SAN FRANCISCO
PLANNING DEPARTMENT

MEMO

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

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Notice of Electronic Transmittal

Response to Appeal Letter

DATE: August 28, 2017
TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Diane Livia, Environmental Planner
Planning Department (415) 575-8758
RE: One Oak, 1500-1540 Market Street
Planning Case No. 2009.0159E

In compliance with San Francisco's Administrative Code Section 8.12.5 "Electronic Distribution of Multi-Page Documents," the Planning Department has submitted a multi-page Response to Appeal Letter for the One Oak, 1500-1540 Market Street project in digital format. One hard copy has been submitted to the Clerk of the Board for the file of the Clerk. Additional hard copies may be requested by contacting Diane Livia of the Planning Department at 415-575-8758.

The San Francisco Board of Supervisors will have before it for its consideration the appeal of the Planning Commission's certification of the EIR for this project.

cc: AnMarie Rodgers

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Appeal of EIR Certification
One Oak Street (1500–1540 Market Street) Project

DATE:	**August 28, 2017**
TO:	**Angela Calvillo, Clerk of the Board of Supervisors**
FROM:	**Lisa Gibson, Environmental Review Officer – (415) 575-9034** **Diane Livia, Environmental Planner – (415) 575-8758** **Rick Cooper, Senior Planner – (415) 575-9027**
RE:	**File No. 170812, Planning Department Case No. 2009.0159E, Appeal of the Environmental Impact Report Certification for the One Oak Street (1500–1540 Market St.) Project, Block 836, Lots: 001,002, 003, 004, and 005**
PROJECT SPONSOR:	**One Oak Owner, LLC**
APPELLANT:	**Jason Henderson**
HEARING DATE:	**September 5, 2017**
ATTACHMENTS:	**Letter, BMT Fluid Dynamics, May 31, 2017**

INTRODUCTION

This memorandum and the attached documents are a response to the letter of appeal to the Board of Supervisors ("the Board") regarding the issuance of a Final Environmental Impact Report ("Final EIR") under the California Environmental Quality Act ("CEQA Determination") for the One Oak (1500–1540 Market Street) Project ("the proposed project"). The Final EIR was certified by the Planning Commission ("the Commission") on June 15, 2017. The appeal to the Board was filed on July 17, 2017 by Sue Hestor on behalf of Appellant Jason Henderson.

Appellant's two-page appeal letter incorporates by reference and attaches two letters sent to the Planning Department from Appellant, in his capacity as Chair of the Hayes Valley Neighborhood Association Transportation and Planning Committee, as evidence in support of the appeal: a January 4, 2017 letter submitted to the department during the Draft EIR public comment period, and a May 26, 2017 letter submitted to the Planning Commission in advance of their June 15, 2017 hearing on Final EIR certification and project approvals. Note, however, that Appellant does not purport to represent the Hayes Valley Neighborhood Association in the current appeal.

The Final EIR, which consists of the Draft Environmental Impact Report ("Draft EIR") and the Response to Comments ("RTC") document, was provided to the Clerk of the Board on June 1, 2017.

The decision before the Board is whether to uphold the certification of the Final EIR by the Commission and deny the appeal, or to overturn the Commission's decision to certify the Final EIR and return the project to the department for additional environmental review.

For the reasons set forth in this Appeal Response, the department believes that the Final EIR complies with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and provides an adequate, accurate, and objective analysis of the potential environmental impacts of the proposed project. Therefore, the department respectfully recommends that the Board uphold the Planning Commission's certification of the Final EIR.

SITE DESCRIPTION

The project site is located at 1500-1540 Market Street at the northwest corner of the intersection of Market Street, Oak Street, and Van Ness Avenue in the southwestern portion of San Francisco's Downtown/Civic Center neighborhood. The project site is entirely within the following zoning districts: the C-3-G (Downtown Commercial, General) District, with an overlay of the Market Street Special Sign District (Planning Code Section 608.8), and the Van Ness and Market Downtown Residential Special Use District (SUD) (Planning Code Section 249.33). Most of the project site is within the 120/400 R 2 Height and Bulk District that establishes a 120-foot-tall limit for the height of the building's podium base, and a 400-foot-tall height limit that could accommodate a tower. The westernmost portion of the project site is within the 120-R-2 Height and Bulk District. The project site is also within the Market and Octavia Area Plan area. The project site collectively includes both a "building site" component and a "right-of-way improvement area" component within surrounding public rights-of-way.

The project building site is made up of five contiguous, privately owned lots within Assessor's Block 836 (Lots 1, 2, 3, 4, and 5), an 18,219-square-foot ("sq. ft.") trapezoid, bounded by Oak Street to the north, Van Ness Avenue to the east, Market Street to the south, and the interior property line shared with the neighboring property to the west (1546-1564 Market Street). The easternmost portion of the building site, 1500 Market Street (Lot 1), is occupied by an existing three-story, 2,750-sq.-ft. commercial building, built in 1980. This building is partially occupied by a convenience retail use (All Star Café) on the ground floor and offices on the upper floors. The building also contains an elevator entrance to the Muni Van Ness station that opens onto Van Ness Avenue. Immediately west of the 1500 Market Street building is an existing valet-operated surface parking lot accommodating 47 vehicles (on Lots 2, 3, and 4). The parking lot is fenced along its Market Street and Oak Street frontages and is entered from Oak Street. The westernmost portion of the building site at 1540 Market Street (Lot 5) is occupied by a four-story, 48,225-sq.-ft. commercial office building, built in 1920.

In addition to the building site, the project site also includes surrounding areas within the adjacent public rights-of-way (collectively, the "right-of-way improvement area") in which streetscape improvements would be constructed as part of the proposed project, including a segment of the Oak Street right-of-way (including roadway and sidewalks) along the Oak Street frontages of Lots 1-5. The project site's right-of-way improvement area also includes the sidewalk areas along the Van Ness Avenue and Market Street

frontages of the building site component of the project site. Adjacent to the project site to the east, the existing Van Ness Avenue sidewalk is about 15 feet wide. The existing Market Street sidewalk is about 25 feet wide and narrows to 15 feet at the western end of the project site. The escalator and stairway entrance to the Van Ness Muni Metro station occupies a portion of the Market Street sidewalk, narrowing the walkway to 9 feet. The sidewalk along Market Street is paved in characteristic red brick and includes three of the 327 historic "Path of Gold" light standards that line Market Street (1-2470 Market Street, San Francisco Landmark #200).

PROJECT DESCRIPTION

The proposed One Oak Street Project consists of the demolition of existing buildings within the project site, removal of a parking lot on the project site at 1500-1540 Market Street and construction of a new 310-unit, 40-story residential tower (400 feet tall, plus a 20 foot-tall parapet) with ground-floor commercial space and one off-street loading space. The proposed project would also include a subsurface parking garage for residents (155 spaces were studied in the Draft EIR, but the project sponsor has reduced the amount of parking to 136 spaces as currently proposed). Bicycle parking for residents would be provided on a second-floor mezzanine; for visitors, parking would be provided in bicycle racks on adjacent sidewalks. The proposed project would also include construction of a public plaza within the Oak Street right-of-way, construction of several wind canopies within the proposed plaza and construction of one wind canopy within the sidewalk at the northeast corner of Market Street and Polk Street to reduce pedestrian-level winds.

The EIR also studies a variant to the proposed project, an optional scheme that was available to the project sponsor or decision maker for later selection and approval. The variant would not relocate the Muni elevator offsite, and would not include a contraflow fire lane along Franklin Street, as described in the EIR. Since publication of the Draft EIR, the project sponsor has indicated that it selected this variant as the preferred project. Additionally, in its selection of the variant as the preferred project, the project sponsor provided updated details and design refinements for Oak Plaza, in conformity with the *Better Streets Plan* and in response to input from the Department of Public Works as described in the RTC document, pp. 2.1-2.7. The Planning Commission approved this variant, as modified and updated in the RTC document.

Subsequent to certification of the final EIR, the project sponsor proposed a revision to the project. The project revision consists of shifting the tower location 3'-3" northeast, along the diagonal Market Street property line axis. The revision shifts the tower 2'-1" to the north, and 2'-6" to the east. This modification eliminates the need for the General Plan Amendment and Zoning Map Amendment. The tower shift would not change the ground floor footprint, thereby retaining the pedestrian areas in the plaza. The shift would increase the size of the floorplates at the podium on levels 4 through 12 (9 floors) by 245 gross square feet each (total of 2,205 gross sq. ft.). As noted below on page 5 under "Environmental Review Process," the department will prepare an addendum to the EIR to document that the project revisions do not trigger the need to recirculate the EIR.

ENVIRONMENTAL REVIEW PROCESS

On February 26, 2009, a previous project sponsor submitted an Environmental Evaluation Application to the department for the project site, and subsequently revised its Environmental Evaluation Application

on August 27, 2012. The project (a 37-story, 435-foot-tall, 258-unit residential tower with ground-floor retail and 69 parking spaces in two basement levels) would have occupied Lots 2, 3, 4, and 5 but would not have included the easternmost lot on the block (Lot 1) within the project site. The department published a Notice of Preparation for the previous iteration of the project on October 10, 2012. That proposal did not advance and the project was subsequently revised, as described below.

The current project sponsor, One Oak Owner, LLC, submitted updated information to the department for the currently proposed project under the same department case number as that assigned to the previous iteration of the project (Case No. 2009.0159E). To distinguish between the two iterations, a Notice of Preparation was published for the current proposal, which incorporated information from the prior NOP for the site, and described the revisions to the project.

The department prepared an Initial Study and published a Notice of Preparation of an EIR on June 17, 2015, announcing its intent to prepare and distribute a focused EIR. The NOP/IS found that the following environmental effects of the project, as fully analyzed in the NOP/IS, would be less than significant or less than significant with mitigation: Land Use and Land Use Planning; Population and Housing; Cultural and Paleontological Resources; Noise; Air Quality; Greenhouse Gas Emissions; Recreation; Utilities and Service Systems; Public Services; Biological Resources; Geology and Soils; Hydrology and Water Quality; Hazards and Hazardous Materials; Mineral and Energy Resources; and Agricultural and Forest Resources.

The NOP/IS determined that the proposed project could result in potentially significant environmental impacts, and that an analysis of the following environmental topics is required in an EIR: Transportation and Circulation; Wind; and Shadow.

Publication of the NOP/IS initiated a 30-day public review and comment period that ended on July 17, 2015. During the public review and comment period, the department received two comment letters from interested parties pertaining to the topics of traffic, aesthetics, urban design, wind, and shadow. The department considered the comments made by commenters in preparation of the Draft EIR for the proposed project.

On November 16, 2016, the department published a Draft EIR for the proposed project that included an analysis of the following environmental topics: Transportation and Circulation; Wind; and Shadow. The Draft EIR also included the topic of Land Use and Land Use Planning for informational purposes, although the NOP/IS determined that Land Use impacts would be less than significant.

On January 5, 2017, the Planning Commission held a duly noticed public hearing on the Draft EIR. The 56-day period for acceptance of written comments ended on January 10, 2017. The department then prepared a RTC document, published on June 1, 2017, to address environmental issues raised by written and oral comments received during the public comment period and at the public hearing for the Draft EIR. The RTC contained additional analysis and reports that verified, expanded upon, and clarified the Draft EIR contents, but did not change any of the Draft EIR's conclusions regarding the environmental impacts of the proposed project. The RTC included revisions to the text of the Draft EIR based on changes and clarifications to the proposed project initiated by the project sponsor, some in response to public comment, and corrected nonsubstantive errors in the Draft EIR.

The Final EIR consists of the Draft EIR together with the RTC document. On June 15, 2017, at a duly noticed public hearing, the San Francisco Planning Commission certified the Final EIR. This was based on the determination that the contents of the Final EIR and the procedures through which it was prepared, publicized, and reviewed complied with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. The Planning Commission found the Final EIR to be adequate, accurate and objective, that it reflects the independent analysis and judgment of the City, and that the RTC document contains no significant revisions to the Draft EIR. Planning Commission Motion No. 19938 (**Attachment B**) certified the Final EIR for the proposed project in compliance with CEQA, the CEQA Guidelines, and Chapter 31.

The department has reviewed the recent proposed revision to the project and will prepare an addendum to the EIR to document that the revised project does not result in new or substantially more severe significant environmental impacts as compared to those identified in the EIR. The department will provide the addendum in a supplemental appeal response to the Board prior to the EIR appeal hearing.

STANDARDS OF ADEQUACY FOR CERTIFICATION OF AN EIR

Under San Francisco Administrative Code Section 31.16(c)(3), the grounds for appeal of an EIR are limited to whether the EIR complies with CEQA, including whether "it is adequate, accurate and objective, sufficient as an informational document, correct in its conclusions, and reflects the independent judgment and analysis of the City and whether the Planning Commission certification findings are correct." The Commission's adoption of CEQA Findings (including associated mitigation measures) and a Statement of Overriding Considerations (e.g., rejecting alternatives on the basis of their financial infeasibility and inability to meet project objectives and the finding of overriding benefits of the project) is part of the Section 309 Authorization approval and Conditional Use Authorization approval of the project by the Planning Commission, and is therefore not within the scope of what is appealable to the Board of Supervisors as set forth in Administrative Code Section 31.16(c)(3). Rather, an appeal of a Section 309 Authorization approval and its associated CEQA Findings must be made to the Board of Appeals, while an appeal of the Conditional Use Authorization and the associated CEQA Findings can be made to the Board under certain circumstances. However, no such appeals were filed and all that is pending before the Board is the adequacy of the EIR as stated above.

The standards for adequacy of an EIR are set forth in CEQA Guidelines Section 15151, which states:

> "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection, but for adequacy, completeness, and a good faith effort at full disclosure."

San Francisco Administrative Code Section 31.16(b)(6) provides that in reviewing an appeal of a CEQA decision, the Board of Supervisors "shall conduct its own independent review of whether the CEQA decision adequately complies with the requirements of CEQA. The Board shall consider anew all facts,

evidence and issues related to the adequacy, accuracy and objectiveness of the CEQA decision, including, but not limited to, the sufficiency of the CEQA decision and the correctness of its conclusions."

CONCERNS RAISED AND PLANNING DEPARTMENT RESPONSES:

The two-page July 17, 2017 appeal letter contains five general concerns as the basis for the appeal of the EIR certification for the proposed project. As noted under Introduction above, the appeal letter incorporated and attached two letters to the Planning Commission from the Hayes Valley Neighborhood Association, both signed by Appellant as Chair of the Transportation and Planning Committee of that Association, as well as a resolution by the Market & Octavia Advisory Committee regarding parking.

The five general concerns expressed in Appellant's letter are listed below in the order in which they appear in the appeal letter and a corresponding response is provided below each concern.

The attached Hayes Valley Neighborhood Association letters to the Planning Commission do not raise any new environmental issues that were not already addressed either in the Draft EIR or in the Responses to Comments document. The letter dated January 4, 2017 is comments on the Draft EIR for the One Oak Street project, submitted prior to the Planning Commission's January 5 public hearing on the Draft EIR. This letter is fully responded to in Section 4, Comments and Responses, of the RTC document. The letter dated May 26, 2017 is addressed to the President and Vice President of the Planning Commission, in advance of the Commission's public hearing on the One Oak Street project on June 15. The one physical environmental issue raised in this letter – wind impacts on cyclists – is addressed in the RTC document in Response WI-2 on pp. 4.64-4.67. The other issues are related to the merits of the project.

Concern 1: Appellant asserts that the EIR is inadequate because it does not analyze an alternative with on-site inclusionary housing.

Response 1: An alternative that provides on-site inclusionary housing is not required under CEQA. There is no substantial evidence in the record that an economic or social effect would result in effects to the physical environment.

CEQA requires that "An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the *significant* effects of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines, Section 15126.6 (a), *emphasis added*)

Whether residential units of the project are market-rate or Below Market Rate (BMR) is not germane to the significance of physical environmental impacts under CEQA. Rather, the issue of inclusionary housing is a social and economic consideration. Section 15131(a) of the CEQA Guidelines states that "[e]conomic or social effects of a project shall not be treated as significant effects on the environment" unless those effects are part of a chain of cause and effect between the project and a physical change. Evidence of social or economic impacts (e.g., rising property values, increasing rents, changing neighborhood demographics, etc.) that do not contribute to, or are not caused by, physical impacts on the environment are not substantial evidence of a significant effect on the environment. CEQA prohibits the finding of significant impacts that are not based on substantial evidence of a proposed project's adverse physical changes to the environment. The social and economic concerns related to affordable housing,

neighborhood gentrification and tenant displacement are being addressed through the City's rent control, planning and policy development processes. As analyzed in the EIR in the Notice of Preparation/Initial Study (EIR Appendix A, pp. 51-56) and on RTC pp. 4.77-4.81, there is no evidence that the proposed project would result in potential social and economic effects that would indirectly result in significant effects to the physical environment and are therefore beyond the scope of this EIR.

The presence or absence of affordable units in the proposed project does not result in any significant physical impacts or change the significance of impacts identified in the EIR (including vehicle miles traveled ("VMT") and other transportation impacts). Because alternatives are intended to avoid or substantially lessen a significant effect of the project, and because choosing to pay an in-lieu fee instead of constructing affordable units would not result in a significant physical environmental effect, presenting an alternative with on-site inclusionary housing in the EIR instead of paying the fee would not fulfill the requirements of alternatives in an EIR. Therefore, no such alternative is required.

As noted on EIR p. 2.12 and RTC p. 4.80, the project sponsors would be required to pay an in-lieu fee to meet its affordable housing requirements under the City's Inclusionary Affordable Housing Program. The Mayor's Office of Housing, ("MOHCD"), has indicated that, subject to the satisfaction of certain conditions, it intends to direct in-lieu fees from the proposed project to develop 72 BMR units on former Central Freeway Parcels R, S and U, within 0.3 mile of the project site**.** Residential development projects on these Central Freeway Parcel sites were considered reasonably foreseeable projects for purposes of analysis of cumulative impacts in the EIR (EIR pp. 4.A.6-4.A.7). However, these future residential projects are separate from and independent of the proposed project and would be subject to their own independent review of environmental impacts under CEQA. The socioeconomic status of residents of these future projects would be immaterial to the future analysis of physical environmental consequences of those projects under CEQA.

In recent discussions between the project Sponsor and the MOHCD, the project sponsor has proposed to fund up to an additional 30 BMR units (up to 102 units in total, including 30 units for transitional aged youth) on Parcels R, S and U using additional directed fees from the one Oak's affordable housing obligations under the Market-Octavia and Van Ness & Market SUD, as well as a Child Care Center and a Community Center to be partially funded by One Oak's Infrastructure Fees allocated for such uses.

In addition to complying with the Inclusionary Affordable Housing Program, the project would be subject to the Market-Octavia Affordable Housing Fees and Van Ness & Market SUD Affordable Housing Fees.

There is no substantial evidence in the record of any significant adverse physical environmental change that would result from the project sponsor's election to satisfy its requirement under Planning Code Section 415 and other Planning Code affordable housing requirements by paying an in lieu fee rather than providing the required BMR units on-site, and Appellants present none in their appeal. In the absence of any such significant effect, no alternative that provides on-site BMR units is required.

Concern 2: Appellant asserts that the EIR inadequately analyzed transportation impacts, particularly regarding its analysis of vehicle miles traveled impacts.

Response 2: The EIR fully addressed transportation impacts, including VMT. The department's approach in assessing VMT impacts in CEQA documents is consistent with adopted Planning Commission policy and the methodology uses state-of-the art activity based modeling.

As indicated on EIR p. 4.C.26, California Senate Bill 743 requires the California Office of Planning and Research (OPR) to establish criteria for determining the significance of transportation impacts that shall promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. The bill further calls for OPR, in developing the criteria, to recommend potential metrics to measure transportation impacts, including VMT. VMT is a measure of the amount and distance that a project causes potential residents, tenants, employees, and visitors to drive, including the number of passengers within a vehicle. In January 2016, OPR published for public review and comment a *Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*[1] (proposed transportation impact guidelines) recommending that lead agencies measure transportation impacts for projects using a VMT metric. OPR's proposed transportation impact analysis guidelines provide substantial evidence for the use of the VMT metric and setting VMT thresholds of significance. For land use projects, OPR recommended using a VMT efficiency (e.g., per capita) threshold set at 15 percent below the existing regional average, as this threshold is "both reasonably ambitious and generally achievable."

The San Francisco Planning Commission adopted VMT as a significance criterion via Resolution 19579 on March 3, 2016.[2] Resolution 19579 incorporated by reference OPR's proposed and forthcoming required changes to the CEQA Guidelines. The EIR (pp. 4.C.26 and 4.C.34-4.C.36) discusses the resolution in more detail. Attachment F of the March 3, 2016 Planning Commission staff report supporting this resolution provides the department's methodology, analysis, and recommendations for the VMT analysis.

Appellant states that the use of a VMT threshold of significance set at 15 percent below regional average is inadequate and instead the department should use a much lower VMT threshold of significance, including the possibility of zero VMT. Appellant states that a much lower VMT threshold of significance is needed at the One Oak project site because of its proximity to an already congested street and subway network of people traveling by various modes (e.g., walking, bicycling, transit). Appellant also states that the regional threshold of significance does not adequately capture the VMT impacts on those various modes of travel. Appellant is incorrect regarding the first point and is misunderstanding the approach the department uses to analyze localized impacts.

The thresholds of significance that the department uses for VMT analysis meet the criteria of Senate Bill 743: they demonstrate whether a development is in a transportation-efficient location within the region, with safe and adequate access to a multi-modal transportation system and key destinations, and whether the development will help the city, region, and state reach their greenhouse gas reduction targets. By stating that automobile capacity is already constrained near the site and that the VMT threshold should be zero, Appellant is essentially arguing for an automobile capacity metric (e.g., vehicular level of service

[1] This document is available online at: https://www.opr.ca.gov/s_sb743.php.

[2] San Francisco Planning Department, Executive Summary, Resolution Modifying Transportation Impact Analysis, Hearing date: March 3, 2016.

[LOS]), the former metric that the City used and subsequently abandoned in favor of the VMT metric after passage of SB 743 and Planning Commission Resolution 19579.

As documented in the March 3, 2016 Planning Commission staff report, vehicular LOS criteria encourage harmful sprawl development. Sprawl development adds a substantial amount of vehicles and greater distances of vehicle travel onto the overall regional transportation system, but has little to no vehicular LOS impacts. Conversely, infill development, such as the One Oak project, adds a substantially lower amount of vehicles and shorter distance of vehicular travel onto the overall regional transportation system than sprawl development, but could have numerous vehicular LOS impacts. This was one among many reasons that the Planning Commission removed automobile delay as a significance criterion in CEQA through Planning Commission Resolution 19579, and full implementation of Senate Bill 743 will require all jurisdictions to do the same. If the department were to adopt a zero VMT threshold, it may indirectly discourage development occurring in precisely the locations Senate Bill 743 is encouraging. This is because all developments, regardless of the amount of on-site vehicular parking provided, would still generate some VMT. Although there currently is not sufficient data available to accurately quantify the relationship between parking and VMT, the department acknowledges that providing no on-site vehicular parking may result in less VMT than providing on-site vehicular parking. However, even in such a case, some limited number of people in the development may still park off-site, rent cars occasionally, etc. Given this, all developments in San Francisco would require an EIR because the threshold is unachievable. In addition, as the RTC notes on p. 4.17, the threshold the department uses is set at a level that acknowledges that a development site cannot feasibly result in zero VMT per capita without substantial changes in variables that are largely outside the control of a developer (e.g., large-scale transportation infrastructure changes, social and economic movements, etc.).

Furthermore, the EIR did assess the localized impacts on various ways of travel. The EIR presents impacts of the proposed project on transit in Impact TR-2, pp. 4.C.45-4.C-51, on pedestrians in Impact TR-3, pp. 4.C.51-4.C.54, and on bicyclists in Impact TR-5, pp. 4.C.54-4.C-55. The EIR includes an assessment of the impact of project-generated vehicle trips on the adjacent sidewalk and roadway network, as well as the impact of project's transportation features, to assess the interaction between vehicles entering and exiting the site and pedestrians, bicyclists and transit operations. Project-generated vehicles would not result in conflicts or vehicle delays that would substantially affect the operations of the adjacent and nearby Muni routes and bicycle facilities, and garage and loading operations would not substantially constrain pedestrians on the adjacent sidewalk or within the shared street. The impacts of the proposed project on transit, pedestrians and bicyclists were determined to be less than significant. Therefore, if the number of parking spaces were reduced, it would not materially affect the impact conclusions in the EIR.

Appellant also states that the EIR needs to benchmark VMT for this site in order to assess the effectiveness of transportation demand management ("TDM") measures from the project. The EIR did benchmark VMT for the site and Appellant is incorrect regarding the need to quantitatively assess the TDM measures.

As explained on EIR pp. 4.C.34-4.C.35 and RTC pp. 4.17-4.18, the Department relies on San Francisco Chained Activity Model Process ("SF-CHAMP") model runs prepared by the San Francisco County Transportation Authority to estimate VMT within different geographic locations (i.e., Traffic Analysis Zones, or "TAZ"s) throughout San Francisco. One rationale for using the SF-CHAMP maps to screen out

projects, instead of a project-by-project detailed VMT analysis, is because most developments are not of a large enough scale and/or contain unique land uses to substantially alter the VMT estimates from SF-CHAMP. As described on EIR p. 4.C.9, the existing average daily VMT per capita for the SF-CHAMP Traffic Analysis Zone in which the project site is located is 3.5, which is less than the citywide average (7.9) and regional average (17.2) for the nine-county San Francisco Bay Area.

Implementation of a TDM Plan was included in the EIR as an improvement measure (Improvement Measure I-TR-A: Travel Demand Management Plan), and not as a mitigation measure, because no significant project-related operational transportation impacts were identified and therefore mitigation measures were not necessary. Therefore, assessment of the impact and effectiveness of TDM measures is not required. Improvement Measure I-TR-A: TDM Plan, EIR pp. 4.C.44-4.C.45, outlines the types of measures that could be included in the TDM Plan. The measure follows the outline of the City's TDM Ordinance, which, at the time of publication of the *One Oak Street Project Draft EIR*, was recommended for approval by the Planning Commission and was being forwarded for legislative action to the Board of Supervisors. On February 7, 2017, the Board of Supervisors approved legislation for the TDM Ordinance, and the proposed project will be subject to its requirements. Because the Draft EIR for the project was published in November 2016 prior to approval of the TDM Ordinance, Improvement Measure I-TR-A did not include details about the plan. Instead, the improvement measure stated on EIR p. 4.C.44 that if the Planning Code amendments are legislated by the Board of Supervisors, the proposed project would be subject to the requirements of the TDM program as set forth in the ordinance. The TDM Ordinance is now law, and thus the proposed project is required to conform to the adopted requirements. As described in the department's *Standards for the Travel Demand Management Program*[3] (updated February 2017), the measures included in the City's TDM Program are intended to reduce VMT from new development.

Appellant also states that the department is using outdated data for the transportation analysis (i.e., the year 1990). Appellant is incorrect. The department is currently using the best available information to assess the transportation effects from a development in CEQA documents.

The EIR did not use 1990 data to estimate VMT per capita. As explained above, the department relies on SF-CHAMP model runs. The SF-CHAMP model is currently validated to the California Household Travel Survey 2010-2012 for determining travel mode and origin-destination of residents in San Francisco and the Bay Area. This survey is the most currently available household survey for the San Francisco Bay Area, and therefore reflects any changes in employment patterns due to growth in employment in both San Francisco and the region. The SF-CHAMP model is updated periodically as new data becomes available.

The EIR used 1990 census data for one portion of the transportation assessment of localized effects of the residential uses on the transportation network, as described below. Project travel demand, including the number of project-generated vehicle trips, was estimated based on the methodology requirements in the San Francisco *Transportation Impact Analysis Guidelines for Environmental Review* (*SF Guidelines*). Consistent

[3] Available online at: http://default.sfplanning.org/plans-and-programs/emerging_issues/tsp/TDM_Program_Standards_02-17-2017.pdf

with the *SF Guidelines*, the mode split information for the new residential uses was based on the 2008-2013 American Community Survey data for census tract 168.02 in which the project site is located, while mode split information for the restaurant/retail uses was based on information contained in the *SF Guidelines* for employee and visitor trips to the C-3 district. Only the trip distribution data (i.e., where people go to and come from) for the residential uses was based on the 1990 Census, while the trip distribution information for the restaurant/retail uses was based on the *SF Guidelines*. The 1990 census data was used because the more recent American Community Survey data used for determining travel mode to work does not include information on job location (the job location information is available from the 1990 census and is the most recent data available for that parameter). The assessment of traffic safety hazards and impacts on pedestrians, bicyclists, and transit operations, however, considered the impact of all project-generated vehicle trips and accounts for the large number of transit routes on the Van Ness Avenue and Market Street corridors in the project vicinity. Thus, even if Appellant's speculative assertion were valid, i.e., that more residents may hypothetically drive to the South Bay, as opposed to other parts of San Francisco, the East Bay, or the South Bay, that would not affect the transit, pedestrian, or bicycle assessment, as the impact of all project-generated vehicles was considered, regardless of their destination.

Concern 3: Appellant asserts that the EIR is inadequate because it omits analysis of the impact of wind on bicyclists.

Response 3: The EIR adequately analyzes the wind impacts of the proposed project. It also presents substantial evidence that the Planning Department's methodology and significance threshold for wind impacts address impacts on bicyclists in addition to pedestrians. There is no substantial evidence in the record that that the proposed project would cause a significant wind impact under CEQA or that supports the adoption of a new and separate San Francisco significance threshold for wind impacts on bicyclists.

Unlike other jurisdictions in California, which do not study wind impacts because such study is not required under CEQA, the City and County of San Francisco addresses the topic of wind impacts in its CEQA documents. CEQA grants lead agencies wide discretion to develop their own thresholds of significance. An agency's choice of a significance threshold is entitled to considerable deference and will be upheld if founded on substantial evidence. While the City and County of San Francisco has not formally adopted a significance threshold for wind impacts, the department uses the wind hazard criterion that is defined in Planning Code Section 148 as a significance threshold to assess wind impacts throughout San Francisco in evaluating wind in CEQA documents. As discussed on RTC p. 4.65, the Planning Code Section 148 criteria were derived from studies[4] that analyzed the effect of wind on pedestrians.

Appellant appears to disagree with the established methodology used in San Francisco EIRs to assess wind impacts because it does not specifically study wind impacts on bicyclists. However, Appellant does not offer an alternative methodology or evidence supporting a different methodology or threshold of significance, nor does Appellant suggest that the studies relied upon by the City in support of Section 148

4 See page 4.65 of "Responses to Comments on DEIR" One Oak Street Project, 1500-1540 Market Street (Case file No. 2009.0159E). Published June 15, 2017. Available for review at the San Francisco Planning Department, 1650 Mission Street, Suite 400.

criteria are inaccurate or incorrect. Furthermore, Appellant does not provide evidence that analysis of wind impacts on bicyclists is required under CEQA.

In response to similar comments on the Draft EIR regarding wind impacts on bicyclists, and in preparing the Responses to Comments document, the department inquired into how or whether other jurisdictions specifically address the issue of wind impacts on bicyclists. As discussed on RTC p. 4.65, to date, there are no specific, widely accepted, industry standard criteria for the assessment of wind effects on bicyclists. There are, however, international criteria, known as the Lawson Criteria, used by government agencies in other parts of the world to establish a threshold wind speed at which cyclists would be expected to become destabilized.[5]

Consistent with San Francisco's methodology for selection of wind test points under Planning Code Section 148, when conducting Lawson Criteria wind studies, test points are commonly positioned in key areas of substantial pedestrian use and activity, such as on public sidewalks, building main entrances, bus stops and drop-off areas, benches in outdoor parks, outdoor dining areas, etc. Thus, the selection of test points for Lawson Criteria wind studies is similar to the methodology for selecting the test points analyzed in the One Oak Street wind study, except that the One Oak Street wind study also included test points in street crosswalks. As such, using the City's CEQA wind testing protocols established under Planning Code Section 148, some of the sidewalk pedestrian test points, as well as test points within the crosswalks, that were studied for the EIR may serve as proxies to inform the degree of impacts on cyclists in the Market Street bike lane near these points.

As discussed on RTC p. 4.65, under the Lawson Criteria, pedestrian safety is determined for the 'able-bodied' and for the 'general public' (including the elderly, cyclists and children). The safety criteria are based on the exceedance of threshold wind speeds, either the mean-hourly value or the equivalent wind speed (which takes into account the turbulence intensity) – whichever is greater – occurring once per year:

- A wind speed greater than 15 meters-per-second occurring once a year is classified as having the potential to destabilize the less able members of the public such as the elderly and children, as well as cyclists. This wind speed threshold equates to a mean-hourly wind speed of 33.5 mph.
- Able-bodied users are those determined to experience distress when the wind speed exceeds 20 meters-per-second once per year. This wind speed threshold equates to a mean-hourly wind speed of 44.7 mph.

In the absence of standalone criteria for wind hazards specific to bicyclists, the Lawson Criteria could serve as a useful reference point of comparison for considering the impact of wind on bicyclists. By comparison, San Francisco's Section 148 hazard criterion for impacts on the general population (26 miles per hour averaged over one hour) is lower, and therefore more conservative and protective, than the Lawson threshold applicable to bicyclists.

[5] BMT Fluid Dynamics, *One Oak Street Project – Wind Microclimate Studies*, May 31, 2017 (attached to this Memorandum).

As discussed above, the City of San Francisco has not formally adopted any specific CEQA criteria for wind impacts. However, the department believes, based on substantial evidence, that the current methodology and threshold that it uses to evaluate the significance of wind impacts under CEQA adequately and reasonably covers wind impacts on all users of public sidewalks, crosswalks, and other outdoor areas, whether pedestrians, bicyclists, skateboarders or other. There is no substantial evidence in the record that the proposed project would cause a significant wind impact under CEQA. Further, there is no substantial evidence in the record to support the adoption of a new and separate San Francisco significance threshold for wind impacts on bicyclists. No further study is required.

Concern 4: Appellant asserts that the EIR does not adequately analyze loading demand because it does not reflect present day trends in retail delivery, and the impact of transportation network companies (TNCs) on transit, pedestrians, and bicyclists and passenger loading.

Response 4: The EIR includes an analysis of the various elements of on-site and on-street loading operations. The EIR used the best available information to assess the transportation effects of the proposed project.

Loading Demand

The impact of the proposed project on loading is presented in Impact TR-5, on EIR pp. 4.C.55-4.C.57, and includes discussion of truck and service vehicle loading demand, accommodation of commercial loading demand, move-in and move-out activities, and passenger loading/unloading activities. The analysis determined that the proposed project would adequately accommodate both commercial vehicle and passenger loading demand, within on-site facilities and on-street loading zones, and loading impacts would be less than significant. Loading issues are also discussed in the Responses to Comments document in Comment and Response TR-6 on pp. 4.34-4.37, where some of the same concerns were raised and addressed.

The *SF Guidelines* methodology for estimating truck and service vehicle loading demand assesses whether the peak loading demand could be accommodated within the proposed facilities, and considers the loading demand for the nine-hour period between 8 AM and 5 PM. The analysis of loading demand calculates the peak number of loading spaces needed to accommodate the estimated demand during the nine-hour period which overlaps with the morning and evening commute periods. For example, the loading demand does not take into account delivery trips that occur during the early morning (i.e., trash removal, store food deliveries) or in the evening (e.g., restaurant food deliveries). These types of delivery trips are typically not accommodated on-site and generally occur outside of the peak commute periods when the number of pedestrians, bicyclists, transit and other vehicles is lowest. (See below discussion regarding loading demand and impacts from TNC vehicles.) The effects of various vehicles (delivery, private, for-hire, etc.) were considered in the assessment of impacts on bicyclists, pedestrians, and transit in the EIR, as described above.

As described in the EIR, the proposed project includes on-site loading spaces with access from Oak Street to accommodate the freight deliveries and service vehicle demand, residential move-in and move-out activities, as well as a passenger loading/unloading zone (white zone) adjacent to the project site on Oak Street to accommodate taxis and TNC vehicles. If the passenger loading spaces adjacent to the site were

occupied, passenger drop-offs and pick-ups could also be conducted adjacent to the project driveway, within the planned two-space on-street commercial loading zone (yellow zone) directly west of the project site, or within the existing four passenger loading/unloading spaces on the north side of Oak Street. Passenger drop-offs and pick-ups could also be accommodated within the shared street. The 20-foot width of the shared street would allow one-way westbound through traffic to bypass vehicles that are stopped briefly behind the proposed white zone to load or unload passengers. As noted on EIR p. 4.C.58 and revised in the RTC document in Response TR-5 on pp. 4.32-4.34, the proposed project would include a loading operations plan (as Improvement Measure I-TR-B, agreed to by the project sponsor and included as a condition of approval) which would manage loading operations on-site and on-street adjacent to the project site.

Transportation Network Companies

In recent years, TNCs as a mode of transportation has grown substantially. According to the *SFMTA 2017 Travel Decisions Survey Summary Report,*[6] TNC use has approximately doubled in San Francisco since 2015. However, many details regarding how these companies fit into the larger transportation picture in San Francisco remain unclear due to lack of data, mainly because Uber and Lyft, both private companies, generally choose not to disclose specifics of their business models unless compelled to do so by an agreement to operate in a given city (e.g., Boston, New York City). At this time TNCs are only required to provide driver contact information to the City and County of San Francisco; however, the City is investigating ways to receive driving and business practice information. Thus, there is limited information as to how the introduction/adoption of TNCs affects travel behavior, including whether people using these services are making trips they would not otherwise make, or substituting a TNC ride for a trip they would make by a single-occupant vehicle, taxi or another mode. The Census Bureau and other government sources do not include TNC vehicles as a separate travel mode category when conducting survey/data collection (e.g., American Community Survey, Decennial Census, etc.). Thus, little can be determined from these standard transportation industry travel behavior data sources.

Section 15384 of the CEQA Guidelines prohibits a lead agency from using speculation to substantiate its findings or conclusions. Because the City currently lacks sufficient data to analyze the influence of TNCs on overall travel conditions in the City (including, for example, data regarding mode-splits), the effects of TNCs on transportation are considered speculative, and pursuant to the CEQA Guidelines, should not be considered in making an impact determination. Accordingly, under CEQA's mandate to avoid engaging in speculation or using speculation to substantiate its conclusions, the City's approach to the issue is correct.

SF-CHAMP, the City's travel demand model, is used to estimate VMT from private automobiles and taxis, the latter of which is a type of for-hire vehicle, like TNCs. The observed data within SF-CHAMP is from the years with the latest data available, 2010-2012, prior to the substantial increase in TNC use in San Francisco. SF-CHAMP estimates the probability of driving based on auto ownership, household income, and other variables. To the extent that people previously would have traveled in another

[6] Corey, Canapary, & Ganalis Research, *San Francisco Municipal Transportation Agency* (*SFMTA) Travel Decisions Survey 2017 Summary Report*, No Date. A copy of this document is available for public review at the San Francisco Planning Department, 1650 Mission Street, Suite 400, as part of Case File No. 2009.0159E.

personal or for-hire vehicle (i.e., taxi), but now travel using a TNC service, this would be accounted for in previous household travel surveys and thus would be accounted for in VMT estimates from SF-CHAMP.

The *TNCs Today* report[7] released by the San Francisco County Transportation Authority ("SFCTA") in June 2017 provides some idea of TNC trip volumes, frequencies, and geographic coverage in San Francisco, although the study only looked at intra-SF trips (i.e., those that both started and ended in the City limits). The report, which compiled six weeks of pick-up and drop-off data for intra-SF trips from mid-November to mid-December 2016, excluding dates around the Thanksgiving holiday, is an important first step in understanding how many TNC trips are taking place in San Francisco, where and when the trips are taking place, and how much VMT these trips generate. The report found that the highest concentration of TNC pick-ups and drop-offs occurs in San Francisco's downtown and northeastern core, including the North Beach, Financial District, and South of Market neighborhoods. However, in addition to omitting regional TNC trips to or from the City, this study does not attempt to quantify mode shift or induced travel demand. For these reasons, the VMT estimates in the study, which only account for travel within the City, cannot be compared to the VMT results from the SF CHAMP model used for the EIR, which account for travel into, within, and out of the City. The report notes that the SFMTA and SFCTA will attempt to collect more data to study issues such as safety, congestion, and mode shift impacts of TNCs. At this time, however, it is unknown if sufficient data will be available to quantitatively document how TNC operations influence overall travel demand and conditions in San Francisco or elsewhere, including the loading demand or VMT impacts of the project. CEQA discourages public agencies to engage in speculation. Therefore, the EIR used the best information reasonably available to analyze the transportation effects from the proposed project. CEQA Guidelines, Section 15151, provide that, "An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible… The courts have looked not for perfection but for adequacy, completeness, and good faith effort at full disclosure."

Although the effects TNCs would have on the VMT estimates from SF-CHAMP are unknown at this time, it is unlikely that the VMT estimates would increase to a level such that the project's VMT impacts would be significant. As stated above, existing average daily VMT per capita is 3.5 for the Traffic Analysis Zone the project site is located in. Thus, the average daily VMT per capita for the project site is approximately 80 percent below the existing regional average daily VMT per capita of 17.2, and approximately 76 percent below the existing regional average daily VMT per capita minus VMT threshold of 14.6. Therefore, at this location, TNCs would need to increase per capita VMT by more than 400 percent in order for this location to exceed the VMT threshold. In other words, the proliferation of TNCs would need to be four times stronger than all other variables (e.g., density, diversity of land uses, proximity to transit, etc.) affecting VMT at this location. This is unlikely.

[7] San Francisco County Transportation Authority, *TNC Today A Profile of San Francisco Transportation Network Company Activity*, June 2017. Available on line at http://www.sfcta.org/sites/default/files/content/Planning/TNCs/TNCs_Today_061317.pdf. Accessed July 27, 2017.

Concern 5: Appellant asserts that the EIR is inadequate because the cumulative analyses for Wind and Transportation do not include the 10 South Van Ness Avenue Mixed-Use Project, as currently described in the recent Notice of Preparation, dated July 12, 2017.

Response 5: The EIR has an appropriately thorough analysis of cumulative impacts that accounts for development on the 10 South Van Ness Avenue site as well as multiple other reasonably foreseeable development projects in the vicinity of the One Oak Street site. There is no substantial evidence in the record that new information about the 10 South Van Ness Mixed-Use Project would change any of the conclusions in the EIR.

The EIR includes the project at 10 South Van Ness Avenue in the cumulative conditions scenario for the proposed project (see EIR pp. 4.A.6-4.A.9). Based on information available at publication of the Draft EIR (November 16, 2016), the EIR anticipated that a reasonably foreseeable project at the 10 South Van Ness Avenue site would be a 41-story, 400-foot-tall building with 767 residential units over ground floor retail. Recently, on July 12, 2017, over four weeks after the One Oak Street Final EIR was certified by the Planning Commission, the department published a Notice of Preparation of an Environmental Impact Report and Scoping Meeting for the 10 South Van Ness Avenue Mixed-Use Project. That notice described the 10 South Van Ness Project with 948 residential units and 518 vehicle parking spaces in two 41-story, 400-foot-tall towers (420 feet at the top of the elevator penthouse). That Notice of Preparation also describes a "single tower project variant" that is also currently under consideration. The use program of this variant is roughly comparable to the use program of the two-tower, 41-story scheme. However, building uses would be housed in a single 55-story, 590-foot-tall tower (610 feet at the top of the elevator penthouse). Thus, the proposal has evolved recently from the original description available when the Draft EIR for the One Oak Street Project was published.

The cumulative analysis in the EIR employs information and assumptions about the anticipated 10 South Van Ness development project that were reasonably available at the time of publication of the Draft EIR**.** The 10 South Van Ness Avenue project is currently at the beginning of its environmental review process, with a future Draft EIR many months away. The department anticipates that the 10 South Van Ness Mixed-Use project will continue to be subject to further modification as it proceeds through the CEQA review process. Indeed, such changes to a project are consistent with the intent of CEQA, as potential project-specific significant impacts may be identified during the analyses and in some cases could then be reduced or eliminated by revisions to the proposal. Thus, the 10 South Van Ness Mixed-Use Project design remains somewhat speculative. CEQA Guidelines Section 15130(b) provides that the analysis of cumulative impacts should be guided by the standards of practicality and reasonableness. The cumulative analyses prepared for the EIR are based on a reasonable projection of likely development in the vicinity, including the information available at the time of analysis about the 10 South Van Ness Mixed-Use Project. Further, there is no substantial evidence in the record that the proposed project at One Oak Street would make a cumulatively considerable contribution to a new significant cumulative impact that was not addressed in the EIR, when the proposed project is considered in light of the recent changes currently considered for the 10 South Van Ness Avenue Mixed-Use Project.

<u>Cumulative Wind</u>

The EIR on pp. 4.D.24-4.D.25 and the RTC on pp. 4.59-4.60 discuss the results of wind tunnel tests of cumulative scenarios that included the proposed project together with reasonably foreseeable projects in the vicinity that could potentially affect ground-level winds. As noted in the EIR (p. 4.D.5) and RTC (p. 4.59), the reasonably foreseeable project at 10 South Van Ness Avenue (as well as 30 Van Ness Avenue) was conceptual at the time wind tunnel tests were conducted because no project plans were available at that time, so the modeling was based on a preliminary massing scheme allowable under existing height and bulk controls. The EIR also notes that actual building designs for these sites would differ from those modeled for the cumulative analysis for the EIR. The cumulative wind analysis used a reasonable and practical approach to identifying and modeling these foreseeable development projects.

The 10 South Van Ness Mixed-Use Project and all other reasonably foreseeable cumulative projects within the C-3 District must each comply with Planning Code Section 148, which prohibits a project from creating a net new number of locations with wind speeds that exceed the adopted hazard criterion. Under Section 148, no exception may be granted for buildings that result in increases in the total number of test point locations that exceed the wind hazard criterion and result in an increase of wind hazard hours compared to existing conditions at the time of testing. Section 148 is a rigorous performance standard, the future adherence to which is mandatory under the Planning Code for each proposed new building. At the time that each future project is seeking approval, a model of its then-current design will be submitted for wind analysis and will be modeled in the context of the then-existing baseline setting of buildings, including newer buildings that have already complied with Section 148. By contrast, the City's cumulative wind methodology does not model only reasonably foreseeable future buildings that have been determined to each meet the Section 148 performance standard. As such, the cumulative impact analysis in the EIR represents a conservative disclosure of cumulative impacts (i.e., one that may overstate, rather than understate, the magnitude of cumulative wind impacts), as the models of the projects included in the cumulative wind tunnel tests may not themselves comply with Section 148 and their designs would need to be revised to comply at some future point prior to their approval.

The project-level and cumulative impacts of the 10 South Van Ness Mixed-Use Project are somewhat speculative at this time. The impacts will depend on the ultimate design of that project or project variant (whichever is selected), as well as future physical conditions in the area (including the future construction of the proposed One Oak Street Project and other projects under review or recently approved). However, compliance with Planning Code Section 148 would serve to ensure that no significant project wind impact would occur as a result of the 10 South Van Ness Project. There is no substantial evidence in the record that the proposed project would make a cumulatively considerable contribution of a significant cumulative wind impact.

Cumulative Transportation

Cumulative impact analyses in San Francisco generally employ both a list-based approach and a projections approach, depending on which approach best suits the individual resource topic being analyzed. For topics such as wind and shadow, the analysis typically considers large, individual projects that are anticipated in the project vicinity. By comparison, and as described below, the cumulative transportation impact analysis relies on a citywide growth projection model that also encompasses individual projects anticipated in the project vicinity.

Pursuant to the requirements in the *San Francisco Guidelines*, the analysis of the transportation impacts was conducted for existing and 2040 cumulative conditions. Year 2040 was selected as the future analysis year because 2040 is the latest year for which travel demand forecasts were available from the SFCTA SF-CHAMP travel demand forecasting model, and 2040 provides a 25-year horizon year for the impact analysis. The model starts with regional population data (described below) and predicts person travel for a full day based on assumptions of growth in population, housing units, and employment, which are then allocated to different periods throughout the day, using time of day sub-models. As described on EIR pp. 4.C.73-4.C.74, future 2040 cumulative transit ridership and traffic volumes were estimated based on cumulative development and growth identified by the SF-CHAMP travel demand model, using model outputs that represent existing conditions and model output for 2040 cumulative conditions. The model is validated and updated regularly with new projects and transportation network changes, and the 2040 cumulative forecasts include the additional trips generated by the proposed project.

The SFCTA model divides San Francisco into approximately 981 geographic areas, known as Traffic Analysis Zones (TAZs). The SF-CHAMP model also includes zones outside of San Francisco for which data is obtained through the current Metropolitan Transportation Commission Model. For each TAZ, the SF-CHAMP model estimates the travel demand based on TAZ population and employment growth assumptions developed by the Association of Bay Area Governments ("ABAG") for year 2040 using the Sustainable Communities Strategy Preferred Scenario Projections.

While the transportation analysis is based on a summary of projections approach, the projections are validated and refined to reflect known major projects. Within San Francisco, the department is responsible for allocating ABAG's countywide growth forecast to each SF-CHAMP model TAZ, based upon existing zoning and approved plans, using an area's potential zoning capacity, and the anticipated extent of redevelopment of existing uses. The SF-CHAMP land use inputs developed by the department for the 2040 cumulative analysis account for major projects in the vicinity, such as the 10 South Van Ness Avenue project noted in the comment, as well as development throughout San Francisco. Therefore, the 2040 cumulative analysis provided in the EIR reasonably represents the future cumulative conditions in the project vicinity, given the economic forecasts for San Francisco and the Bay Area. Similarly, the Population and Housing analysis is based on ABAG's regional growth projections as well as growth projections assumed under the City's General Plan, both of which are based on policy assumptions that include more infill and transit-oriented development within areas designated for compact development, investment in infrastructure, and new housing and population growth. The EIR discusses the proposed project's contribution to potential cumulative impacts on traffic, transit, bicycle travel and pedestrians on pp. 4.C.77-4.C.86. While cumulative impacts could be somewhat different with the new information about the proposal at 10 South Van Ness Avenue, the One Oak Street Project's contribution to any cumulative transportation impacts would not be greater than described in the EIR on pp. 4.C.77-4.C.89. The EIR identifies one significant cumulative transportation impact – on cumulative construction-related transportation – to which the proposed One Oak Street project would contribute considerably, and presents a mitigation measure that would reduce but not eliminate the significant cumulative impact related to conflicts between construction activities and pedestrians, bicyclists, and transit. The EIR for the 10 South Van Ness Avenue project will need to examine that project's contribution to cumulative transportation impacts and will present that contribution in terms of the project as proposed when that Draft EIR is circulated for public review.

CONCLUSION:

The department conducted an in-depth and thorough analysis of the potential physical environmental effects of the proposed One Oak Street Project, consistent with CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code. Appellant has not demonstrated that the Final EIR is insufficient as an informational document, or that the Commission's findings and conclusions are unsupported by substantial evidence. The department conducted necessary studies and analyses, and provided the Commission with necessary information and documents in accordance with the department's environmental checklist and standard procedures, and pursuant to CEQA and the CEQA Guidelines.

Substantial evidence supports the Commission's findings and conclusions. For the reasons provided in this appeal response, the department believes that the Final EIR complies with the requirements of CEQA, the CEQA Guidelines, and Chapter 31 of the San Francisco Administrative Code, and provides an adequate, accurate, and objective analysis of the potential environmental impacts of the proposed project. Therefore, the department respectfully recommends that the Board uphold the Commission's certification of the Final EIR and reject Appellant's appeal.

ATTACHMENT

Letter, BMT Fluid Dynamics, May 31, 2017

BMT Fluid Mechanics

BMT Fluid Mechanics Ltd
67 Stanton Avenue
Teddington, TW11 0JY, UK

Tel: +44 (0)20 8614 4400
Fax: +44 (0)20 8943 3224
enquiries@bmtfm.com
www.bmtfm.com

Barbara W. Sahm
Principal
SWCA | Turnstone Consulting
330 Townsend Street, Suite 216
San Francisco, CA 94107

May 31st, 2017
Case No. 2009.0159E
Correspondence Reference: 431906/RC/070

One Oak Street Project – Wind Microclimate Studies

Dear Barbara,

Further to the submission of BMT's Wind Microclimate Study Report dated November 7th, 2016 for the One Oak Street Project it is understood that the canopy design has undergone a minor change. The purpose of this letter is to comment on this change and any potential impact the change may have on the wind microclimate at publicly accessible points in the project vicinity.

The proposed project includes improvement of a public amenity within the Oak Street right-of-way to the north of the proposed building and construction of 75% porous wind canopies within the proposed plaza to provide protection to the public from hazardous wind conditions. The canopies would be freestanding trellis-like structures with cantilevered segments, supported by vertical columns. The grouping of canopies would measure approximately 125 feet long from east to west and 40 feet from north to south, and would be up to approximately 20 to 30 feet high.

For the purposes of the comparison, it is understood that the new canopy design is as per drawing information issued to BMT by SWCA | Turnstone Consulting as detailed in the table below:

Drawing	Date
1OAK Proposed Art Canopy Area Diagrams_17 05 18.pdf	May 19th 2017
1OAK CEQA Site Plan_17 05 18.pdf	May 19th 2017

On the basis of BMT's examination of the drawing package, the change in the canopy that would have potential to materially alter the wind microclimate within the vicinity of proposed project are as follows:

- Change in the canopy coverage area;
- Increase in the canopy height;
- Change in the canopy material.

Noting the above, BMT conclude that the impact of the canopy re-design - in comparison with that previously assessed – to the wind effects within the study area is immaterial. Correspondingly, the canopy re-design is expected to provide similar protection to the public within and around the plaza from hazardous wind conditions as the canopies previously tested. Therefore, it is expected that wind conditions, in terms of the total numbers of hazard exceedance locations and hours per year, near the proposed project will not materially deteriorate as a result of the canopy design change.

In closing, based on the assessment of the canopy design change and the results of the wind tunnel tests conducted in 2016, wind conditions in the vicinity of the proposed project would remain suitable for the pedestrian environment in accordance with the hazard criterion specified in Section 148 of the San Francisco Planning Code.

Best regards,

Dr. Reed Cummings

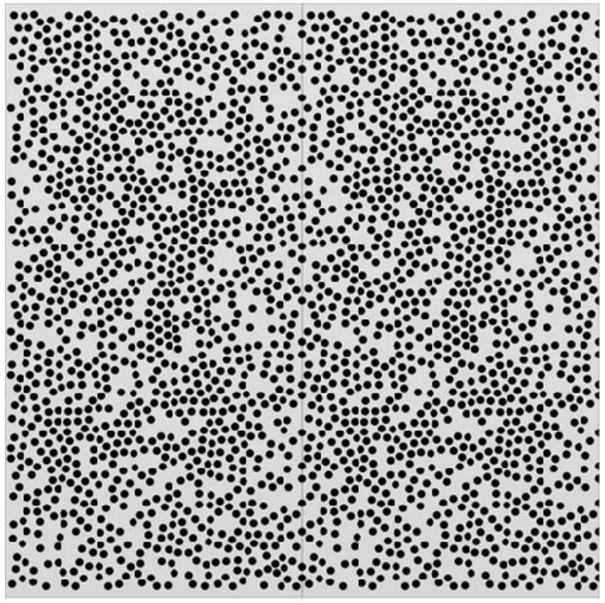
Project Engineer
BMT Fluid Mechanics Ltd

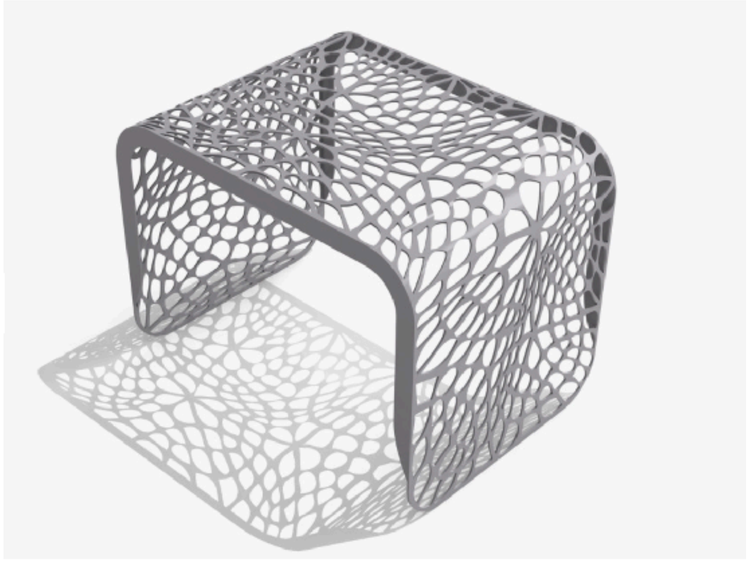
Max Lee CEng MIMechE

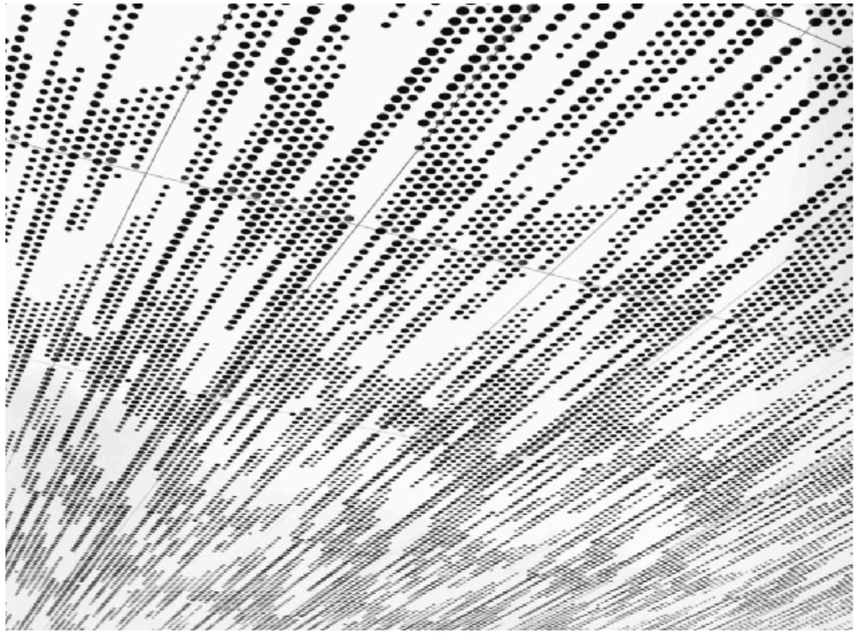
Project Manager
BMT Fluid Mechanics Ltd

Art Canopy Rendering

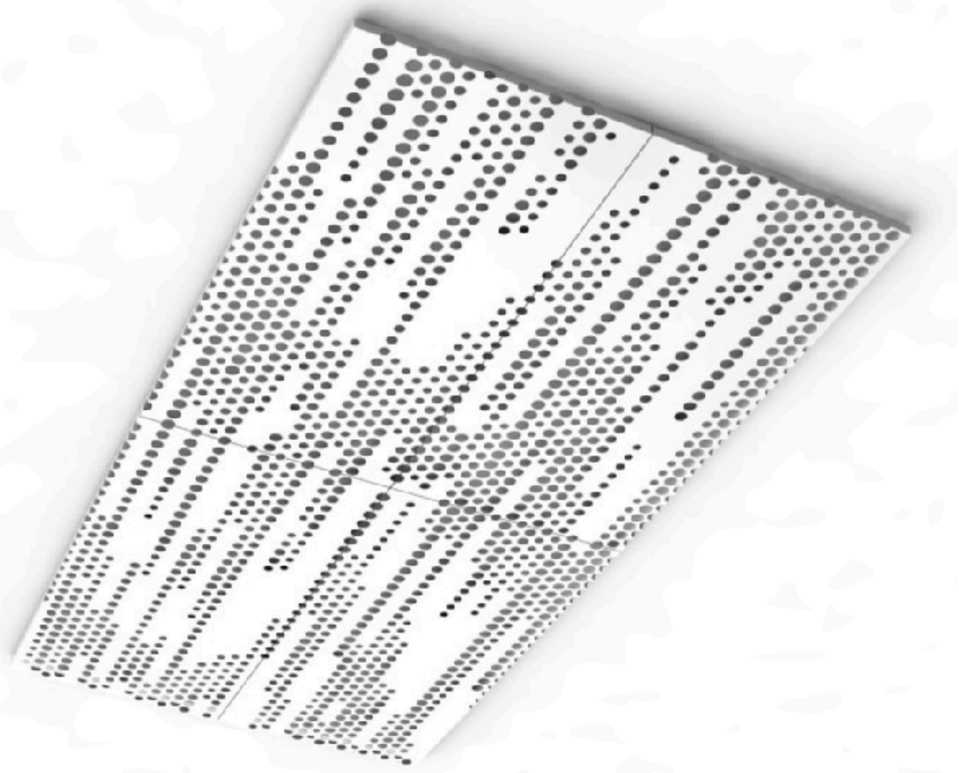
Art Canopy Perforated Blade Precedents

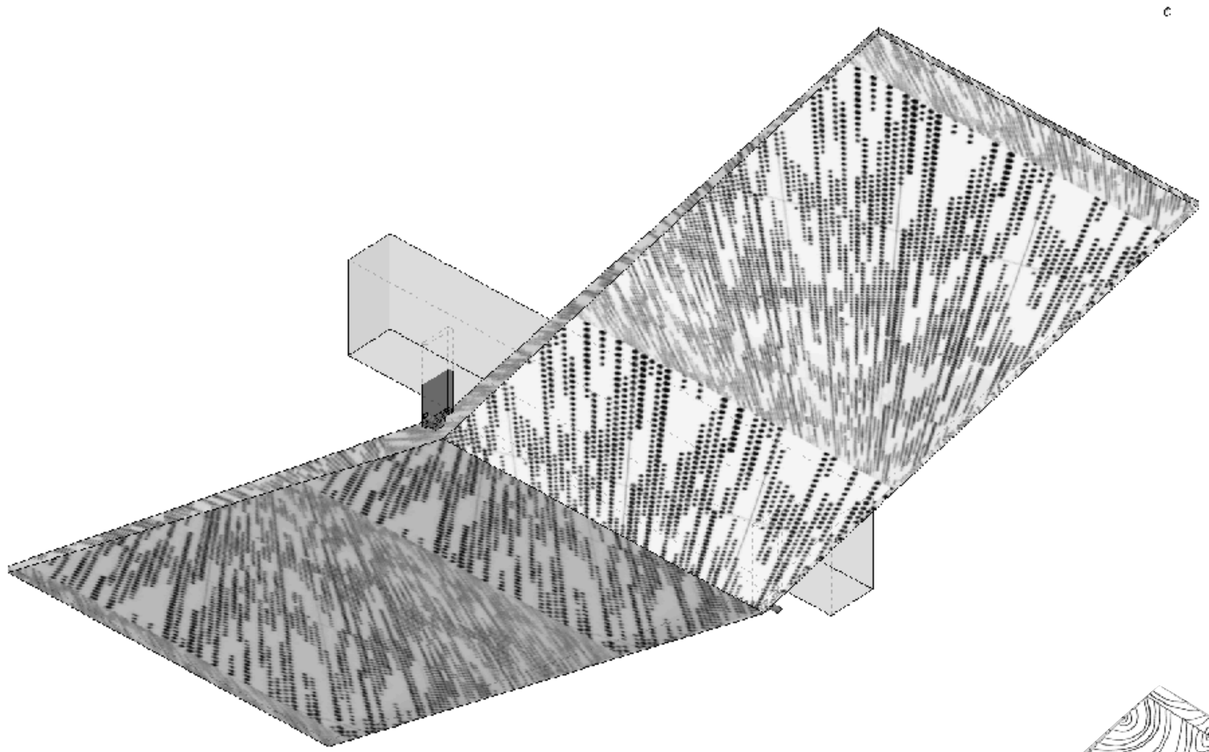


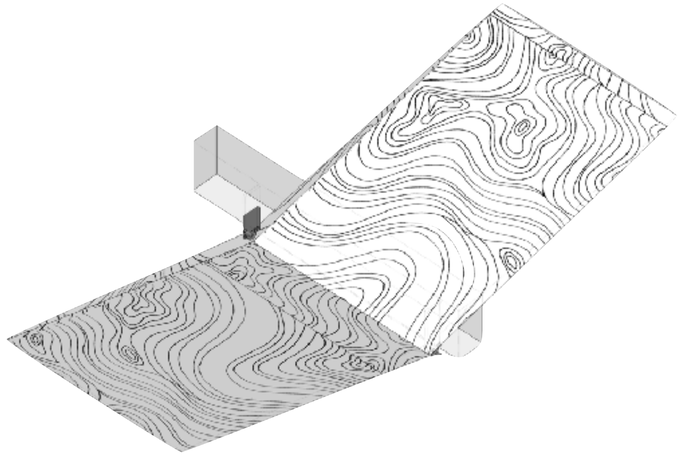




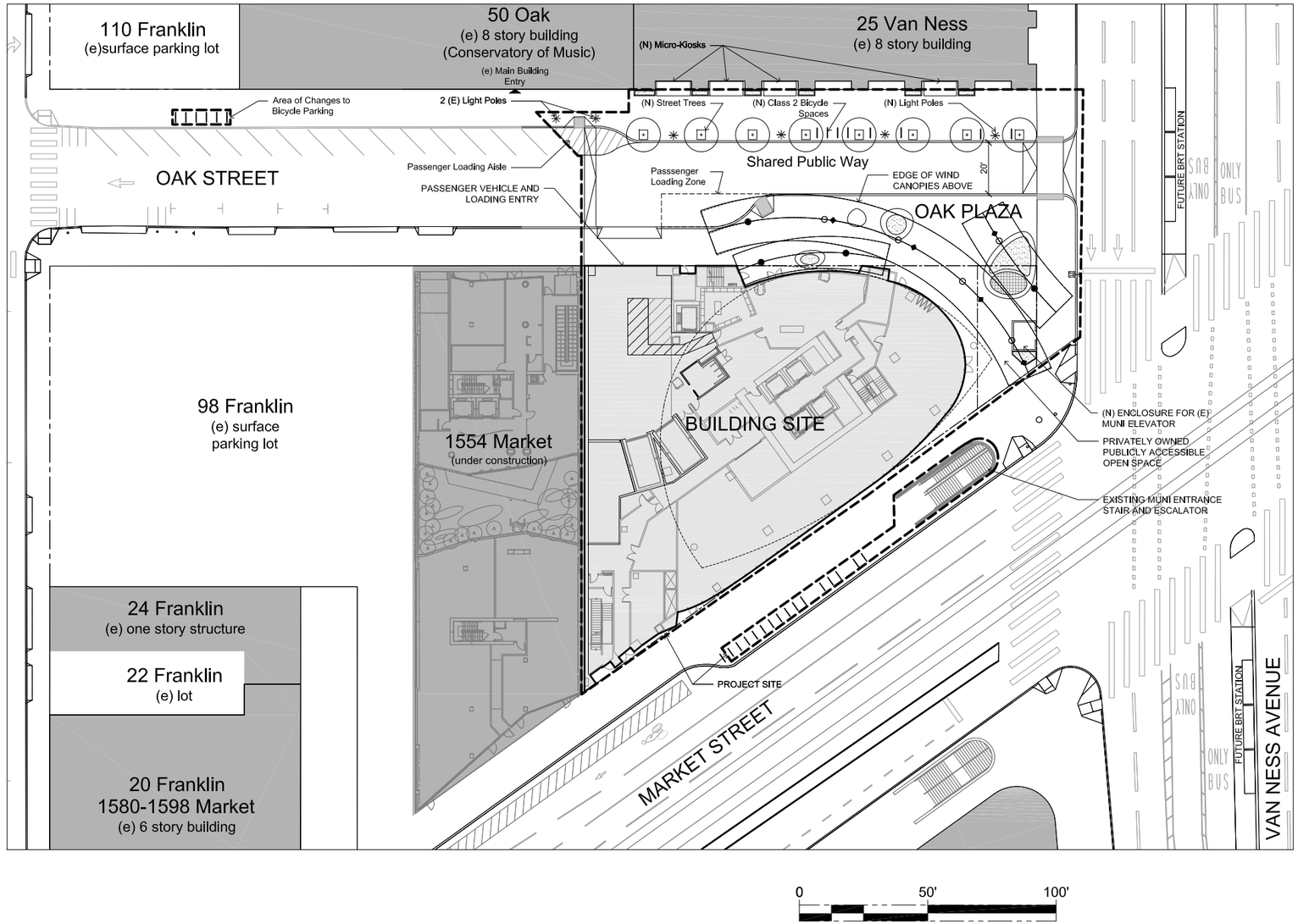
Art Canopy Perforated Blade Preliminary Designs







Art Canopy Porosity Diagram


110 Franklin
(e)surface parking lot
50 Oak
(e) 8 story building
(Conservatory of Music)
25 Van Ness
(e) 8 story building
(N) Micro-Kiosks
(e) Main Building Entry
2 (E) Light Poles
Area of Changes to Bicycle Parking
(N) Street Trees
(N) Class 2 Bicycle Spaces
(N) Light Poles
OAK STREET
Passenger Loading Aisle
PASSENGER VEHICLE AND LOADING ENTRY
Shared Public Way
Passsenger Loading Zone
EDGE OF WIND CANOPIES ABOVE
20'
OAK PLAZA
FUTURE BRT STATION
ONLY BUS
98 Franklin
(e) surface parking lot
1554 Market
(under construction)
BUILDING SITE
(N) ENCLOSURE FOR (E) MUNI ELEVATOR
PRIVATELY OWNED PUBLICLY ACCESSIBLE OPEN SPACE
EXISTING MUNI ENTRANCE STAIR AND ESCALATOR
24 Franklin
(e) one story structure
22 Franklin
(e) lot
20 Franklin
1580-1598 Market
(e) 6 story building
PROJECT SITE
MARKET STREET
VAN NESS AVENUE
0
50'
100'