 for M/O and 12/19/08 for EN.) Also provide the dates for the analysis of area covered by the Area Plan in the community planning effort or its EIR. Western SoMa was the most recent of the Area Plans.

For each of the areas and sub-areas provide the amount of **residential parking** REQUIRED by projects in that area, if parking is required at all.

The second map gives necessary context to the transportation analysis in **DEIR 4.C**. It shows the real world context of freeway access, particularly in light of the excessive residential parking provided in both the One Oak/1500 Market Street and the 1500 Mission Street projects. They are located in a transit rich area that ALSO has extremely short distances to the regional freeway system.

4  
(TR-1)

### Map #2

Provide a map showing the location of the FREEWAYS plus freeway ramps/access just south and west of One Oak/1500 Market. This should include the exit route in front of 1650 Mission that turns north on South Van Ness and goes north on Van Ness adjacent to Project site. The route ONTO US 101 goes south on Van Ness adjacent to project site. **DEIR 4.C.2** states that **project site is accessible by local streets with connections to and from these regional freeways. This is I-80, US Highway 101 and I-280**. Show it. There is an increasing amount of reverse commuting INTO San Francisco at the end of the work day - so that the City provides HOUSING *particularly for the Peninsula*. There are currently 18 lanes of traffic into San Francisco from the South. The DEIR should be amended to state that those same freeways allow people to EXIT San Francisco to go to work. **Reverse commuting is a FACT**.

The mini-map on **DEIR 2.3** does not provide much useful information.

The reverse-commute pattern from Silicon Valley has dumped demand for fairly high end housing into the area of 1500 Mission and One Oak/1500 Market. **Map #2** will help explain why excessive residential parking at One Oak/1500 Market and 1500 Mission can affect use of nearby freeways by those residents.

The "Google buses" which go past this site began in the very recent past, long after adoption of the M/O and EN Area Plans. Discuss how those Area plans were designed to accommodate the **demand for San Francisco housing based mostly on San Francisco employment and residents**. In 2017 San Francisco is producing housing for Silicon Valley, which encourages employees from Mountain View, Cupertino, Menlo Park and other places on the Peninsula to LIVE in San Francisco but WORK on the Peninsula by PROVIDING FREE DIRECT BUSES INTO SAN FRANCISCO RESIDENTIAL AREAS. Since these are not low income employees, the demand is for rather high-end housing. THERE ARE FREEWAY CONNECTIONS RIGHT THERE for those who may want to drive at least part of the time.

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(TR-1)  
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A MAP of the freeway access and ramps will help understand travel patterns and possible impacts. And direct attention to the excessive parking provided in this "TRANSIT RICH" area. There is a freeway off ramp AT THE CORNER to the right of the Planning Department. There is an on ramp at South Van Ness and 13th. There is a Central Freeway ramp BEHIND the Planning Department.

**Add Alternative with NO PRIVATE PARKING or drastically reduced parking.**

5  
(TR-9)

The Proposed project has 155 parking spaces for 310 dwelling units. Providing valet parking - even if parking stacked - will provide a service that accommodates higher-income persons who want to drive to work at least part of the week using the nearby freeways.

Inclusion of a **No Parking Alternative**, or one which SEVERELY limits parking to various car sharing modalities, is needed so that the Planning Commission can consider approving a project that uses this *transit rich site* for residents who are not dependent on, or own, private automobiles.

**Discuss effect on housing costs of approved Van Ness corridor projects with excessive parking.**

6  
(PH-1)

Van Ness - Highway 101 - has a high volume of traffic, including trucks. As BRT lanes are added, vehicle traffic becomes more constrained. As new of market rate residential projects are approved, developers request more and more parking because the units sell for more money. If Planning appears to accommodate each request for parking AND FOR MAXIMUM PARKING, the cost of development sites goes up. The sales price ASSUMES approval of the maximum amount of parking. Housing prices go up. **Has the City done a study of what effect eliminating parking on this transit corridor would have on housing prices? How much do prices increase when the maximum amount of parking, versus ZERO residential parking, is provided?**

Please provide a list of residential projects that have been approved in the area along Van Ness - from Bay Street south to the Central Freeway. Starting with date before time studied in the Market/Octavia Area Plan. Number of dwelling units, number of parking spaces. One block on either side of Van Ness/South Van Ness (Polk - Franklin area) and similar area around South Van Ness. This new housing is in a transit rich area, attractive to **people who do not own a car**. Providing parking increases the probability that residents will use their cars and thereby increase the traffic problems along Van Ness, and on the intersecting streets with Muni lines. *Bay. Chestnut. Lombard. Union. Pacific. Jackson. Washington. Clay. Sacramento. California. Pine. Bush. Sutter. Post. Geary. O'Farrell. Eddy. Turk. Golden Gate. McAllister. Grove. Hayes. Market. Mission. Folsom.*

7  
(CU-1)

**Cumulative Projects List - DEIR 4.A.7-11**

7  
(CU-1)  
cont'd

There has been a recent proposal for a major project with a substantial increase in height and by the French-American school. It is at the west end of THIS BLOCK at the SE corner of Franklin and Oak. Please describe the project that has applied for a PPA. How would addition of that project affect the wind and transportation analyses?

**Modernizing Environmental Review on Transportation - DEIR 4.C.** The rapid changes in rather anarchic vehicle and bus traffic in San Francisco has resulted in environmental reviews that fail to capture the reality of how vehicles and buses move on City Streets - particularly south of Market and Van Ness. The traffic impedes Muni surface vehicles.

8  
(TR-3)

**Muni operates on City streets through traffic.** The use of VMT and screen-lines far away from Van Ness the Market and Van Ness intersection results in a lack of information on the effect of traffic congestion on Van Ness and Market that affects Muni bus operations. Real observations from people traveling through the Van Ness corridor shows the obstructions public transit, especially Muni buses on surface streets face. Muni uses an out-dated cellular network that feeds GPS bus location into a NextBus system that projects the time the next bus will arrive on various lines. Updating this system is underway by MTA.

To adequately understand the impediments to Muni buses, it is necessary that information - beyond the location of particular Muni buses - be fed into a single mapping system for as many public vehicles as possible.

GPS systems are used to locate individual vehicles by a variety of vehicles. The City should use its approval power to require that the vehicles operate by systems over which the City or state has approval power use any GPS "transponder" to feed their exact location into a single mapping system maintained for the benefit of the Muni. It could enable Muni operators and planners to understand IN REAL TIME what obstructions, what wandering vehicles, are obstructing traffic, making illegal maneuvers, creating congestion and otherwise affecting surface public transit operations. It could allow more efficient transit operation.

NON-PRIVATE vehicles that travel on City streets, including Van Ness, Market, Mission, the south of Market, and which affect MUNI public transit surface operations, should be required to continually transmit GPS location information include -

9  
(TR-3)

- So-called "google" buses that dump tech workers from the Peninsula onto Van Ness, Mission and other streets to housing.
- Licensed taxis
- Shuttle bus systems authorized when they seek Planning approval, e.g. CPMC
- Shuttle buses that roam SF streets with absolutely no approval - eg mostly empty AAU buses
- Uber and Lyft vehicles
- regional transit buses (SamTrans, Golden Gate Transit)

Where the City does not currently have power to require vehicles to transmit location information, the MTA and CTA can pursue it. This includes UCSF which operates its own bus system and should be asked.



San Francisco could pursue with the California PUC requiring that Uber and Lyft, and any similar operator, provide the City with the ability to track the impacts of their vehicles. Their operation on City streets, particularly in the area used for cumulative analysis around this Project and in the south of Market, has increased dramatically since the original NOP was issued. These vehicles have no one monitoring or tracking their operations.

9  
(TR-3)  
cont'd

I have personally seen Uber and Lyft vehicles stop in the middle of traffic lanes to pick up or drop off a passenger. They make illegal turns at intersections. They make illegal U turns on Market and Mission. Since they have proliferated so rapidly, the transportation analysis, particularly the VMT, does not take Uber and Lyft into account.

Many of these vehicles, INCLUDING MUNI, Regional Transit and many private buses, use a GPS and a transponder sends a signal to a tower/satellite that maps out where each vehicle is at any given time. A major improvement to environmental review and Muni operations would be for the CTA and MTA to fund a mapping system AND REQUIRE THAT VEHICLES send information into one City system. It would help Muni operations by providing REAL TIME information on the location of congestion so that traffic "police" could help unjam traffic and Muni can operate at its best.

#### Wind Study Regulatory Framework DEIR 4.D.3

10  
(WI-1)

Reliance on a regulatory framework for C-3-G sites refers to Planning Code Section 148, which was adopted in 1985 as part of the Downtown Plan. The emphasis of that plan was on development in the eastern end of the C-3, specifically in C-3-O and expansion into the C-3-O(SD). The major wind study done for the C-3-G/Market & Van Ness area - the winds coming down the Hayes Street hill pouring onto Van Ness, Hayes, towards Market Street - was done MUCH LATER by Environmental Review for the Redevelopment Agency. The wind study was done for the proposed federal building at 10th & Market. THAT wind study was the first real study that focused on the wind impacts IN THIS AREA. There was no significant development pending or approved in the C-3-G area in the 1980s when the Downtown Plan was fresh.

Since that time, bicycle lanes have been added and become a significant mode of travel. Pedestrian volumes are increasing. Interplay between shadows and wind has not been revisited since the Downtown Plan. The amount of development, specifically including dense residential buildings, has increased dramatically. The gusting patterns as winds come over hills and hit very tall buildings, with the complication of afternoon fog, has not been revisited.

Ironically the impact of winds - and terrain - was noted in the 1/1/17 Chronicle in relation to a wine appellation for the **Petaluma Gap** -

To approve an AVA, the Tax and Trade Bureau requires evidence that the area in question is geographically distinct from its immediate surroundings. Consider Healdsburg's Russian River and Dry Creek valleys: Though adjacent, the former gets shrouded in fog, the latter pounded relentlessly by sun, and as a result they grow different grape varieties.

**"When people talk about Petaluma Gap, the wind is the first thing that comes up,"** said Doug Cover, a home winemaker in Petaluma who drafted the petition on behalf of the Winegrowers

Alliance. Even the AVA's name is a reference to what's called the wind gap. "The major cooling influence isn't the fog, like a lot of people think, but the wind tunnel."

10  
(WI-1)  
cont'd

**Wind blows in from the Pacific Ocean and funnels through this low-lying gap, nestled among coastal mountain ranges, until it hits Sonoma Mountain. A powerful wind continues to channel south toward San Pablo Bay. As in Santa Barbara's Santa Rita Hills, the wind pattern runs west to east, as opposed to north to south — rare for California.**

As wind pours east over the Hayes Street hill (and other hills as you travel north on Van Ness) tall BUILDINGS create the wind tunnels that accelerate winds and impacts to pedestrians and bicycles. Here development of tall buildings at both 1500 Mission and 1500 Market (One Oak) is happening simultaneously. Wind impacts of BOTH must be considered together.

### **Market and Polk Wind Canopy**

When has the public and commission discussed the Market and Polk Wind Canopy - **DEIR 2.28?** In conjunction with either the Fox Plaza addition, or the 10th & Mission project. Where is the analysis of the impacts of THIS particular canopy? Although approved many years ago, the Fox Plaza addition has not been built. Is it coming soon? What are the impacts on bicyclists and pedestrians from the erection of this canopy?

Respectfully submitted,

Sue C. Hestor

cc: Lisa Gibson, Acting Environmental Review Officer

**From:** Dennis Hong [mailto:dennisj.gov88@yahoo.com]

**Sent:** Tuesday, January 10, 2017 9:45 AM

**To:** Gibson, Lisa (CPC); Secretary, Commissions (CPC)

**Cc:** Lee, Mayor (MYR); Board of Supervisors, (BOS); Kim, Jane (BOS); Jacinto, Michael (CPC); Cooper, Rick (CPC); Bollinger, Brett (CPC)

**Subject:** One Oak DEIR Case #2009.0159E my Comments

Good morning Honorable Mayor Edwin Lee, honorable members of the San Francisco Planning Commission and Honorable members of the Board of Supervisors. I've been a resident of San Francisco for more than 70 Plus years and as requested I'm making my comments to this One Oak Project. Not sure how this fits in with the original DEIR (1500 Market Street) But I had been waffling back in forth with both of these two projects and as I understand it now, it is combined into one Project - as the One Oak. With that said, I will focus in on this Case #2009-0159E. I think this is a better choice.

1  
(CU-1)

I have worked in this area, specifically OSVN (One South Van Ness and 1455 Market Street) for more than 20 years and still visit this area. I was one of the Project Mangers for the 1455 Market Street building - formerly the B o A Data Center.

First of all I fully support this project. This DEIR is very comprehensive and covers just about all the issues and has done an excellent job. Thank you for the opportunity to review and comment on this Project. Here are my thoughts and comments.

2  
(GE-1)

1. **CEQA:** Even though current CEQA does not require images renderings and etc. of the proposed project. I disagree with this CEQA issue only because all to often words, black and white elevations describing the design does not present what it will look like when finished. I believe all too often some projects fail because of this missing link. This DEIR does an excellent job with this issue and is a positive Plus for its justification and uniqueness to the blighted area. Granted, design, color and materials are personal, but I studied and practiced both architecture and urban design, now retired. To add just one link to this presentation would be to insert this rendering in to an existing aerial photograph - to me that would be a spot on. So lets get started:

3  
(AE-1)

**2. TRAFFIC and Vision 0:**

A. At times Grove Street between Van Ness and Franklin becomes very busy. Can something be done to calming the Franklin and Grove cross walk and also the Van Ness and Grove cross walk. Only because they intersect with two very busy streets. With the meridian in the center of Van Ness Ave., this helps limit the traffic going north from entering Oak St.. In Figure 2.2 it shows Oak Street as a one way, but all along I thought this was a two way. If so it's confusion on my part. What are the traffic improvements at Oak and Van Ness Ave. as shown in Fig 2.2.

4  
(GE-2)

B. Nice job with widening the curb/s at Oak and Van Ness as shown in Figure 2.2 page 24.



C. I think the garage entry and exit on Oak to the new building may need some extra attention, or it just may be me, only because Franklin is a fast and busy street, trying to turn right from Franklin in to Oak and getting into the garage can cause some vehicle congestion.

4  
(GE-2)  
cont'd

D. Will the existing Commuter Shuttle bus stop across the street in front of 10 South Van Ness remain?

E. I was unable to reconcile the pedestrian and vehicle traffic safety issue in the DEIR. Was this issue considered at: - Market Street at Van Ness/South Van Ness?

2. **Elevators:** I like the two proposed elevators to the underground station at OSVN, I think this will get more use than just one one existing elevator at Oak Street and Van Ness. But then maybe the new occupants of One Oak will use two proposed ones as well as the existing one. But crossing this street takes courage. I tried to understand the variant and the written description of how this proposal would work and how these elevators would be used. I.E., One at Oak and the two proposed ones at the corner of OSVN.

3. **Canopy at Fox Plaza:** What purpose does the new Canopy at the Fox Plaza do?

5  
(WI-1)

4. **Canopies at One Oak:** Will the new proposed canopies along Oak and Van Ness survive this windy corner? Many residents agree this has to be one of the windiest corners in the City, even in the DEIR the studies show this.

5. **The Foreseeable Projects (Cumulative Land Use chart-??)** just down the street the 1500 Mission Street-2014-000362ENV shows projects in this area will vary around - 40 Months (3.5 years) ??????. During this period a lot of major construction work will take place.

6  
(CU-1)

Figure 13 map shows a number of projects in this area. Can this map or table include a few other projects with construction time tables? Each of the foreseeable projects shown for the One Oak does an excellent job with each of these foreseeable projects description (page 41-45). I do not know what qualifies for the listing of these projects. I believe there are a few other projects in this area of development. Can the following projects be listed as well on pages 39-45: **a.** 30 Van Ness-2015-010013ENV, **b.** 30 Otis -2015-010013ENV, **d.** 1629 Market-2015-00584ENV, **e.** 200-214 Van Ness-2015-012994ENV, **f.** 101 Polk-20111.0702E, **g.** 35 Lafayette-2013.0113E, **h.** The Market Street Hub-2015-000940ENV, may cover some of these sites. This is a very limited area and will be getting a lot of major projects. That's why I think time lines for all this work is important. I have not had the opportunity to review the DEIR for Central SoMa Plan; Case # 2011.1356E, but should this be massaged with the One Oak Project? Additionally, see my notes under construction use of /best practices. All these cumulative projects needs to be monitored closely and do a good job with communicating all this work with the community.

a. In addition to these projects can a project time lines be shown for each of these projects. Can these be shown on a Table format?



5. **Housing / Occupancy in the proposed Residential Tower**, nice job with the distribution of Studios, One Bed Room, and etc. What provisions are being made to accommodate the relocation of these business and residents at the One Oak site?

7  
(PH-1)

a. I noticed that the affordable housing requirements - MOHCD will provide up to 72 affordable BMR units - known as the "Octavia BMR Project" - page 2.12. What measures are in place to make sure this happens so it does not slip thru the cracks? I think this step needs to be closely monitored making sure this happens and does not get lost in the process. Is there a table showing how many type of units will be provided such as; number of studios, one bedroom, two bedroom, three bedroom units? I believe there should be more three bedrooms units for families. Is here a time line for this to happen?

6. **Project Aesthetics and Architectural Design:**

8  
(AE-1)

a. I like unique design for this site. It would be interesting how the 1546-1564 project would blend in with this One Oak project.

b. The renderings does an excellent job with communicating what this will look like, vs black and white elevations. (Just a simple CEQA issue. I believe this issue is being currently reviewed with CEQA and may soon be a requirement down the road). Figures 2.9 thru Figure 2.15 does an excellent with it's presentation.

c. The public open space is another positive to this project.

7. **Graphics:**

a. N/A.

8. **CONSTRUCTION:** One of my major concerns with these projects is the use of Best Practices with the construction work. All to often this fails, for example all the work being done with the Transit Center; Dust control, hours of construction operation, noise, vibration, control of vehicle traffic, pedestrian safety, staging of material, the list list goes on. The construction issues needs to be better controlled. This area is one of the city's busiest and windiest intersection in town. One of the most recent projects that had sort of a magic touch to this issue was DPR's - Construction of the Chinese Hospital up in Chinatown had some unique control of this issues.

9  
(CO-1)

9. **In Conclusion:** As I mentioned earlier, I fully support this project. This semi blighted area needs this project so developers can continue to develop in this area. Let's call it a new gateway to further develop this part of town.

10  
(GE-2)

Once again, thanks again for the opportunity to review and comment on this most exciting project and trust I have met the deadline of January 10, 2017 for my comments to be considered. Please add my comments to this DEIR and please send me a hard copy of the RTC when finished. Please contact me if you need any additional information to my comments.

Best regards, Dennis

# I-McManus

**From:** Brad McManus [mailto:mcmanus.brad@gmail.com]  
**Sent:** Monday, January 09, 2017 9:06 AM  
**To:** Gibson, Lisa (CPC)  
**Subject:** One Oak Street Project

Hello,

As a daily bike commuter, I am distressed to learn of the One Oak project. The City is committed to Vision Zero - eliminating traffic fatalities on its streets by 2024 - yet there are provisions in this project that cannot co-exist with the Vision Zero goal.

1  
(TR-8)

In particular, this structure offers one parking space per two condos which does not help direct our city to a less car dependent future. How can it be that this development requests double the normal amount of parking spaces with its proximity to the Van Ness Muni station?

Another concern of mine is the proposed loading zone for cars on Market St. There are already plenty mixing zones and conflict areas for bikes and cars in that area. Just east of Van Ness on Market, there is a dangerous area where cars turn right and bikes proceed straight through the intersection. Just past the proposed location at Market and Rose St, there is another dangerous mixing zone between cars and bikes. In fact, this area is a de facto loading zone for TNCs already. If there is yet another dangerous mixing zone in between these two, I will really fear for the safety of the cyclists that pass through here every evening on their commute home from work, on such an important cycling corridor here on Market St.

2  
(TR-5)

At a time when confidence is low in our Vision Zero 2024 progress, we need to be making the right decisions that will make our streets safer. I urge you to do anything that you can to support the separated bike lane on Market St from the Better Market project, especially when developers are coming in and threatening its viability with projects like this. Lives are at stake!

Thanks,  
Brad McManus  
989.948.2855

# I-Schweitzer

**From:** s k [mailto:whythehell@hotmail.com]  
**Sent:** Thursday, January 05, 2017 2:14 PM  
**To:** Gibson, Lisa (CPC)  
**Subject:** New development at Van Ness & Market

I am unable to make it to the public commenting period. I'd like to share my belief that since this intersection is: 1) A huge transit hub, 2) Located on a main bike route, and 3) Already difficult and dangerous to navigate with a car, the new building going up should have no parking spots (similar to the building going up at Church & Market where the Home restaurant used to be).

1  
(TR-8)

Thank you,  
Daniel Schweitzer

I-Sullivan

**From:** [suldrew371@gmail.com](mailto:suldrew371@gmail.com) [mailto:[suldrew371@gmail.com](mailto:suldrew371@gmail.com)] **On Behalf Of** andrew sullivan  
**Sent:** Wednesday, January 04, 2017 9:40 AM  
**To:** Gibson, Lisa (CPC)  
**Subject:** One Oak - SUPPORT

Hi,

I am writing to SUPPORT the One Oak project. This is a perfect design for a location that is right on top of a major transit hub and walking distance to City Hall. If anything, it should be taller! San Francisco urgently needs housing, especially along transit corridors.

Please approve it immediately, without any additional delays. Please do not consider for one minute the concerns about shadows and wind - this is a dense urban environment and such effects are completely acceptable given the benefits of additional housing and activation of this neighborhood.

Thanks,  
Andrew Sullivan  
Haight Ashbury

1  
(GE-2)

# I-Vaughan

**From:** Sue Vaughan [mailto:selizabethvaughan@gmail.com]  
**Sent:** Tuesday, January 10, 2017 3:56 PM  
**To:** Gibson, Lisa (CPC)  
**Subject:** Comments: One Oak Street DEIR

Please accept the comments below. I am sorry I am not submitting them in a document form.  
Sue Vaughan

Lisa Gibson  
Acting Environmental Review Officer  
San Francisco Planning Department

RE: Comments on the Adequacy of One Oak Street Project Draft Environmental Impact Report and Mitigations

Dear Ms. Gibson:

I have the following concerns regarding the proposed One Oak Street Project, because the DEIR is inadequate. It fails as an informational document and does not adequately analyze the following issues, already pointed out in a letter submitted by Jason Henderson (my own additions to his comments are in **bold**):

1  
(GE-1)

**TR-1 (VMT & Traffic):** The DEIR does not adequately analyze per capita daily vehicle miles travel (VMT) and localized impacts of VMT. The transportation data used in the DEIR is uninformative about present day trip distribution and underestimates car commuting to the South Bay, **increased congestion on all nearby streets and on the Central Freeway, exacerbated air quality issues, and increased emissions of greenhouse gases.** The location of One Oak is a unique transportation corridor of citywide importance. It has exceptionally high transit, pedestrian, and bicycle traffic that will be negatively impacted by car circulation to and from One Oak. The relationship between VMT and local car circulation and impacts on pedestrians, bicycles, and transit must be thoroughly studied, understood, and mitigated. The DEIR proposes transportation demand management (TDM) to reduce per capita daily VMT, but no information is provided to benchmark VMT in the project. Since VMT is not adequately analyzed, understanding the success of failure of TDM is not possible;

2  
(TR-2)

**TR-4 (Bicycle Impacts):** The DEIR fails to adequately analyze impacts of One Oak on bicycling, especially on Market Street. It ignores hazards to bicycling from on-street loading and wind. New analysis is needed of loading and wind impacts on bicycling, with mitigations to ensure safe bicycling. Mitigation in the form of fully-separated, wide cycle tracks on Market Street and other bicycle infrastructure must be considered;

3  
(TR-5)

**TR-5 (Loading Demand):** The DEIR analysis of loading demand is inadequate and does not reflect present-day trends in retail delivery and transportation network companies (TNCs). The 2 DEIR must discuss stronger mitigation for loading impacts for residential online shopping and TNC passengers and re-orient all loading to the Oak Street side of the project;

4  
(TR-6)

**W-1 (Wind Impacts):** The DEIR wind analysis completely ignores bicycling. It also underestimates negative impacts of wind hazards on seniors, on adjacent buildings, and on how the proposed wind canopies will deflect winds. Without understanding wind impacts on bicycling, appropriate mitigation, such as wide, safe, separated cycle tracks, are omitted. S-1 (Shadows): DEIR does not adequately analyze shadow impacts on Patricia's Green and Koshland Park. The DEIR fails to consider that usage patterns are changing and that morning sun draws people to parks;

5 (WI-2)  
6 (WI-1)  
7 (WI-2)  
8 (WI-1)

**Below Market Rate Housing and CEQA:** The DEIR omits discussion and analysis of the environmental impact of market rate housing on below market rate housing (BMR) and on gentrification and displacement. The DEIR also omits a discussion of the environmental impacts of the proposed off-site housing on Octavia Boulevard, which should be part of the analysis.

9  
(PH-1)

Additionally, I have gone through the CEQA checklist and have the following remarks:

- I. **Aesthetics** – the project would substantially degrade the visual character of the neighborhood by blocking the views of office tenants in nearby buildings and of residential tenants in parts of the city at higher elevations. For example, employees at One South Van Ness now have expansive views of the city as they ascend and descend escalators in the building. North-facing views might be partially or entirely blocked by this project;
- II. **Air quality and, VII, greenhouse gas emissions** – There is a tremendous amount of development now underway and/or in the pipeline in San Francisco and the region. To my knowledge, the cumulative impacts of VMT generated by these projects has not been assessed and MITIGATED. The totality of VMT generated by all the projects -- and concomitant air quality degradation and greenhouse gas emissions generated -- for the area should be assessed and MITIGATED. I note that the appendix of the DEIR lists several large projects near One Oak with a total of 776 parking spaces proposed, in addition to the 153 sought by the project sponsor of One Oak Street. Those projects are: 1546-1564 Market Street (28 off-street parking spaces), 150 Van Ness (218 off-street parking spaces), 1500-1580 Mission Street (309 parking spaces), 1601 Mission Street (93 parking spaces), 1 Franklin Street (18 off-street parking spaces), 1699 Market Street (97 below grade parking spaces), and Central Freeway Parcel T (13 parking spaces).

10  
(AE-1)  
11  
(CU-1)

**XIII. Population and housing** -- this neighborhood in the City has some tall office buildings, auto dealers, a Goodwill (slated for transformation into housing), a few other retail outfits, and increasing number of tall, market-rate and luxury housing buildings, but traditionally, the people who have lived in this part of the city, have been low- to moderate-income. Has the DEIR assessed displacement? Will there be pressure on lower-income people to leave? Where will there be efforts by residential property owners in the neighborhood to evict lower-income tenants and replace them with higher income tenants? Lower-income tenants who lose their homes are unlikely to be able to find replacement housing here in transit-rich and walkable San Francisco, and in all likelihood they will be forced to relocate to far-flung suburbs, perhaps far from their

12  
(PH-1)

places of work and without robust mass transit, making them more car dependent and increasing VMT;

12  
(PH-1)  
cont'd

**XVI. Transportation and Traffic** – the projects conflicts with current zoning for the area because the project sponsor is seeking a conditional use permit to increase the amount of parking included in the project. In seeking a conditional use permit to increase the amount of parking – in fact, in adding parking at all – the project conflicts with the city’s Transit First Policy. Page 2-20 of the DEIR also notes that vehicles leaving One Oak Street would travel westbound on Oak toward Franklin (and presumably Gough). Both Franklin and Gough are already highly congested. Has this project been evaluated as a part of the larger plan to build housing and add parking and increase VMT?

13  
(TR-8)

Sincerely,  
Susan Vaughan  
The Richmond District  
San Francisco, 94121

# I-Weinzimmer

**From:** David Weinzimmer [mailto:dweinzimmer@gmail.com]  
**Sent:** Monday, January 09, 2017 11:42 AM  
**To:** Gibson, Lisa (CPC)  
**Subject:** Public comment: One Oak Draft EIR

Dear Ms. Gibson,

I wanted to leave my public comment that I am very surprised and dismayed to see that there will be no below market rate housing provided on site at One Oak, and that the development is seeking to provide excess parking above what is permitted. I would expect that a building that is at the very center of the city and region's transit infrastructure would provide parking BELOW the permitted number rather than above, and providing more parking seems to be an unnecessary and strong impact on the surrounding streets as well as greenhouse gas emissions.

I am excited to see larger developments coming to San Francisco, and would love to see this building well-integrated into the surrounding neighborhood, and supporting a dense, walkable and transit- and bike-friendly environment.

Thank you,  
David Weinzimmer

1  
(GE-2)

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## NOTICE OF PUBLIC HEARING

### BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposals and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

**Date:** Monday, July 24, 2017

**Time:** 1:30 p.m.

**Location:** Legislative Chamber, Room 250, located at City Hall  
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

**Subject:** **File No. 170750.** Ordinance amending the General Plan by revising the height and bulk designations for the One Oak Street project, at the Van Ness Avenue / Oak Street / Market Street Intersection, Assessor's Parcel Block No. 0836, Lot Nos. 001 and 005, on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan; adopting findings under the California Environmental Quality Act; making findings of consistency with the General Plan as proposed for amendment, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and welfare under Planning Code, Section 340.

**File No. 170751.** Ordinance amending the Planning Code by revising Sheet HT07 of the Zoning Map, to change the height and bulk district classification of Assessor's Parcel Block No. 0836, portions of Lot Nos. 001 and 005, for the One Oak Project, at the Van Ness Avenue / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Parcel Block No. 0836, Lot No. 001 (1500 Market Street), from 120/400-R-2 to 120-R-2; rezoning the central portion of the property, located at Assessor's Parcel Block No. 0836, Lot No. 005 (1540 Market Street), from 120-R-2 to 120/400-R-2; affirming the Planning Commission's determination under the California Environmental Quality Act; and making findings, including findings of public necessity, convenience and welfare under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to these matters are available in the Office of the Clerk of the Board. Agenda information relating to these matters will be available for public review on Friday, July 21, 2017.



Angela Calvillo, Clerk of the Board

DATED/PUBLISHED/POSTED: July 14, 2017

President, District 5  
BOARD of SUPERVISORS



BOS-11, COB, Land Use Clerk,  
Deputies, Dep. City Atty,  
City Hall Mayor's Office  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-7630  
Fax No. 554-7634  
TDD/TTY No. 544-5227

London Breed

**PRESIDENTIAL ACTION**

Date: July 10, 2017

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,  
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No. 170750  
(Primary Sponsor)

Title. General Plan Amendments - One Oak Street Project

Transferring (Board Rule No 3.3)

File No. \_\_\_\_\_  
(Primary Sponsor)

Title. \_\_\_\_\_

From: \_\_\_\_\_ Committee

To: \_\_\_\_\_ Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor \_\_\_\_\_

Replacing Supervisor \_\_\_\_\_

For: \_\_\_\_\_ Meeting  
(Date) (Committee)

London Breed, President  
Board of Supervisors

2017 JUL 10 PM 4:14  
BOARD OF SUPERVISORS  
SANTA ANITA ST. 500



# SAN FRANCISCO PLANNING DEPARTMENT

June 16, 2017

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

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

Reception:  
**415.558.6378**

Fax:  
**415.558.6409**

Planning  
Information:  
**415.558.6377**

Re: Transmittal of Planning Department  
Case Number 2009.0159GPAMAP:  
1540 Market Street General Plan and Zoning Map Amendments

BOS File No:     (pending)     Planning Code, Zoning Map – 1540 Market Street  
Planning Commission Recommendation: Approval of Planning Code Text and Zoning Map  
Amendments

BOS File No:     (pending)     General Plan Amendment  
Planning Commission Recommendation: Approval of General Plan Amendment

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JUN 16 PM 4:13

Dear Ms. Calvillo,

On February 23, 2017 the Planning Commission adopted Resolutions 19860 and 19861 to initiate legislation entitled, (1) "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan"; and (2) "Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2."

On June 15, 2017 the San Francisco Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the adoption of the proposed Planning Code, Zoning Map Amendment Ordinance and the related General Plan Amendment Ordinance, which were initiated by the Planning Commission.

The Proposed General Plan Amendment Ordinance, would amend Map 3, "Height Districts" of the Market and Octavia Area Plan, and Map 5, "Proposed Height and Bulk Districts" of the Downtown Area Plan of the General Plan. On Map 3 of the Market and Octavia Area Plan, the height of said parcels would change 688 square feet of Assessor's Block 0836, Lot 001 from 400' tower/120' podium to 120', and 688 square feet of Block 0836, Lot 005 from 120' to 400' tower/120' podium. On Map 5 of the Downtown Area

Plan, the height and bulk of the same area of Lot 001 would change from 150-S to 120-R-2 and Lot 005 would change from 120-F to 120/400-R-2.

The Proposed Zoning Map Amendment Ordinance would reclassify the height and bulk of the same portion of Block 0836, Lot 001 from 120/400-R-2 to 120-R-2, and Block 0836, Lot 005 from 120-R-2 to 120/400-R-2.

At the June 15, 2017 hearing, the Commission voted to recommend **approval** of the proposed General Plan and Zoning Map Amendment Ordinances. Please find attached documents relating to the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,



Aaron Starr

Manager of Legislative Affairs

cc:

Mayor's Office, Nicole Elliot  
Supervisor London Breed  
District 5 Legislative Aide, Samantha Roxas  
Deputy City Attorney, Andrea Ruiz-Esquide  
Deputy City Attorney, Jon Givner

Attachments (one copy of the following):

- Planning Commission Motion No. 19938 – Final EIR Certification
- Planning Commission Motion No. 19939 – Adoption of CEQA Findings
- Planning Commission Resolution No. 19941 – Adoption approval recommendation for the Ordinance entitled, "Ordinance amending the General Plan by revising the height designation for the One Oak Street project, at the Van Ness / Oak Street / Market Street intersection, Assessor's Block 0836 Lots 001 and 005 on Map 3 of the Market and Octavia Area Plan and on Map 5 of the Downtown Area Plan"
- Planning Commission Resolution No. 19942 – Adoption of approval recommendation of Ordinance entitled, "Ordinance amending the Planning Code to change the height and bulk district classification of Block 0836, portions of Lots 001 and 005 for the One Oak Project, at the Van Ness / Oak Street / Market Street Intersection, as follows: rezoning the eastern portion of the property, along Van Ness Avenue, located at Assessor's Block 0836, Lot 001 (1500 Market Street) from 120/400-R-2 to 120-R-2; and rezoning the central portion of the property, located at Assessor's Block 0836, Lot 005 (1540 Market Street) from 120-R-2 to 120/400-R-2."
- Planning Commission Motion No. 19943 – Downtown Project Authorization
- Planning Commission Motion No. 19944 – Conditional Use Authorization
- Planning Commission Motion No. 19940 – Shadow Study
- Planning Commission Resolution No. 19860 – Initiation of General Plan Amendments
- Planning Commission Resolution No. 19861 – Initiation of Zoning Map Amendments