



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Motion No. 20572 CEQA Findings

HEARING DATE: NOVEMBER 21, 2019

*Case No.:* 2008.0586E  
*Project Address:* 34 Properties Owned or Leased by the Academy of Art University ("Academy")  
*Zoning District:* Multiple Zoning Districts  
*Block/Lot:* Multiple Blocks and Lots  
*Project Sponsor:* Jim Abrams  
J. Abrams Law, P.C.  
One Maritime Plaza, Suite 1900  
San Francisco, CA 94111  
*Property Owner:* Multiple LLCs  
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San Francisco, CA 94105  
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ADOPTING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND THE CEQA GUIDELINES INCLUDING FINDINGS OF FACT, FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS, EVALUATION OF MITIGATION MEASURES AND ALTERNATIVES, THE ADOPTION OF A MITIGATION, MONITORING AND REPORTING PROGRAM AND THE ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS IN CONNECTION WITH APPROVALS FOR THE ACADEMY OF ART UNIVERSITY ("THE ACADEMY") PROJECT TO LEGALIZE USES AND BUILDING MODIFICATIONS AT 34 PROPERTIES OWNED OR LEASED BY THE ACADEMY WITHIN THE CITY AND COUNTY OF SAN FRANCISCO ("CITY"), CONSISTENT WITH THE PROPOSED DEVELOPMENT AGREEMENT AND THE TERM SHEET FOR GLOBAL RESOLUTION BETWEEN THE CITY AND THE ACADEMY.

### PREAMBLE

The Academy of Art University (the "Academy") is a private, for-profit post-secondary academic institution that currently occupies, either in part or in full, 40 properties within the City and County of San Francisco for its existing educational programs, recreational activities, and student housing. In 2007, the Academy occupied 34 properties, in 28 of which, the Academy had implemented various tenant improvements and changes of use without benefit of required conditional uses, building permits or other entitlements. In order to evaluate the potential impacts associated with bringing those 28 properties into compliance with the San Francisco Planning Code and to analyze the Academy's then-proposed plans for growth, an Environmental Evaluation application was filed with the Planning Department ("Department") for preparation of an Environmental Impact Report (EIR). The Planning Department published a Notice of Preparation ("NOP") for the project on September 29, 2010.

On February 25, 2015, the Department published a Draft Environmental Impact Report (DEIR) for the Academy of Art University Project and published a Notice of Availability (NOA) for the DEIR. The NOA identified a public comment period on the DEIR from February 25, 2015, through April 27, 2015. On April 16, 2015, the Planning Commission conducted a duly advertised public hearing on the DEIR, at which opportunity for public comment was given, and public comment was received on the DEIR. The period for commenting on the EIR ended on April 27, 2015. The Department prepared responses to comments on environmental issues received during the 62 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.

Between approximately 2010 and 2016, the Academy acquired an additional six properties, bringing the total number of properties owned or occupied by the Academy and its affiliates to 40. On May 4, 2016, the Academy Existing Sites Technical Memorandum (ESTM) was prepared by the Department in connection with the discretionary approvals necessary to legalize the Academy's use of 28 of its 34 existing sites. The ESTM may be used by the Historic Preservation and Planning Commissions for information in considering all the Academy applications to legalize past unauthorized changes and its ongoing operations. Unlike the EIR, the ESTM is not required to go through a certification process by the Planning Commissions, and its recommendations to decision makers are not binding until approval of the conditions as part of any entitlements for each Academy property.

On June 30, 2016, 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 public review process, any additional information that became available, and the Responses to Comments document, all as required by law. The Responses to Comments document was distributed to the Planning Commission and all parties who commented on the DEIR, and made available to others at the request of Planning Department staff.

On July 28, 2016, the Planning Commission reviewed and considered the FEIR and found that the contents of said report and the procedures through which the FEIR was prepared, publicized, and reviewed comply with the provisions of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The FEIR was certified by the Commission on July 28, 2016 by adoption of its Motion No. 19704.

On May 6, 2016, the City Attorney of the City and County of San Francisco (the "City Attorney"), on behalf of the City and the People of the State of California, commenced litigation against the Academy and the affiliated LLC Parties in *People v. Stephens Institute, et. al*, San Francisco Superior Court Number CGC-16-551-832 (the "Lawsuit"). In the Lawsuit, the City Attorney alleged violations of the City's Administrative Code, Planning Code, Building Code, and the State Unfair Competition Law, Business and Professions Code Section 17200 et seq. (the "UCL").

During court-supervised settlement discussions to resolve the Lawsuit, the Academy and the LLC Parties expressed their commitment to bring the Academy's existing uses into compliance with the Planning Code; relocate existing Academy uses or change Academy uses in buildings in accordance with applicable laws in those specific instances where the Planning Department has determined that legalization is not appropriate or the Academy has agreed to withdraw its use; compensate the City for past violations, including providing affordable housing public benefits to the City; legalize or reverse alterations to bring its buildings into compliance City codes, and work cooperatively with the City in planning for future

Academy growth in a manner that accounts for the urban nature of the Academy's campus, without adversely impacting the City's affordable or rent-controlled housing stock, or burdening its transportation system, including, as part of that plan, building new housing for its students on property that is zoned for such use.

As a result of those discussions, and under the auspices of the court, the Academy and the City entered into a non-binding Term Sheet for Global Resolution, dated November 15, 2016, as amended by that certain Supplement to Term Sheet for Global Resolution, dated July 10, 2019 (collectively, the "Term Sheet"), intended to provide a basis to resolve all of the outstanding issues relating to the Lawsuit and other land use matters, and to establish appropriate principles and processes for land use compliance by the Academy.

As contemplated by the Term Sheet, the City, the Academy, and the LLC Parties have entered into a comprehensive consent judgment that they will file with the Superior Court seeking the Court's approval and entry of judgment (the "Consent Judgment"). The Consent Judgment contains four main parts: (1) a Settlement Agreement (the "Settlement Agreement"), which includes obligations of the LLC Parties to make payments to the City (including the Affordable Housing Benefit); (2) a Stipulated Injunction (the "Injunction"), which is an exhibit to the Settlement Agreement and provides a mechanism for judicial enforcement of the Academy's and the LLC Parties' obligations under the Settlement Agreement and this Agreement, and (3) the Development Agreement, which is also an exhibit to the Settlement Agreement. Also critical to the global resolution that the Consent Judgment would achieve is the instrument securing the LLC Parties' financial obligations under the Settlement Agreement and this Agreement. The obligations of the LLC Parties to make the full settlement payments under the Settlement Agreement will be secured by a Guaranty (the "Guaranty") from the Stephens Family Trust, the Elisa Stephens Trust, the Scott Stephens Trust, Elisa Stephens, Scott Stephens, Richard A. Stephens, and Susanne Stephens.

As contemplated by the Term Sheet, the Academy will vacate nine (9) of the previously occupied properties; bring the remaining 31 previously occupied properties owned by the LLC Parties and used by the Academy into compliance with the Planning Code by legalizing previously unpermitted changes in use and alterations and permitting work to reverse other previously unpermitted work; and obtain authorization for changes of use and other alterations at three (3) new properties not previously occupied by the Academy. ("Project"). The Project requires the City's approval of a variety of permits and authorizations, including (i) legislation approving the Development Agreement, amending the Planning Code and granting exceptions to the Administrative Code; (ii) approval of a Master Conditional Use authorization by the Planning Commission to reflect the approval of the use of thirty-four (34) properties (primarily in the northeast quadrant of the City) and to grant certain exceptions to the Planning Code, (iii) the approval of a Master Permit to Alter and Master Certificate of Appropriateness by the Historic Preservation Commission, and (iv) a variety of other building alterations and street improvements including without limitation the removal and installation of signage, removal and repair of nonconforming awnings and exterior alterations, the installation Class 1 and Class 2 bike racks, the removal of curb cuts, and the replacement of certain windows.

On October 9, 2019, the Academy filed a complete application with the City's Planning Department for approval of a development agreement relating to the Project Site (the "Development Agreement") under Chapter 56. As set forth in the Development Agreement, the Academy requests legalization of the proposed uses of all 34 properties, and of the previous alterations made to the buildings and facilities on these sites, as well as approval of the work necessary to bring these properties into compliance with the San Francisco

Planning Code and, where applicable, the Secretary of the Interior Standards for buildings subject to Planning Code Articles 10 and 11. The Development Agreement requires the Academy to obtain all necessary permits to perform corrective work at the 34 properties and complete the work to bring these buildings into compliance with the Planning Code pursuant to the Schedule of Performance set forth as Exhibit E to the Development Agreement. While the Development Agreement is between the City, acting primarily through the Planning Department, and Academy, other City agencies retain a role in reviewing and issuing certain later approvals for the Project. Later approvals include approval of building permits, streetscape permits, and permits to allow for the installation of Class 2 bicycle racks. As a result, affected City agencies have consented to the Development Agreement.

On October 9, 2019, the Academy filed complete applications with the City's Planning Department for required entitlements pursuant to the Term Sheet and Development Agreement. These applications are the consolidated master applications for Conditional Use Authorization, Certificate of Appropriateness and Permit to Alter.

On October 9, 2019, the Planning Department issued an Addendum to the FEIR, in which it determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.); that no supplemental or subsequent environmental review is required, as there are no substantial changes to the proposed Project, or to the circumstances under which the Project will be undertaken, involving new significant environmental effects or a substantial increase in the severity of previously identified environmental effects; and that there is no new information of substantial importance that shows that the Project will have one or more effects not discussed in the FEIR, that the previously identified effects will be more severe, or that there are mitigation measures or alternatives that would reduce such effects, but the Project proponents refuse to adopt them.

On November 20, 2019, the City, acting through the Historic Preservation Commission, made and adopted findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations ("CEQA Findings"), based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA"), particularly Section 21081 and 21081.5, the Guidelines for Implementation of CEQA, 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"), Section 15091 through 15093, and Chapter 31 of the San Francisco Administrative Code ("Chapter 31") pursuant to Motion No. 0401. The Historic Preservation Commission adopted the CEQA Findings as required by CEQA, separate and apart from the Planning Commission's certification of the Project's Final EIR, which the Planning Commission certified prior to the Historic Preservation Commission's adoption of these CEQA findings.

On November 20, 2019, the Historic Preservation Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Master Certificate of Appropriateness and Permit to Alter applications (Planning Record Nos. 2019-012970COA and 2019-012970PTA) and approved these applications by Motion Nos. 0403 and 0402, having heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole. The Historic Preservation Commission also considered and commented upon the legislation approving the Development Agreement between the Academy and City.

On November 21, 2019, the City, acting through the Planning Commission, made and adopted as its own the findings of fact and decisions regarding the Project description and objectives, significant impacts, significant and unavoidable impacts, mitigation measures and alternatives, and a statement of overriding considerations, based on substantial evidence in the whole record of this proceeding and pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. contained in the CEQA Findings, pursuant to this Motion No. 20572. The Commission adopted these findings as required by CEQA, separate and apart from the Commission's certification of the Project's Final EIR, which the Commission certified prior to adopting these CEQA Findings. The Commission hereby incorporates by reference the CEQA Findings attached hereto as Attachment A as set forth in this Motion No. 20572.


On November 21, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding the proposed Planning Code Amendments and Development Agreement between the Academy and City (Planning Records Nos. 2019-012970PCA and 2019-012970DVA).

On November 21, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting regarding Conditional Use Authorization Application No. 2019-012970CUA. The Commission heard and considered the testimony presented to it at the public hearing and further considered written materials and oral testimony presented on behalf of the applicant, Department staff and other interested parties, and the record as a whole.

The Planning Department's Commission Secretary is the Custodian of Records; all pertinent documents are located in the File for Case No. 2019-012970PRJ, at 1650 Mission Street, Fourth Floor, San Francisco, California.

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

I hereby certify that the foregoing Motion was ADOPTED by the Planning Commission at its regular meeting of November 21, 2019.

  
Jonas P. Fortin  
Commission Secretary

AYES: Melgar, Koppel, Diamond, Johnson, Richards

NAYS: None

ABSENT: Fung, Moore

DATE: November 21, 2019



# Attachment A

## California Environmental Quality Act Findings

### PREAMBLE

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

These findings are organized as follows:

**Section I** provides a description of the project (the “Proposed Project”) as analyzed in the Final Environmental Impact Report for the Project (“FEIR”), as well as the revisions to the project (the “Revised Project”) as described in the Addendum to the Environmental Impact Report (“Addendum”; the Proposed Project, together with the revisions described the Revised Project, hereinafter, the “Project”), the environmental review process for the Project, and the approval actions to be taken and the location of records;

**Section II** identifies the impacts found not to be significant 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 mitigation measures;

**Section IV** identifies significant impacts that cannot be avoided or reduced to less-than-significant levels and describes any applicable 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; and

**Section VI** presents a statement of overriding considerations setting 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 Attachment B to this Motion. The MMRP is required by CEQA Section 21081.6 and CEQA Guidelines Section 15091. Attachment B provides a table setting forth each mitigation measure listed in the FEIR, as revised by the Addendum, that is required to reduce or avoid a significant adverse impact. Attachment B also specifies the agency responsible for implementation of each measure and establishes monitoring actions and a monitoring schedule. The full text of the mitigation measures is set forth in Attachment B. These findings are based upon substantial evidence in the entire record before the Commission. The references set forth in these findings to certain pages or sections of the Draft Environmental Impact Report (“DEIR”) or the Responses to Comments document (“RTC” or “Responses to Comments”) in the FEIR are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

**I. PROJECT DESCRIPTION AND PROCEDURAL BACKGROUND**

**A. Project Description**

**a. Project Location**

The Academy of Art University (“Academy”), located within the City and County of San Francisco (the “City”), is a private for-profit postsecondary academic institution established in 1929 that currently occupies 40 buildings in the City (predominantly in the northeast quadrant) for its existing educational programs, recreational activities, and student housing. In 2007, the Academy occupied 34 buildings; in 28 of those buildings, the Academy had implemented various tenant improvements and changes of use without obtaining required building permits or other entitlements. In order to evaluate the potential impacts associated with bringing these 28 buildings into compliance with the San Francisco Planning Code and to analyze Academy’s then-proposed plans for growth, an environmental impact report was prepared between 2010 and 2016. During this period, affiliates of the Academy acquired an additional six buildings beyond the 34 already occupied, bringing the total number of properties owned or occupied by Academy and its affiliates to 40. The Planning Commission certified the FEIR, which analyzed the 40 properties, on July 28, 2016. The 40 properties are identified on Table 1 below:

<b>#</b>	<b>Property</b>	<b>#</b>	<b>Property</b>
1.	2340 Stockton Street	21.	1900 Jackson Street
2.	2295 Taylor Street	22.	1916 Octavia Street
3.	2151 Van Ness Avenue	23.	1153 Bush Street
4.	1849 Van Ness Avenue	24.	1080 Bush Street
5.	950 Van Ness Avenue	25.	860 Sutter Street
6.	1069 Pine Street	26.	817-825 Sutter Street
7.	740 Taylor Street	27.	736 Jones Street
8.	625-629 Sutter Street	28.	1055 Pine Street
9.	491 Post Street	29.	680-688 Sutter Street
10.	540 Powell Street	30.	620 Sutter Street
11.	410 Bush Street	31.	655 Sutter Street
12.	77-79 New Montgomery Street	32.	560 Powell Street
13.	180 New Montgomery	33.	575 Harrison Street



14.	58-60 Federal Street	34.	168 Bluxome Streett
15.	601 Brannan Street	35.	2801 Leavenworth Street
16.	460 Townsend Street	36.	700 Montgomery Street
17.	466 Townsend Street	37.	625 Polk Street
18.	1727 Lombard Street	38.	150 Hayes Street
19.	2211 Van Ness Avenue	39.	121 Wisconsin Street
20.	2209 Van Ness Avenue	40.	2225 Jerrold Avenue

As part of the Project, the Academy intends to vacate nine of its existing campus properties, and convert and occupy three new properties, and thereby occupy a total of 34 properties in the City (predominantly in the northeast quadrant) for education programs, recreational activities, and student housing. The Academy’s San Francisco campus under the Project, will be comprised of 34 properties is shown on Figure 1.

**Figure 1. Proposed Academy Campus**

Academy of Art University – Proposed Campus



 Institutional Sites

1. 601 Brannan St.
2. 410 Bush St.
3. 58-60 Federal St.
4. 2801 Leavenworth St.
5. 77-79 New Montgomery St.
6. 180 New Montgomery St.
7. 625 Polk St.
8. 491 Post St.
9. 540 Powell St.
10. 625-629 Sutter St.
11. 740 Taylor St.
12. 466 Townsend St.
13. 1849 Van Ness Ave.
14. 2151 Van Ness Ave.
15. 1946 Van Ness Ave.
16. 1142 Van Ness Ave.

 Residential Sites

17. 1080 Bush St.
18. 1153 Bush St.
19. 575 Harrison St.
20. 1900 Jackson St.
21. 736 Jones St.
22. 1727 Lombard St.
23. 1916 Octavia St.
24. 560 Powell St.
25. 620 Sutter St.
26. 655 Sutter St.
27. 680-688 Sutter St.
28. 817-831 Sutter St.
29. 860 Sutter St.
30. 2209 Van Ness Ave.
31. 2211 Van Ness Ave.
32. 2550 Van Ness Ave.

 Other

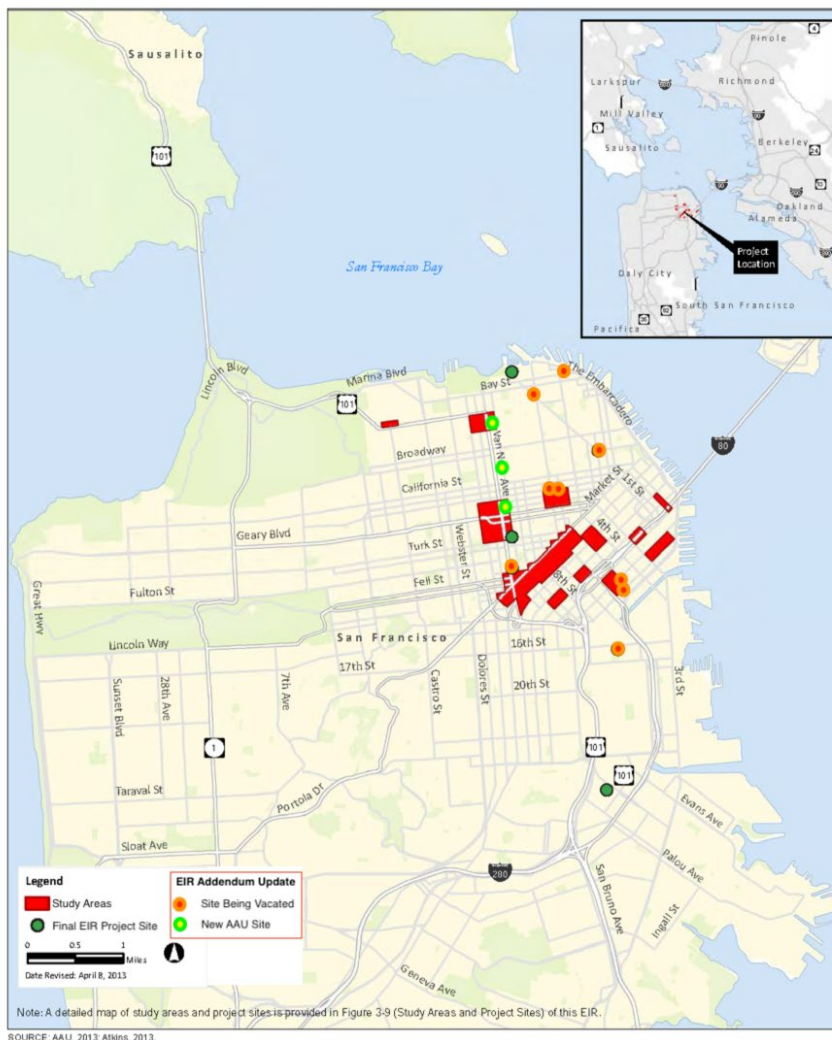
33. 2225 Jerrold Ave.  
*(Commercial Storage & Private Parking Garage  
(and lot) with Accessory Office; Community Facility)*
34. 950 Van Ness Ave./963 O'Farrell St.  
*Private Parking Garage with groundfloor classic  
car museum ancillary to museum located at  
1849 Van Ness Ave.*

 Clusters

1. Van Ness Transit Corridor
2. Union Square
3. Financial District
4. South of Market

In addition to the existing Academy properties, the DEIR identified 12 geographic areas (“Study Areas”) where the Academy could occupy existing buildings to accommodate the program-level growth described below. The DEIR analyzed all Study Areas in its programmatic analysis of the Proposed Project. The 12 Study Areas generally included the following: Study Area (“SA”) 1: Lombard Street/Divisadero Street; SA-2: Lombard Street/Van Ness Avenue; SA-3: Mid Van Ness Avenue; SA-4: Sutter Street/Mason Street; SA-5: Mid-Market Street; SA-6: Fourth Street/Howard Street; SA-7: Rincon Hill East; SA-8: Third Street/Bryant Street; SA-9: Second Street/Brannan Street; SA-10: Fifth Street/Brannan Street; SA-11: Sixth Street/Folsom Street; and SA-12: Ninth Street/Folsom Street. The Study Areas are shown on Figure 2.

**Figure 2. Study Areas**



ACADEMY OF ART UNIVERSITY EIR  
**FIGURE 3-1: PROJECT LOCATION**

## **b. Proposed Project Description**

The Proposed Project analyzed in the DEIR consisted of four general components: program-level growth, project-level growth, legalization of prior unauthorized changes, and shuttle expansion, as explained below:

1. Program-level growth consisted of approximately 110,000 net square feet (“sf”) of additional residential uses (to house approximately 400 students, equivalent to about 220 rooms) and 669,670 sf of additional institutional space in the 12 Study Areas.
2. Project-level growth consisted of six additional buildings that had been occupied, identified, or otherwise changed by the Academy since publication of the September 2010 Notice of Preparation (“NOP”) for the DEIR, but for which one or more City approvals had not yet been issued. These six project sites included 393,537 sf of institutional uses and 17,533 sf of recreational uses. The six project sites included the following addresses: Project Site 1 (“PS-1”): 2801 Leavenworth Street (The Cannery); PS-2: 700 Montgomery Street; PS-3: 625 Polk Street; PS-4: 150 Hayes Street; PS-5: 121 Wisconsin Street; and PS-6: 2225 Jerrold Avenue.
3. The legalization of pre-NOP changes through the necessary approvals (“Legalization Approvals”). The list of analyzed approvals can be found in the DEIR: Table 3-2, Existing Institutional Facilities, p. 3-9; Table 3-3, Existing Residential Facilities, p. 3-10; and Section 3.6, Intended Uses of the EIR, p. 3-148.2. The DEIR analyzed the existing conditions, in which the Academy had already changed the applicable use or appearance of the building which required the Legalization Approvals, and therefore such legalizations were found to have had no impact.
4. The shuttle expansion consisted of an extension of the Academy’s shuttle service, under its Shuttle Bus Service Policy, to four of the project sites and potential extension to the 12 study areas in which program-level growth is anticipated.

## **c. Revised Project**

The Academy has revised the Proposed Project, as analyzed by the Planning Department in the Addendum. The Proposed Project changed in light of a Term Sheet for Global Resolution entered into by the City and the Academy on November 15, 2016, as updated by a Supplement to Term Sheet dated July 10, 2019 (collectively, “Term Sheet”), the Academy’s withdrawal and cessation of all further use at nine (9) of the Academy’s properties, and the decrease in Academy student enrollment as compared to the projected increase that was studied by the Planning Department in the DEIR. Specifically, where the Department’s analysis in the FEIR was based on an increase in the Academy’s on-site student enrollment of approximately 6,100 students (or approximately five percent (5%) per year) and an anticipated increase of 1,220 staff members by 2020, the actual total reported on-site student enrollment for 2018 was 6,710 students. This number represents a decline of 4,471 students from the FEIR’s project enrollment figure, and less than one half of the 16,062 on-site students that were projected in the Proposed Project for 2020. To account for these disparate enrollment numbers, the Addendum revised its projected enrollment increases to a three percent (3%) annual growth rate, resulting in a total on-site enrollment of 7,119 students in 2020, less than one half of the 17,282 students projected for in the Proposed Project.

The Revised Project would result in the reduced Academy San Francisco campus shown and described in Figure 1 above. In addition, the Revised Project consists of four general components as follows:

1. The program-level growth in the Proposed Project of 669,670 net sf of additional institutional uses and 110,000 net sf of additional residential uses has not yet occurred and under the Revised Project is not proposed to occur.
2. Project-level growth consisting of the addition of three buildings the Academy intends to convert to Academy use. These three project sites include 75,261 sf of institutional uses and 76,402 sf of recreational uses. The addresses of the three additional buildings are: 1946 Van Ness Avenue, 1142 Van Ness Avenue, and 2550 Van Ness Avenue. Under the Revised Project, 2801 Leavenworth Street and 2225 Jerrold Avenue, analyzed in the FEIR, would remain part of the Academy campus, but the ground floor of 2801 Leavenworth would contain no institutional uses and 2225 Jerrold Avenue would include a new community facility.
3. The legalization of pre-NOP changes through the necessary approvals (“Legalization Approvals”). The Legalization Approvals would result in the full legalization of all 34 Academy campus sites described and shown in Figure 1 above. The comprehensive list of the 34 Academy properties and the corresponding proposed changes and/or modifications are identified on Appendix A of the Addendum.
4. The revised project would modify some elements of the existing shuttle service provided by the Academy. Existing shuttle service stops would be removed at 150 Hayes Street, 2340 Stockton Street, 168 Bluxome Street, 1069 Pine Street and 1055 Pine Street due to the Academy vacating these properties. However, the Academy would add new shuttle stops to the “M” route at 1604 Broadway and 1916 Octavia Street. In addition, the Academy has prepared a Shuttle Management Plan in compliance with the EIR Mitigation Measure M-TR-3.1 Shuttle Demand, Service Monitoring, and Capacity Utilization Performance Standard and EIR Improvement Measure I-TR-2 the Academy Shuttle Activities Monitoring.

## **B. Project Objectives**

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

- Project Objective #1 - Operate in an urban context, where academic programs can contribute to and draw from the cultural wealth of the local communities.
- Project Objective #2 - Create opportunities for students to interact with the urban community (i.e., facilitate the “urban experience”) by maintaining facilities throughout the City rather than creating a consolidated campus.
- Project Objective #3 - Offer on-site residential housing for new full-time students who desire to live in Academy housing.
- Project Objective #4 - Consolidate administrative and classroom functions for each academic discipline in the same buildings so that students and faculty do not have to travel from building to building unnecessarily.

- Project Objective #5 - Manage facilities in a flexible manner to ensure availability of space to meet changing needs of academic programs.
- Project Objective #6 - Enable long-range programs and service planning to meet the needs of the community.
- Project Objective #7 - Occupy and use space in buildings and properties near existing Academy facilities, where possible.
- Project Objective #8 - Locate future facilities to:
  - a. Provide proximity between buildings so students can walk between classes.
  - b. Provide a sense of campus unity while still maintaining the benefits of a dispersed urban campus as the learning environment for Academy students.
  - c. Locate the Academy facilities so that they are easily accessible to all Academy students and faculty/staff, allowing professors to teach and work in close proximity to students' daily activities.
- Project Objective #9 - Locate future facilities in proximity to existing Academy shuttle stops or public transit to discourage use of private automobiles.
- Project Objective #10 - Occupy and utilize space in existing historic or culturally interesting buildings in need of renovation and/or revitalization.

### **C. Project Approvals**

The Project requires the following Board of Supervisors approvals:

- Review and approval of an ordinance approving a Development Agreement, finding conformity with or waiving provisions of Administrative Code Sections 41 and 56; and adopting Planning Code Text Amendments.
- Adopting CEQA findings (including a Statement of Overriding Considerations), and a Mitigation Monitoring and Reporting Program

The Project requires the following Planning Commission approvals:

- Adopting CEQA findings (including a Statement of Overriding Considerations), and a Mitigation Monitoring and Reporting Program
- Approval of a Master Conditional Use Authorization, and a determination that the Project is consistent with the General Plan and complies with the City's Priority Policy Findings.

- Review and recommendation to the Board of Supervisors of an ordinance approving a Development Agreement, finding conformity with or waiving provisions of Administrative Code Sections 41 and 56; and adopting Planning Code Text Amendments

The Project requires the following Historic Preservation Commission approvals:

- Approval of a Master Certificate of Appropriateness
- Approval of a Master Permit to Alter
- Review and provide comments on an ordinance approving a Development Agreement, finding conformity with or waiving provisions of Administrative Code Sections 41 and 56; and adopting Planning Code Text Amendments.

#### *Actions by Other City Departments and State Agencies*

- San Francisco Department of Public Works
  - Various permits and approvals related to streetscape improvement plans
- San Francisco Department of Building Inspection
  - Building permits for each property described in Figure 1 above
- San Francisco Municipal Transportation Agency
  - Various permits and approvals related to curb striping and Class 2 bike rack installation.

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

Pursuant to and in accordance with the requirements of Section 21094 of the Public Resources and Sections 15063 and 15082 of the CEQA Guidelines, the San Francisco Planning Department, as lead agency, prepared a Notice of Preparation (“NOP”) on September 29, 2010. The NOP was distributed to the State Clearinghouse and mailed to governmental agencies with potential interest, expertise, and/or authority over the Project; interested members of the public; and occupants and owners of real property surrounding the project area.

The Planning Department held a Public Scoping Meeting on October 26, 2010 to receive oral comments on the scope of the EIR. In total, during the scoping period the Planning Department received comments from two agencies, three non-governmental organizations, and three individuals. The Notice of Preparation, Revised NOP, and Summary of NOP Comments are included as Appendix A to the DEIR.

A Notice of Completion was filed with the State Secretary of Resources via the State Clearinghouse on February 25, 2015.

On February 25, 2015, the Planning Department published the DEIR and circulated the same to local, state, and federal agencies and to interested organizations and individuals. The DEIR was made available for public review at the following locations: (i) San Francisco Planning Department, Planning Information

Counter, 1660 Mission Street; (ii) San Francisco Main Library, 100 Larkin Street; (iii) San Francisco State University Library, 1630 Holloway Avenue; and (iv) Hastings College of Law-Library, 200 McAllister Street. Electronic copies were also available for review or download on the Planning Department's web page.

Also, on February 25, 2015, the Planning Department distributed notices of availability of the DEIR by (i) publishing notice in a newspaper of general circulation in San Francisco; (ii) posting the notice of availability at the San Francisco County Clerk's office; and (iii) posting notices at locations near the project sites. The distribution list for the DEIR, as well as all documents referenced in the DEIR, were also available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, San Francisco, California 94103.

On April 8, 2015, the Planning Department distributed revised notices of availability of the DEIR, published revised notification of its availability in a newspaper of general circulation in San Francisco, posted the revised notice of availability at the San Francisco County Clerk's office, and posted revised notices at locations near the Proposed Project and in a 300-foot buffer of 2550 Van Ness Avenue. The notice was revised to address a specific site in Study Area 2 (Lombard/Van Ness Avenue) at 2550 Van Ness Avenue (Assessor's block/lot: 0526/021). This additional site is within the proposed identified uses in Study Area 2 of up to 220 rooms or 400 beds, as described in the DEIR.

During the DEIR public review period, the Planning Department received written comments from five public agencies, one Planning Commission member, 45 non-governmental organizations, and 35 individuals (or groups of individuals). During the public review period, the Department conducted a public hearing to receive verbal comments on the DEIR. Verbal comments were received from five Planning Commission members, nine non-governmental organizations, and 13 individuals (or groups of individuals). The public hearing was held before the San Francisco Planning Commission on April 16, 2015, at San Francisco City Hall.

The San Francisco Planning Department then prepared the responses to comments on environmental issues received during the 62-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 correct errors in the DEIR. That document, which also includes written responses to each comment received on the DEIR, was published on June 30, 2016.

The Department prepared the FEIR consisting of the DEIR, any consultations and comments received during the review process, any additional information that became available, and the Comments and Responses document as required by law.

The Planning Commission reviewed and considered the FEIR and all of the supporting information and certified the FEIR on July 28, 2016. In certifying the FEIR, this Planning Commission 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. Further, the Planning Commission determined that the FEIR does not add significant new information to the DEIR that would require recirculation of the FEIR under CEQA, because the FEIR contains no information revealing (1) any new significant environmental impact that would result from the Project or from a new mitigation measure proposed to be implemented, (2) any substantial increase in the severity of a previously



identified environmental impact, (3) any feasible project alternative or mitigation measure considerably different from others previously analyzed that would clearly lessen the environmental impacts of the Project, but that was rejected by the Project's proponents, or (4) that the DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition to the above documents, the Planning Department also prepared an Existing Sites Technical Memorandum ("ESTM") on May 4, 2016. The ESTM evaluates the Academy's use at the 34 properties that were occupied by the Academy at the time of publication of the NOP. The Commission may use the ESTM for information in considering all Academy applications to legalize past, unauthorized changes and its ongoing operations, as consistent with the Settlement Agreement. Unlike the FEIR, however, the ESTM is not required to go through a certification process by the Commission, and its recommendations to decision makers are not binding until approval of the conditions as part of any entitlements for each Academy property.

Prior to considering approval of the Project, the Commission must determine that the Project proposed for approval has been sufficiently assessed under CEQA. Changes to the project have been proposed since the Planning Commission certified the FEIR on July 28, 2016. Once an EIR has been certified, CEQA Section 21166 and CEQA Guidelines Section 15162 provide the rules for determining whether the certified EIR provides a sufficient analysis of the modified Project or if subsequent assessment is required. If such analysis is sufficient, but certain changes to a certified EIR are needed, the changes can be in the form of an addendum to the certified EIR. An "addendum" can be used if some changes or additions to the certified EIR are necessary but none of the conditions described in Section 15162 above have occurred. An addendum need not be circulated for public review and comment, and public participation in the decision to utilize an addendum (rather than a supplement or subsequent EIR) is not required. The Planning Department determined the Revised Project qualified for analysis through the addendum process and issued the Addendum on October 9, 2019.

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

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

- The FEIR, and all documents referenced in or relied upon by the FEIR, including the Addendum;
- All information (including written evidence and testimony) provided by City staff to the City relating to the FEIR and Addendum, the proposed approvals and entitlements, the Project, and the alternatives set forth in the FEIR;
- All information (including written evidence and testimony) presented to the City by the environmental consultant and subconsultants who prepared the FEIR and Addendum, or incorporated into reports presented to the City;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Project, the FEIR, or Addendum;

- All applications, letters, testimony, and presentations presented to the City by the Project Sponsor and its consultants in connection with the Project;
- All information (including written evidence and testimony) presented at any public hearing related to the EIR;
- The MMRP;
- the ESTM, and,
- All other documents comprising the record pursuant to Public Resources Code Section 21167.6(e).

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

## **F. Findings About Significant Environmental Impacts of the Project and Mitigation Measures**

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

In making these findings, the City has considered the opinions of Planning Department and other City staff and experts, other agencies, and members of the public. The Commission finds that: the determination of significance thresholds is a judgment decision within the discretion of the City and County of San Francisco; the significance thresholds used in the FEIR, as modified by the Addendum, are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the FEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

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

As set forth below, the City adopts and incorporates the mitigation measures set forth in the FEIR, the Addendum, and the attached MMRP to substantially lessen or avoid the potentially significant and significant impacts of the Project. The City intends to adopt the mitigation measures proposed in the FEIR, as revised in the Addendum. Accordingly, in the event a mitigation measure recommended in the FEIR, as revised in the Addendum, 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, as revised in the Addendum, due to a clerical error, the language of the policies and implementation measures as set forth in the FEIR, as revised in the Addendum, shall control. The impact numbers and mitigation measure numbers used in these findings reflect the information contained in the FEIR, as revised by the Addendum.

In the 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 dozens of times 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 Planning Commission rejecting the conclusions of the FEIR, and Addendum, or the mitigation measures recommended in the FEIR, as revised by the Addendum, for the Project.

## **II. IMPACTS OF THE PROJECT FOUND NOT TO BE 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 City finds that, the Project described in the DEIR, and as revised in the Addendum, will not result in any significant impacts, on a Program-Level, Project-Level, or Proposed-Project Level, in the below areas and that these impact areas therefore do not require mitigation.

### **Land Use**

- **Impact LU-1.1/1.2/1.3:** Physically divide an established community.
- **Impact LU-2.1/2.2/2.3:** Result in a substantial adverse impact on the existing character of the vicinity.
- **Impact LU-3.1/3.2/3.3:** Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental impact.
- **Impact C-LU-1:** Cumulative impact on land use resulting from implementation of the Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity.

### **Aesthetics**

- **Impact AE-1.1/1.2/1.3:** Result in a substantial adverse effect on a scenic vista.
- **Impact AE-2.1/2.2/2.3:** Substantially damage visual resources, including, but not limited to, tree, rock outcroppings, and other features of the built or natural environment which contribute to a scenic public setting.
- **Impact AE-3.1/3.2/3.3:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area or which would substantially impact other people or properties
- **Impact C-AE-1:** The implementation of the Project, in combination with other past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to a significant aesthetic impact.

### **Population, Housing, and Employment**

- **Impact PH-1.1/1.2/1.3:** Induce substantial population growth in an area, either directly or indirectly.
- **Impact PH-2.2:** The Proposed Project, including growth at the six project sites, would not displace substantial numbers of people or existing housing units or create demand for additional housing, necessitating the construction of replacement housing elsewhere, or displace a substantial number of businesses or employees.

### **Cultural and Paleontological Resources**

- **Impact CP-1.1/1.2/1.3:** Cause a substantial adverse change in the significance of a historical architectural resource.
- **Impact CP-2.2:** The Proposed Project, including growth at the six project sites, would not cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5.
- **Impact CP-3.1/3.2/3.3:** Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- **Impact CP-4.2:** The Proposed Project, including growth at the six project sites would not disturb any human remains, including those interred outside of formal cemeteries.
- **Impact C-CP-1:** The Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to a significant cumulative historical, archeological, or paleontological resources impact, or to a significant cumulative disturbance of human remains.

### **Transportation and Circulation**

- **Impact TR-1.1/1.2/1.3:** Result in a substantial adverse impact at any of the study intersections during the peak hours, or cause major traffic hazards.
- **Impact TR-2.1/2.2/2.3:** Result in a substantial increase in local or regional transit demand that could not be accommodated by local or regional transit demand that could not be accommodated by local or regional transit capacity; nor would it affect transit operating conditions such that adverse impacts to local or regional transit service could occur.
- **Impact TR-4.1/4.2/4.3:** Result in substantial overcrowding on public sidewalks or otherwise interfere with pedestrian accessibility, or create potentially hazardous conditions for pedestrians.
- **Impact TR-5.1/5.2/5.3:** Result in potentially hazardous conditions for bicyclists, nor otherwise substantially interfere with bicycle accessibility to the site and adjoining areas.
- **Impact TR-6.1/6.2/6.3:** Would not substantially increase loading demand and would, therefore, have a less-than-significant commercial loading impact.
- **Impact TR-7.1/7.2/7.3:** Would not substantially increase parking demand nor would it cause unsafe or delayed conditions for other transportation activities.
- **Impact TR-8:** Result in inadequate emergency access.
- **Impact TR-9:** Result in construction-related transportation impacts because of their temporary and limited duration.
- **Impact C-TR-1.1/1.2/1.3:** The Project, in combination with past, present, and reasonably foreseeable future projects, would not cumulatively result in a substantial adverse impact at any of the study intersections, or cause major traffic hazards.
- **Impact C-TR-2.1b/2.2b/2.3b:** The Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively substantial increase in regional transit demand that could not be accommodated by regional transit capacity under 2035 Cumulative plus Project conditions.

Implementation of the following improvement measures will ensure the above impacts remain less-than-significant:

*Improvement Measure I-TR-1 – Implement Transportation Demand Management Strategies to Reduce Single-Occupancy Vehicle Trips.*

*Improvement Measure I-TR-2 – Academy Shuttle Activities Monitoring.*

*Improvement Measure I-TR-3 – Improvement of Pedestrian Conditions at PS-6, 2225 Jerrold Avenue.*

*Improvement Measure I-TR-4 – Improvement of Bicycle Parking Conditions at Academy Facilities.*

*Improvement Measure I-TR-5 – Academy Monitoring of Commercial Loading Activities.*

*Improvement Measure I-TR-6 – Construction Truck Deliveries during Off-Peak Periods.*

*Improvement Measure I-TR-7 – Additions to the Construction Management Plan.*

#### **Noise**

- **Impact NO-1.1/1.2/1.3:** Cause a temporary increase in noise levels substantially in excess of ambient levels resulting from construction activities.
- **Impact NO-2.2:** Expose persons to or generate noise levels in excess of standards established in the San Francisco General Plan or Noise Ordinance (Police Code Article 29) or result in a substantial permanent increase in ambient noise levels.
- **Impact NO-3.1/3.2/3.3:** Create excessive groundborne vibration levels in existing residential neighborhoods adjacent to the study area.

#### **Air Quality**

- **Impact AQ-1.1/1.2/1.3:** Generate fugitive dust or criteria air pollutants, from construction activities, that would 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.
- **Impact AQ-3.1/3.2:** Result in emissions of criteria air pollutants from operations but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.
- **Impact AQ-4.2:** Generate new emissions of toxic air contaminants from operation, including diesel particulate matter, and therefore would not expose sensitive receptors to substantial air pollutant concentrations.
- **Impact AQ-5.1/5.2/5.3:** Conflict with, or obstruct implementation of, the 2010 Clean Air Plan.
- **Impact AQ-6.1/6.2/6.3:** Create objectionable odors that would affect a substantial number of people.

#### **Greenhouse Gas Emissions**

- **Impact C-GG-1.1/1.2/1.3:** Generate greenhouse gas emissions at levels that would result in a cumulatively considerably impact on the environment or conflict with any policy, plan, or regulation adopted for the purpose of reducing greenhouse gas emissions.

#### **Wind and Shadow**

- **Impact WS-1.1/1.2/1.3:** Alter wind in a manner that would substantially affect public areas.
- **Impact WS-2.1/2.2/2.3:** Create new shadow in a manner that could substantially affects outdoor recreation facilities or other public areas.

#### **Recreation**

- **Impact RE-1.1/1.2/1.3:** Increase the use of or physically degrade existing recreational facilities such that substantial physical deterioration of those facilities would occur or be accelerated or require construction or expansion of recreational facilities in a way that would adversely affect the environment.

- **Impact C-RE-1:** Considerably contribute to a significant cumulative impact on recreational use to existing public parks or recreational facilities.

#### Utilities and Services Systems

- **Impact UT-1.1/1.2/1.3:** Require or result in the construction of substantial new water treatment facilities, and the City would have sufficient water supply available to serve the project from existing entitlements and resources, and would not require new or expanded water supply resources or entitlements.
- **Impact UT-2.1/2.2/2.3:** Require or result in the expansion or construction of new wastewater treatment or stormwater facilities, exceed capacity of the wastewater treatment provider when combined with other commitments, or exceed wastewater treatment requirements of the Regional Water Quality Control Board.
- **Impact UT-3.1/3.2/3.3:** Result in increased generation of solid waste that could not be accommodated by existing landfill capacity and comply with federal, state and local statutes and regulations related to solid waste.
- **Impact C-UT-1:** The implementation of the Proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to a significant cumulative impact on utilities.

#### Public Services

- **Impact PS-1.1/1.2/1.3:** Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered fire or police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire and police protection.
- **Impact PS-2.1/2.2/2.3:** Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for schools.
- **Impact PS-3.1/3.2/3.3:** Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for libraries.
- **Impact C-PS-1:** The implementation of the Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to a significant cumulative impact on public services.

#### Biological Resources

- **Impact BI-1.1/1.2/1.3:** Have a substantial adverse effect, either directly or through habitat modification, on any 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.
- **Impact BI-2.1/2.2/2.3:** Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- **Impact C-BI-1:** Implementation of the Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, could make a considerable contribution to a significant cumulative impact on biological resources.

#### Geology and Soil

- **Impact GE-1.1/1.2/1.3:** Expose people or structures to the risk of loss, injury, or death involving strong seismic groundshaking and seismic-related ground failure such as liquefaction.

- **Impact GE-2.1/2.2/2.3:** Would not be located on geologic or soil units that are unstable, or that could become unstable as a result of the Proposed Project.
- **Impact GE-3.1/3.2/3.3:** Would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, and, therefore, would not create substantial risks to life or property.
- **Impact C-GE-1:** The implementation of the Proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to a cumulative impact on geology and soils.

#### **Hydrology and Water Quality**

- **Impact HY-1.1/1.2/1.3:** Violate water quality standards or waste discharge requirements or otherwise substantially degrade water quality.
- **Impact HY-2.1/2.2/2.3:** Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on site or off site, or create or contribute runoff water that would exceed the capacity of existing or planned storm sewer systems or provide substantial additional sources of polluted runoff.
- **Impact HY-3.1/3.2/3.3:** Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other authoritative flood hazard delineation map, or place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- **Impact HY-4.1/4.2/4.3:** Expose people or structures to inundation by tsunamis.
- **Impact C-HY-1:** The implementation of the Proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to a cumulative impact on hydrology and water quality.

#### **Hazards and Hazardous Materials**

- **Impact HZ-1.1/1.2/1.3:** Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- **Impact HZ-3.1/3.2/3.3:** Expose the public or the environment to unacceptable levels of known or newly discovered hazardous materials as a result of a site being located on a hazardous materials list site.
- **Impact HZ-4.1/4.2/4.3:** Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

#### **Mineral and Energy Resources**

- **Impact ME-1.1/1.2/1.3:** Encourage activities that result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner.
- **Impact C-ME-1:** Result in a cumulatively considerable contribution to wasteful use of energy.

#### **Agriculture and Forest Resources**

- Project will have no impact on agricultural or forest resources.

### **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 (unless mitigation to such levels is achieved through adoption of a project alternative). The findings in this Section

III and in Section IV concern mitigation measures set forth in the EIR. These findings discuss mitigation measures identified in the DEIR to mitigate the potentially significant impacts of the proposed project. As described in Section 4 of the Addendum, the severity of the impacts of the Revised Project is the same or less than for the Proposed Project, and as described in this Section the potentially significant impacts of the project also would be mitigated to a less-than-significant level by the same mitigation measures identified in the DEIR for the Original Project (or minor variations of the same mitigation measures to be specific to the Revised Project). The full text of the mitigation measures is contained in the FEIR, Addendum and in Attachment B, the Mitigation Monitoring and Reporting Program. The City finds that the impacts of the Revised Project identified in this Section III would be reduced to a less-than-significant level through implementation of the mitigation measures contained in the FEIR and Addendum, included in the Revised Project, or imposed as conditions of approval and set forth in Attachment B.

This Commission recognizes that some of the mitigation measures are partially within the jurisdiction of other agencies. The Commission urges these agencies to assist in implementing these mitigation measures, and finds that these agencies can and should participate in implementing these mitigation measures.

**Impact CP-2.1: With mitigation, the Proposed Project, including growth in the 12 study areas, would not cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5.**

**Impact CP-2.3: With mitigation, the Proposed Project, including growth in the 12 study areas and at the six project sites, would not cause a substantial adverse change in the significance of archaeological resources pursuant to Section 15064.5.**

In the Proposed Project the Academy would revise the utilization of its City campus through occupation and change of use of existing buildings for institutional and student residential uses. The FEIR conservatively estimated that as a result of the occupation and change of use some of the existing buildings may require seismic retrofits or other renovations or modifications to be compatible with the proposed use, which in turn may require minor excavation causing ground-disturbing activities. Mitigation Measure M-CP-2.1, requiring a project-specific preliminary archaeological assessment for individual project components involving ground-disturbing activities within the 12 studies areas, reduces the Proposed Project's impact on archaeological resources to a less than significant level. The Addendum found the Revised Project did not change these facts and conclusions.

*Mitigation Measure M-CP-2.1 – Project-Specific Preliminary Archaeological Assessment*

**Impact CP-4.1: With mitigation, the Proposed Project, including growth in the 12 study areas, would likely not disturb human remains including those interred outside of formal cemeteries.**

**Impact CP-4.3: With mitigation, the Proposed Project, including growth in the 12 study areas and at the six project sites, would likely not disturb human remains, including those interred outside of formal cemeteries.**

As explained above, the Proposed Project is unlikely to cause any ground disturbances outside of shallow depth excavation associated with any potential seismic retrofits or renovations and modifications



compatible with proposed building use. In the outside chance such ground disturbances could disturb human remains, Mitigation Measure M-CP-2.1, requiring a project-specific preliminary archaeological assessment for individual project components involving ground-disturbing activities within the 12 study areas, reduces the Proposed Project's impact to a less than significant level. The Addendum found the Revised Project did not change these facts and conclusions.

*Mitigation Measure M-CP-2.1 – Project-Specific Preliminary Archaeological Assessment*

**Impact C-TR-3: With mitigation, the Proposed Project, including growth in the 12 study areas and at the six project sites, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the study areas and project sites, would likely not have less-than-significant with mitigation cumulative Academy shuttle impact.**

**Impact TR-3.1: With mitigation, the Proposed Project, including growth within the 12 study areas, would likely not result in a substantial increase in shuttle demand that could not be accommodated by planned shuttle capacity so as to avoid an impact to the City's transit or transportation system; and would not cause substantial conflicts with traffic, public transit, pedestrian, bicycles, or commercial loading.**

**Impact TR-3.2: With mitigation, the Proposed Project, including growth at the six project sites, would likely not result in a substantial increase in shuttle demand that could not be accommodated by planned shuttle capacity so as to avoid an impact to the City's transit or transportation system; but would not cause substantial conflicts with traffic, public transit, pedestrian, bicycles, or commercial loading.**

**Impact TR-3.3: With mitigation, the Proposed Project, including growth within the 12 study areas and at the six project sites, would likely not result in a substantial increase in shuttle demand that could not be accommodated by planned shuttle capacity so as to avoid an impact to the City's transit or transportation system; but would not cause substantial conflicts with traffic, public transit, pedestrian, bicycles, or commercial loading.**

As existing in 2010, the capacity of the Academy's shuttle routes are not adequate to accommodate all Project development as envisioned by the projected growth in the Proposed Project. Such growth could therefore result in an increased burden on the City's transit or transportation system. Specifically, the Proposed Project projects growth in the 12 study areas to generate a demand of up to 642 PM peak hour shuttle bus trips. Growth in individually study areas would range from 15 (in SA-12) to 502 PM peak hour shuttle trips (in SA-5). Maximum demand for several study areas could exceed 100 PM peak hour shuttle trips, depending on the conceptual development option of the shuttle program, including SA-5 (up to 502), SA-7 (up to 296), SA-4 (up to 168), SA-6 (up to 140), SA-2 (up to 147), and SA-3 (up to 131 PM peak hour shuttle trips).

The above projected growth could therefore result in an increased burden on the City's transit or transportation system. The implementation of Mitigation Measure M-TR-3.1 – Shuttle Demand, Service Monitoring and Capacity Utilization Performance Standard, along with the ongoing analysis and monitoring to meet an established performance standard would ensure that the shuttle demand could be met and any impact to the City's transit or transportation system would be reduced to a less-than-significant level.

As analyzed in the Addendum, the growth projected in the Proposed Project, reiterated above, has not occurred and future projected growth has been significantly reduced to three percent per year. The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impact TR-3.1.

*Mitigation Measure M-TR-3.1 – Shuttle Demand, Service Monitoring, and Capacity Utilization Performance Standard.*

**Impact NO-2.1: With mitigation, the Proposed Project, including growth in the 12 study areas would like not expose persons to or generate noise levels in excess of standards established in the San Francisco General Plan or Noise Ordinance (Police Code Article 29) or result in a substantial permanent increase in ambient noise levels.**

**Impact NO-2.3: With mitigation, the Proposed Project, including growth in the 12 study areas and at the six project sites, would likely not expose persons to or generate noise levels in excess of standards established in the San Francisco General Plan or Noise Ordinance (Police Code Article 29) or result in a substantial permanent increase in ambient noise levels.**

As part of the Proposed Project, the Academy could propose changes of use of currently nonresidential buildings in study areas to residential use, thereby placing noise-sensitive land uses in a noise environment that may be incompatible with that sensitive use. Specifically, the traffic-generated noise levels along most major streets throughout the Proposed Project area exceed 70 dBA, above the San Francisco General Plan guidelines of 60 dBA. The majority of the new residential units would be subject to state Title 24 noise requirements contained in the California Noise Insulation Standards, thus such units would have interior noise levels at 45dBA. For residential development not subject to the California Noise Insulation Standards, where traffic noise in the Project Area has the potential to result in a significant effect, implementation of Mitigation Measures M-NO-2.1a – Interior Noise Levels for Residential Uses and M-NO-2.1b – Siting of Noise-Sensitive Uses, would reduce the impact of exposure to noise levels in excess of the San Francisco General Plan recommendations to a less-than-significant level.

The Academy uses in the study area could add fixed noise sources such as pumps, fans, air-conditioning apparatus or refrigeration machines. Section 2909 of the City’s Noise Ordinance prohibits “any machine or device, music or entertainment or any combination of same” located on residential or commercial/industrial property from emitting noise that is 5 dBA or 8 dBA (commercial/industrial) above the local ambient noise at any point outside the property plan of use containing noise source, as well as allowing any fixed noise source to cause noise level measured inside any sleeping or living room in any dwelling unit located on residential property to exceed 45 dBA between the hours of 10:00pm to 7:00am or 55 dBA between the hours of 7:00 am to 10:00 pm with windows open. The Academy intends to comply with all such guidelines in all designs, but without such adequate designs, significant impact on such uses could result from noise levels generated by fixed sources. Implementation of Mitigation Measure M-NO-2.1c – Siting of Noise-Generating Equipment would reduce this impact to less-than-significant level.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts NO-2.1 and NO-2.3.

*Mitigation Measure M-NO-2.1a – Interior Noise Levels for Residential Uses.*

*Mitigation Measure M-NO-2.1b – Siting of Noise-Sensitive Uses.*

*Mitigation Measure M-NO-2.1c – Siting of Noise-Generating Equipment.*

**Impact C-NO-1: With mitigation, the implementation of the Proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would not contribute considerably to a cumulative impact associated with noise and vibration.**

Without mitigation the Proposed Project, in combination with past, present, and reasonably would have a less than significant impact associated with vibration and noise caused by cumulative traffic noise or construction activities. It is not anticipated that the Academy stationary noise sources would cause significant off-noise impacts to off-site receptors in the study areas due to the City's Noise Ordinance and anticipated consistency with the San Francisco General Plan, but significant impacts from such uses could occur without adequate design. Implementation of Mitigation Measure M-NO-2.1c – Siting of Noise-Generating Equipment would reduce this impact to a less-than-significant level.

It is possible that with cumulative development, the ambient noise level will increase in study areas where the Academy might seek changes of use to accommodate student housing. For residential development not subject to the California Noise Insulation Standards, traffic noise in the Project Area has the potential to result in a significant effect. Implementation of Mitigation Measures M-NO-2.1a – Interior Noise Levels for Residential Uses and M-NO-2.1b – Siting of Noise Sensitive Uses the potential conflict between the cumulative noise environment and the Academy residential uses would be reduced to less-than-significant levels.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impact C-NO-1.

*Mitigation Measure M-NO-2.1a – Interior Noise Levels for Residential Uses.*

*Mitigation Measure M-NO-2.1b – Siting of Noise-Sensitive Uses.*

*Mitigation Measure M-NO-2.1c – Siting of Noise-Generating Equipment.*

**Impact AQ-2.1: With mitigation, construction in the 12 study areas would likely not generate toxic air contaminants, including diesel particulate matter that would expose sensitive receptors to substantial pollutant concentrations.**

**Impact AQ-2.2: With mitigation, construction at the six project sites, would likely not generate toxic air contaminants, including diesel particulate matter, but would not expose sensitive receptors to substantial pollutant concentrations.**

**Impact AQ-2.3: With mitigation, construction of the Proposed Project, including growth in the 12 study areas and at the six project sites, would generate toxic air contaminants, including diesel particulate matter, that would expose sensitive receptors to substantial pollutant concentrations.**

Several Study Areas are located completely or partially in areas that already experience poor air quality and tenant improvements associated with the Proposed Project would generate additional air pollution, adversely affecting nearby sensitive receptors that are already exposed to high levels of air pollution. Uncontrolled diesel equipment operating in connection with this construction would cause a significant impact. Compliance with Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within an Air Pollutant Exposure Zone requires cleaner diesel equipment and would reduce the impact from renovation activities on nearby sensitive receptors to a less-than-significant level.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts AQ-2.1, AQ 2.2, and AQ 2.3.

*Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within an Air Pollutant Exposure Zone.*

**Impact AQ-3.3: With mitigation, operation of the Proposed Project, including growth in the 12 study areas and at the six project sites, would result in emissions of criteria air pollutants, but not at levels that would violate an air quality standard, contribute to an existing or projected air quality violation, or result in a cumulatively considerable net increase in criteria air pollutants.**

The Academy renovations of 200,000 sf of development is a significant source of ROG emissions due to architectural coating, but implementation of Mitigation Measure M-AQ-3.3 – Maximum Daily Construction Activities would reduce emissions of ROG's to less-than significant levels by limiting construction activities to the renovation (including architectural coating) of a maximum of 100,000 sf of building space at a time.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impact AQ-3.3.

*Mitigation Measure M-AQ-3.3 – Maximum Daily Construction Activities.*

**Impact AQ-4.1: With mitigation, operation of the 12 study areas would likely not generate toxic air contaminants, including diesel particulate matter, and could expose sensitive receptors to substantial air pollutant concentrations.**

**Impact AQ-4.3: With mitigation, operation of the Proposed Project, including growth in the 12 study areas and at the six project sites, would likely not generate toxic air contaminants, including diesel particulate matter, and could expose sensitive receptors to substantial air pollutant concentrations.**

There is a potential for Academy buildings, in the Study Areas, will require the installation of a new emergency back-up generator or a boiler, both of which have the potential to add pollutant concentrations. Generations of such additional pollutants within the Air Pollutant Exposure Zones would be a significant impact, but implementation of Mitigation Measures M-AQ-4.1a – Best Available Control Technology for Diesel Generators, and M-AQ-4.1b – Best Available Control Technology for Boilers, at study area sites within Air Pollutant Exposure Zones when the occupation of that site requires the installation of a new generator or boiler will reduce impacts from new stationary sources to less-than-significant levels. When the Academy occupies a new site within study area that is partially within an Air Pollutant Exposure Zone, the Planning Department will review the specific location to determine applicability of Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within an Air Pollutant Exposure Zone.

Six of the Study Areas have the potential to house resident students which is considered a sensitive land use, or these, five study areas have the potential to place student residences partially within Air Pollutant Exposure Zones. Siting sensitive land use within Air Pollutant Exposure Zones could expose residents within student housing to elevated levels of air pollution, resulting in a significant impact, but implementation of Mitigation Measure M-AQ-4.1c – Air Filtration Measures within an Air Pollutant Exposure Zone, would reduce impacts to new sensitive receptors to less-than-significant levels.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts AQ-4.1 and AQ-4.3.

*Mitigation Measure M-AQ-4.1a – Best Available Control Technology for Diesel Generators.*

*Mitigation Measure M-AQ-4.1b – Best Available Control Technology for Boilers.*

*Mitigation Measure M-AQ-4.1c – Air Filtration Measures within an Air Pollutant Exposure Zone.*

**Impact C-AQ-1: With mitigation, the Proposed Project, in combination with past, present, and reasonably foreseeable future projects, would likely not result in a considerable contribution to a cumulative regional criteria air pollutant impact.**

The project-level thresholds for criteria air pollutants are based on levels at which new sources are not anticipated to contribute to an air quality violation or result in a considerable net increase in criteria air pollutants. The Proposed Project's construction and operational emissions would not exceed the project-level thresholds for criteria air pollutants NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. However unmitigated emissions under Impact AQ-3.3 would exceed ROG thresholds. With the implementation of Mitigation Measure M-AQ-3.3 – Maximum Daily Construction Activities impacts from ROG for Impact AQ-3.3 would be reduced to below the significance thresholds; therefore, the Proposed Project would not be considered to result in a cumulatively considerable contribution to regional air quality impacts.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impact C-AQ-1.

*Mitigation Measure M-AQ-3.3 – Maximum Daily Construction Activities.*

**Impact C-AQ-2: With mitigation, the Proposed Project, in combination with past, present, and reasonably foreseeable future projects, would likely not contribute considerably to cumulative health risk impacts.**

The Proposed Project would add new sensitive land uses and new sources of TACs (e.g., construction, new shuttle trips and potentially stationary sources) within some areas already adversely affected by air quality, resulting in a contribution to cumulative health risk impacts on sensitive receptors. This would be a significant cumulative impact, but the Proposed Project would be required to implement Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within Air Pollutant Exposure Zone, which could reduce construction period emissions by as much as 94 percent; Mitigation Measure M-AQ-4.1a – Best Available Control Technology for Diesel Generators, which requires best available control technology

to limit emissions from any new emergency back-up generator; Mitigation Measure M-AQ-4.1b – Best Available Control Technology for Boilers, which limits emissions from any new boilers; and Mitigation Measure M-AQ-4.1c – Air Filtration Measures Within an Air Pollutant Exposure Zone, which requires that enhanced ventilation be provided for buildings converted to residential use, designed to reduce outdoor infiltration of fine particulate matter indoors by 80 percent. Implementation of these mitigation measures would minimize the Proposed Project's contribution to cumulative air quality impacts, and other projects in the vicinity would be required to implement similar measures to avoid or minimize their contributions to the degradation of air quality. Therefore, with mitigation this impact would be less than significant.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts C-AQ-2.

*Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within Air Pollutant Exposure Zone.*

*Mitigation Measure M-AQ-4.1a – Best Available Control Technology for Diesel Generators.*

*Mitigation Measure M-AQ-4.1b – Best Available Control Technology for Boilers.*

*Mitigation Measure M-AQ-4.1c – Air Filtration Measures Within an Air Pollutant Exposure Zone.*

**Impact HZ-2.1: With mitigation, the Proposed Project, including the growth in the 12 study areas, would likely not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous building materials into the environment, including within 0.25 mile of a school.**

**Impact HZ-2.2: With mitigation, the Proposed Project, including growth at the six project sites, would likely not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous building materials into the environment, including within 0.25 mile of a school.**

**Impact HZ-2.3 The Proposed Project, including growth in 12 study areas and at the six project sites, could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous building materials into the environment, including within 0.25 mile of a school.**

The Proposed Project, including the growth within the 12 study areas, would involve the occupation and change of use of existing buildings. Most construction activities would consist of interior tenant improvements. Growth in the study areas could also involve some limited ground disturbance to complete exterior seismic upgrades. Therefore, the Proposed Project could result in a reasonably foreseeable upset or accident conditions, including limited disturbance of hazardous building materials and contaminated soil. Materials containing PCBs could pose both a human health and environmental hazard which would be a significant impact, but implementation of Mitigation Measure M-HZ-2.1 would reduce this impact of the Proposed Project, including growth in the 12 study areas, to a less-than-significant level.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts HZ-2.1, HZ-2.2, and HZ-2.3.

*Mitigation Measure M-HZ-2.1 – Testing and Removal of Hazardous Building Materials.*

**Impact C-HZ-1: With mitigation, the Proposed Project, in combination with past, present, and reasonably foreseeable future projects, would not result in a cumulatively considerable contribution to a significant cumulative hazard and hazardous materials impacts.**

Implementation of the Proposed Project, with incorporation of Mitigation Measure M-HZ-2.1 – Testing and Removal of Hazardous Building Materials, would have a less-than-significant hazardous materials impact on the public and the environment in the vicinity of the study areas and project sites. Any other development in the Project vicinity would be required to comply with the same or similar regulatory framework as the Proposed Project. Adherence to these regulations would minimize exposure and ultimately result in removing hazardous materials from the region. Therefore, the Proposed Project would not contribute considerably to any significant cumulative impacts with respect to hazardous materials.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impact C-HZ-1.

*Mitigation Measure M-HZ-2.1 – Testing and Removal of Hazardous Building Materials.*

#### **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 Commission finds that, where feasible, changes or alterations have been required, or incorporated into, the Project to reduce the significant environmental impacts as identified in the FEIR, Addendum and listed below. The Commission finds that the mitigation measures in the FEIR, Addendum and described below are appropriate, and that changes have been required in, or incorporated into, the Project that, pursuant to Public Resources Code Section 21002 and CEQA Guidelines Section 15091, may substantially lessen, but do not avoid (i.e., reduce to less-than-significant levels), the potentially significant environmental effects associated with implementation of the Project that are described below. The Commission adopts all of the mitigation measures and improvement measures set forth in the Mitigation Monitoring and Reporting Plan (MMRP), attached as Attachment B. The Commission further finds, however, for the impacts listed below, despite the implementation of feasible mitigation measures, the effects remain significant and unavoidable.

Based on the analysis contained within the FEIR, Addendum, other considerations in the record, and the significance criteria identified in the FEIR and Addendum, the Commission finds that because some aspects of the Revised Project could cause potentially significant impacts for which feasible mitigation measures are not available to reduce the impact to a less-than-significant level, those impacts are significant and unavoidable. The Commission recognizes that for certain significant impacts, although mitigation measures are identified in the FEIR and Addendum that would reduce those impacts to a less-than-significant level, the measures are uncertain or infeasible for reasons set forth below, and therefore those impacts remain significant and unavoidable or potentially significant and unavoidable.

The Commission determines that the following significant impacts on the environment, as reflected in the FEIR and Addendum, are unavoidable, but under Public Resources Code Section 21081(a)(3) and (b), and

CEQA Guidelines 15091(a)(3), 15092(b)(2)(B), and 15093, the Commission determines that the impacts are acceptable due to the overriding considerations described in Section VII below. This finding is supported by substantial evidence in the record of this proceeding.

**Impact PH-2.1: The Proposed Project, including growth in the 12 study areas, would displace substantial numbers of people, or existing housing units, or create demand for additional housing, necessitating the construction of replacement housing elsewhere, or displace a substantial number of businesses or employees.**

**Impact PH-2.3: The Proposed Project, including growth in the 12 study areas and at the six project sites, would displace substantial numbers of people, or existing housing units or create demand for additional housing, necessitating the construction of replacement housing elsewhere, or displace a substantial number of businesses or employees.**

**Impact C-PH-1: The implementation of the Proposed Project, in combination with past, present, and reasonably foreseeable future projects in the vicinity, would contribute considerably to a cumulative impact on population and housing.**

Based on the growth projections of the Proposed Project, the FEIR projected the Proposed Project would result in 4,209 new student residents and 525 new faculty/staff residents in San Francisco. The FEIR projects 2,203 units of housing within San Francisco are required to accommodate this population growth. The 2,203 units of housing were in addition to The Academy's projected growth of 400 Academy supplied student housing beds. The FEIR concludes that this population growth would not displace substantial numbers of people, or existing housing units, or displace a substantial number of businesses or employees, and that as to each of those elements the Proposed Project's impact is less than significant.

The FEIR concludes that Proposed Project would not result in displacement of existing residents because Planning Code Section 317 prohibits the conversion of existing residential uses, and change of use of group housing and SROs to student housing. In addition, Ordinance 188-12 prohibits the conversion of residential housing stock into student housing in most cases. Displacement of employees could occur if the Academy were to occupy a nonvacant building whose employees were not able to relocate within the city or region, however, given the regions current prospective job growth employees are likely to be able to find replacement jobs or relocate with the city or region.

The Proposed Project's projected growth requiring 2,203 units of houses would create demand for additional housing that is significant and unavoidable. The FEIR notes the 2010 vacancy rate is about 31,250 units of housing. Additionally, the FEIR notes approximately 58,000 new units that could be developed under various areawide planning efforts and redevelopment plans identified in the 2009 Housing Element. The FEIR notes that it is unknown whether these vacant units and new developments could accommodate the increased demand. There is no feasible mitigation for this impact, and it would therefore be significant and unavoidable.

The Addendum does not disagree with the FEIR's conclusion, but notes the substantial reduction of projected growth from the level analyzed in the FEIR. This reduced projected growth reduces demand for additional housing.



In addition to such a reduction, the Academy has agreed to commit to the provision of student housing to 36 percent of its full-time student population (students taking up to one class online) by July 1, 2022, 38 percent of its full time student population (students taking up to one class online) by July 1, 2023 and to use good faith efforts to house 45 percent of its full-time students (students taking up to one class online) by July 1, 2023. Further, the Academy would provide an affordable housing benefit to the city in the form of an in-lieu fee for the equivalent of 160 units of affordable housing (anticipated to be \$37,600,000.00). The Revised Project would continue to create a substantial demand for additional housing, although the demand would be less than what was analyzed in the FEIR due to the decreases in existing and projected enrollment. As with the Proposed Project, the addition of residential uses to sufficiently mitigate this impact or reduction of institutional growth sufficient to avoid any increase in housing demand would fundamentally alter the Revised Project. There is no feasible mitigation for this impact. Therefore, as with the Proposed project, the Revised Project's impact on housing demand would be significant and unavoidable. The Revised Project would not change the conclusions reached in the FEIR regarding housing demand.

**Impact C-TR-2.1a: Even with mitigation, the Proposed Project, including growth in the 12 study areas, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the study areas, could result in a substantial increase in local transit demand that could not be accommodated by adjacent Muni transit capacity at the Kearny/Stockton and Geary corridors under 2035 Cumulative plus Project conditions.**

**Impact C-TR-2.2a: Even with mitigation, the Proposed Project, including growth at the six project sites, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the project sites, could result in a substantial increase in local transit demand that could not be accommodated by adjacent Muni transit capacity at the Kearny/Stockton corridor and Geary corridor under 2035 Cumulative plus Project conditions.**

**Impact C-TR-2.3a: Even with mitigation, the Proposed Project, including growth in the 12 study areas and at the six project sites, in combination with past, present, and reasonably foreseeable future projects in the vicinity of the study areas and project sites, could result in a substantial increase in local transit demand that could not be accommodated by adjacent Muni transit capacity at the Kearny/Stockton corridor and Geary Corridor under 2035 Cumulative plus Project conditions.**

The FEIR concluded that the Proposed Project would result in significant impacts on local transit demand on the Kearny/Stockton corridor and Geary corridor due to increases in capacity utilization exceeding 85 percent. Therefore, Mitigation Measure C-M-TR-2.1a would be applicable and would require the Academy to make a fair share contribution to corridor. However, because the source or sources of additional funding for transit service improvements are unknown at this time the feasibility of these improvements are uncertain the project-related impacts on local transit demand at the Kearny/Stockton corridor and Geary corridor would remain significant and unavoidable with mitigation.

The Addendum found the Revised Project did not change the facts and conclusions in the FEIR as analyzed in connection with Impacts C-TR-2.1a, C-TR-2.2a, and C-TR-2.3a.

*Mitigation Measure C-M-TR-2.1a – The Academy Fair Share Contribution to Cumulative Transit Impact.*

## **V. EVALUATION OF PROJECT ALTERNATIVES**

This section describes the EIR alternatives and the reasons for rejecting the alternatives as infeasible. The CEQA Guidelines, section 15126.6(a), state that an EIR must describe and evaluate a reasonable range of alternatives to the Project 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.

The Planning Department considered a range of alternatives in Chapter 6 of the FEIR. The FEIR analyzed the No Project Alternative ("Alternative A"), the Centralized Growth Alternative ("Alternative B"), the Reduced Growth Alternative (Alternative C), and the Reduced Institutional Growth Alternative (Alternative D). Each alternative is discussed and analyzed in these findings, in addition to being analyzed in Chapter 6 of the FEIR.

The 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 City's independent judgment as to the alternatives.

The City rejects the alternatives listed below because the Commission finds that there is substantial evidence, including evidence of economic, legal, social, technological, and other considerations described in this Section, in addition to those described below under CEQA Guidelines Section 15091(a)(3), that make these alternatives infeasible. In making these determinations, the 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. The Commission finds that the Revised 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 and as modified by the Addendum.

### **A. Alternatives Considered and Rejected**

The following alternatives were considered during the EIR scoping period, but, for the reasons set forth in the FEIR and in these findings, these alternatives were not carried forward for full analysis in the EIR.

#### **1. Alternative Location**

CEQA Guidelines section 15126.6(f)(2) states that alternative locations should be considered if they would avoid or substantially lessen any of the significant effects.

- Other Locations within the City Alternative. This alternative consists of locating all of the Academy's future growth in areas not analyzed in the FEIR and requires the Academy to vacate project sites requiring a change of use authorization. The study areas analyzed in the FEIR are those most suited to future Academy growth within the city. Given the Academy's practice of occupying buildings similar to the ones that would be vacated, any feasible alternative location is likely already within the study areas. For most impacts, occupancy of alternative study areas or project site locations would likely be similar to those of the Proposed Project and would by necessity be located further from the existing Academy facilities. Given this increased distance, transportation needs may have greater impacts as compared to the Proposed Project. Therefore, development at other locations within the City would not avoid or substantially lessen the impacts identified for the Proposed Project. For these reasons this alternative was rejected from further consideration.

Other Locations outside the City Alternative. This alternative consists of the Academy providing all future growth outside of San Francisco. Such growth area would be limited by the Academy's need to be situated in a major city with a thriving arts and cultural community. This alternative would likely require that the Academy create two distinctly separate campuses and may force the Academy to organize its coursework along disciplines across those separate campuses, diminishing the interaction of students from various art disciplines. This alternative would not avoid or substantially lessen most of the Proposed Project's identified significant impacts because these impacts would likely occur in any new location adequately suited to the Academy's operations. This alternative may worsen transportation-related environmental impacts if students and staff were required to commute the increased distances between such campuses. The reduced campus cohesion also fails to meet the following basic project objectives: Objective 1, 5, 7, 8, and 9. For these reasons this alternative was rejected from further consideration.

The Commission concurs with the findings in the EIR and rejects these location alternatives because they would not (i) avoid significant impacts of the Revised Project, and (ii) fails to meet several of the Project's basic objectives.

## **2. Commitment to Only Interior Construction Activities in the Study Areas Alternative**

This alternative was identified to address public concerns regarding the effect on historic resources and other Academy occupied buildings. It requires the Academy not make any exterior modifications to future occupied buildings in the study areas. Instead, improvements would be limited to interior construction activities, fire sprinkler/fire alarm upgrades, and seismic retrofit work. Under this alternative the Academy could not implement San Francisco Building Code ("SFBC") life safety requirements. This concept was rejected due to regulatory limitations which could require exterior modifications consisted with the SFBC or to promote safety. Additionally, this alternative would not reduce or avoid any identified significant impacts.

The Commission concurs with the findings in the EIR and rejects this alternative because it (i) would not avoid significant impacts of the Project, and (ii) is infeasible due to the requirements of the SFBC.

### **3. Building Construction Growth Alternative**

This alternative was identified to address public concerns that (i) the Academy converts existing housing into student housing reducing the supply of housing in the City and (ii) the Academy is not developing its own facilities. It requires the Academy to accommodate the Project's projected growth by either (i) acquiring a large parcel and developing a number of new buildings, or (ii) accumulating contiguous parcels, demolishing the existing buildings, and developing a number of new buildings

There does not appear to currently be a large enough parcel in San Francisco capable of accommodating the Project's projected growth, making this alternative infeasible. If this alternative involves demolition and replacement of existing buildings, it could cause greater impacts to archaeological resources, historical architectural resources, and human remains; result in increased generation of toxic air contaminants, criteria air pollutant emissions and greenhouse gases, and increase releases of hazardous building materials into the environment compared to the Proposed Project. Therefore, this alternative was rejected from further consideration.

The Commission concurs with the findings in the EIR, and rejects this alternative because it (i) would not avoid significant impacts of the Project, and (ii) could create nor or greater physical impacts

### **B. Alternatives Considered in the EIR**

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

#### **1. Alternative 1: No Project Alternative**

As required by CEQA Guidelines section 15126.6(e), a no project alternative is provided to allow decision-makers to compare the environmental effects of approving the proposed project with the effects of not approving the project. The no project alternative is "the circumstance in which the Project does not proceed." (CEQA Guidelines section 15126.6(e)(3)(B).)

Under Alternative 1, the Academy would not occupy and change the use of 110,000 sf (220 rooms) of residential uses, 669,670 sf of institutional uses, and 17,533 sf of community facility use. Alternative 1 would result in a net loss of occupied space by the Academy of 225,460 sf of institutional uses at three project sites and 164 to 399 rooms. The Academy would continue to operate in its existing 27 sites (34 existing sites minus the seven potentially vacated residential sites) and at three of the six project sites.

Alternative 1 would not fulfill the Project's basic objectives. Specifically, the alternative would not meet Objectives 3, 4, 5, 6, 7, 8, 9, and 10. Alternative 1 prohibits the Academy from occupying the facilities necessary for its growth and would severely hamper its ability to accommodate its current enrolled students. While Alternative 1 could provide an avenue for future Academy growth as individual projects are proposed (each subject to future environmental review, compliance with the City's zoning code, and any IMP requirements), such avenue is infeasible in the near future due to the disruption caused by the City's requirement to vacate several buildings while simultaneously prohibiting student housing use at many of the Academy's current properties applicable in the Alternative 1 scenario. Without the growth provided in the Project, the Academy would be unable to provide accessible world class art education to all students seeking it and would be forced to reduce admissions. The reduction in future art students

would significantly reduce the amount of artistic activity occurring in San Francisco, as well as limited opportunities for the Academy students' integration into the city.

The Academy would also be unable to meet the student housing demand associated with any growth in enrollment, potentially increasing housing demand in the broader city. In addition, under Alternative 1, the Academy would not provide commitments to the City to house a larger percentage of its full-time student population than any other higher education institution in the city. The Academy would also not provide the large affordable housing in-lieu payment to the City. It is assumed, however, that this alternative would meet the objectives related to the Academy's operation in an urban context

The Commission concurs with these findings in the EIR, and rejects this alternative as infeasible because it fails to meet several of the basic Project Objectives. For this reason the Commission rejects Alternative 1 in favor of the Revised Project.

## **2. Alternative 2: Centralized Growth Alternative**

Alternative 2 would focus 110,000 sf of residential (400 rooms serving 220 students), and 669,670 sf of institutional, of the Academy's future growth along transit corridors including Market, Mission and Fourth Streets as well as the Van Ness Avenue corridor. This alternative would consolidate the Academy's residential and institutional program-level growth in: SA-3 – Mid Van Ness Avenue; SA-4 – Sutter Street/Mason Street; SA-5 – Mid Market Street; SA-6 – Fourth Street/Howard Street; and SA-10 – Fifth Street/Brannan Street. Residential growth would be limited to SA-3 and SA-4, and institutional growth would be limited to SA-4, SA-5, SA-6, and SA-10. The rationale for locating the future Academy campus in the study areas proposed under Alternative 2 include: (i) creation of a more compact Academy campus, and (ii) permitting students to walk or use transit instead of cars or an expanded shuttle system.

Alternative 2 would not avoid any significant impact identified for the Project, although it would lessen the severity of the following impact, reducing a portion of it from significant and unavoidable to less than significant:

- Significant and unavoidable cumulative impacts on local transit in the Kearny/Stockton Corridor, but not in the Geary Corridor, would be reduced to less than significant due to the reduction in transit trips.

Alternative 2 would not meet Objectives 5, and 6, preventing the Academy from managing facilities in a flexible manner to ensure availability of space to meet changing needs of academic programs, and to enabling long-range programs and service planning to meet the needs of the community. The alternative would meet Objectives 1, 2, 3, 4, 7, 8, 9, and 10.

As analyzed in the Addendum, under the Revised Project the Academy would immediately vacate nine of its existing 40 campus properties. In addition to the 31 existing properties set to continue as Academy use, three properties not currently occupied by the Academy would be converted to Academy use for educational programs and student housing. The Revised Project increases the centralization of the Academy's campus to existing buildings on the Van Ness corridor. The Revised Project is also consolidates the Academy's campus into four clusters, identified in the IMP, which generally correspond to: (i) Van Ness Transit Corridor, (ii) Union Square, (iii) Financial District, and (iv) South of Market. While these

clusters do not align with the Alternative 2 study areas, they centralized the Academy's campus compared to the Proposed Project. This centralization accomplishes Alternative 2's rationales by created a more compact campus and by increasing pedestrian walk trips. Under the Revised Project therefore, the objectives of Alternative 2 have, in part, been met.

The Commission concurs with these findings in the EIR, and rejects this alternative as infeasible because it (i) would fail to avoid several significant and unavoidable impacts of the Project, (ii) fails to meet some of the Project Objectives to the same extent as the Project, and (iii) the Revised Project accomplished significant centralization of the Academy campus. For these reasons, each of which is independently sufficient, the Commission rejects Alternative 2 in favor of the Project.

### **3. Alternative 3: Reduced Growth Alternative**

Alternative 3 would reduce program-level growth by 50 percent in 12 study areas, resulting in a maximum growth of 110 beds/200 rooms, 335,000 sf of institutional use and 17,533 sf of community facility use in the 12 study areas, with the use and improvements at the project sites remaining the same as under the Proposed Project.

The 50 percent reduction in growth in Alternative 3 would also reduce the cumulative impacts on local transit in the Kearny/Stockton Corridor by a comparable 50 percent reduction of local transit trips. This reduction of local transit trips would result in reducing this impact from significant and avoidable to less-than-significant. Such reduction, however, would not extend to the cumulative transit impacts of the Geary Corridor, which would remain a significant and unavoidable impact. Alternative 4 would also not avoid any other significant impact identified for the Project, all of which would remain substantially similar.

The Reduced Growth Alternative would meet most of the Project objectives, including Objectives 1, 2, 4, 7, 8, 9, and 10. However, it would not meet any of the Project's primary objectives relating to occupying new buildings to provide flexibility in programming due to the reduce growth allowance.

The Commission concurs with these findings in the EIR and rejects this alternative as infeasible because it (1) would fail to avoid significant and unavoidable impacts of the Project, and (2) would fail to meet some of the Project Objectives to the same extent as the Project. For these reasons, each of which is independently sufficient, the Commission rejects Alternative 3 in favor of the Project.

### **4. Alternative 4: Reduced Institutional Growth Alternative**

Alternative 4 would reduce program-level institutional growth by 50 percent in 12 study areas, resulting in growth of 110,000 sf (400 beds/220 rooms) of residential use and 335,000 sf of institutional use, with the use and improvements at the project sites remaining the same as under the Proposed Project. This alternative would result in approximately 72 percent of the total growth (including half the institutional growth in the study areas, all the residential growth in the study areas, and all of the growth at the project sites) compared to the Proposed Project.

Under Alternative 4, the housing demand impact would be reduced because the Academy would provide the same number of residences as under the Proposed Project, but the reduced institutional use would reduce student, faculty, and staff housing demands. However, the reduced student, faculty, and staff

housing demands would not reduce the cumulative impacts related to housing demand to a less-than-significant level. Alternative 4 would also not avoid any other significant impact identified for the Project, all of which would remain substantially similar, although it would lessen the severity of the following impact, reducing a portion of it from significant and unavoidable to less than significant:

- Significant and unavoidable cumulative impacts on local transit in the Kearny/Stockton Corridor, but not in the Geary Corridor, would be reduced to less than significant due to the reduction in transit trips.

Alternative 4 would meet, or partially meet, most of the Project objectives, including Objectives 1, 2, 3, 4, 7, 8, 9, and 10. However, it would not meet any of the Project's primary objectives relating to occupying new buildings to provide flexibility in programming due to the reduce industrial growth allowance.

The Commission concurs with these findings in the EIR and rejects this alternative as infeasible because it (1) would fail to avoid significant and unavoidable impacts of the Project, and (2) would fail to meet some of the Project Objectives to the same extent as the Project. For these reasons, each of which is independently sufficient, the Commission rejects Alternative 4 in favor of the Project.

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

Pursuant to CEQA section 21081 and CEQA Guideline 15093, the Commission hereby finds, after consideration of the FEIR, Addendum, 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 the 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 in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings, as defined in Section I.

On the basis of the above findings and the substantial evidence in the whole record of this proceeding, the Commission specially finds that there are significant benefits 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 approval, all significant effects on the environment from implementation of the Project have been eliminated or substantially lessened where feasible. The Commission has determined that any remaining significant effects on the environment found to be unavoidable are acceptable due to the specific overriding economic, technical, legal, social and other considerations set forth below.

The Project will include the following benefits:

1. Resolve extended enforcement and related litigation concerning past noncompliance by the Academy with the Planning Code at its properties, including the provision of a Consent Judgment and Injunction to provide enforcement mechanisms for any future noncompliance;

2. Payment by the Academy of an anticipated \$37,600,000.00 in-lieu affordable housing benefit to the City as well as payment by the Academy of an estimated \$8.2 million into the City's Small Sites Program to assist low-moderate income tenants;
3. Preservation of historic properties in a manner generally consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties;
4. Addition of approximately 29 student housing beds to the City's housing stock helping the City to meet its housing demand;
5. Addition of 8 Single Room Occupancy hotel room units regulated under Chapter 41 of the San Francisco Administrative Code;
6. Commitment by the Academy that (i) by July 1, 2022, the Academy will house in San Francisco at least 36 percent of its full-time students taking up to one class online; (ii) by July 1, 2023, the Academy will house in San Francisco at least 38 percent of its full-time students taking no more than one class online; (iii) after July 1, 2023, the Academy will use good faith efforts to house in San Francisco at least 45 percent of its full-time students taking no more than one class online;
7. The legalization of, and compliance by the Academy with, the agreed upon Existing Sites Technical Memorandum conditions of approval correcting any previously unauthorized changes of use and/or alterations;
8. Development and implementation of a Shuttle Demand Management Plan intended to address the Academy meeting the peak hour transportation needs of Academy students and staff through its shuttle service such that unmet shuttle demand does not impact the city's transit and transportation system, submittal by the Academy of an annual report documenting actual travelled shuttle routes, ridership numbers, and received complaints, and implementation of a Transportation Demand Management Program that seeks to minimize the number of single-occupancy vehicle trips generated by the Project for the lifetime of the Project;
9. Development of a more consolidated and "clustered" Academy campus that will contribute to walking, bicycling and use of public transportation, and minimize the impacts and use of private automobiles due to the withdrawal of the Academy from nine existing Academy properties, resulting in a footprint that is the same size as that occupied by the Academy in 2007;
10. Implementation of all EIR mitigation measures, and improvement measures, in accordance with the approved Mitigation Monitoring and Reporting Program.

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



**EXHIBIT 2: MITIGATION MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	MONITORING AND REPORTING PROGRAM				
	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule

**MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR**

**CULTURAL AND PALEONTOLOGICAL RESOURCES**

<p><b>Mitigation Measure M-CP-2.1 – Project-Specific Preliminary Archaeological Assessment. [Applies to growth in the 12 study areas: Impacts C-4.1 and CP-4.3]</b> This archeological mitigation measure shall apply to any project involving any soils-disturbing or soils-improving activities including excavation, utilities installation, grading, soils remediation, compaction/chemical grouting to a depth of two feet below ground surface (bgs) or greater within the following study areas: SA-2, Lombard Street/Van Ness Avenue, SA-5, Mid Market Street; SA-6, Fourth Street/Howard Street; SA-7, Rincon Hill East; SA-8, Third Street/Bryant Street; SA-9, Second Street/Brannan Street; and SA-12, Ninth Street/Folsom Street; to a depth of four feet bgs or greater and located within properties within the remaining study areas (SA-1, Lombard Street/Divisadero Street; SA-3, Mid Van Ness Avenue; SA-4, Sutter Street/Mason Street; SA-10, Fifth Street/Brannan Street; and SA-11, Sixth Street/Folsom Street); or to the thresholds identified in the Area Plan EIR Archeological Mitigation Zones outlined in Table 4.5-2, Area Plan EIR Archeological Resources Mitigation Measures, p. 4.5-59, for projects covered by those Zones.</p>	<p>Project sponsor; Planning Department archeologist or qualified archeological consultant; Environmental Review Officer (ERO)</p>	<p>Prior to any soil disturbing activities</p>	<p>Project-specific Preliminary Archaeological Assessment</p>	<p>Project sponsor, archaeologist and Environmental Review Officer (ERO)</p>	<p>The project archeologist to consult with the ERO as indicated. Considered complete after review and approval of the Final Archeological Resources Report by the ERO.</p>
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Projects to which this mitigation measure applies shall be subject to Preliminary Archeology Review (PAR) by the San Francisco Planning Department archeologist, or a Preliminary Archeological Sensitivity Study (PASS) may be required in consultation with the San Francisco Planning Department archeologist. The PASS shall be prepared by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist. The PASS shall contain the following:

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<ul style="list-style-type: none"> <li>■ Determine the historical uses of the project site based on any previous archeological documentation and Sanborn maps.</li> <li>■ Determine types of archeological resources/properties that may have been located at the project site and whether the archeological resources/property types would potentially be eligible for listing on the California Register.</li> <li>■ Determine if 19<sup>th</sup>- or 20<sup>th</sup>-century soils-disturbing activities may have adversely affected the identified potential archeological resources.</li> <li>■ Assess potential project effects in relation to the depth of any identified potential archeological resource.</li> <li>■ Provide a conclusion that assesses whether any California Register-eligible archeological resources could be adversely affected by the Proposed Project and recommends appropriate further action.</li> </ul>					

Based on the PAR or PASS, the Environmental Review Officer (ERO) shall determine if an Archeological Research Design Treatment Plan (ARDTP) shall be required to more definitively identify the potential for California Register-eligible archeological resources to be present at the project site and determine the appropriate action necessary to reduce the potential effect of the project on archeological resources to a less-than-significant level. The scope of the ARDTP shall be determined in consultation with the ERO and consistent with the standards for archeological documentation established by the Office of Historic Preservation (OHP) for purposes of compliance with CEQA (OHP Preservation Planning Bulletin No. 5). If the PAR or PASS adequately identifies the potential for California Register-eligible archeological resources to be present at the project site, the ERO shall determine the appropriate action necessary to reduce the potential effect of

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>the project on archeological resources to a less-than-significant level. Actions may include an archeological testing program, archeological monitoring program, archeological data recovery program, accidental discovery measures/worker training, final reporting, curation, consultation with descendant communities, and interpretation undertaken in consultation with the Planning Department archeologist by an archeological consultant from the pool of qualified archeological consultants maintained by the Planning Department archeologist.</p> <p><b>TRANSPORTATION AND CIRCULATION</b></p> <p><b>Mitigation Measure M-TR-3.1 – Shuttle Demand, Service Monitoring, and Capacity Utilization Performance Standard. [Applies to growth in the 12 study areas and at the six project sites: Impacts TR-3.1, TR-3.2, TR-3.3, and C-TR-3]</b> AAU shall develop, implement, and provide to the City a shuttle management plan to address meeting the peak hour shuttle demand needs of its growth. The shuttle management plan shall address the monitoring, analysis, and potential correction such that unmet shuttle demand would not impact the City’s transit and transportation system. Analysis of shuttle bus demand and capacity utilization shall occur at least on an annual basis, or as needed to address shuttle demand. Specifically, analysis and adjustments shall be made on any AAU shuttle routes to reduce shuttle peak hour capacity utilization when the performance standard of 100 percent capacity utilization is regularly observed to be exceeded on any of the AAU shuttle routes.<sup>1</sup> Additionally, the shuttle management plan shall address how shuttle demand at the six project sites will be provided. As additional project sites are added the shuttle management plan would be adjusted to reflect up-to-date shuttle routes, stops and services, as well as a capacity</p>	Project sponsor	Submitted Annually	Development, submittal, and approval of shuttle management plan	ERO or designee; MTA	Annually
			Update shuttle management plan, as needed, to address capacity utilization performance standard and as additional project sites are added or prior		

<sup>1</sup> The 100 percent performance standard was derived from the local and regional transit operational performance standards. Since AAU’s vehicles and operations vary from transit service (e.g., not all shuttle buses allow for standing passengers), AAU may propose alternate performance standards that could equivalently meet this goal while addressing the specific design of their fleet.

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>utilization analysis, as needed to, indicate that the proposed demand for shuttle services could be met and avoid potential mode shifts to other travel modes. AAU shall report annually to the City on capacity utilization and alter its schedules and/or capacity, as necessary to avoid regular exceedances of the capacity utilization standard.</p>			to issuance of a building permit.		
<p><b>Mitigation Measure C-M-TR-2.1a – AAU Fair Share Contribution to Cumulative Transit Impact. [Applies to growth in the 12 study areas and at the six project sites: Impacts C-TR-2.1a, C-TR-2.2a, and C-TR-2.3a]</b> AAU shall be required to make a fair share contribution to mitigate the cumulative transit demand impact related to AAU growth in transit ridership on the Kearny/Stockton corridor of the Northeast screenline and on the Geary corridor of the Northwest screenline to SFMTA.</p>	Project sponsor	Prior to issuance of a building permit	Payment of fair-share transit fee to SFMTA	Project Sponsor, Ongoing ERO, and SFMTA	
<p>AAU’s fair share contribution shall be made in addition to the applicable Transportation Sustainability Fee (TSF) for Non-Residential, except Hospitals and Health Services, 800-99,999 GSF and Non-Residential, except Hospitals and Health Services, all GSF above 99,999 GSF and for Residential or any successor fee that supersedes this fee.</p>					
<p>AAU’s fair share contribution fee will be calculated by determining the discount for existing uses that would otherwise be permitted by Section 411A.4, or any successor fee ordinance. Rather than discount such amounts, the amount of such discount will be paid as a fair share contribution fee (“Fair Share Fee”). The Fair Share Fee will be calculated based on the total square footage of use in the EIR for each project site and for the proposed square footage of use when a project in one of the study areas is proposed. Payment of the Fair Share Fee is due prior to the issuance of a building permit for the project or portion of the project. The City shall account for the expenditure of funds to support additional transit in the affected corridors. The payment</p>					

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
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of the Fair Share Fee shall satisfy the AAU's fair share contribution obligations for all projects where the mitigation measure applies.

AAU may apply to the ERO to reduce, adjust, or modify this fee prior to a project approval based on substantial evidence supporting the absence of any reasonable relationship between the impact of the AAU use on cumulative transit demand and the amount of fee charged.

**NOISE**

**Mitigation Measure M-NO-2.1a – Interior Noise Levels for Residential Uses. [Applies to growth in the 12 study areas: Impacts NO-2.1a, NO-2.3, and C-NO-1]** For new development including conversion of non-noise-sensitive to noise-sensitive uses located along streets with noise levels above 60 dBA (L<sub>dn</sub>), where such development is not already subject to the California Noise Insulation Standards in California Code of Regulations Title 24, the project sponsor of future individual developments within the study areas shall conduct a detailed analysis of noise reduction requirements. Such analysis shall be conducted by person(s) qualified in acoustical analysis and/or engineering. Noise-insulation features identified and recommended by the analysis shall be included in the design, as specified in the *San Francisco General Plan* Land Use Compatibility Guidelines for Community Noise to reduce potential interior noise levels to the maximum extent feasible. Additional noise attenuation features may need to be incorporated into the building design where noise levels exceed 70 dBA (L<sub>dn</sub>) to ensure that acceptable interior noise levels can be achieved.

Project sponsor; qualified acoustical consultant	During project design	Detailed analysis of noise reduction requirements	Planning Department; Department of Building Inspection	Considered complete upon approval of building permit plans
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**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><b>Mitigation Measure M-NO-2.1b – Siting of Noise-Sensitive Uses. [Applies to growth in the 12 study areas: Impacts NO-2.1a, NO-2.3, and C-NO-1]</b> To reduce potential conflicts between existing noise-generating uses and new sensitive receptors, for new residential development and development that includes other noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like), the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-generating uses within 900 feet of, and that have a direct line-of-sight to, the project site, and including at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours) prior to the first project approval action. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met, and that there are no particular circumstances about the individual project site that appear to warrant heightened concern about noise levels in the vicinity. Should the Planning Department conclude that such concerns be present, the Planning Department may require the completion of a detailed noise assessment by person(s) qualified in acoustical analysis and/or engineering prior to the first project approval action, in order to demonstrate that acceptable interior noise levels consistent with those in the Title 24 standards can be attained.</p>	<p>Project sponsor; Planning Department; qualified acoustical consultant</p>	<p>Prior to issuance of a building permit</p>	<p>Analysis of site noise-generating uses</p>	<p>Project sponsor; Planning Department</p>	<p>Considered complete upon approval of building permit plans</p>

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><b>Mitigation Measure M-NO-2.1c – Siting of Noise-Generating Equipment. [Applies to growth in the 12 study areas: Impacts NO-2.1a, NO-2.3, and C-NO-1]</b> If AAU proposes, as part of a change of use new (as opposed to replacement) mechanical equipment or ventilation units that would be expected, to increase ambient to noise levels by 5 dBA or more, either short-term, at nighttime, or as 24-hour average, in the proposed Project site vicinity, the San Francisco Planning Department shall require the preparation of an analysis that includes, at a minimum, a site survey to identify potential noise-sensitive uses (primarily, residences, and also including schools and child care, religious, and convalescent facilities and the like) within 900 feet of, and that have a direct line-of-sight to, the project site, and at least one 24-hour noise measurement (with average and maximum noise level readings taken so as to be able to accurately describe maximum levels reached during nighttime hours), prior to the first project approval action. The analysis shall be conducted prior to issuance of a building permit. The analysis shall be prepared by persons qualified in acoustical analysis and/or engineering and shall demonstrate with reasonable certainty that the proposed equipment would not cause a conflict with the use compatibility requirements in the <i>San Francisco General Plan</i> and would not violate Noise Ordinance Section 2909. If necessary to meet these standards, the proposed equipment shall be replaced with quieter equipment, deleted entirely, or mitigated through implementation of site-specific noise reduction features or strategies.</p>	<p>Project sponsor; Planning Department; qualified acoustical consultant</p>	<p>Prior to issuance of a building permit</p>	<p>Analysis of site noise-generating uses</p>	<p>Project sponsor; Planning Department</p>	<p>Considered complete upon approval of building plans</p>

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<b>AIR QUALITY</b>					
<p><b>Mitigation Measure M-AQ-2.1 – Construction Emissions Minimization within an Air Pollutant Exposure Zone. [Applies to growth in the 12 study areas and at PS-1, P-S-3, and PS-4: Impacts AQ-2.1, AQ-2.2, and AQ-2.3]</b>This mitigation measure is applicable to renovation activities occurring within an Air Pollutant Exposure Zone and where off-road diesel powered equipment is required and would operate for more than 20 total hours over the duration of construction at any one site.</p>	Project sponsor/ contractor(s).	Prior to construction activities requiring the use of off-road equipment.	Submit certification statement.	Project sponsor / contractor(s) and the ERO.	Considered complete on submittal of certification statement.
<p>A. <i>Construction Emissions Minimization Plan.</i> Prior to issuance of a construction permit, the project sponsor shall submit a Construction Emissions Minimization Plan (Plan) to the Environmental Review Officer (ERO) for review and approval by an Environmental Planning Air Quality Specialist. The Plan shall detail project compliance with the following requirements:</p>	Project sponsor and contractor	Prior to issuance of a permit specified in Section 106A.3.2.6 of the Francisco Building Code.	Prepare and submit a Plan.	Project sponsor/ contractor(s) and the ERO.	Considered complete on findings by ERO that Plan is complete.
<p>1. All off-road equipment greater than 25 hp and operating for more than 20 total hours over the entire duration of construction activities shall meet the following requirements:</p> <p>a) Where access to alternative sources of power is available, portable diesel engines shall be prohibited.</p> <p>b) All off-road equipment shall have:</p> <p>i. Engines that meet or exceed either U.S. Environmental Protection Agency (USEPA) or California Air Resources Board (ARB) Tier 2 off-road emission standards, and</p> <p>ii. Engines that are retrofitted with an ARB Level 3 Verified Diesel Emissions Control</p>					



**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
<p style="text-align: center;">Strategy (VDECS).<sup>2</sup></p> <p>c) Exceptions:</p> <p>i. Exceptions to A(1)(a) may be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that an alternative source of power is limited or infeasible at the project site and that the requirements of this exception provision apply. Under this circumstance, the sponsor shall submit documentation of compliance with A(1)(b) for on-site power generation.</p> <p>ii. Exceptions to A(1)(b)(ii) <i>may</i> be granted if the project sponsor has submitted information providing evidence to the satisfaction of the ERO that a particular piece of off-road equipment with an ARB Level 3 VDECS is (1) technically not feasible, (2) would not produce desired emissions reductions due to expected operating modes, (3) installing the control device would create a safety hazard or impaired visibility for the operator, or (4) there is a compelling emergency need to use off-road equipment that are not retrofitted with an ARB Level 3 VDECS and the sponsor has submitted documentation to the ERO that the requirements of this exception provision apply. If granted an exception to A(1)(b)(ii), the project sponsor must comply with the requirements of</p>					

<sup>2</sup> Equipment with engines meeting Tier 4 Interim or Tier 4 Final emission standards automatically meet this requirement, therefore a VDECS would not be required.

**MONITORING AND REPORTING PROGRAM**

<b>Adopted Mitigation Measures</b>	<b>Responsibility for Implementation</b>	<b>Mitigation Schedule</b>	<b>Mitigation Action</b>	<b>Monitoring/Reporting Responsibility</b>	<b>Monitoring Schedule</b>
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A(1)(c)(iii).

- iii. If an exception is granted pursuant to A(1)(c)(ii), the project sponsor shall provide the next cleanest piece of off-road equipment as provided by the step down schedules in Table 4.8-13, Off-Road Equipment Compliance Step-Down Schedule.

**Table 4.8-13 Off-Road Equipment Compliance Step-Down Schedule**

<i>Compliance Alternative</i>	<i>Engine Emission Standard</i>	<i>Emissions Control</i>
1	Tier 2	ARB Level 2 VDECS
2	Tier 2	ARB Level 1 VDECS
3	Tier 2	Alternative Fuel*

**How to use the table:** If the requirements of (A)(1)(b) cannot be met, then the project sponsor would need to meet Compliance Alternative 1. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 1, then Compliance Alternative 2 would need to be met. Should the project sponsor not be able to supply off-road equipment meeting Compliance Alternative 2, then Compliance Alternative 3 would need to be met.

\* Alternative fuels are not a VDECS.

- 2. The project sponsor shall require the idling time for off-road and on-road equipment be limited to no more than two minutes, except as provided in exceptions to the applicable state regulations regarding idling for off-road and on-road equipment. Legible and visible signs shall be posted

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p>in multiple languages (English, Spanish, Chinese) in designated queuing areas and at the construction site to remind operators of the two minute idling limit.</p>					
<p>3. The project sponsor shall require that construction operators properly maintain and tune equipment in accordance with manufacturer specifications.</p>					
<p>4. The Plan shall include estimates of the construction timeline by phase with a description of each piece of off-road equipment required for every construction phase. Off-road equipment descriptions and information may include, but is not limited to: equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, engine serial number, and expected fuel usage and hours of operation. For VDECS installed: technology type, serial number, make, model, manufacturer, ARB verification number level, and installation date and hour meter reading on installation date. For off-road equipment using alternative fuels, reporting shall indicate the type of alternative fuel being used.</p>					
<p>5. The Plan shall be kept on-site and available for review by any persons requesting it and a legible sign shall be posted at the perimeter of the construction site indicating to the public the basic requirements of the Plan and a way to request a copy of the Plan. The project sponsor shall provide copies of Plan to members of the public as requested.</p>					
<p>B. <i>Reporting.</i> Monthly reports shall be submitted to the ERO indicating the construction phase and off-road equipment information used during each phase including the information required in A(4). In addition, for off-road</p>	<p>Project sponsor/ contractor(s).</p>	<p>Monthly</p>	<p>Submit monthly reports.</p>	<p>Project sponsor/ contractor(s) and the ERO.</p>	<p>Considered complete on findings by ERO that Plan is being/was</p>

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.					implemented.
<p>Within six months of the completion of construction activities, the project sponsor shall submit to the ERO a final report summarizing construction activities. The final report shall indicate the start and end dates and duration of each construction phase. For each phase, the report shall include detailed information required in A(4). In addition, for off-road equipment using alternative fuels, reporting shall include the actual amount of alternative fuel used.</p> <p>C. <i>Certification Statement and On-Site Requirements.</i> Prior to the commencement of construction activities, the project sponsor must certify (1) compliance with the Plan and (2) all applicable requirements of the Plan have been incorporated into contract specifications.</p>					
<p><b>Mitigation Measure M-AQ-3.3 – Maximum Daily Construction Activities.</b> [Applies to growth in the 12 study areas and at the six project sites: Impacts AQ-3.3 and C-AQ-2] Construction activities shall be limited to the renovation (including architectural coating) of a maximum of 100,000 square feet of building space at a time.</p>	Project Sponsor and contractor	Ongoing during construction	Maximum daily construction activities	Project Sponsor; Contractor; Planning Department; and the ERO	Considered complete after construction activities have ended
<p><b>Mitigation Measure M-AQ-4.1a – Best Available Control Technology for Diesel Generators.</b> [Applies to growth in the 12 study areas: Impacts AQ-4.1 and AQ-4.3] All new (i.e., not replacement) diesel generators shall have engines that (1) meet Tier 4 Final or Tier 4 Interim emission standards, or (2) meet Tier 2 emission standards and are equipped with a California Air Resources Board (ARB) Level 3 Verified Diesel Emissions Control Strategy (VDECS).</p>	Project Sponsor and contractor	Prior to issuance of permit for backup diesel generator from City agency.	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation 2, Rules 2 and 5.	Project sponsor and the ERO.	Considered complete approval of plans detailing compliance.

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
<p><b>Mitigation Measure M-AQ-4.1b – Best Available Control Technology for Boilers.</b> . [Applies to growth in the 12 study areas: Impacts AQ-4.1 and AQ-4.3] All new (i.e., not replacement) boilers shall be natural gas operated. If infeasible, all boilers shall be equipped with Best Available Control Technologies, such as fuel gas filters, or baghouse or electrostatic precipitators. BACTs shall be approved by BAAQMD through the permitting process.</p>	Project sponsor and contractor	Prior to issuance of permit for boiler from City agency	Submittal of plans detailing compliance and documentation of compliance with BAAQMD Regulation	Project sponsor and the ERO.	Considered complete approval of plans detailing compliance.
<p><b>Mitigation Measure M-AQ-4.1c – Air Filtration Measures within an Air Pollutant Exposure Zone.</b> [Applies to growth in the 12 study areas: Impacts AQ-4.1 and AQ-4.3] <i>Air Filtration and Ventilation Requirements for Sensitive Land Uses.</i> Prior to receipt of a building permit for a change of use to a sensitive land use, the project sponsor shall submit an enhanced ventilation plan for the proposed building(s). The enhanced ventilation plan shall be prepared and signed by, or under the supervision of, a licensed mechanical engineer or other individual authorized by the California Business And Professions Code Sections 6700-6799. The enhanced ventilation plan shall show that the building ventilation system will be capable of achieving protection from particulate matter (PM<sub>2.5</sub>) equivalent to that associated with a Minimum Efficiency Reporting Value (MERV) 13 filtration, as defined by American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) standard 52.2. The enhanced ventilation plan shall explain in detail how the project will meets the MERV-13 performance standard identified in this measure.</p> <p><i>Maintenance Plan.</i> Prior to receipt of a building permit for a change of use to a sensitive land use, the project sponsor shall present a plan that ensures ongoing maintenance for the ventilation and filtration systems.</p> <p><i>Disclosure to Renters.</i> The project sponsor shall also ensure the disclosure to buyers (and renters) that the building is located in an area with existing sources of air pollution and as such, the</p>	Project sponsor and contractor	Prior to receipt of a building permit	Enhanced Ventilation Plan; Maintenance Plan; disclosure to buyers and renters	Project sponsor and the ERO.	Ongoing during operation

**MONITORING AND REPORTING PROGRAM**

Adopted Mitigation Measures	Responsibility for Implementation	Mitigation Schedule	Mitigation Action	Monitoring/Reporting Responsibility	Monitoring Schedule
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building includes an air filtration and ventilation system designed to remove 80 percent of outdoor particulate matter and shall inform occupants of the proper use of the installed air filtration system.

**HAZARDS AND HAZARDOUS MATERIALS**

**Mitigation Measure M-HZ-2.1 – Testing and Removal of Hazardous Building Materials. [Applies to growth in the 12 study areas and at PS-1, PS-2, PS-3, PS-4, and PS-6: Impacts HZ-2.1, HZ-2.2, HZ-2.3, and C-HZ-1]** AAU shall ensure that for any existing building where tenant improvements are planned, the building is surveyed for hazardous building materials including PCB-containing electrical equipment, fluorescent light ballasts containing PCBs or DEHP, and fluorescent light tubes containing mercury vapors. The results of testing shall be provided to DBI. The materials not meeting regulatory standards shall be removed and properly disposed of prior to the start of tenant improvements for buildings in the study areas. Old light ballasts that are removed during renovation shall be evaluated for the presence of PCBs. In the case where the presence of PCBs in the light ballast cannot be verified, the light ballast shall be assumed to contain PCBs and handled and disposed of as such, according to applicable laws and regulations. Any other hazardous building materials identified either before or during demolition or renovation shall be abated according to federal, state, and local laws and regulations.

Project sponsor and contractor	Prior to building improvements	Ensure hazardous materials are properly disposed	Project sponsor; contractor; Department of Building Inspection (DBI)	Considered complete when equipment containing PCBs or DEHP or other hazardous materials are properly disposed
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