



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Motion No. 20726

HEARING DATE: MAY 28, 2020

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Record No.: 2016-014802ENV
Project Address: 98 FRANKLIN STREET
Zoning: C-3-G (Downtown General Commercial) Zoning District
85-X // 120/365-R-2 Height and Bulk District
Van Ness & Market Residential Special Use District
Downtown and Market & Octavia Plan Areas
Block/Lots: 0836 / 008, 009 & 013
Project Sponsor: Jim Abrams
J. Abrams Law, P.C.
One Maritime Plaza, Suite 1900
San Francisco, CA 94111
Property Owner: 98 Franklin Street, LLC
150 Oak Street, 4th Floor
San Francisco, CA 94102
Staff Contact: Christy Alexander, AICP
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND A STATEMENT OF OVERRIDING CONSIDERATIONS RELATED TO APPROVALS FOR THE PROJECT AT 98 FRANKLIN STREET TO CONSTRUCT A 36-STORY, 365 FOOT TALL BUILDING (396'8" FEET TALL INCLUSIVE OF ROOFTOP SCREENING AND EQUIPMENT) WITH THE FIRST 5 FLOORS CONSISTING OF SECONDARY SCHOOL SPACE, AND APPROXIMATELY 31 FLOORS OF RESIDENTIAL SPACE WITH UP TO 345 RESIDENTIAL UNITS LOCATED ON A 23,753 SQUARE-FOOT LOT WITHIN THE PROPOSED HUB PLAN AREA.

PREAMBLE

On October 27, 2017, Jim Abrams ("Project Sponsor") filed an Environmental Evaluation Application for the Project, and thereafter submitted a revised Application on April 13, 2018. The Planning Department ("Department") is the Lead Agency responsible for the implementation of the California Environmental Quality Act, California Public Resources Code Section 21000 et seq., ("CEQA"), the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). Environmental review for the Project, as well as a separate private development project at 98 Franklin Street, was coordinated with the environmental review of the Hub Plan, which would amend the 2008 Market and Octavia Area Plan of the

San Francisco General Plan for the easternmost portions of the Market and Octavia Area Plan, including the Project Site. On May 23, 2018, the Department published a Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting (“NOP”) for the Hub Plan, 30 Van Ness Avenue Project, 98 Franklin Street Project, and Hub Housing Sustainability District. Publication of the NOP initiated a 30-day public review and comment period that ended on June 22, 2018. On June 12, 2018, the Department held a public scoping meeting regarding the Project.

On July 24, 2019, 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 (“Commission”) public hearing on the DEIR; this notice was mailed to the Department’s list of persons requesting such notice. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on July 24, 2019. On July 24, 2019, 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, and to government agencies, the latter both directly and through the State Clearinghouse. A notice of completion was filed with the State Secretary of Resources via the State Clearinghouse on July 24, 2019.

The EIR contains both analysis at a “program-level” pursuant to CEQA Guidelines section 15168 for adoption and implementation of the Hub Plan, and “project-level” environmental review for the Hub Plan streetscape and street network improvements, the Project, and the individual development project at 30 Van Ness Avenue. This EIR also evaluates the designation of portions or all of the Hub Plan area as a Housing Sustainability District (“HSD”), in accordance with Assembly Bill 73 (Government Code sections 66202 to 66210 and Public Resources Code sections 21155.10 and 21155.11). Designation of an HSD, through adoption of an ordinance by the San Francisco Board of Supervisors, would allow the City and County of San Francisco (“City”) to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements within the HSD.

On December 21, 2017, the Project Sponsor filed an application requesting approval of a Downtown Project Authorization pursuant to Section 309 of the San Francisco Planning Code to facilitate the demolition of the existing surface parking lot and the construction 36-story residential tower above a 5-story podium that is 365 feet tall (396’8” feet tall inclusive of rooftop screening and appurtenances). The podium (Floors 1 to 5) will be occupied by new secondary school facilities for the International High School of the French American International School. Floors 6 to 36 will contain approximately 345 rental dwelling units in a mix of studio, 1-bedroom, 2-bedroom and 3-bedroom units (including residential amenity space on floor 6). Off street parking, service vehicle loading, and residential bicycle parking would be provided in two below-grade garage levels (the “Project”).

On August 29, 2019, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on September 9, 2019. The Department prepared responses to comments on environmental issues received during the 46 day public review period for the DEIR, prepared revisions to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

On March 12, 2020, the Department published a Responses to Comments document. A Final Environmental Impact Report (hereinafter "FEIR") has been prepared by the Department, consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, the Responses to Comments document, and an Errata document dated April 20, 2020, all as required by law.

On February 13, 2020, the Planning Commission adopted Resolutions 20653 and 20656 to initiate legislation entitled (1) Ordinance amending the General Plan to amend the Market and Octavia Plan, (2) Ordinance amending the planning code to update the Market and Octavia Area Plan, (3) Ordinance amending the zoning map to change the land use, zoning, and height and bulk classifications in the Hub Plan area, respectively, and (4) Ordinance amending the Business and Tax Regulations and Planning Code to create the HUB Housing Sustainability District.

On May 21, 2020, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, which findings are incorporated by reference as though fully set forth herein. The FEIR was certified by the Commission on May 21, 2020, 2020 by adoption of its Motion No. 20707.

At the same hearing and in conjunction with this motion, the Commission approved findings required by CEQA, including adoption of a Mitigation Monitoring and Reporting Program ("MMRP"), under Case Nos. 2015-000940ENV, 2017-008051ENV, and 2016-014802ENV, for approval of the Hub Plan ("Hub Plan CEQA Findings"), which findings are found in "EXHIBIT C" to this Motion No. 20726. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Final EIR, which the Commission certified prior to adopting these CEQA findings. The Commission hereby incorporates by reference the CEQA findings set forth in Motion No. 20726.

On May 21, 2020, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding (1) the General Plan Amendment to amend the Market and Octavia Plan; and (2) the ordinance amending the Planning Code to update the Market and Octavia Area Plan; (3) the Ordinance amending the zoning map to change the land use, zoning, and height and bulk classifications in the Hub Plan area, respectively; (4) the Ordinance amending the Business and Tax Regulations and Planning Code to create the Hub Housing Sustainability District; and (5) an Implementation Program, consisting of the Market and Octavia Area Plan: Hub Public Benefits Document and the Market and Octavia Community Improvements Program. At that meeting the Commission adopted Resolutions 20709 through 20712 to recommend that the Board of Supervisors approve these five items.

On May 21, 2020, the Recreation and Park Commission recommended that the General Manager of the Recreation and Parks Department recommend to the Planning Commission that the shadows cast by the Project on six (6) properties under the jurisdiction of the Recreation and Parks Department would not be adverse to the use of these properties. As part of this recommendation, the Recreation and Park Commission adopted environmental findings in accordance with CEQA, along with an MMRP for the Project (Recreation and Park Commission Resolution No. 2005-008).

On May 28, 2020, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the various approval for the Project, including the Downtown Project Authorization (application **2016-014802DNX**). At that meeting the Commission approved Motions 20726 through 20728 to approve the Project. At the same hearing, the Commission determined that the shadow cast by the Project would not have any adverse effect on parks within the jurisdiction of the Recreation and Parks Department. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff, expert consultants, and other interested parties, and the record as a whole.

The Department's Commission Secretary is the Custodian of Records; all pertinent documents are located in the File for Case No. 2015-000940ENV, at 1650 Mission Street, Fourth Floor, San Francisco, California.

The City and County of San Francisco, acting through the Department, fulfilled all procedural requirements of the California Environmental Quality Act, the State CEQA Guidelines, and Chapter 31.

The Department prepared the California Environmental Quality Act Findings, attached to this Motion as "ATTACHMENT A" and incorporated fully by this reference, regarding the alternatives, mitigation measures, improvement measures, environmental impacts analyzed in the FEIR and overriding considerations for approving the Project, and the proposed MMRP attached as "EXHIBIT C" and incorporated fully by this reference, which includes both mitigation measures and improvement measures. The Commission has reviewed the entire record, including "ATTACHMENT A" and "EXHIBIT C", which material was also made available to the public.

MOVED, that the Planning Commission hereby adopts findings under CEQA, including rejecting alternatives as infeasible and adopting a Statement of Overriding Considerations, as further set forth in "ATTACHMENT A" hereto, and adopts the mitigation measures set forth for the Project in the MMRP attached as "EXHIBIT C", based on the findings attached to this Motion as "ATTACHMENT A", as though fully set forth in this Motion, and based on substantial evidence in the entire record of this proceeding.

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting on May 28, 2020.



Jonas P. Ionin
Commission Secretary

AYES: Koppel, Moore, Fung, Johnson, Imperial, Diamond, Chan

NAYS: None

ABSENT: None

ADOPTED: May 28, 2020

ATTACHMENT A

98 FRANKLIN STREET MIXED-USE PROJECT

California Environmental Quality Act Findings:

FINDINGS OF FACT, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

SAN FRANCISCO PLANNING COMMISSION

May 28, 2020

PREAMBLE

In determining to approve the Project described in Section I, Project Description below, the San Francisco Planning Commission ("Commission") makes and adopts the following findings of fact and decisions regarding the significant and unavoidable impacts of the Project, and mitigation measures and alternatives, and adopts the statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), particularly Sections 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"). The Commission adopts these findings in conjunction with the Approval Actions described in Section I.D., below, as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA findings. These findings are also separate and apart from, and incorporate by reference, the CEQA findings previously adopted by the Commission in support of its approval of the Hub Plan, Hub Housing Sustainability District, and related streetscape and street network improvements.

These findings are organized as follows:

- **Section I** provides a description of the proposed project at 98 Franklin Street (hereinafter, the "Project"), the environmental review process for the Project, the City approval actions to be taken, and the location and custodian of the record.
- **Section II** identifies the Project's less-than-significant impacts that do not require mitigation.
- **Section III** identifies potentially significant impacts that can be avoided or reduced to less-than-significant levels through mitigation and describes the disposition of the mitigation measures.

- **Section IV** identifies significant project-specific or cumulative impacts that would not be eliminated or reduced to a less-than-significant level and describes any applicable mitigation measures as well as the disposition of the mitigation measures.
- **Section V** evaluates the different Project alternatives and the economic, legal, social, technological, and other considerations that support approval of the Project and the rejection of the alternatives, or elements thereof.
- **Section VI** presents a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 that sets forth specific reasons in support of the Commission's actions and its rejection of the alternatives not incorporated into the Project.

The Mitigation Monitoring and Reporting Program ("MMRP") for the mitigation measures that have been proposed for adoption is attached with these findings as "EXHIBIT C" to Planning Commission Motion No. 20726. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. The MMRP provides a table setting forth each mitigation measure listed in the FEIR that is required to reduce or avoid a significant adverse impact. "EXHIBIT C" also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in "EXHIBIT C".

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

SECTION I. Project Description and Procedural Background

A. The Hub Plan

The project sponsor for the Hub Plan and the Hub HSD, the San Francisco Planning Department ("Department"), proposes to implement the Hub Plan, which would amend the 2008 Market and Octavia Area Plan of the San Francisco General Plan for the easternmost portions of the Market and Octavia Area Plan. The Hub Plan would encourage housing and safer and more walkable streets, as well as welcoming and active public spaces and increased transportation options by changing current zoning controls applicable to the area and implementing public realm improvements. In addition, the Department proposes the designation of all or portions of the Hub Plan area as an HSD to allow the City of San Francisco (City) to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements.

The Hub Plan would change current zoning controls in the Hub Plan area to meet plan objectives. This would include changes to height and bulk districts for select parcels to allow more housing, including more affordable housing. Modifications to land use zoning controls would also allow more flexibility for development of nonresidential uses, specifically office, institutional, art, and public uses. Under the proposed zoning, there would be two zoning districts, Downtown General Commercial (C-3-G) and Public (P), and the Van Ness & Market Downtown Residential Special Use District ("SUD") (Planning Code

Section 249.33) would be expanded to encompass the entire Hub Plan area. A portion of the Veterans Commons SUD (Planning Code Section 249.46) would be changed to the Van Ness and Market Downtown Residential SUD. All sites in the Hub Plan area would continue to be zoned for residential and active commercial uses on the ground floor. In addition, the existing prohibition on certain nonresidential uses above the fourth floor would be eliminated. Further, the SUD residential-to-nonresidential ratio would increase to three square feet of residential use for every one square foot of nonresidential land use (i.e., a 3:1 ratio), with arts, institutional, replacement office, and public uses exempt from this requirement. In addition, requirements for micro retail would encourage a mix of retail sizes and uses and decrease off-street vehicular parking capacity within the Hub Plan area, a transit-rich location, by reducing the currently permitted off-street vehicular parking maximums. The Hub Plan also calls for public-realm improvements to streets and alleys within and adjacent to the Hub Plan area, such as sidewalk widening, streetlight upgrades, median realignment, road and vehicular parking reconfiguration, tree planting, the elimination of one segment of travel on Duboce Avenue, and the addition of bulb-outs.

The Hub Plan seeks to increase the space available for housing through changes to the planning code and zoning map to allow the development of a taller, larger, denser, and more diverse array of buildings and heights on select parcels within the Hub Plan area. The proposed zoning under the Hub Plan would allow for additional height at the two major intersections at Market Street and Van Ness Avenue and Mission Street and South Van Ness Avenue, with towers ranging from 250 to 650 feet. This proposed zoning would allow increases in heights for 18 sites. If all of these sites were to be developed to the proposed maximum height limit, the changes would result in approximately 8,530¹ new residential units (approximately 16,540 new residents). This estimate also assumes a 15 percent increase in the number of units to account for potential density bonuses allowed by either state or local regulations.

The Hub Plan area, which is irregular in shape and approximately 84 acres, is spread across various city neighborhoods, such as the Downtown/Civic Center, South of Market (SoMa), Western Addition, and Mission neighborhoods. The Hub Plan area is entirely within the boundaries of the Market and Octavia Area Plan. In addition to the streets in the Hub Plan area, adjacent streets such as Lily Street between Gough Street and Franklin Street, Minna Street between 10th Street and Lafayette Street, and Duboce Avenue between Valencia Street and Mission Street are included in the project.

B. Project Description

The site for the Project encompasses an approximately 23,753-square-foot lot on Assessor's Block 0836/Lots 008, 009, and 013. It is developed with a surface parking lot with 100 parking spaces. The project site is irregular and bounded by Franklin Street to the west, Oak Street to the north, and Market Street to the south. The project site is also bounded by the 8-story building at 22 Franklin Street to the south (Assessor's Block 0836, Lot 031) and the 1-story building to the east at 55 Oak Street (Assessor's Block 0836, Lot 007). The project site at 98 Franklin Street is in the Downtown/Civic Center neighborhood, within the Downtown General Commercial (C-3-G) zoning district and the Van Ness and Market Downtown Residential SUD. The parking lot was entitled in 1970.

¹ This represents the number of new housing units that could be built. This number does not represent capacity of housing units under the proposed zoning.

The proposed project at 98 Franklin Street would include a 5-story podium, consisting of school facilities for the French American International High School (levels 1 through 5). It would also include a residential amenity floor on level 6 and a residential tower with at least 345 residential units on approximately 31 floors (levels 7 through 36), reaching a height of approximately 365 feet, with an additional 31 feet, 8 inches to the top of the rooftop mechanical features. The building podium would have a trapezoidal shape, with frontages along Oak and Franklin streets, with an extension down to a frontage on Market Street. The tower would be set back approximately 17 feet from the east face of the podium, and 19 feet from the south face of the podium. The podium height would be up to a maximum of 68 feet at the roofline. In total, the structure would consist of approximately 524,014 gross square feet.

The proposed development at 98 Franklin Street would total approximately 524,014 square feet, including up to 3,229 square feet of retail, up to 84,815 square feet of school use, and up to 379,003 square feet of residential (the Project would include at least 345 residential units on floors 7 through 36). The Project would include approximately 20,804 square feet of garage uses for 111 vehicular parking spaces within three below-grade garage levels.

C. Project Objectives

The Final EIR discusses several 98 Franklin Street Project objectives identified by the Project Sponsor. The objectives are as follows:

1. Develop a new high school building for the International High School in proximity to the existing French American International School ("FAIS") and in proximity to public transportation facilities.
2. Replace an underutilized site with a vibrant mixed-use development, including an educational institution of long standing in the city.
3. Leverage the value of the 98 Franklin Street property by partnering with a residential developer to build housing in the air space above the school.
4. Develop a project that enhances the larger community and generally conforms to the objectives and policies of the Hub Plan.
5. Assist FAIS's efforts to develop a new building for the International High School on the lower five floors of the proposed building.
6. Increase the supply of housing near the Van Ness Avenue and Market Street intersection.
7. Construct a substantial number of dwelling units to contribute to implementation of the City's general plan housing element goals and the Association of Bay Area Governments' Regional Housing Needs Allocation for the city.
8. Create a mixed-use project that is generally consistent with the land use, housing, open space, and other objectives and policies of the Hub Plan.

In addition to the Project Sponsor's objectives for the Project, the Hub Plan's six primary goals are used as the project objectives for that project. The six goals are:

1. Create a vibrant mixed-use neighborhood.
2. Maintain a strong preference for housing as a desired use.
3. Encourage residential towers on selected sites.
4. Establish a functional, attractive, and well-integrated system of public streets and open spaces.

5. Reconfigure major streets and intersections to make them safer for people walking, bicycling, and driving.
6. Take advantage of opportunities to create public spaces.

In addition, the project objectives for the Hub HSD are:

1. To allow for ministerial approval of housing projects in the Hub Plan area.
2. To streamline environmental review of housing projects in the Hub Plan area.

D. Project Approvals

The Hub Plan

The Project requires approval of the Hub Plan, including the General Plan, Planning Code, and Zoning Map amendments by the Planning Commission and Board of Supervisors. On May 28, 2020, the Planning Commission recommended approval of those amendments to the Board of Supervisors.

98 Franklin Street Project

In addition to the above, the Project requires the following Planning Commission approvals:

- Certification of the FEIR.
- Approve a Downtown Project Authorization, pursuant to Planning Code section 309, for new construction or substantial alteration of structures in C-3 Districts, with exceptions to the requirements regarding: awnings, canopies and marquees (Planning Code Section 136.1); technical standards for usable open space (Planning Code Section 135); technical standards for dwelling unit exposure (Planning Code Section 140); reduction of ground-level wind currents in C-3 districts (Planning Code section 148); height limits for parcels within the Van Ness & Market Residential Special Use District (Planning Code Section 263.19); and bulk controls (Planning Code Section 270).
- Approve potential in-kind agreement for public infrastructure or facilities (including the proposed improvements to Lily Street) consistent with Planning Code requirements if proposed by the sponsor.
- Determination that the project complies with the requirements of Planning Code section 295.

Actions by Other City Departments and State Agencies

- SFMTA approval of on-street vehicular and bicycle parking and on-street loading changes.
- San Francisco Public Health approval of the use of groundwater wells during dewatering associated construction.
- SFPUC approval of:

- landscape and irrigation plans. This applies to projects installing or modifying 500 square feet or more of landscape area.
- the use of groundwater wells during dewatering associated construction.

- San Francisco Public Works approval of:
 - any proposed new, removed, or relocated street trees and/or landscaping within the public sidewalk.
 - streetscape changes.
 - situations where construction would need to extend beyond normal hours, between the hours of 8 p.m. and 7 a.m., such as concrete pours, crane and hoist erection and adjustment activities, site maintenance activities, and material delivery and handling.
 - and issuance of permits for wind canopies.

- San Francisco Recreation and Parks Department
 - Review and comment of general manager, in consultation with Recreation and Parks Commission, to the San Francisco Planning Commission that the project complies with the requirements of Planning Code Section 295.

E. Environmental Review

On October 27, 2017, the Project Sponsor filed an Environmental Evaluation Application for the Project. On May 23, 2018, the Department published a NOP for the EIR and Notice of Public Scoping Meeting for the Hub Plan, 30 Van Ness Avenue, 98 Franklin Street, and Hub Housing Sustainability District. Publication of the NOP initiated a 30-day public review and comment period that ended on June 22, 2018. On June 12, 2018, the Department held a public scoping meeting regarding the Project.

On July 24, 2019, the Department published the 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. Notices of availability of the DEIR and the date and time of the public hearing were posted near the project site by the Project Sponsor on July 24, 2019. The EIR contains both analysis at a "program-level" pursuant to California Environmental Quality Act (CEQA) Guidelines section 15168 for adoption and implementation of the Hub Plan, and "project-level" environmental review for the streetscape and street network improvements, the Project, and the project at 30 Van Ness Avenue. This EIR also evaluates the designation of portions or all of the Hub Plan area as an HSD, in accordance with Assembly Bill 73 (Government Code sections 66202 to 66210 and Public Resources Code sections 21155.10 and 21155.11). Designation of an HSD, through adoption of an ordinance by the San Francisco Board of Supervisors, would allow the City and County of San Francisco (City) to exercise streamlined ministerial approval of residential and mixed-use development projects meeting certain requirements within the HSD.

On August 29, 2019, the Commission held a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the DEIR ended on September 9, 2019. The Department prepared responses to comments on environmental issues received during the 46 day public review period for the DEIR, prepared revisions

to the text of the DEIR in response to comments received or based on additional information that became available during the public review period, and corrected clerical errors in the DEIR.

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, the Responses to Comments document, and an Errata document dated April 20, 2020, all as required by law. The Initial Study is included as Appendix A to the DEIR and is incorporated by reference thereto.

Project EIR files have been made available for review by the Commission and the public. These files are available for public review at the Department at 1650 Mission Street, Suite 400, and are part of the record before the Commission.

On May 21, 2020, the Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the Administrative Code. The FEIR was certified by the Commission on May 21, 2020 by adoption of its Motion No. 20707.

F. Content and Location of Record

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

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the Responses to Comments document;
- All information (including written evidence and testimony) provided by City staff to the Planning Commission relating to the FEIR, the proposed approvals and entitlements for the Hub Plan and the Project, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the Planning Commission by the environmental consultant and subconsultants who prepared the FEIR, or incorporated into reports presented by the Planning Commission;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Hub Plan, the Project or the FEIR;
- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing or workshop related to the Hub Plan, the Project, and the FEIR;
- The MMRP; and
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

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

G. Findings about Environmental Impacts and Mitigation Measures

The following Sections II, III and IV set forth the Commission's findings about the FEIR's determinations regarding significant environmental impacts and the mitigation measures proposed to address them. These findings provide the written analysis and conclusions of the Commission regarding the environmental impacts of the Project and the mitigation measures included as part of the FEIR and adopted by the Commission as part of the Project. To avoid duplication and redundancy, and because the Commission agrees with, and hereby adopts, the conclusions in the FEIR, these findings will not repeat the analysis and conclusions in the FEIR, but instead incorporate them by reference and rely upon them as substantial evidence supporting these findings. These findings are also separate and apart from, and incorporate by reference, the CEQA findings previously adopted by the Commission in support of its approval of the Hub Plan, Hub Housing Sustainability District, and related streetscape and street network improvements.

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

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

As set forth below, the Commission adopts and incorporates the mitigation measures set forth in the FEIR, which are set forth in the attached MMRP, to reduce the significant and unavoidable impacts of the Project. The Commission intends to adopt the mitigation measures proposed in the FEIR that are within its jurisdiction and urges other City agencies and departments that have jurisdiction over other mitigation measures proposed in the FEIR, and set forth in the MMRP, to adopt those mitigation measures. 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.

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

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

SECTION II. IMPACTS OF THE PROJECT FOUND TO BE LESS-THAN SIGNIFICANT AND THUS DO NOT REQUIRE MITIGATION

Under CEQA, no mitigation measures are required for impacts that are less than significant (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15126.4, subd. (a)(3), 15091.). Based on the evidence in the whole record of this proceeding, the Planning Commission finds that the Project will not result in any significant impacts in the following areas and that these impact areas therefore do not require mitigation:

Cultural Resources

- Substantial adverse change to individual built environment resources and/or historic districts, as defined in section 15064.5, including those resources listed in article 10 or 11 of the San Francisco Planning Code.
- In combination with past, present and future project in the vicinity of the Project site, result in demolition and/or alteration of built environment resources.

Transportation and Circulation

- Require an extended duration for the construction period or intense construction activity, the secondary effects of which could not create potentially hazardous conditions for people walking, bicycling, or driving; interfere with accessibility for people walking or bicycling; or substantially delay public transit.
- Cause substantial additional VMT or substantially induce automobile travel.
- Cause major traffic hazards.
- Cause a substantial increase in transit demand that could not be accommodated by adjacent transit capacity such that unacceptable levels of transit service could result or cause a substantial increase in delays or operating costs such that significant adverse impacts in transit service levels would result.
- Create potentially hazardous conditions for bicyclists or otherwise substantially interfere with bicycle accessibility to the site or adjoining areas.
- Create potentially hazardous conditions for pedestrians, or otherwise interfere with pedestrian accessibility to the site and adjoining areas.
- Result in a substantial vehicular parking deficit.
- Result in inadequate emergency access to the project site or adjoining areas.

- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts related to VMT or substantially induce automobile travel.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to significant cumulative impacts on transit, bicycle, or pedestrian travel, loading, or emergency access.

Noise

- Generate or result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards.
- In combination with past, present, and reasonably foreseeable future projects, result in a significant cumulative impact related to vibration.
- In combination with past, present, and reasonably foreseeable future projects, result in a considerable contribution to significant cumulative impacts related to substantial temporary or permanent increase in ambient noise levels in excess of standards.

Air Quality

- Conflict with or obstruct implementation of the 2017 Bay Area Clean Air Plan.
- During Project construction or operation, violate an air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- Generate emissions that create objectionable odors affecting a substantial number of people.
- In combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, contribute considerably to cumulative regional air quality impacts.

Shadow

- Alter shadows in a manner that would substantially affect public areas or outdoor recreation facilities.
- In combination with past, present, and reasonably foreseeable future projects in the project area, create new shadow in a manner that would substantially affect outdoor recreation facilities or other public areas.

The Initial Study determined that the Project would result in a less than significant impact or no impact for the following impact areas and, therefore, these impact areas were not included in the EIR for further analysis:

- Land Use and Land Use Planning (all impacts)
- Population and Housing (all impacts)
- Transportation and Circulation (impacts to air traffic)
- Noise (impacts related to airport noise)
- Greenhouse Gas Emissions (all impacts)
- Recreation (all impacts)
- Utilities and Services Systems (all impacts)

- Public Services (all impacts)
- Biological Resources (all impacts)
- Geology and Soils (all impacts, except impacts to paleontological resources/unique geological features)
- Hydrology and Water Quality (all impacts)
- Hazards and Hazardous Materials (all impacts)
- Mineral and Energy Resources (all impacts)
- Agriculture and Forest Resources (all impacts)

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

SECTION III. FINDINGS OF POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR REDUCED TO A LESS-THAN-SIGNIFICANT LEVEL THROUGH MITIGATION

CEQA requires agencies to adopt mitigation measures that would avoid or substantially lessen a project's identified significant impacts or potential significant impacts if such measures are feasible. The findings in this Section III and in Section IV concern mitigation measures set forth in the Draft EIR to mitigate the potentially significant impacts of the Project. These mitigation measures are included in the MMRP. A copy of the MMRP is included as "EXHIBIT C" to the Planning Commission Motion adopting these findings.

The Project Sponsor has agreed to implement the following mitigation measures to address the potential transportation and circulation, noise, air quality, cultural resources, and geology and soils impacts identified in the Initial Study and/or FEIR. As authorized by CEQA Section 21081 and CEQA Guidelines Section 15091, 15092, and 15093, based on substantial evidence in the whole record of this proceeding, the Planning Commission finds that, unless otherwise stated, the Project will be required to incorporate mitigation measures identified in the Initial Study and/or FEIR into the Project to mitigate or avoid significant or potentially significant environmental impacts. For the reasons set forth in the FEIR and/or the Initial Study, these mitigation measures will reduce or avoid the potentially significant impacts described in the Initial Study and/or FEIR, and the Commission finds that these mitigation measures are feasible to implement and are within the responsibility and jurisdiction of the City and County of San Francisco to implement or enforce.

Additionally, the required mitigation measures are fully enforceable and are included as conditions of approval in the Planning Commission's Downtown Project Authorization for the Project under Planning Code Section 309, and also will be enforced through conditions of approval in any building permits issued for the Project by the San Francisco Department of Building Inspection. With the required mitigation

measures, these Project impacts would be avoided or reduced to a less-than-significant level. The Planning Commission finds that the mitigation measures presented in the MMRP are feasible and shall be adopted as conditions of project approval.

Cultural Resources

- **Impact CUL-3:** The proposed Project could result in a substantial adverse change in the significance of an individual built environment resource and/or historic district, as defined in section 15064.5, including those resources listed in article 10 or 11 of the San Francisco Planning Code, from ground-borne vibration caused by temporary construction activities. With implementation of *Mitigation Measures M-NOI-3a (Protect Adjacent Potentially Susceptible Structures from Construction-Generated Vibration)* and *M-NOI-3b (Construction Monitoring Program for Structures Potentially Affected by Vibration)* Impact CUL-3 is reduced to a less-than-significant level, for the reasons set forth in the DEIR, at pages 3.C-53 to 3.C-58; 3.C-61 to 3.C-64.

Construction activities occurring as a result of the Project are analyzed for their potential to materially impair the significance of historical resources under Impact NOI-3. Impact CUL-3 is reduced to a less-than-significant level, for the reasons on pages 3.C-53 to 3.C-58; 3.C-61 to 3.C-64 of the DEIR, and discussed under Impact NOI-3, below.

- **Impact CUL-4:** The proposed Project could cause a substantial adverse change in the significance of an archaeological resource, as defined in section 15064.5. With implementation of *Mitigation Measure M-CUL-4d: Requirements for Archaeological Testing Consisting of Consultation with Descendent Communities, Testing, Monitoring, and a Report*, Impact CUL-4 is reduced to a less-than-significant level, for the reasons set forth in the DEIR, at pages. 3.A-97 to 3.A-104.

The proposed project at 98 Franklin Street would include demolition of an existing surface vehicular parking lot and construction of a 31-story residential tower above a five-story podium, with one basement level to accommodate bicycle parking, loading, and other building services and two below-grade vehicular parking levels (a total of three basement levels). The project proposes a mat slab foundation with soil-cement columns across the entire site. The project proposes no building setback on the ground floor and excavation to a depth of 39 feet within the boundaries of the entire lot. The estimated amount of excavation at this location would be approximately 31,670 cubic yards. Specific underground utility relocations associated with this project are unknown but assumed to require excavation to a depth of more than 12 feet. This project also proposes improvements to Lily Street from Franklin Street to Gough Street, including a midblock crossing on Lily Street between Franklin and Gough streets and improvements on the western portion of Oak Street between Van Ness Avenue and Franklin Street. This would include ground-disturbing activities, such as those associated with the installation of lighting for people walking. Although there are no known archaeological resources in the project vicinity, proposed construction activity would extend below the known depth of fill and into undisturbed dune and marsh deposits, which have elevated potential for containing buried archaeological resources. Therefore, project-related excavations at this location have the potential to physically damage or destroy as-yet undocumented archaeological resources, resulting in significant impacts on archaeological resources. The Project has already implemented the equivalent of Mitigation Measure M-CUL-4a: Project-Specific Preliminary Archaeological Review for Projects Involving Soil Disturbance as part of the DEIR. As stated on pages 3.A-97 to 3.A-104 of the DEIR,

with implementation of Mitigation Measure M-CUL-4d, project-related impacts on archaeological resources would be avoided or minimized; when avoidance or minimization is impossible, impacts would be mitigated through archaeological testing. As a result, impacts on archaeological resources would be reduced to less than significant.

- **Impact CUL-5:** The proposed Project could disturb human remains, including those interred outside of formal cemeteries. With implementation of *Mitigation Measure M-CUL-4d (Requirements for Archaeological Testing Consisting of Consultation with Descendent Communities, Testing, Monitoring, and a Report)*, Impact CUL-5 is reduced to a less-than-significant level, for the reasons set forth in the DEIR at page 3.A-105.

There are no known extant archaeological resources that contain human remains within the Hub Plan area; CA-SFR-28 was discovered in the Hub Plan area but was removed during construction of the Civic Center BART station. However, proposed construction activity would extend below the known depth of fill and into undisturbed dune and marsh deposits, which have elevated potential for containing buried archaeological resources and associated human remains. Therefore, excavations have the potential to damage or destroy known archaeological resource and/or as-yet undocumented archaeological resources that include human remains, resulting in a significant impact. Impacts on archaeologically significant human remains would be mitigated to a less-than-significant level with implementation of Mitigation Measures M-CUL-4a, M-CUL-4b, M-CUL-4c, and M-CUL-4d, through avoidance or minimization of adverse effects on archaeological resources, or when avoidance or minimization is not possible archaeological monitoring to preserve significant information from an archaeological resource, as stated on pages 3.A-90 to 3.A-104 of the DEIR.

- **Impact C-CUL-3:** In combination with past, present, and reasonably foreseeable projects in the vicinity, the proposed Project could result in a significant cumulative impact on archaeological resources and human remains. With implementation of *Mitigation Measures M-CUL-4a (Project-Specific Preliminary Archaeological Review for Projects Involving Soil Disturbance)*; *M-CUL-4 (Procedures for Accidental Discovery of Archaeological Resources for Projects Involving Soil Disturbance)*; *M-CUL-4c (Requirement for Archaeological Monitoring for Streetscape and Street Network Improvements)*; *M-CUL-4d (Requirements for Archaeological Testing Consisting of Consultation with Descendent Communities, Testing, Monitoring, and a Report)*, Impact C-CUL-3 is reduced to a less-than-significant level, for the reasons set forth in the DEIR, at page 3.A-110.

The proposed 98 Franklin Street Project would result in excavation to a depth of 39 feet within the boundaries of the entire lot. Specific underground utility relocations associated with this project are unknown but assumed to require excavation to a depth of more than 12 feet. These ground-disturbing activities would occur in areas identified as having moderate to high sensitivity for containing buried undocumented historical and prehistoric archaeological resources, which may also contain human remains, as discussed above under Impact CUL-4. Therefore, these ground-disturbing activities have the potential to affect known and undocumented archaeological resources and human remains. The 98 Franklin Street Project when considered with cumulative projects that would include ground-disturbing activities that have the potential to encounter sediments that have moderate to high archaeological sensitivity, has the potential to contribute considerably to the overall cumulative impact on archaeological resources and human remains; the impact would be significant. Implementation of Mitigation Measures

M-CUL-4a, M-CUL-4b, M-CUL-4c, in instances where street network improvements are proposed within the Hub Plan area, and M-CUL-4d would reduce cumulative impacts of the Project on archaeological resources and human remains to less-than-significant levels through avoidance or minimization of adverse effects on archaeological resources, or when avoidance or minimization is not possible archaeological monitoring to preserve significant information from an archaeological resources as stated on page 3.A-110 of the DEIR.

Noise

- **Impact NOI-2:** Construction of the proposed Project could generate a substantial temporary or permanent increase in ambient noise levels in excess of standards. With implementation of Mitigation Measure M-NOI-1a (Construction Noise Control Plan for Projects Within 250 Feet of a Noise-Sensitive Land Use), Impact NO-2 is reduced to a less-than-significant level, for the reasons set forth in the DEIR, at pages 3.C-41 to 3.C-53 and 3.C-36 to 3.C-39.

The degree of the increase in noise levels above the ambient noise level that could occur during daytime hours, in combination with construction occurring over a two-year period in proximity to noise-sensitive receptors, would be considered a substantial temporary increase in noise during daytime hours. In addition, nighttime construction activities may also result in substantial noise increases. Therefore, construction noise from the 98 Franklin Street Project would be significant. With implementation of Mitigation Measure M-NOI-1a, noise levels from project construction at 98 Franklin Street, as well as the intensity of potential noise effects, would be reduced to the maximum extent feasible. Although the duration or frequency of the construction activities would not change as a result of this mitigation measure, the noise levels at nearby receivers would be reduced such that the temporary noise increases would be less substantial. For example, depending on the specifics of the measures outlined in the noise control plan once finalized, construction equipment would be intentionally located as far as feasible from adjacent noise sensitive receptors, and shielding to reduce noise may be incorporated, as feasible. In addition, an onsite construction complaint and enforcement manager would be designated for the project, to ensure noise complaints would be addressed. Construction noise is temporary in nature. In addition, as well as implementation of Mitigation Measure M-NOI-1a, impacts related to construction noise would be less than significant for the Project, as stated in the DEIR at page 3.C-52 to 3.C-53.

- **Impact NOI-3:** The proposed Project would generate excessive ground-borne vibration or ground-borne noise levels. With implementation of *Mitigation Measure M-NOI-3a (Protect Adjacent Potentially Susceptible Structures from Construction-Generated Vibration)*, and *Mitigation Measure M-NOI-3b (Construction Monitoring Program for Structures Potentially Affected by Vibration)*, Impact NO-3 is reduced to a less-than-significant level, for the reasons set forth in the DEIR at pages 3.C-56 to 3.C-58 and 3.C-62 to 3.C-64.

Construction of the Project would involve the use of construction equipment that could generate ground-borne vibration. The project site is surrounded by development, including some historic structures. The closest potentially historic resources to the site are the residential complexes located south of the site, 20 Franklin Street, and 1580–1598 Market Street. The closest of these is immediately adjacent to the project site. In addition, 50 Oak Street, 55 Oak Street, and 57 Oak Street are also potentially historic resources. These are located across the street diagonally from the project site, at a distance of approximately 75 feet from the

project site's northern perimeter. The potentially historic resources at 50 Oak Street, 55 Oak Street, and 57 Oak Street, which would fall under the category of historic and some old buildings, are approximately 75 feet from the project's northern perimeter. A drill and a large bulldozer could both generate ground-borne vibration levels of 0.017 PPV in/sec at a distance of 75 feet. Therefore, vibration levels from equipment proposed for use at the 98 Franklin Street project site would be below the applicable damage criterion (or 0.25 PPV in/sec for historic and some old buildings) at a distance of 75 feet. 20 Franklin Street, and 1580–1598 Market Street are located directly south of the project site. At times, vibration-generating activities may not occur near the project perimeter. Activities that occur farther away from the southern perimeter of the project site would be less likely to result in damage-related vibration effects. For example, at a distance of 15 feet from nearby structures, vibration levels from the use of a large bulldozer or drill would be approximately 0.192 PPV in/sec. This is below the vibration damage criteria for all types of buildings in the project area. Should vibration-generating construction activity occur at least 15 feet away from nearby structures, impacts related to potential damage would be less than significant. However, it is possible that construction activities could occur as close as 1 to 3 feet away from the neighboring property located directly east of the project site. Because the equipment proposed for project construction would generate ground-borne vibration levels of up to 2.141 PPV in/sec at a distance of 3 feet, and even greater levels should equipment be required for use at closer distances (e.g., 1 foot), vibration levels from project construction would be expected to exceed the damage criteria for all building types at the adjacent structures (located south of the project site). Potential vibration-related damage impacts would be considered significant for the 98 Franklin Street Project. Implementation of Mitigation Measures M-NOI-3a and M-NOI-3b would ensure that any cosmetic or structural damage caused by construction-related vibration would be avoided or identified through a monitoring program and repaired as necessary to its pre-construction condition. Therefore, following the implementation of M-NOI-3a and M-NOI-3b, construction vibration impacts from the Project would be reduced to a less-than-significant level, as stated in the DEIR at pages 3.C-56 to 3.C-58 and 3.C-62 to 3.C-64.

Air Quality

- **Impact AQ-9:** Construction and operation of the Project could generate toxic air contaminants, including fine particulate matter, exposing sensitive receptors to substantial air pollutant concentrations. With implementation of *Mitigation Measures M-AQ-5c (Best Available Control Technology for Projects with Diesel Generators and Fire Pumps)*, and *M-AQ-9c (Construction Emissions Minimization Plan for 98 Franklin Street Project)*, Impact AQ-9 is reduced to a less-than-significant level, for the reasons set forth in the DEIR at pages 3.D-86 to 3.D-93.

Construction and operation of the Project would result in emissions of PM_{2.5} and toxic air contaminants and expose onsite and nearby sensitive receptors to substantial pollutant concentrations. Construction activities that would result in such emissions include demolition, excavation, building construction and interior and exterior finishing. Off-road diesel equipment used for clearing and grading, materials handling and installation, and other construction activities would generate diesel PM and TAC emissions. Operational emissions would result from periodic testing of the backup diesel generators and additional traffic volumes that would be generated by the Project. Therefore, a project-specific health risk assessment was conducted for the Project. The Project's contribution to cancer risk at onsite and offsite receptors would be 305 and 70 in 1 million, respectively, which would exceed the significance threshold of seven per 1 million persons exposed, resulting in a significant impact. Implementation of Mitigation Measures M-AQ-

5c and M-AQ-9c would reduce cancer risk levels at both offsite and onsite MEISRs. Therefore, with mitigation, the cancer risk from the Project would be reduced to a less-than-significant level, as stated in the DEIR at pages 3.D-86 to 3.D-93.

- **Impact C-AQ-2:** The Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project site, would contribute to exposure of sensitive receptors to substantial levels of fine particulate matter (PM_{2.5}) and toxic air contaminants under 2040 cumulative conditions. With implementation of *Mitigation Measures M-AQ-5c (Best Available Control Technology for Projects with Diesel Generators and Fire Pumps)*, and *M-AQ-9c (Construction Emissions Minimization Plan for 98 Franklin Street Project)*, Impact C-AQ-2 is reduced to a less-than-significant level, for the reasons set forth in the DEIR at pages 3.D-102 to 3.D-103, and to 3.D-108 to 3.D-112.

The Cumulative (2040) + 98 Franklin Street Project scenario analyzed the impacts from the 98 Franklin Street Project combined with the impacts from the Cumulative (2040) with Hub Plan scenario. The cumulative (2040) + 98 Franklin Street Project scenario included all of the emissions sources evaluated for the cumulative (2040) + Hub Plan scenario because the Hub Plan scenario also includes the individual projects at 30 Van Ness Avenue and 98 Franklin Street. The Project's contribution to cancer risk at onsite and offsite receptors would exceed the significance threshold of seven in 1 million persons exposed, resulting in a significant impact. Implementation of Mitigation Measure M-AQ-9c, and Mitigation Measure M-AQ-5c would be required to reduce the cancer risk. Implementation of these mitigation measures would reduce cancer risk contributions from the project at both offsite and onsite MEISRs to 0.032 µg/m³ and 0.0012 µg/m³, respectively. Therefore, because the mitigated PM_{2.5} concentration would be below the significance threshold of 0.2 µg/m, the PM_{2.5} concentration impact would be reduced to a less-than-significant level, for the reasons set forth in the DEIR at pages 3.D-102 to 3.D-103, and to 3.D-108 to 3.D-112.

Wind

- **Impact WI-2:** The proposed Project would create wind hazards in publicly accessible areas with substantial pedestrian use. With Implementation of *Mitigation Measure M-WI-1b (Maintenance Plan for Landscaping and Wind Baffling Measures in the Public Right-of-Way)*, Impact WI-2 is reduced to a less-than-significant level, for the reasons set forth in the DEIR at pages 3.E-34 and 3.E.21 to 3.E-22.

The 98 Franklin Street Project would result in a slight net decrease of test locations exceeding the wind hazard criterion. In addition, the total number of hours with hazardous wind conditions would be reduced under the 98 Franklin Street Project. The 98 Franklin Street Project would include evergreen trees along Franklin and Oak streets, four replacement evergreen trees along Oak Street, and a canopy along the western façade of the project (along Franklin Street). The proposed landscaping is expected to improve wind hazard conditions compared with the Existing Scenario. However, because the proposed landscaping is not guaranteed to be maintained during operation of the 98 Franklin Street Project, impacts would be significant. Implementation of Mitigation Measure M-WI-1b requires a maintenance plan for landscaping and wind baffling measures in the public right-of-way. This mitigation measure would reduce the potential for a net increase in wind hazard exceedances and the hours of wind hazard exceedances through a specific maintenance plan to ensure wind baffling in perpetuity. Therefore, the wind impact from the Project would be reduced to less than significant with mitigation, for the reasons set forth in the DEIR at pages 3.E-34 and 3.E.21 to 3.E-22.

Tribal Cultural Resources

- **Impact TCR-1:** The proposed Project could result in a substantial adverse change in the significance of a tribal cultural resource. With implementation of *Mitigation Measure M-TCR-1 (Project-Specific Tribal Cultural Resources Assessment for Projects Involving Ground Disturbance)*, Impact TCR-1 is reduced to a less-than-significant level, for the reasons set forth in the Initial Study at pages E.5-4 to E.5-5.

Prehistoric archaeological resources may also be considered tribal cultural resources. In the event that project activities associated with the Project disturb unknown archaeological sites that are considered tribal cultural resources, any inadvertent damage would be considered a significant impact. Implementation of Mitigation Measure M-TCR-1, Project-Specific Tribal Cultural Resources Assessment for Projects Involving Ground Disturbance, would require the Project to be redesigned to avoid adverse effects on significant tribal cultural resource, if feasible. If preservation in place is not feasible, the measure would require implementation of an interpretative program for the tribal cultural resource, in consultation with affiliated tribal representatives. With implementation of this mitigation measure, Project would have a less-than-significant impact on tribal cultural resources, for the reasons set forth in the Initial Study at pages E.5-4 to E.5-5.

- **Impact C-TCR-1:** In combination with past, present, and reasonably foreseeable projects in the city, the proposed Project could result in a significant cumulative impact on tribal cultural resources. With implementation of *Mitigation Measure M-TCR-1 (Project-Specific Tribal Cultural Resources Assessment for Projects Involving Ground Disturbance)*, Impact C-TCR-1 is reduced to a less-than-significant level, for the reasons set forth in the Initial Study at p. E.5-6.

Ground-disturbing activities have the potential to affect undocumented tribal cultural resources. Without mitigation, the Project, when considered against the past, present, and reasonably foreseeable future projects within and surrounding the Hub Plan area that would include ground-disturbing activities that have the potential to encounter sediments that have moderate to high archaeological sensitivity, has the potential to contribute considerably to the overall cumulative impact on tribal cultural resources. This is because the Project has the potential to damage or destroy as-yet undocumented archaeological resources that have the potential to be eligible for listing in the California Register, and which may be considered of traditional importance to Native American tribes. Implementation of Mitigation Measure M-TCR-1, Project-Specific Tribal Cultural Resources Assessment for Projects Involving Ground Disturbance, would require redesign to avoid adverse effects on significant tribal cultural resource, if feasible; and if preservation in place is not feasible, the measure would require implementation of an interpretative program for the tribal cultural resource, in consultation with affiliated tribal representatives, which would reduce the cumulative impacts of the Hub Plan and individual development projects, including the Project, on potential tribal cultural resources to less-than-significant levels by providing mitigation for impacts on these resources, as stated on page E.5-6 of the Initial Study.

Biological Resources

- **Impact BI-1:** The proposed Project could have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. With implementation of *Mitigation Measures M-BI-1 (California Fish and Game Code Compliance to Avoid Active Nests During Construction Activities)* and *M-BI-2 (Avoid Impacts on Special-status Bat Roosts During Construction Activities)*, Impact BI-1 is reduced to a less-than-significant level.

Impacts on nesting special-status birds, American peregrine falcon nests or individuals, and special-status bat roosts could be significant. The implementation of Mitigation Measures M-BI-1 and M-BI-2 would avoid impacts on nesting special-status birds, American peregrine falcon nests or individuals, and the roosts of special-status bat species through the avoidance of active nests and roosts specified in the mitigation measures, thereby reducing these impacts to a less-than-significant level, for the reasons set forth in the Initial Study at pages E.15-5 to E.15-7.

- **Impact C-BI-1:** In combination with other past, present, or reasonably foreseeable projects, the proposed Project would not result in a considerable contribution to cumulative impacts on biological resources. With implementation of *Mitigation Measures M-BI-1 (California Fish and Game Code Compliance to Avoid Active Nests During Construction Activities)* and *M-BI-2 (Avoid Impacts on Special-status Bat Roosts During Construction Activities)*, Impact C-BI-1 is reduced to a less-than-significant level, for the reasons set forth in the Initial Study at page E.15-12.

The subsequent development projects incentivized by the Hub Plan would not adversely affect biological resources; however, vegetation removal and structure demolition or modification could result in potential impacts on nesting migratory and special-status birds and roosting bats. Through the avoidance of active nests and roosts specified in the relevant mitigation measures described above (M-BI-1 and M-BI-2) and compliance with the City of San Francisco Standards for Bird-Safe Buildings (I-BI-1), subsequent development projects incentivized by the Hub Plan would have less-than-significant impacts on sensitive species. Tree removals would require permits through public works, and subsequent tree replacement would occur pursuant to the Planning Code and the Better Streets Plan. Development projects in downtown San Francisco would be required to comply with the same laws and regulations. Therefore, with implementation of mitigation measures, no significant cumulative effects on biological resources would result from development within the Hub Plan area, including the Project, combined with the effects of development projects in the greater downtown San Francisco area. The impact would be reduced to a less-than-significant level, as stated on page E.15-12 of the Initial Study.

Geology and Soils

- **Impact GE-7:** Construction activities for the Project would directly or indirectly result in damage to, or destruction of, as-yet unknown paleontological resources or sites, should such resources, sites, or features exist on or beneath the Project site. With implementation of Mitigation Measure

M-GE-1 (Inadvertent Discovery of Paleontological Resources), Impact GE-7 would be less-than-significant, for the reasons set forth on pages E.16-24 to E.16-26 of the Initial Study.

The Project could extend into the Colma formation; impacts on significant fossils would be significant. Implementation of Mitigation Measure M-GE-1, which would require that the project applicant educate construction workers, monitor for discovery of paleontological resources, evaluate found resources, and prepare and follow a recovery plan for found resources, would reduce the likelihood that significant, or unique, paleontological resources would be destroyed or lost. With implementation of this mitigation measure, the impact would be less than significant, as stated on pages E.16-24 to E.16-26 of the Initial Study.

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

Based on substantial evidence in the whole record of these proceedings, the Planning Commission finds that there are significant project-specific and cumulative impacts that would not be eliminated or reduced to an insignificant level by the mitigation measures listed in the MMRP. The FEIR identifies one significant and unavoidable impact on transportation and circulation, one significant and unavoidable impact on noise, and one significant and unavoidable impact on wind.

The Planning Commission further finds based on the analysis contained within the FEIR, other considerations in the record, and the significance criteria identified in the FEIR, that feasible mitigation measures are not available to reduce the significant Project impacts to less-than-significant levels, and thus those impacts remain significant and unavoidable. The Commission also finds that, although measures were considered in the FEIR that could reduce some significant impacts, certain measures, as described in this Section IV below, are infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

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

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

Impacts to Transportation and Circulation – Impact C-TR-1

The proposed Project, combined with past, present, and reasonably foreseeable future projects, would contribute considerably to significant cumulative construction-related transportation impacts. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement the following mitigation measure:

- *Mitigation Measure M-TR-1: Construction Management Plan*, set forth in the DEIR at pages 3.B-56 to 3.B-58.

The Commission finds that, for the reasons set forth in the FEIR, and specifically, in the DEIR, at p. 3.B-58, although implementation of *Mitigation Measure M-TR-1* would reduce the cumulative transportation and circulation impact of the construction phase of the Project, this impact would nevertheless remain significant and unavoidable because the mitigation measures would reduce but not eliminate the significant cumulative impacts related to conflicts between multiple construction activities and pedestrians, bicyclists, transit vehicles and automobiles.

Impacts to Noise – Impact C-NOI-1

The proposed Project, combined with past, present, and reasonably foreseeable future projects, would make a cumulatively considerable contribution to a significant cumulative noise impact and result in the generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement the following mitigation measures:

- *Mitigation Measures M-NOI-1a (Construction Noise Control Plan for Projects Within 250 Feet of a Noise-Sensitive Land Use)*, set forth in the DEIR at pages 3.C-36 to 3.C-38; and
- *M-NOI-1b (Site-Specific Noise Control Measures for Projects Involving Pile Driving)*, set forth in the DEIR at page 3.C-38.

The Commission finds that, for the reasons set forth in the FEIR, and specifically, in the DEIR, at pages 3.C-38 to 3.C-39, although implementation of *Mitigation Measures M-NOI-1a and M-NOI-1b* would reduce the cumulative noise impact resulting from the generation of substantial temporary or permanent increases in ambient noise levels, this impact would nevertheless remain significant and unavoidable because the mitigation measures would reduce but not eliminate the significant cumulative increase in ambient noise.

Impacts to Wind – Impact C-WI-1

The proposed Project, combined with past, present, and reasonably foreseeable future projects, would alter wind in a manner that would make a cumulatively considerable contribution to a significant cumulative wind impact. No feasible mitigation measures were identified that would reduce this impact to a less than significant level after consideration of several potential mitigation measures. The Project Sponsor has agreed to implement the following Mitigation Measures:

- *Mitigation Measures M-WI-1a (Wind Analysis and Minimization Measures for Subsequent Projects)*, set forth in the DEIR at pages 3.E-20 to 3.E-21; and
- *M-WI-1b (Maintenance Plan for Landscaping and Wind Baffling Measures in the Public Right-of-Way)*, set forth in the DEIR at page 3.E-21.

The Commission finds that, for the reasons set forth in the FEIR, and specifically, in the DEIR, at p. 3.E-40, although implementation of *Mitigation Measures M-WI-1a and M-WI-1b* would reduce the cumulative wind

impact of the Project, this impact would nevertheless remain significant and unavoidable. The specific design for subsequent reasonably foreseeable projects, when proposed, would be required not to exceed the wind hazard criterion specified in Planning Code section 148. Building articulation and landscaping features for subsequent development projects could eliminate new hazard criterion exceedances for future projects. Although future project mitigation and/or design modifications would be based on a test of existing conditions (i.e., when a future project is proposed), using section 148 alone, they would not consider other foreseeable buildings in the area. Therefore, it cannot be stated with certainty that each subsequent development project would not contribute to a cumulative impact without substantial modifications to individual project design and programs.

SECTION V. Evaluation of Project Alternatives

A. Alternatives Analyzed in the FEIR

This section describes the EIR alternatives and the reasons for rejecting the alternatives as infeasible. CEQA mandates that an EIR evaluate a reasonable range of alternatives to the Project or the Project location that would feasibly attain most of the Project's basic objectives, but that would avoid or substantially lessen any identified significant adverse environmental effects of the project. An EIR is not required to consider every conceivable alternative to a proposed project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. CEQA requires that every EIR also evaluate a "No Project" alternative. Alternatives provide a basis of comparison to the Project in terms of their significant impacts and their ability to meet project objectives. This comparative analysis is used to consider reasonable, potentially feasible options for minimizing environmental consequences of the Project.

The Department considered a range of alternatives in Chapter 5 of the FEIR. The FEIR analyzed the Hub Plan and Hub HSD No Project Alternative (Alternative A), the Hub Plan Land Use Plan Only Alternative (Alternative B), the Hub Plan Reduced Intensity Alternative (Alternative C), the 98 Franklin Street No Project Alternative (Alternative F), and the 98 Franklin Street Reduced Intensity Alternative (Alternative G). Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 5 of the FEIR.

In addition, in developing the Hub Plan, two individual projects, and the Hub HSD, the Department and the project sponsors analyzed a series of alternatives that were rejected and did not receive in-depth analysis in the FEIR, including various variations of the reduced development alternatives. These alternatives were rejected and not studied in depth because either they were determined to be infeasible, or they did not avoid or lessen (and sometimes increased) the impacts of the Hub Plan, the individual projects, or the Hub HSD, or were covered by the range of alternatives selected. These alternatives considered but rejected included the search for an alternative location, and design alternatives for the 30 Van Ness Avenue and 98 Franklin Street projects.

At the time the Commission adopted the Hub Plan through Resolutions No. 20709 through 20712, the Commission approved findings required by CEQA, through Motion No. 20707, which is attached herein as "ATTACHMENT A" and incorporated by reference. That Motion rejected as infeasible Alternative A (Hub Plan and Hub HSD No Project), Alternative B (the Hub Plan Land Use Plan Only Alternative), and

Alternative C (the Hub Plan Reduced Intensity Alternative), for the reasons set forth therein. These Findings, therefore, do not repeat those reasons here, except to affirm the rejection of Alternatives A, B, and C as they pertain to the Project, because they fail to meet the Project's objectives to the same degree as the Project, and the City's policy objectives cited in Motion No. 20728.

The Planning Commission certifies that it has independently reviewed and considered the information on the alternatives provided in the FEIR and in the record. The FEIR reflects the Planning Commission's and the City's independent judgment as to the alternatives.

The Planning Commission finds that the Project provides the best balance between satisfaction of Project objectives and mitigation of environmental impacts to the extent feasible, as described and analyzed in the FEIR.

B. Evaluation of Project Alternatives

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

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

In addition to Alternatives A, B, and C, already rejected in Motion No. 20707, incorporated herein by reference, the following Hub Plan alternatives and Project were fully considered and compared in the FEIR:

1. 98 Franklin No Project Alternative (Alternative F)

Under Alternative F, the proposed individual development project at 98 Franklin Street would be removed from the project and would not be built as proposed in this EIR, and the existing conditions at 98 Franklin would not change. In the near-term, the project site at 98 Franklin Street, which includes an approximately 100-space surface parking lot, would remain substantially in its existing physical condition, and the proposed new educational, residential, and retail uses would not be developed. In addition, no changes to curbside parking or loading would occur. However, with current land values and housing demand in San Francisco being relatively high, and given the project site's location near downtown, employment centers, and public transit facilities, it is unlikely that this project site would remain in its existing condition for the long term.

At the project level, Alternative F would avoid all project-specific impacts associated with the 98 Franklin Street Project. This alternative would substantially lessen the severity of the following impacts, reducing them from significant and unavoidable or less than significant with mitigation to no impact:

- Construction noise and vibration impacts (Impacts NOI-2 and NOI-3)
- Cumulative construction noise impacts (Impact C-NOI-2)
- Archaeological impacts (Impacts CUL-4, CUL-5, and CUL-6)
- Cumulative archaeological impact contribution (Impact C-CUL-3)
- Cumulative wind impact contribution (Impact C-WI-1)
- Emissions of fine particulate matter (PM2.5) and toxic air contaminants from construction and operational activities (Impact AQ-9)
- Cumulative air quality impacts from (PM2.5) and toxic air contaminants (Impact C-AQ-2)

Alternative F would meet none of the project objectives of the 98 Franklin Project. Under Alternative F, the proposed "high-density, mixed-use development" comprising housing units, school use, commercial square footage, parking, and streetscape improvements at 98 Franklin Street would not be implemented, resulting in less residential growth in the Hub Plan area and undermining the residential growth potential and needs of an area of the city that could accommodate it with nearby transit, job centers, services, and growth forecasts. Therefore, Alternative F would not meet or be consistent with any of the 98 Franklin Street Project objectives. Alternative D also fails to meet several of the basic objectives of the Hub Plan and the City's policy objectives, because it would be less successful than the Project at maximizing housing in an area of the city that needs it, creating "a vibrant mixed-use neighborhood," and maintaining "a strong preference for housing as a desired use." In addition, Alternative D would not prioritize and facilitate the creation of housing in the same way and to the same degree that the Project would.

The Commission concurs with these findings in the EIR, and rejects this alternative as infeasible because it fails to meet any of the basic objectives of the Project, and would be less successful than the Project at meeting the objectives of the Hub Plan and the City's policy objectives.

2. 98 Franklin Street Reduced Intensity Alternative (Alternative G)

Alternative G includes a 162,358 square foot, 120-foot tall (10-story) building that includes 54,505 square feet of residential uses, 81,000 square feet of school uses, 23,753 square feet of parking uses, and 3,100 square feet of retail uses. Under this alternative, FAIS would be located within five levels in the podium (the same as under the proposed project), and 47 residential units would be constructed in a five-story tower, as compared to 345 residential units in a 31-story tower under the proposed project. The residential units would include 10 studios, 24 one-bedroom units, eight two-bedroom units, and five three-bedroom units, as compared to 172 studios, 86 one-bedroom units, 54 two-bedroom units, and 33 three-bedroom units under the proposed project. This alternative would also include 41 below-ground parking spaces, three car share spaces, 191 bicycle parking spaces, three loading spaces, and nine permanent employees, while the proposed project would include 111 below-ground parking spaces, three car share spaces, 539 bicycle parking spaces, three loading spaces, and 14 permanent employees. As with the proposed project, one 1,500-horsepower emergency diesel generator is proposed. Unlike the proposed project, no changes to curbside parking and loading are proposed for the alternative. This alternative would reduce shadow

impacts on Patricia's Green and reduce the amount of excavation required (approximately 10 feet less than the project), which would reduce impacts on archaeological resources as well as air quality and noise.

Alternative G would not avoid any project-specific impacts because it would retain the same project-level components as the project, at a reduced rate. This alternative would, however, reduce some impacts identified as significant and unavoidable and less than significant with mitigation. This alternative would substantially lessen the severity of the following impacts associated with project-level actions:

- Archaeological impacts (Impacts CUL-4, CUL-5, and CUL-6)
- Cumulative archaeological impact contribution (Impact C-CUL-3)
- Cumulative wind impact contribution (Impact C-WI-1)
- Emissions of fine particulate matter (PM2.5) and toxic air contaminants from construction and operational activities (Impact AQ-9)
- Cumulative air quality impacts from (PM2.5) and toxic air contaminants (Impact C-AQ-2)

Alternative G would be considered the environmentally superior alternative because it would reduce impacts when compared to the Project, while still meeting some of the Project's objectives. Alternative G, however, would reduce the development program and residential uses at 98 Franklin Street, resulting in less residential growth. When compared to the Project, Alternative G's reduction of the Project's residential component would not achieve objectives to create "a substantial number of dwelling units to contribute to the general plan housing element goals and the ABAG Regional Housing Needs Allocation for the city" and "increase the supply of housing near the Van Ness Avenue and Market Street intersection." Therefore, Alternative F would only partially meet the project objectives of the 98 Franklin Street Project.

The Commission concurs with these findings in the EIR, and rejects this alternative as infeasible because it (1) would fail to avoid several significant and unavoidable impacts of the Project, and (2) fails to meet several of the basic objectives of the Project. This Alternative would also be less successful than the Project at meeting the objectives of the Hub Plan and the City's policy objectives related to the creation of housing. For these reasons, each of which is independently sufficient, the Commission rejects Alternative G as infeasible.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission finds that, notwithstanding the imposition of all feasible mitigation measures, three impacts related to cumulative transportation (construction traffic), cumulative noise, and cumulative wind conditions will remain significant and unavoidable if the Project is approved. Pursuant to CEQA section 21081 and CEQA Guideline Section 15093, the Planning Commission hereby finds, after consideration of the Final EIR and the evidence in the record, that each of the specific overriding economic, legal, social, technological and other benefits of the Project as set forth below independently and collectively outweighs these significant and unavoidable impacts 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 below.

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

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

In addition to the benefits of the Project described in the reasons for rejecting alternatives in Section V., which are incorporated herein by reference, the Project will have the following benefits:

1. The Project would develop a new high school in an area well served by public transportation options.
2. The Project would add up to 345 dwelling units the City's housing stock on a currently underutilized site. The City's important policy objective, as expressed in Policy 1.1 of the Housing Element of the General Plan, is to increase the housing stock whenever possible to address a shortage of housing in the City. Additionally, the Project promotes the objectives and policies of the General Plan by providing a range of unit types to serve a variety of needs. The Project would bring additional housing into a neighborhood that is well served by public transit on the edge of Downtown. The Project also would not displace any housing
3. The Project would increase the stock of permanently affordable housing by providing onsite affordable residential units (approximately 20 percent of the total number of onsite units).
4. The Project would promote the objectives and policies of the General Plan by replacing the existing surface parking lot with a residential high-rise tower that is more consistent and compatible with the surrounding high-rise residential and commercial architecture. This new development will greatly enhance the character of the existing neighborhood. In addition, the removal of the parking lot and replace with active street frontages will improve pedestrian and neighborhood safety. By including school use, the Project would promote pedestrian traffic in the vicinity and provide "eyes on the street" and encourage investment in the area. The Project would include significant streetscape improvements that would meet or exceed Better Streets Plan requirements. These changes will enhance the attractiveness of the site for pedestrians and bring this site into conformity with principles of good urban design.
5. The Project would construct a development that is in keeping with the scale, massing, and density of other structures in the immediate vicinity, and with that envisioned for the site under the Planning Code and General Plan.

6. The Project's iconic and attractive design furthers Housing Element Policy 11.1, which provides that "The City should continue to improve design review to ensure that the review process results in good design that complements existing character."
7. The Project will substantially increase the assessed value of the Project Site, resulting in corresponding increases in tax revenue to the City.
8. The Project will include a high-quality streetscape improvements in accordance with the Market and Octavia Area Plan Design Standards, which would activate the streetscape, serve to calm traffic on the street and build on the positive traits of the Hayes Valley neighborhood, extending its walkable scale outward toward the Van Ness and Market intersection.
9. The Project includes a massing scheme and wind reduction elements to avoid the creation of any net new hazardous wind conditions on any nearby public sidewalks or seating areas and would reduce hazardous wind hours over current conditions.
10. The Project provides approximately 306 Class 1 secure indoor bicycle parking spaces and 57 Class 2 bicycle rack spaces, encouraging residents and visitors to access the site by bicycle.
11. The Project promotes a number of Downtown Area Plan Objectives and Policies, including Policies 7.1 and 7.2, which further the Objective of expanding the supply of housing in and adjacent to Downtown. The Project also promotes several Market and Octavia Area Plan Objectives and Policies, including Objectives 2.3 and 2.4, which encourage increasing the existing housing stock, including affordable units.
12. The Project will create temporary construction jobs and permanent jobs in the educational sector and for building operations. These jobs will provide employment opportunities for San Francisco residents, promote the City's role as a commercial center, and provide additional payroll tax revenue to the City, providing direct and indirect economic benefits to the City.

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