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October 5, 2015

Angela Calvillo  
Clerk of the Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
City Hall, Room 244  
San Francisco, CA 94102-4689

Re: Appeal of 75 Howard Street FEIR (2011.1122E)

Via email and hand delivery on 10-5-15

Dear Ms. Calvillo:

On September 3, 2015 the SF Planning Commission certified the Final EIR for the project currently proposed for 75 Howard Street. I submitted written and oral comments to the commission on the draft EIR and hereby appeal the commission's decision.

This decision was made nearly two years after the public comment period on the draft EIR ended (9-23-13). Very significant changes were made to the project during that two-year period, and a hearing on the latest version should have been held. The DEIR should have been re-circulated. The version of the project approved by the commission was not covered in the DEIR. There were "preferred project" and "code compliant" versions analyzed in the DEIR, but neither matches the approved project. The developer withdrew the preferred project, and the version that was approved was not code compliant.

The EIR was inadequate in analyzing the serious shadow impacts on the neighborhood. The developer's own consultant summarized these impacts as recently as August 19, 2015:

"As described on EIR p. 4.H.24, the proposed project would cast net new shadow on the lawn, seating areas and pedestrian paths in the northern and central portions of Rincon Park in the afternoon on most days throughout the year, where many park users prefer to sit. Similar conditions are identified for the revised Code Compliant Alternative (EIR pp. 6.26-6.27). Given the number of people who sit in the sunlit areas of Rincon Park in the afternoon, the net new shadows from both the proposed project and revised Code Compliant Alternative are determined in the EIR to adversely affect the use of these areas, and therefore result in significant and unavoidable shadow impacts on Rincon Park. The results

presented in the July 2015 shadow study show similar conditions in Rincon Park for the preferred project, and would not alter any conclusions presented in the EIR.” – 8-19-15 Turnstone Consulting memo to SF Planning Dept  
Nothing or little is suggested to mitigate these shadow impacts that would be present “on most days throughout the year.”

The FEIR is also inadequate in analyzing and mitigating traffic impacts, hazardous materials, archeology, historic preservation, the lack of significant setbacks, and the policy that buildings be low on – and step down towards – the waterfront. The FEIR is also inadequate in addressing the violation of the neighborhood pattern since all nearby buildings on the waterfront have significant setbacks around the 6<sup>th</sup> or 7<sup>th</sup> floor level.

The FEIR ignores the potential for a catastrophic sewage spill near the Bay because a large, aging and high-pressure (and possibly brick) sewer line runs adjacent to the site under Steuart Street. It is currently undergoing emergency repair and replacement work nearby. This replacement work has caused sidewalk damage and movement on Spear Street this year. This kind of movement could cause the aging sewer line to rupture. The shoring below Rincon Center (across the street) also failed during construction due to the unstable condition of fill soils in the area.

As noted in the comments on the DEIR, the city did not include technical studies in the appendices to the EIR that it relied on. The FEIR recognizes the possibility of flooding from a tsunami or sea level rise but underestimates the catastrophic damage that would be caused.

Furthermore, an analysis should have been done on an alternative shorter than the project currently proposed. It is acknowledged that a 100-foot high building would not cause shadow impacts on Rincon Park. An analysis on a structure that high might accurately be labeled “code compliant” unlike the 200-foot analysis in the EIR. Planning dismissed a shorter building as not being economically feasible but did not justify that conclusion.

We will submit a detailed brief at a later date.

Sincerely,



David Osgood

Cc: Environmental Review Officer, Planning Dept.



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion

HEARING DATE: September 3, 2015

*Hearing Date:* September 3, 2015  
*Case No.:* 2011.1122E  
*Project Name:* 75 Howard Street  
*Zoning:* C-3-O (SD) – Downtown Office (Special Development)  
 200-S Height and Bulk District  
*Block/Lot:* 3741/031; 3741/035 (Parcel 3)  
*Project Sponsor:* RDF 75 Howard LP  
 1633 Broadway, Suite 1801  
 New York, NY 10019  
*Staff Contact:* Don Lewis – (415) 575-9168  
[don.lewis@sfgov.org](mailto:don.lewis@sfgov.org)

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

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

RECEIVED  
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2015 OCT -5 PM 3:00

**ADOPTING FINDINGS RELATED TO THE CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED DEMOLITION OF THE EXISTING EIGHT-LEVEL PARKING GARAGE AND CONSTRUCTION OF A 20-STORY-OVER-BASEMENT, APPROXIMATELY 220-FOOT-TALL BUILDING WITH 133 DWELLING UNITS, APPROXIMATELY 5,824 SQUARE FEET OF GROUND-FLOOR RETAIL SPACE AND 100 OFF-STREET PARKING SPACES.**

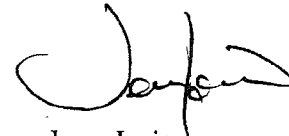
MOVED, that the San Francisco Planning Commission (hereinafter "Commission") hereby CERTIFIES the Final Environmental Impact Report identified as Case No. 2011.1122E, 75 Howard Street (hereinafter "Project"), based upon the following findings:

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 July 31, 2013.
  - B. On July 31, 2013, the Department published the Draft Environmental Impact Report (hereinafter "DEIR") and provided public notice in a newspaper of general circulation of the availability of the DEIR for public review and comment and of the date and time of the Planning Commission public hearing on the DEIR; this notice was mailed to the Department's list of persons requesting such notice.

- C. Notices of availability of the DEIR and of the date and time of the public hearing were posted near the project site on July 31, 2013.
  - D. On July 31, 2013, copies of the DEIR were mailed or otherwise delivered to a list of persons requesting it, to those noted on the distribution list in the DEIR, to adjacent property owners, and to government agencies, the latter both directly and through the State Clearinghouse.
  - E. Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on July 31, 2013.
2. The Commission held a duly advertised public hearing on said DEIR on September 12, 2013 at which opportunity for public comment was given, and public comment was received on the DEIR. The period for acceptance of written comments ended on September 23, 2013.
  3. The Department prepared responses to comments on environmental issues received at the public hearing and in writing during the 54-day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected errors in the DEIR. This material was presented in a Draft Responses to Comments document, published on July 8, 2015, distributed to the Commission and all parties who commented on the DEIR, and made available to others upon request at the Department.
  4. A Final Environmental Impact Report (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 Responses to Comments document all as required by law.
  5. 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.
  6. On September 3, 2015, the Commission reviewed and considered 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 preferred project is the revised Code Compliant Alternative which is described in the FEIR (hereinafter "preferred project").
  8. The Planning Commission hereby does find that the FEIR concerning File No. 2011.1122E, 75 Howard Street Project, 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.

9. The Commission, in certifying the completion of said FEIR, hereby does find that the preferred project, the revised Code Compliant Alternative, which is described as an Alternative in the FEIR:
  - A. Will have a significant project-specific effect on the environment by creating new shadow in a manner that substantially affects an outdoor public area; and
  - B. Will have significant cumulative effects on the environment in that it would create new shadow that would substantially affect an outdoor public area and would contribute considerably to reasonably foreseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets.
10. 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 September 3, 2015.



Jonas Ionin  
Commission Secretary

AYES: Fong, Wu, Antonini, Hillis, Johnson, Richards

NOES:

ABSENT:

RECUSED: Moore

ADOPTED: September 3, 2015



# SAN FRANCISCO PLANNING DEPARTMENT

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*Subject to: (Select only if applicable)*

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Inclusionary Housing | <input type="checkbox"/> Public Open Space                         |
| <input type="checkbox"/> Childcare Requirement           | <input type="checkbox"/> First Source Hiring (Admin. Code)         |
| <input type="checkbox"/> Jobs Housing Linkage Program    | <input checked="" type="checkbox"/> Transit Impact Development Fee |
| <input type="checkbox"/> Downtown Park Fee               | <input type="checkbox"/> Other                                     |
| <input checked="" type="checkbox"/> Public Art           |  |

## Planning Commission Motion 19449 CEQA Findings HEARING DATE: SEPTEMBER 3, 2015

*Date:* August 24, 2015  
*Case No.:* 2014.1122EXVCUA  
*Project Address:* 75 Howard Street  
*Zoning:* C-3-O (SD) (Downtown Office, Special Development)  
200-S Height and Bulk District  
*Block/Lot:* 3741/31; 3741/35 (Parcel 3)  
*Project Sponsor:* Marce L. Sanchez – (212) 237-3129  
RDF 75 Howard LP  
1633 Broadway, Suite 1801  
New York, NY 10019  
[msanchez@paramount-group.com](mailto:msanchez@paramount-group.com)  
*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 TO CONSTRUCT A 20-STORY-OVER-BASEMENT, APPROXIMATELY 220-FOOT TALL BUILDING WITH UP TO 133 DWELLING UNITS, APPROXIMATELY 5,824 SQ. FT. OF GROUND FLOOR RETAIL SPACE AND 100 OFF-STREET PARKING SPACES (HEREINAFTER, THE "PROJECT"), AT 75 HOWARD STREET (HEREINAFTER, THE "PROJECT SITE") WITHIN THE C-3-O(SD) (DOWNTOWN OFFICE, SPECIAL DEVELOPMENT) DISTRICT AND THE 200-S HEIGHT AND BULK DISTRICT.**

### PREAMBLE

In determining to approve the proposed Project located at 75 Howard Street, Assessor's Block 3741, Lots 31 and 35, as described in Section II below, the San Francisco Planning Commission (hereinafter "Commission") makes and adopts the following findings of fact and decisions regarding the proposed Project, project alternatives, and mitigation measures and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding before the Commission and under the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., (hereinafter "CEQA"), particularly Section 21081 and 21081.5, the Guidelines for

Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq., ("CEQA Guidelines"), particularly Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code.

The Mitigation Monitoring and Reporting Program (hereinafter "MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as Exhibit 1. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Exhibit 1 provides a table setting forth each mitigation measure identified in the Final Environmental Impact Report for the Project ("Final EIR" or "FEIR") that is required to reduce or avoid a significant adverse impact. Exhibit 1 also specifies the entity responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Exhibit 1.

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 (hereinafter "Draft EIR" or "DEIR") or the Response to Comments Document (hereinafter "RTC") in the FEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings. The FEIR is comprised of the Draft EIR and the RTC and all of their supporting documentation.

## I. INTRODUCTION

The Commission hereby adopts the following findings for the Project approval of 75 Howard Street pursuant to the CEQA, California Public Resources Code, Sections 21000 et seq., the Guidelines for Implementation of CEQA, Title 15 California Code of Regulations Sections 15000 et. seq. (hereinafter "Guidelines"), and Chapter 31 of the San Francisco Administrative Code (hereinafter "Chapter 31"), entitled Environmental Quality:

## II. PROJECT DESCRIPTION

The Project Site consists of a lot developed and used as an above grade parking garage (the "parking garage lot") and a small triangular portion of an adjacent lot which is currently unimproved other than landscaping and a fence (the "unimproved triangle"). The Project Sponsor intends to merge the unimproved triangle into the parking garage lot through a lot line adjustment. The unimproved triangle is within the Rincon Beach South Point Redevelopment Plan (the "Redevelopment Plan") Area and is the subject of a Delegation Agreement by the Office of Community Investment and Infrastructure and the San Francisco Planning Department (the "Department"). The Delegation Agreement authorizes the Department to review and approve that portion of the proposed 75 Howard Project that is located on the unimproved triangle for consistency with the Redevelopment Plan and the related Design for Development. The subject property is located at the intersection of Howard and Steuart Streets, on a block bounded by Folsom and Spear Streets in the Financial District. The subject property is located within the C-3-O(SD) (Downtown Office, Special Development) District and 200-S Height and Bulk District. The subject property is located within the boundaries of the Transit Center District and is located at the eastern edge of the district. The current development of this location, with the above-grade parking garage, represents an under-utilized site within the downtown core. The Property is 20,931 sq. ft. in size with approximately 156 feet of frontage on Howard Street and 134 feet of frontage on Steuart Street. The Property is currently used as an above grade parking garage with approximately 550 parking spaces. The Project Sponsor proposes to demolish the existing above grade parking garage, merge the two lots, and construct a new 20-story-over-garage, 284,300 gsf, 133-unit residential building with 5,824

sq. ft. of ground floor retail space, 100 off-street parking spaces, and 123 bicycle parking spaces (108 Class 1; 15 Class 2). The residential units would consist of 36 one bedroom units (27%), 71 two bedroom units (53%), 23 three bedroom units (17%), and 3 four bedroom units (2%). Retail space would be located on both the Howard and Steuart Street frontages.

- A. **Project History.** On January 13, 2012, Project Sponsor filed an application with the Department for Environmental Review, to allow the demolition of an existing above-grade parking lot and the construction of a new, approximately 31-story-over-basement, approximately 350-foot tall, 432,253 gsf building containing approximately 5,685 gsf of ground floor retail space, and 186 dwelling-units (the "Original Project") at the Project Site. Applications for the development of the Original Project were subsequently filed with the Department on December 6, 2013.

On August 13, 2014, the Project Sponsor subsequently filed amended entitlement applications to allow the demolition of an above-grade parking lot and the construction of a new, approximately 26-story-over-basement, approximately 292-foot tall building containing approximately 409,150 gsf, with approximately 4,250 gsf of ground floor commercial space and 159 dwelling-units (the "Reduced Height Project") at the Project Site.

On April 30, 2015, the Project Sponsor once again filed amended entitlement applications to allow for the construction of the revised 220 foot tall, 133 unit Project as discussed in this Motion.

At the time of publication of the DEIR, the Project Sponsor's proposed project was the Original Project. As such, the DEIR analyzes the Original Project as the "proposed project". However, as discussed above, since publication of the Draft EIR in July 2013, the Project Sponsor indicated that the Original Project is no longer the Project Sponsor's "preferred project" for the purposes of the FEIR, and on April 30, 2015, submitted a revised entitlement application to the Department for the development of the revised Project for consideration for approval. The Department concluded that the Project, as revised, is generally consistent with the design of the Code Compliant Alternative analyzed in the DEIR, as revised in the RTC document in Chapter 2, Revisions to DEIR Analysis Approach and Modifications to Project Alternatives, pp. 2.20-2.42. As discussed in the RTC document, the design changes to the Code Compliant Alternative required to reflect to the revised Project do not present any significant new information, nor do they alter any of the conclusions or present the need for any new mitigation measures regarding the analysis of the Code Compliant Alternative presented in the DEIR. Therefore, it was determined by the Planning Department that recirculation of the DEIR, pursuant to CEQA Guidelines Section 150885, was not required. Instead, as noted above, the Planning Department determined that the Project would be analyzed and presented in the FEIR as the "Code Compliant Alternative", as revised by the RTC document. City decision-makers can adopt any of the alternatives analyzed in the DEIR instead of approving a proposed project if it is found that an alternative would substantially reduce or eliminate significant environmental impacts identified for the proposed project, an alternative is determined feasible, and if an alternative would achieve most of the project sponsor objectives. The determination of feasibility would be made by City decision-makers based on substantial evidence in the record, which shall include, but not be limited to, information presented in the DEIR and the RTC document.

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



- To improve the architectural and urban design character of the City's waterfront by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking.
- To increase the City's supply of housing.
- To construct streetscape improvements and open space that serve neighborhood residents, and workers, and enliven pedestrian activity on the waterfront during evening and nighttime hours.
- To construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the project sponsor and its investors, attract investment capital and construction financing, and generate sufficient revenue to finance the open space amenities proposed as part of the project.

As noted above, since the publication of the above listed project objectives in the DEIR, the Project Sponsor's preferred project has changed from the Original Project to the Code Compliant Alternative. The Code Compliant Alternative would achieve most of the basic objectives of the Project Sponsor. This alternative would improve the architectural and urban design character of the City's downtown core by replacing the existing above-grade parking garage with a high-quality residential project with ground floor retail uses and sufficient parking and would also increase the City's supply of housing. It would also partially meet, though not to the full extent as under the Original Project, the Project Sponsor's objectives to construct a high-quality project that includes a sufficient number of residential units to make economically feasible the demolition and replacement of the existing above-grade parking garage, produce a reasonable return on investment for the Project Sponsor and its investors, and attract investment capital and construction financing. The Code Compliant Alternative, however, would not meet the Project Sponsor's objective to construct open space that serves the neighborhood residents and workers, and enlivens pedestrian activity on the waterfront during evening and nighttime hours.

- C. **Planning And Environmental Review Process.** The Department determined that an Environmental Impact Report ("EIR") was required and provided public notice of the preparation of such on December 12, 2012. The Department published the Draft EIR on July 31, 2013. The public comment period for the Draft EIR was August 1, 2013, to September 16, 2013. The Commission held a public hearing to solicit testimony on the Draft EIR on September 12, 2013. The Department published the RTC document on July 8, 2015, which document provides written response to each comment received on the Draft EIR that raised environmental issues. The Draft EIR, together with the RTC document and all of the supporting documentation constitute the FEIR.

The Commission certified the FEIR on September 3, 2015, by adoption of its Motion No 19447. The FEIR fully analyzed the Project proposed for approval herein.

- D. **APPROVAL ACTIONS:** The Project would require a Planning Code Section 309 Downtown Project Approval. The Project would also require a Conditional Use authorization for parking in excess of principally permitted amounts, Variances for dwelling unit exposure for 39 units and for the width of the loading and parking access on Howard Street, and review and consideration by the Planning Commission of a Section 309 Determination of Compliance and Request for Exceptions for rear yard requirements, reduction of ground level wind currents requirements and bulk requirements. Pursuant to the Delegation Agreement, the Planning Department or Commission will also approve those portions of the 75 Howard Project located on the unimproved triangle for consistency with the Redevelopment Plan and Design for Development.
- E. **LOCATION AND CUSTODIAN OF RECORDS.** The public hearing transcript, a copy of all letters regarding the FEIR received during the public review period, the record of proceedings including those items described in CEQA Section 21167.6(e), and other background documentation for the FEIR are located at the Planning Department, 1650 Mission Street, San Francisco. The Planning Commission Secretary, Jonas Ionin, is the custodian of records for the Planning Department and the Planning Commission.

### III. SIGNIFICANT IMPACTS AND MITIGATION MEASURES

This Section sets 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 included in the FEIR and adopted by the Commission as part of the Project's approval. 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 incorporates them by reference herein and relies on 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 the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

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 impacts 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.

As set forth below, the Commission adopts and incorporates all of the mitigation measures set forth in the FEIR and the attached Mitigation Monitoring and Reporting Program ("MMRP") to substantially

lessen or avoid the significant impacts of the Project. The Commission intends to adopt each of the applicable mitigation measures identified 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 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.

The MMRP is attached to the subject CEQA Findings motion as Exhibit 1 for case 2011.1122E. Implementation of all the mitigation measures contained in the FEIR will be included as a condition of approval for the Project. All applicable mitigation measures proposed in the FEIR are adopted and the full text of the mitigation measures is set forth in the MMRP attached as Exhibit 1 to this Motion.

- A. **Impacts Found to be Less than Significant and Thus Requiring No Mitigation.** Under CEQA, no mitigation measures are required for impacts that are less than significant. (Pub. Resources Code, Section 21002; CEQA Guidelines, Section 15126.4, subd. (a)(3), 15091.) Based on substantial evidence in the whole record of this proceeding, the Commission finds that implementation of the Project will not result in any significant impacts in the following areas and that these impact areas, therefore, do not require mitigation.

The Initial Study, attached to the Draft EIR as Appendix A, found that the following potential individual and cumulative environmental effects of the Project, as fully analyzed in the IS, would be less than significant and thus require no mitigation: Population and Housing; Cultural and Paleontological Resources (Historic Architectural and Paleontological Resources only); Greenhouse Gas Emissions; Wind and Shadow (Wind only); Recreation; Public Services; Geology and Soils; Hazards and Hazardous Materials; Mineral and Energy Resources; and Agricultural and Forest Resources.

Implementation of the Project will not result in any significant impacts in the following areas as identified in the FEIR: LU-1; LU-2; C-LU-1; TR-1; TR-2; TR-3; TR-4; TR-5; TR-6; TR-7; TR-8; C-TR-2; C-TR-3; NO-4; NO-5; AQ-1; AQ-3; AQ-5; UT-1; C-UT-1; BI-2; HY-1; HY-2; C-HY-1; HWS-1; and C-WS-1. Notwithstanding the foregoing, the Commission finds that the implementation of the Improvement Measures identified in the MMRP would further reduce the less-than-significant effects of the Project in the applicable impact areas.

- B. **Significant Impacts That Can Be Avoided Or Reduced To A Less-Than-Significant Level Through Mitigation.** The FEIR identified the significant impacts listed in this Section III.B and identified mitigation measures which, if implemented, would avoid or reduce the impacts to a less-than significant level. Based on the analysis contained in the FEIR, other considerations in the record and the standards of significance, the Commission finds that implementation of all of the proposed mitigation measures discussed in this Section III.B will reduce these potentially significant impacts to a less-than-significant level:

- Impact CP-1 and 2: Soils disturbance may impact subsurface archeological resources. Mitigation Measure M-CP-1a, M-CP-1b and M-CP-1c for archeological testing, monitoring,

data recovery and reporting, interpretation and accidental discovery would reduce this impact to less than significant

- Impact CP-3: Construction could affect unique geologic features or unique paleontological resources, if present within the Project Site. Mitigation Measure M-CP-3: Paleontological Resources Monitoring and Mitigation Program, would reduce this impact to less than significant.
- Impact C-CP-1: Disturbance of archaeological resources, if encountered during construction of the Project, in combination with other past, present, and reasonably foreseeable future projects, could make a cumulatively considerable contribution to a significant cumulative impact on archaeological resources. Mitigation Measure M-C-CP-1: Cumulative Archaeological Resources, would reduce this impact to less than significant.
- Impact NO-1 and 2: Noise and vibration from construction would be substantially greater than existing noise levels in the project vicinity and could significantly impact nearby sensitive receptors. Mitigation Measures M-NO-1a: Noise Control Measures During Pile Driving, and M-NO-1b: General Construction Noise Control Measures would reduce this impact to less than significant.
- Impact NO-3: Operation would introduce additional noise sources to the area, such as new mechanical equipment for building utilities, including ventilation equipment (HVAC equipment) and other building mechanical systems. Mitigation Measure M-NO-3: Interior Mechanical Equipment, would reduce this impact to less than significant.
- Impact C-NO-1: Construction would temporarily cause a cumulatively considerable contribution to significant noise impacts that would occur with other projects in the vicinity, including construction occurring as development is approved pursuant to implementation of the TCDP. Mitigation Measure M-C-NO-1a: Cumulative Construction Noise Control Measures, would reduce this impact to less than significant.
- Impact AQ-2: Toxic air contaminants (TACs) emitted during construction would expose sensitive receptors to substantial pollutant concentrations. Mitigation Measure M-AQ-2 would reduce this impact to less than significant.
- Impact AQ-4: Operation of the Project once constructed would lead to operational emissions. Mitigation Measures M-AQ-4a and M-AQ-4b, would reduce this impact to less than significant.
- Impact C-AQ-1: Construction and operation of the Project, in combination with past, present, and reasonably foreseeable future development in the project area, would contribute to cumulative air quality impacts. Mitigation Measures M-AQ-2, M-AQ-4a and M-AQ-4b, would reduce this impact to less than significant.
- Impact BI-1: Construction would adversely impact birdlife, bird movement, and migration. Mitigation Measures M-BI-1a: Design Standards to Render Building Less Hazardous to Birds

and M-BI-1b: Night Lighting Minimization, and Improvement Measure I-BI-A: Tenant Education, would reduce this impact to less than significant.

- Impact C-BI-1: The Project, in combination with reasonably foreseeable future development, would result in a considerable contribution to significant cumulative impacts related to avian wildlife. Mitigation Measures M-BI-1a: Design Standards to Render Building Less Hazardous to Birds and M-BI-1b: Night Lighting Minimization, would reduce this impact to less than significant.
- Impact HZ-1: The Project would create a significant hazard to the public or the environment through either: a) the routine transport, use, or disposal of hazardous materials, or b) through reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment. Mitigation Measures M-HZ-1a: Hazardous Building Materials Abatement, would reduce this impact to less than significant.

C. **Significant And Unavoidable Environmental Impacts.** The Project, as approved, would have Project-specific unavoidable significant environmental impacts as outlined herein. Where feasible, mitigation measures have been included in the FEIR and MMRP to address these impacts; however, these impacts would remain significant and unavoidable even with mitigation.

- Impact C-TR-1: Increased traffic volumes due to the proposed Project would contribute considerably to reasonably foreseeable future cumulative traffic increases that would cause levels of service to deteriorate to unacceptable levels at the intersection of Spear and Howard Streets. Mitigation Measure M-C-TR-1 has been imposed on the Project as a result of this impact. However, as noted in the FEIR, the *TCDP Transportation Impact Study* established the feasibility of this mitigation measure as uncertain and considered mitigation to less-than-significant conditions infeasible. For this reason the *TCDP Transportation Impact Study* identified the future cumulative impacts of the Public Realm Plan at the intersection of Spear and Howard streets as significant and unavoidable.
- Impact WS-1: The proposed Project would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. There is no feasible mitigation measure available for this impact; although choosing the environmentally preferred alternative reduces shadow impacts.
- Impact C-WS-1: The proposed Project, in combination with past, present, and reasonably foreseeable future projects in the project vicinity, would create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, resulting in a significant cumulative shadow impact. The Project would make a cumulatively considerable contribution to this significant cumulative shadow impact. There is no feasible mitigation measure available for this impact.

#### IV. Evaluation of Project Alternatives

A. **Alternatives Analyzed in the FEIR.** The FEIR analyzed three alternatives to the Original Project: the No Project Alternative, the Code Compliant Alternative and the Reduced Height Alternative.

Under the No Project Alternative, the existing legally non-conforming 550-space, 91-foot-tall, eight-level commercial parking garage on the Project Site would be retained in its current condition. The proposed new residential high rise tower would not be constructed. Assuming that the existing physical conditions of the Project area were to continue for the foreseeable future, conditions described in detail for each environmental topic in the Initial Study and in Chapter IV, Environmental Setting, Impacts, and Mitigation of the FEIR, would remain and none of the impacts associated with the Original Project would occur.

The Reduced Height Alternative would include construction of a shorter building (approximately 281 feet tall). Specifically, the Reduced Height Alternative would include about 280,430 gsf of retail uses; 5,900 gsf of retail uses; about 25,700 gsf of parking (not including loading or driveways and maneuvering spaces); and about 95,820 gsf of building services (common areas, mechanical, and storage spaces). The building developed under the Reduced Height Alternative would be about 25 stories and 281 feet tall, excluding the mechanical penthouse, and would require amendment of the City's Zoning Map to increase height limits. The Reduced Height Alternative would contain 172 market rate units (14 fewer units than under the Original Project). This alternative would also include approximately 5,900 gsf of retail use, including space for restaurant and café uses (slightly more than under the Original Project). Under the Reduced Height Alternative, a total of 159 parking spaces (16 fewer spaces than under the proposed project) would be constructed in a 25,700-gsf parking garage located on two below-grade levels accessed from Howard Street. One parking space would be reserved for car-share vehicles and 158 parking spaces would be assigned to building residents and commercial uses. Similar to the Original Project, none of the parking spaces would be independently accessible; all vehicles would be mechanically parked by valet in stacked spaces. Similar to the Original Project, this alternative would include two loading spaces located on Basement Level 1. This alternative would also include 56-bicycle storage spaces (8 fewer than under the proposed project) located on Basement Level 1. The Reduced Height Alternative would include landscaping and paving improvements, resulting in a new 4,780 sq. ft. landscaped, publicly accessible open space at Block 3742/Lot 12 and the portion of the Steuart Street right of way south of Howard Street. As under the Original Project, on-street parking along the segment of Steuart Street south of Howard Street would be eliminated.

As under the Original Project, but to a somewhat lesser degree, the Reduced Height Alternative would still result in the following significant and unavoidable impacts: significant and unavoidable project-level land use and land use planning impacts since this alternative would not comply with the existing height limit for the Project Site, and would result in net new shadow on Rincon Park (land use and land use planning); significant and unavoidable cumulative impacts on intersection operations at Spear Street/Howard Street under 2035 cumulative conditions (transportation and circulation); and significant and unavoidable project-level and cumulative shadow impacts on Rincon Park (shadow). Similar to the Original Project, the Reduced Height Alternative would have significant, but slightly reduced, project-level shadow impacts on outdoor recreation facilities and other public areas.

The Code Compliant Alternative analyzed in the FEIR is the Project Sponsor's "preferred project" and the Project as discussed in this Motion. Under this alternative, the Project Site would remain within the 200-S Height and Bulk District as shown on Zoning Map Sheet HT01, the 220-foot

height limit specified on Map 5 (Proposed Height and Bulk Districts) in the Downtown Area Plan of the General Plan (with the 20 foot tower extension permitted pursuant to Section 263.9 of the Planning Code). This alternative would be both 13 stories and 128 feet shorter than the tower proposed under the Original Project. The Code Compliant Alternative would contain 133 market rate units (53 fewer units than under the Original Project) and approximately 5,824 gsf of retail use (slightly more than under the Original Project), including space for restaurant and café uses. The Code Compliant Alternative does not include any landscaping and paving improvements on Assessor's Block 3742/Lot 12, and that open space site would remain vacant and paved with asphalt, and would continue to be available through the City and County of San Francisco for temporary uses such as construction staging or for future development by the City. However, as under Original Project, in furtherance of the requirements of Planning Code Section 138.1, streetscape improvements would be proposed for the Steuart Street right-of-way, south of Howard Street. Under this alternative, unlike under the Original Project, Steuart Street would not be narrowed, and the turnaround bulb at the southern terminus of Steuart Street would not be eliminated. However, the sidewalks adjacent to the building would be improved pursuant to the requirements of Planning Code Section 138.1.

The Code Compliant Alternative would avoid significant and unavoidable land use impacts and would reduce shadow impacts, but not to a less-than-significant level. This alternative would result in similar transportation-related impacts compared to the Original Project. As with the Original Project, the Code Compliant Alternative would make a significant contribution to a significant and unavoidable cumulative traffic impact at the Spear Street/Howard Street intersection.

The Original Project, the No Project Alternative and the Reduced Height Alternative (including any variants), are rejected, for the reasons explained below, in favor of the preferred Project (the Code Compliant Alternative) analyzed in the FEIR.

**B. ALTERNATIVES REJECTED AND REASONS FOR REJECTION**

- (1) No Project Alternative. The No Project Alternative would not be desirable and would not meet any of the Project Sponsor's objectives. The No Project Alternative would amount to a continuation of the existing conditions at the Project Site, which is underutilized and which is currently an above-grade parking garage. The No Project Alternative is rejected in favor of the Project and is found infeasible for the following economic and social reasons:
  - (a) The No Project Alternative would not meet any of the Project Sponsor's objectives.
  - (b) The No Project Alternative would not provide opportunities for new sources of jobs, housing (including affordable housing through payment of the in-lieu fee), commercial uses, fees, taxes and revenues.
  - (c) The Project site would remain underutilized.
- (2) Original Project. The Original Project is no longer the Project Sponsor's preferred project and as such would not be desirable. The Original Project is rejected in favor of the Project and is found infeasible because the Original Project would involve significant and

unavoidable project specific impacts related to land use and land use planning. This alternative would not be consistent with some of the objectives and policies of the General Plan's Urban Design Element, Downtown Area Plan, and TCDP, and it would not comply with the existing height limit for the Project Site.

- (3) Reduced Height Alternative. The Reduced Height Alternative would not be desirable and is not the Project Sponsor's preferred project. The Reduced Height Alternative is rejected in favor of the Project and is found infeasible because the Reduced Height Alternative would still involve significant and unavoidable project specific impacts related to land use and land use planning. At a height of 281 feet, this alternative would not be consistent with some of the objectives and policies of the General Plan's Urban Design Element, Downtown Area Plan, and TCDP, and it would not comply with the existing height limit for the Project Site.
- (4) Alternatives Considered but Rejected. The FEIR also identified two alternatives that were considered but rejected from further consideration, namely, the PPA design alternative and an off-site alternative. As described in the FEIR, the Planning Department did not support the design approach of the PPA design, and it was therefore excluded from further consideration. The off-site alternative was rejected from further consideration because the only other nearby site the Project Sponsor controlled was already fully developed and the Project Sponsor had no plans to acquire additional sites of a similar size in the vicinity.

## V. STATEMENT OF OVERRIDING CONSIDERATIONS

Notwithstanding the significant unavoidable impacts noted above, pursuant to CEQA Section 21081 and CEQA Guidelines section 15093, the Commission hereby finds, after considering the FEIR and the evidence in the record, that each of the specific overriding economic, legal, social and other benefits of the Project, as set forth below, independently and collectively outweighs the identified significant and unavoidable impacts of the Project 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 of these proceedings. In addition, the Commission finds that the rejected Project Alternatives are also rejected for the following specific economic, social or other considerations, in addition to the specific reasons discussed in Section III above.

The Commission further finds that, as part of the process of obtaining Project approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. All applicable mitigation measures proposed in the Final EIR for the proposed Project are adopted as part of this approval action. The alternative project chosen is the environmentally preferred alternative. 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, technical, legal, social and other considerations.

The Project will have the following benefits:



1. The Project would add up to 133 dwelling units, of which 36 are one-bedroom units, 71 are two-bedroom units, 23 are three-bedroom units, and three are four-bedroom units, to the City's housing stock. As such, 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 structure at 75 Howard Street is an above-grade parking garage.
2. The Project would help secure funding for permanently affordable housing by paying a 20% in-lieu fee in accordance with the City's Affordable Inclusionary Housing Ordinance, thereby enhancing the City's affordable housing.
3. The Project would promote the objectives and policies of the General Plan by replacing the existing above-grade parking garage 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 above-grade parking garage and the 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 landscape the sidewalk area surrounding the Project Site, include bike racks, and could provide limited sidewalk seating. These changes will enhance the attractiveness of the site for pedestrians and make bring this site into conformity with principles of good urban design.
4. By developing and maintaining space dedicated to retail use and restaurant use within the building, the Project will continue the pattern of active ground floor retail along the Steuart and Howard Street frontages and will provide services to the immediate neighborhood. The Project would also contribute to the development of the Transit Center transportation and street improvements and open space through participation in the Transit Center District Community Facilities District and payment of the Transit Center District Open Space Impact Fee and the Transit Center District Transportation and Street Improvement Fee.
5. The Project would construct a development that is in keeping with the scale, massing and density of other structures in the immediate vicinity.
6. The Project design is intended to meet, and the Project Sponsor intends to seek, a LEED Platinum certification from the U.S. Green Building Council.
7. The Project's innovative 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."
8. The Project will create temporary construction jobs and permanent jobs in the retail sector. 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.

9. The Project will revitalize the Project Site and the surrounding neighborhood. The replacement of 550 above-grade parking spaces with 100 below-grade spaces will bring the site into greater conformity with current Planning Code and urban design principles.
10. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to 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 adopts the foregoing CEQA Findings and the Mitigation Monitoring and Reporting Program attached hereto as Exhibit 1.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission on Thursday, September 3, 2015.

Jonas Ionin  
Commission Secretary

AYES: Antonini, Fong, Hillis, Richard, Johnson

NAYS: WU

ABSENT: Moore (recused)

ADOPTED: September 3, 2015

**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
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(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>
<b>MITIGATION MEASURES FOR THE 75 HOWARD STREET PROJECT</b>				
<i>Cultural Resources (Archaeological Resources) Mitigation Measures</i>				
<p><b>M-CP-1a: Archaeological Testing, Monitoring, Data Recovery and Reporting</b></p> <p>Based on a reasonable presumption that archaeological 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 pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall undertake an archaeological testing program as specified herein. In addition, the consultant shall be available to conduct an archaeological monitoring and/or data recovery program if required pursuant to this measure. The archaeological consultant's work shall be conducted in accordance with this measure at the direction of the Environmental Review Officer (ERO). 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. Archaeological 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 archaeological resource as defined in CEQA Guidelines Sect. 15064.5 (a) and (c).</p> <p><u>Consultation with Descendant Communities</u></p> <p>On discovery of an archaeological site associated with descendant Native Americans or the Overseas Chinese an appropriate representative of the descendant group and the ERO shall be contacted. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations of the site and to consult with ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site. A copy of the Final Archaeological Resources Report shall be provided to the representative of the descendant group.</p>	<p>Project sponsor to retain qualified professional archaeologist from the pool of archaeological consultants maintained by the Planning Department.</p> <p>Project sponsor/archaeological consultant</p>	<p>Prior to commencement of soil-disturbing activities, submittal of all plans and reports for approval by the ERO.</p> <p>For the duration of soil-disturbing activities.</p>	<p>The archaeological consultant shall undertake an archaeological testing program as specified herein. (See below regarding archaeological consultant's reports).</p> <p>Project sponsor/archaeological consultant shall contact the ERO and descendant group representative upon discovery of an archaeological site associated with descendant Native Americans or the Overseas Chinese. The representative of the descendant group shall be given the opportunity to monitor archaeological field investigations on the</p>	<p>Considered complete when project sponsor retains a qualified professional archaeological consultant.</p> <p>Considered complete upon submittal of Final Archaeological Resources Report.</p>

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<p><u>Archaeological Testing Program</u></p> <p>The archaeological consultant shall prepare and submit to the ERO for review and approval an archaeological testing plan (ATP). The archaeological testing program shall be conducted in accordance with the approved ATP. The ATP shall identify the property types of the expected archaeological 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 archaeological testing program will be to determine to the extent possible the presence or absence of archaeological resources and to identify and to evaluate whether any archaeological resource encountered on the site constitutes an historical resource under CEQA.</p> <p>At the completion of the archaeological testing program, the archaeological consultant shall submit a written report of the findings to the ERO. If based on the archaeological testing program the archaeological consultant finds that significant archaeological resources may be present, the ERO in consultation with the archaeological consultant</p>	<p>Project sponsor/Archaeological consultant at the direction of the ERO.</p> <p>Project sponsor/Archaeological consultant in consultation with the ERO.</p>	<p>Prior to any excavation, site preparation or construction and prior to testing, an ATP is to be submitted to and approved by the ERO.</p> <p>At the completion of the archaeological testing program.</p>	<p>site and consult with the ERO regarding appropriate archaeological treatment of the site, of recovered data from the site, and, if applicable, any interpretative treatment of the associated archaeological site.</p> <p>Archaeological Consultant shall prepare a Final Archaeological Resources Report in consultation with the ERO (per below). A copy of this report shall be provided to the ERO and the representative of the descendant group.</p> <p>Archaeological consultant to undertake ATP in consultation with ERO.</p> <p>Archaeological consultant to submit results of testing, and if significant archaeological resources may be present, in consultation with ERO, determine whether</p>	<p>Considered complete with approval of ATP by ERO and on finding by ERO that ATP is implemented.</p> <p>Considered complete on submittal to ERO of report on ATP</p>

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<p>shall determine if additional measures are warranted. Additional measures that may be undertaken include additional archaeological testing, archaeological monitoring, and/or an archaeological data recovery program. If the ERO determines that a significant archaeological 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 archaeological resource; or</p> <p>B) A data recovery program shall be implemented, unless the ERO determines that the archaeological resource is of greater interpretive than research significance and that interpretive use of the resource is feasible.</p> <p><u>Archaeological Monitoring Program</u></p> <p>If the ERO in consultation with the archaeological consultant determines that an archaeological monitoring program (AMP) shall be implemented the archaeological monitoring program shall minimally include the following provisions:</p> <ul style="list-style-type: none"> <li>The archaeological 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 archaeological consultant shall determine what project activities shall be archaeologically 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 archaeological monitoring because of the risk these activities pose to potential archaeological resources and to their depositional context;</li> <li>The archaeological consultant shall advise all project contractors to be on the</li> </ul>	<p>Project sponsor, and project archaeological consultant, in consultation with the ERO.</p>	<p>The archaeological consultant, project sponsor, and ERO shall meet prior to commencement of soils-disturbing activities. If ERO determines that archaeological monitoring is necessary, monitor throughout all soils-disturbing activities.</p>	<p>additional measures are warranted. If significant archaeological resources are present and may be adversely affected, project sponsor, at its discretion, may elect to redesign the project, or implement data recovery program, unless ERO determines the archaeological resource is of greater interpretive than research significance and that interpretive use is feasible.</p> <p>If required, Archaeological Consultant to prepare AMP in consultation with the ERO.</p> <p>Project sponsor, project archaeological consultant, archaeological monitor, and project sponsor's contractors shall implement the AMP, if required by the ERO.</p>	<p>findings.</p> <p>Considered complete on approval of AMP by ERO; submittal of report regarding findings of AMP; and finding by ERO that AMP is implemented.</p>

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<p>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 archaeological resource;</p> <ul style="list-style-type: none"> <li>• The archaeological monitor(s) shall be present on the project site according to a schedule agreed upon by the archaeological consultant and the ERO until the ERO has, in consultation with project archaeological consultant, determined that project construction activities could have no effects on significant archaeological deposits;</li> <li>• The archaeological monitor shall record and be authorized to collect soil samples and artifactual/ecofactual material as warranted for analysis;</li> <li>• If an intact archaeological deposit is encountered, all soils-disturbing activities in the vicinity of the deposit shall cease. The archaeological 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 archaeological monitor has cause to believe that the pile driving activity may affect an archaeological resource, the pile driving activity shall be terminated until an appropriate evaluation of the resource has been made in consultation with the ERO. The archaeological consultant shall immediately notify the ERO of the encountered archaeological deposit. The archaeological consultant shall make a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological deposit, and present the findings of this assessment to the ERO.</li> </ul> <p>Whether or not significant archaeological resources are encountered, the archaeological consultant shall submit a written report of the findings of the monitoring program to the ERO.</p> <p><u>Archaeological Data Recovery Program</u></p> <p>If the ERO, in consultation with the archaeological consultant, determines that archaeological data recovery programs shall be implemented, the archaeological data recovery program shall be conducted in accord with an archaeological data recovery plan (ADRP). The archaeological consultant, project sponsor, and ERO shall meet and consult on the scope of the ADRP prior to preparation of a draft ADRP. The archaeological consultant shall submit a draft ADRP to the ERO. The ADRP shall identify how the</p>	<p>Project sponsor and project archaeological consultant, in consultation with ERO.</p>	<p>Upon determination by the ERO that an ADRP is required.</p>	<p>If required, Archaeological consultant to prepare an ADRP in consultation with the ERO.</p>	<p>Considered complete on submittal of ADRP to ERO.</p>





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<p>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 archaeological consultant, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for the treatment of, with appropriate dignity, human remains and associated or unassociated funerary objects (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.</p> <p><u>Final Archaeological Resources Report</u></p> <p>The archaeological consultant shall submit a Draft Final Archaeological Resources Report (FARR) to the ERO that evaluates the historical significance of any discovered archaeological resource and describes the archaeological and historical research methods employed in the archaeological testing/monitoring/data recovery program(s) undertaken.</p> <p>Information that may put at risk any archaeological 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>consultation with ERO</p> <p>Archaeological consultant at the direction of the ERO</p>	<p>analysis and interpretation.</p> <p>If applicable, upon approval of FARR by ERO.</p>	<p>associated/unassociated funerary objects. Contact Archaeological consultant and ERO.</p> <p>If applicable, Archaeological consultant to submit a Draft FARR to ERO.</p> <p>Archaeological Consultant to distribute FARR.</p>	<p>Considered complete on notification of the San Francisco County Coroner and NAHC, if necessary.</p> <p>Considered complete on submittal of FARR and approval by ERO.</p> <p>Considered complete when Archaeological consultant to provide written certification to ERO that required FARR distribution</p>

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				has been completed.
<p><b>M-CP-1b: Interpretation</b></p> <p>Based on a reasonable presumption that archaeological resources may be present within the project site, and to the extent that that the potential significance of some such resources is premised on California Register of Historic Resources Criteria 1 (Events), 2 (Persons), and/or 3 (Design/Construction), the following measure shall be undertaken to avoid any potentially significant adverse effect from the proposed project on buried or submerged historical resources.</p> <p>The project sponsor shall implement an approved program for interpretation of resources. The project sponsor shall retain the services of a qualified archaeological consultant having expertise in California urban historical and marine archaeology. The archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. The particular program for interpretation of artifacts that are encountered within the project site will depend upon the results of the data recovery program and will be the subject of continued discussion between the ERO, consulting archaeologist, and the project sponsor. Such a program may include, but is not limited to, any of the following (as outlined in the ARDTP): surface commemoration of the original location of resources; display of resources and associated artifacts (which may offer an underground view to the public); display of interpretive materials such as graphics, photographs, video, models, and public art; and academic and popular publication of the results of the data recovery.</p> <p>The archaeological consultant’s work shall be conducted at the direction of the ERO, and in consultation with the project sponsor. All plans and recommendations for interpretation 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.</p>	Project sponsor and archaeological consultant, in consultation with ERO.	Prior to issuance of final certificate of occupancy.	Archaeological consultant shall develop a feasible, resource-specific program for post-recovery interpretation of resources. All plans and recommendations for interpretation by the Archaeological consultant shall be submitted first and directly to the ERO for review and comment, and shall be considered draft reports subject to revision until deemed final by ERO. ERO to approve final interpretation program. Project sponsor to implement an approved for interpretation program.	Considered complete upon installation of approved interpretation program.
<p><b>M-CP-1c: Accidental Discovery</b></p> <p>The following mitigation measure is required to avoid any potential adverse effect from the proposed project on accidentally discovered buried or submerged historical resources as defined in CEQA Guidelines Section 15064.5(a)(c). The project sponsor shall distribute the Planning Department archaeological resource “ALERT” sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading,</p>	Project sponsor to prepare “ALERT” sheet and provide signed affidavit from project contractor, subcontractor(s) and	Prior to any soil-disturbing activities.	Project sponsor to provide signed affidavit from project contractor, subcontractor(s) and utilities firm(s) to the ERO	Considered complete upon submission of affidavit regarding distribution of

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<p>foundation, pile driving, etc. firms); or utilities firm involved in soils disturbing activities within the project site. Prior to any soils disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel including, machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the ERO with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utility firm(s)) to the ERO confirming that all field personnel have received copies of the Alert Sheet.</p> <p>Should any indication of an archaeological resource be encountered during any soils disturbing activity of the project, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery until the ERO has determined what additional measures should be undertaken.</p> <p>If the ERO determines that an archaeological resource may be present within the project site, the project sponsor shall retain the services of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist. The archaeological consultant shall advise the ERO as to whether the discovery is an archaeological resource, retains sufficient integrity, and is of potential scientific/historical/cultural significance. If an archaeological resource is present, the archaeological consultant shall identify and evaluate the archaeological resource. The archaeological consultant shall make a recommendation as to what action, if any, is warranted. Based on this information, the ERO may require, if warranted, specific additional measures to be implemented by the project sponsor.</p> <p>Measures might include: preservation in situ of the archaeological resource; an archaeological monitoring program; or an archaeological testing program. If an archaeological monitoring program or archaeological testing program is required, it shall be consistent with the Planning Department division guidelines for such programs. The ERO may also require that the project sponsor immediately implement a site security program if the archaeological resource is at risk from vandalism, looting, or other damaging actions.</p>	<p>utilities firm(s) stating that all field personnel have received copies of the "ALERT" sheet</p> <p>Project sponsor and project contractor's Head Foreman</p> <p>Project sponsor and archaeological consultant</p>	<p>During soil-disturbing activities.</p> <p>When determined necessary by the ERO.</p> <p>When determined necessary by the ERO.</p>	<p>stating that all field personnel have received copies of the "ALERT" sheet.</p> <p>Upon potential resource discovery, the project Head Foreman and/or project sponsor shall immediately notify the ERO and shall immediately suspend any soils disturbing activities in the vicinity of the discovery.</p> <p>ERO to determine if additional measures are necessary to implement.</p>	<p>Alert sheet.</p> <p>Upon resource discovery, suspension of work and contact of ERO.</p> <p>Considered complete upon retention by the project sponsor of an archaeological consultant from the pool of qualified archaeological consultants maintained by the Planning Department archaeologist.</p>

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<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 project archaeological consultant shall submit a FARR to the ERO that evaluates the historical significance of any discovered archaeological resource and describing the archaeological and historical research methods employed in the archaeological monitoring/data recovery program(s) undertaken. Information that may put at risk any archaeological resource shall be provided in a separate removable insert within the final report.</p> <p>Copies of the Draft FARR shall be sent to the ERO for review and approval. 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 copy, one unbound copy and one unlocked, searchable PDF copy on CD three copies 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 or interpretive value, the ERO may require a different final report content, format, and distribution than that presented above.</p>	<p>Project sponsor and archaeological consultant</p> <p>Project sponsor and archaeological consultant</p>	<p>When determined necessary by the ERO.</p>	<p>Archaeological consultant to prepare draft and FARR, and to submit FARR to ERO for review final FARR.</p> <p>Once FARR approved by ERO, project sponsor /archaeological consultant to ensure distribution of FARR.</p>	<p>Considered complete upon ERO approval of FARR.</p> <p>Considered complete upon ERO approval of FARR.</p>
<p><b>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 (PRMMP). 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 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</p>	<p>Project sponsor to retain appropriately qualified paleontological 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>	<p>Considered complete upon approval of final PRMMP.</p>

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<p>previously disturbed, in areas of artificial fill, in areas underlain by nonsedimentary 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.</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.</p> <p>The ERO to review and approve the final documentation as established in the PRMMP.</p>	<p>Considered complete on approval of final documentation by ERO.</p>
<p><b>M-C-CP-1: Cumulative Archaeological Resources</b></p> <p><b>With implementation of Mitigation Measure M-CP-1a: Archaeological Testing, Monitoring, Data Recovery and Reporting; Mitigation Measure M-CP-1b: Interpretation; and Mitigation Measure M-CP-1c: Accidental Discovery, the proposed project's contribution to cumulative impacts would not be cumulatively considerable.</b></p>	<p>Project sponsor and archaeological consultant</p>	<p>When determined necessary by the ERO.</p>	<p>Archaeological consultant to prepare drafts to ERO for review final.</p>	<p>Considered complete upon ERO approval</p>
<p><b><i>Transportation and Circulation Mitigation Measures</i></b></p>				
<p><b>M-C-TR-1: Modifications to the Intersection of Spear and Howard Streets</b></p> <p>If changes to the current configuration of Spear Street were to be implemented as part of the TCDP Public Realm Plan, configuration of the northbound and southbound approaches along Spear Street shall be modified to incorporate left-turn-only lanes and minor adjustments to the traffic signal timings at the intersection of Spear and Howard streets.</p>	<p>Project sponsor in consultation with Department of Public Works (DPW), San Francisco Municipal Transit Agency (SFMTA), and the Planning Department.</p>	<p>Prior to project finalization, if required.</p>	<p>Project sponsor to consult with and request Planning Department, DPW, and SFMTA, to consider reconfiguration of Steuart Street as part of the TCDP Public Realm Plan.</p>	<p>Considered complete upon requests made by project sponsor for reconfiguration of Steuart Street as part of the TCDP Public Realm Plan.</p>

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<b>Noise Mitigation Measures</b>				
<p>▪ <b>M-NO-1a: Noise Control Measures During Pile Driving [TCDP EIR M-NO-2a]</b> A set of site-specific noise attenuation measures shall be completed under the supervision of a qualified acoustical consultant. These attenuation measures shall include as many of the following control strategies, and any other effective strategies, as feasible:</p> <ul style="list-style-type: none"> <li>• The project sponsor shall require the construction contractor to erect temporary plywood noise barriers along the boundaries of the project site to shield potential sensitive receptors and reduce noise levels;</li> <li>• The project sponsor shall require the construction contractor to implement “quiet” pile-driving technology (such as predrilling of piles, sonic pile drivers, and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li>• The project sponsor shall require the construction contractor to monitor the effectiveness of noise attenuation measures by taking noise measurement; and The project sponsor shall require that the construction contractor limit pile driving activity to result in the least disturbance to neighboring uses.</li> </ul>	<p>Project sponsor, construction contractor(s), and qualified acoustical consultant.</p>	<p>Prior to receiving building permit, incorporate feasible practices identified in M-NO-1a, under the supervision of a qualified acoustical consultant, into the construction contract agreement documents. Control practices should be implemented throughout the pile driving duration.</p>	<p>Project sponsor to submit to Planning Department and Department of Building Inspection (DBI) documentation of compliance of implemented control practices that show construction contractor agreement with specified practices.</p>	<p>Considered complete upon submittal of documentation incorporating identified practices.</p>
<p>▪ <b>M-NO-1b: General Construction Noise Control Measures [TCDP EIR M-NO-2b]</b> To ensure that project noise from construction activities is minimized to the maximum extent feasible, the project sponsor 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 five 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.,</li> </ul>	<p>Project sponsor and construction contractor(s)</p>	<p>Prior to the issuance of the building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and DBI a list of measures to respond to and track complaints pertaining to construction noise.</p>	<p>Project sponsor to submit to Planning Department and DBI construction a list of measures to respond to and track complaints pertaining to noise. Project sponsor to provide copies of contract documents to Planning Department that show construction contractor agreement with specified practices.</p>	<p>Considered complete upon submittal of contract documents incorporating identified practices.</p>

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<p>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.</p> <ul style="list-style-type: none"> <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 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.</li> <li>• Prior to the issuance of the building permit, along with the submission of construction documents, the project sponsor shall submit to the Planning Department and 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>				



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<p>▪ <b>M-NO-3: Interior Mechanical Equipment [from TCDP EIR M-NO-1e]</b></p> <p>The project sponsor shall require that effects of mechanical equipment noise on adjacent and nearby noise-sensitive uses be evaluated by a qualified acoustical consultant and that control of mechanical noise, as specified by the acoustical consultant, be incorporated into the final project design of new buildings to achieve the maximum feasible reduction of building equipment noise, consistent with <i>Building Code</i> and Noise Ordinance requirements and CEQA thresholds, such as through the use of fully noise-insulated enclosures around rooftop equipment and/or incorporation of mechanical equipment into intermediate building floor(s).</p>	<p>Project sponsor and qualified acoustical consultant</p>	<p>Prior to building permit issuance, a qualified acoustical consultant shall confirm that the final project design achieves the maximum feasible reduction of building equipment noise to minimize effects of the proposed project's mechanical equipment noise on adjacent and nearby noise-sensitive uses.</p>	<p>Project sponsor shall submit verification to the Planning Department and DBI from a qualified acoustical consultant that recommend measures to reduce noise effects from mechanical equipment noise have been implemented into the final project design.</p>	<p>Considered complete upon submittal of confirmation from acoustical consultant that measures have been incorporated into the final project design.</p>
<p>▪ <b>M-C-NO-1a: Cumulative Construction Noise Control Measures [TCDP EIR M-C-NO]</b></p> <p>The project sponsor shall cooperate with and participate in any City-sponsored construction noise control program for the Transit Center District Plan area or other City-sponsored areawide program developed to reduce potential effects of construction noise in the project vicinity. Elements of such a program could include a community liaison program to inform residents and building occupants of upcoming construction activities, staggering of construction schedules so that particularly noisy phases of work do not overlap at nearby project sites, and, potentially, noise and/or vibration monitoring during construction activities that are anticipated to be particularly disruptive.</p>	<p>Project sponsor and project construction contractor(s)</p>	<p>Prior to and during project construction activities of the proposed project, and ongoing during building occupancy for the duration of construction activities within the Transit Center District Plan Area.</p>	<p>Project sponsor shall participate in any City-sponsored construction noise control program, if necessary, and implement applicable elements as a result of such program.</p>	<p>Considered complete upon submittal of contract documents to the Planning Department and submittal of documentation designating compliance with City-sponsored construction control program.</p>
<p><i>Air Quality Mitigation Measures</i></p>				
<p>• <b>M-AQ-2 – Construction Emissions Minimization [TCDP EIR M-AQ-5]</b></p> <p>A. <i>Construction Emissions Minimization Plan.</i> Prior to issuance of a</p>	<p>Project sponsor and construction contractor(s) shall</p>	<p>Prior to the commencement of construction activities,</p>	<p>Project sponsor/contractor to submit a Construction Emissions Minimization</p>	<p>Considered complete upon ERO/Planning</p>

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<p>construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p> <ol style="list-style-type: none"> <li>I. All off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:               <ol style="list-style-type: none"> <li>a) Where access to alternative sources of power are available, portable diesel engines shall be prohibited;</li> <li>b) All off-road equipment shall have:                   <ol style="list-style-type: none"> <li>i. 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</li> <li>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control Strategy (VDECS).</li> </ol> </li> <li>c) Exceptions:                   <ol style="list-style-type: none"> <li>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for onsite power generation.</li> <li>ii. Exceptions to A(1)(b)(ii) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is: (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3</li> </ol> </li> </ol> </li> </ol>	<p>prepare and implement Construction Emissions Minimization Plan.</p>	<p>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>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>Plan. Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase. For off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. 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>Department review and approval of Construction Emissions Minimization Plan or alternative measures that achieve the same emissions reduction.</p>

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<p>VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of A(1)(c)(iii).</p> <p>iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 4.G.6.</p> <p><b>Table 4.G.6 – Off-Road Equipment Compliance Step-down Schedule</b></p> <table border="1" data-bbox="321 740 957 1026"> <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> </tbody> </table> <p><b>How to use the table:</b> If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met. * Alternative fuels are not a VDECS.</p> <p>2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than <i>two</i> minutes, except as provided in exceptions to the applicable State regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted in multiple</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*				
Compliance Alternative	Engine Emission Standard	Emissions Control														
1	Tier 2	ARB Level 2 VDECS														
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<p>languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p> <p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p> <p>4. 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. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment 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: 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, reporting shall indicate the type of alternative fuel being used.</p> <p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p> <p><b>B. Reporting.</b> Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used. 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. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p><b>C. Certification Statement and On-site Requirements.</b> 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>				



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<i>Biological Resources Mitigation Measures</i>				
<p><b>M-BI-1a: Design Standards to Render Building Less Hazardous to Birds</b></p> <p>The proposed project and project variants shall conform with the locational standards of Planning Code Section 139, <i>Standards for Bird-Safe Buildings</i>, specific only to the provisions applicable to locational hazards as described in Planning Code Section 139. Therefore:</p> <ul style="list-style-type: none"> <li>• Glazing as a percentage of the façade: Bird-Safe Glazing Treatment is required such that the Bird Collision Zone [the building façade from grade and extending upwards for 60 feet, and glass façades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof] facing the San Francisco Bay consists of no more than 10 percent untreated glazing. Building owners would concentrate permitted transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians.</li> <li>• Bird Safe Glazing Treatments: these include fritting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. Vertical elements of the pattern shall be at least ¼-inch wide with a maximum spacing of 4 inches, and horizontal elements shall be at least 1/8-inch wide with a maximum spacing of 2 inches. Equivalent treatments recommended by a qualified biologist may be used if approved by the Zoning Administrator. No glazing shall have a “Reflectivity Out” coefficient greater than 30 percent.</li> <li>• Minimal lighting (limited to pedestrian safety needs) shall be used. Lighting shall be shielded. No uplighting should be used. No event searchlights should be permitted.</li> </ul> <p>No horizontal axis windmills or vertical axis wind generators that do not appear solid shall be used.</p>	<p>Project sponsor and architect shall conform to applicable requirements.</p>	<p>Prior to building permit issuance.</p>	<p>Project sponsor shall provide building plans to Planning Department and DBI for review.</p>	<p>Considered complete upon approval and issuance of building permit.</p>
<p><b>M-BI-1b: Night Lighting Minimization [TCDP EIR I-BI-2]</b></p> <p>In compliance with the voluntary San Francisco Lights Out Program, the proposed project and variants would implement bird-safe building operations to prevent and minimize birdstrike impacts, including but not limited to the following measures:</p> <ul style="list-style-type: none"> <li>• Reduce building lighting from exterior sources by:</li> </ul>	<p>Project sponsor and architect.</p>	<p>During project design and environmental review.</p>	<p>Project sponsor to submit building plans to the Planning Department for review.</p>	<p>Considered complete upon approval and issuance of building permit.</p>

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<ul style="list-style-type: none"> <li>○ Minimizing amount and visual impact of perimeter lighting and façade uplighting and avoid up-lighting of rooftop antennae and other tall equipment, as well as of any decorative features;</li> <li>○ Installing motion-sensor lighting;</li> <li>○ Utilizing minimum wattage fixtures to achieve required lighting levels.</li> <li>• Reduce building lighting from interior sources by:               <ul style="list-style-type: none"> <li>○ Dimming lights in lobbies, perimeter circulation areas, and atria;</li> <li>○ Turning off all unnecessary lighting by 11:00 p.m. through sunrise, especially during peak migration periods (mid-March to early June and late August through late October);</li> <li>○ Utilizing automatic controls (motion sensors, photo-sensors, etc.) to shut off lights in the evening when no one is present; Encouraging the use of localized task lighting to reduce the need for more extensive overhead lighting;</li> <li>○ Scheduling nightly maintenance to conclude by 11:00 p.m.; and,</li> <li>○ Educating building residents and other users about the dangers of night lighting to birds.</li> </ul> </li> </ul>				
<b>Hazards and Hazardous Materials Mitigation Measures</b>				
<p><b>M-HZ-1a: Hazardous Building Materials Abatement</b></p> <p>The project sponsor of any development project in the TCDP area shall ensure that any building planned for demolition or renovation is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. These materials shall be removed and properly disposed of prior to the start of demolition or renovation. Old light ballasts that are proposed to be removed during renovation shall be evaluated for the presence of PCBs and in the case where the presence of PCBs in the light ballast cannot be verified, they shall be assumed to contain PCBs, and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to Federal, State, and local laws and</p>	Project sponsor	Prior to any demolition or construction activities.	If necessary, the project sponsor to provide hazardous materials survey and abatement results to the Planning Department and SFDPH.	Considered complete upon submittal of abatement results.

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regulations.				

**IMPROVEMENT MEASURES FOR THE 75 HOWARD STREET PROJECT**

<p><b>I-TR-A: Transit Information for Residents</b></p> <p>To encourage the use of transit to/from the project site, the project sponsor should provide a transportation insert in the new resident's move-in packet that would provide information on available transit service (nearby lines, schedules and fares), information on where Clipper Cards could be purchased, and information on the 511 Regional Rideshare Program.</p>	Project sponsor or building management	Prior to building occupancy.	Project sponsor to provide move-in packet to Planning Department.	Transit information shall be provided to buyers and renters for the duration of building occupancy.
<p><b>I-TR-C: Driveway Operations Plan</b></p> <p>The owner/operator of the proposed project shall implement and adhere to all aspects of the <i>Driveway Operations Plan</i>, presented in the 75 Howard Street Project Transportation Study. The <i>Driveway Operations Plan</i> shall be a living document for the life of the project driveway, recorded with the Planning Department as part of the project case file. All updates to the <i>Driveway Operations Plan</i> shall be reviewed and approved by the Director of Planning, or his or her designee.</p> <p>Upon the request of the Director of Planning, or his or her designee, the owner/operator shall submit to the Department evidence of compliance with the <i>Driveway Operations Plan</i>, including but not limited to, records of loading dock activity and security camera footage.</p> <p>If the Planning Director, or his or her designee, suspects that the facility owner/operator is not adhering to the <i>Driveway Operations Plan</i>, the Planning Department shall notify the property owner in writing. If after 90 days since written notification, the Department determines that the owner/operator is still not adhering to the <i>Driveway Operations Plan</i>, the driveway shall be considered in violation of the Condition of Approval.</p>	Project sponsor or building management	Ongoing during building occupancy.	Project sponsor to adhere to <i>Driveway Operations Plan</i> and provide evidence of compliance to the Planning Department, if requested.	Considered complete upon submittal of driveway operations plan.
<p><b>I-TR-D: Vehicle Queues and Pedestrian Conflicts</b></p>	Project Sponsor or	On-going during	Project sponsor to ensure	If necessary,



**MITIGATION MONITORING AND REPORTING PROGRAM FOR  
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<p>It shall be the responsibility of the owner/operator of the proposed project to ensure that vehicle queues do not block any portion of the sidewalk or roadway of Howard Street, including any portion of any travel lanes or bike lanes. The owner/operator shall also ensure that no substantial pedestrian conflict as defined below is created at the project driveway.</p> <p>A vehicle queue is defined as one or more stopped vehicles destined to the project garage blocking any portion of the Howard Street sidewalk or roadway for a consecutive period of three minutes or longer on a daily or weekly basis, or for more than five percent of any 60-minute period. Queues could be caused by unconstrained parking demand exceeding parking space or valet/mechanical parking system capacity; vehicles waiting for safe gaps in high volumes of pedestrian traffic; car or truck congestion within the parking garage or loading area; or a combination of these or other factors.</p> <p>A substantial pedestrian conflict is defined as a condition where drivers of inbound and/or outbound vehicles, frustrated by the lack of safe gaps in pedestrian traffic, unsafely merge their vehicle across the sidewalk while pedestrians are present and force pedestrians to stop or change direction to avoid contact with the vehicle, and / or contact between pedestrians and the vehicle would occur.</p> <p>If vehicle queues or substantial conflicts occur, the owner/operator of the facility shall employ abatement methods as needed to abate the queue and / or conflict. Appropriate abatement methods would vary depending on the characteristics and causes of the queue and conflict. Suggested abatement methods include but are not limited to the following: redesign of facility to improve vehicle circulation and / or on-site queue capacity; employment of additional valet attendants or improved mechanical parking system; use of off-site parking facilities or shared parking with nearby uses; travel demand management strategies such as additional bicycle parking or resident/visitor shuttles; parking demand management strategies such as time-of-day parking surcharges; and / or limiting hours of access to the project driveway during periods of peak pedestrian traffic.</p>	<p>building management</p>	<p>building occupancy.</p>	<p>that recurring vehicle queues do not occur on Howard Street adjacent to the proposed project site.</p> <p>If the Planning Director, or his or her designee, suspects that a recurring queue is present, the Planning Department shall notify the project sponsor in writing. Upon request, the owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than 7 days. If the Planning Department determines that a recurring queue does exist, the facility owner/operator shall have 90 days from the date of the written determination to abate the queue.</p>	<p>considered complete upon submittal of evaluation of vehicle queues and implementation of any necessary abatement issues.</p>

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<p>If the Planning Director, or his or her designee, suspects that vehicle queues or a substantial conflict are present, the Planning Department shall notify the property owner in writing. The owner/operator shall hire a qualified transportation consultant to evaluate the conditions at the site for no less than seven days. The consultant shall submit a report to the Department documenting conditions. Upon review of the report, the Department shall determine whether or not queues and / or a substantial conflict exists, and shall notify the garage owner/operator of the determination in writing.</p> <p>If the Department determines that queues or a substantial conflict do exist, upon notification, the facility owner/operator shall have 90 days from the date of the written determination to carry out abatement measures. If after 90 days the Department determines that vehicle queues and / or a substantial conflict are still present or that the owner/operator has been unsuccessful at abating the identified vehicle queues or substantial conflicts, the hours of inbound and / or outbound access of the project driveway shall be limited during peak hours. The hours and directionality of the access limitations shall be determined by the Planning Department, communicated to the owner/operator in writing, and recorded in an updated <i>Driveway Operations Plan</i>. The owner/operator shall be responsible for limiting the hours of project driveway access as specified by the Planning Department.</p>				
<p><b>I-TR-E: Installation of Pedestrian Alerting Devices</b></p> <p>As an improvement measure to minimize conflicts between pedestrians and vehicles in front of the proposed project, a mirror and an audible and visual device would be installed at the garage entrance to automatically alert pedestrians when a vehicle is exiting the facility.</p>	<p>Project sponsor and project construction contractor(s) to install pedestrian alert device</p>	<p>Prior to building occupancy.</p>	<p>Project sponsor to notify Planning Department and DBI upon installation of the alert device.</p>	<p>Considered complete upon installation of alert device.</p>
<p><b>I-TR-F: Installation of Bicycle Racks on the Steuart Street Plaza</b></p> <p>As an improvement measure to accommodate hotel and restaurant/retail visitors arriving by bicycle, the project sponsor would coordinate the installation of bicycle racks on the Steuart Street plaza with the SFMTA. The project sponsor would work with SFMTA to establish the appropriate number and best location of the bicycle racks.</p>	<p>Project sponsor</p>	<p>Prior to completion of construction.</p>	<p>Project sponsor to coordinate with SFMTA to establish the location and number of bicycle racks.</p>	<p>Considered complete upon installation of bicycle racks.</p>

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<p><b>I-TR-G: Provision of Bicycle Signage and Information</b></p> <p>As an improvement measure to facilitate bicycle travel the project sponsor will add appropriate signage and information in/near bicycle parking areas describing access to local bicycle routes and entries/exits to and from the bicycle parking area.</p>	<p>Project sponsor</p>	<p>Prior to completion of construction.</p>	<p>Project sponsor to coordinate with SFMTA on appropriate signage.</p>	<p>Considered complete upon installation of bicycle signage.</p>
<p><b>I-TR-I: Sidewalk Widening</b></p> <p>To improve pedestrian conditions in the area and to facilitate pedestrian movement in front of the project site, the project sponsor would work with Planning Department, SFMTA, and DPW to consider the potential construction of a wider sidewalk on the south side of Howard Street. The south sidewalk would be widened by approximately 7 feet, from the an existing width of about 13.5 feet to approximately 21.5 feet, starting at the west edge of the project site and extending east through the proposed Steuart Street Plaza, and onto The Embarcadero. The project sponsor would be required to fund the design and construction of this improvement.</p> <p>To facilitate passenger drop offs and pick ups, the existing 16-foot-wide sidewalk would be widened for an approximate length of 35 feet at the proposed curbside white zone in front of the restaurant entrance near Steuart Street. Thus, the sidewalk widening would extend for a total distance of approximately 273 feet, 115 ft. from the west edge to Steuart Street, excluding the proposed passenger zone, 76 feet through the proposed Steuart Street Plaza, and 82 feet to The Embarcadero.</p> <p>This improvement measure would require that the proposed 24-foot wide curb cut that provides access into the Basement Level 1 parking garage and loading docks be widened to about 26 feet, in order to facilitate truck turning movements in and out of the building.</p> <p>This improvement measure would also require the additional elimination of four automobile and two motorcycle metered spaces on the south side of Howard Street (two automobile spaces in front of the project site, and two automobile and two motorcycle spaces west of Steuart Street), resulting in the elimination of a total of 15 automobile and two motorcycle metered spaces by the proposed project and the two variants. The increase in parking utilization created by the elimination of these on-street spaces would add to the expected parking deficits in the area during the midday period, but would be expected to be accommodated by other existing on-street spaces in the area during the evening period. The parking deficits associated with the</p>	<p>Project sponsor and project construction contractor(s)</p>	<p>Throughout the construction duration.</p>	<p>Project sponsor and project construction contractor(s) to consider coordinating with DPW, SFMTA, the Fire Department, the Planning Department and other applicable City agencies. If required, contractor to prepare a Traffic Control Plan (TCP) for project construction activities.</p>	<p>Considered complete upon construction of sidewalk improvements.</p>

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proposed project and Variants would not create a significant parking impact.				
<p><b>I-TR-J: Reservation of Curb Parking for Residential Move-In and Move-Out</b></p> <p>The project sponsor shall ensure that parking spaces on Howard Street, adjacent to the project site, are reserved as needed through the SFMTA by calling the San Francisco Customer Service Center (311) prior to move-in and move-out activities. This would reduce the potential for double parking on Howard Street during move-in and move-out activities. The project sponsor could also require tenants to schedule and coordinate move-in and move-out activities with building management to space out loading activities.</p>	Project sponsor or building management	On-going during building occupancy.	Project sponsor or building management to recommend that tenants schedule and coordinate move-in and move-out activities with SFMTA.	Ongoing for duration of building occupancy.
<p><b>I-TR-K: Installation of Turntable Operation Device</b></p> <p>As an improvement measure to minimize conflicts between incoming vehicles and loading operations at the Basement Level 1, a device will be installed at the bottom of the garage ramp to automatically alert motorists when the loading turntable is in use. The warning device will provide visual and audible messages to drivers to stop and wait for the turntable to complete its rotation.</p>	Project sponsor and project construction contractor(s)	On-going during building occupancy.	Project sponsor to coordinate with Planning Department on appropriate signage.	Considered complete upon installation of signage.

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<p><b>I-TR-L: Expanded Traffic Control Plan for Construction</b></p> <p>To reduce potential conflicts between construction activities and pedestrians, transit and vehicles at the project site, the project sponsor and project contractor would be required to prepare a Traffic Control Plan (TCP) for the project construction period. In addition to the standard elements of the TCP such as coordination with the SFMTA, DPW, San Francisco Fire Department, etc., and the mandatory compliance with the <i>San Francisco Regulations for Working in San Francisco Streets</i> (the "Blue Book"), the expanded TCP could include:</p> <ul style="list-style-type: none"> <li>Implementation of any necessary lane closures during times that avoid the a.m. and p.m. peak commute periods,</li> <li>Stationing of uniformed off-duty San Francisco Police officers at various locations to facilitate the movement of pedestrians, bicyclists and transit vehicles</li> <li>Scheduling of construction truck trips during hours of the day other than the peak morning and evening commute periods, and</li> <li>Development of a construction activities plan so that certain activities such as pile driving do not disturb the Muni Metro tunnel located west of the project site.</li> </ul>	<p>Project sponsor and project construction contractor(s)</p>	<p>During project construction.</p>	<p>Project sponsor and construction contractor to consider TCP expansion measures while meeting with Department of Public Works, SFMTA, the Fire Department, Muni Operations, and other City agencies on feasible measure to reduce traffic congestion during construction.</p>	<p>Considered complete upon approval of Traffic Control Plan.</p>
<p><b>I-TR-M: Carpool and Transit Access for Construction Workers</b></p> <p>As an improvement measure to minimize parking demand and vehicle trips associated with construction workers, the construction contractor would include methods to encourage carpooling and transit access to the project site by construction workers as part of a Construction Management Plan.</p>	<p>Project sponsor and construction contractor(s)</p>	<p>Implement measure throughout all phases of construction. Considered complete upon completion of construction.</p>	<p>Project sponsor could request the construction contractor to encourage carpooling and transit access to the site by construction workers.</p>	<p>Considered complete upon completion of construction.</p>
<p><b>I-TR-N: Project Construction Updates for Adjacent Businesses and Residents</b></p> <p>As an improvement measure to minimize construction impacts on access to nearby locations, 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, parking lane and sidewalk closures. A web site could be created by project sponsor that would provide current construction information of interest to neighbors, as well as contact information for specific construction inquiries</p>	<p>Project sponsor or construction contractor(s)</p>	<p>Implement measure throughout all phases of construction. Considered complete upon completion of construction.</p>	<p>Project sponsor to provide nearby residences and adjacent businesses with regularly-updated information regarding project construction and appropriate contact information. An e-mail notice could be circulated</p>	<p>Considered complete upon completion of construction.</p>

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or concerns.			by the project sponsor that would provide current construction information of interest to neighbors.	
<b>I-WS-A:</b> As an improvement measure to reduce wind speeds in areas of usable open space on the roof of the tower, the project sponsor shall strive to install, or cause to be installed, wind reduction measures that could include windscreens along the exposed perimeter of the roof. Additional windscreens and/or landscaping should be considered on the west and northwest sides of any seating areas.	Project sponsor and architect.	Prior to building permit issuance.	Project sponsor shall provide building plans to Planning Department and DBI for review.	Ongoing for duration of building occupancy.
<b>I-BI-A: Tenant Education</b> The project sponsor would provide their tenants with a copy of the City's Standards for Bird-Safe Buildings. This is required to educate the building's occupants about the risks to birds of nighttime lighting.	Project sponsor and building management	On-going during building occupancy.	Project sponsor and building management to consider providing educational information prior to tenant move-in and during annual informational meetings.	Ongoing for duration of building occupancy.
<b>I-HY-A: Emergency Plan</b> The project sponsor, in conjunction with the building manager, shall prepare an initial Emergency Plan that shall include at a minimum: monitoring by the building manager of agency forecasts of tsunamis and floods, methods for notifying residents and businesses of such risks, and evacuation plans. The plan shall be prepared prior to occupancy of any part of the proposed project. The building manager shall maintain and update the Emergency Plan annually. The building manager shall provide educational meetings for residents and businesses at least three times per year and conduct drills regarding the Emergency Plan at least once per year.	Project sponsor and building management	Plan shall be prepared prior to building occupancy and shall be updated annually. Educational meetings shall be held at least three times per year for duration of building occupancy.	Project sponsor and building management to prepare plan and provide educational meetings.	Ongoing for duration of building occupancy

**RINCON LEGAL FUND**  
**RINCON TENANTS ASSOCIATION**  
P.O. BOX 193015  
SAN FRANCISCO, CA 94119

Date OCT. 5, 2015

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11-7632/3210

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*air* 





SAN FRANCISCO  
PLANNING  
DEPARTMENT

# APPLICATION PACKET FOR Board of Supervisors Appeal Fee Waiver

Planning Department  
1650 Mission Street  
Suite 400  
San Francisco, CA  
94103-9425

T: 415.558.6378  
F: 415.558.6409

**Pursuant to Planning Code Section 350 and 352(n), the Planning Director shall consider and make determinations regarding applications for the authorization of a Board of Supervisors Appeal Fee Waiver. The first pages consist of instructions which should be read carefully before the application form is completed.**

**Planning Department staff are available to advise you in the preparation of this application. Call (415) 558-6377 for further information.**

## WHAT IS AN APPLICATION FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER?

Section 350 of the San Francisco Planning Code establishes an exemption from paying the full fees when the Requestor's income is not enough to pay for the fee without affecting their abilities to pay for the necessities of life, provided that the person seeking the exemption demonstrates to the Planning Director or his/her designee that they are substantially affected by the proposed project.

Section 352(n) of the San Francisco Planning Code establishes a waiver from the Board of Supervisor Appeal fees if the appeal is filed by a neighborhood organization that has been in existence for 24 months prior to the filing date of the request, is on the Planning Department's neighborhood organization notification list and can demonstrate to the Planning Director or his/her designee that the organization is substantially affected by the proposed project.

## WHEN IS AN APPLICATION FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER APPROPRIATE?

An Application to Request a Board of Supervisors Appeal Fee Waiver is appropriate when the Board of Supervisors appeal fee affects the requestor's ability to pay for the necessities of life, in the case of an individual, or when a neighborhood organization in existence 24 months prior to the filing date of the request and on the Planning Department's notification list can demonstrate that the organization is substantially affected by the proposed project.



## HOW DOES THE PROCESS WORK?

An individual seeking an exemption should not file this application, but must contact Ms. Yvonne Ko at the San Francisco Planning Department at (415) 558-6386.

A neighborhood organization seeking a Board of Supervisors Appeal Fee Waiver must complete the attached application, along with necessary supporting materials, and submit it to the Planning Information Center (PIC) at 1660 Mission Street.

## WHO MAY APPLY FOR A BOARD OF SUPERVISORS APPEAL FEE WAIVER?

Any individual or neighborhood group who will file for a Board of Supervisors Appeal and who believes that they qualify for a waiver of the fee may file this application. An individual seeking an exemption should not file this application, but must contact Ms. Yvonne Ko at the San Francisco Planning Department at (415) 558-6386.

# APPLICATION FOR Board of Supervisors Appeal Fee Waiver

1. Applicant and Project Information

APPLICANT NAME: David Osgood	
APPLICANT ADDRESS: 88 Howard St. PO Box 193015 San Francisco 94119	TELEPHONE: (415 ) 777-2185
	EMAIL: jnk2@rinconneighbors.com

NEIGHBORHOOD ORGANIZATION NAME: Rincon Point Neighbors Assoc.	
NEIGHBORHOOD ORGANIZATION ADDRESS: PO Box 193015 San Francisco 94199	TELEPHONE: (415 ) 777-2185
	EMAIL: rpna@rinconneighbors.com

PROJECT ADDRESS: 75 Howard St, San Francisco		
PLANNING CASE NO.: 2011.1388E	BUILDING PERMIT APPLICATION NO.:	DATE OF DECISION (IF ANY): 9/3/15

2. Required Criteria for Granting Waiver

(All must be satisfied; please attach supporting materials)

- The appellant is a member of the stated neighborhood organization and is authorized to file the appeal on behalf of the organization. Authorization may take the form of a letter signed by the President or other officer of the organization.
  
- The appellant is appealing on behalf of an organization that is registered with the Planning Department and that appears on the Department's current list of neighborhood organizations.
  
- The appellant is appealing on behalf of an organization that has been in existence at least 24 months prior to the submittal of the fee waiver request. Existence may be established by evidence including that relating to the organization's activities at that time such as meeting minutes, resolutions, publications and rosters.
  
- The appellant is appealing on behalf of a neighborhood organization that is affected by the project and that is the subject of the appeal.

For Department Use Only

Application received by Planning Department:

By: \_\_\_\_\_

Date: \_\_\_\_\_

Submission Checklist:

- APPELLANT AUTHORIZATION
- CURRENT ORGANIZATION REGISTRATION
- MINIMUM ORGANIZATION AGE
- PROJECT IMPACT ON ORGANIZATION
  
- WAIVER APPROVED                       WAIVER DENIED



**SAN FRANCISCO  
PLANNING  
DEPARTMENT**

**FOR MORE INFORMATION:  
Call or visit the San Francisco Planning Department**

**Central Reception**  
1650 Mission Street, Suite 400  
San Francisco CA 94103-2479

TEL: **415.558.6378**  
FAX: **415.558.6409**  
WEB: **<http://www.sfplanning.org>**

**Planning Information Center (PIC)**  
1660 Mission Street, First Floor  
San Francisco CA 94103-2479

TEL: **415.558.6377**  
*Planning staff are available by phone and at the PIC counter.  
No appointment is necessary.*